



Institute for Justice & Democracy in Haiti *Bureau des Avocats Internationaux*

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Jean-Claude Duvalier attempting to elude justice through diversion and a frivolous appeal

February 21, 2013, Port-au-Prince, Haiti - In a further attempt to stall and avoid appearing today before the court and face his victims, the former dictator Jean-Claude Duvalier filed a frivolous appeal with Haiti's Supreme Court and argued that the appeal stays his summons to appear in court.

Duvalier's appeal to the *Cour de Cassation* (Supreme Court) challenges the Court of Appeals' recognition on February 7, 2013, that the victims of Duvalier's political violence crimes had standing to appeal the Investigating Judge's dismissal of the charges against him. The Haitian criminal code requires Duvalier, as a party in the case by virtue of his appeal of the Investigating Judge's order that he be tried for financial crimes, to appear in court. The victims' lawyers contend that the *Cour de Cassation* appeal is frivolous because the Court of Appeals has not rendered an appealable order, and Duvalier should be arrested if he does not appear in court today.

According to Haitian lawyer Mario Joseph of the *Bureau des Avocats Internationaux*, one of the victims' lawyers, "Duvalier is trying to control the justice system like he did when he was a dictator. The Haitian justice system is not a fair system, but the victims are forcing it to give them a fair hearing." Joseph added, "we will see whether President Michel Martelly, who showed his support for Duvalier by granting the criminal defendant a diplomatic passport and proposing an amnesty for him, will respect this court's independence."

As victims and Haitian [human rights groups](#) call for Duvalier to be arrested and judged for his political violence and financial crimes, human rights bodies such as the [Inter-American Commission on Human Rights](#), [Amnesty International](#), and [Human Rights Watch](#) have reminded the Haitian government of their legal obligation to investigate and prosecute the violations of human rights under Duvalier's rule. Nicole Phillips, staff attorney with the Institute for Justice & Democracy in Haiti, said, "the evidence against Jean-Claude Duvalier is overwhelming for both theft and political violence committed by his government and under his control. We are confident that Duvalier would be convicted in a fair court, and we are hopeful that this court will allow Duvalier to stand trial for his crimes. Duvalier's prosecution is vital to ending corruption and impunity in Haiti."