

Collectif contre l'impunité/ Collective against impunity

Platform for legal action against ex dictator Jean-Claude Duvalier et al with support from human rights organizations :

Centre œcuménique des droits humains (CEDH) - Kay Fanm (Women's house)

Haitian women's movement for education and development (MOUFHED) - National human rights network (RNDDH)

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The Court of appeal will hear Jean-Claude Duvalier on 7 February 2013

The *Collective against impunity* wishes to inform Haitian civil society and the international community that a hearing will take place at 10:00 am, at the Court of appeal of Port-au-Prince on Thursday February 7, 2013, (commemorative date of the fall of Duvalier in 1986). The Court has asked that ex President-for-life Jean-Claude Duvalier be present at the hearing.

Jean-Claude Duvalier was once more accused¹ by the Haitian State on January 19, 2011, for «*crimes against humanity, financial crimes and acts of corruption, abuse of authority, corruption of civil servants, embezzlement and criminal conspiracy*», according to the terms of the indictment of the public prosecutor. Thirty victims, among them 22 members of the *Collective*, filed suit against Jean-Claude Duvalier and associates for crimes against humanity (illegal and arbitrary arrests and detentions, torture, cruel treatment, murder, extra judiciary executions, disappearance and forced deportation, inhuman and degrading acts, etc.).

The victims, as plaintiff, appealed the January 27, 2012 ruling by magistrate Carvès Jean, which freed the former dictator from the indictment of crime against humanity, retaining only some financial crimes for which Jean-Claude Duvalier is being sent back to criminal court.

Plaintiffs were duly represented at the three previous hearings at the Court of appeal (December, 13, 2012, January 24 and 31, 2013). The January 31, 2013 hearing raised questions and fears for the *Collective* with regards to the denial of the victims' rights and an apparent will to maintain impunity. During that hearing:

- Plaintiffs were not duly cited and remained nameless, just as they were not correctly notified of the hearings.
- Prosecution was represented by only one magistrate, for a hearing of this importance.
- The atmosphere at the Court was chaotic and disrespectful of elementary rules.
- Attempts were made to deny the victims' rights as plaintiffs.
- The current state of the lawsuit was not correctly established and confusion appears to be voluntary: the Haitian State revived in January 2011 a lawsuit initiated against Jean-Claude Duvalier in 2008. The victims have also filed suit and contested the January 27, 2012 ruling. The Haitian State did not contest. Finally, Duvalier appeals against accusations of financial crimes.

It is imperative that Haitian society, international associations, the international community and particularly the official human rights departments and authorities of the international community, express their support to the difficult struggle of a group of victims of the Duvalier dictatorship against impunity and the negation of those crimes. This struggle is part of the construction of the rule of law and of the democratic process, the construction of a State which protects fundamental rights and freedoms, with a judiciary power that is truly impartial and independent, guardian of public interest and caring for truth and justice.

Port-au-Prince, February 3, 2013

Danièle Magloire, Coordinator



¹ First indictment: April 29, 2008.