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Human Rights Organizations Applaud Court's Decision to Reinstate Human Rights Crimes against Jean-Claude Duvalier

(PORT-AU-PRINCE, February 21, 2014) — Two human rights groups—the *Bureau des Avocats Internationaux* (BAI) in Haiti and the U.S.-based Institute for Justice & Democracy in Haiti (IJDH)— applaud an Appellate Court ruling yesterday to reinstate criminal charges against former dictator Jean-Claude “Baby Doc” Duvalier for political violence committed under his reign. Haitian attorney Mario Joseph of the BAI, which represents victims in this case, called the hearing a “total victory”.

Criminal charges for political violence, embezzlement and corruption were filed against Duvalier in January 2011, a few days after he returned to Haiti from 25 years of exile. In January 2012, a magistrate judge upheld the financial crimes, but dismissed the political violence crimes upon the recommendation of the government prosecutor on the basis that they were past Haiti’s ten-year statute of limitations. Both sides appealed the decision.

The Court reinstated the political violence crimes and held that under international law, to which Haiti is bound, a statute of limitations does not apply to crimes against humanity. The Court designated Judge Durin Duret Junior, one of the three appellate judges that issued this ruling, to conduct a thorough investigation of all relevant witnesses and those accused of these crimes. Judge Durin’s final report will be considered by the Court, who will then decide whether Duvalier should stand trial.

According to Mario Joseph, “The Court’s ruling today applying crimes against humanity against Duvalier is a significant step towards combating impunity in Haiti’s justice system. The Haitian Constitution of 1987, section 276.2, gives the court the power to use international law to protect victims of human rights violations. But this is the first time that a court has invoked international law to protect the poor. I hope that judges and lawyers consult this decision to end two centuries of impunity brought by our 1835 penal and criminal procedure codes.” Joseph added, “Given that several lawyers and judges who challenged government corruption and impunity through the court system have recently received death threats, police surveillance and false criminal charges, the Court’s decision is courageous.”

Nicole Phillips, IJDH staff attorney, said, “We congratulate the survivors of Duvalier’s brutal regime for their hard work and patience in bringing Duvalier to justice. This victory is possible because of the support and skillful work of accountability organizations around the world like the Haitian Collective Against Impunity, Inter-American Commission on Human Rights, UN High Commission for Human Rights, Amnesty International, Center for Justice and Accountability, and Human Rights Watch.”

For more information about BAI and IJDH’s work, please visit: ijdh.org