



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

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ORIGINAL: FRENCH

Mario Joseph, Av., Bureau des Avocats Internationaux, mario@ijdh.org, +509-3701-9879 (Haiti; Creole, French);

Brian Concannon Jr., Esq., Director, Institute for Justice & Democracy in Haiti, Brian@ijdh.org, 617-652-0876 (U.S.), 541-263-0029 (U.S. cell)

Lawyers Denounce Shortcomings in Conduct of Duvalier Prosecution

The Bureau des Avocats Internationaux (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) continue to express their outrage at the cavalier manner in which the prosecution of former dictator Jean-Claude Duvalier is being conducted, and their concern over the investigating judge's apparent lack of interest to pursue this case in accordance with the law. This prosecution presents a historic opportunity to end the impunity that has torn the social fabric of Haiti for many decades and has prevented the establishment of a democratic constitutional state.

The day after charges were filed against the former dictator, the judge charged with investigating the case paid a courtesy visit to Mr. Duvalier in the hotel where he was staying, in violation of Article 49 of the Code of Criminal Procedure. The judge also failed to follow proper procedure when he issued a preliminary indictment against the defendant without first having questioned him, constituting a violation of Haitian law.

The judge's blatant disregard of the Code of Criminal Procedure, despite his knowledge of the law, demonstrates an apparent bias in favor of the accused and serves as a slap in the face of the victims who have come forth to seek justice through the law. Moreover, by issuing a preliminary indictment fraught with these procedural errors, the judge is effectively giving the defense the ability to overturn the indictment on appeal based on technicalities. This seriously calls into question the judge's commitment to see justice served in this case. We demand that the judge immediately recuse himself from the case to prevent the entire process from being irreparably tainted.

The integrity of the process has been further undermined by Jean-Claude Duvalier's failure to appear in court. Each time he is called in for questioning, Mr. Duvalier falls ill and visits the hospital. Despite the suspicious timing of Mr. Duvalier's hospital visits, the judge does not call him back to court once he is released from the hospital.

Meanwhile, Mr. Duvalier routinely defies an order placing him under house arrest and travels the country as if he were a candidate in an electoral campaign, adding insult to injury to the countless victims who suffered human rights abuses under his regime. Mr. Duvalier's free

movement around the country suggests that the Haitian justice system is not yet willing to break with Haïti's history of impunity.

The BAI and IJDH ask all to mobilize and to remain vigilant until justice is served and impunity is ended. This will be achieved when Duvalier is properly tried and convicted. Therefore, we call on victims of Jean-Claude Duvalier's brutal regime to continue to come forward and file complaints against him and all complainants to immediately seek the removal of the judge from this case.

The BAI and IJDH ask the victims and supporters of the rule of law to multiply their efforts to stand up against impunity in Haiti. We remind everyone that justice for crimes committed by dictators and their agents will require persistent efforts. In Latin America, dictators' crimes have commonly been justified by the adoption of emergency laws by their governments. But the perseverance, courage and audacity of the people of those countries have allowed them to overcome barriers to justice. We must arm ourselves with these attributes so that we may finish the crusade against impunity in the Americas and bring this last dictator to justice.

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