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Death of a Dictator: Will Jean-Claude Duvalier's Death End Haiti's Pursuit of Justice for Crimes Against Humanity?

Port-au-Prince, Haiti -- Jean-Claude “Baby Doc” Duvalier, Haiti’s former dictator and “President for Life” is dead at the age of 63. His death cuts short a long overdue trial for crimes against humanity that held a glimmer of hope for his victims. In 2011, Duvalier returned to Haiti after 25 years in exile. Within days the Haitian government reopened a criminal investigation into financial crimes, while victims of persecution filed complaints for crimes against humanity. After an investigating judge ruled that the charges of torture and murder were barred by the statute of limitations, Haitian and international human rights lawyers rallied around the victims to appeal the ruling.

For several weeks in the spring of 2013, the Court of Appeals of Port-au-Prince heard a landmark hearing. For the first time ever, Duvalier was summoned to court and forced to face his victims. The Center for Justice and Accountability (CJA) submitted an amicus brief to the court, laying out the international law basis for prosecuting Duvalier. And on February 20, 2014, the Court issued a historic ruling that Duvalier should face charges of crimes against humanity. International law, the court held, puts no statute of limitations on such horrific crimes.

And Duvalier’s crimes were truly horrific. From 1971 to 1986, under Duvalier’s command, an estimated 300 to 4,000 political prisoners were held incommunicado in a network of prisons called the “Triangle of Death.” Many died from horrific conditions of confinement, torture, starvation, denial of medical care, or summary execution. Others simply “disappeared” without their families ever learning their fate. A knock on the door late at night led countless journalists, human rights defenders, and labor unionists into the hands of Duvalier’s notorious paramilitary, the Tonton Macoutes. An even more chilling sound echoed throughout Haiti when, after Duvalier’s fall from power in 1986, audiotapes of torture sessions were broadcast on the radio. There for all to hear was the sound of Duvalier’s secret police chief, Luc Désyr, interrogating a political prisoner in 1975, between the audible crack of the *djak*, a brutal torture method. “When you beat him,” he ordered his assistants, “do it all the way; it doesn’t matter if he dies right here... [F]or Duvalier, there is nothing I wouldn’t do.”¹

The fact is that with Duvalier’s death justice was too long delayed. “We often say that one has cheated death. But now Baby Doc’s death has cheated justice,” said CJA Staff Attorney, Scott Gilmore, who partnered with Haitian human rights lawyer Mario Joseph and the Bureau des Avocats Internationaux (BAI) in the Duvalier case.

The Whitewash Begins: “We will hide what has to be hidden”

Duvalier has been dead a few hours, and already the whitewashing of his legacy has begun. In announcing Duvalier’s death, Haitian President Michel Martelly saluted the “departure of a true son of Haiti.” But there were no such salutes for victims like Hubert Legros, a human rights lawyer who languished for years in the horrific prison Fort Dimanche before dying in 1975 from malnutrition and lack of medical care. Nor were there salutes for the prisoners slaughtered without trial or sentence on the killing grounds of Fort Dimanche. A survivor, Marc Romulus, recounted how one night in March 1976, 7

¹ Quoted in America’s Watch & National Coalition for Haitian Refugees, *Duvalierism Since Duvalier*, October 1986; see also Joseph B. Treaster, “Torture by Former Duvalier Aide is Recounted as Trial Nears,” N.Y. Times, Oct. 27, 1986.

men and women were forced to march one by one in the prison yard. Rather than waste bullets, their guards clubbed them to death, “the dull sound of the clubs reverberating back to us in our cells.”²

In truth, the whitewashing began long ago. CJA Staff Attorney Scott Gilmore heard the news of Duvalier’s death while surrounded at his desk by stacks of declassified cables from the U.S. embassy in Port-au-Prince. They were to be entered into evidence in the Duvalier prosecution. The cables show how Duvalier was a master of public relations, pursuing a two-faced strategy. Publicly, he meticulously cultivated the image of a liberal reformer. Seeking U.S. foreign aid under the Ford and Carter administrations, he grandly proclaimed a series of amnesties, pretending to empty the dungeons of the old regime. But in secret, each amnesty was followed with a new wave of repression, as Duvalier’s secret police rearrested those freed after a few days of liberty. In the mid-70s, Duvalier signed the American Convention on Human Rights and opened up his prisons to human rights monitors, but American diplomats saw through the deception. A White House Situation Room memo from 1977 reveals from inside sources that Duvalier had no intention of ending the terror:

Haitian comments on Ambassador Young’s visit: [redacted] Haiti will not oppose openly U.S. human rights policies and will welcome the OAS commission on human rights. [redacted] however, [redacted] members of the commission will see nothing contrary to their standards because “we will hide what has to be hidden.” [redacted] Duvalier does not intend to introduce any significant reforms or to refrain from using arrests or the threats of arrests to remove people he views as political threats.³

Moving Forward: Haiti Must Create a Historical Record of Duvalier-era Atrocities

With Duvalier’s death, his prosecution in Haiti will no doubt be closed. But Haiti’s reckoning with its troubled past must not end. The testimony of Duvalier’s many victims—like the United States’ diplomatic cables—were only beginning to come to light. The Martelly government should continue to investigate human rights abuses under Duvalier. As the Inter-American Commission on Human Rights observed, it is bound by international law to do so. Now is the time for Haiti to establish a truth commission to build a historical record of Duvalier-era crimes. And as long as Duvalier’s accomplices and henchmen survive, they should be brought to justice.

About CJA:

CJA is a San Francisco-based human rights organization dedicated to deterring torture and other severe human rights abuses around the world and advancing the rights of survivors to seek truth, justice and redress. CJA uses litigation to hold perpetrators individually accountable for human rights abuses, develop human rights law, and advance the rule of law in countries transitioning from periods of abuse.

² Marc Romulus, *Les Cachots des Duvalier* (Cresfeld, 3rd ed., July 1995), p. 29.

³ Memorandum for Dr. Brzezinski from the Situation Room, September 8, 1977 (declassified January 1, 2005: NLC-1-3-6-27-2).