

## **BREAKING THE SILENCE**

Haitian victims of Jean-Claude Duvalier must not opt for silence

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This week, Judge Carves Jean decided to drop charges against Duvalier regarding crimes against humanity while retaining the corruption charges against him. Interestingly, the government prosecutor had suggested dropping *all* charges. This decision reflects the government's unwillingness to prosecute Mr. Duvalier. Choosing silence over action, the government as well as the courts are encouraging a "conspiracy of silence" within the country.

A common theme in the testimonies of victims of gross violations of human rights is the painful silence that surrounds them. No one talks and no one wants to know. In her work with survivors of the Nazi Holocaust, Yael Danieli writes about what she calls, "the conspiracy of silence", with which victims are often faced. Victims, she writes, are confronted with a society that does not want to listen or believe what happened and therefore they will often opt for silence<sup>2</sup>. Impunity is one facet of the "conspiracy of silence" surrounding victims.

One year after the return of Jean-Claude Duvalier to Haiti, the silence surrounding the crimes committed in Haiti by the Duvalier regime is deafening. Jean-Claude "Baby Doc" Duvalier committed widespread abuses against the Haitian people from 1971 to 1986 after taking over the presidency following the death of his father, known as "Papa Doc". Human rights organizations documented allegations of widespread torture, murder against those he considered opponents, as well as corruption that included using foreign aid to line his own pockets. He fled Haiti in 1986 to live in France. On January 17<sup>th</sup> 2011 he returned to Haiti where he continues to live in freedom.

Some survivors have spoken out. Patrick Lemoine, for example, published a detailed description of his detention in Fort Dimanche during the Duvalier Regime. In his book, he describes his own victimization as well as that of many others who were incarcerated with him, during his six years of imprisonment.

These testimonies by victims have had been heard by human rights organisations. In April 2011, Human Rights Watch published a report documenting Haiti's legal obligation to pursue Baby Doc for crimes against humanity<sup>3</sup>. In a joint project involving the Institute for Justice & Democracy in Haiti (IJDH) and Bureau des Avocats Internationaux (BAI), the Canadian Centre for International Justice (CCIJ), the International Centre for Comparative Criminology (ICCC) and the Committee Against Impunity and for Justice in Haiti (CCIJH) worked to obtain victims' testimonies regarding the gross violations of human rights committed under the Duvalier regime.

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<sup>2</sup> Danieli, Yael (2009). *Massive Trauma and the Healing Role of Reparative Justice*, In: Carla Ferstman et al (Eds.) *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity*, (pp 41-78), Koninklijke Brill N.V.: the Netherlands.

<sup>3</sup> Human Rights Watch, *Haiti's Rendezvous with History*, April 2011.

So far, this collaboration has resulted in the collection of some 10 testimonies in Canada by the ICC and the CCIJH, while IJDH and BAI have obtained 20 testimonies in Haiti and filed 8 complaints with the Government Prosecutor in Haiti.

Silence hurts the victims as well as society. It hinders victims' rehabilitation and recovery from trauma. In addition to harming those who lived through the terror of the Duvalier regime, silence is an effective mechanism for the transmission of trauma from one generation to the next. Thus passing the legacy of trauma and fear from the Duvalier generation to today's youth. For their own well-being, as well as the interest of Haitian society, victims need to break the silence in order to end the suffering.

The battle is not over yet. It is likely that the decision will be appealed. Should the appeal turn out unfavourably, there is always the possibility of turning to the Inter-American Court of Human Rights.

However, regardless of whether or not a trial ever takes place, victims need to continue to talk about what happened. If victims don't stop talking, then not only will this help with their healing process, but it will also increase the likelihood that one day a trial will take place. But, if they stop talking and give in to the pressure to be silent, then their suffering will continue to fester and their silence will permit Jean-Claude Duvalier to evade justice.