

Jean Claude "Baby Doc" Duvalier (United Kingdom)

Case ID:

ARW-88

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Haiti

Position of Public Official(s) (yrs in office):

President (1971-1986)

Jurisdiction of Asset Recovery:

United Kingdom

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort

Asset Recovery Start:

1988

Asset Recovery End:

1990

UNCAC Offenses Implicated:

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Private Civil Action

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

NA

Contributing Factors in Asset Recovery:

A United Kingdom court granted a worldwide Mareva freezing order even though, as it noted, the Duvaliers were not in England and there was no evidence that they had assets in the UK. However, the Court pointed out that the Duvaliers had used English solicitors in connection with dealings with the assets and all of the documentary evidence in relation to such dealings was therefore located in England which was adjudged a sufficient connection with England.

(Source: New Law Journal, "Disarming litigation terrorists John Fordham explains how devastating freezing injunctions can be," May 9, 2008 [Discussion of Republic of Haiti v

Duvalier [1990] 1 QB 202, [1989] 1 All ER 456], accessed at http://www.venzlon.co.uk/old/pdf/disarming_litigation.pdf; Republic of Haiti v Duvalier [1990] 1 QB 202, [1989] 1 All ER 456.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Final Judgment (No Appeal)

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

NA

Case Summary:

On October 4, 2014, Mr. Duvalier passed away. Prior to his death, the charges against him in Haiti had been voided on grounds of expiration of statute of limitations. (Source: The Economist, "Obituary: Baby Doc Duvalier," October 11, 2014). On January 18, 2013, Haitian prosecutors charged Mr. Duvalier with corruption and embezzlement, and he was taken into police custody (Source: New York Times, Jean-Claude Duvalier, accessed at http://topics.nytimes.com/top/reference/timestopics/people/d/jeanclaude_...) According to an Amnesty International press release, after three failures to appear to court hearings, the latest on February 21, 2013, the Court of Appeal asked the Public Prosecutor to issue a warrant ordering the former president to appear before the court on February 28, 2013. Mr. Duvalier appeared in court on February 28, 2013 and entered a plea of not guilty. (Sources: Amnesty International press release, "Haiti: Jean-Claude Duvalier's presence in Court brings hope to victims," March 1, 2013 accessed at <http://www.amnesty.org/en/news/haiti-jean-claude-duvalier-s-presence-cou...> NBCnews.com, "Ex-Haiti dictator 'Baby Doc' Duvalier faces corruption charges for first time since revolt," February 28, 2013, accessed at http://worldnews.nbcnews.com/_news/2013/02/28/17136615-ex-haiti-dictator.... According to an April 2011 report by Human Rights Watch, criminal proceedings had been instituted in Haiti against Mr. Duvalier on charges of financial crimes, after he left Haiti in 1986. These pending proceedings were reinstated when Mr. Duvalier returned to Haiti in January 2011. (Source: Haiti's Rendezvous with History, "The proceedings against Duvalier," Human Rights Watch, April 14, 2011, accessed at <http://www.hrw.org/en/node/97889/section/4.>)

Disposition of Criminal Case(s):

On January 18, 2013, Haitian prosecutors charged Mr. Duvalier with corruption and embezzlement, and he was taken into police custody (Source: New York Times, Jean-Claude Duvalier, accessed at http://topics.nytimes.com/top/reference/timestopics/people/d/jeanclaude_...) According to an Amnesty International press release, after three failures to appear to court hearings, the latest on February 21, 2013, the Court of Appeal asked the Public Prosecutor to issue a warrant ordering the former president to appear before the court on February 28, 2013. Mr. Duvalier appeared in court on February 28, 2013 and entered a plea of not guilty. (Sources: Amnesty International press release, "Haiti: Jean-Claude Duvalier's presence in Court brings hope to victims," March 1, 2013 accessed at <http://www.amnesty.org/en/news/haiti-jean-claude-duvalier-s-presence-cou...> NBCnews.com, "Ex-Haiti dictator 'Baby Doc' Duvalier faces corruption charges for first time since revolt," February 28, 2013, accessed at http://worldnews.nbcnews.com/_news/2013/02/28/17136615-ex-haiti-dictator.... The trial is still ongoing. According to an April 2011 report by Human Rights Watch, criminal proceedings had been instituted in Haiti against Mr. Duvalier on charges of financial crimes, after he left Haiti in 1986. These pending proceedings were reinstated when Mr. Duvalier returned to Haiti in January 2011. (Source: Haiti's Rendezvous with History, "The proceedings against Duvalier," Human Rights Watch, April 14, 2011, accessed at <http://www.hrw.org/en/node/97889/section/4.>)

Jurisdiction of Origin: Investigative Agency:

Unspecified

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

Unspecified

Jurisdiction of Origin: Courts Involved:

Unspecified

Jurisdiction of Asset Recovery: Investigative Agency:

Unspecified

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Watson, Farley & Williams; Slaughter & May

Jurisdiction of Asset Recovery: Courts Involved:

Queens Bench


Documents:

Duvalier_Haiti_Charges_Filed_HRW_Apr_14_2011.pdf

Duvalier_UK_1_QB_202_[1990].pdf

Duvalier_UK_Mareva_New_Law_Journal_May_9_2008.pdf

Documents:

Attachment	Size
 Duvalier_Obituary_Economist_Oct_11_2014.pdf	345.39 KB

Other Sources:

Republic of Haiti and others v Duvalier and others, [1990] 1 QB 202 (Obtained from the U.S. Library of Congress); See also New Law Journal, "Disarming litigation terrorists John Fordham explains how devastating freezing injunctions can be," May 9, 2008 (Discussion of Republic of Haiti v Duvalier [1990] 1 QB 202, [1989] 1 All ER 456); Haiti's Rendezvous with History, "The proceedings against Duvalier," Human Rights Watch, April 14, 2011, accessed at <http://www.hrw.org/en/node/97889/section/4>; The Economist, "Obituary: Baby Doc Duvalier," October 11, 2014, at <http://www.economist.com/news/obituary/21623568-jean-claude-baby-doc-duv...>