

# Haiti: Political Assassination? Suspicious Death of Judge Who Called for Prosecution of Presidential Family

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*The highly suspicious death last weekend of an Investigating Judge (Juge d'instruction) who was probing alleged corruption in the presidential family has shocked Haiti and started a cycle of charges and counter-charges which will surely widen Haiti's ever-growing political divide.*

Judge Jean Serge Joseph was investigating a corruption case implicating President Michel Martelly's wife and son, Sophia and Olivier Martelly. Both stand accused of siphoning off hundreds of thousands of dollars from bogus social and sports programs, which have made token gestures at reducing Haiti's surging poverty while being hyped by expensive propaganda campaigns and counter-productive publicity stunts, critics charge.

The judge, 58, died in a Port-au-Prince hospital on Jul. 13 from what the hospital described in an unprecedented next-day press conference as a "cerebrovascular accident" or ACV, in short, a kind of brain embolism.

Sources close to Judge Jean Serge Joseph say that in the days leading up to his death, he was under intense pressure to drop the case, having received many threats. According to several accounts, pressure particularly intensified after the judge called for the prosecution of the presidential family in Port-au-Prince's criminal court due to the findings of his investigation into their alleged corruption.

According to sources in Martelly's entourage, the President was not at all happy about Judge Jean Serge Joseph's decision, which reportedly even caused him to lose sleep. This case was a sort of Achilles heel of the government, which portrays itself as promoting the rule of law with lots of propaganda.



**Investigating Judge Jean Serge Joseph died suddenly and suspiciously in a Port-au-Prince hospital on Jul. 13 after issuing summonses to high Haitian government officials.**

Judge Jean Serge Joseph did not merely refer the case to criminal court. On Jul. 2, 2013, he issued a surprisingly bold order summoning as witnesses Prime Minister Laurent Lamothe and other senior state officials following a complaint filed by two young lawyers, André Michel and Newton Saint-Juste, who accused Sophia and Olivier Martelly of embezzlement and fraud. According to several sources close to the judge, it is following this order that the judge's torments really began. "The threats became more pronounced and were more specific," one source stressed. Some of the president's advisers say that the issue had become too embarrassing for the presidential family.

Some judges and others involved in the justice system who requested anonymity say that judges are constantly working under pressure whenever they are dealing with a case involving people close to executive power. These judicial officers believe that the executive branch holds the judiciary hostage and hinders its operation. According to them, the courts will not operate freely as long as the executive continues to interfere in judicial affairs.

More specifically President Martelly and Prime Minister Lamothe, in the presence of Justice Minister Jean Renel Sanon and Dean of Port-au-Prince's Civil Court Raymond Jean Michel, browbeat and intimidated the judge during two meetings at the law offices of Martelly advisor Gary Lissade last week on Jul. 10 and 11, said a prominent lawyer and former deputy who was a close friend of the late judge. Speaking on Jul. 14 on TV Plural (Télé Plurielle) in Port-au-Prince, Samuel Madistin claims to have spoken with the judge before his death, the day after the meetings, and said that Jean Serge Joseph was not allowed to be driven by his personal driver or to be accompanied by his bodyguards. According to Madistin, Martelly and Lamothe "demanded" that the judge drop the case.



**Lawyer Samuel Madistin (above), a close friend of the deceased judge, says that President Martelly and Prime Minister Lamothe met with Serge Joseph to “demand” that he drop his corruption investigation.**

Other sources close to the judge say these two meetings involved harassment and “mental torture” in which he was clearly asked to scuttle the case, which is currently under appeal. Twenty-four hours after these stressful meetings, on Fri., Jul. 12, the judge supposedly had a stroke that left him in a deep coma, although, according to his family, he did not suffer from any serious illnesses. Admitted to the Bernard Mevs Hospital in “critical condition” (according to a hospital spokesman) on Saturday at about 3 a.m., he died later that evening at around 8 p.m., hospital sources said.

The Martelly regime, implicated in many scandals, each more embarrassing than the next, now has a corpse on its hands, and not just any corpse, but that of a judge who was trying to shed light on a matter which is fueling debate in all spheres of society. Across Haiti and Haitian diaspora, the regime is considered one of the most corrupt that the country has ever known. The judge’s investigation could have allowed the presidential family, if it is not involved in corruption, to prove their innocence and clear their name. However, the regime’s methods have certainly not dispelled suspicions about First Lady Sophia Martelly and her son Oliver Martelly. On the contrary, public mistrust of the regime has deepened.

Sanon, Jean Michel, and Lissade have denied that they took part in the meeting alleged by Mr. Madistin. In fact, they deny that any such meeting ever took place. Mr. Lissade, a former justice minister, said in a press release, that Mr. Madistin’s “allegations were not the expression of any truth but were rather of a lying nature.” Minister Sanon said Mr. Madistin’s statements were “the product of his imagination.”

“I didn’t participate in any meeting with the president, the prime minister, and Serge Joseph,” Sanon said. “I don’t know what’s being talked about.”

The president’s spokesman, Lucien Jura, has also denied the meetings took place.

In response, Mr. Madistin insisted that the threats made by Martelly and Lamothe in the presence of Sanon and Jean Michel took place in Lissade’s offices. Madistin vowed that he would sue for Judge Jean Serge Joseph’s wrongful death.

Who and what should we believe? Is it all a fabrication? Has Samuel Madistin concocted this scenario alone? Why would he make such charges? There are many gray areas in this case which need to be cleared up.

Lawyers Newton Saint-Juste and André Michel have called the judge's death "a political assassination." According to them, the deceased judge was constantly under pressure from President Martelly to abandon the investigation and prosecution of his wife and son. The two young lawyers express their determination to pursue this matter to the end so that all light be shed on the alleged involvement of the presidential family.

Meanwhile, the Rev. Edouard Paultre, the head of the Haitian Council of Non State Actors (CONHANE), declared that Judge Joseph Serge's death merits serious investigation to elucidate its cause.

Pierre Esperance, Executive Director of the National Network for the Defense of Human Rights (RNDDH), says the judge was under pressure and death threats from the Martelly regime. Mr. Esperance described the Martelly regime as a "wrongdoer power" which does not respect human rights.

Alterpresse reported on Jul. 16 that RNDDH and the Platform of Haitian Organizations to Defend Human Rights (POHDH) sent a letter to the Superior Council of Judicial Power (CSPJ) saying that there is another "trusted person" who is ready to come forward to confirm Madistin's account. In their letter, the RNDDH and POHDH said that Judge Serge Joseph "made important declarations to friends as well as to other judges affirming that he was the object of huge pressures from the executive to go back on his decision" to summon high government officials as witnesses in the case.

For Anthony Barbier, a sociologist and former Planning and External Cooperation Minister, what happened to the judge is one more element that illustrates the need for the population to mobilize to throw out a regime that does not respect its commitments and human rights. "You can not build a democratic state of law while at the same time human rights are being trampled," he said.

Outspoken Sen. Moïse Jean-Charles also held a press conference to denounce Judge Serge Joseph's death as the responsibility of the Martelly regime.

There are other elements which should not be overlooked. First, Judge Serge Joseph was admitted to the Bernard Mevs Hospital at 3 a.m., but he was not seen by a doctor for four hours, until 7 a.m., according to the two doctors (at least one of them North American) who spoke to the press about the matter (Télé-Plurielle, Jul. 14, 2013).

Secondly, this is the first time in Haiti, a hospital had seen fit to hold a press conference following the death of a patient where the institution and the doctors at the bedside of the deceased patient were not implicated in malpractice. Is this not strange?

Finally, one of the doctors who met the press blatantly sported a pink bracelet, which is worn by avid supporters of the Martelly regime. Bizarre! In addition to an autopsy on the deceased, this hospital should also be investigated.

After the sudden death of Judge Serge Joseph, what will be the result of the alleged corruption case involving the first lady and the president's son? Will there be an honest judge who will take up the investigation of this matter? Can a judge look into this matter in peace, without being intimidated or threatened by the National Palace? The list of questions goes on and on. Nothing is certain in this case. The coming months will reveal more about the true nature of this regime which uses the concept of "rule of law" as a political slogan to

fool the weak-minded.

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