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Le décès d'un juge canado-haïtien soulève des doutes

Auteur:

Le Bureau du coroner du Québec enquête sur la mort du juge Jean Serge Joseph, un citoyen canadien d'origine haïtienne décédé à Port-au-Prince le 13 juillet. Trois autres enquêtes ont été déclenchées en Haïti pour faire la lumière sur la mort du magistrat, qui se penchait sur des allégations de corruption ciblant l'épouse et le fils du président haïtien Michel Martelly.

Le Bureau du coroner a confirmé hier à La Presse qu'une autopsie avait été pratiquée jeudi à Montréal sur le corps du magistrat. Des «informations indiquant qu'il pourrait s'agir d'un décès survenu dans des circonstances obscures» ont convaincu le coroner de fouiller le dossier. En Haïti, des députés qualifient la mort de «suspecte». Un proche du juge a affirmé à La Presse que le magistrat de 58 ans avait subi d'importantes pressions politiques deux jours avant son décès, au cours d'une réunion à laquelle aurait notamment participé le président Martelly. «Il était visiblement très paniqué et très stressé, c'était un homme bouleversé», dit l'avocat Samuel Madistin, qui affirme avoir rencontré le juge peu de temps après cette réunion. La famille explique avoir demandé une autopsie pour en avoir le cœur net. «Il y a toutes sortes de soupçons, c'est une situation qui est encore très chaude en Haïti. On veut éclaircir l'affaire pour que toute la famille ait une idée claire et nette sur ce qui s'est passé», a confié à La Presse un neveu du juge Joseph vivant à Montréal, qui a demandé qu'on taise son nom. La direction de l'hôpital privé de Port-au-Prince où s'est éteint Jean Serge Joseph a déclaré lors d'une conférence de presse que le juge était mort d'un accident vasculaire cérébral. Selon son frère, Pierre Joseph, le certificat de décès officiel mentionne aussi cette cause. La famille du juge, qui est né en Haïti, mais a passé une grande partie de sa vie à Montréal, a fait rapatrier son corps au Québec lundi dernier. Elle a ensuite demandé au Bureau du coroner de pratiquer une autopsie. En Haïti, la Chambre des députés, le Sénat et le Conseil supérieur du pouvoir judiciaire ont tous trois déclenché des enquêtes après la mort du juge. «À n'en pas douter, cette mort est suspecte, a dit hier à La Presse le député Sadrac Dieudonné, qui préside l'enquête déclenchée par la Chambre des députés. Le dossier que le juge traitait touchait la famille présidentielle, et nous avons plusieurs témoignages de gens qui affirment que le juge leur avait fait des confidences, avant sa mort, où il faisait état des pressions politiques qu'il aurait subies. D'après eux, ces pressions politiques peuvent être à l'origine de sa mort. Notre travail est de vérifier la véracité de ces allégations.» L'entourage du président nie que des pressions aient été exercées sur le magistrat et allègue que des opposants tentent d'utiliser sa disparition "à des fins politiques». Le ministère des Affaires étrangères du

Canada n'a pas voulu dire s'il demandera des explications sur la mort du Canadien et a refusé de répondre à toute question touchant le dossier. «Nos pensées sont avec la famille du défunt», s'est borné à dire le Ministère. L'affaire a fait couler beaucoup d'encre en Haïti et a même déclenché des manifestations qui ont fait deux morts, selon des informations rapportées par les médias locaux. «Le plus important pour moi actuellement est d'assurer la sécurité de tout le monde, a confié le neveu du juge basé à Montréal. J'ai demandé à ma grand-mère [la mère du juge] de quitter Haïti, et elle se trouve actuellement aux États-Unis.» Selon le frère du défunt, Pierre Joseph, le juge Jean Serge Joseph a quitté Haïti pour Montréal en 1972, alors qu'il était encore adolescent. Il a fait des études de droit à l'UQAM avant de retourner dans son pays natal au milieu des années 1990. «Pour l'instant, on ne sait rien, a dit M. Joseph à La Presse. On ne comprend pas ce qui s'est passé. Il était en bonne santé, mais on ne peut pas dire qu'il s'est passé ceci ou qu'il s'est passé cela.» «Être magistrat en Haïti, ça expose à beaucoup de risque, a-t-il ajouté. Et pas seulement en Haïti: partout.» La Presse

Fil des événements 2 JUILLET 2013 > Le juge Jean Serge Joseph ordonne au premier ministre haïtien Laurent Lamothe et à plusieurs hauts fonctionnaires de comparaître en cour. Le magistrat est alors chargé de faire la lumière sur des allégations de détournement de fonds publics et de corruption visant l'épouse et le fils du président Michel Martelly, Sophia et Olivier Martelly. 13 JUILLET 2013 > Le juge Jean Serge Joseph est reçu en urgence dans un hôpital privé de Port-au-Prince. Il y meurt quelques heures plus tard. 16 JUILLET 2013 > Le Conseil supérieur du pouvoir judiciaire haïtien lance une enquête sur les allégations de pressions qu'aurait subies le juge avant sa mort. 19 JUILLET 2013 > Selon des médias haïtiens, des manifestations liées au décès du juge Joseph font deux morts et sept blessés dans la commune de l'Estère, près des Gonâives, d'où est originaire le juge Joseph. 22 JUILLET 2013 > Le corps de Jean Serge Joseph est rapatrié à Montréal par sa famille. 25 JUILLET 2013 > Le Bureau du coroner du Québec pratique une autopsie sur le corps

Haiti / Justice-File: Judge Jean Serge Joseph's autopsy confirmed poisoning, according to the brother of the deceased

Posted by Success Estinvil · July 27, 2013 ·

"The autopsy conducted on the remains of Judge Jean Serge Joseph reveals that the magistrate was poisoned." The information was made public this Saturday, July 27, 2013 by the older brother of the deceased, Joseph Fritz. The latter spoke on the Caribbean Radio FM 94.5 to broadcast "Ramase." "An autopsy on the body of Serge shows that he was poisoned," confirmed Mr. Joseph Fritz.

A medical doctor, probably Canadian, speaking in Creole, read the results of the autopsy that confirm the thesis of poisoning. However, they were not able to specify the nature of the poison, rejecting any idea [of stroke](#).

Thus, they pronounced a cause of death that goes against the statements made by the doctors at the hospital Bernard Mevs in which the judge had died following what the hospital claimed was a stroke after the patient spent five hours waiting for care at the hospital.

According to credible information, the investigating judge was under pressure from President Michel Martelly and Prime Minister Laurent Lamothe at a meeting held on July 11 after the magistrate wrote to the Head of State asking him to release to the court certain high ranking officials of the public administration, including the Prime Minister, for questioning in connection with corruption and usurpation of [power](#) complaints filed by attorneys Michael and Andrew Newton Louis Saint-Juste.

Recall that Jean Serge Joseph died unexpectedly on Saturday, July 13, 2013.

<http://radiovision2000haiti.net/public/haitijustice-dossier-juge-serge-joseph-la-these-dempoisonnement-confirme-par-lautopsie-pratiquee-sur-le-cadavre-du-defunt/>

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* THIS WEEK IN HAITI *

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DID THE MARTELLY REGIME THREATEN AND PLAY A ROLE IN THE DEATH OF JUDGE JEAN SERGE JOSEPH?
by Francklyn B. Geffrard

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 brain hemorrhage.

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.

Judge Jean Serge Joseph did not merely refer the case to criminal court. On Jul. 2, 2013, he issued a surprisingly bold order summoning to testify Prime Minister Laurent Lamothe and other senior state officials following a complaint filed by two young lawyers, Andre 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 (Tele 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.

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 its 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 Andre 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 to 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. Moise 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 a 3 a.m., but he was not seen by a doctor for four hours, until 7 a.m., according to the two North American doctors who spoke to the press about the matter (Tele-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.