

Port-au-Prince, November 19th, 2012

Members of the
Supreme Council of The Judiciary (CSPJ)
In its offices

Members of the Supreme Council,

The **National Human Rights Defense Network** (RNDDH), engaged in the struggle for the emergence of a rule of law in Haiti, based on the independence of three (3) state powers, and on the responsible functioning of democratic institutions under the reign of the Constitution, and the laws of the Republic, believes it has a duty to submit to your highest attention, a situation which, at the jurisdictional level of ***Croix-des-Bouquets***, risks discrediting and neutralizing any conscious efforts on the part of the government towards reform of the Haitian judicial system.

Members of the Supreme Council,

Since the arrival of Jean Renel SANON to the head of the ***Ministry of Justice and Public Security***, several appointments have been carried out in total disrespect of provisions regulating the judiciary which are of the nature to put in question the existence of the ***Superior Council of the Judiciary (CSPJ)*** and its practical use in the administration of a healthy and effective justice system.

The most blatant of which the organization wishes to draw your attention to today concerns; ***Members of the CSPJ***, the positions of Judge and Magistrate near the Court of First Instance of the ***Croix-Des-Bouquets*** , Fermo Jude PAUL.

Indeed, this magistrate, known as a seasoned racketeer, and member of the firm of the current Minister of Justice and Public Security, was assigned to the Tribunal of Peace for Delmas, under the title of paralegal. According to

many other judges and lawyers consulted, he was in the past, arrested by the **Central Directorate of the Judiciary Police** (DCPJ) for forgery, use of false documents, fraud and theft of checks.

Surprisingly, he was appointed Judge and Magistrate at the Court of First Instance of **Croix-Des-Bouquets** during 2012, with the clear aim to take charge of the Mercurieu Calixte VALENTIN case, a special advisor to the President of the Republic involved in the murder of Mr. Octanol DERISSAINT.

RNDDH reminds you, **Members of the Supreme Council**, that the murder of Octanol DERISSAINT is known to be and seen by everyone as having been carried out by Mercurieu Calixte VALENTIN. Indeed, on April 18th, 2012, officials of the Customs and Immigration Service of **Malpasse** decided to close the border thirty (30) minutes before the usual time. A heated argument broke out between border authorities and different sectors of the population, after which, Mercurieu Calixte VALENTIN, then responsible for the opening and closing the gate at Customs, deliberately opened fire on citizens in the area, who had gathered near the soft drink depot, **L'Ambassadeur du Christ Boutique** and killed Octanol DERISSAINT, a young merchant from **Fonds Parisien**.

The Divisional Inspector Jean Garry ROC, who in April of 2012, confirmed on air for several radio stations, the involvement of Mercurieu Calixte VALENTIN in the murder of Octanol DERISSAINT, as he was present at the scene of the murder and nearly lost his life when Mercurieu Calixte VALENTIN and three (3) of his accomplices boarded their white Nissan Patrol, and fired a hail of bullets.

Mercurieu Calixte VALENTIN, was within a flagrant time period, arrested under the orders of the then Government Commissioner at the Court of First Instance of **Croix des Bouquets**, Mario BEAUVOIR. The case was then transferred to the Office of Judge Etzer ARISTILDE.

Deliberately, Judge Etzer ARISTILDE was then transferred to the same function at the Court of First Instance of **Port-au-Prince**, a court already overflowing with Magistrates who do not even have a desk at which to work.

The case was then knowingly entrusted to the Judge and Magistrate at the Court of First Instance of, Fermo Jude PAUL who without delay, issued an order in favor of Mercurieu Calixte VALENTIN.

Members of the Supreme Council,

Since his appointment, the Magistrate Fermo Jude PAUL, continues to discredit the Justice of ***Croix-Des-Bouquets*** with shameful decisions that openly reveal corruption and characterized incompetence.

For example, on August 16th 2012, Rémy DESHOMMES, upon the orders of Substitute Commissioner Jean Wilner ELIASSAINT; was arrested for ***forgery and use of false documents, theft of securities***, due to the fact that he has for several years, presented himself as a doctor whose clinic is located at # 149, Rue Saint Thomas d'Aquin, ***Croix des Bouquets***.

On November 5th, 2012, Fermo Jude PAUL received the sum of one thousand five hundred (1,500) American dollars. The same day, he ordered an extraction and proceeded to release the accused, Rémy DESHOMMES, without any official ruling, or further communication with the Public Prosecutor on the case.

Members of the Supreme Council,

Given the gravity of the charges against Fermo Jude PAUL, RNDDH sought to verify if the Magistrate fulfilled, in the very least, the criteria set out in Articles 20 and 22 of the ***Law Regarding the Status of the Judiciary***, to be integrated the judiciary.

Indeed, according to sections I and II of the aforementioned law, the recruitment of magistrates is done either through the ***School of Magistrates (EMA)***, or by ***direct integration in the Judiciary***.

These articles provide as follows:

Section I, on Recruitment through the School of Magistrates, Article 20:

"The entrance to the EMA is open to candidates of at least age 23 and no more than 50 years. It is accessible to candidates of Haitian origin who have never renounced their nationality, are of good character, good mental health, and hold a law degree at least equivalent to the license. >>

Section II, Direct integration in the Judiciary, Article 22:

"Holders of a legal license justifying eight (8) years or more of professional experience in the judicial sector, whether economic or

social, which qualifies them particularly to exercise judicial functions. >>

Research conducted by RNDDH has revealed that Fermo Jude PAUL, is considered an untouchable in the jurisdiction of ***Croix-des-Bouquets***, as he is protected by the Minister Jean Renel SANON, and is a lawyer called to the bar of ***Port-au-Prince***, on the 21st of June 2010, on the basis of documents transferred from The Bar Association of ***Jacmel***.

However much doubts exists as to whether or not Fermo Jude PAUL is indeed the holder of a license to practice law. Indeed, according to a certificate issued by the Law Society of Jacmel dated November 16th, 2012 and signed by the current President of the Bar Association of Lawyers in ***Jacmel*** and the Secretary of the Bar, respectively Gérard ELIE and Benoit CESAR; Fermo Jude PAUL has never been a member of the Bar of Jacmel, even as a intern or fellow militant.

However, other documents have shown that the Magistrate had studied at the school of law in Jacmel, and would have been given a license dated November 20th 2007. Consequently, even though he would have received a legal license, he did not go to ***l'Ecole de la Magistrature***, hence Fermo Jude PAUL is not able to exercise his profession within the Magistrature as he lacks the necessary maturity of eight (8) years as a lawyer. So, Fermo Jude PAUL has not yet reached the maturity required by the ***Law Regarding the Status of the Judiciary***.

Members of the Supreme Council,

Everything suggests that the Magistrate of ***Croix-Des-Bouquets*** joined the Haitian Judiciary in order to exonerate Mercurieu Calixte VALENTIN who nevertheless has been criticized by public outcry. It is then clear, that the possibility for political power to be used by the Justice to whitewash cases involving his supporters, those who have been involved in serious and spectacular crimes is outrageous; and calls into question the independence of the Judiciary. These are serious facts that require a thorough investigation by the CSPJ.

Members of the Supreme Council,

By bringing these exceptionally grave facts to your awareness, RNDDH hopes that the CSPJ will benefit from a general review of appointments made in the system by Minister Jean Renel SANON, as a healthy and impartial Judiciary relies on the presence of men and women who are honest, credible and competent.

As it eagerly awaits the results of your investigations, RNDDH expresses its' respectful homage to you, the ***Members of the Supreme Council***.

Pierre ESPERANCE
Executive Director