

SOLIDARITE FANM AYISYÈN - SOFA
RESEAU NATIONAL DE DEFENSE DES DROITS HUMAINS - RNDDH

Press Release: Solidarity with a woman who was victim of domestic violence and power-abuse by an investigating judge in Petit-Goave
Wednesday, February 27, 2008

Declaration by SOFA and RNDDH

RNDDH

On February 18, 2008, Mrs. Martine Lindor contacted SOFA, which referred her to RNDDH on February 19, 2008.

Mrs. Lindor is a young woman of 27 who was victim of physical aggression and violence by her former husband, Berthony Sagesse, who hit her to the point that she can no longer see from her left eye. These acts took place in Petit-Goave on January 26, 2008. January 27, 2008, the police arrested Berthony Sagesse. That same day, Hevince Eltimard, investigating judge at the court of first instance of Petit-Goave, intervened and liberated Berthony Sagesse.

February 21, a delegation from SOFA and RNDDH went to Petit-Goave and met with the judicial authorities:

- Prosecutor Kébreaou Zamor, of Petit-Goave and
- Magistrate Hevince Eltimard, investigating judge assigned to the case.

The delegation met with Deus Jean Francois, one of the lawyers consulted by the victim's family in the case and Wilson Sagesse, the younger brother of Berthony Sagesse, who is being held in custody in the Petit-Goave police station.

The SOFA/RNDDH delegation notes:

Solidarity is held with Mrs. Lindor's neighbor who intervened by alerting the police.

The police acted with diligence by taking Mrs. Lindor to the hospital and then arresting Berthony for the flagrant acts he committed.

The investigating judge, Hevince Eltimard, acted with great thoughtlessness when he arbitrarily decided to release Berthony Sagesse, who committed such grave infractions, without meeting the victim or even informing the Public Prosecutor of the case.

Following, the victim filed a complaint with the Public Prosecutor to take diligence and arrest Wilson Sagesse and establish a movement of public action against Berthony Sagesse.

Meanwhile, the Doyen for the Court of First Instance of Petit-Guave, Emmanuel Tatile, took the case and gave it back to the same judge, despite Magistrate Hevince Eltimard already having shown his interests in the case.

SOFA and RNDDH do not understand how an investigating judge is able to enter into a police station on a Sunday to give the police written orders to free a person whom the police arrested for flagrant acts, without having gathered preliminary information, and without the Public Prosecutors' office, let alone the judge, having seen the case.

SOFA

Yet again, SOFA is raising its voice against ill-treatment of all types: murder and beating of women who are victim in this country simply because they are women. Series of such acts demonstrate the deplorable level men can reach in the domination of women. The case of Mrs. Lindor is one example of the ferocious acts that strike women and the aggressive means through which such acts are allowed tolerance behind a curtain of impunity.

SOFA is disgusted when we see how a number of justice authorities continue to position themselves as accomplices to violence against women, whether on the basis of money or friendship, through liberating criminals who beat women, hit women, handicap women, rape women, and kill women. The behavior of Magistrate Hevince Eltimard is one key example.

SOFA questions the thoughtlessness of Magistrate Hevince Eltimard, investigating judge, who has the responsibility to illuminate cases in a process of justice brought against aggressors. The behavior of the judge demonstrates that a number of authorities continue to down-play violent acts men commit against women on the basis of their authority and power. Berthony Sagesse, friend of Magistrate Hevince Eltimard, beat his former wife; and the Magistrate, without knowing the case, decided that the aggressor would not remain in prison because he has the authority to liberate him, as was explained to us by Mrs. Lindor according to the declaration made by the investigating judge when she approached him after liberating the aggressor.

Given the behavior of the investigating judge, Magistrate Hevince Eltimard, we must ask:

- Does Magistrate Hevince Eltimard believe that the work of an investigating judge gives him the authority to go around the law?
- Does the investigating judge want to forget the Belem do Para Convention, which requires the state to sanction all acts of violence against women, a convention that the Haitian government signed and that the 46th legislative parliament ratified?
- Is the investigating judge closing his eyes on the August 2005 decree that reinforced sanctions against aggressors who commit violence against women?
- Does Magistrate Hevince Eltimard believe that he is the only authority in the country, that there is no one above him?
- Does Hevince Eltimard wish to surpass the different authorities of the country such as the executive, legislative, or judiciary branches, which have declared that they will fight impunity?

In solidarity with Mrs. Lindor, who is searching for justice and recompense, SOFA and RNDDH ask:

- The justice authorities along with the police to find Berthony Sagesse, arrest him, and bring him before justice.
- The justice to judge Berthony Sagesse as it should along with his accomplice, Wilson Sagesse, for the acts with which they are charged.
- The Judicial Superior Council to take disciplinary measures against the investigating judge Hevince Eltimard.
- The Doyen for the Court of First Instance of Petit-Goave to give the case to another investigating judge, as Magistrate Hevince Eltimard has already shown that he is on the side of the aggressor, Berthony Sagesse.
- Additionally, SOFA and RNDDH raise their voices with Mrs. Lindor to ask other women's organizations and human rights organizations to remain vigilant before acts of violence that violate the rights of women, and to stand in solidarity with Mrs. Lindor.

**Justice does not function in terms of friendship, nor partiality.
We will not tolerate impunity.**

When facing acts of violence against women, the state along with its citizens, male and female, must take responsibility as did Mrs. Lindor's neighbor, and in the same way as the police brought the victim help and arrested the aggressor. We send our sincere acknowledgment to them and encourage gestures of such quality.