

Settlement reached in Haiti PM defamation case

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JENNIFER KAY October 29, 2013

MIAMI (AP) — Haiti's prime minister has reached a settlement in his defamation case against a Haitian-American journalist, and attorneys for both sides claimed victory Tuesday.

Prime Minister Laurent Lamothe and his former business partner, Patrice Baker, originally sued Leo Joseph in September 2012 in Miami federal court over his reporting in the New York-based Haiti-Observateur. They

claimed Joseph knew his reporting about the Haitian government's acquisition of a telecommunications company included false and defamatory statements about Lamothe and Baker.

Haitel, the telecommunications company, shut down last year after it failed to pay its debts. Haiti's government then acquired the company.

U.S. Magistrate Judge John O'Sullivan signed an order Monday settling and closing the case.

Another federal judge initially sided with Lamothe and Baker in February, barring Joseph from ever writing about them. U.S. District Judge Ursula Ungaro reversed course in April, lifting that prohibition and ordering Lamothe and Baker to file a more detailed complaint.

"After all of that, (the prime minister) wound up only with a settlement in which Mr. Joseph will publish a declaration from a person who has told multiple versions of a single story," said Joseph's attorney, Scott Ponce.

The settlement requires Joseph to publish next week a sworn declaration from a source he cited in his reporting on Haitel, said Bertrand Madsen, one of Lamothe and Baker's attorneys.

The statement from Michael Charles, founder and managing partner of investment firm Nord Citadel Capital LLC, confirms that "what Joseph had reported was entirely false," Madsen said.

In the declaration, Charles says no one from the Haitian government was ever involved in his discussion about the potential sale of Haitel. He also says that he only briefly spoke with Joseph about setting up a potential interview that never took place, and that a subsequent article by Joseph that includes Nord Citadel "totally mischaracterizes the events that actually transpired."

Attorneys for Lamothe and Baker dismissed Ponce's criticism of Charles, saying Charles' statement was consistent with the evidence in the case.

"From the beginning of this lawsuit, the prime minister and Mr. Baker were not after money. They were after the truth. They were seeking a retraction from Mr. Joseph, and now that he's required by court order to publish Mr. Charles' declaration. The truth has been restored," Madsen said, adding that the settlement does not award either side any monetary damages.

Ponce said Joseph agreed to publish Charles' statement as per the terms of the settlement, but said the court did not order its publication.

O'Sullivan's order notes that each side has to pay its own legal fees.

Joseph said that under the settlement agreement, he will be permitted to publish his rebuttal to Charles' statement in the newspaper that has been publishing since 1971. On its website, the paper says it has a weekly circulation of 75,000 among Haiti's expatriate communities.

"We are very happy with the result, and Mr. Joseph showed great courage in standing up for his rights against a well-financed head of state who was attempting to silence the free and independent press' criticism

of the Haitian government,” Ponce said.

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