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The J.M. Deveaux Case: André Soulier, the lawyer who had the law changed

“He is one of the six lawyers who have had the greatest impact on justice over the last two centuries”: This is what another leading lawyer, Mr. Vergès, known for having defended Klaus Barbie, said about Mr. Soulier. He supported his statement by referring to a case that took place in the city of Bron a little more than 60 years ago, but which had a national echo because of its irreparable impact on the rights of people bearing the brunt of “injustice”.

The October 2022 issue of the municipal bulleting of the city of Bron includes an article on our founding partner and the famous Deveaux case.

This article is reproduced below and a courtesy English translation follows.

L'Affaire J.M. Deveaux

André Soulier

L'avocat qui fit changer la loi

« Il est l'un des six avocats qui a le plus marqué la justice de ces deux derniers siècles » : c'est ce que disait de Maître Soulier un autre ténor du barreau, Maître Vergès, connu entre autres, pour avoir défendu Klaus Barbie. Il était ses propos en s'appuyant sur une affaire qui se déroula à Bron il y a un peu plus de 60 ans, mais qui eut un écho national de par son impact irrémédiable sur le droit des victimes de « l'injustice ». Maître André Soulier y joua un rôle primordial et y revient longuement dans « Mes mille et une vies », son livre de mémoires paru récemment.

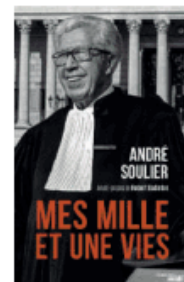
Vendredi 7 juillet 1961, Dominique Bessard, fillette de 7 ans, est retrouvée assassinée dans les caves d'un immeuble HLM de Parilly, avenue Saint-Exupéry. Son père, boucher, l'a laissée à la garde quelques heures de son garçon boucher : Jean-Marie Deveaux. Mythomane, le jeune homme simplet est rapidement soupçonné. Il passe aux aveux après deux nuits en garde à vue : il est un coupable idéal. Le 4 septembre, Maître André Soulier, avocat lyonnais de 23 ans, est commis d'office. Il est convoqué à une audition, sans avoir pu prendre connaissance du dossier, sans même avoir pu adresser la parole au présumé coupable, lequel se rétracte ! À l'étude du dossier, il découvre les quatre expertises médicales issues de l'autopsie : toutes convergent pour décrire un mode opératoire incohérent avec les déclarations de l'accusé. Mais le juge ne veut pas lâcher son seul coupable possible et commande une expertise auprès de légistes parisiens qui démoliront les premières thèses sans avoir assisté à l'autopsie. C'est sur cette seule pièce du dossier que le « meurtrier » sera condamné à 20 ans de réclusion ! En 1962, avec les « événements d'Algérie », la justice est expéditive. Jeune mais tenace, Maître Soulier ne lâchera plus l'affaire : il est convaincu que le système judiciaire veut aller au plus simple. Il va creuser et va finir par multiplier les trouvailles : déplacement de l'accusation sur la scène de crime sans en informer la défense, ingérence et surtout orientation des débats par le juge auprès des experts puis des jurés.

En 1969, au 3e pourvoi en cassation, la défense obtient un nouveau procès et l'acquittement de Jean-Marie Deveaux !

L'avocat découvrira également que la piste d'un potentiel criminel, aperçu par des témoins, a été « oubliée » par les enquêteurs !

Choqué que des innocents soient remis sur le pavé sans un sou, la Justice arguant que « l'erreur est humaine », André Soulier va obtenir un soutien de la presse et obtiendra du ministre de la Justice de l'époque, qu'un texte de loi soit voté pour créer la première commission d'indemnisation des victimes de la justice. Il aura l'honneur de déposer la première requête en indemnisation et obtiendra plus de 200 000 francs de l'époque pour son client. Une révolution pour la justice, un virage pour la victime, un succès pour l'avocat !

➡ « Mes mille et une vies » d'André Soulier





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André Soulier

The lawyer who had the law changed

“He is one of the six lawyers who have had the greatest impact on justice over the last two centuries”: This is what another leading lawyer, Mr. Vergès, known for having defended Klaus Barbie, said about Mr. Soulier. He supported his statement by referring to a case that took place in the city of Bron a little more than 60 years ago, but which had a national echo because of its irreversible impact on the rights of people bearing the brunt of injustice. André Soulier played a key role in this event and extensively writes about it in *“Mes mille et une vies”*, his recently published memoirs.

On Friday, July 7, 1961, Dominique Bessard, a 7-year-old little girl, was found murdered in the basement of a low-income building in Parilly, avenue Saint-Exupéry. Her father, a butcher, had left her in the care of his butcher boy, Jean-Marie Deveaux, for a few hours. The young man, a simpleton and mythomaniac, was quickly suspected. He confessed after two nights in police custody: He was the perfect scapegoat. On September 4, André Soulier, a 23-year-old lawyer from Lyon, was appointed as legal aid lawyer. He was summoned to a hearing, without having been able to read the file, without even having been able to speak to the alleged culprit, who recanted his confession! When André Soulier studied the file, he discovered the findings of the four post-mortem examination reports: They all converged to describe an operating mode that was inconsistent with the statements of the accused. But the judge did not want to give up on his only possible ideal culprit and ordered an expert opinion from Parisian forensic experts who demolished the first theories without having attended the autopsy. It was on the basis of this single piece of evidence that the “murderer” was sentenced to a 20 years’ imprisonment! In 1962, with the “events in Algeria”, justice was swift.

Young but tenacious, André Soulier decided not to give up the case: He was convinced that the judicial system wanted to go (too) straightforward. He dug deeper and ended up making new findings: The prosecutor’s visit to the crime scene without informing the defense, the judge’s interference and, above all, the judge’s influence over the discussions with the experts and then the jurors.

In 1969, on the third appeal to the French Supreme Court, the defense obtained a new trial and the acquittal of Jean-Marie Deveaux!

The lawyer also discovered that another avenue of investigations concerning the presence of a potential criminal, seen by witnesses, had been “forgotten” by the investigators!

Outraged that innocent people were put back on the street without a cent – Justice arguing that “to err is human” – André Soulier got support from the press and obtained from the then Minister of Justice that a new piece of legislation be passed to create the first Compensation Board for victims of the judicial system. He had the honor of filing the first request for compensation and obtained more than 200,000 francs (value at that



time) for his client. A revolution for Justice, a turning point for the victim, a success for the lawyer!”

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