



## REPUBLIC OF HAÏTI

Extract from the minutes of the  
**CITIZENS' AND PEOPLE'S COURT AGAINST DICTATORSHIP**  
 instituted by Nap #Mache Pou Lavi

### ON BEHALF OF THE REPUBLIC

The **CITIZENS AND PEOPLE'S COURT AGAINST THE DICTATORSHIP** competitively gathered at the Hotel le Plaza in the Municipality of Port-au-Prince has rendered in extraordinary and public hearing and in its criminal powers the following judgment:

Between: 1) The Haitian population, represented by Me Gédéon **JEAN**, lawyer  
 On the one hand;

ET: 2) The Sir Jovenel **MOÏSE**, represented by Mes: Exalus **LITERNE** and Raymond **EDLINE**, lawyers  
 On the other hand;

Facts; The case enrolled in No. 001 opposing the Haitian population to the Sir Jovenel **MOÏSE** referred to at the hearing of Friday nineteenth February two thousand and twenty-one was retained by Me. Gédéon **JEAN**. At this stage, the Court orders the Registrar to read the formal accusation and then gives the floor to the parties in order to propose their defenses. Having listened religiously to the pleadings of the parties, the Tribunal shall declare the case heard and order the filing of the exhibits to render the decision immediately;

#### **The facts of the case:**

During his presidency, Mr. Jovenel **MOÏSE** has vassalized public institutions, dismantled the Haitian legal arsenal and gangsterized the country with the prospect of installing an authoritarian and totalitarian power. On the night of February 6 to 7, 2021, around 2 am, on his orders, an escort of agents of the National Palace General Security Unit (USGPN), headed by a certain Dimitry **HERARD**, went to Tabarre (Habitation de Petit-Bois) and arrested 18 people, including a judge at the Court of Cassation named Yviquel D. **DABREZIL**. He was tortured and thrown into prison.

The Sir Jovenel **MOÏSE** did everything to destroy the two other powers of the State in order to be the sole primary on board. Since February 7, 2021, the date on which his constitutional mandate ended, at the end of Articles 134-2 of the Constitution of 1987 amended and 239 of the electoral decree of March 2, 2015, he installed a ferocious dictatorship in the country. As far as respect for human rights is concerned, no action has been taken by its administration, it is rather the federation of gangs in working-class neighborhoods, resulting in massacres.

All in all, because of the poor governance of Sir Jovenel **MOÏSE**, the country is now on the brink of ruin.

#### **Right:**

-Will the Tribunal welcome the action initiated by the Haitian people against the Sir Jovenel **MOÏSE**?  
 -Will he rule in favor of the applicant's purposes, pleas and submissions?  
 Having regard to the arguments presented by the parties;

## The Tribunal

Considering that democracy is governed by the periodic organization of free, democratic, credible, and transparent elections;

Considering that the Republic of Haiti consists of three independent powers (executive, legislative and judicial), exercising sovereignty on behalf of citizens (Article 58 et seq. of the Constitution);

Considering that one power cannot prevail over another; Considering that Montesquieu in “The Spirit of Laws” has not only emphasized the separation of powers, but also and above all has reported that “power stops power”;

Considering that the Sir. Jovenel **MOISE** during his term of office, instead of ensuring the smooth running of the institutions (Article 136 of the Constitution), preferentially vassalized them;

Considering that the Sir. Jovenel **MOISE** has gangsterized the country and dismantled the Haitian legal arsenal in the perspective of authoritarian and totalitarian power;

Considering that the Sir Jovenel **MOISE** wanting to be the only head on board had not organized any election until to note through a tweet the lapse of the Parliament on January 13, 2020 at midnight one, and since it leads the country by decree;

Considering that Sir. Jovenel **MOISE**, in his desire to establish a dictatorship in the country, had taken a whole series of outrageous decisions such as: the decree establishing the National Intelligence Agency (ANI) ; the arrest of a judge of the Court of Cassation around 2 am in violation of the Constitution and the laws of the Republic guaranteeing the separation of powers and individual freedoms; the removal of three judges from the Court of Cassation and their immediate replacement; the unilateral initiative to change the Constitution by referendum, which is formally prohibited;

Considering that the presidency of Sir. Jovenel **MOISE** has been characterized by systematic violations of human rights, including massacres in working-class neighborhoods;

Considering that the quinquennium of Jovenel **MOISE** was, among other things, marked by corruption, theft, misappropriation of public funds, political persecutions and lies;

Considering that the Mr. Jovenel **MOISE** had unilaterally appointed nine «bandits» to the Provisional Electoral Council (CEP), with the mission of changing the Constitution;

Considering that the Mr. Jovenel **MOISE** was elected President of Haiti following an electoral process begun in 2015 (decree of March 2, 2015) and continued in 2016 (decree of March 30, 2016);

Considering that the 1987 Constitution almond in its article 134-2 stipulates: The presidential election takes place on the last Sunday of October of the fifth year of the presidential mandate. The President-elect shall take office on 7 February following the date of his election. In the event that voting cannot take place before February 7, the elected President shall take office immediately after the validation of the vote and his term of office shall be deemed to have begun on February 7 of the year of the election”;

Considering that the mandate of the Sir. Jovenel **MOISE** has expired since February 7, 2021 as his mandate began to run on February 7, 2016 following Article 134-2 of the Constitution, the electoral year being 2015;

Considering that the Sir. Jovenel **MOISE** continues to cling to power Manu military despite the fact that his mandate is ending since February 7, 2021 and can in no case be extended (Article 134-3);

Considering that, after analyzing all these facts, the Court of First Instance should declare that Sir. Jovenel **MOISE** has been setting up a dictatorship in the country since February 7, 2021;

**FOR THESE REASONS**, the Court of First Instance, having deliberated on the matter in accordance with the Constitution and the laws of the Republic, after hearing the Public Prosecutor, held that the facts alleged against Sir Jovenel **MOISE** were constant. And thus he is found guilty of violation of the Constitution, the laws of the Republic and human rights; Sentence him to life; says and declares that the named Jovenel **MOISE** occupies the National Palace without right or quality, this in accordance with article 134-2 of the 1987 Constitution, he is therefore a usurper of title and office;

Orders accordingly the **EVICTION** of the named Jovenel MOISE of the national palace that he continues to occupy illegally; Finally order the Haitian population to take all the necessary measures to get out of the National Palace the named Jovenel **MOISE** and drive him immediately to the National Penitentiary;

Thus, judged and pronounced by us Me. Kedma **DERIVAL**, judge of the **CITIZENS AND PEOPLE'S COURT AGAINST THE DICTATORSHIP** this day February 19, 2021 in the presence of Me. Gédéon **JEAN**, representative of the Public Prosecutor, with the assistance of Sir Simson **SAMEDY**, registrar of the headquarters.

It is ordered to all bailiffs on this required to enforce the present judgment, has all Public Prosecutor's Officers at the **CITIZEN AND PEOPLE'S COURT AGAINST THE DICTATORSHIP** to hold a strong hand in it to all other commanders or officers of the public force to lend a strong hand when they are required.

In witness whereof, the previously mentioned Judge and Clerk shall sign the time of this judgment.

*\* N ap #Mache pou Lavi (March for Life) brings together human rights, civil society, and trade union organizations as well as personalities.*

**FOR COMPLIANT EXPEDITION**

**COLLATION**