Does the assassination of President Jovenel Moïse conceal geopolitical issues?

Avenues and reflections

Thematic Report II

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I. Summary of the status of the assassination case of president Jovenel Moïse

1. On July 7, 2021, between 1:30 a.m. and 2 a.m., Jovenel Moïse, the 58th President of Haiti, was tortured (left eye punctured, machete blows, broken arm ...) then murdered by at least 12 high caliber bullets in his private residence (at Pèlerin 5) by Colombians and other foreign agents, including Mr. Joseph Vincent (55 years old), a former informant of the Drug Enforcement Administration (DEA), while not even a single agent of the presidential guard corps on duty that night was injured. His wife, Martine Moïse, was reportedly shot in the right arm.

2. According to the police, among the twenty-two (22) Colombians involved in the assassination: eighteen (18) were arrested and transferred to the National Penitentiary on August 4, three (3) were killed and one (1) was on the run. Four (4) Americans of Haitian origin were arrested: James Solages (35), Joseph Vincent (55), Christian Emmanuel Sanon (63) and Jean Laguel Civil, General Coordinator of Presidential Security1.

3. Twenty-two (22) police officers were arrested and then transferred to the Public Prosecutor's Office and to the National Penitentiary. Four (4) were directly involved in the assassination of the president, as they accompanied the Colombians since their arrival in Haiti and were present at the scene of the crime during the assassination, the others for breach of their responsibilities.

4. Seventeen (17) arrest warrants were issued for assassination, attempted assassination and armed robbery to the prejudice of the President of the Republic, Jovenel Moïse. Several political figures were invited to appear in the Public Prosecutor’s Office.

5. On August 4, the Public Prosecutor of Port-au-Prince transmitted the case to the dean of the Court of First Instance of Port-au-Prince, Judge Bernard Saint-Vil, in order to appoint an investigative judge to investigate it. Refused by several judges, on August 9, judge Mathieu Chanlatte accepted it. Not even having read the pleadings, he was deported on August 13, the material means requested were not yet made available to him. Additionally, his clerk, Ernst Lafortune, was deceased on the evening of August 11 at the hospital of the State University of Haiti in conditions not yet clarified (the Association of Haitian magistrates had asked the Judiciary to intervene).

6. On August 20, Judge Gary Orelien was newly appointed as the new investigative judge. He was a substitute at the Public Prosecutor’s Office of the Court of First Instance of Saint-Marc (six years) then at that of Croix-des-Bouquets (one year) and finally at that of Mirebalais (three years). He was promoted judge and then investigative judge at the Court of First Instance of Port-au-Prince in December 2020.

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1 Radio Scoop FM.
7. In a letter on August 23, 2021 addressed to the Director General of the National Police of Haiti (DGPNH), the Minister of Justice asked him "to pass firm and necessary instructions to the Central Directorate of the Judicial Police (DCPJ) so that all the logistical, financial and coercive means available to the Haitian National Police are strongly mobilized in order to lead to the execution of the outstanding warrants which were issued by the Public Prosecutor against all those who have an involvement in the assassination of His Excellency President Jovenel Moïse."

8. On August 25, eight (8) police officers from the specialized units were placed at his disposal, including officers from the Special Weapons and Tactics Team (SWAT-TEAM). On August 26, he was given an office and the case was sent to him, via his clerk (inventory signed).

9. In a press conference⁴ presented on August 26, the Minister of Justice offered a cash prize of 6 million Haitian gourdes to anyone who would assist the police to arrest Judge Wendelle Coq Thelot, Joseph Félix Badio and of ex-senator John Joël Joseph, accused of being involved in the assassination of President Moïse (a warrant has been issued against each of them).

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²173 investigative acts were carried out; 61 firearms seized; 10 confiscated computers; 40,480 US dollars and 117,475 gourdes seized and transmitted to the prosecution; 44 individuals arrested and referred to the Public Prosecutor's Office in Port-au-Prince, among them 20 executioners including 18 Colombians and 2 Americans of Haitian origin (source: Gazette Haïti)
II. Introduction

10. The assassination of the Haitian President, Jovenel Moïse, under the circumstances described in the first report of the Center for Analysis and Research in Human Rights (CARDH) “Judicial investigation into the assassination of President Jovenel Moïse, limits of the prosecution and prospect of a Special Tribunal,” should be one of the geopolitical issues and of the state of the world of the year 2021.

11. Beyond the information provided in particular by national and international media as well as other entities, CARDH wishes to address some crucial aspects of the case in order to encourage external actors to deepen their efforts or to explore other avenues more complex and those concerned (particularly the Haitian, American, Colombian and Dominican governments) to tell the truth to the Haitian people, victim of such an outrage, and to the whole world which observes them.

12. As part of the CARDH contextual document, entitled the "19 RED QUESTIONS," this second thematic report attempts to elucidate this double question: Who really ordered the assassination of President Jovenel Moïse and WHY?

13. It should be the common thread of the judicial inquiry, of which the Public Prosecutor is the leader, administrator and strategist. This would lead him to explore other important avenues.

14. The complexity of the crime leads CARDH to organize this work in four parts. The first recalls that the citizen Jovenel Moïse, President of the Republic, is the head of the Executive Power, one of the three institutions of the Haitian state which exercises sovereignty on behalf of the citizens (article 58 and follow of the Constitution). While reaffirming the principles of equality and non-discrimination, this murder could not be considered in the first degree. The second places the assassination in its geopolitical dimension, some Colombian soldiers recruited by a firm in the United States (CTU Security) and a former DEA informant being the perpetrators. The third focuses on bringing the issue of mercenaries back to the forefront in Haiti. Indeed, on February 17, 2019, seven (7) were discovered near the Bank of the Republic of Haiti (BRH), others subsequently, including some to protect President Jovenel Moïse. Perhaps, he could have been assassinated by these mercenaries. The latter emphasizes drug trafficking, money laundering and other crimes that should be associated with the investigation, with the president's entourage also being drug dealers and other criminals.
III. The presidency, a republican and democratic institution of the State

15. The presidency is one of the State institutions which exercises national sovereignty. Physically, the president is the primary figure who represents and personifies the nation inside and out. That is why he is the head of state. It is appropriate to briefly resume the mission assigned to him by the Constitution and the Vienna Convention on the Law of Treaties.

1. The Constitution

16. According to the Constitution, sovereignty resides in the universality of the citizens who delegate its exercise to the executive, legislative and judicial powers constituting the basis of the republican regime to which the Haitian state refers. These powers are exercised by personalities resulting from elections and those appointed according to the Constitution and the laws for this purpose. He represents the nation in international and regional society.

1.1. Duties of the Head of State

1.1.2. Attributions du chef de l’État

17. The Constitution attributes to the Head of State the mission of:

- ensure, as Head of State, the respect of the Constitution, the national independence and territorial integrity, the stability of the institutions and the regular functioning of public powers as well as the continuity of the State (Articles 136 and 138);
- declare war, negotiate and sign peace treaties with the approval of the National Assembly (article 141);
- appoint the Commander-in-Chief of the Armed Forces, of which he is the nominal Chief, the Commander-in-Chief of the Police, the general directors of the public administration, the delegates and vice-delegates of the departments and districts and the boards of directors of the autonomous organizations (Articles 142 and 143);
- negotiate and sign all treaties, conventions and international agreements and submit them to the National Assembly for ratification, accredit Ambassadors and Extraordinary Envoys to foreign powers, receive credentials from Ambassadors of foreign powers and grant exequatur to Consuls (article 139.1 and 140);

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8 « National sovereignty resides in the universality of citizens. The citizens directly exercise the prerogatives of sovereignty through: a) the election of the President of the Republic; b) the election of members of the Legislative Power; c) the election of members of all other bodies or of all assemblies provided for by the constitution and by law. The citizens delegate the exercise of national sovereignty to three (3) powers: a) legislative power; b) executive power; c) the judiciary. All of these three (3) powers constitute the essential foundation of the organization of the State which is civil. »

9 United Nations and Organization of American States for example.
• appoint Ambassadors and Consuls General;

• Choose the Prime Minister under the conditions provided for by the Constitution to carry out government action (article 137);¹⁰

• seal the laws of the Republic and promulgate them within the time limits prescribed by the Constitution;

• grant amnesty in political matters and according to the prescriptions of the law (article 147);

• ensure the execution of judicial decisions, in accordance with the law (article 146);

• grant the right of pardon and commutation of sentence in relation to any conviction which has become final, with the exception of sentences pronounced by the High Court of Justice as provided for in this Constitution (article 147).

2. The international law

2.1. On the notion of the State

18. If in internal law the State is made up of three elements: a territory, a population and a political power, international law adds a fourth: recognition¹¹. Haiti has been an independent state since January 1, 1804. Its independence was recognized a few years later.

¹⁰ The President of the Republic chooses a Prime Minister from among the members of the party having the majority in Parliament. In the absence of this majority, the President of the Republic chooses his Prime Minister in consultation with the President of the Senate and that of the Chamber of Deputies. In both (2) cases the choice must be ratified by Parliament. ARTICLE 137.1: The President of the Republic puts an end to the functions of the Prime Minister on the presentation by the latter of the resignation of the Government.

¹¹ Sovereignty is defined internationally as the legal capacity of a political society to contract freely with other members of international society. This sovereignty is enshrined in recognition of the members of international society. Although Haiti had been independent since January 1, 1804, its sovereignty was not recognized until years later.
later by the other states: France in 1840\textsuperscript{12}, after a payment of 150 million francs\textsuperscript{13}, equivalent to 21 billion US dollars today, the United States in 1960\textsuperscript{14}

19. Haiti has contributed to the independence of many countries in America (United States and countries of Latin America), in Europe (Greece for example) ...

\subsection*{2.2. Vienna Convention on the Law of Treaties}

20. Only States and international organizations of States may conclude international treaties. Thus article 6 of the Vienna Convention on the Law of Treaties states: “Every State possesses capacity to conclude treaties.”

21. In this sphere, the State is represented by the President of the Republic directly or indirectly in the negotiation and conclusion of treaties as well as in the formation of international organizations.

22. There are the full powers that can bind the State, most of them acting for the president. Thus the Vienna Convention on the Law of Treaties classifies them in two categories.

23. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if: (a) he produces appropriate full powers; or (b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

24. In virtue of their functions and without having to produce full powers, the following are considered as representing their State: (a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the
conclusion of a treaty; (b) heads of diplomatic missions, for the purpose of adopting the
text of a treaty between the accrediting State and the State to which they are accredited;
(c) representatives accredited by States to an international conference or to an
international organization or one of its organs, for the purpose of adopting the text of a
treaty in that conference, organization or organ.

3. Commentaires

25. On July 7, 2021, at least 22 Colombians and their sponsors assassinated the Haitian Head
of State\textsuperscript{15}, exercising national sovereignty and Haiti’s representative in international
society. How should we interpret this? The preservation of the international public order,
the principles of sovereign equality, the self-determination of peoples and territories and
respect for the political identity of sovereign States (United Nations Charter) requires that
all clarity (…) be forthcoming on this crime beyond the Haitian borders.

IV. Complexity of the assassination of President Moïse : Geopolitics

26. Certain geopolitical aspects must be addressed in any analysis of the assassination of
President Jovenel Moïse. Indeed, since 1993\textsuperscript{16}, the Security Council (of the United
Nations) has successively deployed political and peacekeeping missions in Haiti with
multidimensional mandates relating to security, institutional strengthening, the rule of
law, human rights and democracy.

4. United Nations presence in Haiti since April 2004

4.1. From MINUSTAH to BINUH

27. Following the “forced” departure of President Jean-Bertrand Aristide from power on
February 29, 2004 and the chaotic consequences which ensued, the provisional
government headed by the President of the Court of Cassation, Boniface Alexandre, had
asked the Security Council to send a peace mission to Haiti. Acting under Chapter VII,
the Council adopted on April 30 Resolution 1542 creating the United Nations Stability
Mission in Haiti (MINUSTAH).

28. On the following July 9, the Haitian Prime Minister, Mr. Gérard Latortue, and the Head
of MINUSTAH, Mr. Adama Guindo, signed the Headquarters Agreement concerning the
status of the United Nations operation in Haiti: privileges, immunities and rights conferred
by the government on the Mission throughout Haiti.

\textsuperscript{15} For CARDH, the mandate of President Jovenel Moïse ended on February 7, 2021, in accordance with the second
paragraph of Article 134 of the Constitution.


7 février 2021 : Fin du mandat constitutionnel présidentiel – version complétée – CARDH


Les élections du 20 novembre 2016, continuité du processus électoral de 2015 – CARDH

\textsuperscript{16} MICIVIH (1993); MANUH (1996-1997); MITNUH (1997); MIPONUH (1997-2000).

30. Since April 2004, the United Nations have formally been a full-fledged actor in the political and institutional life of Haiti with clearly defined mandates concerning democratic institutional strengthening, with a particular emphasis on the reform of the Haitian National Police. In addition, since 1987, the United Nations has had a mechanism on mercenaries (one of 44 thematic mandates).

5. **Working Group on mercenaries**


32. The Working Group, which is part of the 44 thematic mandates, is composed of five (5) independent experts elected in accordance with the principle of a balanced geographical representation. Since 2005, his mandate has been regularly extended by the Human Rights Council, replacing the Commission (Resolution 60/251). Its last extension was in 2019 for a period of three years (Resolution 42/9).

33. On August 3, 2021, Mr. Claude Joseph, Minister of Foreign Affairs of the de facto government of Mr. Ariel Henry, wrote to the Secretary General of the United Nations, Antonio Guterres, requesting, in a logic of complementarity, the "rapid creation of an international commission of inquiry to elucidate the circumstances surrounding the assassination of President Jovenel Moïse."

34. Mr. Joseph underlined that "the presumption of the participation of nationals of foreign countries in the financing, the planning and the implementation of this heinous and depraved act made it an international crime whose clarification and repression call for the international solidarity."

35. In addition, he specified that "the limits and weaknesses as well as the lack of expertise of the Haitian judicial system in handling cases of such a scale cast serious doubts on its capacity on the one hand, to carry out this investigation, and on the other hand, to prosecute, judge and condemn the perpetrators and accomplices in an exemplary manner, in accordance with the laws of the Republic."

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17 To access information on the Working Group, visit its website: [HCDH | Groupe de travail sur l'utilisation de mercenaires (ohchr.org)]

18 See thematic mandates: [HCDH | Procédures spéciales (ohchr.org)]

19 [HCDH | HRC Bienvenue au Conseil des droits de l'homme (ohchr.org)]
36. He also pleaded for the creation of a special tribunal in charge of judging the guilty, whose implementation and functioning modalities will be defined by the Security Council, as was the case for Lebanon in 2005, following the terrorist attack of February 14, 2005 which caused twenty-two deaths, including Prime Minister Rafic Hariri, and dozens of wounded.

37. In addition to the continued United Nations presence in Haiti, they have a specific mechanism on mercenaries, the Working Group on the Use of Mercenaries. This should help work on the assassination of President Jovenel Moïse.

6. Involvement of other foreign territories: United States, Colombia and Dominican Republic

6.1. United States

38. CTU Security, having recruited the mercenaries and planned the assassination of the president, is based in the United States of America, specifically in Florida (5625 NW 79th Avenue, Doral, FL 33166) and is chaired by Tony Intriago, an American of Colombian origin.

39. Mr. Joseph Vincent (55 years old), Haitian-American, is a former informant of the Drug Enforcement Administration (DEA) who assisted in the arrest in Pétion-Ville, on January 5, 2017 (between 2 p.m. and 4 p.m.), of Guy Philippe, senator elected for Grande-Anse coming to participate in the program “Haiti Débat” of Radio Scoop FM. After the assassination, Mr. Vincent informed DEA officials in Haiti who asked him to surrender to the local authorities.

6.2. Colombia

40. Twenty-two (22) Colombians, some of them former military personnel, according to the Colombian government, have been recruited for the operation. Some said they were recruited to arrest the president, not to kill him.

6.3. Dominican Republic

41. According to the Director General of the National Police, Mr. Léon Charles, some assassination planning meetings were held in the Dominican Republic.20

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20 The press "Assassination of Jovenel Moïse: A planned act from the Dominican Republic, according to the Haitian police" 
Assassination of Jovenel Moïse | A gesture planned from the Dominican Republic, according to the Haitian police | Press
7. Comments

42. On the military or former Colombian military. According to the Colombian President Iván Duque, six (6) of the Colombians forming the commando who assassinated President Jovenel Moïse were former soldiers. How do you know that they were indeed ex-military? This question should be clarified in the judicial investigation and be of interest to Haitian and foreign institutions and think-tanks wishing to reflect on the assassination.

43. Can the mercenaries decide to assassinate a president? It is not clear that mercenaries can decide for themselves to assassinate a sitting president, either on the basis of a pecuniary contract and the like, without political and external factors. In addition, Colombians claimed that the president was dead when they arrived to save him. Is this an assassination by those recruited for the President's security? Others claimed to have the mission to arrest him on the basis of a warrant issued, which has never been denied by the Haitian judiciary. Does this refer to a third category of Colombians?

44. These informations should be put into perspective with the arrest, on the night of June 6 to 7 at Petit-Bois, of 17 people, including Me Yvikel Dabrésil, judge at the Court of Cassation, and Madame Marie Louise Gauthier, Inspector General of Police, who are preparing, according to the authorities, to carry out a coup. The inquiry should address these facts.

45. On the participation of Colombian firms in operations. It is also necessary to analyze the participation of Colombian private firms in regular operations of other armies in the world or clandestine.

46. On Dimitri Hérard's travels in Colombia. Dimitri Hérard has made several trips to Colombia. According to the newspaper EL TIEMPO, echoing the words of the Director of the Colombian Police, General Jorge Luís Vargas, Mr. Hérard has repeatedly touched Colombian soil: January 19 (Dominican Republic-Bogotá); January 20 (Bogotá-Ecuador); February 1 (Ecuador-Bogotá-Dominican Republic), May 22 (Dominican Republic-Bogotá); and May 23 (Bogotá-Ecuador).

47. Why were the intelligence services of Colombia and other countries not aware of what Mr. Hérard was doing, the latter being under investigation by the DEA and the FBI for alleged involvement in drugs and other crimes?

48. On American intelligence. Why did the American intelligence services in Haiti and the United States not prevent the assassination of President Jovenel Moïse or rescue him, when he is deemed to be an ally of the United States? Police, especially elite units are trained and maintained by the United States, and Dimitri Hérard was under investigation by the DEA and FBI for alleged involvement in drugs and most likely other related crimes.

49. Considered to be one of the masterminds of the crime, Mr. Joseph Vincent, a former DEA informant, immediately informed his former superior or collaborator at the United States Embassy in Haiti. Did this former agent, elders or agents use their function or their influences to commit this crime? Have they been corrupted by the drug and transnational
crime industry as the New York Times\textsuperscript{21} pointed out? If so, at what level has the corruption reached the US agency? Is this a failure of the American intelligence system, if we consider that heads of state on the verge of being assassinated or being victims of a coup d'état have been rescued by their power protective”?

50. The US government should clarify these gray areas and others through the dual investigation of the DEA and the FBI, currently underway in the United States and, most likely, in Haiti.

\textsuperscript{21} New York Times : "He Guarded Haiti's Slain President. And He Was a Suspect in a Drug Inquiry, Officials are examining whether President Jovenel Moïse’s killing was tied to the drug trade. The man in charge of his safety was a suspect in a major trafficking case, they say."

He Guarded Haiti’s Slain President. And He Was a Suspect in a Drug Inquiry. - The New York Times (nytimes.com)
V. When did you go from a president recruiting his own assassins?

51. The 212th commemoration of the death of the founding father of the country, Jean-Jacques Dessalines, on October 17, 2018, brought to Port-au-Prince, the first major anti-government demonstration to denounce the involvement of the administration Jovenel Moïse in corruption. The protesters could be estimated at nearly a million.

52. Feeling threatened, the Jovenel Moïse administration entered into negotiations with gang leaders from working-class neighborhoods, including La Saline. Faced with their refusal, the La Saline massacre took place on the night of November 13 to 14, 2018. At least 38 people were murdered there, women raped ...  

53. Despite this strong signal from the government, popular demands continued and on the following November 18, another demonstration was held, again to denounce corruption. From then on, we started to have people killed from bullets to the head, most likely the work of snipers.

54. On November 21, 2018, the CARDH drew the attention of the General Directorate and the General Inspectorate to the presence of the General Security Unit of the National Palace (USGPN) in the demonstrations and its alleged involvement in acts of beatings and killings (at least six demonstrators were shot in the head) as well as hooded officers heavily armed with M-60s, a weapon not used by the Police Institution, wearing a uniform other than that of the PNH. The day after (November 20), the director general intervened publicly to denounce this behavior.

55. It was subsequently found that there were armed foreigners in the territory, at the National Palace ... It seems that President Jovenel Moïse had handed over the country to the mercenaries. Would he have been caught in his own trap?

8. Seven mercenaries intercepted on February 17, 2019

56. On February 17, 2019 seven (7) American mercenaries, well equipped, were spotted near the Bank of the Republic of Haiti (BRH) by a patrol from the Cafeteria Police Station (downtown). They were traveling in cars, one of which belonged to Ms. Magalie Habitant, former director of the Metropolitan Service for the Collection of Solid Residues (SMCRS) also responsible for liaison with gangs.

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La Saline massacre: human rights violations and the need for humanitarian intervention - CARDH


The state of human rights in 2019 – CARDH

24 They had in their possession nine-millimeter pistols, assault rifles, classified as weapons of war, drones, bulletproof vests and satellite phones.
57. Taken to the Port-au-Prince Police Station and then transferred to the Central Directorate of the Judicial Police (DCPJ) by order of the prosecutor, Me Paul Héronce Villard, the mercenaries were released on February 20 and then returned to the United States, by order of the Executive, via the then Minister of Justice, without the knowledge of the prosecutor and the Prime Minister.

58. Dismayed by this act, the Superior Council of the Judicial Power (CSPJ) addressed a letter to the Minister of Justice, Mr. Roudy Aly, on February 21 in which it expressed its “deep concern because of the countless deaths and injuries” during the demonstrations and asked him for explanations, given that the mercenaries had left the country” in defiance of the Constitution and the laws of the Republic ”, an act which” undermines the foundations of the rule of law and democracy.”

59. Having also been surprised at their transfer to the United States, the then Prime Minister, Jean-Henry Céant, therefore wrote to the director of the PNH and to Minister Aly to “acquire the arrest reports, as well as a detailed report of the steps and legal references that led to this decision."

60. A few days later, the prime minister declared that the mercenaries were tasked with assassinating him, which seems plausible after the assassination of the president by the Colombians.

61. The president of the Ethics and Anticorruption Commission, Senator Youri Latortue, revealed that these mercenaries belonged to the firm ACADEMI, succeeding BLACKWATERS sanctioned because of the crimes committed in Iraq.

9. Mercenaries noticed in other places

62. Mercenaries have been noticed all over the country. Some were seen in the courtyard of the headquarters of the remobilized armed forces, others in the president's motorcade. On October 17, 2019, foreign snipers were spotted from the top of the 2004 tower, located in Champ-de-Mars, in front of the National Palace.
10. Jacques Yves Duroseau, former US Navy on November 12, 2019\textsuperscript{26}

63. On November 12, 2019, Jacques Yves Duroseau, former US Navy, was intercepted at Toussaint Louverture International Airport on board American Airlines flight 949 with "pistols", assault rifles and others materials. It was through the media that it became known that he had been released and returned to the United States.

11. Vehicles other than those bearing the color of the USGPN in the President’s motorcade\textsuperscript{27}.

64. The Vehicles of the USGPN agents are not registered. They're just the same color as the unit’s uniform. The motorcade also has unregistered regular vehicles. On October 16, at around 1 p.m., a gray Mitsubishi, carrying heavily armed individuals, accompanied a USGPN patrol vehicle stationed at the corner of Avenue Martin L. King and Avenue Lamartinière. A few days before, another one without a license plate, accompanying USGPN patrol vehicles, was parked at the gas station at the corner of John Brown Avenue and Martin L. King Avenue.

65. During the same period, a black Toyota, Model Land Cruiser, with the plate folded inward, the front doors of which were white in color, with heavily armed individuals, was among PNH cars, with individuals related to those of the BOID accompanying heavy machinery which removed barricades at the southern entrance to the Palace (Normal Higher School area).

66. On November 18, 2019, vehicles with their license plates folded up, including a Toyota, Prado, were in the president's motorcade towards Pétion-Ville. Heavily armed individuals have also been identified in USGPN patrols (October 16, November 18, 2019).

12. Comments

67. \textit{Mr. Dimitri Hérard was head of “a police force in the Institution.”} Mr. Dimitri Hérard did not receive his orders from the General Directorate of the PNH, on which the General Security Unit of the National Palace (USGPN) depends, and from the Central Directorate of the Administrative Police (DCPA). He ran the USGPN as he pleased. The personnel of this unit and its material resources are often used for other purposes. Some police commissioners and high-ranking officers obey him directly.

68. During the popular protests of November 18, 2018, he deployed the USGPN in the streets of Port-au-Prince with men wearing black T-shirts and M-60s.

69. Faced with the denunciations, the Director General of the Police at the time, Michel-Ange Gédéon, on November 20, affirmed on the airwaves of several radio stations in the capital that he was not aware of these reported misconducts.

\textsuperscript{26} Ibid.

\textsuperscript{27} Ibid.
70. The General Security Unit of the National Palace (USGPN) is a specialized unit based at the National Palace, carrying out security missions and services essential to the proper functioning of the Presidency of the Republic. Its main responsibility is "to ensure the security of the first perimeter of the Presidency of the Republic as well as the honor services at the Palace."

71. Article 14 of Directive # 30 of 25 October 1996 relating to the recruitment, training, employment and management of the General Security Unit of the National Palace (USGPN) specifies that the management of its personnel fall under the exclusive responsibility of the Personnel Department of the General Management and are subject to the control of the General Inspectorate.

72. In addition, Article 22 of that directive defines more precisely the powers of the entity. This is to ensure:

- the guard and security of the buildings of the National Palace located in Port-au-Prince;
- the guard and security of the private residences of the current President of the Republic;
- the guard and security of the private residences of former Presidents of the Republic;
- the escort of the presidential convoy when the President of the Republic is required to travel by vehicle.

73. On November 19, 2019, the country officially became aware of the existence of Ordonnance Factory SA (HOFSA), a company manufacturing weapons and other accessories founded by Dimitri Hérard and two other partners, Carl Frédéric Martin and Jude Alix Pierre (Ministry of Trade and Industry, official journal Le Moniteur # 3 of Tuesday January 7, 2020).

74. This company will “assemble and manufacture firearms and ammunition of all calibers and also all military and police equipment for export and sale to police, military and private security institutions, commercial and governmental established on Haitian territory in accordance with the Constitution and the law.”

75. The Armed Forces of Haiti being the only institution with a monopoly on the manufacture, import, export, use and possession of weapons of war and their ammunition as well as the material war (article 268-3 of the Constitution, articles 1, 10 and 12 of the decree of 23 May 1989), a campaign of denunciation was launched particularly by human rights organizations. Thus, a notice from the Ministry of Commerce and Industry (Monitor No 96) of June 2, 2020 canceled the authorization.

76. The president recruited his mercenaries through Dimitri Herard. Dimitri Hérard was at the forefront in recruiting mercenaries to secure the president. Faithful to Mr. Martelly, the former president, he was placed at the head of the Unit to secure President Jovenel...
Moïse. Relations have become tumultuous, because the latest decisions taken by the latter would jeopardize the return to power of Mr. Martelly, a condition for which Mr. Jovenel, unknown in the political world and in public opinion, was brought to power.

77. On the files taken by the mercenaries. Having come to look for files, the mercenaries "methodically" searched the president's office, confirmed Martine Moïse. They said: "that's not it, it is not that ..." They tortured the president to gain access to it and ordered him to sign papers, which he refused. … What files are taken away? This must inevitably be of interest to the judicial inquiry.

78. Jovenel was initially planning to have at least 200 men for his safety. President Jovenel Moïse was like a “hunted” animal. In 2019, the country was blocked several times and the violence had reached an extremely worrying level (the famous locked country movement): the president could not even go to the palace, some "friends" did not want to receive him for fear of being victims of the popular anger expressed during this period ... The president wanted to negotiate the power with the opposition for an honorable exit, unfortunately they did not find an agreement

79. The president had head-on attacked powerful “rich” and politically strong families. Some have had to flee the country, others are often targeted by institutions (Anti-Corruption Unit). He influenced the Judiciary, proceeding to irregular seizures of properties. Most of those responsible for its security, including Dimitri Hérard, an "Almighty", was placed at the head of the USGPN by the former President Martelly to whom Jovenel Moïse must hand over power. However, their relations have deteriorated considerably for various reasons.

80. Feeling threatened with assassination, the president recruited mercenaries for his safety and that of his family. He never told the people about it. He wanted to have enough foreigners for his safety, at least 200

81. It seems that President Jovenel Moïse paradoxically created conditions that made him vulnerable. In addition, he lived in a house near a ravine at Pélerin 5, surrounded by houses, some of them makeshift, an unsuitable area, owned by entrepreneur Yves Leonard. The warden also worked with Mr. Leonard. The theory of the broken window remains a thesis to be explored.

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20 See for example the testimonies of Evalière Beauplan in the Le Point section of Radio-Télé Métropole, August 21, 2021.

LE POINT 19/08/21 : L’ex Sénateur Evalière Beauplan - YouTube

29 Confidential Source of CARDH
VI. Involvement of the president’s surroundings in drugs and other transnational crimes

82. The immediate environment of President Jovenel Moïse was made up of people involved in drug trafficking, kidnapping, money laundering and other transnational crimes.

13. Drug Trafficking

83. In a special article published on August 21, the American newspaper The New York Times\(^{30}\) pointed out that the environment of the president was formed of drug dealer. Some were fugitives, others under investigation by the DEA, including Dimitri Hérard, head of the President's General Security Unit, involved in the case of the drug shipment of April 2015 from Colombia, transported by the Nabateco company (Manzanares ship) belonging to the businessman Marc-Antoine Acra. In this case, Kiko Saint-Remy, brother-in-law of former President Michel Martelly, is also concerned.

84. On May 5, the Drug Enforcement Administration (DEA) arrested and extradited fugitive Mathieu Lissner, an American of Haitian origin (55) who pleaded guilty in 2006 to drug trafficking. He operated in Haiti under the name of Joseph L. Mathieu and was close to President Jovenel Moïse, also holding an access card to the National Palace.

14. Money Laundering, kidnapping and else

85. President Jovenel had an enormous amount of money at his home. The Colombians recovered a lot of it, the people of the neighborhood and the surroundings, the police officers assigned to its security ...

86. El Tiempo newspaper\(^{31}\) reported that Colombian mercenaries were aware of the existence of several million dollars in the President's residence. Noticias Caracol\(^{32}\) posted vocal clips of the mercenaries confident they had come to collect the money and did not have orders to kill the president.

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\(^{30}\) He Guarded Haiti’s Slain President. And He Was a Suspect in a Drug Inquiry. Officials are examining whether President Jovenel Moïse’s killing was tied to the drug trade. The man in charge of his safety was a suspect in a major trafficking case, they say.”

He Guarded Haiti’s Slain President. And He Was a Suspect in a Drug Inquiry. - The New York Times (nytimes.com)

See also Le Nouvelliste: Drugs / Justice

« Manzanares : DEA et BLTS sur la sellette... »

Le Nouvelliste | Manzanares : DEA et BLTS sur la sellette...

« Virée dominicaine... »

Le Nouvelliste | Virée dominicaine...

\(^{31}\) Noticias Principales de Colombia y el Mundo - Noticias - ELTIEMPO.COM

\(^{32}\) Noticias Caracol: principales noticias de hoy en Colombia y el Mundo (caracoltv.com)
87. Faced with statements affirming that more than a million US dollars had been found at the President's premises, the Secretary General of Council of Ministers, Renald Lubérice, his “right-hand man”, affirmed that the latter indeed had a great deal of money and was millionaire. However, he clarified that the president was going to create a bank. What a joke !!!

88. The Gang Gallil, led by Woodly Ethéart, alias Sonson La Familia and others, is from the great family of Martelly and tèt Kalé. An order of March 5, 2015 sent them to the criminal court for "kidnapping followed by kidnapping for ransom, murder, illicit trafficking in drugs, theft of vehicles, illegal possession of firearms, forgery and use of forgery, usurpation of title, asset laundering, complicity in asset laundering and criminal association ": Alain Cérélus, known as Commander, Jeff Dupiton, alias Peter Bryant, Woodly Ethéart, Renel Nelfort, Kerwins Jacques Mathurin, Brunet Augustin, Cézard Laforest, Bergeaud Jean, Marie Hermithe Saint-Juste, Marie Thaïssa Mazile Ethéart, Eddy Félix, Carl Henry Félix, Gérald François, Walder Saint-Juste, Bellance Benoit and Jolermé thus known.

89. In a controversial and “tailor-made” bench trial on April 17, 2015, Judge Lamarre Bélisaire freed them, despite the appeal brought by Alain Cérélus.33

15. Comments

90. Based on the forementioned, the President had millions of US dollars at home. The judicial investigation must target the source of this money, its possible connection with drug trafficking, the kidnapping taking a dizzying proportion (number of kidnappings and ransom demanded)34 and other related crimes. This avenue should be explored in the search for the cause of the president's assassination. The FBI and DEA must also investigate this aspect.

33 Kidnapping : bulletin #4 – avril 2021 – CARDH
34 Sometimes we demand a million US dollars.
VII. Conclusion

91. The first elements of the judicial and police investigation into the assassination of President Jovenel Moïse, Head of State, appear to be insufficient, to say the least, and would not be at a level for such a crime having a complex geopolitical scope. In addition, the weaknesses of justice and Haitian law, of diverse nature, give rise to great concerns.

92. On the procedural level. The flagrant investigation carried out by the prosecution, of which the government commissioner/prosecutor is the head, administrator and strategist, reveals many flaws both procedurally and in relation to the elements that should constitute the content of the case. Paradoxically, the Haitian criminal procedure is not adapted to the nature of the crime as well as to the circumstances which surround it, no regime of exception being envisaged.

93. By way of example, the 18 Colombians who murdered the Head of State, as well as their accomplices, can be released on recourse in habeas corpus before the dean (judge of freedoms in Haitian law), because they do not did not appear within 48 hours of their detention and they were not questioned in the presence of their lawyer or a witness of their choice (article 26 of the Constitution).

94. Regarding the time limit for the investigation, article 7 of the law of 29 July 1979 on criminal appeal grants the judge three months (two for the investigation and one additional) to carry out his investigation. This time frame is largely insufficient to investigate the "complex" assassination of President Jovenel Moïse.

95. By way of comparison, the panel of investigating judges (six) of the anti-terrorism pole (called judges of the Saint-Éloi gallery, name of the corridor of the former Paris courthouse where their offices were located) responsible for to work on the attacks of November 13,

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35 According to article 26 of the Constitution, any person arrested must, without exception, appear before the judge of legality within 48 hours of his arrest and must be heard in the presence of his lawyer or a witness of his choice: "No one cannot be kept in detention if he has not appeared within forty-eight (48) hours following his arrest, before a judge called to rule on the legality of the arrest and if this judge has not confirmed the detention by reasoned decision. In the event of a contravention, the accused is brought before the justice of the peace who decides definitively. In the event of a misdemeanor or felony, the accused may, without prior permission and on simple memorandum, appeal to the dean of the court of first instance of the jurisdiction who, on the conclusions of the Public Prosecutor’s Office, rules at the extraordinary, hearing pending, without postponement or rotation, all cases ceasing on the legality of the arrest and detention." (Article 26 of the Constitution).

36 “The investigating judge seized of a case has a period of two months to conduct the investigation and communicate the information documents to the Public Prosecutor and a period of one month for the issuance of the closing order,” this, under penalty of being taken to task. The Public Prosecutor’s Office must, under penalty of being challenged, conclude definitively within five (5) days of receipt of the documents. Failure by the investigating judge to be able to comply with the time limit, he will have to justify his delay by a special order to be communicated within twenty-four hours to the Dean of the civil court of the jurisdiction to which this cabinet falls.
2015 in Paris (Le Bataclan) had four years to conclude its investigation. Thus, its order was issued on March 16, 2020, referring 20 defendants to the Paris Assize Court, whose trial will open on September 8. 37

96. The indictment order that will serve as the basis for the Assize Court consists of almost 350 pages. The anti-terrorism prosecution had sent 47 volumes of files to the college. His survey is 100 volumes. 38

97. Martine Moïse, the sole witness to the assassination, could not be heard by the prosecutor. Returned to the country on July 17 to organize the funeral of her husband the following July 23, in Cap-Haïtien, Martine Moïse, escorted by foreign agents, declared that her husband’s killers were there, they were circulating ... In an interview with the New York Times, published on August 6, she said she heard the assassins "methodically searching the president's files (...)." They said "that's not it, it's not that (...)." She claimed that the president "was shot down beside her." Strangely, this key witness could not be heard by Justice. No report was found to this effect (the criminal proceedings being written). There are undoubtedly obstacles !!!

98. On the motive of the crime. These initial elements of the investigation are unconvincing on the motive for the assassination, namely whether the president was assassinated for political, economic or other reasons.

99. On intellectual authors. It seems unconvincing that Felix Badio, a fugitive, and Emmanuel Sanon are the intellectual authors of the assassination of the President of the Republic. The investigation should aim to find those who actually ordered the assassination.

100. In the immediate entourage of the president. The immediate entourage of President Jovenel Moïse being implicated in drugs and other crimes, millions of dollars were found at his home ... The investigation must seek if the motive of the crime was linked to drug trafficking, money laundering or others. The killers reportedly ordered him to give them "something" which he refused, despite the significant acts of torture.

101. On the geopolitical scope. The investigation should investigate whether the assassination of the president was not linked to the interests of foreign powers rather than to the factors mentioned above.

102. Outlook. The various elements developed throughout this analysis, make it possible to understand that the case is complex and that Haitian justice as it is today: inadequate legal texts, politicization, lack of specialization of judges, degrading conditions of

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38 Ibid.
39 New York Times: “They thought I was dead: the murder of the Haitian president told by his widow. While the murderers of her husband searched her room, Martine Moïse lay in her blood, wounded by the bullets. Now she wants the FBI to identify the mastermind behind the attack.” Martine Moïse experienced live the assassination of her husband, the President of Haiti - The New York Times (nytimes.com)
functioning of staff (judges, clerks, bailiffs, etc.), de facto and legal dysfunction⁴⁰, criminality⁴¹ .... will not be able to carry out a valid trial, responding to the dimension of the question.

103. **This case should be treated as a State Case, with political and legal consequences.** This refers to several considerations. The next legislature⁴² should immediately form a special commission, supported by Haitian experts and, probably, foreigners, non-partisans, to work on the issue with a view to the adoption of a special law and appropriate constitutional reforms allowing for dealing properly with the case of the assassination of the Head of State (consideration I).

104. There is sufficient consensus to make changes to the Constitution, or even to change the Constitution. A legitimate transitional government with credible and competent personalities can, in full transparency, initiate a process of constitutional change, while taking into account the work carried out, with mechanisms for adapting the law (consideration II).

105. As noted above, the assassination of President Jovenel Moïse and the circumstances surrounding it constitute an issue that transcends national borders. Depending on the interest of the Security Council (of the United Nations), it can take it up and adopt the best approach, because in the name of morality and international justice, international cooperation must contribute to the manifestation of the truth. (Consideration III).

106. The Center for Analysis and Research in Human Rights (CARDH) renews its position for the creation of an international commission whose conclusions would lead to the establishment of a Special Tribunal⁴³ or Extraordinary Chambers⁴⁴ or to explore other possibilities. This will be the subject of another thematic report and debates with national and international lawyers and experts.

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⁴⁰ See for example: The death of the President of the Court of Cassation, René Sylvestre, “normalizes” the de facto dysfunction of Justice, June 28, 2021. The death of the President of the Court of Cassation, René Sylvestre, "normalizes" the de facto dysfunction of Justice - CARDH

⁴¹ The hegemony of crime and the responsibility to protect - CARDH

⁴² One of the fundamental tasks of Parliament is to pass laws according to the needs of the city.

⁴³ Despite the existence of the International Criminal Court (entry into force of the Rome Statute on July 1, 2002), the Special Tribunal for Lebanon (“STL”) was created to prosecute, by applying Lebanese criminal law, perpetrators of the February 14, 2005 attack in Beirut, which resulted in the death of Prime Minister Rafiq Hariri and 21 other people. To understand the context, the functioning and the particularities of the tribunal, see: Special Tribunal for Lebanon (stltsl.org)

⁴⁴ On June 21, 1997, the government of Cambodia requested United Nations assistance in bringing the former Khmer Rouge leaders to justice. On May 9, 1999, an agreement was concluded between the government and the United Nations to adapt domestic law to international standards. In August 1999, a working group advised by international jurists, charged with drafting a bill to be able to try the last Khmer Rouge officials still alive, was created. On August 10, 2001, King Norodom Sihanouk promulgated the law creating Extraordinary Chambers within Cambodian Courts (ECCC) to "judge crimes committed under Democratic Kampuchea". See: Extraordinary Chambers in Cambodian Courts (eccc.gov.kh)

N.B. CARDH would like to point out that these two examples given, among others, aim to encourage reflection, comparison and innovation and not "copy and paste"
107. However, the newly appointed investigative judge, Gary Orelien, should also base his investigation on the material developed in this report. If he does not deport himself like the first (Mathieu Chanlatte), his investigation can help strengthen the case.
VIII. Annexes

22 The list of the 18 Colombians arrested

1. Juan Carlos Yepes CLAVIJO
2. Edwin Enrique Blanquicet RODRIGUEZ
3. Jheyner Alberto Carmona FLOREZ
4. Neil Caceres DURAN
5. Jhon Jader ANDELA
6. Alejandro Girardo ZAPATA
7. Manuel Antonio Groso GUARINI
8. Jhon Jairo Ramirez GOMEZ
9. Naiser Franco CASTAÑEDA
10. Jhon Jairo Suarez ALEGRIA
11. Victor Albeiro Pineda CARDONA
12. Francisco Eladio Uribe OCHOA
13. Angel Mario Yarce SIERRA
14. Enalber Vargas GOMEZ, retired from the Colombian Army since March 23, 2016
15. Carlos Giovanni Guerrero TORRES, retired from the Colombian Army, Lieutenant-Colonel
16. Gersain Mendivels JAIMES, retired from the Colombian Army
17. German Alejandro Rivera GARCIA alias Mike, retired from the Colombian Army since 2012
18. Alex Miyer Peña, retired from the Colombian Army since 2018

23. List police officers arrested

Jean Laguel CIVIL, General Coordinator of the Presidential Security
Dimitry HERARD, Head of USGPN
Conrad BASTIEN, USGPN Team Leader
Pierre Osman LEANDRE, Head of USP
Hubert JEANTY, USP Team Leader
Sadrac ALPHONSE, USP
Rony FRANCOIS, USP
Ernst GERMAIN, USP
Ronald GUERRIER, USP  
Jude LAURENT, USP  
Cleantis LOUSSAINT, USP  

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Paul Eddy AMAZAN, Head of Cat Team  
Renor FONTUS, Cat Team, Team Leader  
Frantz LOUIS, Cat Team  
Arly JEAN, Cat Team  
Faneck DELICAT, Cat Team  

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Elie JEAN CHARLES, CIMO  
Clifton HYPPOLITE, CIMO  
Bony GREGOIRE, CIMO  
Williams MOÏSE, SDPJ / west  

**N.B.: Four (4) police officers** were directly involved in the assassination of the president. They have accompanied the Colombians since their arrival in Haiti and were present at the scene of the crime during the assassination. They are: William Moïse; Bonni Grégoire; Clifton Hyppolite; Jean-Elie Charles. The others are put in jail for misconduct.

**23. Lists of Warrants issued and comments**

On July 12, five (5) arrest warrants were issued against Gerard Forge Janvier, Gerald Bataille and Paul Denis for assassination, attempted assassination and armed robbery and Samir Handall and Line Baltazar for assassination and attempted assassination. to the prejudice of the President of the Republic, Jovenel Moïse.

On Thursday July 23, an arrest warrant was issued against the Magistrate of the Court of Cassation, Wendelle Coq Thélot, for assassination and armed robbery against the person of Jovenel Moïse, this warrant was received by the DCPJ on the 25th July.

**N.B.** It should be noted that some warrants were issued against personalities because they had a connection with Mr. Sanon and not a link with the crime or according to the clues found on the islands.
24. Lists of invited persons and comments

• Steven Benoît (former senator and political leader), Youri Latortue (former senator and political leader), Dimitri Vorbe and Jean Marie Vorbe (businessmen) and Réginald Boulos (businessman and politician), on Monday July 12 between 10 and 11:30 a.m.

• Jean Laguel Civil et Paul Eddy Amazan (inspecteur principal), respectively General Coordinator of the Presidential Security and Head of CAT TEAM, on Tuesday July 13;

• Dimitri Hérard (Commissioner of Police) et Pierre Osman Léandre (Commissioner of Police) respectively head of the General Security Unit of the National Palace (USGPN) and head of the Presidential Security Unit (USP), on July 12 and 14.