

**National Human Rights Defense Network
(RNDDH)**

***Brandt Case: RNDDH requires the
completion of the investigation and trial
of all gang members***

November 13th, 2012

Introduction

October 22nd 2012, the wealthy businessman Clifford H. BRANDT, involved in the abduction and kidnapping in exchange for ransom of Nicolas MOSCOSO and Coralie MOSCOSO; was arrested by specialized units of the **Central Directorate of the Judicial Police** (DCPJ), at the location of his business, **Haitian Motors Company**, located in Delmas 2.

Given the magnitude of this issue, the **National Human Rights Defense Network** (RNDDH) has a duty to share with national and international communities, a formulation of the myriad of facts, by the publication of this report.

I. Reconstitution of the Facts

October 16th, 2012, in the evening, Nicolas MOSCOSO and Coralie MOSCOSO aged respectively *twenty-two* (22) and *twenty-three* (23) years, boarded their gray **Subaru Impreza** vehicle, registered with the plate AA-07561, and were en route to their aunt's home when they were kidnapped by armed men wearing uniforms of the **Haitian National Police** (PNH). They were forced to leave their car and climb aboard their captors' vehicle; a **Toyota Land Cruiser** marked *the State Service*.

The next day, October 17th, 2012, a complaint was filed with the DCPJ. The Prosecutor at the Court of the First Instance of **Port-au-Prince**, having been informed, ordered an immediate inquiry. The same day, at around midnight, the kidnappers made contact with the MOSCOSO family and demanded a ransom of *two million five hundred thousand* (2,500,000) U.S. dollars in exchange for the release of the victims.

Quickly, it was established that the businessman Clifford H. BRANDT, a member of one of the richest families in the country, was involved in this case of kidnapping and extortion. He is even an instigator, such that he is the head of a gang considered one of the largest collective of conspirators in the country.

Three (3) days after the abduction, **the General Inspectorate of the National Police**, the **Ministry of Justice and Public Security**, as well as the **Secretary of State for Public Security** withheld information regarding the abduction and in fact knew that it was an operation of the powerful gang led by Clifford H. BRANDT. However, they chose not to intervene for unknown reasons.

Faced with this laxity, a high ranking official of the U.S. Administration, at the request of the victim's family, contacted the Haitian government and required that it come to the aid of the victims. It was only after this order that the **Superior Council of the National Police** (CSPN) provided information about the case to the DCPJ and ordered that necessary actions be taken.

It should be noted that the collaboration of a telephone company, notably **Digicel** has allowed DCPJ investigators to conduct surveillance on several people, including Clifford H. BRANDT, Edner COME also known as Jackson TRAVELINO - respectively numbers I and II of the gang; Ernst PIERRE, Franck SINTERINE, Frediane JEAN, Sawadienne JEAN, JUNIOR

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

CHARLES, Odens MARCEL, Elissoit CHARLES, aka I, Marc Jean MURAT, Jean BERNARD alias JB, etc..

Thus, on October 22nd 2012 DCPJ units, aided by agents of the *United Nations Mission for Stabilization in Haiti* (MINUSTAH) together with the Justice of Peace for *Delmas*, Me JEAN Samson, went to the *Haitian Motors Company* and proceeded to arrest Clifford H. BRANDT.

The police investigation also revealed the involvement of several officers of the PNH.

In total, *fifteen* (15) individuals were arrested and detained for *abduction, kidnapping in exchange for ransom, illegal trafficking of firearms, forgery and use of false identities/documents, impersonating a public authority, conspiracy, illegal possession of weapons, unjust enrichment, money laundering, and uttering death threats*.

They are :

- *Five* (5) police officers :
 1. Marc Arthur PHEBE, Head of the *CAT Team* at the *National Palace*
 2. Jacques Darly MICHELAIS, A4
 3. Fritz ARISTIDE, A4
 4. Oneste GABELUS, A3
 5. Gerald FONTÉLUS, A1.

- *Ten* (10) other individuals :
 1. Clifford H. BRANDT
 2. Ricot PIERRE-VAL, aka Dje , AG, and Edson FORGUE
 3. Carlo Bendel SAINT FORT
 4. Carline RICHEMA, common-law wife of Ricot PIERRE-VAL
 5. Evince LARRIEUX,
 6. Berthony DUMEZIL, A former police officer
 7. Sawadienne JEAN
 8. Franck SINTERINE
 9. Junior CHARLES
 10. Ernst PIERRE

Following these arrests, the *Secretary of State for Public Security*, Reginald DELVA denounced via radio and television, the existence of a list of more than *twenty* (20) individuals including himself, at risk of being kidnapped and killed.

II. Police officers arrested in connection with this matter

What follows is a data sheet for the *five* (5) police officers arrested in connection with this case.

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

- Marc-Arthur PHEBE, police officer responsible for the **CAT Team** at the **National Palace**, and also responsible for the security of the BRANDT family and commercial properties. He has under his command *about* ninety (90) employees among them, *four* (4) police officers. He receives a monthly income of *two hundred twenty thousand* (220,000) gourdes, **a higher salary than a Minister, for part-time work.**
- Jacques Darly MICHELAIS, A₄ works part-time at a security company called **Société Général Security** (SGS). He ensures the safety of *one* (1) of the BRANDT children. For this work, he earns *seven thousand five hundred* (7,500) gourdes every two weeks, and was introduced to the security sector by another police officer, and friend named Gamaliel SYLVAIN.
- Fritz ARISTIDE, A₄, of the 5th police promotion was introduced into the security group by a friend and former police officer, Berthony DUMEZIL. He receives each month, *fifteen thousand* (15,000) gourdes. He is assigned to the **Port-to Prince** police station.
- Oneste GABELUS, A₃, of the 14th police promotion, also assigned to the **Port-au-Prince** police station, was integrated into the security sector by his colleague Fritz ARISTIDE. He earns *seven thousand five hundred* (7,500) gourdes every two weeks.
- Gerald FONTÉLUS PNH officer of the 19th promotion, assigned to the **Motorized Intervention Brigade** (BIM) was introduced into the security sector by Marc Arthur PHEBE. He ensures the safety of certain members of the BRANDT family.

Furthermore, since the arrest of Clifford H. BRANDT, at least *two* (2) police officers lost their lives on the 9th of November 2012. They are Patrick MATHIEU and Michel Yves BELLEFLEUR. The latter having been eliminated in order to not have the opportunity to provide additional information on the functioning of the larger criminal network.

III. Seizures conducted as part of the case

In the context of this case, several objects have been seized by the PNH amongst which are weapons of war, handguns, sums of money, PNH and DEA uniforms, etc. They have been transferred to the Judge for criminal investigation :

- *Four* (4) M4 rifle magazines containing *one hundred eighteen* (118) 5.56 mm bullets
- *Five* (5) duplicate **Money Gram** transfer receipts totalling *fifteen thousand* (15,000) USD
- *Three* (3) Galil
- *One* (1) FAL
- *One* (1) M16
- *One* (1) Uzi
- *Five* (5) handguns, *two* (2) **Gluck**, *two* (2) **Beretta**
- *One* (1) revolver

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

- One (1) magnum 357
- *Thirty-eight* (38) magazines with ammunition
- *One* (1) identification card of the ***National Palace***, with an expiration date of April 21st, 2012, issued on behalf of Clifford H. BRANDT, Advisor to the President.
- *One* (1) black Rexton armored vehicle, registered with the plate BB-53142
- *One* (1) white Toyota Land Cruiser
- *One* (1) Mazda BT 50 pick-up
- *Three thousand eight hundred* (3,800) dollars in U.S. currency
- *Six* (6) PNH uniform pants, *five* (5) t-shirts jerseys bearing DCPJ registration, and *ten* (10) black tactical gloves
- *Six* (6) black nylon jackets
- *Twelve* (12) knee pads, *five* (5) black hoods, *six* (6) ballistic helmets, *six* (6) pairs of black combat boots, *five* (5) black *belts*, and *one* (1) Swat Team cap
- *Eleven* (11) t-shirts with the inscription , ***Drug Enforcement Administration*** (D EA)
- *One* (1) falsified DEA identity card
- *Four* (4) houses have been sealed
- *Thirteen* (13) phones.

IV. Information about the house used in the kidnapping victims

The house used in the confinement of the victims is located on the ***Habitation Beauduy Pernier***. It is part of the communal section of ***Bellevue Charbonnière***, in the commune of ***Tabarre***.

The house belongs to a Mrs. Mary Elianne MOUSSIGNAC, identified by the ***National Identification Card*** 08-01-1949-04-00038. It was purchased from Mr. Ronald APOLLO, (No. 003-818-698-4) acting as the representative for the heir of the late Jeanty ELOI known as, Levy JEANTY, Diedonne JEANTY, Roland MASSÉNAT, Mathieu DESULME, AND LEVELT VILVERT, on the basis of a mandate registered, the 9th of August 2001.

The sale took place in 2011 and was registered April 20th, 2011 in the register of declarations of the Notary Public Romuald ETIENNE, whose office is located at Delmas 19, Rue Léonard # 10.

According to a rental contract, Marie Elianne MOUSSIGNAC rented the house to Mr. Ricot PIERRE-VAL for the sum of *one hundred and five thousand* (105,000) gourdes for a period of *six* (6) months, from the 8th of October 2012 to April 7th 2013. At the time of the transaction, Ricot PIERRE-VAL was identified by the passport and identity card numbers PP2663732 and 004-988-964-7. The transaction was made through Rodfort JOSEPH alias Wilfort, as the owner lives in ***Jeremie***. She is the president of the orphanage ***Centre Perpetuel Secours***, located not far from the police station in Jeremie.

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

It should be noted that Marie Elianne MOUSSIGNAC is the mother of Johnny MOUSSIGNAC, a former police officer who was shot and killed October 28th, 2006 not far from this same house.

In addition, the house in question is also used by the members of the gang for their trainings.

V. Denunciations and Confessions

Denunciations and confessions made under this folder are overwhelming.

- The gang led by Clifford H. BRANDT has been operating for several years and has had at least *thirteen* (13) victims.
- Certain individuals arrested say they were *six* in number (6), while others prefer a combination of *eight* (8) individuals. Ricot PIERRE-VAL and Jean BERNARD were responsible for monitoring the victims onsite. They were contacted by Clifford H. BRANDT. The latter had already given *five hundred* (500) U.S. dollars and promised to pay each *twenty thousand* (20,000) U.S. dollars after the payment of ransom.
- At no time, did Clifford H. BRANDT count on freeing his victims in fear that they would provide information on their abductors and place of confinement. He was therefore planning to eliminate them after pocketing the ransom.
- The collective of Clifford H. BRANDT is also involved in the trafficking of firearms. In this sense, it regularly sends money to the ***United States of America*** for the purchase of new weapons that are brought to the country inside large speakers.
- Carline RICHEMA has delivered to the PNH a black and gray 9mm Zastava pistol, model 99, serial # 13477 which had been entrusted to her partner, Ricot PIERRE-VAL. The weapon and other documents were buried by Carline RICHEMA at her sister's house the house, located in the area of ***Chateau Blond***.

VI. Investigation of the case by the Judiciary

The file was transferred to the Cabinet of Instruction of Judge Pierre Gabrielle DOMINGUE.

While most individuals arrested in this case have been transferred to the civil prisons of ***Port-au-Prince*** and ***Petion-ville***, some enjoy preferential treatment. Indeed, on October 25th, 2012, after being interviewed by the Public Prosecutor at the Court of First Instance of ***Port-au-Prince***, Clifford H. BRANDT was taken to the police station in ***Carrefour*** in possession of his cellular phone.

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

On November 3rd, 2012, he and *three* (3) of his accomplices, namely, Franck SINTERINE, Junior CHARLES and Ernst PIERRE were transferred to the newly inaugurated ***Croix des Bouquets*** civil prison , established to receive individuals who have already been convicted.

The placement of these four (4) alleged kidnappers in the civil prison of Croix des Bouquets may seem to be of little consequence. However, for those who know the Haitian judicial system this is a troubling situation that demonstrates preferential treatment which requires the vigilance of all Haitian citizens.

VII. Reminder of the case of Stanley HANDAL

RNDDH draws attention to a similar case, in 2005, which led to the release of the alleged kidnappers.

Indeed, in August of 2005, Nathanael GÉNÉLUS, an employee of Unibank branch at ***Damien*** was arrested by the PNH and taken to the sub-police station at ***Delmas 62***. He has been missing ever since. Police Inspector James BOURDEAU, then head of the sub-station, and other officers were arrested on charges of having organized the kidnapping and disappearance of the Unibank cashier on behalf of Stanley HANDAL, a wealthy businessman. The latter was also arrested.

Assigned to a judge, then president of ***the National Association of Haitian Magistrates*** (ANAMAH), this case joined a number of cases that have been closed without further comment. Indeed, the Judge issued on December 30th 2005, a written warrant for *four* (4) alleged kidnappers arrested in connection with this abduction and disappearance:

- Stanley HANDAL
- Wilfrid FRANCIS, A₁
- Sony LAMBERT, A₃
- Renal CINÉUS A₄

To date, no one knows what happened to the file.

Comments and Recommendations

Cases of kidnapping in exchange for ransom are now commonplace in the country. They impoverish the population, especially the middle class, and promote the loss of human resources to foreign countries. Indeed, many victims of abduction and kidnapping ransom leave the country after their release. In addition, the involvement of businessmen, in the Nathanael GÉNÉLUS and the MOSCOSO siblings kidnapping proves that these are highly organized crimes with powerful ramifications. In this sense, the complete and definitive dismantling of the gang led by Clifford H. BRANDT is a priority and will be considered an important step in the effective fight against this form of crime that continues to grievously trouble all of Haitian society.

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

If the national authorities holding information regarding Clifford H. BRANDT had quickly passed on instructions calling the DCPJ to intervene, the gang's number II, namely Edner COME aka Jackson TRAVELINO as well as several other gang members would be in jail today.

Meanwhile, it is incomprehensible that only the name of the *Secretary of State for Public Security*, Reginald DELVA has been communicated to the Judiciary for investigation, while it is he himself who revealed the existence of a list of twenty Haitian personalities to be abducted and eliminated by Clifford H. BRANDT's gang.

In addition, in Haiti, the names of civil and political personalities are associated with drug trafficking, money laundering and other financial crimes. Police and judicial authorities should make every effort to investigate on all suspected cases of citizen involvement in these crimes. And more than ever, signs of wealth of PNH officers and all state officials should be seriously investigated.

The practice of authorizing active officers of the PNH to engage in parallel activities poses a serious threat because they can easily be put on the payroll of kidnappers and large gang leaders. This is also a situation under the guise of which, they enrich themselves illegally. In such circumstances, it is difficult to ensure the morality of the police.

In a society where justice is discredited, all offenders should be treated the same way. Clifford H. BRANDT, Frank SINTERINE, Junior CHARLES and Ernst PIERRE are not the first of the alleged kidnappers, to be arrested and put under investigation. All those who came before them, were placed at the civil prison of *Port-au-Prince*. It is also the place of Clifford H. BRANDT and his cronies. They can in no way benefit from preferential treatment, as this has already aroused widespread concern about the outcome of case, and the possibility of a fair trial.

It should be emphasized that cases of Clifford H. BRANDT and Stanley HANDAL are remarkably similar. Indeed, in these *two* (2) cases, *two* (2) businessmen are at the head of a gang of heavily armed bandits, including policemen in active service, as well as former police officers. These gangs are specialized in abduction and kidnapping in exchange for ransom, money laundering, etc...

In this sense, RNDDH fears the republication of HANDAL file, and its repetition in the context of the BRANDT CASE.

Finally, RNDDH warns the authorities against any and all political processes leading to the release of Clifford H. BRANDT and his accomplices.

In light of the foregoing, RNDDH recommends that the judicial authorities :

- ✓ Respond to the investigation conducted by the PNH ;
- ✓ Dismantle once and for all, the gang led by Clifford H. BRANDT ;

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.

- ✓ Bring to justice all members of the gang as well as all those involved in the abduction and kidnapping of Nicolas MOSCOSO and Coralie MOSCOSO ;
- ✓ Adjudicate all criminal cases fairly ;
- ✓ Reopen the criminal investigation into the case of Stanley HANDAL and prosecute all those involved in the abduction and subsequent disappearance of Nathaniel GÉNÉLUS ;
- ✓ Put an end to the practice of parallel activities of active police officers.

Brandt Case: RNDDH requires the completion of the investigation and trial of all gang members.