

TOGETHER AGAINST CORRUPTION E.C.C.

Scandals and Corruption Operations: ECC considers that Fritz William Michel is not eligible for the post of Prime Minister.

By presidential decree dated July 22, 2019, Fritz William Michel is appointed Prime Minister, replacing Jean Michel Lapin. He latter resigned the same day, having realized his inability to pass the ratification stage in Parliament, in particular because he was part of the resigning government and that within his government were several former ministers. , some of which were considered irritants.

The very day after his appointment, Fritz William Michel is indexed in a case related to feeding a Twitter account, from which he analyzed the socio-political situation of the country in general and made hateful and disparaging remarks towards Haitian journalists, women, etc.

If the excuse of the «false account» advanced by the concerned seems to have calmed the situation, today the corruption scandals in which is indexed Fritz William Michel, and which was noted by the press, Together Against Corruption Corruption (ECC), caught the collective's attention.

The first hard-hitting scandal concerns the distribution of five hundred thousand (500,000) US dollars to the five (5) senators of the Group of Parliamentarians for the Strengthening of Democracy (GPRD) in order to facilitate the ratification of its general policy after it has was voted during a celestial sitting in the Chamber of Deputies. The second concerns the case of goats purchased each for thirty-one thousand (31,000) gourdes on behalf of the state.

In the face of these cascading scandals , ECC obtained certain documents documenting the acts of corruption perpetrated by Fritz William Michel and intends to share with the public the conclusions of its analyses.

Information corroborating the involvement of Fritz William Michel in acts of corruption.

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Based on the analysis of the above documents, Fritz William Michel is involved in the management and/or management of at least five (5) firms. These are:

- Caribbean Products And Services (GPS), of which he is President and CEO,
- Express Transport led by his wife Natacha Marsan

- Fish Equipment with his wife Natacha Marsan
- Haitian Foods whose accountant Roody Torchon is also the director of Caribbean Products and Services
- Agrisol

These firms, presumably of a different nature, often provide the same services to the same department. For example, on March 10, 2017, a check numbered 1709FAG036 was issued on behalf of Caribbean Products And Services for an amount of thirty-four million five-hundred and seventy-two (34, 572,000) gourdes for work done in the South for the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR). Another check numbered 1709FAG037 was issued on the same day, on behalf of Haitian Foods for a similar amount, or thirty-four million five-hundred-seventy-two (34, 572,000) gourdes, for the same service provided to the MARNDR and for the benefit of the same department.

ECC also found that these firms are solicited for all types of services. Here are a few examples:

For fiscal year 2016-2017, checks totaling one hundred four million three hundred and sixty-seven thousand (104,367,000) gourdes were issued on behalf of Caribbean Products And Services for the purchase of:

- Boxes of pen - Senate of the Republic
- thirty (30) tonnes of corn seed
- agricultural tools
- office supplies
- sorghum seed
- TV sets for police dormitory - OR
- police chairs and tables/office chairs - OR
- bed tops for OR police
- Binders for OR Police

Caribbean Products And Services was also paid for the following services:

- Food for people - National Book Directorate (DNL)
- Services rendered to the National Book Directorate (DNL)
- Works carried out in the South
- Agriculture and Labor Day - May 1
- Improvement of the living conditions of the inhabitants of the Cul-de-sac plain

- Office supplies for the General Inspectorate of the National Police of Haiti (IGPNH)

Ninety-one million nine hundred and eighteen thousand eight hundred and forty (91,918,840) gourdes were paid to the firm Fish Equipment, for the 2017-2018 fiscal year. She was responsible for acquiring:

- Crates of oil
- Bean seeds
- Agricultural tools
- Corn seed
- Tillage tools
- Card and receipt blocks
- Seeds
- Food kits for the Kore Pèp program
- Seeds and repairs for the winter campaign

According to the documents analyzed by ECC, similar transactions are carried out by the five (5) firms mentioned above. They are paid by the same department, the MARNDR, for the same services and often on the same dates.

ECC also noted that Express Transportation and Distribution led by Fritz's wife William Michel received for fiscal year 2016-2017 an amount totaling ninety-nine million eight hundred and thirty-eight thousand (89, 838,000) gourdes against forty-nine million hundred and fifty one (49, 151,000) gourdes for the 2017-2018 fiscal year.

In addition, only for the month of October 2017, Agrisol one of the firms of Fritz William Michel, cashed three (3) cheques totaling twenty-two million one hundred eight thousand four hundred (22, 108,400) gourdes to provide the MARNDR:

- Agricultural seeds
- Agricultural Tools
- The Creole goats

Fish Equipment, one of the firms in which Fritz's wife William Michel works, was paid to supply the MARNDR with male and female goats, for several million gourdes.

Agrisol and Fish Equipment were involved in government activities in the south. Similarly, Haitian Food, which shares the same accountant with Caribbean Products and Services, was also paid for the purchase of goats and chickens.

Legal considerations. -

ECC believes that Fritz William Michel violated the law laying down the rules on public contracts and public service works concession agreements, published in the newspaper *Le Moniteur* on Tuesday July 28, 2009 (No 78), and that of March 12, 2014, published in the *Monitor* of May 9, 2014, on the prevention and repression of corruption.

Article 22 (paragraphs 4,5,6, 8, 10) of the Law laying down the rules on public contracts and public works concession agreements states: No order or subcontracting may be obtained from the State, the Territorial Authorities or the Autonomous Bodies: undertakings in which the members of the Contracting Administrative Entity or of the Bid Opening and Evaluation Committee have financial interests of any kind; the spouses of public employees and officials of the Contracting Administrative Entity, as well as their parents and allies in the second degree; companies affiliated to consultants who have contributed to the preparation of tender or consultation documents; public officials of the State and Local Authorities and their spouses; legal persons of which one of their associates is an official of the Administration or contracting authority.”

He thus committed the following offenses under the law on the prevention and repression of corruption: Abuse of office, over-billing, influence peddling, insider trading and illegal taking of interests, respectively provided for in Articles 5.5, 5.8, 5.9, 5.11 and 5.13 of the aforementioned Law.

Abuse of function (Article 5.5): "Abuse of office is the act of a public official to abuse his or her office, that is, to perform, in the performance of his or her duties, an act in violation of the law in order to obtain an undue advantage for himself or herself, another person or entity. The public officer who is guilty of abuse of office is sentenced to imprisonment and has a fine of two hundred thousand gourdes.”

Extra-billing (Article 5.8): Any official, public official, or representative of the State which carries out or causes to be invoiced, for a higher amount than the actual cost, a good or a service to be acquired on behalf of the State (...) is guilty of the crime of extra-billing and is punished with imprisonment and a fine of one hundred and fifty thousand to two hundred and fifty thousand gourdes without prejudice to the sanctions provided by market regulation. In addition, the amount or value of the extra-billing or the resulting product will be forfeited to the State. Every instigator, every accomplice of extra-billing is punished with the same penalties as the author.”

Influence peddling (Article 5.9): Any person who solicits or authorizes offers, gifts or promises to abuse real or supposed influence for the purpose of obtaining from a public authority or administration, distinctions, jobs, contracts or any other favorable decision for a third is punished with a prison sentence of one year to three years and a fine of one hundred and fifty thousand to two hundred and fifty thousand gourdes as well as

confiscation of the donations received. The instigator, the accomplice of the offer, the gifts or the promise is sentenced to the same penalties and fine as the author.”

Insider Dealing (Section 5.11): 'Any person who has used, for his own benefit or for that of a third party, reserved information or privileges which he has obtained in the performance of his duties concerning the award of public contracts or the prospects of future developments a regulated market, is guilty of insider trading and is punished with a sentence of one year to five years in prison and a fine of five hundred thousand, without prejudice to any damages.”

Illegal taking of interest (Article 5.13): "The taking, receiving or retaining, directly or indirectly, by a person holding the public authority or entrusted with a public service task or by a person entrusted with a public elective mandate, any interest in an undertaking or transaction for which it is responsible, at the time of the act, in whole or in part, for supervision, administration, liquidation or payment, is punished with imprisonment and a fine of one hundred and fifty to two hundred and fifty thousand gourdes.”

Conclusions.-

In the light of the facts analyzed, ECC has come to the conclusion that Fritz William Michel has for years been at the head of a corruption machine which, to the detriment of the State, has allowed him to enrich himself in an illicit way, in concert with his wife Natacha Marsan and his brother Salomon Ashley Prudent.

To the cascading scandals related to the management of a Twitter account that attacked Haitian citizens in irreverent and hateful language, to the distribution of several thousand US dollars to parliamentarians, whose Senators of the GPRD is also added the creation of at least five (5) firms which, with the complicity of high-ranking personalities within the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR), were able to benefit from public contracts for huge amounts.

ECC believes that the Anti-corruption Unit (ULCC), the Central Unit of Economic and Financial Intelligence (UCREF) and the Public Prosecutor’s Office at the Court of First Instance of Port-au-Prince must deal with these various files.

Similarly, the Superior Court of Auditors and Administrative Litigation (CSC/CA) is required to examine the operation of the Ministry of Economy and Finance (MEF) and the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR), which seems to have agreed to award numerous public procurement contracts to Fritz William Michel’s firms.

Pending the results of these investigations, ECC believes that Fritz William Michel cannot in any way occupy the position of Prime Minister.

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