



NEWS RELEASE

COMMUNIQUE DE PRESSE

CONTACTER : **Marie Rosy Kesner AUGUSTE DUCÉNA**
PHONE : **(509)2940-1222 / 3755-9591 / 3463-4192**
Cell : **(509) 3782-2897**

*Release of an individual arrested in a case of armed theft of a vehicle:
The RNDDH requests an investigation by the judicial inspection*

1. The National Human Rights Defense Network (RNDDH) is particularly concerned about the deterioration of the general human rights situation in the country and the persistence of the socio-political crisis.
2. The numerous cases of kidnapping followed by kidnapping for ransom, the cases of assassinations as well as the wars and armed attacks perpetrated by armed bandits enjoying the protection of the State authorities, the dysfunction of the Haitian judicial system, the impunity set up as a system, the inability of the authorities to ensure the regular and safe transport of petroleum products to service stations, the increase in basic necessities due to the unavailability of fuel, etc., proves that armed bandits are in command. Added to this, every day the unprecedented happens: Spectacular kidnappings are taking place in the homes of the victims and in less than a week, two (2) students were hit by projectiles while they were in the very precincts of their separate school. This gloomy picture of everyday reality proves in a shattering way, the characterized incompetence of the authorities in power.
3. However, while the situation summarily described here remains worrying, the RNDDH believes that nothing is more overwhelming than the active involvement of the judicial

authorities in the violation of human rights. The examples are numerous but, the most recent case on which the RNDDH has examined, particularly attracts attention:

4. On October 15, 2020, at around 8.30 p.m., journalist Widlore MÉRANCOURT was in front of his office premises in Bourdon, when two (2) armed individuals ordered him to board his vehicle, Suzuki Vitara brand, grey, registered BB 95936. A few meters away, Widlore MÉRANCOURT was ordered to get out of his car and his attackers then threatened to kill him. However, as soon as he set foot on the ground, they started the car and left.

5. The next day, Widlore MÉRANCOURT went successively to the Port au Prince Police Station, to the Central Directorate of the Judicial Police (DCPJ) where after being interviewed for the first time, he was taken to the Brigade de Lutte contre le Vol de Véhicule (BLVV) where he made his statement before going to the Office d'Assurance Véhicules Contre Tiers (OAVCT).

6. On September 30, 2021, Widlore MÉRANCOURT was in a taxi on Martin Luther King Avenue when he saw his vehicle pass by. Immediately, he alerted a police patrol who proceeded to arrest the driver. The latter, Serjo MASILLON, presented himself as a soldier of the Army of Jovenel MOÏSE. He was found with in his possession a 9-millimeter Walther caliber weapon, which is neither his service weapon – since it is not these weapons that are distributed to soldiers – nor registered in his name. A new license plate was found on the vehicle: BB 28187. However, after checking the serial numbers of the vehicle's engine and chassis, it turned out to be this one actually belongs to Widlore MÉRANCOURT.

7. Serjo MASILLON was arrested and taken to the Canapé-Vert sub-police station on charges of vehicle theft. His file was transferred to the Departmental Section of the Judicial Police – West (SDPJ – West). At the same time, the matter was referred to the Public Prosecutor's Office at the Court of First Instance of Port-au-Prince.

8. On October 14, 2021, a delegation of power was granted to the SDPJ, for a period of thirty (30) days, by the Deputy Government Commissioner at the Court of First Instance of Port au-Prince, Me Orange ROMAIN.

9. On October 29, 2021, the Deputy Government Commissioner, Gérald Belony NORGAISSSE, issued a release order in favor of Serjo MASSILLON.

10. The RNDDH spoke with the latter, who stated that this release comes after a habeas corpus hearing held on October 20, 2021, with the participation of Deputy Commissioner Quédex JEAN as a representative of the Public Prosecutor's Office. Immediately after this hearing, Deputy Commissioner Quédex JEAN went on vacation. This explains, according to the substitute Gérald Bélony NORGAISSSE, why it is he himself who signed the release order.

11. For his part, the Dean at the Court of First Instance of Port-au-Prince, Mr. Bernard SAINVIL, personally presided over the sitting on October 20, 2021 to hear this habeas corpus action brought by Serjo MASILLON's lawyers.

12. The handling of this case by the Public Prosecutor's Office at the Court of First Instance of Port-au-Prince leaves the RNDDH perplexed:

- A first deputy government commissioner, Me Orange ROMAIN, gives the Haitian National Police (PNH) a delegation of power to investigate a file that he considers of the utmost importance. He is still awaiting the results of the requested investigation.
- A second, Me Quédex JEAN, sits in a habeas corpus hearing in the same case. Without taking into account this delegation of power and the interest of the Public Prosecutor's Office deemed "one and indivisible", it gives its favorable opinion for the release of Serjo MASILLON while the complainant is well known and has come forward on several occasions.
- A third substitute, Gérald Bélony NORGAISSSE, signs the release order.

13. For his part, the dean at the Court of First Instance of Port-au-Prince, Bernard SAINVIL, will not cease to amaze litigants and the RNDDH by his behavior: this is the case in the processing of some files and very nonchalant, for others, he needs only a few hours to rule on the case of army officer Serjo MASILLON and seventeen (17) days to

rule on the habeas corpus action, brought by the lawyers of the policeman Abelson GROS NÈGRE.

14. The speed of the court of first instance of Port-au-Prince did not even allow the magistrates to wait for the results of the investigation of the SDPJ which, having not been informed of the release of Serjo MASILLON, continues to compile information relating to this case of theft of an armed vehicle, criminal association, death threats and illegal possession of firearms. However, this is the same court where three (3) prisons are located which, as of September 29, 2021, accuse a workforce of four thousand-eleven (4,011) people including three thousand-six-hundred-eighteen (3,618) in a situation of illegal and arbitrary preventive detention. These people have been languishing in prison for several years and would have given what they do not have to benefit from the same speed of the magistrates.

15. Since the Port-au-Prince Court of First Instance has mobilized to release Serjo MASILLON quickly without taking into account the complaint lodged by Widlore MÉRANCOURT, the RNDDH hands over his life to Dean Bernard SAINVIL and prosecutors Québec JEAN and Gérald Bélony NORGAISSE.

16. The RNDDH also recommends to the Superior Council of the Judiciary (CSPJ) and the Directorate of Judicial Affairs of the Ministry of Justice and Public Security to finally begin this long-awaited process of certification of all magistrates, judges and prosecutors, of first instance of Port au-Prince. He also invites the CSPJ to pay particular attention to the management of the deanship by Dean Bernard SAINVIL.

Port-au-Prince, November 8, 2021