

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



**Six (6) months after the tragic murder of Jovenel MOÏSE:
No Judicial Police Investigation Supplement - No Judicial Investigation**

January 6, 2022

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I. INTRODUCTION

1. On the night of July 6-7, 2021, President Jovenel MOÏSE was assassinated at his home in tragic circumstances.
2. The investigation conducted by the National Human Rights Defense Network (RNDDH) revealed that this assassination occurred after the assembly of a well-crafted plan for the preparation of which, the intellectual authors were able to count on the support of two (2) Presidential Security Officials, namely Divisional Commissioner Jean Laguel CIVIL and Municipal Commissioner Dimitri HERARD, respectively coordinator of the general security of the assassinated president and head of the General Security Unit of the National Palace (USGPN).
3. Today, six (6) months after this assassination, the judicial investigation is floundering and no intention of finding all the guilty and bringing them before the repressive court is registered, Hence the eagerness of the RNDDH to share with the public some shadowy points that deserve clarification.

II. SUMMARY OF SOME RESULTS OF THE INVESTIGATION INTO THE ASSASSINATION OF JOVENEL MOÏSE

4. The investigation identified several issues that deserve to be addressed:
5. From January to June 2021, several individuals landed on Haitian soil. These are at least three (3) Americans of Haitian origin, one (1) Venezuelan and twenty-two (22) Colombians. On the day of June 6, 2021, twenty-two (22) of them arrived. Most of them had a security contract with the Counter Terrorist Unit (CTU).
6. Numerous meetings were held in Port au-Prince, Delmas and Pétion-Ville to plan the assassination of Jovenel MOÏSE. Political figures took part in these meetings, and many believed that they were planning the arrest and departure for the exile of Jovenel MOÏSE. Some of them believed they would replace Jovenel MOÏSE in power.
7. Foreign nationals were grouped into four (4) units of five (5) members each to operationalize their mission. The unit named Delta, to which Mario Antonio PALACIOS alias Floro belonged, had the mission to enter the residence of President Jovenel MOÏSE.
8. The evening of his assassination, Jovenel MOÏSE made several distress calls: the then general director a.i. of the PNH, Léon CHARLES, the divisional commissioner Jean Laguel CIVIL coordinator of the general security of the national palace and the municipal

commissioner Dimitri HERARD, in charge of the General Security Unit of the National Palace (USGPN), all promised to help the victim, knowing they wouldn't do it.

9. The first photo of the corpse of President Jovenel MOÏSE was seized by a mobile phone registered to Manuel FRISNER. He was in possession of one of the members of the Delta unit.

10. Immediately after the assassination of Jovenel MOÏSE, Joseph Félix BADIO entered the residence. He took away documents, a large sum of money and the weapons of the police officers who were on the scene and allowed themselves to be beaten without protesting. He had boarded a pick-up truck. The wife of the deceased president, Martine MOÏSE was still in the house.

11. For their part, the police officers who were providing security to President Jovenel MOÏSE that night also took away large sums of money.

12. The investigation also revealed that many PNH officers assigned to the President's safety were bribed. They were paid for to allow the commando to pass, whose mission was to assassinate the president. Many believed, however, that Jovenel MOÏSE would be arrested and sent into exile.

13. History will remember however that six hundred and forty-seven (647) agents of specialized units of the Presidential Security Unit (USP), the General Security Unit of the National Palace (USGPN) and the Cat Team could not protect the only person whose mission they had: President Jovenel MOÏSE.

14. At least forty-four (44) individuals were arrested during the month of July 2021 by the Central Directorate of the Judicial Police (DCPJ) among them, eighteen (18) Colombian nationals, three (3) Americans of Haitian origin, twenty (20) agents of the PNH and three (3) other individuals including Corvington Security S.A. and Marie Jude Gilbert DRAGON.

15. On August 4, 2021, the partial report of the Central Directorate of the Judicial Police (DCPJ) was transferred to the judicial authorities. After several delays, the choice of magistrate Garry ORELIEN was made by the dean at the Court of First Instance of Port-au-Prince, Maître Bernard SAINVIL, to conduct the judicial investigation around this case.

16. On September 24, 2021, Training Magistrate Garry ORELIEN ordered the arrest of three (3) other officers assigned to the USGPN. They are police officers Wilner CANGE, Cicéron CEDERNIER and Jacques SINCERE.

III. RECORDED CROSS CALLS

17. The attention of the RNDDH was particularly drawn by the thousands of telephone calls made between persons indexed in the preparation and commission of this assassination. Some of these cross-calls deserve to be reported.

18. From January to July 2021, Joseph Félix BADIO met with:

- Cinéus Francis ALEXIS
- Léon CHARLES
- Reynaldo COVINGTON
- Marie Jude Gilbert DRAGON
- Ariel HENRY
- Harshcard Pierre JOSEPH
- John Joël JOSEPH
- Christian Emmanuel SANON
- James SOLAGES
- Wendell Coq THELOT

19. The fateful night of this assassination, from one o'clock in the morning, Joseph Félix BADIO met with Marie Jude Gilbert DRAGON, John Joël JOSEPH, Marie Jude Jacques NAU alias Jacky NAU, Dimitri HERARD, Jude LAURENT and Ariel HENRY, the current Prime Minister.

20. And, while the current Prime Minister Ariel HENRY claims to have forgotten the content of his discussions with Joseph Félix BADIO, it should be noted that they met at least twelve (12) times. The last two (2) calls were made between them the night of the murder of the victim.

21. Joseph VINCENT spoke with:

- Joseph Félix BADIO
- Grégoire BONY
- Léon CHARLES
- John Joël JOSEPH
- Gordon PHENIL

22. Marie Jude Gilbert DRAGON was in contact with:

- Joseph Félix BADIO
- Dominick CAUVIN
- Francis Alexia CINEUS
- Reynold CORVINGTON
- Dimitri HÉRARD
- Joseph JAAR
- Harshcard Pierre JOSEPH
- John Joël JOSEPH
- Jude LAURENT
- Marie Jude Jacques NAU alias Jacky NAU
- Christian Emmanuel SANON
- James SOLAGES

23. For his part, Cinéus Francis ALEXIS was in contact with:

- Joseph Félix BADIO
- John Joël JOSEPH
- Rodolphe JAAR

24. James SOLAGES was in contact with:

- Joseph Félix BADIO
- Léon CHARLES
- John Joël JOSEPH
- Emmanuel Christian SANON
- Joseph VINCENT

25. For their part, Jean Laguel CIVIL and Dimitri HERARD used different telephone numbers during this period analyzed by the RNDDH. However, they were in constant contact with the individuals mentioned above.

26. During the night of July 6 to 7, 2021, most of the telephone numbers belonging to the people were broadcast to Pèlerin 5, Pétion-ville and/or around the national palace.

IV. FOCUS ON SOME PERSONS INDEXED IN THE ASSASSINATION OF JOVENEL MOÏSE

27. Five (5) persons must be very important for the manifestation of the truth in connection with this assassination.

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28. Marie Jude Gilbert DRAGON was responsible for providing accurate information on the victim's actions to Joseph Félix BADIO. He was in direct contact with Divisional Inspector Jude LAURENT who was previously attached to his safety when he was a police commissioner. The latter was stationed in the house of Jovenel MOÏSE. In addition, Marie Jude Gilbert DRAGON was responsible for providing the commando with the insignia of the Drug Enforcement Administration (DEA), for the operation from July 6 to 7, 2021. Arrested on August 1, 2021, and charged in the case, Marie Jude Gilbert DRAGON died on November 17, 2021, at the Civil Prison of Port-au-Prince, in unclear circumstances. According to information circulating, he was suffering from acute respiratory distress and several requests had been made to the judicial authorities – the last one dated November 15, 2021 – to authorize his transfer to a hospital. On November 15, 2021, a request was made. Two (2) days later, Marie Jude Gilbert DRAGON was allowed to leave the prison, to die the same day at the Hospital.

29. Commissioner Dimitri HERARD was responsible for supplying the commando members with weapons and ammunition including assault rifles, tear gas canisters, hand grenades and power saws. Arrested on July 14, 2021, and imprisoned, he awaits the order of the magistrate instructor.

30. Divisional Commissioner Jean Laguel CIVIL was in charge of bribing the officers assigned to the security of President Jovenel MOÏSE. He had in his possession at least one hundred thousand (100,000) US dollars to do this. Arrested on July 26, 2021, and imprisoned, he awaits the order of the magistrate instructor.

31. Joseph Félix BADIO was in charge of coordinating the assassination and receiving, in real time, information about the actions of President Jovenel MOÏSE. On the run, he is the subject, according to the DCPJ, of a wanted notice (APB).

32. John Joël JOSEPH's mission was to pay in cash the rental costs of the vehicles that were to be used to perpetrate the assassination from July 6 to 7, 2021. He was able to leave the country in November 2021, with the complicity of the primature and the national palace whose current secretary general, Josué PIERRE -LOUIS is his brother-in-law. John Joël JOSEPH maintains a privileged relationship with the latter.

33. Other persons indexed in the commission of this assassination should also receive attention. Christian Emmanuel SANON, who was to replace Jovenel MOÏSE as President of the Republic, resided at Delmas 60, in a house owned by Samir HANDAL. Colombians were also welcomed in this house where numerous meetings were held to plan the assassination of Jovenel MOÏSE.

34. On July 9, 2021, Samir HANDAL left the country with the complicity of police authorities who escorted him to the Toussaint Louverture International Airport. Immediately after his organized departure, a warrant to bring against him was issued by the prosecutor at the Court of First Instance of Port-au-Prince. On November 15, 2021, Samir HANDAL was arrested in Turkey.

35. In addition, of the forty-seven (47) persons who had been arrested, four (4) were granted provisional release on January 3, 2022. They are: Chief Inspector Paul Eddy AMAZAN and police officers Wilner CANGE, Cicéron CEDERNIER and Jacques SINCERE. If Chief Inspector Paul Eddy AMAZAN was arrested on July 15, 2021, the last three (3) were arrested on September 24, 2021, by the magistrate instructor Garry ORELIEN.

36. The remaining thirty-nine (39) are still incarcerated and awaiting the order of the Supervising Magistrate.

37. For his part, Captain Mario Antonio PALACIOS alias Floro was presented by his compatriots imprisoned in Haiti as one of the people to have known that President Jovenel MOÏSE had to die. And, as mentioned above, he was part of the Delta unit that had been tasked with investing the President's residence and executing it.

38. Mario Antonio PALACIOS alias Floro entered Haiti on June 4, 2021. After the assassination of Jovenel MOÏSE, he spent several days in the country before fleeing. An APB and a warrant to bring respectively the DCPJ and the prosecutor's office to the Court of First Instance of Port-au-Prince were issued against him. On October 21, 2021, he was arrested in Jamaica. During his incarceration, he collaborated with the Federal Bureau of Investigation (FBI) by providing crucial information regarding the assassination of Jovenel MOÏSE. However, in the absence of an extradition agreement between Jamaica and Haiti, he could not be extradited to the country where he committed the murder.

39. On January 3, 2022, following an alert launched by Interpol, Mario Antonio PALACIOS alias Floro was apprehended in Panama and extradited to the United States where he is charged with conspiracy to provide material support that has led to death and conspiracy to kill or abduct persons outside the United States.

V. BLOCKING THE JUDICIAL POLICE INVESTIGATION

40. As part of its judicial investigation work and in order to be as efficient as possible, the Central Directorate of the Judicial Police (DCPJ) must have access to the databases of certain state institutions such as the Office of Vehicle Insurance Against Third Parties

(OAVCT), which can provide information on vehicles involved in life-threatening acts and property, the National Identification Office (ONI) likely to provide the identity and contact details of persons suspected of being involved in the commission of wrongdoing, the Directorate General of Taxation (DGI) which can provide information on the tax life of the individuals sought and the Directorate of Immigration and Emigration which presents the movements on the territory and outside the country, of the potentially sought individuals.

41. However, shortly before the assassination of President Jovenel MOÏSE and without any explanation being provided, the access of the DCPJ to the databases of the OAVCT, the ONI, the DGI and the Directorate of Immigration and Emigration was prohibited. Thus, the DCPJ cannot have any important information that could help it in its investigation: The vehicles that were used to perpetrate the crime, the likely transactions carried out in Haiti by foreign nationals who would then have been obliged to use their passport, for example, to obtain a mobile phone, the potential use of national identification cards and driver's license, for purchases, rentals, biometric and tax data of the persons involved, as well as the movements of these individuals both domestically and abroad.

42. To date, access has never been restored and no steps have been taken by the authorities.

43. Since the transfer of the DCPJ partial investigation report to the judicial authorities in early August 2021, the investigation has been blocked. On this point, the RNDDH believes that this investigation for the manifestation of the truth must be carried out in conjunction with the DCPJ, because of its capacities and abilities in the search of perpetrators and co-perpetrators of criminal acts.

44. When the former director general a.i. of the PNH Léon CHARLES was still at the head of the police institution, he demanded that a progress report of the investigation be made to him every day by the DCPJ. Thus, he remained informed of all persons interviewed and/or arrested, of the searches that had been carried out and of the telephones whose calls had been analyzed. Moreover, in September 2021, the investigators who had worked on the investigation were convened by the General Inspection of the PNH who asked them specific questions relating to their work, with the obvious objective of intimidating them. These behaviors were in fact acts of blocking, especially when we remember that Léon CHARLES was himself in contact with Joseph Félix BADIO, Joseph VINCENT and James SOLAGES. However, even after the departure of the former director a.i. Léon

CHARLES, the investigation did not resume at the level of the DCPJ. This suggests that the order to rule on it comes from higher authorities.

45. The cross-calls revealed that Joseph Félix BADIO, John Joël JOSEPH and Marie Jude Gilbert DRAGON were in contact with all persons indexed in this assassination. However, the DCPJ did not continue to investigate them.

46. The judicial police investigation has never extended to banking institutions. However, it remains a fact that transactions have been carried out and that at least two (2) Haitian banking institutions have been used for the transfer and circulation of exorbitant amounts, from the United States to Haiti. The information was confirmed by the FBI. Nevertheless, the DCPJ never allowed its investigators to delve into this aspect of the investigation, which would have helped to identify those who paid for the crime.

47. Today, the DCPJ is not conducting any further investigation and no final report on the assassination of Jovenel MOÏSE is being prepared.

VI. NO JUDICIAL INQUIRY

48. The judicial investigation conducted by the magistrate Garry ORELIEN waded because, only a few hearings and a transport at the scene of the crime with great reinforcements of publicity, were carried out. It is not a surprise in that, as soon as he was appointed, the capacity of the investigating magistrate to carry out such an investigation had been called into question.

49. The magistrate, therefore, should have realized the complexity of such a case and granted Letter of Request to the DCPJ to deepen its investigations and provide the criminal chamber, other crucial elements that could have helped to manifest the truth. However, this has not been done.

50. Moreover, instead of carrying out the investigation for which he was appointed, Magistrate Garry ORELIEN and his Registrar Elysée CADET intimidate and threaten persons indexed in this case for having at one time or another maintained a bond, however tenuous it may be, with the murderers of Jovenel MOÏSE. This is the case for example of RJ Rent a Car, a car rental company, co-owned by Oly DAMUS.

51. On June 21, 2021, Joseph Félix BADIO came to the RJ Rent a Car to rent four (4) vehicles. Since then, the lease has been regularly renewed, the last renewal being dated July 1, 2021, for a period of eight (8) days.

52. Following the assassination of Jovenel MOÏSE, two (2) of the vehicles in question were confiscated by the DCPJ. They were never handed over to the company despite an interim ruling handed down on November 15, 2021 by the Civil Court of Port-au-Prince.

53. At the same time, on December 6, 2021, Oly DAMUS learned on the radio that a warrant to bring and a departure ban had been issued against him by the magistrate instructor Garry ORELIEN, following an invitation warrant dated November 22, 2021 which had been sent to him, which he would not have followed up on. However, Oly DAMUS had never received an invitation.

54. On the same day, he informed his lawyers who were quick to contact Trial Magistrate Garry ORELIEN. On December 8, 2021, one of his lawyers was contacted by the Registrar of the Magistrate, Elysée CADET. The latter requested a meeting with the company RJ Rent a Car.

55. The following day, December 9, 2021, Elysée CADET presented himself to the company as the emissary of the magistrate Garry ORELIEN who promised to have the arrest warrants and departure ban issued against Oly DAMUS annulled if the latter agreed to transfer a vehicle in the name of the clerk.

56. Following this meeting, Elysée CADET who has always claimed to intervene with the blessing of the magistrate, continued to exchange with Oly DAMUS by WhatsApp message, sending a copy of his driving license, so that the transfer of the vehicle be done in his name, requiring information on the makes of the company's vehicles, providing specifications on the type of vehicle it wants to have and threatening to stop OLY DAMUS if it does not act quickly on its requirements.

VII. COMMENTS AND RECOMMENDATIONS

57. The tragic murder of President Jovenel MOÏSE perpetrated in his residence, on the night of July 6 to 7, 2021 must be elucidated not only because the Haitian people need to understand what happened, but also because the right to life is fundamental, its violation must immediately result in the resulting punishment. This is a sacred principle on which the maintenance of order in a society based on the democratic rule of law and respect for human rights depends.

58. The RNDDH believes that the police and judicial authorities must undertake to conduct an impartial investigation, hear all those who could have a link with the persons indexed in this murder and extend their investigations to banking institutions, in order

to find the information that could help the manifestation of the truth and the identification of all the intellectual and material perpetrators of this crime.

59. The RNDDH believes in this sense that the fact of not wanting to extend the criminal investigation to the banking institutions that hosted accounts that had agreed to transactions in order to pay the murderers of Jovenel MOÏSE, does not protect them in any way.

60. Moreover, the former director general a.i. of the PNH Léon CHARLES having met several times with Joseph Félix BADIO, Joseph VINCENT and James SOLAGES more than ever, the RNDDH considers that it has an obligation to provide information on its links with the latter, especially since he was among the first people contacted by Jovenel MOÏSE on the night of his assassination and he had decided not to assist him. And, which at the beginning of the investigation conducted by the judicial police could be considered an interest in the progress of the case, should be analyzed in the light of these probable links with Joseph Félix BADIO, Joseph VINCENT and James SOLAGES and considered as a possible maneuver to guide the investigation and avoid his name being mentioned in the report.

61. Since foreign nationals had been actively involved in the preparation and commission of this murder, it is also important to work diligently with foreign intelligence agencies that can help trace the perpetrators and co-perpetrators of this crime. The irrefragable evidence remains and remains the arrest and extradition of Mario Antonio PALACIOS alias Floro by the American authorities while the Haitian state could not succeed in bringing him to Haiti.

62. Furthermore, the reasons why the DCPJ no longer has access to the databases of the OAVCT, the DGI, the ONI and the Directorate of Immigration and Emigration must be clarified because this sudden prohibition hinders the smooth running of the judicial investigation.

63. No additional judicial police investigation for the preparation of a final report on the murder of Jovenel MOÏSE is ongoing at the DCPJ level. This decision was taken at the highest level of the state. Similarly, no judicial investigation is currently being conducted by Trial Magistrate Garry ORELIEN. On the contrary. The latter used his position to, in complicity with his clerk Elysée CADET, intimidate people and try to extort their property. In this sense, the RNDDH believes that the judicial inspection cells both at the level of the Superior Council of Judicial Power (CSPJ) that at the level of the Ministry of

Justice and Public Security must quickly open an investigation on the behavior of the magistrate Garry ORELIEN and its clerk Elysée CADET and rigorously sanction them.

64. The RNDDH remains convinced that President Jovenel MOÏSE was delivered by his security officials. Because without the active participation of Divisional Commissioner Jean Laguel CIVIL and Municipal Commissioner Dimitri HERARD, respectively General Security Coordinator of the President and Chief Officer of the USGPN, the assassination could not have been carried out in this way.

65. However, today, the RNDDH reminds that it is up to the police and judicial authorities to spring the truth and condemn the culprits. Therefore, the RNDDH recommends that police and judicial authorities:

- Pass instructions for the resumption of the judicial police investigation;
- Identify the banking institutions in Haiti that paid for the preparation and commission of the crime;
- Interview all individuals who have spoken to those who are indexed in the crime;
- Investigate the behavior of Trial Magistrate Garry ORELIEN and his Registrar Elysée CADET in the investigation of this case and take the necessary sanctions again.