

National Human Rights Defense Network (RNDDH)



Assassination of President Jovenel MOÏSE:
Rights to judicial guarantees of all parties systematically violated

July 08, 2022

Synopsis

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Summary

1. On the night of July 6-7, 2021, President Jovenel MOÏSE was assassinated at his home. A year later, the judicial police investigation was not completed, and the judicial investigation of the case did not move forward.
2. After sending its preliminary report to the courts, the Central Directorate of the Judicial police (DCPJ) did not receive any letters of request and the investigators did not receive any instructions for further investigation.
3. Five (5) investigating judges have been successively appointed. The only one to have done a few rare acts of instruction is the one who was splashed by a scandal of corruption and extortion of money, after his lack of experience in the judiciary, as well as his skills and abilities, had been questioned.
4. For one year, the instructor magistrate heard only thirteen (13) people among the forty-seven (47) arrested and incarcerated in Haiti. Four (4) of them were released and nine (9) were returned to prison. The Colombians suspect, for their part, were not heard by the investigating judge. Nor have they ever received notification of the facts which are alleged against them.
5. With one inmate dead, forty-two (42) people are still incarcerated in this case. They find themselves in a situation of unlawful and arbitrary pre-trial detention and see their rights to judicial guarantees trampled every day. Their fate seems to matter little to the new magistrate in charge of the investigation of the case since his appointment, the only invitations he sent were sent to witnesses, but not to the thirty-three (33) incarcerated persons, who the investigation firm has not yet heard. His invitations also do not concern the many people not imprisoned, but against whom restrictive orders of freedom had been issued.
6. Moreover, after having been beaten for the most part by the DCPJ and subjected to inhuman treatment by both the DCPJ and the BLTS, after having been heard in the absence of their lawyers or witnesses of their choice, these people are kept in prison in degrading conditions and in total indignity. As a result, their physical and mental health and lives are at risk.
7. Several people, including at least two (2) of the Colombian prisoners, have contracted tuberculosis in prison. Others suffer from diseases caused by the acts of torture to which they have been subjected. And some others, who had been ill before they were incarcerated, are not receiving the necessary care to which they are entitled.
8. The RNDDH is therefore based on these facts and observations to affirm that a year after the assassination of President Jovenel MOÏSE, nothing is done to grant justice to the victim and his

rights holders. Nor is anything being done to treat those incarcerated with respect for the inherent human dignity of every person, and for their judicial guarantees.

9. On the strength of all this, the RNDDH recommends to the judicial and penitentiary authorities:

- To hear all those currently in illegal and arbitrary pre-trial detention, indexed in this murder, including the eighteen (18) Colombians;
- To hear from persons against whom restrictive orders of freedom have been issued;
- Grant letters of request to the Central Directorate of Judicial Police (DCPJ) for further investigation;
- To ensure that all persons incarcerated in connection with this particular case are treated in strict compliance with the Minimum Rules for the Treatment of Prisoners;
- To judge and convict all those involved in the preparation and commission of this assassination.

I. INTRODUCTION

1. On the night of July 6-7, 2021, President Jovenel MOÏSE was assassinated at his home in Pèlerin. The judicial police investigation opened around this case allowed the arrest and imprisonment of several people. They are awaiting the results of the judicial investigation against them for their involvement in this murder.

2. Today, one (1) year after this heinous crime, the National of Human Rights Defense Network (RNDDH), which has never ceased to follow the evolution of the file, proposes to share with public opinion, the information gathered on the ground, relating to the police investigation and judicial investigation of this case.

II. METHODOLOGY

3. To carry out this work, the RNDDH spoke with:

- The PNH General Inspection (IGPNH);
- The Central Directorate of Judicial Police (DCPJ);
- The fifth instructing magistrate appointed to conduct the investigation;
- The Consul of Colombia in Haiti;
- The eighteen (18) incarcerated Colombians;
- Twelve (12) of the twenty (20) PNH officers incarcerated;
- The three (3) Haitian Americans incarcerated;
- Six (6) lawyers for incarcerated persons;
- Relatives of incarcerated persons.

III. SOCIO-POLITICAL CONTEXT OF THE COUNTRY SINCE THE ASSASSINATION OF JOVENEL MOÏSE

4. In the year following the vicious murder of Jovenel MOÏSE, from July 2021 to July 2022, the general context of the country was characterized by physical, judicial, political, and economic insecurity.

On physical insecurity

5. The physical insecurity in which the population is floundering is manifested by daily assassinations perpetrated against citizens, cases of kidnappings followed by sequestration for ransom, and struggles between armed gangs.

6. From January to the present day, if we consider the information collected by the RNDDH and by the Episcopal Commission for Justice and Peace (CE-JILAP), on average three (3) people are murdered per day, either by firearm or by stabbing. Although the situation remains more worrying in Port-au-Prince, these killings are being carried out across the country. Among the victims are at least three (3) journalists as well as twenty-six (26) agents of the National Police of Haiti (PNH).

7. While at the beginning of 2022, the alerts received by the RNDDH indicated five (5) to ten (10) people abducted each day, today, the daily average is ten (10) people. As a direct consequence of these cases of kidnapping followed by sequestration for ransom, entire families are decapitalized. However, after the ransoms are paid, the victims' relatives have no guarantee that they will be handed over to their families, or even released healthy; just as there is no guarantee that the victims will not be kidnapped again. In addition, many people who brought the ransoms to the kidnappers of their loved ones were also imprisoned for ransom.

8. Abducted women and girls are most often victims of mass and repeated rape. And, the RNDDH received, during the period from July 2021 to July 2022, several alerts relating to kidnapped men who were also raped by their kidnappers, including by the gang of 400 Mawozo and the gang led by Vitelhomme INNOCENT.

9. At the same time, it should be noted that in late 2021, several new armed gang outbreaks were discovered. In Laboule 12, in Pernier in the Department of the West but also in several cities of other geographical departments of the country, gangs multiply, impose their law, and do not worry about the arrogance with which they operate.

Armed gangs and insecurity

10. As during the years of the presidency of Jovenel MOÏSE, hegemonic struggles between armed gangs continued to sow mourning among the Haitian population.

11. The situation in Martissant and Fontamara, which broke out shortly before his murder, worsened. Armed attacks against buses or other vehicles using the section of road leading to four (4) geographical departments of the country, namely, the South-East, the Nippes, the South, and the Grand 'Anse as well as part of the Department of the West, have multiplied. Thus, the number of people who were victims in June 2021, at the beginning of hostilities between armed gangs fighting for control of this territory, was exponentially impacted by these raids.

12. At the Croix-des-Bouquets the armed gang of the 400 Mawozo became more powerful after the assassination of Jovenel MOÏSE. He was involved, throughout the period analyzed, in various cases of kidnappings, diversion of buses and trucks of goods as well as in murder cases. It is also an armed gang with the ability to block the entire Croix-des-Bouquets, to prevent the judicial system from functioning there and extending its territory a little more every day not only in all the communes of the said district but also in other communes. The civilian population, magistrates, and agents of the PNH were kidnapped and/or murdered by the gang of 400 Mawozo.

13. In addition, from April 24 to May 6, 2022, the armed gang of the 400 Mawozo attacked the Chen Mehan base in its stronghold at the Croix-des-Missions. The ensuing carnage resulted in the assassination, in eight (8) different areas, by the two (2) protagonists of at least one hundred and eighty-one (191) people. These victims were charred, chopped into small pieces, beheaded, or thrown into water wells and latrines. Many individuals were shot and at least eighteen (18) women were raped. Seventeen (17) of them were subsequently executed. And these hundred and ninety-one (191) murdered people leave behind at least one hundred and fifty-eight (158) orphaned children.

14. From September 2021 to the present day, more PNH officers have left the country than during the entire term of Jovenel MOÏSE. Many worked in the specialized units of the PNH. They justify their decision by the situation of widespread insecurity and the increased power of armed gangs every day. They also point to the fact that magistrates, on the orders of political authorities and in an interested manner, release bandits whom they arrest, often after months of investigation and surveillance.

15. Other police officers have had to choose to abandon their area of residence due to the activities of armed bandits. Some of them live in their workspaces, with their families.

On judicial insecurity

16. In the two (2) years of 2020-21 and 2021-22 of court years that straddle the period analyzed, the court system functioned only modestly: No legal proceedings have been instituted against the individuals involved in the commission of the acts affecting the lives and property mentioned above. And the people who are in prison, in pre-trial detention, also enjoy – for those who are

involved in the acts they are accused of – this impunity that has been set up in the country by a judicial system that is increasingly weakened every day.

17. Thus, from July 2021 to July 2022, the judicial institution, through its inertia or its famous interventions aimed at releasing the rare bandits arrested by the police, has only established, as well as physical insecurity, judicial insecurity that causes enormous harm to the Haitian population.

18. However, the pinnacle was reached when, on June 10, 2022, the Port au Prince courthouse was stormed by armed bandits and has since been delivered to them. For their part, the state authorities have not even (yet) taken offense to this situation, despite the importance of this essential symbol for the emergence of a democratic rule of law in the country. As recently as July 7, 2022, during the commemorative activities of the first year of the assassination of President Jovenel MOÏSE, the de facto Prime Minister, Ariel HENRY, peremptorily affirmed that the courthouse of Port-The Prince is not under the control of armed bandits.

On political insecurity

19. Throughout his presidency, Jovenel MOÏSE never organized the elections that had been planned. As a result, he had failed to ensure the proper functioning of the regal institutions, as he had been entrusted with if one considers the constitutional provisions.

20. The situation did not change during the year following his assassination, as no election was held. This has led to the dysfunction of many state institutions. Here are a few examples:

- The Haitian parliament amputated from the Chamber of Deputies and 2/3 members of the Senate;
- The Court of Cassation, whose members must be chosen by the Senate, amputated from several of them;
- Municipalities whose elected mayors have been replaced by acting officers of the Executive.

On socio-economic insecurity

21. The various forms of insecurity described above have had a direct impact on the socio-economic situation of the country throughout the period analyzed.

22. Food insecurity is affecting more and more members of the Haitian population. The unemployment rate is high and exacerbated by the above-mentioned situation, poverty is becoming more feminized every day in a patriarchal society where the responsibilities of the family are neglected, the women oversee the household responsibility. And the informal sector is struggling to function regularly because of the physical insecurity to which it is exposed. The workers struggle to live decently with their incomes and inflation has reached its peak.

23. It is therefore in this context of total insecurity that the year after the assassination of the incumbent president Jovenel MOÏSE took place here in Haiti.

IV. SURVEY CONDUCTED BY THE POLICE INSTITUTION

24. Fifty-one (51) people were arrested as part of the police investigation into the murder, including forty-seven (47) in Haiti and four (4) abroad. They have all been imprisoned and are being prosecuted for conspiracy against the internal security of the country, assassination, attempted murder, acts of terrorism, armed robbery, illegal port and possession of firearms, and criminal association.

a) Arrests and Incarcerations in Haiti

25. Forty-four (44) individuals were arrested during the months of July and August 2021 by the Central Directorate of the Judicial Police (DCPJ). These are:

- Eighteen (18) Colombian nationals: Jhon Jader ANDELA; Edwin Enrique Blanquicet RODRIGUEZ; Naiser Franco CASTAÑEDA; Jeiner Alberto Carmona FLOREZ (Jeiner Carmona); Neil Caceres DURAN; Manuel Antonio Grosso GUARINI (Manuel Grosso); Carlos Giovanni Guerrero TORRES (Carlos Guerrero); Gersain Mendivelso JAIMES; Jhon Jairo Ramirez GOMEZ; German Alejandro Rivera GARCIA aka Mike (German Riviera); Alex Miller Peña; Victor Albeiro Pineda CARDONA; Jhon Jairo Suárez ALEGRIA (Juan Jairo Suáres); Francisco Eladio Uribe OCHOA (Francisco Uribe); Enalber Vargas GOMEZ; Angel Mario Yarce SIERRA (Angel Yarce); Juan Carlos Yepes CLAVIJO, Alejandro Girardo ZAPATA (Alejandro Girardo).
- Three (3) Haitian Americans: Christian Emmanuel SANON, James SOLAGES, and Joseph VINCENT were arrested.
- Twenty (20) agents of the National Police of Haiti (PNH): Jean Laguel CIVIL, coordinator of the general security of the national palace; Dimitry HERARD, head of USGPN; Pierre Osman LEANDRE, head of USP; Paul Eddy AMAZAN, head of Cat Team; Conrad BASTIEN, USGPN team leader; Hubert JEANTY, USP team leader; Renor FONTUS, Cat Team leader; Frantz LOUIS, Cat Team; Arly JEAN, Cat Team; Faneck DELICAT, Cat Team; Sadrac ALPHONSE, USP; Rony FRANCOIS, USP; Ernst GERMAIN, USP; Ronald GUERRIER, USP; Jude LAURENT, USP; Cleantis LOUISSAINT, USP; Clifton HYPOLITE, CIMO; Elie JEAN CHARLES, CIMO; Bony GREGOIRE, CIMO; Williams MOÏSE, DDO-SDPJ/ West

- Three (3) other persons: Reynaldo CORVINGTON and Dominick CAUVIN, both (2) responsible for Corvington Security S.A., and Marie Jude Gilbert DRAGON who were also arrested.

b) Arrests and Incarcerations Abroad

26. Four (4) persons whose names are cited in the preparation of the plot leading up to the assassination of Jovenel MOÏSE were arrested. These are:

- Mario Antonio PALACIOS PALACIOS aka Flor. He was arrested on October 21, 2021, in Jamaica, after spending several days in Haiti, following the assassination of Jovenel MOÏSE. He could not be extradited to Haiti, due to the lack of an extradition agreement between the two (2) countries. He was subsequently arrested in Panama on January 4, 2022, then extradited to the United States, and has since been charged with conspiracy to provide material support that resulted in death and conspiracy to kill or kidnap people outside the United States.
- Samir HANDAL. He was arrested on November 15, 2021, in Turkey based on an international warrant. A request for extradition from the Haitian State concerning him had been made. It was rejected by the judicial authorities of that country, who believe that this request is not based on anything concrete. Samir HANDAL was simply released on July 4, 2022.
- Rodolphe JAAR. He was arrested on January 7, 2022, in the Dominican Republic and then extradited on January 19, 2022, to the United States.
- John Joël JOSEPH, former senator of the Republic. He was arrested on January 14, 2022, in Jamaica, for violation of the immigration law. On April 21, 2022, he was extradited to the United States for the same charges against Mario Antonio PALACIOS PALACIOS aka Flor.

c) Follow-up of the investigation by the DCPJ

27. Since its preliminary report was sent to the judicial authorities, the DCPJ investigation has not progressed. The investigators were not ordered to continue with their investigation, even though they clearly indicated to their immediate superiors that certain areas of uncertainty warranted clarification.

28. The DCPJ also received no letters rogatory from the investigating judges who were appointed.

d) Investigation of the General Inspection of the PNH

29. All the police officers who were assigned to the direct security of the president as well as those who worked in the perimeters of his residence, were all summoned by the General Inspection of the PNH (IGPNH). In their view, not all officers summoned had the same degree of responsibility and, as a result, their files were treated differently. Thus, protective measures had been adopted against certain agents of the Intervention Corps for the Maintenance of Order (CIMO) and the General Security Unit of the National Palace (USGPN), for example. Officers from other specialized units were heard by the IGPNH and then transferred directly to the DCPJ in a detention situation.

30. It should be noted, however, that some of the police officers who had been put into protective measures - some of whom were in the security cordon of President Jovenel MOÏSE - had not continued to show up at the IGPNH, as requested.

31. At the end of June 2022, after a year of investigation, the IGPNH sent to the Directorate General of the PNH, a list of thirty-three (33) police officers, with recommendations of sanctions concerning them, up to revocation, for some.

V. JUDICIAL HEARING OF THE CASE

32. In less than a year, five (5) instructing magistrates were successively appointed by the dean to the Court of First Instance of Port-au-Prince. The judges are Mathieu CHANLATTE, Garry ORELIEN, Chavannes ETIENNE, Merlan BELABRE and Walter Wesser VOLTAIRE.

33. Magistrate Mathieu CHANLATTE did not have time to work on the case. Immediately after his appointment, several voices were raised to recall his behavior in at least two (2) files for which he was responsible: the file relating to the DERMALOG on which he did nothing and that of the SOGENER on which he intervened, even though the case was pending before the criminal chamber of magistrate Merlan BELABRE.

34. On August 13, 2021, Magistrate Mathieu CHANLATTE issued an order in which he deported himself from the case, for, according to him, personal convenience.

35. Magistrate Garry ORELIEN was then appointed. On the very day of his appointment, many reactions were recorded about his lack of experience in the judiciary and to question such a choice of dean, knowing that the judicial inquiry to come would require a great deal of skill and competence on the part of the magistrate who would have to deal with it. It should be noted, however, that he is the only magistrate to have taken a few investigative actions in the case in question.

a) Actions are taken by Magistrate Garry ORELIEN

36. One of the first decisions of Magistrate Garry ORELIEN was to arrest, on September 24, 2021, three (3) police officers. They are Wilner CANGE, Cicero CEDERNIER two (2) agents of the PNH, and Jacques SINCERE, head of operations at the National Palace.

37. In addition, at least thirteen (13) persons were heard by Examining Magistrate Garry ORELIEN. They are:

- Paul Eddy AMAZAN
- Wilner CANGE
- Cicero CEDERNIER,
- Jean Laguel CIVIL
- Reynaldo CORVINGTON
- Rony FRANÇOIS
- Bony GRÉGOIRE
- Dimitri Hérard
- Clifton HYPPOLITE
- Hubert JEANTY
- Jacques SINCERE
- James SOLAGES
- Joseph Vincent

38. On January 3, 2022, he ordered the release of four (4) of the individuals who had been incarcerated in connection with this case. These are:

- Chief Inspector Paul Eddy AMAZAN. He was arrested on July 15, 2021.
- Wilner CANGE, Cicero CEDERNIER and Jacques SINCERE. They were arrested on September 24, 2021.

b) Registered Death

39. One death case was recorded, Marie Jude Gilbert DRAGON. He was arrested on August 1, 2021, and then imprisoned in the Port-au-Prince Civil Prison. He died on November 17, 2021. This death occurred because of respiratory distress. In this case, it should be noted that after several requests filed by the judicial authorities, Marie Jude Gilbert DRAGON was only authorized to be transported on November 17, 2021, to a hospital to receive the necessary care. He died the same day at the hospital.

40. However, instead of conducting the investigation for which he was appointed, Magistrate Garry ORELIEN and his clerk Elysée CADET engaged in acts of extortion of money, threats, and intimidation, to the detriment of people whose names were cited in this case. Their reprehensible actions have splashed them, and the credibility of the magistrate has been questioned. The

scandal that followed led the Superior Council of the Judiciary (CSPJ) to open an investigation whose results are, to date, unknown.

41. On January 21, 2022, after several dithering and failed attempts to clean, the magistrate Gary ORELIEN sent to the dean near the Court of First Instance of Port au Prince an order in which he deported himself from the case.

42. On February 2, 2022, Judge Chavannes ETIENNE was chosen to lead the investigation of the case. He withdrew quickly, for reasons of personal convenience.

43. On March 4, 2022, the Dean appointed Justice Merlan BELABRE. The latter has submitted to the State authorities a set of security and operational requirements for it to carry out this judicial investigation. These demands were simply ignored by the authorities in question, who simply waited until the magistrate's term ended on April 25, 2022. The magistrate Merlan BELABRE did not even have to read the file, nor even begin his investigation.

44. On May 30, 2022, Magistrate Walther Wesser VOLTAIRE was selected. According to what he told the RNDDH, he has space to investigate the file. And as a matter of fact, he has already read it and has begun to audition people. He can't provide any more information.

45. However, according to what the RNDDH has learned, invitations have indeed been issued, not to the thirty-three (33) persons in illegal and arbitrary pre-trial detention who have not yet been heard by the instructing magistrate; nor to other non-custodial citizens against whom notices of search, departure bans and other orders restricting freedom have been issued. The first invitations of the instructor magistrate Walther Wesser VOLTAIRE were sent to witnesses. As a result, these incarcerated individuals whose rights are being violated and those whose liberty is threatened, do not seem to be a priority for this newly appointed magistrate.

46. In one year, the judicial inquiry stalled. The file went from law firm to law firm, for non-existent results, the rights holders of the victim and Haitian society still not being aware of what happened on the night of July 6 to 7, 2021; the people who are incarcerated are still not fixed on their fate.

46. In one year, the judicial inquiry stalled. The file went from judges to judges, for non-existent results, the rights holders of the victim and Haitian society still not being aware of what happened on the night of July 6 to 7, 2021; the people who are incarcerated are still not fixed on their fate.

VI. INDIVIDUAL SITUATION OF INCARCERATED

47. Interviews with the incarcerated persons, their families, and lawyers enabled the RNDDH to gather the following information.

(a) Inmates Heard by the Instructing Magistrate

48. Jean Laguel CIVIL, general security coordinator of the National Palace was placed in a conservatory position on July 12, 2021, by the General Inspection of the PNH. On the same day, he was taken to Delmas 33. On August 7, 2021, he was taken to the civil prison of Port-au-Prince. On August 30, 2021, he was transferred to the civil prison of the Croix-des-Bouquets, before being extracted on September 3, 2021, to be heard by the examining magistrate Garry ORELIEN.

49. Jean Laguel CIVIL is diabetic and hypertensive and therefore must follow a strict diet. He often receives neither medication nor food from his relatives, especially because of the situation of insecurity at the Croix-des-Bouquets.

50. According to his lawyer, the conditions of detention of Jean Laguel CIVIL are horrific. In addition, he receives death threats while in prison. A request for parole had been sent to the examining magistrate Garry ORELIEN, because of the state of health of Jean Laguel CIVIL. This was not considered.

51. Reynaldo CORVINGTON is one of the managers of Corvington Carries, a security company. He was arrested at his home on July 16, 2021, at approximately 7 p.m. He was taken to the DCPJ with his son-in-law Dominick CAUVIN. The next day, they were both (2) taken to the premises of the Counter Drug Trafficking Brigade (BLTS) where they spent fifteen (15) days.

52. On August 1, 2021, Reynaldo CORVINGTON and Dominick CAUVIN were taken to the Port-au-Prince Civil Prison.

53. Since his incarceration, Reynaldo CORVINGTON's very old, his health has deteriorated. He has diabetes, heart problems and high blood pressure. His lawyer had asked the magistrate Garry ORELIEN for permission to transfer Reynaldo CORVINGTON to a hospital to receive the necessary care. But his request was rejected, because of the inability of the Directorate of the Penitentiary Administration (DAP), to take the appropriate measures to monitor the inmate, he had been told.

54. Reynaldo CORVINGTON was heard by the examining magistrate Garry ORELIEN at the end of December 2021.

55. Rony FRANCOIS, is a police inspector assigned to the USP. On July 9, 2021, he was summoned to the DCPJ and transferred to the IGPNH. After his hearing, he was sent home. On July 13, 2021, he was summoned back to the IGPNH and placed in solitary confinement at the Delmas 33 police station. On July 28, 2021, he was heard by the Prosecutor's Office at the Court of First Instance of Port-au-Prince, which had then transported to the DCPJ.

56. On August 2, 2021, he returned to the police station until August 19, 2021, before being transferred to the Port-au-Prince civilian prison. A few days later, on August 29, 2021, he was taken to the Croix-des-Bouquets civil prison. On December 20, 2021, he was heard by the examining magistrate Garry ORELIEN.

57. Bony GREGOIRE, Agent I from the 26th promotion and assigned to the Intervention Corps for the Maintenance of Order (CIMO), claims to have participated in the police operation conducted in Pétion-ville, in search of the assassins of President Jovenel MOÏSE. Afterward, he continued to work without any worries. It is therefore to his amazement that on July 15, 2021, he was summoned to the General Inspection of the PNH (IGPNH). He attended and stayed there all day before being auditioned in the afternoon. He was subsequently transferred to the DCPJ. On the same evening, he was taken to the police station of Delmas 33.

58. On August 5, 2021, Bony GREGOIRE was transferred to the civil prison of Port-au-Prince to be sent, a few days later, on August 25, 2021, to the civil prison of the Croix-des-Bouquets. He was extracted in mid-December 2021 by the examining magistrate Garry ORELIEN and was heard in the presence of his lawyer.

59. Dimitri HERARD, head of the General Security Unit of the National Palace (USGPN), was arrested on July 15, 2021, and placed in solitary confinement at the police station of Delmas 33. On August 7, 2021, he was taken to the civil prison of Port-au-Prince to be transferred, on August 30, 2021, to the civil prison of the Croix-des-Bouquets. Just like Jean Laguel CIVIL, Dimitri HERARD was extracted on September 3, 2021, and was auditioned by the instructor magistrate.

60. Clifton HYPPOLITE, the officer assigned to the Intervention Corps for the Maintenance of Order (CIMO) became a father, while he was already incarcerated. His wife had to go back to her parent's home with the baby because she is facing great economic difficulties.

61. On July 16, 2021, Clifton HYPPOLITE was called to the IGPNH. He was not able to attend until the next day. He was then auditioned. In the evening, he was transferred to the DCPJ. After being interrogated, he was taken to the police station in Delmas 33. On August 2, 2021, he was heard by the Prosecutor's Office at the Court of First Instance in Port-au-Prince. He was subsequently detained at the Delmas 33 police station until August 5, 2021, when he was taken to the civilian prison in Port-au-Prince.

62. On August 29, 2021, Clifton HYPPOLITE was transferred to the Croix des Bouquets civilian prison. On December 9, 2021, he was extracted and heard by the examining magistrate Garry ORELIEN.

63. Hubert JEANTY, a divisional inspector from the 26th promotion of the PNH, team leader of the USP assigned to the residence of Jovenel MOÏSE, is the father of a young girl who is currently studying at the university. His daughter's mother and her daughter are very economically and psychologically affected by the arrest of Hubert JEANTY, who, for his part, suffers from gastrointestinal problems for which he does not receive adequate care in prison.

64. Hubert JEANTY was heard by the DCPJ on July 8, 2021. A few days later, on July 13, 2021, he was called to the IGPNH. On August 1 and October 5, 2021, he was successively heard by the

Prosecutor's Office at the Court of First Instance of Port-au-Prince and by Magistrate Garry ORELIEN.

65. On December 14, 2021, Divisional Inspector Hubert JEANTY's lawyer filed a request from Magistrate Garry ORELIEN. This was not granted.

66. James SOLAGES is an American citizen of Haitian origin. A few hours after the assassination of Jovenel MOÏSE, he was in the commune of Pétion-Ville, in the company of Joseph VINCENT, not far from the residence of the victim. Because of the angry crowd, he decided to surrender to the police.

67. Immediately after surrendering, it did not take much time for the PNH to put James SOLAGES in a pick-up truck vehicle and start beating him there. He was taken to the DCPJ where, for three (3) days, he was subjected to torture and harsh interrogations.

68. At DCPJ James SOLAGES spent approximately twenty (20) days in handcuffs. And strong pressure was exerted on him to confess to having murdered Jovenel MOÏSE. As a result of the abuse, he passed out several times, according to what he told the RNDDH.

69. On August 2, 2021, James SOLAGES was transferred to the Port-au-Prince Civil Prison. Thrown in solitary confinement, in a cell with a nauseous smell, unlit and unventilated, he did not know when it was day or night. He had caught tuberculosis in prison and remains very concerned for his life, given the inhumane conditions in which he is being kept.

70. Joseph Vincent lived in the United States. He is married and has five (5) children and three (3) daughters. On July 7, 2021, he was in a house near the Pétion Ville police station with James SOLAGES and a group of Colombians. Because of the popular anger following the assassination of President Jovenel MOÏSE, it was advised to go to the nearest police station. What they did to James SOLAGES, the Colombians not wanting to follow them.

71. On July 8, 2021, Joseph VINCENT was taken to the DCPJ where he was mistreated by Research and Intervention Brigade (BRI) officers. He claims to have been hit with helmets and boots.

72. On August 2, 2021, at approximately 5:00 p.m., Joseph VINCENT was transferred to the Port au Prince Civil Prison. He was then, on two (2) occasions, heard by magistrate Garry ORELIEN, always in the presence of his lawyers.

b) Inmates Not Heard by the Instructing Magistrate

73. Sadrac ALPHONSE, USP officer was imprisoned in the civil prison of Port-au-Prince on August 12, 2021, before being taken on August 30, 2021, to the civil prison of the Croix-des-Bouquets. He has not yet been heard by the examining magistrate.

74. Conrad BASTIEN, team leader of the General Security Unit of the National Palace (USGPN), was summoned to the IGPNH on July 13, 2021. He spent the night there. The next day, he was transferred to the Delmas 33 police station.
75. On August 1, 2021, Conrad BASTIEN was heard by the Public Prosecutor's Office at the Court of First Instance of Port-au-Prince which had then conveyed to the DCPJ. In the evening, he returned to the Delmas 33 police station.
76. On August 12, 2021, Conrad BASTIEN was transferred to the civil prison of Port-au-Prince. A few days later, on August 29, 2021, he was taken to the civil prison of the Croix des Bouquets. On October 6, 2021, he was extracted there and kept at the Port au Prince Civil Prison – where he is still today – to be heard by Justice Garry ORELIEN. Conrad BASTIEN was not heard, however, because of the absence of his lawyer.
77. Arrested on July 16, 2021, and imprisoned on August 1, 2021, in the civil prison of Port-au-Prince Dominick CAUVIN, whose wife – who is the daughter of Reynaldo CORVINGTON – had just had a child at the time of his arrest, has still not been heard by the magistrate instructor.
78. Faneck DELICAT, Officer assigned to the Cat Team, was imprisoned on August 2, 2021, at the Port-au-Prince Civil Prison. On August 30, 2021, he was taken to the civilian prison of the Croix des Bouquets. He has not yet been heard by the magistrate instructor.
79. Renor FONTUS, Team Leader of Cat Team, is the father of three (3) girls, all minors, in the 8th and 7th fundamental years. Since her arrest, the mother of her children has faced enormous economic hardship. The children were expelled from school for non-payment of tuition fees.
80. Renor FONTUS was convened on July 13, 2021, at the IGPNH. He spent the night there and the next day, on July 14, 2021, he was transferred to the Delmas 33 police station.
81. On August 1, 2021, Renor FONTUS was taken to the DCPJ to be heard by the Prosecutor's Office near the Court of First Instance of Port-au-Prince. In the evening, he returned to the Delmas 33 police station. On August 12, 2021, he was taken to the civil prison of Port au Prince where he was kept until August 29, 2021, when he was transferred to the civil prison of the Croix-des-Bouquets. On December 19, 2021, he was extracted from it and is since kept in the civil prison of Port-au-Prince to be auditioned by Judge Garry ORELIEN. What was not done.
82. USP agent Ernst GERMAIN was arrested on August 7, 2021, in the civil prison of Port au Prince before being transferred a few days later to the civil prison of the Croix des Bouquets. He has yet to see any examining magistrate.
84. Constable Ronald GUERRIER is one of those incarcerated who was never heard. His lawyer had made numerous representations to the training magistrate Garry ORELIEN for his hearing. These steps resulted in an invitation following which, Ronald GUERRIER was extracted from the

civil prison of the Croix-des-Bouquets. However, for reasons unknown to him, he was not interviewed. Ronald GUERRIER is one of the few detainees to have been assisted by his lawyer as soon as he was detained at the DCPJ.

85. Arly JEAN, Agent IV assigned to the Cat Team, was first placed under conservatory measures on July 13, 2021, and detained at the Canapé-vert sub-commissariat. On July 31, 2021, he was heard by the Prosecutor's Office at the Court of First Instance of Port-au-Prince, then transported to the DCPJ.

86. On August 6, 2021, Arly JEAN was taken to the Port-au-Prince Civil Prison. On August 30, 2021, he was transferred to the Croix-des-Bouquets civil prison. He has not yet been heard by the instructing magistrate.

87. Elie JEAN CHARLES, Agent I from the 26th promotion of the PNH, assigned to the CIMO, took care of her mother who lives with reduced mobility, and her spouse who was pregnant by two (2) months at the time of his arrest, lost the baby. His wife has taken refuge with a friend, and he can no longer help his mother.

88. Elie JEAN CHARLES was summoned to the IGPNH on July 19, 2021, and then kept in segregation. On July 31, 2021, he was heard by the Prosecutor's Office at the Court of First Instance in Port au Prince, then transported to the DCPJ, in the presence of a lawyer. Elie JEAN CHARLES has still not been heard by the examining magistrate.

89. Jude LAURENT, a divisional inspector from the 6th promotion of the PNH was invited to the DCPJ on July 8, 2021, where he answered the investigators' questions, without his lawyer or a witness of his choice. On July 10, 2021, he was summoned to the General Inspection of the PNH (IGPNH) and after his hearing, he was kept under protective measures.

90. In early August 2021, Jude LAURENT was heard by the Prosecutor's Office at the Court of First Instance in Port-au-Prince. A few days later, he was imprisoned in the civil prison of Port au Prince before being taken to the civil prison of the Croix-des-Bouquets. On December 20, 2021, examining Magistrate Garry ORELIEN extracted it for his hearing the next day. However, it did not take place.

91. Pierre Osmann LEANDRE, head of the USP, was imprisoned in the Port au Prince civil prison on August 7, 2021. He was transferred to the civilian prison of the Croix-des-Bouquets on August 30, 2021. He has not yet been heard by the judge-instructor.

92. Frantz LOUIS, Officer assigned to the Cat Team, was imprisoned on August 6, 2021, at the Port au Prince Civil Prison. On August 30, 2021, he was transferred to the civilian prison of the Croix-des-Bouquets. To date, he has not yet been heard by the instructing judge.

93. Cléantis LOUISSAINT, a USP officer, is the father of a minor child, aged seventeen (17) who is in New Secondary 2. Having no one else in Port-au-Prince to entrust his child too, he had to ask a friend to take care of her while he was incarcerated. He arranged to send her his paycheck. However, after a few months, the authorities decided to stop paying him his salary.

94. Cléantis LOUISSAINT claims to have been mistreated and beaten with boots during his arrest. Therefore, he still has severe pain in the left part of his head. The dispensary of the civil prison of Port-au-Prince has no equipment to do the follow-up that his case requires. Cléantis LOUISSAINT has not yet been heard by the examining magistrate.

95. William MOÏSE, the agent I from the 24th promotion of the PNH assigned to the Departmental Directorate of the West/ Section of the Directorate of Judicial Police (DDO/SDPJ) is the father of three (3) year-old girls. His spouse is now facing huge economic problems in taking care of the family and himself, who is incarcerated. William MOÏSE was summoned to the IGPNH on July 27, 2021. Imprisoned since then, he has not yet been heard by the magistrate instructor.

96. Christian Emmanuel SANON was arrested at his home in Delmas 68 on July 9, 2022, by several police officers. They took over his home after eighteen (18) hours, searched it thoroughly but did not present a warrant. Valuables were taken away.

97. At approximately twenty-two (22) hours, Christian Emmanuel SANON was escorted to the Central Directorate of Judicial Police (DCPJ). From that moment on, he suffered severe psychological pressure from DCPJ agents who questioned him outside the presence of his lawyer or a witness of his choice. He was also severely beaten by the police. In addition, he was handcuffed and held to a wrought iron chair night and day for at least two (2) days.

99. After having spent at least twenty-two (22) days in detention at the local of the BLTS, Christian Emmanuel SANON was heard by the Prosecutor's Office at the Court of First Instance of Port au Prince. He considers that the public prosecutor had addressed him with great contempt, without his lawyer and in the absence of a witness of his choice. On August 2, 2021, Christian Emmanuel SANON was transferred to the civil prison of Port au Prince. He has not yet been heard by the examining magistrate.

c) General conditions of detention of the above-mentioned inmates

100. Generally speaking, the conditions of detention at the Port-au-Prince civil prison are inhumane. Access to food and drinking water is not guaranteed. The food is of very poor quality. The water for washing and bathing is dirty. The cells are dirty, poorly lit, and unventilated. The rats circulate happily in the prison. And inmates often spend days without being allowed out of their cells.

101. The persons imprisoned during the investigation into the assassination of President Jovenel MOÏSE are subject to the same conditions of detention which undoubtedly affect their health, as has already been demonstrated above.

102. While it is true that the situation at the Croix des Bouquets Civil Prison is not as catastrophic, the insecurity in the district in question leads those responsible to subject the people who are incarcerated there to extremely strict conditions of detention. In addition, food, equally of poor quality, is only offered every other day and access to the outdoors is more often denied than allowed.

d) Situation of Colombians

103. Colombians indexed in the assassination of President Jovenel MOÏSE and imprisoned in the civil prison of Port-au-Prince, do not have a lawyer in Haiti for their defense. Their Colombian lawyers had visited them but, they were not able to move forward with the file, because of all the dithering that is recorded there and especially because until now, they have not been notified of what they are accused of.

104. Ten (10) of them were taken to the Criminal Chamber of Instructing Magistrate Garry ORELIEN. They are:

- Alex Miller Peña
- Enalber Vargas GOMEZ,
- Jhon Jairo Ramirez GOMEZ
- Alejandro Girardo ZAPATA
- Manuel Antonio Grosso GUARINI - (Manuel Grosso)
- Francisco Eladio Uribe OCHOA - (Francisco Uribe)
- German Alejandro Rivera GARCIA aka Mike - (German Rivera)
- Carlos Giovanni Guerrero TORRES - (Carlos Guerrero)
- Jeiner Alberto Carmona FLOREZ – (Jeiner Carmona)
- Angel Mario Yarce SIERRA - (Angel Yarce)

105. They did not have a lawyer or interpreter at their disposal. They have therefore requested that their hearing be postponed until the minimum conditions have been met to preserve their judicial guarantees. The instructing magistrate had therefore merely invited them to his criminal chamber.

e) Conditions of Detention of Colombians

106. The eighteen (18) Colombians imprisoned in the civil prison of Port-au-Prince are subjected to horrific conditions of detention, those that the RNDDH has never ceased to denounce.

107. For their physiological needs, they must use a bucket placed inside their cell. Sometimes it is emptied after several days. When there is a risk of a riot in the prison, the guards decide not to open the cells. However, the risks of rioting are numerous, considering the quality and scarcity of the food offered as well as the general conditions of detention denounced above.

108. Some Colombians suffer from skin diseases because they bathe in dirty water and live in an unhealthy environment. This is the case for example of German Alejandro Rivera GARCIA aka Mike who was treated for skin infections.

109. Others are suffering because of the many beatings they received at the DCPJ, at the time of their hearing, without counsel, and without witnesses. This is the case, for example, of Victor Albeiro Pineda CARDONA who suffers from hematuria after being subjected to acts of torture, and Jheyner Alberto CARMONA FLYORZ, whose general state of health has been very precarious since the ill-treatment.

110. At least two (2) of the Colombians caught tuberculosis while incarcerated. They are Edwin Enrique Blanquicet RODRIGUEZ and Francisco Eladio Uribe OCHOA. They had to undergo treatment and quarantine. Even if today, they seem to be cured of tuberculosis, they remain worried because they were subjected to the same conditions that made them sick.

111. At one point, they all had gastroesophageal and gastrointestinal problems because of the very poor quality of food offered to them in prison: vomiting, diarrhea, bloating, gastric ascents, etc. are common in their prisons as prison authorities do not hesitate to offer the prison population spoiled and expired food.

112. Finally, it should be emphasized that, if it is true, an infirmary is placed within the prison itself, the doctors after having examined the sick often prescribe to them medicines that are not available on the premises. In these cases, it is the Colombian Consulate that executes these prescriptions.

VII. COMMENTS AND RECOMMENDATIONS

113 The first year after the assassination of President Jovenel MOÏSE took place in a context of dysfunctional state institutions that he himself had helped to weaken and the formalization of armed gangs that he himself had helped to strengthen.

114. Despite the efforts made by the Central Directorate of Judicial Police (DCPJ), the judicial inquiry is stalled and the rights to judicial guarantees of all parties involved are not respected.

115. The RNDDH recalls in the sense that the DCPJ had transferred to the judicial authorities - and this, rather quickly - a partial report in which it had inserted the very first information collected. The DCPJ waited in vain for a letter of request that would have allowed them to further their investigations. But this never happened. According to the DCPJ, this explains why no final

report was prepared and sent to the judicial authorities. In any case, with the first information provided and the arrest of no less than forty-four (44) persons referred to them, the judicial authorities had at their disposal the means to begin a thorough judicial investigation.

116. However, the RNDDH criticizes the DCPJ for having heard the majority of those arrested in the absence of their lawyers or witnesses of their choice. Today, many of them claim to have been subjected to torture and cruel, inhuman, and degrading treatment. The RNDDH, therefore, believes that some DCPJ agents had deliberately chosen to torture these people because otherwise, they would have simply chosen to comply with the prescriptions of the Haitian Constitution in force and the Law in this matter.

117. The RNDDH welcomes the fact that the IGPNH decided on its own, to open and conduct its investigation on all the police officers who were part of the security chain of the murdered president as well as on other police officers who had been indexed. Subsequently, recommendations of sanctions were forwarded to the Directorate General of the PNH, concerning thirty-three (33) of these agents, while considering their degree of responsibility. For the RNDDH, this is evidence that the police institution has worked as hard as possible to shed light on this issue.

118. However, the RNDDH regrets that, for their part, the judicial authorities have shown, to date, no desire to lift the veil on what happened, on the sponsors and the immediate beneficiaries of the crime. Nor do they seem to be motivated by a desire to seek and punish the guilty.

119. Forty-two (42) people including eighteen (18) Colombians have been in illegal and arbitrary pre-trial detention for almost a year. Only thirteen (13) were heard by examining Magistrate Garry ORELIEN. Many applications were filed by their lawyers after their hearing. They were all rejected by the magistrate in question.

120. Ten (10) of the incarcerated Colombians were extracted and taken to the Criminal Chamber of Magistrate Garry ORELIEN. However, he did not bother to provide them with an interpreter, let alone a lawyer. They had to ask the magistrate themselves to postpone their hearing so that they could decide. For example, “the right of any accused to be assisted free of charge by a translator or interpreter” has not been guaranteed for Colombians.

121. And worse, at no time were they ever notified of what they were being charged with. Thus, “prior and detailed notification to the accused of the charges against him” and “giving the accused the time and means necessary to prepare his defense” was not respected.

122. In the past few weeks, a new Magistrate Instructor – the fifth – has been appointed by the Dean to investigate the matter. Without considering the thirty-three (33) incarcerated persons who have never been heard and without considering the rights of persons against whom search warrants and arrest warrants have been issued, Magistrate Walter Wesser VOLTAIRE began his

investigation by inviting witnesses to his criminal chamber. Everyone has the right to have his case heard with the necessary guarantees, within a reasonable period, by a competent, independent, and impartial judge or tribunal, established previously by law, which will decide based on any criminal charges against her”.

124. The RNDDH notes that, for once, the State authorities want to comply with the statutory regulations. However, the RNDDH believes that it is the lack of consideration for the fact that the incarcerated officers were serving their country and that they are now awaiting trial for an indefinite period that led the state authorities to make this decision. In the meantime, the children of these police officers can no longer go to school. Their parents and relatives, who relied on their emoluments, are left to their own devices.

125. Moreover, it should be noted that the general conditions of detention at the Port-au-Prince civil prison are likely to cause the deterioration of the health of the people who find themselves there. And, even if the situation is not as serious at the civil prison of the Croix des Bouquets for some time now, the penitentiary authorities seem to be doing everything in their power to promote a riot in this penitentiary prison despite the numerous alerts that have been received, relating to the management – or lack thereof – of this prison.

126. In this sense, the RNDDH reminds state authorities that incarcerated persons are placed under their responsibility. And they have an obligation to keep them in such conditions that neither their life nor their physical and mental health is in danger.

128. More generally, an analysis of the behavior of the police and judicial authorities, in this case, allows the RNDDH to state that:

- The Haitian authorities has committed acts of torture and other cruel, inhuman and degrading treatment, not only because of the direct responsibility of the agents of the DCPJ and the BLTS denounced for having beaten people during the hearings and for having humiliated them, but also because in spite of the numerous denunciations on this subject, no investigation was carried out;
- The Haitian authorities has subjected and still subjects the persons incarcerated in the context of this case, to inhuman and degrading detention conditions;
- The Haitian authorities has violated and still violates the Minimum Rules for the Treatment of Detainees by deciding to systematically not provide the necessary care to sick people, restrict their access to medicines, give them to eat spoiled or expired food, keep them in cells for several days, not allow them to take air for at least one hour a day and not allow them to bathe regularly. These are facts that constitute serious violations of human rights;

- The Haitian authorities has violated and still violates the rights to the judicial guarantees of both the victim and his rights holders by deciding not to conduct, until the date, the judicial inquiry that will allow the manifestation of the truth on this case;
- The Haitian authorities has violated and still violates the rights to judicial guarantees of incarcerated persons. In this sense, their rights to be heard in the presence of their lawyers or witnesses of their choice, to be notified of the alleged acts, to appear before a judicial authority in the context of the investigation of the case, as well as their right to a trial, within a reasonable time, was trampled.

129. In addition to these cascading violations of human rights, there are serious ethical breaches by one of the appointed investigating judges.

130. The RNDDH stresses that by ratifying the American Convention on Human Rights and subscribing to the Minimum Rules for the Treatment of Detainees, the Haitian government had committed to respect and apply Articles 8 and 9 of this convention, which enshrine rights to judicial guarantees; and to respect human dignity in the treatment accorded to prisoners.

131. It is considering all these factors that the RNDDH states that, on the one hand, nothing is being done to provide justice to the victim and his rights holders. On the other hand, nothing is being done to treat those incarcerated as part of this file, with the inherent dignity of the human person and with respect for their rights to judicial guarantees.

132. On the basis of these findings, the RNDDH recommends to the judicial and penitentiary authorities:

- To hear all persons currently in illegal and arbitrary pre-trial detention, indexed in this murder, including the eighteen (18) Colombians;
- To hear from persons against whom restrictive orders of freedom have been issued;
- Grant letters of request to the DCPJ for further investigation;
- To ensure that all persons incarcerated in connection with this particular case are treated in strict compliance with the Minimum Rules for the Treatment of Prisoners;
- Judge and convict all those involved in the preparation and commission of this assassination.

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