



The file of Sherlson Sanon: RNDDH Clarifications

January 24, 2023

I. Introduction

1. The National Human Rights Defense Network (RNDDH) learned that on January 20, 2023, Sherlson SANON was tried by the Criminal Court of Port-au-Prince sitting without the assistance of a jury, for the association of wrongdoers and slanderous denunciations. He was sentenced to one (1) year's imprisonment. And, since he had already spent in prison the sentence he would have received if he had already been convicted, he benefited from the Lespinasse Law and was released.

2. In this case, the RNDDH is accused of being responsible for the unlawful and arbitrary pre-trial detention of Sherlson SANON for ten (10) years. Therefore, although this goes against its habits, the RNDDH considers today that it is its duty to take stock of this matter.

II. Complaint from Sherlson SANON to RNDDH

3. On March 12, 2013, Sherlson SANON, who also said his name was Andrebert SANON, reported to the RNDDH office and said he wanted to file a complaint. And, under the protocol for receiving complaints and accompanying the RNDDH, it was received and heard by a member of the technical team.

4. During his interview, he claimed to have received the order of former Senator Joseph LAMBERT, to assassinate Levaillant LOUIS JEUNE and Sorel JACINTHE, two (2) former deputies of the 49th Parliament to whom the former senator reproached their statements that he could not live in Haiti without the protection of parliamentary immunity or without holding a post at the highest level of the state.

5. To the question of why he was chosen to execute this double murder, Sherlson SANON, said he belonged to an armed gang called Base Kakos, based in Jacmel, and was involved in the commission of several acts against lives and property, against people living in the South-East department.

6. According to Sherlon SANON, Kakos Base committed the following crimes, among others:

- The 1999 murder of Céline MOULIER and Fernand MOULIER, two (2) foreigners living in Civadier, Jacmel;
- The abduction in Jacmel, on November 17, 2012, of Jorym Sam Etienne, then three (3) years old, and the same day, the murder of his father, agronomist Jean Marie Patrice Etienne;
- The Jacmel execution of Jerry DARTOIS and M.C. Hammer DARTOIS, dated February 5, 2013;
- The recovery of sixteen (16) cardboard boxes filled with illicit substances from Jetho SANON, then a registrar in Marigot.

7. These are crimes that were, for the most part, chronicled and not solved by the judicial authorities. For example, Alexandre SAINT JEAN and Eddy JEAN who had been arrested in connection with the assassination of agronomist Jean Marie Patrice ETIENNE and the abduction of little Jorym Sam ETIENNE, both (2) lost their lives in the Jacmel Civil Prison, under conditions that have not yet been clarified. If it is true that their death had put an end to the investigation of this case, the name of one of them, namely Eddy JEAN, had been mentioned in a list of seventeen (17) individuals who, according to Sherlson SANON, belonged to Kakos Base.

8. Finally, according to Sherlson SANON, the Kakos Base already had an impressive network of members scattered in several geographical departments of the country including the West and the Northeast.

III. Follow-up to Sherlson SANON Statements

9. Faced with the seriousness of his statements, the RNDDH had taken the care to inform Sherlson SANON that he had to make himself available to the Justice while stressing to his attention the risks of arrest and detention that he faced. Sherlson SANON agreed, arguing that by deciding not to carry out the order he had received, he had put himself in trouble. He feared for his life and that of his family and therefore preferred to surrender to justice rather than remain free from his movements and risk being murdered.

10. The RNDDH then decided to accompany Sherlson SANON to a notary to reiterate his statements before a sworn officer. This was done on April 23, 2013, in the study of the notary public Jean Beaubrun L. RONY, who, after having carefully reread for Sherlson SANON, his statements, aimed with him all the pages of the document and wrote at the end, received only for the certification of the declarant's signature.

11. Moreover, informed by the RNDDH of the statements of Sherlson SANON, the former deputies Levallant LOUIS JEUNE and Sorel JACINTHE had, on April 23, 2013, lodged a complaint with the Public Prosecutor's Office at the Court of First Instance of Port-au-Prince which had Magistrate Lucmane Delile at its head.

12. The RNDDH transferred a copy of Sherlson SANON's notarized statement to Magistrate Lucmane DELILE on May 10, 2013. And Mario BEAUVOIR's law firm was made available to Sherlson SANON.

13. In addition, throughout his years of incarceration, the RNDDH met Sherlson SANON in the civilian prisons of Arcahaie, Croix-des-Bouquets, and Port-au-Prince. Often, these meetings were held at his own request. Sometimes, they were held for follow-up purposes. His then-spouse was also assisted by the RNDDH who, for his part, never ceased to question the judicial authorities on this file.

IV. Handling of Sherlson SANON by Haitian Justice

14. The file was transferred to the investigating officer of the magistrate Maximin PIERRE who, after having heard Sherlson SANON, issued an order of deposit against him.

15. Subsequently, the lawyers of Sherlson SANON asked the magistrate Maximin PIERRE to divest himself of the file, the reason taken from the fact that he was part of the law firm of Maître Ephesian JOASSAINT, himself a lawyer for former Senator Joseph

LAMBERT who had been indexed by Sherlson SANON. The magistrate Maximin PIERRE, acting on the request submitted to him, effectively divested himself of the case.

16. The dean of the Court of First Instance of Port-au-Prince at the time, Maître Raymond JEAN MICHEL chose the magistrate instructor Bernard SAINVIL. He had begun his investigation when on April 22, 2015, he was appointed dean, replacing Maître Raymond JEAN MICHEL who had been fired by the Superior Council of the Judiciary (CSPJ), because of his involvement in the planning of the trial that resulted in the release of Woodly ETHEART, aka Sonson La Familia.

17. Sometime later, Sherlson SANON's file was forwarded to the office of Instructor Magistrate Lamarre BELIZAIRE.

18. It is important to remember that even the swearing-in of Magistrate Lamarre BELIZAIRE was the subject of denunciations. It took place, indeed, in irregular circumstances, at a time when the CSPJ, wanting to avoid the stuffing of the judicial system by individuals who have not been certified, had, as of July 4, 2012, issued a circular urging the Heads of Jurisdiction not to perform any swearing-in ceremony. On July 11, 2012, despite this order of the CSPJ, Maître Lamarre BELIZAIRE took the oath, in a ceremony organized in secret by dean Raymond JEAN MICHEL. Even if a few days later, this ceremony was canceled, reorganized with the agreement of the CSPJ, it remains that still entered the system with the impression that a favor had been granted to him, the magistrate Lamarre BELIZAIRE was never able to benefit from this latitude which would have been necessary for him to function freely.

19. It is therefore not surprising that on April 7, 2014, nearly two (2) years after the imprisonment of Sherlon SANON, magistrate Lamarre BELIZAIRE issued an order against him for referral to the Criminal Court sitting without the assistance of a jury, for the association of wrongdoers and slanderous denunciations.

20. Thus, to protect those who had been indexed by Sherlson SANON, the instructor magistrate Lamarre BELIZAIRE preferred to refer the latter by the criminal court to be tried himself rather than to investigate the serious denunciations he had made. However, in issuing this order, the magistrate had found in part credible the statements of Sherlson SANON concerning the Kakos Base and its functioning but, had rejected the information he had provided on the chiefs of that base.

V. General Remarks

23. Sherlson SANON's case is a matter of armed gangs and the use of armed gangs by politicians and men in power. The RNDDH immediately understood this. And it was because the organization took Sherlson SANON's statements seriously that it applied the above-detailed protocol.

24. All information relating to the Sherlson SANON file held by the RNDDH had been made public. Lectures and press briefings were given by the RNDDH, by the lawyer of Sherlson SANON, by former deputies Levillant LOUIS JEUNE and Sorel JACYNTHE, and even by some of the many people indexed by Sherlson SANON.

25. The RNDDH stresses to the attention of all that it is an organization for the promotion and defense of human rights for which the respect of the judicial guarantees of both victims and executioners is very important.

26. The RNDDH cannot protect anyone who claims to be involved in the commission of criminal acts. Consequently, the protocol that was applied by him in the handling of the file of Sherlson SANON is clearly defined and remains unchanged to this day: Any individual who comes to the RNDDH and who claims to have committed wrongdoing, will undoubtedly be brought to justice, on the understanding that the RNDDH will monitor its case and plead for the respect of its judicial guarantees, as well as for the respect of those of its victims.

27. This is exactly what was done as part of the follow-up to Sherlson SANON's file: He was accompanied by a notary to make his statements which he signed after it had been read and a law firm was made available to him by the RNDDH. Sherlson SANON and his then-spouse were assisted for several years of his incarceration by the RNDDH. In addition, a team from the RNDDH regularly visited the Registry of the Prosecutor's Office and the Court of First Instance of Port-au-Prince, as well as the Registry of the Court of Appeal of Port-au-Prince, to inquire about the progress of the file. It has also been the subject of reminders in several RNDDH documents including the annual

reports^{1, 2} on the functioning of Justice, available on the RNDDH website and accessible to all.

28. The RNDDH regrets once again that the file of Sherlson SANON was processed by the Haitian Justice with the sole concern to protect the people who had been indexed by him.

29. Indeed, the judicial authorities of the time, by appointing the investigating magistrate Lamarre BELIZAIRE for the investigation of this case, had decided not to seize the opportunity to shed light on revolting crimes perpetrated in the East South in particular, and for which Sherlson SANON had provided accurate information. This magistrate of legendary submission vis-à-vis the PHTK power decried within the judicial system and who had to leave the judiciary through the small door for having, on many occasions, anti-ethical behavior in the handling of files entrusted to him would have yielded no other result.

30. The RNDDH also believes that the National Police of Haiti (PNH) for its part, has missed the opportunity to understand the rise of armed gangs as we know them today and to apprehend their extension. It was only in 2013. If the statements of Sherlson SANON had been taken seriously and had given rise to careful investigations, perhaps the armed gangs that are now spreading terror in the country would not have been able to expand in this way.

31. Sherlson SANON reported being recruited at the age of eleven (11). Beyond any consideration for people indexed by it in the management of the base it has integrated, such a statement should have given rise to extensive investigations and should have made it possible to discover how children are recruited by armed gangs and the tasks to which they are subjected, until they themselves become gang leaders.

32. Sherlson SANON also claimed to be part of an armed gang of seventeen (17) members. And, at the insistence of the RNDDH, he had provided the names of his acolytes which were inserted in the subsequent notarized declaration. However, the PNH did not

¹ Review of the achievements of the Judicial System during the judicial year 2012 – 2013, page 14, paragraph 9, 4 October 2013

² Functioning of the Haitian judicial system in 2018-2019, RNDDH-Rapport/2019/No4, page 26, 15 October 2019

investigate any of these individuals, if only to verify the veracity of these worrying revelations.

33. Céline MOULIER, Fernand MOULIER, Jorym Sam ETIENNE, and Jean Marie Patrice ETIENNE never obtained Justice. The same goes for Jerry DARTOIS and M.C. Hammer DARTOIS. These are victims of assassinations and kidnappings in the South-East Department, perpetrated, according to the statements of Sherlson SANON, by Kakos Base. And, for failing to complete his investigation, magistrate Lamarre Bélizaire also did not help to clear the names of the people who had been indexed by Sherlson SANON.

34. Today, the RNDDH wishes to emphasize to all that, in a country where all the indicators of human rights are non-existent, nothing will take it away from the path it has taken, guided by the principles and values of human rights. The handling of Sherlson SANON's case is an opportunity for the RNDDH to renew all its confidence in its staff, which, since 1982, has been providing important work, beyond the many challenges it faces.

35. The RNDDH rejects any attempt to shift responsibility for the unlawful and arbitrary detention of Sherlson SANON for ten (10) years and to have it endorsed. In this sense, he reminds us that the right to order the imprisonment of an individual belongs to the judicial authorities. They themselves are responsible for all cases of unlawful and arbitrary preventive detention. It is therefore to these authorities that all victims of violations of their judicial guarantees must attack, to denounce them and demand reparations.