



National Human Rights Defense Network (RNDDH)



Arms and ammunition trafficking : Employees of ONA and OFATMA arrested by the DCPJ

March 15, 2023

I. INTRODUCTION

1 Since April 2022, the Central Directorate of the Judicial Police (DCPJ) has been investigating a case of arms and ammunition trafficking, in which three (3) employees of the National Old Age Insurance Office (ONA), one (1) agent of the Haitian National Police (PNH) and one (1) employee of the Office of Work Accident, Sickness and Maternity Insurance (OFATMA) are indexed.

2. In this regard, two (2) detailed reports prepared by the DCPJ were forwarded to the judicial authorities for legal action.

3. The National Human Rights Defense Network (RNDDH), contacted by relatives of the arrested persons, has conducted its investigation, and has made it its duty to share with the public opinion the information gathered on this case.

II. METHODOLOGY

4. As part of this investigation conducted from February 7 to March 15, 2023, RNDDH interviewed

- Agents of the Central Directorate of the Judicial Police (DCPJ)
- People arrested and/or incarcerated;
- Relatives of those arrested;
- Members of the judicial staff, including one (1) deputy government commissioner and two (2) court clerks.

III. RECONSTRUCTION OF THE FACTS OF THE INVESTIGATION

5. According to information gathered by the RNDDH, on April 12, 2022, police officers of the police station of Belladère, department of the Centre, arrested the named Limacson MATHIEU. Since 2007, he has been an Office National Old Age Insurance Office (ONA) employee and serves as a parliamentary police officer.

6. At the time of his arrest, Limacson MATHIEU was in a Suzuki Grand Vitara vehicle of white color registered BB87123, on which was found one (1) M16 caliber assault rifle. He was in the company of two (2) other individuals who, according to the police, had time to flee.

7. On April 15, 2022, for follow-up on his case, Limacson MATHIEU was transferred to the Central Directorate of Judicial Police (DCPJ) in Port-au-Prince.

8. It was quickly Limacson MATHIEU ammunition dealer. of traffickers both in Republic. He also has powerful armed ANDRE alias Izo 5 leader, and Renel

According to the DCPJ, it was quickly established that Limacson Mathieu is an influential arms and

established by DCPJ that is a very influential arms and It maintains links with networks Haiti and in the Dominican ongoing relationships with gang leaders including Johnson seconds, Village de Dieu gang DESTINA alias Tilapli, himself a

kingpin of Grand Ravine. On his mobile phone, information relating to transactions made with gang leaders, messages requesting information on weapons and ammunition available, or on the capabilities of Limacson MATHIEU to be introduced in Haiti, weapons of specific calibers, were discovered by the DCPJ.

9. In addition, Limacson MATHIEU, told the DCPJ that his main clients are Johnson ANDRE alias Izo 5 seconds, gang leader of Village de Dieu, Renel DESTINA alias Tilapli gang leader of Grand-Ravine and Christ-Roi CHERY alias Krisla, gang leader of Tibwa.

10. Limacson MATHIEU also claimed that he had just bought the assault rifle found in his possession and that he had to deliver it to the gang leader of Village de Dieu, Johnson ANDRE alias Izo 5 seconds. He had also placed an order for twenty (20) boxes of cartridges.

11. According to Limacson MATHIEU, the arms and ammunition trade is very lucrative. For example, Johnson ANDRE aka Izo 5 seconds, claims to have sold three (3) assault rifles for eighteen thousand (18,000) US dollars and four thousand (4,000) cartridges of different calibers, for one million two hundred thousand (1,200,000) gourdes.

Long gun are sold on the market for more than 6,000 US dollars.

12. Long guns such as AR15, and M16 are sold for between five thousand (5,000) and six thousand (6,000) US dollars. Sometimes they can even be sold for more. For example, the M16 rifle that was intended for Johnson ANDRE alias Izo 5 seconds, was to be sold for six thousand eight hundred (6,800) US dollars, as agreed.

13. In addition, Limacson MATHIEU said he sold to Renel DESTINA alias Tilapli four (4) assault rifles for twenty-two thousand five hundred (22,500) US dollars and three thousand (3,000) cartridges for nine hundred thousand (900,000) gourdes. In this sense, he admitted that he generally sells cartridges of sizes 7.62 mm and 5.26 mm. According to him, a case of thousand (1,000) cartridges costs at least three thousand five hundred (3,500) US dollars.

14. Finally, Limacson MATHIEU also confided that he had entered the lucrative arms and ammunition trafficking business thanks to Frantzy VALME, alias Didi, who had put him in contact with traffickers in Belladère, in the Central Department, as well as with armed gang leaders. If the traffickers of Belladère recover the arms and ammunition from the Dominican Republic and introduce them into Haitian territory by crossing the border, the armed gang leaders for their part, receive their orders in delivery.

The statements of Limacson Mathieu as well as the information found on his mobile phone allowed the DCPJ to arrest 4 other people including 2 employees of ONA, 1 employee of OFATMA, and 1 agent of the PNH

IV. ADDITIONAL ARRESTS BY DCPJ

15. The information provided by Limacson MATHIEU combined with that found on his mobile phone enabled the DCPJ to arrest four (4) other people. Two (2) of them work at the ONA like him, one (1) at the OFATMA, and one (1) other is assigned to the Intervention and Maintenance Corps (CIMO).

16. On May 5, 2022, Emmanuel JEAN-JUSTE, also an employee of the ONA and having ties with Limacson MATHIEU and Renel DESTINA aka Tilapli, was invited by the DCPJ.

After his hearing, he was upheld. He is accused of being involved in the illicit trafficking of firearms and ammunition, among other things.

17. After having rejected several invitations from the DCPJ to explain its links with Limacson MATHIEU, on November 16, 2022, Eddy BAGGIO, an employee of ONA, was arrested in Delmas 19. He confessed that he was aware that Limacson MATHIEU was a gun and ammunition dealer while denying being involved in this trafficking.

18. On the same date, November 16, 2022, Agent II Carl-Hens Barina ORIVAL assigned to the CIMO, was arrested on the premises of the Directorate General of the National Police of Haiti located in Tabarre.

19. According to DCPJ investigators, Constable Carl-Hens Barina ORIVAL was in direct contact with Limacson MATHIEU. They exchanged several messages through WhatsApp, including photos of firearms as well as information on the types of weapons he can bring into Haiti for him.

20. When questioned about this, police officer Carl-Hens Barina DORIVAL told DCPJ investigators that he lived in the same area as Limacson MATHIEU in Caradeux and that he had information that led him to believe that he was an arms dealer. That is why, as a police officer, he had contacted Limacson MATHIEU and exchanged photos of weapons with him for the sole purpose of conducting his investigation. He worked on his own, without having taken the care to inform his superiors beforehand.

21. In addition, surveillance allowed the DCPJ to apprehend on November 29, 2022, on October 15 Boulevard, in Tabarre, not far from the offices of the travel agency Sans-Souci, Frantzy VALME alias Didi, who was also in contact with Limacson MATHIEU. He was in a grey Nissan Patrol vehicle, registration DM-00538. The DCPJ reproaches him for his links with arms and ammunition traffickers both in Haiti and in the Dominican Republic.

22. Since the arrest of Limacson MATHIEU, Frantzy VALME alias Didi - presented as an influential member of the Movement for Valorization and Transformation of Haiti (MTV Haiti) known as Mouvman Twazyèm Vwa Ayiti (MTV AYITI) - took cover and even changed phone numbers.

V. DECLARATIONS OF PERSONS MET BY RNDDH

23. As noted above, the RNDDH has spoken with persons detained or in custody in this case.

24. Arrested without a warrant on November 29, 2022, Frantzy VALME told the RNDDH that he was taken to the DCPJ where he was heard. On December 27, 2022, he was taken to the Prosecutor's Office near the Court of First Instance in Port-au-Prince. He was later taken to the police station of that jurisdiction. On January 23, 2023, he was transferred to the Port-au-Prince Civil Prison. Ever since he has been living in inhumane conditions and his family is experiencing great economic hardship.

Frantzy Valmé claims to have been arrested without a warrant. He also claims to have once been in contact with Jean Renel Destina alias Tilapli in order to request permission to cross Martissant, with merchandise and fuel.

25. Frantzy VALME also employee of OFATMA with Jean Renel or commit wrongdoing, negotiations to allow merchandise and fuel.

told the RNDDH to be an and to have been in contact once, DESTINA alias Tilapli not to plan but only in the context of him to cross Martissant with

26. Eddy BAGGIO stated assigned to ONA. He is restaurant supported by Assistance Fund (ESAF). of ONA on November

that he is a security guard also in charge of a community the Economic and Social He was arrested on the premises 16, 2022.

27. For DCPJ, Eddy BAGGIO had rejected the many invitations that had been extended to him. He had even told the DCPJ officers that he had not been there for fear of being arrested. However, Eddy BAGGIO told the RNDDH that he had once visited the DCPJ but was invited by an officer to return home.

28. On December 27, 2022, Eddy BAGGIO was taken to the Prosecutor's Office near the Court of First Instance of Port-au-Prince where he was heard by Deputy Government Commissioner Gérald Bélony NORGAISSE before being transferred to the police station of this jurisdiction. Since January 23, 2023, he has been imprisoned in the Port-au-Prince Civil Prison.

29. Limacson MATHIEU said he was arrested on April 12, 2022, in Belladère around twenty (20) hours while he had just driven a friend to the border between Haiti and the

Dominican Republic. He was alone in his vehicle at the time of his arrest and was in possession of a handgun that he claims is his service weapon. He has been employed with the ONA for approximately fifteen (15) years and has also been a Parliamentary Police Officer for four (4) years.

30. For Limacson MATHIEU, he was arrested because he is not a resident of Belladère and because a person had just been murdered. He was held for three (3) days at the police station in Mirebalais. It was only afterwards that he was transferred to the Central Direction of the Judicial Police (DCPJ) where he was questioned three (3) times. During the interrogations, he was subjected to cruel and inhumane treatment, as he was subjected to numerous physical and psychological abuses.

31. On May 30, 2022, Limacson MATHIEU was taken to the Public Prosecutor's Office of the Court of First Instance of Port-au-Prince. On the same day, Commissioner Gérald Bélony NORGAISSE issued a detention order against him. Since then, he has been incarcerated in the Civil Prison of Port-au-Prince where the conditions of detention are very bad. Nearly one year after his arrest, he has never been extracted to be heard by the investigating judge in charge of the case.

32. Emmanuel JEAN-JUSTE stated that he had been employed at ONA for fifteen (15) years. He shared the same apartment with Limacson MATHIEU. On May 5, 2022, the DCPJ sent a letter to his superior requesting that he be made available for a hearing. The next day, May 6, 2022, Emmanuel JEAN-JUSTE went to the DCPJ. Without the presence of his lawyer, he was interviewed and then kept in custody. He was not subjected to any physical violence. However, he denies all the accusations made against him.

33. On May 30, 2022, Emmanuel JEAN-JUSTE was referred to the Prosecutor's Office at the Court of First Instance in Port-au-Prince. He was imprisoned on the same day on the orders of the deputy government commissioner Gérald Bélony NORGAISSE.

Limacson Mathieu, who was interviewed by the DCPJ without a lawyer and without a witness of his choice, claims to have been subjected to cruel and inhumane treatment. Moreover, nearly a year after his arrest, he has still not been heard by an investigating magistrate.

34. For his part, police officer Carl-Hens Barina ORIVAL, arrested on November 25, 2022, and held at the Canapé Vert sub-police station, affirmed that he was interviewed on December 27, 2022, he did not interviewed by the National Police ORIVAL denied all. However, echoing DCPJ, he confirmed indeed in contact his neighbor. Limacson arms and referring to his investigate whether belonged to an was involved in trafficking. This explains the numerous compromising messages found on his cell phone.

The police officer Carl-Hens Barina ORIVAL claims that he wanted to investigate the possible involvement of Limacson Mathieu in reprehensible activities before informing his immediate superiors. This explains the compromising exchanges between him and Limacson Mathieu, found on his phone.

by a prosecutor whose name remember. He was also General Inspection of the (IGPNH). Carl-Hens Barina the accusations against him. what was reported by the for RNDDH that he was with Limacson MATHIEU, Having realized that MATHIEU often spoke of ammunition, before superiors, he wanted to Limacson MATHIEU armed gang or whether he arms and ammunition

VI. PROCESSING OF THE CASE AT THE JUDICIAL LEVEL

35. On June 1, 2022, the DCPJ transferred a preliminary report as well as Limacson MATHIEU and Emmanuel JEAN-JUSTE to the Public Prosecutor's Office of the Port-au-Prince Court of First Instance, for legal follow-up.

36. On December 26, 2022, a supplementary report was sent to the Public Prosecutor's Office, with Eddy BAGGIO, Carl-Hens Barina ORIVAL, and Frantzy VALME alias Didi. They are accused of the following offenses: murder, rape, kidnapping for ransom, arson, armed robbery, illegal possession, carrying and trafficking of firearms and ammunition, complicity, and criminal conspiracy to the detriment of numerous victims including Vladimir LEGAGNEUR, Jean Junior CHARLES alias Junior MonCash, and to the detriment of institutions and businesses including the World Food Program (WFP), the Alaska Company, the Ti Tony Market, etc.

37. On December 27, 2022, Deputy Government Commissioner Gérald Bélony NORGAISSE issued a detention order against the last three (3) persons arrested. Two (2) of them, Frantzy VALME alias Didi and Eddy BAGGIO, were transferred to the civil prison of Port-au-Prince, while the police officer Carl-Hens Barina ORIVAL was still, at

the time of RNDDH's investigation, kept in custody at the sub-precinct of Canapé-Vert, according to the substitute government commissioner, security measures, because he feared for the life of the police officer.

38. The substitute government commissioner, Mr. Gérald Bélony NORGAISSE, affirmed to RNDDH that he had treated this case with rigor and that he had issued committal orders against the individuals pinned down before transferring the case to the dean's office of the Port-au-Prince Court of First Instance.

39. It should be noted that while Limacson MATHIEU and Emmanuel JEAN-JUSTE acknowledged that they had been arrested on the orders of government deputy commissioner Gérald Bélony NORGAISSE, they told the RNDDH that they had been taken to the Prosecutor's Office but had not been heard. The order was simply issued against them and then they were sent to the civil prison of Port-au-Prince.

40. This second part of the case, which concerns Eddy BAGGIO, Carl-Hens Barina ORIVAL, and Frantzy VALME alias Didi, was transferred on February 8, 2023, to the investigating officer of magistrate Johnson SIMON.

41. The RNDDH was unable to trace the progress of the first part of the case concerning Limacson MATHIEU and Emmanuel JEAN JUSTE. In this regard, the RNDDH learned that the registry relating to it remained at the former office of the Court of First Instance of Port-au-Prince, located at Boulevard Harry Truman, following the invasion of the premises by armed bandits of Village de Dieu, on June 10, 2022. Consequently, the Registry of the Tribunal was unable to confirm or invalidate the distribution of the case before an instructing magistrate.

42. Government Deputy Commissioner Gérald Bélony NORGAISSE, for his part, undertook to follow up with the DCPJ to request a copy of the first report sent to him, to reconstitute this part of the case.

43. In addition, the RNDDH also noted that the second part of case number 0166/2223, was transferred to the registry of the Court of First Instance of Port au Prince on February 8, 2023. However, if in the report of the DCPJ, there is mention of trafficking in firearms and ammunition against Carl Hens Barina ORIVAL, Eddy BAGGIO, and Frantzy VALME alias

Since the registry has been abandoned at the premises of the Court of First Instance located on Harry Truman Boulevard, no one knows if the first part of the case concerning Limacson Mathieu and Emmanuel Jean Juste had already been distributed to an investigating officer.

Didi, in the register of the Court of First Instance of that jurisdiction, no mention is made of it, which makes the case a lot easier.

VII. COMMENTS AND RECOMMENDATIONS

44. Given the continued deterioration of the country's security situation, RNDDH's attention is particularly focused on the Haitian judiciary's handling of cases related to acts of corruption and trafficking in arms and ammunition.

45. In the context of the case that is the subject of this report, RNDDH does not understand why, even today, people arrested by the Central Directorate of the Judicial Police (DCPJ) are being questioned in the absence of their lawyers or witnesses of their choice, even though the statements attributed to them are very serious and certainly very important for the proper handling of criminal cases.

46. It is therefore not surprising that one of the persons arrested in the context of the case that is the subject of this report, claimed to have been subjected to cruel and inhuman treatment. In this sense, RNDDH believes that a body as important in criminal investigations as the DCPJ should be able to commit to respecting this basic right of judicial guarantees, enshrined in Article 25.1 of the amended Haitian Constitution, which states that "No one shall be questioned in the absence of his lawyer or a witness of his choice.

47. RNDDH believes that the Haitian judicial system, to date, has done nothing to establish the facts of the case against the five (5) individuals indexed in this complex case of murder, rape, kidnapping for ransom, arson, armed robbery, illegal possession, carrying and trafficking of firearms and ammunition, complicity, and criminal conspiracy to the detriment of numerous victims including individuals, institutions, and businesses.

48. RNDDH considers it unacceptable that it is impossible to trace the first part of the case at the Port-au-Prince Court of First Instance, as the registry has been abandoned at the former premises of the Court in question, on Harry Truman Boulevard. Under these conditions, not only do the victims risk never obtaining justice, but worse yet, those incarcerated simply increase the number of detainees in illegal and arbitrary pre-trial detention. And RNDDH's greatest fear is to see this unconsolidated case being sent to two (2) separate investigating magistrates.

49. In the registry of the dean's office, Eddy BAGGIO, Carl-Hens Barina ORIVAL, and Frantzy VALME alias Didi are accused of being involved in cases of murder, rape and criminal conspiracy against Vladimir LEGAGNEUR and other people. There is no mention of the facts of arms and ammunition trafficking, contrary to what is inserted in the report of the DCPJ. This failure, which may seem trivial, considerably lightens the case itself. This is more disturbing because the report mentions the distribution of large sums of money to reclassify the offenses of which the accused are accused, to bring them before a correctional court instead of a criminal court, and to release them.

50. The RNDDH recalls that despite numerous denunciations of the involvement of different sectors in the illegal but juicy trafficking of weapons and ammunition, the de facto government - which does not market its protection to armed bandits - chooses not to do anything to stem the flow of arms in the country. And that is why the RNDDH believes that it is up to Haitian Justice to rigorously crack down on people involved in this trafficking.

51. In this sense, the RNDDH believes that this Justice, already decried, cannot afford an umpteenth corruption scandal, even less in a case of arms and ammunition trafficking. Consequently, the RNDDH warns the judicial authorities against any anti-ethical behavior in the treatment of this case.

52. Finally, the RNDDH regrets that the Prosecutor's Office at the Court of First Instance of Port au Prince, already dysfunctional for several years, completely escapes the control of the judicial authorities, Following the non-certification of government commissioner Jacques LAFONTANT, who to date has never been replaced by the a.i. Minister of Justice and Public Safety, Emmelie PROPHETE MILCE.

53. Based on all the above, the RNDDH recommends:

- It is up to the DCPJ to continue its investigations and, above all, to hear all those questioned, in the presence of their lawyers or witnesses of their choice;
- To the magistrates, to examine with haste all the cases relating to the trafficking of arms and ammunition, including this one, and to bring before the courts, all those who are involved in it;
- To the Minister a.i. of Justice and Public Security to follow the recommendations of the Superior Council of the Judiciary (CSPJ) regarding magistrates not certified

and initiate the process of certification of all the staff of the Prosecutor's Office at the Court of First Instance of Port au Prince, the object of continuous denunciations on the part of the litigants.