

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

DAVID BONIFACE,

NISSANDÈRE MARTYR, and

JUDERS YSEMÉ,

Plaintiffs,

v.

JEAN MOROSE VILIENA
(a.k.a. JEAN MOROSE VILLIENA),

Defendant.

Case No. 1:17-cv-10477-ADB

EXPERT REPORT OF ROBERT MAGUIRE

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I. PRELIMINARY INFORMATION

1. I am a retired former Professor of the Practice of International Affairs at the Elliott School of International Affairs, George Washington University. I was asked by Plaintiffs in the above-captioned matter to provide expert testimony on the role and activities of community-based political violence groups in Haiti, including those of KOREGA (short for *Kowòdinasyon Resistans Grandans* or *Komite Rezistans Grand-Anse*, or, in English, “Committee for Resistance in Grand-Anse”) in the Grand-Anse department region in Haiti in and around the 2007-2009 period. In the current research vernacular, these community-based political violence groups can be characterized as community-based armed groups (CBAGs).

2. My qualifications, summary of opinions, and basis for expertise are set forth in greater detail below. All opinions rendered herein are based on my own independent analysis.

A. Qualifications

3. I retired from my full-time faculty position as Professor of the Practice of International Affairs at the Elliott School of International Affairs, George Washington University, in July 2017 after six years as a full-time faculty. At George Washington University, I created and directed the Elliott School’s Focus on Haiti Initiative and was also Director of the Latin American and Hemispheric Studies Program. Previously, I was Chair of the Haiti Advanced Area Studies Seminar at the U.S. Department of State’s Foreign Service Institute (1990 to 2014), Director of the Haiti Program at Georgetown University (1996 to 2000) and Chair of the Haiti Working Group at the United States Institute of Peace, where I was a Jennings Randolph Senior Fellow in 2008 and 2009. Prior academic affiliations have included positions at Johns Hopkins, Howard, and Trinity Washington Universities. I continue my engagement with the Elliott School as an Adjunct Professor and remain active as a consultant and advisor on Haiti and on U.S.-Haiti policy issues.

4. I first visited Haiti in 1974. In the intervening years, I have traveled to Haiti more than 125 times in my capacities as representative of the Inter-American Foundation (IAF), State Department adviser, and university researcher. From 1979 to 1999, I was the IAF representative for Haiti and the Caribbean. In 2000, I served as Senior Advisor on Haiti at the U.S. Department of State. I am fluent in the dominant language, Haitian Creole, or Kreyol.

5. I have testified on Haiti before the U.S. Congress on several occasions, including on public safety issues. I have been qualified as an expert to provide testimony on “contemporary Haitian political and social history” by the United States District Court for the Southern District of New York in *Jane Doe v. Constant*, 04 Civ. 10108 (SHS).¹ I have also provided expert testimony and consultation in several asylum and removal proceedings related to Haiti. I have not testified as an expert at trial or deposition in any case within the last five years.

6. I have published extensively on issues linked to Haiti, including articles that examine public safety and citizen security issues in Haiti and, specifically, the relationship between the Haitian military and paramilitary organizations. Among my publications are an edited volume, *Who Owns Haiti?: People, Power, and Sovereignty* (2017),² and an essay entitled *Haiti: State Terror in Mufti* (1994).³ Monograph-length publications include *Bottom-Up Development in Haiti* (1981),⁴ and *Haiti Held Hostage: International Responses to the Quest for*

¹ Hearing Transcript at 16, *Doe v. Constant*, No. 04 Civ. 10108 (SHS) (S.D.N.Y. Aug. 16, 2006) (Sidney H. Stein, J.).

² *Who Owns Haiti?: People, Power, and Sovereignty* (Robert Maguire & Scott Freeman eds., 2017).

³ Robert Maguire, *Haiti: State Terror in Mufti*, *Caribbean Affs.*, Sept./Oct. 1994, at 78.

⁴ Robert Earl Maguire, *Bottom-Up Development in Haiti* (Inst. of Haitian Stud., Univ. of Kan., Occasional Paper No. 5, 1995), https://kuscholarworks.ku.edu/bitstream/1808/10899/1/ihsku_opn005_1995.pdf.

Nationhood – 1986 - 1996 (1997).⁵ I am cited in major news publications commenting about the country and appear occasionally on various radio and television programs as a commentator on Haitian development, politics, socioeconomics, public safety, foreign policy, and human rights. My curriculum vitae, including my publications and media appearances, is attached as Exhibit A.

B. Scope of Report

7. I was asked by Plaintiffs in the above-captioned matter to provide expert testimony on the role and activities of community-based political violence groups in Haiti, including those of KOREGA in the Grand-Anse department region in Haiti in and around the 2007-2009 period. Having reviewed these topics, my conclusions are as follows:

- Haiti has faced many difficult challenges over the last several decades, including grinding poverty, weak institutions, foreign influence, rampant corruption, and politically fueled unrest amid violence as a result of struggles to obtain and hold onto power.
- In the context of these challenges, politically affiliated community-based armed groups have spread extensively throughout Haiti since the early 2000s, including its southwestern region, the Grand-Anse department.
- These armed groups have been supported by an array of Haitian politicians, including former President Jean-Bertrand Aristide, as they emerged from the shadow of irregular and paramilitary organizations that existed in Haiti during prior periods of dictatorial and military rule. CBAG predecessors included the notorious *Tonton Makout* of the dictatorship of François Duvalier, the localized *Chef Seksyon* (Section Chief) of the Haitian army, and other irregular organizations such as the *Sans Maman* gangs and the

⁵ Robert Maguire et al., *Haiti Held Hostage: International Responses to the Quest for Nationhood – 1986 - 1996* (Thomas J. Watson Jr. Inst. for Int’l Stud., Brown Univ., Occasional Paper No. 23, 1997) (on file with author).

FRAPH (Front for the Advancement and Progress of Haiti) paramilitary groups of the 1980s and 1990s.

- Community-based armed groups play a significant role in local politics in Haiti. They use political candidate and office holder patronage, strong-arm bullying tactics and intimidation, extralegal political muscle, and outright armed violence to influence elections, interfere with investigations and prosecutions, silence critics, and suppress political opponents.
- Community-based armed groups operate with impunity as an extension of Haitian state actors and their affiliated political parties or organizations. In return for their loyalty, CBAGs provide their members with jobs, motorcycles, weapons, and control of local institutions and government posts. Their political patrons also encourage them to act with impunity, as if they are above the law.
- KOREGA is a community-based armed group that operates in cities and towns across the Grand-Anse region, including in Les Irois. Established in the 1980s as a clandestine resistance group, KOREGA evolved to exhibit all the hallmarks of a community-based armed group that resorts to the use of violence to silence critics, neutralize political opponents, and maintain political power.

C. Basis of Expertise and Opinion

8. This report is informed by my over four decades of experience with the development, political, socioeconomic, public safety, foreign policy, and human rights situation in Haiti, including as it relates to the presence, operations, and activities of community-based political organizations that employ intimidation and violence to meet their goals. In preparing this report, I relied on the materials referred to and cited in this report as well as on my own

extensive professional and expert knowledge of the situation in Haiti, which has been developed through decades of extensive travel and research within Haiti and is maintained through continued contacts with individuals and organizations on the ground. I have accumulated knowledge and have reviewed a wide range of documents detailing the role and activities of community-based political violence groups in Haiti, including those of KOREGA in the Grand-Anse department region, in and around the 2007-2009 period, namely:

- Reports by United States Citizenship and Immigration Services (USCIS);
- Reports by the United Nations Mission for Justice Support in Haiti (MINUJUSTH), the United Nations Stabilization Mission in Haiti (MINUSTAH), and the Organization of American States (OAS);
- Reports and documentation compiled by international non-governmental organizations, including Amnesty International, Freedom House, and Human Rights Watch;
- Press coverage on defendant Jean Morose Viliena and the events underlying the above-captioned case,
- Academic and scholarly research on community-based armed groups, rule of law, and human rights issues in Haiti.
- Deposition transcripts in the above-captioned case.

9. These and other documents I have reviewed and/or relied on are listed in Exhibit C. Consulting such sources of information is accepted practice within my field of expertise. I understand that discovery is still ongoing and I will supplement this report if needed, pending the discovery or production of additional relevant materials in the case.

10. I am being compensated for my work as an expert witness in this case in the amount of \$250 per hour by pro bono counsel Morrison & Foerster LLP. I will also be

reimbursed for reasonable travel and out-of-pocket expenses incurred while fulfilling my role as an expert.

11. I agree to supplement this report prior to trial if needed.

II. CONTEXTUAL INFORMATION

12. Haiti is a country located on the island of Hispaniola, east of Cuba in the Greater Antilles archipelago of the Caribbean Sea. It occupies the western three-eighths of the island which it shares with the Dominican Republic (Figure 1).



Figure 1: Map of Haiti. Source: U.N. Geospatial Information Section.⁶

⁶ U.N. Geospatial Info. Section, Haiti, U.N. Map. No. 3855 rev. 5 (2020), <https://www.un.org/geospatial/content/haiti-1>.

13. Haiti is 27,750 square kilometers (10,714 square miles) in size and has an estimated population of 11.3 million, making it the second-most populous country in the Caribbean after Cuba.⁷ It has the lowest human development index in the Americas,⁸ and is considered the poorest country in the Western Hemisphere, with a gross domestic product (GDP) per capita of \$2,925 in 2020.⁹ Close to 60% of the population lives under the national poverty line.¹⁰ Haiti's unemployment rates are consistently high, currently estimated at 40.6%,¹¹ but this statistic is misleading because of the nature of jobs available to most ordinary Haitians. Employment, when available, is often part-time or seasonal in the agricultural or irregular, 'informal' economy, where job security does not exist, and life is a constant hustle of laborious work and long hours with uncertain earnings in order to make ends meet. Poverty, corruption, vulnerability to natural disasters, environmental degradation, and low levels of education for much of the population represent some of the most serious impediments to Haiti's economic growth.¹²

⁷ See U.N. Dep't of Econ. & Soc. Affs., *World Population Prospects 2019*, at I-26 tbl.A.9, U.N. Doc. ST/ESA/SER.A/426 (2019), https://population.un.org/wpp/Publications/Files/WPP2019_Volume-I_Comprehensive-Tables.pdf.

⁸ U.N. Dev. Programme, *Human Development Report 2020*, at 349 tbl.1, U.N. Sales No. E.21.III.B.1 (2020), <http://hdr.undp.org/sites/default/files/hdr2020.pdf>. The United Nations' human development index is "a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living." *Data Center: Human Development Index (HDI)*, U.N. Dev. Programme: Hum. Dev. Reps., <http://hdr.undp.org/en/content/human-development-index-hdi> (last visited Jan. 28, 2022).

⁹ See *The World Bank in Haiti: Overview*, World Bank, <https://www.worldbank.org/en/country/haiti/overview> (last updated Nov. 8, 2021).

¹⁰ See *The World Bank in Haiti: Overview*, World Bank, <https://www.worldbank.org/en/country/haiti/overview> (last updated Nov. 8, 2021).

¹¹ *The World Factbook: Haiti*, CIA, <https://www.cia.gov/the-world-factbook/countries/haiti/> (last updated Jan. 18, 2022).

¹² *The World Factbook: Haiti*, CIA, <https://www.cia.gov/the-world-factbook/countries/haiti/> (last updated Dec. 14, 2021).

14. Limited access to quality formal education, particularly among poor Haitians living outside the major urban areas, has resulted in high levels of illiteracy. UNESCO currently estimates that nearly 40% of Haiti's total population is illiterate.¹³ Contributing to Haiti's significant illiteracy is the country's French-Creole language dichotomy. All Haitians speak the country's native Creole, but only a small percentage, estimated at 5-10% of the population, speak French—the language that bestows prestige and power to its speaker, excluding those who do not speak it, and that until 1987 was the only official language of Haiti.¹⁴ Until that year, French was used in all government proceedings, including in courts of law. Other important documents, such as land titles and birth certificates, were written in French, leaving them difficult to decipher for non-French speakers. Although Creole became the second official language of Haiti in 1987, and a standard orthography for Creole was henceforth developed, its introduction to schools and as the written language of the government has been halting and uneven. Much classroom education, especially at higher grades, still takes place in French, a language foreign to most students, and key legal documents still appear in French.¹⁵ One of the results of Haiti's low literacy rates, along with the French-Creole dichotomy, is that there is little culture of written record-keeping among Haitians, particularly among those who are not part of the elite.

¹³ See *Haiti*, UNESCO Inst. of Stats., <http://uis.unesco.org/en/country/ht> (last visited Jan. 31, 2022).

¹⁴ Andrew Warner, *French in Haiti: Is It Time for a Change?*, Language Mag. (Sept. 7, 2021), <https://www.languagemagazine.com/2021/09/07/french-in-haiti-is-it-time-for-a-change/>.

¹⁵ See, e.g., Concluding Order of Indictment, No. 736/08 (Ct. First Instance Jérémie Jan. 25, 2010) [Plaintiffs_0000090-99]; Judgment, No. 736/08 (Civ. Ct. Jérémie Oct. 25, 2010) [Plaintiffs_0000647-48]; Judgment, No. 15/00002 (Ct. First Instance Les Cayes July 21, 2015) (Exhibit C to Declaration of Mario Joseph, Attorney, *Boniface v. Viliena*, 338 F. Supp. 3d 50 (D. Mass. 2018), Dkt. 20-1).

15. Further, regardless of whether official documents are written in French or in Creole, the security and longevity of the documents themselves remain at risk. This is particularly true among poor Haitians whose modest homes are vulnerable to damage from earthquakes, hurricanes, flooding, and fire.

16. In addition to these socioeconomic barriers to prosperity, Haiti has faced many difficult political challenges over the past fifty years. For much of this period, the country has been governed by either dictatorial and military regimes or autocratic governments posing as democracies—all characterized by corruption and widespread and serious human rights violations. This was particularly true during the dictatorships of François (“Papa Doc”) Duvalier (1957–1971) and Jean-Claude (“Baby Doc”) Duvalier (1971–1986), which established the modern patterns and practice of Haiti’s corrupt and authoritarian governance in both national and local settings. To make matters worse, the economy and natural environment have been exploited and degraded by Haitian elites and outsiders, and basic social and economic rights, including adequate nutrition, public sanitation, and safe and available healthcare, along with basic education, have been unattainable for much of the Haitian population. These circumstances in turn have spurred waves of emigration by Haitians desperate to escape an environment of crushing poverty and lack of opportunity that is also torn by violence, intimidation, and arbitrary bullying by authorities, widespread gang presence, and the overall absence of rule of law. Ironically, among the emigrants have also been former members of Haiti’s army and paramilitary groups, and elected officials leaving their homeland for their own safety and enhanced well-being when their power is threatened. Many of these individuals settle in the United States and

attempt to lower their public profile.¹⁶ Haiti's general dysfunction has fueled not only emigration, but also periodic episodes of unrest and lawlessness within the country, resulting in repeated intervention by the international community, including the United States.¹⁷

17. At the beginning of 2004, the country experienced a violent uprising led by former soldiers, paramilitary operatives, and armed gangs that led to the sudden departure of President Aristide and exacerbated the political polarization and instability already widespread in the country. These developments, as explained below, intensified the emergence of politically affiliated, community-based armed groups. Adding fuel to that fire, in the 2000s, most Haitians continued to suffer from poor nutrition, unemployment, and a lack of access to health care and sanitation, among other problems. In this chaotic and anguished environment, a panoply of international organizations perceived financial and technical assistance as urgently necessary to alleviate the population's suffering and to prevent further degradation of Haiti's governmental and economic infrastructure.¹⁸ Indeed, in many instances, international actors sought to either re-establish this infrastructure or to create it almost from scratch.¹⁹

¹⁶ For example, in 1994, Emmanuel "Toto" Constant, the leader of FRAPH, which had used rape, mutilation, and murder to crush opposition to Haiti's military regime, fled to the United States when a Haitian court issued a warrant for his arrest. Complaint ¶¶ 5-6, 11, 15, 41, *Doe v. Constant*, No. 04 Civ. 10108 (SHS) (S.D.N.Y. Aug. 16, 2006). That same year, Colonel Carl Dorélien, a prominent leader of Haiti's brutal military dictatorship that had ousted former President Aristide and led a campaign of terror and massacres with FRAPH in the early 1990s, fled to the United States after Aristide returned to power. See Second Amended Complaint ¶¶ 7, 12-24, *Jean v. Dorélien*, No. 03-20161-CIV-KING/GARBER (S.D. Fla. Aug. 16, 2007).

¹⁷ See Inter-Am. Comm'n H.R., *Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community*, ¶ 3, OEA/Ser.L/V/II.123, doc. 6 rev. 1 (2005), <http://www.cidh.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>.

¹⁸ Inter-Am. Comm'n H.R., *Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community*, ¶¶ 3-4, OEA/Ser.L/V/II.123, doc. 6 rev. 1 (2005), <http://www.cidh.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>.

¹⁹ Inter-Am. Comm'n H.R., *Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community*, ¶¶ 4-7, OEA/Ser.L/V/II.123, doc. 6 rev. 1 (2005),

18. At all times relevant to the Complaint in this suit, weak institutions, foreign influence, and unrestrained corruption continued to hinder the capacities of Haiti’s government.²⁰ The 2004 coup and its aftermath left the country in chaos, creating a power vacuum that was filled in 2006 by an unelected transitional government. Concurrently, the United Nations intervened to address the political instability and human rights crisis. On April 30, 2004, the U.N. Security Council adopted Resolution 1542, establishing the United Nations Stabilization Mission in Haiti (“U.N. Mission”), also referred to by its French-language acronym, MINUSTAH. Comprised of civilian police, technical advisors, and military personnel, the U.N. Mission was given a mandate to assist Haiti’s transitional government in maintaining security, restoring democracy, ensuring the protection of human rights, and assisting to organize national elections.²¹

19. As Haiti and the U.N. Mission struggled with security challenges and moved haltingly to address the logistical problems of organizing elections, an array of at least seventy political parties—some with national aspirations and others based regionally—competed for popular support. Among those with national aspirations, discussed *infra* Part III, were the Struggling People’s Party (*Organisation du peuple en lutte*, or “OPL”); among the regionally based groups were the political party known as the Haitian Democratic and Reform Movement (*Mouvement démocratique et rénovateur d’Haïti*, or “MODEREH”), which is linked symbiotically to the KOREGA political machine.

<http://www.cidh.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>.

²⁰ Freedom House, *Freedom in the World 2018*, at 401 (Arch Puddington et al. eds., 2019), https://freedomhouse.org/sites/default/files/2020-02/FreedomintheWorld2018COMPLETEBOOK_0.pdf.

²¹ S.C. Res. 1542, ¶¶ 4, 7 (Apr. 30, 2004).

20. Since the 2004 coup, national, regional and local government institutions have remained weak, unable or unwilling to confront those who commit human rights abuses and to re-establish the rule of law. In part, this is due to the general absence of government institutions in towns and villages throughout the land, resulting in a universally weak and underdeveloped public-safety/rule-of-law infrastructure. The Haitian Armed Forces—responsible for numerous citizen massacres from the 1960s through the 1990s²²—had been disbanded in 1995. In its place was created, with international assistance, a new national police force overseen by civilian officials. Previously, policing had been under the purview of the army, with policemen actually soldiers in police uniforms. According to numerous international observers, since its inception the Haitian National Police has been chronically undertrained and underfunded, and plagued by indiscipline, unchecked corruption, and abuse of power.²³ At the same time, Haiti’s justice system—meant to complement the national police as a matching component of public safety—remained highly dysfunctional, plagued by rampant corruption, politicization, a lack of training

²² See, e.g., Second Amended Complaint ¶ 14, *Jean v. Dorélien*, No. 03-20161-CIV-KING/GARBER (S.D. Fla. Aug. 16, 2007).

²³ See generally Bureau of Democracy, Hum. Rts. & Labor, U.S. Dep’t of State, *Country Reports on Human Rights Practices for 2011: Haiti* 1, 8-11, 22 (2012), <https://2009-2017.state.gov/documents/organization/186732.pdf>; Bureau of Democracy, Hum. Rts. & Labor, U.S. Dep’t of State, *Country Reports on Human Rights Practices for 2012: Haiti* 1-4, 8-11, 14, 16–21, 26 (2013), <https://2009-2017.state.gov/documents/organization/204668.pdf> [Plaintiffs_0000607-46]; MINUSTAH & Haut-Commissariat des Nations unies aux droits de l’homme [MINUSTAH & U.N. Off. of the High Comm’r on Hum. Rts.], *Rapport semestriel sur les droits de l’homme en Haïti : Juillet - Décembre 2012 [Bi-Annual Report on Human Rights in Haiti: July - December 2012]*, at 5-7, 15-22 (2013), https://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJulyDecember2012_fr.docx [Plaintiffs_0000410-47]; MINUSTAH & Haut-Commissariat des Nations unies aux droits de l’homme [MINUSTAH & U.N. Off. of the High Comm’r on Hum. Rts.], *Rapport semestriel sur les droits de l’homme en Haïti : Janvier - Juin 2013 [Bi-Annual Report on Human Rights in Haiti: January - June 2013]*, at iv, 19-23, 25-29, 34-40 (2013), https://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2013_fr.pdf [Plaintiffs_0000359-409].

and limited resources. In this context, judicial officials have been susceptible to bribery and vulnerable to intimidation.²⁴

21. The combination of these conditions contributed, as discussed *infra* Part III, to a ramp-up during the 2000s of community-based political violence and vigilante actions aimed at revenge and score-settling. The fragility and weakness of the Haitian state in general and of law enforcement agencies in particular, paired with the state's general apathy towards or neglect of elections, the absence of government representatives and services, and the extreme poverty and desperate conditions of most Haitians, opened the door for provisional or 'de facto' forms of governance at all levels of the society, directed in many instances by individuals who did not hesitate to abuse what authority they could wield in order to maintain power.

III. THE RISE OF POLITICALLY AFFILIATED, COMMUNITY-BASED ARMED GROUPS IN THE 2000s

A. The Role of Community-Based Armed Groups in Haiti

22. Haiti has a decades-long tradition of political patrons using non-state or quasi-state armed groups, ranging from the aforementioned infamous *Tonton Makout* during the rule of

²⁴ See generally Bureau of Democracy, Hum. Rts. & Labor, U.S. Dep't of State, *Country Reports on Human Rights Practices for 2011: Haiti* 1, 10-13, 25, 31-32 (2012), <https://2009-2017.state.gov/documents/organization/186732.pdf>; Bureau of Democracy, Hum. Rts. & Labor, U.S. Dep't of State, *Country Reports on Human Rights Practices for 2012: Haiti* 1-3, 10-15, 20-22, 26, 32-34 (2013), <https://2009-2017.state.gov/documents/organization/204668.pdf> [Plaintiffs_0000607-46]; MINUSTAH & Haut-Commissariat des Nations unies aux droits de l'homme [MINUSTAH & U.N. Off. of the High Comm'r on Hum. Rts.], *Rapport semestriel sur les droits de l'homme en Haïti : Juillet - Décembre 2012* [Bi-Annual Report on Human Rights in Haiti: July - December 2012], at 4-5, 18-24 (2013), https://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJulyDecember2012_fr.docx [Plaintiffs_0000410-47]; MINUSTAH & Haut-Commissariat des Nations unies aux droits de l'homme [MINUSTAH & U.N. Off. of the High Comm'r on Hum. Rts.], *Rapport semestriel sur les droits de l'homme en Haïti : Janvier - Juin 2013* [Bi-Annual Report on Human Rights in Haiti: January - June 2013], at iv-v, 17-18, 23-28, 31-38 (2013), https://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2013_fr.pdf [Plaintiffs_0000359-409].

the Duvaliers, to the *attachés* under de facto leader General Raoul Cédras in the 1990s.²⁵ During the 1991-1994 violent rule of Cédras and the Haitian army, the FRAPH paramilitary group emerged to help enforce the ‘big man’ rule of the general. FRAPH-affiliated gangs wantonly employed murder, rape, and other forms of brutality to that end. One hallmark of the group was surrogate beatings and killings, i.e., when its members took revenge on a family member present in the home if its intended target was not there when FRAPH came looking for him or her.²⁶ This phenomenon of powerful political elites deploying unofficial paramilitary adjuncts to control the citizenry and wage armed actions against it and its political groups plays a strong and deeply entrenched role in Haitian politics.²⁷

23. The militarized Section Chief, or *Chef Seksyon*, system of local governance established in Haiti under the Duvaliers and disbanded following the dissolution of the Haitian army in 1995 played an important role in creating conditions of localized armed violence and the abuse of power by authorities and their supporters. Haiti’s 565 Section Chiefs were granted absolute powers of governance within a rural section, or *seksyon rural*, the smallest geopolitical unit of governance under the dictatorship, and served as the front line enforcers of the dictatorship with the authority to maintain order, and to arrest and judge real or perceived citizen transgressions against authorities.²⁸ Each Section Chief, who was also a soldier in the Haitian Armed Forces, also levied taxes on the citizenry, as he was expected to extract wealth from

²⁵ See generally Michel-Rolph Trouillot, *Haiti: State Against Nation: The Origins and Legacy of Duvalierism* (1990).

²⁶ See, e.g., Hearing Transcript at 49:13-50:10, *Doe v. Constant*, No. 04 Civ. 10108 (SHS) (S.D.N.Y. Aug. 16, 2006).

²⁷ David C. Becker, *Gangs, Netwar, and “Community Counterinsurgency” in Haiti*, PRISM, June 2011, at 137, 139.

²⁸ See, e.g., Michel S. Laguerre, *The Military and Society in Haiti* 151-56 (1993).

citizens in his section, keeping a share for himself while passing considerable amounts of cash up the army's chain of command.

24. To support them in their work, Sections Chiefs were officially granted the power to name two deputies. Unofficially, however, many mobilized gangs of up to 100 unpaid deputies, some also affiliated with the notorious *tonton makout*, were enlisted to assist them in the extraction of resources and the maintenance of 'law and order' in their jurisdiction. At its peak during the dictatorship, the Section Chief system 'employed' as many as 70,000 unpaid vigilantes who considered themselves above the law on account of their loyalty to their *Chef Seksyon*. When the Section Chief system was abolished in 1995, most of those 'employed' by it remained in their communities, suddenly unemployed, powerless and licking their wounds, awaiting other opportunities to assert their connection with power.²⁹

25. The emergence of CBAGS serving as muscle for political leaders increased significantly during Jean-Bertrand Aristide's second presidency from 2001 to 2004. In an unsuccessful attempt to avoid his second-term ouster, Aristide tried to consolidate his rule by expanding his network of *baz*—"informal street organizations that militantly emerged from local defense groups in the early 1990s"³⁰—while arming the *baz*'s criminal wing, the *chimères*, as a powerful irregular force to silence the opposition.³¹ Weapons provided to these impoverished young men to defend Aristide also gave the groups the wherewithal to commit crimes and

²⁹ Robert Maguire, *Haiti: State Terror in Mufti*, Caribbean Affs., Sept./Oct. 1994, at 78, 91-92.

³⁰ Chelsey Kivland, *Street Sovereignty: Power, Violence, and Respect Among Haitian Baz*, in *Who Owns Haiti? People, Power, and Sovereignty* 140, 142 (Robert Maguire & Scott Freeman eds., 2017).

³¹ Alex Dupuy, *The Prophet and Power: Jean-Bertrand Aristide, the International Community, and Haiti* 98 (2007).

dominate neighborhoods. As Aristide's grasp on power weakened, some gangs and their leaders once loyal to him switched sides, demonstrating the opportunistic and transactional nature of their loyalty. The gangs betrayed Aristide when he could no longer, in Haitian vernacular, "feed" them. With the deposed president's 2004 departure and Haiti's future up for grabs, these armed groups (which at that point were fully involved in criminal activity) quickly established control over parts of Port-au-Prince and other regions of Haiti.³² Once again, the fragility of the Haitian state in general, and of law enforcement agencies and the judicial system in particular, paired with the virtual absence of government representatives and services in the lives of ordinary citizens, opened the door for provisional, exploitative, and violent forms of governance.³³

26. With Aristide gone, competing political entrepreneurs and their supporters in the business sector continued to finance one armed group or another for illicit activities (including targeted kidnappings or 'rent-a-riot' options), and kept them on a string for the next election cycle. The ability of such groups to 'get out the vote' or deter others from voting, an extremely important feature for Haitian political candidates,³⁴ fueled a symbiosis between the gangs and aspiring or elected political leaders. This kind of symbiotic political affiliation builds upon the legacy of their paramilitary forebearers, allowing armed group members to think of themselves (and present themselves) as 'soldiers' for a cause rather than as simply opportunistic criminals.³⁵

³² David C. Becker, *Gangs, Netwar, and "Community Counterinsurgency" in Haiti*, PRISM, June 2011, at 137, 139.

³³ David C. Becker, *Gangs, Netwar, and "Community Counterinsurgency" in Haiti*, PRISM, June 2011, at 137, 138.

³⁴ David C. Becker, *Gangs, Netwar, and "Community Counterinsurgency" in Haiti*, PRISM, June 2011, at 137, 140.

³⁵ David C. Becker, *Gangs, Netwar, and "Community Counterinsurgency" in Haiti*, PRISM, June 2011, at 137, 139. For a deep dive into the *baz* and their roles in urban areas, see generally: Chelsey L. Kivland, *Street Sovereigns: Young Men and the Makeshift State in Urban Haiti* (2020).

B. The Relationship Between Community-Based Armed Groups and State Actors

27. Haiti's armed groups are self-organizing units that are self-supporting, grow if unopposed, and operate especially well within the permissive environment of a weak state dominated by charismatic leaders and powerful local authorities.³⁶ CBAGs "act simultaneously as neighbourhood vigilantes, community leaders, criminal gangs, and political militias."³⁷ They "serve political and criminal purposes for their sponsors, fulfill socio-economic functions for their members, pose as local civil society organisations to attract funds from donors, and protect their own communities as much as they prey upon them."³⁸ The rise of community-based violence in Haiti is thus the product of both greed and structural grievances, including skyrocketing inequality, historical injustice, fragile state institutions, and the absence of the rule of law. A major contributing factor driving group affiliation and loyalty is poverty.

28. As discussed above, poverty and unemployment rates in Haiti are extremely high. As a result of these bleak living conditions, the range of options available to poor youth to develop their talents and support themselves is limited. Joining such armed groups is an opportunity to improve life's limited chances.³⁹ The armed groups are thus "violence entrepreneurs," taking advantage of the presence of strong man leadership and the absence of institutions capable of holding them accountable, which allows them to make money, gain

³⁶ David C. Becker, *Gangs, Netwar, and "Community Counterinsurgency" in Haiti*, PRISM, June 2011, at 137, 139.

³⁷ Moritz Schuberth, *Growing the Grassroots or Backing Bandits? Dilemmas of Donor Support for Haiti's (Un)Civil Society*, 11 *J. Peacebuilding & Dev.* 93, 94 (2016).

³⁸ Moritz Schuberth, *Growing the Grassroots or Backing Bandits? Dilemmas of Donor Support for Haiti's (Un)Civil Society*, 11 *J. Peacebuilding & Dev.* 93, 94 (2016).

³⁹ Moritz Schuberth, *Growing the Grassroots or Backing Bandits? Dilemmas of Donor Support for Haiti's (Un)Civil Society*, 11 *J. Peacebuilding & Dev.* 93, 94-95 (2016).

power, and gather more adherents.⁴⁰ Those who join these groups are in some ways the most motivated and risk-taking within their communities. Although there are losses through death, imprisonment, or the emergence of other opportunities, including emigration, the stream of new recruits is almost endless. Armed group membership provides an avenue for material benefits and upward mobility where such possibilities are exceedingly scarce.⁴¹

29. The scourge of violence and intimidation unleashed throughout Haiti by CBAGs has proliferated during the twenty-first century, particularly in Haiti's urban areas. For example, as the U.N. Mission notes based on reports by local civil society organizations, in November 2018, confrontations between rival armed groups in Port-au-Prince resulted in the killing of between twenty-five and seventy-one people; up to eleven women and girls were raped, and up to 150 houses were looted.⁴² According to the U.N. Mission, “[w]hile these organizations attribute the responsibility for the crimes predominantly to criminal gangs competing for control over the local market, *it is troubling that they all allege some level of complicity with State actors.*”⁴³

30. This allegation was confirmed by the U.S. Treasury Department when it announced in 2020 that a notorious November 2018 massacre was organized by senior Haitian officials who provided weapons and vehicles to gang members to punish people in a poor

⁴⁰ David C. Becker, *Gangs, Netwar, and “Community Counterinsurgency” in Haiti*, PRISM, June 2011, at 137, 139-40 (quoting Robert Muggah, *Stabilising Fragile States and the Humanitarian Space*, 50 *Adelphi Papers*, no. 412-413, 2010, at 33, 34).

⁴¹ David C. Becker, *Gangs, Netwar, and “Community Counterinsurgency” in Haiti*, PRISM, June 2011, at 137, 140-41.

⁴² U.N. Secretary-General, Rep. on the U.N. Mission for Just. Support in Haiti, ¶ 38, U.N. Doc. S/2019/198 (2019).

⁴³ U.N. Secretary-General, Rep. on the U.N. Mission for Just. Support in Haiti, ¶ 38, U.N. Doc. S/2019/198 (2019) (emphasis added).

neighborhood protesting government corruption. Citing the Global Magnitsky Human Rights Accountability Act, the Treasury Department imposed sanctions on the two Haitian officials linked to the massacre calling them “perpetrators of serious human rights abuse.” In Haiti, however, while those officials have been removed from their government posts, they have not faced charges and continue to operate with impunity.⁴⁴ This example of collaboration between government officials and CBAGs is by no means isolated.

31. The relationship CBAGs share with political parties and individual politicians in Haiti is both inseparable and reciprocal, and has nourished violence, lawlessness, and instability to the present. According to a 2021 Human Rights Watch report, “[a]lleged complicity between politicians and gangs” contributed to “a climate of insecurity” throughout Haiti in 2020.⁴⁵ In the first eight months of that year, the United Nations reported 944 intentional homicides, 124 abductions, and 78 cases of sexual and gender-based violence, with at least 159 people killed as a result of gang violence.⁴⁶ In a single incident on August 31, 2020, gangs killed at least twenty people and set houses afire in two neighborhoods of Port-au-Prince.⁴⁷ This violence and arson forced at least 1,221 residents to flee their homes, seeking shelter in public squares and on a soccer field.⁴⁸

⁴⁴ Catherine Porter and Natalie Kitroeff, “‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows,” *New York Times*, October 21, 2021, updated Oct. 27, 2021.

⁴⁵ Human Rights Watch, *World Report 2021: Events of 2020*, at 297 (2021), https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf.

⁴⁶ Human Rights Watch, *World Report 2021: Events of 2020*, at 296 (2021), https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf.

⁴⁷ Human Rights Watch, *World Report 2021: Events of 2020*, at 297 (2021), https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf.

⁴⁸ Human Rights Watch, *World Report 2021: Events of 2020*, at 297 (2021), https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf.

32. Violent gang operations continued throughout 2021, many directed by Jimmy “Barbecue” Chérizier, a former policeman and current leader of the “G9”—a coalition of nine gangs.⁴⁹ Chérizier, an outspoken supporter of the late President Jovenel Moïse, who was assassinated on July 7, 2021,⁵⁰ is viewed by many Haitians as among the gang leaders who “have more authority than our [political] leaders,” as the head of a Haitian human rights group told the *New York Times*. “If they say, ‘Stay home,’ you stay home. If they say, ‘Go out,’ you can go out. It’s terror.”⁵¹

33. By mid-2021, increased gang terror intimidated both Haitians *and* international organizations working in the country. In early August 2021, for example, gang violence in the suburban area of Martissant near Port-au-Prince forced an estimated 19,000 residents to flee the neighborhood and resulted in the closure of the area’s Doctors Without Borders health clinic.⁵² Humanitarian aid agencies seeking to deliver relief to the Grand-Anse region following a strong earthquake there on August 14, 2021, were forced to negotiate with gangs for the safe passage of their personnel and relief supplies as the United Nations called for the creation of a

⁴⁹ Evans Sanon, *Haiti Gang Leader Rallies Hundreds to Honor Slain President*, CP24, (July 26, 2021), <https://www.cp24.com/world/haiti-gang-leader-rallies-hundreds-to-honor-slain-president-1.5523713?cache=hshngyycpze%3Fot%3DAjaxLayout>.

⁵⁰ Evans Sanon, *Haiti Gang Leader Rallies Hundreds to Honor Slain President*, CP24, (July 26, 2021), <https://www.cp24.com/world/haiti-gang-leader-rallies-hundreds-to-honor-slain-president-1.5523713?cache=hshngyycpze%3Fot%3DAjaxLayout>.

⁵¹ Catherine Porter and Natalie Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *New York Times*, October 21, 2021, updated Oct. 27, 2021.

⁵² *Aid Group Closes Emergency Clinic in Haiti Amid Violence*, Associated Press (Aug. 2, 2021), <https://apnews.com/article/violence-caribbean-haiti-ea09d21b28c9fbf7996087ac2f2deb37>.

“humanitarian corridor” through gang-controlled areas.⁵³ As supplies trickled into the quake zone, reports filtered in from quake-stricken areas in Grand-Anse that local gangs were seeking similar negotiations. As reported by disaster-response nonprofit ACAPS: “The southern peninsula, including areas affected by the earthquake, is a hotspot for gang-related violence. Those areas were already almost unreachable two months prior to the earthquake as a result of security concerns and road blockages.”⁵⁴

34. As confirmed by the *New York Times* in late 2021, “[g]angs have long been powerful in Haiti often serving as muscle for politicians who, in turn, provided them with weapons and vehicles. But under... Jovenel Moise... the power of gangs had only grown.”⁵⁵ Concurrently, the International Crisis Group reported that as hired guns, members of armed gangs had expanded their clientele and now “serve those seeking to advance a political agenda, harm an economic rival, or ensure protection of an important warehouse or other strategic location.” A Haitian anthropologist cited by the International Crisis Group attests “violence entrepreneurs - politicians and business elites - sponsor gangs to control territory, secure economic monopolies and deliver votes during elections.”⁵⁶

⁵³ Laura Gottesdiener & Drazen Jorgic, *U.N. Calls for Haiti ‘Humanitarian Corridor’ in Gang-Held Areas*, Reuters (August 15, 2021), <https://www.reuters.com/world/americas/un-calls-haiti-humanitarian-corridor-gang-held-areas-2021-08-15/>.

⁵⁴ ACAPS, *Haiti: Earthquake 4* (2021), https://www.acaps.org/sites/acaps/files/products/files/20210816_acaps_briefing_note_haiti_earthquake_0.pdf.

⁵⁵ Maria Abi-Habib, *As Gangs’ Power Grows, Haiti’s Police Are Outgunned and Underpaid*, *New York Times*, October 26, 2021, updated October 27, 2021.

⁵⁶ International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, Briefing 44, 30 September 2021.

35. A report from Haiti further affirmed “[v]iolent street gangs have seized neighborhoods and key roads, torching homes and spreading a plague of rapes, kidnappings and killings that have caused thousands of residents to flee.”⁵⁷ The report quoted the director of a socio-economic policy center in Port-au-Prince: “The gangs are taking over the country. The kidnappings are surging again.”⁵⁸ The high profile kidnapping in mid-October 2021 of 17 US missionaries, as well as the every day kidnappings for ransom of ordinary Haitians by CBAGs, made gang violence and terror a reality of daily life for everyone in Haiti. “Every day, we leave our homes without knowing if we’ll be coming back,” the program director of a leading Haitian human rights organization told the *New York Times*.⁵⁹

36. As gang violence surged into 2022 and incidents of gangs intimidating political leaders became more common,⁶⁰ the *Miami Herald* reported that “U.S. officials fear that gangs increasingly coalescing power since Moïse’s death, destabilizing the country with fuel and hostage crises last fall, could align with different factions... raising the specter of political violence.” Other international actors following Haiti expressed similar fears. A senior European official told the newspaper: “The situation is really worrying: the worsening insecurity linked to the criminal activities of gangs.” To address this growing alarm, Canada called for a ministerial-

⁵⁷ Widlore Merancourt and Anthony Faiola, *Deportees Land in Port-au-Prince: ‘Nobody Told Us We Were Going Back to Haiti,’* Wash. Post (Sept. 19, 2021), <https://www.washingtonpost.com/world/2021/09/19/haiti-deportee-flight-port-au-prince/>.

⁵⁸ Widlore Merancourt and Anthony Faiola, *Deportees Land in Port-au-Prince: ‘Nobody Told Us We Were Going Back to Haiti,’* Wash. Post (Sept. 19, 2021), <https://www.washingtonpost.com/world/2021/09/19/haiti-deportee-flight-port-au-prince/>.

⁵⁹ Catherine Porter and Natalie Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows,* New York Times, October 21, 2021, updated Oct. 27, 2021.

⁶⁰ Widlore Merancourt and Amanda Coletta, *Haitian prime minister forced to flee city after New Year’s Day shootout,* Washington Post, January 2, 2022.

level meeting that would include the U.S. Secretary of State to discuss immediate steps international actors can take in response to “threats of gang violence targeting Haiti’s political leadership.”⁶¹

IV. KOREGA, A COMMUNITY-BASED ARMED GROUP OPERATING IN THE GRAND-ANSE DEPARTMENT, UTILIZES VIOLENCE TO SUPPORT POLITICAL ACTORS.

A. Contextual Information on the Grand-Anse Department Region and Les Irois.

37. The Grand-Anse department is one of ten geopolitical departments that comprise Haiti. Each department is subdivided into municipalities, arrondissements, and communal sections. The latter are roughly equivalent to the rural sections of the Duvalier era. Located in the southwestern region of Haiti, the Grand-Anse department was carved out of the Sud (French for “South”) department in 1962. In 2003, the new Nippes department was carved out of Grand-Anse, now only 1,912 square kilometers (738 square miles) in size. The capital of Grand-Anse is Jérémie. The department’s population was 481,065 in 2019.⁶²

38. Grand-Anse is largely rural, with a scattering of small towns and villages. Most of the Grand-Anse population lives in isolated villages and small towns that hug the coast. Grand-Anse’s economy is heavily tilted toward small-scale farming and fishing, and widespread engagement in small commerce by hucksters and street vendors, who are mostly women. In recent years, the economy of Grand-Anse has also been linked to drug and small arms trafficking, particularly given the department’s proximity to Jamaica and that island’s marijuana-

⁶¹ Michael Wilner and Jacqueline Charles, *U.S. fears Feb. 7 could bring new political upheaval in Haiti - with huge ramifications*, Miami Herald, January 14, 2022.

⁶² ACAPS, *Haiti: Earthquake 6* (2021), https://www.acaps.org/sites/acaps/files/products/files/20210816_acaps_briefing_note_haiti_earthquake_0.pdf.

for-guns trade.⁶³ A high-profile marijuana trafficking case in 2012 implicated a resident of the neighboring Sud department with close ties to then-President Michel Martelly. Following his arrest, the suspect, who lived in the coastal town Port-Salut, mysteriously disappeared.⁶⁴

39. Grand-Anse is one of Haiti's most underserved and difficult to reach departments, with few electricity and potable water services and only several paved roads which are prone to washouts and landslides. Indicative of its isolation is the difficulty relief groups had in reaching its isolated villages and towns in the aftermath of the August 2021 earthquake. The department's isolation is also a boon for its armed gangs and their patrons, contributing to Grand-Anse's lawlessness. In difficult to reach locales, it is easier to intimidate the citizenry beyond the reach of national and international authorities, such as the U.N., and to be able, literally, to get away with murder.

40. One of these isolated coastal towns is Les Irois, which is a commune in Anse-d'Hainault, an arrondissement of the Grand-Anse department in southwestern Haiti (Figure 2). Les Irois had 24,374 inhabitants in 2015, with the majority of the population living in areas still classified as rural,⁶⁵ despite the significant recent growth of the town's central district.

⁶³ See Seth Robbins, *Jamaica and Haiti Swap Drugs and Guns*, InSight Crime (June 23, 2020), <https://insightcrime.org/news/analysis/jamaica-haiti-drugs-guns/>.

⁶⁴ *Haiti Police Release Businessman on Drug Charge*, Associated Press (Sept. 14, 2013), <https://apnews.com/article/94135112079040ccb9ba9baea5d1ba0d>; *Haiti Police Make Arrests in Missing Hotelier Case*, Associated Press (Jan. 23, 2014), <https://apnews.com/article/25dcbb07482a425fa3af24e6d36f9d9c>.

⁶⁵ Direction des Statistiques Démographiques et Sociales, Institut Haïtien de Statistique et d'Informatique [Dep't of Demographic & Soc. Stat., Haitian Inst. of Stat. & Info.], *Population totale, de 18 ans et plus : ménages et densités estimés en 2015* [*Total Population 18 Years and Older: Households and Densities Estimated in 2015*] 120 tbl. (2015), https://web.archive.org/web/20151106110552/http://www.ihsi.ht/pdf/projection/Estimat_PopTotal_18ans_Menag2015.pdf.

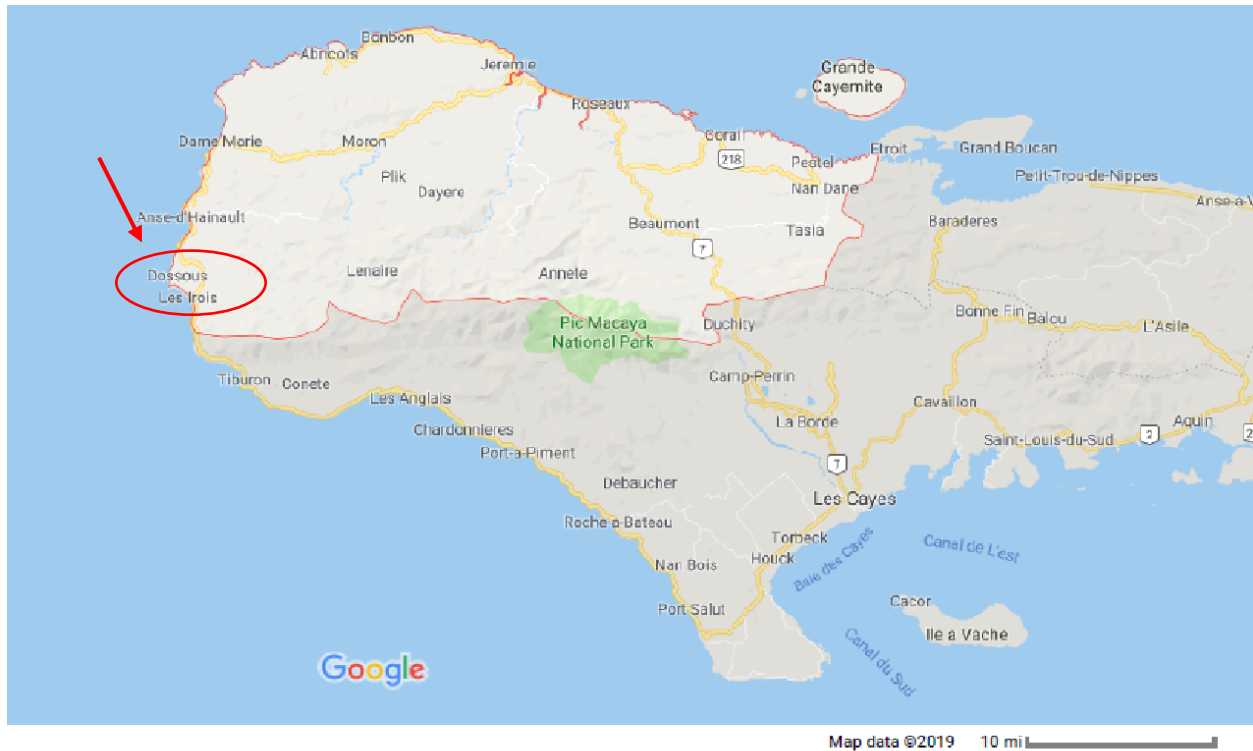


Figure 2: Map of the Grand-Anse department, Les Irois mark added. Source: Google Maps.

B. Role and Activities of KOREGA in the Grand-Anse Department

41. KOREGA (also known as COREGA) is an organization of the Grand-Anse region that was founded toward the end of the Duvalier dictatorship as a highly disciplined, clandestine resistance group. Following its creation, KOREGA sponsored a paramilitary unit, and reportedly sent members to Cuba for training. When the dictatorship collapsed, KOREGA identified with the emerging, soon-dominant Lavalas political movement founded by Jean-Bertrand Aristide, who was elected president in 1990 in a national landslide. Aristide was almost immediately overthrown by a military coup d'état, initiating a period of repression of Aristide's supporters from 1991 to 1994 that forced KOREGA to return to clandestine operations. In 1994, Aristide was restored to power by a U.S.-led U.N. military intervention, enabling the resurgence of nation-wide political groups affiliated with him. KOREGA, still led by founders Maxime

Roumer and Laurent “Tema” Batista, re-emerged from the darkness of military rule to maintain its unified political discipline and dominance in Grand-Anse.⁶⁶

42. KOREGA has a considerable track record of a violent, hard-edged approach to politics which it has carried from its Duvalier-era roots into the twenty-first century. According to a USCIS report, on September 27, 1999, with elections on the horizon, a violent KOREGA-led demonstration attempted to shut down Jérémie’s departmental elections office and threatened to kill the nationally-appointed leaders of the Provisional Election Council (*Conseil Electoral Provisoire*, or CEP), who KOREGA alleged had been drawn from opposition parties. On that day, one demonstrator was killed and several were injured, including a police inspector. A KOREGA leader threatened “a blood bath” if the electoral office did not close.⁶⁷ According to the same report, KOREGA was also criticized for committing “acts of sabotage” against another unit of election organization, the Departmental Election Bureau (*Bureau Électorale Départemental*, or BED).⁶⁸

43. KOREGA’s threats and intimidation did not stop with the offices tasked with organizing the elections. A quarterly report by the OAS/UN International Civilian Mission in Haiti (MICIVIH) covering April to June 1999 notes:

MICIVIH also received several reports of acts of intimidation and death threats between members of two rival political organizations in the [Grand-Anse], *Kowodinasyon Resistans Grandans* (KOREGA) and *Rasanbleman Militan Grandans* [Assembly of Grand-Anse Militants] (RAMIG). In one case, RAMIG’s general secretary alleged to MICIVIH that he was accosted and threatened in

⁶⁶ Roumer died in 2021 and Laurent died in the August 2021 earthquake.

⁶⁷ *Resource Information Center: Haiti*, USCIS (Jan. 20, 2000), <https://www.uscis.gov/archive/resource-information-center-haiti>.

⁶⁸ *Resource Information Center: Haiti*, USCIS (Jan. 20, 2000), <https://www.uscis.gov/archive/resource-information-center-haiti>.

Jérémie on 20 April by four armed KOREGA members including one of its leaders.⁶⁹

44. During Aristide's second presidential campaign in 2000, KOREGA continued to associate with his Lavalas Family (*Famille Lavalas*, or FL) political party which also served as an umbrella organization for a variety of smaller affiliated political parties, including MODEREH in Grand-Anse. The upstart political party achieved some success in Grand-Anse as Aristide and his allies swept into power in the 2000 elections, which were widely boycotted by opposition groups.

45. As Aristide's power eroded in the run-up to his 2004 forced removal from office and subsequent exile, the allegiance of KOREGA's leaders to him weakened. By 2006, support of the exiled President had virtually disappeared within KOREGA's ranks, as its political operatives sought other alliances that could assure their continued domination of local politics throughout the southwestern region of Haiti. As KOREGA abandoned Aristide's splintering FL, many candidates it backed in towns across Grand-Anse were affiliated with MODEREH, which was also distancing itself from the FL. By 2006, MODEREH and KOREGA had become symbiotically inseparable throughout Grand-Anse, as MODEREH, in essence, served as a vehicle for KOREGA-backed candidates.

46. KOREGA's strategy of lending its muscle to candidate support as part of a patronage system continued to be successful as it remained the most powerful political machine in Grand-Anse in the post-Lavalas era. Challenging KOREGA/MODEREH for political

⁶⁹ Human Rights Review: April - June 1999: A Quarterly Report by the OAS/UN International Civilian Mission in Haiti (MICIVIH), United Nations, <https://web.archive.org/web/20121116162304/https://www.un.org/rights/micivih/rapports/hrr99q2.html>.

supremacy at this time, however, was a more established national political party that had broken from Aristide in 1996 and became a magnet for opposition to him at a time when KOREGA maintained its loyalty to Aristide. That party, the OPL, or Lavalas Political Organization (*Organisation Politique Lavalas*), had re-christened itself as the Struggling People's Party (*Organisation du peuple en lutte*). Following its rebranding, OPL garnered a national following as the most prominent political group opposed to Aristide, attracting aspiring political leaders in their quest for office in cities, towns and villages throughout Haiti, including in Grand-Anse.

47. OPL candidates and their supporters quickly became the political enemies of the still-loyal-to-Aristide KOREGA of the late 1990s and of the KOREGA/MODEREH nexus thereafter. This harsh political enmity continued in the post-Aristide era and during the 2006-2010 presidency of René Préal, when KOREGA/MODEREH was loosely affiliated with Préal's *Vérité* party, which was also opposed by OPL. The hard-edged, competitive OPL-KOREGA/MODEREH rivalry manifested itself in towns and villages throughout Grand-Anse, including in Les Irois.

48. The 2010 earthquake led to the political demise of Préal and his *Vérité* party and fueled the rise to national prominence of Michel Martelly and his newly-formed Haitian Bald Head Party (*Partie Haitienne Tet Kale*, or PHTK). One of KOREGA's leading national figures, founding member and Grand-Anse Senator Maxime Roumer, joined forces with Martelly during the run-up to his election as Haiti's president in late 2010. Since then, KOREGA's operatives have aligned themselves with this new national leader and his party while their previous political vehicle, MODEREH, has faded from Haiti's political vernacular. Once again, KOREGA demonstrated its ability to survive Haiti's shifting political landscape and engage in opportunistic, transactional alliances to embrace the dominant political force.

49. Supporting KOREGA's opportunistic maneuvers is its network of local branches capable of arming and mobilizing groups of militant KOREGA members throughout Grand-Anse. Through these armed groups, KOREGA applies threats, strong-arm tactics, political muscle, and armed violence to influence elections, interfere with investigations and prosecutions, silence critics, and suppress political opposition in cities and towns across the Grand-Anse region, including Les Irois. In return for their loyalty, KOREGA provides its militants with jobs, motorcycles, weapons, access to 'big man' status within their communities, and control of local institutions and government posts.

IV. VIOLENCE PERPETRATED BY KOREGA IN LES IROIS AS REFLECTIVE OF THE BROADER HAITI AND GRAND-ANSE CONTEXT

50. The deposition testimony of witnesses in the above-captioned case corroborates the violent role played by KOREGA in supporting local state actors in the isolated community of Les Irois. It also corroborates patterns and practices of abuse and violence used against citizens by prior paramilitary groups and gangs that laid the foundation and established precedent for KOREGA's more recent violence. Those actions were particularly evident in Les Irois and surrounding areas between 2007 and 2009 when the witnesses testified that several gruesome violent acts occurred.

51. According to the deposition testimony, the town's leading KOREGA-affiliated actors were Mayor Jean Morose Viliena and his adjuncts, the latter of whom comprised a community-based armed group loyal to and commanded by the Mayor.⁷⁰

⁷⁰ LaGuerre Dep. 10:21-15:16, 19:9-21, 26:1-22, 34:6-12, 39:16-42:24, 49:4-18; Larrioux Dep. 10:19-17:10, 37:12-39:10, 49:19-51:25, 71:4-72:13; Lebon Dep. 9:16-14:13, 40:10-44:2; Mers Ysemé Dep. 14:8-19:16, 20:25-22:4, 50:15-52:1, 72:4-75:22; Frankel Ysemé Dep. 11:6-12:4.

52. Witness testimony demonstrates key instances of support provided to the Mayor by KOREGA political machine operatives from outside the community in support of acts of violence perpetrated on local residents, including acts of murder, attempted murder, torture, beatings, and arson against individuals under his jurisdiction who he perceived as political opponents and a threat to his authority and grasp on power.⁷¹

53. The surrogate killing of Ecclesiaste Boniface in the place of his brother David, as described in witness testimony and various reports,⁷² replicates a pattern and practice of abusive violence by another well-known group that perpetrated political violence in Haiti, FRAPH. This now-defunct paramilitary group that supported the de facto military regime in the mid-1990s was known for brutalizing individuals, usually women, whom they found at home when they came in search of another family member who was not there. Rape and beatings, some resulting in the victim being left for dead, became FRAPH's calling card for surrogate violence.

54. Witnesses testified to another stark example of this support that came in the form of weapons provided to Mayor Viliena by KOREGA associates in the neighboring locality of

⁷¹ LaGuerre Dep. 20:7-27:15, 33:4-45:10, 49:4-22; Larrieux Dep. 26:25-29:8, 35:16-41:10, 50:9-61:3; Lebon Dep. 23:22-30:20, 39:25-52:15; Mers Ysemé Dep. 30:17-37:15, 46:4-55:13, 63:11-67:23; Frankel Ysemé Dep. 34:18-45:25.

⁷² LaGuerre Dep. 20:7-24:25; Larrieux Dep. 26:25-29:8; Lebon Dep. 23:22-30:20; Mers Ysemé Dep. 30:17-37:15; Joseph Decl., Dkt. 20-1, Ex. B (July 30, 2014, letter from Mario Joseph to the Court of First Instance of Les Cayes); Joseph Decl., Dkt. 20-1, Ex. C (July 21, 2015, Court of First Instance of Les Cayes judgment); Final Order, No. 736/08 (Civ. Ct. Jérémie Jan. 25, 2010) (translation 1) [VIL 0001-12], at VIL 0009; Final Order, No. 736/08 (Civ. Ct. Jérémie Jan. 25, 2010) (translation 2) [VIL 0042-51], at VIL 0049; Haiti Nat'l Police, Incident Report (Dec. 5, 2011) [VIL0016-17] (translation 1); Haiti Nat'l Police, Incident Report (Dec. 5, 2011) [VIL0032] (translation 2); Statement from Maurissant Jean Irvelt Chéry, Exec. Sec'y, Struggling People's Party (Feb. 6, 2012); Urgent Action, Amnesty Int'l, David Boniface (m), Aged 27; His Family (Oct. 27, 2008), <https://www.amnesty.org/en/wp-content/uploads/2021/06/amr360052008en.pdf>.

Anse d'Hainault. These weapons, brought into Les Irois from Anse d'Hainault on a motorcycle driven by the Mayor, were immediately distributed to his CBAG, who gathered at his command and used the weapons in the vengeful attack on the Les Irois radio station that maimed two citizens and destroyed the station.⁷³

55. Witnesses also described how KOREGA members intimidated Les Irois citizens en route from the department capital of Jérémie to testify in a court of law about this and other violent acts perpetrated in the town by Mayor Viliena and his associates. Although the witnesses were provided a protective escort for safe passage to Jérémie, by an elected member of Haiti's national Chamber of Deputies not affiliated with KOREGA, the witnesses were not offered similar protection for their return. As a result, they were set upon by KOREGA. Even before leaving Les Irois to travel under protection to Jérémie, the witnesses had been slapped, harassed, and intimidated by the Mayor's adjuncts.⁷⁴

56. In their deposition testimony, the witnesses consistently described a pattern and practice of reciprocal symbiosis between the Mayor of Les Irois and his CBAG to serve a political goal through violence, which replicates the broader relationship outlined above between office holders and political activists in Haiti and CBAGs. This pattern and practice are reflective of the aforementioned system of Section Chiefs and their 'deputies.' The abusive, extralegal acts perpetrated on citizens within that system, and the impunity with which they were enacted, provide a well-known legacy for abusive acts against citizens by more contemporary local authorities. As reflected in the testimony of those who lived under his time in office, Mayor

⁷³ LaGuerre Dep. 33:4-36:16; Larrioux Dep. 50:7-57:5; Lebon Dep. 39:25-47:10; Mers Ysemé Dep. 46:4-55:13; Frankel Ysemé Dep. 34:18-43:8.

⁷⁴ LaGuerre Dep. 25:2-27:15; Larrioux Dep. 34:14-18, 37:16-41:10; Frankel Ysemé Dep. 17:16-20:4.

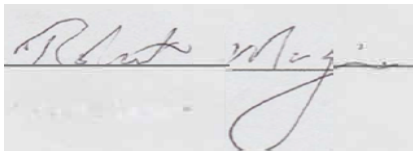
Viliena and his assistants continued several practices common to Section Chiefs and their appointed, loyal deputies whose patrons provided authority to act above the law, as well as related groups such as the *Tonton Makout*, *attachés*, *Sans Maman* gangs, *chimères*, and other CBAGs described above. These vehicles and the impunity with which they acted all have established precedent for violence-prone contemporary local leaders.

V. CONCLUSION

57. In conclusion, the political violence that occurred in Les Irois between 2007 and 2009 was based upon ample precedent established by the precursors of KOREGA's community-based armed groups which acted as the political muscle and violent support force for the local official who was their patron. This political violence was reinforced by the impunity afforded those with power and guns by Haiti's corrupt political system and weak judiciary. As a result, Viliena is able, through his KOREGA associates, to target Plaintiffs and those he perceived as threats to his control over the community of Les Irois with little fear of being held accountable for his abuses.

Dated: January 31, 2022

By:

A handwritten signature in black ink, appearing to read "Robert Maguire", written over a horizontal line on a light-colored background.

Robert Maguire