

REPUBLIC OF HAITI

SEAL: CABIN[ILL.]
GONAIVES
REPU[ILL.]

OFFICE OF THE EXAMINING MAGISTRATE
OF THE CIVIL COURT OF GONAIVES

LIBERTY

EQUALITY

FRATERNITY

REPUBLIC OF HAITI
IN THE NAME OF THE REPUBLIC

ORDER

We, Jean SENAT FLEURY, esq., av. Judge and Examining Magistrate of the Court of First Instance of the Gonaïves, with the assistance of the citizen Raoul JACQUES, court clerk, have issued the following order:

Seen the various exhibits included in the case file of the events that took place on April 18 and 22, 1994, in Raboteau-the Gonaïves, commonly known as: "the Raboteau Massacre" and issuing an indictment against:

1) *The Members of the High Command of the Armed Forces of Haiti:*

The former Lieutenant-General Raoul CÉDRAS

The former Major-General Jean-Claude DUPERVAL

The former General Philippe BIAMBY

The former Brigade General Martial ROMULUS

The former Colonel Carl DORÉLIEN

The former Colonel Hebert VALMOND

The former Colonel **Frantz DOUBY**

The former Colonel **Ernst PRUD'HOMME**

The former Colonel **Jean-Robert GABRIEL**

2) *The officers and Soldiers of the FAD'H:*

-The former Lieutenant Colonel **Joseph Michel FRANÇOIS**

-The former Lieutenant Colonel **Bellony GROSHOMMES**, former Commanding Officer of the Military Department of Artibonite

-The former Captain **Castera CENAFILS**, former Commanding Officer of the Military District of the Gonaïves, and former Commanding Officer of the 10th Company

-The former Captain **Reynald TIMO**

-The former Captain known as **L'HÉRISSE**

-The former Lieutenant **DESROSIERS**

-The former Lieutenant **Wilson CASSEUS**

-The former Lieutenant **Marilien JEAN**

-The former Lieutenant **GESNER PHENELON**, a.k.a. **Lubérisse**

-The former Lieutenant **Anatin O. VOLTAIRE**, former Commanding Officer of the Military Sub-District of the Gonaïves

-The former Lieutenant **Mickel-Ange MÉNARD**

-The former Officer **Dessources LEDIX**

-The former Officer **Estimé ESTIMABLE**

-The former Sergeant **Cherenfant SAUVEUR**

-The former Sergeant known as **WALNER**

-The former Sergeant **Jn-Libert AMAZAN**

-The former Corporal **Jacques ÉBEL**

- The former Corporal Noé **CARLO**, a.k.a. **TI BLANC**
- The former Corporal **Cariétane NADY**
- The former Corporal known as **LUCKNER**
- The former Corporal known as **CESAR**
- The former Corporal known as **RICHER**
- The former Corporal known as **WALNY**
- The former Corporal **Tony FLEURIVAL**
- The former Corporal **VALCIN**
- The former Soldier **Piloge PIERRE ORIOL**
- The former Soldier **Mondélus NORÉLUS**, a.k.a. **Eliancy**, a.k.a. **Saddam Hussein**
- The former Soldier known as **DANIEL**
- The former Soldier **Jude SAINVAL**
- The former Soldier **TI RACHE**
- The former Soldier known as **GUÉRIN**
- The former Soldier known as **MARCEL**
- The former Soldier **Anios LÉANDRE**
- The former Soldier known as **CASSEUS**
- The former Soldier **Manius GERVAIS**, a.k.a. **DIGITAL**
- The former Soldier known as **JANVIER**
- The former Soldier **Chery SAMSON**
- The former Soldier **Sulien DORVIL**
- The former Soldier **Madsen SAINVAL**

3) *Members of paramilitary organizations, FRAPH and associates:*

- Emmanuel CONSTANT General Secretary of the Fraph
- Louis Jodel CHAMBLAIN Coordinator
- Jean PIERRE, known as JEAN TATOUNE
- Wilbert MORISSEAU
- Théomat CHARLES a.k.a. YOFOU
- Ludovic ADOLPHE a.k.a. MANZOUNE
- Oléus FRAGÉ
- Léxima THÉLUSMA
- Fucien MICHEL, a.k.a. TI RORO
- Pierre JOSEPH, known as D'JO LUCY
- Raphael CAMIL
- Pierre Paul CAMIL
- TI TONTON, known as such
- Pierre André PRÉSUMÉ
- DOUZE, known as such
- Armand SAJOUS, a.k.a. TI AMAND
- Alexis LHERISSON, a.k.a. CROCHU
- Rémy SAINT-PIERRE
- Dieulifaite JOSEPH
- Jacob JEAN PAUL
- TI RACHE, known as such

- LUCKNER, known as such
- DÉCIUS, known as such
- Israel DIEUBON
- Joseph PIERRE
- Orlando TIMA a.k.a. FRÉDDI
- Louisnock JEANTY
- Renet ROMAIN, a.k.a. Nene TIBET
- Georges CELONY
- Lionel ADECLAT

All charged for Conspiracy, arts. 224, 225, 226 and 227 of the Penal Code, Murder and Homicide arts. 240, 241, 242, 243, 247, 248, 249, 254 C.P. [Penal Code] Attempt to commit crimes (including vandalism and arson) art. 2, Physical Tortures, art. 293, Illegal arrest and confinement or detention of persons, arts. 289, 290, 291, 292, 293 CP, Looting art. 361, Rape art. 279, Arson arts. 356, 357, 358 and 361. Statutory rape art. 300, 301 and 302. Extortion art. 135. Assault and battery arts. 254, 255, 256 and 258, Crimes against the public peace art. 224. Crimes against property (robbery) art. 324, 326 and 372. Abuse of authority arts. 145, 147 and 159. Crimes and offenses against the Constitution (political rights) arts. 81 and 82. Attempts against freedom arts. 85 and 86. Conspiracy with civil servants arts. 92 and 93. Prevarication arts. 127 and 128. Crimes against the internal security of the State arts. 68, 69 and 74 during the events which took place in Raboteau April 18 and April 22, 1994.

Seen: all other exhibits of the proceedings:

- 1- The Government Commissioner's request to the Civil Court of this jurisdiction for an investigation, dated November 7, 1996; December 18, 1996; February 25, 1997; March 10, 1997; May 12, 1997; June 25, 1997, requiring the Examining Magistrate to investigate the events which took place in Raboteau on April 22, 1994.
- 2- The complaint letters from the victims of April 22, 1994's events, addressed to the Government Commissioner dated October 29, 1996; November 7, 1996; December 2, 1996; January 6, 1997; February 17, 1997; March 10, 1997; April 18, 1997; May 12, 1997; June 16, 1997.
- 3- The official establishing report of the massacre of April 22, 1994, drafted by the Justice of the Peace of

the North District of the Gonaïves, Dorismond Jean Baptiste, esq., dated April 23 to 28 1994.

- 4- The final report by the National Commission on Truth and Justice on the Raboteau massacre of April 22, 1994.
- 5- The articles in the press and the facts concerning the events of April 22, 1994, published by A.F.P., dated April 25 and 26, 1994.
- 6- Monsignor Emmanuel Constant's statement, dated April 25, 1994, on the massacre which took place at Raboteau on April 22, 1994.
- 7- The Micivih reports concerning the events of April 22 transmitted to the Judicial Investigations Department, dated May 5, 1998; February 25, 1998, and April 13, 1998.
- 8- The report of the Commission on Justice and Peace in the Gonaïves about the events in Raboteau
- 9- The depositions of the forty-seven (47) plaintiffs duly constituted as plaintiffs suing for damages in this proceeding, namely:

- 1- Joseph Charles Eddy
- 2- Charles Saint-Phar
- 3- Mirlène Longchamp
- 4- Ilioda Longchamp
- 5- Emmanuel Majeune
- 6- Roubens Desravines
- 7- Amisial Paul Emile
- 8- Jean Marie Guerda
- 9- Mary Roussette Nicolas
- 10- Pierre Antoine Ligondé
- 11- Gédéon Philogène
- 12- Delva Guerrier
- 13- Charles Auguste Derville

14- Auguste Jolis

15- Thérèse Thalérand

16- Jean-Louis Ramong

17- Walter Fils-Aimé

18- Louis Ernst Jean-Jacques

19- Jean-Baptiste Neville

20- Paulette Thomas

21- Olgate Valcin

22- Déborah Charles

23- Henri-Claude Elismé

24- François Sanon

25- Ofrance Chéry

26- Jean Avrilus

27- Altagrâce Noël

28- Eliziane Cadet

29- Marie Jeanne Jean

30- Abdel Saint-Louis

31- Glaudine Jeanty

32- Blaise Vaillant

33- Séraphin Célonny

34- Charitreuse Cadet

35- Marie Denise Fleury

36- Eligène Elismé

37- Alfred Georges

38- Rosiane Profil

39- Dieuseul Jean

40- Francely Jean

41- Altagrâce Jean

42- Fritz Désir

43- Enold Prophète

44- Joseph Horel

45- Michel Morency

46- Madame Avrilus Jean, née Viergela Jeune

47- Annoual Fénescar all represented by MARIO JOSEPH, ESQ., attorney, and all residing in Raboteau-the Gonaïves.

10- The depositions of witnesses to the Judicial Investigations Department: the Justice of the Peace of the North District Jean-Baptiste Dorismond, the former government Commissioner Roland Paphius, Monsignor Emmanuel Constant, Sister Anne Camille, Father Emile Beldort parish priest in the Diocese of the Gonaïves at the time of the events, the Justice of the Peace Morency Joseph, Emmanuel Honorat, Rémilén Wilner, Augustin Mirel, Adolphe Hilaire, Célistta Jean, Joseph Mistral, Valéus Novembre, Métayer Amiot, known as Cubain, Guérite Roslet, Anniver Nicolas, Gesner Noël, Willy Charles, Lucien Antoniel, Michelet Jean Baptiste, Anniessé Jean Baptiste, Petithomme Jonas, Lifaité Alcuis, Etienne Parchemin, Guerda Longchamp.

11- The interrogations of thirty (30) of those accused as presumed perpetrators, co-perpetrators, and accomplices in the events of April 18 and April 22, 1994 gathered by the Judicial Investigations Department.

- a) Cénafils Castera, 41 years old, born on October 22, 1953 living and residing in Pèlerin II # 63 route de Kenscoff, manager by profession, of the Catholic faith, with the assistance of Mr. Marcel Jean-Pierre, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 20, 1998 and heard by the Judicial Investigations Department on January 20, 1998, stated the following:

As a Captain and Commanding Officer of the 10th Company, he acknowledges in his interrogation that he was in

Raboteau on April 22, 1994. He was driving a four-door sedan, beige-colored Toyota Hilux. He was with soldiers from the 10th and 21st company. This group is known as "Rapid Intervention Force." This raid was a response to an attack on the Raboteau Outpost by armed civilians, who conducted a terror campaign, commonly known as "cesarean operation." Soldiers posted at Borgnes, Campérin, Martissant à Carrefour lost their lives during the attacks, says the Captain. According to Castera, there were no wounded among the military; there were more or less one or two victims on the civilian side. A lady was wounded from a bullet fired from the civilian side. Still according to Captain Castera, the attack on Raboteau happened the same day as the attack on Borgne, which shows that it was a planned action to undermine the military. He inspected the bullet-marked building himself.

Once in his office, he wrote his report to his hierarchical superior, who hastened to dispatch an investigative commission composed of five officers to the scene, among whom Colonel **Valmond**. In response to the question, were there civilians in his group? Castera answered peremptorily, No. He claims innocence, saying that if he had been guilty, he would have been sent before a Court Martial.

- b) **Wilson Casséus**, 28 years old, born in 1969, living and residing in Port-au-Prince, Delmas 19, Rue Janvier #7, academic, of the Catholic faith, with the assistance of Mr. Jean-Claude Nord, esq., and Mr. Bénitho Belfort, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated October 3, 1997 and heard by the Judicial Investigations Department on November 13, 1997, stated the following:

I was not at the Gonaïves on that April 22, 1994; I went back to Port-au-Prince on Thursday 21. I went back to the Gonaïves Sunday the 24. Monday the 25, when I arrived at the office, Asmate said this to me: "Don't you know, Casséus, that you are not to go anywhere according to orders that were issued." So I answered that if this was about the Raboteau incident, Ménard and Dessources had already talked to me about it. Ménard told me that Cubain was the one who attacked the military station in Raboteau, which is why the Gonaïves military had to use force to subdue the rebellion. I saw two men in Antin Voltaire's office, and Ménard told me that the Colonel had ordered them shot, but that Lubérus did not want to take on this responsibility. Although I was absent, my squad, composed of about 20 or 22 soldiers participated in the operation. Because, as soon as Condition D is declared, the entire Garrison is mobilized. In my opinion, there was no attack in Raboteau, because I was part of the delegation that the General Headquarters sent. I did not see bullet marks on the walls of the Outpost of Raboteau. In my opinion, the operation of April 22, 1994 was well planned. The main perpetrators were: The Colonel who gave the order, and Captain **Timo** and **Castera Cénafils**, executors of said order. The two companies participated in the attack in Raboteau because it was a matter of an issued order; the 21st company had 4 squads. The 1st was commanded by Sub-Lieutenant Asmate, the second by Casséus, the 3rd by Ménard **Michel-Ange**, and the last by **Ledix Dessources**. I confirm Ménard's and Lubérusse's participation in the attack of April 22. I don't know who was the head of the operation, but Castera and Timo were there.

- c) **Phénelon P. Gesner, a.k.a. Lubérice**, 54 years old, living and residing in the ruelle Gaston la Scirie-Saint-Marc, farmer, of the Catholic faith, with the assistance of Mr. Tessier Jussomme, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated July 24, 1997 and heard by the Judicial Investigations Department on January 12, 1998, stated the following:

As an officer assigned to the 21st company, I was responsible for the cafeteria at the Barracks Toussaint Louverture of the Gonaïves. I was not in Raboteau on April 22, 1994. I heard the news when I was in St-Marc. So I went home to the Gonaïves. I have been in St. Marc since April 20. I do not know if there was an armed attack against the Outpost of Raboteau.

- d) **Jean Marilien**, 48 years old, born in 1950 living and residing in Port-au-Prince, tailor by profession, of the Catholic faith, with the assistance of Mr. Marcel Jean-Pierre esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated July 31, 1997 and heard by the Judicial Investigations Department on December 9, 1998, stated the following:

I was a Company Sergeant-Major, assigned to the 10th Company. My perimeter of operation was only from K. Soleil to Detour Laborde. I commanded a simple police unit whose mission was to prevent thieves from functioning. I had as subordinates for this task, Ammonce, known as such, and Cherenfant M. Sauveur. It was only later that I learned of the events which took place in Raboteau the Gonaïves on April 22 '94, through the media. I did not know if the Outpost had been attacked by civilians. I categorically deny the accusations, namely that I was on a sailboat at the time of the attack in Raboteau and that I was beating people. I am well acquainted with Lubérice, Sulien Dorvil, Digital. They were all members of the tactical unit.

- e) **Cherenfant M. Sauveur**, 38 years old, born in 1960 residing in the Gonaïves, enlisted man by profession, of the Catholic faith, with the assistance of Mr. Marcel Jean-Pierre, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 21, 1998 and heard by the Judicial Investigations Department on January 21, 1998, stated the following:

I did not participate in the events of April 22, 1994 in Raboteau. I was only responsible for police services and circulation. I was home in the Gonaïves this April 22. I was told that of a confrontation between military and armed civilians. My hierarchical superior was the Lieutenant Marilien Jean, and I had 8 soldiers under my command: Cloviste Jean Baptiste, Wilner Phanord, Amos, known as such, and Arnold, known as such. I learned the news of the massacre as well as a rumor that a sailboat had wrecked. The highest ranking officer is the one who can issue the attack order in Raboteau.

- f) **Gervais Manius**, 42 years old, born in 1956, living and residing in Port-au-Prince, Linteau 2, A 16, driver-mechanic, of the Catholic faith, with the assistance of Mr. Marcel Jean-Pierre, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated July 12, 1997 was heard and stated the following:

Since April 18, I had gone to Port-au-Prince to see my dermatologist. I was coming back to the Gonaïves on Saturday April 23. I had exema on my feet. Anyway, I was only a vehicle driver (tactical unit). I did not carry arms. I was in 21st company with a rank of simple Sergeant. It was when I came back that I learned about the events at Raboteau.

- g) **Jacques Ebel**, 37 years old, enlisted man, of the Catholic faith, with the assistance of Mr. Antoine Paphius, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 22, 1998 and heard by the Judicial Investigations Department on January 22, 1998, stated the following:

My job is to inspect vehicles. I knew nothing of what was happening in Raboteau. On April 22, I was in the Gonaïves, on circulation detail. I belonged to the 10th Company. I was under the orders of Cherenfant, who himself reported to Marilien.

Originally from the Gonaïves, I have never had problems with the people in the district. I fail to understand why complaints have been filed against me, and why my house was destroyed and burned down.

- h) **Amazan Jean Libert**, 36 years old, born in 1962, driver by profession, of the Catholic faith, with the assistance of Mr. Denis Fils-Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated July 12, 1997 and heard by the Judicial Investigations Department on January 12, 1998, stated the following:

On April 22, 1994 I was in the Gonaïves, held up at the Toussaint Louverture barracks for other reasons. It was only on the morning of that day that I learned from passersby that there had been shots at Raboteau, and it was also on the radio that I heard there had been casualties. So, if people say they saw me on last April 22, 1994, taking part in the events of Raboteau, they are lying.

I held the rank of Sergeant in the barracks. I belonged to the 21st company with Reynald Timo as my Commanding Officer, and 3rd squad which was commanded by Jean Jacques Elie, who, upon his death, was replaced by Ménard. I can say nothing about Castera Cénafils because we do not belong to the same company. Since my transfer to the Gonaïves in [19]90 until the dismantlement of the army, there has not been a single attack against the Barracks Toussaint Louverture of the Gonaïves by armed individuals. On the other hand, there were attacks against the Outpost, but I don't remember how many. I knew Lubérice because he was from the 21st company. I am used to seeing Casséus Wilson at the barracks, but I do not know him. I knew Walner because he was a street policeman. Magistrate, I await your decision.

- i) **Cariétane Nady**, 29 years old, born in 1969, living and residing in Delmas 24 #16, Port-au-Prince, security guard by profession, of the Catholic faith, with the assistance of Mr. Luc B. Fièvre, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated October 23, 1997 and heard by the Judicial Investigations Department on December 2, 1997, stated the following:

Since December 1993, I have been gone from the Gonaïves. Anyway, since November 3, 1993 I was transferred to Pinson, a locality in the Bas-Artibonite. I spent a month there. I filed my documents with Colonel Antoine in view of my transfer. On December 23, I had just received my pay, when I was informed that I was being transferred to the Anti-Gang service in Port-au-Prince on December 26, 1993. The 1st Sergeant, Lucérissse Lubin handed me the transfer letter. Since my transfer, I have been to the Gonaïves only once to see a friend living on Avenue des Dalles, whose name is Jean Claude Sajous. It was from the radio that I learned of an attack at Raboteau. I checked this information by going to Youri Latortue.

- j) **Mondélus Norélus a.k.a. Eliancy**, 30 years old, born in 1968 living and residing in the Gonaïves, rue Egalité, enlisted man by profession, of the Catholic faith with the assistance of Mr. Nathan Dorsainvil, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated May 22, 1997 and heard by the Judicial Investigations Department on January 22, 1998, stated the following:

At the time of the Raboteau massacre, I was not even in the Gonaïves. I had been transferred to the Cayes. I was transferred in August 1993. Before this transfer, I belonged to a company commanded by Captain Castera. During my transfer, I never went back to the Gonaïves. The massacre of Raboteau, I heard about it on the news. I was then in prison.

- k) **Jude Saint-Val**, 37 years old, born in 1961, living and residing in the Gonaïves, in the rue Liberté #13, farmer, of the Catholic faith, with the assistance of the witness Jude Cajuste, detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated April 27, 1998 and heard on April 28, 1998, stated the following: I heard of the massacre on the radio. A Sergeant, I served as a clerk. I was the secretary of Sub-Lieutenant Anatin Voltaire, who belonged to the 10th company. With me in the administrative office were Joseph Jacquelin, and Saint Clair Jean. I was not aware of anything. As soon as closing time came, at four, I went home. I was not aware that armed individuals were attacking the Outpost of Raboteau. There was only one company, the 10th, under the command of Castera Cénafils. I did not know the 21st company.

- l) **Dorvil Sulien**, 38 years old, living and residing in the Gonaïves, Avenue des Dattes #14, farmer by profession, and a free-mason by religion, with the assistance of Jude Cajuste, a witness designated by the defendant, detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated October 15, 1997 and heard by the Judicial Investigations Department on November 20, 1998, stated the following:

Since July 21, 1993, I had been in charge of the Gonaïves prison. I was never present during army operations. I knew nothing of what was taking place in Raboteau on April 22. In fact, since April 20, 1994, I was in Port-au-Prince, and I only came back on April 27. I worked for the 10th company. Upon learning the news, on my return the 27th, I went to see if my son had not been a victim in the events. I did not know what was going on in Raboteau on April 18. I was made aware that there had been casualties at Raboteau through

certain people. There were three of us in charge of the prison: Emmanuel Jean, Lindor Joseph and myself.

- m) **Léant Oreste Agnos**, 34 years old, born in 1964, living and residing at rue Clercine #17, Port-au-Prince, electrician by profession, of the Catholic faith, with the assistance of Mr. Guy Jacob Latortue, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated May 24, 1997 and heard by the Judicial Investigations Department on May 26, 1998, stated the following:

I am a corporal in the army. I have been posted in the Gonaïves since 1986. It was a friend, named "Dodo," administrator of the Gonaïves hospital and owner of the Express Dry, who called out to me as I drove by on my motorcycle, and who informed me of the events which took place in Raboteau. It was between 10 and 11 am. I was assigned to the 10th company which was under the command of Captain Castera Cénafils. The 1st Sergeant was called Jean Sainclair, the Lieutenant Marilien, the Lieutenant Casséus, the corporal Dorvil Sulien. From 1986 until June 1995 I was posted in the Gonaïves, at the Toussaint Louverture barracks. Later, in 1995, I was transferred to Petit-Goâve. On April 22, 1994 I was with the 10th company, detailed to circulation. I do not know if the Outpost was attacked, but I am told that the military were at Raboteau. I have never been to Raboteau. A simple corporal; I cannot operate alone; according to what I was taught, a simple corporal cannot do anything on his own—he operates under the orders of his hierarchical superior.

- n) **Joseph Pierre, known as D'jo Lucy**, 41 years old, born in 1957, living and residing in the Gonaïves, Mason by profession, of the Catholic faith with the assistance of Mr. Yves Darice, designated witness, detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 12, 1998 and heard by the Judicial Investigations Department on May 14, 1998

I have been implicated in the Raboteau case only because I was a good friend of Jean Tatoune. Since Jean has been in prison, I have taken to giving his wife a little money. The other employees who work on the wharf with me turned me in for this reason alone. Namely Robin, Dieujuste, Abdallah. I am innocent in this business of a massacre in Raboteau. I have neither been a soldier, nor a Fraph member; I am even a victim. Castera arrested and hit me 30 times with a club. I was released thanks to an intervention by Jean Tatoune. I learned about the incident of April 22 the following morning, when I saw people fleeing the district and heading toward the place called "grand-Mont." I went down to Raboteau and saw almost no one. Indeed, I heard shots very early on the morning of April 22, 1994. I learned that Ti Claude and Jamédodo lost their lives.

- o) **Pierre Joseph**, 51 years old, born in 1947, living and residing in Bassin Magnant, mason by profession, Catholic, with the assistance of Mr. Jacob Latortue, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated May 12, 1998 and heard by the Judicial Investigations Department on May 14, 1998.

I knew nothing of the Raboteau case. On April 22, 1994 I was in St-Marc. I worked as a security guard for Mr. Roland Dupiton, ex-representative from the department of Artibonite.

Since the representative was ill, I spent 3 months out of the Gonaïves. I heard the news of the massacre through the press, and I informed the representative. He exclaimed: Oh, how could these men do this work? After about two weeks, he came back to the Gonaïves. I have been neither a soldier, nor Fraph member. Sometimes with the representative, I visited the barracks. That is all.

- p) **Jeanty Louisnock**, 22 years old, born in 1977, living and residing in the rue Anténor Firmin, the Gonaïves, mechanic by profession, of no religion, with the assistance of Mr. Tessier Jusomme, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated June 6, 1997 and heard by the Judicial Investigations Department on November 17, 1997, stated the following:

On April 22, 1994 I was in the Gonaïves in the rue Liberté, but I did not witness the events; I heard about them through people. I heard shots in Raboteau, but I did not know where they came from. Among the detained, I only know Manzoune, because he usually goes fishing with my father. I do not know Jean Tatoune, but I've heard about him. I never heard the name of the Fraph group. I never heard about Captain Castera either. Among those in the Gonaïves, I only know Cubain because he is my cousin.

- q) **Alexis Lhérisson a.k.a. Crochu**, 50 years old, born in 1947, living and residing in K. Soleil, the Gonaïves, Carpenter by profession, of the Catholic faith, with the assistance of Mr. Denis Fils Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated November 24, 1997 and heard by the Judicial Investigations Department on November 27, 1997 stated the following:

I was an inspector for the Gonaïves municipality. I hold the key to the communal market. I am sickly. Given my daily activities, I could not have found the time to participate in the massacre. I was accused because I always had problems with the [female] merchants who occupy more than five stands in the market. I did hear that there were casualties in Raboteau. I spent 8 years working for **Zacary Delva**, but I do not have an attaché card. That Friday, April 22, I was at the Gonaïves market. I arrived at 6 am and was leaving at 11 o'clock at night. I met all the other detainees in prison. Before my arrest, I only knew the Sergeant Jude Saint-Val, who lives in K-Soleil.

- r) **Dieulifaite Joseph**, 47 years old, born in 1950, living and residing in the Gonaïves, on rue Liberté #234, small merchant, of the Catholic faith, with the assistance of Mr. Marcel Jean Pierre, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated June 6, 1997 and heard by the Judicial Investigations Department on September 2, 1997 stated the following:

It was on the radio that I heard about the Raboteau massacre. That Friday, April 22, 1994, I was home on rue Liberté #234. I was selling candies in a vat, and as usual, my wife was at the market selling meat. I was neither a member of the F.A.D.H., nor of the Fraph. Among the detained, I know Cherenfant, Ti Roro (Michel Vilsaint), and D'jo Lucy. I met the others for the first time in prison. I also know Jean

Tatoune, who lives right near me. I am an honest man, and I call upon Dieudonné Simone (rue Liberté #18)- Loius Simonvil (rue Liberté) as witnesses. Dieujuste, a leader in the Raboteau district, Auguste Saint-Fort, a master goldsmith (rue Liberté #14). The military are the perpetrators of the massacre. I only admit to having had in my possession an attaché card. A Lieutenant sold it to me. When Aristide came back, my house was demolished. I do not know why.

- s) **Georges Célonny**, 27 years old, born in 1970, living and residing in petite Rivière de Bayonnais, farmer by profession, of the Catholic faith, with the assistance of Mr. Denis Fils Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated August 5, 1997 and heard by the Judicial Investigations Department on November 17, 1997 stated the following:

I am a taxi driver. On April 21, 1994, after dropping off a woman called Jeanne in the neighborhood of Raboteau, I was met by soldiers who forced me to put out some burning tires. I talked back to them, and they clobbered me repeatedly with their clubs.

Of these soldiers, I was able to identify Dorvil, Marilien, Amazan, and [the individual] known as Saddam. The 1st, Dorvil, hit my right arm with his club to force me clean a canal. At the prison, Dorvil asked me to support him at the committee. He promised to reward me when he sold a machine, if I tried to clear him by accusing another Dorvil, a musician at the barracks.

On the day of April 22, I was in flight, in the company of Olgate, around Ennery. I spent about 22 days. I am innocent in this matter. I was arrested when I dropped off a lady at the Gonaïves prison on my motorcycle. Having dropped the lady off, I met a guy on the balcony who owed me three gourdes. I asked him for the money. Far from complying with my request, he began to insult me. We fought, and the police arrested us.

- t) **Adéclat Lyonel**, a.k.a. "Ti Pik," 36 years old, born in 1961, living and residing in the Gonaïves, rue Pétion #28, driver by profession, of the Catholic faith, with the assistance of Mr. Patrick Christophe, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated June 12, 1997 and heard by the Judicial Investigations Department on November 14, 1997.

That April 22, 1994 I was at home in the Gonaïves, at the rue Pétion. I did not participate in the massacre. I was arrested on June 11, 1997 by Enel and Dieujuste. I always had good relations with the people of Raboteau. My concurring witnesses are: Croyance Alcuis and Jean Longchamp. I have neither been in the military, nor a member of the Fraph. I did, in fact, hear shots on April 22. I was fast asleep.

- u) **Renet Remain** a.k.a. "Nènè Tibèt," 47 years old, living and residing in the Gonaïves, at rue Lozana #73, Voodoo Priest, with the assistance of Mr. Denis Fils Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated November 27, 1997 and heard by the Judicial Investigations Department on January 6, 1998.

At the time of the Raboteau events, I was not there. I had gone to Port-au-Prince for medication, to my brother's house, because I had been beaten, and I stayed there 22 days. I simply heard that some people had died and some had been beaten. I was told that the Gonaïves soldiers had done this, but I do not know if there were soldiers from other cities among them. I am a Voodoo Priest; I live at rue Lozana, but on April 22, 1994, I was living in Raboteau, on the rue Egalité #173, where I spent 16 years. I rented Ti Bois' house on rue Lozana, because someone had robbed planks from me. I alerted the police, and since then, people hate me in the district. I was arrested once in Raboteau by Voltaire, and I spent one month and 4 days in prison. I was released because Jean-Claude Bout asked them to give me a second chance.

- v) **Ludovic Adolphe**, a.k.a. "**Manzoune**," 52 years old, born in 1943, living and residing at the Arcahaie, fisherman by profession, of the Catholic faith, with the assistance of Mr. Jussomme Tessier, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 19, 1998 and heard by the Judicial Investigations Department on January 19, 1998, stated the following:

I was accused of having lent my boat to the soldiers during the Raboteau incident. I am innocent in the matter of Raboteau. I am being detained because of a problem involving women, based on a complaint filed by Olgate through his son-in-law, Dieujuste; the woman in question's name is Cérita. It was when I came back from fishing that I heard about the events in Raboteau. I saw Dyekivle and Jamédodo. With my own eyes, I saw the ocean wash up the two corpses exactly on April 25 and 26, 1994. I looked at the bodies. I saw that Dyekivle had a hole in his belly, more precisely above the waist. I recognized Jamédodo because his face bears a scar. Jamédodo was buried on the beach, and Dyekivle's body was taken away. For Jamédodo, workers dug a hole. For Dyekivle, his family took the body. Yes, I did state that the military had used more than 14 boats.

In addition, I admit to having participated in Jamédodo's burial. I was the one who provided a rope for hauling the body onto the beach when I saw it coming, and with the others, I participated in the burial. It is impossible for me to name names, given the amount of time I spent in prison. Among the detained, I have ties only to Jean Tatoune. Indeed, Jean Tatoune frequented the barracks daily. Everyone knows that Jean Tatoune carried a weapon. In addition to being innocent, I can say, Magistrate, that I am the first victim. One week before April 22 incident, I was arrested by Castera who asked me to turn in people close to **Cubain**. Having handcuffed me, the soldiers forced me into a jeep and drove me to Raboteau. Because I said nothing, Captain Castera, with the help of one of his attachés named Ti Rache, made me lie on the ground, and I was hit at least 25 times with a club. I was released thanks to the intervention of Gabner, who spoke to Colonel GrosHommes on my behalf. Jean Tatoune was present in Captain Castera's office while they beat me. He simply said: "Amate, [Amateur - see p.20] how could you let this misfortune happen to you."

w) **Orlando Tima** a.k.a. "**Frédi**," 30 years old, born in 1967, living and residing in the Gonaïves, on Rue Mecklemburg #535, Sports instructor, of the Catholic faith, with the assistance of Mr. Denis Fils Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated June 6, 1997 and heard by the Judicial Investigations Department on August 18, 1997, stated the following:

I am innocent in the Raboteau matter. On April 22, I was in the Gonaïves, on Avenue des Dalles, ruelle Mecklemburg. I learned the news at 11 am through a passerby, who said there had been shots at Raboteau. I went down to see my grandmother, and my brothers and sisters, who live in the district.

When I got there, I saw that everything was dark. Between the rue Fabre Geffrard and the rue Jean Jacques Dessalines, I came across a military patrol truck coming back from Raboteau and heading in the direction of the Toussaint-Louverture barracks. This was a white Toyota pick-up truck filled with men in olive green uniforms. It was going at break-neck speed. When I got there, I heard that there had been shots in Raboteau, and that people's houses had been searched. Several people stated that they were victims of violence. I heard that Ti Claude, Jamédodo, Dyekivle had died. I am innocent. I never made this statement to the journalist: "This is the first time I have used a big gun like this. You see these things in the movies. I am trying to save my life. In the meantime, I'm going to kill them." As an athletic person, I've come across soldiers on the basketball court, like Amazan, Cariétane, but I am not friends with the military. Once, Captain Castera sent for me. At the barracks, I saw many soldiers coming from the direction of Port-au-Prince. I was questioned. That day, many people were summoned, for example, the Judge Dorismond Jean-Baptiste.

x) **Fucien Michel**, a.k.a. "**Ti Roro**," 28 years old, born in 1970, living and residing in the Gonaïves, on the rue Christophe #299, electrician, of the Mormon faith, with the assistance of the witness Jude Cajuste, detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated June 6, 1997 and heard by the Judicial Investigations Department on September 2, 1997, stated the following:

On the day of April 19, I was in Lacroix Périsse visiting my sick child. When I came back, I was in such a hurry that I had an accident. On April 22, there were several shots. A child (Ti Toutou) on a bicycle took me to see what was going on. Since I had a foot ailment, I leaned on a stick, and, in the middle of the rue Pétion and Clervaux, I watched like everyone else. I saw people dressed in olive green, but I don't know any of them. I was not a member of the Fraph. Among the detained, I only know Dieulifaite Joseph.

y) **Charles Théomat**, known as "**Yofou**," 34 years old, born in 1962, living in the Gonaïves, fisherman, Catholic, with the assistance of Mr. Denis Fils Noël, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated November 27, 1997 and heard by the Judicial Investigations Department on January 6, 1998.

I am always busy with my fishing activities. That day (April 22, 1994), I was not even there. It was on my way back from Charouel, passing through Bathole, that I heard rumors about what happened. There were six of us aboard the boat. Alfred, whose name I knew, was there. As for the others, I do not know them by name.

- z) Jean Pierre, known as "Jean Tatoune," 40 years old, born in 1957, living and residing in the Gonaïves, on the rue Liberté #232, driver and of no religion, with the assistance of Mr. Jacob Latortue, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated January 19, 1998 and heard by the Judicial Investigations Department, stated the following:

I know nothing of the events of April 22 in Raboteau. Anyway, I was not in the Gonaïves. I had gone to deliver food in the peripheral areas of the city, such as Bois-Marchand. It was upon my return that I was told of shots in Raboteau. I am indeed a friend of Captain Castera; we became friends during the period of the coup d'Etat. I was neither Fraph [sic]. I learned from the radio that the soldiers were accompanied by civilians in Raboteau. I was arrested because I refused to participate in a demonstration Cubain and Dieujuste wanted to organize. They invited me. I did not agree and did not forget the grudges about the women. There is no doubt that Colonel Groshomme and Captain Castera gave their accord for the operation.

- aa) Oléus Fragé, born in 1942, farmer by profession, living in the Gonaïves, on ruelle Abraham #58, represented by Mr. Arsène Dieujuste, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated December 29, 1998 and heard by the Judicial Investigations Department on December 29, 1999, stated the following:

I was not in the Gonaïves on April 22, 1994. I was at Descossière, 7th municipal section of Gros-Morne, tending to my gardens. I spent more than a month there. I think I spent at least 8 days in Descossière before April 22; there, my mother passed away. That was on the afternoon of April 9, 1994. She was buried the following day, on the afternoon of April 10. I spent this whole time in Descossière to make funeral arrangements. I spent 10 to 15 days with my mother before her death. I only went down to the Gonaïves once. On the other hand, after her death, it took me a month to go to the Gonaïves. I told the Police Sergeant, Marilien, of my absence because he had given me the job of inspector in charge of surveillance at the Raboteau market. Marilien appointed me to this position because I was a former Commanding Officer at Volmy. Marilien had given me a document which certified my position as an inspector at the Raboteau market. I have lost this paper. As an inspector, I was in charge of nighttime surveillance to counteract the actions of thieves. Whenever I caught them, I would take them to the barracks or the Raboteau Outpost. I was not remunerated for this work. The only weapon I had was a club. Besides Marilien, I know several other soldiers: the corporal Rony, Tamar, Walmy, Sylvio. I know Sergeant Cherenfant, who had me put in prison for a matter concerning a vehicle. I was not a member of the Fraph group. I spent about 9 years as a militia Commanding Officer because I believed that when one occupies a position of authority, one is protected.

The truth is, I was not in the Gonaïves on April 22, 1994. It was in Descossière, from the mouths

of people coming back from the market that I learned the news. Once back in the Gonaïves, I never set foot in Raboteau because I have no friends there. It is easier for me to go (to the other side of the Canal) because I have children there. I have a 20 year old daughter.

bb) **Israel Dieubon**, born in 1977, driver by profession, living in the Gonaïves, at rue Liberté, bloc Raboteau, with the assistance of Mr. Louis-Jean Charles, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated March 26, 1999 and heard by the Judicial Investigations Department on March 26, 1999.

On Friday April 22, 1994 I was not in the Gonaïves, but in Desdunes working the land with my father. I spent about two months there. I heard rumors about the events of April 22, 1994, but I do not know why I have been implicated in these matters. I know nobody among those detained. I have heard about Jean Tatoune, because he was a leader in the district, but I never socialized with him. In no way do I belong to the Fraph group. Not only do I not know Captain Castera, I never even heard of him. I am only a taxi driver who works in the Gonaïves during vacations. I never spoke to the people and would be surprised to know that I have enemies in the district.

cc) **Léxima Thélusma**, born in 1955, fisherman by profession, living in the Gonaïves, with the assistance of Mr. Arsène Dieujuste, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated April 27, 1999 and heard by the Judicial Investigations Department on February 22, 1999, stated the following:

I know nothing about the Raboteau matter. Since April 8, 1994, I was in treatment in Gros-Morne. It was when I got back, on May 24 or 25, 1994, that I heard people speak about the events that took place in Raboteau on April 22, 1994.

I had an attaché card, but I had this card made well after the massacre, in July of 1994. I must explain the reasons which led me to get this card and frequent the Outpost of Raboteau. One evening, I was coming in from the ocean, at around 8'clock, in the company of Charitable Pierre and three other friends. On our way, we met two soldiers: "Amazan and Saddam," who asked where we were coming from.

I answered that we were coming back from fishing. Amazan and Saddam ordered us to roll in the water. As I appeared reluctant, one of them hit my right ear, and to this day I must live with the effects. After this, I gave it some thought, and decided to get an attaché card for protection.

Since I used to live across from the Raboteau Outpost, I would often go in and out and have a few drinks with the soldiers, and this is perhaps why the people of Raboteau have accused me of having taken part in the events of Friday April 22, 1994. As an attaché, only once did I lend a hand to Sergeant Marilien who lead the fight against thieves in the market district. I know Jean Tatoune, but we do not socialize because his circle is not mine. I was in class zero; Jean Tatoune was in class

fifteen. I know Manzoune, known as Ludovic Adolphe, who had another nickname, "Amateur." I often go fishing with him.

I met Amazan and Saddam after April 22, 1994, since, if I remember correctly, I had already been in the Gonaïves eight (8) days, having come back from Gros-Morne exactly at the end of the month of June 1994. I am sure of this answer. I never heard that anybody died. I heard Jamédodo, Dyekivle and many others mentioned in prison. At the end of December 1994, I left the Gonaïves for Port-au-Prince [because] I knew I had an attaché card. I threw this card in a toilet in Gros-Morne. The whites arrived in the country in September 1994; in October, I left the Gonaïves to seek refuge in Gros-Morne, and from there I headed for Port-au-Prince.

dd) Roger Dajuste, born in 1964, farmer-mason by profession, living in the Gonaïves, at 207 bis of the rue Clervaux, with the assistance of Mr. Denis Fils, esq., detained on a committal order of the Judicial Investigations Department of the Court of First Instance of the Gonaïves, dated February 9, 1999 and heard by the Judicial Investigations Department on January 29, 1999, stated the following:

I did not have a nickname. I am not called Ti Rache. At the time of the incident of April 22, 1994, I was in Desdunes working the land (Ti Desdunes). I left the Gonaïves on April 12, 1994 and returned on April 30, 1994. While at Ti Desdunes, I heard people speak of the events of April 22 in Raboteau, which prevented me from bringing food to the children. My children live on the rue Clervaux. I heard there had been shots at Raboteau. I learned the news because my wife lived in Raboteau and sold pork.

I was arrested because my wife had problems with a certain Dieubon, who made it clear he would settle accounts with me. I have been neither a soldier, nor a member of the Fraph group. I have heard that Castera was a frail man. As a matter of fact, on June 1, 1992, as I was listening to the "voice of America" radio; soldiers encircled my house; they beat me severely. I was so badly mistreated that I spent eight months unable to stand up. I had to pay \$60 for my release. I lent this money to Walner, Sergeant Jeanty and Geffrard. [sic]

Seen: Other exhibits in the file, including:

- 12- Seen the warrants of arrest issued by the Judicial Investigations Department of the Gonaïves against all those implicated by relevant evidence.
- 13- Seen the complaints by civil parties seeking damages filed, in accordance with articles 50 and 53 of the Criminal Procedure Code, with the Judicial Investigations Department of the Court of First Instance of the Gonaïves.
- 14- The Rogatory Commission to the Investigative Magistrate of the Court of First Instance of Port-au-Prince, Jean Ronel CADET.

- 15- Seen the provisions of article 48 of the Criminal Procedure Code.
- 16- The warrants of arrest in agreement with the conclusions of the Public Prosecutor, issued against the officers of the High General Staff of the FAD'H, accused of being the intellectual originators of the events of April 18 and 22, 1994, which took place in Raboteau-the Gonaïves.
- 17- The Investigative Magistrate's order dated March 11, 1998 committing the experts, Mrs. Mercedes Dorette and Doctor Karen Burns, Forensic Anthropologists, Michelle Harvey, Genetics Physician, to check certain things regarding the events of April 22, 1994.
- 18- The genetic analyses performed by experts, dated April 20, 1998
- 19- The American State Department documents from the investigation by its embassy in Port-au-Prince
- 20- The medical certificates placed in the file.
- 21- The order of Discovery from the Judicial Investigations Department, dated June 15, 1998
- 22- The request of the deputy Investigative officer in the Public Prosecutor's office asking the Judicial Investigations Department be moved to Bombardopolis, dated August 18, 1998;
- 23- The order of Dean a.i. Octélus Dorvilien charging Judge Jean Sénat Fleury with the supervision of the Raboteau case, following the departure of Judge Abraham Thélusmé, dated November 13, 1998;
- 24- The result of the supplement of investigation in Bombardopolis, done on January 9, 1999.
- 25- The Investigative Magistrate, Mr. Jean Sénat Fleury's request for an extension of deadline, and the order of the Dean granting this extension, dated February 10, 1999
- 26- The order for a supplementary general investigation from the Prosecution, dated March 24, 1999.
- 27- The Prosecution's suppletory request to investigate the events of April 18, 1994, dated May 10, 1999;
- 28- The suppletory interrogation conducted by our Judicial Investigations Department regarding said events of April 18, 1994 in Raboteau;
- 29- The Order indicting several other persons in the case, including Emmanuel Constant and Louis Jodel Chamblain.
- 30- The result of the rogatory Commission addressed by the Examining Magistrate of Cap-Haitien, Mr. Fulguens Barthelmy, esq., gathering the statements of Dr. Pierre-Louis Hubert Michel in the

case of Rosiane Profil and Déborah Charles.

- 31- The order of judiciary delegation granted to the Main Director of Judiciary Police, the Commissioner Mario Andrésol, in order to proceed with the photographing of the defendants, dated May 12, 1999
- 32- The osseous remains exhumed in the sites indicated by the victims to the forensic anthropologists, especially requested for this operation.
- 33- The key found amid the bones, and which easily opened the door of Ramong Jean Louis's house, where Jean Claude, known as Ti Claude, lived prior to his death.
- 34- The door of Ramong Jean Louis's house
- 35- The door of Marie-Denise Fleury's house
- 36- The death certificates established respectively for the victims, Charité Cadet, Frédéric Lèxéus, a.k.a. Diekivlé, Pierre Michel, a.k.a. Jamèdodo, Valcius Valcin, Claude Jean, known as Ti Claude, Joanel Attis, Luckner Antoine, Sinavle Joseph and Samélia Saintyl, upon an order from the Dean conforming with the decree of November 24, 1977.
- 37- The results of the work performed in forensic and genetic anthropology: Mss. Mercedes Doretti and Jaren Ramey Burns.
- 38- The order of consolidation of the entire procedure, dated June 4, 1999.
- 39- The photo album that was constituted of the defendants involved in the Raboteau massacre.
- 40- The order to reconstitute the facts on the site of Raboteau, dated May 27, 1999 and the results of this reconstitution following the modificatory order of June 3, 1999.
- 41- The request of the Rigaud Duplan and Carlos Hercule Cabinet, dated June 3, 1999, following the first order of reconstitution of the facts, dated May 27, 1999.
- 42- The report of the reconstitution of the facts, dated June 7, 8, and 9, 1999.
- 43- The topographic map of Raboteau, completed by the expert-topographer, Richard Bouzy, placed in the file.
- 44- The expertise report concerning the structure of the Armed Forces of Haiti and its chain of command, developed by the two military experts, Colonels **H.P. Ballester** and **J.L. Garcia**, and transmitted to the Judicial Investigations Department on August 6, 1999.
- 45- The various reports on the interrogations performed at the Judicial Investigations Department.

46- The order of Discovery of the indictment procedure to the Prosecutor's office, dated August 7, 1999.

47- All other exhibits pertaining to the case of Raboteau, of April 18 and 22, 1994

48- The definitive indictment by the office of the Public Prosecutor, dated August 15, 1999, the spirit of which is to follow.

DEFINITVE INDICTEMENT by the office of the Public Prosecutor concerning the cases of the following individuals:

1) *The Members of the High Command of the Armed Forces of Haiti:*

The former Lieutenant-General **Raoul CÉDRAS**

The former Major-General **Jean-Claude DUPerval**

The former General **Philippe BIAMBY**

The former General **Henry Max MAYARD**

The former Brigade General **Martial ROMULUS**

The former Colonel **Carl DORÉLIEN**

The former Colonel **Hebert VALMOND**

The former Colonel **Frantz DOUBY**

The former Colonel **Ernst PRUD'HOMME**

The former Colonel **Jean-Robert GABRIEL**

2) *The officers and Soldiers of the FADH:*

-The former Lieutenant Colonel **Joseph Michel FRANÇOIS**

-The former Lieutenant Colonel **Bellony GROSHOMMES**, former Commanding Officer of the Military Department of Artibonite

-The former Captain **Castera CENAFILS**, former Commanding Officer of the Military District of the Gonaïves, and former Commanding Officer of the tactical unit

-The former Captain **Reynald TIMO**

- The former Captain known as **L'HÉRISSON**
- The former Lieutenant **DESROSIERS**
- The former Lieutenant **Marilien JEAN**
- The former Lieutenant **Lubérise GESNER**
- The former Lieutenant **Anatin O. VOLTAIRE**, former Commanding Officer of the Military Sub-District of the Gonaïves
- The former Lieutenant **Michel-Ange MÉNARD**
- The former Officer **Dessources LEDIX**
- The former Officer **Estimé ESTIMABLE**
- The former Sergeant **Cherenfant SAUVEUR**
- The former Sergeant known as **WALNER**
- The former Sergeant **Jn-Libert AMAZAN**
- The former Corporal **Jacques ÉBEL**
- The former Corporal known as **TI BLANC**
- The former Corporal **Cariétane NADY**
- The former Corporal known as **LUCKNER**
- The former Corporal known as **CESAR**
- The former Corporal known as **RICHER**
- The former Corporal known as **WALNY**
- The former Corporal **Tony FLEURIVAL**
- The former Corporal **VALCIN**
- The former Soldier Piloge **PIERRE OPIOL**

- The former Soldier Mondélus NORÉLUS
- The former Soldier known as DANIEL
- The former Soldier Jude SAINVAL
- The former Soldier TI RACHE
- The former Soldier known as GUÉRIN
- The former Soldier known as MARCEL
- The former Soldier Anios LÉANDRE
- The former Soldier known as CASSÉUS
- The former Soldier known as DIGITAL
- The former Soldier known as JANVIER
- The former Soldier known as SAMSON
- The former Soldier Sulien DORVIL
- The former Soldier Madsen SAINVAL

3) The presumed attachés of the Toussaint Louverture Barracks, and members of the National Front for Advancement and Progress in Haiti:

- Emmanuel CONSTANT General Secretary of the Fraph
- Louis Jodel CHAMBLAIN Coordinator
- Jean PIERRE, known as JEAN TATOUNE
- Wilbert MORISSEAU
- YOFOU, known as such
- Ludovic ADOLPHE a.k.a. MANZOUNE
- Oléus FRAGÉ
- Léxima THÉLUSMA

- TI RORO, known as such
- Pierre JOSEPH, known as D'JO LUCY
- Raphaël CAMIL
- Pierre Paul CAMIL
- TI TONTON, known as such
- Pierre André PRÉSUMÉ
- DOUZE, known as such
- Armand SAJOUS (TI AMAND)
- Alexis LHERISSON (CROCHU)
- Rémy SAINT-PIERRE
- Dieulifaite JOSEPH
- Jacob JEAN PAUL
- TI RACHE, known as such
- LUCKNER, known as such
- DÉCIUS, known as such
- DIEUBON, known as such
- Joseph PIERRE
- Orlando TIMA a.k.a. FRÉDDI
- Louisnock JEANTY

All charged for Conspiracy, arts. 224, 225, 226 and 227 of the Penal Code, Murder and Homicide arts. 240, 241, 242, 243, 247, 248, 249, 254 C.P. [Penal Code]
Attempt to commit crimes (including vandalism and arson) art. 2, Physical Tortures, art. 293, Illegal arrest and confinement or detention of persons, arts. 289, 290, 291, 292, 293 CP, Looting art. 361, Rape art. 279, Arson arts. 356, 357, 358 and 361. Statutory rape art.

300, 301 and 302. Extortion art. 135. Assault and battery arts. 254, 255, 256 and 258, Crimes against the public peace art. 224. Crimes against property (robbery) art. 324, 326 and 372. Abuse of authority arts. 145, 147 and 159. Crimes and offenses against the Constitution (political rights) arts. 81 and 82. Attempts against personal freedom arts. 85 and 86. Conspiracy with civil servants arts. 92 and 93. Prevarication arts. 127 and 128. Crimes against the internal security of the State arts. 68, 69 and 74, during the events which took place in Raboteau April 18 and April 22, 1994.

Seen: The investigation opened and pursued against the following individuals:

CASTERA CENAFILS, born on October 22, 1953, manager by profession, living in Pelerin II, currently detained in the APENA of Pétiön-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 20, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

WILSON CASSEUS, born in 1969, student, living in Port-au-Prince, Delmas 19, rue Janvier #7, currently detained in the APENA of Pétiön-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated October 3, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

MONDELUS NORELUS a.k.a. SADAM HUSSEIN a.k.a. ELIANCY, born in 1968, former soldier, living in the Gonaïves, rue Egalité #74, currently detained in the APENA of Pétiön-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated May 22, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

CARIETANE NADY, born in 1969, security guard, living in Port-au-Prince, Delmas 24 # 16, currently detained in the APENA of Pétiön-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated October 23, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

JEAN MARILIEN, born in 1950, tailor by profession, living in Port-au-Prince, currently detained in the APENA of Pétiön-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated July 31, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

AMAZAN JEAN LIBERT, born in 1962, no profession, living in Port-au-Prince, Carrefour, Arcachon 30, ruelle Master #491, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated July 12, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

PHENELON P. GESNER a.k.a. LUBERISSE, born in St-Marc ruelle Gaston la Sirie, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated July 24, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

JACQUES EBEL, born in 1961, soldier by profession, living in the Gonaïves, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 22, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

JUDE ST-VAL, born in 1961, no profession, living in the Gonaïves-Bienac #4, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated April 27, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

CHERENFANT M. SAUVEUR, born in 1960, soldier by profession, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 21, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

LEANT ORESTE AGNOS, known as FRED LOUIS, born in 1964, electrician by profession, living in Claircine, (in Plaine), currently detained following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated May 26, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

GERVET MANIUS, born in 1956, driver-Mechanic by profession, living in Port-au-Prince, cité Soleil, Lyntho II, A 16, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated July 12, 1997, under indictment for murder, attempted murder, physical tortures,

destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

13- **DORVIL SULIEN**, born in 1956, policeman by profession, living in Port-au-Prince, at Port-de-Paix, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated October 15, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

14- **JEAN PIERRE**, known as **JEAN TATOUNE**, born in 1957, driver by profession, living in the Gonaïves, # 232 of the rue Liberté, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 19, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

15- **LUDOVIC ADOLPHE**, a.k.a. **MANZOUNE**, born in 1943, fisherman by profession, living in the Gonaïves, Raboteau, rue Egalité #170 bis, currently detained in the APENA of Pétion-Ville, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 19, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

16- **JOSEPH PIERRE** known as **D'JO LUCY**, born in 1957, mason by profession, living in the Gonaïves, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated January 12, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

17- **ADECLAT LIONEL**, a.k.a. **Ti Pic**, born in 1961, driver by profession, living in the Gonaïves, rue Pétion #28, currently detained in the civil prison of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated June 12, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

18- **ORLANDO TIMA**, a.k.a. **FREDI**, born in 1967, Sports Instructor and Mechanics Instructor by profession, living in the Gonaïves, ruelle Méclambourg #535, currently detained in the national penitentiary of Port-au-Prince, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated June 6, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

19- THÉOMAT CHARLES, known as **YOFOU**, born in 1962 or 1964, fisherman by profession, living in the Gonaïves, rue Liberté #234, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated November 27, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

20- RENET ROMAIN, born in 1951, Voodoo priest by profession, living in the Gonaïves, rue Lozana #73, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated November 27, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

21- OLEUS FRAGE, born in 1942, farmer by profession, living in the Gonaïves, ruelle Abraham #58, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated December 29, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

22- LOUISNOCK JEANTY, born in 1977, assistant-mechanic by profession, living in the Gonaïves, Raboteau, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated June 6, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

23- PIERRE JOSEPH, born in 1947, mason by profession, living in the Gonaïves, bloc "Bassin Mangnant," currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated May 12, 1998, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

24- ISRAEL DIEUBON, born in 1977, driver by profession, living in the Gonaïves, rue Liberté, bloc Raboteau, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, theoretically dated March 26, 1999, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

25- FUCIEN MICHEL, known as **"TI RORO,"** born in 1970, mechanic by profession, living in the

the Gonaïves, bloc Jubilé (haut Raboteau) #299, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated June 6, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

26- ALEXIS LHERISSON, a.k.a. "CROCHU," born in 1947, carpenter by profession, living in the Gonaïves, K-Soleil #15, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated November 29, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

27- LEXIMA THELUSMA, born in 1955, fisherman by profession, living in the Gonaïves, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated April 27, 1999, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

28- ROGES DAGUSTE, born in 1964, farmer-mason by profession, living in the Gonaïves at 207 bis of the rue Clervaux, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated February 9, 1999, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

29- DIEULIFAITE JOSEPH, born in 1950, merchant by profession, living in the Gonaïves, at #234 rue Liberté, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated June 6, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

30- CELONY GEORGES, born in 1970, farmer by profession, living at the Petite Rivière de Bayonnais, the Gonaïves, currently detained in the APENA of the Gonaïves, following a committal order from the Examining Magistrate of the Court of First Instance of the Gonaïves, dated August 5, 1997, under indictment for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

31- RAOUL CEDRAS, JEAN-CLAUDE DUPERVAL, PHILIPPE BIAMBY, CARL DORÉLIEN, HÉBERT VALMOND, MARTIAL ROMULUS, FRANTZ DOUBY, ERNST PRUD'HOMME, JEAN-ROBERT GABRIEL, JOSEPH MICHEL FRANÇOIS,

BELLONY GROSHOMMES, MICKEL ANGE MÉNARD, REYNALD TIMO, ROMEUS WALMYR, WILBERT MORISSEAU, LEDIX DESSOURCES, WALNER PHANOR, EMMANUEL CONSTANT, LOUIS JODEL CHAMBLAIN, AMAND SAJOUS known as TI AMAND, MADSEN ST-VAL, RAPHAEL CAMILLE... currently in flight, indicted for murder, attempted murder, physical tortures, destruction of houses, conspiracy..., to the detriment of the victims of the events on April 18 and 22, 1994 in Raboteau.

SEEN: The complaints by plaintiffs suing for damages filed, in accordance with articles 50 and 53 of the Criminal Procedure Code, with the Judicial Investigations Department of the Court of First Instance of the Gonaïves, by:

MARIE JEANNE JEAN living in Raboteau, the Gonaïves
HOREL JOSEPH living in Raboteau, the Gonaïves
AVRILUS JEAN and VIERGELA JEUNE living in Raboteau, the Gonaïves
ENOLD PROPHETE living in Raboteau, the Gonaïves
PAUL EMILE AMISIAL living in Raboteau, the Gonaïves
FRITZ DESIR living in Raboteau, the Gonaïves
ALFRED GEORGES living in Raboteau, the Gonaïves
PIERRE ANTOINE LIGONDE living in Raboteau, the Gonaïves
ELIGENE ELISME living in Raboteau, the Gonaïves
MICHEL MORENCY living in Raboteau, the Gonaïves
ILIODA LONGCHAMP living in Raboteau, the Gonaïves
THERÈSE THALERAND living in Raboteau, the Gonaïves
MARIE DENISE FLEURY living in Raboteau, the Gonaïves
GEDEON PHILOGENE living in Raboteau, the Gonaïves
EMMANUEL MAJEUNE living in Raboteau, the Gonaïves
GUERRIER DELVA living in Raboteau, the Gonaïves
BLAISE VAILLANT living in Raboteau, the Gonaïves
MRS. NERVILLE JEAN-BAPTISTE, née PAULETTE THOMAS living in Raboteau, the Gonaïves
NERVILLE JEAN-BAPTISTE living in Raboteau, the Gonaïves
MARIE ROUSSETTE NICOLAS living in Raboteau, the Gonaïves
CHARLES EDDY JOSEPH living in Raboteau, the Gonaïves
CHARLES ST-PHAR living in Raboteau, the Gonaïves
MIRLENE LONGCHAMP living in Raboteau, the Gonaïves
ROUBENS DESRAVINES living in Raboteau, the Gonaïves
CHARLES AUGUSTE DERVILLE living in Raboteau, the Gonaïves
JOLIS AUGUSTE living in Raboteau, the Gonaïves
RAMONG JEAN-LOUIS living in Raboteau, the Gonaïves
WALTER FILS-AIME living in Raboteau, the Gonaïves
LOUIS ERNST JEAN-JACQUES living in Raboteau, the Gonaïves
OLGATE VALCIN living in Raboteau, the Gonaïves
DEBORAH CHARLES living in Raboteau, the Gonaïves

ROSIANE PROFIL, living in Raboteau, the Gonaïves
HENRY CLAUDE ELISME, living in Raboteau, the Gonaïves
FRANÇOIS SANON, living in Raboteau, the Gonaïves
OFRANCE CHERY, living in Raboteau, the Gonaïves
ALTAGRACE NOEL, living in Raboteau, the Gonaïves
ELIZIANE CADET, living in Raboteau, the Gonaïves
ABEL SAINT-LOUIS, living in Raboteau, the Gonaïves
GLAUDINE GENTY, living in Raboteau, the Gonaïves
SERAPHIN CELONY, living in Raboteau, the Gonaïves
CHARITEUSE CADET, living in Raboteau, the Gonaïves
DIEUSEUL JEAN, FRANCEL Y JEAN and ALTAGRACE JEAN, living in
Raboteau, the Gonaïves
EXUMA ATTIS, living in Raboteau, the Gonaïves
ANNOUAL FENESCAR, living in Raboteau, the Gonaïves
JEAN MARIE GUERDA, living in Raboteau, the Gonaïves

SEEN: The requests to investigate subsequent to the complaints of each of the victims of the events of April 1994 in Raboteau.

SEEN: The official report regarding the nefarious consequences of said events, drafted since April 23, 1994, by the Justice of the Peace of the North District of the Gonaïves.

SEEN: The final report by the National Commission on Truth and Justice (CNVJ), created to investigate the events in question.

SEEN: The report by the "Commission on Justice and Peace in the Gonaïves regarding the events in question.

SEEN: The Press articles concerning said events, published in this case on April 25 and 26, 1994.

SEEN: The statement by Monsignor CONSTANT EMMANUEL of the Archdiocese of the Gonaïves about the same events of Raboteau, dated April 25, 1994.

SEEN: The reports relating to it by the International Civil Mission in Haiti (MICIVIH), dated February 25, April 13, and May 5, 1998.

SEEN: The depositions by plaintiffs and witnesses of the events of April 1994, at the Judicial Investigations Department of the Gonaïves.

SEEN: The interrogations of the thirty (30) detained defendants, presumed responsible for said events.

SEEN: The warrants of arrest issued by the Judicial Investigations Department of the Gonaïves against all those implicated by relevant evidence.

SEEN: The physical and scientific results of the exhumations performed by the experts in forensic anthropology required for this case, and the genetic analysis of said results, performed by the latter upon the request of the Examining Magistrate.

SEEN: The first order of discovery to the Public Prosecutor's office from the Examining Magistrate, ABRAHAM TELUSME, dated June 15, 1998.

SEEN: The request for supplementary investigation from the Public Prosecutor of the Gonaïves, concerning the involvement of possible victims from Bombardopolis, dated August 18, 1998.

SEEN: The order of November 13, 1998 of Octélus Dorvilien, esq., then Dean of the Court of First Instance of the Gonaïves, concerning April 1994 transfer of the Raboteau case to Judge Jean Sénat Fleury, following the departure of Judge Abraham Thélusmé.

SEEN: The provisions of article 114 of the Criminal Procedure Code.

SEEN: The result of the supplementary investigation on Bombardopolis, transmitted January 9, 1999 to the Representative of the Government.

SEEN: The request for an extension of the deadline of February 10, 1999 addressed by Judge Jean Sénat Fleury to the Dean of the Court, and the responsive order of the same date.

SEEN: The order of request of May 10, 1999, from Judge JEAN SÉNAT FLEURY relative to the necessity of a supplementary general investigation to be requested by the Public Prosecutor.

SEEN: The request for a supplementary general investigation from the Gonaïves Prosecution, dated March 24, 1999.

SEEN: The May 10, 1999 Public Prosecutor's supplementary request to investigate the events which took place specifically on April 18, 1994.

SEEN: The supplementary interrogations performed by the Judicial Investigations Department regarding the events of April 18, 1994.

SEEN: The results of the rogatory commission granted to the Magistrate, FULGUENS JEAN-BAPTISTE of the Judicial Investigations Department of the Court of First Instance of Cap-Haitien, prior to the hearing of Doctor Pierre Louis, primary physician of ROSLANE PROFIL and DEBORAH CHARLES.

SEEN: The Order of judicial delegation granted to the Main Director of the Judiciary Police, dated May 12, 1999, in order to photograph the detainees in the Raboteau case.

SEEN: The photo album constituted of said detainees.

SEEN: The osseous remains exhumed in the sites indicated by the victims to the forensic anthropologists, specifically requested for this operation.

SEEN: The key found amid the bones, and which easily opened the lock to the house where CLAUDE JEAN, known as TI CLAUDE, lived prior to his death.

SEEN: The death certificates issued respectively for the victims, CHARITE CADET, FRÉDÉRIC LÉXEUS, a.k.a. DIEKIVLE, PIERRE MICHEL, a.k.a. JAMEDODO, VALCIUS VALCIN, CLAUDE JEAN, known as TI CLAUDE, JOANEL ATTIS, LUCKNER ANTOINE, known as KAPTEN DLO, SINAVLE JOSEPH and SAMELIA SAINTYL, on a respective order of the Dean of the Court of First Instance of the Gonaïves, in accordance with the decree of November 24, 1977.

SEEN: The order of the Judicial Investigations Department indicting Messr. Emmanuel Constant and Louis Jodel Chamblain.

SEEN: The order of reconstitution of the facts of the case on the site of Raboteau, and the results of this reconstruction, performed on June 7, 8, and 9, 1999.

SEEN: The order of consolidation of the entire procedure, dated June 4, 1999.

SEEN: All the other miscellaneous exhibits pertaining to the Raboteau case of April 18 and 22, 1994.

SEEN: The report of the military experts, dated August 6, 1999

SEEN: The topographical study of the Raboteau site

SEEN: The order of Discovery of the indictment procedure to the Prosecutor's office of the Court of First Instance of the Gonaïves, dated August 7, 1999.

SEEN: The provisions of article 48 of the Criminal Procedure Code.

Whereas on April 18 and 22, 1994, the civilian population of Raboteau, a suburb North-West of the city of the Gonaïves in Haut Artibonite, was the victim of two armed attacks orchestrated by soldiers stationed in the Barracks of Toussaint Louverture of the Gonaïves, with Captain **CASTERA CENAFILS** at the helm.

Whereas the most deadly attack—that of April 22, 1994—began at around three a.m., creating a kind of panic among the inhabitants of the neighborhood, who, awakened precipitously, were about to witness the fall of their peers under the murderous bullets of the city's military and armed civilians, recognized as members of the Front for Advancement and Progress

in Haiti (FRAPH), which then became the Armed Revolutionary Front for the Progress of Haiti.

Whereas beginning on the day following the perpetration of this armed attack, the Justice of the Peace of the North District of the Gonaïves, deferring to charges from the Government Commissioner of the Court of First Instance of this jurisdiction, conforming with articles 22, 39, and 41 of the CIC, (Criminal Procedure Code), has drafted the necessary establishing report, and gathering the statements of victims and persons capable of furnishing information relevant to justice.

Whereas the official report serves as the basis for the investigation and Prosecutions.

Whereas, following these events, the surviving victims along with the relatives of the slain, and after the October 1994 reinstatement of the President of the Republic elected in 1990, have cried out for justice and reparations, and demanded that the judicial authorities of the jurisdiction of the Gonaïves undertake public action against their attackers.

Whereas in order to satisfy the Raboteau victims' legitimate demands for justice, the Government of the Republic has, by Decree, dated March 28, 1995, created the "National Commission for Truth and Justice" (CNVJ), which had as one of its missions, the investigation of the events of April 1994 in Raboteau, the identification of their perpetrators, co-perpetrators, and accomplices, as well as the relatives, victims and witnesses of this tragedy, and to draft a detailed account the better to assign responsibility.

Whereas in fact, in its final report of February 5, 1996, the "Commission" identified several soldiers and armed civilians as perpetrators, co-perpetrators and accomplices of these revolting acts.

Whereas following transmission of this final CNVJ report, the Government of the Republic, through its Department of Justice, recommended to the judicial authorities of the Gonaïves, according to the terms of articles 27 and 42-3 of the 1987 Constitution, to prosecute the intellectual originators and the executors of these arbitrary acts, whatever their affiliation, and whatever organization they may belong to.

Whereas the investigation begun for this purpose by the Judicial Investigations Department of the Court of First Instance of the Gonaïves, following an order to investigate issued by the Prosecutor of this jurisdiction, has allowed the 47 plaintiffs not only to expose in great detail the circumstances surrounding these events, but also to identify their perpetrators, co-perpetrators, and accomplices.

Whereas armed with these pertinent disclosures, the Judicial Investigations Department of the Gonaïves, has, in addition to those denounced by public outcry according to article 31-2 of the Criminal Procedure Code, charged other military personnel and armed civilians involved in this matter.

Whereas the respective complaints of the forty-seven victims of the events of Raboteau

transmitted to the Judicial Investigations Department of the Court of First Instance of the Gonaïves by the Public Prosecutor of that jurisdiction, it is found that the detainees are being prosecuted for murder against the persons of CHARITE CADET, FREDERIC LEXEUS, a.k.a. DIEKIVLE, PIERRE MICHEL, a.k.a. JAMEDODO, CLAUDE JEAN, known as TI CLAUDE, JOANEL ATTIS, LUKNER ANTOINE, known as KAPTEN'N DLO and SINAVLE JOSEPH; for fatal tortures against the persons of VALCIUS VALCIN and SAMELIA SAINTYL; for attempted murder against the persons of ROSIANE PROFIL and DEBORAH CHARLES; for destruction of houses to the detriment of numerous residents of said community, among whom RAMONG GUILLAUME; of intentional assault and battery, death threats, illegal arrests, robbery, rape, looting, statutory rape, etc... to the detriment of, among others, JOSEPH HOREL, ABDEL SAINT-LOUIS, HENRY CLAUDE ELISME, JOSEPH CHARLES EDDY, MARIE JEUNE JEAN, PROPHETE ENOLD, BLAISE VAILLANT, FRITZ DESIR, GEDEON PHILOGENE, WILLIAM CHALERON, etc...

Whereas in these circumstances, the following individuals CASTERA CENAFILS, MONDELUS NORELUS, a.k.a. SADAM HUSSEIN, a.k.a. ELIANCY, MARILIEN JEAN, AMAZAN JEAN LIBERT, WILSON CASSEUS, CARIETANE NADY, ORLANDO TIMA, JEAN PIERRE, known as JEAN TATOUNE, LUDOVIC ADOLPHE, a.k.a. MANZOUNE, MANIUS GERVAIS, CHERENFANT SAUVEUR, GESNER PHENELON, JACQUES EBEL, ROGES DAJUSTE, OLEUS FRAGE, RENET ROMAIN, ISRAEL DIEUBON, LEANT ORESTE AGNOS, ADECLAT LIONEL, a.k.a. TI PIC, CELONY GEORGES, JOSEPH PIERRE, a.k.a. DJO LUCY, PIERRE JOSEPH, THEOME CHARLES, a.k.a. YOFOU, JUDE SAINT-VAL, DIEULIFAITE JOSEPH, LHERISSON ALEXIS, LEXIMA THELUSMA, MICHEL FUCIEN, known as TI RORO, DORVIL SULIEN, and JEANTY LOUIS NOCK were among the many others arrested.

Whereas the plaintiffs and witnesses which were heard, have, in their detailed statements and depositions, reported that at the time, the above-mentioned military and armed civilians, had occupied not only the dry land of the Raboteau neighborhood, but also the sea contiguous to said community, aboard boats, in order to prevent the flight of frightened coastal residents.

Whereas it ensues, from the case that the massacre of Raboteau was a planned premeditated enterprise.

A planned and premeditated action

Whereas the Armed Forces have presented their version in an official press memorandum, published on April 26, 1994. According to the press memorandum, on April 22, a group of terrorists attacked the Gonaïves "Toussaint Louverture" barracks. According to the army, the attack was led by Amio Métayer, a local resident known as a supporter of president Aristide. The objective of the attack was to incite the local population to rise up in solidarity with the armed rebels of Borgne, a region of the North Department of Haiti. The military beat back the attack and was forced to further retaliate by pursuing members of the Métayer group in their attempt to flee by boat.

The attack, as well as similar incidents which took place throughout the country during that same

period, was part of a well-known plan aiming to destabilize the country, still according to the army's press memorandum.

Whereas this explanatory press memorandum from the High General Staff of the Armed Forces of Haiti, published on April 26, 1994 to try and justify the actions of these operations' perpetrators in Raboteau, establishes its approval of these arbitrary acts, and consequently the responsibility of the members of the High Command through the instruction of said acts,

Whereas the High Command of the Armed Forces of Haiti propounded the thesis that the army in the Gonaïves intervened to foil an armed attack by armed civilians against the Outpost of Raboteau.

Whereas it is hard to explain, without invoking the notion of a planned enterprise, the presence of soldiers aboard boats to ambush the area's residents, who have the habit of seeking refuge at sea.

Whereas as concerns the operations in Raboteau, there is reason to see a planned criminal operation. From there, the version of the facts put forth by the High Command is remote from any logic.

Whereas as concerns the events which did take place in Raboteau, this version cannot be accepted because the attack was carried out against an unarmed civilian population, and because the army has made no mention of weapons seized, nor of losses in the ranks of the military, to justify the thesis of defense.

Given the double strategy employed by the military, it ensues that the events of April 18 and 22, 1994 in Raboteau are purely the product of their imagination, but also a cold-blooded and premeditated decision.

Whereas the Raboteau events of April 18 and 22, 1994, are directly tied to the repressive conditions which developed in the country to obliterate all popular resistance to the military coup d'Etat of September 30, 1991, and to force this population, tied to President Jean Bertrand Aristide, to abandon the struggle for a return to constitutional order.

Whereas analysis of the facts demonstrates very clearly that the Raboteau massacre fits into the same repressive line of action conducted by the army on the population of Chantal, of Carrefour-Feuilles, Carrefour-Marin, Thomassin, of Borgne, Cité Soleil so as to break the resistance of the citizens and denizens of poor neighborhoods.

Whereas the events of April 1994 in Raboteau reveal a high degree of preparation, which indicates that the military and their accomplices (Fraph and attachés) left no detail neglected to reach their targets (muzzling the press; terrorizing the population; intensifying the recruitment of civilians, known as "attachés" to help the Gonaïves army in the shantytowns nearest to Raboteau, such as Trou-Sable, Jubilé...; confiscating boats; declaring states of emergency, observing the flight movements of the people of Raboteau)

It is determined, according to the examinations conducted and the analysis of the evidence gathered during the investigation, that the events of April 18 and 22, 1994 in Raboteau were planned and premeditated, and were perpetrated in violation of the rules of the Constitution, of all the international agreements concerning human rights, signed and sheltered [sic - réfugié in original - probably typo, meant: **RATIFIED**], such as the Universal Declaration of the Rights of Man, the American Convention of Human Rights, the International Covenant of Civil and Political Rights.

The systematic character of the operation

Whereas the main motive and intent of the Raboteau massacre were to consolidate the military coup d'Etat of September 30, 1991, through the obliteration of any movement of opposition.

Whereas it ensues from all that precedes that many were shot and killed in Raboteau, and that the army committed atrocities against a civilian population in that neighborhood, where more than fifty houses were destroyed. And, according to the evidence in the investigation, contrary to the statements of the military, members of the Haitian Armed Forces were the ones who provoked the incident. There was never an attack against the Gonaïves barracks, as claimed by the military.

Whereas the slain victims were, according to the findings of the investigation, deposited into shallow mass graves on the shore of Raboteau.

Whereas forensic anthropology experts, whose expertise was requested for this purpose, proceeded to exhume, with the assistance of the Gonaïves judiciary system, an important quantity of human bones from sites previously indicated by plaintiffs, witnesses, and defendants, particularly **WILSON CASSEUS**.

Given the data yielded by this important exhumation procedure, and the genetic analysis performed on its results, the victim, **CLAUDE JEAN**, known as **TI CLAUDE** was identified from said bones, as was the body of **FRÉDÉRIC LÉXEUS**.

Whereas even the key to the lock of the front door to the house where **CLAUDE JEAN**, known as **TI CLAUDE** used to live prior to his death, was found among the bones.

Whereas the victim, **VALCIUS VALCIN**, was to succumb within twenty-four hours to the tortures inflicted upon him by **LOUISNOCK JEANTY**, **PIERRE JEAN**, known as **JEAN TATOUNE**, **LEXIMA THELUSME**, **OLEUS FRAGE**, and the **WALTER**, known as such; and **ROSIANE PROFIL** and **DEBORAH CHARLES**, who, after receiving bullet wounds, were taken to the hospital for needed treatment, are since then permanently crippled, an eventuality provided, for and punished by, article 254-2 of the Penal Code.

Whereas the purposeful battery and serious assaults perpetrated against **ROSIANE** and **DEBORAH**, with murderous intent, did not result in their deaths thanks to circumstances independent of the will of the soldiers and armed civilians, who operated with their faces

uncovered in Raboteau. There is therefore a case of attempted murder against these persons.

Whereas the intention was certain, and the initiation of the execution evident, in the sense of article 2 of the Penal Code, which punishes attempt.

Whereas on the occasion of this tragedy, the citizens, **CHARITE CADET, CLAUDE JEAN, VALCIUS VALCIN, FREDERIC LEXEUS, JOANEL ATTIS, PIERRE MICHEL, LUCKNER ANTOINE, SINAVLE JOSEPH, and SAMELIA SAINTYL** met a sorrowful end, and were deposited in superficial mass graves near the shore.

Whereas by clumsily throwing the bodies into mass graves, the military and their accomplices sought to destroy all traces and clues on the site of the offense, with the intent of obstructing the truth.

Whereas it follows from the conditions in which they were executed, the aggravating factor of premeditated murder and ambush, since the double intention of occupying both sea and firm ground was necessary and sufficient according to articles 240, 241, 242, and 243 of the Penal Code, to characterize murder, of which the defendants are accused.

Whereas, moreover, the perpetrators of the April 18 and 22, 1994, operations in Raboteau have cruelly destroyed almost all the homes of Raboteau: as per the official establishing report, issued by the Justice of the peace of the Gonaïves North district, beginning on April 23, 1994.

Whereas in their version, the military, with **CASTERA CENAFILS** as their ringleader, have maintained that the operations of April 18 and 22, '94 in Raboteau, were motivated by the necessity to counteract the actions of certain armed individuals, who were preparing to sabotage public institutions and attack the general headquarters of the Military Department of the Artibonite.

Whereas, despite army "esprit de corps," the Confrontation thesis propounded by defendant, **CASTERA CENAFILS**, was contradicted by his subordinates, including the detainee, **CARIETANE NADY**, who maintained that since 1991 there never was an attack against the military Outpost of Raboteau, and by defendant **WILSON CASSEUS**, member of the investigative commission dispatched to the scene by the High General Staff of the Haitian army, who maintained that he noticed no bullet marks on the walls of said Outpost; that the entire garrison had been mobilized; and that this tragic operation had been calculated, thought out, planned, and organized by people well trained in the military arts.

Whereas the defendant, **CASTERA CENAFILS**, has, in any event positively admitted before the Judicial Investigations Department that his interventions in Raboteau resulted in the deaths of at least two people among the civilian population, while no loss of life was registered on his side.

Whereas the fact that he admitted and confessed to the murders of at least two people during

the Raboteau events signifies that bloody deeds took place, in fact, at Raboteau.

Whereas, in addition, the military were not able to establish the "Attack" which they are using to justify their felony.

Whereas, at the time of their forceful interventions and destructions of Raboteau inhabitants' residences, the defendants went from door to door, asking only for the head of AMIO METAYER, known as CUBAIN.

Whereas the individual named AMIO METAYER, made a "scapegoat" by the military, could not possibly, alone, represent a sufficient danger, necessary to justify their barbarity; that even in the event of an attack from CUBAIN, the civil population of Raboteau should be not be made to pay the price.

Whereas in any case, Defense, to be deemed legitimate, must be proportionate with Attack.

Whereas the thesis of "Self Defense," also called "Counterattack," propounded by the defendants is without basis, therefore, it must be concluded that these are established crimes of Murder, attempted murder, physical tortures, destruction of houses, perpetrated by the military and their armed associates on April 18 and 22, 1994, and whose paternity was deliberately claimed by defendant CASTERA CENAFILS, ringleader of operations, following instructions from hierarchical superiors.

Regarding the chain of command, the non-respect of principle, the criminal responsibility of the High General Staff.

Whereas Captain Castera Cénafils, Commanding Officer of the Military District of the Gonaïves and in charge of the Tactical Operations Unit at the time of the Raboteau operations, upon interrogation, represents himself as an officer obeying the orders of superiors: "the Outpost of Raboteau was attacked on April 22, 1994, by an armed group led by a certain Métayer, known as 'Cubain,' and his men. In self-defense, he responded to the attack." Moreover, Captain Castera Cénafils informs us that the High General Staff opened an investigation led by Colonel Valmont. This investigation lasted one week. The best proof, according to him, of his superiors' favorable evaluation, is that he was maintained at his post for six months following the events.

Whereas, by way of this statement, former Captain Castera Cénafils thus confirmed the chain of command already acknowledged by the press memorandum of the Commanding Officer in Chief.

Whereas the army, as an organized institution, followed principles among which one of the most rigorous was the issue of "Command" or "Hierarchy."

Whereas in keeping with this notion of "Command" or "Hierarchy" concerning important decisions, a District Commanding Officer cannot, and must not, do anything without the order or approval of his Departmental Commanding Officer, and that the latter, as well, cannot, and

must not, do anything without the recommendation of his High General Staff.

Whereas, accordingly, the military operations conducted against the population of Raboteau on the dates of April 18 and 22, 1994, should, in such cases, according to principle, obtain the approval of the High General Staff.

Whereas even if the members of the High Command of the Haitian Army, were foreign to the planning of this criminal enterprise dedicated to torture, murder, robbery, destruction of property... perpetrated upon the population of Raboteau, they should, at the very least, have stopped it once the initial facts were disclosed. Their orders would have been sufficient to end the events.

Whereas "as a general principle of law and military custom, a military superior in command is responsible, and must, as Commanding Officer, answer for the proper conduct of his subordinates. By the same token, after completing an action and issuing an order, a Commanding Officer must remain vigilant, and make necessary adjustments as required by the changing situation. In addition, a Commanding Officer is responsible if he knows that his troops, or any persons under his orders, have committed or are in the process of committing a crime, and he refrains from doing what is necessary and reasonable for the law to be respected."

Whereas the operations in Raboteau took place in two phases: a first phase concerns the actions of April 18, 1994, performed on the site of Raboteau, and a second phase, also called, "Final Phase," carried out during the morning of Friday April, 22, 1994.

Whereas the High General Staff, following the events of April 18, 1994, which caused deaths and injuries, took no action to prevent the events of April 22. From this, we find that there are serious indications of guilt on the part of members of the High General Staff of the Armed Forces of Haiti for the events which took place on April 18 and 22, 1994 in Raboteau, in violation of articles (2-3, 2-4, chapter I). There are grounds to prosecute them.

Whereas these arbitrary acts perpetrated by military men then posted to the Barracks Toussaint Louverture of the Gonaïves against the inhabitants of Raboteau, are a flagrant violation of human rights.

Whereas, in April 1994, there was in the Gonaïves, an atmosphere of socio-political unrest; the objective pursued by **CASTERA** and his outfit was to suppress the enjoyment and exercise of the rights and liberties provided for by the Constitution and the laws of Haiti, as well as by the American Convention Relative to Civil and Political Rights, ratified by Haiti.

Whereas, however, the massacre at Raboteau could not have taken place without the direct involvement of the High Command of the Haitian Armed Forces.

Whereas, based on this principle, Captain **CASTERA**'s statement, according to which the High

General Staff was only informed after the execution of these large-scale operations, discredits itself for lack of logical foundation.

Whereas, under these circumstances the military operations conducted by **CASTERA CENAFILS** against the harmless population of Raboteau, was at least authorized by his hierarchical superior, **BELLONY GROSHOMMES**, then Commanding Officer of the Military Department of the Artibonite, who himself had, as a matter of principle, obtained the approval of the High General Staff in this matter.

Whereas the explanatory memorandum, published by the Armed Forces of Haiti on April 26, 1994 to attempt to justify the actions carried out during the operations of Raboteau, confirms their participation in these arbitrary acts, and consequently their complicity by instruction of said acts, according to article 45-2 of the Penal Code.

Whereas Mr. **Youri LATORTUE**, former Commanding Officer of the Investigations and Anti-Gang services of Port-au-Prince, interrogated at the Judicial Investigations Department concerning the conduct of a military subordinate with regard to an illegal order from his hierarchical superior, explained that, technically, the subordinate officer is only required to obey a regular and legal order from his hierarchical superior; that this subordinate, unless it is his wish, cannot be forced to execute an order, especially one that is obviously illegal, since in such cases, proceedings will even be initiated against the hierarchical authority in question.

Whereas in addition, defendant **LEANT ORESTE AGNOS**, explaining the issue of hierarchical command within the army, maintained, at the Judicial Investigations Department, that a corporal could not do anything of his own initiative, but rather must act according to the orders of his hierarchical superior; as concerns the case under consideration, both Captains, **CENAFILS** and **TIMO**, were in a position to give this "order of intervention," as happened in Raboteau, but always on the instruction of the Main General Headquarters and the Departmental Commanding Officer.

Whereas non-compliance with the principle of "Command" or "Hierarchy," is, from the military standpoint, a punishable offense; the fact that Captains **CASTERA** and **TIMO** in relation to Colonel **GROSHOMMES**, and the latter in relation to the Army Commander in Chief, remained at their respective posts after the events, signifies that each of them acted on the orders of his hierarchical superiors.

Whereas in criminal matters, the authority issuing the order is also concerned by its consequences, whether positive or negative.

Whereas in the context of military activity, orders or requisitions, especially when they conceal an obvious illegality, are never issued in writing; by the same token, despite their absences on April 18 and 22, 1994 from Raboteau, Colonel **GROSHOMMES** and then-members of the High General Staff of the Armed Forces of Haiti: **Raoul CEDRAS**, **Jean Claude DUPerval**, **Philippe BIAMBY**, **Martial ROMULUS**, **Karl DORELIEN**, **Hébert VALMON**, **Frantz DOUBY**, and **Jean-Robert GABRIEL**, are to be blamed for the

nefarious consequences resulting from these military operations, and will be, due to this, and the sovereign decision made by the Examining Magistrate, prosecuted as the intellectual originators of said acts.

Whereas the former Lieutenant Colonel, **Joseph Michel FRANÇOIS** is implicated in the criminal deeds which took place at Raboteau on April 18 and 22, 1994.

Whereas at the time of the events, Colonel **Joseph Michel FRANÇOIS**, in the capacity of Port-au-Prince Chief of Police, was publicly known the instigator of the military coup d'Etat of September 30, 1991, and as a close collaborator of the Army Commander-in-Chief, Lieutenant-General Raoul Cédras.

Whereas **Joseph Michel FRANÇOIS** was identified by name by Paul ODONEL, general Coordinator of the "Active Resistance Movement of the Gonaïves" (MRAG), in a press memorandum of April 28, 1994, as being one of those responsible for the criminal deeds of April 18 and 22, 1994 in Raboteau. According to the spokesperson, "the Raboteau operation aims at no objective other than to break the resistance of people demanding the return of constitutional order and the departure of the putschist military."

Whereas there is much evidence against the Lieutenant Colonel **Joseph Michel FRANÇOIS** for his involvement in the criminal acts of Raboteau.

It is determined, in the case against defendant **Joseph Michel FRANÇOIS**, that the charges are sufficient, and require prosecution.

Whereas the responsibilities of Colonel **JOSEPH MICHEL FRANÇOIS**, Colonel **BELLONY GROSHOMMES**, and members of the High General Staff have been established, it is now necessary to determine those of defendant **CASTERA CENAFILS** and **REYNALD TIMO**, and their subordinates, the immediate and direct executors of the operations.

Whereas, with the exception of **CASTERA CENAFILS**, the defendants have all denied their participation in the operations, claiming, for the most part, that they were not even in the Gonaïves on the days of the events, or better yet, that they were in the lower part of the city of the Gonaïves.

Whereas, among the defendants, **MARILIEN JEAN**, **CHERENFANT SAUVEUR**, **JUDE SAINT-VAL**, **JACQUES EBEL**, **AMAZAN JEAN LIBERT** and **LEANT ORESTE AGNOS**, all soldiers stationed at the Barracks Toussaint Louverture of the Gonaïves, admitted that they were at their stations at the time of the events.

Whereas for the others, those who brandished the alibi of their absence from the Gonaïves as proof of their non-participation in the operations, no evidence, no itineraries, were submitted to the Judicial Investigations Department to confirm the existence of travel authorizations issued to them, as it is normally done in the military.

Whereas consequently, the alibi of absence, "brandished by these defendants to exculpate themselves cannot stand, since it is discrepant with a statement made by **WILSON CASSEUS**, who confirmed that, at that time, the army was in condition D, and that the entire garrison was mobilized.

Whereas, despite the extraordinary reverberation of the tragedy of April 18 and 22, 1994, the defendants, **JOSEPH PIERRE**, known as **DJO LUCY**, **ORLANDO TIMA**, **LHERISSON ALEXIS**, **DIEULIFAITE JOSEPH**, **LOUISNOCK JEANTY** and **ADECLAT LYONEL** have all, in order to escape the severity of the law, maintained that they had not even been aware of the events, even though they were all present in the Gonaïves.

Whereas these fanciful denials will not lead the Investigative Magistrate astray in his examination of the facts, given that these bandits were identified by a number of plaintiffs and witnesses as having been active participants in the operations.

Whereas defendant **WILSON CASSEUS**, while maintaining that he was absent from Raboteau on April 18 and 22, 1994, acknowledged that forceful military operations were carried out against the inhabitants of Raboteau on said dates; that Colonel **GROSHOMME** had ordered—he was told—the execution, at that time, of two Raboteau inhabitants who were, after their arrests, in **ANATIN VOLTAIRE**'s office; that the barracks being in Condition D, the two companies (tactical and police) were mobilized and participated actively in the operations; that on the occasion of his visit to the scene for purposes of investigation, he found no evidence of an attack against the Outpost of Raboteau; that those immediately responsible for these reprehensible acts are Colonel **GROSHOMMES**, who issued orders, and Captains **CENAFILS** and **TIMO**, who executed them through their subordinates.

Whereas as a general rule the surviving victims of an attack are, and remain, the people best placed to identify their attackers.

Whereas with regard to military operations, wicked acts are most often perpetrated by a group, and consequently involve the direct responsibility of more than one person; in this sort of case, it is always the theory of coalition which prevails.

Whereas then the plaintiffs, **OGLATE VALCIN** and **MARIE DENISE FLEURY** have each in turn identified, among others, defendant **LOUISNOCK JEANTY**, as having personally inflicted on April 18, 1994, physical tortures on **VALCIN VALCIUS**, a blind old man of sixty-seven, who passed away the following morning, from the aftermath of these tortures.

Whereas these facts were confirmed by the testimony of **MARIE GRACE JEAN LOUIS** and **CHERY NASSON**; given that in this kind of situation each victim can serve as a witness for the scene of his or her closest neighbor.

Whereas defendant **MADSEN ST-VAL** was recognized by **FRITZ DESIR**, **JOLIS AUGUSTE**, **PAUL EMILE AMISIAL**, and **ILIODA LONGCHAMP** as having personally carried out physical tortures on their persons; he was also pointed out by

JOSEPH CHARLES EDDY in connection with the murder of **CLAUDE JEAN**, known as **TI CLAUDE**

Whereas, for their part the plaintiffs, **PAUL EMILE AMISIAL** and **THERESE THALERAND** have also imputed to the defendant, **MICKEL ANGE MENARD**, the respective murders of **CLAUDE JEAN**, known as **TI JEAN** and **LEXEUS FREDERIC**, a.k.a. **DIEKIVLE**, which occurred on April 22, 1994.

Whereas defendant, **WILBERT MORISSEAU** was also personally identified in connection with the physical tortures inflicted on **FRITZ DESIR** and his family, **PAUL EMILE AMISIAL**, **BLAISE VAILLANT**, **JOLIS AUGUSTE**, and **RONY JEAN NOEL** on April 22, 94.

Whereas the plaintiff, **JEAN CHARLES EDDY** caught defendants **WILBERT MORISSEAU** and **JEAN TATOUNE** digging pits on the beach of Raboteau to bury the bodies of the victims of the April 18 and 22, 1994 tragedy.

Whereas defendant **JEAN PIERRE**, known as **JEAN TATOUNE**, was also identified by **OLAGATE VALCIN**, **MARIE GRACE JEAN LOUIS**, **CHERY NASSON**, and **MARIE DENISE FLEURY**, as having personally participated in the fatal tortures inflicted on **VALCIUS VALCIN** on April 18, 1994.

Whereas in addition, defendant **JEAN PIERRE**, known as **JEAN TATOUNE**, was also identified by **ABDEL SAINT-LOUIS** and **NERVILLE JEAN-BAPTISTE** in connection with the attempted murder, perpetrated at sea, April 22, 1994, on the persons of **ROSIANE PROFIL** and **DEBORAH CHARLES**.

Whereas the same **JEAN PIERRE**, known as **JEAN TATOUNE**, was recognized as having made attempts against the life of **JOSEPH CHARLES EDDY** during the bloody day of April 22, 1994, fact confirmed by **FITO JEANNITON**.

Whereas, besides, **JEAN TATOUNE** was identified, on the one hand, by **ELIZIANNE CADET** in connection with the murder of **FRÉDÉRIC LÉXEUS**, a.k.a. **DIEKIVLE**, and on the other by **CHARITEUSE CADET**, in connection with the murder of **CHARITE CADET**, her brother, and of **LUCKNER ANTOINE**, a.k.a. **KAPTEN'N DLO**, which took place on April 22, 1994.

Whereas **JEAN PIERRE**, known as **JEAN TATOUNE**, was also identified by **FRITZ DESIR**, **JOSEPH HOREL**, and **ILIODA LONGCHAMP** in connection with the physical tortures carried out on their persons, and on those of **BLAISE VAILLANT**, **PAUL EMILE AMISIAL**, **JOLIS AUGUSTE**, and **RONY JEAN NOEL**, in the course of said events of April 1994.

Whereas for his part, defendant **LEDIX DESSOURCES** was identified as having personally inflicted physical tortures and carried out acts of vandalism on the persons and to the detriment of, **HENRY-CLAUDE ELISME** and **ERNST JEAN JACQUES**.

Whereas for his part, the plaintiff **WALTER FILS-AIME** identified defendant

CHERENFANT SAUVEUR as having personally participated in the physical tortures and acts of vandalism against him, at the time of the events in Raboteau, on April 22, 1994.

Whereas defendant **REYNALD TIMO** was also identified in connection with the physical tortures inflicted on **FRITZ DESIR** and on the members of his family.

Whereas the plaintiffs, **ABDEL SAINT LOUIS** and **NERVILLE JEAN-BAPTISTE** have identified defendant **NORELUS MONDELUS**, a.k.a. **SADDAM HUSSEIN**, a.k.a. **ELIANCY**, as a member of the group who attempted against the lives of **ROSIANE PROFIL** and **DEBORAH CHARLES**, at sea on the day of the events in Raboteau.

Whereas, besides, if the plaintiff **THERESE THALERAND** identified defendant **NORELUS MONDELUS** as having personally participated in the perpetration of the murder of **TI CLAUDE**, the plaintiffs **JOLIS AUGUSTE**, Mrs. **NERVILLE JEAN-BAPTISTE**, **ROUBENS DESRAVINES**, **AMISIAL PAUL EMILE**, **MIRLENE LONGCHAMP** and **ILIODA LONGCHAMP**, have also pointed him out for the physical tortures and acts of vandalism inflicted upon them on the day of the tragedy.

Whereas the plaintiffs **LOUIS ERNST JEAN JACQUES**, **HENRY-CLAUDE ELISME**, **MIRLENE LONGCHAMP**, **MARIE DENISE FLEURY**, **CLAUDINE JEANTY**, **EMMANUEL MAJEUNE**, and **ABDEL ST-LOUIS** have respectively identified defendant, **MICKEL ANGE MENARD** as having also participated in the physical tortures and acts of vandalism against them, in the course of the events.

Whereas the plaintiff **EMMANUEL MAJEUNE** was forced, by **MICHEL-ANGE MENARD**, to drink the noxious water of the neighboring canals; four of the plaintiff **ADBEL SAINT LOUIS**'s teeth were brutally pulled out by said defendant.

Whereas the defendant, **MARILIEN JEAN**, was identified as having personally participated in the attempt to murder **ROSIANE PROFIL** and **DEBORAH CHARLES** at sea, and also in connection with the physical tortures carried out on the person of **HENRY-CLAUDE ELISME**.

Whereas at the time of the events, the plaintiff, **JOSEPH CHARLES EDDY** caught the defendant, **JEAN MARILIEN EDDY** next to **JEAN TATOUNE**, digging pits on the beach of Raboteau to bury the victims of the operation's bodies.

Whereas defendant **AMAZAN JEAN LIBERT** was recognized by the plaintiffs **ROUBENS DESRAVINES**, **ILIODA LONGCHAMP**, and **MIRLENE LONGCHAMP** as having personally had a hand in the physical tortures and acts of vandalism perpetrated against them.

Whereas defendant, **LEXIMA THELUSMA**, was identified by **GRACE JEAN**

LOUIS and **CHERY NASSON**, as having personally participated, with his associates, in the fatal torturing of **VALCIUS VALCIN**, and in the destruction of the house of this blind, elderly man of sixty-seven.

Whereas said **LEXIMA THELUSMA** was also identified by **FRITZ DESIR** and by **ELIGENE ELISME**, as having personally carried out physical tortures on their persons, and on those of the parents [NB: can be relatives too] of **FRITZ DESIR**.

Whereas defendant, **THEOMAT CHARLES**, known as **YOFOU**, was identified by **JOSEPH HOREL** and **ABDEL ST-LOUIS**, flanked by his associates, **JEAN PIERRE**, known as **JEAN TATOUNE**, **NORELUS MONDELUS**, known as **ELIANCY**, **CARIETANE NADY**, et. al., as having personally opened fire on **MICHELET**'s boat which contained around twelve people, among whom **ROSIANE** and **DEBORAH**, who nearly died from the shooting.

Whereas this same **THEOMAT CHARLES** was also identified by **HENRY-CLAUDE ELISME** for physical tortures carried out on his person.

Whereas in addition, the plaintiff, **ABDEL SAINT-LOUIS**, and **NERVILLE JEAN-BAPTISTE** identified defendants **WALNER PHANOR**, **CARIETANE NADY**, and **THEOME CHARLES** as having, from their boat, opened fire on **MICHELET JEAN-BAPTISTE**'s boat, and attempted on the lives of his passengers, among whom **ROSIANE PROFIL** and **DEBORAH CHARLES**, who had attempted to escape by sea.

Whereas from the statements of **ABDEL SAINT-LOUIS** and **NEVILLE JEAN-BAPTISTE**, the individuals named **LUCKNER ANTOINE** a.k.a. **KAPTEN'N DLO** and **CHARITE CADET** were murdered at sea by the defendants, **NADY CARIETANE** and **THEOMAT CHARLES**, who, from their boat blockaded the sea to prevent, by force of arms, any human escape.

Whereas the individuals named **JOLIS AUGUSTE**, **PAUL EMILE AMISIAL**, **BLAISE VAILLANT**, and **RONY JEAN NOEL**, have all categorically identified defendant **LIONEL ADECLAT**, as having personally carried out physical tortures on their persons.

Whereas the defendant, **LUDOVIC ADOLPHE**, a.k.a. **MANZOUNE**, in the company of a few of his peers, was caught burying the body of **CLAUDE JEAN**, known as **TI JEAN** on the beach, by Mr. **JOSEPH CHARLES EDDY**.

Whereas the plaintiff, **GEDEON PHILOGENE** identified the defendant, **CASTERA CENAFILS**, as having personally forced at gunpoint said plaintiff, as well as **WILLIAM CHARLERON** and **JOSEPH HOREL**, to destroy with their bare hands, the house of **RAMONG JEAN LOUIS**.

Whereas for their part, **JOSEPH HOREL** and **WALTER FILS-AIME** also identified the defendant, **CASTERA CENAFILS** as having personally carried out

physical tortures on their persons at the time of the events.

Whereas defendant **ROMEUS WALMYR** was identified as having personally participated in the fatal tortures inflicted on **VALCIUS VALCIN**, on the date of April 18, 1994.

Whereas the attempted murder perpetrated on the person of **JOSEPH CHARLES EDDY** was imputed to defendant **ROMEUS WALMYR**, by the victim and by **FITO JEANITON**.

Whereas said defendant was identified as having personally taken part in the destruction of the houses of **VALCIUS VALCIN**, **ELIGENE ELISME**, **LOUIS ERNST JEAN JACQUES**, and in attempted murder against, among others, **ROSIANE PROFIL** and **DEBORAH CHARLES**, who, to save themselves from the consequences of the April 1994 Raboteau tragedy, were taking flight by sea.

Whereas for his part, defendant, **OLEUS FRAGE**, was recognized by **MARIE GRACE JEAN LOUIS** as having personally participated in the fatal tortures inflicted on **VALCIUS VALCIN** on April 18, 1994, in the destruction of his house, and in the physical tortures carried out on April 22, 1994, on the persons of **JOSEPH HOREL**, **WILLIAM CHARLERON**, **GEDEON PHILOGENE**, and **ELIGENE ELISME**, and finally in the destruction of the items and objects garnishing the latter's house.

Whereas defendant **WILSON CASSEUS** was recognized, on April 22, 1994 in Raboteau, as having carried out physical tortures on the persons of **ABDEL SAINT-LOUIS**, **MARIE DENISE FLEURY**, and **WALTER FILS-AIME**, as having destroyed items and objects garnishing **MARIE DENISE FLEURY**'s house, and finally, as having destroyed the house of **WALTER FILS-AIME**, with everything it contained.

Whereas defendant **TI BLANC**, known as such, was recognized by **ELIZIANNE CADET** as having personally killed her husband, **FRÉDÉRIC LÉXÉUS**, a.k.a. **DIEKIVLE**, by **HENRY-CLAUDE ELISME** as having carried out physical tortures on his person, and finally by **NERVILLE JEAN-BAPTISTE** as having attempted against the lives of those occupying **MICHELET**'s boat, among whom **ROSIANE PROFIL** and **DEBORAH CHARLES**, permanently crippled from the shots they received.

Whereas the plaintiffs, **CHERY NASSON** and **MARIE GRACE JEAN-LOUIS** identified **TI BLANC**, known as such, as having personally participated, not only in the fatal tortures inflicted on **VALCIUS VALCIN**, but also in the destruction of the latter's house.

Whereas from all of the above, and contrary to their fanciful pretense of innocence, all of the defendants, whose respective cases we have just analyzed, participated in one way or another, to one extent or another, in the unfortunate events of April 1994 in Raboteau.

Whereas in these conditions, it is fitting to first analyze the question of the responsibility of the soldiers accused in this case.

Whereas while articles 85-2 and 151 of the Haitian Penal code excuse from all criminal liability the soldier who claims he acted on an order from his hierarchical superior and out of respect for the principle of "legitimate command authority," articles 27 and 27-1 of the Haitian Constitution of 1987, however, do render him criminally liable, whatever his rank in the hierarchy.

Whereas the Manual of Military Justice defines the recalcitrant or disobedient soldier as someone who voluntarily disobeys a legal order from his hierarchical superior.

Whereas in addition, the regulations relative to military discipline, sanctioned by the presidential decree of June 17, 1925, and published in the Law Bulletin #1 of the same year, make obligatory for all officers and/or soldiers to beware of all irregular, immoral, and illegal practices, to fight against these practices, and to punish those who partake of them.

Whereas it is recognized in the jurisprudence that the "command of legitimate authority does not thereby cancel the responsibility of the executing agent."

Whereas with the new developments of penal law, the theory of passive obedience, often invoked by the military to exculpate itself, is counterbalanced by that of "intelligent bayonets," by virtue of which the agent executing an order emanating from his commanding authority, has the right, and even the obligation, to evaluate the legal import of this order before implementing it.

Whereas in this manner, the subordinate officer, who, blindly and unquestioningly, chooses to execute an illegal order from his hierarchical superior, is according to penal law, expected to bear its consequences; as long as the order is manifestly illegal.

Whereas in practice, it is in the results that one determines the character of the instructions given; as concerns Raboteau, if only in order not to repeat the events of Borgne, Campaign, and Martissant (Carrefour) as reported in the Army High General Staff explanatory memorandum of April 26, 1994, the issue was to terrorize as much as possible the population of said locality, who, as recollected, has always had an active political past.

Whereas then, by acting as they did on April 18 and 22, 1994 in Raboteau, soldiers from the Barracks Toussaint-Louverture of the Gonaïves, from defendant **BELLONY GROSHOMMES** to the last ranked officer, including Captains **CENAFILS** and **TIMO**, deliberately chose to carry out orders they well knew to be illegal; in consequence they must answer for the nefarious consequences of their acts of assault against individual liberty.

Whereas because the military operations in this case were successful, each of those presently accused, by virtue of his participation in the realization of this criminal project has made himself both individually and collectively responsible.

Whereas regarding military operations, there is always a plurality of facts and/or scenes; a soldier acts chiefly with the necessary and indisputable assistance of the colleagues around him, whence results collective and concerted participation, establishing the responsibility of the entire team.

Whereas in these circumstances, all the soldiers who participated in the operations, are, either individually or collectively, criminally responsible for the misdeeds.

Whereas given everything thus far, the military defendants who participated in the operations will be prosecuted as perpetrators and co-perpetrators of, and/or accomplices to these arbitrary acts committed to the detriment of the population of Raboteau, and in violation of its rights to life, liberty and personal physical integrity.

Whereas the question of the accused military personnel having been solved, it is now necessary to determine the existence and participation of potential accomplices.

Regarding the responsibility of FRAPH leaders

Whereas all the elements of the investigation have clearly revealed that the Raboteau military acted in conjunction with armed civilians, commonly known as "Fraph."

Whereas the Fraph, emerging from the military regime of Cédras, was characterized as a paramilitary "terrorist" organization.

Whereas the Fraph, as well as the attachés and the military, has freely extorted, robbed, killed, intimidated and persecuted the inhabitants of Raboteau at the time of April 18 and 22 operations.

Whereas examination of the testimonies clearly shows that in Raboteau, soldiers, attachés, and members of the Fraph operated within a framework and a plan, requiring the participation of ranking army officers, police, and Fraph leaders.

Whereas the same degree of individual responsibility we attribute to ranking officers in the army and police, must also be attributed to the leaders of the paramilitary group called "Fraph," some of whose members have been denounced as auxiliaries to the army in the acts of violence at Raboteau.

Whereas it is appropriate to recognize the responsibility of both the Fraph General Secretary and its Coordinator, Messrs. **Emmanuel Constant** and **Louis Jodel Chamblain**.

It is determined: there are grounds for Prosecution against them.

Regarding the cases of attachés and armed civilians

Whereas the defendant, **CASTERA CENAFILS**, while claiming paternity for the criminal operation under judicial scrutiny, has, however, denied that armed civilians (members of the FRAPH), offered aid and assistance to the Army, at the time, as represented by the plaintiffs in their complaints, and in the abundant statements made at the Judicial Investigations Department.

Whereas confession in criminal matters oftentimes represents a kind of exception as regards proof, it follows, therefore, that a defendant, who good will, bad will, confesses to a crime, acts bravely, yet in reality always hides the true dimensions and/or aspects of the deed of which he is accused.

Whereas in this sense, the non-participation of armed civilians (members of the FRAPH) in said operation, declared by the defendant, **CASTERA CENAFILS**, before the Judicial Investigations Department, so as to spare his minions from the rigors of the law, cannot retain the attention of the Examining Magistrate, since said elements of the paramilitary forces, called FRAPH, who served as reinforcements to the army when necessary, were also easily identified in the perpetration of the arbitrary acts of April 18 and 22, 1994, which took place in Raboteau.

Whereas the survivor of an attack is always in the best position to identify the attacker; it follows that nearly all of the defendants (armed civilians), **ORLANDO TIMA**, a.k.a. **FREDI**, **ADECLAT LIONEL**, a.k.a. **TI PIC**, **JOSEPH PIERRE**, a.k.a. **DJO LUCY**, **LEXIMA THELUSMA**, **ALEXIS LHERISSON**, **OLEUS FRAGE**, **JEANTY LOUISNOCK**, **THEOMAT CHARLES**, known as **YOFOU**, **RENET ROMAIN**, **ISRAEL DIEUBON**, **FUCIEN MICHEL**, **PIERRE JOSEPH**, **ROGES DAJUSTE**, **DIEULIFAITTE**, **JOSEPH** and **CELONY GEORGES**, identified by the plaintiffs on the day of the events, participated alongside the military in said criminal acts.

Whereas the aforesaid defendants (armed civilians) are not part of the military structure itself, their participation in the operations of April 18 and 22, 1994 in Raboteau, constitutes conscious aid or assistance given to the military for the perpetration of their crimes according to articles 44 and 45-3 of the Penal Code, and consequently will be prosecuted as accomplices of said acts, which, among other things, arbitrarily robbed about ten people of their lives, in violation of articles 3 of the Universal Declaration of the Rights of Man, 4-1 of the American Conventions Relative to the Rights of Man, and 6-1 of the International Covenant concerning Civil and Political Rights, all of which were ratified by Haiti.

Whereas the acts perpetrated by these soldiers and armed civilians on April 18 and 22, 1994 in Raboteau were obviously illegal and contrary to the international Conventions and Treaties ratified by Haiti, and did not figure among the body of missions appertaining to the Armed Forces of Haiti, according to article 266 of the Constitution of 1987.

Whereas according to the provisions of articles 42-3 of said Constitution, the violence carried out and the crimes perpetrated by the military, cause the latter to fall under the jurisdiction of the courts of Common Law.

Whereas then, according to a Decree from the Supreme Court of Appeals of the Republic, dated March 31, 1980 (See Decree Bulletin, 1980-1981, page 317, by Mr. Jacob Jean-Baptiste, esq.), "the mission of the Examining Magistrate is to investigate evidence, i.e., presumption, not proof. The latter can only result from an oral debate before the courts; it is not his role to find out if evidence of guilt can be established"

Whereas in any event, the information gathered did not yield the proof of imputability of unlawful acts to **ISRAEL DIEUBON, DORVIL SULIEN, MICHEL FUCIEN**, known as **TI RORO, LEANT ORESTE AGNOS, RENET ROMAIN, ROGES DAJUSTE, ORLANDO TIMA, MANIUS GERVAIS, GESNER PHENELON, JACQUES EBEL, DIEULIFAITE JOSEPH, LHERISSON ALEXIS, JUDE SAINT-VAL**, and **PIERRE JOSEPH**; in consequence it will please the Examining Magistrate, as sole legitimate evaluator of the facts, to determine that there are no grounds for Prosecution against all of the above.

Whereas the careful examination of the case in this matter, however, has brought out enough irrefutable evidence against defendants, **RAOUL CEDRAS, JEAN-CLAUDE DUPerval, PHILIPPE BIAMBY, MARTIAL ROMULUS, CARL DORELIEN, HEBERT VALMOND, FRANTZ DOUBY**, and **JEAN ROBERT GABRIEL**, all members of the High-Command.

JOSEPH MICHEL FRANÇOIS, BELLONY GROSHOMMES, CASTERA CENAFILS, REYNALD TIMO, WILSON CASSEUS, MICHEL-ANGE MENARD, LEDIX DESSOURCES, MARILIEN JEAN, CHERENFANT SAUVEUR, CARIETANE NADY, MONDELUS NORELUS, AMAZAN JEAN LIBERT, WILBERT MORISSEAU, MADSEN SAINT-VAL, ROMEUS WALMYR, WALNER PHANORD, EMMANUEL CONSTANT, LOUIS JODEL CHAMBLAIN, JEAN PIERRE, known as **JEAN TATOUNE, LUDOVIC ADOLPHE, OLEUS FRAGE, ADECLAT LIONEL, JOSEPH PIERRE**, known as **DJO LUCY, THEOME CHARLES**, known as **YOFOU, LEXIMA THELUSMA, JEANTY LOUISNOCK, CELONY GEORGES**, known as **TI SONSON**, (detainees); and **BRUTUS**, known as such, **RAPHAEL CAMILLE, TI BLANC**, known as such, **LUCKNER**, known as such, **ARMAND SAJOUS**, known as **AMAND**...

Whereas in addition, the findings of the examination were able to retain only deeds of murder, attempted murder, physical and/or fatal tortures, and destruction of houses and furniture, as the crimes perpetrated, on those days, against the population of Raboteau.

Whereas in that sense, the other violations the Examining Magistrate was asked to investigate will be purely and simply removed from the case.

Whereas finally, because the facts exposed incontestably possess a related and indivisible link, having been committed in collaboration or in concert, by a multiplicity of individuals in the same time period and on the same site; it is fitting, in the interest of the good administration of justice, to order, according to the provisions of articles 109 and 110 of the Penal Code (Vandal), the junction of the entire procedure against said defendants, as requested by the Examining Magistrate.

Whereas in this case, it is fitting to determine which is the appropriate court to be advised of the case.

Whereas the Haitian Supreme Court of Appeals recognizes, that in cases of relatedness, as indicated in article 110 of the Criminal Procedure Code, if one of the infractions is qualified as a crime, the Examining Magistrate, ruling on the entire case with one decision, will send the matter back before the Criminal Court, which will function without a jury.

Whereas Haitian jurisprudence also recognizes that when three crimes are exposed, the first consisting of a nighttime burglary in an inhabited house, the second a murder perpetrated with premeditation on the person of the premises' occupant, and the third, in the burning of the house to erase all traces of the two preceding crimes, there is relatedness.

Whereas in reality, the Raboteau case comprises in essence two main deeds, each containing several acts: the operation of April 18, 1994 which led among other things to the murder of **VALCIUS VALCIN**, and that of April 22 of the same year, which led, among other things, to the murders of **CHARITE CADET**, **LUCKNER ANTOINE**, a.k.a. **KAPTEN'N DLO**, **PIERRE MICHEL**, a.k.a. Jamèdodo, **FRÉDÉRIC LÉXEUS**, a.k.a. Diekivle, **CLAUDE JEAN**, known as **TI CLAUDE**, **JOANEL ATTIS**, **SINAVLE JOSEPH**, and **SAMELIA SANTIL**... both deeds constituting crimes of blood.

Whereas theory of relatedness, considered by articles 109 and 110 of the Criminal Procedure Code (Vandal), tends more toward prosecuting before the same court infractions imbued with irrefutable indivisibility, than to remove from its appropriate body a main infraction flanked by accessories.

Whereas articles 109 and 110 of the Criminal Procedure Code which mention crimes, and the attached memoranda of legal commentary, which in any event precede the Haitian Constitution of 1987, can, under no circumstances, take precedence over the latter, which, in article 50, stipulates: "... a jury is established under criminal proceedings for crimes of blood and political offenses."

Whereas then, the main offense in the two events of April 18 and 22, 1994 is murder, which is a crime of blood, it is fitting to apply, in this case, article 50 of the Constitution of 1987, and send those accused in said events of April 1994 before the Criminal Court which functions with a jury; given that the subsequent, accessory, offenses will be tried by the same court, according to the maxim "who can

do the most can do the least." [who can commit the greatest crime can commit the smallest crime]

Whereas given everything that precedes, the following have been indicted:

OLEUS FRAGE, LEXIMA THELUSMA, LUCKNER, known as such, **LOUISNOCK JEANTY, JEAN PIERRE** known as **JEAN TATOUNE**, and **ROMEUS WALMYR**, for deeds of fatal tortures on the person of **VALCIUS VALCIN**, which are punishable under articles 254 and 255 of the Penal Code.

JEAN PIERRE, known as **JEAN TATOUNE, MONDELUS NORELUS**, a.k.a. **SADDAM HUSSEIN**, a.k.a. **ELIANCY, CARIETANE NADY, TI BLANC**, known as such, **THEOME CHARLES**, known as **YOFOU, MARILIEN JEAN, ROMEUS WALMYR**, and **WALNER PHANORD**, for deeds of murder on the persons of **PIERRE MICHEL**, a.k.a. **JAMEDODO, LUCKNER ANTOINE**, and **CHARITE CADET**, which are punishable under articles 240, 241, 242, and 243 of the Penal Code.

JEAN PIERRE, known as **JEAN TATOUNE, CASTERA CENAFILS, WILBERT MORISSEAU, MICHEL-ANGE MENARD, MADSEN SAINT-VAL, MONDELUS NORELUS**, a.k.a. **SADDAM HUSSEIN**, a.k.a. **ELIANCY, LIONEL ADECLAT, LEXIMA THELUSMA**, and **REYNALD TIMO**, for deeds of illegal arrests and physical tortures, causing damage to, **FRITZ DESIR, PAUL EMILE AMISIAL, BLAISE VAILLANT, JOLIS AUGUSTE**, and **RONY JEAN NOEL**, which are punishable under articles 289 and 293 of the Penal Code.

CASTERA CENAFILS, JEAN PIERRE, known as **JEAN TATOUNE, WALNER PHANORD, WILSON CASSEUS, LEDIX DESSOURCES, MARILIEN JEAN, THEOME CHARLES**, a.k.a. **YOFOU, MICHEL-ANGE MENARD, TI BLANC**, known as such, **MONDELUS NORELUS, CARIETANE NADY**, and **OLEUS FRAGE**, for deeds of illegal arrests and physical tortures on the persons of **HENRI-CLAUDE ELISME, FRANÇOIS SANON, ROSIANE PROFIL, DEBORAH CHARLES, OFRANCE CHERY, MICHELET JEAN-BAPTISTE, ABDEL SAINT-LOUIS**, and **WILLY CHARLES**, which are punishable under articles 289 and 293 of the Penal Code.

JEAN PIERRE, known as **JEAN TATOUNE, MICHEL-ANGE MENARD**, and **TI BLANC**, known as such, for deeds of murder on the person of **FREDERICK LEXEUS**, a.k.a. **DIEKIVLE**, which are punishable under articles 240, 241, 242, 243, and following, of the Penal Code.

MADSEN SAINT-VAL, MICHEL-ANGE MENARD, MARILIEN JEAN, CARIETANE NADY, and **MONDELUS NORELUS**, a.k.a. **SADDAM HUSSEIN**, a.k.a. **ELIANCY**, for deeds of murder on the person of **CLAUDE JEAN**, known as **TI CLAUDE**, which are provided for and punishable under articles 240, 241, 242, 243, and following, of the Penal Code.

ROMEUS WALMYR and **JEAN PIERRE**, known as **JEAN TATOUNE**, for deeds of attempted murder on the person **JOSEPH CHARLES EDDY**, which are punishable under articles 2, 240, 241, 242, 243, and following of the Penal Code.

LEDIX DESSOURCES, **WALMYR ROMEUS**, **MICHEL-ANGE MENARD**, **BRUTUS**, known as such, **ARMAND SAJOUS**, known as **TI AMAND**, and **CELONY GEORGES**, known as **TI SONSON**, for deeds of physical tortures on the persons of **LOUIS ERNST JEAN-JACQUES**, **JOSEPH JACQUES**, and **NESLY JEAN-JACQUES**, which are punishable under articles 289 and 293 of the Penal Code.

CASTERA CENAFILS, **SAUVEUR CHERENFANT**, and **WILSON CASSEUS**, for deeds of physical tortures on the person of **WALTER FILS-AIME**, which are punishable by articles 289 and 293 of the Penal Code.

MONDELUS NORELUS, **CARIETANE NADY**, and **TI BLANC**, known as such, for deeds of physical tortures on the person of **NEVILLE JEAN-BAPTISTE**, which are provided for and punishable under articles 289 and 293 of the Penal Code.

AMAZAN JEAN LIBERT, and **MONDELUS NORELUS**, for deeds of physical tortures on the person of **ROUBENS DESRAVINES**, which are punishable under articles 289 and 293 of the Penal Code.

MADSEN SAINT-VAL, **MONDELUS NORELUS**, **AMAZAN JEAN-LIBERT**, **JEAN PIERRE**, known as **JEAN TATOUNE**, **LUDOVIC ADOLPHE**, known as **MANZOUNE**, and **MICHEL-ANGE MENARD**, for deeds of physical tortures on the persons of **ILIODA LONGCHAMP**, **MIRLENE LONGCHAMP**, and **GUERDA LONGCHAMP**, which are punishable under articles 289 and 293 of the Penal Code.

MICHEL-ANGE MENARD, and **WILSON CASSEUS**, for deeds of physical tortures on the persons of **MARIE DENISE FLEURY**, and **EMMANUEL MAJEUNE**, which are punishable under articles 289 and 293 of the Penal Code.

MICHEL-ANGE MENARD, **AMAZAN JEAN LIBERT**, and **ARMAND SAJOUS**, known as **TI AMAND**, for deeds of physical tortures on the person of **CLAUDINE JEANTY**, which are punishable under articles 289 and 293 of the Penal Code.

LEXIMA THELUSMA, **OLEUS FRAGE**, and **ROMEUS WALMYR**, for deeds of physical tortures on the person of **ELIGENE ELISME**, which are punishable under articles 289 and 293 of the Penal Code.

CASTERA CENAFILS, JEAN PIERRE, known as **JEAN TATOUNE, OLEUS GRAGE, THEOME CHARLES**, known as **YOFOU, MONDELUS NORELUS**, a.k.a. **SADDAM HUSSEIN**, a.k.a. **ELIANCY**, and **MICHEL-ANGE MENARD**, for deeds of physical tortures and illegal arrests on the persons of **GEDEON PHILOGENE, JOSEPH HOREL WILLIAM CHARLERON**, and **PARCHEMIN**, known as such, which are punishable under articles 289 and 293 of the Penal Code.

JEAN PIERRE, known as **JEAN TATOUNE, MONDELUS NORELUS, CARIETANE NADY, TI BLANC**, known as such, **THEOME CHARLES**, known as **YOFOU, MARILIEN JEAN, ROMEUS WALMYR**, and **WALNER PHANORD**, for deeds of attempted murder on the persons of **ROSIANE PROFIL, DEBORAH CHARLES, MICHELET JEAN-BAPTISTE, OFRANCE CHERY, HENRY-CALUDE ELISME**, and **FRANÇOIS SANON**, which are punishable under articles 2, 240, 241, 242, 243, and following of the Penal Code.

LUDOVIC ADOLPHE, known as **MANZOUNE**, for deeds of destruction of furniture in the house of **PIERRE ANTOINE LIGONDE**, which are provided for and punishable under articles 358 and 361 of the Penal Code.

LUCKNER, known as such, **LOUISNOCK JEANTY, OLEUS GRAGE, ROMEUS WALMYR, LEXIMA THELUSMA**, and **JEAN PIERRE**, known as **JEAN TATOUNE**, for deeds of destruction of houses, to the detriment of **VALCIUS VLACIN**, which are punishable under articles 358 and following of the Penal Code.

MODELUS NORELUS, AMAZAN JEAN LIBERT, ROMEUS WALMYR, LEXIMA THELUSMA, and **MADSEN SAINT-VAL**, for deeds of destruction of the furniture garnishing the house of **PAUL EMILE AMISIAL**, which are punishable under articles 358 and 361 of the Penal Code.

MICHEL-ANGE MENARD and **WILSON CASSEUS** for deeds of destruction of the furniture garnishing the house of **MARIE DENISE FLEURY**, which are punishable under articles 358 and 361 of the Penal Code.

LEDIX DESSOURCES, and **ROMEUS WALMYR**, for deeds of destruction of the objects garnishing the house of **LOUIS ERNST JEAN JACQUES**, which are punishable under articles 358 and 361 of the Penal Code.

SAUVEUR CHERENFANT, CASTERA CENAFILS, WILSON CASSEUS, and **CARIETANE NADY**, for deeds of destruction of the house of **WALTER FILS-AIME**, which are punishable under articles 358 and following of the Penal Code.

ARMAND SAJOUS, known as **TI AMAND, AMAZAN JEAN LIBERT**, and **MICHEL-ANGE**

MENARD, for deeds of destruction of the furniture garnishing the house of **CLAUDINE JEANTY**, which are provided for and punishable under articles 358 and 361 of the Penal Code.

LEXIMA THELUSMA, **ROMEUS WALMYR**, and **OLEUS FRAGE**, for deeds of destruction of the objects garnishing the house of **ELIGENE ELISME**, which are provided for and punishable under articles 358 and 361 of the Penal Code.

THEOMAT CHARLES, known as **YOFOU**, **JEAN PIERRE**, known as **JEAN TATOUNE**, **CASTERA CENAFILS**, and **OLEUS FRAGE**, for deeds of destruction of houses causing damage to **RAMONG JEAN-LOUIS**, which are punishable under articles 358 and following of the Penal Code.

Whereas then the Examining Magistrate who examined the evidence and gathered the depositions of witnesses in concordance with legal procedure, is the sole person to assess the evidence. (Haitian Appeals April 11, 1945).

By these motives, **THE PUBLIC PROSECUTOR**:

Seen: the International Treaties and Conventions ratified by Haiti, notably, the Universal Declaration of the Rights of Man; the American Conventions Relative to the Rights of Man, and the International Covenant relative to civil and political rights.

Seen: articles 27, 42-3, 50, and 266 of the Constitution of 1987; articles 2, 44, 45, 240, and following, 254 and following, 289, 293, 358, and 361 of the Penal Code; and articles 115, 119, and 120 combined, of the Criminal Procedure Code.

Considering, in light of all that has been said, that the significance of these arbitrary acts, these assaults against life and the physical integrity of human beings, perpetrated against the civilian population of Raboteau (the Gonaïves) in April 1994, spreads beyond this country's physical borders, and offends the conscience of all human beings;

The Examining Magistrate REQUIRES:

The junction of the entire proceedings of the case against the defendants in the events of April 18 and 22, 1994 in Raboteau:

We Recognize that there are no grounds to prosecute the defendants: **ORLANDO TIMA**, **MANIUS GERVAIS**, **GESNER PHENELON**, **JACQUES EBEL**, **ROGES DAJUSTE**, **RENET ROMAIN**, **ISRAEL DIEUBON**, **LEANT ORESTE AGNOS**, **PIERRE JOSEPH**, **JUDE ST-VAL**, **DIEULIFAITE JOSEPH**, **LHERISSON ALEXIS**, **MICHEL FUCIEN**, known as **TI RORO**, **DORVIL SULIEN**, **RAPHAEL CAMILLE**, **ABED**, known as such, and **RAPHAEL**, known as such, but to place them outside the purview of accusation, since no charges have been made against them;

We Recognize on the other hand, that there is irrefutable evidence and sufficient charges against the defendants: **RAOUL CEDRAS, JEAN-CLAUDE DUPerval, PHILIPPE BIAMBY, MARTIAL ROMULUS, CARL DORELIEN, HEBERT VALMONT, FRANTZ DOUBY, JEAN-ROBERT GABRIEL, JOSEPH MICHEL FRANÇOIS, BELLONY GROSHOMMES, CASTERA CENAFILS, REYNALD TIMO, WILSON CASSEUS, MICHEL-ANGE MENARD, LEDIX DESSOURCES, MARILIEN JEAN, CHERENFANT SAUVEUR, CARIETANE NADY, MONDELUS NORELUS, AMAZAN JEAN LIBERT, MADSEN ST-VAL, WILBERT MORISSEAU, ROMEUS WALMYR**, all members of the Armed Forces of Haiti, intellectual originators and physical perpetrators of the deeds committed in Raboteau on April 18 and 22, 1994.

We Recognize, also, that the charges are sufficient against the defendants: **EMMANUEL CONSTANT, LOUIS JODEL CHAMBLAIN, JEAN PIERRE**, known as **JEAN TATOÛNE, LUDOVIC ADOLPHE**, known as **MANZOUNE, OLEUS FRAGE, ADECLAT LIONEL, JOSEPH PIERRE**, known as **DJO LUCY, THEOME CHARLES**, known as **YOFOU, LEXIMA THELUSMA, JEANTY LOUISNOCK, CELONY GEORGES**, known as **TI SONSON**, (detainees), **WALNER PHANOR, ARMAND SAJOUS**, known as **TI AMAND, LUCKNER, BRUTUS**, and **TI BLANC**, all known as such, as accomplices conformably to arts. 45 and 46 of the Penal Code.

To send them, therefore, before the Criminal Court, presiding with the assistance of a jury, for the deeds previously indicated and of which they are accused; this, in concordance with the laws, jurisprudence, doctrines... regulating the matter. It is Law.

Prosecution of the Court of First Instance of the Gonaïves, August 15, 1999

Mr. Jean-Alix CIVIL, esq.,
Government Commissioner

The Judicial Investigations Department

Whereas the population of Raboteau has been long known for its resistance and its political activism. Possessing a revolutionary reputation, this is the very shantytown who initiated the first great demonstrations demanding the departure of Jean-Claude Duvalier in 1985.

Whereas the origins of the massacre of Raboteau of April 22, 1994 go back to the coup d'Etat of September 30, 1991.

Whereas poor neighborhoods, particularly Raboteau, played a crucial role in the electoral victory of President Jean-Bertrand Aristide, who was deposed by the coup d'Etat of September 30, 1991 and sent into exile.

Whereas Raboteau, as the very bastion of the resistance to the de facto regime installed at the time of the coup d'Etat of September 30, 1991, was specifically targeted.

Whereas (from September 1991 to October 1994), in order to consolidate their illegitimate power, the de facto regime, the military, their attachés, paramilitary groups and their associates, would strive, throughout the entire country to break all resistance among those wishing the return of constitutional order.

Whereas the magnitude of these three years of politically motivated systematic repression throughout the country shows that this action was planned, organized, and led by the illegitimate authorities.

Whereas this systematic repression has largely been described by the National Commission on Truth and Justice (CNVJ) at the conclusion of its investigation; by human rights defense organizations in Haiti; by the [United Nations] International Civil Mission in Haiti OEA/ONU, and by the media.

Whereas the massacre of Raboteau, and the context of the local repression, have been the objects of a special CNVJ investigation. This repression, starting on October 2, 1991, was carried out in order to crush the tenacious, brave, yet non-violent, resistance of the people of the Gonaïves. In the Gonaïves, the poor neighborhood of Raboteau was the hub of this resistance.

Whereas the massacre of Raboteau was a planned operation, to be placed within the context of the political violence systematically carried out by the de facto regime, the military, their attachés, and the FRAPH against the partisans of a return to democracy.

Whereas the Revolutionary Front for Advancement and Progress in Haiti (FRAPH) was a paramilitary group, which operated hand in hand with the army.

Whereas the end result of these three years of terror: 3000 deaths, countless disappearances, tortures, beatings, arbitrary arrests and extortions, rapes, burnings of entire neighborhoods, thousands forced to live in hiding, or even forced into exile. The illegitimate authorities encouraged and authorized the creation of private parallel militias to carry out the dirty work: the military adjoined to themselves attachés; paramilitary groups such as the Fraph were created.

Whereas the Constitution prohibits the creation of military groups, "Law enforcement is insured by two distinct bodies: a) the armed forces of Haiti, b) the police force. No other armed bodies may exist on the national territory." Articles 263 and 263-1 of the Constitution.

Whereas, despite the numerous acts of ferocious repression—initiated as early as the first few months—from October 1991 to 1993, the military, assisted by armed civilians commonly known as "attachés" or "Frapph," were never able to totally control this neighborhood, which became a pocket of resistance, each day more determined to defeat the regime established by the military coup of d'Etat of September 1991.

Whereas to suppress this resistance once and for all, on April 18, 1994, at dawn, using as a pretext the matter of a few tires burning on intersections, the army, with this excuse in hand, invaded Raboteau. As early as 6 in the morning, attaché/Frapph/military commandos began to create terror in the neighborhood. They fired in every direction, while massively encircling the shantytown of Raboteau, aiming to catch the one they construed as the leader of this neighborhood: Amiot Métayer, a.k.a. "Cubain." Without any legal warrant, they broke down the door to his house. Not finding him, they proceeded to empty the house of its contents, which they threw into the street, and then they set fire to his house.

Whereas continuing on their rampage, the military destroyed several doors of houses on that same street, rue du Quai. To save their lives, people had to flee, and leave the neighborhood by land or by sea. Several of those arrested were beaten, and then released within the hour.

Whereas on that same April 18, 1994, around the middle of the afternoon, the military landed in Raboteau once more. They encircled the neighborhood and began to fire again, terrorizing the population—children and adults—with their shooting. And unable to get "Cubain," they proceeded, without any kind of legal warrant, to the arbitrary arrest of his father, Mr. Ludovic Métayer, a.k.a. Dodo, and his sister, Ms. Alourdes Métayer. Tied together, they were taken to the Barracks Toussaint Louverture of the Gonaïves. The girl, Alourdes Métayer, arrested and beaten, was released after a night in prison.

Whereas at around three o'clock in the afternoon, on April 18, the army, shooting at man-height,

hit 37 year old Roben Joseph in the neck, on the corner of rue Anténor Firmin and rue Paul Prompt. He narrowly escaped death.

Whereas Marie Denise Fleury, witness to the events of April 18, 1994, watched the torture of her father-in-law, 65 year old Valcius Valcin, a blind man for 27 years. Beaten to death, the elderly gentleman succumbed early the following day, April 19, 1994 after vomiting blood.

Whereas during the same night of April 18, 1994, armed men landed in a house at number 135 of the ruelle Fleurissant in the poor neighborhood of Trou Sable (Raboteau, the Gonaïves). They shot and killed the mother of a family, Sinavle Joseph, and shot and wounded another woman and three young children: Ms. Samelia Saintil, wounded by a gunshot to the face, 12 year old Ketty Fenescar, wounded from a gunshot to the back, 13 year old Anoual Fenescar, wounded by a gunshot to the right foot and the thigh, and 3 year old Isabelle Fenescar, wounded to the left eye.

Whereas an official report establishing deeds of murder and attempted murder was drafted by the Justice of the Peace of the Gonaïves South District, Pierre A. Chérilus, dated April 19, 1994.

Whereas the Gonaïves Justice and Peace Commission, in report number GO/94-10, dated Monday May 16, 1994, addressed to the UN International Civil Mission, did, in fact, confirm said facts.

Whereas in addition to terrorizing the population, the operation of April 18, 1994, had the objective of observing the flight movements of the people of Raboteau, and to verify their habit of taking refuge at sea—"their embassy." This was to finalize the technical details designed to insure the success of April 22, 1994 massacre.

Whereas on April 22, 1994, in the early hours of the morning, the military once again invaded Raboteau in the company of attachés and FRAPH members. They deployed in grid formation. They fired into the air to wake people up and force them to flee, then they went from house to house, breaking doors, furniture and possessions, and stealing money and property. They mistreated and beat those inside the houses, sparing neither children nor elderly. They issued threats and forced people to lie on the floor.

Whereas when people, trying to escape from the destruction, beatings and other mistreatments, ran through the streets, the military, firing at man-height, shot and killed several people, among whom Claude Jean, known as Ti Claude, father of two, murdered as he sought refuge at sea, as well as Frédéric Lécéus, a.k.a. Diekivle, father of five, who was hit by bullets and died from the shock, right on the beach.

Whereas during the investigation, it was ascertained that several other people found their deaths in the events of April 18 and 22, 1994 in Raboteau, among whom Sinavle Joseph, Charité Cadet, Valcius Valcin, Samélia Saintyl, Antoine Luckner, whose body was found inside his bloody boat on April 26, 1994, Attis Joanel, discovered at the Barthole saltworks on April 26, 1994 Pierre

Michel, known as Jamédodo, executed on April 22, 1994...

Whereas to escape this wave of repression, several Raboteau inhabitants were forced to escape to sea, where they were attacked by commandos aboard sailboats, who fired on their crafts, making several victims, among whom Rosiane Profil, 19, wounded by three bullets, and Deborah Charles, 21, who was seriously wounded by several bullets.

THE SYSTEMATIC CHARACTER OF THE OPERATION

Whereas it was revealed in the course of the investigation and in light of the Official report drafted by the Justice of the Peace of the Gonaïves North District, Jean-Baptiste Dorismond, dated April 23 to 28, 1994, that more than two hundred persons were the direct victims of torture and violence during the events of April 22, 1994, and around one hundred houses were ransacked by the military and armed civilians during this operation, commonly known as: Raboteau Massacre. In addition, thousands of people were forced to flee the neighborhood for fear of reprisals.

Whereas the official establishing report, drafted by the Acting Justice of the Peace of the Gonaïves on the day following the events, is revealing as to the systematic character of the operation of April 22, 1994, known as the *Raboteau Massacre*.

Whereas this official report, joined to the file, reads as follows:

"The year nineteen hundred and ninety four, year 191 of independence, and Saturday April twenty third, at three o'clock in the afternoon.

We, Jean Baptiste Dorismond, acting Justice of the Peace of the Gonaïves North District, Officer of Judiciary Police, Assistant to the Government Commissioner of the Civil Court of the Gonaïves, with the assistance of Mr. Kerby Charlot, our ad hoc, duly sworn-in, clerk.

Following a request addressed to us by the Government Commissioner of the Civil Court of the Gonaïves, dated April twenty third nineteen hundred and ninety four, ordering us to proceed with establishing the facts concerning persons victimized and houses demolished at the time of the events of April 22, 1994 in Raboteau.

We traveled to the site and surveyed the houses on the rue Paul Prompt, the impasse Robert Geffrard, the rue Antenor Firmin, the rue du Quai, the ruelle Abattoir.

At the rue Paul Prompt, we observed:

At #33, we observed the house commonly called Vié Chapel with some of its doors damaged; the main door had its lock torn out. Later, we met Mr. Pierre Antoine Ligondé, the house's occupant, who stated the following:

Magistrate, on Friday April 22, at six o'clock in the morning, I heard explosions.

Usually I get up early in the morning to go to the garden. I was able to see from afar armed civilians and soldiers circulating through the area; they were shooting. I went back into the house very worried, and I hid with my wife and children, but I didn't know what was going to happen. At eight o'clock, where I was, a passerby warned me that my house had been damaged, and that the door was opened. A few hours later, coming back to the house, I found the door damaged. I was able to observe the damaged apparatus (television), the broken dishes; I was able to observe the torn curtains, and there were even rocks scattered about. Next to the adjacent room, the same damages were declared. Because of this, the inhabitants abandoned their dwellings.

Asked to sign after reading, he did so. Pierre Antoine Ligondé.

At #27, we observed the doors to this house on the same street, rue Paul Prompt, to be damaged. Inside this house, we observed that almost everything was asunder.

Having made this observation, we were able to meet the occupant of the house, Immacula Jeanniton, who deposed as follows:

Magistrate, since five o'clock that morning I was kept awake by explosions. I have a nursing mother at home and several children. We did not even have a chance to get away when soldiers and armed civilians began pounding on the door. Others broke the gate. They came into said house; I was able to recognize some of them: the Lieutenant Ménard, the Corporal Eliancy, commonly called Saddam, the Corporal Walmir, and so many others by face. They made us lie down on the floor and put everything asunder, claiming that there were arms still inside the house. This Lieutenant Ménard and the Corporal Saddam kicked me repeatedly with their boots.

Asked to sign after reading, she did so: Immacula Jeanniton

At number 23, we observed damaged doors, but no one was home.

Later, we were able to meet two of this house's occupants.

We first met Chrismène Dastinot, the occupant of one of the rooms, who stated the following: Magistrate, I have been a nursing mother for a few days; I live in this house with four children. That morning, April 22, I did not know what to do when these soldiers and armed civilians invaded my room and made me lie down on the floor with the children. They destroyed everything; they smashed my television set and radio. When I checked, I saw they had taken my business fund money.

Asked to sign after reading, she did so. Christine Dastinot.

At number 21 of the rue Paul Prompt, we observed the door to this house to be damaged. We were able to notice a few damaged items. No one was present.

At number 19 of the rue Paul Prompt, we observed the doors to this house to be damaged, and several items smashed.

We were able to meet the occupant, Sylvanie Augustin, who stated the following: Magistrate, since that morning, I no longer live; I am sick because soldiers mistreated us all, accusing us of hiding arms. They smashed furniture and dishes. I can say that I recognize the one known as Saddam.

Asked to sign after reading, she stated she was not able to do so.

At number 17. We came upon a house with its door totally destroyed. We went inside and observed smashed furniture and dishes, and scattered garments. Everything was asunder.

Having made this observation, we were able to meet the occupant, Yolande Jean Simon, who stated the following: Magistrate, we live in this house with children and an elderly woman. That morning, April 22, armed soldiers broke down the door. They ordered us to lie down, mistreating us with their boots, calling us bitches, and asking us to hand over the hidden arms. The Lieutenant Ménard told us that if the arms remained unfound, we would pay for it dearly. After putting everything asunder, they went out, leaving us on the floor.

Asked to sign after reading, she did so: Yolande Jean Simon.

At number 7 of the rue Paul Prompt: we met Zaudavi Laverdure.

We observed his house, with its damaged door, its furniture smashed, its dishes smashed, and its garments scattered about in the street.

After we made this observation, he stated:

Magistrate, that morning of April 22 was destructive for the entire district, because the soldiers, with their shooting, prevented us from leaving or sleeping. Under the orders of their chief, Castera, whom I saw, wearing Civilian clothing, a weapon in his hand, several came into my home, forcing young and old to lie down. They put everything asunder. As they left, they ordered us to hand over the arms which they said were there. Having found nothing, they departed, leaving us on the floor.

Asked to sign after reading: he did so: Zaudavi Laverdure.

Whereas in his official report, the Justice of the Peace observed that several other houses were similarly damaged, and that acts of violence had been committed on their inhabitants. We cite the houses occupied by:

1- Annette Joseph, on the corner of the rue Paul Prompt and of the rue Quai, number 09-15

- 2- Raphael Joseph, at number 51 of the rue du Quai
- 3- Ms. Antoine Delva, at number 49 of the rue du Quai
- 4- Marie Altidor, at number 49 bis of the same street
- 5- Claire Marie Delva, at number 47 of the rue du Quai
- 6- Vianna Valbrun, a tenant of the same house, of Claire Marie Delva
- 7- Ms. Dieugène Sylvestre, a tenant in the same house
- 8- Ms. Sylvanie Jean, a.k.a. Syo
- 9- Ms. Clotilde Claudius, at number 45 of the rue du Quai
- 10- Richelet Soirilus, at number 43 of the rue du Quai
- 11- Ms. Avelina Joseph, rue du Quai
- 12- Fritz Valbrun, rue du Quai
- 13- Kedrel Soirilus and Emsly Soirilus of the rue du Quai
- 14- Widow Thelemaque, at number 41 of the rue du Quai
- 15- Dieubon Metelus, rue du Quai
- 16- Beatrice Jean-Baptiste
- 17- Felinette Jean and her husband, Eroid Jean Mary, rue du Quai
- 18- Roselene Lauras, at number 37 of the rue du Quai
- 19- Ms. Louise Eugene, at number 33 of the rue du Quai
- 20- Seraphin Dorismon, at number 31 of the rue du Quai
- 21- Solange Oxyl, at number 8 of the rue du Quai and rue Vernet
- 22- Francilia Gue, a.k.a. Ayaya, at number 10 of the rue Vernet
- 23- Claire Sterling, at number 23 of the rue du Quai
- 24- Joachim Vilbrun, rue du Quai
- 25- Francelle Dorismond, at number 48 of the rue Antenor Firmin
- 26- Chlorene Sterling, at number 48 of the same street
- 27- The person named Jacqueline, at number 48 of the rue Antenor Firmin
- 28- Jean-Baptiste Auguste and his wife Jeannine, at number 48 of the rue Antenor Firmin
- 29- Lydia Gayot, at number 54 of the rue Antenor Firmin
- 30- Antonine Renelique, at number 56 of the same street
- 31- Yvonne Noel, at number 58 of the rue Antenor Firmin
- 32- Jacques Jean, at number 60 of the same street
- 33- Carly Sénatus, at number 62 of the same street
- 34- A house with damaged doors, but no one was there, at number 64 of the same street
- 35- Lefort Sterling, at number 66 of the same street
- 36- Camila Phanor, at number 64 of the rue Abattoir
- 37- Adée Mikles, at number 63 of the same street
- 38- Marie Rea, rue Abattoir
- 39- Elia Julmeus, at number 60 of the rue Abattoir
- 40- Itania Moïse, at number 60 of the same street
- 41- Francoeur Augustin, at number 59 of the rue Abattoir
- 42- Celivie Longchamp, at number 185 of the same alley [ruelle]
- 43- A 45 year-old invalid of the same street
- 44- Mariette Joseph, at number 52 of the rue Abattoir

45- the following individuals: Mirel Augustin #185, Yvana Charles #28, Bernadin Helene #97, Jacques St-Vil #102, Roselia Assephie #78, Franck Augustin #82, Celinette Cherenfant #26, Cenat St-Phar #93, Viergella Joseph #03, Magre Jean #03, Germilus Esperance #64, Agenor Noel #91, Michel Alcide #97, Esperance Joseph #66, Vita Pierre #01, Piccina Charles #61, Alonis Raphael #61, Alonis Raphael #101, Naore Auguste #95, Cleante Sainlus #50, Jean Chales #61, Walter Destraves #50, Elicienne Cedieu #05, Locha Sanon #58, Pries Fils-Aime #86, Maudi Salomon #05, Theddule Jn Louis #62, Jean Charles #61, Jean Joseph #28, Madame Lapege Jean #03, all from the ruelle [alley] Abbatcir.

46- Michelet Jean Batiste, ruelle Abattoir

47- Innocent Datinot, same alley

48- Itania Joseph, Kerlinev Joseph, Michel Auguste, Sylvia Nicolas, Henry Claude Elismé, Elia Lucien, Humains Auguste, Walter Fils-Aime, Sylvia Jacqueline Mesadieu, Thony Demezier, Rosita François, Fene Fenelus, etc... in the Robert Geffrard impasse.

49- André Joseph, at number 4 of the rue Paul Prompt

50- Bernadette Michel, at number 6 of the rue Paul Prompt

51- Jean Adolphe, # 68 of the rue Antenor Firmin

52- Cianne, #74 of the same street

53- Marie Denise Fleury, same street

54- Fernande Pierre, #69 of the rue Antenor Firmin

From this, it is determined that the operation of April 22, 1994 in Raboteau had a systematic character and is deemed *mass crime*.

Regarding the plaintiffs' depositions

Whereas forty-seven (47) plaintiffs duly filed complaints, and of a number of plaintiffs, we recorded the following statements:

BLAISE VAILLANT: 24 years old, rue Paul Prompt #2, apprentice mechanic, no religion. On April 22, 1994, at around six o'clock, bullets were flying in Raboteau. Military and FRAPH members invaded the district. They were shooting, looting, and beating people. Personally, I was tied up with other people, among whom: Fritz Désir, Paul Emile Amisial, Jolis Auguste... Among the military, I recognized: Cherenfant Sauveur, Saint-Val. Among the FRAPH members, there was Michelet, Joseph Pierre, a.k.a. D'jo Lucy. The former Captain Castera Cénafils stood at the intersection of the rue Paul Prompt and rue du Quai.

CHARLES AUGUSTE DERVILLE: 24 years old, rue du Quai, fisherman, Baptist. That April 22, I slept in my boat so I could go out to sea at around three o'clock in the morning. At four, I heard shots. I thought of my blind father and went to ask the permission of Captain Castera, who was standing on the corner of rue Vernet and rue du Quai. The Captain did allow me to fetch the old man. But when I entered the hallway leading to my father's home, two soldiers, one named of whom is Cariétane, trained their weapons on me. One of them swept my feet, and I fell to the floor. Since Castera gave order to free those who were tied up, I benefited from this clemency. When I went back to my boat, I saw

Rosiane Profil and Deborah Charles, who had been hit by bullets, being transported by Michelet. Castera ordered the ladies brought to the Outpost. On Timo's intervention, a wheelbarrow was rented. Jean-Robert and a certain Talma dropped the ladies off at the providence hospital.

DELVA GUERRIER: 21 years old, rue du Quai #49, fisherman, no religion. On April 22, 1994, at around 6 am, I heard knocks at the door of my house. I hid under the bed. A soldier came in and ordered me out. He hit me eight times with his .45 revolver. One of them hit me with the butt of his rifle, and I fell. I was made to lie down in the canal, and with his boot, a soldier forced me to drink the dirty water. There, I saw soldiers firing on Marie Denise Fleury's door. The door was battered with rifle butt blows. I was not able to identify my attackers.

LOUIS ERNST JEAN JACQUES: 32 years old, Rue Antenor Firmin #61-65, graduating law student, Catholic - Events of April 18, 1994. That April 18, very early, I was heading to work (AICF). I saw that the district had been surrounded. When soldiers arrived at my house, they broke down the door. I opened another door to escape. This is when my wrist was injured. I saw many soldiers whom I could not identify on rue Camayol; there were also members of the FRAPH group, but I did not have time to identify them. That April 18, soldiers beat many people; they came into people's houses and stomped on their belongings. It was following these acts of violence that Valcius Valcin, Olgate's father passed away.

CHARLES SAINT-PHAR: 34 years old, rue du Quai, the Gonaïves, scrap metals merchant, Catholic.

On April 22, the Raboteau district was surrounded by the military. As I fled my house, I saw Ti Claude hit by a bullet, then I boarded a sailboat. Before that day (22), I was beaten up by Thony. Among the soldiers present on that day (22), I know Amazan Jean-Libert.

PAULETTE THOMAS: 30 years old, rue du Quai, merchant, Catholic. That April 22, while I got my son ready for school, soldiers came knocking on my door. They were asking me about Cubain. They made me lie down on my stomach, and they beat me. The former corporal Mondélus Norélus threatened to kill me. These gentlemen destroyed all of my belongings.

GEDEON PHILOGENE: 57 years old, Raboteau-the Gonaïves, fisherman by profession, Catholic.

I saw, with my own eyes, Jean-Claude fall under the soldiers' murderous bullets, immediately as he came back from an errand.

Until 11 o'clock in the morning, we stayed down on the hot sand awaiting our fate. A former soldier, a Haitian Army pensioner and resident of the neighborhood (ruelle Abattoir #63), Irène Michel, came by and signaled for us to get out of there while the soldiers were busy looking for other targets.

Gedeon cites the names of: Ménard, Eliancy, Oléus, who hit him with a club at

hip level; Lieutenant Ménard forbade him from going out to sea. A few days later, the events of April 22, 1994 took place.

Gedeon affirms that Castera waved his revolver to make him put his hands up, and had him searched by his people. After the search, they made us lie down on our stomachs, then they demolished a tall house belonging to Ramong. Oléus hit him with a club.

According to Gedeon, the military were wearing olive green, and Castera wore trousers and a white jersey. It was the latter, who personally pointed the gun at his stomach.

THERESE THALERAND: 62, rue Paul Prompt, merchant, Baptist.

On that April 22, I was made to lie down on the ground, and the soldiers tied me up. I was released by the former Sergeant Iréné who was passing through the district. With my own eyes, I saw Diekivle killed by a soldier's bullet. I saw Ménard and two other soldiers execute Ti Claude.

That April 22, all my belongings were destroyed. Among the military, I only know Captain Ménard.

ILIODA LONGCHAMP: 20 years old, rue Paul Prompt #1, merchant, Catholic.

That April 22, it was 4 am when soldiers came knocking at my door. When my husband called, I went out and saw my father-in-law, Rony Jean-Noël, along with Paul Emile Amisial, Blaise Vaillant, Joly Auguste, Fritz Désir, all tied together.

They were beating the women who were in the courtyard, among whom, Gracieuse, my older sister Mirlène Longchamp, my mother Guerda, and me. I was pregnant. My grandmother died after what she saw. The soldiers stomped on all our belongings. It was the former soldier, Madsen Saint-Val who beat me. With him were Eliancy, Amazan, Jean Pierre Tatoune, and Manzoune. I don't know the others' names. A retired former Sergeant, Iréné Michel, was a witness to the events.

MIRLENE LONGCHAMP: 22 years old, rue Paul Prompt #01, no profession, Catholic.

On April 22, soldiers beat me and forced me to leave my house. On the beach, I saw a dead young man. It was Ti Claude. Among them, I know Jean Tatoune, Menard, Norélus Mondélus, Amazan. They destroyed all my belongings.

OFRANCE CHERY: # 24, 29 years old, ruelle Camayolle #49 bis, fisherman, no religion.

In order to escape from the assaults, I was forced to escape to sea. I climbed aboard a boat with other fleeing neighborhood residents, notably Henri-Claude Elismé, François Sanon, Rosiane and Deborah. Under a hail of machine-gun fire, the two young women were hit and seriously wounded. We were arrested by soldiers at sea, and taken to the warf Outpost. We received 25 strikes with clubs. Afterwards, a soldier walked calmly by and struck each one of us violently on the head. Later, we were taken to the Toussaint Louverture barracks in a jeep driven by Wilbert Morisseau. At the barracks, I underwent a rough interrogation at the hands of Captain Castera Cénafils. I spent eight days in the

the Gonaïves prison, without ever going before a judge.

CELONY SERAPHIN: 34 years old, rue Liberté #236, fisherman, Catholic.

On April 21, 1994, my brother disappeared on his way to Pointe Demangles. When I went down to the shore, I saw his boat covered in blood. I only found him on April 28, at the Hatte Rocher, tied up with Charité Cadet; both had been murdered. I was not authorized to remove the body, which proves that his death occurred in the massacre perpetrated by the military on April 22. This fact was observed by the court clerk, Jude Cajuste. Armed soldiers wearing olive green buried him, but I was not able to identify them. I demand justice for my brother, and compensation in the amount of \$ 50, 000.

ELIGENE ELISME: 55 years old, living in Raboteau, fisherman, catholic

On April 22, at around three in the morning, soldiers arrived at my home. They beat me up with their clubs and destroyed all my belongings. Among the attackers, I was able to recognize Walmy, but he did not hit me. There were also FRAPH members, among them Oléus, and Lélixima. I was able to recognize Walmy because he is very popular in the district and was the leader of a rara* group, called "La Fleur."

MICHEL MORENCY: 69 years old, rue Paul Prompt #22, money-lender, Catholic

On April 22, 1994, at around six o'clock in the morning, armed soldiers broke down the door to my house and destroyed everything. They stole thirty-seven thousand Haitian dollars. I would like to get my money back, along with compensation for all I have lost.

GEORGES ALFRED: 33 years old, ruelle Camayolle, mechanic, Catholic.

On April 18, 1994, I was standing at an intersection. I was on my way to meet a pistachio saleswoman, when I saw a military vehicle arrive. They trained their weapons in my direction and I ran to the sea. On April 22, I learned from my mother that the military had destroyed my house and set fire to my mattress. So I escaped in a little boat toward Bombardopolis. On October 6, 1994, upon my return, I was able to observe the damage to my house.

PIERRE ANTOINE LIGONDE: 43, angle of rue Paul Prompt and Egalité, tailor, Catholic.

Magistrate, I have been a victim since April 18 when Manzoune, with a group of policemen, barged into my house looking for Fito. They searched the house and took more than US\$3,000. On April 22, I went out very early to water my garden. It was 4 o'clock in the morning when I heard shots. I turned back. Once back home at 8 in the morning, I observed that the military, after coming into the house, had destroyed everything. A box of jewelry was lost. I ask for \$ 50, 000 in damages.

CLAUDINE JEANTY: 40 years old, rue Paul Prompt #21, merchant, Catholic.

On April 1994, soldiers forced their way into my house and beat me in the stomach with the pole of a fence, and stomped on the objects in my house. Among them were Armand Sajous, a.k.a. Ti Aman; he twisted my arm to the point of breaking it. They went to Amyo Metayer's (Cubain) father's house. There were also FRAPH members, Amazan, and also Menard Michel-Ange, whom I recognized because my brother used to talk to him. I ask for justice and

* Raras are groups of religious (voodoo) masked dancers and musicians who perform in the streets.

compensation in the amount of \$100, 0000.

MARIE ROUSSETTE NICOLAS: 49 years old, rue Paul Prompt #24, Beautician, Catholic

That April 22, very early in the morning, the Raboteau district was surrounded by the military. Shots were ringing in the direction of the ocean. As I moved away from the rue Egalité, I saw Lieutenant Michel-Ange Menard in firing position. The other soldiers and civilians were scattered throughout the district. I saw the attachés destroy all the things in Gladys's house, located at the corner of the rue Camayol. I was quickly spotted by Menard who emptied his weapon in my direction. I narrowly escaped death. Among those who witnessed acts of violence against my person, I cite Ms. Glaudine Jeanty, Lifaite and Caridad.

NERVILLE JEAN-BAPTISTE: 37 years old, rue du Quai, fisherman, Catholic

That April 22, 1994, I was returning from fishing when I heard shots. As I came closer to the shore, I saw Jean Tatoune in a boat and another man who was being chased. In the boat, I saw soldiers in dress, among whom I recognized Eliancy and Cariétane. Only the pilot was out of dress. They asked me emphatically to tell them the whereabouts of Amio Métayer (Cubain). Hearing my answer, one of them slapped me across the face, blinding me. My crewman, Amichan, was also slapped. We were brought to the Toussaint Louverture barracks. There I was given a beating and then locked up in prison. I spent three months locked up. Among the military on the boat, I identified Ti Blanc; Eliancy was there too; Jean Tatoune, aboard a small boat, was in the company of armed civilians. I demand \$ 35,000 for the damages.

RAMONG JEAN LOUIS - #15, 38 years old, rue Paul Prompt #2B. Tailor, Catholic. The, soldiers Castera Cénafils et. al., gave the order to destroy my house. Marie Michele Serphilise and Therese Thalérand witnessed this destruction with their eyes. Claude Jean, known as Ti Claude was shot to death, with the key to this demolished house on his person. The soldiers forced Aurel Joseph, William Charleron, Parchemin, and another person to carry out this demolition. I requested a report establishing the condition of the house.

WALTER FILS-AIME: 37 years old, ruelle Camayolle #56, no profession, Catholic.

On April 22, I heard shots. I was still in bed. When I woke up, I looked out the window and saw soldiers surrounding the neighborhood. Seeing that people were being forced out and mistreated, I quickly headed out to sea. The soldiers proceeded with my arrest. Captain Castera was there in a white pick-up. Cherenfant was also there, and he swept my feet. I was tied up, and Captain Castera left me under the supervision of a soldier. I was released thanks to Captain Timo who ordered the soldier to let me go.

FRITZ DESIR: 33 years old, rue Paul Prompt #1bis, mechanic, Catholic.

On April 22, soldiers came knocking at my door. I went to open it, with my child in my arms. Someone named Madsen Saint-Val hit me, and I was made to lie down on the floor next to the others. My wife was slapped and she also fell to the floor. My sister-in-law, [and] Pierre-Anne Longchamp was beaten at the same time. We were all tied up: Paul Emile Amisial, Blaise Vaillant, Jolis Auguste, Rony Jean Noël. We were handcuffed, and

we were beaten. Among the thugs, I identified Madsen Saint-Val. I recognized Wilbert, who had a machine gun strapped across his shoulder, a straw hat on his head, and an ash gray jersey. Jean Tatoune held a nickel-plated shotgun (M-one) in his hands. We were led to Castera, who was standing at the intersection of the rue du Quai. Castera asked who had proceeded with the arrest, and Madsen Saint-Val answered that he had. Rony Jean Noël protested and a corporal interrupted him with a slap to the face. Castera had a machine gun in his hands, and a cream-colored bag on his back; Reynald Timo had a black revolver in hand.

During the interrogation, Ménard appeared with a yellow bullet proof vest. Since they had nothing to charge us with, they let us go. On my way back, I met a commando containing Brutus, Walmy, Dessources and a few other soldiers. This commando arrested then released us. Among my attackers, I file complaints against: Madsen Saint-Val, Mondélus Norélus, a.k.a. Eliancy, Amazan, Michel-Ange Menard, Timo, Castera, Dessources, Brutus Walmy, Ti Blanc. Among the attachés: Lionel Adéclat, Wilbert Morisseau, Jean Tatoune, Lélixima, Oléus, Yofou, D'jo Lucy.

AMSIAL PAUL EMILE: 25 years old, rue Paul Prompt #1, student, Catholic.

On April 22, soldiers ordered me out, as everyone else, from the house. I saw that these soldiers were accompanied by FRAPH members. At the same time, St-Val, a soldier, appeared and asked for a rope to tie us up. Suddenly, the Lieutenant Menard appeared; he was the one who would shoot and kill Ti Claude a few minutes later. All along the way we were beaten. Then Castera and Timo appeared and asked about Cubain. At about 8 o'clock in the morning, on orders from Timo, Castera released us. Once home, I saw that much damage had been done in the house. I identified Eliancy, a.k.a. Saddam Hussein, Amazan, St-Val and Walmy. But it was St-Val who beat me up.

JOSEPH CHARLES EDDY: 37 years old, rue du Quai #57, tailor, Catholic.

Magistrate, I am a victim in the events of April 18, 1994. That April 18, at around three in the afternoon, while we stood on a gallery on rue du Quai #50, we noticed an army vehicle drop off a contingent of soldiers. We moved to the rue Paul Prompt and the soldiers came after us. The former corporal Walmy and Jean Tatoune spotted me where I was; they fired at me, and I was hit by a bullet to the right side of the back of the neck. We ran to the rue Antenor Firmin, while Walmy, Jean Tatoune, and other soldiers from the FRAPH group ran after us. When we got to a place called Maximene, we found a sailboat. We took to sea, but the effects of the bullet gave me a fever and the blood had not stopped gushing. Dieujuste and Abdou came for us, but the soldiers fired at their boat and ripped the sail, forcing them to move away and seek shelter.

Jean Tatoune and Lélixima then went to find oars so as to take our boat and pursue us. Meanwhile, my cousin Fito, along with Dieubon, came to take us and bring us toward the Sedren Warf. But there, soldiers were waiting for us. They set a weapon down on the ground, which started spraying bullets in our direction. We

turned back around and went to Carenise. From there, we went to Barthole, an island 2 and a half hours away. From Barthole, I went to Deschapelles, where I spotted two soldiers, named César and Daniel, trying to locate me. Quickly, I escaped and went back to Barthole.

On the evening of Thursday April 21, we went to the Gonaïves. On April 22, very early, I heard shots. I quickly went to hide in a park. From there, I saw Madsen St-Val and Cariétane taking ammunition from Castera's hands. Immediately, I saw Claude Jean running and getting hit by two bullets. In the afternoon, I saw Manzoune, Jean Pierre Tatoune, Marilien and others digging the earth on the shore to bury the bodies. Manzoune and Wilbert Morisseau, who was driving the soldiers' vehicle, were also there. At around seven o'clock in the evening, I left the park and went to my parents' house. Afterward, I went to hide in Liancourt.

ENOLD PROPHETE: 35 years old, rue du Quai #46, cobbler, Catholic.

On April 18, 1994, the military surrounded Raboteau. With Amiot Métayer, Robin Joseph, Charles Eddy Joseph, I tried to take escape to sea. A group of soldiers pursued us, among them: Walmy, and the individuals known as César and Daniel. There were armed civilians: Jean Pierre Tatoune, Wilbert Morisseau. We climbed into a boat, while the soldiers, led by Tatoune aboard another craft, pursued us. Our lives were saved thanks to the help of Dieujuste, Abdallah, and Jeanniton.

On April 22, very early, the district of Raboteau was surrounded. From my hiding place, I saw Castera position himself in front of Judge Dorismond's house. They watched for people trying to escape and made them lie down on the ground. From there, I saw Rosiane and Deborah, who had been hit by bullets, go by. There was a discussion between Castera and Timo on the two ladies' fate. I came out of hiding after fifteen days; I saw all my belongings destroyed.

AVRILUS JEAN #26: Does not know his age, rue du Quai #10, merchant, free thinker. A victim, with his wife, of the brutality of police during the events of April 22, 1994, he stated that on the morning of April 23, 1994, on their way to buy salt at the market, he and his wife came face to face with Jean Pierre, known as Jean Tatoune, on a bicycle with a "pick" in hand and a shotgun strapped across his shoulder, as well as a group of attachés and FRAPH members engaged in the process of burying bodies, including that of Frédéric Lécéus, a.k.a. Diekivle. They had been beaten to death by the attachés and soldiers.

ELIZIANE CADET for FRÉDERIC LÉXEUS: 32 years old, rue Antenor Firmin, merchant, Catholic.

On April 22, very early, shots rang out in Raboteau. Frédéric Lécéus, my husband, who did not wish to die, took the direction of the sea. It was thus, on the shore, that Frédéric Lécéus, a.k.a. Diekivlé, was hit by a bullet to the shoulder. Though he managed to drag himself toward a boat, he was unable to escape. The soldiers riddled him with bullets, and he died by the water. It was Jean Tatoune who fired, and later, Ti Blanc who finished him off.

OLGATE VALCIN: 42 years old, rue Antenor Firmin #98, sailor, of the Catholic faith. Olgate Valcin lost his father Valcius Valcin in the events of April 18, 1994. The old man of sixty-seven years, blind for twenty-seven (27 years), was severely beaten by the attachés, Jean Tatoune, Louisnock, Oléus, and soldiers in olive green led by Sergeant Luckner, known as such. Valcius's two daughter-in-laws, Marie Denise Fleury and her sister witnessed this beating helplessly. Captain Castera, who gave his orders to the unit commander, Sergeant Luckner, was posted on the rue du Quai. Valcius Valcin passed away early the following morning, April 19, 1994.

JOANEL ATTIS (complaint by Exuma Attis), 33 years old, living in Raboteau, mason, Catholic

(Exuma Attis) I file an official complaint against Castera Cénafils, Menard, Jean Pierre Tatoune, Choubert, et. al., who murdered my brother, Joanel Attis. Joanel was shot at sea. It was Michelet Augustin who informed us of the events.

HENRI-CLAUDE ELISME: 26 years old, rue Antenor Firmin #99, sailor, Catholic. On April 22, in order to escape from the military threat, I took to the sea. I climbed aboard my boat; I saw Claude Jean (Ti Claude) fall under the soldiers' bullets. Other people climbed aboard my boat, including Rosiane Profil, Deborah Charles, François Charles, Simbadou, Ofrance Chery, and Michelet Jean Baptiste. The soldiers fired on our boat. Rosiane and Deborah, who did not know how to swim, were hit by several bullets. Arrested, we were beaten repeatedly with clubs. Lieutenant Jean Marilien kicked me with his boots, and pulled my teeth. Corporal Ti Blanc beat me with his gun.

At the Warf Outpost, Lieutenant Michel-Ange Menard, who was coming back from lower Raboteau with a commando, began chanting **"they took the subversives from Raboteau."** He ordered a beating session and began striking each of us violently on the head. Sometime later, we were taken to the Toussaint Louverture barracks in a jeep driven by Wilbert Morisseau. Interrogated roughly by Castera Cénafils, I spent eight days imprisoned at the Toussaint Louverture barracks, without seeing a judge. Lieutenant Ménard, and Dessources mistreated me, but it was Yofou who directed them. Jean Tatoune watched the proceedings.

FRANÇOIS SANON: 47 years old, rue du Quai #73, sailor, voodoo practitioner. On the morning of April 22, I was forced to run away to sea. I saw Claude Jean (Ti Claude) fall under the soldiers' murderous bullets. When I got to the shore, I climbed aboard a sailboat and found myself in the company of: Henri-Claude Elismé, Ofrance Chery, Deborah, and Rosiane. The soldiers fired on us. Rosiane and Deborah were hit by bullets. We were arrested by the soldiers. We were taken to the Warf Outpost. We were each struck 25 times with clubs. Then, a soldier went by and struck each of us violently on the head. I was taken to the Toussaint Louverture barracks and subjected to a rough interrogation by Captain Castera. The latter decided to release me because I was related to Massillon Jeudi, chief of the Estere section. I wish to add that Abed was the pilot of the soldiers' boat, and that it was Marilien who made me lie on the ground and took me to Castera.

DEBORAH CHARLES: 23 years old, rue du Quai #44, merchant, Catholic.

On Friday April 22, 1994, I heard shooting. Soldiers were breaking down the doors of neighboring houses. Faced with such brutality, I left home and ran to the sea. I climbed aboard a boat with six other people, including Rosiane Profil. The soldiers began firing on our boat. I was hit by three bullets at the level of my lower left leg. The other passengers were arrested and taken to the Warf, where they were beaten. I was transported to the "La Providence" hospital with the help of a wheelbarrow. A military surgeon, the Lieutenant Pierre-Louis, demanded two thousand seven hundred gourdes to perform the surgical procedure.

As it was impossible for me to pay this amount, I did not undergo the procedure on that same day. And sister Anne Camille had to help to transport me to a hospital in Port-au-Prince, where an orthopedic surgeon, on April 24, 1994, operated on me. He extracted a bullet from my left knee. A short time later, sister Anne Camille had to bring me back to Marchand and hide me at the house of friends', because soldiers in the khaki uniforms of the Haitian Armed Forces had appeared at the hospital looking for people with bullet wounds. I spent seven months in exile.

N.B. A certificate of injury was drafted by Dr. Auguste Sajous.

ROSIANE PROFIL: 20 years old, no profession, Catholic.

On April 22, I was sleeping at Deborah's house when I heard shooting in the district. We fled to the sea. In the boat, I was hit by two bullets in the leg and two others in the left foot. The soldiers who were chasing us arrested us, and thanks to the intercession of Judge Dorismond with Castera and Timo, we were taken to the hospital. Doctor Pierre-Louis operated on me in the "La Providence" hospital. In the boat, there were several of us, Henry Claude, Michelin Offrance, Deborah... Then, in Port-au-Prince I was treated by Doctor Alex Larsene.

JOSEPH HOREL: 60 years old, living in Raboteau, fisherman, and Catholic.

On Friday April 22, at 3 o'clock in the morning, as I was coming back from fishing with some fishermen, a commando led by Captain Castera forced us to lie down on the ground. After interrogating us, Captain Castera ordered us to demolish a house belonging to Ramong Jean-Louis. Then they beat us, hit us. We destroyed the house with our bare hands. Then I saw Ti Claude fall under the soldiers' murderous bullets. We were about 12 fishermen. The soldiers were many, but I only knew Captain Castera. Castera was wearing some white trousers, a white jersey, and a pair of white tennis shoes. He had a clump of white hair in the front of his head. At the time of the demolition, my pinkie was injured, and since then I have been an invalid. I recognized Jean Tatoune, Oléus, and Yofou, known as such, along with the military that day.

MARIE JEANNE JEAN: 28 years old, rue Jean Jacques-Dessalines #228, no profession and no religion.

Wife, and mother of the two children of Michel Pierre, a.k.a. Jamèdodo. When soldiers invaded the neighborhood, Pierre Michel, a.k.a. Jamèdodo left the cottage to run away to sea. His body was found four days later. I was able to recognize my husband, Pierre Michel because

he was wearing a jersey the day of the massacre. The neighborhood dogs and pigs dug him up. With the help of my sister, Foufoune, I buried his arm deeper. Later, we built a grave for him by the sea. She accused Jean Tatoune, Castera, Walner, corporal Walmy, Cariétane and Amazan.

CHARITEUSE CADET: 28 years old, rue Liberté #236, merchant, Baptist.

On April 25, because he hadn't seen Charité Cadet, who had gone fishing, Célonny went to look for him at Pointe Desmangle. Célonny found Charité's body bound to another man, Luckner Antoine, with a shirt. The body was floating on the water, but he was not able to go near it, because soldiers were threatening him. The following day, Célonny went down to the shore and found Charité's boat covered in blood.

MARIE DENISE FLEURY: 56 years old, rue Antenor Firmin, Raboteau, seamstress, Catholic.

On April 18, at around 9 o'clock in the morning, I heard noises in the neighborhood. I went out onto the gallery. There, I saw a girl who told me, "Aunt Marie, they just burnt Cubain's house down on the rue du Quai, and they destroyed everything. Right away I saw three soldiers arrive in yellow khakis, and 4 FRAPH, among whom Jean Tatoune and Louisnock. I saw them holding Cubain's belongings in their hands. They arrived at the garage of an individual named "l'Homme" and went inside. They went into the home of a lady named Marie Vera, then they dashed to the rue Antenor Firmin. Because I had relatives in the district, I left the gallery and walked down the length of rue Camayol; I went inside the projects and was going to hide behind a house to watch. The first to hit Valcius Valcin, a man blind for 27 years, was Louisnock. He (hit the old man twice) in the back. One of them said: "this is Cubain's father." And Valcius, as soon as he protested, was beset by rifle butt blows; he finally fell back on the chair.

The event took place on Monday April 18, and Valcius died on the 19 at 5 o'clock in the morning. The residents of Raboteau had been beaten so thoroughly, that I didn't imagine the soldiers were going to return on that April 22. I must add that the soldiers denied us authorization to hold a wake, and the old man was buried in secret. Also, many Raboteau residents left the district on that April 18.

ROUBENS DESRAVINES: 20 years old, rue Abattoir #50, no activity, Protestant.

On April 22, I was sleeping at my mother's house. Soldiers came knocking at the door. They made us lie down on the floor, and they beat us. Amazan, Norélus Mondélus, Chery, known as such, and a few FRAPH men were there. At ten o'clock, a good lady named Mireille got us up.

JOLIS AUGUSTE: 47 years old, living at rue Paul Prompt #1 bis, fisherman, of the Baptist faith.

That April 22, very early, the military invaded Raboteau. They forced me to come out and struck me with their rifle butts, and their feet, and slapped me. They tied me up with a rope, and violently knocked me down to the ground. Madsen St-Val, merciless, hit my daughter with a club. I was taken before Castera and Timo. At the intersection of the rue Quai and rue Paul Prompt, I saw men such as Paul Emile Amisial, Fritz Décir, Blaise Vaillant, tied up with an electrical cord. The soldiers were beating these gentlemen. I also saw that

Antoniél and Jalma were being beaten. Side by side with the military were the attachés, Lionel Adéclat a.k.a. Ti Pic.

EMMANUEL MAJEUNE: 22 years old, living on rue Jean-Jacques #184, Raboteau, Carpenter by profession, and freelance fisherman.

On April 22, while I slept, at four o'clock in the morning, I was woken up by bursts of gunfire. At the same time, someone was knocking loudly at my door, and soldiers, among whom Menard Michel-Ange, along with armed civilians came in and demanded the license for the place of business where I slept. As I complied with their order, Menard pushed me to the ground, into a canal filled with noxious water. I spent 7 hours there. Koukou, an armed civilian accompanied the commando. I demand \$ 9,000 for damages incurred.

ABDEL SAINT LOUIS: 32 years old, living at rue du Quai #75, Raboteau, sailor by profession, of the Catholic faith.

On April 22, 1994, I was heading out to sea very early for a day of fishing. I heard a loud racket. I came closer and saw soldiers mistreating people. Quickly, I fled the district by climbing into a boat. At sea, I saw another boat arrive. Thinking they were people trying to escape, I came closer to them. I then saw Yofou, a FRAPH member, piloting a group of soldiers. They fired in my direction. I called for help. They arrested me, beat me, and forced me to guide the boat. Seeing other people in a boat, the soldiers fired in their direction and hit two girls: Rosiane and Deborah. Back ashore, I was severely beaten. Casséus hit me with the butt of his rifle. Then, a jeep driven by Wilbert Morisseau, Castera's driver, arrived and took us to the Toussaint Louverture barracks. As soon as I arrived, former Lieutenant Menard punched me in the mouth. I spent 13 days in prison.

MARIE GRACE JEAN LOUIS: 38 years old, merchant, rue Antenor Firmin #99
That April 18, 1999, I was joking around with Valcius Valcin. I saw a group of people arrive. I went out into the street. When I came back, I saw in the courtyard, Louisnock, Jean Tatoune, Lécima, Oléus, Walter. Louisnock went into my house and threw out all of my belongings. I went to sit down next to Valcius, and a few minutes later, the commando arrived. Louisnock hit the old man twice in the back with a club. I brought the old man, who had fallen, back up. I spent the night with the old man, who died at 5 o'clock in the morning. Walmy helped me to bring the old man back up, and he confronted Jean Tatoune about what happened. I must say that, were it not for the intervention of corporal Walmy, Jean Tatoune would have killed the old man on the spot. I know these people, who all live on the rue Liberté: Lécima, Oléus, Louisnock, Tatoune.

CELONY SERAPHIN:

Magistrate, since April 21, my brother Luckner Antoine had gone to Pointe Desmangles. Because I didn't see him come back, I went to look for him. On April 26, at the Hatte Rocher, I observed my brother with his shirt tied to that of Charité Cadet. Both bodies were buried on the shore. My brother left a little girl of 14 by the name of Modeline Antoine. The official observation of the body was made by the judge Pierre Antoine along with the clerk Jude

Cajuste. The military buried him, but I could recognize none of the attackers.

Whereas based on these disclosures, the Judicial Investigations Department, in addition to those indicted under the request to investigate, according to the terms of article 1-2 of the Criminal Procedure Code, has charged additional soldiers and armed civilians involved in this matter.

Whereas, for its part, the "National Commission on Truth and Justice" (CNVJ) created by decree dated March 28, 1995, whose mission is, among other things, to investigate the events of April 1994 in Raboteau, identify the perpetrators, co-perpetrators, and accomplices, as well as the relatives, victims, and witnesses of this tragedy, and to draft a detailed account to better identify those responsible, has identified as perpetrators, co-perpetrators, and accomplices several soldiers and armed civilians.

Whereas under these circumstances, Castera Cénafils, Mondélus Norélus, a.k.a. Saddam Hussein, Marilien Jean, Amazan Jean Libert, Wilson Casséus, Cariétane Nady, Orlando Timo, Jean Pierre, known as Jean Tatoune, Lodovid Adolphe, a.k.a. Manzoune, Marius Gervais, Cherenfant Sauveur, Gesner Phénelon, Jacques Ebel, Rogès Dajuste, Oléus Fragé, Renet Romain, Israel Dieubon, Leant Oreste Agnos, Adéclat Lionel, a.k.a. Ti Pic, Célonny Georges, Joseph Pierre, a.k.a. D'jo Lucy, Pierre Joseph, Théomat Charles, a.k.a. Yofou, Jude Saint-Val, Dieulifaite Joseph, Lhérisson Alexis, Lélixima Thélusma, Michel Fucien, known as Ti Roro, Dorvil Sulien and Jeanty Louisnock, among others, have been arrested, and warrants of arrest have been issued by the Judicial Investigations Department of the Gonaïves against all those incriminated by evidence, in conformity with the Civil Court of the Gonaïves Government Commissioner's request to investigate, dated November 7, 1996, December 18, 1996, February 25, 1997, March 10, 1997, May 12, 1997, June 25, 1997, requiring the Examining Magistrate to investigate the events which took place in Raboteau on April 22, 1994, and with the suppletory request from the Prosecution to investigate the events of April 18, 1994, dated May 10, 1994, in Raboteau.

Whereas in this case, it is fitting to analyze the entire joint proceedings of indictment against those accused in the events of April 18 and 22, 1994 in Raboteau.

Whereas it results, from the file of the current indictment proceedings, that the Prosecution's requests relating to the various complaints filed by the victims, have specifically targeted primarily various criminal and felonious deeds committed on April 22, 1994 on the site the neighborhood of Raboteau.

Whereas the Judicial Investigation established that the massacre of April 22, 1994 and the related crimes committed that same day, were only the conclusion of a planned military operation, begun a few days earlier, on April 18.

Whereas the Prosecution, by means of a suppletory request, dated May 10, 1999, has required the Examining Magistrate to indict any individual identified in the investigation, and to proceed with any action deemed useful to the demonstration of truth relative to the crimes of murder, torture

purposeful assault and battery, looting, conspiracy, and all other related violations, committed on the site of Raboteau on April 18, 1994.

Whereas it appears that according to the various complaints and official reports joined to the file of the proceedings, the events of April 18, 1994 are related to and indivisible from the events of April 22, 1994 in Raboteau.

Whereas, finally, the deeds which have been brought out have amongst them an incontestable link of relatedness and indivisibility because they were committed in concert by a plurality of perpetrators, at the same time, and in the same location.

For these motives

In the interest of the good administration of justice, and given the link of relatedness and indivisibility among the deeds of April 18 and 22, 1994.

Seen articles 48, 112, and 113 of the Criminal Procedure Code, and under articles 109 and 110 of the Penal Code (Vandal);

In conformity with the law, and based upon the conclusions of the Public Prosecutor, we order the junction of the entire proceedings of indictment against the detainees, accused in connection with the events of April 18 and 22, 1994 in Raboteau, as determined in our first order of June 4, 1999.

Regarding the reclassification of the offenses prosecuted

Whereas following the complaints by civil parties suing for damages, filed with the Judicial Investigations Department of the Court of First Instance of the Gonaïves, in conformity with articles 50 and 53 of the Criminal Procedure Code, and the Prosecution's charge to investigate on the entire proceedings, those of the defendants who have been identified as perpetrators, co-perpetrators, and accomplices in the events of April 18 and 22, 1994 in Raboteau, are hereby prosecuted for conspiracy, murder and homicide, intent to commit crimes, physical tortures, illegal arrests and confinement, or detention of persons, looting, robbery, rape, arson, statutory rape, extortion, assault and battery, crimes against the public peace, crimes against personal property, abuse of authority, crimes and offenses against the Constitution, attempts against personal freedom, crimes against the internal security of the State...

Whereas, starting on the day following the perpetration of the armed attacks of April 18 and 22, 1994, the Justice of the Peace of the Gonaïves north district, acceding to the request of the Government Commissioner of the Court of the First Instance of the Gonaïves, conforming with articles 22, 39, 41, of the Criminal Procedure Code, drafted the necessary official report, establishing the conditions of the site, and gathering the statements of victims and other persons susceptible to provide information relevant to justice;

Whereas in this official establishing report, the perpetrators of the operations of April 18 and 22, 1994 in Raboteau, destroyed and damaged several residences in Raboteau. They destroyed

furniture, and took money and jewelry.

Whereas from the complaints gathered and the result of the investigation, the defendants are hereby placed under proceedings for murder on the persons of Charité Cadet, Frederic Lexeus, a.k.a. Diekivle, Pierre Michel, a.k.a. Jamédodo, Claude Jean, known as Ti Claude, Joanel Attis, Luckner Antoine, Sinavle Joseph; for fatal tortures on the persons of Valcius Valcin and Samelia Saintyl; for attempted murder on the persons of Rosiane Profil and Deborah Charles; of destruction and damage to houses, to the detriment of Ramong Jean-Louis, Marie Denise Fleury, Mary Lucette Nicolas...; for purposeful assault and battery, physical tortures, illegal arrests, to the detriment of Joseph Horel, Abdel Saint-Louis, Henry Claude Elismé, Fritz Désir, Amisial Paul Emile, Marie Denise Fleury, Ms. Jean Avrilus, Gedeon Philogène...

Whereas the disclosures of the investigation, have allowed only the following offenses, perpetrated on April 18 and 22, to be cited: conspiracy, murder, attempted murder, purposeful assault and battery, illegal arrests and confinements, or detentions of persons followed by physical tortures, looting, robbery, threats, degradation and damage of property, attempts against personal freedom, abuse of authority, crimes against property, crimes and offenses against the Constitution, prevarication.

Whereas then, in this case, the other crimes which the Judicial Investigations Department was asked to investigate, will purely and simply be separated from the proceedings.

For these motives, It is Decided to keep the qualification of the following deeds:

Conspiracy, arts. 224, 225, 226 and 227 of the Penal Code, murder and attempted murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 254, and 258 of the Penal Code, purposeful assault and battery arts. 254, 255, 256 and 258 of the Penal Code, illegal arrest and confinement, or detention of persons, followed by physical tortures, arts. 85, 289, 290, 292, 293 of the Penal Code, looting art. 361 of the Penal Code, robbery art. 326 and 327 of the Penal Code, degradation and damage of property, arts. 356, 357, 358, and 361 of the Penal Code, threats, arts. 250, 251, and 252 of the Penal Code, attempts against personal freedom arts. 85 and 86 of the Penal Code, abuse of authority arts. 127, 145, 147, 150, and 159 of the Penal Code, crimes against property, arts. 324, 326, and 327 of the Penal Code, crimes and offenses against the Constitution, arts. 81 and 82 of the Penal Code, prevarication art. 127 of the Penal Code.

It is determined that in this case, the accusations of rape, statutory rape, arson, cannot be made against any of the defendants, and decide a nonsuit regarding these to the benefit of all defendants in the events of April 18 and 22, 1994 in Raboteau.

On the responsibility of the High Command of the Armed Forces of Haiti, involved as the intellectual originators of the deeds at Raboteau:

1- Lieutenant General Raoul Cédras as the commander in chief.

- 2- General Jean-Claude Duperval, Assistant Commander.
- 3- General Philippe Biamby, Chief of General Staff.
- 4- General Henri-Max Mayard, Inspector General.
- 5- Colonels Carl Dorélien, Hébert Valmond, Martial Romulus, Frantz Deuby, respectively G1, G2, G3, and G4.
- 6- Colonel Ernst Prud'Homme, Major General.
- 7- Colonel Jean Robert Gabriel, General Staff Secretary.

Whereas general Henri-Max Mayard passed away during the investigation.

Whereas the death of a defendant ends all criminal proceedings.

Whereas for these motives, we declare ended the criminal proceedings against the defunct defendant, Henri Max Mayard, and hereby annul the warrant of arrest issued against him.

As for the other accused members of the High Command

Whereas the plaintiffs and witnesses heard, in their abundant statements and depositions, reported that soldiers and armed civilians had occupied not only the land of Raboteau, but also the sea contiguous to said locality, using boats so as to prevent the flight of the district's coastal residents.

Whereas from this double strategy used by the military, it ensues that the events of April 18 and 22, 1994 in Raboteau were prepared and planned in advance, hence premeditated.

Whereas acting judge Jean-Baptiste Dorismond of the North the Gonaïves district, at the time a direct witness of the events, reported that, having had to cross the city in the company of three other people between midnight and one o'clock in the morning on the night of April 21 to 22, 1994, he observed that Raboteau and its residents were asleep, like the rest of the city, where everything was calm and silent. Having gone by the Gonaïves barracks, owing to the imperatives of his work, he affirms that "Not a single soldier was available that night to serve the population." Hence reinforcing the idea of planning and premeditation.

Whereas in their version, some soldiers, with Castera Cénafils as their leader, have maintained that the operations of April 18 and 22, 1994 in Raboteau were due to the necessity of counteracting the actions of certain armed individuals, who were preparing to sabotage public institutions and attack the general headquarters of the Military Department of the Artibonite.

Whereas the same thesis was taken up by the army High-Command. In its memorandum, published on Wednesday April 26, 1994, concerning the massacre of Raboteau and the events of Borgne, the army High Command blames certain "armed individuals who were preparing to sabotage public institutions and attack the General Headquarters of the Military Department of the Artibonite, according to a plan conceived in Washington by the constitutional authorities of Haiti."

Whereas for the High-Command, the Gonaïves incident resulted from the confrontation between individuals in the district and the forces of order, still according to a plan concocted during a meeting in Washington on November 21, 1993, attended by certain officials of the defector government.

Whereas this press memorandum from the General Staff Secretariat, by dating the events of Raboteau to the night of April 24 to 25, instead of the night of the 21 to 22, casts suspicion regarding the complicity of the army in misrepresenting the exact dates of the events: "The General Command of the Haitian Armed Forces, makes known that on the night of April 24 to 25, 1994, police operations were conducted in Raboteau, suburb of the Gonaïves, with the objective of counteracting the actions of certain armed individuals, who, according to our information, were preparing to sabotage public installations, and attack the General Headquarters of the Military Department of the Artibonite.

The memorandum reminds us, in addition, that similar steps previously taken to destabilize the State, such as:

- a) The situation in Chantal in the South
- a) The situation in Borgne in the North
- b) The establishment of criminal networks in Carrefour Marin, in Carrefour-Feuilles, and in Thomassin
- c) The recent arsons and attempted arsons, both in the capital and in provincial cities
- d) Murders and disappearances of soldiers and peaceful citizens

are the fulfillment of the steps of a plan conceived during the meeting held at the Lothan Hotel in Washington on December 21, 1993, a meeting attended by a few officials of the defector government.

The military establishment renews its determination to guarantee order and the public peace, as well as its firm resolution to block the actions of all individuals devoid of a sense of the State, its institutions, and the harmony that must exist in the Haitian family..." (signed: General Staff Secretariat).

Whereas by taking this position, it is amply clear that the Haitian Army High-Command, far from disavowing the military's actions in the Gonaïves, seeks, rather, to justify as necessary the attack carried out on April 22, 1994, on the population of Raboteau.

Whereas, with this attitude, the High Command has shown itself responsible for the deeds which were committed.

Thereby, We Recognize the guilt of the members of the High General Staff of the Armed Forces of Haiti, who sought to cover up for the military in the Gonaïves.

Regarding the Version of the Events

Whereas these events of April 18 and 22, 1994, in Raboteau provoked a strong reaction among the population and the more influential sectors of Haitian society. Many figures, both civilian and religious, have spoken on the issue, and it is worth noting:

- a) this public statement issued by the Bishop of the Gonaïves, Mon. Emmanuel Constant on April 25, 1994, day following the massacre:

"Blood flowed in Raboteau. Haitians, such as ourselves, young and not as young, were shot by bullets, without trial, without interrogation, without any kind of legal process. Men, women, were wounded, again by bullets, while they fled, not knowing fully what was happening. Chance or Providence alone let them live! How many dead? How many wounded? We do not know exactly. But the fact remains; there are dead and wounded: eyewitnesses and victims have testified. What can we say about the others, who were neither killed nor wounded? Their houses, for the most part, were destroyed and looted. Many left the neighborhood of Raboteau, leaving behind all of their belongings. An exodus generating more homeless and a flow of migrants within their own country! The suffering is vast."

- b) Other important reports on the events, which were placed under investigation were made by:

- The interamerican commission on human rights of the OEA; "Report on the human rights situation in Haiti" 1995.
- The General Assembly of the United Nations, in its document entitled: "Human rights situation in Haiti, May 10, 1999
- The conclusions of the **International Civilian Mission in Haiti OEA/UN (MICIVIH)** on the Raboteau massacre, thus summarized:

- 1- "The massacre of Raboteau is the result of an operation which appears to have been carried out with the support and participation of armed civilians and the Fraph, under the command of Colonel Bellony Groshommes, Commanding Officer of the Military Department of the Artibonite, during which residents of the targeted neighborhood were arbitrarily killed or wounded. Individual responsibilities for the murders, and other criminal offenses committed at the time of this massacre, will have to be established by juridical means.

- 2- The events of Monday, April 18 and Friday 22, had likely the same objective: to capture or kill the main community leaders of Lower Raboteau, whose presence, after their return from exile, had been detected by the military, particularly that of Amio Métayer.
- 3- The target of the assault is clearly indicated by the fact that the assailants attacked Amio Metayer's house, and that they only pursued those who fled to sea, where other armed individuals were waiting aboard a boat to trap the fugitives. Caught in the crossfire, the fugitives were gotten to, either on the beach or on the boats which they regularly used as shelter or as means of escape.
- 4- The participation of civilians in this operation, including of persons known as members of the Fraph, would confirm the existence of an active alliance between the army and paramilitary groups.
- 5- No element of proof has come to support the military's version, according to which the military post had been attacked. In addition, the extent of the damages caused to the victims' properties and the absence of wounded among the military removes all credibility from this thesis. The military's version appears to be an attempt to sidetrack the investigation and obscure the real facts, for which the High Command of the FAD'H is held responsible.
- 6- The total number of casualties has not yet been established.
- 7- Given the circumstances of the case, a forensic pathology report, among other means of proof, should present useful evidence to shed light on the serious violations of human rights which took place in Raboteau in April 1994.
- 8- Whereas, also on the day following the events at Raboteau, numerous persons were dispatched to the site for investigation, and it is fitting to emphasize:
 - a) The step taken by the United States Ambassador, who traveled to the Gonaïves on May 7, 1994. Immediately upon his arrival, the Ambassador proceeded with the inspection of the Raboteau suburbs, a very poor area located by the sea, and the scene of April 22 massacre. He was able to examine the police station where—according to what people say, the incidents took place—as well as the neighboring houses. He was able to observe no traces of shooting, such as bullet holes. Then he went down to the nearby beach, where soldiers had opened fire and killed several unarmed persons.

Following this inspection, he met with Lieutenant-Colonel Bellony Groshomme, Commanding officer of the Military Department of the Artibonite, which includes the Gonaïves. Asked about the sequence of events, the Lieutenant-Colonel presented an absurd version of the facts. The Ambassador expressed his disbelief and indicated that the explanation given of the armed military attack against a good number of innocent people in the district, was unsatisfactory.

Mr. Groshomme indicated that the army had acted thus in order to defend itself against attack by a terrorist group, who for several months already, attempted to intimidate the residents and soldiers of Raboteau. Led by a man named Métayer, a.k.a. "le Cubain," they had supposedly attacked the military post with firearms, who in turn was supposed to only have retaliated.

The Ambassador replied to the Commanding Officer that there was no manifest evidence of this attack against the military post, thus confounding Mr. Groshomme, who ended up claiming that he was only repeating information emanating from his subordinates. When the Ambassador asked him what objective the presumed terrorist attack could have had, the Colonel was only able to give vague responses. If he is to be believed, the group's goal was to pass as victims of political persecutions in order to obtain refugee status, and that peace would only come back to the Gonaïves if their leader were permitted to find refuge in the United States."

Whereas two very different and contradictory versions of the Raboteau events were given, one by the army, and the other by local and international human rights groups, independent investigators, and the Micivih.

The Armed Forces of Haiti presented their version in an official press memorandum, published on April 26, 1994. According to the memorandum, on April 22, a group of terrorists attacked the "Toussaint Louverture" barracks of the Gonaïves. According to the army, the attack was led by Amio Métayer, a local resident known as a supporter of President Aristide. The goal of the attack was to incite the local population to rise in solidarity with the armed rebels of the Borgne group, a region in the North Department of Haiti. The military beat back the attack and was forced to further retaliate by pursuing members of the Métayer group in their attempt to escape by boat.

The attack, as other similar incidents which took place throughout the country in that same period, was part of a well-known plan to destabilize the country, still according to the army press memorandum. (Agence-France Presse dispatch, April 17, April 26, and April 27, 1994.)

Whereas the official memorandum, in itself, constitutes a recognition of the facts by the High Command, even if the justification provided by them does not hold up to confrontation with reality, as does not the number of victims. The links established by the army officers themselves, between events in Raboteau, Borgne (in the north of the Country), and Chantal (in the south), inform us on the chain of command and the goals of this plan of repression, of which only the dates and locations changed.

Whereas, in addition, the falsehood of this latter version has clearly been established by all the investigations conducted on the site of the tragedy by credible persons, who have also met with the military authorities concerned. All reports indicate that no convincing evidence or testimony was found to corroborate the version of the FADH. The American Embassy press release, following the visit of a team delegated to Raboteau, the report of the official on the results of the investigation in the Gonaïves, the

voluminous case file of the Justice and Peace Commission of the diocese of the Gonaïves, which, under the supervision of father Daniel Roussière compiled many elements of evidence, all categorically contravene the version presented by the High General Staff of the Armed Forces of Haiti.

Whereas in a communiqué published on April 28, 1994, the American State Department had already categorically rejected the version of the incidents at Raboteau offered by the High Command of the Haitian Army. A team from said Embassy, led by Ambassador William Lacy Swing, dispatched on the day following the events in the Gonaïves to conduct investigations into this matter, confirmed that unarmed civilians in Raboteau were attacked by soldiers of the Armed Forces of Haiti stationed in the Gonaïves. No damages to the military post were observed by witnesses in their report.

Whereas in confirmation of the same version of the facts, State Department spokesperson, Christine Shelly, stated that the American Embassy in Haiti found no evidence of an attack by civilians against the military installation in that city—pretext set forth by the army to justify the massacre carried out in the Raboteau shantytown. Rather, investigations uncovered the murders of at least ten people in Raboteau, acts of torture, and destruction of property, perpetrated by the military.

Whereas the military, on the other hand, have repeatedly denied accusations, made by several of those wounded by bullets, of deeds committed on the site of Raboteau, as well as acts of torture, of violence, of robbery, and of destruction of property to the detriment of the civilian population in this neighborhood.

Whereas the archeological evidence squares with the testimony. According to the witnesses, soldiers and their assistants used ropes to remove bodies floating by the shores of Bas-Carenage, following the events of April 22, 1994. They buried them near the sea, digging very shallow graves. The discoveries of the forensic anthropology investigation are consistent with the testimonies, as two bodies, exhibiting ropes around their necks (Raboteau II-2 and Raboteau II-3), were found on the seashore at slight depth.

Whereas M. Dorismond, Justice of the Peace of the North district of the Gonaïves, conducted an independent investigation between April 23 and 28, 1994, on the request of the Government Commissioner with the Civil Court of the Gonaïves, Mr. Roland Paphuis. In his investigation of the events of April 22, 1994, Justice of the Peace Dorismond observed that at least 50 houses had been damaged and left in disarray, and that many of them had been abandoned by their occupants. Several victims affirmed that soldiers took money and possessions, such as televisions and radios, from their houses.

Whereas the army contended there was an armed attack by a group of terrorists against the Outpost of Raboteau, in order to justify the operation.

Whereas no soldier, no attaché, no member of the Fraph was killed or wounded.

Whereas the Micivih conducted a first investigation on April 27 and 28, 1994; a second one was conducted on May 25 and 25, 1994, in the course of which several eyewitnesses were interviewed.

"The Micivih was unable to uncover any testimony or evidence consistent with the Haitian Army's version of the facts. According to several sources of consistent information, it appears that, contrary to the assertions of the military, members of the Haitian armed forces provoked the incident. On April 18, 1994, military personnel, along with the local leader of the Fraph (Front for the Advancement and Progress of Haiti), shot up the house of Métayer, and then looted it. In the afternoon of the same day, they also captured his father, Mr. Ludovic Métayer (65 years old) and took him to the Toussaint Louverture barracks, along with one of his daughters, Ms. Alourdes Métayer. Early on the morning of April 22, a larger group of soldiers and armed civilians landed in Raboteau.

As has been the case in other similar incidents prior to this one, people have tried to escape by fleeing to sea with their boats. The army attacked and looted several dozens of houses, beat the residents, and executed many people they chased from their houses to the coast in their boats. A massive exodus took place following these events, leaving Lower-Raboteau nearly empty.

Whereas in contradiction, once again, with the army's version, and pursuant to a request from the **Commission on Truth and Justice**, the forensic anthropology team on September 13, 1995, carried out exhumations at the shore, in two sites in the region of Raboteau, known as Bas-Carenage. The Justice of the Peace of the Gonaïves, Mr. Morency Joseph, was present and drafted an official report of the procedure. Members of the Commission on Truth, and members of International Civilian Mission in Haiti, OEA/UN (Micivih) were present at the time of the exhumations. Among them were Ms. Françoise Boucard, president of the Commission on Truth, Mr. Gracia Guy Joseph, field investigator for the Commission on Truth, Mr. Denis Racicot, Coordinator of judicial matters and institutional reinforcement, and Mr. Janvier Hernandez, investigative unit chief, both members of the International Civilian Mission in Haiti OEA/UN (Micivih). The Micivih's forensic expert, J. Jose Pablo Baraybar, also participated in the exhumations at the site.

The skeletal remains of three men were exhumed in the two sites located on the beach in the district of Bas-Carenage. An individual was found on the site identified in the forensic anthropology report as "RB-II, and were labeled "Raboteau II-1" and Raboteau II-3 or "RB-II-2" and RB-II-3." [sic]

Whereas the forensic anthropology team submitted to the Commission a report of its principal findings and conclusions, under the title "Forensic Anthropology Investigation prepared by an interamerican forensic anthropology team. In the section pertaining to Raboteau, the forensic report concluded: "The three individuals could not be identified, but identification will be possible if enough ante-mortem or pre-mortem information is obtained.

Whereas in a report dated September 7, 1998, the expert analyst, Ms. Michele Harvey, concluded that there was a 99.93 concurrence between the DNA sample taken from Raboteau II-2, and that taken from Chrismène Frederick.

Whereas from everything that precedes, it ensues that several persons were shot and killed in Raboteau, and that atrocities were committed by the army against that neighborhood's civilian population. And based on the evidence found in the investigation, contrary to the pronouncements of the military, members of the Armed Forces of Haiti were the ones to provoke the incidents. There was never an attack on the Gonaïves barracks, as claims the army. It is determined that the version of the events presented by the High Command of the Armed Forces of Haiti is fanciful and devoid of foundation.

Whereas the High Command of the Armed Forces of Haiti set forth the thesis that the army moved forward in the Gonaïves so as to counteract an armed attack by civilians against the Outpost of Raboteau.

Whereas one cannot easily explain the presence of soldiers, waiting in boats to trap the area's residents who have a habit of taking refuge at sea, without invoking the notion of premeditation.

Whereas in the context of a defense, or "back up" operation, of a unit in the field, soldiers at the command post, having been notified immediately, proceed to the locality.

Whereas in the context of the operations in Raboteau, it is fitting to find a planned out criminal operation. From this, the High Command's version of the facts is devoid of all logic.

Whereas in addition, the High Command, even in dispatching a commission of five soldiers to investigate the events, following the request by American Ambassador Mr. William Lacy Swing, was not able to establish the "Attack" used to justify retaliation by the military stationed at the Outpost of Raboteau.

Whereas even if the attack thesis is accepted, Defense, in order to be legitimate, must be proportionate with Attack.

Whereas in the context of the events which took place in Raboteau, this version cannot be substantiated since the attack was perpetrated against an unarmed civilian population—the army making no mention of any seized weapons to justify defense, nor of casualties within its ranks, nor even of wounded personnel.

Whereas the explanatory memorandum by the Armed Forces of Haiti High General Staff, published on April 26, 1994, in order to justify the actions of the Raboteau operations perpetrators, establishes its approval of these arbitrary acts, and, consequently, its responsibility in said acts, in the sense of art. 45-2 of the Penal Code.

War crimes (attacks against terrorists) or felonies (attacks against an unarmed, civilian population).

Whereas having analyzed both versions of the events, that presented by the army and the one emanating from the reports of the investigators of international organizations, the question which finally poses itself is whether there was an internal armed conflict in Raboteau or only a brutal intervention by the military aimed at deactivating a few sporadic and unarmed reactions by a group of individuals who reject the military's de-facto power resulting from the coup d'Etat of September 30, 1991, as the basis for the massacre carried out on the civilian population of that district.

Whereas in any event, there are only two possible avenues of accusation for the deeds under investigation:

- if there was an armed conflict: the crimes committed are "war crimes."
- if there was no internal armed conflict: in this case, the crimes committed are felonies.

Armed conflict - "war crimes"

Whereas the rules governing operations the Armed Forces of Haiti must undertake in case of internal problems, states of emergency, and internal conflicts are established within international judicial order.

Whereas the law of war governs use of force in international relations and military operations. The development of custom, and later of conventions in the laws of war (Ius in Bello), is founded in turn on a body of basic principles, known as "golden rules," i.e.:

- 1- Combatants must at all times be distinct from civilian populations, and he must direct operations toward military targets.
- 2- Combatants do not enjoy unrestrained freedom in the choice of means and methods of combat.
- 3- One must not cause unnecessary damage and suffering with the aim of attaining concrete military advantage in each operation.
- 4- Perfidious means and procedures will not be utilized.
- 5- Are forbidden acts of reprisal against human beings, individually or collectively.

In addition, article 3, common to the Geneva Conventions of 1949, offer certain guarantees to those who do not participate, have ceased to participate, or were participating and have... [next page missing]

TRANSLATION N° 001013

The integral preamble in the Declaration of the Rights of Man, established by the United Nations Organization in 1948, in addition:

- Affirms the inviolable rights of the Haitian people
- Demands the installation of a governmental system based on the respect of fundamental liberties, of human rights, of public peace...
- Article 16 states that the coincidence of Civil and Political Rights confers citizenship.
- Article 17 affirms that all Haitians without distinction of sex or civil status can exercise their Civil and Political Rights from the age of 18.
- Article 18 states that all Haitians are equal before the law.
- Article 19 establishes that the State must, by obligation, guarantee the right to life, health, respect of human rights, to all citizens without distinction, as prescribed by the Universal Declaration of the Rights of Man.
- Article 24 affirms that individual liberty is guaranteed and protected by the State.
- Article 24.1 establishes that no one may be prosecuted, arrested or detained, except as provided for under the law, and according to its provisions.
- Article 24.2 states that arrests and detentions, except in cases of *flagrante delicto*, must be carried out by a written order issued by a legally qualified agent.
- Article 24.3 (states in detail the means of carrying out an arrest.
- Article 25 prohibits all unnecessary roughness in seeking to obtain the arrest of a person
- Article 25.1 establishes that no one may be interrogated in the absence of his or her lawyer, or of a witness chosen by him or her.
- Article 26 states that no one may be detained longer than 48 hours without the intervention of a qualified judge.
- Article 27 establishes that any violation of the provisions relative to individual liberties will be considered as arbitrary acts.
- Article 27.1 states that State civil servants are directly responsible according to Penal and Administrative Law for acts committed in violation of rights...

- Art. 28 gives every Haitian the right to freely express his or her ideas...
- Art. 29 allows the Right of Complaint
- Art. 31 guarantees the right of unarmed association to political, economic, social, and cultural, or to any other peaceful ends.
- Art. 31.3 states that no one can impede affiliation to any association, whatever its nature.
- Art. 42 establishes that Civil Rights conflicts are under the exclusive sovereignty of the Courts.

Civilian-military relations and civilian justice-military justice are determined by:

- Art. 42.2 establishes that Military Justice only has one jurisdiction, except in cases of violation of the manual of Military Justice by the military, of conflict between members of the Armed Forces, and in cases of war.
- Art. 42.3 states that in case of conflict between civilians and military, abuses, violence, and crimes perpetrated against a civilian by a soldier in the course of his duties, fall exclusively within the jurisdiction of Courts of Common Law.
- Article 267.3 establishes that Court Martials have a jurisdiction, only in cases of offenses committed in time of war or in cases of violation of military discipline.
- Article 274 states that Police Force agents in carrying out their duties, fall under civilian and criminal responsibility, as provided for in the Constitution.

Conditions of detention

- Articles 44 and 44.1 establish the conditions which must be met for detention
- Article 45 states that no penalty may be applied which is not provided for by law, and this, only within the framework on the law.

Other articles which also make reference to Human Rights

- Article 263 establishes that every member of the Police Force swear to respect the Constitution and the flag.
- Article 265 demands that the Armed Forces be apolitical.

- Article 278 establishes that the state of siege may not be declared in any part of the territory, except in cases of civil war or invasion by a foreign power.

- The Police Force

- Article 269.1 states that the latter was created to guarantee public order, and the lives and property of the citizenry.

If we also consider that during the Military Dictatorship, the Army fulfilled the role of police, this signifies that its members had to respect what is stated in article 269.1 of the Constitution: the police was created to guarantee public order, and the lives and property of citizens.

The regulations of the Armed Forces also include articles which protect Human Rights:

- Chapter 1.1 establishes that its Members are obligated to respect the Constitution and the laws of the Republic.

- Chapter 4.4 states that before taking their functions, officers must swear, among other things, respect for the Constitution and the flag. This mandate is repeated in chapter 4.38.

- Chapter 4.19, by specifying in paragraph a) how one proceeds with the implementation of instructions, states the incompatible orders received by a superior, not part of

- the same chain of command.

- Chapter 4.76, by stating the missions of rural police agents, specifies in paragraph 1) the obligation which has been assigned to them, to protect rural families and properties.

- 2- Chapter 4.83, still dealing with rural policemen, specifies at point 7 the prohibition to mistreat civilians.

On the non-respect of the principle of "Command"

Whereas because we are dealing with arbitrary acts, committed during military operations, it is fitting to look closely at the question of implications.

Whereas the army, as an organized institution obeys certain principles, one of the most stringent being the question of "Command" or "Hierarchy."

Whereas conforming with this notion of "Command" or "Hierarchy" regarding important decisions, a District Commanding Officer, cannot and must not do anything without an order or approval from his Department Commanding Officer, and the latter, for his part, cannot and must not

do anything without the recommendation of his High General Staff.

Whereas in these conditions military operations conducted against the population of Raboteau on the dates of April 18 and 22, 1994, according to principle, will have to obtain the approval of the High General Staff, as demanded by current circumstance.

Whereas even if the members of the High General Staff of the Army of Haiti had been strangers to the plotting of a criminal enterprise dedicated to torture, murder, robbery, destruction of property... on the population of Raboteau, they might have at least put a stop to it, once the initial deeds had been reported. Their orders would have been sufficient to halt the events.

Whereas it is well known that the population of Raboteau has always been the target of the military stationed at the Barracks Toussaint Louverture of the Gonaïves, and those of the Raboteau Outpost, because of their political beliefs tied to the battle against the military coup d'Etat of September 30, 1991, and the return of President Jean Bertrand Aristide to power. Indeed, since 1991, when the military coup d'Etat forced president Aristide to leave the country, the population of Lower-Raboteau has been harassed by the army and by members of the Fraph (Front for Advancement and Progress in Haiti), and by the "attachés." The individuals involved in activities favorable to president Jean Bertrand Aristide and to his return, were the favored targets of these persecutions.

Whereas "as a general principle of law and military custom, a commanding officer is responsible for, and as such is obliged to insure the proper conduct of his subordinates. In the same order of ideas, after he performs an action and issues an order, a commanding officer must remain vigilant and make necessary adjustments, as required by the changing situation. In addition, a commanding officer is responsible if he knows that his troops or the persons under his orders, have committed or are committing a crime, and he refrains from doing what is necessary and reasonable to insure respect for the law."

Whereas the operations at Raboteau were carried out in two phases: a first phase concerns the actions of April 18, 1994 committed on the site of Raboteau, and a second phase, called "final Phase," which took place in the morning of Friday, April 22, 1994.

Whereas the High General Staff, following the events of April 18, 1994, which resulted in dead and wounded, took no measures to prevent those of the 22nd. From this, It is determined, there is serious evidence concerning the guilt of the members of the High General Staff of the Armed Forces of Haiti in the events which took place on April 18 and 22, 1994 in Raboteau, in violation of articles (2-3, 2-4, chapter I);

(5-1, 5-5, chapter V) of the general regulations of the Armed Forces of Haiti.

The obligation to take measures to prevent or suppress the violation

Whereas following the events, and on the request of the American Embassy, a five-member Investigative Commission was dispatched to Raboteau by the High Command to look into the facts.

Whereas, having had knowledge of the violations committed, the members of the High Command abstained from taking the appropriate measures within their power, to prevent them in the future.

Whereas the fact that the violations committed on the population of Raboteau were of public knowledge, were numerous, and were spread out in time and space, must presuppose that those responsible could not have been unaware of them.

Whereas according to principle, the superior in charge, once informed, must act to prevent or suppress the violation. This rule concerns both direct commanding officers and their superiors.

Whereas "when a subordinate is prosecuted as the main perpetrator of a crime, and even when his hierarchical superiors cannot be prosecuted as co-perpetrators, they are considered as accomplices insofar as they either organized or tolerated the criminal activities of their subordinates."

Whereas the non-respect of the principle of "Command" or "Hierarchy" is, from the military perspective, subject to sanction (arts. 3-1, 3-2, 3-26, 3-27, 3-28, etc.) of the Manual of Military Justice code, the fact that Captains Castera and Timo, in relation to Colonel Groshommes; and the latter in relation to the army High Command, remained at their respective posts after the events, shows that each for his part had enjoyed the complicity of his hierarchical superiors.

On tolerance of the "FRAPH" and offenses against the Constitution.

Whereas all the evidence in the investigation has clearly revealed that, in Raboteau, the military acted in concert with armed civilians, commonly known as "FRAPH."

Whereas in a letter dated October 1, 1993, Messrs. Emmanuel Constant, Secretary, and Louis Jodel Chamblain, General Coordinator of the Front for the Advancement and Progress of Haiti (Fraph), 118 rue Pavée, wrote to the Minister of the Interior, René Prosper to solicit the enfranchisement of the Fraph, created on August 18, 1993.

Whereas on November 5, 1993, the Minister of the Interior sent a response stating to Mr. Chamblain that the "Fraph" has been recognized, and that this association has been assigned #DG: 041 in the relevant registry at the Ministry of the Interior.

Whereas the Fraph, emerging during the military regime of Cédra, was known as a particularly violent paramilitary organization.

Whereas by allowing the actions of such an armed body on national territory, particularly on the site of Raboteau on April 18 and 22, 1994, the High Command of the Haitian Army, came directly into violation of arts. 263, 263-1 of the Constitution, which stipulate: "No other armed body may exist on national territory." It is determined that the High Command of the Armed Forces of Haiti is responsible, by concurrence, for all acts committed by members of the Fraph group, which assisted the army during the events of April 18 and 22, 1994 in Raboteau.

Violation by omission

Whereas a violation is committed either by commission or by omission.

Whereas omission consists in neglecting to do or say something. In the judicial sense, it consists in neglecting a duty to take action. Hence the particular responsibility of a superior, who did not take the necessary measures he could have taken to prevent or suppress a violation on the part of a subordinate.

Whereas in the case of members of the High Command, even if the Generals and the Colonels claim they did not act directly on the site of Raboteau, they remain individually responsible for the violations of murder, physical tortures, and other crimes which were committed during the events of April 18 and 22, 1994, in virtue of theory of violation by omission: "The fact that a violation has been committed by a subordinate does not exonerate his superiors from criminal or disciplinary responsibility if they knew, or had information allowing them to conclude, at the time, that this subordinate was committing or would commit such an offense, and they did not take all possible practical measures within their power to prevent or suppress this violation.

Whereas even if we accept the hypothesis of the non-existence of a criminal plan, in these cases, the crimes committed would be deeds of excesses perpetrated by Armed Forces and security Forces personnel within the framework of independent actions on the part of said personnel. According to this hypothesis, even if those in the High Command who have been accused did not give orders personally, nor carried out torments, they remain nevertheless criminally responsible. Indeed, there are circumstances where omission, the fact of not acting to prevent a given result, constitutes in itself a crime punishable by law. These are cases where a person has, by law, the duty of acting or preventing a negative result, under threat of legal responsibility for said result being imputed to himself, as though he committed said deed. Such is the position of the hierarchical superior vis-à-vis his subordinates, of the Commanding officer vis-à-vis the deeds committed by his troops.

Whereas according to the doctrine, four conditions are necessary for these crimes to take place:

- Firstly, there is a situation of danger. It is this situation that will generate the obligation to take action. In the case of the events in Raboteau, the situation is the case of a civilian population

taken hostage by soldiers and armed civilians who murder, torture, batter, loot, destroy...

- Secondly, there has to be an omission to take the action demanded by law. The omission, here, consists in the non-intervention of the High Command to put a stop to the abuses and prosecute those responsible.
- Thirdly, there must exist a real possibility—an effective capacity—for the necessary action to be taken. The individual must be in a position to know the danger and prevent its damaging consequences. Here, the members of the High General Staff know that the population of Raboteau has always been the target of the military. The events of April 18, 1994 were going to provoke more bloody deeds, in this case those of April 22, 1994, and as hierarchical superiors, members of the High Command must intervene to prevent damaging consequences.
- A fourth condition, however, must be added. There must be a special relationship, a particular responsibility between the person who fails to act and the situation of danger. This situation was specified by the doctrine of "the guarantor position."
- For example, the army, which according to its enforcement duties, must guarantee order, and the security of lives and property, is in a position of guarantor vis-à-vis the civilian population of Raboteau.
- First the situation of danger. The fact that an army can act in the realm of the State's national security generates a situation of danger: this is an army which acts with its great firepower in the midst of a civilian population. All army regulations establish the superior's duties to control his troops. In the case of Raboteau, there was not only potential danger. Notorious events also took place—attempts against persons and property—which were of public knowledge.

The second aspect is the refusal to take action. The action demanded by law would have been to control the troops so as to prevent them from committing the very misdeeds in which they were indulging. Successive criminal deeds were perpetrated, particularly those of April 18, 1994, and the High Command took no measure to prevent the massacre of April 22 in Raboteau.

The third condition, concerning the feasibility of action, is clear in this case, since the members of the High Command of the FAD'H controlled the entire State security apparatus, and there were no rebel units.

The fourth condition, i.e. the position of guarantor of the commanding officers, is also clear. If there is a capacity where someone is in a position of guarantor in relation to his subordinates, it is that of an army commanding officer. This can be easily observed by consulting the FAD'H military regulations manual.

But there is still a fifth consideration. Members of the High Command were, moreover, in a position of guarantor for having created a "front of danger." After setting into motion the repressive apparatus of the State by perpetrating the "Coup d'Etat,"—"Forceful action," they say—the military leaders were at least under the obligation to monitor it, so that it would not go beyond "legal" limits.

In conclusion, if the members of the High Command of the FADH, accused in this case, had been strangers to the planning of a criminal enterprise dedicated to torture, looting and destruction, murder and homicide, during the bloody events of April 18 and 22, they should have at least put a stop to it once the crimes had become evident. Their orders would have sufficed to halt the atrocities. Hence, proof of their responsibility, once again.

Violation of Rules

Whereas during his interrogation before the Judicial Investigations Department, the detainee, Wilson Casséus, a Lieutenant in the Armed Forces of Haiti, even as he professes non-participation in the events of Raboteau because he had sought refuge in Port-au-Prince that day, admitted categorically that the platoon under his command had participated in the operation of April 22, 1994 in Raboteau, since soldiers stationed in the Gonaïves were in condition "D."

Whereas this arrangement is made to maximize the number of troops available to the commanding officer in counteracting an imminent danger; and in the chapter dealing with the powers of the Department Commanding Officer (chapter III art. 3-15) in the general regulations of the Armed Forces of Haiti, the latter is in no way authorized to make this decision alone, without the authorization of his hierarchical superior, or even the region Commanding Officer, or at least without prior warning.

Whereas Condition "D" presupposes a state of maximum alert, issued in the case of a "state of siege," or at least in the case of imminent danger.

Whereas according to witnesses, who were heard and who live in the neighborhood, the military in the Gonaïves, to force them to stay locked up at home in Raboteau, would daily declare a "state of siege." A situation they lived through particularly during the week of April 18 to 22, coinciding with the massacre.

Whereas the Constitution of March 29, 1987, in article 278, stipulates: "No locality, no part of the national territory may be declared to be in a state of siege, save for cases of civil war or invasion by a foreign power."

Whereas by placing the army in the Gonaïves in Condition "D" and denying the residents their fundamental rights to life, peace, and security, the originators of this order violated articles 278, 278-1, 278-2 of the Constitution; arts. 27 on individual liberty, arts. 16, 16-1, 16-2, in violation of citizens' fundamental rights.

Whereas Lieutenant Wilson Casséus, member of the Investigative Commission, admitted that the operations in Raboteau had been planned.

Whereas examination of the facts reveals that, though a criminal act of such magnitude cannot

be improvised: its extent, its duration (from dawn till afternoon), its violence, its cruelty displayed in broad daylight, everything demonstrates that it could not have been accomplished without high-level green light and cover."

Whereas, in fact, the physical perpetrators of the deeds of April 18 and 22, 1994 benefited from complete impunity and continued to enjoy their positions in the army until its dismantlement in 1995.

Whereas the events of April 18 and 22, 1994 in Raboteau are directly linked to the situation of repression developing throughout the country aimed at the annihilation of all popular resistance to the military coup d'Etat of September 30, 1991, and at forcing this population, attached to President Jean Bertrand Aristide, to give up the fight for a return to constitutional order.

Whereas examination of the facts demonstrates very clearly that the massacre of Raboteau falls within the same line of repressive action carried out by the army on the populations of Chantal, Carrefour-Feuilles, Carrefour-Marin, Thomassin, Borgne, and Cité Soleil, aiming to break the resistance of citizens in poor neighborhoods.

Whereas the events of April 1994 in Raboteau reveal a high degree of preparation, which shows that the military and their accomplices (Fraph and attachés) had neglected no detail in reaching their targets (muselling the press, terrorizing the population, intensifying the recruitment of civilians—called attachés—to assist the Gonaïves army in the shantytowns nearest to Raboteau, such as Trou-Sable, Jubilé..., confiscating boats, declaring states of emergency, observing the flight movements of Raboteau residents...)

Whereas in order to suppress any investigation, the army, well before and long after the events, occupied and patrolled the neighborhood: no official forensic report was requested on the bodies that were found; the bodies of those killed were not given back to their families; the bodies were simply thrown in a hole, dug in haste and at shallow depth, at the mercy of the neighborhood's stray dogs and pigs...

It is determined, conforming with the investigations conducted, and the examination of the evidence gathered during the judicial investigation, that the events of April 18 and 22 in Raboteau were planned and premeditated, and were committed in violation of the rules of the Constitution, of all international agreements relative to human rights, signed and ratified by Haiti, such as the **Universal Declaration of the Rights of Man, the American conventions relative to the Rights of Man, the International Covenant relative to Civil and Political Rights.**

Art. 27. Suspension of guarantees in the American Conventions Relative to the Rights of Man:

- 1- In times of war, of public danger, or in any other crisis situation which threatens the independence or security of a State, the latter may, strictly within the demands of the moment, take measures which suspend the obligations contracted in virtue of the present Convention, as long as these measures are not incompatible with other obligations imposed by International Law, and produce no

discrimination based only on considerations of race, color, sex, language, religion, or social class.

- 2- The preceding provision does not authorize the suspension of the rights stated in the following articles: 3 (the Right to be recognized as a juridical subject); 4 (Right to life); 5 (Right to personal integrity); 6 (Prohibition of slavery and servitude); 9 (principle of lawfulness and retroactivity); 12 (Freedom of belief and religion); 17 (Protection of the family); 18 (Right to a name); 19 (Rights of the Child); 20 (Right to a nationality); 23 (political Rights). Neither does it authorize the suspension of the guarantees indispensable to the protection of aforementioned rights.

Articles 3, 4, and 5 of the International Covenant relative to Political and Civil Rights

Art. 3 : The States party to the present Covenant commit to insuring the equal right of men and women to enjoy all the civil and political rights specified in the present Covenant,

Art. 4 : In cases where an exceptional public danger threatens the existence of the nation, and is proclaimed by official act, the States party to the present Covenant can take, within the strict limits of the demands of the situation, measures deviating from the obligations provided for in the present Covenant, as long as these measures are not incompatible with other obligations imposed by International Law, and produce no discrimination based only on considerations of race, color, sex, language, religion, or social class.

- 3- The preceding provision authorizes no deviation from articles 6, 7, 8, 11, 15, 16, and 18.

Art. 5-1. No provision of the present Covenant can be interpreted as implying, for a State, group, or individual, any right whatever to conduct any activity or carry out any act aiming at the destruction of the rights and liberties recognized in the present Covenant, or at achieving ampler limitations than those provided for by the Covenant.

No restriction or exemption can be allowed regarding the fundamental rights of man, that have been recognized by, or are in application in any State which is a party to the present Covenant, in application of laws, conventions, rules, or customs, under the pretext that the present Covenant does not recognize them, or recognizes them to a lesser degree.

Art. 9 : All individuals have a right to personal freedom and security. No one may be arrested or detained arbitrarily. No one may be deprived of his freedom, except for motives, and in conformity with due process, as determined by law.

Art. 10-1 : Any person deprived of freedom is treated humanely and with respect to the dignity inherent to all human beings.

Art. 17-1 : No one will be subjected to arbitrary or illegal invasions of his private life, family, residence, or correspondence, nor to illegal assaults against his honor and reputation.

2. All persons have a right to the protection of the law against such invasions or assaults.

Hierarchical responsibility in virtue of the dispositions of the FADH Regulations.

Whereas at the time the events, which ended in the massacre of Raboteau, took place, the Armed Forces of Haiti were led, at the highest level, by the Commander-in-Chief of the Armed Forces, the Lieutenant General Raoul Cédras; he exercised his authority on the entire territory of the Republic.

To help him in carrying out his functions, he had:

- a) a second in Command who assisted or acted for him in his absence
- b) an auxiliary general, in charge of the administration of the general headquarters, and served as communication officer, transmitting orders to Detachment Commanding Officers, and other components of the structure.
- c) a General Staff, who acted as a planning department for the Commander, and implemented his directives through the elaboration of orders and plans. This department insured coordination.

It was composed of:

- a chief of Personnel (G1)
 - a chief of Information services (G2)
 - a chief of Operations (G3)
 - a chief of Logistics (G4)
 - a secretary-general for the General Staff.
- d) An Inspector General who organized and executed the various inspections ordered by the Commander-in-chief in the detachments and other units, in order to control the execution of his orders, plans and other provisions.
 - e) A personal chief of General Staff, helping and advising the Commander-in-chief, and who had at his disposal:
 - a secretariat and a group of aides
 - liaison agents
 - a group of personal advisers
 - f) An office responsible for liaison with the military attachés, to insure coordination between the High Command and the military attachés posted in the different embassies.
 - g) An echelon made of executive units: 10 Military Departments deployed in the country's Geographical Departments.

Whereas the responsibility of the Commander in Chief of the FADH is clearly established in

article 2-1 of the Regulations, which stipulates that all decisions relative to the FADH issue from him alone, and are transmitted through the hierarchy.

Moreover, as concerns the duties of the Commander in Chief, article 2.3 provides that he is responsible for collecting data relevant to national defense, the internal security of the State, and the control of arms and munitions held by the citizenry (2.3-b), as well as the recruitment and general training of troops, planning and conduct of military defense operations, organization of civil defense, and the maintenance of public order (2.3-c).

The Commander in Chief orders the army as to what it must do, and if a subordinate commits a violation which he neglects to punish, he either becomes an accomplice, or is guilty of concealment.

If we consider that the Raboteau massacre was not an isolated incident (let us remember Cité Soleil and Borgne), we must conclude that this policy of terror was without a doubt actively desired.

The Assistant to the Commander-in-Chief is also responsible either by commission or omission.

Article 2-4 assigns to him the duties of taking instructions from the Commander-in-chief and insuring their implementation (2.4-b); insuring that all the instructions emanating from the institution conform to the provisions of the General Regulations of the Armed Forces of Haiti, as well as to the policies and plans of the Commander-in-Chief (2.4-c); and of acting for him in his absence. (2.4-d)

Neither the Constitution of the Republic of Haiti, nor any of its military regulations order the perpetration of murder, robbery, torture, rape, and other similar acts. It is clear, therefore, that the massacres that were ordered, or at least acquiesced to, did not "conform to the provisions of the Regulations."

Besides, those holding the ranks of Commander in Chief and Assistant Commander-in-Chief form a unit and must be in agreement and share the same ideas. Otherwise, coexistence would be impossible. Therefore, if one is responsible for something, so is the other.

The responsibility of the person who receives, transmits, and supervises the execution of illegal orders, is hereby clearly established.

The G1 is responsible for all activities concerning morale and discipline... (2.5-b). The behavior of a large part of the members of the FADH, their weak morale, and their generalized lack of discipline, clearly indicate the legal accountability of those in charge of personnel at all levels of the hierarchy.

The G2 is responsible for collecting and monitoring information concerning national defense

the internal security of the State, and the control of arms and munitions held by the citizenry (2.5-C). If we consider the great number of human rights violations, perpetrated in order to obtain information, and, according to the military, "guarantee the Security of the country" in resorting to State terrorism, neither does the responsibility of the G2 leave a shadow of a doubt.

The G3: his legal responsibilities are clearer still, since the recruiting and general training of troops, the organization of the Armed Forces, the planning of military operations, civil defense, and activities relating to the maintenance of public order are attributed to him. The awareness of ethics among many of the military, and the numerous illegal acts carried out in the country, need no commentary.

The G4 is in charge of the "budget, supplies, housing, wages, of health and social benefits, arms, munitions, and equipment of the FADH" (2.5-e). In our opinion, there is no doubt that the person providing the logistical means allowing the perpetration of a crime, also bears responsibility for said crime.

The Auxiliary General, in charge of the communication of orders from the Commanding Officer down to the Executive Units (2-7), could not possibly be ignorant of the illegal nature of certain orders he was communicating; hence, he is also, in our determination, responsible.

MOTIVE AND INTENT

Whereas the official position of the High Command is to present the case as an isolated action committed by a group of individuals who acted outside the rules.

Whereas, on the other hand, examination of the investigation revealed that owing to the circumstances which prevailed in the year 1994, the army put into action a plan, conceived long before. The "justification" put forth for these misdeeds had also been prepared years before. The events of April 18 and 22, 1994 in Raboteau can be interpreted as a massacre authorized by members of the High Command of the Armed Forces of Haiti, who are responsible for the illicit results, either as intellectual originators, or at least as persons guilty by omission.

Whereas it only by placing facts in the general context that one can discover the real motives and intents of the Raboteau Massacre.

Whereas during the year 1994, the aim of the military regime born of the coup d'Etat of September 30, 1991, was to silence all opposition, resulting in a staggering number of extrajudicial executions.

Whereas the numbers gathered by the Interamerican Commission for Human Rights, in cooperation with the international observation missions and Haitian human rights defense organizations, corroborate the account of systematic crime through the country at the time

of the Raboteau events. As in Martissant, in Borgne, in Chantal, in Cité Soleil, in Bassin-Caïman, in Carrefour-Feuilles... All these areas were theaters of bloody episodes aimed at annihilating any popular demand favoring the return of the Constitutional President, Jean Bertrand ARISTIDE to the country.

Whereas the tragedy of Raboteau, in a general context, can be interpreted as a collective criminal enterprise, the result of a conspiracy elaborated within the Armed Forces and the Fraph for the perpetration of numerous crimes throughout the country, such as the bloody deeds detailed in the Raboteau file: murder, attempted murder, destruction of property, physical tortures, abuse of authority, arbitrary arrests, assault and battery...

Whereas according to the evidence in the investigation, the repressive system implemented by the Armed Forces of Haiti can be summarized thus, in its broadest lines:

There has been justice for no one. No suspect in the deeds committed in Raboteau has gone before a judge.

- a) All the inhabitants of the area, particularly those of Bas-Raboteau, were suspect.
- b) All suspects were deprived of their constitutional guarantees.
- c) Investigation, sentencing, and execution were performed by commandos: military or paramilitary troops. These actions were under the sole supervision of the High Command.
- d) The "tasks" of repression were remunerated with the right to loot the suspect's property.
- e) All methods were deemed "legal" to obtain confessions: torture, threats, assaults.... against those accused, their parents, their friends, and even their neighbors.
- f) Oftentimes, "suspects" who were sentenced to death were made to disappear. Even their bodies were made to disappear.
- g) Reprisals were common; for each attacked soldier or member of a paramilitary group, a varying number of suspects were eliminated.

*** The real motive and intent of all this: "To consolidate the coup d'Etat" through the annihilation of any opposition movement.**

From this, it is appropriate to deduce that the massacre of Raboteau was authorized by the High Command as the result of a conspiracy developed within the Armed Forces and the Fraph; the murders and other crimes in Raboteau thus constitute a collective criminal enterprise engaging the responsibility of the military stationed at the

Barracks Toussaint Louverture of the Gonaïves, as the physical perpetrators of the deeds, but also the responsibility of the High General Staff, as their intellectual originators. It is obvious that a higher power of decision presided over the different stages: the movements of commandos and troops on the days preceding the massacre, then the choice of a favorable day to enact collective murder; the installation of crafts, in advance, to complete the encirclement; the order to move into action, and then the attempt to conceal the facts; the press memorandum from the High Command—on April 26, 1994—attempting to change the facts, but making the mistake of asserting that they were committed on the night of April 24 to 25, even though it is public knowledge that these events took place during the night of April 22, constitutes tangible proof of bad faith on the part of the High Command, hence its guilt. The aims pursued by the High Command and its accomplices were to eliminate physically, throughout the country and particularly in Raboteau, all of those who, advocating their country's return to Constitutional order through the return of President **ARISTIDE**, demonstrated their opposition to the military dictatorship issued from the coup d'Etat of September 30, 1991.

CONCLUSION

Whereas, upon interrogation, **Captain Castera Cénafils**, Commanding Officer of the Military District of the Gonaïves and chief of the tactical operations unit at the time of the Raboteau operation, represents himself as an officer obeying orders from his superiors: "the Outpost of Raboteau had been attacked on April 22, 1994, by an armed group led by a certain Métayer, known as 'Cubain,' and his men, in self-defense, retaliated against this attack." In addition, Captain Castera Cénafils relates that the High General Staff had opened an inquiry led by Colonel Valmond. This inquiry lasted one week. The best proof, according to him, of his superiors' favorable assessment is that he remained at his post for an additional six months following the events.

Whereas, through his statement, the former Captain **Castera Cénafils** confirms the chain of command already established by the Commander-in-Chief's press memorandum. However, his statement contradicts this memo on one point: the date, and adds a new element regarding the immediate reason for launching the Raboteau operation. Cénafils speaks of countering an attack made against the Outpost of Raboteau, on April 22. His superior invokes an attack made against the general headquarters of the Military Department of the Gonaïves, which was supposedly counteracted on the night of April 24 to 25, 1994.

Whereas the High General Staff of the FADH has also investigated the events of Raboteau. Several witnesses say, to the best of their knowledge, that they also testified before this investigative commission, which never published its results or imposed any sanctions against perpetrators of these acts, even though the chief of police, who had met with the residents of Raboteau, formally promised them he would shed light on all assaults against property.

Whereas, dominated by the military, the regime had enough internal elements of information to be aware of the acts perpetrated by the military and other agents of repression. Everything leads to the belief that the military hierarchy was sufficiently informed, and that it deliberately chose not to punish human rights violations, particularly those

of April 18 and 22, 1994.

Whereas the structure of the Armed Forces of Haiti exists within a formal institutional framework with general rules, a military justice manual, discipline and training guidelines.

Whereas there is enough evidence allowing to establish the responsibility of the High Command of the Armed Forces of Haiti for the events which took place in Raboteau on April 18 and 22, 1994, particularly as intellectual originators of the "Massacre."

Whereas warrants of arrest, in keeping with the conclusions of the Prosecution, have been issued against the officers of the High General Staff of the FADH, indicted as the intellectual originators of the events of April 18 and 22 in Raboteau, namely: Raoul Cédas, Jean-Claude Duperval, Philippe Biamby, Carl Dorélien, Hebert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'Homme, Jean- Robert Gabriel.

Whereas the officers, members of the High General Staff, could not be arrested, having fled abroad.

Whereas failure to arrest an accused individual does not prevent penal proceedings, it is thus fitting to proceed against the aforementioned defendants.

On the Responsibility of former Lieutenant Colonel Joseph Michel François

Whereas the former Lieutenant Colonel Joseph Michel François is implicated in the criminal deeds which took place in Raboteau on April 18, and 22, 1994.

Whereas the former Lieutenant Colonel Joseph Michel François was head of the Metropolitan Department. The Metropolitan Department was structured in the following manner:

- A position of department chief, occupied by Lieutenant Colonel Joseph Michel François, assisted in his functions by his general Secretary.

This Military Department chief was also the chief of Metropolitan Police. The following were under his authority:

- The Presidential Guard (which functioned as a tactical unit)
- Traffic Control Services
- Crime investigation and prevention (Anti-Gang) Services
- Identifications Services
- Anti-drug trafficking and contraband Services
- Airport and Port Security Services
- Penitentiary Services

- The Fire Department

The Military Districts of Port-au-Prince, Pétion-Ville, Delmas, and Carrefour were within his jurisdiction for the execution of regular police functions.

Whereas at the time of the events, Colonel Joseph Michel François, holding the function of chief of the Metropolitan Police, was publicly known as the instigator of the military coup d'Etat of September 30, 1991 and a close associate of army Commander-in-Chief Lieutenant General Raoul Cédras.

Whereas, as a member of the investigative Commission, along with General Jean Claude Duperval, Colonel Lemoine Florestant, Lieutenant Wilson Casséus, Colonel Valmond... designated by the High General Staff to investigate the events which took place in Raboteau, the Gonaïves, Michel François, reputed as a protector of Captain Castera Cénafils, far from condemning the actions of the military, has done everything to protect them. Indeed, twice did the Colonel go to the shantytown of Raboteau to initiate an "honest dialogue with the population: "I do not wish you to suffer abuses. It hurts me. I am originally from Raboteau, just like you; I grew up here. We are investigating; you will see justice because the guilty will be punished."

Whereas Captain Castera Cénafils, who, according to all the witnesses, personally directed operations on the ground jointly with Captain Reynald Timo, far from being penalized, was rewarded and transferred to Port-au-Prince.

Whereas, also, in the months following the criminal deeds and the visit of the investigation Commission, all the soldiers stationed at the Barracks Toussaint Louverture of the Gonaïves, far from receiving penalties, kept their positions.

Whereas Joseph Michel François was identified, notably by Paul Odonel, General Coordinator of the "Active Resistance Movement of the Gonaïves (MRAG), in a press memorandum of April 28, 1994, as one of those responsible for the criminal deeds of April 18 and 22, 1994 in Raboteau. According to the spokesperson, "the operation of Raboteau had no other aim than to break the resistance of those who demand the return to constitutional order and the departure of the putschist military."

Whereas in addition, Colonel Joseph Michel François was exposed as being the one to endorse the actions of the attachés by distributing arms and munitions to the latter, and by opening a storefront office on the rue du Champ de Mars.

Whereas in the practice of repression there has always been a perfect collaboration between the military of the Anti-Gang services of Port-au-Prince, the 40th Company, under the orders of Lieutenant Joseph Michel François, and those of the Barracks Toussaint Louverture of the Gonaïves. For example, Balaguer Métayer, 17 years old and one of Cubain's younger brothers, was arrested on November 9, 1993 in Martissant 11 by soldiers from the Gonaïves, who had traveled there in

search of Cubain. In his absence, they arrested the younger brother illegally along with 4 of his friends: Bertaud Dorismond, 23 years old, Pierre-Paul Dorismond, 28 years old, Joseph Cius, 23 years old, and Michel Thermitus, all students. The youngsters were taken to the Anti-Gang services, and then transferred to the Gonaïves barracks on November 20, 1993.

Whereas the soldiers affected to the Anti-Gang services of Port-au-Prince under the command of Michel François—Cariétane Nady among them—were identified on the site of Raboteau during the operation.

Whereas during the month of May, 1994, three Anti-Gang services soldiers penetrated inside a hospital in Port-au-Prince looking for Deborah Charles, who was there receiving treatment for three bullet wounds to the left knee. They left without locating her—the hospital refused to divulge her name. A short time later, Sister Anne-Camille came to pick her up and take her to Marchand Dessalines, and hide her with friends. She was to stay there, out of sight, for more than 7 months.

Whereas there is much evidence against Lieutenant Joseph Michel François, implicating him in the criminal acts of Raboteau.

On the Responsibility of Colonel Bellony Groshommes, former Commanding Officer of the Military Department of the Gonaïves.

Whereas, in order to understand and clarify the responsibility of Lieutenant Colonel Belony Groshommes, Commanding Officer of the Military Department of the Artibonite, we must study the structure of the command chain at the Barracks Toussaint Louverture of the Gonaïves.

Whereas at the time of the Raboteau massacre, the structures of command relations and links of dependence within the Armed Forces of Haiti, particularly in the Gonaïves, had acquired a very peculiar character, removed from the regulatory provisions which they carried out in actuality.

Whereas, in theory, the organizational chart of the Military Department of the Artibonite was structured in the following manner:

Heading the Department was a commanding officer who controlled the entire territory under his jurisdiction. In the case which concerns us, the Commanding Officer of the geographical Department of the Artibonite had the following personnel at his disposal, for the accomplishment of his mission:

- a) a second in command, who assisted him, and acted for him in his absence (this position was never filled).
- b) a Department auxiliary, who served as his personal aide.
- c) a Department general staff to include a chief of staff, under whose authority

were placed the following:

- An S1 (chief of personnel)
- An S2 (information officer)
- An S3 (officer in charge of operations)
- An S4 (officer in charge of logistics)

In actuality, this general staff was never set up.

- d) The Department was also to include an agricultural expert officer, an officer-engineer and a medical inspector, neither of which was provided.
- e) A tactical unit under the direct authority of the Commanding Officer, whose mission was to carry out military operations and provide assistance to the police. This unit was composed of three infantry platoons and one artillery platoon (machine guns and mortars).

It was stationed in the same locality as the Barracks Toussaint Louverture of the Gonaïves command post, and its commanding officer had the rank of Captain. At the time of the massacre, Captain Reynald Timo occupied this position.

f) Five Military Districts, namely:

- The Military District of the Gonaïves
- The Military District of Saint-Michel
- The Military District of Anse-Rouge
- The District of Saint-Marc
- The District of Gros-Morne

Deployed throughout the territory of their jurisdiction, they especially fulfilled police missions, each within its own respective area of authority. Their commanding officers were also chiefs of police.

Each Military District was similarly organized, and the numbers of their troops varied according to the geographical area under their control.

The Military District of the Gonaïves is composed of the following:

- a district chief, with the rank of Captain, who fulfilled the functions of chief of police. At the time of the events, this position was held by Captain Castera Cénafils.

Were under his authority:

- Sub-Districts, whose authority extended to police functions and were linked to civilian affairs. There were three of them. Their commanding officer was a subordinate officer. Each one was organized in:
- Outposts, deployed on the territory. Each had about 10 men under

the orders of a non-commissioned officer. In addition to their military and civilian duties, they fulfilled police and security functions within their districts.

- Communal sections, deployed in rural districts. In the Gonaïves, they were assisted by a group of "rural police Agents." They were assisted in their tasks by a group of agents, called Aides. The Communal Section chief was in charge of military and police missions within his section. His troops were usually numerous.

Whereas even when absent on the ground or from the functioning structure, it is inconceivable that Colonel Belony Groshommes, Commanding Officer of the Military Department of the Artibonite had no knowledge of the atrocities committed by his subordinates, given the additional fact that he shared living quarters with his District Commanding Officer, Captain Castera Cénafils, chief of ground operation.

Whereas a tactical unit under the authority of the Commanding Officer was to carry out military operations and provide assistance to the police. This unit was stationed in the same locality as the command post of the Gonaïves Barracks, and its commanding officer, Captain Timo was present in the theater of operations.

Whereas one must take into account the fact that the violations committed in Raboteau are of public knowledge, are numerous, and are spread out in space and time, in presuming that those responsible, and particularly the Department commanding officer, Belony Groshommes, could not have been ignorant of them.

Whereas military leaders have, in first order, the duty to exercise their command, whatever their rank. To this end, subordinate relations and responsibilities are exactly specified within the armed forces, and the attributions of the various ranks within the military hierarchy are determined in precise manner.

Whereas article 5-1 concerning the behavior of officers, in the Regulations of the Armed Forces of Haiti, defines the way a Haitian officer must always behave: "in the exercise of the duties to which he is bound, he must display loyalty, honor, patriotism, discipline, and professional integrity, and be vigilant in controlling his subordinates." He must keep from any immoral or illegal behavior, fight illicit practices among his subordinates, and punish the guilty."

In its turn, the Military Justice Manual defines the offenses soldiers can commit. Article 3-98-Infraction against persons, also mentions, among other things, cruelty, bad treatments inflicted on non-combatants, homicide, murder, robbery, possession of stolen property, swindling, abuse of confidence, and arson.

Whereas Military Departments are military organizations whose members are subject to military laws and Regulations (3.11), their commanding officer is responsible for "the discipline, morale, and training of the men" under his command (3.14); in case of serious offenses, he must recommend, after investigation, that they be tried by a court

martial (3-15-3). In addition, because the level of "Military Region does not exist, there is no doubt that the Military Departments are to carry out its missions, that is to say, lead, coordinate, and supervise activities to insure respect of the instructions concerning national defense, the internal security of the state, and public order (3.3b).

Whereas in summary, the Department Commanding Officer was the highest military authority in the district where his men were stationed. As commanding officer, nothing could take place in his jurisdiction without his being immediately notified, and no service activity could take place without his express order. Therefore, the events in Raboteau could not have taken place had he not given an explicit order to launch them. Had subordinate agents acted of their own initiative and on the margins of regular service, the Commanding officer should immediately have relieved the guilty of their functions, begun summary investigation to assign responsibility and impose sanctions, conforming with his functions, or consult with the Commander in chief concerning potential legal Prosecution.

This means that the responsibility of the commanding officer of the Military Department of the Artibonite, **Lieutenant Colonel Bellony Groshommes**, cannot seriously be contested.

Whereas at the time of the criminal deeds of Raboteau, on April 18 and 22, 1994, Colonel Bellony Groshommes, held the function of Commanding Officer of the Military Department of the Gonaïves.

Whereas the army, as an organized institution, followed certain principles, one of the most binding being the question of "Command" or "Hierarchy."

Whereas, according to this notion of "Command" or "Hierarchy," a District Commanding Officer cannot, and must not, take any important measure without an order from, or the assent of, his Department Commanding Officer.

Whereas, given this, the military operations led by Castera Cénafils against the population of Raboteau, were, at the very least, authorized by his hierarchical superior, Bellony Groshommes, then Commanding Officer of the Military Department of the Gonaïves.

Whereas because non-respect of the principle of "Command" or "Hierarchy" is, from the military point of view, subject to penalty, the fact that Captains Castera Cénafils and Timo, as well as all the other soldiers stationed at the Barracks Toussaint Louverture of the Gonaïves—perpetrators of the criminal acts of Raboteau—remained at their respective posts after the events, and this without any penalty or sanction, signifies that they acted on the orders of their hierarchical superiors, the highest ranking of whom to be present on the scene, was definitely Colonel Bellony Groshommes.

Whereas if an investigation commission was dispatched to the Gonaïves to investigate the events, it is definitely due to the pressure exercised by the American Embassy, as well as the denunciation of the acts by the

national and international communities, notably the International Civil Mission, OEA-UN, who quickly dispatched a team to the site.

Whereas the powers of the Department commanding officer are clearly stipulated in the Armed Forces of Haiti Regulations Manual (Chapter III art. 3-15).

Regarding officers:

- 1- The Department commanding officer may congratulate the officers under his command, or recommend them to the higher authority to be decorated for acts of merit achieved in service.
- 2- In cases where slight indiscretions are imputed to officers, he can give them:
 - a) warning letters
 - b) observation letters
 - c) letters of reprimand or censure, or place them under arrest within the premises of their station, not to exceed ten (10) days
- 3- In cases of serious offenses he can recommend, after investigation, that they be sent before a court martial...

Regarding enlisted men:

- a) The Department commanding officer may congratulate or recommend them to the higher authority for decoration.
- b) He can impose any penalty or sanction within the purview of District commanding officer.
- c) He can order judgment by a Department Court Martial for any enlisted man under his command.

In cases of serious offenses, he can, after investigation, recommend them to the region Commanding Officer for judgment by a general Court Martial.

Whereas the fact that Department Commanding Officer, Bellony Groshommes failed to impose sanctions on the men directly under him, perpetrators of the criminal acts of Raboteau, demonstrates his involvement in said offenses.

Whereas his absence on the field of operations does not exempt him from responsibility as co-perpetrator of the criminal deeds carried out in Raboteau, on April 18 and 22, 1994.

Whereas according to the testimony, the arrested victims were taken directly to the Barracks Toussaint Louverture of the Gonaïves, and the Gonaïves army vehicle, Toyota Hilux, was used in theater of operations... all this constitutes evidence proving the direct participation of the Department Commanding Officer in the criminal acts of Raboteau, for he could not possibly have been unaware of the activities of the soldiers under his command.

Whereas it is well-known that the army in the Gonaïves had a reputation for ferocity, and that several of the soldiers stationed there are known for their dishonest and degrading behavior in relation to the population, particularly of Raboteau.

Whereas it is a general principle of law and military custom that "a commanding officer is responsible if he knows that his troops, or the persons under his orders, have committed, or are in the process of committing crimes, and he abstains from doing what is necessary and reasonable for the law to be respected."

Whereas the events in Raboteau took place in two phases: a first operation launched on April 18, and a second planned action on Friday April 22, 1994. This arrangement reveals the responsibility of the Department Commanding Officer, who "had control over the events" during the course of the operations.

Whereas examination of the case provides sufficient evidence against Lieutenant Colonel Bellony Groshommes as the Commanding Officer of the Military Department of the Artibonite during the events of April 18 and 22, 1994 in Raboteau, indicted as a co-perpetrator of this action.

Whereas the defendant, Wilson Casséus, during his interrogation stated that those immediately responsible for the reprehensible acts in Raboteau were Colonel Bellony Groshommes who issued orders.

Whereas conforming with the charge of indictment issued by the Public Prosecutor, a warrant of arrest was issued against the defendant, Bellony Groshommes.

Whereas this warrant could not be fulfilled seen as the defendant has fled

Whereas the flight of a defendant does not, however, terminate penal proceedings.

Regarding the imputability of the subordinate soldiers involved in the case as physical perpetrators of the deeds.

The subordinate soldiers

Whereas according to the law responsibility can be attributed to subordinate soldiers, who, thanks to their experience and military knowledge, knew they could refuse to

carry out obviously illegal orders, in violation of applicable laws and regulations.

Whereas enlisted personnel (art. 4-38) swear loyalty to the Republic and allegiance to the Constitution and the flag, correspondingly to FADH regulations.

Whereas concerning the Military District of the Gonaïves, all available information reveals that the great majority of the troops were protagonists in the massacre. Many among them were identified by witnesses and victims at the time of the events.

Whereas several victims stated that soldiers coming from other Military Districts participated in the operation, including some from (St-Marc, Gros-Morne, Saint-Michel, Anse-Rouge), and even some from the North.

Whereas, concerning these Military Districts, it is probable that they detached some of their men in support to the operation, but we consider it necessary to grant them the benefit of doubt regarding concrete responsibility.

Whereas in conclusion, no army in the world may demand its members execute illegal orders. Those faced with such a situation always have four possibilities:

- a) to comply and become an active perpetrator
- b) to respond as dictated by laws and military regulations
- c) to feign ignorance, thus becoming an accomplice by omission
- d) lastly, if they do not feel capable of responding like men, they can resort to the passive solution of retiring from service, and in this way, keep from committing a crime by commission, omission, or concealment.

Whereas the evidence in the investigation has revealed that the soldiers stationed at the Barracks Toussaint Louverture of the Gonaïves chose the first, i.e. to "comply and become active perpetrators." Even those who claim to have been outside the barracks during the operation became accomplices by omission.

The abuse of the right to authority

Whereas the Haitian Constitution of March 29, 1987, clearly stipulates in article 263 and following: The Forces of Order are composed of two distinct bodies: the Armed Forces of Haiti, created to guarantee the security and integrity of the Territory of the Republic, and the Police Forces, created to guarantee public order and the protection of the lives and property of citizens.

Whereas at the time of the events of Raboteau, the army functioned both as an army and as a police force.

Whereas in fulfilling the function of police, the military acting as such, are held to the same regulations and obligations as the police, namely, "to protect the life and property of citizens."

Whereas, rather, the armed forces of Haiti led the repression. Testimony revealed a strong participation of the military in the acts of summary executions, tortures, and violence against the population of Raboteau during the incidents of April 18 and 22, 1994.

Whereas such actions, which are considered abuses of the right of authority, are contrary to the Constitution, and specifically to articles 24, 26, 26-1, 26-2, 27, 27-1, 266, 269-1.

Therefore, according to the law and the provisions of the Constitution, it is determined that the soldiers present on the site of Raboteau abusively exercised their authority and will be prosecuted for all the violations by them committed.

Regarding evidence of wrongdoing

Whereas three factors form the basis of any infraction:

- 1- The physical factor
- 2- The legal factor
- 3- The moral factor

Whereas the testimonies of eyewitnesses, gathered by the National Commission on Truth and Justice (CNVJ); the results of the forensic anthropology analyses; the examination of evidence, such as official establishing reports, photographs and medical certificates; the case files created by Father Daniel Roussière of the Justice and Peace Commission of the Gonaïves diocese; the files communicated to us by the Micivih, which traveled to the scene on April 27 and 28, 1994; the statements issued from the investigations of the diocese and the United States Ambassador, who had sent observers to the scene, are almost all in agreement with the results of the investigation conducted by the Judicial Investigations Department.

Whereas the results of the investigation are clear, the acts of murder, homicide, torture, violence, destruction of property... against the civilian population of Raboteau on April 18 and 22, 1994, were committed by the military.

Whereas each of these acts constitutes a violation provided for and punished by the Penal Code.

Thus it is determined, we find no difficulty in establishing the first two factors of violation in the criminal deeds of April 18 and 22, 1994, imputing them to the military operating on the ground at Raboteau.

Regarding the moral factor

Whereas several of the soldiers implicated in this case have contended that the only people who can be held accountable are commanding officers, who have the power to give "orders."

Whereas an obviously illegal order, issued by a hierarchical superior to a subordinate who executes it, does not lessen the latter's criminal accountability.

It is always a matter of principle that in the case of an organized crime, such as took place at Raboteau, one does not try to ascertain whether an individual initiated the criminal consultation, or carried out part of a plan devised by others. His act, being intrinsically illicit, it is enough for the actor to be aware of this illegality, without need of volition or even full knowledge of everything involved.

Whereas we must attribute this criminal intention to each soldier present at Raboteau. As a "soldier" he could not have been unaware of the principles given in the Armed Forces of Haiti Regulations, in the Military Justice Manual, and more importantly, in the Haitian Constitution of 1987 concerning respect of human rights.

Whereas volition, according to a no less essential principle of penal law, is always presupposed.

Whereas it is presupposed that the military present at Raboteau acted knowingly and without coercion. The concept of culpable intention is present among each one of them.

Determine that the military present at Raboteau, under the supervision of the Military Department of the Artibonite Commanding officer, led by Castera Cénafls, Tactical Unit chief, and assisted by attachés and Fraph members, are each responsible, as perpetrators or accomplices in the criminal acts of April 18 and 22, 1994, committed against the civilian population of this neighborhood.

Whereas it is important to examine, in light of the evidence presented by the investigation, the case of each accused soldier implicated in the case.

Regarding the indictment of Captain Castera Cénafls

Whereas Captain Castera Cénafls was arrested in the course of Prosecutions initiated against the perpetrators, accomplices, co-perpetrators of the criminal acts committed on April 18 and 22, 1994 in Raboteau.

Whereas at the time of the events, Captain Castera Cénafls was Commanding Officer of the Military District of the Gonaïves, as well as Commanding Officer of the 10th Company Tactical Unit.

Whereas Captain Castera Cénafls, in his interrogation at the Judicial Investigations Department admitted to having been at Raboteau on April 22, 1994. He was driving a beige color Toyota Hilux sedan.

Whereas Captain Castera Cénafils admits that during the raid on Raboteau that April 22, 1994, he was accompanied by soldiers of the 10th and 21st Companies. This group was known as: **"rapid intervention force"**

Whereas according to Castera, this raid followed an attack against the Outpost of Raboteau by armed civilians, who led a campaign of terror, commonly known as "cesarean operation." Soldiers stationed in Borgne, Campérin, Martissant, and Carrefour lost their lives the during attacks, said the Captain.

Whereas according to Castera, there were no wounded on the side of the military; he admits that the attack of April 22 in Raboteau produced one or two casualties on the civilian side.

Whereas Captain Castera personally admits he inspected the Raboteau Outpost building, where walls showed the impact of bullets.

Whereas Captain Castera, while denying throughout the investigation that there were armed civilians in his accompanying group, peremptorily affirmed his innocence by saying: "Had I been guilty, I would have been sent before a Court Martial."

Whereas an establishing official report, to evaluate the damages caused by the events of April 22, 1994, in Raboteau, was drafted by the Justice of the Peace of the Gonaïves North District, Jean Baptiste Dorismond, in compliance with a request from the Government Commissioner of the Court of First Instance of that jurisdiction, conforming with articles 22, 39, and 41 of the Criminal Procedure Code, beginning on April 23, 1994, in which it was duly established that more than fifty houses were damaged in Raboteau, and more than one hundred people claim to have been the victims of physical tortures at the hands of soldiers and armed civilians.

Whereas in their statements to the Justice of the Peace and before the Judicial Investigations Department, almost all of the victims stated that the operations of 22, 1994, in Raboteau, were led by Captain Castera Cénafils, and followed an earlier attack, launched on April 18, 1994.

Whereas the lady Marie Rousette Nicolas, presently principal Mayor of the Gonaïves, in her quality of eyewitness, stated that she saw the very Captain Castera Cénafils, personally directing the operations of April 18, 1994 in Raboteau.

Whereas the four plaintiffs, who were arrested and tied up by soldiers on the morning of April 22, 1994, in Raboteau, namely: Fritz Désir, Blaise Vaillant, Paul Emile Amisial, Jolis Auguste, all stated that Castera was on the rue du Quai, directing the operations at the time of their arrest.

Whereas, for his part, the plaintiff, Joseph Horel, stated that when soldiers forced him to demolish Ramong Jean-Louis's house, along with Philogène Gedeon, he was able only to identify Captain Castera Cénafils, because the latter sported a clump

of white hair on the front of his head.

Whereas, more straightforward still, the victim Rosiane Profil, hit by several bullets to the left leg as she fled onboard a boat, along with Henri-Claude Elismé, St-Louis Abdel, Ofrance Chery, Deborah Charles, also seriously wounded by bullets to the leg, stated peremptorily, that as she was being transported to the hospital in a wheelbarrow, she saw Judge Dorismond Jean-Baptiste on a Raboteau street corner, conversing with Captains Castera and Timo. She called out to Judge Dorismond for help.

Whereas this statement was confirmed by Judge Dorismond Jean-Baptiste. The judge stated that he was in fact talking with Castera and Timo because soldiers had attacked the house of a person close to him, when Rosiane, wounded, went by on a wheelbarrow. Captain Timo was standing, his back against a wall, and Captain Castera was sitting on a block.

Whereas operated on at first by a surgeon at the hospital La Providence of the Gonaïves, Dr. Pierre Louis, then brought to another doctor in Port-au-Prince, Auguste Sajous, a medical examination of Rosiane Profil confirmed that she sustained permanent injuries resulting from serious wounds caused by four bullets.

Whereas a medical certificate was issued on November 30, 1995, by Dr. Lascasse Bissereth, an orthopedist with the hospital "La Providence" of the Gonaïves, regarding care provided to Rosiane Profil.

Whereas Rosiane Profil, in her statement, denounced the inhuman behavior, toward her, of Captain Castera Cénafils, who, seeing her wounded, had still given the order to transport her to the Outpost.

Whereas accusations against Captain Castera Cénafils are numerous, precise, and consistent. He has been accused by Amisial Paul Emile of illegal arrest, torture, and acts of violence, and by Fritz Désir, Blaise Vaillant, Jolis Auguste, Rony Jean-Noel, who have made the same accusations.

By Valcin Olgate, Sanon François, Jean Dieuseul, Elismé Henri-Claude, Derville Charles, Auguste, Prophète Enol, Jean-Louis Ramong, Jean Dieuseul, etc... for deeds of murder, destruction of property, acts of violence, and robbery, of which they have been the victims.

Whereas the lady Marie Jeanne Jean, in her interrogation at the Judicial Investigations Department, denounced Captain Cénafils as the one responsible for the death of her husband, Michel Pierre, a.k.a. Jamédodo.

Whereas the victim, Marie Roussette Nicolas, Mayor of the city of the Gonaïves, stated that she did see Captain Castera standing at the intersection of the rue Camayolle and the rue Paul Prompt, in uniform, on the morning of April 18, while tires was burning and the military surrounded the district. The Captain limped a little.

Whereas the plaintiff, Gedeon Philogène stated that he clearly identified Captain Castera when he was being mistreated and made to demolish Ramong Jean-Louis's house: "The soldiers were wearing olive green and Castera wore white trousers. It was he who personally pointed the gun to his stomach."

Whereas the plaintiff François Sanon stated during the investigation: "We were each struck 25 times with clubs. Afterwards, a soldier came by and hit everyone of us hard on the head. Once taken to the Toussaint Louverture barracks, I was subjected to a rough interrogation at the hands of Captain Castera. He decided to release me because I was related to Massillon Jeudi, the Estère section chief."

Whereas for his part, the plaintiff Ofrance Chéry, arrested with François Sanon, made similar incriminating statements about Captain Castera: "When I was arrested, I received 25 club blows. I was taken to the barracks, with the others, in a jeep driven by Wilbert Morisseau. After a severe interrogation by Captain Castera, I spent eight days in the Gonaïves jail, without ever being presented before a judge."

Whereas the plaintiff, Olgate Valcin, denounced Captain Castera as the one responsible for his father's murder—an elderly blind man for 27 years, who was severely beaten on April, 18 and who passed away on the morning of the 19th. The plaintiff stated that, at the time of the events, Captain Castera had positioned himself on rue du Quai and was giving orders to the commando chief, Sergeant Luckner.

Whereas the plaintiff, Ramong Jean-Louis, during the investigation, stated: "The soldiers Castera Cénaïls and associates gave the order to destroy my house."

Whereas an official report established the destruction of said house.

Whereas the victim, Deborah Charles, hit by three bullets on her left leg, and treated by Drs. Pierre Louis at the hospital La Providence of the Gonaïves, and Auguste Sajous in Port-au-Prince, accused the soldiers, led by Captain Castera, of causing her permanent injuries.

Whereas interrogated by Mr. Fulgens Barthelemy, esq., Examining Magistrate of Cap-Haitien, on Thursday April 29, 1999—following the rogatory commission given by our Judicial Investigations Department, to said Magistrate on April 9, 1999—Dr. Pierre Louis Hubert Michel, military orthopedic surgeon, acknowledged that he came in contact with the two victims at the hospital La Providence of the Gonaïves. The lady Deborah Charles had a wound to one of the lower limbs. As for Rosiane, her case was more serious. She had a large wound on the posterior, external face of the left leg, at the juncture of the third (middle 1/3 and lower third 1/3; a second wound to the superior internal face of the thigh, near the groin. It was a small orifice, corresponding to the entry point of a projectile. She had a third very small wound to the internal face of her right ankle, corresponding to the entry point of a projectile. X-rays of the left leg showed a fracture to the fibula. I performed the operation on the very day I met her, that is to say, Saturday.

April 23, 1994.”

- Whereas Dr. Pierre-Louis Hubert Michel, army Lieutenant, and orthopedic surgeon by profession, clearly recognized that the two girls had sustained bullet wounds. He was well aware of the facts, being present that April 22 in the Gonaïves, though not having been an eyewitness in Raboteau.

Whereas several complaints were registered against Captain Castera Cénafils before the National Commission on Truth and Justice for acts of violence against the population of Raboteau on April 18 and 22, 1994.

Whereas there is clear and sufficient evidence against Captain Castera Cénafils. In addition, the defendant has admitted to having been present at Raboteau on the morning Friday April 22, 1994, at the head of the 10th and 21st Companies.

On the indictment of Lieutenant Wilson Casséus

Whereas defendant Wilson Casséus, a Lieutenant affected to the Barracks Toussaint Louverture in the Gonaïves 21st Company, was the commanding officer, in charge of training, of the 2nd Platoon.

Whereas officers (art. 4-4), according to regulations, must swear loyalty to the Republic and allegiance to the Constitution and the Flag, in conformity with FADH regulations.

Whereas Lieutenant Wilson Casséus was arrested in the context of Prosecutions aimed against the perpetrators, accomplices, and co-perpetrators of the criminal acts committed on April 18 and 22 at Raboteau.

Whereas defendant Wilson Casséus has denied participation in the events of April 22, 1994 in Raboteau, because, he says, he had been back in Port-au-Prince since Thursday the 21st, and rejoined his post on Sunday April 24, or two days after the events.

Whereas Lieutenant Casséus, in answer to the question, “Did you benefit from an absence or leave authorization,” answered in the negative. He traveled without the permission of his direct hierarchical superior, Captain Timo.

Whereas according to the general regulations of the Armed Forces of Haiti, chapter IV, art. 4-18 and 4-25, the following is clearly stipulated with regard to stays outside of one's command headquarters: “the officer who is not a commanding officer and is not held by the necessities of service, who must for personal reasons stay outside his command headquarters, will inform his commanding officer of his whereabouts for the duration of his stay. In these instances, it is not necessary to obtain a permission.”

Art. 4-25: Permissions for leave in cases of emergency: “In cases of emergency, District Commanding Officers are authorized to grant the officers placed under their command, permissions to leave, not to

exceed a period of forty (48) hours [sic]. They must immediately inform their Department Commanding Officer."

Whereas as a troop commanding officer, defendant Wilson Casséus cannot invoke a temporary absence to avoid responsibility. The tactical situation, the degree of training and instruction, the degree of planning, prior to the events of April 18 and 22 in Raboteau, serve as evidence of knowledge, invalidating any claims of ignorance on the part of a superior.

Whereas concerning the troop commanding officer, the lack of proper subordinate supervision constitutes, on his part, an instance of criminal negligence. In the latter case, it is a matter of personal negligence, comparable to a deficiency, or depraved indifference comparable to assent, regarding acts committed by his subordinates.

Whereas Lieutenant Wilson Casséus, in the course of his interrogation at the Judicial Investigations Department, admitted that soldiers stationed at the Barracks Toussaint Louverture in the Gonaïves were in Condition "D."

Whereas being in condition "D" signifies that the greatest number of troops are available to the commanding officer.

Whereas the defendant, Wilson Casséus, by stating that the army was in condition "D" in the Gonaïves, admitted, in the course of his interrogation, that soldiers from his garrison were present in Raboteau, along with his hierarchical superior, Captain Reynald Timo, chief of the 21st Company.

Whereas it is very hard to explain that Lieutenant Wilson Casséus was away from his command, when he admitted and confirmed that the Gonaïves barracks were in Condition "D."

Whereas such behavior is tantamount to a serious breach of discipline, subject to sanctions including expulsion (chapter V, art., 5-1 of the general regulations of the Armed Forces of Haiti).

Whereas no official letter of censure was ever communicated to Lieutenant Casséus, who was appointed to the investigative commission formed by the High General Staff to investigate the facts.

Whereas it was only on April 25, 1994, in a report, an exchange of correspondence between the commanding officer of the company and his subordinate, labeled 12 and 11 in the file, the following remark is made by the company commanding officer of Captain Timo to Lieutenant Casséus: "Please make known to the office, and by registered mail, the motives for which you were not at your post on April 21, 22, 23, 1994."

Whereas the explanation provided in response by Lieutenant Casséus to his superior, concerning his absence, is in sharp contradiction with the version he gave to the Judicial Investigations Department: "The undersigned informs the commanding officer of the 21st company, etc. (response labeled 11 in the file)

Whereas defendant Wilson Casséus, while maintaining the excuse of his absence from Raboteau on April 18 and 22, 1994, admitted that forceful military operations were carried out against the inhabitants of Raboteau on said dates; that he had been told that Colonel Groshommes had ordered, at that time, the execution by shooting of two Raboteau residents, who were present in Anatin Voltaire's office after their arrests; that the barracks were in Condition "D," that the ten companies (tactical and police) were mobilized and participated actively in the operations; that at the time of his visit to the site for investigation purposes, he noticed no evidence of attack against the Outpost of Raboteau; that those immediately responsible for these reprehensible acts are Colonel Groshommes, who gave the orders, and Captains Cénafils and Timo, who carried them out via their subordinates.

Whereas the plaintiff, Marie Denise Fleury categorically accused Lieutenant Wilson Casséus during her interrogation at the Judicial Investigations Department; she reiterated her accusation at the time of the reconstitution of the events in Raboteau: "Wilson Casséus, Lieutenant in the Armed Forces of Haiti is responsible for acts of violence against my person. He was accompanied by eight soldiers and by Lieutenant Menard."

Whereas the defendant, Wilson Casséus, was recognized, on April 22, 1994, as having carried out physical tortures on the persons of Abel Saint-Louis, Sanon François, Marie Denise Fleury, and finally as having destroyed the house of Walter Fils-Aime, along with everything it contained.

Whereas the plaintiff, Louis-Ernest Jean-Jacques stated, during the investigation and at the time of the reconstitution of the events on the site of Raboteau: "There were four of them in the house. The soldiers made them lie down on the ground. Corporal Walmy set his foot down on his head. Three other Lieutenants watched the operation standing up. They were, Lieutenants Menard, Dessources and Casséus.

Whereas the house of Louis Ernest Jean-Jacques is located some twenty meters from Marie Denise Fleury's house, which demonstrates a certain consistency in the two victims' statements, who both identified Menard and Casséus as being present in the theater of operations.

Whereas, in answer to the question, "Can you say the names of a few men in your platoon? Lieutenant Casséus answered that, at the moment, he could only think of the Serge, known as such.

Whereas the commanding officer of a platoon cannot possibly fail to know the names of all the soldiers under his command.

Whereas complaints have been filed against the defendant, Wilson Casséus, with the National Commission on Truth and Justice for acts of violence on the population of Raboteau on April 22, 1994.

Whereas there is enough evidence against Lieutenant Wilson Casséus to indicate his participation in the events of April 22, 1994.

Regarding the indictment of Captain Reynald Timo, Lieutenants Menard Michel-Ange, Dessources Ledix, Anatin O. Voltaire

Whereas warrants of arrest have been issued against Captain Reynald Timo, Lieutenants Menard Michel-Ange, Dessources Ledix, Anatin O. Voltaire, in the context of the charges filed against the perpetrators, co-perpetrators, and accomplices of the criminal acts committed on April 18 and 22, 1994 in Raboteau.

Whereas the defendant, Wilson Casséus, during his interrogation at the Judicial Investigations Department, stated that those immediately responsible for the reprehensible acts committed in Raboteau are Colonel Bellony Groshommes, who issued orders, and Captains Castera Cénafils and Reynald Timo, who carried them out via their subordinates.

Whereas Captain Castera Cénafils, heard at the Judicial Investigations Department, confirmed that the two companies—the 10th company, and the 21st company, led by Captain Timo—were at Raboteau on April 22, 1994.

Whereas the victim, Rosiane Profil, hit by several bullets to the left leg, has openly stated that, as she was being transported to the hospital on a wheelbarrow, she saw Judge Dorismond Jean-Baptiste, on the corner of a Raboteau street, in conference with Captains Castera and Timo.

Whereas this statement was confirmed by Judge Dorismond Jean-Baptiste, who, for his part, confirmed the presence of Captain Reynald Timo in Raboteau. The latter directed operations jointly with Captain Castera.

Whereas the victims, Amisial Paul Emile, Jolis Auguste, Derville Charles Auguste, Desir Fritz, Fils-Aime Walter, Vaillant Blaise, have filed complaints against Captain Reynald Timo, Commanding Officer of 21st Company at the Barracks Toussaint Louverture of the Gonaïves.

Whereas, in addition, several complaints have been filed against Lieutenant Menard Michel-Ange, by Amisial Paul Emile, Derville Charles Auguste, Desir Fritz, Elisme Henri-Claude, Marie Denise Fleury, Gedeon Philogène, Jean-Jacques Louis Ernst, Jeanty Claudine, Joseph Horel, Longchamp Mirlène, Longchamp Ilioda, Rony Jean Noel, Walter Fils-Aime, Majeune Emmanuel, St-Louis Abdel, Thalérand Therese, Vaillant Blaise...

Whereas Amisial Paul Emile, Therese Thalérand and Altagrace Noël has denounced Lieutenant Michel-Ange Menard in connection with the murder of Jean Claude, known as Ti Claude.

Whereas Therese Thalérand has denounced Lieutenant Michel-Ange Menard in connection with the murder of Frederic Lexeus, a.k.a. Diekivle.

Whereas the plaintiff, Marie Denise Fleury has denounced Lieutenant Michel-Ange Menard

among the soldiers who besieged her house on the morning of Friday April 22, 1994. The soldiers destroyed all the furniture inside, broke down the front door and mistreated the occupants, having taken away money and jewelry.

Whereas the establishing report drafted on the day following the events, by the Justice of the Peace, Jean-Baptiste Dorismond, confirmed the deeds of destruction.

Whereas the same accusation was made against Lieutenant Michel-Ange Menard by Louis Ernst Jean-Jacques, who lives less than twenty meters away from Marie Denise Fleury. According to Louis Ernst Jean Jacques, as he was being made to lie down on the floor together with the three other occupants, Lieutenant Michel-Ange Menard was giving orders with of Lieutenants Dessources and Casséus.

Whereas Marie Roussette Nicolas has explained, in the course of the judicial investigation, that Michel-Ange Menard, who was watching her at the intersection of rue Camayolle and Paul Prompt, had fired a volley of gunshots at her.

Whereas the defendant, Wilson Casséus, while maintaining the excuse of his absence from Raboteau, has revealed that he knew about the events of April 22 thanks to the information provided to him by Menard and Dessources, who share a house with him. Menard himself said that the operation took place on the shore.

Whereas in response to the question by the Examining Magistrate: "Did Menard participate in the massacre of Raboteau, the defendant, Wilson Casséus, also a Lieutenant of rank, categorically answered, yes.

Whereas the plaintiff, Emmanuel Majeune was forced, by Michel-Ange Menard, to drink the nauseous water of the neighboring canals; that four teeth of the plaintiff, Abdel St Louis, were brutally pulled out by said defendant.

Whereas the plaintiff, Guerrier Delva, in the course of the judicial investigation, categorically identified former Lieutenant Michel-Ange Menard, as he was being made to lie down and drink the stinking waters of the neighboring canals.

Whereas Henri-Claude Elisme, in statements during the judicial investigation, categorically identified Michel-Ange Menard heading the Raboteau commando: "At the Warf Outpost, Lieutenant Michel-Ange Menard, who arrived from Lower-Raboteau with a commando and was chanting: "They took the subversives from Raboteau," ordered a beating session and hit each one of us violently on the head."

Whereas the same accusation was made against the defendant by Ofrance Chery, François Sanon, who were arrested together with Henri-Claude Elismé. The three of them were the ones who spoke about being hit 25 times with clubs, and about the arbitrary acts committed against them by Ménard's soldiers.

Whereas among the three Lieutenants identified by Louis Ernst Jean-Jacques, at the time of the abuse against the people in his house, he mentioned Dessources, who stood on the gallery next to Menard and Casséus.

Whereas the 21st Company had four platoons; the 1st was commanded by sub-Lieutenant Asmate; the 2nd by Wilson Casséus; the 3rd by Menard Michel-Ange; and the 4th by Ledix Dessources.

Whereas defendant Wilson Casséus stated, during the judicial investigation, that Lieutenants Menard and Dessources were the ones who told him about the events of Raboteau.

Whereas defendant Ledix Dessources has been identified as having personally carried out physical tortures on the persons, and to the detriment, of Henri-Claude Elismé and other occupants of the "Michelet Boat."

Whereas during the judicial investigation, defendant Wilson Casséus, stated he saw two men in Anatin Voltaire's office, and that Menard told him that Colonel Groshommes had given the order to execute them by shooting.

Whereas everything leads us to believe that, for his part, as Commanding Officer of the Military Sub-District of the Gonaïves, Lieutenant Anatin O. Voltaire was a participant in the operation, given his function, and the fact that the army in the barracks was in Condition "D."

Whereas defendant Anatin O. Voltaire has been identified as having taken part in the beating and illegal arrest of Neville Jean-Baptiste.

Whereas, because several complaints were filed against the defendants, Reynald Timo, Menard Mickel-Ange, Dessources Ledix, and Anatin O. Voltaire for acts of violence against the population of Raboteau, on April 18 and 22, 1994.

It is determined, in consequence, according to the law, that there is sufficient evidence against, and that there are grounds to prosecute Reynald Timo, Menard Michel-Ange, Dessources Ledix, and Anatin O. Voltaire, respectively Captain and Lieutenants.

Regarding the indictments of Lieutenants Jean Marilien, Lubérisse Gesner or Gesner Phénélon, Estimé Estimable.

Whereas defendant Marilien Jean has been identified as having personally participated in the attempted murder, perpetrated at sea, on the persons of Henry-Claude Elismé, Chery Ofrance, St-Louis Abdel, François Sanon, Michelet Jean-Baptiste, Rosiane Profil, and Deborah Charles, as well as in the physical tortures inflicted upon the persons of Henry-Claude Elismé, Chery Ofrance, St-Louis Abdel, François Sanon, Michelet Jean-Baptiste and Joseph Charles-Eddy, as the latter climbed aboard the "Michelet boat."

Whereas the victim, Henry-Claude Elismé has clearly stated: "Marilien kicked me with his boots and pulled out my teeth."

Whereas for his defense, defendant Marilien Jean, Adjutant affected to the 10th Company, stated that he heard about the Raboteau events from the radio. At the Gonaïves, he directed a simple group unit of police, with the mission of preventing thieves from operating. His field of action went only from K-Soleil to Detour Laborde.

Whereas defendant Marilien Jean acknowledges that he had Cherenfant Sauveur, affected to the 10th Company, as his subordinate in this task.

Whereas Captain Castera Cénafils acknowledges that the two Companies—the 10th, commanded by him, and the 21st, commanded by Captain Timo—had participated in the operations.

Whereas Lieutenant Wilson Casséus informed us that the soldiers stationed in the Gonaïves were in Condition "D," which assumes the entire military force was mobilized.

Whereas the detainee, Oléus Frage, a civilian "attaché," and a former commanding officer of the Militia in Descossière, while denying his presence in the Gonaïves during the operations of April 18 and 22, 1994 in Raboteau, stated that, as an "attaché," he helped Lieutenant Marilien, who had given him the task of inspector, in the supervision of the market.

Whereas the two above-mentioned individuals, under the direct orders of Lieutenant Marilien Jean, namely, Army Sergeant Cherenfant M. Sauveur, and Oléus Frage, "attaché," were identified in Raboteau during the events of April 18 and 22, 1994.

Whereas Lieutenant Marilien Jean was named in the statements of detainee, Célonny Georges. The latter stated that he did see the defendant, Marilien, threatening people on the site of Raboteau.

Whereas several of the victims in the "Michelet" boat have identified the defendant, Jean Marilien. From this, it is determined that the charges are sufficient, and that there are grounds to prosecute Marilien Jean, Army Lieutenant.

Regarding Gesner Phénelon

Whereas, for his part, Lieutenant Gesner Phénelon was arrested under the same charges as made against the perpetrators, co-perpetrators, and accomplices of the events of April 18 and 22 1994 in Raboteau.

Whereas in the course of his interrogation at the Judicial Investigations Department, the detained, Gesner Phénelon, denied having been present in Raboteau on April 22, 1994. It was in Saint-Marc that he heard the news.

Whereas the defendant stated that, having been assigned to the 21st Company, he was in charge of the cafeteria in the

Barracks Toussaint Louverture of the Gonaïves.

Whereas defendant Gesner Phenelon's statement, that he was absent from the Gonaïves barracks since April 20, even though defendant Wilson Casséus informed us, in the course of his interrogation before the Examining Magistrate, that the army was in Condition "D," is ill-founded.

Whereas if one believes the story about being in charge of the cafeteria, it is of utmost importance that the cafeteria be operative, at a time when all the soldiers are mobilized in the barracks.

Whereas Lieutenant Gesner Phénelon had neither vacation, nor leave permission from his Commanding Officer.

Whereas Captain Castera Cénafils has clearly stated that the two Companies, the 10th and 21st, had taken part in the operation.

Whereas Captain Reynald Timo, as Commanding Officer of the 21st Company to which Lieutenant Gesner Phenelon belonged, directed the operations in Raboteau.

Whereas defendant Gesner Phenelon was identified by the victim, Charles Eddy Joseph as belonging to the group of soldiers who fired on him on April 18, 1994 in Raboteau, chasing him, Bitter, and Amiot Métayer, all the way to Carenise.

Whereas the official establishing report, in fact, did show that the victim, Robin Joseph, was indeed hit by a bullet to the neck; he still bears the scars to prove it.

Whereas having been transported to the Deschapelles hospital for treatment, the victim was forced to leave the hospital, as Lieutenant Phenelon was there watching for him.

Whereas Lieutenant Gesner Phenelon, former first sergeant, is known as a zealous soldier, always at the forefront in a theater of operations. It is determined that there is sufficient evidence, and that there are grounds to prosecute Lieutenant Gesner Phenelon, assigned to the 21st Company of the Barracks Toussaint Louverture of the Gonaïves.

Regarding the indictment of Lieutenant Estimé Estimable

Whereas a warrant of arrest has been issued against Lieutenant Estimé Estimable, in the context of context of Prosecutions regarding the Raboteau massacre.

Whereas, because he is in flight, the defendant, Estimé Estimable, has not been yet arrested.

Whereas failure to arrest a defendant does not prevent, in any event, penal proceedings against said defendant.

Whereas the inhabitants of Raboteau, particularly Mary Roussette Nicolas, mayor of the city of the Gonaïves, and a victim of the events, stated that she did notice the presence of Estimé

Estimable during the operations. The latter is, in fact, a regular of the Raboteau district. His mechanic even lived there.

Whereas several complaints were filed against Lieutenant Estimé Estimable, before the National Commission on Truth and Justice, for acts of violence against the population of Raboteau, on April 18 and 22, 1994.

Whereas the victim, Mary Roussette Nicolas, described Estimé as a young black man of medium height, found most often out of uniform. It is determined that there is sufficient evidence against the defendant Estimable Estimé.

Regarding the indictments of Sergeants Cherenfant Sauveur, Amazan Jean Libert, Gervais Manius, a.k.a. "Digital."

Whereas Sergeants Cherenfant M. Sauveur, Amazan Jean Libert, Gervais Manius have been arrested in connection with the charges made against the perpetrators, co-perpetrators, and accomplices of the events of April 18 and 22, 1994 in Raboteau.

Whereas Sergeant Cherenfant, in the course of his interrogation, denied his participation in the events of April 22, 1994, in Raboteau. As the one in charge of the service of police and circulation, he dealt only with vehicles.

Whereas Sergeant Cherenfant M. Sauveur acknowledges that on that day of April 22, 1994, he was at home, in the Gonaïves.

Whereas according to defendant Wilson Casséus, the army in the Gonaïves was in Condition "D;" the military force was mobilized.

Whereas the version of the facts presented by defendant Cherenfant M. Sauveur goes against logic, given that his hierarchical superior, Lieutenant Marilien Jean, was identified as present on the theater of operations.

Whereas Captain Castera Cénafils stated, in the course of the judicial investigation, that the two Companies—the 10th and the 21st—had participated in the operations of April 22, 1994 in Raboteau, to come to the aid of the military stationed at the Outpost, under attack from armed civilians.

Whereas, for his part, plaintiff Walter Fils-Aime has identified defendant Cherenfant Sauveur as having personally participated in the tortures, acts of vandalism, and arbitrary arrest, of which he was the victim during the events of April 22, 1994 in Raboteau,

Whereas defendant Cherenfant M. Sauveur was also accused in connection with the physical tortures inflicted on Vaillant Blaise. He was also identified by Fritz Désir.

From there, it is determined that the evidence is sufficient against Sergeant Cherenfant Sauveur, belonging to the 10th Company; there are grounds to prosecute against him.

Regarding Amazan Jean Libert

Whereas Sergeant Amazan Jean Libert, accused, has denied his participation in the events of April 22, 1994 in Raboteau.

Whereas in the course of the judicial investigation, the defendant, Amazan Jean Libert, gave the following explanation: "On April 22, 1994, I was in the Gonaïves, held up for other reasons at the Toussaint Louverture barracks. It was only during the morning of that day, that I learned there had been shots in Raboteau."

Whereas this statement is devoid of sense, since Captain Castera has himself admitted that the two Companies, the 10th and the 21st, were in Raboteau.

Whereas, more convincing, is a statement by Justice of the Peace of the North District of the Gonaïves, Jean-Baptiste Dorismond, who said that, having been asked to draft an establishing report at around 11 o'clock in the evening on Thursday April 21, 1994, he visited the Gonaïves barracks and did not notice the presence of a single soldier available to accompany him. There were only a few attachés on duty inside.

Whereas Sergeant Amazan Jean Libert, belonging to the 21st Company, led by Captain Reynald Timo, was, in the third platoon, under the command of Jean Jacques Elie, who was replaced upon his death, by Lieutenant Menard.

Whereas the defendant's two hierarchical superiors, namely Captain Reynald Timo and Lieutenant Menard were spotted on the theater of operations.

Whereas a majority of victims reported the presence "of Amazan" on the theater of operations on April 22, 1994.

Whereas defendant Amazan Jean Libert was reported in the statements of detainee Georges Célonny, who stated: "Among the soldiers who made me put out the burning tires in Raboteau, I recognize Dorvil, Amazan, Saddam, Marilien."

Whereas, in particular, defendant Amazan Jean Libert was recognized by plaintiffs Roubens Desravines, Ilioda Longchamp, Mirlène Longchamp, Charles St-Phar, Amisial Paul Emile, Fritz Désir, Blaise Vaillant, Jolis Auguste, and Claudine Jeanty, as having personally participated in the physical tortures and acts of vandalism perpetrated to their detriment.

Whereas the defendant, Amazan Jean Libert, was reported by Charles Saint-Phar as having taken part in the murder of Claude Jean, known as Ti Claude.

Whereas, posted in the Gonaïves since 1990, Sergeant Amazan Jean Libert has been a soldier

known in Raboteau, and, according to the people in the district, he was in the habit of declaring the curfew in Raboteau.

It is determined that there is sufficient evidence against defendant Amazan Jean Libert, Sergeant belonging to the 21st Company of the Barracks Toussaint Louverture of the Gonaïves.

Regarding Manius Gervais

Whereas in the course of the judicial investigation, the defendant, Manius Gervais, stated: "Since April 18, 1994, I had been in Port-au-Prince, where I had gone to see my dermatologist. I was coming back to the Gonaïves on Saturday, April 23; I had exema on my feet."

Whereas the defendant, Manius Gervais, has neither justified his absence with a regular, nor a medical leave letter.

Whereas Lieutenant Wilson Casséus has stated to the Judicial Investigations Department that the soldiers stationed in the Gonaïves were in Condition "D," which assumes a military force in a maximum state of mobilization.

Whereas the investigation has indeed revealed that there were no soldiers present in the barracks the night of the events. The entire garrison was mobilized, which supports the idea of a well-planned operation.

It is determined that there is sufficient evidence against the defendant, Manius Gervais, a soldier with the rank of Sergeant, stationed at the Gonaïves barracks.

Regarding the indictment of Cariétane Nady, Mondélus Norélus, a.k.a. Eliancy, a.k.a. Saddam Hussein, Jude Saint-Val, Dorvil Sulien, all soldiers with the rank of corporal in the army.

Whereas defendants Cariétane Nady, Mondélus Norélus, a.k.a. Eliancy, Jacques Ebel, Jude Saint-Val, Dorvil Sulien have been arrested in connection with penal charges directed against the perpetrators, accomplices, co-perpetrators of the criminal acts committed on April 18 and 22, 1994 in Raboteau-Gonaïves.

Whereas, once arrested and taken before the Judicial Investigations Department, the defendant Cariétane Nady stated that, on November 3, 1993, he was transferred to Pinson, in Lower Artibonite. In December 1993, he was transferred to the Anti-Gang Services in Port-au-Prince. Since his transfer, he traveled to the Gonaïves only once, to see a friend by the name of Jean Claude Sajous, who lived on Avenue des Dattes. It is through the radio that he heard there was an attack in Raboteau. He checked this information with Youri Latortue.

Whereas the witness, Youri Latortue, heard in the course of the judicial investigation, stated that, indeed, Cariétane Nady, at the time of the events of Raboteau was with the Anti-Gang Services in

Port-au-Prince.

Whereas, as concerns transfers, they are but a technique to protect military personnel who have committed abuses, as well as a Commanding Officer strategy to better control local communities.

Whereas, in spite of everything, the defendant, Cariétane Nady, a soldier well-known in the Gonaïves, was reported by several victims, namely: Marie Jeanne Jean, Joseph Charles Eddy, Charles Auguste Derville, Neville Jean-Baptiste, as having personally participated in the acts of violence perpetrated against them.

Whereas Joseph Charles Eddy stated that he saw Madsen St-Val and Cariétane Nady taking ammunition from the hands of Castera on April 22, 1994.

Whereas even before the National Commission on Truth and Justice, several complaints were filed against defendant Cariétane Nady, reported in the deeds of April 18 and 22, 1994 in Raboteau.

Whereas in the course of the investigation, several witnesses have confirmed that several of the soldiers deployed in Raboteau on that April 22, were not stationed in the Gonaïves, but were purposely dispatched to lend assistance in the operation. These soldiers, some of whom came from the north of the country, were identified through their manner of speaking.

Whereas the operation in Raboteau was planned; in such a case, moving soldiers from one district to the next, was but a strategy to carry out a successful operation.

It is determined that there is sufficient evidence against defendant Cariétane Nady, indicating his participation in the events of April 22, 1994 in Raboteau. There are grounds to prosecute him.

Regarding Mondélus Norélus

Whereas the defendant, Mondélus Norélus, a.k.a. Saddam Hussein, a.k.a. Eliancy, heard relative to his guilt in the events of April 18 and 22, 1994 in Raboteau, stated that, at the time of the Raboteau massacre, he was not in the Gonaïves. Since August 1993, he had been transferred to the Cayes. It is only in prison, and through the media, that he learned of the events.

Whereas, while the investigation confirmed that the defendant, Norélus Mondélus, a.k.a. Eliancy, a.k.a. Saddam, had indeed been placed in prison, his arrest, in September 1994 by the American military, came well after the events of April 18 and 22, 1994 in Raboteau.

Whereas the plaintiffs, Amisial Paul Emile, Auguste Jolis, Fritz Désir, Desravines Roubens, Gedeon Philogène, Jean Baptiste Nerville, Longchamp Ilioda, Longchamp Mirlène, Rony Jean Noël, Joseph Charles Eddy, and Blaise Vaillant, have identified Mondélus Norélus among the soldiers who carried out physical tortures on their persons and participated in their illegal arrests, on April 22, 1994, day of the Raboteau tragedy.

Whereas in the course of their statements before the Judicial Investigations Department, and during the reconstitution of the facts on the site of Raboteau, plaintiffs Fritz Desir, François Sanion, Michelet Jean-Baptiste, all eyewitnesses of the murder of Claude Jean, identified defendant Mondélus Norélus, a.k.a. Eliancy, as having personally participated in the murder of Ti Claude. Fritz Desir reported that, as he prepared to fire, Eliancy stated: "Amazan, I killed that shit."

Whereas the three witnesses described the murder precisely: "As he ran, Jean-Claude was hit by one bullet in the back, and then by another bullet; he fell on the beach."

Whereas the victim, Mrs. Neville Jean-Baptiste, née Paulette Thomas, stated the following to the Judicial Investigations Department: "On Friday April 22, soldiers entered my house forcibly looking for Cubain. They beat me up. That same day, Mondélus Norélus, a.k.a. Saddam Hussein, a.k.a. Eliancy, hit Violine violently on the head with the butt of his rifle, and immediately blood began gushing profusely. I was pregnant and had a miscarriage."

Whereas in his statement to the Judicial Investigations Department, Amiot Métayer, known as Cubain, stated that he had been aware that events were going to take place, because Eliancy had warned him over the phone.

Whereas the defendant, Norélus Mondélus, a.k.a. Saddam, was reported in the statements of detainee Georges Célon, who stated before the Judicial Investigations Department, stated: "Among the soldiers who forced me to put out the burning tires, I recognize Saddam, Dorvil, Amazan, Marilien."

Whereas, originally from the Gonaïves, the defendant, Mondélus Norélus, a.k.a. Eliancy, is a soldier well-known in the district of Raboteau.

Whereas several complaints were filed against defendant Mondélus Norélus, a.k.a. Eliancy, a.k.a. Saddam Hussein, before the National Commission for Truth and Justice, in connection with the acts of violence against the population of Raboteau, on April 18 and 22, 1994.

It is determined, according to the law, that there is sufficient evidence, and that there are grounds to prosecute the defendant, Mondélus Norélus, a.k.a. Eliancy, a soldier with the 10th Company, under the orders of Captain Castera Cénafils.

Regarding Jacques Ebel

Whereas, arrested in connection with the Prosecution of the perpetrators and accomplices of the events of April 18 and 22, 1994, the defendant, Jacques Ebel, a Corporal in the army, was brought before the Judicial Investigations Department.

Whereas in the course of his interrogation, the defendant presented his defense in the following way: "My job is to inspect vehicles. I knew nothing of what was happening in Raboteau. On April 22, I was in the Gonaïves, on circulation detail. I belonged to the 10th Company. I was under the orders of Cherenfant, who himself reported to Marilien. Originally from the Gonaïves, I have never had problems with the people in the district. I fail to understand why complaints have been filed against me, and why my house was destroyed and burned down."

Whereas the defendant, Jacques Ebel, serviceman, native of the Gonaïves, was denounced by several victims, who accused him of participating in the events of April 18 and 22, 1994 in Raboteau. Charles Eddy Joseph specifically accuses him of shooting at him on April 18, 1994.

Whereas, as a soldier assigned to the 10th Company commanded by Captain Castera Cénafils, the latter stated that both Companies—the 10th and 21st—participated in the raid on Raboteau. [sic]

Whereas Corporal Jacques Ebel's two direct hierarchical superiors, namely Lieutenant Jean Marilien and Sergeant Cherenfant M. Sauveur, were spotted in the theater of operations on April 22 in Raboteau.

Whereas complaints were filed, against the defendant, before the National Commission for Truth and Justice, for his participation in the events on April 22, 1994, in Raboteau.

It is determined, according to the law, that there is sufficient evidence against defendant Jacques Ebel, a Corporal assigned to the 10th Company at the Barracks Toussaint Louverture of the Gonaïves.

Regarding Dorvil Sulien

Whereas, arrested in connection with the legal proceedings against the perpetrators and accomplices of the events of April 18 and 22, 1994, the defendant, Dorvil Sulien, a Corporal in the army, was brought before the Judicial Investigations Department.

Whereas in the course of his interrogation, the defendant, presented his defense in the following way: Since July 21, 1993, I have been in charge of the Gonaïves prison. I was never present during army operations. I knew nothing of what was taking place in Raboteau on April 22. In fact, since April 20, 1994, I was in Port-au-Prince, and I came back on April 27. I worked for the 10th Company. Upon learning the news on my return the 27th, I went to see if my son had not been a victim in the events.

I knew nothing of what was taking place in Raboteau on April 18. I found out there were casualties in Raboteau through some people. There were three of us in charge of the prison, Emmanuel Jean, Joseph Lindor, and myself.

Whereas the defendant, Dorvil Sulien, serviceman, native of the Gonaïves, was denounced by several victims, who accused him of participating in the events of April 18 and 22, 1994, in Raboteau.

Whereas, as a soldier assigned to the 10th Company commanded by Captain Castera Cénafils, the latter stated that both Companies—the 10th and 21st—participated in the raid on Raboteau. [sic]

Whereas Corporal Dorvil Sulien, has neither justified his absence with a regular permission letter, nor a medical leave letter. Furthermore, he was never received any sanctions.

Whereas Dorvil Sulien was reported by one of the detainees, Célonny Georges, who stated the following: "Among the soldiers who forced me to put out the burning tires, I recognize Dorvil, Marilien, Angrant and Saddam. In prison, Dorvil asked me to support him before the Judicial Investigations Department; he would reward me."

It is determined, according to the law, that there is sufficient evidence against defendant Dorvil Sulien, Corporal with the 10th Company in the Barracks Toussaint Louverture of the Gonaïves.

Regarding the indictments of Jude Saint-Val, Léant Oreste Agnos.

Whereas the defendant Jude Saint-Val, a Sergeant assigned to the 10th Company, was arrested in connection with the penal proceedings initiated against the perpetrators of the events of April 18 and 22 in Raboteau.

Whereas in the course of his statement, the defendant stated that he had not participated in the events in Raboteau. As a Sergeant belonging to the 10th Company, he was Sub-Lieutenant Anatin Voltaire's secretary. He served as a clerk.

Whereas the defendant, Jude St. Val did not justify his absence with a letter of leave.

Whereas Lieutenant Wilson Casséus stated, to the Judicial Investigations Department, that the personnel assigned to the Gonaïves was in Condition "D," which assumes a military force in a maximum state of mobilization.

Whereas, while the investigation did reveal that no soldiers were present in the barracks on the night of the events, the entire garrison was mobilized, which supports the idea of a planned operation.

It is determined that there is sufficient evidence against defendant Jude St. Val, a serviceman with the rank of Sergeant, stationed at the Gonaïves barracks.

to send him before the judgment jurisdiction.

Regarding Leant Orestre Agnos

Whereas private Leant Oreste Agnos, stationed at the Barracks Toussaint Louverture of the Gonaïves, was denounced in connection with the events of April 22, 1994, in Raboteau.

Whereas in the course of his statement to the Judicial Investigations Department, the defendant, Leant Oreste Agnos, denied his participation. "A Corporal in the army," says he. Since 1986, I had been assigned to the Gonaïves. A friend by the name of "Dado," an administrator at the Gonaïves hospital, and owner of the Express Dry, called me over as I drove by on a motorcycle, and informed me of the events which took place in Raboteau.

Whereas the defendant, Leant Oreste Agnos, stated that from 1986 until June 1995, he was assigned to the Gonaïves, at the Toussaint Louverture barracks. After 1995, he was transferred to Petit-Goâve. On April 22, 1994, he belonged to the 10th Company, assigned to circulation.

Whereas the defendant, Leant Oreste Agnos, assigned to the 10th Company, headed by Captain Castera Cénafils, had Jean Sainclair, Lieutenant Marilien, Lieutenant Casséus, and Corporal Dorvil Sulien as hierarchical superiors.

Whereas all of the defendants, members of the Company to which Leant Oreste Agnos belonged, have been identified as present on the site of Raboteau.

Whereas Corporal Leant Oreste Agnos, during his interrogation, stated peremptorily: "A simple Corporal can do nothing of his own initiative. He operates according to the orders of his hierarchical superior."

Whereas this statement serves as evidence for establishing the presence of Corporal Leant Oreste Agnos in Raboteau on April 22, 1994. Moreover the army, in the Gonaïves, was in a state of condition "d," or maximum alert, which signifies that the entire garrison must be at the disposal of the Commanding Officer.

Whereas Corporal Leant Oreste Agnos has neither justified his absence with a regular, nor a medical leave letter. In addition, he received no sanctions.

Whereas the investigation revealed that no soldiers were present in the barracks on the night of the events; the entire garrison was mobilized, which supports the idea of a planned operation.

Whereas Charles St Phar has identified Leant Oreste Agnos as having fired, at man height, on a crowd of people in Raboteau on April 18, 1994, and Georges Alfred identified him as having beaten and arrested him.

It is determined that there is sufficient evidence against the defendant, Leant Oreste Agnos, a serviceman with the rank of Corporal, stationed at the Barracks Toussaint Louverture of the Gonaïves.

Regarding the indictments of Romeus Walmy, Madsen St-Val, Fleurival Tony, Walner Phanor, Noe Carlo, a.k.a. Ti Blanc, Oriol Pierre Piloge, all servicemen, currently on the run

Whereas Romeus Walmyr, Madsen St-Val, Fleurival Tony, Walner Phanor, Noé Carlo, a.k.a. Ti Blanc, Oriol Pierre Piloge, all in flight, are all indicted in connection with the events which took place on April 18 and 22, 1994 in Raboteau.

Whereas the defendant, Corporal Romeus Walmy, was identified by Marie Jeanne Jean, Herold Prophète, Joseph Charles Eddy, Amisial Paul Emile, Desir Fritz, Eligène Elismé, and Jean Jacques Louis Ernst as having personally participated in the criminal acts of Raboteau on April 18 and 22, 1994.

Whereas Marie-Grace Jean Louis stated, at the time of the assault on Valcius Valcin, that Walmy was with Louisnock, Oléus, Lélixima, and Jean Tatoune, and had it not been for a direct intervention by Corporal Walmy, Jean Tatoune would have killed the old man, then and there.

Whereas Henri-Claude Elismé and Abdel Saint Louis identified Walmy as having taken part in the bloody armed attack against the "Michelet boat," and Joseph Charles Eddy identified him as having taken part in the attack against his person on April 18, 1994.

Whereas this statement, in favor of the defendant, nevertheless reveals his presence on the site of the massacre on April 18, 1994.

Whereas, for his part, Madsen Saint-Val, was identified by Fritz Desir, Jolis Auguste, Ilioda Longchamp, Amisial Paul Emile, Joseph Charles Eddy, and B'aise Vaillant, as having personally inflicted physical tortures on their persons, and as having taken part in the illegal arrests of Fritz Desir, Amisial Paul Emile, Blaise Vaillant, Jolis Auguste, and Rony Jean Noël.

Whereas the victim, Saint-Phar Charles, has accused Tony Fleurival of having perpetrated violent acts on his person: "I was severely beaten by Thony before the 22nd."

Whereas the defendant, Walner Phanor, was identified in Marie Jeanne Jean's complaint, as one of her attackers, and by Henri-Claude Elismé and Abdel St Louis, as having taken part in the armed attack against the "Michelet boat."

Whereas the victim, Georges Alfred stated, during the judicial investigation, that he was beaten with the butt of a rifle, and that he was arrested by the former Corporal Pierre Piloge Oriol, on April 18, 1994.

Whereas, careful examination of the investigation has revealed the existence of evidence of guilt against the defendants.

It is determined, according to the law, that there is sufficient evidence against the defendants, Romeus Walmyr, Madsen St-Val, Fleurival Thony, Walner Phanor, Noe Carlo, a.k.a. Ti Blanc, Oriol Pierre Piloge, all of whom are in flight.

Regarding the imputability of Armed Civilians, called "Attachés" or "Fraph," involved as accomplices in the events of April 18 and 22, 1994, in Raboteau.

Whereas it has been clearly established that numerous civilians, members of the Fraph or attachés, participated in the events of Raboteau.

Whereas, in this capacity, theirs was an active participation, which, depending on the cases, makes them either the physical perpetrators of the various violations under Prosecution, or the accomplices of the military for lending assistance to the latter, and thus aiding in the perpetration of criminal acts.

Whereas, in addition, as will be demonstrated further, a number of these civilians participated actively in the preparation of the attack on Raboteau, which makes them the members of a conspiracy.

Whereas as in the Gonaïves, on April 21, 1994, evening before the Raboteau massacre, the investigation revealed that all the attachés were on call, and were the ones who assisted the military when that serious accident on Route Nationale #1 occurred, at around 11 o'clock at night, causing casualties and serious injuries.

Whereas on the site of Raboteau, on April 18 and 22, at the time of the "Massacre," relations between military and attachés were openly conducted. As direct auxiliaries, the latter were mobilized and used on the ground to carry out repressive actions, and most often to bury the dead.

Whereas in the course of the investigation, Avrilus Jean reported how, on April 23, 1994, he was left for dead by a well known attaché on the Place Bas-Raboteau early in the morning. He and his wife were on their way to buy salt, when they came upon Jean Tatoune and a group of "Fraph" in the process of burying dead bodies. Furious, Jean Tatoune attacked him, and tried to shoot him while the others were beating his wife. His life was saved because he played dead. When the attackers left, he and his wife were able to escape.

Whereas several other victims denounced the acts of violence committed on their persons by armed civilians, known as "attachés" or "Fraph," acting as the military's auxiliaries.

Whereas it is necessary to study, in view of the texts, and in light of principle and the evidence of the investigation, the case of each Attaché/Fraph defendant involved in this case.

Regarding the involvement of Fraph leaders

Whereas the elements of evidence gathered in the judicial investigation reveal a definite collaboration between Fraph and army, both in the course of the Raboteau operations, and especially in cases of extortion and torture, where the "Frapp" in its capacity of auxiliary was used for carrying out the "dirty work"

Whereas the Frapp, the attachés, and the military freely extorted, robbed, killed, intimidated, and persecuted the inhabitants of Raboteau during the operations of April 18 and 22. All were united in their tenacious will to defeat popular resistance in that neighborhood, through violence and force of arms.

Whereas, in a letter dated October 1, 1993, Messrs. Emmanuel Constant, Secretary, and Louis Jodel Chamblain, General Coordinator of the Front for the Advancement and Progress of Haiti (Frapp), 118 rue Pavée, wrote to the Minister of the Interior, René Prosper, soliciting the enfranchisement of the Frapp, created on August 18, 1993.

Whereas on November 5, 1993, the Minister of the Interior drafted a response stating to Mr. Chamblain that the "Frapp" had been recognized, and that the organization was assigned #DG:041 in the appropriate registry, in the Ministry of the Interior.

Whereas the Frapp, emerging from the military regime of Cedras, was characterized as a particularly violent paramilitary organization.

Whereas the Frapp (Front for the Advancement and the Progress of Haiti), which became the Armed Revolutionary Front for the Progress of Haiti, considering itself a political party, had an operational office in the Gonaïves starting at the beginning of November 1993.

Whereas Frapp members had all received numbered cards, signed by Secretary General Constant.

Whereas several of the defendants in the Raboteau case have acknowledged owning "attaché" cards, which helped to protect them against political problems.

Whereas examination of the testimonies and documents available in the file, clearly show that in Raboteau, soldiers, attachés, and Frapp members, operated within a framework and a plan requiring the participation of superior army and police officers and Frapp leaders.

Whereas, in this case, these persons bear criminal or individual responsibility, equal to that of those who actually perpetrated these acts, and their behavior warrants Prosecution.

Whereas the same degree of individual responsibility incumbent upon superior officers of the army and police, is applicable to the leaders of the paramilitary group, known as "Frapp," among whose members, several have been denounced as army auxiliaries in the acts of executions, violence, arbitrary arrests, destruction of property... on the site of

Raboteau.

Whereas, in pinpointing the issue of the Haitian Armed Forces superior officers' involvement, it is fitting to recognize the responsibility of the Central Committee of the paramilitary group known as Fraph, in the Raboteau case, and particularly of its Executive Secretary, Emmanuel Constant and his adjunct, Louis Jodel Chamblain, in relation to the members of the party, identified during the events of April 18 and 22, 1994.

From there, it is determined, that there is sufficient evidence against Emmanuel Constant and Louis Jodel Chamblain, respectively General Secretary and Coordinator of the Fraph. There are grounds, consequently, to prosecute against them.

Regarding the indictments of Jean Pierre, known as Jean Tatoune, Oléus Fragé, Joseph Pierre, a.k.a. D'jo Lucy, Ludovic Adolphe, a.k.a. Manzoune

Whereas Jean Pierre, known as Jean Tatoune, Oléus Fragé, Joseph Pierre, a.k.a. D'jo-Lucy, are Ludovic Adolphe, a.k.a. Manzoune, have been indicted in connection with the penal proceedings initiated against the perpetrators, co-perpetrators, and accomplices of the events of April 18 and 22, 1994, in Raboteau.

Whereas in his statement to the Judicial Investigations Department, the defendant, Jean Pierre, known as Jean Tatoune, denied his participation both in the events of Monday April 18, 1994, in Raboteau, and of Friday April 22, 1994, commonly known as the "Raboteau massacre."

Whereas in his lengthy statement, the defendant, Jean Tatoune, stated that he was not in the Gonaïves on April 22, 1994. He had gone to deliver food to the city's neighboring areas and outskirts, such as Bois Marchand. It was on his return that he learned that there had been shots at Raboteau.

Whereas the defendant, Jean Pierre, known as Jean Tatoune, acknowledged that he was in fact the friend of Captain Castera; they became friends during the period of the coup d'Etat. No member of the Fraph, it is through the radio that he learned the military were accompanied by armed civilians in Raboteau.

Whereas the defendant, Jean Pierre, known as Jean Tatoune, was identified by Olgate Valcin, Marie Grace Jean-Louis, and Marie Denise Fleury, as having personally participated in the fatal tortures inflicted on April 18, 1994, to Valcius Valcin. In her statement before the Judicial Investigations Department, and at the time of the reconstitution of events on the site of Raboteau, Marie Denise Fleury, witness to the events, reiterated her statement: "On April 18, 1994, Valcius Valcin was sitting in the courtyard. Four soldiers appeared with four armed civilians, among whom Louisnock and Jean Tatoune..."

Whereas the plaintiff, Marie Roussette Nicolas, currently first Mayor of the Gonaïves, and a victim of the events, stated that she saw Jean Tatoune on the morning of April 18, 1994

driving a guy on the back his motorcycle, and setting fire to some tires in the district. She even criticized "Jean" for his conduct, since he, as a leader in Raboteau, had led the fight against Jean-Claude Duvalier in 1986, and she even used to hide "Tatoune" in her house in those days.

Whereas, in addition, the defendant, Jean Pierre, known as Jean Tatoune, was also identified by Abdel Saint Louis and Neville Jean-Baptiste in the attempted murder, perpetrated at sea on April 22, 1994, on the persons of Rosiane Profil and Deborah Charles.

Whereas the same Jean Pierre, known as Jean Tatoune, was recognized while attempting against the life of Joseph Charles Eddy during the bloody day of April 22, 1994.

Whereas Jean Pierre, known as Jean Tatoune, was also identified by Fritz Desir, Joseph Horel, and Ilioda Longchamp, in connection with the physical tortures carried out on their persons, and on that of Blaise Vaillant, Mirlène Longchamp, Guerda Longchamp, Paul Emile Amisial, Jolis Auguste, and Rony Jean Noël in the course of said events of April 1994.

Whereas Henri-Claude Elismé and Michelet Jean-Baptiste identified Jean Pierre, known as Jean Tatoune, as having taken part in the armed and bloody attack against the "Michelet Boat," and in the beatings of several of the boat's occupants.

Whereas plaintiff Neville Jean Baptiste identified Jean Pierre as having taken part in his beating and illegal arrest.

Whereas in addition, Jean Tatoune was identified, on the one hand, by Eliziane Cadet in connection with the murder of Frederic Lexeus, a.k.a. Diekivle, and on the other, by Chariteuse Cadet in connection with the murder of her brother, Charité Cadet, and of Luckner Antoine, a.k.a. Kapten'n dlo, occurring in the course of April 22, 1994.

Whereas for his part, Mrs. Avrilus Jean, on Saturday April 23, day following the massacre, claimed that she and her husband witnessed Jean Pierre, known as Jean Tatoune, in the company of a group of civilian "attachés," burying the bodies at the shore, and specifically at the saltworks of Raboteau.

Whereas having spotted the witness, Jean Tatoune moved in her direction, bit her hard on the right arm, and then beat up her husband.

Whereas the lady, Avrilus Jean, showed the marks and scars she bears on her right arm, a fact duly noted in the official report of reconstitution.

Whereas at the time of the reconstitution of the events on the site of Raboteau, Jean Avrilus and his wife, identified the portrait of Jean Tatoune in an album containing about ten photos.

Whereas D'jo Lucy, a close friend of Jean Tatoune, indicted in the investigation, claimed that, having been arrested, he was released thanks to an intervention by Jean Tatoune.

Whereas the victims, the witnesses who were heard on this matter, and even some of the defendants, including Manzoune who is a close friend of Tatoune, acknowledge that the latter always lead armed civilians, circulating freely with his weapon, and with complete impunity proceeded to arrest people.

Whereas there is more than sufficient evidence against defendant Jean Pierre, known as Jean Tatoune. It is determined that there are grounds to prosecute against him.

Regarding Oléus Fragé

Whereas upon his arrest and conveyance to the Judicial Investigations Department of the Gonaïves, the defendant, Oléus Fragé, denied participation in the criminal acts of April 18 and 22, 1994, in Raboteau.

Whereas in his lengthy statement, the defendant, Oléus Fragé, stated that he was not in the Gonaïves on April 22, 1994. It was in Descossière, from the mouths of the people returning from market, that he heard the news of Raboteau. He spent more than a month in that location. Long before April 22, 1994, he left the Gonaïves to "take part in the burial of his mother, who passed away on the afternoon of April 9, 1994..."

Whereas in response to the question, "do you have any proof to corroborate your claims?" The defendant answered in the negative, saying he could provide no supporting witnesses, and that no death certificate was issued in the event.

Whereas the defendant, Oléus Fragé, was recognized by Marie Grace Jean-Louis as having personally taken part, on the one hand, in the fatal tortures inflicted on April 18, 1994, on Valcius Valcin, and in the destruction of his house, and on the other hand, in the physical tortures carried out on April 22, 1994 on the persons of Joseph Horel, Gedeon Philogène, and Eligène Elismé, and finally, in the destruction of the articles and objects garnishing the latter's house. Gedeon, in his statement to the Judicial Investigations Department, says: "Oléus hit me with a club."

Whereas Olgate Valcin, son of Valcius Valcin, identified Oléus Fragé among the civilian attachés who severely beat his father, an elderly man, blind for 27 years, who was assaulted on April 18, 1994, and passed away the next day, April 19, 1994.

Whereas as a former Militia Commander, and market inspector, attached to the service of Lieutenant Jean Marilien and Sergeant Cherenfant M. Sauveur, the defendant, Oléus Fragé, is recognized for his zeal in the neighborhood of Raboteau, since he elected to locate his headquarters in the very Outpost of Raboteau.

Whereas even before the National Commission on Truth and Justice, several abuse complaints, including for the deeds of April 18 and 22, 1994, in Raboteau were filed against the defendant, Oléus Fragé.

It is determined that there is sufficient evidence against the defendant, Oléus Fragé, a civilian attaché in the service of

the Gonaïves military, and that there are grounds to prosecute against him.

Regarding Joseph Pierre a.k.a. D'jo Lucy

Whereas the defendant, Joseph Pierre, a.k.a. D'jo Lucy, was arrested in connection with penal proceedings against the perpetrators, co-perpetrators and accomplices of the criminal events which took place at Raboteau on April 18 and 22, 1994 in Raboteau. [sic]

Whereas during his interrogation at the Judicial Investigations Department, the defendant, Joseph Pierre, a.k.a. D'jo Lucy, completely denied the accusations against him. According to his defense, it was because of a grudge that he had been implicated in the Raboteau affair, and just because he is a good friend of Jean Tatoune.

Whereas the defendant, Joseph Pierre, a.k.a. D'jo Lucy, was identified by Blaise Vaillant and Désir Fritz as a perpetrator of acts of violence against them.

Whereas the defendant, Joseph Pierre, a.k.a. D'jo Lucy, a very well known figure in Raboteau, is known as being a close collaborator with the military and a (representative or temporary employee) of Jean Pierre, known as Jean Tatoune.

Whereas the defendant, Joseph Pierre, a.k.a. D'jo Lucy, has been identified by Paul Emile Amisial and Jolis Auguste among a group composed of Cherenfant M. Sauveur, Madsen St-Val, and Castera Cénafils as having committed acts of violence on them.

Whereas during the inquest Joseph Pierre, known as D'jo Lucy, was denounced by public outcry.

It is determined that there is sufficient evidence against the defendant, Joseph Pierre, a.k.a. D'jo Lucy, and that there are grounds for Prosecution against him.

Regarding Ludovic Adolph a.k.a. Manzoune

Whereas the defendant, Ludovic Adolphe a.k.a. Manzoune was arrested in connection with the penal proceedings against the perpetrators, co-perpetrators and accomplices in the events of April 18 and 22, 1994.

Whereas during the course of his interrogation at the Judicial Investigations Department, the defendant, Ludovic Adolphe, a.k.a. Manzoune, denied any participation in the criminal acts of Raboteau. He simply acknowledged having seen the bodies of Dyekivle and Jamédodo floating on the sea on exactly April 25 and 26, 1994. Dyekivle had a hole in his stomach, or more precisely, near his belt. He recognized Jamédodo because he bore a scar on his face.

Whereas the defendant, Ludovic Adolphe Manzoune stated, during the judicial investigation that his only fault was having taken part in the burial of Jamédodo. When he saw the body coming,

he was the one who provided the rope to drag it onto the beach.

Whereas the defendant, Adolphe Ludovic, was identified by Gedeon Philogène, Joseph Charles Eddy, Longchamp Ilioda, Pierre Antoine Ligondé, and St-Louis Abdel, as having personally taken part in physical tortures carried out on their persons, and by Pierre Antoine Ligondé as having taken part in the ransacking of his house.

Whereas the defendant, Ludovic Adolphe, a close associate of Jean Tatoune, was known in the neighborhood of Raboteau for his Fraph affiliation, and as attaché, in the service of the military stationed at the Outpost of Raboteau.

Whereas the defendant, Ludovic Adolphe, has made the following statement twice before the Judicial Investigations Department: "Yes, I did state that the military had used more than 14 boats."

Whereas the defendant, Ludovic Adolphe, known as Manzoune, along with a few armed civilians, commonly known as "attachés," was seen by Mr. Joseph Charles Eddy, in the process of burying the body of Claude Jean, known as Ti Claude, at the shore.

It is determined, according to the law, that there is sufficient evidence against the defendant, Ludovic Adolphe, a.k.a. Manzoune, and that there are grounds to prosecute him.

Regarding the indictments of Louisnock Jeanty, Adéclat Lionel (Ti Pic), Rogès Dajuste, Lélixima Thélusma, Fucien Michel (Ti Roro).

Whereas the defendants, Louisnock Jeanty, Adéclat Lionel, (Ti Pic), Rogès Dajuste, Lélixima Thélusma, Fucien Michel (Ti Roro), have been arrested in connection with the penal proceedings initiated against the perpetrators, accomplices, and co-perpetrators of the events of April 18 and 22, 1994 in Raboteau.

Regarding Louisnock Jeanty

Whereas Louisnock Jeanty has been indicted in connection with the deeds committed on April 18 and 22, 1994, in Raboteau.

Whereas in his statement to the Judicial Investigations Department, the defendant stated that on April 22, 1994, he was in fact in the Gonaïves, but that he did not take part in the deeds of which he has been accused.

Whereas the plaintiffs, Olgate Valcin, Marie Grace Jean-Louis, and Marie Denise Fleury, identified Louisnock Jeanty as having personally taken part in fatal tortures on Valcius Valcin on April 18, 1994, as well as in other acts of violence on April 18 and 22, 1994.

It is determined, from this, that there is sufficient evidence against Louisnock Jeanty. There are grounds to prosecute against him.

Regarding Adéclat Lionel, a.k.a. Ti Pic

Whereas in his statement to the Judicial Investigations Department, the defendant, Adéclat Lionel (Ti Pic), denied participation in the events of April 18 and 22, 1994, in Raboteau. The defendant claimed that on April 22, 1994, he was at home in the Gonaïves, at the rue Pétiou. Devoid of links to the military or to the group called "Fraph," he was fast asleep when on April 22, he heard shots in Raboteau.

Whereas, on the other hand, Jolis Auguste, Paul Emile Amisial, Blaise Vaillant, Desir Fritz, all have categorically identified the defendant, Lionel Adéclat, as having personally carried out physical tortures on their persons.

It is determined there is sufficient evidence against Adéclat Lionel; there are grounds to prosecute against him.

Regarding Rogès Dajuste

Whereas the defendant, Rogès Dajuste, was arrested in connection with the penal proceedings initiated against the perpetrators and accomplices of the criminal acts of April 18 and 22, 1994 in Raboteau.

Whereas in the course of the Judicial Investigation, the defendant, Rogès Dajuste, denied his participation in said deeds. He stated that at the time of the incident of April 22, 1994, he was in Desdunes, farming. He had been gone from the Gonaïves since April 12, 1994, and had only come back on April 30. It was in Ti Desdunes that he heard about events which took place in Raboteau. He heard the news from his wife, who lived in Raboteau and sold pork.

Whereas the defendant, Rogès Dajuste related his arrest to a personal problem with a certain Dieu bon.

Whereas, in any event, the information gathered in the file, presented no charges against defendant Rogès Dajuste.

Whereas there is doubt concerning the involvement of Rogès Dajuste in the deeds of the massacre which took place in Raboteau on April 18 and 22.

Whereas doubt argues in favor of the defendant.

Regarding Lélixima Thélusma

Whereas Lélixima Thélusma, under arrest, has been prosecuted for the same criminal deeds of April 18 and 22, 1994 in Raboteau.

Whereas during the judicial investigation, Lélixima Thélusma denied all the deeds of which he is accused.

According to his statement, he had been ill since April 8, 1994, and in treatment in Gros-Morne. It is only when he came back, on May 24, 1994, that he heard people discuss the events which took place in Raboteau on April 22, 1994.

Whereas the defendant, L  xima Th  lusma, acknowledges having had an attach   card, but, he claims to have had this card made well after the massacre, in July 1994. Certainly, he visited the Outpost of Raboteau, having a few drinks with the soldiers sometimes, and this may be the reason the people of Raboteau accused him of having taken part in the events of Friday April 22, 1994.

Whereas the defendant, L  xima Th  lusma was identified by Marie Grace Jean-Louis and Chery Nasson, as having personally taken part, along with the armed civilians known as attach  s, in the fatal torturing of Valcius Valcin, and in the destruction of the house of that blind elderly man of sixty-seven years.

Whereas Marie Grace Jean-Louis, eyewitness of the acts of violence perpetrated on Valcius Valcin, stated during the judicial investigation: "I am well acquainted with the perpetrators of the acts of the violence which killed Valcius Valcin; they are Th  lusma, Ol  us, Louisnock, Jean Tatoune. They all live on the rue Libert  ."

Whereas, besides, L  xima was also identified by Fritz Desir and Elig  ne Elism   as having personally carried out physical tortures on their persons, and on the parents of Fritz Desir, and as having taken part in the illegal arrests of Fritz Desir, Paul Emile Amisial, Blaise Vaillant, Jolis Auguste, and Rony Jean No  l.

Whereas the investigation conducted in Raboteau revealed that L  xima Th  lusma had a reputation for being a "zealous attach  ," a strong arm in the service of the military of the Raboteau Outpost, used to repress the population.

Whereas even before the National Commission on Truth and Justice, several complaints of atrocities, including as regards the deeds of April 18 and 22, 1994, were filed against the defendant, L  xima Th  lusma.

It is determined that there is sufficient evidence, and that there are grounds to prosecute against the defendant, L  xima Th  lusma, attach   to the Outpost of Raboteau.

Regarding Fucien Michel, known as Ti Roro

Whereas the defendant, Fucien Michel, known as Ti Roro, was arrested in connection with the legal proceedings against the perpetrators, co-perpetrators, and accomplices of the events of April 18 and 22, 1994 in Raboteau.

Whereas during the judicial investigation, the defendant, Fucien Michel, known as Ti Roro, denied his participation in the criminal deeds of April 18 and 22, 1994 in Raboteau. The defendant stated that on April 19, he had gone to see his sick child at Lacroix P  risse. On his return, he was in such a hurry that

had an accident. Being neither attaché nor FRAPH, like everyone else he heard shots in Raboteau on April 22, and in spite of his handicap, led by a child on a bicycle he went to see. In the middle of the rue Petition and rue Clerveau he saw men dressed in olive green passing by.

Whereas information collected in the file did not permit us to bring any charges against the defendant, Fucien Michel, known as Roro.

Whereas there is doubt in the case of Fucien Michel indicted for the events of April 18 and 22, 1994.

Whereas doubt argues in favor of the defendant.

Regarding the indictment of Orlando Tima (Frédry) - Charles Théomat (Yafou) - Georges Céloni and Israël Dieubon.

Whereas Orlando Tima (Frédry)- Charles Théomat (Yafou)- Georges Céloni and Israël Dieubon have been indicted for criminal acts committed in Raboteau on April 18 and 22, 1994.

Whereas the defendant, Orlando Tima, known as Frédéric, during his interrogation at the Judicial Investigations Department, denied responsibility for any actions in the events of Raboteau, (and said "On Friday, April 22, I was in the Gonaïves, Avenue des Dattes, Mecklenbourg Lane. I heard the news at 11:00 a.m. from a passerby who said there were shots in Raboteau. I went down to see because I have relatives who live in that area. When I arrived, I saw that everything was dark. Between the rue Fabre Geffard and the rue Jean-Jacques Dessalines I ran into a military patrol truck coming from Raboteau on the way to the Toussaint Louverture barracks. It was a white Toyota pick-up truck full of men dressed in olive green. That's where I heard there had been shots and casualties...")

Whereas the defendant, Orlando Tima, known as Frédéric, a sports coach is known in the Gonaïves as being a close collaborator of the military stationed at the Toussaint Louverture barracks.

Whereas the defendant, Orlando Tima, has been denounced by public outcry as having taken part in the events of April 18 and 22, 1994 principally in the role of lookout.

Whereas the newspaper "Libeté" appearing on the weekends of May 18 and 24, 1994 reported the statement of a witness regarding the matter of Orlando Tima, a.k.a. Fredi. After that massacre the man said "this is the first time I've seen a gun like this. I only saw them in the movies before. People were trying to run away but they were getting shot."

It is determined, from this, that there is sufficient evidence against the defendant, Orlando Tima, known as Frédéric; there are grounds for Prosecution against him.

Regarding Charles Théomat known as Yofou

Whereas the defendant, Charles Théomat, known as Yofou, prosecuted for criminal acts which took place on April 18 and 22, 1994 at Raboteau has denied his participation in the deeds with which he is accused.

Whereas the defendant, Charles Théomat, known as Yofou, during his interrogation at the Judicial Investigations Department, presented his defense thus: "I was busy all the time with my job as a fisherman. That April 22, 1994 I wasn't in Gonaïves. On the way back from Charouel, and as I was passing Bathole, I heard rumors about what had happened. There were six of us on the boat. There was Alfred, whose name I know, and others, whose names I don't know.

Whereas the defendant, Théomat Charles, known as Yofou was identified by Abdel St-Louis as the driver of the boat filled of soldiers, which, at sea, fired on the passengers of Michelet's boat, including on Rosiane and Déborah who almost died from the shots they received, and who illegally arrested the occupants of Michelet's boat.

Whereas the victim Abdel St-Louis was categorical when he stated: "I quickly left the place and got into a boat I saw coming from the other side. Thinking it was people trying to get away, I went over to them. That's when I saw Yofou, a member of FRPH who was leading a group of soldiers. They were firing in my direction. I called for help. They stooped me, hit me, and forced me to pilot their boat..."

Whereas Ofrance Chéry, Michelet Jean Baptiste, Henri-Claude Elismé, and Simbadou, who climbed aboard Michelet's boat together with Déborah Charles and Rosiane Profil, confirmed that the soldiers' boat was piloted by Abdel Saint-Louis, and that is why they approached confidently.

Whereas the defendant, Théomat Charles, known as Yofou, was identified by Fritz Désir, Joseph Horel, and Henri Claude Elismé as having personally carried out physical tortures on them.

Whereas the defendant, Théomat Charles, known as Yofou, is a well known "attaché" of the FRAPH group in the Raboteau area.

It is determined that there is sufficient evidence against Théomat Charles, known as Yofou; there are grounds to prosecute against him.

Regarding Célonv Georges

Whereas the defendant, Célonv Georges, was arrested in connection with the legal proceedings against the perpetrators and accomplices of the events of April 18 and 22, 1994.

Whereas in his statement to the Judicial Investigations Department, the defendant, Célonv Georges, completely denied the charges against him. In his defense he stated: On April 21, 1994, as he was dropping off a woman named Jeanne near Raboteau, he ran into some soldiers who forced him to put out some burning tires. He talked back to them, and they beat him with

clubs. Among these soldiers, he was able to identify Dorvil, Marilien, Arnazan and Saddam. In prison Dorvil asked him to back him up at the Judicial Investigations Department and he would reward him.

Whereas no direct complaint has been brought against the defendant, Célony Georges.

Whereas the doubt in this case is to the advantage of the defendant.

Regarding Israël Dieubon

Whereas the defendant, Israël Dieubon, was arrested in the legal proceedings against the perpetrators and accomplices of the events of April 18 and 22, 1994.

Whereas in his statement at the Judicial Investigations Department, Israël Dieubon presented his defense thus: "On Friday, April 22, 1994 I was not in Gonaïves but in Desdunes farming with my father. I don't understand how I was implicated in the Raboteau massacre. I am just a taxi driver who was working during the holidays in the Gonaïves.

Whereas no direct complaint has been brought against the defendant, Israël Dieubon.

Whereas there is doubt in this case, and doubt argues in favor of the defendant.

Regarding the Indictment of Pierre Joseph, Renet Romain, Dieulifaite Joseph, Alexis Lhérisson a.k.a. Crochu.

Whereas Pierre Joseph, Renet Romain, Dieulifaite Joseph, Alexis Lhérisson a.k.a. Crochu were indicted for the criminal acts committed at Raboteau on April 18 and 22, 1994.

Whereas these four defendants have denied their participation in the Raboteau massacre.

The first, Pierre Joseph, stated that on those days he was in St-Marc. He was a security agent for Roland Dupiton, representative for Artibonite. Since the representative was ill, he spent three months out of the city. He heard of the events on the radio.

The defendant, Renet Romain for his part stated that during the days of the events at Raboteau, he was not in Gonaïves, but in Port-au-Prince at his brother's, taking medication. He is a Voodoo Priest and lived on the rue Lozama, then at 173 of the rue Egalité. He has lived in Raboteau for 16 years. In his statement to the Judicial Investigations Department, the defendant, Dieulifaite Joseph, acknowledge that he has an attaché membership card, but says he did not take part in the events at Raboteau.

As for Alexis Lhérisson, known as Crochu, he stated that he is a market inspector. He has denied participation in the events at Raboteau. Like everyone else, he heard shots fired and news that people had been shot in the Raboteau area.

As a former Militiaman, he spent eight years in the service of Zachary Delva.

Whereas no direct complaint has been brought against the other four defendants, Pierre Joseph, Renet Romain, Diéulifaite Joseph, and Alexis Lhérisson, a.k.a. Crochu.

Whereas the fact of having an attaché membership card or of being a former militiaman are not evidence of guilt.

Whereas the doubt in this case is to the advantage of the four above-mentioned defendants.

Regarding the indictments of Armand Sajous known as Ti Amand, Wilbert Morisseau, Ti Tonton known as such, Koukou, known as such, and Chéry, known as such, all civilians on the run

Whereas Armand Sajous, Wilbert Morisseau, Oriol Pierre Piloge, Ti Blanc, known as such, Ti Tonton, known as such, Koukou known as such, and Chéry known as such, all of whom are in flight, have been indicted for the events which took place on April 18 and 22, 1994 at Raboteau.

Whereas the defendant, Armand Sajous, known as Ti Armand, has been identified by Jean Jacques Louis Ernst, and Jeanty Claudine, who accused Armand Sajous of twisting her arm.

Whereas there have been different complaints brought against the defendant, Wilbert Morisseau. Hérold Prophète, Joseph Charles Eddy, Ofrance Chéry, Henri-Claude Elismé, and Fritz Désir have all identified the defendant, Wilbert Morisseau, as having personally participated, with the military and civilian attachés, in the physical torture against their persons and members of their family.

Whereas it has been established that the defendant, CHERY, known as such, personally committed assault and battery on Emmanuel Majeune and Roslet Guérite.

Whereas examination of the investigation revealed evidence of guilt against the defendants.

It is determined in accordance with the law, that there is sufficient evidence against the defendants, Armand Sajous, known as Ti Armand, Wilbert Morisseau, Ti Tonton, known as such, Koukou, known as such, Chery, known as such; all of whom are in flight.

Regarding the Competent Court with or without Jury Trial

Whereas an examination has been performed of the defendants, who will be brought before the Criminal Court for trial.

Whereas it is necessary to determine if the competent criminal court in this matter will be with or without jury assistance.

Whereas the Haitian Court of Appeals recognizes, in cases of relatedness, as provided for in article 110 of the Criminal Procedures Code, that if one of the violations is deemed criminal, the Examining Magistrate, ruling on the entire matter with one decision, will refer the matter to the Criminal Court, which will operate without a jury.

Whereas in actuality the Raboteau case essentially comprises two main deeds, each one of which includes several acts: the operation of April 18, 1994, which, among other things, led to the murder of Valcius Valcin, and that of April 22 of the same year which brought among other things, the murders of Charité Cadet, Luckner Antoine, Pierre Michel a.k.a. Diékivlé, Frédéric Lécéus a.k.a. Jamèdodo, Claude Jean known as Ti Claude, Joanel Attis, Sinavle Joseph and Samélia Saintil... all constituting crimes of blood.

Whereas the theory of relatedness, considered in articles 109 and 110 of the Criminal Procedures Code (Vandal), hangs strongly on the necessity of prosecuting in the same court, crimes bearing incontestable indivisibility, rather than removing a principal crime with accessories, from its competent tribunal.

Whereas articles 109 and 110 of the Criminal Procedures Code which discuss violations, and its attached jurisprudential memoranda, which, moreover, precede the Haitian Constitution of 1987, can in no case take precedence over the latter which, in accordance with article 50 stipulates: "a jury is formed in a criminal trial for crimes of blood, and for political offenses."

Whereas since the two principal crimes of April 18 and 22, 1994 are murder, a crime of blood, it is necessary, in this case to apply article 50 of the Constitution of 1987 and bring those indicted in the events of April 1994 before a Criminal Court with the assistance of a Jury; it is understood that the other subsequent accessory crimes will be judged by the same Court.

We declare that the military personnel indicted in the matter will be brought before the same Court according to article 42.3 of the Constitution: "In cases of conflict between civilians and military personnel, abuse, violence and crimes perpetrated against a civilian by a member of the military in carrying out his duties will be dealt with by the Courts of Common Law."

CRIMINAL RESPONSIBILITY

Determination of responsible parties and their responsibility

Whereas the crimes committed at Raboteau, by their very nature, point, on the one hand, to the complicity of several individuals and, on the other hand, to a certain hierarchy in which the participant or participants find themselves. Hence the two problems that need to be examined here are: determining who are the people responsible and what is their responsibility.

Whereas the concern is identifying the specific judicial rules which will apply to all the guilty parties, but only the guilty ones. It is necessary to avoid two opposing stumbling blocks: on the one hand an unlimited extension of the circle of people considered responsible; on the other, a lessening of culpability by admission of justifiable cause or non-imputability.

Determination of Responsible Parties

Whereas in ordinary life the phenomenon of a crime committed by a large number of people, while not exactly rare, is nonetheless exceptional. The provisions of existing laws regarding on the one hand perpetrators, co-perpetrators and accomplices, and on the other hand, regarding the conspiracy, insure appropriate repression of collective criminal enterprises. It is necessary to see how these provisions are applied when the intervention of a large number of people is not an exception but the rule, as in the Raboteau case.

Whereas, indeed, in this case, certain people appeared at the scene of the crime.

Whereas, however, their action was only possible because of the complicity of a considerable number of people, some of whom were absent from the scene of the crime. This voluntary complicity took place before the crime, it happened at the time of the crime and it took place after the crime.

Whereas the crime was only possible thanks to the prior actions of a vast group of people who ordered, organized and carried out multiple criminal acts committed in Raboteau on April 18 and 22, 1984. A vast group of people intervened again after the crime, insuring the impunity of the perpetrators and accomplices.

Whereas the starting point is that with collective criminals enterprises, the role of each participant is a contributing cause in the detrimental result. The latter is the product of the complicity of elements whose respective acts incur their criminality because of their aims and the results to which they contributed. These aims and results could only have been achieved through the combined actions of the participants.

Whereas in this matter, the fundamental rules of the Penal Code in effect must be remembered, especially the rule on personal character and criminal responsibility, the condition of proof of individual guilt and the rule on punishment fitting the crime.

This question depends on the identification of the circle of people regarded as responsible participants.

Whereas, obviously, particular difficulties, unprecedented in our country, arise in this case. We must identify and determine the penal responsibility of all the individuals whose action contributed to the damage caused by these offenses.

The Physical Perpetrator

Whereas the physical perpetrator of the crime is the one who personally accomplished the physical, basic criminal act. It is, for example, the one who fires the gun. The co-perpetrator is, like the physical perpetrator, the one who personally accomplished physical criminal acts. But because he accomplished them with one or more other individuals, also physical perpetrators of the same criminal act, he is called a co-perpetrator.

Whereas the regular soldiers and the attachés will be prosecuted for their own deeds as physical perpetrators, or as accomplices, to the extent that the acts of complicity will be proven. Other people who were at the scene of the crime – such as officers – will be prosecuted also as physical perpetrators of their own deeds, without prejudice to their responsibilities as commanding officers, which ranks them as intellectual originators.

The Intellectual Originator

Whereas the intellectual originator is the person who, himself not having committed the physical act constituting a crime, has simply been a moral cause in its having been committed. Consequently, article 85 of the Penal Code punishes those who have given orders to commit attacks on the individual freedom of one or more citizens.

Whereas it should be remembered that article 27 of the Constitution also recognizes the concept of the intellectual originator. Indeed, the Constitution stipulates that any violation of the provisions relative to individual freedom are arbitrary acts. Injured parties can, without prior authorization, turn to the competent court to prosecute perpetrators and those who have carried out arbitrary acts, whoever they may be and to whatever organization they belong.

Whereas, by the same token, article 258 of the Penal Code stipulates that with the crimes and offenses of murder and assault and battery, if they are committed in a seditious meeting in conjunction with rebellion or looting, the leaders, perpetrators and provokers of these meeting, rebellions or acts of looting can be charged, and will be punished, as guilty of these crimes or of fences, and given the same sentences as those who personally committed the crimes.

Whereas, this being said, the concept of intellectual originator may be attributed to the perpetrators of infractions who direct an organized power group, as was the case with members of the High General Staff of the Armed Forces of Haiti at the time of the coup d'Etat, despite the fact that they did not actually perpetrate the criminal acts.

Whereas, in reality, in such cases, the concept of perpetrator of the infractions is attributed not only to the physical perpetrators, but also to the ones who direct the organized group and who *control* the criminal acts.

Whereas in this case it means that the perpetrator in his office is the one who is in control of the deeds committed by the military or para-military organization which he directs, and which is an organized power group. In an organized power group there is a decision center from which directives are given leading to the perpetration of illicit acts. At the heart of this decision center lies the possibility of committing or not committing the criminal activity in question. At the heart of an organized power group there is a sufficient degree of structuring to justify charging the one who gives the orders as the perpetrator, without denying this title to the one who actually and physically executes the crime.

Whereas within an organized power group, the superior is not necessarily personally acquainted with the subordinate. Once the decision to unleash an action is taken, it happens with its own dynamic. In this lies a second characteristic of these organizations; which is the interchangeable nature of the actual executors of the illegal orders. If someone does not fulfill his task, he may be replaced so that the order will be carried out.

Whereas within an organized power group, the superior remains at all times in control of the action. On the other hand, it is not about control over the will of any physical perpetrator, but the *domination* of any interfering will; control over a faceless perpetrator who is himself physically responsible.

Whereas criminal responsibility can also result from non-action when the law calls for positive conduct. In the army, when a subordinate is prosecuted as the physical perpetrator of a crime, his superior officers can be charged as co-perpetrators in that they organized or tolerated the criminal actions of their subordinates. The essential condition for incrimination of responsibility by omission is that it is the obligation of the one in charge to act when there is a charge of non-action. This obligation can result primarily in enabling an officer to carry out the duties of command, with which he is invested.

Whereas indeed, these duties of a commanding officer carry two obligations. First is the need to keep oneself informed of everything happening under one's responsibility. This knowledge is an inherent duty of a commanding officer. The second obligation inherent in the duties of a commanding officer is the obligation to stop any illegalities. Non-fulfillment of this obligation is charged as complicity by tolerance.

Whereas members of the High General Staff of the Armed Forces of Haiti and High Command must thus be prosecuted as intellectual co-perpetrators of the criminal deeds committed on April 18 and 22, 1994 in Raboteau, by action or by omission, and be punished according to the articles in the Penal Code which will be cited below.

Conspiracy

Whereas the Penal Code (article 224) suppresses all conspiracy as a crime against public peace. This crime exists by the mere fact of the existence of gangs (Penal Code, article 225), and has to be suppressed even when this crime would not have been accompanied nor followed by another (Penal Code, article 226).

Whereas the legal principles which apply to conspiracy are well known. They concern the infraction of danger which threatens public peace, a protected legal right. This is why the law suppresses conspiracy, including instances when a crime would not have been accompanied nor followed by another. Among the principles extracted from jurisprudence, the following are the most important:

- It is not necessary that there be a meeting or an actual agreement. Although people have been able to play different roles, it is sufficient that they would have undertaken a concerted and strictly collaborative action, with the common aim of accomplishing a communal task.
- Secondly, a person can be responsible without even having known his co-conspirators or without having known exactly what role they played or to what acts they committed themselves; likewise, a person can be prosecuted even if he has not personally taken part in criminal acts or if he was absent at the time they were perpetrated.
- Thirdly, to be responsible, it is not necessary to have been a member of the conspiracy at the same time as the other participants nor at the time of the criminal act itself. When a person becomes a member of the conspiracy, he assumes complete criminal responsibility, and stays responsible until he has abandoned the conspiracy.

Whereas, the corollary of all this is that members of conspiracies who personally commit crimes – because they order them or they become physical perpetrators – have to answer individually, exactly like those who commit the same offenses without the support of a criminal organization.

Whereas, finally, in conspiracy the crime lies in the act of being bound to others for the participation of a communal illegal endeavor.

Whereas in this kind of case, investigation of the criminal acts which took place in Raboteau revealed the participation of a many actors in the operation of April 18 and 22, 1994.

Whereas it has been amply shown that this operation was the execution of a concerted, thoroughly prepared plan.

Whereas apart from members of the Armed Forces of Haiti, numbers of paramilitary civilian groups (FRAPH, "attachés") participated in the execution of the plan. This participation between civilians and military personnel inevitably assumes prior, coordination which could only have taken place during meetings to prepare for the attack at Raboteau.

Whereas from the above, it results that an association was formed between civilians and military personnel with the aim of planning a criminal operation.

Whereas the FRAPH, an association constituted after the coup d'état of September 30th 1991 with the unique aim of supplementing the armed forces in their intrigues against the population, displays all the characteristics of a conspiracy as defined in article 224 and according to the Penal Code, in that this conspiracy had been formed with the sole purpose of preparing and committing crimes against the civilian population.

Whereas on the other hand, it is reasonable to suppose that the FADH, which is a constitutional organization, could have itself formed a conspiracy, we cannot help but notice that a conspiracy was formed among certain members of the armed forces and certain civilian members of above-mentioned paramilitary organizations, whose aim was to prepare and commit criminal attacks on the population.

Whereas the investigation revealed that at the heart of the FADH, the high command, just as the military command of the district of Artibonite and the Metropolitan District, had participated in the planning of the attack on Raboteau, together with those in charge and members of paramilitary groups. Prior support of all the members of the conspiracy in this criminal project is obvious and its results sufficient, both according to the statements of certain defendants as from the methods of execution of the criminal plan – especially with regard to the formation of mixed military-civilian groups, coming from different places to this center of operations.

Whereas as an example, we note that Nady Cariétane, normally appointed to the Investigative and Crime Prevention Service (anti-gang) in Port-au-Prince, whose commander Lieutenant-Colonel Joseph Michel François takes full responsibility, was assigned to Raboteau during the attack.

Whereas on the other hand, members of the conspiracy furnished the weapons needed for the attack at Raboteau.

Whereas in this way the main elements of a conspiracy were brought together on this occasion against some of the defendants.

Whereas consequently, in accordance with articles 224 and following of the Penal Code, as members of a conspiracy, the members of the High Command of the Armed Forces of Haiti, military personnel in charge of the command at the head of the military District of Artibonite, the head of the Metropolitan District as well as the accused civilian members of paramilitary groups involved in the preparation and/or execution of the plan of attack at Raboteau, will be taken into custody.

The Accomplices

Whereas complicity is a form of criminal participation, that is, an infraction committed by several people. Complicity can exist without there being prior agreement between the different persons who participate in a criminal undertaking. In this case, each of those responsible can be condemned for simply having participated under their own individual responsibility.

Whereas such is the case with the regular soldiers who participated in the criminal enterprise, without there being any indication that they had made a previous agreement or belonged to a preciously constituted group, formed to exercise criminal activity (conspiracy with civil servants, article 92 of the Penal Code, or conspiracy, articles 224, 225, 226 and 227 of the Penal Code).

Whereas we must emphasize that the Penal Code compares the accomplice with the perpetrator from the point of view of suppression, and considers him punishable with the same sentence (article 44 of the Penal Code).

Whereas in accordance with the Penal Code (article 45), among others, those who by gifts, promises, threats, abuse of authority or power, plots or tricks, provoke the action or give instructions for carrying it out, as well as those who procure the weapons, instruments or anything else to be used in the action, while being aware of such use, will be punished as accomplices in an action considered a crime or violation.

Whereas the definition of complicity therefore covers abuse of authority or power, and the schemes of those who give the instructions for the perpetration of a crime or violation.

Whereas it is clear that the act of giving the order for a crime or failing to prevent it, in spite of having the power and the wherewithal to do so, is considered, according to legislation, either in the sense of perpetrator – as intellectual originator or instigator – or under the definition of complicity.

Whereas having given a systematic and deliberate definition to the crimes and violations committed under the Coup d'Etat by the Armed Forces of Haiti and the paramilitary and partisan groups of the FRAPH and the attachés, in this order the perpetrators of the criminal plan have been defined as intellectual originators but not as accomplices, which definition could also have been applied.

Whereas according to the jurisprudence of Haitian courts: "in order to constitute complicity, help or assistance has to have been given 'with knowledge' to the perpetrator of a crime." (Ruling of Feb. 9 1944, Bull 1942-1943, 1943-1944, p.322 onwards).

The violations with which the High General Staff of the Armed Forces of Haiti and the High Command are accused:

Murder punishable in accordance with articles 240, 241, 242, 243, 247 and 258 of the Penal Code

Assault and battery punishable in accordance with articles 254, 255, 256 and 258 of the Penal Code.

Illegal arrests and confinement of people punishable in accordance with articles 85, 289, 292 and 293 of the Penal Code.

Conspiracy punishable in accordance with articles 224, 225, 226 and 227 of the Penal Code.

Looting done with others or in a gang, punishable in accordance with article 361 of the Penal Code.

Robbery punishable in accordance with articles 326 and 327 of the Penal Code.

Destruction, degradation and damage punishable in accordance with articles 356, 357 and 358 of the Penal Code.

Abuse of authority against individuals punishable in accordance with articles 147 and 159 of the Penal Code.

Prevarication punishable in accordance with article 127 of the Penal Code.

The justifying fact lies in the existence of an armed threat.

Whereas the Four Geneva Conventions of 1949 must be cited here on the protection of victims of armed conflicts, which in common Article 3 deals with internal armed conflicts. This article protects all persons who do not engage in the present and direct use of force.

Whereas the four Geneva Conventions of 1949 constitute universal law, given the very high number of ratifications of these conventions, which were made by practically every State in the world, including Haiti.

Article 3

In the event of non-international armed conflict, arising on territory belonging to one of the high contracting Parties, each of the Parties must avail itself at least of the following arrangements:

1) People who do not directly participate in the hostilities, including members of the armed forces who have laid down their arms, and people who are unfit for combat owing to illness, injury, detention or any other cause, will in all events be treated humanely without any distinction based on race, color, religion or belief, sex, birth or wealth, or any other similar criterion.

To this end, the following are and will remain banned at any time and in any place with regard to the above-mentioned persons:

- a) violations against life and physical well-being, especially any form of death, mutilation, cruel treatment, torture and torment;**
- b) taking hostages;**
- c) declaring sentences and execution without prior judgment rendered by a lawfully constituted court, comprising judiciary guarantees recognized as indispensable by civilized communities.**

2) The wounded and ill will be picked up and cared for.

An impartial humanitarian organization, such as the International Committee of the Red Cross, may offer services to the conflicting Parties.

On the other hand, the conflicting Parties will endeavor, by special agreement, to enforce all or part of the other stipulations of this Convention.

The application of the above terms should not effect the legal status of the conflicting Parties.

Whereas serious according to common article 3 of the Four Geneva Conventions are considered "war crimes." These can be described in two ways:

a) There has been no internal armed conflict. In this case the offenses committed are considered common law crimes, punishable by the Penal Code.

b) There has been internal armed conflict. In this case the offenses committed are considered "war crimes," to be suppressed according to the Geneva Conventions, ratified by Haiti.

Whereas in cases falling under the aegis of the Geneva Conventions of 1949 it is necessary to protect the spirit of the principle classified in addendum 1 of 1977 of the Protocol regarding the responsibilities of command. The second paragraph of article 86 on omissions is as follows:

The fact that an breach of the Conventions in this Protocol has been committed by a subordinate does not exonerate his superiors from their penal or disciplinary responsibilities, except in the event that they knew or were in possession of information that allowed them to conclude – at that time – that the subordinate was committing or was about to commit the crime and they did not take all possible action in their power to stop or suppress the crime.

CONCLUSION

Seen: treaties and international conventions ratified by Haiti, specifically the Universal Declaration of the Rights of Man, adopted on December 10, 1948; the American Conventions relative to the rights of man adopted on November 22, 1969, in force as of July 18, 1978; The International Covenant on Civil and Political Rights adopted on December 16, 1966, and ratified by Haiti in 1991 and, even perhaps article 3 of the four Geneva Conventions of 1949 ratified by the Republic of Haiti.

Seen: articles 24, 26-1, 26-2, 27, 42-3, 50 and 266 of the Constitution of 1987, articles 2, 44, 45, 81, 82, 85, 86, 127, 145, 147, 150, 159, 240, 241, 242, 243, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 289, 290, 292, 293, 324, 326, 327, 356, 357, 358 and 361 of the Penal Code; and arts. 115, 119 and 120 combined of the Criminal Procedures Code.

Considering that arbitrary actions and attempts on people's lives and physical well-being, perpetrated on April 18 and 22 1994 against the civilian population of Raboteau (Gonaïves) constitute serious crimes and the perpetrators must be prosecuted.

According to the law and the conclusions of the Public Prosecutor,

Whereas it results from the foregoing that the charges against the accused, named below, sufficiently justify their being brought before the Criminal Court of Gonaïves, in the presence of a jury.

Members of the High Command of the Armed Forces of Haiti.

Lieutenant-General Raoul CEDRAS as Commander in Chief

(art. 2-4 of the general regulations of the FADH)

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Prevarication, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons, followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

General Jean-Claude DUPerval, Assistant Commander-in-Chief.

(art. 2-4 of the general regulations of the FADH)

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Prevarication, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes

against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

General Philippe BIAMBY, Head of the General Staff and members of the High Command, **General Carl DORELIEN G-1**, **Hébert VALMOND G-2**, **Martial ROMULUS G-3**, **Frantz DOUBY G-4** (arts. 2-5, 2-5c, 2-5d, 2-5e) of the general regulations of the FADH.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Prevarication, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Colonel Ernst PRUD'HOMME as Adjunct General (art. 2-7)

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Abuse of authority, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Colonel Jean Robert GABRIEL as secretary to the High Command (art. 2-5f)

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Abuse of authority, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties,

arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Former Lieutenant Colonel Joseph Michel FRANÇOIS

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Prevarication, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

The military stationed at the Toussaint Louverture Barracks in Gonaïves

Former Lieutenant Colonel Bellony GROSHOMMES, ex-commander of the military district of Artibonite.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code, Prevarication, article 127 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 and 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Former Captain Castera CENAFILS, ex-commander of the military district of Gonaïves and ex-commander of the 10th company.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361

Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Former Captain **Reynald TIMO**, Commander of the 21st Company.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As intellectual originator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Lieutenant **Estimé ESTIMABLE**, Auxiliary in the Gonaïves Military Department.

For: Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As perpetrator of and/or accomplice to: Murder and attempted murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code. Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Looting art. 361; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code. Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code.

Lieutenant **Anatin O. VOLTAIRE**, Commander of the Gonaïves military sub-district, 10th Company.

For: Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As perpetrator of Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code, on the person of Neville Jean Baptiste. Illegal arrest and confinement or detention of persons followed by physical torture of Neville Jean Baptiste and others, arts. 85, 289, 290, 292, 293 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code and Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code.

Lieutenant **Wilson CASSEUS**: 21st Company, Commander of 2nd platoon, in charge of training.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As accomplice in the crimes of members of the 2nd platoon.

As perpetrator of Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Abdel St. Louis, Louis-Ernst Jean-Jacques and François Sanon**. Illegal arrest and confinement or detention of persons followed by physical torture, arts. 85, 289, 290, 292, 293 of the Penal Code against **François Sanon and Abdel St. Louis**. Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code and Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, against **Walter Fils-Aimé** and Threats art. 250, 251, 252 and 253 of the Penal Code on the persons of **Marie-Denise Fleury and Walter Fils-Aimé**. Accomplice in Looting art. 351 of the Penal Code, Robbery, arts. 326, 327 of the Penal Code and Assault and Battery, arts. 254, 255, 256 and 258 on **Marie-Denise Fleury**.

Lieutenant **Michel-Ange MÉNARD** 21st Company, Commander of the 3rd Platoon.

For: Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As accomplice in crimes of members of the 3rd Platoon, including Sgt. Jean-Libert Amazan, Sgt. Sulien Dorvil, Corporal. Romeus Walmyr, Sgt. Madsen St. Val and Sgt. Wilner Phanord. Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, of **Frédéric Lhéus and Claude Jean known as Ti Claude**. Attempted murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, of **Mary Rousette Nicholas**; Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code, on the persons of **Henri-Claude Elismé, François Sanon, Fritz Desir, Abdel St. Louis, Louis Ernst Jean-Jacques, Amisial Paul Emile, Blaise Vaillant, Jolis Auguste Guerrier Delva, Ofrance Chery and Emmanuel Majeune**. Illegal Arrest, arts. 85, 289, 290, 292, 293 of the Penal Code, of **Fritz Désir, Jolis Auguste Ilioda Longchamp, Amisial Paul Emile, Jolis Auguste, Blaise Vaillant, Rony Jean Noël, Henry-Claude Elismé, François Sanon, Ofrance Chéry and Abdel St-Louis**; Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code, to the detriment of **Marie-Denise Fleury and Claudine Jeanty**; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, against **Marie-Denise Fleury, Louis-Ernst Jean-Jacques, Walter Fils-Aime and Claudine Jeanty**; Threats. Arts. 250, 251, 252 and 253 of the Penal Code; Looting, art. 361 of the Penal Code.

As accomplice in Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on **Marie-Denise Fleury**.

Lieutenant **Ledix DESSOURCES**, Commander of the 4th Platoon of the 21st Company.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As accomplice in all the crimes committed by the soldiers of his platoon.

As perpetrator of Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on **Louis-Ernst Jean-Jacques, Henry-Claude Elismé, Abdel St. Louis, Ofrance Chery and François Sanon**; Illegal arrest and confinement or detention of persons followed by physical torture, arts. 85, 289, 290, 292, 293 of the Penal Code against **Henri-Claude Elismé, François Sanon, Ofrance Chéry and Abdel St. Louis**; Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction

degradation and damage of property, arts. 356, 357, 358 and 361 of the Penal Code, against Louis-Ernest Jean-Jacques; Threats arts. 250, 251, 252 and 253 of the Penal Code, and Looting, art. 361 of the Penal Code.

Lieutenant Luc Roger ASMATH, 21st Company, Commander of the 1st Platoon, in charge of operations.

For: Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.
As accomplice to all the crimes committed by soldiers in his platoon.

Lieutenant Jean MARILIEN, assigned to the 10th Company.

For: Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.
As accomplice in all the crimes committed by military personnel under his control, including Cherenfant Sauveur.
As perpetrator of Attempted Murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, on the persons of Henri-Claude Elismé, François Sanon, Rosiane Profil, Déborah Charles, Ofrance Chéry, Michelet Jean-Baptiste and Abdel St-Louis; Illegal arrest, art. 65, 289, 290, 292, 293 of the Penal Code, of Henri-Claude Elismé, François Sanon, Ofrance Chéry and Abdel St-Louis; Violation of liberties, arts. 85 and 86 of the Penal Code and Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code, on Henri-Claude Elismé, François Sanon, Ofrance Chéry and Abdel St-Louis.

Lieutenant Phénélon GESNER, known as Lubérisse, assigned to the 21st Company.
As perpetrator of Attempted murder, arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, on the person of Charles-Eddy Joseph.

Sergeant Cherenfant M. SAVEUR

As perpetrator of Assault and Battery arts. 254, 255, 256, 258 of the Penal Code, on the persons of Blaise Vaillant and Walter Fils-Aimé; Illegal arrest, art. 65, 289, 290, 292, 293 of the Penal Code, of Walter Fils-Aimé; Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Walter Fils-Aimé.

Sergeant AMAZAN Jean Libert, assigned to the 21st Company.

As perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, on the person of Claude Jean known as Ti-Claude; Assault and Battery arts. 254, 255, 256, 258 of the Penal Code, on the persons of Roubens Desravines, Ilioda Longchamp, Mirlène Longchamp, Guerda Longchamp, Claudine Jeanty, Charles St-Phar, Amisial Paul Emile, Jolis August, Blaise Vaillant and Fritz Désir; Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Amisial Paul Emile and Claudine Jeanty; Threats, arts. 250, 251, 252 and 253 of the Penal Code, and Looting, art. 362 of the Penal Code.

The defendant CARIETANE Nady

As perpetrator of Assault and Battery arts. 254, 255, 256, 258 of the Penal Code, on the persons of Marie Jeanne Jean, Joseph Charles Eddy, Charles August Derville and Neville Jean-Baptiste; Illegal arrest, art. 65, 85, 289, 290, 292, 293 of the Penal Code; Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code and ; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code.

The Accused Mondélus NORELUS a.k.a. Saddam Hussein a.k.a. Eliancy

As perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code of Claude Jean known as Ti Claude; Assault and Battery arts. 254, 255, 256, 258 of the Penal Code, on the persons of Fritz Désir, Jolis August, Paulette Thomas, Amisial Paul Emile, Joseph Charles Eddy, Blaise Vaillant, Ilioda Longchamp, Mirlène Longchamp, Roubens Desravines, Gédéon Philogène and Neville Jean Baptiste; Illegal arrest, art. 65, 289, 290, 292, 293 of the Penal Code, of Fritz Désir, Jolis August, Blaise Vaillant, Amisial Paul Emile and Rony Jean Noël; Abuse of authority, arts. 127, 145, 147, 150 ad 159 of the Penal Code and Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Paul Emile Amisial.

Walner PHANORD

As perpetrator of Attempted Murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, on the persons of Henri-Claude Elismé, François Sanon, Rosiane Profil, Déborah Charles, Ofrance Chéry, Michelet Jean-Baptiste and Abdel St-Louis; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code and Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on Marie Jeanne Jean.

Madsen ST-VAL

As perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code of Claude Jean known as Ti-Claude. Attempted Murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 2354 of the Penal Code of Fritz Désir, Paul Emile Amisial, Blaise Vaillant, Jolis August and Rony Jean Noël; Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on the persons of Fritz Désir, Jolis Auguste, Ilioda Longchamp, Amisial Paul Emile, Joseph Charles Eddy and Blaise Vaillant; Illegal arrest, arts. 85, 289, 290, 292, 293 of the Penal Code on the persons of Fritz Désir, Paul Emile Amisial, Blaise Vaillant, Jolis Auguste and Rony Jean Noel; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Paul Emile Amisial and Looting, art. 361 of the Penal Code.

Dorvil SULIEN, in charge of the Gonaïves Prison

As perpetrator of Confinement and Illegal detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code, to the detriment of all the victims imprisoned following the massacre.

Jacques EBEL

As Perpetrator of Threats, arts. 250, 251, 252 and 253 of the Penal Code; Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code and Attempted Murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code, of Charles-Eddy Joseph.

Léant Oreste AGNOS

As perpetrator of Attempted Murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code; Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on Georges Alfred and Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code, against Georges Alfred.

Corporal. Romeus WALMYR

As perpetrator of Murder arts. 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code of Valcin Valcius; Attempted Murder arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 of the Penal Code on the persons of Joseph Charles Eddy, Henri-Claude Elismé, François Sanon, Rosiane Profil, Deborah Charles, Ofrance Chéry, Michelet Jean-Baptiste and Abdel St-Louis; Assault and Battery arts. 254, 255, 256 and 258 of the Penal Code on the persons of Neville Jean-Baptiste and Eligène Elismé; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code to the detriment of Valcius Valcin and Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Valcius Valcin, Amisial Paul-Emile, Blaise Vaillant, Fritz Désir, Jolis August and Eligène Elismé.

Tony FLEURIVAL

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on Charles St-Phar.

Pierre Piloge ORIOL

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the persons of Georges Alfred and Illegal Arrest and confinement or Detention of Persons followed by physical torture, arts. 85, 289, 290, 292, 293, of Georges Alfred.

Manius Gervais et Jude Sainval

Accomplice in murder and attempted murder, assault and battery, crimes against real estate property (art. 45 of the Penal Code).

Civilian Members of Paramilitary Groups:

Emmanuel CONSTANT and Louis Jodel CHAMBLAIN, respectively Secretary General and Coordinator of the FRAPH.

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Accomplices in Murder and Attempted Murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code; Illegal arrest and confinement or detention of persons followed by physical torture arts. 85, 289, 290, 292, 293 of the Penal Code; Violation of liberties, arts. 85 and 86 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Crimes and Violations against the Constitution, arts. 81 and 82 of the Penal Code, Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of Penal Code; Looting, art. 361 of the Penal Code; Assault and Battery, art. 254, 255, 256 and 258 of the Penal Code and Robbery, arts. 326 and 327 of the Penal Code.

Jean PIERRE known as Tatoune

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As the perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254, 258 of the Penal Code, of Frédéric Lexeus a.k.a. Diékivlé and Valcin Valcius; Attempted Murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code, of Joseph Charles Eddy, Henri-Claude Elismé, François Sanon, Rosiane Profil, Déborah Charles, Ofrance Chéry, Michelet Jean-Baptiste and Abdel St-Louis; Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on Henry-Claude Elismé, Abdel St-Louis, Nerville Jean Baptiste, Ofrance Chéry, Francis Sanon, Joseph Charles Eddy, Fritz Désir, Joseph Horel, Ilioda Longchamp, Mirlène Longchamp, Guerda Longchamp, Blaise Vaillant, Paul Emile Amisial, Jolis Auguste, Rony Jean Noel, Avril Jean and Avrilus Jean; Illegal arrest and confinement or detention of persons, followed by physical torture, arts. 85, 289, 290, 293 of the Penal Code, of Neville Jean Baptiste; Looting, art. 361 of the Penal Code; Robbery, arts. 326, 327 of the Penal Code; Threats, arts. 250, 251, 252 and 253 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code and Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code.

Oléus FRAGE

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254, 258 of the Penal Code, of Valcin Valcius; Assault and Battery, arts. 254, 255, 256 and 2258 of the Penal Code, on the persons of Joseph Horel, Gédéon Philogène and Eligène Elismé; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction, degradation of and damage to property, arts. 356, 357, 358 and 361 of the Penal Code and Looting, art. 361 of the Penal Code.

Joseph PIERRE a.k.a. D'jo Lucy

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 2258 of the Penal Code, on Blaise Vaillant, Désir Fritz, Paul Emile Amisial and Jolis Auguste, and Robbery, arts. 326 and 327 of the Penal Code.

Ludovic ADOLPHE a.k.a. Manzoune

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 2258 of the Penal Code, on the persons of Ilioda Longchamp, Mirlène Longchamp, Guerda Longchamp, Gédéon Philogène, Joseph Charles Eddy, Pierre Antoine Ligondé and Abdel St-Louis; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code, to the detriment of Pierre Antoine Ligondé; Destruction, degradation of and damage to Property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of Pierre Antoine Ligondé; Threats, arts. 250, 251, 252 and 253 of the Penal Code and Looting, art. 361 of the Penal Code.

Adéclat LIONEL known as Ti Pic

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on Jolis Auguste, Paul Emile Amisial, Blaise Vaillant and Fritz Désir; Illegal arrest and confinement of persons, arts. 85, 289, 290, 292, 293 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code; Destruction, degradation of and damage to Property, arts. 356, 357, 358 and 361 of the Penal Code and Looting, art. 361 of the Penal Code.

Léxima THELUSMA

For Conspiracy, arts. 224, 2252, 226, 227 of the Penal Code;

As Perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254, 258 of the Penal Code, of **Valcius Valcin**; Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Fritz Désir, Paul Emile Amisial, Blaise Vaillant, Jolis Auguste and Rony Jean Noël**, and destruction, degradation of and damage to Property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of **Valcius Valcin, Paul Emile Amisial and Eligène Elismé**.

Louisnock JEANTY

For Conspiracy, arts. 224, 2252, 226, 227 of the Penal Code;

As Perpetrator of Murder, arts. 240, 241, 242, 243, 247, 248, 249, 254, 258 of the Penal Code, of **Valcius Valcin**; Assault and battery, arts. 254, 255, 256 and 258 of the Penal Code; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code, to the detriment of **Valcius Valcin**; destruction, degradation of and damage to Property, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of **Valcius Valcin**; Threats, arts. 250, 251, 252, 253 of the Penal Code and Looting, art. 361 of the Penal Code.

Charles THEOMAT known as Yofou

For Conspiracy, arts. 224, 2252, 226, 227 of the Penal Code;

As Perpetrator of Attempted Murder, arts. 2, 240, 242, 243, 247, 248, 249, 254, 258 of the Penal Code, on the persons of **Henri-Claude Elismé, François Sanon, Rosiane Profil, Deborah Charles, Ofrance Chéry, Michelet Jean-Baptiste and Abdel St-Louis**; Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Fritz Désir, Joseph Horel and Henri Claude Elismé**, and Illegal Arrest and confinement or detention of persons, followed by physical torture, arts. 85, 289, 290, 292, 2923 of the penal Code, of **Henri-Claude Elismé, François Sanon, Abdel St-Louis and Joseph Horel**.

Armand SAJOUS known as Ti Armand

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the persons of **Claudine Jeanty, Louis-Ernest Jean-Jacques and Roslet Guérite** and Destruction, Degradation of and Damage to real estate, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of **Claudine Jeanty**.

Wilbert MORISSEAU

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As accomplice in Illegal arrests and confinement or detention of persons, followed by physical torture, arts. 85, 289, 290, 292, 293 of the Penal Code, of **Offrance Chéry, Henry Claude Elismé, François Sanon, Abdel St-Louis and Fritz Désir**.

BRUTUS, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Louis-Ernest Jean-Jacques and his family**; Threats, arts. 250, 251, 252 and 253 of the Penal Code, against **Louis-Ernest Jean-Jacques and his family**; Robbery, arts. 326 and 327, to the detriment of

Louis-Ernst Jean-Jacques and his family; Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code, to the detriment of **Louis-Ernst Jean-Jacques** and Destruction, Degradation of and Damage to real estate, arts. 356, 357, 358 and 361 of the Penal Code, to the detriment of **Louis-Ernst Jean-Jacques**.

Noé Carlo a.k.a. Ti Blanc

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code;

As an Accomplice in confinement and detention of persons, followed by physical torture, arts. 85, 289, 290, 292, 293 of the Penal Code, of **Neville Jean-Baptiste**, **Ofrance Chéry** and **Henri-Claude Elismé**.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 2258 of the Penal Code, on **Neville Jean-Baptiste**, **Ofrance Chéry** and **Henri-Claude Elismé**; Illegal arrest, arts. 85, 289, 290, 292, 293 of the Penal Code, on the persons of **Neville Jean-Baptiste**, and Robbery, arts. 326 and 327 of the Penal Code.

CHERY, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Attempted Murder, arts. 2, 240, 241, 242, 243, 247, 248, 249, 254 and 258 of the Penal Code, on the person of **Roobens Desravines**, and Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the person of **Roobens Desravines**.

KOUKOU, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Emmanuel Majeune** and **Roslet Guérite**.

TI SONSON, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on **Louis-Ernst Jean-Jacques**; Robbery, arts. 326, 327, to the detriment of **Louis-Ernst Jean Jacques**; Threats, arts. 250, 251 and 252 of the Penal Code, against **Louis-Ernst Jean-Jacques**, and Crimes against real estate property, arts. 324, 326 and 327 of the Penal Code, to the detriment of **Louis-Ernst Jean-Jacques**.

Orlando TIMA, known as **Fredi**

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

Pierre Paul CAMILLE

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

Pierre André Presume

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

DOUZE, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the person of Roslet Guérite.

Raphael CAMILLE

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the person of Roslet Guérite.

ACHOU, known as such

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

As Perpetrator of Assault and Battery, arts. 254, 255, 256 and 258 of the Penal Code, on the person of Roslet Guérite.

Jacob JEAN PAUL

For Conspiracy, arts. 224, 225, 226, 227 of the Penal Code.

FOR THESE MOTIVES

Let us defer all the above-mentioned defendants to Jury Trial at the Criminal Court of Gonaïves to be judged on the indictment for the deeds for which they are blamed. We are ordering that all the above-mentioned defendants be arrested according to the terms of article 120 of the Criminal Procedures Code.

It is our contention, moreover, that it is necessary to prosecute **Georges Célon, Israël Dieu Bon, Pierre Joseph, Renet Romain, Dieulifaite Joseph, Alexis Lhérisson a.k.a. Crochu, Rogès Dajuste and Fucien Michel (Ti Roro)** who have been remanded on bail for insufficient charges. We enjoin the consignment of this order and all parts of the file of this case to the Public Prosecutor for trial, according to the terms of article 113 of the Criminal Procedures Code.

This order is rendered by us, **M. Jean Sénat FLEURY**, Examining Magistrate with the Court of First Instance of the Gonaïves, in our chambers of Criminal Procedures, on this day of August 30 nineteen hundred and ninety nine, 196th year of Independence, with the assistance of **Raoul Jacques**, Esquire, Clerk of the Court.

It is ordered that all bailiffs be required to have this order executed by the officials of the Public Ministry at the Civil Courts, that all commanders and other officials in the public service give maximum assistance in this task, when they are legally required to do so.

In witness whereof, the above-mentioned Magistrate and Registrar have signed this Order.

Copy conforming to original

(Signed) Raoul Jacques, Clerk of the Court

Seal of (illegible)
Gonaïves, Haiti