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**Port-au-Prince, February 28, 2019**

**Open letter to the US Ambassador to Haiti to denounce the US Embassy's interference in  
the internal affairs of the Haitian justice system**

**Madam Michele J. SISON**  
**United States Ambassador to Haïti**  
**Tabarre 41, Route de Tabarre**  
**Port-au-Prince, Haïti**

Madam Ambassador,

The *Bureau des Avocats Internationaux* (BAI), in the context of its mission to defend the rights of the most marginalized, the inalienable imprescriptible and inherent rights of every human person, and in particular the rights of victims of UN-introduced cholera, women and girl victims of rape and sexual assault, and victims of government terrorism and foreign interference in Haiti's internal affairs, expresses its profound indignation at the involvement of the United States Embassy - in complicity with senior authorities in the MOISE-CEANT administration - in the illegal liberation and return to the United States of foreigners, including Americans, who had been arrested after committing serious offenses on Haitian territory.

As reported by *Le Nouvelliste*<sup>1</sup> newspaper citing information collected by the National Human Rights Defense Network (RNDDH), five (5) Americans, one (1) Russian et one (1) Serbian were arrested on Sunday, February 17, 2019, with weapons and military equipment including : “*six (06) 9 millimeter pistols, six (6) assault rifles, two (2) drones, one (1) telescope, five (5) bulletproof vests and three (3) satellite telephones. Five (5) license plates were also found in their vehicles, including two (2) with even license plate numbers and one (1) with odd plate numbers.*”

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<sup>1</sup> Roberson, Alphonse (26 février 2019). « Huit individus lourdement armés prétendent être en mission pour le gouvernement », *Le Nouvelliste*, p. 1 et 12

According to statements by Prime Minister Jean Henry CEANT, these seven (7) heavily armed mercenaries were sent to assassinate him, and were to use the roof of the Bank of the Republic of Haiti (BRH), from where they could clearly aim at his office for the murder. For his part, Mr. Reynold Georges, a "political adviser" to Mr. Jovenel MOISE, claimed that the seven (7) mercenaries' mission was to break in the Bank of the Republic of Haiti (BRH). Let us not forget that on December 17, 1914, U.S. marines entered Haitian national territory illegally and removed Haiti's gold reserve stored at the National Bank of the Republic of Haiti (BNRH), then estimated at five hundred thousand (\$ 500,000) U.S. dollars. BNRH became the BRH or Central Bank today.

Several political activists have accused the ruling authorities of hiring foreign snipers to shoot them, referring to the demonstrators murdered, some by gunshots to the head, during the mobilization movements of October 17 and November 18, 2018 as well as during the 10 days of total paralysis of the country from February 7-16, 2019. Since February 7, 2019, at least 26 people have been killed and 77 others wounded, according to a report released by the Inter-American Commission on Human Rights<sup>2</sup>.

BAI thus learns with amazement that U.S. Embassy and senior government officials, including the Minister of Justice and Public Security, Mr. Jean Roudy Aly, and the Director of the Central Directorate of Judicial Police (DCPJ), Mr. Joany Canéus, organized the illegal liberation of these seven (7) mercenaries, who had been arrested with an arsenal of weapons on Haitian territory, in a context of national anti-government mobilization where demonstrators had been murdered by the dozens. The Presidential Palace and Office of the Prime Minister have stated that they were not aware of the release of these seven (7) mercenaries. Yet, Madam Ambassador, you claimed in an interview with Voice of America on February 22, 2019 that you planned the illegal return of these seven (7) mercenaries in concert with the Haitian authorities.<sup>3</sup>

The BAI, as legal representative of several victims injured by bullets during the 2018 and February 2019 protests, will be making a formal request to the relevant authorities to determine the conditions under which the US Embassy, in collusion with irresponsible Haitian leaders, was able to obtain the unlawful release of the seven (7) mercenaries in illegal possession of weapons of war on the Haitian territory. This illegal release is a slap in the face not only to the Constitution of March 29, 1987, to the police officers of the National Police of Haiti (PNH) who risked their lives to intercept these mercenaries, and to the judges whose work demands total independence free of pressure, but also and above all it is a slap in the face for Haitians who are

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<sup>2</sup> Rezo Nòdwès. "Haiti-CIDH bilan: 26 morts et 77 blessés lors des dernières manifs anti-Jovenel" (en ligne), (consulté le 27 février 2019)

<https://rezonodwes.com/2019/02/26/haiti-cidh-bilan-26-morts-et-77-blesses-lors-des-dernieres-manifs-anti-jovenel/>

<sup>3</sup> Woovins, St Phard. "Les Etats-Unis réitèrent son soutien au pouvoir en place", Le National ( en ligne), (consulté le 26 février 2019) [http://lenational.org/post\\_free.php?elif=1\\_CONTENTUE/actualitees&rebmun=4986](http://lenational.org/post_free.php?elif=1_CONTENTUE/actualitees&rebmun=4986)

dead or injured from shootings while peacefully exercising their civil liberties. The Haitian people have the right to know the conditions in which these demonstrators died.

The BAI fears that the US Embassy is exploiting a corridor of corruption within the Central Directorate of the Judicial Police and the public administration in order to secure the release of Americans involved in criminal acts in Haiti, in defiance of the Haitian justice system. For we note that the illegal liberation of the seven (7) mercenaries is far from being the only case of interference by the Embassy of the United States in the internal affairs of the Haitian justice system. On January 26, 2019, the Embassy organized the escape of the rapist Marc Kerby DELVA, a U.S. military officers who had been imprisoned in the national penitentiary subject to orders of the legitimate Haitian authorities.

The BAI's client in this case, who was victim of a gang rape on August 12, 2018 at around five o'clock in the afternoon, had filed a complaint against her attackers, three brothers: Marc Kerby Delva, Rony Delva and Lourdy Delva. She was assaulted while at the home of the attackers, at Thor 65. A medico-legal certificate, issued on 17 August 2018 by Médecins sans Frontières, attested to the veracity and violence of her claim.

On August 23, 2018, agents of the Central Directorate of the Judicial Police (DCPJ), in the context of an open investigation based on the complainant's testimony, arrested the criminals.

On September 2, 2018, the DCPJ transferred the file concerning the three defendants to the Prosecutor's office for pursuit following the usual procedures. The file of the three (3) perpetrators was included on the register of criminal cases of the Prosecutor's Office of Port-au-Prince as no. 1210/18, and was entrusted of the Substitute-Commissioner of the Government, Magistrate Roger SIMPLICE, who referred the cases of the three brothers to the Judicial Investigation Office.

On January 21, 2019, the Investigating Judge in charge of the file (registered as # 663/18), Maître Noelcius Jean Roger, interviewed the victim and informed BAI's lawyers that had issued an interim release order (bail) for the three (3) accused, but had been deeply surprised to find that the criminal Marc Kerby DELVA, a soldier in the U.S. Army, was not brought to appear before him.

On January 28, 2019, at the request of BAI's lawyers, the Justice of the Peace of the southern section of Port-au-Prince, Mr. James Saint Jean, visited the Registry of the Civil Prison of Port-au-Prince, where, in the prisoner registers, he observed the following:

*“Prisoner number: PH / H / 18-09-006*

*Date of registration: 04/09/2018*

*Floor Number: #12-10 / 18*

*Name and Surname: DELVA MARC KERBY*

*Date of birth: 30/05/1994*

*Address: Thor 65 #5, Carrefour-Ouest*

*Profession: Military*

*Nationality: American*

*Date of arrest: 23/08/2018*

*Title of detention: Deposition*

*Offense: gang rape, Carrying and illegal possession of firearms and criminal conspiracy on the orders of the Deputy Government Commissioner, Mr. Roger SIMPLICE.*

***Note that, in the space where it says "release of prisoner", one notes that he was transferred to the DCPJ to be transferred to the United States of America ". [emphasis added]***

The BAI deplors that the U.S. Embassy is so suspiciously and spectacularly implicated in scandalous violations of Haitian law, and in doing so is destroying the independence of the judiciary. This and yet the United States claims to be helping strengthen the Haitian justice system through so-called cooperation programs funded by the US Agency for International Development (USAID), whose results leave much to be desired.

The BAI regrets that the American Embassy has not adopted an attitude that could contribute to reinforcing the Haitian justice system, at a time when a strong and untroubled justice system is needed to tackle cases that are essential to the country's political stability, in particular the Interim Commission for the Reconstruction of Haiti (CIRH) and PetroCaribe cases - vast corruption scandals implicating former and current high-ranking state officials, as well as very powerful Haitian and foreign businessmen.

This arrogant behavior of the American Embassy in relation to matters within the competence of the Haitian justice system could be read as evidence that the U.S. government wishes to protect the criminals who squandered the state coffers during the "TET KALE" administration. This behavior weakens the national justice system in the eyes of the public and is likely to provide a cover of impunity to the crimes of political gangsters in the "TET KALE" movement, to the detriment of the Haitian nation.

Given these considerations, one has a right to wonder about a possible association of criminals between the US embassy in Haiti and the highest authorities of the administration of "TET KALE" against the interests of the State of Haiti. Judicial authorities should open an investigation into this coalition of wrongdoing, which puts in danger the collective goods of the Haitian people.

BAI entreats Haitians demonstrating for the respect of their economic, social and cultural rights not to be intimidated by fear and the institutional violence of the US Embassy and TET KALE authorities.

BAI demands that Haitian authorities and foreign diplomats act according to the principles of the Vienna Convention, and that they respect the rights to freedom of expression and assembly of the Haitian people guaranteed and protected by Articles 28, 31 and 31-2 of the Constitution of 1987,

by Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 16 of the American Convention on Human Rights signed and ratified by the Haitian State.

Finally, the BAI demands that the US authorities, acting through the Ambassador, cease to interfere in the internal affairs of the country. Haiti is an independent and sovereign Republic.

**Mario JOSEPH, Av**  
**Bureau des Avocats Internationaux**