

BUREAU DES AVOCATS INTERNATIONAUX¹

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The year two thousand twenty,second (02)..... of July;

Upon the request of Sirs and Madams Joseph Charles EDDY, Jean Marie GUERDA, Walson ELISME, Jean ROBENS, Jolis AUGUSTE, Mirlène LONGCHAMP, Hilioda LONGCHAMP, James ALFRED, Calixte CHERY, Frédéric ROBENSON, Aufrance CHERY, Charités CADET, Désir FRITZ, Pierre Antoine LIGONDE, Marie Jeanne JEAN, Guerrier DELVA, Charles Auguste DERVIL, Eligène ELISME, Ramong Jean LOUIS, Morency MICHEL, François SANON, Philogène GEDEON, all owners, residing and domiciled in Gonaïves, identified respectively by Nos. 05-01-99-1957-05-00002 ; 05-99-99-19570100097 ; 05-01-99-1983-08-000; 05-01-99-1980-1200-236 ; 10-55-96-85-79 ; 05-01197502-00-151 ; 05-01-99-1977-12.-0-227; 05-01-99-1988-06-00-160 ; 00-5.420-15-0 ; 05-01-99-1984-11-00017; 09-09-99-1960-10-00006; 09-10.99-1967-07-00105 ; 05-04-99-1963-07-00111; 05-01-99-1966-03-00001 ; 001-326-303-3 ; 006-516-864-7 ; 006-516-877-4 ; 006-516-863-0 ; 006-230-288-7 ; 003-753-250-4 ; 006-516-938-2 ; 006-516-867-8 ; 006- 516-870-5 ; represented by attorneys Mario JOSEPH, Joseph Manès LOUIS, Emmanuel JACOTIN, Venel VITAL, Wanique Junior UMÈNE, Gladys Thermezi SAUVEUR, Montus JOACHIN, Marie Kattia DORESTANT, Ricardo DUTREIUL, Caslé JOSEPH, Kenny BEAUBRUN, Chadony CANON et Donald VALCIN, of the Bars of Port-au-Prince and Croix-des-Bouquets, with the last two apprentices under the Bar Associations of Petit Goâve and Mirebalais, duly identified, licensed, and taxed by, respectively, Nos. 003-129-800-7, 187-014-0, 187-0302-27 ; 003-409-928-0, 10007011548, 2911081161; 004-432-983-3, 3807023203, 8081 ; 009-047-978-2; 008-775-283-2, 5907017325, 5907017334-6; 003-574-071-9 ; 002-472-805-4 ; 004-458-928-2 ; 004-222-675-9; 004-520-291-1 ; 007-162-148-0 I-2756840, A-050631, 50179-0, 08958-YY and 004-675-072-3, with choice of residence

¹ Translator's note: BUREAU DES AVOCATS INTERNATIONAUX (BAI), translating directly to OFFICE OF INTERNATIONAL LAWYERS', is a Haitian-based law firm defending the rights of the most marginalized, representing them in claims related to the inalienable, inherent, imprescriptible rights of the human person, such as the rights to health and education, and the right to be free of serious human rights violations, such as State terrorism, cholera imported by the United Nations Stabilization Mission in Haiti (MINUSTAH), women and girls victims of rape and sexual assault, and other abuses of law.

at Bureau des Avocats Internationaux (BAI) located at #3, 2^{ème} Impasse Lavaud (Lalue), Port-au-Prince, Haïti, and no. 63 de la ruelle Camayol , Raboteau, Gonaïves;

I,

....., the undersigned, Bailiff of the Court of First Instance of Gonaïves, residing and domiciled there, identified by No., for the current fiscal year, served, said, declared and **MADE KNOWN**:

To Judge Sérard GAZIUS, *Commissaire du Gouvernement* of the Court of First Instance of Gonaïves, owner and domiciled in Gonaïves, in his capacity as lead prosecutor, incumbent, and sole holder of the right of action, in his elected residence at the Public Prosecutor's Office of said Court, where being and speaking

to , clerk of Public Prosecutor's Office who is responsible for receiving judicial documents, who received my copy and stamped my original, and so declared;

That the BAI, legal representative of the victims and civil parties in the Raboteau Massacre Trial, learned that the convicted **Emmanuel Toto CONSTANT** was arrested by the Central Directorate of the Judicial Police (DCPJ) on Tuesday, June 23, 2020 upon his arrival on the runway of the Toussaint Louverture International Airport. Subsequently, the convicted was transferred to the Court of Gonaïves, where he was heard by the Public Prosecutor's Office of the Court of First Instance there on Thursday, June 25, 2020, at whose orders he was imprisoned in the civil prison of Saint-Marc.

That within the framework of the Raboteau Massacre Trial, the Court of First Instance of Gonaïves, at a public hearing held on December 16, 2000 at the Palais de Justice of that city, and in its criminal jurisdiction, sitting without the assistance of a jury, rendered its judgment, the operative part of which follows:

On these grounds:

The Court, in the Prosecutor's Charge in conformance with the Department of the Public Prosecutor

1st - Sentences: Raoul Cédras, Philippe Biamby, Karl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst

Prud'Homme, Jean Robert Gabriel, Joseph Michel François, Bellony Groshommes, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel Ange Ménard, Luc Roger Asmath, Ledix Dessources, Walner Phanord, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé alias Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous also known as Ti-Armand, Wilbert Morisseau, the individual known as Brutus Chéry ainsi connu, the individual known as Koukou, the individual known as Ti Sonson, Pierre Paul Camille, Pierre André Présumé, Douze ainsi connu, Raphaël Camille, the individual known as Achou, Jacob Jean-Paul, to penal servitude for life.

2nd - Orders them to pay jointly and severally ONE (1) BILLION GOURDES to the victims of the Raboteau Massacre.

3rd - Further orders them to pay fines and costs to the State.

4th - States that the property of the Accused, Sentenced *in absentia*, from the date of the Rendering of the Judgment, shall be considered to be the property of the absentees, and from that dateon shall be sequestered and the account of the sequestration of goods shall be handed over to the victims and the Hatian State.

5th - States that the jdugment shall be rendered at the behest of the Commissioner of the Government.

That the convicted can in no way contest their convictions. Thus, by the effect of the judgment, all convicted, and particularly **Emmanuel Toto CONSTANT**, rebellious to the law, loses the enjoyment and excercise of his civil and political rights in accordance with the provisions of articles 364 and 375 of the Criminal Code, updated by Jean VANDAL.

That with the exception of the convicted **Emmanuel Toto CONSTANT**, no other convicted *in absentia* has been arrested, or taken prisoner since the judgment of 16 November 2000. This means that it is not yet necessary to proceed in the ordinary manner, since the judgment *in absentia* and the proceedings in this matter have not been annulled as a matter of law in accordance with the 1st paragraph of article 375 of the Code of Criminal Investigation (CIC), updated by Jean VANDAL.

That the BAI would like to take this opportunity to draw your attention to the fact that the others convicted in the above-mentioned proceeding continue to circulate freely in the country's cities' full view, enjoying a system of impunity. In response to this problem, it calls on you to bring justice to all of them for the purpose of a fair trial.

That furthermore, the BAI would like to remind you that the "*Law on Judicial Reform*," published in "Le Moniteur" on Monday 17 August 1998, established in Article 7 the principle that crimes and misdemeanours committed during the period from 30 September 1991 to 15 October 1994 cannot be annulled. Especially here since the convicted were all sentenced to life imprisonment.

That consequently, it is urgent that the *Commissaire du Gouvernement* to the Court of First Instance Gonaïves issue formal orders to ensure that the other defendants, whose names are included in the judgement, be arrested and then placed in the Gonaïves Civil Prison to be dealt with in accordance with the law governing the matter.

Let no one pretend ignorance, a photocopy of Le MoniteurAnd, in the same request, residence, domicile, team of lawyers, choice of residence, identity and other qualities as above, I, the aforementioned and undersigned bailiff, being and speaking as said is, **SUMMONS** in the name of the **LAW**, the **REPUBLIC** and **JUSTICE**, to Judge Sérard GAZIUS, *Commissaire du Gouvernement* to the Court of First Instance of Gonaïves, in his capacity as lead prosecutor, incumbent, and sole holder of the right of action, at his elected residence at the Public Prosecutor's Office near said Court, so declared.

To, without fail:

1. **COMPLY** with the in absentia procedures in accordance with article 364 the Code of Criminal Investigation (CIC), updated by Jean VANDAL ;
2. **MAKE** legal claim to **Emmanuel Toto CONSTANT**, who is already arrested and incarcerated at the behest of the law ;
3. **EXECUTE** in full the judgment in absentia of 16 November 2000 in the Raboteau Massacre Trial against all the others convicted who are circulating peacefully throughout the country's cities and whose names are mentioned in the operative part of the judgment;
4. **ISSUE** formal orders give for all these others convicted to be apprehended wherever they have taken refuge, in accordance with the provisions of article 375 of the Code of Criminal Investigation updated by Jean VANDAL, to answer for their crimes before the Criminal Court of Gonaïves, for the final investigation of the case.

Formally declaring that the *Commissaire du Gouvernement* to the Court of First Instance of Gonaïves to comply with the procedures and laws governing the matter, a Petition will be submitted to the Inter-American Commission on Human Rights (IACHR).

So that Mag. Sérard GAZIUS would have no pretext for not knowing, I, bailiff, the above-mentioned and undersigned, being and speaking as is, have left him a copy of the summons and my present action. - Of which the cost is one thousand gourdes, simple bailiff's fee - Affixed the special "Justice For All" stamp required by law on both the original and the copy.

Bailiff