

BUREAU DES AVOCATS INTERNATIONAUX¹

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The year two thousand twenty,ninth..... 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 ; 05-01-99-197502-00-151 ; 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 Mr. Miradin MORLAN, Director General of the DGI, owner, residing and domiciled in Port-au-Prince in his elected domicile at the Directorate General of Taxes located at Avenue Christophe # 62 where being and speaking to, Person in charge of receiving the judicial acts thus declared ;

That the International Bar Association (BAI), legal representative of the victims and civil parties in the Raboteau Massacre Trial, has 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 tarmac of the Toussaint Louverture International Airport. Subsequently, the convicted was referred to the jurisdiction of Gonaïves, where he was heard by the Public Prosecutor's Office at the Court of First Instance of this city on Thursday, June 25, 2020, at whose orders he was imprisoned in the Civil Prison of Saint-Marc.

That on 16 November 2000, in the context of the Raboteau Massacre Trial, the Criminal Court of Gonaïves delivered, in open court, the judgment, the operative part of which reads as follows:

On these grounds:

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 dit Ti-Armand, Wilbert Morisseau, Brutus as known, Chéry as known,

Koukou as known, Tisonson as known, Pierre Paul Camille, Pierre André Prsum, Douze as known, Raphal Camille, Achou as known, Jacob Jean-Paul, of forced labour in perpetuity.

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

3rd – Futher 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 sequestrated and the account of the sequestration of goods shall be handed over to the victims and the Hatian State.

5th - States that the judgment will be executed at the diligence of the Government Commissioner (sic) "Appears a copy of the judgment published in the Official Gazette of the Republic of Haiti "Le Moniteur" on Thursday, 23 November 2000, 115th Year, No. 92.

That the judgment *in absentia* can in no case be challenged by the convicted persons with regard to article 372 of the Code of Criminal Investigation. Thus by the effect of this judgment, all the convicted persons, including **Emmanuel Toto CONSTANT**, being rebels to the law, lose the exercise of their civil and political rights in accordance with the provisions of articles 364 and 375 of the Code of Criminal Investigation, updated by Jean VANDAL.

That the assets of the convicted should be sequestered in order to prevent their dissipation in accordance with the provisions of the said judgment and article 364 of the Code of Criminal Instruction.

That according to the 2nd paragraph of the jurisprudential note at the bottom of article 1722 of the Haitian Civil Code, annotated by Jean VANDAL it is said "By virtue of the responsibility which falls to him, the judicial sequestration of the goods of the convicted has interest to follow the fruits which can return to the one whose goods he governs" (Cass, decree of April 3, 1906 no 3).

That in addition the 3rd paragraph of a jurisprudential note placed at the bottom of article 486 of the Haitian code of civil procedure, annotated by Luc D. Hector specifies "as a general thesis, all those who have administered the property of others, in any capacity whatsoever, with or without a mandate, are obliged to account for their administration, unless there is an express or implicit dispensation in this regard; this obligation to account is rigorous because it stems from sound justice" (Cass, 2nd section January 8, 1980).

The BAI would like to draw your attention to the fact that the Direction Générale des Impôts (DGI), of which you are the incumbent, has the imperative obligation to account for all assets that have been sequestered in the context of the execution of the judgment *in absentia* rendered by the Tribunal de Première Instance des Gonaïves in public hearing and in its criminal capacity on November 16, 2000 in the Raboteau trial, published in the official journal of the Republic of Haiti "Le Moniteur" on Thursday, November 23, 2000, 115th Year, No. 92.

And, 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, **SUMMARIZE** in the name of the **LAW**, the **REPUBLIC** and **JUSTICE**, to Mr. Miradin MORLAN Director General of the DGI, owner, residing and domiciled in Port-au-Prince in his elected domicile at the General Tax Department located at # 62 Avenue. Christophe thus declared;

To have to report without delay to the Lawyers for the Victims on the management of the various assets of the convicted sequestered as part of the execution of the judgment *in absentia* rendered by the Criminal Court of Gonaïves on December 16, 2000 in the Raboteau Massacre trial.

Formally declaring that if the Directorate General of Taxes (DGI), represented by Mr. Miradin Morlan, fails to comply with this summons, it will be prosecuted to the fullest extent of the law.

As long as the DGI is not unaware of this, I, bailiff, the aforementioned and undersigned, being and speaking as said 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