

April 22, 2024

***Fabricated Executive Powers, Using an Inexistent "Council of Ministers" ("Conseil des Ministres") To Deceive Biden Administration Officials, U.S. Taxpayers, and the Haitian Public and Impose a Widely Contested TPC: Material Facts Concealed by CARICOM Leadership***

President Joe Biden  
The White House. –

Dear Mr. President:

It is with great enthusiasm that I take this opportunity to welcome your administration's long-awaited statement in favor of mutualizing Haiti's indigenous armed forces, according to a holistic approach to national security. Wary Haitian observers are very grateful to General Russel Honoré's timely support, truly dedicated to a suffering Haitian population: true American spirit! Of course, Haiti's military ("Forces Armées d'Haiti (FAdH),") must be an essential part of the equation, **for armed gangs are very likely to mutate and resurge without warnings**. In fact, it is a worldwide phenomenon to which I have dedicated over a quarter-century of research and concrete actions, as an interplanetary defense and security scientist.

It is with my vocal cords imbibed with Haitian blood spilled on battlefields, alongside U.S. soldiers, that I demand a minimum of respect for the laws of our land: Haiti, Mr. President. I have detected and documented a long pattern of law-breaking activities leading up to the current humanitarian crisis in Haiti. Above all, this CARICOM-imposed Transitional Presidential Council (TPC) has been offensive to the point of igniting a dormant revolutionary movement: for a "*Grenadier*," no sacrifice is too great, to defend the territorial integrity of this piece of land, *with the support, of course, of over 1.6 billion people* (African Union and its diaspora). We expect an abrogated UN resolution, with AOS support minus Mr. Leon Charles, not Kenya, Sir.

Hence, I respectfully invite you, Mr. President, to consult with the best constitutional scholars on the issue, before committing U.S. assets to this shady TPC, for the following reasons:

- *Haitian authorities, in addition to coercing several U.S. officials, have not been candid with you regarding: (a) Haiti's undisturbed 1987 Constitution (Art.149); (b) abusive use of "Conseil des Ministres" to deceive for personal gain (Art. 154/Const.; Art. 29/Decree versus 159/Const.); (c) bogus constitutional crisis claim (Art.5; 40; & 284.4).*

**But, as a trained lawyer, Mr. President:**

- You know, as State Department, White House and Justice Department officials are in position to confirm, *that previous attempts to amend Haiti's 1987 Constitution had failed and current claims of constitutional crisis are calumniously fueled by competing interest groups;*
- You know, as State Department, White House and Justice Department officials are in position to confirm, *that Article 149 of the Haitian Constitution clearly and explicitly bestows presidential powers to Haiti's equivalent of the U.S. Supreme Court ("La Cour de Cassation"), as opposed to seven (7) warring political parties with a majority of them linked to ferocious armed gangs;*
- You know, as State Department, White House and Justice Department officials are in position to confirm, *that Articles 154 (Const.) and 29 (Decree Special n°.6, May 20, 2005) both confirm expiration of the powerful "Conseil des Ministres" institution, upon President Jovenel Moïse's death, thereby rendering all government Decrees and "Arrêtés" deceitfully claiming broad executive powers null and void, ipso facto;*
- You know, as State Department, White House and Justice Department officials are in position to confirm, *that the formal complaint, filed and signed by all wishful TPC members, rightfully points to instances of "denaturation" and "alteration of material facts" attributed to Decree n°.14 (failing to establish said Council); and*
- You know, based on the foregoing material facts as well as stated legal references, *that Decree n°. 14, Arrêté n°.14-A, and Arrêté n°.15 are sine effectu: legally, politically, and diplomatically null and void; thus, making the creation, promotion, and installation of the formally rejected TPC an illegal act (under Haitian, U.S., and related international laws or conventions).*

As a remedy, it is still reasonable, legal, and constitutionally sound, Mr. President, for Lt.-General Jodel LESAGE to consult with his defense and security counterparts, in the hope to apply Article 149's spirit to this dire Haitian crisis, as duly vetted members of the defunct TPC are allowed to play a role on the impending special presidential advisory board, following a newly issued decree, which is no longer stained by the abusive and deceitful use of "Conseil des Ministres/Council of the Ministers" powers. Against this manifest scheme to defraud Haitian as well as U.S. taxpayers, this win-win scenario had been proposed to your Administration via various channels. The ultimate decision and its consequences are solely yours, Mr. President. Where the letter of the law might appear gray, the spirit of Article 149 remains sky high, awaiting to be captured.

Accordingly, it was deeply offensive for CARICOM negotiators to impose UN Resolution 2699 as *sine qua non* condition to the Haitian people, while claiming "absence" of foreign interference in Haiti's internal affairs, given what we know today. We should not expect the installation of this ill-conceived TPC, for the latter is loaded with seeds of election frauds and foreign interference. The CARICOM leadership must stop concealing material facts in this case and promptly resign.

For the record, Mr. President, I have been compelled to remind all concerned parties, at home and abroad, that I have served U.S. and NATO interests for over a quarter-century, as part of a three-generation commitment (*see* Turnbull & French-Saudi dispute files). As a result, I publicly challenge U.S. agencies as well as individual agents involved, under false pretenses, in targeting Haitian, French and Saudi scientists, because of their readiness and willingness to help Haiti: I honored my commitments to other countries; now is the time for me to help my homeland, Haiti. Henceforth, I will do for Haiti what I have done for U.S. and allies in the past 25 years. I need to serve my country without any threats or intimidation from anyone, Mr. President.

Respectfully submitted [in the spirit of Article 149],

Berg P. Hyacinthe, Ph.D.

Signature==

p.j. *Legal references stipulated in Annex*

## TRANSITIONAL PRESIDENTIAL COUNCIL (TPC) KILLED BY FABRICATED "COUNCIL OF MINISTERS"

What about misuse and abuse of constitutionally-established institutions such as the "National Palace" and the "Council of Ministers", as legal instruments knowingly fabricated to deceive U.S. officials, U.S. taxpayers, and the Haitian population, with instances of "denaturation" duly documented in government Decrees and "Arrêtés" published in Haiti's official journal: "Le Moniteur": abundant sources and fertile ground of corruption in Haiti?

**Nota Bene:** Contrary to a sophisticated propaganda campaign aimed at *fabricating a wishful constitutional crisis*, that has gained momentum over the years, with the assistance of foreign interest groups, **Haiti's 1987 Constitution has never been amended**, as previous attempts to do so have failed (*see* related articles 5, 40, and 284.4).

It is equally important to establish that, according to article 154 of the Constitution, supported by article 29 of the Decree, dated May 20, 2005, regulating the matter, all administrative acts (Decrees and Arrêtés), published in the official journal *le Moniteur* with mentions "Conseil des Ministres" and/or "Palais National" as active institutions, are deemed *sine effectu*. Accordingly, all Conventions, MOUs, accords, and commercial agreements signed under such instruments fall as victims (including Decrees and arrêtés attempted to establish the failed transitional presidential council). The september 2022 "Conseil des Ministres" **fabricated instrument** used to trigger UN Resolution 2699 renders the latter null and void. The continuous call for Kenyan deployment under 2699 is clearly an illegal act. It is a dangerous psychological assault on the Haitian people.

**Decree on the Organization of the Central State Administration (*Le Moniteur*, 160<sup>th</sup> Special Year No. 6, Wednesday, May 20, 2005)**

**Article 29:**

*The Council of Ministers is the collegial body that deliberates and decides on policy Government. The Council of Ministers is formed by the meeting of the Prime Minister and Ministers under the chairmanship of the President of the Republic.*

### Article 5

All the Haitian are United by one tongue commune the Creole. **Creole and French are the official languages of the Republic.**

### Article 149

Should the office of the Presidency of the Republic become vacant for any reason, the President of the Supreme Court of the Republic, or in his absence, the Vice President of that Court, or in his absence, the judge with the highest seniority and so on by order of seniority, shall be invested temporarily with the duties of the President of the Republic by the National Assembly duly convened by the Prime Minister- The election of a new President for a new five (5) year term shall be held at least forty-five (45) and no more than ninety (90) days after the vacancy occurs, pursuant to the Constitution and the Electoral Law.

### Article 40

The State has the obligation to publicize in the oral, written and televised press in the Creole and French languages all laws, orders, decrees, international agreements, treaties, and conventions on everything affecting the national life, except for information concerning national security.

### ARTICLE 284.4

**No amendment** to the Constitution shall undermine the **democratic and republican character** of the State

**Nota Bene:** Any constitutional amendment published only in French, in flagrant violation of Article 40, constitutes an infringement of the democratic character of the right to information (Art.40), guaranteed by the State to its Creole-speaking citizens. **Article 159** applies only to temporary situations.

### Article 154

The President of the Republic presides over the Council of Ministers.

*The Council of Ministers is the collegial body that deliberates and decides on policy Government. The Council of Ministers is formed by the meeting of the Prime Minister and Ministers under the chairmanship of the President of the Republic.*