

**Our Ref:**

**Your Ref No.**

**Date: 16<sup>th</sup> May 2024**

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**Dear Sir/Madam,**

**RE: THE PROPOSED DEPLOYMENT OF 1,000 KENYA NATIONAL POLICE  
OFFICERS TO HAITICOUNTY FOR OWN USE.**

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**PREAMBLE**

We, the undersigned present this petition to all the offices herein in the belief that they play and would play a pivotal role in correcting the injustices that the people of the Great Republic of Haiti have been subjected to historically and momentarily.

We wish to state beforehand that the meddling and interference by other nations, especially the United States of America (USA) and its allies, the republic of Kenya and others, remain the cause of the suffering of the people of Haiti. The meddling in the internal affairs of Haiti must stop NOW. The purported deployment of Kenyan police

officers to Haiti is nothing but an excuse to continue the recolonization of Haiti.

We also quickly add that the United Nations remains a big disappointment for it is clearly being manipulated by the imperialists and globalists intent on re-colonizing Haiti. It is not lost on us that there is deliberate effort to paint Haiti in the negative including the very derogatory description of Haiti as being a poor country contrary to its valuable ground, land and sea resources; strategic location at the Windward Passage; its deep-water ports; biodiversity reserves at Caracol Bay (a US \$3.2 trillion mangrove and coral reef ecosystem) and vast Massif de la Hotte Biosphere Reserve and mountain ranges in the South, West and North. Haiti is a rich country whose natural resources- iridium, oil, natural gas, gold, lithium, cobalt, copper, uranium, bauxite and underwater treasures remain a cause for its deliberate destabilization by the globalists and imperialists.

## **I. BACKGROUND**

1. A brief history of Haiti is worth revisiting in order that we put this petition in context. Haiti is an island in the Caribbean whose origin was founded on the blood of over 500,000 kidnapped and enslaved Africans shipped across the Atlantic from Central and West Africa by European colonizers and slave traders. The enslaved Africans would work under grisly conditions in plantations to produce raw materials in the form of cotton, sugar, tobacco, and coffee that would enrich the Western European empires. While other oppressed people like the Jewish have since been compensated for the holocaust, the victims of slavery and Haiti in particular remain uncompensated to this very date.
2. In fact, after 300 years of brutal European slavery and a 13-year revolutionary war, where over 250,000 of the 500,000 Africans lost their lives fighting for freedom against the European enslavers and colonizers, Haiti was forced, under the threat of being re-enslaved and at the point of over 300 French gunboat cannons, to pay reparations to France for the loss of its enslaved Africans and the lands the triumphant African warriors, won in combat against the three most powerful armies – French, British and Spanish, in the world at that time. For over a century, exactly 122-years, from 1825 to 1947, the Haitian people were forced to pay a ransom and double usurious debt to France as reparations and a condition to stop European invasion, recognize Haiti as a sovereign nation. Yet, the European and their white settler derivative nations, like the U.S.A, continue to want more from the Haiti people, no matter how many times Haitians have paid for their land, freedom, resources and sovereignty.
3. The beginning of the 19<sup>th</sup> century marked the start of a revolution that would lead to Haiti becoming the first free black nation since Europeans began the Maafa. The African warriors in Haiti defeated Napoleon's forces along with the British and Spanish armies to abolish slavery, direct colonialism, forced assimilation and the Triangular Trade. The European nations all were economically dependent on enslaving Africans and their labor and have, to this day, refused to allow a success narrative about Haiti. When Napoleon lost Haiti as a colony, he went on a purge to kill Africans who were in France, including having killed the first leader of the Haiti revolution, General Toussaint Louverture in the Jura mountains 7 April 1803; to forbid all African civil rights even to great Black French generals like Haiti-born Thomas Alexandre Dumas or Guadeloupean-born Joseph Bologne, the most

accomplished man in Europe and fencing teacher to Napoleon's adversary Thomas Alexandre Dumas, father to the great French literary giant.

4. The French, under Napoleon, were so viciously petty, mean and angry about the success of these Black generals and the success of the African revolutionaries in Haiti that they also effectively killed Haiti revolutionary general Henry Christophe's 11-year old son, Francois Ferdinand Christophe, a young student in Paris, after the revolution while also torturing Toussaint Louverture's wife, Suzanne Simone Baptise Louverture, who they had also kidnapped during the war when they kidnapped her husband.
5. Haiti's founding father, Jean Jacques Dessalines responded to all these French brutalities, their sending flesh eating dogs to kill freedom fighters, their mass drownings, burnings at the stake, breaking Africans at the wheel, beheadings and gas chambers using snuff boats filled with sulfur gas and the constant "infernal politics of the Europeans;" their "phantoms of liberty" doublespeak by "avenging America," -that is, killing 3,000 French nationals who arrogantly remained on the Island after the revolution. Those few hundred Europeans who fought for liberty-for-all on the side of the African warriors against the enslavers were granted Haiti citizenship, lands and rewarded with the appellation "Black" for their humanity and warrior ship.
6. After beating Napoleon's forces at the Battle of Vertières, General Dessalines let Napoleon's losing General Rochambeau go home with over 7,500 soldiers. But those who stayed, as noted above, about 3,000 French, were killed by Dessalines' troops and the mulatto generals, who had suffered many relatives and family gratuitously killed by these genocidal French slavers and colonizers. Dessalines said he gave the order to avenge the genocide against the native Ayisyen, the Africans and to end the influence of the European white domination adherents who remain on the island to spy for France, foment division and plot to return colonialism and slavery back to Haiti.
7. Dessalines' 1805 Constitution would also forbid all Europeans from owning land or property in Haiti. But although Haiti was forced to pay reparations for all French life and lands lost for 122 years, no European nation has ever been held accountable for the 300-years of slavery, free African labor nor for the half million Africans who lost their lives to set themselves free. To this day Jean-Jacques Dessalines's people are fighting off these former enslavers' invasions, petty anger at losing in combat and brutal wrath.
8. To make an example out of Haiti, the West has, since Haiti's independence, promoted a colonial narrative, racist stereotypes and negative images. The "Great Haiti Disaster Story" is their greatest asset to stop Africans in the Western Hemisphere and Africa from cutting the Eurocentric umbilical cords of exploitation. It's the price forced on Haitians daily for being the pioneers of human rights and abolishing slavery for planet earth.
9. In the last 30 years, Haiti has suffered at least ten US-backed United Nation missions. Each foreign deployment left more violence, more foreign pathology, more plastic

garbage to clog Haiti lands, more rape, more abandoned foreign-sired children, more foreign sickness and more assault weapons. Western debt, dependency and domination policies, coupled with the few white (French colonized and Christian, Syrian-Lebanese-Palestinian-Israeli) economic elites' apartheid and domination of the local Haiti economy, as the overseers, for Western corporatocracy in Haiti further exacerbates the deteriorating situation and instability being witnessed today.

10. In recent history, the former and deceased president Jovenel Moïse attempted to extend his term limit that led to socio-economic crippling protests in the region and consequent assassination of Mr. Moïse. The instability has been linked to further Western involvement with former Prime Minister Ariel Henry guised as their figurehead.

## II. IMPLICATIONS FOR THE KENYA NATIONAL POLICE SERVICE (NPS)

11. With that brief historical content factored into consideration, it is essential that we as a nation seriously contemplate the complexities involved when discussing the Haitian issue. It is important to note that the gang that the Kenyan NPS has been tasked to handle should the mission succeed, is under the control of many gang leaders including the feared, Jimmy Chérizier a.k.a "Berbecue", a former officer with the Haitian Police force. Thus, our officers offer little to no tactical advantage in engaging in this mission.
12. As such, it becomes necessary to understand the construct of our national police service (NPS) to critically assess both our suitability and mission's readiness for this ill-advised and illegal intended deployment. The Kenya NPS draws its mandate from the 2010 Constitution of Kenya as part of the National Security established under Chapter 14 thereof. The Constitution defines National Security as the protection against both internal and external threats to our territorial integrity, sovereignty, rights, freedoms, property, peace, stability, our shared prosperity, and all national interests.
13. The Constitution further in Art. 240 thereof, delineates the functions and mandates of our national security. More specifically, the Constitution distinguishes the national police service from the Kenya Defense Forces (the Military). The Constitution, being the supreme law of our land, restricts the use of the National Police Service within the jurisdiction of Kenya.
14. Kenya is cognizant of Haiti's challenges stemming back to the early 1900s. Western nations had orchestrated many of these challenges through consistent subversion of Haiti's internal affairs. On October 2023, the UN Security Council (UNSC) passed the resolution 2699/2023 that established a Multinational Security Support mission to Haiti for a period of one year. The UNSC tasked Kenya with heading the mission with the objective of normalizing the situation. Despite the nobility of the mission, the list below highlights legal objections to the deployment of the NPS:
  - 12.1. The legitimacy of Kenya's presence in Haiti is in question. The Constitution does not authorize deployment of the NPS outside Kenyan

borders. However, sections 107, 108 and 109 grant discretionary power to the President of Kenya to deploy NPS outside Kenya. It is important that that a discretionary power is statutory, and therefore inferior to the Constitutional provisions in Chapter 14.

12.2. Secondly, the aforesaid discretionary power is conditional upon the president satisfying himself on a number of conditions that must obtain beforehand, to wit,

12.2.1. There must be a request from a country;

12.2.2. The request must be made by a democratically elected president of the requesting country. In the instant case, the democratically elected president of Haiti ought to have made the request;

12.2.3. The former Prime Minister of Haiti, Ariel Henry, at the time did not have those powers under the Constitution of Haiti; thus making what is being touted as a reciprocal agreement, a nullity *ab initio*;

12.2.4. That request must be predicated on a reciprocal arrangement/agreement;

12.2.5. The reciprocal arrangement must then be published in the official Kenya gazette in order that the people of Kenya must know that their NPS is being deployed externally;

12.2.6. In furtherance of the foregoing, the Constitution of Kenya at Article 35 guarantees the right to information that is being held by a state organ;

12.2.7. Consequently, Article 10 of the Constitution relating to national values and principles of governance requires that there must be public participation. The Kenyan courts in a number of decisions have since ruled that public participation cannot be cosmetic; it must be meaningful public participation, especially on a matter of this magnitude.

### **Lack of capacity to enter into an agreement.**

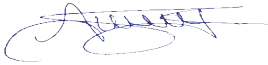
9.3. The constitution notes that in recognition of the fact, the legitimacy of the involved state's government should be unquestionable. The issues surrounding Haiti PM Ariel Henry's government are in direct contravention of the constitutional provisions. Consequently, the agreement signed between President William Ruto and the then Prime Minister of Haiti, Ariel Henry, was and remains invalid to this very date as the latter lacked capacity to enter into such an agreement.

9.4. The Kenya National Security Council has no authority by dint of Article

240(8) of the constitution of Kenya over the NPS.

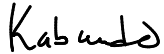
10. Against the background and provisions in our Constitution, there was lack of public participation and parliamentary approval before the announcement of Kenya's involvement in the intended peace mission. The matter was not tabled before parliament for deliberation and while the president may use his authority to make such a declaration, there are nuances to the scope of his power. The president's power is further limited during peace time more so with regards to the utilization of the NPS on foreign engagements. Additionally, the executive failed to engage the public who continue to express their distaste for the executive's misplaced priorities.
11. The High Court in **Petition No. HCCHRPET/E389/2023** issued an order prohibiting deployment of NPS to any other state except when in compliance with part XIV sections 107 and 108 of the *National Police Service Act*. See the attached *Judgment of the Court*. The Executive arm's blatant disregard of the court orders demonstrates the total defilement of the Constitution that serves as a reference point for law and order throughout the nation. Furthermore, majority of Kenyans have expressed their reservations over our participation of this peace mission owing to further reasons below:
12. Kenya has its own security challenges. For example, regions such as Baringo, Lamu, Baragoi, the entire northern Kenya and the coastal regions as well as the urban areas that are all experiencing internal strife/insecurity. The recent loss of our Chief of Defense Forces, General Francis Ogolla, who had travelled to the North Rift region to restore law and order following bandit attacks under circumstances yet to be established. Kenya cannot afford to lose any more personnel, especially in a foreign war where we lack sufficient information on the scale, scope, and nature of the conflict in Haiti.
13. The NPS is inadequately trained to oversee this type of mission. The unfamiliar environment provides its own unique challenges. The NPS is not battle-tested to manage conflict resolution with civilians/militia with access to firearms. Additionally, Kenyan personnel will encounter language and cultural challenges. Of key importance in any mission is intelligence collection and language familiarity that forms a sizable portion of the process. Cultural differences will also dissuade interactions between the NPS and the locals who already express bias towards foreign intervention.

14. Popular opinion holds that there are better suited countries to manage the mission. The UNSC should call upon other UN members that are geographical and linguistically close to offer the proposed service. The logistics of the matter in involving Kenya raises questions on the purported benefits of the peace mission. Furthermore, it is foolhardy for the UN that recommends the ration of police to civilian population to prefer a country that has not met its own set guidelines to go to Haiti. The whole mission at this state is laughable.
15. In addition to the foregoing, it is also common knowledge that the guns being used by the gangs that our NPS is to deal with are armed from the USA through Florida. The USA must first and foremost stop supplying guns to those gangs. In fact, the insecurity situation in Haiti implicates the USA.
16. Financial gains versus better alternatives. Why should the international community absolve better trained western forces of the risk i.e., what was the UN SC's selection criteria that placed Kenya on the forefront? The US, Canadian, German, and French forces are better trained, adept, and equipped to handle urban guerilla warfare. Despite the potential monetary gain and rise in diplomatic presence, does Kenya's involvement result in a net gain or a net loss?
17. Consequently, we the undersigned vehemently reject the national government's misinformed stance on the issue and further request that the UNSC reviews its resolution. In fact, if we were to be brutally honest with your good offices, the current state of affairs in Haiti is a creation of the USA, Canada, France together with all their allies and the oligarchs currently exploiting the natural resources in Haiti especially the rare minerals.
18. To that extent, and even comparing the capacity of Kenya and USA to intervene in such missions, Kenya has too many domestic problems to engage in such a mission. Furthermore, as patriots, we detest the idea of our Country being used as a pawn by imperialists and globalist that the USA currently represents. The USA would not support the blatant disregard and violation of its own Constitution by any other nation. In fact, it would rather go to war with that nation. Likewise, we will not accept the USA through its cajoling of our President to violate the will of the people of Kenya.
19. Lastly, and in our considered opinion, the USA should be the last country to urge any other country to go and restore law and order in another country. The USA's record of destroying other countries is recorded in history, hence our total opposition to the actions of the USA in urging and mis-using our President to undertake their ill-intentions in the republic of Haiti. It's not lost to us what the USA did in Vietnam, Cambodia, Laos, Chile, Cuba, Iraq, Afghanistan, Libya and Somalia, amongst other countries.
20. We are also now calling all caring citizens of the world, and the American people in particular as well as fellow Africans and the black nation wherever they may be to stand with the great nation of Haiti and to protest in their own existential locations on the intended invasion of Haiti. Haiti deserves respect and to be left alone to settle its sovereign matters. Even the supposedly mighty USA has serious domestic issues. Fix your own problem first.




**Ekuru Aukot<sup>1</sup>**

*Party Leader, Thirdway Alliance Kenya*



**Hon. Kabando wa Kabando<sup>2</sup>**

*Former MP, Mukurueini*



**Philip Kisia<sup>3</sup>**

*Former Town Clerk, Nairobi*

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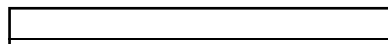
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<sup>2</sup> Former Member of Parliament, Mukurueini & Assistant Minister

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