

National Human Rights Defense Network/
Réseau National de Défense des Droits Humains
(RNDDH)

Membre de la
fidh

*Investigative Report Concerning
Tensions in Arcahaie*

14 October 2015

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I. INTRODUCTION

On July 22nd, 2015, the MARTELLY / PAUL government adopted a decree creating a new commune called the *Commune of The Arcadins*.

This decision was not well received by the population of the city of *Arcahaie*. Feeling offended, the population organized a series of movements in order to protest against the adoption of the decree and to force the government to retract it. Ever since, a situation of tension and violence has reigned in *Arcahaie*.

The damages recorded are enormous. In the light of the scale of the damages, the *National Human Rights Defense Network* commissioned, from 23 September to 13 October, an investigation on the scene and presents its findings to the public in the present report.

II. PRESENTATION OF THE CITY OF ARCAHAIE

Capital of the district of *Arcahaie*, which consists of the two (2) communes *Arcahaie* and *Cabaret*, *Arcahaie* is one of the twenty (20) communes of the West Department. It has a total land area of *six hundred and eleven thousand kilometers and nine tenth* (611,09 km²).

According to a census by estimation conducted in 2009 by the *Haitian Institute for and Informatics* (IHSI), *Arcahaie* has an estimated population of *one hundred eighteen thousand five hundred and one* (118.501) inhabitants.

Arcahaie is a port city. It overlooks the *Gulf of the Gonâve* and is crossed by the *Courjolle* river which originates in the *Matheux* chain.

III. METHODOLOGY OF THE INVESTIGATION

In the course of its investigation, RNDDH met with

- The Police Authorities :
 - ✓ Claude JEAN, police superintendent and chief responsible of the *Arcahaie* police station ;
 - ✓ Jacsaint JEAN, detective chief inspector and assistant responsible of the *Arcahaie* police station ;
- The Judicial Authorities at the level of the Peace Courts of *Arcahaie* and *Saintard* :
 - ✓ Me Jean Guilloux MAXIMILIEN, Justice of the Peace of *Arcahaie* ;
 - ✓ Me Jean Bertho GILLES, Justice of the Peace of *Saintard* ;

- Health care responsables of the *Nicolas Armand Hospital*
- Members of the population, victims and notables :
 - ✓ Voltaire DOUIS, parent of Ezemanie MAY ;
 - ✓ Madame Osnel BEAUVOIR, parent of Ezemanie MAY ;
 - ✓ Jeannette FÉVRIUS, mother of Gustave LOUIS alias Dado ;
 - ✓ Guilande LOUIS, sister of Gustave LOUIS alias Dado.
 - ✓ Madame Acéfié JEAN, shopkeeper ;
 - ✓ Jean Kesny JULIEN, businessman ;
 - ✓ Bonis FLEURISTAL, businessman ;
 - ✓ Jeff ULYSSE, hit by a bullet ;
 - ✓ Nelson VEILLARD, owner of a motorcycle that was set on fire ;
 - ✓ Yves PIERRE, owner of damaged greenhouse and motorcycle ;
 - ✓ Chenet SAINT-FLEUR, owner of a damaged studio
 - ✓ Jean Josius PIERRE, owner of a motorcycle ;
 - ✓ Jean Termil ETIENNE, owner of a motorcycle ;
 - ✓ Henrilus Roosevelt PIERRE, owner of a motorcycle ;
 - ✓ Casha CANTAVE, moto-taxi driver ;
 - ✓ Ixavar JEAN ;
 - ✓ Jean Waldo CADET;
 - ✓ Aristilde CLAUDE ;
 - ✓ Loveline NORMIL.

Despite many attempts, RNDDH was not able to meet with the Municipal Authorities not with the Deputy-Chief of the commune of *Arcahaie* because they were not present on the scene.

IV. STATEMENT OF EVENTS

On June 22nd, 2015, president Michel Joseph MARTELLY adopted the "*Decree identifying and establishing the territorial boundaries of the Departments, Districts, Communes and Communal Sections of the Republic of Haiti*", which appeared in the 147th edition of the national bulletin *Le Moniteur* on August 5, 2015.

In article 1 of said decree it is written that: "*The Republic of Haiti consists of 10 Departments, 42 Districts, 145 Communes and 571 Sections*", which establishes new municipalities, among which *The Arcadins*, encompassing the communal section of *Mont-Rouis*, dependent on the commune of *Arcahaie* and the communal section of *Délugé* dependent on the commune of *Saint-Marc*.

Following this territorial demarcation, the new administrative unit *The Arcadins* makes up one of five (5) communes of the district of *Saint-Marc*, namely "*Saint-Marc – Verrettes – La Chapelle – Liancourt – Les Arcadins*", in the department of the Artibonite. This new municipality is bounded in the north from *Pierre Payen* to *Ca-Day*, in the west from *Ca-Day* to *Morne Lourou*, passing *Langlois* and *Turin*.

The population of *Arcahaie* has mobilized in fierce protest against this new territorial delineation which it considers as arbitrary. Burning barricades were erected on the national highway #1, educational and economical activities came to a halt in the commune of *Arcahaie*, etc. The protest movement justifies its protest by the fact that the new delineation goes against the financial and economic interests of *Arcahaie*. Indeed, losing this commune, where several beaches and hotels are located, implies an enormous loss in tax revenues.

In order to restore peace and order in the commune of *Arcahaie*, the Police Authorities rushed a contingent of special agents of the *Intervention Force for the Maintenance of Order*, the *Departmental Unit for the Maintenance of Order*, and the *Departmental Brigade of Operations and Interventions*.

According to persons encountered in the context of this investigation, the officers of the Haitian National Police, especially those of the *Departmental Brigade of Operations and Interventions*, intervened while spreading terror in the commune: they destroyed banana gardens, punctured motorcycle tanks in order to set them on fire, arresting passers-by and residents of *Arcahaie* without any respect for human rights, pillaging local businesses, consuming goods without paying for them and indulging in acts of vandalism with impunity.

a) Point of view of the Police Authorities

The Police Authorities confirm having arrested at least twelve (12) people. They estimate that, contrary to the opinion of the members of the population encountered in the context of this investigation, the Police Authorities have always shown professionalism in their interventions.

Concerning the incinerated vehicles and houses, they declare not knowing the circumstances in which these properties were destroyed.

b) Point of view of the Judicial Authorities

According to Judge Jean Guilloux MAXIMILIEN, Justice of the Peace Court of the commune of *Arcahaie*, he proceeded to the arrest of at least ten (10) persons in the context of this mobilization. However, after their hearing they have all been released.

Moreover, several cases of gunshot wounds as well as two (2) cases of death of men have been recorded. However, the magistrate claims that several injured persons did not participate in the protest movement.

c) Point of view of responsables of the Nicolas Armand Hospital

According to information gathered from the emergency unit of the *Nicolas Armand Hospital*, since the beginning of the events, at least eight (8) persons hit by projectiles have been treated in the hospital, two (2) of which were agents of the Haitian National Police who were victim of throwing of stones.

Other victims are said to have been treated by other hospital services in the commune.

V. BALANCE

A summary of the damages recorded is presented below :

Four (4) persons were killed. They are :

- ✓ Ezemanie MAY. Aged *twenty-three (23)*, she died on September 2, 2015, around one hour after having been hit in the arm by a projectile which entered her rib cage. On September 16, 2015, Judge Jean Guilloux MAXIMILIEN, Justice of the Peace Court of *Arcahaie*, issued the observation record on the request of the cabinet of *Manès Louis and associates* ;
- ✓ Gustave LOUIS alias Dado. A motorcycle driver, he is intercepted by the agents of the *Departmental Brigade of Operations and Interventions* on September 13, 2015. His corpse, covered in bruises, is found the next morning at *Source Courtin*. Called upon by Mr. Ysma LOUIS, brother of the victim, the Justice of the Peace Court of *Saintard*, Judge Jean Bertho GILLES issued the observation record. According to the information gathered, Gustave LOUIS alias Dado was forced to pick up the flaming tire carcasses with his own hands before being executed by the agents of the Haitian National Police ;
- ✓ Adams DELVA went missing. Subsequently, his corpse was found in *Source Courtin* near *Williamson* and could be identified by the parents because of a tattoo with his mother's name on his arm ;
- ✓ On October 10, 2015, at around four o'clock in the afternoon, a taxi motor driver riding his motorcycle was deadly hit by a vehicle while he was trying to flee from agents of the Haitian National Police who were beating up motorcycle drivers.
- ✓ Le 10 octobre 2015, aux environs de *quatre* heures de l'après midi, un chauffeur de taxi-moto à bord de sa motocyclette, a été mortellement heurté par un véhicule, au moment où il tentait de fuir des agents de la PNH qui bastonnaient les chauffeurs de motocyclettes.

Eight (8) persons were injured by bullets and two (2) others were injured by throwing of stones. Among the victims, RNDDH was able to meet with:

- Jean Waldo CADET, injured by projectiles in the left arm and right foot ;
- Jeff ULYSSE, injured by a bullet in the left thigh ;
- Denis Pierre LOUISVILLE, alias Patchouco, hit in the foot by a projectile. He was in the company of Gustave LOUIS alias Dado ;
- Marie Patricia PIERRE, injured by a bullet ;

- Loveline NORMIL, hit by a projectile that entered her right shoulder and passed through to the front ;
- An agent of the Haitian National Police, injured in the face by a stone ;
- Carlensky Jonathan NOËL, a newborn who fainted due to the propagation of tear gas thrown by agents of the Haitian National Police.
- Casha CANTAVE, a taxi moto driver beaten by agents of the Haitian National Police to the point of losing a tooth.

Two (2) houses were set on fire:

- ✓ A two-story house was set on fire. It belonged to Pastor Riyos BERTRAND.
- ✓ A house was set on fire by agents of the Haitian National Police.

In the night of October 1 to October 2, 2015, the doors and gates of houses housing public offices are set on fire or burned :

- ✓ The front door of the Court of Peace of *Arcahaie* was set on fire
- ✓ The door of the *Civil Status Office* was set on fire
- ✓ A door of the *General Direction on Taxes* was set on fire
- ✓ The gate of the vice-delegation was set on fire
- ✓ A door of the mayor's office of *Arcahaie* was set on fire

At least three (3) businesses were vandalized.

- ✓ A grocery store belonging to Ms Acéfie JEAN was looted by agents of law enforcement officials
- ✓ The mirrors of the studio "*Say you, say me*", belonging to Chenet SAINT-FLEUR, were broken.
- ✓ The business of Bonis FLEURISTAL was vandalized.

Seven (7) vehicles were set on fire :

- ✓ A bus belonging to the company *Sans Souci* is set on fire on September 14, 2015 ;
- ✓ A bus belonging to the company *Blue Sky* is attacked on September 28, 2015 by the population of *Saintard*, the windshields are broken ;

- ✓ A bus belonging to the company *Sun shine Tour* is seriously damaged. The windshields are broken by the population ;
- ✓ A tanker truck, coming from *Port-de-Paix* is set on fire by armed individuals ;
- ✓ The windshield of a pick-up with license plate TP 20027 belonging to Ixavar JEAN was broken by agents of the *Departmental Brigade of Operations and Interventions* ;
- ✓ A trailer is set on fire in the course of the 4th of October ;
- ✓ A minibus of the brand *Dodge*, registered AA76300 and belonging to Jean Kesny JULIEN was set on fire. A container of one hundred (100) foot was also burned.

More than twenty motorcycles were damaged on set on fire. RNDDH was able to record some of the owners:

- Nelson VEILLARD
- Yves PIERRE-LOUIS
- Jean Josius PIERRE
- Jean Termil ETIENNE
- Henrilus Roosevelt PIERRE
- Hugues PIERRE
- Aristilde CLAUDE
- Jean Nicleston PIERRE
- Pierre MERCIUS
- Wilguerre MERCIUS
- Volcy SAINT LEGER
- Miguel THEODORE
- Francky SAINT-JUSTE
- Harrison SAINT-JUSTE
- Noblesse LINDOR
- Marlène ST-JUSTE
- Marie Patricia PIERRE
- Son SULLY

VI. SUBSEQUENT EVENTS

On October 11, 2015, the government, represented by the *Minister of the Interior and Territorial Collectivities*, Zéphirin ARDOUIN, the *Secretary of State for Territorial Collectivities*, Philippe ORIOL, the *Departmental Director of the West* of the Haitian National Police Jonas Vladimir PARAISON and the *Departmental Delegate of the West* Gonzague DAY held a meeting in the premises of the *Tatie Bar Restaurant* in *Arcahaie* with representatives of the *Arcahaie Citizens Collective* concerning the situation prevailing in the *Côte des Arcadins*.

The grievances of the population, as represented by the *Arcahaie Citizens Collective*, can be summarized as follows:

- Annulment of the decree of July 22, 2015;
- Reparation for the victims ;
- Withdrawal of the agents of the Haitian National Police that spread terror in the area.

A communication from the government, dated 12 October 2015, states that following the discussions and taking into account the grievances expressed by the different parties, a tripartite commission composed of representatives of the government and representatives of the communities of *Arcahaie* and *Mont-Rouis* is formed in order to find a consensus that will facilitate the resolution of the current crisis. However, when asked about the formation of this commission, the members of the *Arcahaie Citizens Collective* that took part in the abovementioned meeting claim that this was never put forward.

On October 13, 2015, a peaceful march was organized by the population of *Arcahaie* in order to demand the withdrawal of the decree of July 22, 2015.

VII. COMMENTS AND RECOMMENDATIONS

RNDDH believes that the situation prevailing in the commune of *Arcahaie* is very alarming. On the one hand, the immeasurable human and material losses are regrettable. On the other hand, the consequences on the lives and livelihoods of the population are immense: the economic activities are paralyzed, the schools do not function, public transport is limited, etc.

This situation creates fear among passersby and public transport companies, especially when it comes to using that section of the national highway #1. The situation threatens to worsen if no political measures are taken by the very people who are responsible for this mess. In this regard, RNDDH believes that the government's approach to resolve this crisis, which consists of using force to terrorize the population, has not had any result. Other strategies must be considered, with respect for human dignity.

RNDDH takes seriously the continuous statements of the population, corroborated in part by the Judicial Authorities, concerning the cruel, inhumane and degrading treatments inflicted on members of the population as well as statements relating to acts of vandalism and sabotage committed by agents of the Haitian National Police. RNDDH deems it necessary for the *General Inspection of the Haitian National Police* to intervene and to meet with the victims, in view of establishing the responsibilities of agents of the police force in the escalation of this situation.

Moreover, RNDDH invites the population of *Arcahaie* to stop the use of violence to pass their grievances since violence in itself does not guarantee any success, as the population seems to think.

In his campaigning promises, President Michel Joseph MARTELLY promised to lift *Mont-Rouis* to the level of commune, but not *Arcahaie* and *Délugé*. However, the communal section *Mont-Rouis* remains a communal section, if the decree of July 22, 2015, is to be believed. Moreover, RNDDH reminds everyone that the abovementioned decree, which is at

the basis of the current situation of tension that reigns in *Arcahaie*, was taken by President Michel Joseph MARTELLY despite his solemn promise on January 12, 2015, that he would only adopt a single decree pertaining to the organization of elections.

There is no doubt that raising localities to the level of communes isn't just a matter of adopting a decree. It is a decision that should result from a parliamentary debate, with the participation of all sectors of community life.

On the basis of all these considerations, RNDDH recommends the concerned authorities the following:

- Commission an investigation in order to shed light on the events that occurred in *Arcahaie* ;
- Bring to justice all persons and all agents of the Haitian National Police that were involved in the assassinations, assaults, injuries and acts of sabotage and vandalism ;
- Evaluate the losses and compensate the victims ;
- Repeal the decree of July 22, 2015 ;
- Take all necessary measures in order to restore the calm in *Arcahaie*.

Pictures illustrating the events



Broken Windshield of a bus of the company Sunshine



Burning Bus of the company Sans Souci



Barricade erected from burning vehicles



Burning bus



Burned motorcycles after their tanks have been pierced



A burnt vehicle

A container with burnt goods



A burnt container at Pont Matheux



windshield of a van broken



Injured by bullet



A victim hit by a projectile



House of lottery Saint-Yves burnt



Remains of a burnt house



Banana garden destroyed