

Réseau National de Défense des Droits Humains (RNDDH)

Membre de la
fidh

**Incident in Arcahaie on April 7, 2017 :
RNDDH demands an impartial and peaceful investigation**

April 27, 2017

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I. INTRODUCTION

According to information broadcasted by radio station in the capital, on Friday, April 7, 2017, several individuals set up a barricade on National Road #1 in *Saintard*, a locality of *Arcahaie*. These individuals were said to have attacked with stones the Presidential motorcade returning from the Artibonite department.

To remove President Jovenel MOÏSE out of this ambush, it was stated, his security agents had exchanged firearms with bandits for more than thirty minutes.

Alerted by the gravity of such allegations, *National Network for the Defense of Human Rights* (RNDDH) has carried out an on-the-spot investigation and would like to present the results to the public.

II. METHODOLOGY

As part of this investigation, RNDDH met with:

- The judicial authorities of *Arcahaie* and *Saintard*;
- The municipal authorities of *Arcahaie*;
- Police authorities in *Arcahaie*;
- The *Department of the Judicial Police* (SDPJ);
- The eleven (11) people arrested;
- Taxi-motorcycle drivers;
- Members of the *Resistance to the Development of Arcahaie* (REDA);
- Members of the Population.

III. SOCIOPOLITICAL CONTEXT OF THE AREA

Since the decree of the MARTELLY / PAUL government on July 22, 2015, published on Wednesday August 5, 2015 in No. 147 of the Official Gazette, *Le Moniteur*, concerning the new territorial division, the Commune of *Arcahaie* has had much sociopolitical instability. This has been characterized by street demonstrations, often violent, resulting in deaths and injuries by bullets, damaged cars and fires, and the ransacking of commercial enterprises, etc. Protestors did not want to accept that the communal section of Arcadins, a part of the municipality of *Arcahaie* would become a municipality of the *Artibonite* Department.

Several sectors of Haitian society have been victims of this situation, which worsened with the prison escape on October 22, 2016, when one hundred and 174 prisoners, sentenced anywhere from six months – 20 years escaped from the *Civil Prison of the Arcahaie*. Even today, several of them remain at large in various communal sections of *Arcahaie*.

A number of administrative decisions were taken under the transitional government to implement the above-mentioned decree, including the installation in December 2016 of a commission charged with collecting taxes in the new *Arcadins*, thus rendering the Municipal office of *Arcahaie* ineligible to carry out these administrative tasks.

An organization called the Resistance to the Development of Arcahaie (REDA) organized a number of mobilization activities to protest the new territorial delimitation and to bring the attention of authorities back on the provisions of the decree. In addition, they sent correspondences to several state bodies, including the President, the Parliament, the *Arcahaie* Municipal office and the *Arcahaie* delegation.

Following this correspondence on February 20, 2017, a meeting was held at the *National Palace* between REDA representatives and the Office of the Presidency, at the invitation of the latter. Due to the unsuccessful meeting, REDA organized two more days of demonstrations on March 2nd and 3rd to continue to put pressure on State authorities. The first day was disrupted by PNH agents who beat demonstrators and arrested several of them. They were subsequently released.

On March 31st and April 2, 2017, two other days of demonstrations were organized where nine people were arrested. They were kept in detention for a few days and then released eventually.

It is in this precarious sociopolitical context, with serious implications for daily activities, commerce, the functioning of schools, etc., that the inhabitants of the municipality of *Arcahaie* have lived for nearly two years.

IV. STATEMENT OF FACTS

As part of the preparations for the launch of the *Caravan of Change* from May 1, 2017 – April 7, 2017, a Presidential initiative, to intervene directly on the environment and agricultural sectors in the country, the President of the Republic, Jovenel MOÏSE, visited the Artibonite department

On that day, no demonstration were scheduled in *Arcahaie*. However, less than an hour before the arrival of the presidential motorcade at *Lapointe*, a residential area of the locality of *Saintard*, two armed individuals forced a public bus driver to block the road. The vehicle obstructed the road and prevented any vehicular traffic from passing.

Around 5 :30 PM, the Presidential motorcade arrived in *Lapointe* where it was blocked. The security agents of President Jovenel MOÏSE's cleared the obstructed road by firing in the air. They then, proceeded to walk two-three kilometers to ensure the road had no other obstacles, and that the motocade had clear passage.

Several residents took refuge at the *National* gas station located at *Pont Saintard*. Once there, the security guards of the President ordered the security of the gas station to lay face down on the ground. Due to the resistance to this order, shots were fired hitting two of the pumps and two filters. *The station had to turn off electricity to prevent a fire.*

According to some community members interviewed, there were no bullets exchanged between the armed individuals and the security agents of the President. According to others, it was not easy for them to say whether there shots exchanged, but at some point they noted that they did hear shots fired.

On the other hand, some community leaders of the area who were also interviewed during the course of the investigation stated that the incidents that occurred during April 7, 2017 were the

result of a set-up with hidden intentions. They said that on April 5, 2017, a meeting was held at the Municipal office of *Arcahaie* in the presence of a man named Milot BERGER, a person sought after by the police but known to be close to the Mayor of *Arcahaie*, Rose-Mila SAINVIL PETIT-FRERE . Two armed individuals, both from Port-au-Prince, were noted to have joined Milot BERGER.

When asked about the meeting, the municipal authorities completely denied that it happened. According to them, no such meeting was ever organized in the *Municipal office of Arcahaie*.

The Mayor of *Arcahaie*, when questioned, said she had been informed of the incident by the head of the *Arcahaie* Police Department, while she was participating in a training for Mayors of the West Department organized at the *Hotel Oasis*. She also added, that she knew of no injuries the day of the incident.

However, based on the PNH report, the Mayor of *Arcahaie* considers that the incidents of April 7, 2017 are indicative of a failure in coordination of security planning of the President's motorcade on his journey. Furthermore, the people of *Arcahaie* think that the accusation of terrorism by the President can cause serious damage because of the potential serious consequences it can have on the socioeconomic activities and culture of the municipality, which is known to be a touristic area.

RNDDH also met with the police authorities which confirmed that no arrests were made on the day of the incident.

V. INCIDENT SUMMARY ON APRIL 7, 2017

The following is a summary of the events that occurred on April 7, 2017 in Arcahaie:

- One casualty case was recorded. A man who goes by the name Babizu, was beaten badly by Presidential security guards,
- Two gasoline pumps, two gasoline filters of the National Station and a freezer had bullet holes
- The windshield of a gray Honda CRV parked at the National Gas Station car was damaged; Moreover, the outside of Saint Yves Supermarket belonging to Saint Yves LOUISSAINT was visibly riddled with bullets

VI. SUBSEQUENT FACTS

In a statement covered by the press on April 8, 2017, the President condemned the ambush which broke down his motorcade and called them terrorist acts on the President of the Republic which are a threat to public peace and the safety of the State.

The Senator of the Artibonite and also the President of the *Senate*, Youri LATORTUE, who was also a part of the delegation, said that he considered that the incidents in *Arcahaie* as more like

acts of banditry. According to him, he believes the Executive must avoid interference in this case and to respect the autonomy of the police as a State institution.

Also on April 8, 2017, the Judge of Peace of the *Court of Peace* of Arcahaie, Henry Claude LOUIS JEAN was requested by the owner of the National Gas station and *Saint Yves Supermarché*, to write up a record of the damage during the incident.

Police Commissioner Junior Brassier, who was assigned to the *Arcahaie Police Station*, was transferred to the *Western Departmental Office* (DDO). He was replaced by Commissioner Jacques ADLER who was installed in his new position on April 8, 2017.

On April 9, 2017, several police officers of specialized units of PNH, including the *Departmental Unit for the Maintenance of Order* (UDMO), the *Corps for the Maintenance of Order* (CIMO) and also some agents of the *United Nations Stabilization Mission in Haiti* (MINUSTAH), accompanied by a scout, visited the scene of the events in search of alleged perpetrators. They first went to *Nan Savane* an area considered a hideout for bandits where they arrested nine people before bringing them through the public square between 4 and 5 PM.

Two other people were arrested on the 10th and 13th April 2017. They were Evens ALEXIS and Jean Jackson MICHEL.

At the time of his arrest, Evens ALEXIS was shot and wounded. He was shot in the right arm and received another shot under the right armpit.

Jean Jackson MICHEL, a former deputy candidate for the district of Arcahaie under the banner of the political party *Haiti in Action* (AAA), was intercepted at the *Toussaint Louverture Airport* in *Port-au-Prince*. He was about to leave the country. He was found because one of the previously arrested revealed him as the mastermind of the events on April 7, 2017.

However, Jean Jackson MICHEL who claims to be a member of REDA, refutes these statements. Instead he states that it was due to the *Mayor of Arcahaie* and the Director General of the Town Hall of Arcahaie that he was stopped. According to him, they were conspiring to blame the influential and well-known activists of REDA for the events that transpired on April 7, 2017. He further stated that he was going to the United States to attend the funeral of Pastor Julien LOUISSAINT, himself founder of the *Evangelical Baptist Church of Saintard* of which he is a member. Pastor Julien LOUISSAINT, who died in Florida, was to be buried on April 15, 2017.

The charges against the 11 people arrested include *conspiracy against the internal security of the State, complicity and attempted assassination and attacks on the presidential motorcade*. After their arrest, they were sent directly to the *Police Station in Port-au-Prince* where they were detained on behalf of the SDPJ. Their names are:

1. Jean Eddy MICHEL

2. Ernso LEGER
3. Robens CASSEUS
4. Mondlex DORCE
5. Sergot JEAN
6. Jaccy LOUISNEL
7. Rodrigue LOUIDOR
8. Evens ALEXIS
9. Jean-Paulson APERVIL
10. Henritus Jean JOANIS
11. Jean Jackson MICHEL

In the course of its preliminary investigation, the SDPJ interviewed the aforementioned persons and the case was transferred to the judicial authorities.

On April 18, 2017, the Judge of Peace Léa CHARLOTIN of the Peace Court of the Northern Section of Port-au-Prince and Jean Frantz DUCASSE of the Peace Court of the East Section of Port-au-Prince were requested by the Prosecutor's Office of The Court of First Instance of Port-au-Prince, with the idea of proceeding to the hearing of the aforementioned persons.

On April 24, 2017, they were all transferred to the Port-au-Prince Civil Prison.

Moreover, according to the information collected by RNDDH, several bans on departure were issued against the members of REDA

VII. COMMENTS AND RECOMMENDATIONS

The events that occurred on April 7, 2017 when a vehicle was forced to block the road less than an hour before the presidential motorcade passed are unacceptable.

RNDDH understands the anguish such an act creates for the President of the Republic and security agents and therefore believes the acts must be condemned with the utmost severity. It is unacceptable for individuals to decide to block the road when it suits them, thereby hampering traffic, cutting of the flow between different geographical departments which create stressful and chaotic situations.

RNDDH emphasizes there were no protests scheduled for that day. However, even if there were, RNDDH would like to remind that public roads belong to all Haitians and must be accessible to all. It is not normal for individuals to decide, when it suits them, to block it, thereby hampering car traffic, cutting off communication between different geographical departments of the country and creating situations of fear and anguish among users. **Public demonstrations are governed by the law.**

However, based on facts present to RNDDH, they are convinced that there was a certain laxity in the organization of security for the presidential procession. It was only shortly before his arrival in *Arcahaie*, that the police of the commune were informed of his quickly coming passage

through the area. This laxity which led to poor coordination is directly the responsibility of the security and travel officials of the President of the Republic.

Further, the late arrival of the presidential procession does not in any way remove the obligation of the PNH officers assigned to the *Arcahaie* police station to ensure that the highway was free and safe.

RNDDH considers it disturbing the enormous contradictions between the statements of different members of the Presidential motorcade. While the President claims to have been hit by bullets and stones, describing the incident on April 7, 2017 as a *terrorist attack*, the *President of the Senate*, Youri LATORTUE, claimed there were not stones thrown or exchanges of gunshots. He is regarding the events as *acts of banditry*.

However, in both cases, this is an event that has serious repercussions for the municipality of *Arcahaie*, a tourist area of the country. It risks suffering both socially and economically. Tensions there remain unresolved and the accusations of terrorism and banditry continue.

RNDDH noticed that immediately after the incident on April 7, 2017, changes were made in the PNH. There are also other changes to come. In this sense, the RNDDH reminds everyone that the police institution is apolitical. When incidents occur and involve the responsibility of PNH officers, sanctions must be imposed in light of investigation results.

Consequently, no hasty decision can be accepted because it will only further create tension and undermine the professionalization of PNH. Transferring, suspending or dismissing policemen on the pretext that the President's security agents were unable to prevent the presidential cortège from encountering a barricade by unidentified individuals constituted arbitrary and ill-considered acts.

RNDDH therefore considers that it is the duty of the police and judicial authorities to carry out a thorough investigation, without hesitation of any kind, in order to determine the events that happened on April 7, 2017 and if it was a real attempt on the life of the President of the Republic, Jovenel MOÏSE.

With these considerations in mind, RNDDH recommends that the authorities concerned:

- Conduct an independent investigation to shed light on the events that occurred on Friday, April 7, 2017 in *Arcahaie*;
- Determine by the judicial authority, all those involved: masterminds and henchmen;
- Resolve once and for all the problem of territorial delimitation in *Arcahaie*;
- Take all necessary measures to prevent the reproduction of these unfortunate incidents.