Declaration of Milostène Castin

I. Background

- 1. I, Milostène Castin, am a Haitian citizen and human rights activist specializing in land and environmental rights. My educational background is in the administration of social movement organizations and notarial studies. Since 2004, I have worked as an activist for Action pour la Reforestation et la Défense de l'Environnement (*AREDE*), a local association that advocates for the rights of Haitian subsistence peasants against land expropriation and displacement in Trou-du-Nord, Haiti, which currently has approximately 125 members.
- 2. I am submitting this declaration in support of my submission to the United Nations Special Rapporteur on the Situation of Human Rights Defenders. I have not initiated any other legal actions before any international or regional human rights mechanisms.
- 3. The statements and facts in this declaration are based on my personal knowledge, unless otherwise indicated. Attorneys from Freshfields Bruckhaus Deringer US LLP and Ellie Happel from the NYU Global Justice Clinic assisted me in drafting this declaration based on their interviews with me. I have carefully reviewed this statement and confirm that it is accurate and true to the best of my knowledge and belief.
- 4. I have built a career advocating against the expropriation of land from Haitian peasants. The problem of land expropriations in Haiti is deeply rooted in the country's history of settler colonialism beginning in 1492, when the Spanish invaded Haiti and enslaved its indigenous population. This triggered a centuries-long cycle of successive land grabs by various foreign actors. When Haiti gained independence at the beginning of the 19th century, agriculture was the country's predominant source of revenue. Wealth and power were determined by land ownership. There was a significant increase in land grabs during the U.S. occupation of Haiti, which began in 1915 and ended in 1934. It is one of the longest U.S. occupations in history.
- 5. Today, land rights are a particularly complex issue in Haiti, in part because the government does not maintain comprehensive land registers. The majority of landowners, and in particular subsistence peasants, transfer and receive titles to land through oral agreements. Without written title records, many Haitian landowners lose their land during land seizures perpetrated by the government or private actors. Since the devastating earthquake in 2010, there has been an unprecedented increase in the number of forced land transfers from peasants to oligarchs, which includes, to my knowledge, more than 700 acres of peasants' land expropriated in the Ouest department; around 20,000 acres expropriated in the Artibonite department; more than 37,000 acres expropriated in the Sud department; and around 12,000 acres expropriated in the Nord-Est department. The increase in land grabs accelerated under the administration of former President Jovenel Moïse.

- 6. Typically, the expropriation of peasants' land is not accompanied by adequate compensation, as is required under the Haitian constitution. While peasants can technically file claims in the court system to request compensation, due to the Haitian judiciary's corruption and lack of independence, in practice expropriated peasants are unlikely to receive such a compensation.
- 7. Human rights advocates, like me, work diligently to improve the situation and protect land holders. To do so, we confront both public and private corruption, which subjects us and our loved ones to negative, often violent, consequences.
- 8. In this declaration, I describe my work as the coordinator of AREDE (II) and the threats and attacks perpetrated against me from 2013 onward as a consequence of my activism (III).

II. Overview of My Work at AREDE

9. In 2010, I became the coordinator of AREDE. In this role, I educate local peasants on their property rights, climate change, disaster prevention, and the solidarity economy. Pictures of my work with displaced peasants taken in 2020 and 2021 are below:



Figure 1: Photograph of AREDE conducting a workshop for expropriated landowners from Terrier-Rouge during the week of May 10, 2021.

The solidarity economy is a concept that designates "enterprises and organizations, in particular cooperatives, mutual benefit societies, associations, foundations and social enterprises, which have the specific feature of producing goods, services and knowledge while pursuing both economic and social aims and fostering solidarity." International Labour Organization, Social and Solidarity Economy, https://perma.cc/9WAS-X9S9 (last visited Sept. 29, 2022).



Figure 2: Photograph of me in Terrier-Rouge visiting an expropriated plot of land as part of my work for AREDE (April 2020)

- 10. I also file complaints within the Haitian legal system on behalf of displaced peasants to contest the expropriation of their land. At the start of this process, I assist peasants in requesting documentation of their property damage by judicial authorities, which later forms the foundation of their complaint. For instance, in April 2020, I worked with a peasant named Wilard Xavier to request that Estève Rivière, Deputy Justice of the Peace for the Municipality of Terrier-Rouge, document the damage (e.g., destroyed fences, a damaged well, and upturned land) on Mr. Xavier's farm carried out by a group of armed civilians accompanied by police officers. I also worked with a group of peasants to request that Mr. Rivière document similar damage on their land (e.g., broken fences, escape of cattle, a damaged well, and destruction of crops) committed by unknown assailants, accompanied by police officers. These efforts resulted in the issuance of judicial reports documenting the destruction of the peasants' property. See Exhibit 1 (April 2020 Judicial Reports).
- 11. As part of my work, I have represented peasants who were displaced in connection with two high-profile, multinational development projects. First, in 2011, the Haitian government and Sae-A Trading, a Korean textile company, with the support of the Inter-American Development Bank (*IDB*), seized over 600 acres of land to develop an industrial park in Caracol. This seizure displaced over 400 families without adequate compensation. Second, in 2013, the Haitian government granted over 2,400 acres of land in Trou-du-Nord to Agritrans, S.A., a private, Haitian company incorporated by Jovenel Moïse (who later became President of Haiti), to establish an export-focused agricultural zone. For this project, the government displaced 189 peasants and 11 other families who had been living and working on the land.

Jovenel Moïse became President of Haiti in 2017 and remained a shareholder in Agritrans throughout his Presidential term.

- 12. As a consequence of my advocacy, my family and I have been targeted by a prolonged campaign of intimidation and violence, which I believe has been directed by Agritrans, S.A. and the Haitian government.
- 13. Despite these threats and attacks, I have continued to advocate on behalf of displaced peasants, including those recently displaced in Terrier-Rouge in May 2021.

III. Timeline of Threats and Attacks

(a) 2013

- 14. Beginning in 2013, Agritrans, S.A. used intimidation and excessive force to displace peasants and secure possession of the land the government had designated for the agricultural zone. This included deploying armed guards, bulldozing the peasants' crops, and having peasants who attempted to access their land arrested. Agritrans, S.A. acted with the support of the Haitian government: In early 2013, then-President Michel Martelly announced that he had given the land in question to Jovenel Moïse, the owner of Agritrans, S.A. Moreover, Wilson Laleau, the Minister of Finance, was present during the expropriations.
- 15. In response, I furthered my advocacy efforts on behalf of the displaced peasants. I filed legal complaints, sent advocacy letters, documented which land had been expropriated, and organized protests in which I publicly demanded just compensation for the takings. For instance, on 14 September 2013, I assisted the Mouvman Peyizan pou Develope Devarenn (*MPDD*), a partner peasants' organization, in drafting and sending a letter to the Minister of Finance and Economy to protest the expropriations. This letter is attached as **Exhibit 2** (14 September 2013 Letter from MPDD to Wilson Laleau, Haiti's Minister of Economy and Finance). Because of my efforts, I became a highly visible leader in the fight for peasants' land rights and a target for those companies and politicians whose interests I opposed.
- 16. The first attack against me occurred on 17 October 2013. That day, an armed group of about 12 people came to my house and said that Agritrans, S.A. had sent them to punish me for interfering with its development project. The group threw stones and fired guns at my house, breaking several windows. I called the police multiple times during the attack, but they did not answer. I then called the Directorate-General of the Police, but the police did not come to my home to protect me and my family. The police also did not follow up with me after the attack.
- 17. Shortly thereafter, on 19 October 2013, as I was travelling to a meeting with displaced peasants, one of my contacts at Agritrans, S.A. called me on my mobile phone to inform me that they had heard Agritrans, S.A. agents planning to kill and decapitate me that same day. Fearful for my safety, I called the United Nations Stabilization Mission in Haiti (MINUSTAH) located in Fort-Liberté to request assistance. MINUSTAH members arrived

and escorted me to the meeting location in Cachiman. They then escorted me back to my home in Trou-du-Nord before returning to their base in Fort-Liberté.

- 18. On 13 November 2013, while I was attending a peasants' meeting in Trou-du-Nord, a group of approximately twenty armed men arrived and started firing guns and beating the peasants. Because the attackers wore no face coverings, I was able to identify them as members of the armed group Kosovo, a gang affiliated with Agritrans, S.A. and the government.³ I fled the scene, and I immediately filed a complaint with the local judge. The judge told me that he could not act on the complaint because of Kosovo's close ties with the government. I later reported the incident to the Trou-du-Nord police department, but the police also told me that they would not pursue action against members of Kosovo.
- 19. I spoke out about these threats on the radio and to the local press, however, to my knowledge, there have been no investigations of or repercussions for Agritrans, S.A. or their associates. Despite the constant threat of harm, I continued my work on behalf of displaced peasants.

(b) 2014-2018

- 20. In 2014, I met with a group of peasants from Caracol whose land had been seized by the Haitian government for the development of an industrial park. With the support of AREDE, I worked with the aggrieved landowners to organize the Kolektif Peyizan Viktim Tè Chabè (the *Collective*), an association of peasants displaced by the construction of the Caracol industrial park. I worked to establish trust with the members of the Collective, and I helped them develop a strategy to seek reparations from the government and the IDB. I gathered and compiled evidence to support their claims to the seized land. To build support for the cause and raise awareness, I met with local political and religious leaders, local NGOs, and governmental institutions.
- 21. From 2015 to 2017, I partnered with Accountability Counsel, an NGO that advocates on behalf of people harmed by internationally financed projects, and an international law specialist to draft a complaint to the Independent Consultation and Investigation Mechanism (*MICI*), the IDB's complaint mechanism, demanding justice and reparations for the Collective's displaced peasants.
- 22. On 12 January 2017, we submitted the complaint to the MICI, attached here as **Exhibit 3** (12 January 2017 Complaint filed with MICI). The MICI reviewed our complaint and determined that the IDB and the Haitian government had provided inadequate compensation for the land that had been seized. As a result, the IDB and the Haitian government agreed to negotiate appropriate reparations for the displaced peasants. I acted as an advisor to the peasants during these negotiations.

Because Kosovo is a heavily armed and government-affiliated group, its members operate with impunity in the region, and they do not attempt to conceal their identities while they publicly perpetrate violence. Their members are well known in the community, and I recognized them immediately.

- 23. In 2018, we reached a historic agreement with the IDB and the Haitian government that provided for certain reparation programs, including relocation and employment, economic, and educational benefits.
- 24. This agreement set a positive precedent for the fight against expropriation and gave hope to the displaced peasants and their families. Our success, however, also had negative consequences: powerful members of Haiti's business and political classes considered me a threat to their economic interests.

(c) 2019

- 25. On 16 June 2019, I organized a peaceful protest in Trou-du-Nord to demand justice and compensation for displaced peasants, draw public attention to the assassinations of Trou-du-Nord residents by Agritrans, S.A.-affiliated groups, and condemn government corruption. I registered the protest with the Trou-du-Nord police department and requested a police presence for the event.
- 26. Shortly before the protest, fourteen people—all of whom were members of the Kosovo armed group or of the Brigade de Securité des Aires Protégées (*BSAP*), the enforcement wing of Haiti's Ministry of the Environment—walked through the streets with megaphones, declaring that no one would be permitted to protest and threatening with violence those who would not comply, announcing "what would happen, would happen."
- 27. Undeterred by the threats, we began our peaceful march. Kosovo and BSAP members immediately interrupted our protest and shouted that we had no right to protest in the areas they controlled. They beat me, and Rony Tibab, a Kosovo gang member, stabbed me with a knife. Tibab was an associate of Jacques Jean Kenand, a cousin of Jovenel Moïse who is also known as the "Little President" due to the power he yields in Trou-du-Nord and who has been linked with violence and human rights violations in the region. Thirteen people were attacked that day, four of them injured, including myself. A picture of me taken at the protest is below:



Figure 3: A photo of me immediately after the attack, outside of the police station.

- 28. We sought refuge at the local police department, near the protest site. However, the armed groups followed us into the precinct, broke into the police yard, and continued to threaten us.
- 29. Several police officers attended the protest, but they were unable or unwilling to provide adequate protection. They observed the attack without intervening. In general, there is close affiliation between the police in Trou-du-Nord and former President Moïse, and the ruling political party, as Moïse's cousin, Jacques Jean Kenand, employs enormous power over the police establishment in the north.
- 30. During the attack, I identified several personal security guards to Jacques Jean Kenand, including two with whom I am familiar: Rony Louis (also known as Rony "Tibab") and Miskadin Dieliphete. After the attack, a locally elected official and member of the Parti Haïtien Tèt Kale (*PHTK*), then-President Moise's party, informed me that the attack had been ordered by Woudeline Jean, the Vice-Delegate of Trou-du-Nord, Senator Wanique Pierre, and Jacques Jean Kenand. I also found out that the attackers came to the protest in cars that belonged to Vice-Delegate Jean and Senator Pierre.
- 31. The day following the attack, I went to the hospital to seek treatment for the stab wounds in my left hand and left shoulder. I attach the medical certificate I obtained that day as **Exhibit 4** (17 June 2019 Medical Certificate). I also sustained an injury to my left foot. I was the most seriously wounded protestor from the attack, and I believe the members of

Delegates and Vice-Delegates are appointed by the executive branch to represent the government in the departments of Haiti and are therefore members of the executive power. Senators are members of Haiti's legislative branch.

Kosovo recognized and targeted me for my leadership role in AREDE. Several weeks later, I was again examined by a doctor for the same injuries. The medical certificate from my doctor's visit describing my injuries is attached as **Exhibit 5** (4 July 2019 Medical Certificate).

- 32. Other victims of the attack and I formed a victims' support group called "Rasanbleman Viktim Sistèm Lan" (*RVS*), directly following the protest. RVS' leaders issued a press statement recounting the attack and including pictures of the protest and protestors' injuries to raise public awareness. *See* Exhibit 6 (17 June 2019 RVS Statement).
- 33. I filed a formal complaint with the Trou-du-Nord court the day after the protest, but to date there have been no investigations or arrests related to the attack. *See* Exhibit 7 (17 June 2019 Complaint filed with Trou-du-Nord court).
- 34. On 20 June 2019, RVS sent a letter to the United Nations Mission for Justice Support in Haiti (*MINUJUSTH*) requesting it to conduct an investigation on the 16 June 2019 attack. I attach MINUJUSTH's response letter as **Exhibit 8** (2 August 2019 MINUJUSTH Letter).

(d) 2020

- 35. In May 2020, during a state of emergency declared for the Covid-19 pandemic, the government seized the land of approximately 10,000 peasants in the Nord-Est department. I began working with and advocating for the newly displaced peasants, who had cultivated those lands since the 1980s. I organized protests to bring attention to the government's unlawful seizures, and I filed complaints to document the government's extensive damage to the peasants' land. An example of a newspaper article in which I speak about this expropriation is attached as **Exhibit 9** (27 May 3 June 2020 *Haiti Observateur* Article). My advocacy on behalf of the peasants angered members of the Haitian government and powerful businessmen, and the attacks against me and my family escalated into a relentless campaign of physical and psychological intimidation.
- 36. On 10 October 2020, a few days after I had organized a peaceful protest in support of displaced peasants, six men came to my house and lurked outside my front door. I was not home, and a friend called to inform me of the presence of this suspicious group. When I arrived at my home, the group was still standing outside my front door, so I entered my home through the back door. Later that night, while my family and I hid inside, the men shot their guns into the air and threw stones at my windows for several hours. At approximately 3 or 4 A.M., the attackers broke my windows and appeared as if they were

The article incorrectly identified me as the leader of the Mouvement des Paysans de Terrier-Rouge (*MPTR*). The MPTR is a group of farmers in Terrier-Rouge for whom I advocate, but I am not its leader.

I did not immediately recognize the six attackers, but my cousin managed to identify them. I learned later that two of the attackers belonged to the Ajivite gang, a government-affiliated gang. Ajivite is based in Cap-Haitien, but members of this gang occasionally work with members of Kosovo. I also learned that two of the attackers were from the Dominican Republic, and that one of them later went to prison for murder.

going to enter my home. As I knew I was the target of the attack, I fled my house to protect my family. I recorded my recollection of the events and photographs of the damage to my home to share with the media. Photographs of my home are below:



Figure 4: A picture of the front of my house after the attacks.



Figure 5: A picture of one of the windows broken during the attack.



Figure 6: A picture of the back of my house after the attack.

- 37. Fearing for my life and my family's safety, I determined it was not safe for me to return to my house. I was forced to go into hiding, moving frequently and staying at the homes of friends. I did not even tell my wife or other family members my location because I did not want them to inadvertently lead my attackers to me. I attempted to return home several times, but I could not as my presence resulted in further attacks on my home.
- 38. Later that month, on three separate occasions, a suspicious man attempted to take my son from school. The school refused to let the man take my son, and the school's director informed me of the kidnapping attempts. Fearing for my son's safety, my wife and I decided to withdraw him from school.
- 39. Through the end of 2020, armed men made regular visits to my house while my wife and children were home, shooting their guns and throwing rocks and glass bottles at the windows. On 31 December 2020, one of these assaults became particularly violent when the attackers broke all the windows of my house and injured one of my children in the process. I was not home, but my family called me during the attack. I called the police, but the police did not send officers to assist my family. Later, my child was taken to the hospital to treat the injuries he sustained from the attack.

- 40. The 31 December 2020 attack forced my family to abandon our home and join me in hiding. We moved to another town, and I was told that armed men continued to surveil my home. After my family fled, looters stole all of our remaining possessions and further destroyed the house, leaving it uninhabitable.
- 41. Notwithstanding these events, I continued to conduct my human rights work, albeit with more difficulty. My family and I relocated to a safer area, but, as a result, it became a more time-consuming and resource-intensive process to conduct site visits and meet with the peasants I served.

(e) 2021

- 42. In May 2021, President Moïse ordered the expropriation of 1,500 additional acres of farming land in Plantation Dauphin for the construction of a private seaport. A group of peasants informed me of the upcoming land seizure, and I visited the area on 9 May 2021.
- 43. On 11 May 2021, I returned to the land and saw an armed group preparing to bulldoze the peasants' land. The group claimed that then-First Lady Martine Moïse sent them to prepare the site. In an attempt to stop the destruction, I filed a request for a judicial report with the Terrier-Rouge court. I attach the requested judicial report as **Exhibit 10** (12 May 2021 Judicial Report).
- 44. That same day, a judge from Terrier-Rouge came to the site to investigate and document the extent of the damage to the land. While we were observing the damage, a second judge arrived from Terrier-Rouge, purportedly to conduct the same investigation. I recognized this second judge as a notoriously corrupt member of PHTK.
- 45. The second judge left the site after seeing that another judge was already present and conducting an investigation. Shortly after the second judge's departure, an armed group of approximately six men arrived on the scene. They verbally assaulted me, threatened to kill me and my colleagues, and attempted to attack us physically. Ten additional armed men arrived and joined the fray. The police were present on site to escort and protect the judge from Terrier-Rouge. I believe that the police presence deterred the armed group from escalating their attack, and I was able to escape physical harm that day.
- 46. Later that day, a member of the PHTK, who is familiar with my work, phoned me and told me to "be careful," because certain government officials wanted me dead to prevent me from advocating for peasants.
- 47. I learned from the same member of the PHTK that Delegate Donald Jean François, whom President Moïse appointed as the representative from the Nord-Est department, sent the second judge to arrest me. When the second judge failed to arrest me, Delegate François sent the armed men to intimidate me and the peasants.

- 48. On 13 May 2021, I was traveling from Terrier-Rouge to Fort-Liberté on a motorcycle when an armed group affiliated with Delegate François stopped me on the roadside and told me: "Castin, we will execute you, because what you are doing in this area is pissing us off." I was able to speed away and escape them without physical harm. Following this encounter, I have been even more cautious while working in this region.
- 49. Following these attacks, I participated in several local radio shows to denounce the expropriation of peasants' land in Plantation Dauphin.
- 50. On 5 June 2021, AREDE held a meeting in Terrier-Rouge about climate change and land seizures. Right after the meeting, men arrived and destroyed the yard in which we held this meeting.
- 51. On 7 July 2021, President Moïse was assassinated. The following day, I received a call on my personal phone from an unknown caller, who told me "Castin, the President has been killed, but we are going to kill you no matter what." While I have not identified the caller, I believe him to be someone close to the government.⁷
- 52. After the assassination, there has been a rise in gang violence in the region, and the country's institutions and infrastructure have been devastated. I try to stay indoors as much as possible, given the circumstances. AREDE has been organizing meetings over the phone, but the phone connection in Haiti is very unreliable, and some peasants do not own a phone. As such, despite the risks, we continue to organize meetings in person. We also continue to raise awareness about ongoing risks to the community because of the ongoing instability. A recent press release issued by AREDE on this issue is attached as **Exhibit 11** (12 July 2021 AREDE Press Release).
- 53. When possible, we try to coordinate with and support other human rights organizations. On 22 August 2021, AREDE along with other associations from outside Terrier-Rouge participated in an inter-organization meeting called the Coordination of Organizations Against Land Grabs. I participated by telephone, as I was travelling at the time. I continue to raise awareness of the gravity of these issues by talking to the press and appearing on the radio.
- 54. To date, the police have failed to initiate any investigations or make any arrests in connection with any of the incidents I have described in this declaration. Due to the impunity of my attackers and the increased insecurity in the country, it is difficult for me to pursue my human rights work. I still participate in three or four meetings with peasants per week, but I have to be extremely cautious when doing so. I never take the same route

In Haiti, it has become a frequent practice for people to buy new SIM cards for the sole purpose of making threatening calls. Callers then destroy the SIM card to avoid identification.

more than once. I never travel alone. I use several different motorcycles to avoid being identified and followed.

55. My family and I have now returned to and are rebuilding our home in Trou-du-Nord. We decided to return to Trou-du-Nord, despite the risk, to prioritize the well-being and education of our children, who have recently reintegrated into school after missing nearly a year of classes after we withdrew them. Nevertheless, my family and I continue to live in fear, and we suffer from the physical and psychological consequences of those acts of violence and intimidation to this day.

Milostène Castin

Dated: 18 November 2022

Exhibits to Declaration of Milostène Castin

Ex. No.	Date	Title	Description	Language(s)
1.	April 2020	Judicial Reports	Reports carried out at Milostène Castin's behest by a judge from Terrier-Rouge describing property damages and expropriations.	French (original); English (translation)
2.	14 September 2013	Letter from MPDD to Wilson Laleau, Haiti's Minister of Economy and Finance	Letter drafted by Milostène Castin for the MPDD, a nonprofit partnered with AREDE, to Wilson Laleau, Haiti's Minister of Economy and Finance, to protest and demand a response to land expropriation from small peasants.	Haitian Creole (original); English (translation)
3.	12 January 2017	Complaint filed with MICI	Complaint submitted by Milostène Castin and Accountability Counsel, an NGO, to the Inter-American Development Bank's Independent Consultation and Investigation Mechanism regarding inadequate compensation for people expropriated from land seized for the development of an industrial park.	English (original); Haitian Creole (original)
4.	17 June 2019	Medical Certificate	Medical Certificate received by Milostène Castin following a doctor's visit regarding injuries he suffered during the 16 June 2019 attack.	French (original); English (translation)
5.	4 July 2019	Medical Certificate	Medical certificate received by Milostène Castin following a hospital visit regarding injuries he suffered during an attack on a protest on 16 June 2019.	French (original); English (translation)
6.	17 June 2019	RVS Statement	Press statement written by Milostène Castin and other leaders of the 16 June 2019 protest describing the attack that occurred on the protest and the injuries suffered as a result of it.	Haitian Creole (original); English (translation)
7.	17 June 2019	Complaint filed with Trou-du-Nord court	Complaint submitted by Milostène Castin to the Trou-du-Nord tribunal regarding the attack he underwent on 16 June 2019.	French (original); English (translation)
8.	2 August 2019	MINUJUSTH Letter	Letter from the United Nations Mission for Justice Support in Haiti to RVS acknowledging receipt of RVS's 20 June 2019 request for an investigation on the attack of the 16 June 2019 protest.	French (original); English (translation)

9.	27 May – 3 June 2020	Haiti Observateur Article	Article published in the <i>Haiti</i> Observateur regarding unlawful expropriations in Haiti, which cites Milostène Castin as an expert on the subject.	French (original); English (translation)
10.	12 May 2021	Judicial Report	Report carried out at Milostène Castin's request by a judge from Terrier-Rouge describing property damages during the May 2021 Plantation Dauphin expropriations.	French (original); English (translation)
11.	12 July 2021	AREDE Press Release	Press release issued by AREDE regarding the assassination of former Haitian President Jovenel Moise.	Haitian Creole (original); English (translation)