

SPOILING SECURITY IN HAITI

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SPOILING SECURITY IN HAITI

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Haiti is ensnared in a deep political, social and economic crisis, despite 7,400 UN military and police peacekeepers and the resumption of multilateral aid. The security situation is explosive, especially in the capital. By finally deploying country-wide, the United Nations Stabilization Mission (MINUSTAH) has prevented even greater levels of violence, but the transition is fragile, and a perhaps overly ambitious electoral calendar compressed into the last quarter of 2005 faces many challenges. MINUSTAH needs to get and exercise new executive authority over law enforcement and security forces if the situation is to be saved.

Many powerful spoilers in Haiti have much to gain from fomenting violence, insecurity and political instability. Out of a desire to seek, keep or maximise power, income, authority, or position, these individuals and groups do not want the transition to succeed. They want to prolong a status quo that suits their interests. A key objective of both the transitional government and the international community, therefore, should be to neutralise these spoilers, not only in relation to the coming elections but also to advance the long-term process of democratisation.

Among the spoilers are warring gangs who dominate much of the slums of Port-au-Prince and receive varying degrees of political and criminal support. Many are manipulated by factions sympathetic to former President Aristide and his Lavalas movement, others by anti-Aristide groupings, elements of the business elite, drug-traffickers or other criminal organisations -- all of which have a clear interest in delaying the elections and in destabilisation. Although no longer an effective military force, another group of spoilers are armed former rebels and members of the Haitian Armed Forces (ex-FAd'H), who are an intimidating presence in the countryside. Thousands of weapons remain in the hands of all these groups. A systematic program of demobilisation, disarmament and reintegration (DDR) must start at once and be coupled with police, judicial, political and economic reforms.

The human rights situation is still alarming, with concern focusing on growing allegations of summary executions, violence against women, kidnapping and other criminal

acts by elements within the Haitian National Police (HNP), the absence of government investigations into these violations, and a dysfunctional and politicised justice system. How to strengthen and reform the HNP, which is also under tremendous pressure in the poor neighbourhoods from urban gang violence, is one of the most urgent challenges. Both the HNP and MINUSTAH must quickly address the force's paralysing deficiencies in resources and capabilities, including the lack of reliable intelligence, poor training and total absence of gender training, divided loyalties, unqualified personnel and conflicting mandates.

A deeply polarised society and the collapse of state institutions and state authority over the past decade opened the way for the emergence of violent groups with roots both in social conflict and political feuds, and lately with apolitical but deadly drug gangs. Underlying much of the violence is the chronic failure to tackle the poverty, social deprivation and exclusion that endanger most of the population.

Haiti's pressing challenges, therefore, include social and economic revival, environmental threats, jobs, social services and credible elections. Guaranteeing adequate public security is the precondition for addressing all these and requires significant advances on four fronts:

- DDR of the ex-FAd'H and their insurgent partners;
- neutralisation of the urban gangs and their incorporation into appropriate DDR programs;
- curbs on crime, especially in Port-au-Prince; and
- a purge of the criminals from the HNP.

The UN needs to redefine its method of working with its Haitian counterparts, particularly the transitional government, in order to reverse the deterioration in fundamental areas of security and individual rights. If the government cooperation MINUSTAH requires cannot be assured under the existing mandate, the Security Council must pass a resolution providing the necessary authority and resources, and a clear roadmap for moving forward.

RECOMMENDATIONS

To Haiti's transitional government:

1. Develop and implement, in cooperation with MINUSTAH, a comprehensive and integrated public security strategy to establish the rule of law and ensure minimum security conditions for the electoral process.
2. Define and implement urgently an in-depth reform of the Haitian National Police (HNP) as Haiti's sole internal security institution, to be acceptable to and implemented in conjunction with CivPol, addressing the following issues:
 - (a) respect for human rights norms;
 - (b) effective mechanisms to monitor adherence to the internal code of conduct;
 - (c) adoption of a standard uniform with badge, name and photo identification to be worn visibly by each officer;
 - (d) standardisation and registration of weapons;
 - (e) in-depth vetting by CivPol, including the 200 former military incorporated in the HNP in January 2005 and those incorporated following the establishment of the transitional government in 2004;
 - (f) implementation of a community-policing approach; and
 - (g) increase in the number of HNP officers by training some new cadets abroad, as in 1994-1995, and by boosting the capacity of the civilian police academy.
3. Undertake a comprehensive DDR program with MINUSTAH support, encompassing all armed groups including former military personnel, ensuring that no further payments are made before weaponry has been relinquished and individuals have been vetted.
4. Complement police reform by adopting, with the support of the international community and civil society, including women's groups, sustainable prison and judicial reforms, and, as a transitional measure, request international judges to assist in expediting trials with a high political profile involving major crimes.
5. Use regular budget and donor project funding to generate immediate local employment, with full participation of women, through public works' projects, including roads, schools, health clinics, irrigation programs and erosion prevention.

To the UN Security Council and MINUSTAH:

6. Expand CivPol (including the Formed Police Unit) from the current level of 1,622 to at least 4,600 preferably francophone officers, with a special emphasis on recruiting female officers.
7. Authorize expansion of the mandate to provide for CivPol executive authority over the HNP, to include, at a minimum:
 - (a) vetting of existing and future personnel;
 - (b) oversight of operations -- including of detentions -- and investigation of major abuses;
 - (c) establishment of a more effective inspector general's office;
 - (d) issuance of binding recommendations, including suspension of personnel suspected of major crimes; and
 - (e) supervision of training, including gender training.
8. Increase the military component with additions including a rapid reaction force, and intelligence and command structures, to assure adequate security during the upcoming electoral period and the installation of the new government.
9. Establish an integrated rule of law team consisting of the head of CivPol and judicial, human rights and prison sector directors to assist in meeting immediate transition period requirements, assuring coordination of justice sector technical assistance and enhancing protection of citizen rights.
10. Accelerate the joint CivPol-Human Rights Section investigations into alleged executions and other major human rights violations perpetrated by the HNP and other armed groups since October 2004.
11. Provide for international judges during the transition to preside over or participate in high profile political cases involving major crimes, including the results of CivPol-Human Rights Section investigations.
12. Carry out a forced disarmament campaign against any groups that do not participate in the negotiated disarmament process, including former military personnel, and, simultaneously, work closely with the National Disarmament Commission to ensure implementation of a comprehensive DDR strategy.
13. Step up collection of reliable intelligence with other international actors, mainly the U.S., Canada

and France, on drug traffickers and other armed groups who constitute threats to the transition.

14. Organize a joint HNP-MINUSTAH operation to remove illegal groups and restore the authority of the government in the main ports of the country.
15. Improve internal coordination between CivPol, and MINUSTAH's military and other civilian components.

To other members of the international community:

16. Accelerate disbursement of pledged funds, especially those with immediate potential to create jobs and improve living conditions.
17. Provide MINUSTAH with additional francophone civilian police.
18. Ensure that a single donor takes the lead in an integrated rule of law process and guarantees, in conjunction with MINUSTAH, its overall coordination and implementation as part of longer-term judicial reform.

Port-au-Prince/Brussels, 31 May 2005

SPOILING SECURITY IN HAITI

I. INTRODUCTION

A year after the UN Security Council sent a Chapter VII stabilisation mission (MINUSTAH) to Haiti to help the transitional government, the country remains in a profound political, social and economic crisis. Security is uncertain and stability tenuous despite nearly full deployment of the uniformed peacekeepers and their civilian counterparts. Spoilers are actively engaged in opposing the transition.

The transitional government of Prime Minister Gerard Latortue lacks a comprehensive security strategy. Life in the capital is characterised by constant fear of organised crime, urban gangs, police violence, sniper attacks on civilian and UN targets, and kidnappings. Since the riots of 30 September 2004, over 600 people have been killed, including some 40 police officers.¹ The Haitian National Police (HNP) is under tremendous pressure from urban gangs in poor neighbourhoods.

With the exception of isolated incidents in some cities, the situation outside the capital is mostly calm following the full deployment of MINUSTAH troops and the no-nonsense approach they have recently taken in regard to ex-Haitian armed forces (FAd'H). However, the presence of armed former military and rebels remains a threat to public order and political pluralism. Human rights violations centre on mounting allegations of killings and other criminal acts by some in the HNP, violence by urban gangs, the absence of government investigations and a dysfunctional and politicised justice system.

Both the HNP and MINUSTAH have crippling gaps in resources and capabilities, including the lack of reliable intelligence, questionable training, divided loyalties,

unqualified police officers and conflicting mandates. Rival gangs -- with varying degrees of political and criminal backing -- dominate the slums of Port-au-Prince. Many are being manipulated by political and criminal forces with clear interests in postponing the elections and inciting instability. Perhaps the highest immediate priority for the international community and particularly MINUSTAH is to reform and strengthen the HNP, which has yet to become a force for law and order. By failing to address violations by its own officers, it has undercut its effectiveness and its credibility.

Although weapons are omnipresent among urban gangs, criminal armed groups, former military and insurgents, no comprehensive disarmament initiative has yet been undertaken. A systematic program of demobilisation, disarmament and reintegration (DDR) must be implemented immediately and coupled with police, judicial, political and economic reforms. Without this, violence will continue and humanitarian assistance and development activities will be constantly hindered.

The polarisation of Haitian society, as well as the deterioration of state institutions and authority, particularly in recent years, paved the way for the emergence of ever more violent groups. Deeply rooted in social conflict and political trauma, these gangs are as much a part of the urban reality of extreme poverty and marginalisation as they are tools of former President Aristide or other political sponsors. At the root of Haiti's problems is a chronic failure to tackle the poverty, social deprivation and inequality most of its population faces.

An overarching objective of both the transitional government and the international community should be to neutralise spoilers, who aim to stymie the electoral process in the short-term and democratisation in the long-term. DDR should not be conceived as a reward for ex-FADH, but rather an approach to stopping the spoilers. It should proceed in concert with DDR of other armed groups.

Haiti's wide-ranging challenges include achieving economic recovery, social development and effective democratic governance but the overarching challenge, capable of determining whether there is any chance for all the others, is to guarantee public security. That minimum level of stabilisation depends on four things:

¹ "The Inter-American Commission on Human Rights (IACHR) calls for greater international actions in Haiti", press communiqué N. 16.05, Port-au-Prince, 22 April 2005, at www.cidh.org. Crisis Group interview with Pierre Espérance, Director, the Réseau National pour la Défense des Droits de l'Homme (RNDDH), Port-au-Prince, May 2005. For the events of 30 September 2004 and their immediate aftermath, see Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti*, 18 November 2004.

- ❑ DDR of the ex-FAd'H and their insurgent partners;
- ❑ neutralising urban gangs and incorporating them into an appropriate DDR program;
- ❑ controlling criminality in the country, particularly in Port-au-Prince; and
- ❑ identifying and purging the criminals from the HNP.

II. THE SPOILERS AND THEIR INTERESTS

A. A RETROGRADE SYSTEM WHICH FUELS THE VIOLENCE

The seeds of Haiti's violence are in the acute social and economic inequalities which have historically marked the country. In the absence of an inclusive and sustainable democratisation process, racial, social and economic polarisation has created chronic political instability, dysfunctional institutions, corruption and crime. The socio-economic gap between the impoverished black majority and the privileged mulatto minority remains unaddressed.

Haitian society is an atomised agglomeration of contradictory and antagonistic interests, relying on violence as the ultimate way to resolve conflicts. The economic model is one of the underlying obstacles to political as well as economic progress. Its main goal has been to maintain the power, interests and advantages of a few families that monopolise most of its sectors. A powerful segment of the private sector resists change and lacks any strategic vision for the people of Haiti.

The precarious economic situation has worsened in the past few years. The traditional exports of coffee, rice, rum and other agricultural products of the formal economy have largely disappeared.² The small assembly industries, mostly for the U.S., have also almost entirely folded.³ The collapse of infrastructure has inhibited the development of tourism, which now makes up a substantial proportion of the income of the neighbouring Dominican Republic.⁴ There is almost no new direct foreign investment in Haiti. On the contrary, funds that should be retained in the country and invested in productive activities are reported to be flowing out.

Remittances from the diaspora make up almost one third of GDP.⁵ Other sources of income come from donors,

² From a value of \$42.84 million in 1981 to \$19.91 million in 2002, Banque de la République d'Haïti, 2004. Figures denoted in dollars (\$) are in U.S. dollars. For background information, see Crisis Group Report, *A New Chance for Haiti?*, op. cit., p. 6.

³ 6.5 per cent of the labour force is employed in manufacturing today, compared to more than 20 per cent in 1990, Institut Haïti Solidarité International (HSI) 2004. However, total exports have increased from \$108.28 million in 1990 to \$244.93 million in 2002, Banque de la République d'Haïti, 2004.

⁴ Crisis Group interview with the president of the Chamber of Commerce, April 2005.

⁵ \$691.4 million in 2002, Banque de la République d'Haïti. They are currently estimated at a around \$1 billion.

including NGOs, and revenue generated by criminal activities, mainly drug-trafficking and contraband. Because opportunities are so limited, illegal schemes have flourished. In 2002 for instance, pyramid "cooperatives" were launched and then collapsed, losing some \$200 million for thousands of people lured by promises of 10 per cent interest.⁶

A struggle has developed between traditional sectors -- whose wealth is based on monopolies -- and new sectors linked to drug-trafficking through money-laundering and other illegal activities. The current wave of violence and insecurity threatens the traditional business community, some parts of which seem to believe that restoration of the order of the Duvalier era,⁷ when the armed forces acted as enforcers of the status quo, is an appropriate response to organised crime.

This new business sector is also linked, directly or indirectly, to the import-export trade, which has become another important source of violence. The main ports and airports are the objects of power-struggles to control their activities and the goods transiting through them.

In a country where extreme poverty has been widespread for years and economic opportunity narrowly circumscribed, government remains the principal means of acquiring power and wealth. Corrupt and authoritarian rulers have used the "predatory state" as a vehicle for personal enrichment. Because this was largely the case during the last years of the Aristide government, the transitional government promised to set an example of integrity and fight corruption. However, more than a year after its establishment, allegations are increasing of widespread corruption in state institutions, reaching into the offices of the prime minister and the presidency themselves. Public contracts and customs are the main sources of the alleged corruption. A tendering process for an important telephone contract is said to have led to bribes under the previous and current governments.⁸ The beneficiaries have little desire to see a rapid transition to an independent, accountable, administration.

⁶ Crisis Group interviews with members of the Chamber of Commerce, Port-au-Prince, April 2004.

⁷ Recent Haitian history has been marked by the violent and repressive dictatorship of Francois Duvalier -- "Papa Doc" -- elected president in 1957, self-declared president-for-life in 1964, ruling until his death in 1971. His violent and repressive dictatorship was backed by a paramilitary force he created, the infamous "Tonton Macoutes". See section VII, A below. Papa Doc was succeeded by his son Jean-Claude Duvalier -- "Baby Doc" -- who fled to France in 1986 amid a popular uprising against his dictatorship.

⁸ Crisis Group interview with diplomats, Port-au-Prince, April 2005.

B. THE NEED FOR A NEW MODEL

There is a critical need to build economic momentum as a precondition for sustainable peace. The goal should be to guarantee basic security, then construct a credible governance system in which all social elements feel they have a stake, then, on the basis of renewed stability, seek investment to regenerate economic activity.

A significant redistribution of wealth and services would be required to lift the vast majority of Haitians out of extreme poverty, but the elites seem to have no intention of giving up their privileges. Programs to transform Haiti's economic model, end the predatory state and create a free, internally competitive market are needed. There is still hope that some natural allies of this process can be found within the enlightened business community -- importers, manufacturers and those who would benefit much more from peace than perpetuation of chaos.

A disinclination to accept higher taxes in order to fund social programs has been a tradition in Haiti -- partly because there has been a legitimate question about corruption and incompetence in the management of public funds. But the results of this are the worst social indicators and lowest ratio of taxes paid to GDP in the hemisphere. There is no alternative to paying taxes in order to have better education, health and public security and to finance modernisation. Increasing taxes also would benefit the private sector by helping to create an educated workforce, a larger domestic consumer market and better conditions for investment. Resistance to this contributes to radicalisation of social demands and the mounting difficulties in attracting investment.

In the short term, the transitional government and donors need to be encouraged to use their money to generate immediate employment through public works' projects that both deal with clear problems -- in roads, schools and health clinics -- and employ local residents. The fastest way to provide an alternative to young, unemployed gang members is to give them a legal way to earn a decent income.

C. THE SPOILERS

Many powerful people have clear interests in fomenting violence, insecurity and destabilisation. The spoilers are the groups and individuals who -- because of their interest in retaining or maximising power, income, authority, and position -- do not want the transition to succeed, and in general want to maintain a status quo that suits their legal or illegal interests. While their primary objective seems to be the postponement of the electoral process, they would also be prepared to manipulate and disrupt that process if

were to go forward so as to weaken any newly-elected government. Their overarching long-term objective is to prevent the creation and development of solid and effective state institutions which would reduce or halt their current activities.

There are some difficulties in identifying these groups, as they often operate in the shadows and are adept at saying one thing in public and another in private. It is clear, however, that these groups have common goals and are extremely powerful, probably more so than those groups that would benefit from stabilisation.

Groups linked to criminal activities, particularly drug-trafficking and contraband (in Haiti and abroad), are behind much of the current wave of violence. It is plausible that they will attempt to establish (or indeed have already established) ties to political parties, and will offer financing or other kinds of support. While the extreme weakness of the transitional government and state institutions might suit them, they can be expected to follow politics closely so as to be able to adapt to any conceivable post-election scenario and to quickly establish a *modus vivendi* with the new government, as they have done in the past.

Another potential spoiler group is composed of former military personnel and their financial and political backers. They are not really interested in permanent destabilisation; they would prefer a new, stable status quo; but one in which they are dominant, preferably with the re-establishment of the army. In the meantime, they arguably have a short-term interest in instability in order to increase public demand for the restoration of that institution.

Other spoilers include politicians not yet ready for elections or fearful of a possible Fanmi Lavalas⁹ success, as well as even "moderate" candidates who have apparently distanced themselves from former President Aristide. While Lavalas's participation in elections would be a welcome step in ensuring broad participation and legitimacy, it would increase fears among those groups. Possible consequences of Lavalas's participation might include attempts by spoilers to destabilise the situation so as to prevent timely elections and limit participation - - widely believed to benefit Lavalas -- or attempt to rig vote. Armed gangs attached to leading politicians, both anti- and pro-Lavalas, would be among the instruments used to disrupt the process.

The spoilers also include groups within the business community that prefer to retain their privileges,

including tax evasion, economic monopolies, access to contraband and customs exemptions.

Others who calculate they can derive political benefit from unrest and may have had a role in recent violence include the armed gangs themselves. Some continue to support Aristide, believing he was the victim of a coup, and see chaos as a way to undermine the transitional government and disrupt the electoral process, although in the end they might participate in elections. Some members of the recently announced "political commission" of Fanmi Lavalas (FL), as well as important FL representatives in exile, are alleged to be linked to armed groups in Port-au-Prince, organising and manipulating local demonstrations, especially in slums such as Bel Air and Cité Soleil, thereby jeopardising the safety of legitimate demonstrators. Other anti-Lavalas armed groups have similar objectives, preferring the status quo to an unclear future in which they may be disarmed and without legitimate income prospects.¹⁰

A main shortcoming within the transitional government and MINUSTAH is a lack of a solid intelligence mechanism to provide timely and accurate information for neutralising these spoilers. A greater effort to gather reliable intelligence on drug trafficking, urban gangs and other groups who constitute threats to the transition is essential.¹¹ Key international players, such as the U.S., Canada and France should contribute, though there are concerns their information might be biased or manipulated. The prospect of retaliation against informants is real, and innovative measures are required to protect them.

D. DRUG TRAFFICKING

While all potential spoilers are a genuine concern, drug traffickers, fragmented into competing cells, are a major destructive force. They appear to possess economic resources that enable them to contract armed gangs that can stand up against the HNP and threaten entire communities. So long as they operate with relative freedom, public safety is at constant risk.

Haiti, given its virtually non-existent law enforcement, has become a major regional transit point in the international drug trade. The volume of cocaine in transit rose from around 5 per cent of annual U.S. imports in the early 1990's to 13 per cent in 1999, then declined to 8 per cent in 2000

⁹ Former President Jean-Bertrand Aristide's party.

¹⁰ Crisis Group interviews with Cité Soleil and Bel Air residents, Port-au-Prince, March and April 2005.

¹¹ This was acknowledged also by the Security Council. See UN Security Council, "Report of the Security Council mission to Haiti, 13 to 16 April 2005", S/2005/302, 6 May 2005, para. 19, p. 5.

and remained around that level through 2004.¹² Drug money has had a disruptive and corrosive effect on all aspects of government and society. Customs officials, the HNP and the justice system are probably the institutions most affected, but the impact throughout Haitian society will be longstanding.

It is estimated that almost 10 per cent of the drug revenue transiting Haiti remains in the country and is subsequently invested in money-laundering businesses such as gas stations, real estate and import/export. This is one of the most important sources of income for the country¹³ and illustrates how hard it will be to fight the phenomenon.

The effect of drug-trafficking on the security forces has been disastrous. Large-scale involvement of all ranks of the army was well established during the coup years. Several members of the newly created HNP apparently took over this role. Both prior to and since the departure of Aristide, the HNP and the U.S. Drug Enforcement Agency (DEA) have arrested many individuals linked to Fanmi Lavalas, including former senators and senior police officers.¹⁴ Several have been deported to the U.S., where they are in detention as part of a grand jury investigation into the alleged involvement of the Aristide government. Others have been convicted and sentenced.

The U.S. State Department has praised the transitional government for significant efforts in fighting drug-related corruption, improving mechanisms to track money laundering and cooperating on joint narcotics investigations.¹⁵ However, such statements have begun to be hedged as the quantity of drugs passing into the U.S. has reportedly increased recently,¹⁶ though only suspects believed to be close to Lavalas have been detained in combined HNP/DEA operations.¹⁷ The

perceived inaction of international law enforcement agencies with regard to the transitional government has led many in Haiti to believe that their actions are driven in part by political or strategic reasons.¹⁸ The roles of U.S. agencies such as the DEA and CIA, therefore, continue to be controversial.

A successful counter-narcotics strategy faces several problems, however. Haiti has approximately 1,125 miles of shoreline, several ports, clandestine airstrips, weak state institutions, a fledgling civilian police and a dysfunctional judiciary system. These factors make Haiti attractive to traffickers.¹⁹

Crisis Group has argued that the fight against drug-trafficking needs a global and comprehensive approach, including giving greater priority to the demand side of the drug equation and studying harm-reduction strategies more carefully. In Haiti, a broad strategy focused on judicial, administrative and fiscal elements should be implemented, including reforming the tax-collection agency (DGI) and giving the judiciary better legal instruments for its investigations. The HNP needs to strengthen its counter-narcotics capabilities. Its counter-narcotics division (Bureau de la Lutte Contre le Traffic des Stupefiants, BLTS), has only some 40 officers.²⁰

¹² "International Narcotics Control Strategy Reports (INCSR) 2004", U.S. Department of State, March 2005 (also INCSR 2000).

¹³ Crisis Group interviews with members of international organizations, Port-au-Prince, April 2005.

¹⁴ INCSR 2004, op. cit., "Pre- and post-Aristide, the DEA facilitated the arrest and expulsion of the following Haitian/Colombian drug cartel members: Chief of Palace Security, Oriel Jean; former BLTS [Anti-Drug Office] chief, Evintz Brilliant; Haitian Senator Flurel Celestin; Haitian businessman Jean Salim Batrony; and narcotics traffickers Jean Ronald Veilot, Charles Maxime Lafontant, Jean Eliobert Jasme, Carlos Ovalle, Eddie Aurilien and Jacques Ketant."

¹⁵ Ibid.

¹⁶ Crisis Group interviews with CIVPOL officers and diplomats, Port-au-Prince, April-May 2005. Also see INCSR 2004, op. cit., section on Haiti.

¹⁷ The exception was Jean Claude Louis Jean, arrested by the HNP in September 2004 and allegedly a main financial backer of the armed rebels in February 2004. However, the

U.S. did not seek his extradition, and he escaped from prison in February 2005.

¹⁸ Crisis Group interview with a Haitian security expert, Port-au-Prince, April 2005.

¹⁹ INCSR 2004, op. cit., p. 34.

²⁰ Crisis Group interview with HNP senior officers, Port-au-Prince, April 2004.

III. NEUTRALISING THE ARMED GROUPS AND THE FORMER MILITARY

A. THE LATEST WAVE OF VIOLENCE

Since the end of February 2005, the security environment in Port-au-Prince has deteriorated, in part due to a massive escape of prisoners from the National Penitentiary, including drug traffickers, notorious criminals, ex-FAd'H, former police officers accused of participation in criminal activities and pro-Lavalas gang members. Many reportedly re-established contacts with criminal gangs.

The prison break involved the complicity of HNP prison guards, high-ranking HNP officers and civilian prison personnel. Drug-traffickers are the primary suspects for financing the escape. The incident also seemed to confirm the reconfiguration of some illegal armed groups into new alliances involving some former anti-Aristide military personnel, pro-Lavalas armed gangs, mixed together with drug traffickers. The gang controlled by Rémissainthe Ravix²¹ was linked to important pro-Lavalas gangs, including those of René Jean Anthony, alias Grenn Sonnen²², in the Delmas area and Dread Wilmé in Cité Soleil.

Towards the end of March, the security environment in Port-au-Prince became extremely volatile, with almost daily incidents, including the shooting of an HNP officer in front of the minister of justice's home and a grenade attack against the premises of the Provisional Electoral Council (PEC). On 28 March, three people, including two policemen, were killed by heavily armed individuals believed to be members of a group led by Grenn Sonnen. The next day repeated shootings in the Delmas area of the capital (including at the PEC office) provoked widespread panic. The new alliance between Ravix and Grenn Sonnen -- considered unlikely at first because of their backgrounds -- was shown to have been behind these acts, according to the transitional government. The HNP offered a reward for their capture, and Ravix and Grenn Sonnen were killed on 9 and 10 April respectively in the course of HNP operations supported by MINUSTAH. Seven of their

associates were killed, eighteen were arrested, and arms, ammunition and police uniforms were seized, reinforcing suspicions that some gangs in the capital were pretending to be police.²³

These operations against gang alliances are expected to have a positive impact on security in the capital. However, the murky circumstances surrounding the killings have not been fully explained by the HNP or MINUSTAH, who both claim they happened during heavy gunfire exchanges.²⁴ MINUSTAH's tacit acceptance of the police version, in the absence of a full inquiry, sends another negative signal of the total impunity that prevails within the HNP.

It is widely believed that Ravix and Grenn Sonnen were financed by drug-trafficking and possibly by businessmen.²⁵ Both were probably overly confident of their own strength and their political and financial backing. The public declarations of the U.S. ambassador a week earlier that the new alliances could not be tolerated were interpreted as a warning.²⁶ The deaths were convenient for sponsors for whom the pair had become a liability. According to several sources, after having gone into hiding in the Central Plateau in the aftermath of the Tabarre standoff in December 2004, Ravix returned to Port-au-Prince when he was led to believe that the government had tasked a delegation led by a senior former army officer to negotiate with him.²⁷

However, the violence in the capital continued after their deaths.²⁸ Armed robberies and kidnappings have become common place and are especially alarming because they are relatively new to the country, and there has been no effective response from the HNP or MINUSTAH.²⁹

²¹ Ravix was the self-proclaimed leader of the former military personnel who joined in the rebellion to oust President Aristide and later called for a rebellion against the interim government.

²² Grenn Sonnen was a former FAd'H member who later joined the armed groups sponsored by Aristide. He was allegedly responsible for the killing of several former FAd'H in 2002 and was wanted by the police in connection with the February 2005 deaths of four policemen in Port-au-Prince.

²³ Joseph Guylor Delva, "Haitian Police Kill Prominent Gang Leader", Reuters, 10 April 2004.

²⁴ MINUSTAH, "Vaste opération sécuritaire au cours du week-end a Delmas", press release, 11 April 2004, available at www.un.org/Depts/dpko/missions/minustah/press.html.

²⁵ Crisis Group interview with leading politicians, Port-au-Prince, April 2005.

²⁶ "Prominent gang leader killed in shootout with Haitian police", Associated Press, Port-au-Prince, 10 April 2005.

²⁷ Crisis Group interview with diplomats, Port-au-Prince, April 2005. On the Tabarre incident, see Crisis Group Latin America/Caribbean Briefing N°7, *Haiti's Transition: Hanging in the Balance*, 8 February 2005.

²⁸ Including against foreigners, since the beginning of May 2005.

²⁹ The HNP arrested 33 individuals, mostly young men, during several operations in the second week of May, according to its spokesperson. Four HNP officers were also arrested. See "La PNH fait la chasse aux kidnappeurs", *Le Nouvelliste*, 13-15 May 2005.

The kidnappings appear to be both criminally and politically motivated.³⁰

B. THE URBAN ARMED GROUPS

Haiti's worst violence is concentrated in the poor neighbourhoods of Port-au-Prince, such as Cité Soleil, Bel Air and La Saline where rival gangs terrorise the population and pose a significant threat to the HNP and MINUSTAH.

Armed "political" groups ("chimères") and criminal gangs are mostly in the capital and some provincial cities. Many are interconnected, and relations between them are usually fluid. Since the large rural migration to the main cities of the 1980s and 1990s, the poor neighbourhoods have been an inexhaustible resource for the urban gangs. Many of the unemployed urban youth who become "chimères" or gang-members are hired thugs with little ideological or political commitment; they live a desperate life with few choices for survival, self-respect and income.

While the boundaries are often difficult to identify, the principal gangs include:

- ❑ those fighting for a political cause, who feel at some level they have a mission in supporting Aristide;³¹
- ❑ the same hired thugs who operated under Aristide, mostly for personal gain;
- ❑ gangs operating under the direction of other political parties or power groups; and
- ❑ organised criminal gangs taking advantage of the general lawlessness.

Some residents of poor neighbourhoods may consider these armed elements their protectors from rival gangs. The repeated human rights abuses by the police and arbitrary arrests in areas considered Aristide strongholds may also help them to gain some popular support.

The armed groups are also composed of:

- ❑ society's outcasts, including deportees from the U.S. and street children;

- ❑ individuals formerly carried on the payrolls of state companies;³² and
- ❑ some former police under Aristide who were dismissed after his departure.

Again, a common denominator is that most of these, in one way or another, are reacting to Haiti's extreme disparities of wealth. This could be one reason behind the new alliances (Ravix/pro-Aristide gangs) that, since the end of 2004, have formed to fight perceived common enemies: the transitional government and police. These groups do not always have clear command structures. In Cité Soleil, however, the gangs, while unruly, do, and each neighbourhood has its own distinct group and leader. In general, the worst abuses (killings, rapes, robberies, looting) against the population have been perpetrated there and in Village de Dieu. Many residents have been victims, are extremely critical of the gangs, and have fled their homes as a result.

The situation is slightly different in Bel Air, where alleged police abuses (killings, arrests, burning of houses, acts of brutality, looting of houses during searches) have brought residents closer to the gangs. When the police refer to those killed as "bandits", residents feel they are all accused. In general, the police and most local media systematically imply that all who live in these neighbourhoods are either gang members or collaborators. Nonetheless, most residents also blame the gangs for the violence and for provoking the police incursions.

Even though most recent violence has been in Port-au-Prince, there are also serious concerns in some provincial cities. For example, in Gonaïves, members of the FRN (Front de Résistance pour la Reconstruction d'Haïti) have kept their weapons and turned to crime (including control of the port) to finance their activities.³³ Such groups must be neutralised for there to be a proper electoral process.³⁴

³⁰ See Claude Moïse, "Insécurité et sécurité politique", *Le Matin*, 6-9 May 2005.

³¹ Some gang members who felt manipulated and used by Aristide allegedly came back from the Dominican Republic to take part in the violent campaign that began after the attack on the Lavalas march on 30 September 2004. Crisis Group interviews with international journalist and Cité Soleil residents, Port-au-Prince, May 2005. For background information, see Crisis Group Report, *A New Chance for Haiti?*, op. cit., p. 14.

³² Prior to and under the Lavalas government, hundreds of "political" individuals, including gang members, were on the payrolls of the main state-owned companies such as Teleco, APN and CAMEP, although they usually did no work. Many who have lost legitimate jobs with those companies now feel threatened because they are considered "chimères" by association.

³³ One of the main FRN leaders is sought for the murder of a little girl in Gonaïves; another FRN member was arrested in May 2005 in Port-au-Prince for his alleged implication in a gang of kidnappers.

³⁴ Otherwise, as pointed out by Jocelyn McCalla, director of the National Coalition for Haitian Rights (NCHR), "The election will ratify the de facto situation....Whoever holds power on the ground today will win". See Jim Lobe, "Ex-Premier's hunger strike spotlights a nation's chaos", Inter Press Service/Global Information Network, 10 May 2005.

C. THE MINUSTAH/HNP RESPONSE

It is difficult to estimate the exact toll of the violence in the capital since September 2004: the Inter-American Commission on Human Rights (IACHR), based on information provided by Haitian NGOs, has estimated that over 600 people have been killed. Other sources believe the real figure could be higher.³⁵

Since the beginning of April 2005 and in the wake of a UN Security Council visit, MINUSTAH has taken a tougher stance against the urban gangs, especially in Cité Soleil. This also followed the killing of Robenson Thomas alias Labannyè, a prominent anti-Aristide gang leader,³⁶ and two associates on 30 March. Operations further intensified after the killing of a Filipino peacekeeper on 14 April. However, the campaign to hunt down gang leaders has shown few concrete results. Frequent gunfights have led to the deaths of not only gang members but also civilians, including women and children.³⁷

If civilian casualties continue, the risks are high for MINUSTAH because they would further radicalise the poor neighbourhoods and fuel hostility toward the UN. Meanwhile, plans by the transitional government and donors to carry out social projects in those neighbourhoods have scarcely gone beyond some garbage collection and sporadic distribution of food and medical supplies by peacekeepers. In the provinces, MINUSTAH military personnel have been involved in local development initiatives, including infrastructure, environment and job training.³⁸

The results of MINUSTAH's military operations, especially in Cité Soleil, have not met the expectations of either Haitian society or the international community, including MINUSTAH itself. Beside the inherent difficulties of military and police operations in such areas, slow deployment meant the Mission's first large operation in Cité Soleil was six months after it was established. Other factors include the lack of reliable intelligence to identify the main gang leaders and their locations promptly, the unreliability of the HNP, and, perhaps most important, the lack of simultaneous humanitarian projects, which

prevented the beginning of a trust-building process with the local population. Such projects are essential for a secure environment, improving the UN image and concrete improvements.

Disarmament programs and the arrests of important gang-members should be accompanied by measures to improve social justice, so that one gang-leader is not simply replaced by a new one. Gun crime will continue to rise while it remains the most accessible career choice for so many young people. Families in these deprived areas must be given more support, more and better schools, and more access to work, skills and role models.

Nonetheless, none of the above will be fully successful if there is no political solution to the crisis through inclusive dialogue and reconciliation. Repeated acts of police violence (see section IV below) must be addressed, investigated and stopped.

D. THE FORMER MILITARY

A more assertive policy by MINUSTAH towards former military personnel, however, seems to have borne some important, although still limited, results. On 20 March 2005, MINUSTAH military and its civilian Formed Police Unit (FPU) conducted an important operation to drive an armed group -- comprised mostly of former military personnel and insurgents -- from a police station in Petit-Goâve which they had been occupying since August 2004. A Sri Lankan peacekeeper and two members of the armed group were killed; three other peacekeepers and ten illegal occupants were injured, while 27 were disarmed, captured and handed over to the HNP.³⁹ A local journalist was injured and died a month later. In a separate incident the same day in the Plateau-Central, a Nepalese UN soldier was killed in a shoot-out with armed elements (probably former military personnel) using local residents as a shield. The following day MINUSTAH retook a police station in Terre Rouge, believed to be occupied by the same individuals who had attacked its troops the day before.⁴⁰

In response to these two operations, Rémissainthe Ravix declared he controlled the Central Plateau, called on his

³⁵ Crisis Group interviews with Cité Soleil residents, April 2005.

³⁶ Labannyè had at one time been a pro-Aristide gang leader, demonstrating the fluid nature of allegiances among armed groups in the slums of the capital.

³⁷ Crisis Group interviews with members of international organisations working in Cité Soleil, Port-au-Prince, April 2005.

³⁸ For instance in Cap Haitien, Crisis Group interview with MINUSTAH staff members, Port-au-Prince, April 2005.

³⁹ United Nations, "Report of the Secretary-General on the United Nations Stabilisation Mission in Haiti", S/2005/313, 13 May 2005, para. 14, p. 4.

⁴⁰ "L'Onu reprend deux commissariats, des ex-militaires lui déclarent la guerre", Agence France-Presse, Port-au-Prince, 21 March 2005. MINUSTAH, "Opérations sécuritaires à Petit-Goâve et à Terre Rouge : la MINUSTAH déplore la perte de deux de ses casques bleus", press release, 21 March 2005, available at www.un.org/Depts/dpko/missions/minustah/press.html.

comrades to take up arms for a guerrilla war, and threatened to attack MINUSTAH personnel. Joseph Jean-Baptiste, self-proclaimed leader of the former military there, exhorted his men to form guerrilla units and infiltrate the civilian population so as to attack MINUSTAH and force it out of Haiti.⁴¹

MINUSTAH's new approach followed a symbolic hand-over of weapons in Cap Haitien on 13 March during a ceremony presided over by the Prime Minister.⁴² In the weeks following, many former military personnel agreed to negotiate with the transitional government and MINUSTAH their participation in a DDR process. Some 200 former military personnel agreed to begin a reinsertion program, and almost 1,000 are believed to be so inclined. However, the majority want to be incorporated into the HNP or other security units.⁴³ Such a solution should be envisaged only after a thorough screening process.

The positive recent operations to remove armed ex-FAd'H from police stations need to be accompanied by a strategy and timetable for their removal, department by department, over the next three months. After vetting for criminal activity, eligible ex-FAd'H must be provided with appropriate benefits, pension and training opportunities.⁴⁴

E. THE ABSENCE OF A COMPREHENSIVE STRATEGY

Without the permanent demilitarisation of armed groups, humanitarian assistance and development will be continuously endangered. Everyone agrees that disarmament is a priority but the transitional government and MINUSTAH have achieved very little of it. The issue is particularly difficult because the members and

hierarchy of the armed groups are not always clearly identifiable.⁴⁵ A strategy to implement an effective DDR program will need to include specific incentives for each group.

The transitional government established the National Commission for Disarmament on 4 February 2005 but with unclear legal status and authority.⁴⁶ The Commission has yet to demonstrate unambiguous political commitment to DDR, and has not prepared a coherent plan, but at least the UN Security Council appears to have recognised the need for MINUSTAH to devote much more energy to DDR.⁴⁷

There must be an overall DDR strategy applicable to both the former military and other armed groups. The transitional government has clearly privileged the former military by negotiating with them and launching a financial compensation program for them prior to their effective disarmament, while almost no attention has been paid to the disarmament and demobilisation of other armed groups. An integrated and coordinated strategy should be put forward that would tackle all armed groups in a somewhat consistent manner, though with account taken of their different origins and needs.⁴⁸

MINUSTAH's DDR section and the UN Development Programme, together with the UN civilian police (CivPol) and the Haitian ministries of justice and the interior, intend to combine involuntary arms seizures and voluntary weapons-collection linked to socio-economic reintegration, community development and reconciliation activities.⁴⁹ However, the UN Mission will need to conduct in parallel forced disarmament of groups that refuse to join a negotiated process; these groups, at least in the capital, are probably still the majority. Without a forced disarmament plan, other groups might rethink their

⁴¹ "U.N. mission in Haiti takes violent turn", Associated Press, 21 March 2005.

⁴² Stevenson Jacobs, "Ex-soldiers turn in handful of weapons", Associated Press, 13 March 2005.

⁴³ It would be premature to assume that all the former military have accepted the DDR plan, although the tougher stance by MINUSTAH is important. On 6 March 2005, the former military commander in the Mirebalais region, Jean-Baptiste Clotaire, was killed in Lascahobas. *Le Nouvelliste*, 8 March 2005. It was widely believed that Ravix Rémissainthe was responsible because Clotaire seemed to be willing to accept the government's offer of financial compensation and job opportunities in exchange for disarming.

⁴⁴ For background, see Crisis Group Briefing, *Haiti's Transition*, op. cit., p. 6. Unfortunately some promises of the transitional government are still unfulfilled; for instance, the first of the three indemnisation payments has not been made to all the former military.

⁴⁵ According to the NGO Small Arms Survey, there are at least a dozen distinct types of armed groups in possession of varying numbers and calibres of small arms and other light weapons. These groups are fluid, with complex combinations of predatory and protective behaviour. See Robert Muggah, "Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilisation and Reintegration", Small Arms Survey, Geneva, April 2005, p. 16.

⁴⁶ UN Security Council, "Report", op. cit., para. 27, p. 6.

⁴⁷ Ibid, para. 28.

⁴⁸ 300 members of the General Security Unit of the National Palace (USGPN) were dismissed in March 2004 but allowed to retain their service weapons. Massive dismissals have significantly contributed to the climate of insecurity and instability.

⁴⁹ United Nations Development Programme (UNDP), "Program Document for Integrated DDR Strategy in Haiti", Port-au-Prince, 2005.

agreement to engage in the process.⁵⁰ In general, MINUSTAH should be more pro-active in arresting everyone in possession of illegal weapons and handing them over to the HNP.

Because there is no comprehensive legal framework for firearms regulation in Haiti, seizures and penalties will be tainted with an appearance of arbitrariness.⁵¹ Consequently, disarmament should be coupled with a campaign to facilitate voluntary registration of the type of firearms allowed by the constitution and national law. Unfortunately, the procedures recently adopted for firearms registration or registration renewal are unnecessarily complicated, to the point of bureaucratic harassment. At the same time, most of the too numerous licenses to carry firearms, especially handguns, should be revoked and requirements for such permits made more stringent.⁵²

The national media, especially radio, should lend its support to the disarmament campaign. It also should avoid offering platforms to individuals (including suspected criminals and escapees) who have misused them. MINUSTAH itself should increase its radio programs to promote civic responsibility, tolerance and disarmament.

IV. THE HNP

A. A WORRYING TREND

The Haitian National Police faces a critical situation. More than one year after establishment of the transitional government, the HNP seems unable to protect Haiti's citizens and a significant number of its agents continue to be deeply involved in human rights violations, crime, including violence against women, and corruption. Its poor performance has had a serious negative impact on the transition, weakening the image of the Latortue government and calling into question its ability to ensure peaceful elections.

Many fear the HNP is increasingly a source of criminal violence, rather than an effective institution to reduce crime and guarantee public security. This trend has accelerated in the last months and threatens to generate the same hostility in citizens that developed against the army and contributed to its dissolution. That would be a real tragedy for Haiti's fledgling democracy and could spill over onto MINUSTAH and especially CivPol.

In most countries undergoing a post-crisis transition, there is a complex, at times conflicting relationship between law enforcement and respect for human rights. This is particularly the case in Haiti, which has a long history of dictatorial regimes. Faced with high insecurity, there is a tendency to ignore human rights, which then fuels more violence.

The transitional government has undermined the HNP by its failure to back it publicly as the sole security force, its lack of a clear commitment to the rule of law, and its accommodation of the ex-FAD'H. It also has been an obstacle to serious HNP reforms.

The pressure exerted by criminal groups on the police is real, and its impact on the morale of the force should not be underestimated. More than 50 officers have been killed since March 2004.⁵³ However, frequent excessive use of force, including alleged cases of summary executions, cannot be tolerated. Officers implicated in human rights violations act with total impunity, mostly because the HNP's Internal Affairs Unit (Inspection Générale) is not functioning, due to lack of resources and political will.⁵⁴ CivPol has acknowledged HNP

⁵⁰ This point has been stressed also in the UN Security Council, "Report", op. cit., para. 28, p. 6.

⁵¹ Crisis Group interview with a Haitian security expert.

⁵² Ibid.

⁵³ According to the HNP spokesperson. In the most recent incident, on 22 May 2005, two officers were killed and five injured by armed gangs in Bel Air.

⁵⁴ Crisis Group interview with CivPol officials, Port-au-Prince, May 2005.

responsibility for arbitrary killings but no effective investigations or prosecutions have taken place.⁵⁵

In the capital's poor neighbourhoods, the police not only have failed to regain public trust, but they are increasingly perceived as an aggressive force. The HNP seems to be criminalising many of the urban poor through indiscriminate declarations by senior officers and indiscriminate repressive operations in the slums. This same pattern appears in the media, which systematically associates residents of poor neighbourhoods with "chimères" or, more commonly, "chimères Lavalas". Members of the business elite have fuelled this campaign, demanding a tougher stance towards "chimères Lavalas", ignoring the fact that many other gangs also are engaged in criminal, violent and destabilising acts. Repeated killings during pro-Lavalas demonstrations have been a consequence. Unfortunately, most Haitian human rights NGOs have not been spoken out about these abuses.

A different situation seems to prevail in the provinces. Rural police have abysmal physical resources, so the HNP can only do symbolic policing. In some regions, officers reportedly do not carry guns for fear they would be stolen. However, where they are visible, as in Cap-Haïtien, their actions have been more positively received, even by pro-Lavalas forces.⁵⁶

Of particular concern are increasing reports about reestablishment in the countryside of "*chefs de section*", a rural police attached to the former FAd'H and disbanded in 1991 for abuse of power and human rights violations.⁵⁷

B. ALLEGED EXECUTIONS

There have been several allegations serious human rights abuse by HNP officers over the last few months in Port-au-Prince:

- At least five persons were confirmed killed and five wounded after police shot at demonstrators in the Nazon area, near the UN headquarters, on 27 April. According to local residents, officers from one of two HNP vehicles shot indiscriminately, killing at least five demonstrators.⁵⁸

⁵⁵ Ibid.

⁵⁶ In Cap-Haïtien, the local Lavalas leader praised the work of HNP and MINUSTAH in escorting six pro-Lavalas demonstrations. See "Note de presse", Fanmi Lavalas Nord-Nord-Est, Haut Plateau, April 2005.

⁵⁷ See United Nations, "Report of the Secretary-General", op. cit., para. 28, p. 7.

⁵⁸ Haitian police spokeswoman Gessy Cameau Coicou, said that "two persons had been killed during a gun battle with a

That vehicle then left while officers from the other vehicle shot in the air, dispersing the crowd. The bodies were subsequently removed.⁵⁹

- On 28 February 2005, during a peaceful demonstration to commemorate the first anniversary of Aristide's departure, police allegedly opened fire without reason, killing at least two demonstrators. The Special Representative of the UN Secretary General (SRSG) said publicly a few days later police brutality was hindering stabilisation, and the UN would not tolerate it. He warned that UN soldiers would use force if needed whenever the HNP fired on unarmed civilians.⁶⁰ The Minister of Justice angrily accused MINUSTAH of protecting "chimères".⁶¹ Relations were soon patched up, however, and MINUSTAH failed to insist on a thorough investigation into the shootings.
- Six young men were allegedly killed on 25 February when police entered alleys in Rue St Martin and Rue Tiremasse, Bel Air, shooting widely. Victims allegedly included a homeless man, a football trainer for poor children in the neighbourhood and a street vendor.⁶²

C. CONSEQUENCES OF KILLINGS

The killings reveal some patterns in the identity of the victims, the locations of the incidents, the identity of the alleged perpetrators, the methods used and the absence of official responses. While several were killed while demonstrating, many were killed for no obvious reason except that they happened to live in those neighbourhoods. The police accused were often wearing black uniforms although in some cases, riot police (CIMO) wearing desert camouflage uniforms were also allegedly involved. The

police patrol" but they "were not shot during a demonstration, since police authorities had received no notice of a demonstration". See "La police était-elle dans l'obligation de riposter?", *Le Nouvelliste*, 28 April 2005.

⁵⁹ According to other reports, armed individuals had joined the demonstration and were deliberately provoking disorder. Crisis Group interviews with human rights NGOs and with independent human rights activist and lawyer Judy Dacruz. Port-au-Prince, May 2005.

⁶⁰ Joe Mozingo, "UN mission slams police", *The Miami Herald*, 3 March 2005.

⁶¹ Stevenson Jacobs, "Haitian Official Criticises U.N. Actions", Associated Press, 5 March 2005.

⁶² The killings have been confirmed by MINUSTAH military personnel, Crisis Group interview, Port-au-Prince, March 2005. See also, "A year after Aristide's fall, Haiti remains in grip of poverty, fear and political paralysis", Associated Press, 1 March 2005.

government's response, mostly from the police spokesperson, has consistently been either to deny the incidents or describe the victims as "bandits" killed during an exchange of gunfire.⁶³

There has been no official or other investigation into the killings, one reason being that no case has been filed. Relatives are often too afraid, convinced they would face reprisals. They do not believe that they can denounce police officers given the culture of impunity in the country. To tackle this issue, an alternative procedure is needed: CivPol should directly receive complaints against HNP officers and any others acting under cover of national or international authority.

Police abuses have alienated the HNP from these neighbourhoods and increase frustration, anger and sense of persecution. Residents believe the HNP is trying to eliminate them, in particular young males. The term people in these neighbourhoods use when they see the police is "assaillants". Moreover, they feel they are being discriminated against and unfairly targeted. They are particularly angry that the press and the police spokesperson indiscriminately refer to all those killed by police as "bandits", commenting that if innocent civilians are killed and subsequently accused of being bandits, then, by implication, all residents of the slum are being grouped in the same category.

The HNP has the right to search for criminals but it should operate within the law. Human rights abuses have left many residents of poor neighbourhoods bitter, desperate, and vowing not to vote in the coming elections.

This trend must be reversed. While the HNP is under tremendous pressure in the poor neighbourhoods from gang violence, its response should be within the law. Otherwise, as too often in Haiti's past, official violence will fuel new violence, and the credibility of the state will rot. The transitional government at its highest level should condemn HNP human rights abuses and make a formal distinction between the residents of poor neighbourhoods and violent gang members manipulated by those with a clear interest in escalation. Impunity must be ended by investigating all incidents when HNP officers have used force. It is essential that the joint CivPol-Human Rights Section (MINUSTAH) investigates more actively serious cases of killings and other major human rights violations since October 2004. The lack of an effective HNP inspector general and the Ministry of Justice's

unwillingness to investigate HNP violations means that for now only a MINUSTAH initiative can prevent the transition from being seen as a perpetuation of official impunity. The results of these investigations should be made public, and indictments should rapidly follow, with international judges presiding over the trials.

⁶³ For instance, after the 28 February and 27 April 2005 demonstrations; see also, Haiti Information Project, "UN accommodates human rights abuses by police in Haiti", 17 May 2005.

V. REFORMING THE HNP

A. VETTING AND SCREENING

There is no reliable information about HNP numbers. According to its Director General, some 4,500 officers are on duty. MINUSTAH sources believe the actual number is probably lower.⁶⁴ Another key issue is the lack of proper identification of officers and vehicles. It is virtually impossible for most citizens to identify a police officer, since there are no strict rules regarding uniforms and proper identification of vehicles.⁶⁵ It is crucial to establish clear regulations to change this. HNP officers should adopt a standard uniform and wear a badge with their name and photo ID visible. Vehicles, except for those used in specific undercover operations, should be identifiable by colour, number, and clear markings that indicate the police station or unit to which they belong and be properly registered centrally. Copies of all such information should be maintained by CivPol.

The role and tasks of specialized HNP units should be clearly defined. Masked units should not be used in routine operations, including crowd control, and the confusion of roles between riot police (CIMO) and military-type units (SWAT) should be dispelled.

In order to improve the overall functioning of the police, and to build trust among the population, it is essential to vet personnel thoroughly.⁶⁶ There are still competent HNP officers who perform their duties with extreme dedication under difficult conditions. It would be better for the force to rely on a smaller number of unimpeachable officers rather than struggle to keep up overall force-strength by using a significant number of rogue police elements.

CivPol should take the lead in the vetting project by removing accused officers from active duty immediately, pending resolution of their cases. Information needs to be gathered on the professional competence and human rights integrity of HNP officers. More women need to be recruited and gender training given to all police officers. CivPol officers co-located in the stations should evaluate the performance of HNP officers on a daily basis. Information on their human rights record should be given to CivPol by the main NGOs.

⁶⁴ Crisis Group interview with CIVPOL officers, Port-au-Prince, April 2005.

⁶⁵ The issue of the "men dressed in black", accused of participation in serious human rights violations, is a clear example. See section IV C above.

⁶⁶ A five-person OAS team currently assists the HNP and MINUSTAH in screening candidates for the police academy.

Almost 200 former military were integrated into the police in January 2005 without proper screening or training. Bearing in mind the human rights record of the former military, this was a serious mistake that must be reversed. According to a leading NGO representative, "many of the killings and summary executions in pro-Aristide slums are believed to have been carried out by ex-soldiers who became police....The victims are sometimes killed with their hands tied or behind their head".⁶⁷

B. CHAIN OF COMMAND

Almost the entire HNP high-command is composed of former FAd'H officers, although all were vetted in 1994 and received police training.⁶⁸ Former military personnel, who do not necessarily belong to this category, also occupy important positions within the transitional government, for example, the office of secretary of state for public security⁶⁹ and key posts within the interior ministry. Some senior HNP officers, although not Director Léon Charles, have allegedly been implicated in cases of human rights violations and drug-trafficking.⁷⁰

Faced with increasing demands to tackle public security, the HNP seems to have taken over old FAd'H practices, including military-style operations in the capital's poor neighbourhoods with little regard for collateral damage to civilians. The police need a community policing strategy, if they are to improve their image and restore relations with the population.

A key problem is the weak and dysfunctional chain of command, especially during operations. Supervision of specialised units is inadequate, and several senior HNP officials have the authority to mobilise them.⁷¹ A Strategic Deployment Plan (2004-2008) adopted on 15 April 2005 by the HNP's Conseil Supérieur is based on the proposal of the security section of the Interim Cooperation Framework⁷² and sets out some important measures to improve functioning of the force.⁷³

⁶⁷ Renan Hedouville, director of the Lawyers Committee for the Respect of Individual Liberties (CARLI), quoted by Joseph Guylor Delva, "Haiti police absorbs army and stokes rights fears", Reuters, 16 March 2005.

⁶⁸ Almost all twelve police commanders in the Port-au-Prince area have a military background; most regional police chiefs are also ex-FAd'H officials.

⁶⁹ He allegedly resigned on March 2005 but remains in office.

⁷⁰ Crisis Group interview with former HNP senior officers, Port-au-Prince, April 2005.

⁷¹ Crisis Group interview with a senior HNP officer, Port-au-Prince, April 2005.

⁷² The Interim Cooperation Framework is a needs' assessment exercise, conducted jointly by donors and the transitional

The recent U.S. decision to give the HNP 2,600 used firearms, despite a ten-year-old embargo, and consideration of selling 1,000 more has provoked mixed reactions.⁷⁴ Officials claim the police are outgunned by criminals and need to be better armed. Human rights groups express concerns because of the recent allegations against the HNP. Many also question whether the HNP are really under-armed, saying, rather that the HNP is inappropriately armed. It is common to observe routine HNP patrols in Port-au-Prince carrying weapons that seem better adapted to war than police work (M16, Galil, M14, FAL, etc.). The pending request by the transitional government for yet more sophisticated weapons for the HNP is troubling because it could indicate a developing militarization of the police.

To ensure police accountability, the transitional government and MINUSTAH should implement a uniform weapons program, requiring HNP officers to carry weapons whose model and calibre are unique to the force. Possession of this type of firearms should then be forbidden outside the HNP, so that facts could quickly be determined when future shooting cases need to be investigated.

C. AN EXECUTIVE ROLE FOR THE UN CIVPOL?

Given the current state of the HNP, MINUSTAH's mandate to assist and mentor the police is a difficult and politically delicate task at the heart of the Mission's responsibility. A basic problem is how to support a national police force that is seriously discredited, corrupt and allegedly involved in criminal activities and serious human rights violations.

MINUSTAH has a dual role: to help the HNP (which often acts independently of MINUSTAH), while monitoring the HNP's human rights performance and supporting the rule of law. As Crisis Group has previously noted,⁷⁵ this is an almost impossible challenge. UN CivPol needs a more robust, executive mandate so it can assume greater control over HNP operations and actions.⁷⁶

government, the results of which were presented at a donors conference in July 2004 in Washington. See Crisis Group Report, *A New Chance for Haiti?*, op. cit.

⁷³ United Nations, "Report of the Secretary-General", op. cit., para. 22, p. 6.; Crisis Group interview with CIVPOL officials, Port-au-Prince, April 2005.

⁷⁴ Michael Wesseinstein, "U.S. Guns in Haiti Despite Embargo", Associated Press, 21 April 2005.

⁷⁵ See Crisis Group Briefing, *Haiti's Transition*, op. cit., p. 7.

⁷⁶ Refugees International has argued for giving CivPol "executive authority", so it can do "more than passively advise

The best course would probably have been to reform the HNP thoroughly immediately after installation of the transitional government, while using an interim police force, as was done in 1995, to allow for the transition from FAd'H to HNP. CivPol would then have had a clear role in setting up the new HNP and justification for exercising executive authority. This option was not chosen for several reasons, including financial implications and the difficulty of deploying the required francophone CivPol officers.

Until there is confidence in the HNP to provide citizen protection, the UN will need the resources to do so. Otherwise a major UN peacekeeping operation will be seen as a failure. Without deep HNP reforms, which CivPol will need to have the final word over, mission success is endangered. The fundamental requirement is for the deployment of several thousand additional francophone civilian police officers. While difficult, the priority is clear and contributing countries will have to come up with the necessary manpower. An executive mandate also implies that stronger actions will be taken against the country's numerous criminal groups.

The only alternative, much less desirable, would be to ensure that UN civilian police carry out their current mandate in a more pro-active fashion, in particular with co-location in police stations throughout the country. There would also need to be agreement for them to take over internal misconduct issues, monitoring adherence to the code of conduct, while they rebuild the capacity of the inspector general from the ground up. Agreement by the transitional government that they could suspend any officer believed to be engaged in criminal activity if the HNP leadership were unwilling to act would be one element of this. The extremely slow pace of the co-location program is preventing CivPol from doing jobs which are at the core of its mandate and might prevent rogue HNP elements from conducting their illegal activities. Co-location should be coupled with direct authority for vetting. The clean-up of the HNP has to be done now, and concrete progress is needed before the Autumn elections.

Furthermore, of the 1,413 deployed CivPol officers, 790 are part of the Formed Police Units (FPU)⁷⁷ which performs tasks related more to the military than the police mandate of MINUSTAH. This is another reason why more CivPol are required. In general, there is also a clear

and mentor an essentially dysfunctional institution". Refugees International, "Haiti: UN Civilian Police Require Executive Authority", 14 March 2005, at www.refintl.org.

⁷⁷ United Nations, "Report of the Secretary-General", op. cit., Annexe II, 17.

need to improve coordination between MINUSTAH's military, police, and other civilian components.

D. CIVPOL AND HNP OVERSIGHT MECHANISMS

Another important issue involves strengthening the HNP's internal oversight mechanism (Inspection Générale). Given that that mechanism does not currently function at all adequately, CivPol needs to have the authority to play a greater role in investigating alleged cases of HNP misconduct, including human rights violations. The transitional government and the HNP leadership have not shown the political will to clean the force thoroughly. HNP agents seem able to act with complete impunity. The HNP tried to downplay the few cases that were investigated, such as that concerning the 1 December 2004 riot at the National Penitentiary.⁷⁸

There is a pressing need to remove the HNP's unsuitable elements and reinforce CivPol's tutoring role. Particular emphasis should be put on strict observance of the law and human rights during police operations and on serious and timely joint investigations whenever police operations result in injury or death.

Rapid recruitment and training of large numbers of new, qualified HNP officers -- ideally several thousand -- is a priority which is not receiving the necessary attention from the transitional government or the international community. At the current rate, only some 1,200 new officers (400 are trained at the police academy every four months) will be brought in by the end of 2005. This recruitment needs to be accelerated. One possibility would be to train cadets abroad as was done in 1994-1995. It is estimated that Haiti needs a minimum of 10,000 police (one officer for every 800 inhabitants) to enforce basic law and order throughout the country.

VI. THE URGENT NEED TO REFORM THE JUSTICE SYSTEM

A. THE NEPTUNE DETENTION

Despite more than a decade of international cooperation and national initiatives, the justice system is completely dysfunctional. Over the last decade, donors have invested considerable resources in its reform through several, not always well coordinated projects. Nevertheless, according to a recent report:

The respect for rule of law in Haiti has fallen to its lowest point since 1994. The police and judiciary fail to guarantee security and justice, and the incapacity of the courts results in de facto guilty verdicts for many of those arraigned and incarcerated, as pre-trial detention periods may last for years.⁷⁹

More than 95 per cent of those described above are in preventive detention in clear violation of Haitian law and international human rights covenants requiring due process.⁸⁰ The fact that several Lavalas supporters continue to be detained without specified charges is another example of the non-functioning of the justice system, further undermining the image of the transitional government.

The prolonged detention of former Prime Minister Yvon Neptune is all too typical. He has not yet been arraigned before the Saint Marc magistrate who in March 2004 signed the arrest warrant on charges that he masterminded a mass killing in St. Marc the previous month. Soon after his arrest, his lawyers filed a request (*récusation*) before the Supreme Court (Cour de Cassation) questioning the participation of St. Marc's investigating judges in the case on the grounds that the Saint Marc environment was too enflamed for a fair trial. It took more than six months for the court to reject the request, ultimately rejecting it on technical grounds. When Neptune was first transferred to Saint Marc in April 2005, the investigating judge was apparently not aware of this and was absent. The former prime minister's case was finally heard by a judge in Saint Marc on 25 May 2005. The prosecutor and the investigating judge have apparently still failed to disclose their evidence.

⁷⁸ Crisis Group interview with CivPol officers, Port-au-Prince, April 2005.

⁷⁹ International Legal Consortium Assistance (ILAC) report, Haiti, January 2005, p. 5.

⁸⁰ Haiti is a party to the American Convention on Human Rights and the International Covenant on Civil and Political Rights. See IACHR, "IACHR calls for greater international actions in Haiti", press communiqué N. 16.05, Port-au-Prince 22 April 2005, at www.cidh.org.

Neptune is protesting lack of due process and the conditions of his incarceration with a hunger strike. After hospitalisation in UN facilities, he resumed that action on 17 April 2005. On 2 May he refused to be evacuated on the Dominican Republic unless all charges were dropped.⁸¹

To find a way out of the impasse, acting Secretary General Luigi Einaudi suggested to the OAS Permanent Council that a commission made up of a Haitian jurist, an international jurist and an international forensic expert examine the evidence and make a recommendation. He warned that the case had "serious moral and political implications for the Haitian government and for the international community".⁸² A similar proposal was made by the National Coalition for Human Rights (NCHR-New York) in March 2005.⁸³

Neptune's prolonged pre-trial detention is also representative of the political and partisan use of justice by the current government. The minister of justice's decisions in this case seem driven more by politics than respect for the rule of law. The frustration and impotence of the international community -- despite strong criticisms⁸⁴ -- are yet another clear example of its problematic relationship with governmental authorities which have pursued narrow and partisan interests. While the Latortue government insists the Haitian state can no longer be held responsible for human rights violations, these claims conflict with the facts. The HNP's serious abuses, continuing impunity and total lack of due process are only examples of a human rights situation described as "appalling" by Amnesty International and "alarming" by the UN Secretary General.⁸⁵

Another controversial decision was the Supreme Court's reversal on 21 April 2005 of the convictions of fourteen military and paramilitary leaders for their roles in the

Raboteau massacre.⁸⁶ The Court quashed the convictions of the fourteen on technical grounds. The trial, despite minor irregularities, had been considered fair and was praised as a landmark in the fight against impunity. A former Lavalas senator commented that the Court's judgement shows that "the current government is partisan, revengeful, hateful and not serious about justice".⁸⁷ Prime Minister Latortue denied responsibility but it is unlikely such an important decision would have been taken independently by the Court given the judiciary's submissiveness to the executive.⁸⁸

B. THE RULE OF LAW CHALLENGE

A sustainable judicial reform cannot be achieved independently. There must be simultaneous reform in related areas, including disarmament, security, and law enforcement. An important lesson of the past decade is that, although the HNP benefited from training and technical assistance, its effectiveness was limited because the justice and penal system did not advance at the same pace.

The justice system's inability to provide oversight and ensure that police conduct adheres to the law was identified by one former director general of police as the single biggest threat to the HNP's effectiveness and political neutrality.⁸⁹

The components of the security system (police, judiciary and penitentiary system) are so interconnected that an effective program of assistance must include each.

Donors need to agree on their roles in fostering a uniform and consistent effort. Not only must their aims be coordinated, but all should work within the agreed implementation framework. Ideally, as with Brazil in the military field, a single donor (preferably a francophone government) could lead the process and ensure overall coordination and implementation.

⁸¹ Ariana Cubillos, "Aristide's Ex-PM Refuses to Leave Haiti", Associated Press, 2 May 2005.

⁸² Quoted by Jim Lobe, "Ex-Premier's hunger strike spotlights a nation's chaos", Inter Press Service/Global Information Network, 10 May 2005.

⁸³ National Coalition for Haitian Rights, "NCHR-Haiti Does Not Speak for the National Coalition for Haitian Rights", press release, 11 March 2005.

⁸⁴ "Since the beginning of the procedure until today, fundamental rights, according to national and international standards, have not been respected in the case of Mr Neptune and Privert", said Thierry Fagart, Head of MINUSTAH's Human Rights Section. See, Joseph Guylor Delva, "UN Says former PM jailed illegally", Reuters, 4 May 2005.

⁸⁵ Amnesty International, "Urgent Action, Health concern/Legal concern, Yvon Neptune", 6 May 2005, and United Nations, "Report of the Secretary-General", op. cit., para. 29, p. 8.

⁸⁶ More than a dozen supporters of former President Aristide were killed in April 2004 in the neighbourhood of Raboteau, in Gonaïves, by a squad composed of ex-FAd'H and members of paramilitary groups. The reversal does not apply to 37 individuals convicted in absentia on a later date (including Louis Jodel Chamblain, one of main insurgent leaders in February 2004).

⁸⁷ Peter Prengman and Michael Norton, "Haiti Court Overturns Slaying Convictions", Associated Press, 9 May 2005.

⁸⁸ The Prime Minister said: "If the results have been annulled, the judges have decided to annul them independently". Quoted in *ibid*.

⁸⁹ Janice M. Stromsem and Joseph Trincellito, "Building the Haitian National Police: A Retrospective and a Prospective View", Haiti Papers, Trinity College, Washington, April 2003, p. 3

There is no other solution in the short term than direct donor involvement to help "a dysfunctional Haitian judicial system which delivers little other than injustice".⁹⁰ As Haiti's national justice system is not yet up to the job, cases with political implications, including those involving HNP or other present or former officials, should be referred to an interim court supervised by the UN and made up of international and selected Haitian judges.

VII. THE ARMY QUESTION

A. A REPRESSIVE FORCE

When the Forces Armées d'Haïti (FAd'H) were disbanded by Jean-Bertrand Aristide in 1995, a deep institutional crisis was already apparent, and many thought the army was in collapse. For most of its history, it had been an instrument of political oppression, with no role in defending the nation from foreign threats. When the U.S. military occupation ended in 1934, it left behind two Haitian institutions tasked with security: the Gendarmerie and the Garde Nationale, the latter of which became the army.⁹¹

The political role of the Haitian Army gradually increased in importance from 1934 to 1957. In 1946, National Guard officials orchestrated and executed a coup against President Lescot; in 1950 they contributed to the departure of President Estimé, and General Paul Magloire became the new President. In 1957, presidential candidate Francois Duvalier became a close ally of General Kebreau, who facilitated his rise to power through violence, including massacres in impoverished districts of Port-au-Prince, particularly Bel Air.⁹²

Once elected President of Haiti, Duvalier -- or Papa Doc -- played an astute game, dividing the high command and manipulating the divisions and personal ambitions of senior officers to weaken the institution. The next step was creation of his personal militia, the "Volontaires de la Sécurité Nationale-VSN" -- infamously referred to as the "Tonton Macoutes" -- which diminished the importance of the army, renamed the Forces Armées d'Haïti, or FAd'H, in 1958.

With the departure of Papa Doc's son Jean-Claude Duvalier in 1986, the army tried to reoccupy some of the political space it had lost under the Duvaliers, but neither the national nor the international contexts were favourable. Internal divisions resurfaced in 1988 with the so-called revolt of the so-called "petits soldats" ("little soldiers") under the leadership of General Prospere Avril. The FAd'H was increasingly affected by the lack of a unified command structure or strategic plan, and by drug-trafficking activities within the ranks.

⁹⁰ National Coalition for Haitian Rights, op. cit.

⁹¹ Kern Delince, *Quelle Armée pour Haïti* (Port-au-Prince, 1994), pp. 46-53.

⁹² Ibid, pp. 49-50.

B. THE DISMANTLEMENT OF THE FAD'H

The 1991 coup d'état led by General Raoul Cedras against elected President Aristide was the beginning of the end. Misinterpreting the army's role in society, and not taking into account international changes, the coup leaders exacerbated the army's institutional crisis and accelerated its decline. When Aristide returned to power with the support of the OAS, UN, U.S., France and other governments, he moved quickly against the army. Some coup leaders were, in effect, given amnesty in exchange for leaving the country and not opposing Aristide's return. They had no option with the full military force of the U.S. standing off-shore.

In 1994, the FAd'H officially had almost 1,000 officers for some 6,000 troops. The troop figure was highly inflated for reasons including corruption (checks and other expenditures were approved for non-existent staff).⁹³ The FAd'H included a military and a police force, although the division was purely formal since both acted as an internal security force. It opposed all attempts to separate the two, as stipulated in the 1987 Constitution.⁹⁴

President Aristide's decision to disband the army in 1995 without amending the constitution's provisions mandating its existence was widely supported by most Haitians⁹⁵ as well as internationally, though some parts of the U.S. Department of Defense would have preferred a downsizing and in-depth reform of the institution.

C. WHAT ARMY?

Ten years later, a significant part of the political class and the business community seem to favour a reestablishment of the army. Their links, including financial, to the ex-FAd'H who led rebel forces challenging the Aristide government in late 2004 and early 2005 remain somewhat obscure. Many in the transitional government and the economic elite would also prefer to see the army reinstated despite the expense, lack of strategic purpose, and history of deep involvement in widespread and systematic human rights violations.

While these groups base their claim on the fact that the 1987 constitution provides for such a force, the main reasons behind the movement are the precarious internal security situation and the HNP's poor image. Fearing

unpopularity or even reprisals, no political group has publicly spoken against the re-establishment of the army since the issue became an open topic in 2004. Those actively promoting the step argue that it is essential for public security.

However, there has never been a real debate. The transitional government formally has no official position, even though, under the provisions of the 4 April 2004 Political Consensus Accord (*Accord de Consensus Politique*), it established an ad hoc commission to present recommendations on how to move forward. The commission has not produced a report. However, it has become clear that the prime minister and key members of the cabinet are tacitly in favour of reestablishment. Several former military officers in the interior ministry are convinced the army will be re-established by the next elected government.⁹⁶

It is vital that the Haitian people be listened to on this question. The constitutional provision on the armed forces does not end the argument.⁹⁷ The real questions are linked to the needs of Haiti in terms of national security, financial resources, democratisation and strengthening of civilian power. Haiti is not threatened by a foreign power. Externally-driven security challenges are to be found in other areas, especially crime, terrorism, and drug-trafficking. The key question is how to improve the coast guard, customs and other administrative units. Arguably, internal security challenges would be better addressed by an efficient civilian police force.

The majority of militaries in the region have undergone serious reforms in the last decade, including substantial force reduction and loss of internal security responsibilities. That is not the model chosen by those who advocate reestablishment in Haiti. They want the army directly involved in internal security as a guarantor of the political outcomes they seek -- a throwback to a different era, which contradicts most modern defence strategies.

The Dominican Republic's military faces a downsizing that might be limited or even halted if a Haitian army is re-established.⁹⁸ The wider international community should take a position on the desirability of such a Haitian force. Ultimately it is a national decision but donors and the

⁹³ Crisis Group interviews with governmental official, Port-au-Prince, March 2005.

⁹⁴ Kern Delince, *op. cit.*, pp. 119-126.

⁹⁵ Background information on army atrocities during the coup period can be found in Crisis Group Report, *A New Chance for Haiti?*, *op. cit.*

⁹⁶ Crisis Group interview with former military personnel currently employed at the Minister of Interior, Port-au-Prince, March 2005.

⁹⁷ The constitution also stipulates, for example, that primary education is obligatory (art. 32-3) and the state should provide it (Art. 32-1). However, nobody refers to these provisions and few children attend schools.

⁹⁸ Crisis Group interview with diplomats, Port-au-Prince, April 2005.

UN should contribute publicly to the debate, particularly if reestablishment was to mean that even less money would be available for economic and social development.

VIII. CONCLUSION

Haiti needs a comprehensive strategy for addressing the security situation in order to guarantee a successful political transition and a sustainable process of development and democratisation. Extreme poverty, unemployment, and poor living conditions are the root causes of its insecurity. Its urgent needs are interrelated and so should be addressed simultaneously.

The economy has to grow and undergo transformation, but there is no possibility of this without political stability. That requires a new government that is accepted by the population as fairly elected and legitimate. In order for this to be achieved transparent and peaceful elections are needed which can only be held with the help of a strong, effective, professional police and a judiciary free from political control. But to enjoy those on a long-term, sustainable basis, Haiti needs investment, which it will only obtain if it has stability.

The last months have witnessed a phenomenon deeply rooted in Haitian history, as spoilers of the political transition have appeared, ranging from drug traffickers, armed partisan gangs, and some elements of the business elite, to the hard-line followers of former President Aristide. Dealing with those spoilers is the essential security task of a reformed HNP under CivPol tutelage and a reformed judicial sector with an independent and partly international court as an interim measure.

Stabilisation is possible within the current MINUSTAH mandate only if there is positive collaboration between the UN Mission and the transitional government based on the transitional government accepting the goals and conditions established in the UN mandate. However, the absence of such cooperation is reflected in the repeated ambiguity of the transitional government towards the international community over the last year.⁹⁹ As in the 1990s, a viable working partnership has largely failed to

⁹⁹ After the 28 February 2005 incidents, Minister of Justice Bernard Gousse claimed that "the limits placed on the police by the UN are illegal and usurp the rights of the Haitian state", Stevenson Jacobs, "Haitian Official Criticises U.N. Actions", Associated Press, 5 March 2005. Other clear examples of transitional government refusal to accept MINUSTAH recommendations are: the non-inclusion of key articles in the new electoral law (backed particularly by MINUSTAH); the reluctance to adopt an effective plan for demobilisation and disarmament of the former military, exemplified by the delay in even naming a national disarmament commission until 3 February 2005; the continued illegal detention of key Lavalas leaders; the acceptance of uncertified personnel in the HNP before and after Aristide's departure; and the absence of effective internal police control mechanisms.

materialise. That failure raises serious questions as to the adequacy of the current mandate under UNSC Resolution 1542, particularly in achieving citizen safety, public security, and respect for human rights and the rule of law.

The UN needs to redefine its way of operating with its Haitian counterparts, particularly the transitional government, in order to reverse a deteriorating situation. If the necessary additional authority required by MINUSTAH cannot be assured under the existing mandate, the Security Council should provide that authority as well as the resources and roadmap necessary to make use of it in a new resolution.

Port-au-Prince/Brussels, 31 May 2005

APPENDIX A

MAP OF HAITI

