



WOLA Briefing Paper Series

THE HAITIAN NATIONAL POLICE

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On February 17, 1996, Class 9 of police cadets graduated from the National Police Academy in Port-au-Prince, bringing to a close the first phase of the intensive U.S.-sponsored training program with a total of 5,201 police trained for the Haitian National Police (HNP). The average level of experience in the force is under two months, and police men and women are deployed into harsh conditions, frequently without leadership or with poor quality leadership. In late January the force was operating with only 26 of 185 mid-to-senior HNP field commanders in place. A similar vacuum exists at lower levels. Disturbingly, since July 1995, the HNP have been responsible for at least 19 killings, scores of injuries, and other abuses of authority. If these problems are not promptly confronted, they could seriously weaken the effort to consolidate democracy in Haiti. They must be addressed in a decisive and timely fashion. President René Préval and his government have already made important civilian appointments to senior police leadership. However, continued international support is vital, both from the United Nations Mission in Haiti (UNMIH) and its civilian police component (CivPol), but also from U.S. and other bilateral assistance programs (U.S. assistance is currently under a congressional hold).

Recommendations:

- International monitoring, training, technical and material assistance is essential for the continued development of a professional and humane police force in Haiti. Both multilateral and bilateral programs should continue, prioritizing training and assistance in identified problem areas. Donors should consider continuing assistance following the June 30, 1996, expiration of the U.N. mission.
 - The Government of Haiti must rapidly improve the functioning of the Inspector General's office. The mandate and activities of the IG should be publicized, particularly the results of investigations of human rights abuse, and the manner in which citizens can bring complaints against the police.
 - The Government of Haiti should develop clear criteria and processes to recruit, train and deploy police commanders, with strict human rights vetting and training for any former military personnel incorporated into the HNP. These criteria should be made known to parliamentary committees charged with oversight of the police and Ministry of Justice.
 - The Government of Haiti must rapidly strengthen accountability mechanisms, distribute and instruct all HNP personnel on police regulations in the *Manuel de Directives* (the United States and other donors should provide assistance for such efforts) and instate regular review process.
 - The Government of Haiti should include police issues in civic education campaigns and implement community policing practices as rapidly as possible.
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This paper is based on ongoing research and the findings of a January 21 to 27, 1996 trip to Haiti. It updates WOLA's Policing Haiti; Preliminary Assessment of the New, Civilian Security Force, September 1995.

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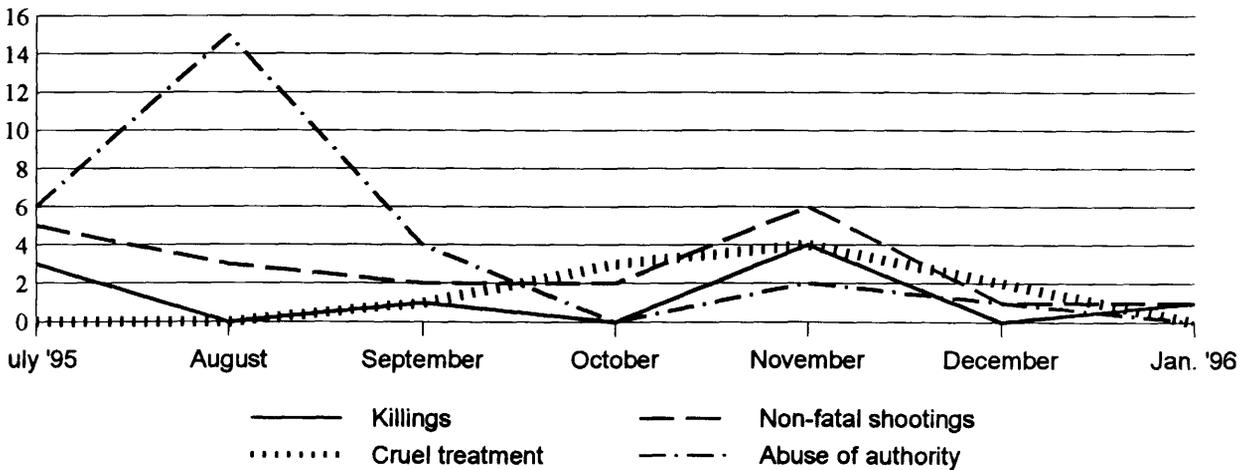
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D. Conclusions and Recommendations

A. Human Rights Concerns

Between July 1995 and the end of January 1996, the HNP were responsible for 9 killings; 20 non-fatal shootings; 7 incidents of cruel, inhumane or degrading treatment and 27 incidents of abuse of authority.¹ Crowd control has emerged as the most difficult task and context of many abuses. On January 9, 1996, a confrontation arose between police and demonstrators in L'Éstère, near Gonaïves, in which a ten-year-old child was killed accidentally by police. On February 21, 1996, police officers panicked and opened fire when a civilian drew a gun in a carnival crowd in downtown Port-au-Prince. One person was shot and killed and a woman was trampled to death by the fleeing crowd. Another 30 or so people were injured, including 6 policemen struck by bullets. On February 27, police broke up a demonstration of schoolchildren in Port-au-Prince, some reportedly as young as ten years old, using truncheons and firing into the air.

Incidents of Abuse by Haitian National Police



Cité Soleil, a volatile Port-au-Prince slum, has been the scene of repeated incidents and the most serious abuse to date when, on March 6, at least eight people were killed and another 11, including one member of the HNP, sustained bullet wounds. MICIVIH observers noted that six of the dead had been shot in the head, and that 24 hours after the incident, judicial authorities had not gone to examine and remove the bodies.² On January 16, 1996, a young woman was killed in an

¹ UN/OAS International Civilian Mission monitoring human rights in Haiti (MICIVIH), January 19, 1996.

² MICIVIH press release CP96/01, March 8, 1996. Reportedly, this incident followed a March 4 confrontation between HNP and members of the "Red Army" at the docks in which one member of the Red Army was killed.

armed clash between the police with the *Lamé Wouj*³ (Red Army). Two previous 1995 incidents involving the HNP in Cité Soleil resulted in the accidental killings of an elderly woman by a ricocheting bullet and a 6 year old girl killed when a member of the HNP pulled his gun and starting shooting in an argument with a bus driver.

Other issues that have arisen are searches conducted without warrants, particularly in the context of disarmament efforts, and searches and arrests made after 6 p.m. against Haitian law. There are disturbing reports of police using rifles and other heavier weapons than the side-arms permitted by Haitian law; these appear to be weapons left by the Interim Public Security Force (IPSF) or those seized in disarmament searches.

These facts do not indicate a deliberate or systematic policy of abuse (with the possible exception of the most recent incident in Cité Soleil). A number of factors appear from analyses of the incidents. A senior CivPol official stated that the number of complaints of indiscriminate use of firearms by police had declined since the early months of the HNP's deployment. As indicated in the chart above, the number of abuses committed has not increased over time, despite the large increase in the number of police deployed. At least three of the killings took place off-duty,⁴ and of those committed on-duty at least two have been accidental. The majority of the recent incidents took place in large crowds, where the HNP have resorted to lethal force too quickly and without restraint.

In part, these incidents do simply reflect the inexperience and youth of the new police (the majority of whom are under 25 years old), factors repeatedly cited by international officials and press. However, these incidents also raise serious concerns about police training (both at the Police Academy and field-training conducted by CivPol), police leadership, as well as the need to disseminate and enforce internal police regulations and disciplinary procedures in the new force.

Investigations and disciplinary measures

The Government of Haiti

The Aristide government took steps in early 1996 to confront growing public concern at the situation in the HNP. At the January 20, 1996, graduation of Class 8 from the Police Academy, Prime Minister Claudette Werleigh, Minister of Justice René Magloire, and acting Director General of Police Fourel Celestin, all made strong statements condemning abuses committed by police and stating that the government would not tolerate such incidents in the force. (It is also noteworthy that the Haitian Senate has taken its oversight role toward the police very seriously, rejecting Aristide's nominee to Director General Fourel Celestin -- see below -- and calling the Minister of Justice to testify to the Senate on police matters.)

³ The Red Army is a recent Cité Soleil phenomenon whose origins and nature remain unclear. It appears to be a criminal gang, but whose members shout radical and inflammatory political slogans. Popular organizations in Cité Soleil said that there is no such thing as a "Red Army" at a March 8 press conference.

⁴ An international observer estimated that half of the reported incidents of abuse were committed by police while off-duty.

The Ministry of Justice also took steps to address certain specific problems, printing thousands of copies of the legal guidelines regarding search and arrest procedures to be distributed to all members of the HNP, so that, at least, none could plead ignorance of legal standards. (This does not, however, assist HNP in areas where there are no local authorities in place as is still the case in rural areas throughout the country.) Controversies that arose after weapons seizures in November 1995 also resulted in the development of new legal standards on private ownership of firearms.

The Police Inspector General

Given the incidents of police abuse, as well as accidental killings and other infractions committed by the HNP, the establishment and effective operation of internal accountability mechanisms in the HNP are extremely important. The key internal accountability mechanism of the HNP both for human rights abuse, to assure compliance with police regulations and evaluate the effectiveness of HNP operations is the Inspector General (IG). This office has not been sufficiently active in pursuing investigation and needs to be strengthened rapidly. It is encouraging that the first IG, Eucher Joseph, has been returned to this post, despite rumors that he had been removed from this position in October 1995 to end his investigations into illegally-conducted disarmament searches.

Under law, the IG is to receive complaints and conduct inquiries regarding denunciations human rights abuse or other abuse committed by members of the HNP.⁵ He is to conduct regular oversight and review procedures to assure that police regulations are followed and that police property and finances are used appropriately, and he is to prepare reports and make recommendations for improvements.

In cases of homicide or attempted homicide, the responsible individual is sent immediately before the courts simultaneously with the initiation of internal inquiry. This is a highly commendable policy, and it is to be hoped that the Haitian judicial system will be able to pursue vigorous prosecutions of incidents of police abuse. However, while the IG informed us of one case in which the police officer reached an out of court settlement with the complainant, WOLA has no further information at this time of court actions against members of the HNP.⁶

While Haitian law and police regulations state that the IG is to "receive complaints", there is need for greater clarity about the mechanisms for receiving cases. Regional and local police commanders are required by law to report any violation of law by HNP personnel to the IG. The law

⁵ See the Haitian Constitution, the police law and Standard Operating Procedure No. 101,

⁶ According to a Haitian human rights organization court proceedings against a member of the HNP are underway in Cap Haitien, but had no specific information on the charges or developments in the case. The U.N. Secretary General's January 25, 1996 report on "The Situation of Democracy and Human Rights in Haiti" notes that: "Disciplinary measures for transgressions by individual police agents have, for the most part, not been forthcoming, and the prosecution system has been slow to respond in establishing individual responsibility for instances of death or serious injury at the hands of the police." United Nations, A/50/861, para 20.

permits citizens to report abuses directly to the IG.⁷ Former Inspector General, Pierre André Paul, informed WOLA that the HNP Departmental Directors can send him cases and that CivPol can present cases directly. CivPol officials have reported cases to the IG's office; in two cases, acting Director General Celestin responded by suspending the police in question.

The IG is currently working out of two rooms at Police Headquarters in Port-au-Prince with two staff people, one secretary and one vehicle. According to Inspector General Paul, he should have 6 inspectors and a team of 20 to 30 people supporting them, but has neither the resources nor the space. In January, IG Paul said he had some twenty cases under review, but other than two cases of accidental death in which he stated that the policemen responsible were dismissed, he provided no further information on disciplinary actions taken.⁸

There is a clear need to strengthen the Inspector General's office. The government of Haiti should allocate increased resources and seek international technical assistance and training. CivPol has offered to send several officers to work with the IG office, but Pierre André Paul told WOLA that he had nowhere to put people. ICITAP⁹ has also offered assistance, and had provided assistance and some training to Eucher Joseph during his first period in this position. Furthermore, the mandate and functioning of the IG should be publicized, particularly the manner in which complaints can be brought against the police.

B. HNP Leadership

Even before the June 4, 1995, graduation of the first classes of the HNP from the Academy, the leadership issue presented problems. ICITAP officials state that they presented the Government of Haiti with suggestions for leadership recruitment including potential criteria and processes in December 1994. They proposed to train police commanders while the HNP cadets were still in the Academy. Ultimately, however, the first Director General of the HNP, Adrien Rameau, was not appointed until May 1995, a couple of weeks before the first class graduated.

At the top level, constitutional procedures, which require Senate ratification of the Director General of Police, have been strictly adhered to. In December 1995, the Senate Justice Committee rejected Col. Fourel Celestin, a former member of the Haitian armed forces (FADH), nominated for Director General by President Aristide following the resignation of Adrien Rameau. Three reasons for his rejection were cited by different sources: concerns about corruption, his lack of appropriate experience and congressional concerns about having a former military officer head the new, civilian

⁷ Inspector General Pierre André Paul, recently replaced by Eucher Joseph, said that this appears to be permissible, but expressed concern at the possibility that his office could be swamped with unfounded or minor complaints.

⁸ The Department of State Annual Human Rights Report on Haiti for 1995 states that by the end of 1995, the IG had taken 12 disciplinary actions and 20 other investigations remained pending.

⁹ International Criminal Investigative Training Assistance Program of the U.S. Department of Justice.

police force. Observers in Haiti praised the Senate's conduct of the nomination hearings as thorough and serious.

On February 21, 1996, President Préval nominated Pierre Denizé to be Director General of the HNP, replacing Col. Celestin whose nomination (by Aristide) had been rejected by the Senate. The Senate ratified Denizé as Director General on March 5th. He is a civilian, and Director of a center that provides treatment to substance abusers.

For other command positions, the appointment procedures are not as clear. The Police Law states that the police commissioners are appointed from the ranks of the HNP based on seniority and merit. A transitory article allows commanders to be recruited from the former military, if they have received police training in a foreign center and after review of their records by the CSPN. Prior to Celestin's nomination, the Superior Council of the National Police¹⁰ (CSPN) was reportedly reviewing all appointments to command positions. Since the December changes in police leadership, according to one HNP source, there has been no systematic review of appointees. WOLA found no evidence in January of efforts by Celestin or the Aristide government to make significant new appointments to leadership positions other than the controversial proposal to "roll over" officers from the Interim Public Security Force (IPSF) into the HNP (see section below). Indeed, the problem appears to be the reverse -- a continuing void of mid-level police commanders.

Information provided by the HNP personnel department in late January indicated that 7 of the 9 *Directeur Departemental* positions were filled; only 5 of 35 or 42 posts of *Commissaire Principal* were filled; and 14 at most of the 125 or 134 posts of *Commissaire Municipal* were filled. Only 26 of these mid-to-senior field positions are filled of the required total of between 167 and 185 (WOLA received slightly different figures from the HNP, the Haitian Ministry of Justice and ICITAP). An equally grave problem exists at the level of the *Inspecteur Principal*, the head of the next subdivision of police called the *Sous-Commissariat*. In addition to the 167 or 185 senior-to-mid-level positions, there are 577 supervisory positions of Inspecteurs who head the police at the level of the rural and urban sections¹¹ (CASECS and *quartiers*).

As Haiti has no history of civilian law enforcement, the pool of individuals to recruit for HNP leadership is limited. Some observers also speculate that many individuals with appropriate educational and professional background and administrative skills that are much needed in the HNP may not be attracted by the salary levels (although these are very high by per capita standards) or by a career in law enforcement. There is disagreement about the potential for promotion from within the ranks of Academy-trained police to fill lower level positions, which have been the most difficult to fill so far according to HNP sources. During the first three classes trained at the Academy, 10

¹⁰ Composed of the Prime Minister, the Minister of Justice, the Minister of the Interior, the Director General of Police and the Inspector General.

¹¹ According to the HNP spokesman, January 1996.

percent, or about 40 cadets, from each class received additional leadership training.¹² Some police officials and other experts say that there may be further outstanding Police Academy recruits suitable for promotion to *Sous Commissariats*, identifiable through competitive exams and performance reviews. One international official said: "If the police are functioning at all, it is because of those dedicated Academy graduates". However, others note that it is hard for a cadet promoted above his Academy peers to establish the necessary authority and hierarchy to be an effective supervisor.

The Role of Former Military Officers

During the last months of the Aristide government, following the resignation of the first Director General, Adrien Rameau in December 1995, the top positions in the HNP came to be dominated by former FADH officers.¹³ The top positions in the HNP are the Director General, the Inspector General, the Director of the Administrative Police (the "cops on the beat" or bulk of the force) and the Director of the Judicial Police. President René Garcia Préval's appointment of Denizé as Director General is a welcome step away from this situation, as is the reinstatement of Eucher Joseph as Inspector General. Reportedly, other military officials including Dany Toussaint, Medard Joseph and Pierre Neptune have also been fired or have resigned.

Given the paucity of experience in the civilian population in security issues, it is understandable that the Government of Haiti should look to the ranks of the FADH to serve in the HNP in order to develop an effective officer corps rapidly. The officers remaining in the IPSF are the best performers of the force as evaluated by CivPol; the worst were demobilized first as the force was gradually reduced.¹⁴ Observing the leadership crisis on the ground, CivPol officials put forward the IPSF as a potential pool of candidates who could be rapidly recruited. This position did not tally with that of U.S. officials who expressed concerns about IPSF incorporation.¹⁵ Analysts observe that the expedient course for the short-term may be to turn to the FADH as a source of leadership. But short-term expediency may have longer term costs for the effort to establish a professional force grounded in civilian policing practices and doctrines.

On December 6, 1995, the Aristide government announced the formal dissolution of the IPSF

¹² This ended when each class started to receive half of their training at Fort Leonard Wood, MI.

¹³ The Director of the Administrative Police was Lt. Col. Pierre E.C. Neptune, replaced by Lt. Medard Joseph in early February 1996. At that time, Maj. Dany Toussaint left his position of Director of the Judicial Police (an appointment he received in December 1995) to replace Joseph as head of the Palace Guard. Neptune moved from the Administrative Police to head the Judicial Police.

¹⁴ CivPol conducted monthly evaluations of IPSF performance which fed into the process of demobilization. Those who received poor evaluations were sent into the demobilization program run by the International Office for Migration (IOM) first. These evaluations ceased in October 1995.

¹⁵ As the reduction in the ranks of the IPSF took place under the leadership of Major Dany Toussaint, who is controversial because of his proximity to President Aristide, U.S. officials fear that remaining IPSF officers have been selected on political as well as or rather than professional criteria.

and the incorporation of its remaining personnel into the HNP. As the IPSF had been proportionately demobilized as the HNP was deployed, the remaining personnel comprised 130 ex-FADH officers of the rank of 2nd Lieutenant and above, and 827 Guantanamo-recruited interim police. The "Guantanamo police" -- who do not have the educational levels required for the HNP -- are reportedly destined for service in special police corps such as traffic control and as ministerial guards. It appeared that ex-military personnel could come to constitute a significant percentage of the command level positions in the HNP. Clinton administration officials expressed strong opposition to the possibility that ex-military officers could come to dominate command level positions in the HNP. However, on March 11, Denizé announced that 108 former military officers were still under consideration and could be incorporated into the HNP, even to positions as high as *Commissaires Divisionnaires*, which ranks at the level of Departmental Directors.

Despite the evident and immediate needs of the HNP, all efforts should be made to preserve the integrity of the civilian nature of the force. Positions of the rank of *Commissaire Divisionnaire* are directly in line for promotion to the most senior positions in the HNP. Incorporation should only be done on an individual basis following the same recruitment criteria and procedures as used for recruitment of civilians. Any military officers accepted should undergo a particularly rigorous screening process to assure that they never violated human rights.¹⁶ If military officers are incorporated into HNP, assimilation issues must also be addressed. The announcements that they be incorporated have already caused tensions with HNP agents who went through rigorous recruitment procedures and Academy training, and resent the "fast track" they feel is being offered to former military officers.¹⁷ Following similar processes, as outlined above, could alleviate this strain somewhat. Furthermore, both to assure cohesiveness in the force and to mitigate concerns that these officers could bring military doctrines and practices to bear in the HNP, they should receive thorough training with a particular emphasis on civilian police techniques and practices and rights guarantees.

Problems in the Current Leadership

In addition to the absence of leadership, there are problems with the level of ability and leadership skills of some of those commanders that are deployed. One local police *Commissaire* in the South-East is reported to circulate with an entourage of civilian "bodyguards" clad in dark glasses and visibly armed.¹⁸ Other problems in the field include use of rifles and other non-police issue weapons legally limited to side-arms; unprofessional behavior such as not turning up to work on time and not wearing uniforms on duty; blatant use of police resources, particularly vehicles, for personal business; failure to display proper identification on vehicles; failure to holster weapons; failure to

¹⁶ CivPol conducted a review of the last remaining IPSF members in which they wrote reports on the best 10 percent and the worst 10 percent; the rest received a standard grade.

¹⁷ See WOLA letter to President Aristide, December 13, 1995, which recommended recruiting military officers only on an individual basis and following the same recruitment procedures applied to civilian cadets.

¹⁸ According to a press report, Departmental Director for the South East, Ernst Chery, and Commissaire Municipal of Jacmel, Fritz St. Fort, left their posts on February 17, 1996. Agence Haitien de Presse, February 27, 1996.

observe legal arrest procedures; and apparent ignorance of basic police functions and roles.¹⁹

All of these practices undermine authority, discipline, morale and professionalism in the force and build a negative public perception of the force. They demonstrate a clear need for improved leadership skills and a systematic review process to identify problems and take steps to remedy them, through disciplinary measures including firing where necessary any member of the HNP proven to be incompetent, brutal or corrupt.²⁰

Leadership Training and Review

To date, the majority of police commanders have been deployed without any training at all. The only preparation offered was a two-to-three day orientation course started by ICITAP in November 1995 for police commanders and the CivPol field trainers who were to be deployed with each class of cadets graduating from the Police Academy.

While the performance of some police commanders may be improved with training and better administrative and logistical support, there is urgent need for a review process that will culminate in the removal of police commanders who are demonstrably unfit. Such reviews should also serve to promote those who display good professional skills and leadership abilities. Under police regulations, regular personnel reviews are to be conducted and reported to the Inspector General. The IG is also to conduct regional inspections of police districts every six months, reviewing conduct, effectiveness and auditing resource use. These reviews have not been taking place.

The Lack of Internal Regulations

The central regulations of the HNP -- The General Disciplinary Regulations, and General Orders and Standard Operating Procedures -- are contained in the *Manuel de Directives*, which was developed in collaboration with ICITAP. This draft document had been under review since October 1995, and was approved on February 2, 1996. It must now be printed and distributed to all members of the HNP. The manual includes such core issues as the mandate of the Inspector General, disciplinary measures and processes, procedures for investigating crime scenes and making reports, and the regulation of use of police resources. It is the key guide for the basic functioning of the police, and is gravely needed to improve the functioning of the police in the field, particularly given the inexperience of the force and lack of training of police commanders.

Lack of regulation has the potential to create arbitrariness in the conduct and administration of the police. Human rights organizations say that the police seem unclear about what they should or should not do. According to the Inspector General, Departmental Directors and other police

¹⁹ See United Nations, January 25, 1996, A/50/861, para 20, op cit at note 6.

²⁰ In a country where the only disciplinary measure taken has typically been to fire people, it is also important to establish a full gamut of disciplinary measures and demonstrate that a career can advance despite minor infractions if, following disciplinary measures, the police man or woman displays good professional behavior and skills.

commanders have had no guidance as to what response is appropriate to what infraction. As a result, regional police commanders have been inventing their own disciplinary systems or failing to impose any systematic disciplinary measures. The IG also stated that regional and local police commanders were referring problems to his office that should be resolved lower in the chain of command.

At another level, police officers seeking to advance their careers have had no guidance on measures of achievement, personnel review and performance criteria or procedures for promotions. Unless rapidly corrected, these inconsistencies and uncertainties will take a rapid toll on the morale and standards of the HNP, which can ill-afford further decline in its performance. This requires both the widespread dissemination of the *Manuel de Directives*, training in its use, and the rapid institution of the review and oversight mechanisms it establishes. ICITAP monies for printing and distribution of the manual are currently blocked by the congressional hold on police assistance for Haiti.

The Inspector General informed WOLA that, following approval of the manual, his office proposed to organize training seminars on these regulations with Departmental Directors and Commissaires. This should clearly be an urgent priority of both Haitian and international authorities seeking to support the HNP as the approval of the manual will have little effect without appropriate follow-up to assure understanding and compliance.

C. International Support for the Haitian Police

U.S. Assistance and Training Limitations of Police Academy Training

The issues that have arisen over the professionalism of and abuses committed by the HNP demonstrate the limitations of their basic training at the Police Academy. All civilian recruits to the HNP received four months intensive training at the Police Academy in Port-au-Prince. ICITAP had originally proposed a six-month program that was reduced in order to train the full complement of HNP by the February 29, 1996, expiration of UNMIH's mandate. Half of the courses at the Academy -- all those on the Haitian Constitution and law -- were conducted in French by Haitian instructors,²¹ the other half were conducted almost entirely by foreign instructors, many of whom were not French- or-Créole speakers and required translation into Créole, effectively further compressing the amount of training actually received.

One former Haitian instructor identified use of weapons, traffic control and driving skills as the key areas where more training is needed. Based on the problems that arose, ICITAP did increase the number of hours of firearms training for the last classes at the Academy emphasizing judgmental aspects of when to shoot and integrating role playing and issues that have arisen. MICIVIH personnel have been conducting training in human rights and use of force issues as well as ICITAP

²¹ The legal training was conducted in French rather than Créole, reportedly against the recommendation of at least one instructor, who felt that Créole would have been better understood and assimilated by students.

trainers.²² Furthermore, Haitian instructors have been trained in firearms training in order to continue with instruction in this area, and other ongoing training proposals focus on use of force among other areas. On February 28, 151 agents and 20 supervisors completed additional training in crowd control techniques, emphasizing alternatives to the use of force. They will form an Urban Disorder Management Unit. Plans for further training in this area have been halted by the congressional hold on police assistance.

Ongoing U.S. Training Plans

The U.S. ICITAP program was designed in two parts. Phase One was the intensive recruitment and training program to stand up a new force -- which has just ended. Phase Two is a five-year plan to support the institutional development of the police, including developing specialized capabilities in education, professional development and accountability such as a Police Training Academy, specialized Criminal Investigations Unit(s), basic full-service forensic facilities, Office of Professional Responsibility.²³ Proposed areas for ongoing ICITAP engagement in Haiti are to provide specialized training for police commanders, for special police units such as the Judicial Police and antinarcotics police. ICITAP authorities state that they are unwilling to embark on training for specialized units such as the judicial police and antinarcotics unit until adequate senior leadership is in place. The final area is training Haitian instructors to take over Police Academy instruction.

Plans for ongoing training have evolved as additional urgent needs have become apparent. One urgent priority for ongoing police training is to continue training of crowd control units so as to have units of 40 HNP in each area²⁴ around the country in addition to those already trained (see above), most of whom will be deployed in Port-au-Prince. Further plans entail providing additional firearms training to all members of the HNP, emphasizing judgmental issues about use of weapons, safety and defensive tactics.

On December 22, 1995, five Republican members of Congress placed a hold on \$5 million destined for ICITAP programs in Haiti citing concerns about Aristide's decision to integrate IPSF personnel into the HNP.²⁵ While \$2.5 million of that money was released in January 1996 so that training of the final class at the Police Academy could be completed, the remaining \$2.5 million remains on hold. On February 20, 1996, ICITAP ceased further training and assistance activities in

²² U.N. Secretary General's January 25, 1996, report recommends that MICIVIH continue training the HNP in problem areas such as crowd control, human rights considerations for search and seizure, and human rights considerations for police command, management and control. Para. 28, op cit at note 6.

²³ Executive Summary, ICITAP Haiti Project, as cited in WOLA, *Policing Haiti: Preliminary Assessment of the New Civilian Security Force*, September 1995.

²⁴ Cap Haitien, Gonaives, St. Marc, Jacmel, Les Cayes and Jeremie, in addition to Delmas, Carrefour, Pétienville in the area of Port-au-Prince.

²⁵ See December 15, 1995, letter to Secretary of State Warren Christopher from Representative Benjamin Gilman (R-NY) and Senator Jesse Helms (R-NC).

Haiti.²⁶ This hold applies despite the National Security Waiver to the Dole amendment made by the Administration on grounds that continued assistance was necessary to “assure the safe and timely withdrawal of American forces from Haiti.”²⁷ This security waiver expires on April 15, 1996, at which time all U.S. bilateral assistance to the Government of Haiti (excepting electoral and humanitarian assistance) will be blocked unless President Clinton “reports to Congress that (1) the Government [of Haiti] is conducting thorough investigations of extrajudicial and political killings; and (2) the Government is cooperating with U.S. authorities in the investigation of political and extrajudicial killings.”²⁸ Release of police assistance prior to April 15, depends on progress in the investigations mentioned in the Dole amendment and on changes in the top police leadership, which have now been made by President Préval.

The United Nations Civilian Police

ICITAP has worked closely with the civilian police (CivPol) component of the United Nations Mission in Haiti (UNMIH) to develop a field training program for the HNP as they deploy. CivPol detachments are to provide training and guidance for all levels of the HNP and seek to instill the principles of community policing.²⁹ In an effort to assure some uniformity in field training and reporting on individual HNP performance, ICITAP and CivPol jointly developed a booklet which is used to track training provided and the performance of each police cadet. Field training confronts the challenge, not only of reinforcing lessons from the Police Academy, but of compensating for areas that could not be adequately covered in the four-month Academy training. For example, the Police Academy provides only minimal driving lessons, yet as many as 98 percent of the 5,000 HNP recruits do not have drivers licenses by CivPol estimates. CivPol is conducting driver training in the field, but with only 40 vehicles nationwide.³⁰ WOLA heard many reports of HNP crashing their vehicles.³¹

²⁶ A core team has been maintained that can reinitiate the Phase Two program is and when funds are released.

²⁷ Section 586C of the Dole Amendment as enacted by the Balanced Budget Down payment Act, I (PL 104-99), January 29, 1996.

²⁸ Testimony by Clinton administration officials in January hearings before House committees on international relations and crime made it clear that the administration did not feel it could certify Haitian cooperation with the FBI. In late February, two U.S. police advisors did go to assist the Special Investigative Unit created by President Aristide to investigate the Durocher Bertin killing and other killings that took place after President Aristide’s return as well as selected human rights violations committed under the de facto regime.

²⁹ CivPol officials also report that they have been working to promote community policing practices, starting with outreach to school children by the HNP. The Haitian Senate also requested that CivPol brief them on community policing practices.

³⁰ “UNMIH has instituted a programme to train 200 HNP drivers in an attempt to reduce the critically high accident rate and prevent further loss of vehicles recently acquired for the police.” Report of the Secretary General on the United Nations Mission in Haiti, S/1996/112, February 14, 1996, para. 12.

³¹ HNP killed a child in Cité Soleil; reportedly, HNP agents have also been killed in crashes. Another article states that 50 of the HNP’s 90 new pick-ups are out of commission. IPS, Feb. 28, 1996, citing Libeté, a Créole weekly.

Problems have arisen with the lack of uniformity of field training under CivPol to date. While it was proceeding well in some areas, in others it is *pro forma* or not happening at all. This reflects issues including the problems of language (well over half the CivPol contingents do not speak French) and the capabilities of the CivPol police contingents with different police backgrounds and practices (some with poor human rights records in their own countries) and, in some cases, limited skills to impart.³² A further problem is that most CivPol police are from lower ranks and have no experience in teaching. However, there are also reports of areas with French speaking contingents where field training is limited. Some of the difficulties appear to reflect different priorities and interpretations of CivPol's mandate between the monitoring and mentoring roles. There must also be realism about what can be expected of CivPol training. As one international expert in Haiti observed: "Operationally they are very good, and they can train in basic skills such as driving, but they cannot be expected to resolve issues such as use of force, intimidation and policing in a democracy."

The weakness of the HNP has been at the center of arguments for the need to maintain an international presence in Haiti. The U.N. Secretary General noted in his report to the Security Council that: "Senior management in the Haitian National Police itself and UNMIH members monitoring the force agree that, before they can be reasonably expected to manage things on their own, these young officers need the support that only the physical presence and guidance of experts and seasoned policemen can provide."³³ Recognizing the issues that have arisen with the CivPol contingents, CivPol ranks have been reduced in such a way as to maintain the French-speaking contingents and those most experienced and familiar with the country.³⁴ These steps should improve CivPol's field training support for the HNP during the four months that their mandate has been extended. Given that the nature of the problems being experienced by the HNP are unlikely to be satisfactorily resolved by the June 30, 1996, expiration of this extension, the Government of Haiti should consider requesting that countries supplying CivPol forces seek means to continue to support the police multilaterally or, if necessary, bilaterally after that date.

D. Conclusions

I am fed up of hearing the inexperience of the force produced as an excuse for killing people; it is inexcusable to see these actions repeated again and again.

Haitian human rights activist.

The issues set out in this paper indicate an early institutional crisis in the HNP. While the level of police abuse is very alarming, the difficulties in developing an effective leadership structure were predictable given that the force is being created from the ground up in a country with no experience of civilian policing in its history. However, if these issues are not promptly confronted, they could

³² CivPol contingents receive two weeks training prior to deployment.

³³ S/1996/112, para. 14. See also para. 46. Op cit at note 30.

³⁴ Ibid. Paras. 49 and 50.

seriously weaken the effort to consolidate democracy in Haiti. The issues discussed here are resolvable. There are undoubtedly, some individuals in the HNP who are unfit for police work, but most observers concur that they are overall a genuinely motivated and well-intentioned group, but one that is suffering due to lack of leadership, clear regulations, procedures and guidelines.

In Haiti, concern about the police has soared over recent months. The Haitian press has focused closely on police issues. While this is commendable and an important means of maintaining political attention on the issues, it is a harsh spotlight that tends not to reveal the deeper institutional issues confronting the HNP. Nor does it alleviate the lack of public understanding of the role of the police. International and national human rights monitors note that, while the police have committed illegal and unjustifiable acts, they can also face considerable public hostility, and have repeatedly had rocks thrown at them by crowds. One international monitor observed that "people want the police to be their ally, and they get angry if the police don't do what they want."³⁵ There is clear need for greater public communication with the police and understanding both of the role of the police in a democracy and of accountability mechanisms, particularly the functioning of the Inspector General.

In Washington, D.C., the Haitian police have also come under the spotlight, although one with a narrower focus. The concerns expressed in the Dole Amendment primarily reflect upon the records of specific individuals in senior HNP positions and on U.S. concerns about progress in the investigations of the approximately 20 commando-style killings, and the killing of Mireille Durocher-Bertin in particular, that occurred following President Aristide's October 1995 return to power. Nonetheless, the hold on police assistance has serious consequences for the HNP as an institution. Given the great need for expert assistance to resolve the institutional problems identified in this paper, U.S. police assistance should be continued at this time while other means are sought to pressure for the establishment of the facts in the Durocher Bertin case. Ongoing assistance could be earmarked for specific programs that deal with human rights concerns, such as training in use of force and crowd control techniques, support for leadership training and assistance to the Inspector General's office. These are the foci of ICITAP's Phase Two plans, which are currently on hold.

Furthermore, the United States, as well as other supporters of Haiti, should consider what assistance may be needed following the expiration of UNMIH's mandate on June 30. If further opposition from China makes continued peacekeeping by the United Nations impossible, donors should discuss with the Government of Haiti what bilateral assistance might be provided and how different efforts would be coordinated. Police reform, particularly on the scale of the program in Haiti, is a lengthy process. Without the extensive support of the United States and other international donors this effort could never have advanced so far so fast. While ongoing support may be needed for some years to come, it will be much smaller in scale and lower cost than the program to date. It would be ironic if, having invested so much in the effort to create a secure environment

³⁵ "As often as police abuse citizens, people attack the police, in a kind of "social negotiation" that is defining the limits of power on both sides." IPS article citing Father Daniel Roussiere of the Justice and Peace Commission, a pre-eminent human rights organization, and Moise Jean-Charles, Mayor of Milot in the North of Haiti. Dan Coughlin, *New Police Force Revives Old Fears*, February 28, 1996, Inter-Press Service.

for democratic consolidation in Haiti, the United States abandoned the effort just at this critical juncture. While other countries, particularly Canada, have also made huge contributions to the police reform process, they may not be willing to absorb further costs of a program perceived as abandoned by the United States.³⁶

The recommendations below pertain to the Haitian government. However, they are all areas where international assistance can play a supportive and sometimes vital role in advancing the consolidation of a professional, humane and effective police force in Haiti.

Recommendations:

- International monitoring, training, technical and material assistance is essential for the continued development of a professional and humane police force in Haiti. Both multilateral and bilateral programs should continue, prioritizing training and assistance in identified problem areas. Donors should consult with the Government of Haiti and develop plans for assistance following the June 30, 1996, expiration of the United Nations mission.
- The Government of Haiti must rapidly improve the functioning of the Inspector General's office. The mandate and activities of the IG should be publicized, particularly the results of investigations of human rights abuse, and the manner in which citizens can bring complaints against the police.
- The Government of Haiti should develop clear criteria and processes to recruit, train and deploy police commanders, with strict human rights vetting and training for any former military personnel incorporated into the HNP. These criteria should be made known to parliamentary committees charged with oversight of the police and Ministry of Justice.
- The Government of Haiti must strengthen accountability mechanisms; distribute and instruct all HNP personnel on police regulations in the *Manuel de Directives* (the United States and other donors should provide assistance for such efforts) and instate regular review process.
- The Government of Haiti should include police issues in civic education campaigns and implement community policing practices as rapidly as possible. CivPol and MICIVIH may offer valuable assistance in both these areas.

³⁶ Canada already provided 700 additional troops to the extended UNMIH mission, at their own cost, to make up the size of the mission which was reduced due to Chinese pressure in the Security Council.