

The Human Rights Record of the Haitian National Police

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I. SUMMARY AND RECOMMENDATIONS

The Haitian National Police (Police Nationale d'Haïti, HNP) constitutes the first civilian, professional police force in Haiti's 193-year history. In past decades, Haiti's military controlled a subservient police, and both institutions engaged in widespread, systematic human rights abuses. Following former President Jean-Bertrand Aristide's dismantling of the military in 1995, Haiti's transition to a civilian-controlled police has been marred by serious human rights violations. In the year and a half since its deployment, members of this U.S.-trained force have committed serious abuses, including torture and summary executions. Political authorities condemned many of the abuses and senior police authorities sanctioned or fired some of the responsible personnel, but the HNP only recently began to refer cases of police abuses to the courts. While a number of HNP agents now face criminal prosecution, Haiti's dysfunctional judicial system has made meager progress on prosecuting police abuse cases. Not one policeman or woman has been convicted of any killing.

Since the HNP commenced operations in July 1995, agents and officers have killed at least forty-six Haitians. A minority of these deaths occurred when police agents used deadly force in legitimate self-defense. Most of the dead suffered extrajudicial executions or the excessive, unjustified use of lethal force by the police. The worst incident of police abuse occurred on March 6, 1996, in the Port-au-Prince shantytown of Cité Soleil, when the HNP summarily killed at least six men. Members of the Presidential Guard, a police unit under HNP control, were implicated in political violence in August. An arrest warrant recently was issued for an unofficial member of the presidential security unit, Eddy Arbouet, for the killing of two opposition politicians on August 20, 1996. The HNP killed another five Haitians on November 4, 1996. One of the dead was found handcuffed while another had been shot at close range in the head, raising concerns that the two may have been extrajudicially executed. Police abuses also included numerous cases of HNP agents and officers wounding people in unjustifiable circumstances. In addition, police abuse and torture of detainees increased significantly during the first seven months of 1996, with eighty-six cases reported to the HNP's Office of the Inspector General. HNP agents beat at least five detainees to death while they were in police custody.

These startling numbers of HNP human rights violations raise serious concerns about police training and leadership and highlight the need to enforce disciplinary procedures and aggressively prosecute police who torture and kill. The HNP abuses apparently do not reflect an official government policy endorsing violence against the civilian population. Nonetheless, if the Haitian government does not address these issues promptly, it risks institutionalizing abusive practices and undermining the credibility and legitimacy of the new force.

Experience alone will not completely solve the problem of police brutality. Strict oversight, quick, fair, and public punishment of abusive behavior, and more rigorous recruitment and training are essential. While the HNP has shown some improvement in crowd control skills, at times it has adopted violent tactics such as beating detainees during interrogation, in some cases killing them. Where the HNP removed officers in the most abusive precincts, reports of beatings reportedly declined. Police have grown increasingly frustrated with Haiti's extremely weak judicial system, which rarely carries out successful prosecutions of criminal suspects. Police also expressed fear of assassination following the killing of eight HNP agents between March and August of 1996.

HNP agents have invoked their resentment of the failings of the judicial system, including judicial corruption and delays in bringing defendants to trial, as well as the killings of police agents to justify police abuse.

The Haitian government has recourse to several mechanisms to bring police to account for abuses, but to date it has applied them unevenly. The 1987 constitution, the police law, police disciplinary codes, and the Criminal Code all provide for state sanction of police human rights violations. Disciplining and prosecuting police abuses is revolutionary in Haiti, a country where military and police forces have long enjoyed near-complete impunity. The Office of the Inspector General, established in June 1995, serves as the key internal accountability mechanism for human rights abuses. The office is charged with assuring compliance with police regulations and evaluating the HNP's effectiveness. The office's performance has been uneven, but improved significantly in 1996. Under the direction of Inspector General Luc Eucher Joseph, the HNP has taken several firm steps against police misconduct, including the firing of seventy police agents and five officers. The HNP removed at least thirteen of these police for human rights violations.

While these actions are encouraging, the HNP must adopt a more vigorous stance against severe police abuses and consistently refer each case to the Haitian courts. In November 1996, the HNP inspector general announced that he would refer all human rights cases to the judicial system for possible prosecution. However, in many cases the office has failed to initiate investigations and publicize abuses or disciplinary actions against police, and it has frequently neglected to forward cases to judicial authorities even when strong evidence of police abuse is available. In July, the inspector general reportedly completed his investigation of the March 6 shootings in Cité Soleil, but to date the HNP has not published the inquiry's findings, nor has it turned the report over to the courts. Twenty-four police officers and agents now face criminal prosecution in Haiti, thirteen of them for murder. To date, however, no HNP agent or officer has been convicted of murder.

One signal weakness of the inspector general's office is that victims of police abuse in Haiti often fear bringing complaints against the police, to the same force which committed those abuses. Unfortunately, there is no alternative mechanism. A human rights ombudsman's office, the Office of Citizen Protection (l'Office de la Protection du Citoyen, OPC) created in accordance with the 1987 Constitution, could fill this role, but had not been funded and staffed at this writing.

Slow progress in key areas of institutional development appears to have contributed to police abuse. Leadership voids, created both by slow recruiting efforts and by legitimate disputes over the background of potential officers, have plagued the HNP. The force also has faced severe logistical and resource constraints. Some of these problems stem from the compressed police reform timetable that was designed to satisfy domestic pressures in the United States. The U.S. pushed for a rapid exit of the 21,000 U.S. troops who restored President Jean-Bertrand Aristide to power in October 1994. Most U.S. forces departed by March 1995. This schedule created pressure to deploy Haitian police as fast as possible. As a result, each class of HNP cadets received only four months training. Police experts maintain that every police agent should receive at least twelve months basic training. The first HNP class entered the academy in February 1995, graduated in June 1995, and was deployed in July 1995. The force reached a full strength of some 5,300 police officers in February 1996, barely a year and a half after the intervention.

The Haitian National Police is headed by a director general, under whom serves the inspector general, the director of the Administrative Police (the main police corps, responsible for public security and crime prevention) and the director of the Judicial Police (an investigative unit assigned to the judiciary). Other specialized police units include the Palace and Presidential Guard, the Ministerial Security Corps, and the Anti-Gang Unit. Weaknesses in police leadership allowed these specialized units to operate beyond their mandates and independently of HNP control during 1995 and much of 1996. Together with the main police corps, they are implicated in serious cases of human rights abuse. Departmental directors command the HNP in each of Haiti's nine departments. Police chiefs (*commissaires*) head city police divisions, sergeants

(*inspecteurs principaux* and *inspecteurs*) head the sub-precincts (*sous-commissariats*) in smaller towns, and the smallest police divisions in rural and urban sections. As of October 1996, the HNP was operating with only seven of the nine departmental directors in place, only fifty of 133 commissaires, and eighty-five out of 550 to 600 inspecteurs.

Initially, police authorities apparently selected many police chiefs on the basis of personal connections rather than objective recruitment criteria. The HNP deployed police chiefs who lacked training, many of whom clearly were incompetent, leading to a rapid disintegration of discipline and morale in the force. With support from the civilian police component (CivPol) of the United Nations Mission in Haiti, the HNP initiated a May 1996 leadership recruitment drive drawing on civilians, qualified HNP, and former soldiers who had served in the Interim Public Security Force (IPSF, a transitional police force composed of former Haitian refugees who had been held at the U.S. Navy base in Guantánamo Bay, Cuba, and former Haitian soldiers). Police commanders already in the field also had to take the recruitment exam. HNP authorities set a goal of recruiting eighty police chiefs through this process. Only some forty candidates passed the exam, about half of whom were former military personnel. Concerns about the high number of former soldiers and the need for more qualified recruits led, in September 1996, to a second round of recruitment and training to increase the proportion of civilians.

The transfer of soldiers who previously served in Haiti's abusive military to the new, civilian police is a sensitive issue in Haiti. HNP serving under former military commanders have committed many abuses. Although few former soldiers entered the HNP as regular police agents, the Haitian government incorporated several hundred military personnel and Guantánamo police recruits from the IPSF into other police units, such as the Ministerial Security Corps and the Palace and Presidential Guards. Several of these units participated in the brutal March 6 incidents in Cité Soleil and members of the presidential security unit were implicated in the killing of two opposition politicians in August.

Police authorities face additional challenges, including: logistical shortfalls of basic equipment and systems; the difficulty of enforcing the law with a weak judicial system; and, the need to improve police-community relations. Police need further training, with an emphasis on the appropriate use of force. Resource shortages clearly impede more effective policing. In certain cases, a lack of equipment has impeded the HNP ability to call for backup or respond to emergency calls. Following an initially warm public welcome, problems have emerged in police-community relations in some regions. HNP behavior recalling the past repressive practices of Haiti's military has led to a deterioration in police-community relations in some areas. On occasion, crowds have injured police agents by throwing rocks at them. Conversely, people in some rural areas have complained that they do not have enough police. Both police and community leaders note that Haitians lack any experience of a cooperative relationship with a police force. Public education on the role of the police in a democratic society should help alleviate this problem.

The HNP has received significant international assistance. The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) took a lead role in the recruitment and training of the force. United Nations troops and civilian police, as well as ICITAP, have monitored the deployment and performance of the force. The U.N. Mission in Haiti (Mission des Nations Unies en Haïti, UNMIH) took over from the U.S.-led Multinational Force on March 31, 1995. UNMIH included a military component as well as a civilian police contingent, known as CivPol. In June 1996, when the U.N. mission's mandate was extended for a second time, the U.N. reduced its military and CivPol presence and changed its name to the U.N. Support Mission in Haiti (Mission d'Appui des Nations Unies en Haïti, UNSMIH). UNSMIH's 600 troops (along with 700 troops provided bilaterally by Canada) and 300 civilian police are scheduled to remain in Haiti until May 31, 1997, but the U.N. Security Council may authorize an extension until July 31. UNSMIH is charged with maintaining a secure environment and assisting the Haitian government in the professionalization of the police. CivPol's specific responsibilities include providing guidance and training to the police and monitoring police operations.

ICITAP and CivPol have responded promptly and with flexibility to the HNP's emerging needs. We are, however, concerned that CivPol field monitoring of the HNP does not appear to have been effective in preventing or stemming police abuse and that CivPol officers repeatedly defer their responsibility for human rights monitoring to the human rights observers of the U.N./OAS International Civilian Mission (Mission Civile Internationale en Haïti, MICIVIH). MICIVIH will remain in Haiti until December 31, 1997. While MICIVIH's mandate includes an explicit focus on human rights concerns, their role should in no way detract from or substitute for CivPol's active monitoring of the HNP's adherence to human rights standards, undoubtedly an integral component of professional police performance.

A continued, improved international presence in Haiti is necessary to assist the HNP in confronting the issues identified here. Furthermore, current police structures do not appear capable of confronting potential violence by anti-democratic elements in Haiti, some of which reportedly are within the police. The police failed to respond adequately to August 1996 attacks on government targets, including the parliament. Without further international support for the professionalization of the HNP, the violations documented in this report could escalate.

The creation of the Haitian National Police offered Haiti a key opportunity to establish a professional institution capable of ensuring public order and respect for the rule of law. Clearly, such an institution cannot be built overnight, it will take time to develop a solid institutional infrastructure, including experienced and effective leadership, and a culture of professional policing. But the human rights violations documented here are a serious deviation from this path. Police authorities have acknowledged abuses, declared that they will not be tolerated, and have disciplined and fired dozens of officers. Yet, unless the Haitian government takes firm measures to prevent such abuses through careful recruitment and more rigorous training coupled with more effective procedures to punish abuses, there is a serious risk that HNP officers and agents could slide further into the repressive practices of Haiti's past security forces, undermining Haiti's Democratic transition.

Recommendations

Strengthening police accountability

(1) The HNP must subject police personnel to the rule of law. Police authorities should adopt a policy of zero tolerance in cases of excessive use of force and police brutality. Investigations confirming such actions should lead to prosecution and administrative sanctions where appropriate. In any case of a human rights violation or other criminal act by a member of the HNP, the police authorities should immediately inform the appropriate judicial authorities. This practice should be codified in police rules and regulations and in Justice Ministry policy. Internal police discipline should not be used as an alternative or substitute for legal proceedings before civilian courts. Nor should it be left solely to citizens to initiate criminal investigations.

(2) The Justice Minister must insist that judicial authorities actively pursue prompt criminal investigations of alleged police abuse.

(3) The government of Haiti should immediately provide sufficient funds and personnel to open the Office of Citizen Protection (OPC). The OPC should be given explicit powers to act on police abuses, including the responsibility to take complaints, present them to the police inspector general, and monitor the inquiry process and results. The inspector general should be required to inform the OPC of all human rights complaints. The OPC also should be empowered to conduct independent investigations where necessary and be guaranteed access to all relevant HNP personnel and records.

(4) In any credible case of violations of the police law, code of conduct, or the criminal code, the inspector general's office immediately should make a public announcement of the agent's name and the allegations against him or her (including the date and place of the alleged abuse). In the rare event that a case requires greater discretion for security reasons, it should be reviewed by the Superior Council of the National Police (Conseil Supérieur de la Police Nationale, CSPN), the highest police authority, and the information provided to the Office of Citizen Protection. The CSPN includes the prime minister, justice minister, interior minister, HNP director general, and inspector general. When the inspector general decides that there is a credible complaint of serious human rights abuse, the HNP officer should be disarmed and suspended pending investigations. A public disclosure policy should be incorporated into police law.

(5) The HNP should devote sufficient resources to the inspector general's office to ensure that it has the necessary personnel and equipment to conduct thorough investigations of police misconduct and to regularly visit police stations around the country, as required by law.

(6) All police should receive copies of police regulations, procedures, and codes of discipline and ethics. Commanding officers in each station should abide by these codes and strictly enforce them. Officers should review these texts with their agents.

(7) The Haitian government should make every effort to investigate and prosecute those responsible for killing police officers.

Strengthening the Institution

(1) The Haitian government should strengthen police leadership as rapidly as possible. Police authorities should develop clear and objective criteria for the recruitment of mid- and senior-level officers that include a close review of each candidate's human rights record. Police leaders need to establish clear lines of command and communication within the force. They also must implement stringent performance reviews and instill greater discipline in the HNP.

(2) All HNP members should receive supplemental training in how to investigate crimes while fully respecting human rights. Trainers should devote particular attention to human rights standards, the lawful use of force and firearms, interview techniques, crowd control, conflict resolution and mediation, and community relations and policing. Police commanders should receive specialized training. Such training should be conducted in stages so that field deployment does not suffer.

(3) All former members of the IPSF incorporated into the HNP, both ex-soldiers and Guantánamo police recruits, must be screened to detect any human rights abuse, whether during their HNP service or in earlier performance in the military and the IPSF. Any individual implicated in past human rights abuse must immediately be dismissed, disarmed, and referred to judicial authorities for criminal investigation. Those passing background checks must undergo the full police training program at the academy, with an emphasis on human rights protections and accountability.

(4) Ad hoc police units that function without accountability mechanisms, such as the heavily armed security team created by Port-au-Prince Mayor Emmanuel Charlemagne, should be disbanded.

(5) The Haitian government should prepare Haitian trainers to take over staff positions at the police academy as the pullout of U.N. military forces and civilian police approaches.

(6) Police training should not occur in isolation. The Haitian Justice Ministry should plan police training exercises with judges, prosecutors, prison guards, and human rights organizations.

(7) The HNP should meet regularly with representatives of the judiciary and prison administrations in order to improve the coordination of their efforts.

(8) In order to improve transparency, police leaders should insist that police personnel and vehicles be clearly identified at all times, unless specific tasks require plain clothes or unmarked vehicles. In addition to photo identification, police personnel should wear large and clear name tags and have identification numbers attached permanently to their uniforms. Police vehicles should have police license plates and clear identification painted on the sides, front, and rear of the vehicle. Police authorities should remove tinted windows from all police vehicles to allow the public to identify agents.

Improving community relations

(1) HNP leaders should initiate a vigorous program of civic education to explain the role of the police, with particular emphasis on how to make complaints of police abuse.

(2) To promote police accountability and improve police-community relations, the HNP regularly should issue information on investigations of police abuse and any disciplinary action taken in response. As part of community policing efforts, police should consider meeting regularly with community leaders, attending public meetings on community issues, visiting schools, assisting with disaster relief, and supporting sports activities and community projects. The HNP also should issue general statistics on crime and police activities.

(3) Human rights groups and other nongovernmental organizations should support efforts to improve monitoring and reporting of police abuse and encourage discussions of police-community relations and the role of the police in a democracy.

International assistance

(1) CivPol should take a far more active role in monitoring HNP performance. CivPol officers should closely monitor HNP human rights practices, report abusive HNP conduct to the Office of the Inspector General and the Haitian courts, and provide remedial training to HNP agents and officers where needed.

(2) CivPol should continue HNP field training and technical assistance to HNP leaders, particularly the director general and inspector general.

(3) Donor countries should continue coordinated bilateral assistance to the HNP. International donors should provide needed equipment to the HNP, including command and control resources such as radio communications and vehicles (including motorbikes, bicycles, horses, and cars), basic office supplies, crowd control equipment, and lethal force alternatives. They also should consider supplying forensic training and equipment to the criminal investigation unit and defensive equipment, such as bulletproof vests, for police protection.

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