POLICING HAITI

Executive Summary

The deployment to Haiti of 21,000 United States troops in September 1994 reinstated President Jean-Bertrand Aristide and put in motion a series of programs to establish and consolidate democratic institutions. One of the most far-reaching and fast-moving of these is police reform.

There has never been a police force separate from the military, a police academy or any police training in Haiti. Haiti's security forces participated in a predatory and repressive state machine that systematically extracted national resources for the enjoyment of a tiny elite and left what had been France's wealthiest colony as the poorest nation in the Western Hemisphere. The brutal political repression and human rights abuse that followed President Aristide's 1991 overthrow aggravated this situation as the military replaced judicial and local authorities with their cronies, recruited and armed thousands of civilian auxiliaries called *attachés*, and packed all state institutions with nepotistic appointees.

Haitian democrats have long demanded the creation of an independent and professional police force as a central element to the establishment of the rule of law. International actors' recognition of this priority has resulted in a remarkably ambitious police reform program instituting interim policing arrangements while a completely new, civilian National Police force is created. Despite the often uneasy and mistrustful alliance between the Aristide government and the U.S., a massive international assistance program has instituted a rapid reform process that has progressed well so far.

Interim Policing

Within four months of the U.S. intervention, the Interim Public Security Force (IPSF) was created, composed of over 3,000 Haitian military personnel selected through a process of human rights screening. While the screening process was flawed, it is not clear that improved screening could have significantly improved the performance of the IPSF. The interim police have never been accepted by the Haitian people, and the force has been fearful, demoralized, incompetent and sometimes abusive. Its performance did improve somewhat following the appointment of a new police chief in early 1995 and the transfer to United Nations police monitoring in March 1995.

It is not clear what better solution might have been found for interim policing. Constitutionally, President Aristide risked impeachment if he handed over internal security to foreign forces, and no national forces existed other than the military and its paramilitary henchmen. Some Haitian and U.S. organizations proposed community-based initiatives instead of or alongside the interim force, but this was never seriously considered by U.S. policymakers. Domestic political pressures within the United States made it impossible for U.S. forces to accept a policing mandate despite their broad U.N. authorization. The United Nations Mission in Haiti's (UNMIH) more limited Security Council authorization restricts their official policing abilities (as does the fact that U.S. troops make up half of UNMIH's forces). In reality, however, first U.S. and now U.N. troops and international police monitors are immersed in the daily policing of Haiti.

Despite a lack of acceptance, the IPSF has not been a disastrous failure. Human rights violations are now rare and none of the major elements of the process underway -- consolidating the Aristide government, handover from U.S. to U.N. troops, elections, aid delivery and the initiation of development programs -- have been seriously threatened or impeded. Nonetheless, a serious crime problem and general sense of insecurity plague the lives of the Haitian people and present serious obstacles to democratic reforms and economic development.

Creating the National Police

U.S. plans for police reform established a grueling timetable that involved setting up the first police academy in Haiti's history, and recruiting and training 4,000 civilian police by February 1996. In May 1995, concern about the inadequacies of the IPSF led to a U.S. decision to increase to 7,000 the number of National Police to be trained by March 1996. The National Police will take over policing completely at that time rather than gradually replace the IPSF after UNMIH's departure (currently scheduled for February 26, 1996).

The police reform program involves completely refurbishing the Police Academy site and buildings, developing a training curriculum and recruitment criteria, and identifying both Haitian and non-Haitian trainers. ICITAP (The International Criminal Investigative Training Assistance Program of the U.S. Department of Justice) is developing mechanisms to get feedback from deployed National Police officers and international police monitors. While evaluation of the training is difficult at this early stage, observers' initial assessments are positive. The program could be further strengthened by including members of Haitian civil society and human rights organizations in Police Academy training, thereby encouraging civil society-police dialogue and building trust from the very inception of the institution.

The Aristide government has made a vital break with Haiti's history of military domination of internal security by appointing civilians to top leadership positions in the National Police. This means that the individuals appointed to these positions must now rapidly develop expertise in an area where they have no background. The appointment of former military personnel to secondary-level command positions is cause for concern. Nonetheless, the establishment of professional salary levels also demonstrates the Haitian government's desire for a professional and honest force, although it raises concerns about the fiscal sustainability of a 7,000 strong police force given the ongoing weakness of the Haitian economy and many competing demands on resources. The Aristide government should display its commitment to transparency, accountability and a non-partisan and professional police force by consistently consulting with the specially-established tripartite Haitian-U.S.-U.N. Commission on senior-level appointments, making only civilian appointments to command positions, rapidly strengthening administrative and organizational systems and developing mechanisms for civil society-police dialogue during and after training.

International Support for Police Reform

Due to the United States' desire to maintain the primary role and influence with Haiti's key security institutions, as well as the more limited institutional capabilities of the United Nations and the Organization of American States, international support for police reform is predominantly from the United States. In general, the reform program has received massive support. In addition to ICITAP, for whom the Haiti program is the largest single effort ever undertaken, significant contributions have come from the U.S. Defense Department, the United Nations and some 20 countries around the world who sent police monitors.

U.S. support for police reform in Haiti has benefited from important lessons from previous experiences: (1) Despite the flaws of the process, U.S. recognition of the principle that human rights screening was necessary is a significant advance from El Salvador where it was left in the hands of the Salvadorans and United Nations and was not well accomplished. (2) U.S. policymakers recognized that effective police reform requires the exclusion or significant limitation of military recruitment into the new police force. (3) It is important to establish follow-up support for the new police as they deploy, and mechanisms to evaluate and provide feedback on the Police Academy curriculum and training. On the other hand, the pressure to complete the program in time for the February 1996 withdrawal of UNMIH and reluctance to engage in often-difficult discussions with the Haitian government has fostered a tendency toward unilateral

decision making by U.S. policymakers that has failed to improve relations with the Haitian government or actively support their engagement with this reform program.

In February 1996, when UNMIH is scheduled to pull out of Haiti, security will be in the hands of nearly 7,000 National Police. Those with the longest experience will have had only eight months in the field, and other classes will still be deploying in March. This may require continued support and accompaniment from the international community in the form of ongoing monitoring by CivPol (the civilian police monitoring component of the UNMIH) as well as long-term ICITAP support. Continued human rights monitoring by MICIVIH (the U.N./OAS human rights mission in Haiti) with greater attention to the functioning of the justice system, could also provide important support for the ongoing consolidation of the rule of law in Haiti. The greatest danger for the National Police may be that United States policymakers and other international actors will see the task as done and walk away prematurely.

The Abolition of the Military

An extremely positive development for the future of democracy in Haiti is the collapse and dissolution of the army. The army is not formally abolished -- a move which requires parliamentary action -- but currently exists only in the form of the soldiers serving in the interim police. U.S. concern to preserve "balancing forces" in Haiti through creating a variety of quasi-military entities tasked with external security missions, such as border patrol, was a mistake. The United States should encourage and support the Haitian government in creating mechanisms to assure transparency and accountability in all security forces.

The dissolution of the military removes the single institution that has brokered Haitian politics for centuries and significantly weakens other anti-democratic sectors who relied on the military's coercive capabilities and guarantees of impunity. While they have lost their military patrons, paramilitary groups have not been systematically disarmed or dismantled by international troops and many Haitians fear that they may still be capable of threatening democracy. The process also creates a new challenge: Demobilized combatants have a history of turning to common crime in many countries and there is already evidence that they are doing so in Haiti. Through 1995 and 1996, all 7,000 members of the Haitian Armed Forces (Fad'H) will be demobilized and almost certainly face unemployment or under-employment.

The Challenges Ahead

The first deployments of the National Police received an enthusiastic reception from the Haitian people. Already this has been marred by several shooting incidents involving the new police although the cases are reportedly under investigation. In the months ahead, the new police force will face serious challenges from crime, the demobilization of the 7,000-strong military and the possibility of an ongoing paramilitary threat. An even greater threat to the credibility and legitimacy of the police is the grave ongoing weakness of the Haitian judicial system. Finally, there is a predictable "danger point" in early 1996 when Aristide's successor to the presidency is inaugurated in early February and UNMIH is scheduled to pull out on February 26, 1996.

The National Police force that is being created is almost entirely civilian, untainted by the repressive habits and bureaucratic culture of the armed forces. This newness is both the National Police's greatest strength and weakness in that they have no institutional experience to build on. In consolidating a humane and professional police force, Haiti has the opportunity to build a key foundation for democracy. The opportunity can be lost all too quickly if the police succumb to brutal or corrupt practices, or if they fail to change attitudes bred by centuries of abuse. The international community and Haitian government must both work to assure that this investment in a new police force is successful. The international community should support the police reform process and should maintain an international presence beyond February 1996, if necessary. The

government of Haiti should rapidly establish competent civilian professionals in command positions, and must establish and implement the procedures and services required to support this major nationwide institution. Despite their sometimes differing visions and priorities, international policymakers as well as both the Haitian government and people share the goal of a professional and humane civilian police force that will protect rather than abuse the people and provide vital support to the long term consolidation of democracy.

WOLA Recommendations

To the Government of Haiti

(1) Continue to seek civilian police directors and prioritize the institutional consolidation of the police, including the appointment of qualified and competent civilians to remaining command positions, ongoing assessment and improvement in training, the provision of basic equipment and improvement of timely payment of salaries.

(2) Encourage dialogue and openness between the police and civil society working with all sectors at national and local levels to improve understanding of the role of the police and justice system, how they should perform and what remedies to seek when they fall short. Specific programs should include:

> (a) Invite participation of human rights and civil society organizations in training at the police academy, both to initiate this dialogue from the very beginning of the trainees' police experience and provide them with an opportunity to discuss the security and crime issues they will face once deployed to urban and rural communities.
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> (b) Create civilian review boards at the national and departmental levels to serve as fora for ongoing discussion of security and crime issues and for the resolution of police-community issues that arise.
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> (c) Require the Inspector General to report all human rights complaints to the Office of Citizen Protection (human rights ombudsman), as well as to the Minister of Justice and Police Director General.
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> (d) Include the role of the police (emphasizing oversight mechanisms such as the Inspector General's office and any civilian boards created) and judiciary with broader human rights education campaigns in schools and literacy programs and any other national media campaigns on these issues.

(3) Accelerate judicial reform, and promote communication between judicial trainees and recruits at the Police Academy.

(4) Initiate a campaign by the National Police to confiscate illegal weapons and encourage individuals to turn in or legally license any weapons in their possession.

(5) Consider the advantages of continued United Nations' support to the police following their scheduled departure in February 1996 as well as an ongoing presence of MICIVIH monitoring human rights and the functioning of the justice system, and submit appropriate requests to the United Nations and the Organization of American States. The government of Haiti should also consider the possibility of a phased withdrawal of UNMIH over a longer period, gradually reducing the number of troops in Haiti over a period of some months following February 1996, avoiding an abrupt and potentially destabilizing departure at a sensitive moment of transition.

To the United States, United Nations and the International Community

(1) Continue to support the police reform process with financial and technical assistance and training on the basis of discussion, assessment and agreement with the government of Haiti in defining priority needs for the period preceding and following February 1996.

(2) U.S. policymakers should encourage and support the creation of mechanisms to assure the greatest possible transparency and accountability of the Haitian police to the people. As recommended to the Haitian government above, specific instances include:

(a) The incorporation of human rights and civil society organizations into police training;

(b) The creation of civilian review boards or similar form;

(c) Public education about the police role in society.

(3) Develop mechanisms to monitor the overall performance of the police. This task could be performed by UNMIH and MICIVIH and/or by the U.S. Embassy. Should both U.S. and U.N. be involved, it is essential that responsibilities be clearly defined and assigned, and effective communication channels established.

(4) Encourage and support a continued multilateral role in monitoring of the police and justice system and human rights situation in Haiti beyond February 1996. Support a longer, phased withdrawal of the United Nations mission to avoid an abrupt and potentially destabilizing departure at a sensitive moment of political transition in Haiti.

(5) Support the Haitian government's decision to abolish the military in public and private diplomacy.

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