

Keeping Haiti Safe: Police Reform

I. OVERVIEW

Haiti's porous land and sea borders remain susceptible to drug trafficking, smuggling and other illegal activities that weaken the rule of law and deprive the state of vital revenue. Post-quake insecurity underscores continued vulnerability to violent crime and political instability. Overcrowded urban slums, plagued by deep poverty, limited economic opportunities and the weakness of government institutions, particularly the Haitian National Police (HNP), breed armed groups and remain a source of broader instability. If the Martelly administration is to guarantee citizen safety successfully, it must remove tainted officers and expand the HNP's institutional and operational capacity across the country by completing a reform that incorporates community policing and violence reduction programs.

The recent elections were only a first step toward determining the future of the country's reconstruction and development. The real work now requires the political leadership – executive and legislative alike – to make meaningful efforts to address fundamental needs. Key to this is identification of common ground with the political opposition, grass roots communities and business elites, in order to reinforce a national consensus for transforming Haiti that prioritises jobs-based decentralisation, equal protection under the law and community security.

President Michel Martelly declared Haiti open for business in his 14 May inaugural address, but a functioning, professional HNP is a prerequisite to move the country forward. Police reform has made significant strides but is far from complete after nearly five years. HNP deficiencies, along with the desire of Martelly supporters to restore the army and nationalistic opposition to the continued presence of the UN peacekeepers (MINUSTAH), contribute to proposals for creating a second armed force. Serious questions surround that problematic notion. If it is pursued, there must be wide consultation with civil society, including grassroots and community-based organisations, and particularly with victims of the old army's abuses. But first it is paramount to continue strengthening the HNP, by:

- ❑ completing recruitment, including of women, training and full deployment;
- ❑ building police integrity by expediting the vetting process for all active duty officers and staff, including cre-

ating an appeals structure, so as to rid the force of those who do not meet standards because of human rights violations or criminal activity and to certify those who do, and by taking immediate action to suspend and if appropriate prosecute officers found to be involved in any serious crimes;

- ❑ revising the reform plan to focus on clearly defined areas for improving the quality of security the HNP provides and building community confidence, such as the training and strengthening of specialised units, crime investigation, border patrol and community policing, while UN police (UNPOL) more actively mentor those efforts;
- ❑ adopting an organic law for the state secretariat for public security that clarifies its role and those of the other executive branch bodies with responsibilities for the HNP; and
- ❑ linking police reform with the reconstruction efforts currently coordinated by the Interim Haiti Recovery Commission (IHRC), by deploying better trained police to the provinces as economic decentralisation proceeds.

II. THE FRAGILE SECURITY ENVIRONMENT

A. CONTINUED CHALLENGES

The challenges to guaranteeing a stable security environment Crisis Group identified three years ago remain.¹ The uncovering of important criminal networks by the HNP in Port-au-Prince in December 2008 led to a reduction in kidnappings² and relieved serious public safety concerns. However, 2011 has seen increased reporting particularly of kidnappings but also of homicides and other crimes.

¹ Crisis Group Latin America/Caribbean Report N°28, *Reforming Haiti's Security Sector*, 18 September 2008. It analysed the three components of the security system: police, justice and prisons. This briefing focuses on police reform; a subsequent briefing will discuss justice reform.

² UNPOL reported cases dropped dramatically in 2009, from 266 in 2008 to eleven; in 2010, they increased to 107; they were at 97 for the first half of 2011. Figures from the UN Police (UNPOL) Bi-Annual Report, January to June 2011; and UNPOL crime statistics for 2009 and 2010 (copies provided to Crisis Group).

While to a degree this likely reflects greater confidence that the police will actually help,³ it also shows that crime and violence remain serious citizen concerns that potentially can damage governance and economic recovery.

Deep poverty and unemployment, lack of socio-economic opportunities, young people susceptible to gang influence and proliferation of armed gangs in overcrowded urban slums persist. Those conditions are exacerbated by winner takes all politics, drug and other illicit trafficking, a still inadequate HNP and a dysfunctional justice system. The urban slums, whose over one million residents are increasingly disenchanted with the state's failure to guarantee basic needs, exist beside post-earthquake tent camps where approximately 600,000⁴ face an uncertain future and the daily threat of eviction, thus providing fertile ground for civil unrest.⁵ More than 400 demonstrations, the majority violent, took place across the country in the first half of 2011.⁶

Though the full-blown security crisis many feared following the 2010 earthquake has not developed, there is a heightened risk that a cycle of crime, violence, insecurity and instability will return.⁷ Some 500 hardcore criminals escaped in the aftermath of the earthquake back to their former strongholds in Cité Soleil, Martissant and Bel Air, where they have rebuilt armed gangs.⁸ This has boosted

the region's guns-for-drugs trade, as criminals re-arm to regain turf.⁹ Their violence is mostly no longer the politically motivated incidents of 2004-2008, but gangs are available for hire by any security or political spoiler with sufficient cash, and they continue to prey on the population through petty crimes and extortion.¹⁰ Route 9 in Cité Soleil sees frequent armed holdups, and the town is the centre for stolen cars and motorbikes. In May 2011, HNP Inspector Lambert Jean Rosemond, assigned to the coast-guard, was killed in broad daylight in Bolosse 4, a busy zone in Martissant, by armed individuals who were extorting passers-by.¹¹ Rue Sans Fil in Bel Air is another site of almost daily armed robberies.¹²

Armed violent crime is generally confined to known hot-spots but sporadically spills over to the broader metropolitan area of the capital. A number of prison escapees have also taken refuge in the outlying areas, but these have remained relatively calm.¹³ Nonetheless, frequent armed hold-ups, by individuals on motorbikes, of premises or persons who have just made monetary transactions are generating a troubling perception of increased insecurity and calls for improved police action.

³ Ibid.

⁴ "Population in Camps Housing Haitians Left Homeless by the 2010 Earthquake Drops Below 600,000", International Organisation for Migration (IOM), 19 August 2011. IOM also reported in July that camp residents would like to leave but did not have the means. "Overwhelming Majority of Haitians Living in Displacement Camps Want to Leave but Have Nowhere to Go", IOM, 5 August 2011.

⁵ Crisis Group interviews, senior UN and UN affiliate officials, Tabarre, 22 and 29 July 2011; Martissant, 30 July. For background, see Crisis Group Latin America/Caribbean Briefing N°25, *Haiti: Security Depends on Resettlement and Development*, 28 June 2011.

⁶ UNPOL Bi-Annual Report, op. cit. While the majority of demonstrations were political, 44 per cent were for improvement in living conditions, payment of salaries, employment opportunities, control of criminality and eradication of cholera.

⁷ Crisis Group interviews, senior HNP command, Tabarre, March, May and June 2011; senior MINUSTAH official, Tabarre, 29 July. See also Louis-Alexandre Berg, "Crime, Politics and Violence in Post-Earthquake Haiti", U.S. Institute of Peace, September 2010.

⁸ Crisis Group interviews, HNP West department senior command, Port-au-Prince, 17 June 2011; MINUSTAH senior police and military command, Tabarre, May 2011. Only 8 per cent of the 5,000 inmates who escaped from fifteen of the country's seventeen detention centres in the aftermath of the earthquake, had been re-captured and returned to prison by March 2011. See "Report of the Secretary-General on the United Nations Stabilisation Mission in Haiti", 24 March 2011, www.un.org/Docs/sc/sgrep11.htm. According to the HNP, at least 30 gang leaders

and members have been killed since the earthquake, including several escapees. Police are searching for at least another fifteen. Crisis Group interview, HNP senior municipal command, Cité Soleil, 22 June 2011.

⁹ See "Report of the Secretary-General", op. cit.

¹⁰ Crisis Group interviews, Bel Air community leaders, Port-au-Prince, 29 and 30 June 2011; senior UN and UN affiliate officials, Tabarre, 20 June and Martissant, 30 July. In Boston, a neighbourhood in Cité Soleil, community leaders reported that during electoral periods, gang violence grew more threatening, limiting population movement to when HNP patrols were present. Since the election of President Martelly, the situation has improved but they are waiting to see his actions. Crisis Group interview, senior community forum leaders, Cité Soleil, 20 July 2011.

¹¹ Crisis Group interview, senior international organisation official, Martissant, 30 June 2011. "Un inspecteur de la PNH retrouvé mort", *Le matin*, 2 May 2011.

¹² UNPOL crime statistics show 2,459 acts for January to June 2011, up from 2,115 in July to December 2010, close to 80 per cent of which are homicides, assaults and robbery. UNPOL Bi-Annual Report, op. cit. The HNP reported five kidnappings between April and June and a worrying number of homicides and armed robberies (118 and 630, respectively). See "Bilan mitigé de la PNH pour le second trimestre", *Haiti Libre*, 30 July 2011.

¹³ Security in the north improved, particularly after the September 2010 arrest of Willy Etienne, convicted in July 2011 of kidnapping and murder in Cap Haïtien. Crisis Group interviews, senior HNP departmental command, Cap Haïtien, 8 July 2011. Crisis Group Latin America/Caribbean Report N°35, *Haiti: The Stakes of the Post-Quake Elections*, 27 October 2010.

Cap Haïtien experienced within a month an attack on a presidential motorcade¹⁴ and the shocking desecration of the Catholic cathedral.¹⁵ Motorbike drive-by shootings in May and August in Port-au-Prince left seven dead and more injured, including a priest.¹⁶ The HNP has suffered badly in a number of unsolved murders, including fourteen on-duty officers killed between January and August 2011.¹⁷

Among civilian victims is Jean François Robert Marcello, coordinator of the National Commission for Public Bids (CNMP), kidnapped in front of his Delmas home in 2009 and still missing.¹⁸ A colleague, Yves Clément Jumelle, CNMP project coordination unit chief, and his wife Michelle, were assassinated at their Thomassin home in 2010.¹⁹ Guyto (Guiteau) Toussaint, chairperson of the National Bank of Credit (BNC) board, was killed at home in Pétion-Ville, on 13 June 2011, a day before Haiti's first mortgage program, which he conceived, was launched.²⁰ Yves Dorvil, technical director of the National Cadastre Office (ONACA) was killed in his car in Delmas a few weeks later.²¹ Emile Giordani, one of the most known notaries in the country, was kidnapped in Port-au-Prince on 26 August and found dead the following day.²² All these crimes remain unsolved; many are frequently labelled political killings.²³

¹⁴ The HNP confirmed over 25 persons arrests and continues to search for others related to the hurling of stones and bottles at the presidential motorcade in Shada, a Cap Haïtien slum known for strong support of ex-President Aristide. Crisis Group phone interview, senior HNP departmental command, 26 July 2011. "Haiti hunts gunman linked to attack on president", Agence France-Presse, 26 July 2011.

¹⁵ See Eddy Laguerre, "La cathédrale du Cap Haïtien a été mise à sac", *Le Matin*, 7 August 2011.

¹⁶ "Les actes de banditisme se multiplie, 6 morts et plusieurs blessés...", *Haiti Libre*, 23 May 2011; "Attaque de bandits armés contre un véhicule de l'église catholique", Radio Vision 2000, 10 August 2011.

¹⁷ Crisis Group phone interview, senior official, UNPOL, 11 August 2011.

¹⁸ Alphonse Roberson, "Où est Marcello?", *Le nouveliste*, 8 April 2009.

¹⁹ "Brutal assassinat d'un couple dans une résidence à Thomassin", *AlerteHaiti*, <http://alertehaiti.ht>.

²⁰ "Assassinat de Guyto Toussaint: la BNC indignée, le lancement de 'Kay Pam' reporté", Radio Signal FM, 14 June 2011.

²¹ "Des bandits font deux morts à Port-au-Prince", Radio Kiskeya, 5 July 2011.

²² "Haiti police probe slaying of well-known notary", Associated Press, 29 August 2011, www.miamiherald.com/2011/08/27/2377875/haiti-police-probe-slaying-of.html.

²³ Crisis Group interviews, senior officers, HNP, Tabarre and Port-au-Prince, June and July 2011.

B. INSTITUTIONAL CAPACITY

For most Haitians, security means freedom from intimidation and abuse, conflict and violence, and crime and impunity.²⁴ Two elements are important to guarantee that security: law enforcement policy and capacity. The country still lacks coherent public safety policies and the basic ability, within transparent democratic norms, to detain, prosecute and convict offenders, especially those responsible for serious crimes. The need for a cohesive criminal justice system that underpins the rule of law is paramount to end impunity driven by corruption, ineptitude and dysfunction. Over the long run, this may be the greatest challenge for the Martelly government and donors.

1. Government security policy

Recent history is characterised by the predominance of private interests – prepared to use criminal gangs to advance their objectives – over public safety. Even with the reforms attempted after the Duvalier dictatorship, weak security institutions facilitated gang violence.²⁵ The social contract between citizen and state assumes that the state protects persons and property in return for allegiance, but the state has not kept up its side for too long. The Préval administration laid down a policy of no tolerance for armed gang violence and endorsed police and justice (including prison) reforms developed in coordination with MINUSTAH and major donors, but state weaknesses and decades of institutional abandonment made implementation slow, difficult and uneven.

The most important security achievement from the public standpoint was the breaking up of the toughest Port-au-Prince gangs, with MINUSTAH support.²⁶ The most significant institutional step may have been Préval's support for the police reform plan, developed under Director General Mario Andrésol, that began to institute internal controls, including vetting officers against newly adopted standards. However, those efforts are far from complete, and stabilising Haiti also means facing the challenge posed by the slums where the gangs take hold. Stability there goes beyond deploying law enforcement institutions; it must include a socio-economic dimension, the reinsertion of the communities into mainstream social and economic activities, if it is to be sustainable.²⁷ Any results achieved by the Préval administration in that regard are not visible.

²⁴ Robert Maguire, "Keeping Haitians Safe", U.S. Institute of Peace, May 2011.

²⁵ Crisis Group interview, community leaders, Bel Air, 29 June 2011.

²⁶ For background on operations against armed gangs, see Crisis Group Report N°28, *Reforming Haiti's Security Sector*, op. cit.

²⁷ Crisis Group interview, senior international organisation official, Tabarre, 22 July 2011.

Several community-based security initiatives were led by the International Organisation for Migration (IOM), the UN Development Programme (UNDP), Viva Rio, a Brazilian non-governmental organisation that works on peacebuilding and social development, and MINUSTAH's Community Violence Reduction section (CVR). Additional projects were undertaken by the World Bank and the U.S., through its Haiti Stabilisation Initiative (HSI), among others. But these efforts, though they have weakened armed gangs' hold on the communities, were disjointed, followed separate conflict management approaches and have been unable to introduce transformative change into the daily lives of a long deprived population.²⁸

On the state side, community policing, through which the solution partly lies, is one of the weakest links of police reform. The concept is one of foot patrols and communication with the local inhabitants, but it was not systematically planned and implemented before the quake and has been even less so after. The National Commission for Disarmament, Demobilisation and Reinsertion (Commission nationale de désarmement, démantèlement et réinsertion, CNDDR) faced serious financial constraints and lacked a common view on and approach to its task with its international partners, particularly the CVR.²⁹ In addition, its work was not carried out in a sufficiently transparent manner to enable evaluation of progress on dismantling, disarming and reintegrating the gangs. The result has been an unclear picture with regard to the status of gangs and their members and the number of illegal arms that circulate.³⁰

While the CNDDR leadership estimates 85 per cent success in reinsertion efforts, some community leaders in Bel Air believe follow-up, particularly with those who received motorbikes through the program, was too weak. Some community residents fear that former gang members may be using those vehicles for criminal acts.³¹ How DDR efforts are to be continued is one of the security policy decisions President Martelly must still address.

²⁸ Crisis Group interviews, senior international organisation representatives, Port-au-Prince, May-July 2011.

²⁹ "Summative Evaluation of START's Global Peace and Security Fund – Haiti", Department of Foreign Affairs and International Trade, Canada, April 2009.

³⁰ According to a report on arms circulation by Justice and Peace, a Haitian human rights group, the proliferation of illegal weapons and acts of violence in the slums and nationally is disturbing and linked to other social, economic and political factors. While the slums are under domination of the "bases" and armed groups, those with the means put in place their own private security. Drug traffickers are present in all sectors and exercise significant control over justice and police. Their links with armed groups are very strong. "Enquête sur les armes à feu en Haïti entre 1986 et 2010", Commission Nationale Justice et Paix (Justice and Peace), July 2010.

³¹ Crisis Group interview, community leaders, Bel Air, 29 June 2011.

The inability thus far to put a new government in place is delaying the vitally needed acceleration of reconstruction and development, including the public security dimension.³² The four E's of the president's program – *état de droit* (rule of law), employment, education and environment – appear to be a sound starting point, but there is still no evidence of policies based on a systematic assessment of the existing security challenges, the measures planned to confront them and the political support and social investment essential to successful implementation of security sector reforms.

2. Police capacity

An examination of police capacity has to take account of two distinct eras: pre- and post-earthquake, particularly in terms of the West department and Port-au-Prince. Before 13 January 2010, the HNP had a formal headquarters with 253 stations and substations, only 39 of which were not functional.³³ On the day after the earthquake, a further 55 had been destroyed or damaged. The loss of facilities, including the headquarters, drastically reduced operational capacity at a time when the escape of some 5,000 prisoners across the country and the proliferation of tent camps in the capital and the surrounding affected areas had added new tasks. MINUSTAH's support role was interrupted due to the damages that mission suffered. Rebuilding has been a slow process for the police as for the entire country. It took fourteen months merely to re-locate the damaged office of the Chief Inspector General (Inspecteur Général en chef, IGC) Fritz Jean; twenty months after the earthquake, the office of Director General Andrésol still functions in a container donated by Germany.³⁴

³² Two presidential prime minister nominees, Daniel Rouzier and Bernard Gousse, have been rejected by parliament between June and August. Martelly continues to have difficulty negotiating an acceptable choice and has evidenced his frustration publicly. "Martelly dénonce une 'dictature législative' consacrée par la Constitution", *Le Nouvelliste*, 11 August 2011. Lack of a government has so far impeded the presentation to parliament of the October 2011-September 2012 national budget. A rollover of the previous year's budget would be a likely solution when the fiscal year ends on 30 September, but the HNP would require an increase to pay salaries of the newly graduated 22nd class and of the 23rd class, expected to graduate mid-2012. Crisis Group interview, senior government official, Pétion-Ville, 26 August 2011.

³³ Crisis Group phone interview, senior official, UNPOL, 11 August 2011.

³⁴ Crisis Group interviews, senior HNP command, Tabarre, 24 June 2011; and senior officials, MINUSTAH, Tabarre, 22 July 2011. A new site for HNP headquarters had been planned before the quake at Delmas 2. Its construction was set back by over one and a half years, causing delays in other areas, such as legal affairs. UNPOL presentation at Seminario Hemisférico

Port-au-Prince and the general metropolitan area, where most crime and violence is concentrated, absorb 80 per cent of HNP personnel and material resources. Only 16 per cent is deployed outside of the West department (where the capital is located). The force has shown marked improvement in territorial coverage, with some presence in 138 of the 140 communes across the country. However, it is still extremely thin, and in major urban centres, where regional economic development is proposed, it remains far below basic requirements. While infrastructure has improved, important areas continue to be under-staffed. For example, Ouanaminthe, a significant border crossing point with the Dominican Republic and only a few kilometres from the site of the planned major industrial site in the north,³⁵ has only 25 police officers, though is faced daily with drug trafficking, trafficking of minors, clandestine migration and car robberies.³⁶

Overall capacity has improved since reform began in 2006, partly through non-political recruitment and training of young officers. But quality enhancement was too slow before the quake and is slower yet today. The force lacks basic capabilities to guarantee citizen safety and a secure environment for reconstruction and development. Despite improvements in strength, training and equipment of crowd control units,³⁷ MINUSTAH's Formed Police Units (FPU) had to respond to at least fifteen calls for support in restor-

ing public order during violent demonstrations and riots between January and June 2011.³⁸

MINUSTAH continues to serve as a deterring presence to further armed gang violence, widespread political turbulence, major civil unrest and illicit trafficking. Its creation and deployment of an Internally Displaced Persons (IDP) Unit to the most populated camps has also partially filled the camp policing gap but has not curbed violence, including rape.³⁹ It is necessary to examine how the mission can lend further support to citizen protection in and outside of camps while HNP capacity is built. One way would be to support the HNP in increasing its capacity to register complaints and investigate crimes of sexual violence.

The graduation of the 22nd class of recruits (877 strong) in May, the first since the quake, as well as the preparation of the 23rd class and a group of 130 inspectors to begin training in the coming months are positive signs that capacity building has resumed, but security analysts argue that 20,000 trained officers are required to safeguard Haiti's ten-million population and its land and sea borders, as well as carry out other law and order and civil protection duties.⁴⁰ The goal – which will not be achieved – was to have 14,000 by the end of 2011.⁴¹ Since 2006, when the reform began, some 3,500 officers have been added, increasing strength to 10,000. The largest percentage of this force, 4,164 officers, are entry level (Agent I); only 795 officers are inspectors or higher,⁴² which results in serious supervisory gaps.

In addition, a review of current deployment is needed. Several units of the Judiciary Police (Direction centrale de la

Chile-Canadá, de iniciativas y desafíos para la capacitación integrada por los contribuyentes regionales de la MINUSTAH, Santiago de Chile, 13 May 2009. The project has still not gotten off the ground.

³⁵ An industrial site is being constructed in Caracol, a small commune in the north east, with the assistance of the U.S., the Inter-American Development Bank and others. The project is expected to generate some 20,000 jobs there. The police have not been consulted on security issues. Crisis Group interview, senior officer, HNP, Fort Liberté, 8 July 2011. See also Jacqueline Charles, "Some 20,000 jobs to be created at new industrial park in Haiti", *Miami Herald*, 29 March 2011.

³⁶ Crisis Group interviews, senior HNP North East department command, Fort Liberté and Ouanaminthe, 8 July 2011. On 8 August, the newly refurbished police station funded by the Canadian START program was inaugurated. Crisis Group interview, senior officials, Canadian Embassy, Port-au-Prince, 9 August 2011.

³⁷ Crowd control is the responsibility of CIMO – intervention and maintenance of order unit (Compagnie d'intervention et maintien de l'ordre), and UDMO – departmental unit for the maintenance of order (Unité départementale de maintien de l'ordre). Crisis Group Report, *Reforming Haiti's Security Sector*, op. cit. Their strength has been increased from 168 in 2006 to 500. Material and equipment to strengthen these units have recently been provided by France. Crisis Group interview, senior UNPOL staff, Tabarre, 22 July 2011.

³⁸ UNPOL Bi-Annual Report, op. cit.

³⁹ MINUSTAH has established a fixed presence in seven of the largest camps and frequent mobile patrols in 70 less populated ones. However, the vast majority of formal and informal camps are in the Port-au-Prince area and most have no special HNP or MINUSTAH coverage. Crisis Group interviews, senior UNPOL and troop command, Tabarre, March, May and July 2011. In June-December 2010, 39 rapes in camps were reported and in January-July 2011, 35, of which 64 per cent were against minors. UNPOL Bi-Annual Report, January to June 2011, op. cit.

⁴⁰ A UN survey found a desirable ratio of some 300 police officers per 100,000 inhabitants. www.unodc.org/documents/commissions/CCPCJ_session19/ACONF213_3eV1050608.pdf. El Salvador with a population of 7.5 million has some 17,000 police, www.state.gov/r/pa/ei/bgn/2033.htm. Guatemala with fourteen million has some 24,000. Both countries also have militaries of at least 15,000, deployed temporarily to cope with rising crime.

⁴¹ The National Action Plan for Recovery and Development (PARDN) published by the government after the earthquake revised that figure to 12,000 by 2012 and 16,000 by 2015, but it is unclear what the current targets are.

⁴² Figures provided to Crisis Group by senior HNP official, 19 August 2011. See also UNPOL Bi-Annual Report, op. cit.

police judiciaire, DCPJ) are often insufficiently staffed to swiftly advance investigations. The homicide investigation section, for example, has only six officers to handle a monthly average of twenty cases. They are often forced to abandon older cases to begin new ones. Only 7,852 officers were available to protect the 20 March presidential and legislative second round elections and perform routine duties. A significant number was assigned to guard senior state officials and institutions, while others were unavailable due to violations, holidays and sickness or otherwise unaccounted for, leaving the force thinly spread to carry out many of its tasks.⁴³

Clearly, enhancing numbers would help build the capacity to ensure public security. Most importantly, a well-defined plan and timeline for achieving strength and quality of specialised units is needed. Capacity must be built in a manner that also makes for more cohesive action among the four components of the security system: police, prosecutors, courts and prisons. Weak evidence gathering and production frequently results in the release without trial of persons under preventive detention. Criminal investigation capacity is essential for successful prosecutions. Between January and June, UNPOL, which is tasked with accompanying and mentoring the HNP as well as providing technical support for reform, offered a one-day training course in crime scene management and recovery to 152 officers, judges and prosecutors in seven cities. Fingerprint training has also been held and relevant material contributed, but there is no database for comparing prints with the Judiciary Police or the Prison Authority. Since 2008, a register is slowly being built from daily arrests and detentions.⁴⁴

Gang violence is evidently a major security challenge. Training is required, and, though insufficient, an anti-banditry cell of twenty officers is being formed to take charge of gang-related matters. Special training in high-risk intervention techniques, among others, is planned. Police stations such as Cité Soleil adopt varying approaches, taking into account local knowledge and context, including (drawing on community reports) pitting gang against gang.⁴⁵ Part of this process should be for MINUSTAH to continue to exert pressure on the gangs and force them out of their strongholds, so that the HNP can routinely manage situations. In mid-July MINUSTAH (over 2,100 troops, FPU

and UNPOL), in conjunction with an unknown number of HNP, launched “Operation Phoenix”, a multi-day operation in Cité Soleil, Bel Air and Martissant. Beyond the arrests of at least four gang members, its results are not known, but such pressure on the gangs needs to be kept up.⁴⁶

III. POLICE REFORM

Security sector reform is an opportunity to help lay a foundation for reconstruction and development.⁴⁷ Over the past years, some improvements in security have been achieved, and public perception of the HNP has grown increasingly positive,⁴⁸ though its professionalisation remains a work in progress. A core aspect of reform that is lagging is the vetting of all police and associated civilian staff. An effective way to build on achievements would be to improve the integrity of the force by completing this process and expanding and improving training for specialised units as well as for mid-management supervision, crime investigation and community policing.

A. INSTITUTIONAL REFORM

1. Vetting

Its officials maintain that the HNP is not generally targeted by criminals and that the killings of officers over the past months have been politically motivated,⁴⁹ but some Haitian analysts observe that as the vetting process has not yet cleaned the force of rogue officers,⁵⁰ some score-

⁴³ Crisis Group interview, senior HNP command, Tabarre, March 2011.

⁴⁴ Crisis Group interview, senior supervising officer, DCPJ, Tabarre, 4 July 2011. An Automated Fingerprint Identification System (AFIS) has been purchased but is not yet in use. The sole Judiciary Police fingerprints database relates to certificates of good character.

⁴⁵ Crisis Group interviews, community forum members, Cité Soleil, 19 July 2011.

⁴⁶ Crisis Group interview, community leader, Bel Air, 21 July 2011. For the HNP, Phoenix was not a clean-up operation but a reminder “no-go” zones would not be tolerated. Crisis Group interview, senior HNP command, Port-au-Prince, 19 July 2011.

⁴⁷ Johanna Mendelson-Forman, “Security Sector Reform in Haiti”, *International Peacekeeping*, vol.13, no.1, 2006, pp. 14-27.

⁴⁸ “Securing the State: Haiti Before and After the Earthquake”, Small Arms Survey, July 2011. The HNP was the preferred security provider for survey respondents. In 2010, more than two-thirds of the population reportedly would turn first to the police if faced with a threat to person or property, compared to 2009 when the HNP would be the first recourse for just 38 per cent. Possible explanations for the change include heightened confidence in public institutions, a decrease in UN credibility and disruptions to other options (such as relying on family or private security guards) after the earthquake.

⁴⁹ Crisis Group interview, senior HNP command, March and May 2011. Many killings of police were during the election period, November 2010-March 2011. Some police believe that officers were killed because the HNP did not support the then ruling Inité platform. Crisis Group interviews, senior HNP officers, Port-au-Prince, March, May and June 2011.

⁵⁰ Vetting of all HNP police and civilian staff began in December 2006 as part of the reform process. It was largely led initially by UNPOL but gradually handed over to the IGC. Crisis

settling is possible.⁵¹ Failing to address violations by its own officers adequately undercuts HNP effectiveness and credibility.⁵² On 24 June, 72 officers were taken off duty and assigned to desk work as a result of investigations into complaints of misconduct and excessive force, among other reasons; five others were being held in isolation due to cases involving loss of life.⁵³

The Office of the UN High Commissioner for Human Rights (OHCHR) in Haiti has called the attention of Police Chief Andrésol to an apparent trend of persons killed during police action or while in police custody, expressing concern at reports of multiple cases of such killings between January and July. OHCHR prepared a report on its investigations into five cases involving nine deaths in which sixteen police officers were implicated.⁵⁴ Since June, five more deaths, by HNP accounts during operations, were discovered.⁵⁵

The UN's report has been submitted to Andrésol, who, along with the new police chief of the West Department, Michel-Ange Gédéon, has reportedly promised to look into each case. While action has been taken by the IGC and in some instances by the criminal justice system, based on the information available, none of the cases has led to a criminal prosecution. Amnesty International recommended in a recent report to the UN Human Rights Council that security forces be provided "with adequate training and supervision in order to implement and ensure strict observance of international human rights standards, including the UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials".⁵⁶

Two more publicly aired cases have also raised questions about ongoing police brutality. Six days after the earthquake, on 19 January 2010, at least a dozen inmates were killed when the HNP tried to stop a prison break in Les Cayes. President Préval and the then Special Representative of

the UN Secretary-General (SRSG), Edmond Mulet, called for an independent investigation after a story in *The New York Times*.⁵⁷ The investigation was conducted,⁵⁸ and a report, still not public, concluded that officers used inappropriate, abusive and disproportionate force. It made several recommendations to the Haitian judiciary and police authorities as well as the UN, including to refer to the justice system all actors and agents implicated in the incident and to follow up the administrative sanctions already recommended by HNP Chief Inspector General Jean against the officers involved and approved by Andrésol.⁵⁹ It had been expected that fourteen officers would be tried in the July Les Cayes criminal assizes, but for unclear reasons these have not yet been held.⁶⁰

In a second recent case of alleged police brutality, the Pétion-Ville police commissioner, Vanel LaCroix, was removed in June 2011 and confined following the death of a detainee, Serge Demosthène, who was savagely beaten at his station.⁶¹ An investigation conducted by the IGC has recommended LaCroix's dismissal. The report of the IGC was expected to be submitted to the state prosecutor, and media reports indicate that LaCroix was questioned by the prosecutor's office on 31 August and remains confined.⁶²

Group interviews, senior HNP command, Tabarre, 24 June 2011; senior official, HNP development coordination, MINUSTAH, Tabarre, 22 July 2011.

⁵¹ Crisis Group interview, Haitian security expert, Pétion-Ville, 27 June 2011.

⁵² Between 2006 and 2007, over 200 officers were suspended, dismissed or transferred to the justice system. The majority of cases involved lower-level officers but in 2007 an inspector general and four divisionary commissioners were also affected. Data from 2006 and 2007, reports of the office of the chief inspector general, provided to Crisis Group.

⁵³ Crisis Group interview, senior official, office of the IGC, Tabarre, 24 June 2011.

⁵⁴ Crisis Group interviews, senior international human rights experts, Port-au-Prince, 22 and 29 July 2011.

⁵⁵ Ibid. Officers have said the victims died in crossfire. However, there are witnesses who stated they were shot in the back.

⁵⁶ See www.amnesty.org/en/library/info/AMR36/011/2011/en.

⁵⁷ "Meurtres de détenus: le président haïtien demande à l'ONU d'enquêter", Agence France-Presse, 27 May 2011. Deborah Sontag and Walt Bogdanich, "Escape attempt led to killings of unarmed inmates", *The New York Times*, 22 May 2010.

⁵⁸ The commission comprised co-chairs Florence Elie, Haiti's ombudsman, and an Italian Lieutenant General Salvatore Carrara along with two Haitian legal experts and three international experts in forensics, criminal investigation and law. The investigation ran from July to September and was funded by the Canada Stabilisation and Reconstruction Task Force (START). Crisis Group interviews, senior diplomats, Port-au-Prince, March and May 2011; senior government official, Office of the Ombudsman, Port-au-Prince, July 2011. See also Deborah Sontag and Walt Bogdanich, "Report assails Haiti officers in prison killings", *The New York Times*, 21 October 2010, www.nytimes.com/2010/10/22/world/americas/22haiti.html.

⁵⁹ Recommendations made in the IGC report included the dismissal of two senior officers, the removal from their functions of eight others, a 30-day suspension of six more, and a letter of culpability to the director of prison administration. "Rapport de la Commission d'enquête sur les incidents survenus à la prison civile des Cayes le 19 janvier 2010".

⁶⁰ Crisis Group interviews, human rights monitors, Port-au-Prince, July and August 2011.

⁶¹ This case received wide media attention because the victim was allegedly detained in connection with the assassination of Guyto Toussaint (see above). Crisis Group interview, senior UN human rights official, Tabarre, 22 July 2011. "Actes de bastonnades et d'exécutions sommaires au sein des commissariats: Le RNDDH tire la sonnette d'alarme", press release, National Network for Human Rights Defence (RNDDH), 20 June 2011, www.rnddh.org/article.php3?id_article=506.

⁶² "Dossier Serge Demosthène: Mise à l'écart du commissaire Vanel LaCroix, recommanderait le rapport de l'Inspection

The IGC has made some effort to investigate and follow up on cases, but his office is inadequately staffed to work in a timely and efficient manner that imposes discipline on the force and inspires citizen confidence.⁶³ Taking officers off duty or restricting their liberty is a step, but it is vital to follow through to completion. There are officers who have been kept in the later status for several years.⁶⁴

Vetting is an important element in maintaining the transparency and integrity of Haiti's single security force.⁶⁵ The process seeks to assess the ethical and professional standards of each employee through background investigation to determine if there is cause for administrative action.⁶⁶ The investigation relies on information from financial, educational and penal institutions as well as archives of human rights organisations, embassy files and community

sources.⁶⁷ It includes a competency assessment to determine if additional training is needed. There is a general sense that vetting is imposed under the reform plan, however, and it does not enjoy wide political support locally, though IGC Jean has made significant efforts to move it forward. With his support, when the earthquake hit, 7,177 files had been opened, of which 3,593 were still being investigated. The remainder, including of the HNP high command, were complete and had been submitted to the HNP Superior Council (Conseil Supérieur de la Police Nationale, CSPN). All new recruits since the fifteenth graduation class (2005) have been vetted.⁶⁸

No entity has been set up to take charge of certification and of decisions on those who do not meet standards. Ministerial changes under President Préval affecting membership have been blamed for the CSPN's irregular functioning, including with respect to completing the vetting process. Information system weakness has resulted in gaps in the records of officers and in some cases less than complete background checks. Another concern is that the process lacks an appeals structure. Additionally, some of the files that went to the CSPN before the earthquake are now as much as four years old, so information with respect to vetted officers could be out of date.

The low percentage of officers recommended for dismissal for human rights violations and crimes is inconsistent with the public's perception of corruption in the institution. While some officers reportedly withdrew to avoid vetting, dismissal was recommended for only 130, a number of whom were said to have made false declarations about academic qualifications.⁶⁹ President Martelly has said he intends to ensure completion of vetting,⁷⁰ but concrete action awaits appointment of a new prime minister and other ministerial members of the CSPN.⁷¹

Générale", Radio Signal FM, 29 August 2011, www.signalfmhaiti.com/articleid=3910. "Vanel Lacroix auditionné au parquet de Port-au-Prince", *Le matin*, 31 August 2011; Radio Metropole, 1 September 2011, www.metropolehaiti.com/id=19447.

⁶³ Each of the six sections of the office of the IGC should be headed by a general inspector, but the nine officers of that rank are elsewhere. Crisis Group interviews, Senior HNP command, Tabarre, May and June 2011. The HNP seeks to assign general inspector as a rank, not as a function limited to the IGC's work. The need remains, however, to staff the IGC office with qualified officers. Crisis Group interview, senior official, HNP, Delmas, 17 August 2011.

⁶⁴ Crisis Group interview, senior official, HNP, Delmas, 17 August 2011. When officers are implicated in a case involving death, they are removed from their duties, detained and held at the disposal of the office of the IGC while an internal investigation is conducted.

⁶⁵ The National Defence Network for Human Rights (Réseau national pour la défense des droits humains, RNDDH) also called the attention of President Martelly to the presence in his entourage of at least five officers dismissed from the HNP. Its letter alleged that these officers were seriously suspected of involvement in drug trafficking, human rights violations and other grave acts. "Lettre adressée au Président de la République", RNDDH, 17 June 2011, www.rnddh.org/article.php?id_article=505. The UN Independent Human Rights Expert on Haiti, Michel Forst, "expressed his concern about the possible reinstatement of former police officers with a questionable past into the HNP, and his hope that the fears of inaction on this matter are rapidly and completely dissipated by the new authorities". "Independent Expert on Haiti: 'Impressive declarations on Rule of Law – will need to keep an eye on results'", press release, 2 September 2011, copy provided to Crisis Group.

⁶⁶ Such action is undertaken through the Superior Council of the National Police (CSPN) or under the disciplinary code. The CSPN, the HNP's policymaking body, is chaired by the prime minister with the justice and public security minister as deputy and the police chief as executive secretary. The interior and local government minister and the IGC also participate.

⁶⁷ Crisis Group interviews, senior UNPOL and MINUSTAH human rights officials, Tabarre, 22 July and 11 August 2011.

⁶⁸ Crisis Group interviews, senior HNP officers, Tabarre, 24 June 2011; senior UNPOL personnel, Tabarre, 22 July 2011.

⁶⁹ Crisis Group interviews, senior UN officials, Tabarre, 22 July 2011; senior HNP command, Tabarre, 24 June 2011.

⁷⁰ Crisis Group interview, President Michel Martelly and Chief of Staff Thierry Mayard-Paul, National Palace, May 2011.

⁷¹ Jean Max Bellerive, Préval's last prime minister and head of the CSPN is acting prime minister as President Martelly tries to set up his government. No appointment of a new prime minister has been officially announced, but discussions continue between Martelly and parliament, and there are indications that Gary Cornille, former chief of staff of UN Special Envoy and ex-U.S. President Bill Clinton, is being seriously considered. Crisis Group interviews, senior UN officials, Tabarre, 22 July 2011; senior government officials, Pétiion-Ville, 24 and 26 August 2011; Trenton Daniel, "Bill Clinton aide named as Haiti's 3rd pick for PM", Associated Press, 1 September 2011.

2. Training

Training was also delayed by the earthquake. No recruit class graduated in 2010, because the police training school was temporarily housing the parliament, and only one class (the 22nd), is expected to graduate in 2011.⁷² Three types of training form part of the effort to professionalise the HNP: basic, for new recruits; advanced, for mid-rank officers; and specialised, for some current officers. Specialised training, generally donor funded, depends on the availability of resources. At least half the 442 officers who underwent specialised training between July and December 2010 were instructed in crowd control and crime investigation.

Basic training was transferred in 2008 from UNPOL to the HNP, though the former still audits the courses and remains involved in preparation. The transfer required increasing the pool of Haitian trainers, which has grown from 39 to 81, and has addressed concerns that training was not adequately adapted to the Haitian context due to the variety of cultural differences and approaches brought by the many countries supporting reform.⁷³ The training includes introductory courses in law, human rights, weapons and shooting, maintenance of order, police science, technical and scientific policing and traffic circulation.⁷⁴

Training is mostly theoretical; fieldwork is still deficient,⁷⁵ though new graduates undergo a one-year probation period monitored by UNPOL. Alleged excessive use of force by junior officers suggests that better supervision is required. The reform plan did not foresee providing arms for new graduates, and 1,107 members of the 20th and 21st classes graduated in 2009 without receiving shooting practice. They were deployed – in some instances for a year – before being recalled for that training, after which they were issued weapons.⁷⁶

The training school has discouraged efforts to double the number of recruits per class. Exceeding 40 in a classroom results in overcrowding and poorer training. The total of recruits in a graduating class varies from approximately 500 to 900, after several thousand candidates are eliminated by competitive written and physical examinations. Additional cuts are made during and/or at the end of the 28-week training. 36 recruits were dropped from the 22nd

class due to improper conduct, excessive tendency to aggression or below average aptitude.

In addition to basic training, the HNP is expected to provide ongoing instruction for existing officers. While the concept of a true academy has existed for decades, the physical infrastructure has been lacking. Since 2008, Canada has approved \$20 million to assist construction at a site in Ganthier, a commune north of Port-au-Prince, but the project was slow to start, then further delayed by the earthquake. A temporary facility is scheduled to begin functioning in October and continue for three years while the permanent academy is being built.⁷⁷

No international partner has agreed on protocols to provide Haiti with arms and ammunition in a timely and efficient manner.⁷⁸ The U.S. has for several years given assistance through its International Narcotics Control and Law Enforcement program, including for equipment, uniforms and trainee nutrition, as well as energy for the campus, but it cannot use the program for weapons until the HNP is clear of allegations of serious crimes and human rights violations.⁷⁹ Washington partially lifted its arms embargo on Haiti in 2006, so generally provides ammunition, but procurement, on a case-by-case basis, is a lengthy and detailed process. Colombia and France have been approached, but their procedures are also slow. An agreement was reached with Paris in October 2009 to fill an urgent gap.

This problem affects the training of recruits but also means that officers in some specialised units have not returned

⁷² Crisis Group interview, HNP high command, Tabarre, 24 June 2011. Recruitment for the 23rd and 24th classes was interrupted by the earthquake. Training of the 23rd class is scheduled to begin in September or October 2011.

⁷³ Crisis Group interview, Haitian security analyst, Pétion-Ville, 27 June 2011.

⁷⁴ Copy of basic training curriculum provided to Crisis Group.

⁷⁵ Crisis Group interview, HNP high command, Tabarre, 24 June 2011.

⁷⁶ Crisis Group interviews, senior HNP staff, Delmas, 18 August 2011; senior HNP adviser, Pétion-Ville, 17 August 2011.

⁷⁷ Crisis Group interviews, senior Canadian embassy officials, Delmas, 27 June 2011; senior HNP officer, Tabarre, 24 June 2011.

⁷⁸ Crisis Group interviews, senior UNPOL official, Pétion-Ville, 21 October 2009; HNP high command, Tabarre, March 2011.

⁷⁹ The Foreign Operations and Related Appropriations Act (2010) states: "None of the funds made available by this Act under the heading 'International Narcotics Control and Law Enforcement' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognised human rights, have been suspended". The International Trade in Arms Regulation (ITAR), section 126.1, states: "(j) Haiti. It is the policy of the United States to deny licenses, other approvals, exports or imports of defense articles and defense services, destined for or originating in Haiti ... except, on a case-by-case basis, for supplies of arms and related materials or technical training and assistance intended solely for the support of or use by security units that operate under the command of the Government of Haiti, supplies of arms and related materials for technical training and assistance intended solely for the support of or use by the United Nations or a United Nations-authorized mission"

for shooting practice in fifteen years.⁸⁰ Lack of reliable and consistent arrangements to procure arms and ammunition also limits police in responding to criminal incidents and means gangs often outgun them.⁸¹ This situation is exacerbated by the fact that private citizens can legally export up to three non-automatic weapons and ammunition from the U.S. to Haiti without a license.⁸²

Community policing is an area of reform that has not been systematically addressed. The reform plan encourages foot patrols and communication with the community, but this has never been methodically developed, despite Directive 67 (2009) issued by the HNP chief,⁸³ which includes some guidelines but no implementation strategy. General practice based on the directive and encouraged by UNPOL is more akin to proximity policing, simply aiming at bringing the police closer to the population and making them more visible by deploying patrols on street corners. There is no agreement among donors on the issue, which may have stalled efforts to fully pursue a community policing strategy that focuses on core components: partnership and problem solving.⁸⁴ Any effective police reform must increase confidence between the force and population through well-defined community policing procedures and techniques.⁸⁵ These must include partnerships, particularly with the impoverished slums, to prevent and fight crime, jointly

identify the security concerns and examine together feasible solutions.⁸⁶

Stronger emphasis is needed on encouraging more women to serve in the national police. While gender and sexual violence continues to be a major security issue, the force has a serious shortage of women officers countrywide.⁸⁷ A unit for the coordination of women's affairs, headed by the most senior female officer, Commissaire Divisionnaire Marie-Louise Gauthier, was created in 2005 but without structure and resources. Gauthier, assisted by Inspector Magalie Belneau and supported by MINUSTAH, succeeded in organising training on gender issues for officers in six of the ten departments across the country before the earthquake hit. One officer for gender issues was identified in each department to begin protecting victims of gender and sexual violence by serving as a better sensitised ear to receive and then register their complaints.⁸⁸

With the assistance of the women's affairs and rights ministry, a database, including lists of clinics and hospitals and other information for victims of sexual violence, was created, and thirteen male and female officers – a woefully inadequate number – received specialised training in addressing sexual violence. The earthquake destroyed the database along with the single female police station put in place to support these initiatives. The UN increased the number of female police officers within UNPOL and the FPU from 93 pre-quake to 311 post-quake,⁸⁹ and they have been supporting MINUSTAH's initiatives to improve security in tent camps. However, stronger and more consistent initiatives are needed to help build Haitian counterparts' capacity to address criminal violence affecting

⁸⁰ Crisis Group interview, diplomat and security expert, European embassy, Port-au-Prince, 30 June 2011.

⁸¹ Crisis Group interviews, HNP high command, Tabarre, March and May 2011; senior HNP adviser, Pétion-Ville, May 2011.

⁸² U.S. citizens may export for personal use up to three non-automatic weapons and 1,000 cartridges without a license while informing authorities; additional weapons may be licensed, though there is a presumption of denial. Haitian nationals have similar qualified ability to buy weapons in the U.S. for personal use – without any assurance they are following Haitian import law. See http://cfr.regstoday.com/22cfr123.aspx#22_CFR_123_p17. In August 2011, port authorities in St. Marc, a seaside town 90 minutes from Port-au-Prince, seized and handed over to the HNP some 2,000 9mm ammunition rounds found in a container from the U.S. via Jamaica. The consignee was also handed over to the HNP. "Saisi de minutions et arrestations à la douane de Port-au-Prince", *Le Matin*, 4 August 2011. Crisis Group interview, U.S. government official, 24 August 2011.

⁸³ Crisis Group interviews, senior official, UNPOL, Tabarre, 22 July 2011; senior HNP adviser, Pétion-Ville, 17 August 2011.

⁸⁴ *Ibid*; Crisis Group interviews, Bel Air community leaders, Port-au-Prince, 29 and 30 June 2011. Some donors believe the work of the police is community-oriented, so does not require a specific strategy. Crisis Group interview, senior UNPOL official, Port-au-Prince, 11 August 2011.

⁸⁵ Crisis Group interview, Haitian security expert, Pétion-Ville, 27 June 2011.

⁸⁶ See Community Oriented Policing Services (COPS), www.cops.usdoj.gov/default.asp?item=36. Viva Rio, a Brazilian NGO working on community violence reduction in Bel Air, leads a community forum, including the HNP, in which monthly discussions focus on criminal acts within the community, particularly murders. This is an initiative that could be duplicated in other violence-prone communities. Crisis Group interview, senior official, Viva Rio, June and July 2011.

⁸⁷ 769 women officers are currently registered with the HNP, representing less than 8 per cent of the force. Crisis Group interview, senior officer, HNP, Port-au-Prince, 28 June 2011.

⁸⁸ In the entire North East department, with a population of 400,000, for example, there are only two female officers, one in Fort Liberté, the other in Ouanaminthe. Half the monthly reported crimes in that department are related to sexual and gender-based violence, but there is no designated area for officers to receive victims' depositions. Crisis Group interviews, senior officers, HNP, Fort Liberté and Ouanaminthe, 8 July 2011.

⁸⁹ This is just under 9 per cent of the total UN police force of 3,508 (UNPOL and FPU) in September 2011. Figures provided to Crisis Group by the Office of the Principal Deputy Special Representative of the Secretary-General (DSRSG), 2 September 2011.

women.⁹⁰ The women's affairs unit needs intensive training in criminal investigation and to be given the authority and means to pursue crimes of sexual violence.

Advanced training takes place both in Haiti and abroad. Through bilateral agreements, selected officers follow a full program in schools in various countries, including Chile, France, Colombia and Mexico. Chile has been the most consistent supporter during the last years. In 2008, 22 officers received scholarships to a ten-month diploma course in public security at the Carabineros de Chile, while two followed a three-year program, concluding in December 2010, at the Policía de Investigaciones de Chile.⁹¹ 43 Agent II-IV (lower-ranked) officers, including four women, left for Chile in May 2011 under a similar agreement, 40 to the ten-month course, the others for the three-year program. However, trained officers rarely take up positions in the force that allow them to use their new knowledge.

In-country advanced training targets officers selected for promotion to inspector and higher and is part of the efforts to build a full-service academy that offers continuing instruction for all ranks beyond the entry level. Preparations are being made to train the second group of 130 officers who will be promoted to inspector since the start of reform; a first group graduated in 2009. This training is essential to create a pool of mid-level officers able to give more efficient supervision to entry-level officers. Currently, the HNP has only 211 inspectors.⁹²

The establishment of a true academy is essential to ensure continuous training in needed areas as well as systematic refresher courses in issues such as law and human rights, particularly after MINUSTAH departs and international cooperation will likely be reduced.⁹³ Equally important is to give officers the protection of a career plan that encompasses fair systems of recruitment and promotion, salary, rewards, pension and welfare services, without which initiatives to attack corruption and de-politicise the force are unlikely to succeed.⁹⁴

⁹⁰ MINUSTAH and the UN Entity for Gender Equality and the Empowerment of Women conducted around the turn of the year a train-the-trainers course on referral mechanisms for survivors of sexual and gender-based violence to relevant legal, psychosocial and medical support services. 49 officers (44 UN police and five HNP) who were conducting patrols in camps for internally displaced persons participated. "Report of the Secretary-General", op. cit.

⁹¹ Crisis Group interview, HNP high command, Tabarre, 24 June 2011.

⁹² Crisis Group interview, senior official, UNPOL/HNP Development Coordination Team, Tabarre, 22 July 2011.

⁹³ Crisis Group interview, senior HNP trainer, Tabarre, 24 June 2011.

⁹⁴ The career plan was drafted with international assistance and presented to Haitian authorities in 2009. Crisis Group inter-

B. OPERATIONAL REFORM

Proposals to re-establish the army or otherwise create a second force may divert scarce resources from what should be the priorities for enhancing Haiti's security: building the HNP's operational capacities and clarifying key aspects of its organisational structure. Parallel to these efforts is a need to strengthen police capacity in budget, asset management, personnel supervision and leadership, at central and provincial levels, if they are to be sustainable

Since the quake, reform has attempted to focus on enhancing HNP capacity to secure the land and sea borders against organised crime, particularly illicit drug, arms and human trafficking. While some progress has been made on infrastructure, border security still relies heavily on MINUSTAH help. Through financial aid from Canada and technical assistance from the International Organisation for Migration (IOM), fifteen police stations have been built or refurbished at the four official border crossing points and other points in the north east and elsewhere. Material to equip these stations is pending deployment of 450 officers to staff them. 230 are available, with the rest to come from the 23rd class, whose training is about to begin. A new coast-guard base in the southern town of Les Cayes – funded by Canada through UNDP – has been long delayed, including by the earthquake, but is expected to become operational soon. The project includes three speedboats and specialised training for 60 graduates of the 22nd class who are to staff the base.⁹⁵

1. Complicating police reform: a second force

Continued HNP deficiencies have kept the debate on a second security force alive, and President Martelly's statements of support during his campaign and after taking office for reconstituting the army have fuelled it.⁹⁶ He has advanced this serious question at a time when Haiti lacks a clear national security strategy justifying such a second force and is still far from completing the build up of an effective police.

The president, his campaign supporters and some legislators consider a second force with vaguely defined responsibilities for civil defence and protection necessary. They argue that certain tasks currently police responsibility, such

views, senior HNP command, Tabarre, May and June 2011; senior UNPOL officials, Tabarre, July 2011. The document has been revised and is to be presented to the new government once the CSPN becomes operational again.

⁹⁵ Crisis Group interviews, senior official, UNPOL, Tabarre, 22 July 2011 and 11 August; senior HNP command officer, Tabarre, 24 June 2011.

⁹⁶ Crisis Group interview, security adviser, Martelly team, Port-au-Prince, 13 July 2011.

as border security, and the coastguard's maritime patrol are historically the army's and distract the HNP from its proper work.⁹⁷ Discussion has so far been low-key, suggesting that proponents are exploring what donors might eventually commit to fund.

The mission of such a force, its timeline for creation and funding all need clearer definition, and the issue must be opened to wide consultation with every sector of society given the unfortunate history, including a coup d'état, human rights violations and abuse of power, that resulted in the previous army being disbanded in 1994.⁹⁸ Indeed, opponents deem the proposal both untimely and potentially counter-productive with respect to efforts to build the HNP.⁹⁹ Creation of an army could well divert resources needed by the HNP to achieve its planned size, specialisation and effectiveness. It is also argued that border security relates more to law enforcement than to unlikely external aggression.

The international community unanimously supported the army's 1994 disbandment, but donors are now sending mixed signals on a second force. Brazil and France say they are open to some still undefined way to translate the president's statements into reality, while the U.S. and Canada have announced they intend to continue focusing resources on developing the HNP.¹⁰⁰ SRSO Mulet, prior to his May 2011 departure, said that a single force in a country faced by so many challenges was not a healthy situation, but Haiti should first complete HNP reform. MINUSTAH would also continue to concentrate on the police, he said, which is what its mandate authorises.¹⁰¹ Troop-contributing Latin American countries did not directly address the issue at a March meeting in Montevideo but plan to assess the situation before the mission mandate is renewed in October.¹⁰²

⁹⁷ Crisis Group interviews, member, Senate Justice and Public Security Committee, Pétion-Ville, 20 July 2011; security expert, Martelly transition team, Delmas, 13 July 2011; senior HNP advisor, Pétion-Ville, 13 June 2011.

⁹⁸ For background, see Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004.

⁹⁹ Crisis Group interviews, community leaders, Bel Air, 30 June 2011; Haitian security expert, Pétion-Ville, 27 June 2011; senior foreign diplomats and representatives, international organisations, Port-au-Prince, May, June and July 2011.

¹⁰⁰ Crisis Group interviews, senior diplomats, Port-au-Prince, May, June and July 2011.

¹⁰¹ Crisis Group interview, senior MINUSTAH officials, Tabarre and Pétion-Ville, June and July 2011. See also "Les Nations Unies ne fabriquent pas les forces de défense, selon la MINUSTAH", *Alterpresse*, 28 April 2011; "Edmond Mulet salue l'élection de Michel Martelly à la présidence d'Haïti", *Radio Métropole*, 12 April 2011.

¹⁰² "Minuta de la reunión de ministros de relaciones exteriores y de defensa de los países de la región participantes en MINUSTAH", 10 March 2011. Copy provided to Crisis Group.

As a diplomat has put it, the proper question seems to be "can Haiti afford to have an army?", not "should Haiti have an army?"¹⁰³ Only Haitians can truly answer the latter, but the country's struggling economy and multiple priorities argue strongly for answering the former with a firm "no". The HNP subsists largely on donor assistance. It is difficult to see how Haiti could fund two armed forces. They would necessarily require duplicate administrative and management structures, adding costs to an economy that for decades has not been able to meet the most basic needs of its population. The requirement for now is to make the HNP a full-sized, well-trained and equipped force with properly managed specialised divisions, including border police, coastguard and disaster response. Once this happens and following consultation throughout society, a second force might be considered more seriously, provided it could be financed by a stronger economy and some donor aid. One or more of the already trained and equipped contingents might then be separated from the HNP to give it a start.

2. Organisational structure: who is in charge of police reform?

The HNP's director general, nominated by the president and confirmed by the senate for a renewable three-year term, is commander in chief of the police. Mario André Sol's third term runs to July 2012. This has lent some stability to the force. Two structures within the executive exercise supervisory authority. On the operational side, the 1987 constitution makes functioning of the HNP the responsibility of the justice and public security ministry,¹⁰⁴ whose minister gives directives to the police. On the policy side, that minister is deputy chair of the CSPN, which is led by the prime minister. The interior minister (in charge of civil protection), the HNP director general (executive secretary) and the IGC also participate. As noted above, the CSPN was hampered by the frequent changes of prime ministers during the Préval presidency.¹⁰⁵ Meetings were not held regularly, and decisions on important issues, such as vetting, did not receive adequate follow-up. Addition-

¹⁰³ Crisis Group interview, senior embassy official, Pétion-Ville, 6 July 2011.

¹⁰⁴ See Article 269. The justice ministry is now known as the justice and public security ministry, though little has been done to address its latter function. Crisis Group interview, senior official, Martelly transition team, Port-au-Prince, July 2011.

¹⁰⁵ In his five-year term, President Préval had three prime ministers: Jacques Edouard Alexis (2006-2008); Michèle Pièrre-Louis (2008-2009); and Jean Max Bellerive (2009-2011).

ally, the president needs to refrain from giving direct orders to the police if the CSPN is to be effective.¹⁰⁶

The structure seems straight-forward, except for the participation of a state secretary for public security who has no legal authority to play a direct role regarding the police. Traditionally, a state secretary is only an adviser to the minister. The assumption of a direct role in police affairs by some state secretaries has led to conflicts with the HNP high command.¹⁰⁷ Police reform also needs cabinet leadership and coordination with prosecutors and judges. Without this, it has been too slow and disjointed, as well as driven mainly from abroad.

C. INTERNATIONAL ASSISTANCE

Three main actors contribute to police reform: MINUSTAH through UNPOL; bilateral donors; and agencies and entities, including UNDP, IOM, and the UN Operations Services (UNOPS), through which donors generally channel project funding. UNPOL, with the international lead, is responsible for implementation management and does training. It works closely with UNDP and UNOPS, which provide technical services, and the HNP. The U.S. embassy coordinates and hosts a monthly working group that brings together all national and international actors.

Canada and the U.S. are the main donors, but Spain, France, Japan, Mexico, Colombia, Chile, the Bahamas and Germany have also helped with infrastructure, non-lethal equipment, material resources, training, arms and ammunition and information technology equipment. The nine Latin American troop contributors,¹⁰⁸ along with Mexico, Colombia, Costa Rica, the Organisation of American States (OAS) and the UN Secretariat's peace keeping department (DPKO), agreed in February 2009 to set up a working group to coordinate Latin American cooperation with the HNP,¹⁰⁹ but the earthquake interrupted this initiative.

Without a division of financial responsibilities or agreement on a financing plan, some areas, such as equipping newly trained officers, faced funding delays.¹¹⁰ Following the same widely criticised pattern of international cooperation in which aid is channelled through international organisations, most donors fund HNP reform through international executing partners. The HNP is concerned that this results in delays, additional administrative fees and a significant reduction in funds that could be applied to a project's final product.¹¹¹ Due to unexplained project delays, the HNP asked donors in January 2011 to revise the funding mechanism to facilitate its own greater participation.

An UNPOL Development Component, responsible for day-to-day management, was formed to increase efficient implementation.¹¹² Headed by the deputy police commissioner for development, it comprises, in addition to police, management specialists in budget, finance, and information technology, among others. It is divided into four departments responsible for programming and coordination; administration and general and technical services; development and capacity building; and training. Before the quake, 2,091 persons manned the component, including 950 UNPOL, 1,140 FPU officers, 22 UN Volunteers and 35 international professional staff. Following the earthquake and in part owing to the HNP's increased training and vetting responsibilities, development personnel were reduced. Concern for the impact of frequent UNPOL turnover, particularly on training, has been easing as tasks are gradually passed to the HNP.

MINUSTAH, with its UNPOL component, will likely need to be in Haiti for at least five more years. A continuing UNPOL function would be to enhance its mentoring of specialised HNP services as they are strengthened during the next phase of reform.¹¹³ MINUSTAH's mandate is officially under Chapter VII of the UN Charter, though its border management and security support functions, for example, correspond more to a halfway house between Chapters VI and VII¹¹⁴ as a result of negotiations by the

¹⁰⁶ Crisis Group interviews, senior government official, Port-au-Prince, 23 August 2011; senior HNP adviser, Pétion-Ville, 17 August 2011.

¹⁰⁷ A known case is that of Luc Eucher Joseph, who attempted to play a role in police vetting but met with opposition from both the HNP chief and the IGC. Crisis Group interviews, senior UN and HNP officials, Port-au-Prince, July and August 2011.

¹⁰⁸ Argentina, Bolivia, Brazil, Chile, Ecuador, Guatemala, Paraguay, Peru and Uruguay.

¹⁰⁹ The Grupo de Trabajo de Coordinación para la Cooperación Latinoamericana con la Policía Nacional de Haití formally agreed in December 2008 to coordinate regional support for the police, complementing what MINUSTAH and the donors are doing. UNPOL presentation at Seminario Hemisférico Chile, op. cit. The OAS office in Haiti serves as the secretariat for the proposed coordination. Crisis Group interviews, representative,

OAS, Pétion-Ville, 29 May 2009; Latin American ambassadors, Pétion-Ville, 10 June 2009.

¹¹⁰ Over the past five years, Haiti and the U.S. have spent over \$16 million to equip some 3,500 officers. Figures provided to Crisis Group by senior HNP official, 19 August 2011.

¹¹¹ Crisis Group interviews, senior official, HNP, Delmas, 18 August 2011; international governance expert, Pétion-Ville, June 2011.

¹¹² "Haitian National Police Reform Plan", MINUSTAH annual report, 18 August 2007-17 August 2008. Crisis Group interview, senior UNPOL official, Pétion-Ville, 7 September 2009.

¹¹³ Crisis Group interview, U.S. official, Washington DC, 24 August 2011.

¹¹⁴ Chapter VII of the UN Charter sets out the Security Council's powers to maintain peace. It allows the Council to "determine the existence of any threat to the peace, breach of the

Latin American troop contributors.¹¹⁵ There is little chance the mission would be mandated to take on more development related tasks. There is a general sense, however, that donors seek to ensure that this is the last mission to Haiti, which means that the eventual transfer of responsibilities to national authorities should be done without leaving a void. When the first five years of police reform end in December 2011, UNPOL should join the rest of MINUSTAH in supporting reforms in justice and prisons, so that the exercise's second phase is better oriented to supporting a more integrated and cohesive security sector.

IV. MOVING FORWARD

Police reform has made some strides over the past five years. The HNP is a much stronger and more respected force today, but there is still a long way to go to transform it into a fully professional force. Both the HNP development section of UNPOL and the police themselves, particularly the Administration and General Services Unit and the leadership of the training school and the academy that is in preparation, must work together to assess achievements and establish a clear roadmap. Four major issues must be examined: continuation and revision of the reform plan; vetting and training; infrastructure and operational needs; and creation of a second armed force.

Continued HNP development must begin with strengthening ethics and discipline within the force at two levels. First, files must be opened to complete the investigation of all personnel and then continue the vetting process. Once Haiti's leaders get past the current political impasse and put in place a prime minister and government, the CSPN should be made operational and a body formed within it to accelerate the certification of those who meet standards and remove from the force those who do not. Secondly, continued strengthening of the IGC remains essential. The IGC and the director general must recognise they share responsibility to respond rapidly and decisively to pending reports on alleged police abuses. Officers who have been identified as serious suspects should be suspended immediately until their cases are resolved, as the HNP recently responded to the alleged serious abuses at the Pétienville commissariat. Several unresolved cases from 2010-2011 require immediate attention.

peace, or act of aggression" and to take military and non-military action to "restore international peace and security". Chapter VI focuses on pacific settlement of disputes through "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".

¹¹⁵ Crisis Group interview, senior diplomat, Pétienville, 6 July 2011.

Implementation of the career plan is another element that would bolster efforts to maintain an ethical, professional force on which the population can count.¹¹⁶ Awaiting cabinet endorsement for a year, it outlines fair promotion standards and should be carried out as soon as possible to strengthen job security, improve force morale and encourage career advancement into mid- and upper-rank jobs. Improved working conditions could also attract more qualified candidates, particularly women with higher education degrees.¹¹⁷ It is likewise important to identify the critical training gaps, such as border units (including the coast-guard), crowd control and crime investigation, and a time-bound plan to fill them.

Community policing is another high priority. While most community violence-reduction and peace-building projects include a component that supports the general concept, a strategy is needed to strengthen partnerships that can devise proactive problem-solving techniques that address the conditions driving crime, social disorder, and other public safety issues. HNP and MINUSTAH steps to secure IDP camps could be built upon as a precedent.

Adequate infrastructure and efficient resource management are the keys to sustaining HNP development. Many facilities are under construction, and the force is much better, though not fully, equipped with vehicles. However, continued reform must build on this, as well as put in place maintenance measures. Priority should be given to safeguarding the investments that have been made, such as by building and making operational the machine workshops in Delmas 2 for the West department and in strategic locations such as Cap Haitien in the north, Les Cayes in the south, Hinche in the centre and Gonaives in the Artibonite.

To do this, administrative staff requires strengthening. The help Spain has given to build the site for the office of the administrator could be extended to related areas needing improvement, such as procurement.¹¹⁸ As recommended by the audit and administration court (Cour supérieure des comptes et du contentieux administratif) in 2008, admin-

¹¹⁶ The career plan was drafted with international assistance and presented to Haitian authorities in 2009. Crisis Group interviews, senior HNP command, Tabarre, May and June 2011; senior UNPOL officials, Tabarre, July 2011.

¹¹⁷ Attempts to increase the number of women on the force, currently 8 per cent, meet difficulties. Fewer than 100 female cadets are expected to join the 23rd class in 2011, for instance, because many did not obtain the qualifying test score. Crisis Group interview, senior HNP official, DEFP (Direction des Ecoles et de la Formation Professionnelle de la Police Nationale d'Haiti), Tabarre, 24 June 2011.

¹¹⁸ A large part of procurement needs is currently undertaken through donor project assistance. The U.S, for example, takes charge of uniforms, food and other requirements for the training of new recruits.

istrative staff should be civilians hired in a competitive process. It is necessary to create and apply proper administrative procedures so as to protect resources and ensure the police are adequately equipped. Strengthening IGC personnel, as mentioned above, would also make for more routine supervision and inspection of facilities and encourage better management of personnel and the force's growing operational assets.

Focus must be maintained on continued development and reform of the force. This requires political support. President Martelly's interest in a second armed force has cast some doubt on his commitment to police reform. He should, however, give highest priority to completing the second phase of police reform before seriously exploring a second force. Haiti should not be burdened by two under-resourced forces incapable of providing the security its citizens crave and of enabling an adequate environment for reconstruction and development.

MINUSTAH has begun internal discussion, most recently on 8-9 August, of how to advance police reform. Talks with HNP counterparts need to begin as soon as possible, in order to increase ownership of the reform process. Unlike 2006, when preparation of the plan was largely UN-led, the HNP is much more active and should play a greater role as the immediate beneficiary of the assistance and the force responsible for security of the country. A revised five-year plan should be a joint product,¹¹⁹ deriving from clear government definition of a national security strategy and the supporting legal framework. A representative within the cabinet structure responsible for HNP supervision other than the prime minister and justice minister should be assigned the specific task of coordinating the reform in order to strengthen Haitian leadership of the process.

How reform ties in with the future of MINUSTAH is another question that needs to be addressed. Constituents of many Latin American MINUSTAH troop-contributing countries are pressing their leaders to decide on the future of the mission.¹²⁰ In country, Haitians are demanding more development assistance from it at the same time as they are increasingly opposed to its physical presence, particu-

larly due to its cost and alleged responsibility for the 2010 cholera outbreak.¹²¹

The UN budget is already shifting to other conflicts.¹²² Latin America delegations and DPKO did separate security assessments in June that appear to have concluded conditions in Haiti may eventually allow a drawdown of troops to pre-quake levels, while UNPOL is kept at current levels.¹²³ MINUSTAH is making its own assessments on the ground, particularly looking at progress on police reform and the priorities for its second phase. Any drawdown of MINUSTAH should be done in a manner that leaves no security gaps. It is expected the mission would repeat the process that had begun before the earthquake, matching withdrawals to handovers to the Haitians based on benchmarks. These benchmarks should include not only accomplishments in security sector reform, but also progress on political and socio-economic developments, both essential to that reform. They should be accompanied by a calendar agreed with donors and other development actors whose roles stand to increase as MINUSTAH prepares its gradual handover.

V. CONCLUSION

For Haiti to attain its goals of economic recovery, social development and effective democratic governance, public security must be guaranteed. Continued HNP reform remains essential, but is only part of the overall process. Reforms in the police and other security sector components require strong support from the country's political leaders. The political class has not undergone a true process of reconciliation following the turbulence of the past two decades, and the absence of political closure or power sharing constantly compromises attempts to implement such reforms.¹²⁴ Politics are at an impasse that is seriously affecting these reforms. Progress made should not be lost.

¹¹⁹ The HNP has put together a strategic plan for its development, and after the earthquake, UNPOL drafted a recovery plan. These two documents need to be harmonised and built into the reform revision process. Crisis Group interview, senior official, HNP, Delmas, 18 August 2011.

¹²⁰ Crisis Group interviews, senior UN official, Pétion-Ville, 15 July 2011; Latin American diplomat, Pétion-Ville, 6 July 2011. The reported announcement by Brazil's Defence Minister Celso Amorim to withdraw troops raised fears of a hasty retreat. "Le Brésil envisage un retrait de ses casques bleus en Haïti", RFI, 9 August 2011.

¹²¹ Former President Préval's last speech before the UN Security Council, April 2011. A recent incident involving four Uruguayan peacekeepers may further damage MINUSTAH's reputation on the island. The soldiers became the subjects of investigation over the weekend of 3 September after YouTube film showed a Haitian youth with arms apparently tied and threatened with further abuse. President Martelly, MINUSTAH and the Uruguayan government condemned the actions, and the soldiers are to be sent home for further punishment. Crisis Group interviews, MINUSTAH officials, Port-au-Prince, 6 September 2011; press release, National Palace, 5 September 2011.

¹²² Crisis Group phone interview, international security analyst, New York, 15 July 2011.

¹²³ Crisis Group interviews, State Department and international organisation officials, July/August 2011.

¹²⁴ Johanna Mendelson-Forman, "Security Sector Reform in Haiti", op. cit., pp. 14-27.

The HNP and UNPOL should revise the reform plan and discuss it with civil society, including grassroots and community-based organisations. Martelly should adopt it, and parliament should ratify as soon as possible.

Three basic considerations of a renewed plan are: to continue vetting; improve training; and enhance operational capacity. Under a new president whose policy focuses on improved rule of law, the HNP needs to be encouraged to respect the fundamental rights of citizens as it enforces the law. Identifying vetting as a priority is essential. Ridding the force of corrupt elements and certifying those who meet standards is essential to further increase public confidence. This process must be supplemented by a career plan that increases job security. To truly professionalise the force, more specialised training is still required, including full UNPOL support. Several initiatives have been undertaken and many more are underway to enhance operational capacity, with better facilities, material and equipment, particularly patrol vehicles and boats. These must be made sustainable by developing the HNP's assets and personnel management capacity. Community policing is essential, so communities become partners in preventing and fighting crime.

The international community should send clear messages about priorities and continue to support efforts to improve security, concentrate resources on further HNP development and establish a timetable with benchmarks for transferring capacities. The second force issue distracts policy-makers from the goal of an efficient HNP and from elaborating a plan for the eventual handover of MINUSTAH's responsibilities.

Port-au-Prince/Brussels, 8 September 2011

