

NAVAL WAR COLLEGE

U.S. INTERVENTION IN HAITI:

AN ASSESSMENT OF THE INTERNATIONAL POLICE MONITORING PROGRAM

1994 - 1995 AND BEYOND

DIRECTED RESEARCH PROJECT

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BY

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13 MAY 2002

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PREFACE

In the aftermath of the U.S. 1994 military invasion of Haiti, the Clinton administration hoped for a general improvement in the lives of all Haitians. For the first time in its history democracy was alive and could flourish in Haiti. The International Police Monitors, the Haitian government, the Interim Public Security Forces, the international community, the U.S. government, and, most importantly, the Haitian people had a feeling of profound optimism for the future of Haiti.

That optimism, an inherent suspicion that history would not be magnanimous to the International Police Monitors, as well as, the strong desire to make a worthwhile contribution to the Naval War College are some of the motivating factors for this study. This paper examines the efforts of the government of Haiti and the International Police Monitors in establishing a permanent police force separate from the military and well trained in law enforcement.

Chapter One provides a brief discussion of Haiti's tumultuous history, the people and their culture. It also offers a clear view of those conditions in Haiti that led to the U.S. intervention in October 1994. Chapter Two includes a discussion of the plan to create the International Police Monitors; its origin and protocol for the deployment of IPM; and the actual establishment of a new police force. Chapter Three describes the implementation of the prototype plan in Haiti's second largest city, Cap Haitien. Chapter Four provides overviews of the judicial, traffic and penal systems in 1994 and describes efforts to reform each. Chapter Five discusses the accomplishments of the International Police Monitors from 1994 until the United Nations assumed control in 1995. It includes an interim evaluation of the IPM, their successes and failures. Chapter Six provides a summary of the status and effectiveness of the initiative under the auspices of the United Nations. Chapter Seven provides an update of events in Haiti Post 1994-1995 and Chapter Eight describes lessons learned.

Much of the documentation/information and/or data used in this paper are based on personal experience and first hand knowledge of the situation in Haiti. The author was selected by ACOM to work on the Haiti IPM project during its initial stages and later served as Military Liaison for the International Police Monitors. These responsibilities included serving as liaison to the government of Haiti as well as interpreter and security officer for Raymond Kelly, Director of the International Police Monitors. Mr. Kelly a former Under Secretary of Treasury and later Commissioner of U.S. Customs has recently been reappointed as New York City's 41st Police Commissioner.

From discussions of recent developments in Haiti or suggestions about this paper, the author has been greatly helped by Capt. Ron Ratcliff USN, Professor at the Naval War College and especially, Dr. Charles P. Neimeyer, mentor, for this directed research and whose administrative support included arranging a trip to Haiti, which proved invaluable. Their review of this work resulted in many constructive suggestions about gaps, weaknesses, obscurities, and organization. Thanks also to: Ricot Dupuy, Station Manager for Radio Soleil, which serves the Haitian community in Brooklyn, N.Y.; Mr. Ivan Pierre Louis, a New York City Police Detective who has done extensive research on why U.S. Drug Policy failed in Haiti; Major Sam Delgado USMCR, Retired, formerly the IPM Liaison Officer for Cap Haitien and Lt. Col. Russell Dumas USMCR a fellow naval war college student.

Special Thanks to Connie Parakeva, Assistant Director from USAID in Port-au-Prince Haiti, not only a person of high integrity but clearly one of the most knowledgeable and helpful persons interviewed in Haiti. Much gratitude and thanks to the author's long time friend, Renaud Pierre Charles, who's profound knowledge and understanding of Haiti's complex

environment was instrumental in guiding him during a recent visit to Haiti for research of the IPM Project. Thanks to Deputy Chief of Mission, Luis Moreno, Military Liaison Officer Lt. Col. Joe Lavarche, and agent Dave Sikorra, the DEA representative from the U.S. Embassy in Haiti. A most gracious thanks to Mr. Louis Gary Lissade, former Chief Justice and current cabinet member of Haiti, for his assistance. Their honesty and straight forwardness was tremendously helpful in helping assess the impact of the IPM initiative in Haiti.

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June 2002

ABSTRACT

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U.S. Intervention in Haiti: An Assessment of the International Police Monitoring Program 1994-1995 and Beyond

Dissertation directed by Charles P. Neimeyer, PhD

In September 1994, President Clinton ordered 20,000 troops to Haiti to force the departure of military rulers led by General Cedras. This act led to the return of elected President Jean-Bertrand Aristide and the restoration of democracy.

The intervention included organizing a force of 1,200 people from 20 countries to monitor Haiti's police and oversee the transition of a professional law enforcement organization. During this period, some 7,000 members of the functioning military were disbanded and reorganized into a smaller army of 1,500 and an additional unit of 3,000 serving as an Interim Police Force.

The Interim Police Force received minimal training, principally in human rights observance and the avoidance of the use of excessive violence, before being placed into service. Their activities were monitored and overseen by International Police Monitors.

With a temporary police force in place the IMF set out to implement a well laid out plan for establishing a permanent police force in Haiti – as well as plans for restructuring the criminal justice, traffic control and the prison system. The prototype plan was first implemented in stages in the city of Cap Haitien.

Thousands of Haitians applied to become recruits for the new police force in spite of the extremely rigorous and strict selection standards. Selectees received extensive training in ethics, human rights and law enforcement techniques at the National Police Academy. The IPMs played an integral part in the evaluation, training and selection of these recruits.

The situation in Haiti was in such disarray that the IPMs did not limit themselves to the activities laid out for them – they saved lives, calmed would be rioters, helped to clean prisons, painted police stations, provided relief for storm victims, etc. In doing so, they gained the respect of the international community and, more importantly, the Haitian people.

On March 31, 1995 the mission was transferred from the Multinational Forces to the United Nations Mission in Haiti (UNMIH). The government's aim was to have the new police force operational by the end of February 1996. UNMIH was tasked with creating, organizing, restructuring and reforming the judicial system. Three years later, UNMIH was charged with training police supervisors to help resolve Haiti's political crisis and help diminish police abuse. In December 1998, when the mission's mandate ended, Haiti failed as it had since 1989, to comply with reporting requirements before the Committee on the Elimination of all Forms of Racial Discrimination.

Today, the HNP is functioning in Haiti although not without its problems. It is clear, however, that because of the efforts of the IPM, there now exists a blueprint for the establishment of democratic institutions in Haiti.

LIST OF ABBREVIATIONS

CIVPOL – Civilian Police

FAd'H – Armed Forces of Haiti

FRAPH – Front for the Advancement and Progress of Haiti

GOH – Government of Haiti

HNP – Haitian National Police

ICITAP – International Criminal Investigative Training Assistance Program

IPM – International Police Monitors

IPSF – Interim Public Security Forces

MNF – Multinational Force

MOJ – Ministry of Justice

MOU – Memorandum of Understanding

NGO – Non-Governmental Organization

OAS – Organization of American States

OPDAT – Office of Overseas Prosecutorial Development Assistance and Training

PVO – Private Voluntary Organizations

UNMIH – United Nations Mission in Haiti

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INTRODUCTION

What was life like in Haiti before the most recent U.S. occupation? Consider this: poor people were known to have crossed the border into neighboring Dominican Republic to steal topsoil in order to plant their meager crops. With limited toilets in slum communities, people squatted openly. Mounds of garbage everywhere were continuously picked over by both humans and animals in search of food. Imagine living in a country of more than six million people with a fire department whose entire fleet consisted of three fire trucks, only one of which worked and was kept operational by using parts from the other two.

Described by many as the poorest nation in the Western hemisphere, Haiti was characterized by overpopulation and limited resources. It was marked by environmental degradation, political instability and economic chaos. By all measures, its economic and social hardships were chronic. According to the World Bank and U.S. Agency for International Development reports, the country's average annual income was 250 U.S. dollars; the life expectancy of an adult male was 55 years of age; 72 percent of the country's population was illiterate; and only 25 percent of the population had access to basic sanitation services.

By all standards, the history of past governmental regimes in Haiti has been unsteady, if not dysfunctional. In 196 years of existence, Haiti has had 21 constitutions and 43 heads of state, but only 7 of them served for more than 10 years. Ironically, nine of them declared themselves heads of state for life, but 29 of them were either assassinated or overthrown, including all of those who planned to "lead" for the rest of their life.

Why did the United States go there? Why send American troops to risk their lives for the restoration of a government of an impoverished and barren nation with a history of dictatorships, coups d'états, voodooism and the Tonton Macoute? The instability in Haiti barely impacted on U.S. security. President Clinton could not justify his decision to invade by simply acknowledging that it was an act of humanitarianism. Humanitarian missions (such as Somalia) do not bode well with the American people because of past failures.

According to *Time* magazine, the Clinton administration's decision to invade Haiti was based on the perceived need to:

- ◆ Restore democracy in Haiti;
- ◆ Stem the flow of boat people to the U.S.; and
- ◆ Uphold the reliability of U.S. commitments/protect the nation's vital interests.

The American people were not the only ones that were leery of U.S. humanitarian involvement in Haiti – the Haitian people, themselves, were even more suspect. One needs to remember that the United States occupied Haiti between 1915 and 1934. That lengthy occupation was also described by American officials as an illustration of “humanitarian intervention.” To most Haitians, however, U.S.-style humanitarian intervention was just another means of solidifying the existing state apparatus and leaving the country with an even weaker civil society.

Almost six decades after its first occupation, the United States still supported the status quo in Haiti because it served the interests of those who controlled key economic and political institutions in the United States. At the very least, Washington was suspicious of the ousted President Aristide. The U.S. would not lend its support to Aristide's goals until they were clarified, ensuring that they were not in conflict with U.S. interests. The U.S. government was more comfortable dealing with those in whom it felt it could influence and control, or those with which it shared some history, e.g., the Haitian military. Thus, during Aristide's short reign, Washington chose to undermine his authority and funnel its support to the Haitian military in an effort to protect the low wage export platform that Haiti had become.¹ And even as they negotiated Aristide's return to power, Washington continued to protect American interests at the expense of Haitian democracy by forcing Aristide to make a number of vital concessions, one being the installation of a member of the elite upper class as a top official in his administration.² Arguably, these concessions were intended to force Aristide to establish a government

¹ Stephen Shalom, *Z Magazine*, “The Debate on Intervention”, June, 1994. p. 32.

representative of all the people. The hope was that not only would the poor be represented, but the elite would also play a role in the new government.

It is safe to conclude that the restoration of democracy as advanced by the Clinton administration was not reason enough for the U.S. intervention in Haiti. If the intervention was based on the promotion of pro-democratic policies as a means of relieving pressure, and the premise that the United States supports processes of democratic institutional reform that will further "economic liberalization objectives," then American action was justified. As Michael Kramer in *Time* states, "the oppression of innocents offend humanity... If we were capable of disposing of all despots, we would. Surely in Bosnia, for instance, where genocide dwarfs the atrocities in Haiti, we would act. But in my judgment the costs there were too great. A foreign policy invested with moralism need not be consistently applied. You act where you reasonably can."³

Actions that put American lives at risk require a balancing of costs and benefits. The United States believed it could act in Haiti with minimal losses and that Haiti's proximity to the United States would make the mission easier. Thus, American intervention in Haiti was viewed by many as not only feasible, but a chance to do a good deed. America believed that it was within her capacity to alleviate the politically based terror and eventually help democracy flourish.

Nation building, although an unpopular term, accurately described the 1994-1995 U.S. occupation of Haiti. This process was a complex matter of economic and political reconstruction. The United States' objective was to create a secure place that would give Haitians the opportunity to rebuild. Foreigners could not build a democratic society in Haiti; Haitians had to do it. However, they needed the assistance of America and other countries to help provide a solid foundation or framework upon which to construct their democracy.

² Ibid

A vital part of that framework was the establishment of a police force, separate from the military. To accomplish this, the United States created a Multinational Force of International Police Monitors (IPM) whose primary and secondary missions were:

- ◆ To form, train, deploy and employ a force of professional police officers to monitor the existing Haitian police force for human rights violations; and
- ◆ To help train and mentor Haitian officers in professional police practices.

The International Police Monitors were composed of more than 1,200 professional law enforcement personnel from 20 countries. Never before had the U.S. government undertaken a task of this nature. Thus, several basic questions arose: Could an interim police force be created? Would it prove to be successful in changing the tide of Haitian history? Would it help prevent another bloody coup? Would it help stop the violence being inflicted upon citizens of Haiti?

The implications of this historic venture are far-reaching. Because of its importance, this paper will try to provide an assessment of the U.S.-led International Police Monitoring Program of 1994-1995, established during Operation Uphold and Maintain Democracy. It will also examine the residual impact of the program, seven years into its existence, and whether the development of this program has been successful for Haiti. The determination of the success of those efforts in Haiti can be important. It may very well help steer the course of future U.S. policy. And U.S. policy, as can be seen in the past, may strongly influence whether Haiti continues down the road to economic, political, and democratic reform.

³ Michael Kramer, Time Magazine, "The Case for Intervention", September 26, 1994, p. 28.

CHAPTER TWO – BACKGROUND

THE PEOPLE AND THEIR CULTURE

The inhabitants of Haiti are descendants of African slaves brought by French colonists to grow sugar in the seventeenth and eighteenth centuries. As many as 95 percent of the 6,617,000 people in Haiti are considered black. The remaining population was mostly mulattos (light skinned people with black and white ancestors). Ten percent spoke French and most were nominally Roman Catholics, but the culture retained its African roots. Ninety percent spoke a Creole patois that is basically a mixture of French, Spanish and English. Most Haitians practice the Voodoo religion, a combination of African and Roman Catholic beliefs. “It is a slave religion, much as Creole is slave.”⁴ Just as the slaves spoke Creole to keep their white slave masters in the dark. Haitians practiced voodoo to get what they wanted. Voodoo was the reason they were successful in their revolution, at least that’s what the people of Haiti believed!

As a result of its predominantly black population, Haiti’s history has been marred by racism. Racist attitudes through the nineteenth century isolated Haiti from other Latin American nations. Within the country, itself, racism was a determinant of political prominence and social position. Mulattos frequently held the most important posts. “In 1946 during what is referred to as the Black Revolution, Haitians firmly established complete equality for black Haitians.”⁵

Mulattos lived mostly in the city of Port-au-Prince where they had access to cultural activities and public utilities. They were best characterized as wealthy, educated, catholic and spoke French. They were, at the time, without much political power even though they retained most of the country’s wealth and controlled Haiti’s elite social and cultural life.

Blacks, at the opposite end of the spectrum, were mostly poor rural farmers with little or no education. The black urban working class was especially poor. They were even

⁴ Amy Wilantz, The Rainy Season, Simon & Schuster Inc., New York, 1989, p.64.

worse off than the farmers who barely managed to raise enough to eat. Life for blacks closely resembles West African cultures, they practice the Voodoo religion and speak Creole.⁶

Not all of Haiti's people are poor, but so many are that theirs is the way of life most characteristic of Haiti.⁷ The very few rich people lead lives like those of the very rich in other nations. In between is a very small middle class, composed of shopkeepers, army officers and petty bureaucrats. They, however, will most likely never become one of the elite and must struggle not to return to the peasant class.⁸

Political Structure

Haiti has the distinction of being the second oldest republic in the Western Hemisphere – after the United States. Yet, a perfunctory review of history shows Haiti's past has always been tumultuous. It has had forty-three heads of state in one hundred ninety six years, nine of the forty-three heads of state were dictators and twenty-nine of them were either assassinated or overthrown.⁹

Haiti was devastated, both economically and socially in 1994. With an average annual income of 250 U.S. dollars and a population density of 507 persons per square mile, Haiti was the poorest and most overpopulated nation in the Western Hemisphere.¹⁰ Haiti's economy was heavily dependent on farming which employed some sixty percent of the labor force. Nearly eighty percent of its population lived in the mountainous countryside where they scratched out a meager living manually farming land largely unsuited for cultivation. The average annual income of these farmers was less than 100 U.S. dollars. Farm production in Haiti was so low that the country had to import more than fifteen percent of the food required to sustain its population.

⁵ U.S. Marine Corps Intelligence Activity and the Atlantic Intelligence Center, "Haiti Information Handbook", August 1994.

⁶ Suzanne Anthony, Haiti, Places and People of the World, Chelsea House Publishers, New York, 1989, p. 85.

⁷ Trudy J. Hammer, Haiti, Franklin Watts, New York, 1988, p.28.

⁸ Ibid.

⁹ Ibid.

Table 1**Population Comparison Statistics**

<u>U.S.</u>	<u>Haiti</u>	<u>Honduras</u>	<u>Bolivia</u>	<u>Mexico</u>	
Average Annual Income (in U.S. dollars)	250	700	690	1,100	23,240
Infant Mortality Rate (per 1,000 live births)		87	56	83	50
Life Expectancy (in years)	55	64	59	68	77
Adult Literacy Rate (as a percent)	35	69	66	92	95
Population (per square mile)	594	105	17	42	68

Source: Data from World Bank; U.S. Agency for International Development, 1994

¹⁰ Compton's Interactive Encyclopedia, "Haiti", Compton's NewMedia Inc., Compton, CA, 1994.

Political stability in the country had deteriorated to such a low point by 1915, that the United States decided to intervene, remaining until 1934.¹¹ Both economic and military/strategic factors played a role in America's decision to invade and occupy Haiti. The country was politically unstable having been plagued by frequent revolutions, corruption and constant debt problems – all a threat to American investments in the country. Furthermore, America found itself in a struggle for world superiority with the top three imperialist powers, France, the United Kingdom and Germany. Each was expanding at a tremendous pace and were seen as threatening U.S. interests. This was an opportune time for the United States to bring stability to Haiti and the Western Hemisphere, secure itself as a world power, protect American investments in Haiti and at the same time illustrate to the world that the intervention was a humanitarian deed.¹²

The intent was to alleviate the terror, unrest, banditry, and corruption that had scarred the country for so long. During the occupation, however, U.S. military forces dismantled the constitutional system and virtually reinstated slavery in the country. From the outset, they encountered difficulty from groups of organized peasants who fought against the occupation.

During the occupation, the United States attempted to establish a viable and reliable military/security force that would protect the people and enforce the laws of the country. Instead they created an army/military force that was just as violent and corrupt as its predecessors – a military that eventually ended up murdering the people and destroying the country.

¹¹ Hammer, p. 97.

Ultimately, the United States cultivated a number of contacts and developed a great amount of influence with the military. They ended up using those contacts and influence to protect U.S. interests in Haiti for the next six decades.¹³

In 1957 following a year of political turmoil during which six different governments held office, Dr. Francois 'Papa Doc' Duvalier was elected president. He maintained absolute political control over the Haitian people through his own private militia, the Tonton Macoute. His son Jean Claude 'Baby Doc' Duvalier succeeded him upon his death in 1971. Backed by the Duvaliers, the Tonton Macoute, enforced a reign of terror against the Haitian people. They continued to terrorize the population throughout the next three decades. Violence and corruption was so rampant during this period that thousands of Haitians sought exile out of fear of the Tonton Macoute.¹⁴

Throughout this period, Washington lent its support to the Duvaliers and the Duvalier National Council of Government by providing 2.8 million dollars in military aid. Reportedly, this organization with the help of American money had murdered more civilians than Jean Claude (Baby Doc) Duvalier's government had done in fifteen years.¹⁵ Following a series of coups and massacres, U.S. officials proclaimed to Human Rights investigators that "They didn't see any evidence of a policy against human rights; there may be violence, it is true, but it is part of the culture".¹⁶

In spite of its violent history, Haiti's constitution, written in 1964, declares the country is a democracy. It claims "Haiti is an indivisible sovereign, independent, democratic and social republic."¹⁷ To strengthen their resolve and reinforce that basic belief in democracy, the Haitian people adopted another constitution in 1987 which they claimed would help "... to set up a system of government based on fundamental liberties, and the respect for human rights, social

¹² Alex Duprey, Haiti in the World Economy Class, Race and Underdevelopment Since 1700, Western Press Inc., Boulder, Colorado, 1989, p. 130.

¹³ Robert Moskin, The U.S. Marine Corps Story, Little, Brown and Company, New York, 1992, p. 176.

¹⁴ Compton's Interactive Encyclopedia.

¹⁵ Noam Chomsky, Z Magazine, "Democracy Enhancement Part II", July/August 1994, p. 55.

¹⁶ Ibid.

peace, economic equity, concerted action and participation of all people in major decisions affecting the life of a nation, through effective decentralization.”¹⁸

Haiti was divided into nine provinces, each of which was divided into counties and subdivided into townships. The judicial system was patterned after the traditional French model and several of its laws are based on the Napoleonic Code. Haiti’s highest court, the Court of Cessation located in Port-au-Prince, functioned much like the U.S. Supreme Court. Each province had civil and criminal courts. Prior to the coup, each township had a justice of the peace as well as special courts that dealt with cases involving juveniles, property rights, military matters and labor disputes.

Subsequent to the second U.S. intervention, Haiti’s armed forces consisted of about 6,800 individuals. These forces were responsible for maintaining security and order throughout the country. The armed forces of Haiti, more commonly known by the acronym ‘FAd’H’ (Forces Armees D’Haiti), was comprised of nine military departments and spread throughout 26 districts in Haiti. It also included several specialized units (such as, navy, aviation and engineering) that were located in Port-au-Prince. Local detachments of the armed forces served as police – however, all members of the military had the authority to arrest. The force strength of those charged with police duties was approximately 5,600 – including some 565 rural section chiefs and their subordinates and an undisclosed number of secret police.¹⁹ Appendix A provides further information on the history of Haiti and the role that it played in shaping the personalities and attitudes of the Haitian people.

In December 1990, Father Jean-Bertrand Aristide, a leftist Roman Catholic priest, became Haiti’s first democratically elected president. From the U.S. perspective, the newly

¹⁷ Hammer, p. 28.

¹⁸ Ibid.

¹⁹ Defense Attache of the Embassy of France, Officer in Charge of U.S. Military, Liaison of the American Embassy, ICITAP and the Officer of the Royal Canadian Mounted Police Detached by U.N., “Report on the Deployment of

installed President Aristide set about the task of rebuilding Haiti by proposing several drastic reforms including: revamping the military, and business taxes; and increasing the daily minimum wage from \$3.00 to \$5.00. Aristide held office for eight months during which time he was the spokesperson for an array of grass roots organizations that gave the population an increased voice in local affairs and even national politics. He restored order to the government's finances, by increasing revenues and reducing inflation and foreign debt. In addition, he implemented a number of positive measures to help streamline an extremely bloated government bureaucracy.²⁰

These reforms did not sit well with middle class and wealthy Haitians (including Haitian army officers), and a number of Americans with investments or other financial interests in Haiti.

Aristide's new policies benefited the poor rather than the wealthy. He did nothing to restore the confidence of the middle class and American investors.

A semi-bloodless army coup in September 1991 ousted Aristide and led to an embargo by the Organization of American States (OAS). Thousands of Haitians fled the country in terror on haphazard rafts and small boats, only to be repatriated by the United States.

Two provisional regimes held power at the sufferance of the military for more than 23 months after the coup.²¹ Neither of the regimes were recognized by the United States or the rest of the international community. In October 1994, following U.N. brokered negotiations for the reestablishment of democratic rule, the United States intervened in Haiti.

The U.S. government favored reinstating the democratically elected Aristide who was acceptable to Washington and other elites only after he agreed to abandon his popular mandate, ceding effective power to the moderates in the business world. The general feeling of the Clinton administration was that Aristide should be restored to power, at least nominally.

With that the United States set out to construct democratic institutions in Haiti in accordance with traditional pro-democratic policies in which it felt that these organizations could

Civilian Police Monitors in Haiti", May 1993, p. 8.

²⁰ Newsweek, "How Did We Get There", September 26, 1994, p.34.

²¹ United States Department of State, "Haiti-Background Notes", Prepared by the Bureau of Inter-American Affairs, August 30, 1994, p. 11.

be granted symbolic participation. That is, the United States lent its support to structures in Haiti they were comfortable with, not those created by and for the Haitian people.

CHAPTER THREE

PLAN TO CREATE A NEW POLICE FORCE

The United States intervened in a country where the only functioning institution was the military and that had to be dismantled. The U.S. government had to deal immediately with urgent problems including refugees, filth, decay, and masses of people who had suffered because of the trade embargo and terror from the renegade government.

An additional repercussion from the implementation of the plan to use ex-Haitian military as police, was primarily due to the outrage of Haitian citizenry at the notion that their enemy (the military) would benefit from this program and they, the law-abiding citizens, would not. Given the history of the armed forces in Haiti, substantially much more needed to be done if democracy was to flourish there.

A special commission composed of representatives from the United States, France and Canada studied the problems confronting a democratic government in Haiti and set forth their findings in a 1993 document, "Report on the Deployment of Civilian Police Monitors in Haiti". In it, they proposed several measures that needed to be taken in order to return constitutional order and democracy to Haiti. The report proposed that the international community deploy police monitors charged with a mission to monitor the way the existing Haitian security forces performed their law enforcement duties; and to assist in the creation of a new police force that was separate from the military.

Moreover, during the intervention a new Haitian police force was to be created, partly with demobilized soldiers. The 1993 report provided the basis and framework for accomplishing this objective. The U.S. government would create a Multinational Force of International Police Monitors (IPMs) whose mission was threefold.

- ◆ To form, train, deploy and employ a force of professional police officers to monitor the existing Haitian police force for human rights violations;
- ◆ To train Haitian police officers in professional police practices; and

- ◆ To make recommendations as to officers qualified to become members of the interim and permanent Haitian police force.²²

The professional law enforcement personnel participating in this project were selected by their countries because of their experience in areas helpful in establishing police practices grounded in democratic principles.²³

The program was implemented in four distinct stages. During Stage I, a three-day training curriculum at Camp Santiago, Puerto Rico was conducted.

During the second Stage, IPMs were organized and equipped to conduct police patrol activities with existing Haitian Police in Port-au-Prince. In short, IPMs established a presence to monitor, mentor and serve as role models for existing Haitian police. They assisted in the training of Haitian police in modern law enforcement techniques and practices. The overall objective of Stage II was the deployment of IPMs to Cap Haitian and the provision of twenty-four hour monitoring of the operation.

Stage III provided for the expansion of the IPM presence based on the Port-au-Prince plan into the following regions and provinces; Fort Liberte, Gonaives, Hinche, Jacmel, Jeremie, Les Cayes, Port-de-Paix and St., Marc (see map on the next page).

The final stage allowed for the hand over of the program to the United Nations in Haiti, which would then become responsible for the monitoring of the new Haitian police force in all areas as required.

Ultimately, the United States had to tackle the formidable problem of Haiti's armed forces. Its plan reflected an apparent desire to preserve whatever could be salvaged of the army, an institution with which it had longstanding contacts and influence. The army could also be perceived as a check and balance on President Aristide. Initially, U.S. officials rejected the notion of a civilian based interim force, arguing that the army was the only institution legally vested with the authority to enforce the law. Further, the cost of training a new police force

²² "Report on the Deployment of Civilian Police Monitors in Haiti", 1993.

²³ U.S. Military, International Police Monitor Operation, 1994.

would be negligible if Haitian soldiers were used since they had some training in discipline, following orders and handling weapons. Neither view prevailed, since the 1987 Haitian constitution expressly provided for a police force under the jurisdiction of the Justice of Ministry. As it turned out, even those soldiers assigned to police duties had never received police training, rarely conducted police patrols and were not familiar with the proper use of weapons. Further, these soldiers had participated in a military culture that had wrought violence on Haitians everywhere. Certainly, six days of training could not rid them of these bad habits.²⁴

In order to achieve their goal and to keep all parties happy, the Haitian government and the U.S. Agency for International Development devised a plan to provide a financial incentive to the 4,000 troops that were to be laid off. The program included training, jobs, and in some cases, cash benefits. It was implemented primarily because both the U.S. and Haitian governments realized that no lasting peace or political stability could be achieved without somehow dealing with these ex-soldiers – a lesson learned from the first U.S. intervention in the country.

During the first occupation in 1915, the U.S. military with the assistance of the local police force, set out to disarm a rural population that had kept its weapons from the days of the revolution. Invoking a law ratified that year by the U.S. Senate, the U.S. Marine Corps resurrected involuntary conscription of labor crews. This did not sit well with a population that had a history filled with painful memories of white domination. Ultimately, the situation led to the ‘Cacaos Insurrection’. Between 1915 and 1920, the U.S. military and its allies within the police force sustained 98 casualties and more than 2,250 Cacaos were killed during the insurrection.²⁵ The United States wanted desperately to avoid a similar situation.

A similar incident having to do with the dismantling of the Haitian military that occurred in 1994, comes to mind. Approximately three weeks before Christmas, a number of Haitian military personnel conducted peaceful protests and demonstrations in an effort to obtain compensation for work previously done – some had not received back pay for as much as six

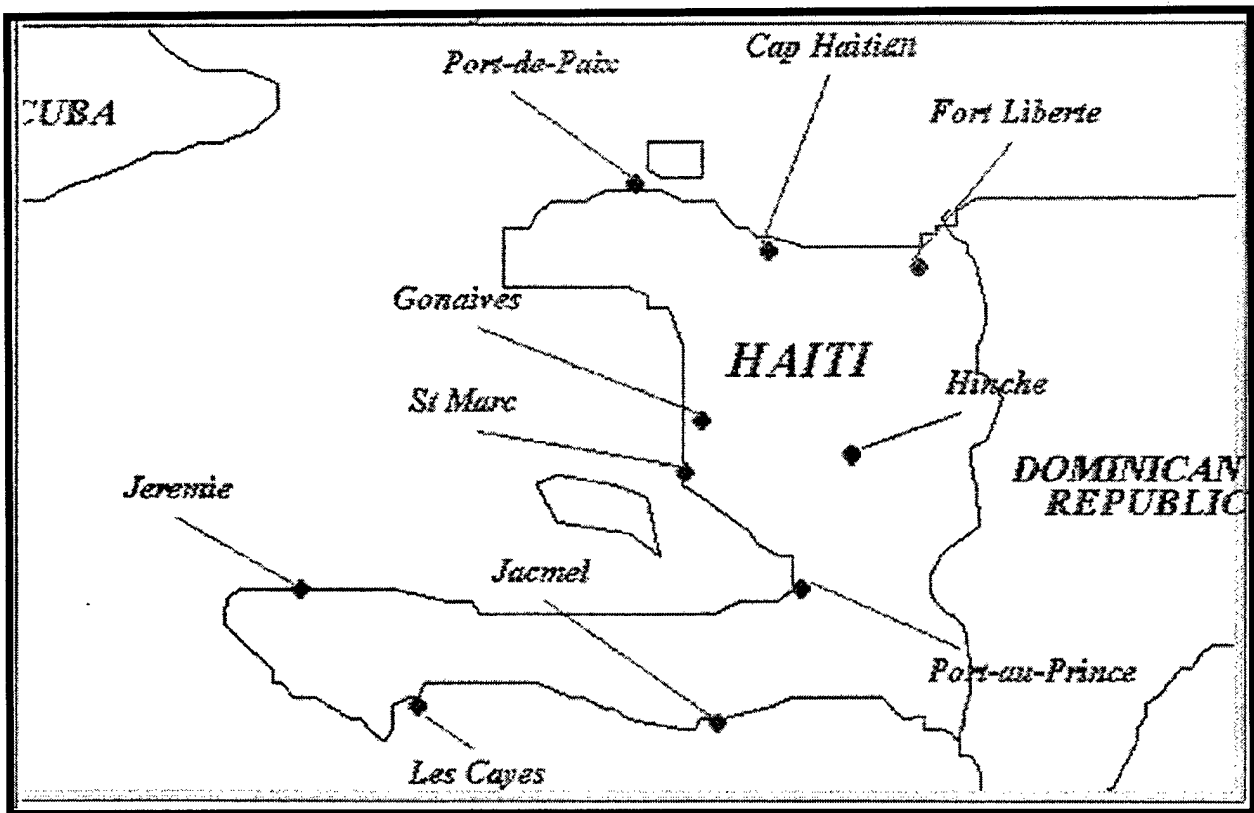
²⁴ “Haiti: Security Compromised, Volume 7, No. 3, March 1995, p. 7.

months. In an effort to settle the dispute peacefully, the demonstrators requested the assistance of IPM Director, Ray Kelly. With his help, the disgruntled soldiers reached what they thought was a binding agreement for their back pay with army commission member, General Mondesir Beaubrum. The agreement called for the payment to all soldiers by the Haitian government before Christmas. However, by December 26, 1994, the soldiers had not received their back pay, which caused them to assemble at the Port-au-Prince army headquarters (where General Beaubrum's office was located) to demand their monies. By all accounts, when the General arrived at his office and saw the huge crowd chanting demands for their money, he panicked, ran upstairs and blockaded himself in his office. In his panic, he took out a Thompson sub-machine gun and fired a volley of rounds through the closed doors injuring two of his own security officers that were posted at the door. Fearing for their lives, the protesters who had followed him upstairs, ran back downstairs into the armory, armed themselves and ran into the street. They were met by an American Reactionary Force. A firefight ensued. The IPM, first on the scene, were instrumental in diffusing the situation. Somehow, they managed to prevent an all out escalation of the incident while rescuing critically wounded victims in the line of fire. During the skirmish, six of the disgruntled soldiers were shot, four of whom died. The Miami Herald later reported that American troops arrested at least a dozen active duty and discharged soldiers.²⁶ Given the right climate, this incident could have easily resulted in another insurrection and ultimately compromised the operation.

It's important to note that this incident was not highly publicized. The main reasons for the lack of publicity are: (1) the United States didn't want negative headlines since this intervention was being touted as a humanitarian effort, not a combat mission. (2) The Aristide government was indifferent as to how many ex-military died, after all, their deaths meant fewer people would have to be compensated. See Appendix I for full scale map of Haiti.

²⁵ Duprey, p. 96.

Figure 1 Map: Location Points for Deployment Interim Public Security Force



²⁶ Miami Herald, "Four Killed at Haitian Army Headquarters", The Associated Press, December 27, 1994.

INSERT PHOTO – GENERAL BEAUBRUN’S INCIDENT & BACK PAY CONFLICT

Of the 1,200 people who participated in the program to create a new Haitian police force, approximately 900 were International Police Monitors; 207 were Haitian interpreters; and the remainder were miscellaneous staff, some of whom were under state department contract from DYNCORP, a non-governmental agency. Table 2 shows the participating nations by region and number of IPM deployments in each.

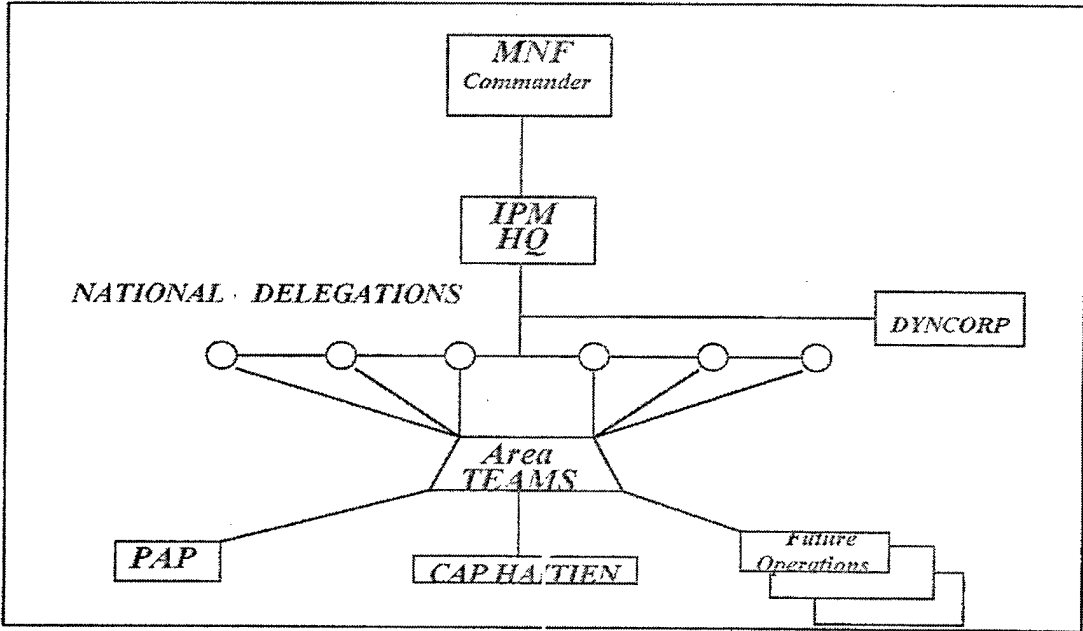
The organizational structure for the Haitian operation is outlined in Figure 3. The International Police Monitors were under the command of Director Ray Kelly who reported to the Commander of the Multinational Forces. Director Kelly also had a direct line to the State Department and the President of the United States.

Table 2:

U.S. MULTINATIONAL FORCE, HAITI CHART (IPMS DEPLOYMENT BY LOCATION & NUMBER OF IPMS BY MONITOR NATION)

IPMs Deployment by Location		Number of IPMs by Monitor Nation	
Location	Monitor Nation	Monitor Nation	Number IPMs
Fort Liberte	Caricom	Argentina	107
	Argentina	Australia	29
	Bolivia	Bangladesh	100
Gonaives	Benin	Barbados	9
		Belgium	38
Hinche	Bangladesh	Benin	36
Jeremie	Australia	Bolivia	105
Les Cayes	United States	Denmark	3
Port-au-Prince	Argentina	Dominica	4
	Bangladesh	Grenada	10
	Bolivia	Guyana	14
	Denmark	Israel	30
	Israel	Jordan	145
	St. Vincent	Netherland	15
	United States	Philippines	50
		Poland	59
	Belgium	St. Kitts	10
	Netherland	St. Lucia	10
St. Marc	Jordan	St. Vincent	12
		United States	35

Source Data: U.S. IPM HQTS, Haiti



As previously stated, a primary goal of the International Police Monitors was to help establish a competent and loyal national police force in Haiti. The IPM expected to accomplish this task by using the International Criminal Investigative Training Assistance Program (ICITAP). This program included: the establishment of an organizational structure, Guantanamo Bay style training, and a six-day transition course. In addition, all recruits were required to attend a four-month transition course, which began January 1995 at the National Police Academy. The transition course included detailed training in the following subject areas:²⁷

- ◆ New Police Missions and Responsibilities;
- ◆ Human Rights in a Democracy;
- ◆ Powers and Responsibilities of Police;
- ◆ Introduction of Police Procedures;
- ◆ Police Ethics and Code of Conduct;
- ◆ Traffic Control;
- ◆ Non-Lethal Defense Suspect Control;
- ◆ Mechanics of Arrest;
- ◆ Handling/Transporting Prisoners; and
- ◆ Fire Arms Safety/Use of Force.

The government's plan for the installation of a new Interim Public Security Force (IPSF) in Haiti was executed via a background check program referred to as 'vetting.' Through that process, all recruits were investigated for human rights violations and examined closely to screen out those unsuitable for the position.

To carry out the vetting process, a commission was created from the Ministries of Defense and the Interior supported by the U.S. Multinational Forces (MNF) and IPM leadership. Five officers (Brig. Gen. Poisson, Brig. Gen. Beaubrum, Lt. Col. Justafort, Lt. Col. Rene and Col. Arne) were placed in charge of the program. Success of this process was measured in terms

²⁷ U.S. Military, International Police Monitor Operation, 1994.

of the ability of the Interim Police Security Force to maintain law and order, and the visible participation between the IPSF and local Haitian officials.

The vetting process was completed in four phases as described below:

Phase I lasted two days, October 4 through 6, 1995. During this period, the vetting commission cleared fifty Haitian Armed Members (FAd'H) from Port-au-Prince to Cap Haitien to serve in the IPSF. Former FAd'H not selected were employed in some other aspect of public service.

Concurrently, specialized units, established for public relation purposes assumed responsibility for disseminating policy on the lack of authority of old FAd'H, and unauthorized attached systems. These units were directed to:²⁸

- ◆ obtain status on local FAd'H from public officials;
- ◆ work on public acceptance of IPSF in area;
- ◆ sponsor local public ceremony of IPSF activation;
- ◆ prepare the local IPSF base camp;
- ◆ manage the receipt and distribution of uniforms;
- ◆ arrange job relocations for non-vetted FAd'H with local public services; and
- ◆ arrange for required sustenance and other provisions.

On October 6th, Phase II began when the International Police Monitors arrived; the weapons buy back program, an initiative aimed at achieving security, stability and civil order also was started; and the International Criminal Investigation Training Assistance Program sent 25 International Police Security Force participants from Guantanamo Bay to Cap Haitien.

Phase III of the vetting process was completed between October 7-9. During this phase, the Interim Public Security Forces was activated with a public ceremony; IPSF trainees arrived from Guantanamo Bay; initial joint familiarization patrols in the local area were started.

²⁸ Ibid.

In Phase IV, which occurred on October 10th, IPMs received support from the ICITAP; sustainment operations consisting of a high visibility police force with the local populace; and, a public information campaign designed to provide the population with positive information on the new police force we implemented.

Table 3

IPM GOAL BY RESPONSIBLE AGENCY

<i>GOAL</i>	<i>Responsible Agency</i>	<i>Completion Date</i>
<i>Vetting</i>	<i>Haitian Government Multinational Forces</i>	<i>12/17/94</i>
<i>IPM Deployment</i>	<i>IPM Multinational Forces</i>	<i>11/28/94</i>
<i>IPSF Trained and Deployed</i>	<i>ICITAP IPM MNG</i>	<i>1/1/95</i>
<i>Guantanamo Trainees Integrated</i>	<i>Haitian Govt. MNG IPM</i>	<i>1/1/95</i>
<i>Police Acad. Standards Selected</i>	<i>Haitian Govt. ICITAP USEMB</i>	<i>12/15/94</i>
<i>Police Acad. First Class Enrolled</i>	<i>ICITAP Haitian Govt.</i>	<i>1/5/95</i>
<i>Recruitment Ongoing</i>	<i>Haitian Govt. ICITAP</i>	<i>4/96</i>
<i>International Police Force Functioning</i>	<i>Haitian Govt. IPM MNF</i>	<i>4/96</i>
<i>Judicial System Functioning</i>	<i>ICITAP USEMB Justice Dept.</i>	<i>2/95</i>

Source Data: U.S. IPM HQTS, Haiti

The desired end state was increased public confidence in the new security force; and an effective public security force that was not only civil in nature, but also distinct from any other military force, and one that had received initial professional training.

Both Haitian and U.S. government officials expected to establish an interim public security force by early January 1995. A permanent national police force was expected to be in place by April 1996. To meet expected completion dates, several goals outlined in the implementation plan were deemed more significant. These goals, the agency responsible for implementation and the completion dates are depicted in Figure 4 below.

The following timeline chart more fully illustrates projected time frames for establishment of the new Haitian Police Force.

Figure 4

Timeline for the New Haitian Police Force

	1994			1995												1996						
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR				
VETTING	█																					
APPEALS PROCESS			█																			
TRANSITION COURSE	█																					
GITMO TRAINING	█																					
IPM FIELDING	█																					
JOBS PROGRAM			█																			
POLICE ACADEMY RECRUIT			█																			
POLICE ACADEMY CLASSES			█			█			█			█			█							
STAND UP IPSF	█																					
IPSF WORKING		█																				
TRANSITION TO NEW POLICE FORCE								█														

Source Data: U.S. IPM HQTS, Haiti

CHAPTER FOUR

GUANTANAMO POLICE TRAINEE PROGRAM

The Guantanamo Police Trainee Program was executed with its overall objective based on the best interest of the Haitian Government. It served the interests of both the Haitian and U.S. governments. For Haiti it was a means of securing much needed job creation programs along with a means of garnering loyal subjects for Aristide in case of another revolt. For the U.S., it eliminated much of the massive cost of maintaining the refugees. In addition, the project took into consideration the short, and more importantly the long-term security needs of the Haitian people; as well as the interest of Guantanamo trainees participating in it. It was not set up to be viewed as a "quick fix" scheme that would fill the void in Haitian public safety and security until the new police force was in place; nor was it supposed to be viewed as an opportunity to "do something" with the refugees in Guantanamo Bay.

At the onset of the operation to create the IPSF in Haiti, American and Haitian officials went to the U.S. refugee camp in Guantanamo, Bay Cuba, to recruit interim policemen from the Haitian refugees. Recruits received limited training in law enforcement techniques while still at Guantanamo Bay.

At the conclusion of the training period, trainees were deployed to the areas in which they were to be assigned. At those locations—Port-de-Paix, Cap Haitien, Gonaives, St. Marc, Jeremie, Les Cayes, Jacmel, Hinche and Ft. Liberte, they served as the Interim Public Security Force see Figure 1, Page 17. International Police Monitors and the Military Police monitored, coached and served as mentors for the trainees. Upon their return, recruits became employees of the Ministry of Defense with wages paid at the lowest rate for FAd'H soldiers, 1125 Gourdes (Haitian currency) per month, which was approximately \$80 in U.S. currency. All trainees underwent a one-week training course before going on active duty.

As members of the IPSF, Guantanamo trainees provided all administrative support for police stations, served as watch assistants and patrolled with IPMs and vetted FAd'H. After a period of instruction and evaluation, a trainee could become an unarmed security guard.

The monitoring efforts of the IPMs began in the two largest cities, Port-au-Prince and Cap Haitien. Implementation plans developed for these two cities served as the model for deploying IPMs in the remaining districts of Haiti. Deployment to the outlying areas was contingent upon four criteria:

- ◆ First, each area had to have a functioning police unit;
- ◆ Second, an adequate communications system had to be in place to ensure that monitors were able to communicate with each other in each of their geographical areas of responsibility and with the central headquarters in Port-au-Prince.
- ◆ Third, adequate logistical support including food, water, lodging, vehicular, and medical support had to be in place; and,
- ◆ Finally, adequate security support in the form of military forces of sufficient strength to act as a deterrent to the use of armed forces against the IPMs had to be available.²⁹

The Cap Haitien model, used an approach that was implemented in stages in an effort to gain support and to raise and train participants. Governmental forces set out to reestablish the criminal justice system and put forth initial employment tasks and concepts. It called for the establishment of a semi-permanent jail facility; raising a police command structure and developing a concept for sustained operations. Under the Cap Haitien Model the force was also expected to expand and equip its members and facilities. In the end, expectations were that Cap Haitien would have a fully functional Interim Police Security Force by 1995. Detailed description and evaluation of the Cap Haitien Model are included in Appendix B.

²⁹ Ibid.

CHAPTER FIVE

REBUILDING THE GOVERNMENT

The creation and successful implementation of a plan to restructure the police force in Haiti was contingent on the government's ability to overcome a number of obstacles within the country. In an article in the Philadelphia Enquirer, a senior U.S. Agency for International Development official stated, "Everyone recognizes that we're not home free. The problems we face now are more subtle and complicated and there are many challenging demands to respond to."³⁰

One demand that needed to be addressed was the appointment of a new police chief. The Haitian choice for police chief, Col. Pierre Cherubin, was accused of a 1991 murder, and of committing other atrocities. President Aristide cleared him at the time and the U.S. State Department found no evidence to establish his guilt. "In Haiti, just about everyone is accused of doing something," said U.S. officials. "If we thought this man was a problem, we would have blocked him."³¹ In spite of U.S. government assurances, news media reports in the United States forced President Aristide to relent on the appointment of Cherubin.

President Aristide was unable to find a police chief with an impeccable reputation capable of handling the job. He appointed four police chiefs (all with records of questionable conduct) in less than six months – Colonel Cazeaux, Colonel Neptune, Major Danny Toussaint and Col. Pierre Cherubin.

In addition to a permanent police chief, the four most prominent issues demanding attention were the lack of a working criminal justice system, an adequate traffic control system, a firearms program, and a crime and prison reform program.

³⁰ The Philadelphia Enquirer, "Haiti Policy Gets a Closer Look", January 29, 1995.

The Criminal Justice System

Haiti's court and penal system, universally condemned as corrupt, incompetent and grossly unfair, had completely collapsed by the time the United States intervened. Numerous judges and prosecutors suspected of wrongdoing had abandoned their posts or were forced to resign. Those who wished to reform the judicial system were confronted with cynicism throughout – after decades of corruption, the only justice the Haitian people knew was the kind that you paid for in cash.³²

In an effort to restore public confidence, the government of Haiti devised a plan to recycle judges and prosecutors. Assisted by the U.S. Department of Justice, Office of Professional Development and Training, and the National Center for State Courts, the Haitian government scheduled a five-day training course for several hundred judges and prosecutors. Carl Alexander, a Haitian-American lawyer and member of the U.S. delegation to Haiti, described the course as a total re-education process for law officials, the primary goal of which was to instill confidence that there is a new order and that they should play their role in an honest and professional way.³³

In 1994, an expert team from the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) conducted an assessment of the Haitian Criminal Justice System. This is a unit within the Justice Department's Criminal Division responsible for providing training and developmental assistance to foreign prosecutors.

OPDAT's first task was to provide short-term training to almost all the Haitian magistrates in service. Before, there was no training beyond law school. Many justices of the peace who were handling routine criminal cases had no legal training at all.³⁴ The second initiative was the opening of a Judicial Academy in July 1995 as a training center for judges and

³¹ Newsweek, "How Did We Get There", September 26, 1994, p.34.

³² U.S. Military, International Police Monitor Operation, 1994.

³³ The Philadelphia Enquirer, "Justice is a Rare Commodity in Haiti", January 29, 1995.

³⁴ House of Representatives Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 12, 2000.

prosecutors. The first class of 60 new magistrates was selected through competitive examination.

Another project undertaken by OPDAT was the establishment of a case registration and tracking system to keep track of case files which in the past were lost. This initiative was undertaken to help curtail the dismissal of cases for lack of timely investigation and prosecution.

INSERT PHOTO – KELLY AND C. ALEXANDER DISCUSS RESTRUCTURING HAITIAN
JUSTICE SYSTEM WITH A MEMBER OF JANET RENO’S STAFF

Crime in Haiti

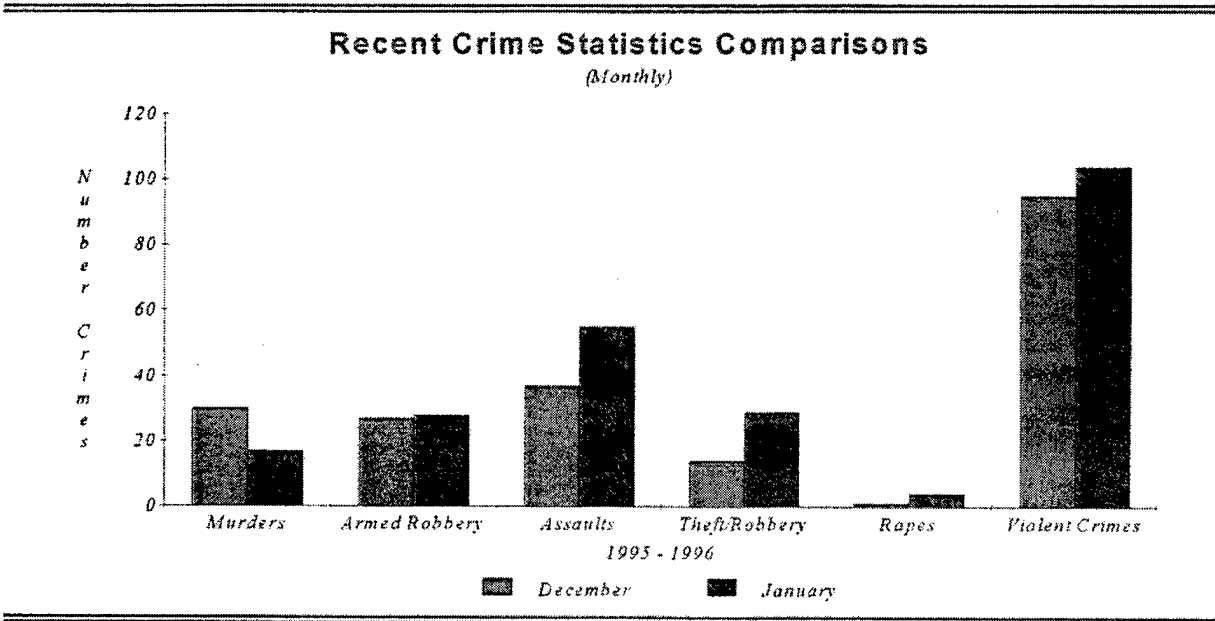
Brutality was relentless in Haiti. From March 13 through 14, 1995, 21 people were killed by vigilantes, most of whom were stoned or hacked with machetes. Ray Kelly, Director of the International Police Monitors, theorized the deaths were an ugly by-product of justice. The masses felt that because arrestees were being released from jail in a timely fashion, criminals were being let go en masse. They, the people were uneducated and unaware of new procedural changes implemented by IPM and Multinational Forces.

“Some suffer the same fate for less tangible crimes. On Wednesday of the same week, a crowd of Cap Haitien’s beat a woman to death because they believed she was a witch. Then on Thursday, a man was stoned to death in Petionville for stealing a bag of charcoal worth about three dollars.”³⁵

Still, common criminal activity in Haiti was not nearly as evident as in more developed countries. However, the feeling was that conventional crime had most likely increased. There was a sense that there had been an increase in criminal behavior. Many believed the repressive police tactics acted as a deterrent therefore, suspects were killed with no questions asked. Accurate records of past criminal behavior were not available since none were kept. Therefore, statistical analyses/comparisons could not be made. Figures 7, 8 and 9 created by the IPM, provide some statistical comparisons of criminal activity in Haiti. Appendix C includes a copy of the crime report used by IPMs to document crime in Haiti.

³⁵ The Philadelphia Enquirer, January 1995.

Figure 6



Source Data : U.S. IPM HQTS, Haiti

Figure 7

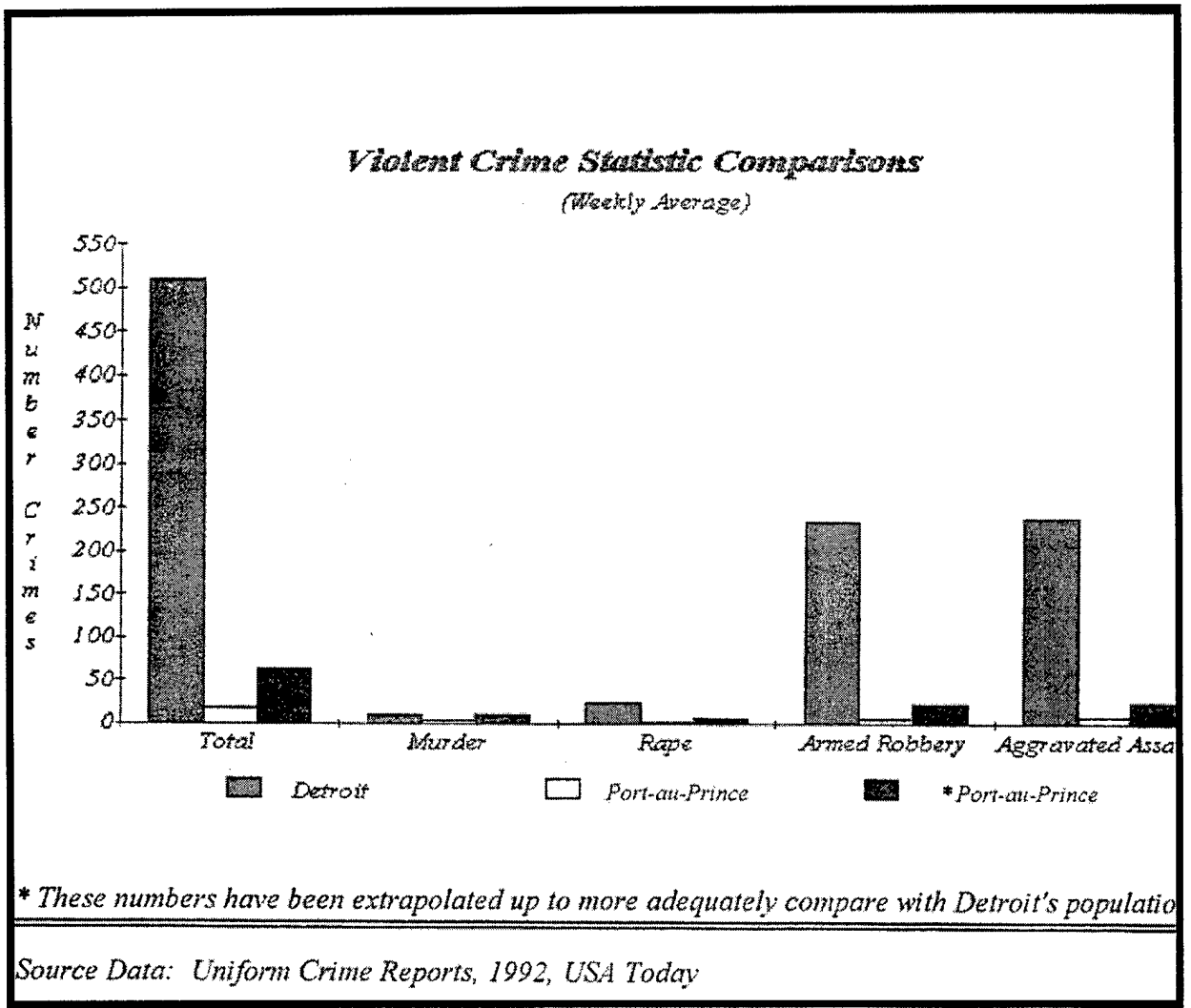
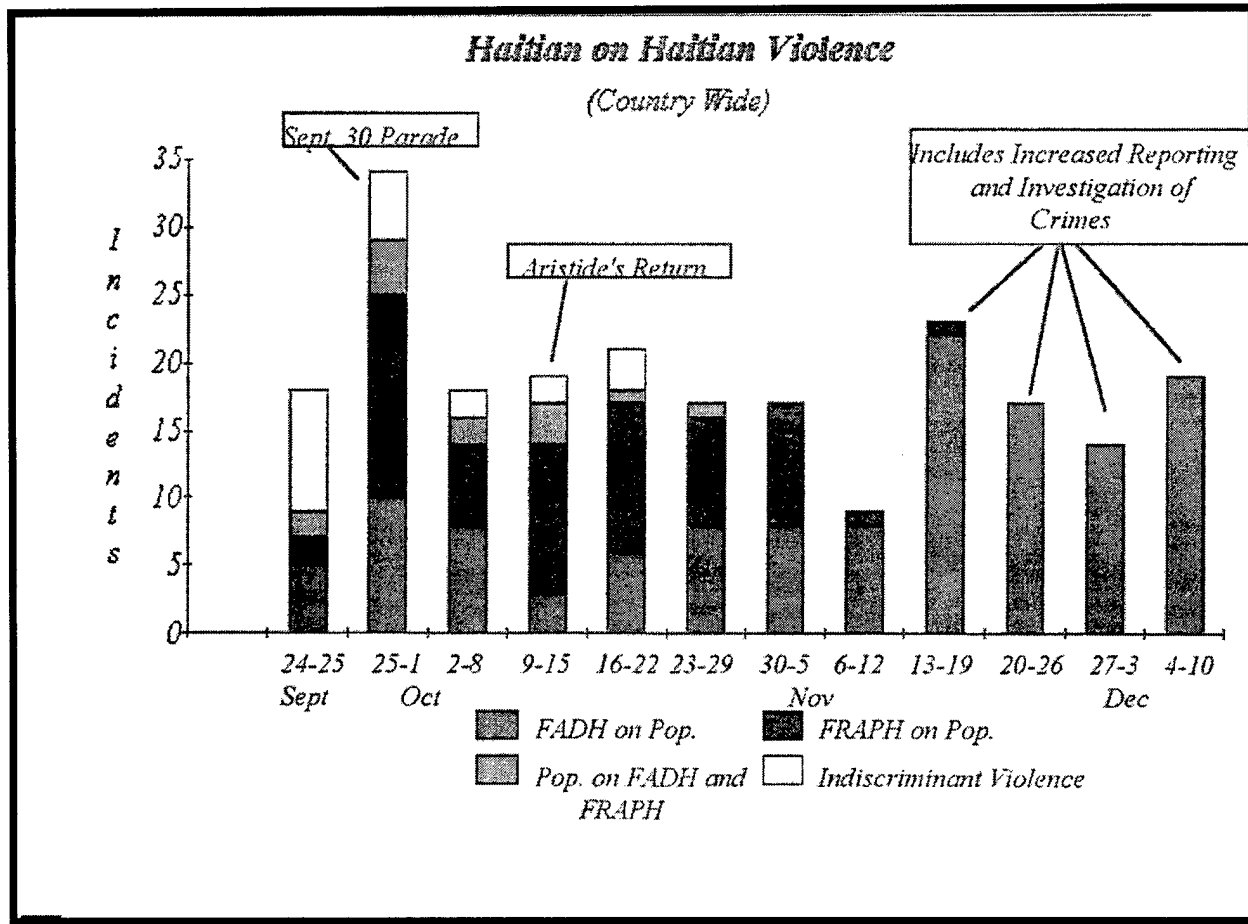


Figure 8



The Traffic Control System

The traffic situation in Haiti was horrendous and grew worse each passing day. Roads built to sustain the arrival of the first automobiles in Haiti continued to support 1995's expanding traffic. There were more than 70,000 vehicles in Haiti with more than 30,000 of them being operated in Port-au-Prince alone.

Statistics also showed that there were only seventeen functioning traffic lights in all of Port-au-Prince and none elsewhere in Haiti. There were no traffic signs or road markings on any of the roads. Traffic police used whistles, and head, arm and leg signals to maintain the flow of traffic. Other problems impacting on traffic control included: Politicians were unable to enact legislation that would allow roads to be expanded or enlarged. Unlike, most industrialized nations, the Haitian government could not easily confiscate land for road expansion.

- ◆ The preponderance of market places hampered traffic. Poverty and high unemployment caused a large number of Haitians to turn to street vending. These vendors set up stands on sidewalks and roadways throughout the country causing additional traffic problems.

To handle the traffic control problem IPMs in conjunction with local officials, the Commission of Traffic Signs, the Commission of Public Streets and Highways, and the Traffic Control Center devised a plan for change. The process involved the study/analyses of the problems and the implementation of various proposals recommended by several committees of experts. Specifically, the committees were directed to:

- ◆ Develop a public information campaign that would incorporate driver civility plans, rules of the road and rules of enforcement.
- ◆ Address vendor issues by identifying new market locations, and developing vendor information campaigns and strategies for enforcement of the rules.
- ◆ Identify one-way streets by conducting a traffic flow study, identifying trash locations and designing information campaigns.
- ◆ Develop lane marking, start a mid-line program on main thoroughfares, devise an information campaign and develop strategies for enforcing the new rules/policies.
- ◆ Devise a double-parking program by identifying problem locations, developing an information campaign and determining ways to enforce the rules in the problem areas.³⁶

³⁶ The Carter Center of Emory University, "Assessment Mission to Haiti", Working Paper Series, December 1994.

**INSERT PHOTO – PREDOMINATE MODE OF
TRANSPORTATION - HAITIAN FARMER TAKES CROPS TO
MARKET AND PEASANTS HITCH A RIDE**

Weapons Buy Back Program

Haiti remained polarized for decades with a small elite class allied with the armed forces who sought to keep the masses impoverished. With the U.S. intervention and the return of Aristide, the elite and remnants of the armed forces feared the masses would seek retribution. To avoid the violence that was sure to ensue, both sides had to be disarmed.

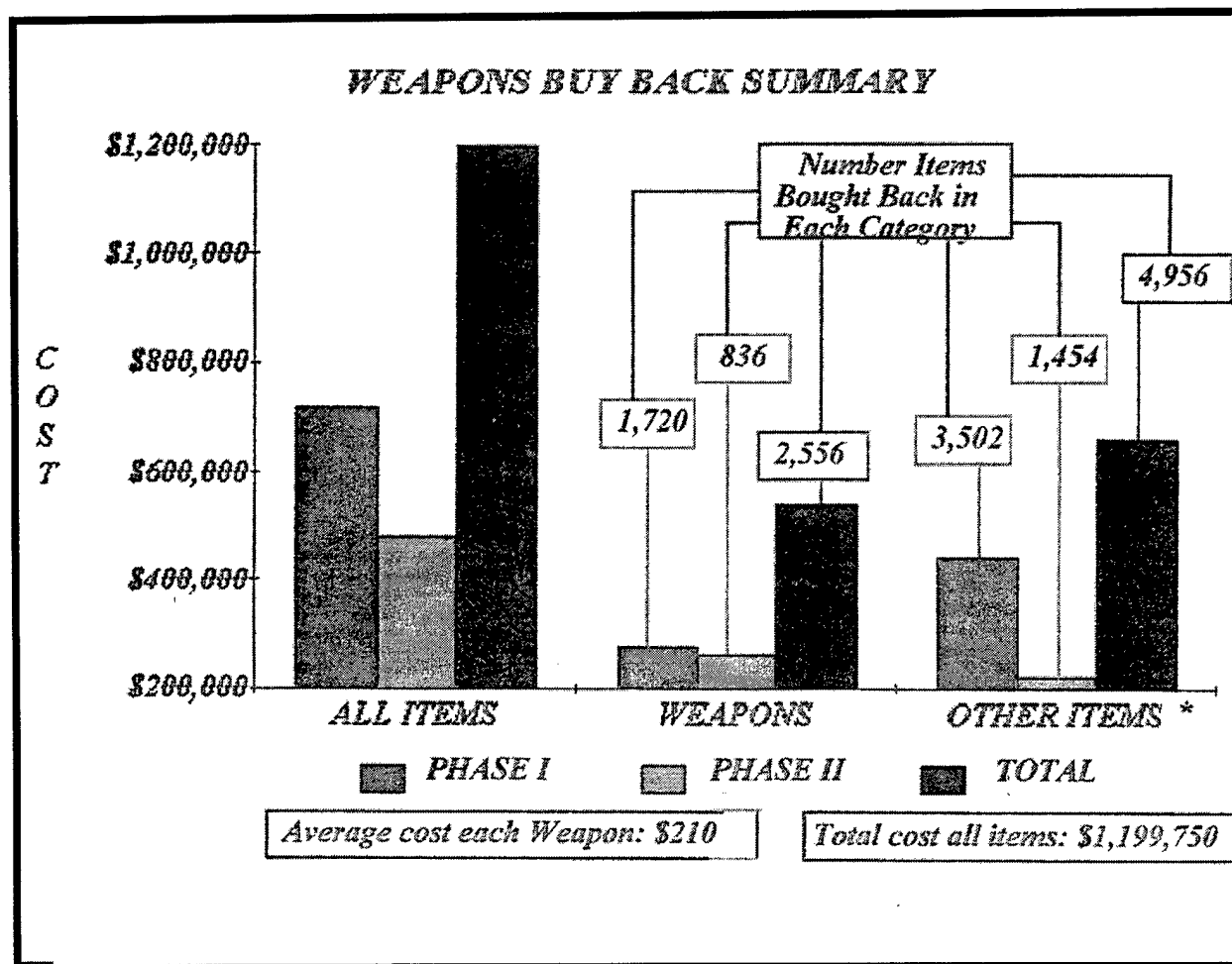
United Nation officials were concerned about weak U.S. efforts to seek out and disarm former military members. They wanted a more massive disarmament effort and felt the caution shown by U.S. troops was somewhat disturbing. The situation stirred a sense of *deja vu* reminding them of the dispute between Washington and U.N. Secretary General Boutros-Ghali, over the disarmament of militant groups in Somalia. U.S. troops a case in point, launched raids into Somalia in an effort to disarm militant groups; however, the warring factions there fought back ferociously causing the United States to sustain a number of casualties. The U.N. wanted a concrete way to suppress ex-military and vigilante groups because unlike Somalia, once American forces departed the U.N. Haiti would not have the same capability to put down disorder. As a result of these concerns, the Government of Haiti and the Multinational Forces launched the Weapons Buy Back Program.

Under this program, a public information campaign urged all Haitians to turn in their weapons for cash during the period of November 15 through December 30, 1994. The message from the MNF stated, "If you notify the Multinational Forces about the location of weapons or ammunition, you will receive large amounts of money. If you find and turn in large weapons and/or ammunition caches, you will also receive large amounts of money".³⁷

The following chart provides a summary of the Weapons Buy Back Program. An additional chart is provided to compare the results of the Weapons Buy Back Program and the overall weapons program. It shows that the number of weapons seized were overwhelming when compared to those purchased in almost all categories.

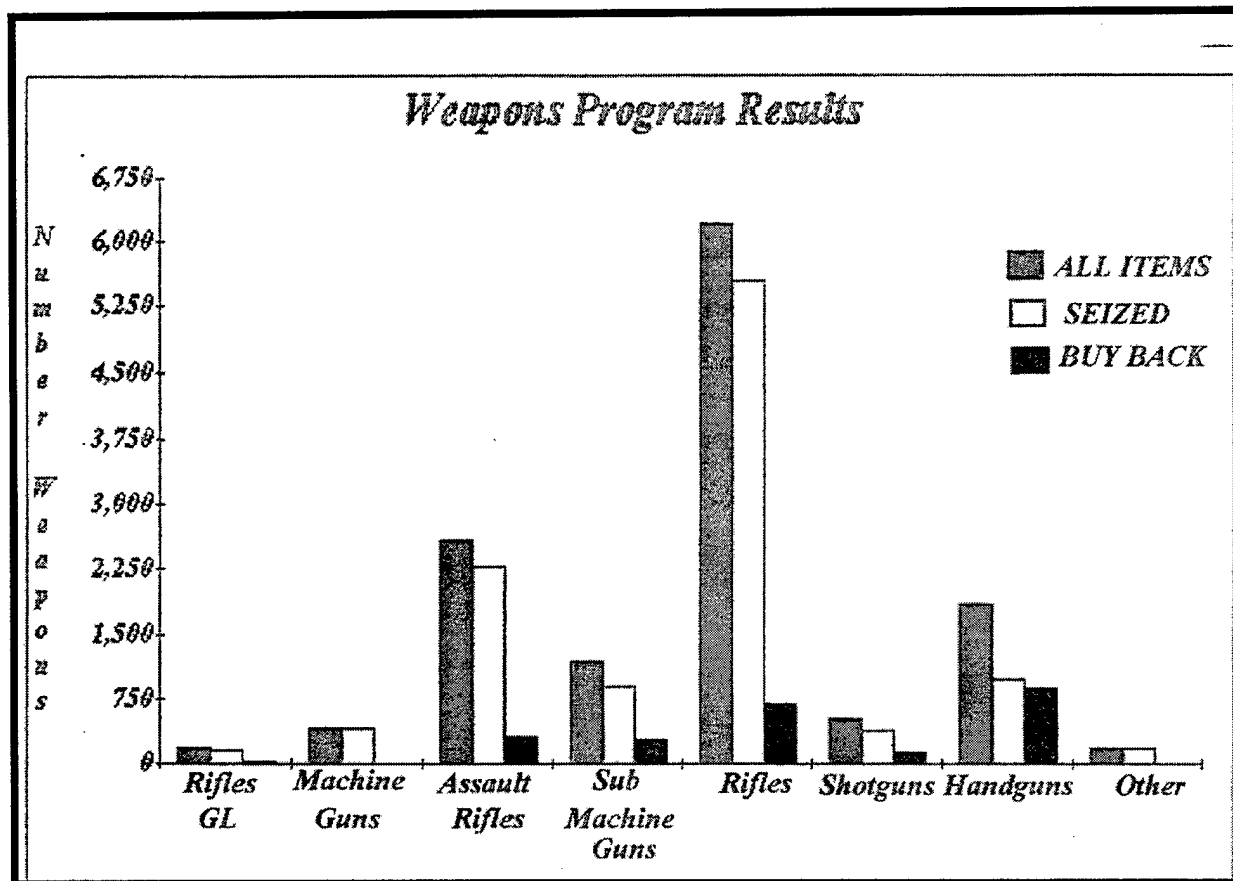
³⁷ U.S. Military, International Police Monitors Operations, 1994.

Figure 10



Source Data: U.S. IPM HQTS, Haiti

Figure 11



Source Data: U.S. IPM HQTS, Haiti

INSERT – OPERATION UPHOLD DEMOCRACY PHOTO (IPMs Store Weapons

Collected from Civilians in Weapons Buy Back Program)

Prison Reform

Upon arrival in Haiti, the Director of the International Police Monitors, Raymond Kelly, implemented a plan to: monitor police activities in Haiti's prisons; report and act on immediate problems; and implement recommendations for long-term improvements. Those changes included:

- ◆ Feeding prisoners and providing them with medical treatment.
- ◆ Reviewing prisoner's status with the goal of releasing all who have already served time for minor offenses, or whose sentencing cannot be documented.
- ◆ Ending the practice of incarcerating innocent parties as judicial hostages, including relatives of wanted persons.
- ◆ Repairing or installing sanitation facilities.
- ◆ Making relatively minor repairs to bring unused cells back into service, thus, easing overcrowding.
- ◆ Separating corrections from the police, and training prison guards and officials in the humane treatment of inmates.
- ◆ Replacing the Penitencier Nationale (National Penitentiary).³⁸

Appendix D provides the guidelines IPM used to monitor the prisons in Haiti. Appendix E includes a copy of the prison reform proposal, which was implemented in Haiti. See Appendix H for a series of photos showing the IPM at work.

³⁸ International Police Monitors Report, "Prison Conditions in Haiti", January 30, 1995.

INSERT (PHOTO) – Operation Uphold Democracy– IPMs on Prison Detail

CHAPTER SIX

INTERIM EVALUATION OF THE INTERNATIONAL POLICE MONITORS

The IPM presence in Haiti was directly responsible for saving the lives of people subjected to mob violence, rescuing the injured, performing basic public services, and, instilling a sense of trust and respect in the Haitian security force that was not present before the intervention.

More importantly, a dramatic change became apparent in the attitude of the Haitian police while the IPMs were in Haiti. Previously, the Haitian military in a police role routinely sat around their police stations and played dominoes. Under the IPMs, they conducted regular patrols. Previously, the Haitian police viewed the public as a military threat and, as such, their station houses were virtual arsenals complete with machine gun mounts, automatic weapons and grenade launchers. Under the IPMs, they were outfitted only with a sidearm, the customary police weapon for self-defense. Previously, the police committed indiscriminate acts of violence, without regard to human rights. Under the IPMs, they committed acts of self-defense with the utmost regard for the rights of the Haitian people. See Appendix F for further information on IPM accomplishments.

Prior to the invasion, the combined Haitian military and police officially numbered 7,000. By the end of January 1995 that number had been cut in half. In their place, 3,400 IPSF had been selected and trained, and were serving under the observation of International Police Monitors belonging to the occupying MNF.³⁹

The intent of the Haitian government was to create a new police force untainted by the past. The people of Haiti were reluctant to believe this was the intent of the United States. According to a 1994 article on The Invasion of Haiti, Aristide followers felt that the military would be preserved. "If one looks at El Salvador, even after the vaunted success of the Truth Commission (which documented widespread killing and torture of civilians by the armed forces),

³⁹ Margaret Hayes and Gary H. Wheatley, Interagency and Political Military Dimensions of Peace Operations; Haiti

the military was still intact. If you look at Chile, or anywhere else, the bottom line is that the military institution has always been preserved". And to make matters worse, the Haitian military was created by the United States and the majority of the officer corps were trained in the United States.⁴⁰

Aristide's grassroots followers may not have understood that the decision to dismantle the military was favorable for him. Indeed, it might have been the decision for which Aristide, himself, advocated. The primary reason for believing this is: Aristide feared the military, because of its history of betrayal. One can also surmise that Aristide was very much aware of the link between the U.S. government and the Haitian military. After all the Haitian military was created and structured by the United States. It was to Aristide's advantage to seize this opportunity to crush the military and replace it with something much more controllable and free of outside influence. Aristide knew that the Chief of Police, appointed by the President, would only serve for a limited term of time, whereas, military officers (Majors, Colonels, Generals) served lengthy terms and their titles were permanent. He also knew that because of the nature of the job, military officers could be easily influenced by outside elements. On the other hand, the United States may have considered the decision to dismantle the army, a small price to pay for a better Haiti so long as it maintained its influence over the country.

True to their word, Aristide and the Multinational Forces (MNF) disbanded the old military and as the IPM and ICITAP discovered, it was not difficult to find candidates as over 30,000 applied in the first few days of registration. The new police force met initial expectations. Over the long haul, it proved to be far more difficult to maintain a well trained and professional police force that was well equipped and purged of the corrupt and brutal practices of the past. More importantly, it was especially difficult to maintain one that was divorced from the military and stayed loyal to civilian authority. Most of these goals heavily hinged on the effectiveness of the initial and ongoing training of the new police force. It was hoped that the

Academy, through its courses on ethics and civics, would greatly aid in the achievement of long-term goals.

By June 1995, Haiti was well on its way to having its first fully trained police force. The elements for success were there as noted in the following excerpt from the New York Daily News:

“The nucleus of Haiti’s new internationally trained police force graduated yesterday, bringing new hope to a country subjugated by decades of dictatorship and rule by force. “We are on the road to a state of law, which cannot be built without a police force, to a new land which cannot be reached without respect for human rights,” President Jean-Bertrand Aristide said before a swearing in ceremony at the National Palace Hall.”⁴¹

In 1995, at the graduation ceremony for members of the Haitian National Police, U.S. Secretary of State Christopher’s presence underscored the deep involvement of the United States in the rehabilitation of Haitian institutions. “This ceremony is concrete proof of the dramatic progress in overcoming the bitter legacy of the past,” ⁴²Christopher said. President Aristide wanted training accelerated so that 6,000 cadets could be in the field by the time the United Nations military mission pulled out in February 1996, thereby paving the way for the inauguration of his successor.

In October 1994 and again in March 1995, Human Rights Watch/Americas joined the National Coalition for Haitian Refugees’ staff in Haiti to examine the selection, training and deployment of the Interim Public Security Force, and particularly to evaluate screening procedures for identifying human rights violators. Since October 1994, the agency has continued to monitor the deployment of IPSF and the construction of the permanent national police. They found that:

- ◆ The ability of the IPSF to guarantee law and order was undermined because it was composed largely of Haitian soldiers culled from the hated and discredited army. The U.S. government did not seriously explore civilian alternatives to an all army IPSF and failed to take into account broad public rejection of the army.

⁴⁰ In These Times, “The Invasion of Haiti”, September 19, 1994.

⁴¹ The New York Daily News, “Haiti Cops Make the Grade”, June 5, 1995.

⁴² Ibid.

- ◆ There were no mechanisms to receive, process or formally investigate allegations of abusive behavior by individual soldiers whether they came from Haitian citizens, human rights groups or other sources. The result was that U.S. government funds and training programs benefited human rights violators and contributed to the installation of a force with little public legitimacy to guarantee security to the Haitian people.
- ◆ Community policing arrangements emerged in some areas of the country and was thought to be a viable supplement to the interim police force, particularly as they reflected a positive emphasis on civilian authority and public accountability. However, the Haitian government did not regulate and supervise such arrangements to prevent frustrated citizens from taking the law into their own hands, as occurred in some cases.
- ◆ The process to select candidates for the permanent police force lacked defined and transparent procedures for screening out human rights violators.
- ◆ Judicial reform dramatically lagged behind police reform, creating an imbalance that directly affected the performance and the effectiveness of the police. For example, the January 17, 1995 report to the Security Council by the U.N. Secretary General described the demoralizing effect on police officers of seeing criminals they had apprehended released because of non-functional courts.⁴³

⁴³ National Coalition for Haitian Refugees, Human Rights Watch/America, "Report on Human Rights Violations in Haiti", 1994 and 1995.

CHAPTER SEVEN

MISSION TRANSITION TO THE UNITED NATIONS

On March 31, 1995 the mission to establish stability in Haiti was transferred from MNF to the United Nations Mission in Haiti (UNMIH). This resulted in some 24,000 troops leaving Haiti. Left in place were 1,600 members of the U.N.'s peacekeeping force to implement the last phase of Security Council Resolution 940. The Haitian government's aim was to have the new police force in place and operational by the time the mandate of UNMIH expired at the end of February 1996. The UNMIH responsibilities were to create, organize, restructure and reform the judicial system.⁴⁴ The United States spent seventy-five million dollars to professionalize the Haitian National police force.⁴⁵ There were two goals: curb crime and make the police more accountable to the people.

Following the withdrawal of the Multinational Force and its replacement by UNMIH on March 31, 1995, the civilian police (CIVPOL) component played an important role in assisting the HNP to become operational. CIVPOL members provided guidance and advice at all levels. They monitored police operations on the ground and assisted in the maintenance of a stable and secure environment. In spite of CIVPOL's technical assistance and encouragement, the new police force faced other operational problems. Internal tensions resulted from the incorporation of former FAd'H members into the new HNP. Another problem was the lack of officers in positions of command. Furthermore, the majority of the officers had not received any police training. Problems with supervision and discipline led to frequent changes within the police hierarchy, which slowed down the process of structural reinforcement and delayed the acquisition of an institutional memory within the HNP.⁴⁶ Additionally, the lack of logistical support and adequate resources severely limited HNP's capacity to carry out their duties.

⁴⁴ OAS/UN, International Civilian Mission in Haiti: The Haitian National Police and Human Rights Report, July, 1996.

⁴⁵ Ibid.

⁴⁶ Ibid.

During that same period, the country was experiencing a dramatic increase in crime which gave rise to concern on the part of governmental officials. Thus, when threatened by growing unrest and escalating crime in Haiti, newly elected President Preval requested further assistance from Washington. At President Clinton's request U.S. Customs Commissioner Ray Kelly and key members of his former IPM staff, returned to Haiti in July 1996 to assess the situation and address Preval's concerns. Those concerns included major problems, among which were failings of the new police security force, the lack of investigative ability; an ineffective justice system; kidnappings and subsequent disappearances of government officials; insecurity and distrust of members of his personal staff; problems in disarming ex-soldiers who kept hidden weapons; and, the lack of funds to carry out governmental responsibilities. To address these concerns, the United States immediately sent, as done in many friendly countries, in the form of a Memorandum of Understanding (MOU), specialized active and reserve units of engineers and technicians to Haiti to train and help rebuild the infrastructure. The U.S. State Department facilitated the removal and replacement of the President's personal security detail, which they felt was compromised. In addition, Commissioner Kelly initiated a special program, via the U.S. State Department, to deploy Haitian American volunteer law enforcement officers to Haiti. To boost the initial phase of this program, Commissioner Kelly convinced the New York City Police Commissioner, Howard Safir, to motivate Haitian American police officers to take the first initiative on this mission to Haiti. Besides their heritage, the hazardous pay and increased salary gave police officers and law enforcement personnel a tremendous incentive. In this six-month to one-year program, the volunteers would be on leave from their jobs without remuneration, to assist in training members of the Haitian security force in the proper conduct of police business.

After about three years, the U.N. terminated its military mission in Haiti in late 1997. The U.N. Civilian Police Mission in Haiti (Mission de la Police Civile des Nations Unies en Haiti, MIPONUH), with 285 officers, commenced a twelve-month mandate in late November 1997, with a focus on training Haitian police supervisors. In a May 1998 report to the Security

Council, U.N. Secretary-General Kofi Annan urged Haiti and the international community to resolve Haiti's political crisis and back institutional reforms to diminish police abuses. The U.N./OAS International Civilian Mission provided police training, human rights education, and human rights monitoring. In December 1997, the U.N. extended the mission's mandate through December 31, 1998. The Secretary-General's independent expert on Haiti, Adams Dieng, continued his excellent work with an October 1997 report on human rights in Haiti. In April 1998 the Human Rights Commission extended Dieng's mandate for another year. Haiti failed in 1998, as it had since 1989, to comply with its reporting requirements before the Committee on the Elimination of All Forms of Racial Discrimination.⁴⁷

CHAPTER EIGHT

UPDATE OF EVENTS POST 1995 - 1996

Despite its long history of political violence and instability, the Republic of Haiti was at the end of the U.N. mission, a relatively safe and secure place. Undoubtedly, the 20,000 strong Multinational Force that landed in Port-au-Prince on September 19th had something to do with this uneasy peace. The self-restraint and social accountability of the Haitian people also contributed to the maintenance of the newfound harmony.

Key to the success of the mission was a Multinational Force that was goal oriented and focused. The International Police Monitor Program with all its intricacies and multinational elements worked mainly because each contingent was assigned specific areas and geographical sections to control; standards of conduct were provided; and one plan was followed by all. In addition, the program was well organized; communication channels were open and units were given access to essential equipment and vehicles.

The issue of security in Haiti, however, went beyond crime rates to the survivability of the Aristide government and democracy itself. The American led Multinational Force did more than restore President Aristide to power. It set the stage for the reform of the police and integration of a military force that had conspired over the years to keep tyrants in power and democracy at bay by intimidating and brutalizing the Haitian people.

ACOM and the Multinational Forces envisioned a separate civilian led force that would monitor the Haitian Police for human rights violations. Hence, the International Police Monitors, 900 professional police officers, 200 interpreters and other critical staff came into being. They established 24-hour patrols and observed the immediate cessation of human rights abuse violations by the Haitian police. Even so, the program was not without its problems.

In spite of the vetting process, the creation of an interim police force consisting of former soldiers without screening out human rights violators or investigating complaints against them

⁴⁷ HRW World Report, Haiti: The Role of the International Community, 1999.

resulted in a force that lacked authority to effectively enforce the law. Many of the interim police were afraid to patrol alone, others were rejected outright by the population, and, in some instances were attacked when there were allegations of prior abuses. Some returned to their intimidating practices of the past. The widespread lack of credibility of the interim police force as perceived by the National Coalition for Human Refugees was engendered in part by a hasty selection process which failed to identify and remove human rights violators and thus compromised the relative security achieved in Haiti by the Multinational Forces.

Two years after American troops intervened in the destitute Haitian Nation, few tasks were deemed more important by both Haitian and U.S. officials than building a police force that could make a clean break from nearly two centuries of abuse and political repression. A 1996, joint report by a U.N. and Organization of American States Human Rights Commission called the police "the cornerstone in the construction of a state of law in Haiti".⁴⁸ As of August 1996, 5,500 members of the new police force had been trained and deployed across the country. A large number of them were high school graduates in a country where the illiteracy rate is above 50 percent. The police and those who worked with them said the legacy of police brutality and the historic hatred for the institution made it difficult to build public confidence in them. Problems were further exacerbated by new incidents of police brutality, mistreatment and isolated killings of persons in custody – six in 1996, still nowhere near the hundreds killed during Cedras' reign.

The new HNP faced numerous obstacles when it was deployed. One of the major problems was the lack of supervision. There were 5,000 inexperienced police officers deployed without any experienced supervision at post to provide maturity and direction. Modern policing techniques requiring close supervision were technically abandoned. A widely copied formula for police professionalism was the model used by Orlando W. Wilson when he was Police Chief in Kansas from 1928 to 1939. Wilson advocates a clear-cut chain of command along military lines,

⁴⁸ OAS/UN International Civilian Mission in Haiti: The Haitian National Police and Human Rights Report, July,

specialization of tasks, delegation of authority and responsibility, and "close supervision of officers on patrol duty."⁴⁹ This group of 5,000 new cops also faced other difficulties such as logistical problems. For instance, even if those vehicles that were available could be deployed to full advantage they were not able to be used because many officers had never driven before. There was also a severe lack of equipment from a lack of firearms to uniforms, to communications devices. Finally 5,000 police officers was too small a presence to police a population of seven million, compared to New York City, with 40,000 police officers to police roughly the same population, over the vast area that they were to police. The lack of precinct supervisors caused more discipline problems. What made matters worse, was the fact that the few available supervisors themselves also did not receive adequate police training. Hence corruption and incompetence aggravated the situation.

On December 6, 1995, 3,000 of the IPSF were dissolved by a presidential decree. As a result 1,598 of them were incorporated into the HNP.⁵⁰ Those 1,500 IPSF were forced on the Haitian government by the U.S. government because they were the "best of the worst". They had a clean human rights record, even though they had military backgrounds.⁵¹ This had become a sensitive issue in Haiti since Haitians associated the army with anti-democracy. Another reason given for IPSF integration in the HNP was the need to maintain established institutions and ensure political and ideological counterbalance.⁵²

Despite some initial achievements made possible by United States assistance, the current Haitian police force has major deficiencies and is considered by many United States and other donor officials as a largely ineffective law enforcement body. According to these officials, the police force suffers from organizational weaknesses, shortages of personnel and training,

1996.

⁴⁹ R. Kelley, "American Law Enforcement Perspectives on Policing in Emerging Democracies," Paper Presented at the National Institute of Justice, Washington, D.C., December 1995.

⁵⁰ OAS/UN, International Civilian Mission in Haiti: July 1996.

⁵¹ Ibid.

⁵² Ibid.

shortages of vehicles and equipment, and limited investigative capabilities. Over the past year, particularly, United States and other donor officials have expressed concern over the Haitian police's crippled internal oversight organization, continued corruption, and increased signs of politicization related to recent Haitian elections.⁵³

Starting in late 1994, the United States helped Haiti organize its police force so as to have the major components of a modern civilian police organization. However, the current organization of the Haitian police is weak, according to United States and other donor officials. For example, several key police units are not fully operational, such as the Maritime, Air, Border, Migration, and Forest Police Directorate. Also, a few individuals manage the police organization in a highly centralized manner, delegating little authority from headquarters to the field and within the police institutions in the field. As a result, the police force in the field shows little initiative, tending to be reactive rather than actively patrolling the community. Furthermore, the police force has not yet developed a strong esprit de corps and discipline. Many lower ranking police officers do not show much respect for high-ranking officers and mill around police facilities, reading newspapers, or watching soccer games on television.⁵⁴

The inability of the Haitian police to control their borders is of deep concern because of the problem of drug distribution in Haiti. Current border control efforts are, at best, minimally satisfactory and leave the borders extremely vulnerable to even unsophisticated smuggling or other illegal activities. Because of the minimal training that the HNP receives, the lack of strong first-line supervision, the lack of equipment, and a barracks mentality, HNP officers appear to be very reluctant to actively engage in enforcement activities.⁵⁵

Initially, the United States sought to help Haiti recruit and train police officers, and by 1998 the police force had reached a peak of about 6,500 officers. However, shortages of

⁵³ Ford, Jess T. Associate Director, International Relations and Trade Issues, Testimony Before the Committee on International Relations, House of Representatives, September 18, 2000.

⁵⁴ Ibid.

⁵⁵ Huffman, Charles L., Border Control Assessment Republic of Haiti, Report and Recommendations Prepared for

personnel plague the current police force. According to United States and other donor officials, the current police force is estimated to range between 3,500 and 4,500 police officers. Compared with a country like El Salvador, with 19,000 police officers serving about 6 million people, Haiti – with its approximately 8 million people – has a relatively small police force. In addition, the Haitian police has a shortage of qualified commanders and supervisors.⁵⁶

According to the Haitian National Coalition of Human Rights, the problems of the HNP were further magnified due to nepotism: Police authorities selected many police chiefs on the basis of personal connections rather than objective recruitment criteria and deployed police chiefs who lacked training and clearly were incompetent, leading to a rapid disintegration of discipline and morale in the force.⁵⁷

In a New York Times editorial, "Democracies and their Police", the difficulties which countries like Haiti, South Africa and Guatemala are having in making democratic transition after emerging from a war or dictatorship were noted:

...In newly democratic or newly peaceful nations, police often retain many of the habits of their predecessors, including shooting suspects or less often, beating them to death. A new government, it seems does not automatically bring new police practices. One of the mistakes governments and international peacekeepers make after a transition is attempting to build a new police force with veteran policemen. These officers have spent their careers repressing dissent and know little about fighting crime or being accountable to citizens. Some countries retain these officers because they are too powerful to dismiss. It is also hard to retire large numbers of police at once because training new ones takes time. Haiti's new police, for example, got only four months of training.⁵⁸

The poor training of Haiti's new police force led to an inevitable consequence: violence by cops against the citizenry and charges of human rights abuses. This was perhaps the most dismaying result of the promised reforms, for police brutality was a cornerstone of previous repressive regimes in Haiti. Colin Granderson, who was the executive Director of the International Civilian Mission in Haiti said, "He is concerned about both human rights abuses

ICITAP, March 10, 2000.

⁵⁶ Ibid.

⁵⁷ National Coalition of Haitian Rights, "Can Haiti's Police Reforms Be Sustained," January 1997, Vol. 9, No. 1, p. 3.

and the broader conduct of officers, specifically with respect to criminal activity, in particular drug smuggling".⁵⁹

According to the international human rights group, OAS/UN, from April through June 1999 the Haitian National police force was accused of 50 summary executions.⁶⁰ Jean Coles Rameau, the Commissioner of Port-au-Prince is one of many police officers who have been jailed as a consequence of his participation in the death of 11 detainees.⁶¹ One thousand Haitian police officers have been dismissed for corruption and human rights violations, that is, 20 percent of the force.⁶²

Six years after the IPM program, the results have not been what the Haitian population and the United States expected or what was promised. The population has largely lost faith in the Haitian police force because of its human rights abuses, corruption, involvement in murders, disappearances of detainees and drug related crimes. As one Haitian stated, "For me, I feel fear when I see their guns and their dark glasses. I want to trust them more and not to worry that they will harm. But there are too many bad stories".⁶³

Judicial Reform

Nearly 200 years of authoritarian rule have left Haiti's administration of justice ineffective. Codified law is of little consequence in a dictatorship. The dictator determines the law as he sees fit. Under dictators courts have no power to judge objectively. It is the subjective whim of the strong man in charge that rules. An independent judiciary was a threat to the mostly military governments that were in power in Haiti over the years. The justice system was subordinate to the armed forces and members of the judiciary were at times accomplices in the commission of abuses by members of these forces.⁶⁴ As a result, the Haitian people overwhelmingly approved a March 1987 constitution that guaranteed fundamental freedoms and

⁵⁸ The New York Times, "Democracies and Their Police," May 1, 2000, p. A22.

⁵⁹ The Washington Post, September 28, 1999, P. A1.

⁶⁰ OAS/UN, 1999.

⁶¹ Ibid.

⁶² Ibid..

⁶³ The Washington Post, May 4, 1999.

⁶⁴ U.S. House of Representatives, Subcommittee on Criminal Justice Drug Policy and Human Resources, "The

individual rights. The demand for justice was the principal goal of the Haitian people after the fall of Jean Claude Duvalier in 1986 and after the restoration of democracy in 1994.

After President Aristide returned to Haiti, the Haitian people once again asked for the reform of the judiciary system. As a result, the Haitian government's stated goal was to establish an independent judiciary that would be able to make impartial justice a cornerstone of the justice system. To accomplish such a goal, the Haitian government signed an agreement with the United States Agency for International Development (USAID). It provided for \$18 million in grants over six years to reform Haiti's judicial system.⁶⁵

Corruption in the judiciary still exists now, because efforts were not made earlier to oust the Duvalier-friendly apparatus: judges, defense lawyers and prosecutors. Poor pay makes it easy to affect justice through bribes. The haphazard system of justice includes nepotism and an uneven manner in appointing justices, further eroding confidence in a democratic system. Sentencing codes are arbitrary, capricious and subject to influence. Hence, the powerful fears no punishment, while those who are powerless, will not know the penalties their lawlessness will bring.

In 2000, Ambassador Donald K. Steinberg, testified on a Subcommittee Hearing on Criminal Justice, Drug Policy and Human Resources. Steinberg, acknowledged that the judiciary system in Haiti remained inoperative. It is still plagued by huge case backlogs, a lack of adequately trained judges and prosecutors, scarce resources, minimal oversight by the Ministry of Justice, and a pre-trial detention rate of roughly 80 percent. Many people are detained despite valid release orders or without charges filed against them. The poor state of the judiciary is at the core of many of Haiti's problems. It inhibits investment, perpetuates corruption, denies the average Haitian access to justice and spurs vigilantism.⁶⁶

The Haitian army was dissolved partly because of its involvement in drug trafficking.

Emerging Drug Threat From Haiti," April 12, 2000.

⁶⁵ U.S. House Judiciary Committee, Haiti Trip Report, June/July 2, 1997.

⁶⁶ Steinberg, Donald K., Testimony to The Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 12, 2000.

But the change apparently seems more cosmetic than real, given that drug traffickers tied to the Haitian army still retain their power. Ken Norton of the Associated Press in "Haiti Five Years After" wrote, "Ex-army members monopolized the drug trade, which has grown alarmingly".⁶⁷ On May 7, 2000, a story that appeared in the U.S. World News Report noted that 90 percent of the Haitian precinct commanding officers were involved in drug trafficking. Some of these officers were former Haitian army officials. When the inspector general (Internal Affairs Bureau Chief) attempted to remove these corrupt officers, he was transferred to an overseas post.⁶⁸ Six months later, these same officers were accused of plotting against the government. Like always they fled the country and sought asylum in the Dominican Republic.⁶⁹

Prison Reform

Over the last seven years the United National Development Program provided some funding for improving Haiti's prison system. In spite of that funding very little, if any, positive change has occurred. For the most part, reform measures and practices implemented by the IPM in 1995 are still in effect. One exception noted is the failure of prison officials to provide three hot meals to detainees daily. This failure is attributed to funding shortages. However, to make up for the systems failure, prison officials allow family and friends to bring inmates a second or even a third meal. This practice automatically causes security problems. Envision the long lines of people waiting to gain access at the prison gates and the security risk that it poses for such large groups. How secure can the prison be when large groups of people are actually free to roam the prison yards.

In addition, there are no real changes in the overall operation of the system by all appearances, governmental control is still the rule of the day.

In April 2002, former Justice Lissade related a story of how the family of a Haitian citizen requested his assistance when a family member was arrested. The man had been detained for three weeks without being charged with a crime. Upon inquiry Justice Lissade learned from

⁶⁷ Norton, Ken, Associated Press, "Haiti Five Years After", September 17, 1999.

the Precinct Commander that no formal charges had been brought forward. When the Justice insisted on a quick release in the absence of formal charges, he was told by the Commander that the order for this arrest came from the highest levels of government and to release the detainee would jeopardize the Commander's career. The Precinct Commander then suggested that the Minister of Justice take the issue up the chain of command. Eventually the prisoner was released since in actuality, it was his brother who was wanted for questioning. However, his release was not executed until the Justice visited the President.⁷⁰

Traffic Control

Traffic police, a highly visible component of the HNP, have made an effort to facilitate the flow of traffic. The majority of the officers assigned to traffic control were recruited from the Guantanamo Police Trainee Program. These HNP did not have the benefit of the full four-month basic police-training course.

However, ICITAP directed efforts towards the creation of a three-week transitional training program for the traffic police, consisting of Haitian law, human rights, use of force and the principles of directing traffic.⁷¹

In 2002, the traffic situation in Haiti is much the same as it was in 1995. Roadways are still badly damaged and in critical parts of Port-au-Prince, roads are much too narrow to accommodate two-way traffic. Vendors still block traffic and there is a severe shortage of traffic police. Currently, there are four traffic lights operating in the City of Port-au-Prince, as compared to seventeen traffic lights in 1995.⁷²

⁶⁸ U.S. World News Report, May 7, 2000.

⁶⁹ Associated Press, October 18, 2000.

⁷⁰ Lissade, Gary, Cabinet Member Haiti, Interview, April 2002.

⁷¹ International Criminal Investigative Training and Assistance Program (ICITAP), A Report entitled Republic of Haiti Program Implementation Plan FY 1998 – 1999, p. 33.

⁷² Interview with Commisaire Jean Ronald Merci, April, 2002.

International Criminal Investigative Training Assistance Program (ICITAP)

Since the inception of ICITAP's Haiti program in 1994, the agency has worked closely with Haitian officials to fashion a five year Haitian National Police (HNP) Strategic Development Plan and define achievable goals and objectives. That plan became the cornerstone for HNP developmental efforts. Both the Government of Haiti and the international community relied on the plan as the blueprint for all coordination efforts.

ICITAP's achievements range from the actual creation of a new police force to developing specific areas of operational expertise.⁷³ Over the years, ICITAP has provided specialized skilled training including investigative policing and forensics capabilities. Considerable effort was put into helping the new force sustain these initiatives by assuring that the police had the indigenous skills to carry on when the international presence declined.

However, international police development efforts in Haiti, including ICITAP, were severely impacted by a number of factors: lack of funds and the lack of political will; short-term mentality in an environment that demanded strategic planning; lack of resources; a general failure of overall justice reform to keep pace with police reform; and a prevailing atmosphere of impunity, both in criminal conduct and in failure to perform.⁷⁴

Appendix G shows U.S. AID to Haitian Justice Program, U.S. assistance to the Haitian Police and Justice System as well as ICITAP funding.

⁷³ ICITAP, Response to USAID Inquiries Re: ICITAP's Haiti Program, February 27, 2002.

⁷⁴ Ibid.

CHAPTER NINE

LESSONS LEARNED

There is no all-inclusive or definitive set of rules for designing and implementing peacekeeping operations. Nevertheless, there are many lessons to be learned and some norms that can be associated with these endeavors. Many of these have been documented in the National Defense University publication "Policing the New World Disorder,"⁷⁵ documents written by Rachael Neild of the Washington office on Latin America,⁷⁶ and in Dr. David Bayley's "Democratizing the Police Abroad."⁷⁷ Such lessons are most valuable in providing broad guidance in the planning process and in approaches to implementation. These lessons teach us that each project must be undertaken based on clearly articulated goals, careful analysis of the activities necessary to meet those goals, and an implementation plan that is specific to the needs and the political, legal and societal context of the host country.

It is appropriate to look at the Haiti experience for several reasons. First, it was an extremely broad-based effort involving initial military action, followed by political and social institution-building assistance efforts. Second, the Haiti experience helped the international community to recognize the need to improve its peacekeeping and assistance apparatus. Third, nearly 10 years have passed since the initial planning and design of the assistance effort in Haiti, and it is important to document the important lessons for the next generation of practitioners who will address new peacekeeping challenges in the decade to come.

Although there is no all-inclusive list of lessons learned from the Haiti experience in building a new civilian police, even today, strengths and weaknesses, successes and failures that seem obvious now, but were not nearly so clear at the time are recognized. America must continue to learn even from missions long since considered completed, as well as from current

⁷⁵ Oakley, Robert, Dziedzic, Goldberg eds., *Policing the New World Disorder: Peace Operations and Public Security*, Washington, DC, National Defense University Press, 1998.

⁷⁶ Most recently: Neild, Rachael, "Democratic Police Reforms in War-Torn Societies," *Journal of Conflict, Security and Development*.

⁷⁷ Bayley, David H., *Democratizing the Police Abroad: What to Do and How to Do It*, Washington, DC, National

undertakings. Finally, and most importantly, that knowledge must be applied consistently as new projects are approached.

Lesson #1: Police and justice sector development assistance efforts need to be grounded in a Strategic Plan which: a) defines the mission; b) establishes clear, mutually agreed upon, objectives for police and other justice components; and 3) documents the strategies that will be used for effective implementation of the plan.

This process must include definitive measures of performance to assess progress towards the goals. Development of the plan should be based on a thorough assessment of police and justice system needs. The assessment and subsequent plan should address all aspects of police and system needs. The plan should be a comprehensive Strategic Plan, clearly detailing the institutional requirements of the police and justice sector. By establishing a clear development framework guiding the justice reform process, this framework can also serve as an effective vehicle for coordinating the efforts of multiple donor nations, international agencies and Non-Governmental Organizations (NGO's) and ensuring consistency of results.⁷⁸

Lesson #2: The host country's "buy-in" to the goals and objectives of the police development effort are essential to long-term change.

An important element of the initial assessment and planning process is the involvement of the host government, the private sector, and NGOs in stating their vision of the justice system and defining mission goals and objectives for the overall Strategic Plan. In addition to cultural and legal factors affecting police reform and restructuring, national sovereignty runs strong in even the most dysfunctional states. The existence of binding agreements with host-government "ownership," provide maximum leverage for assuring institutional change. In El Salvador, the Peace Accords provided a framework that guided future organizational and institutional change.⁷⁹ In Haiti, the Police Law defined the basic mission and structure of the HNP. In the

Institute of Justice, 2001.

⁷⁸ Stromsen, Janice M. & Trincillito, Joseph, A Paper on Peace building in Haiti, Lessons Learned Seminar, January 23-24, 2002, p.3.

⁷⁹ Ibid.

Bosnia case, rather than developing detailed police reform plans, the Dayton Accords left these details to be worked out later between the U.N. and Bosnian Federation officials.⁸⁰ This lack of advance political buy-in resulted in a situation wherein, at the time international forces were at their strongest and had the most political leverage, precious time had to be spent on negotiating and building consensus, rather than immediate implementation of police reform measures.

Lesson #3: The justice system must be treated in the planning process as a truly integrated system.

Whether it's a peacekeeping mission or a bilateral justice sector assistance program, all components – police, prosecutors, the judiciary, and prisons – are so interrelated that any program of assistance must take each component into account at the planning stage. The mission should provide that each component is functioning at a sufficient level to assure that the total justice sector is able to fulfill its responsibility. This means: 1) a police force capable of maintaining order and investigating crimes; 2) a prison system that can house individuals pending trial and after sentencing in a humane manner; 3) prosecutors that are well-qualified and trained to prosecute cases before the court; and 4) a judiciary system that can effectively carry out its dual role of administering justice and providing the necessary checks and balances to assure that police, prison officials, and prosecutors are operating within the law and accepted norms: each in accordance with rule of law and international standards of human rights.

Police programs, even when the entire force must be built from the ground-up, can often be implemented more quickly than major changes can take place in other parts of the judicial system. A complicating factor that tends to drive implementation of police development programs at an ever faster rate is its link to the so-called “exit strategy” of the international peacekeeping personnel. The presence of indigenous police is often seen as a prerequisite to allow for withdrawal of foreign troops, something that is important to the nations providing

troops, as well as to the host nation as it attempts to cope with issues of national sovereignty and pride.⁸¹

Despite the development of comprehensive administration of justice plans, dating back to 1993, the judicial reform effort in Haiti lagged far behind police programs. In addition to lack of due process for those incarcerated, a serious human rights problem, failure of the justice system to perform has negatively impacted the police in several ways, to include incidents wherein police have taken action against detainees into their own hands. Ineffective prosecution and court systems have made it virtually impossible for the HNP to pursue legal action against officers who engage in such behavior, despite the cases referred for prosecution by the Police Inspector General. The justice system's inability to provide the oversight necessary to ensure that police conduct adheres to the law was identified by a HNP Director General as the single biggest threat to the HNPs effectiveness and political neutrality. It is essential that plans for development of the judicial apparatus operate on timetables closely coordinated with police development.

Prison reform tends to be a costly enterprise because substantial rehabilitation of the physical structures is required. The result is that prison reforms are under funded, and given too low a priority by host government officials and by the international community.

Lesson #4: Include in the planning process the recognition of the role NGO's and civil society play.

Almost all peacekeeping and developing missions involve activities of NGOs and Private Voluntary Organizations (PVOs), whether acting as implementing partners of the donor nations, or working independently on humanitarian or other agendas. It is far better to incorporate the input and programs of NGOs and PVOs into the overall implementation plan, so that their functions are clearly defined, and designed in a way that they contribute directly to the overall effort. This is particularly important as a means to avoid situations in which NGOs and PVOs

⁸⁰ Ibid, p. 4.

⁸¹ Ibid.

might inadvertently work at cross-purposes to other programs, or duplicate the activities of other programs. NGOs can also contribute by generating grassroots demand for police and judicial reforms that are consistent with mission objectives.⁸²

Lesson #5: Plan fiscal and human resources for the long-term.

One of the key lessons from the last decade is that whether the effort is related to peacekeeping or bilateral assistance, reform of a criminal justice system is a long-term effort. In Haiti, we believed that a five-year development plan was required to set up the new police force. In peacekeeping operations, true institutional development will extend many years beyond the initial program design. To achieve sustainable development, peacekeeping programs require levels of human, material and financial resources and commitments greater than those, which have been envisioned in the past. With regard to police programs, this involves assisting the host government to build sustainable police planning, management, and training capacities that will allow indigenous personnel, both government and civil society, to continue the developmental efforts for years after the emergency situation falls from the headlines. Nevertheless, it is the political will of the nation or nations executing and funding the effort that will be paramount to success.

Lesson #6: An interim public security force consisting of members of a discredited police force may be a necessary evil to address the "security gap."

During peacekeeping operations, the indigenous force may be totally or partially disbanded, creating a security gap that must be filled to allow humanitarian and developmental assistance programs to move forward. There are many approaches to interim policing that can be applied and each must be tailored to the specific security situation of the country in question. However, as the Haitian example demonstrates, it is an unfortunate fact that even in situations where the indigenous force is discredited or seen as a danger to the public, there may be some interim period during which they may need to be included in a closely supervised interim force.

⁸² Ibid, p. 5.

Lesson #7: Defining the mission and role of international police monitors (CivPol) and integration of police monitors into the police development effort is an important part of the peacekeeping planning process. Equally important is to assure standardization of policing methods taught to indigenous police personnel in classroom and field training.

CivPol can temporarily fill the enforcement gap by assuming public security duties until an indigenous force can be trained and redeployed. Other, more typical, roles include serving as a police monitor, a police trainer, or field-training officers (FTO). The latter role requires very close coordination between monitors and trainers to ensure that CivPol FTO's have copies of the training materials and consistently reinforce skills in classroom and field training.

Experience in El Salvador showed that demobilization of combatants or former security personnel can be extremely problematic. In El Salvador, former military personnel, many of whom were without job skills, were demobilized. Unfortunately, in the absence of a plan for their reentry into the civilian economy, many of the demobilized personnel formed themselves into groups of armed bandits, and the crime rate skyrocketed.⁸³ Based on this experience, a jobs training program was implemented for former FAd'H personnel in an attempt to mitigate some of this effect. Despite best efforts, the program was not fully successful for two reasons. First, although most of the displaced FAd'H personnel received training, the Haitian economy had failed to grow sufficiently for these individuals to find jobs. Second, the Haitian population, suffering from extreme poverty, objected to training and economic support from their former oppressors.

Lesson #8: Economic support and training for former security personnel can be problematic.

Whether or not a jobs training program is appropriate must be determined on a case-by-case basis. However, in view of the El Salvador and Haitian examples, donors should consider developing a plan that takes into consideration the economic condition of the country, and whether it will be feasible for demobilized forces to find alternative employment in the private sector. It may be necessary to utilize international funding to support the initial stages of jobs

⁸³ Ibid, p. 7.

programs, and, over the long-term, this approach may prove more cost effective than dealing with an escalating crime problem.

Lesson #9: A functioning government authority is needed for police development.

The Governmental authority provides police agencies with legitimacy and oversight, as well as guidance and the means for taking remedial action against unacceptable behavior, a key to protecting human rights. Not only is it ineffective to build a police unit in the absence of government authority, it could be considered irresponsible to create an unarmed unit in the absence of a legitimate government oversight body. In Haiti, this governing authority was skeletal for the first few months of the police development process. It was ineffective during its evolution and continues to be fragile in its oversight today.

Lesson #10: A legal basis for authority and organization of police is required.

It is extremely difficult to plan for the organization and training of a police unit until its mission, functions and authority are defined. Experience in dozens of police development projects has demonstrated that drafting of a "police law" (also known as an Organic Law) needs to be one of the first steps in creating a police institution. It is the police law that defines the mission of the institution, and establishes its authority and limits thereon. From this flow the organizational development, policies, procedures, and training requirements that will be at the core of the development effort. The history of the Haitian Police Law, which defined the nature of the new HNP and provided a road map for its development, demonstrates that this activity is not necessarily without controversy. Changing missions and roles can severely impact major actors, particularly in post-conflict countries, where many institutions are corrupt and where criminal activity has served as a major source of income of high-ranking officials. In the case of Haiti, challenging the status quo by presenting the new Police Law to the legislature, probably cost Justice Minister Guy Malary his life and perhaps Chief Justice, Gary Lissade his job.⁸⁴

Lesson #11: Documentation of police policies and procedures are critical to institutionalization, as is a strong oversight/accountability function.

⁸⁴ Ibid, p. 9.

The initial training of a new police force is predicated on the need to respond to the short-term security requirements. However, building an environment for long-term security requires the creation and development of self-sustaining civilian police institutions. Assuming that a police organic law has already been passed, this must include at a minimum: 1) development of selection and recruitment standards and processes; 2) establishing a strong organizational base, including accountability units, such as an Inspector General or an Office of Professional Responsibility; 3) drafting and promulgation of police policies and operational procedure manuals; 4) creation of training institutions that can sustain basic and in-service training programs over the long-term, and development of curricula that link directly to law, as well as to policies and procedures; and 5) assisting in developing planning and budgeting mechanisms that assure that the host government can learn how to sustain these police institutions after the period of foreign assistance.

Lesson #12: Avoid recycling of police personnel.

The easiest solution to the "security gap" is to put the existing police personnel back on the streets. This was the example of Panama, where the entire new civilian police force (PNP) was made up of vetted and retrained members of the former military Panama Defense Force, who were put through a 21-day transition-training course.⁸⁵ In planning for Haiti, the obvious shortcomings of the Panama effort were noted, and for the most part avoided, by resolving to severely limit any participation of the former FAd'H in the new HNP. Within months, the Haitian FAd'H police units, by then converted into the Interim Public Security Force, were entirely replaced with new civilian recruits that formed the HNP. Despite some early start-up problems with new recruits, in its early years, the HNP proved to be a politically neutral civilian institution with a civil rights record far superior to its military predecessor.

⁸⁵ Stromsen, Janice M., *Building Civilian Police Forces: Role of USAID and ICITAP in Police Reform in Latin America*, presented at the Annual Meeting of the Academic Council of the United Nations, June 16-18, 1999.

Whether the mission is in a failed state or an emerging democracy, experience has shown that recruitment of new civilian police personnel has been more effective in building civilian institutions than retraining existing police personnel, particularly when existing police personnel have operated under a military organization. However, it should be understood that there is a trade off in utilizing totally new personnel for the newly constituted force. As experience in Haiti demonstrated, a force that is built on new, inexperienced personnel will require more time to be able to assume responsibility for maintaining public order, both in terms of the additional specialized training required, and, perhaps even more importantly, the need to develop "street smarts". This may require a slightly longer period during which interim security measures are required. However, as in the case of Haiti, where the "old" force was one that was corrupt, politicized and abusive of human rights, the long-term benefits will most likely outweigh the cost.

Lesson #13: Vetting personnel for human rights violations and criminal behavior prior to training should be the norm.

In any project where existing security personnel are to be utilized in an interim or newly created police institution, strict vetting standards need to be established and applied before training. The issue of vetting was addressed in Haiti far more strongly than in previous interventions. In Haiti, the policy was not to train anyone who had not been vetted against several human rights and criminal databases. No one was trained if his or her background was deemed to be unsuitable. This standard was applied to training of both the IPSF and HNP.

Lesson #14: If other missions of this scope are implemented, it is essential that the plan include a method for selecting trustworthy and honest interpreters.

It was apparent from the inception of the program in Haiti, that the interpreters would play a vital role in the success or failure of the creation of the new police force. DYNCORP, the State Department contracted agency, was tasked with finding and hiring interpreters for the mission. There were minimal prearranged criteria for selection and no pre-screening vetting process to determine the interpreter's loyalties or political interests.

Without taking precautions to weed out those interpreters looking to serve their own interests, U.S. government and international officials could only hope their intent was being forwarded accurately and in its entirety.

Lesson #15: The relationship between pay and corruption must be recognized.

There is a significant trade-off between the number of police personnel and their salary level. In many developing countries, in order to increase the number of personnel, salaries are being reduced, or are not paid in a timely fashion. However, experience in virtually every developing country indicates there is a direct correlation between low salaries and corruption. There are numerous examples wherein an extremely large number of police personnel are kept on the payroll, but at such low wages that acceptance of bribes or extortion is required just to raise a family. A smaller force that is well trained, efficiently deployed, and paid a living wage is much more effective than a larger force that is not.

The United States entered the planning process for Haiti with an understanding that a large poorly paid force would likely become part of the security problem rather than the solution to it. The U.S. Government program worked directly with the Haitian Government in exile to establish a living wage for the HNP. Granted, the payment of a living wage did not totally eliminate police corruption in Haiti any more than it has in North America or Western Europe, particularly where the corrupting influence of large amounts of drug money are involved. However, when the HNP was deployed, the average Haitian citizen could expect to be able to walk the streets, or report a crime without fear of retribution or being forced to pay a bribe.

Lesson #16: The length of training must be appropriate to the police mission.

In Haiti, as in virtually every "peacekeeping" mission, creating or professionalizing indigenous security forces are part of the "exit strategy." This means that the greater the political pressure for withdrawal of international troops, the greater the

pressure to put new police on the street quickly. However, length and content of training must be appropriate to the police mission.

The original training schedule, developed for Haiti in 1993, was reduced from six months to four months in order to accommodate the ever-shrinking window in which 5,000 new police had to be trained and deployed. Nearly every independent review praised the effort to recruit, train, and deploy the new HNP, but almost every one of these reviews also found that training was too short. In fact, as soon as the pressure to train was eased following deployment of the initial 5,000 recruits, the original six-month training concept was re-instituted, and the period for field training was extended.

The scheduled departure of the United Nation Mission in Haiti (UNMIH) in 1996 created a pressure to deploy the HNP as fast as possible. As a result, the Haitian government increased the number of recruits by 100%. The upsurge in the number of recruits led to overwhelming the training facilities at the police academy in Haiti. As a result, some new recruits underwent training at the U.S. Fort Leonard Wood Military Base in Missouri and others in Canada.⁸⁶ The first group of HNP, some one hundred Haitian expatriates, underwent a three-month training course at the Gendarmerie Royal du Canada de Regina.⁸⁷ They were deployed in June 1995, and gradually replaced the IPSF.

The rush to meet expectations led to a group of 5,000 policemen being graduated in one year. They were given only four months of very basic training. They did not participate in supervised academy policing that leads to competence and inspires confidence amongst the ranks and the people being policed. Police experts maintain that every police agent should receive at least twelve months of basic training. For example, in the N.Y.P.D. police recruits receive a total of nine months basic training plus additional field training.

In Haiti, some of the practical applications of classroom training had to be eliminated due to time-constraints. Principal among these were appropriate use of force, human rights, non-

⁸⁶ OAS/UN, July 1996.

lethal intervention techniques, and driver training. According to Commissaire Merci, the number of wrongful or accidental shootings, as well as the many vehicular accidents, speaks clearly of the necessity of taking the time, up front, to ensure that police are adequately trained at the academy, and mentored in the field.

Lesson #17: Principles of human rights and human dignity must be integrated at all levels of police policy and training.

Respect for and protection of human rights and human dignity are key aspects of any police and criminal justice development effort. In the case of Haiti, given the FAd'H record of human rights abuses, consideration of these subjects was of paramount importance in creating the new HNP. Human rights and human dignity were key components of the police curriculum. Institutional development initiatives and training curricula were based upon, and continuously emphasized a basic set of values, consistent with principles of policing in a democracy. The same was true of the "mission statement", policies and operational procedures, all of which reflected respect for individual rights and the principles of "service" to the community that are typically lacking in former dictatorships and failed states. Integration of human rights and human dignity principles into these directives is important, but particularly so for "use of force" models, procedures for handling suspects and detainees, and guidelines for interviewing witnesses.

In Haiti, human rights and human dignity training was conducted in conjunction with the United Nations Human Rights Mission, and their human rights monitors directly participated in police training classes.

Lesson #18: Where there is no history of democracy or rule of law, civil society must be educated with regard to their expectations of their new police, and of their own responsibilities vis-à-vis the police and rule of law.

There is need for citizen education on the new role and function of a democratic, civilian police. In Haiti, inadequate attention was paid to incorporating civil society representatives into development of programs, and the service aspects of policing were also not sufficiently

emphasized. The result has been that when the HNP was deployed, Haitian civil society did not, and likely still do not, fully appreciate the impact of positive relationships between a society and their civilian police. The new HNP officers were trained by the international community to serve the public and follow the rule of law. However, upon deployment, they encountered a civil society that had suffered through nearly 200 years of abuse, during which there was not simply a failure of the apparatus of justice to serve them, but a long history of the justice system being used by the elites as a tool for their repression. In retrospect, it is clear that the vast majority of the Haitian population did not know what to expect from the new police, and to many, vigilante justice still was viewed as the only effective justice in Haiti. Initially, at least, unlike their predecessors, the HNP did not use force against the crowds of vigilantes, but neither did they give up their prisoners. In more than one case, this stand resulted in beatings or even execution of HNP officers or their prisoners, as well as burning of police stations. Unfortunately, over the longer term, at least some members of the HNP did live up to public expectations of "business as usual by surrendering prisoners to crowds of vigilantes."

CONCLUSION

In September 1994, the United States and other countries intervened militarily in Haiti to restore the democratically elected government that had been overthrown by the Haitian military in September 1991. Before the intervention, the Haitian military controlled the police and judicial system.

After the intervention, the United States provided assistance to both the police and the judicial system. The United States' aim was to develop a professional civilian police force and enhance the effectiveness of Haiti's judicial system. The hope was to improve the Haitian people's access to justice.

From 1994–1995, the International Police Monitors (IPM), representatives from 20 different countries schooled in law enforcement, were tasked with assisting in the creation of a new police force. That police force was to be independent of the military.

Early on, the United States and the international community considered IPM efforts successful. The Haitian National Police Force (HNP), which became operationally independent in 1996, was considered a welcome improvement over its predecessor.

Shortly thereafter, when President Preval was elected, things started to fall apart. Serious political problems, including poor leadership and lack of cooperation within the government of Haiti, developed and at the same time the presence of the international community declined. With the departure of the U.S. and international community, the HNP reverted to the old ways of the FAd'H. And today, an unfortunate number of police, from the highest to the lowest levels of that structure, have willingly, or under coercion, engaged in criminal activity and corrupt practices. This was one of the primary reasons Jean Bertrand Aristide was ousted from Haiti's presidency in a military coup and then restored to his position by the U.S. led invasion in 1994. However, with Aristide's ascendancy it should be noted that Preval became the first president

since Haiti threw off French colonial rule in 1804 to be democratically elected, serving an entire term and relinquish power voluntarily.

United States assistance to the judicial sector ceased in July 2000 because the United States was not able to negotiate an agreement with the Haitian government for the continuation of assistance efforts. As of September 2000, most United States assistance to the Haitian police stopped because of congressional concerns related to events surrounding the May 2000 Haitian parliamentary and local elections. Because of this, five hundred million dollars in aid was frozen. According to the chief of the Organization of American States (OAS), the electoral authorities had violated their own constitution by using a formula that wrongly gave 10 of 19 seats up for grabs to Aristide's Lavalas party. The result gave the Lavalas party almost total control over both chambers of government and placed Aristide in a very powerful position to win the 2001 presidential election. Charging fraud, all major opposition parties boycotted the presidential election, which Aristide had been expected to win regardless. In the presidential election, there was low turnout and alleged stuffing of ballot boxes, which caused the opposition to challenge Aristide's mandate. The 17 party opposition "Alliance Convergence" estimated that there was only a turnout of five percent.

Realizing the effects of the aid withheld from his country, after the election Aristide wrote a letter dated May 31, 2001. Aristide outlined five elements of his proposed reform package that "will foster an end" to the political impasse in Haiti. In the first element, Aristide announced that he is "now in a position to notify the OAS Assembly" that seven senators who won seats in the country's controversial May 2000 election have resigned. The second element committed Aristide to appointing a new Provisional Electoral Council (CEP) by June 25th. Aristide said he would uphold the integrity of the new CEP "as a functionally independent entity." The third element stipulated that the new CEP would, after appropriate consultations, set the date for elections of the contested seats in the Senate and organize those elections "in a timely manner." Aristide said he was convinced that it would be in the country's best interests to

hold elections for the vacated seats before the end of 2001. As a fourth step, the new CEP would also organize early elections to replace all members of Parliament who were elected in the May 2000 vote. Aiming to increase confidence in these measures, the fifth element was a request from Aristide to the OAS to support the establishment of a special mission composed of the OAS and the Caribbean Community and Common Market (known as CARICOM). The mission's mandate would be to facilitate dialogue with civil society and political parties and to strengthen democratic institutions. The group would observe human rights conditions and offer support "for the proper functioning of the electoral process, including freedom of expression and security for all concerned." Even with these concessions by Jean-Bertrand Aristide, George W. Bush administration and Republicans in the U.S. Congress denounced Aristide as being surrounded by narco-traffickers, criminals and anti-democratic elements. Republicans called for an end to all direct support for the Haitian government, which is heavily dependent on U.S. financial aid. Senate Foreign Relations Committee Chairman Jesse Helms denounced Aristide's election in Haiti as a "sham," although some might argue that Aristide's popular support was overwhelming and his victory was more genuine than that of George W. Bush.

The Haitian experience has provided an abundance of lessons, which have been reaffirmed in other interventions. The most important lesson of all might be that to ensure sustainability of the many changes and improvements in the life of Haiti, the United States and the international community must bring its political and economic will to the table, plan for the long term, and stay the course. By exiting Haiti when an international presence and external pressure was most needed, we risk the future of a fragile democracy and take the chance of reverting to a situation that necessitated the intervention in the first place. Currently there is a move underway by the OAS to invoke its "Democratic Charter" through a Commission of Inquiry in Haiti to conduct investigations, analysis and report on conditions. The Charter defines the essential elements of representative democracy in very specific terms such as "human rights and fundamental freedoms, and access to the free exercise of power in accordance to the rule of

law.” Once again this action by the international community will not be enough to change or remedy 300 years of Haitian history.

Since the 1994 intervention, when the seeds of democracy were sown in Haiti, there has been some positive movement. During both the Preval and Aristide administrations the number of schools have quadrupled. Aristide has taken giant steps towards addressing the illiteracy problem in Haiti. This initiative is positive when attempting to “build democracy.” The key thought is: “If one cannot read, he or she can not make an independent judgment or decision about who and what to vote for.”

When comparing Aristide with past Haitian leaders, Aristide has to be given credit for at least understanding the Haitian people and, at least on the surface, knowing what their needs are. To his credit and advantage, Aristide has been able to effectively use his charismatic qualities to impose his will on the masses.

Prior to Aristide, democracy ran against the grain of Haiti’s political tradition. For most of its history autocrats had ruled the country. Since winning its freedom from the French in 1804, Haiti has had 21 constitutions and 43 heads of state, 29 of who were assassinated or overthrown. Haiti’s history of autocracy and political instability has begotten a society highly polarized on the basis of race, class and geography. History demonstrates that almost every Haitian leader has been in the business of using the government to gain wealth and riches for themselves. Aristide, not unlike other Haitian leaders, has also done well for himself. However, he has been successful in giving the Haitian people hope, at least in the realm of education. Under these circumstances a dream can be sold cheaply to desperately poor and uneducated Haitians, especially where past governments have fallen short.

There are, however, individuals in the lower middle classes who see Aristide’s other agenda items clearly, which is the core of strong rumblings of dissent in Haiti today. Among them is the 17 party opposition Alliance Convergence who very vocally contested Aristide’s election and who, without a doubt, have their own agenda.

Recently under Aristide's leadership, Cooperative Management, a financial investment program, was sanctioned. Under this system an individual can invest money, any amount, and receive a return of twelve percent interest per month. Because of that, people have rushed to invest. However, no stock market or bank will give the same return in interest on any similar investment. The source of funding for this endeavor is unknown since there is no real economy in Haiti and the country receives minimal funding from the international community. When American investors and bankers who felt the pressure of the phenomena questioned the existence of this system, the U.S. government intervened. The Haitian government responded in kind with meaningless regulations that had no real effect except to give the system authenticity and legality. One can only guess where large amounts of cash of this magnitude are coming from. If the sources of this cash flow are drug related, then the problem in Haiti is far more complicated than thought.

As recently as April 27, 2002, news reports on Haitian radio stations (Radio Soleil and Radio Lacai) reported that the individuals in charge of Cooperative Management in certain regions absconded with the money. It will be interesting to see how the Haitian people react to these developments. On the other hand, it could be argued that, given the desperate economic conditions in Haiti today, schemes like Cooperative Management offer Haitians hope to increase their meager finances.

As I assess Haiti's police capability, the war on terror comes to the forefront, specifically the creation of nesting places for terrorist groups. If a country's economy is based on the shipment and distribution of drugs, it is easy for terrorists and drug cartels to take hold. In any case, the United States would have done well to elevate the War on Drugs to the same level as the War on Terrorism. In most cases, the two are linked financially. The U.S. should not be in the position of waging wars and implementing policies without analyzing the short and long-term affects and the desired end state. To avoid costly investment and duplication of effort, we need to be more vigilant on staying the course until demonstrative reforms are institutionalized.

In reviewing the history of Haiti, the concept of democracy for that country has been questionable. However, as in the case of the OAS Democratic Charter, remedies should be put in place to strengthen Haitian democracy and not punish the Haitian government, which eventually will affect the people and oftentimes lead a government into bed with strange and less than honorable partners. There is a danger in trying to use a cookie cutter remedy like the OAS Democratic Charter to address Haiti's ills; not every country can fit into a particular model. There are many factors to consider, such as culture, history, ethnicity, and economic conditions to name a few. The United States' inconsistent policy across the board has not been helpful as the leader of the free world. Over the last 40 years the U.S. accepted the human rights abuses of the Duvalier dictatorship because it suited their national interest. The U.S. should not now use democracy as a double-edged sword but rather follow a consistent policy to allow individual countries, with some tutelage to work out their own political issues internally as long as all the relevant parties are included in the process. Such is the case in Haiti, which after years of dictatorial rule is now just emerging as a democracy with fragile institutions.

The establishment of international and U.S. led institutions, like the OAS mission to Haiti, which would assign technical experts in developing and strengthening Haiti's democratic political processes, could be one solution if these institutions are committed and prepared to stay the long term. Haiti is currently on a seven-year run of a fragile democracy; its growth development has been minimal at best. However, the effort of the 1994-95 U.S. led intervention was undeniable, it gave the Haitian people a blueprint by which to construct its democracy. Deputy Chief of Mission for Haiti at the U.S. Embassy, Louis Moreno, still has hope for the future: "For the first time, Haiti is a democracy however fragile. Haiti actually had a free election and we have to be optimistic that the next election will bring Haiti that much closer to the ideal democracy for the people."⁸⁸

APPENDIX A

HAITI: A HISTORICAL PERSPECTIVE

Since the signing of the Treaty of Ryswick between the kingdoms of Spain and France in 1697, the island of Hispanola (La Isla Espanola) has played host to two separate and distinct societies that we now know as the nations of Haiti and the Dominican Republic. At first encounter, and without the benefit of historical background and context, most students or observers find incongruous that two such disparate nations – one speaking French and Creole, the other Spanish – should coexist within such limited confines. When viewed in light of the bitter struggle among European colonial powers for wealth and influence both on the continent and in the New World, however, the phenomenon becomes less puzzling. By the late seventeenth century, Spain was a declining power. Although that country would maintain its vast holdings in mainland North America and South America, Spain found itself hard pressed by British, Dutch, and French forces in the Caribbean. The Treaty of Ryswick was but one result of this competition, as the British eventually took Jamaica and established a foothold in Central America. The French eventually proved the value of Caribbean colonization, in an economic as well as a maritime and strategic sense, by developing modern – day Haiti, then known as Saint-Domingue, into the most productive colony in the Western Hemisphere, if not the world.

Although the other European powers envied the French their island jewel, Saint-Dominique eventually was lost, not to a colonial rival, but to an idea. That idea, inspired by the American Revolution and the French Revolution, was freedom; its power was such as to convince a bitterly oppressed population of African slaves that anything – reprisal, repression, even death – was preferable to its denial. This positive impulse, liberally leavened with hatred for the white men, who had seized them, shipped like cargo across the ocean, tortured and abused them and forced women into concubines and men into arduous labor, impelled the black population of Saint – Domingue to an achievement still unmatched in history: the overthrow of a slaveholding colonial power and the establishment of a revolutionary black republic.

In 1791, Boukman, a Jamaican slave and voodoo priest, led a slave revolt that destroyed the sugar plantations in the north and massacred thousands of colonists.⁸⁹ The island was in turmoil and the “Pearl of the Antilles” was up for grabs. Seeing the turmoil and recognizing their opportunity, the English attempted to capture the country. The French had no resources to spare to put down the slave revolt or to stop the English from taking Saint Dominique. Therefore, they did the politically expedient thing and abolished slavery on Saint Dominique. Then, they asked the former slaves to help defeat the English and stop the invasion. Betrayal was the people’s reward.

⁸⁸ Moreno, Luis, Haitian Deputy Chief of Mission, Interview, April 2002.

⁸⁹ Stotzky, p. 19.

In the midst of all this chaos, a true hero emerged, Francois Dominique Toussaint, also known as Toussaint Louverture, a former slave created an army of 4,000 slaves and fought the French from 1791 until 1794. During that time, he fought beside the Spanish against the French. In 1794, he left the Spanish and fought alongside his former enemies, the French when the English invaded and took Port-au-Prince. Thus, begins a recurrent theme in Haitian culture fierce pride in their African heritage, yet an underlying fascination with anything French.

By 1798, Toussaint had defeated the English and was the unrivaled leader amongst the blacks. With the English defeated, he turned his attention to his rivals, the mulattos. Thus, another recurrent theme in Haitian history starts. When there is no outside enemy to kill, Haitians turn against and kill one another. Toussaint's lieutenant, Jean Jacques Dessalines, was given the job of purging the army of mulattos and by his account executed 350 mulattos. Historians claim that at least 10,000 were murdered. What is certain is that Dessalines' cruelty towards his own people would set a pattern that would be copied by later despots from the Tonton Macoutes of Duvalier to the attaches.

After the ouster of the English and French and the subjugation of the mulattos, Toussaint was supreme. In 1801 he drew up a new constitution and proclaimed himself governor general for life. His triumph was short lived. Napoleon, Emperor of France, sent his brother Leclerc and 20,000 troops to the island to capture Toussaint and reestablish slavery. They were successful in capturing Toussaint because his two chief lieutenants, Dessalines and Henri Christophe, betrayed him. Toussaint died in a French prison. Betrayal is yet another pattern seen repeatedly in Haitian history.⁹⁰

Dessalines later led a new revolt against the French. Amazingly, an army of black former slaves met and destroyed the French army, which was purportedly the best land based fighting force on earth at the time. On January 1, 1804, Dessalines proclaimed the independence of the island and gave it back its native name Haiti, or Ayiti in Creole. (Haiti means "mountainous

⁹⁰ Stotzky, p. 18.

country” in the Taino Arawak Indian language.) Thus, Dessalines became Emperor of the first republic in the world to be ruled by a person of African descent.⁹¹

In 1806, just two years after his triumph, Dessalines was assassinated. The cycle continued and civil war ripped the country. Henri Christophe, who betrayed both Toussaint and Dessalines, took to the North and established a kingdom, while Alexandre Petion proclaimed a Southern Republic. Christophe, calling himself Roi Henri Christophe, based his empire on forced labor and large plantations. While his Southern rival, a mulatto named Petion, divided that land into peasant plots. In time this became the pattern in Haiti and led to economic ruin with virtually no sugar crops and little coffee. Christophe committed suicide when his army rebelled against him in 1820. Revolution followed revolution as hatred continued between the blacks and the ruling mulattos. As a result, democracy and constitutional government rarely existed in 19th century Haiti.⁹²

The capture and execution of the populist Toussaint in 1802 paved the way for the Creole (French favoring mulattos) aristocracy to claim power. Secondly, violent and brutal changes in power in the early years became the model for political transition in Haiti to present day. Third, the notoriously violent methods that the early Haitian leaders used to obtain and stay in power became the model for all successive regimes. The manipulation of (voodoo) symbols to inspire and intimidate Haitians in equal measures shaped the political landscape. Constant political repression and state terrorism blocked the emergence of democratic institutions. Finally, the early and prolonged violence of Haiti destroyed the flourishing plantations. Former slaves became subsistence farmers in the interior while the Creole elite moved to the towns and took over the government. They used government offices to collect taxes from agriculture for private enrichment.⁹³ With no labor pool available for production, and without leaders interested in

⁹¹ Stotzky, p. 19.

⁹² M. Heintz, *Written in Blood: The Story of the Haitian People, 1492-1995*, University Press of America, New York 1984, p. 138-139.

⁹³ *Ibid.*, p. 130.

servicing as entrepreneurs, the Haitian economy came to a standstill, and has remained there ever since.⁹⁴

United States involvement with Haiti began in 1864 with the Treaty of Recognition. Prior to this the United States was leery of Haiti if not outright hostile. The Haitian slave revolt that led to their independence was bloody and scared many U.S. slave owners. Southern slave states blocked U.S. recognition for fear the success of Haiti's blacks would inspire U.S. slaves to revolt. Within a year of the U.S. Emancipation Proclamation and just before the end of our Civil War, the U.S. government recognized Haiti.⁹⁵

In 1870, the United States appointed Frederick Douglas ambassador to Haiti. This seemingly magnanimous appointment had a hidden agenda. Douglas' instructions were to obtain a treaty with Haiti that would establish a U.S. naval base in Port-au-Prince. Douglas was loved and respected in Haiti but was ultimately unsuccessful. The Haitian government at the time bristled at the U.S.' failure to recognize them for 60 years. Douglas understood this and in a speech in 1872 stated "the United States never forgave Haiti for being black".⁹⁶ Spurred by the Haitian government, the United States let Haiti wither on the vine until 1915.

Just prior to entering World War 1, U.S. policy makers were ostensibly concerned about Germany's growing influence in Haiti. Invoking the Monroe Doctrine U.S. marines invaded Haiti and occupied the country until 1935. While there they crushed the anti-imperialist movement led by Charlemagne Peralte.⁹⁷ A major lasting effect of the invasion was the creation of a U.S. friendly Haitian military and of a small but powerful middle class whose power base was the military.

⁹⁴ Ibid., p. 138.

⁹⁵ Stotzky, p. 20.

⁹⁶ Ibid.

⁹⁷ Stotzky, p. 21.

APPENDIX B

THE CAP HAITIEN MODEL

This Interim Public Security Force experiment involved the members of the 2nd Brigade Combat Team under the leadership of U.S. Army General James Dubek then Colonel Dubeck; International Police Monitors under the watchful eye of Major Sam Delgado USMC and Director Kelly Liaison Officer for Cap Haitien; selected applicants from vetted FAd'H; and recruits from the 1,500 Haitian trainees taking part in a three-day program at Guantanamo Bay under the leadership of FAd'H Captain, Gary Griffin.

Prior to being selected as an applicant for the IPSF experiment, vetted FAd'H and Guantanamo trainees were subjected to the following requirements.⁹⁸

- ◆ Must be a native of the Cap Haitien region.
- ◆ Must have a tenth grade or higher education.
- ◆ Must pass a rigorous physical fitness test, i.e., 20 sit ups, 20 push ups, and run 1 ½ miles in twelve minutes or less.
- ◆ Must pass a rigid written examination designed to test the applicants' ability to read, to comprehend written material, and to write effectively.
- ◆ Must pass the oral review panels interview designed to test the applicants' ability to think and verbally communicate in French.

The IPSF were distinct and different from the police. It was an additional force to augment the police. Their duties were to:⁹⁹

- ◆ man precincts and handle administrative functions,
- ◆ assist in traffic control,
- ◆ conduct foot and vehicle patrols with IPMs
- ◆ report crimes as observed

⁹⁸ U.S. Military, International Police Monitor Operation, 1994.

⁹⁹ Ibid.

- ◆ assist in the organization and implementation of community policing, and neighborhood watch programs, and
- ◆ assist in delivery of humanitarian aid.

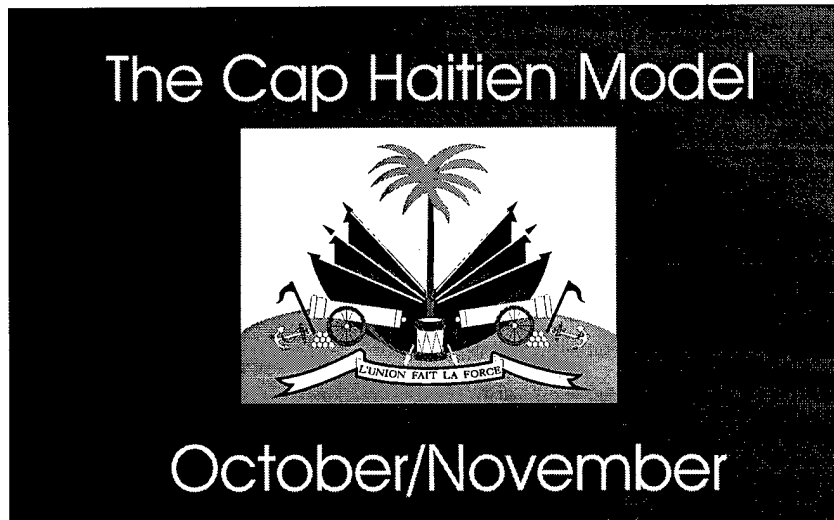
Daily operations for participants in the ISPF experiment consisted of on-the-job training accompanied by International Police Monitors; formal training sessions conducted by the International Criminal Investigative Training Assistance Program; performing daily routine patrols with the International Police Monitors; participating in joint police and Multinational Force operations; and conducting other “duties” as indicated.

The formal training conducted by ICITAP for participants in the experiment included sessions on the following:¹⁰⁰

- ◆ Police professionalism and ethics,
- ◆ Powers of the Haitian Police,
- ◆ Courtroom demeanor and testimony
- ◆ Emergency first aid,
- ◆ Reporting and report writing,
- ◆ Police patrol procedures
- ◆ Mechanics of Arrest, and
- ◆ Handling prisoners

¹⁰⁰ Ibid.

The Interim Public Security Force Experiment



23 System	24 Traffic Accident Investigation Report and Report Writing	25 Interviewing Techniques Report and Report Writing	26 Crime Scene Interrogation	27 Observation and Perception Police Patrol Procedure Review Night Patrol
28 Urban Disorder Management Handling Prisoner Review	29 Handling Disturbances Interrogation with Criminal Justice Control Tactics Dangerous Drugs	30 Interviewing Techniques Report and Report Writing	31 Community Relations Exam Com Empowerment Admin Overview Receive Weapons	1 Use of Deadly Force Fire Arms Instruction
2 Range Qualifying Fire Arms Instruction	3 Range Qualifying Fire Arms Instruction	4 Weapons Qualification	5 Training Overview Graduation Reorganization for Chain of Command	6 Celebration Reunite IPSF with Family Members

Source Data: U.S. IPM HQTS, Haiti

Those participants who met entry-level criteria were able to enter into the four-month program (police academy). Those who failed to qualify or their performance was found to be substandard, were funneled into the reintegration program. An overview of the Cap Haitien Interim Public Security Force timeline is provided in the calendar on the preceding page.

Under the Cap Haitien Model, the Interim Public Security Force was comprised of nine squads, one Police Station Element, one Prison Guard Element and one Airport Security Element. Each squad consisted of two International Police Monitors and one interpreter. The Police Station consisted of two commanders. The Prison Guard Element was comprised exclusively of individuals already assigned to the duty patrol squads – one International Police Monitor (rotated every two hours), and four patrolmen (rotated every eight hours). In addition, the Prison Guard Element included one interpreter (rotated every eight hours) from the International Police Monitors Force.

The Cap Haitien Model called for the nine patrol squads to be separated into three shifts of eight hours each – the day shift, the night shift, and the midnight shift. The day shift consisted of three patrols who were responsible for patrolling school crossings (mornings and afternoons) and for providing transportation to the court for detainees. International Police Monitors on the day shift were also detailed on a rotational basis to the Prison Security Element Unit. The night shift consisted of two patrols that were responsible for patrolling assigned areas; providing transportation to and from court for detainees; and providing detainees to be rotated to the Prison Security Element unit. The midnight shift was comprised of two patrols who were responsible for patrolling designated areas as well as providing detainees to be rotated to the Prison Security Element unit.

The Police Station Element provided station personnel who were responsible for the processing and booking of any individuals arrested; and the recording of information on crimes reported by the public that did not require immediate attention. They were responsible for preparing and maintaining a log of all Interim Police Security Force personnel working the day

shift; and a log of all detainees scheduled to attend court along with details on the outcome of court appearances. This unit was also responsible for making arrangements with the IPSF for transportation to court for the detainees as well as for providing security at the courts while it was in session.

The Prison Guard Element was responsible for providing security at the detention facility and maintaining a log of all individuals housed in the detention facility on either a temporary basis or a long-term basis. They were also responsible for setting up work schedules for the various detainees.

Finally, the Airport Security Element was responsible for monitoring and mentoring airport security personnel in the conduct of their security duties. They were also responsible for assisting in traffic management in and around the airport.

Mid-Term Evaluation

A cursory review of the Cap Haitien Model in December 1994 revealed the following:

- ◆ Of the 38 vetted FAd'H taking part in the program, 26 graduated; and 22 of the 25 Guantanamo trainees graduated.
- ◆ As of December, there were eight operational squads performing tasks, i.e. monitoring desks, guarding prisoners, conducting airport security, providing courtroom security and patrolling day and night.
- ◆ In addition, the criminal justice system was reestablished on October 24th; night patrolling began October 27th; arrest powers were exercised on October 29th, and on November 5th graduation exercises were held.
- ◆ The December review was based on seven hypotheses, which were the basis for the original Cap Haitien Model.¹⁰¹

Hypotheses 1: **The former FAd'H of Cap Haitien can be informally vetted and used as an interim public security force in Cap Haitien.**

Conclusion: **False**

¹⁰¹ Ibid.

Rationale: In an effort to foster openness and freedom of communication, an attempt was made to swear in five former FAd'H, who had undergone vetting and intense indoctrination, during an open forum ceremony in Cap Haitien on October 9th. The idea seemed good at the time but what was not foreseen was the intense emotions the ceremony would generate amongst the public in seeing five members of a disliked organization return in brand new uniforms to take an oath to protect them. The result was a near riot.

The action failed because of the lack of resources and a good mechanism to investigate allegations of abuse against police and military personnel by the Cap Haitien people.

Hypotheses 2: The formally vetted FAd'H from elsewhere can be used as an interim public security force.

Conclusion: True

Rationale: Twelve formally vetted FAd'H were already on the street and an additional eight more were due to begin street assignments involving public relations and traffic control.

Hypotheses 3: **A 42-hour ICITAP program of instruction can train vetted FAd'H in proper police procedure sufficient for them to become an interim public security force.**

Conclusion: **False**

Rationale: **The 42 hours ICITAP consisted mainly of training that included patrolling, handling prisoners, and the mechanics of arrest – training which required physical contact with the Haitian people. Fear of being recognized for past abuse or being linked with the past abuses of the military made many of the vetted FAd'H reluctant to handle these duties; thus, interfering with their ability to comprehend the training matter. Vetted FAd'H received insufficient understanding of the concepts of constitutional law, proper investigation techniques, or proper use of force during the instruction program.**

Hypotheses 4: **The trainees from Guantanamo Bay, after receiving classroom and on-the-street training, can provide satisfactory results for the new Haitian police academy.**

Conclusion: **True**

Rationale: Unlike the vetted FAd'H, the trainees from Guantanamo had already undergone an extensive twenty-one day training before receiving the ICITAP training. But more importantly, they did not have the added burden of a military background, as did the vetted FAd'H. Guantanamo trainees were highly motivated, well received by citizens, and grew more confident each day.

Hypotheses 5: The international police monitors accompanying informally and formally vetted FAd'H can provide the citizens of Cap Haitien the trust that they needed to accept former FAd'H members as IPSF.

Conclusion: True

Rationale: The community accepted the IPMs and found them to be professional, hardworking and articulate. The functions of the IPMs were also well explained and understood by the citizenry.

Hypotheses 6: An interim public security force, independent of a viable justice system is sufficient to conduct "normal" law enforcement activities.

Conclusion: False

Rationale: **The trainees were unable to execute much of what ICITAP instructors discussed in class (i.e., warrants, due process) without some part of a justice system in place.**

Hypotheses 7: **The associated agencies and government of Haiti will be capable of coordinating and supporting the requirements to conduct the experiment to completion.**

Conclusion: **Uncertain, very slow**

Rationale: **Agencies and the Haitian government were very slow in paying trainees, providing needed equipment and upgrading facilities.**

Governmental officials reviewing the program concluded that:

- ◆ As an experiment, the Cap Haitien Model provided valuable information, much of which could be generalized beyond Cap Haitien.**

- ◆ Grass roots politics and an information dissemination campaign was essential in order to gain public confidence.**

- ◆ The Cap Haitien citizens displayed a very high interest in joining the new police force.**

- ◆ **Logistics are extremely important in determining success rates, i.e., the lack of pay translated into personal hygiene and family difficulties; and the failure to upgrade facilities and provide maintenance translated into operational effectiveness problems.¹⁰²**

¹⁰² Ibid.

International Police Monitors Crime Report

<i>Category of Crime</i>	<i># of Crime(s) Reported</i>	<i>Serial Number</i>
<i>Date of Report:</i>	<i>Date of Occurrence:</i>	<i>Time of Occurrence:</i>
<i>Location of Crime</i>		
<i>Victims Name:</i>		
<i>Address:</i>		<i>Telephone #:</i>
<i>Reporting Person:</i>		
<i>Address:</i>		<i>Telephone#:</i>
<i>Person(s) Arrested:</i>		
<i>Address:</i>		<i>Telephone #:</i>
<i>Circumstances of Crime:</i>		
<i>Reporting Officer:</i>		<i>Contingent</i>
<i>Haitian Police Officer Present</i>		<i>I D Number</i>

APPENDIX D

PRISON GUIDELINES FOR INTERNATIONAL POLICE MONITORS

- ◆ Ask prisoners if they need medical attention.
- ◆ Check twice weekly to see if prisoners get fed and receive enough water.
- ◆ Check to see if sanitary facilities are clean and working.
- ◆ Make certain prisoners have the opportunity to bathe and go to the bathroom regularly.
- ◆ Make sure no cells are overcrowded.
- ◆ Make sure males and females are separated.
- ◆ Make sure beds and blankets are available to all prisoners.
- ◆ Keep prisoners active through light cleaning and maintenance, exercise and sports.
- ◆ Monitor against verbal and physical abuses.
- ◆ Make sure relatives are notified about arrests/imprisonments.
- ◆ Make sure prisoners can receive visitors and correspondence.
- ◆ Monitor for proper registration of prisoners.
- ◆ Monitor against unnecessary restraint of prisoners.

APPENDIX E

PRISON REFORM PROPOSAL

ICITAP proposes the following rapid response course of action to address the exigent circumstances of the Haitian prison system. ICITAP proposes that the administration of this effort be in cooperation and conjunction with AID/Haiti.

Basic Assumptions

- 1) Prisons cannot operate as a residual of the law enforcement/judicial system but must be fully integrated in any reform of the administration of justice in Haiti.

- 2) A significant number of detainees/prisoners have:
 - (a) never been formally charged;
 - (b) served time in excess of the sentence imposed; and/or
 - (c) lived in substandard conditions.

- 3) As the IPSF is the only semi-functional law enforcement entity in the country, presumably interim responsibility for the prisons belongs to the IPSF until the new police force is capable of assuming administrative and organizational management.

- 4) Since oversight for the IPSF is being transferred to the Ministry of Justice (MOJ) will become immediately responsible for the prisons.

- 5) Excessive numbers of persons incarcerated, and undetermined length of time served is an abuse of human rights and Haitian law for which the State and its employees can be held liable, in both criminal and civil actions. The Haitian State could face severe financial obligations should detainees/prisoners file civil suits seeking redress.

Immediate Action Items

I. Reduction of the Inmate Population

Executive Support: Secure a **Presidential Decree** setting forth that in order to redress the inhuman and deplorable conditions existent in the prison system, and in order to ascertain the numbers of detainees and reasons for detention, the State shall validate within **twenty days** the Multinational Forces inventory of all detention facilities, prisons and holding areas in police/army building and begin releasing eligible detainees/inmates.

Mechanics: Create teams composed of Haitian **Faculte de Droit** students and/or from attorneys registered with the Port-au-Prince and/or local **Ordre des Avocats bar association** for **pro bono** work. Empower, via the decree, these teams to work with the local **juge de paix** (if none available, identify and assign **juges de paix** from other jurisdictions). Each team should be accompanied by one AID/DOD Civil Affairs Advisor and, as a representative from the UNMIH Civilian Mission to document the process and results. MNF will provide transport within Haiti and AID would provide a small stipend to team members to defray lodging and meals.

Dispatch the teams to each of the *chefs-lieu* (Department seats) and other settlements to review whatever case files may exist.

- (a) Where none exist, the team will **invoke Article 26-2** of the Constitution and release the detainee.
- (b) If records exist, compare the length of time served versus the length of time to be served mandated by law. When the former exceeds the latter, order the immediate release of the prisoner. As necessary, the President may grant **Grace** (Pardon) or **Commutation de Pein** (Commutation of Sentence).

Consolidation: After triage is complete, launch a consolidation of prison facilities, closing those that are surplus and the most egregious in the poorest physical condition. Request MNF advisors to provide recommendations on consolidating detention facilities. Fewer, but better managed, facilities will present less financial challenges to the Government of Haiti (GOH) in terms of maintenance and staffing.

Benefit: GOH assumes **responsibility** to resolve a GOH problem – decree, **costs** are kept to a minimum since *Batonier de l'Ordre des Avocats* (head of the local bar) has the responsibility to assign attorneys on a *pro bono* basis. MNF provides transport and oversight of the process as part of its duties to assist restoring basic administration. Process is **transparent** since both MNF and UNMIH representative can monitor that the process is not tainted. Process is **timely** since the review must be completed within twenty days of the issuance of the decree.

II. Improve Basic Infrastructure

Cosmetic Changes: As the inmate population is reduced, use **AID jobs creation program** to upgrade detention facilities via such tangible and immediate measure as **disinfecting** cells and yards, **cleaning** sanitation/sewer services, **re-painting** internal and external walls/buildings. Condition of **food services** is unknown but must be addressed.

Health/First Aid: Dispatch MNF medical services to begin providing basic health care to detainees/inmates.

Construction Efforts: Identify funding and launch **request for proposal(s) for construction** services using local labor and, inasmuch as possible, materials to **refurbish** principal detention areas to, at least, minimum acceptable standards of human occupation (it may be possible to use Brown & Root in some limited fashion.)

III. Administration and Security

Administration and inmate classification are more long-term projects. However, all graduates of the IPSF six day course have received limited training in ethics and code of conduct; non-lethal defense and suspect control; mechanics of arrest; and handling and transporting prisoners.

Early IPSF training focused on **soldiers assigned to prison duties**. Presumably, these personnel have returned to their duties in prisons and would form the first group of specialized training. ICITAP would propose to have the GOH identify those companies of IPSF soldiers **trained who served in prisons** as guards and ICITAP will provide additional training in basic prison management and administration, predicated upon ICITAP's experience in Panama.

ICITAP would be prepared to offer the following course:

Introduction to Correctional Techniques (1 week) which provides basic correctional techniques, security, contraband control, interpersonal skills development, inmate control and communication, and survival skills in a prison environment. A 30-student version of this course could be scheduled into the training academy relatively quickly and could be repeated in several cycles.

A short term technical assistance project is proposed to establish a basic inmate records management once (a) the triage has been completed; and, (b) a cadre of prison administrators has been selected by the GOH through a 30-day detail of correctional experts. The technical assistance would be in the form of three advisors assigned, one to the MOJ as an expert in the prison administration and two assigned to prison facilities.

Preliminary Cost Estimate	
Specialized Courses for Prison guards/personnel	\$100,000
Upgrade in basic physical conditions	600,000
Review of Inmate Records	75,000
Inmate Accountability System	100,000
Salaries/Cost for Advisors	<u>125,000</u>
Total	\$1,000,000

Legal Basis for Immediate Triage of Detainees/Inmates

Article 24-1 No one may be prosecuted arrested or detained except in the cases determined by law and in the manner it prescribes.

Article 24-2 Except where the perpetrator of a crime is caught in the act, no one may be arrested or detained other than by written order of a legally competent official.

Article 24-3 For such an order to be carried out, the following requirements must be met:

- a) It must formally state the reason in Creole and then French for the arrest or detention and the provision of the law that provides for punishment of the act charged.

b) Legal notice must be given and a copy of the order must be left with the accused at the time of execution.

Article 26 No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision.

Article 26-2 If the arrest is judged to be illegal, the judge shall order the immediate release of the arrested person and that order shall be enforceable immediately, regardless of any appeal to a higher court or the Supreme Court for an order forbidding enforcement of the judgment.

Article 27-1 Government officials and employees who are directly liable under civil and administrative criminal law for acts carried out in violation of rights. In such cases, civil liability extends to the State as well.

Article 272 Specialized sections of the Police Force, particularly the Penitentiary Administration...have been established by law governing the organization, operation and location of the Police Forces.

Article 274 In the exercise of their duties, members of the "Public Forces" are subject to civil and penal liability in the manner and under the conditions stipulated by the Constitution and the law.

APPENDIX F

IPM ACCOMPLISHMENTS

Reappointed New York City Police Commissioner, Raymond Kelly and the IPM can claim some evident and tenuous victories in overhauling the Haitian police. Things were in such disarray that they had to do more than just monitor the police, they had to get involved at the most basic level. They accomplished things even Washington never thought they could do; they saved lives; they stopped human rights violations; they helped clean the prisons; they rescued people from stonings and hangings; they calmed rioters; they kept crime and arrest statistics; and, far more importantly, they helped provide respect and trust for the Interim Public Security Force.

Raymond Kelly, then Director of the International Police Monitors, summarized the accomplishments of the IPM as follows:¹⁰³

- ◆ The IPM monitored Haitian police human rights violations since October 1, 1994 and was actively engaged in mentoring and training Haiti's Interim Public Security Force.
- ◆ IPM and Creole interpreters were deployed from IPM headquarters to all of the remaining departments, including; Jeremie, Les Cayes, Jacmel, St. Marc, Hinche, Gonaives, Port-de-Paix, Cap Haitien and Fort Liberte.
- ◆ IPMs made periodic inspection visits to 120 smaller locations and single inspections to more isolated locations.
- ◆ IPMs operated communication systems at all locations, which included installing base stations and repeater towers across the country. The system was expected to be turned over to the Haitian police.
- ◆ IPMs commenced 24-hour operations on October 23, 1994.
- ◆ IPMs supervised over 3,000 arrests by IPSF since October 1, 1994. All arrests executed by warrant or when in the act – suspects have been seen by judges within 48 hours as required by law.
- ◆ IPMS supervised over 21 arrests by IPSF of FAd'H members on charges ranging from official misconduct to murder since October 1, 1994.
- ◆ IPMs assisted in the successful canvas, investigative search and capture of suspected U.S. embassy employee's killer, College Francis.
- ◆ IPMs created a crime index which is used to record, track and analyze serious crime in the nine departments.
- ◆ IPMs supervised and assisted in an average of 233 daily-motorized patrols by IPSF.
- ◆ IPMs evaluated IPSF members for possible consideration as Police Academy candidates.

¹⁰³ Raymond Kelly, Interview, January 27, 1995.

- ◆ IPMs with police academy and other training experience engaged in classroom and on the job training of IPSF.
- ◆ IPMs supervised IPSF in crowd control incidents (i.e., Christmas Day crowds at the Palace and various demonstrations in front of the ministries and other government locations).
- ◆ IPMs inspected Haiti's prisons seeking redress to immediate problems (for example feeding prisoners) and made a number of recommendations for long-term issues.
- ◆ IPMs worked with the Multinational Forces in handing over the Joint Detention Facility (the U.S. run prison near the Light Industrial Complex) to the IPSF.
- ◆ IPMs supervised IPSF engaged in pro-active patrol for the first time.
- ◆ IPMs supervised IPSF engaged in emergency services, including transporting injured to the hospital.
- ◆ IPMs supervised IPSF engaged for the first time in humanitarian relief, including dignified recovery of the dead in areas hit by Tropical Storm Gordon. They also distributed food and other emergency relief during the storm.
- ◆ IPMs completed a police equipment survey and developed a model for IPSF equipment requirements.
- ◆ IPMs helped repaint and reorganize police stations to make them more inviting to the public.
- ◆ IPMs and IPSF have saved scores of lives by rescuing victims from vigilante violence.
- ◆ IPMs supervised IPSF during a sting operation to arrest a FAd'H lieutenant suspected of extortion and official misconduct.
- ◆ IPMs created a special team to address house break-ins in the Delmas area.
- ◆ IPMs introduced community policing through town meetings.
- ◆ IPMs provided presidential security and services for other special missions for which they had special training.
- ◆ IPMs transported monies throughout Haiti to ensure that the military was paid on time.

APPENDIX G

HAITI FUNDING SOURCES 1995 - 2000

In Fiscal Year 1995 through 2000, the United States and Canada provided most of the international assistance to the Haitian police while the United States provided the bulk of the assistance to the judicial system. The United National Development Program provided most of the international support for improving the prisons. Other donors including the United Nations, France and the European Union, provided smaller amounts of assistance to justice institutions. Since July 2000, the United Nations has been the largest donor supporting these institutions through the police and judicial assistance activities of the U.N. International Civilian Support Mission in Haiti.

In addition, several other U.S. agencies have also been involved in supporting the Haitian police. They include the U.S. Coast Guard, the Drug Enforcement Administration and U.S. Customs.

Source: United States General Accounting Office to Report to Congressional Requesters, Foreign Assistance – Any Further Aid to Haitian Justice System Should Be Linked To Performance-Related Conditions, October 2000.

U.S. Assistance to the Haitian Police and Justice Sector, Fiscal Years 1994 – 2000

Table 1 shows U.S. assistance to the Haitian police force.

Table 1: International Criminal Investigative Training Assistance Program Assistance to the Haitian Police, Fiscal Years 1995 – 2000

Activity	Amount
Police training & donations of equipment	\$34,402,963
Construction of police academy	18,680,474
Program headquarters expenses	6,357,274
U.S. embassy support and program expenses	2,477,990
Staff salaries and benefits	1,838,928
Staff travel expenses	967,604
Anti-narcotics training	347,029
Program audits	221,738
Total	\$65,294,000

Source: International Criminal Investigative Training Assistance Program.

Table 2 shows the overall assistance provided to Haiti's judicial system under USAID Administration of Justice Program.

Table 2: USAID Administration of Justice Program Assistance Judicial Sector, Fiscal Years 1993 – 2000 (Dollars In Millions)

Organization and Activity	Amount
USAID	\$5.4
- Direct aid to Ministry of Justice	2.4
- Other technical and equipment assistance	0.8
- USAID management	2.0
- Audit of Checchi	0.2
RONCO Consulting Corporation	2.8
- Interim Administration of Justice Program	
Checchi & Company Consultants, Inc.	11.5
- Legal assistance & education	4.0
- Case registration & court mgmt.	3.2
- Judicial mentoring	1.8
- Other technical & equipment assistance	2.5
Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training	7.0
- Magistrate school	2.1
- Case tracking system	0.5
- Model jurisdiction program and related assistance	4.4
Total	\$26.7

Source: GAO analysis of USAID data.

USAID provided \$2.4 million in direct aid and \$0.8 million in technical and equipment assistance to the Haitian Ministry of Justice in fiscal years 1993 – 2000 and incurred \$2.2 million in management costs for its Administration of Justice Program.

RONCO provided \$2.8 million in aid from June 1995 to July 1996. This contractor primarily focused on refurbishing, equipping, and providing administrative and logistical support to the magistrate school established in 1995.

Checchi provided \$11.5 million in assistance August 1995 to August 1999. Under its contract with USAID, Checchi focused its efforts on three activities: legal assistance and education, case tracking and court management, and judicial mentoring.

Table 3

ICITAP FUNDING BY SOURCE			
Haiti Program	Funding Amount	Funder	Source
1993	4,000,000	ARA	Haiti Reconstruction and Reconciliation Fund
1994	7,000,000	INM	Peacekeeping Operations
1995	27,000,000	ARA	Economic Support Fund
1996	12,700,000	ARA	Economic Support Fund
	100,000	INL	Economic Support Fund
	409,360	INL	Counter-narcotics
1997	6,394,000	ARA	Economic Support Fund
1998	6,000,000	ARA	Economic Support Fund
1999	6,100,000	WHA/AID	Economic Support Fund

AID - U.S. Agency for International Development

ARA - Bureau of Inter-American Affairs

INL - Bureau for International Narcotics and Law Enforcement Affairs

INM - Bureau of International Narcotics Matters (predecessor to INL)

WHA - Bureau of Western Hemisphere Affairs

INSERT APPENDIX H – PHOTOS – TOTAL 6

PHOTO #1 - Celebration of Aristides' Return to Power

PHOTO #2 - Kelly gives Senator Tour

PHOTO #3 - Kelly gives Ambassador Tour

PHOTO #4 - Kelly visits Jordanian IPMs

PHOTO #5 - Kelly Inspecting Jacmel

PHOTO #6 - Kelly, Aristide & LaPaix confer in Presidential Palace

APPENDIX I - INSERT HAITIAN MAP

Glossary

Armed Forces of Haiti (FAd'H): The Haitian Military Forces

Cap Haitien Model: An incremental Public Security Program (tested in Cap Haitien), on which the Interim Security Police Force was based.

CIVPOL: Civilian Police in Haiti

DYNCORP: A private agency contracted by the U.S. State Department to provide logistical support to its forces in Haiti. They were responsible for providing lodging, fuel, food, etc. for the operation.

Front for the Advancement and Progress of Haiti (FRAPH): A Haitian paramilitary organization that openly resists Aristide and the current political agenda in Haiti. The organization is renowned for its poor record on human rights abuses.

Government of Haiti (GOH): Refers to the government officials comprising the Aristide Administration.

Guantanamo Trainee: A Haitian refugee selected from those individuals living at Guantanamo Bay to participate in the Haitian Security Police.

International Criminal Investigative Training Assistance Program (ICITAP): The Program responsible for the training enrollees in the new Haitian Interim Security Force.

International Police Monitors (IPMs): Professional law enforcement personnel from 20 different countries deployed to Haiti to monitor and train the Haitian police.

Interim Public Security Forces (IPSF): The newly created Haitian Police Force comprised of participants trained by ICITAP and monitored and mentored by the IPMs.

Ministry of Justice (MOJ): Governmental agency responsible for the Haitian Justice System.

Organization of American States (OAS): A group of twenty-one nations in the Western Hemisphere whose goal is to promote peace and justice in the hemisphere.

Tonton Macoute: Secret police organized and created by Francois Duvalier to retain and prop up his dictatorship. They enforced a reign of terror against the Haitian people for more than three decades.

Vetted: An investigative/screening process for designating Haitian security police participants.

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VITA

Mario LaPaix was born April 5, 1954 in Port-au-Prince Haiti. At the age of 10, he migrated to New York City where he attended parochial school. After graduation from St. Pascal Baylon high school in 1973, he attended Marist College where he received a Bachelor of Arts degree in history in 1977.

From 1977 to the present he has served in the U.S. Marine Corps, initially as an active duty marine and more recently as a selected Marine Corps Reservist. Mr. LaPaix a graduate of the Marine Corp University Command and Staff College, is a current student at the Naval War College with an expected graduation date of June 2002. He is presently a Colonel select with military occupational specialty in three distinct fields, tactical communications, combat engineering and civil affairs. He is fluent in three languages, French, Creole and English. His combat experience includes the Gulf War and Operation Desert Shield/Storm. He has also served in a Military Operation Other Than War (MOOTW) during Uphold and Maintain Democracy in Haiti.

Lt. Col. LaPaix is currently on military leave from his city employment as the Assistant Commissioner of Transportation for the City of New York. He was a recipient of the Mayor's Scholarship Program, earned his Masters of Arts Degree in Government from Fordham University in 1996. In 1998, he was a graduate of the N.Y.C. Leadership Institute and in 1999, graduated from the private sector's N.Y.C. CORO Leadership Program.