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# HUMAN RIGHTS WATCH/AMERICAS

## NATIONAL COALITION FOR HAITIAN REFUGEES

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### HAITI

#### SECURITY COMPROMISED

#### RECYCLED HAITIAN SOLDIERS ON THE POLICE FRONT LINE

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*The Security Council....authorizes Member States....to use all necessary means  
to facilitate the departure from Haiti of the military leadership.... and to  
establish and maintain a secure and stable environment....*  
(United Nations Security Council Resolution 940, July 31, 1994)

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## I. SUMMARY AND RECOMMENDATIONS

The United States-dominated multinational force entered Haiti on September 19, 1994, with a mandate to "use all necessary means...to establish and maintain a secure and stable environment...." The force's presence permitted the reinstatement of President Jean-Bertrand Aristide and a reduction in the severe human rights abuses that plagued Haiti during the three year military regime. Yet as the multinational force prepares to turn over operations to the United Nations Mission in Haiti (UNMIH) on March 31, 1995, political tensions are increasing and far from having brought stability, the U.S.-led force can point only to a fragile security that impending parliamentary and presidential elections may rupture. Since the UNMIH mandate is designed solely to maintain a secure environment and will prohibit law enforcement, increasing responsibilities will soon fall onto Haiti's only functioning security force, an interim police force composed entirely of former members of the same military whose brutal human rights record initially galvanized the international effort to restore democracy to Haiti.

Neither the Haitian nor the U.S. governments enacted adequate screening procedures to purge the army of human rights violators prior to establishing the interim force. By the end of January 1995, U.S. officials of the State, Defense, and Justice departments, aided by the Haitian military high command, had selected nearly 3,400 soldiers through the rank of major, given them six days of training, and returned them to their units to serve under the observation of international police monitors of the multinational occupation force. Yet a U.S. Embassy source admitted that in truth only the Haitian officer corps had been individually scrutinized. Not surprisingly, there are serious allegations of involvement in human rights violations against members of the interim force and against senior military officials who supervised the creation of the force.

The decision to create an interim force of former soldiers, together with the failure to create effective mechanisms for screening out human rights violators or to investigate civilian complaints against members of the force, resulted in an interim police force that lacks the authority to enforce the law effectively. Many of the interim police are afraid to patrol alone, have been rejected outright by the population, and in some cases, attacked when there were allegations of abuse they committed while members of the military. Other interim police have returned to their intimidatory practices of the past. The widespread lack of credibility of the interim police force, engendered in part by a hasty selection process that failed to identify and remove human rights violators, could compromise the relative security achieved in Haiti by the multinational force.

The failures of the interim police to provide security in the face of a vacuum left by the concurrent dissolution of the army, and more recently, an emerging crime wave, have led to sporadic efforts to involve civilians in public security. So far these efforts have had decidedly mixed results. The Guantánamo refugee recruits who now work alongside the interim police in some areas have not contributed significantly to enhanced stability, largely due to their limited responsibilities and their subordinate role vis à vis the interim police. Community policing options and the emergence of neighborhood watch associations, both of which have received the endorsement of U.S. forces, represent potentially effective supplements to the interim security forces. Unfortunately, they already have led to several violent confrontations, as some participants have taken the law into their own hands.

The dissolution of the Haitian army and the time consuming formation of a new, permanent police force in Haiti leave the country with only the interim police as a security force during the parliamentary elections in June and presidential elections in December. Late in 1994, the Haitian government officially disbanded the Haitian army, retaining approximately 3,400 former military in the interim police force. By mid-February 1995, the Haitian government had dismissed all Haitian officers above the rank of major, leaving Maj. Dany Toussaint, the commander of the interim police, as the most senior officer. While some Haitian soldiers remain on Defense Ministry payrolls, the future of the Haitian army is uncertain. Earlier plans called for it to reemerge with a force of 1,500, but the dramatic dismantling of the institution may prevent its reconstitution as a viable force.

A new national police academy was inaugurated in early February and has begun four month training sessions for the first two classes of 375 recruits each. At the present rate, the academy will not graduate the full complement of police cadets to form the national police force of 6,000 to 7,000 officers until November 1996 at the earliest. Until then, the Haitian and U.S. governments intend for the interim police to serve alongside members of the new permanent national police. As the interim police will be removed incrementally once the total number of combined interim and permanent police reaches 6,000 to 7,000, all of the interim force will remain on the streets until at least March 1996. In addition, some of the interim police will be permitted to apply for the permanent police force, although the Haitian and U.S. governments do not plan for more than 9 percent of the new force to be composed of former soldiers. Nevertheless, neither the U.S. nor the Haitian government has incorporated thorough and transparent human rights screening procedures into the selection process for the academy.

The foreign troop presence in Haiti has curbed the widespread violations of human rights that marked the coup d'etat regime, but abuses have continued. The present security vacuum and concurrent crime wave are heightening tensions. The challenge now for the Haitian government, with the international community providing support, is to transform this externally enforced calm into a durable environment of security that breaks the cycle of violence and impunity that has plagued the country for decades. This requires the creation of civilian institutions capable of promoting the law and establishing accountability for the egregious crimes of the recent past.

In October 1994 and 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 police force, and particularly to evaluate screening procedures for identifying human rights violators. Since October 1994, we have continued to monitor the deployment of the interim police force and the construction of the permanent national police. We find that:

- The ability of the interim police force to guarantee law and order is undermined because it is 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 interim police force and failed to take into account broad public rejection of the army. The U.S. government did not entertain proposals to seek police recruits among Haitians in U.S. camps in Guantánamo Bay, Cuba, until shortly before the September intervention, when U.S. officials and representatives of the Aristide government visited the camps and selected for training more than 1,000 Haitian asylum-seekers detained there. Yet, once in Haiti, public safety trainees were not given the same responsibilities as the interim police.

- Given the lack of investigation of reported abuses and allegations brought by Haitian citizens, it is not surprising that soldiers who participated in, ordered, or tolerated human rights violations and other criminal conduct were allowed to join the interim force. There are no mechanisms to receive allegations of abusive behavior by individual soldiers, whether these allegations are from Haitian citizens, human rights groups, or other sources, nor is there any formal process to investigate these complaints. The result is that U.S. government funds and training programs have benefited human rights violators and have contributed to the installation of a force with little public legitimacy to guarantee security.
- With the turnover from the multinational force to the UNMIH, the interim police are expected to take on broader responsibility for ensuring security in Haiti. In addition to routine police functions, the U.S. is relying on the interim police to assume the dangerous task of weapons recovery, a task fundamental to the security of Haitian citizens. The multinational force began this effort but has not pursued it systematically. Both Defense Secretary William Perry and Sen. Robert Dole (R-KS) have publicly stated that the Haitian police will play a key role in future disarmament endeavors. Given the interim police performance to date, and the public's poor perception of them as recycled soldiers, it is unlikely that the force will contribute significantly to enhancing security in Haiti. Furthermore, it is difficult to believe the interim police will be able to effectively take on their former associates among the *attachés* and other paramilitary agents who remain armed and dangerous.<sup>1</sup>
- On February 4, the terms in office of local government officials and most of the parliament expired, leaving a significant vacuum of civilian authority until elections are held in June 1995. Interim measures to address the vacuum of authority, and particularly security concerns in still volatile rural areas where nearly three-fourths of all Haitians live, will be essential in creating a climate favorable to holding those elections.
- Community policing arrangements have emerged in some areas of the country and may be viable supplements to the interim police force, particularly as they reflect a positive emphasis on civilian authority and public accountability. However, the Haitian government has not regulated and supervised such arrangements to avoid frustrated citizens taking the law into their own hands, as has already occurred in some cases.
- The process already underway to select candidates for the permanent police force lacks defined and transparent procedures for screening out human rights violators. Under no circumstances should it be assumed that Haitian soldiers have a clean record by virtue of their admission into the interim force. If interim police officers wish to apply to the National Police Academy, they should undergo further scrutiny of their human rights and criminal background, and only those whose records are clean should be admitted.
- The recently enacted law creating the national police force allows military officers with special expertise to serve on it, although there has been no thorough review to date of the human rights records of these officers. The police law states that the records must be reviewed and that no former military personnel denounced by public outcry will be admitted into the new force. Nonetheless, the Haitian government has yet to articulate procedures and criteria to investigate the past conduct of military personnel and to gather and evaluate input from the Haitian public.

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<sup>1</sup> DANIEL WILLIAMS, "PERRY INDICATES U.S. DISARMAMENT OF ARISTIDE OPPONENTS IS UNLIKELY," *THE WASHINGTON POST*, NOVEMBER 28, 1994. *ATTACHÉS* ARE UNOFFICIAL "AUXILIARIES" OR DEPUTIES LINKED TO THE HAITIAN ARMY/POLICE.

- Judicial reform has dramatically lagged behind police reform, creating an imbalance that directly affects the performance and effectiveness of the police. For example, the January 17, 1995 report to the Security Council by the United Nations Secretary General described the demoralizing effect on police officers of seeing criminals they apprehend released because of non-functional courts.

### **Recommendations to the Government of Haiti**

- The Haitian government must create independent mechanisms to receive civilian complaints against the interim police that do not endanger complainants by referring the cases back to the accused parties. Through the Justice Ministry, the government should investigate fully allegations of human rights violations and other criminal activity (past or present) against soldiers and officers currently serving on the interim police force or otherwise retained. Accused army personnel or interim policemen against whom credible allegations are made, should be suspended from their duties pending the outcome of the investigation. These investigations should determine whether superior officers were responsible, by commission or omission, for the crimes committed by their subordinates. If there is sufficient evidence to warrant criminal charges, the accused should be tried according to Haitian law. Information regarding human rights violations should be turned over to the Commission for Truth and Justice convened by President Aristide.
- A complete list of former soldiers who are presently part of the interim police force, together with the names of the cities or villages where they were posted during the coup d'etat regime, should be compiled by the Minister of Justice and made available to the public upon request. At the local level, lists of interim police assigned to each police station, along with their previous postings, should be compiled and maintained.
- The Haitian authorities have already arrested twenty-one interim policemen for crimes including corruption and assault, committed since their training and deployment. These cases should be vigorously prosecuted to demonstrate that abuses of authority will not be tolerated.
- The Haitian government, with the support of the U.S. government, should institute and make public procedures to screen thoroughly all applicants to the police academy to determine their involvement in human rights violations. The Justice Ministry should regulate background checks associated with screening and these should be conducted primarily by civilians of the highest integrity. The Defense Ministry should make available military records and other pertinent information. Screening should include procedures to obtain information from Haitian citizens in the applicants' hometown, current residence, and locations of past military assignments where applicable.
- The Haitian government should take immediate steps to improve security in rural areas. In towns and villages where residents have created workable provisional policing arrangements, these should be strengthened and monitored.

### **Recommendations to the Government of the United States**

- Cognizant of the weaknesses of its initial efforts to screen applicants for the interim police force, the U.S. government should allocate sufficient resources and technical support to aid the Haitian government in purging human rights violators from the ranks of Haitian army personnel who have been retained in the interim police force or in any other capacity, and in implementing thorough and transparent human rights screening procedures for all applicants to the police academy. Special attention should be given to mechanisms to channel and investigate allegations of abuse against military personnel made by Haitian citizens.
- The U.S. government should make available to the Haitian government relevant information it possesses regarding the Haitian military, section chiefs, paramilitary groups, and other civilians associated with state violence, for the purpose of purging the army and preventing human rights violators from permeating the new security forces.

### **Recommendations to the United Nations Mission in Haiti**

- The United Nations Mission in Haiti (UNMIH) and the international civilian police (CivPol) should work with the Haitian government to identify, investigate, and remove interim policemen implicated in current or past human rights violations. UNMIH and CivPol should install formal procedures for receiving complaints against the interim police and make the public aware of those procedures. While CivPol apparently intends to receive this kind of complaint, it should clarify its policies on confidentiality and the sharing of complaints with the interim police.
- The UN/OAS International Civilian Mission (MICIVIH) should encourage the creation of complaint and investigation mechanisms within the Haitian government and should monitor the outcome of complaints, including prosecutions where appropriate, and any retaliatory actions taken against complainants.
- The UNMIH, CivPol and MICIVIH should channel relevant information to the Haitian government to aid in human rights screening of police academy candidates and should evaluate and report on their performance as they are posted around the country after completing the four-month training program.
- The United Nations peacekeeping mission should maintain a more consistent presence in rural areas and should cooperate with the Haitian authorities to enforce the dismissal of the section chiefs and to collect their weapons.

### **Recommendations to France, Norway, and Canada**

- France, Norway, and Canada are now participating in the examination of candidates for the police academy and should offer the Haitian government assistance and support to conduct thorough human rights screening of academy candidates. They could also assist the Aristide government to develop quickly the capacity to prosecute abuses by interim policemen, and to respond to allegations of past abuses as two priority areas within the broader problem of judicial reform.

## **II. AN INTERIM POLICE FORCE OF RECYCLED SOLDIERS**

Due to the crumbling of Haiti's military and the delays inherent in creating Haiti's new police force, the interim police are Haiti's front-line security force. There are now approximately 2,700 former Haitian soldiers constituting the Interim Public Security Force. All of these "recycled" soldiers will "very probably" remain in the interim force through March 1996, and thus will have primary responsibility for security during Haiti's parliamentary and local elections in June, presidential elections in December and the installation of Haiti's next president in early February 1996.<sup>2</sup> The Haitian and U.S. governments plan to create a permanent national police force of between 6,000 and 7,000 officers, but as the police academy will only graduate approximately 350 cadets each month (beginning with the first graduation in June 1995), the force will not be fully operational until November 1996 (with 6,000 police) or February 1997 (with 7,000 police). In the intervening period, both Haitian and U.S. government sources have confirmed that the interim police will serve alongside the new permanent police and will be deactivated only when the total number of combined interim and permanent police equals 6,000 to 7,000.<sup>3</sup>

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<sup>2</sup> Interview with Secretary of State for Justice, LÉON JEUNE, Port-au-Prince, March 9, 1995.

<sup>3</sup> This estimate is based on the present figure of 2,700 members of the interim police force and a minimum total police force of 6,000 members. Since the first police cadets will not graduate until June 1995, it will be approximately ten months from that date before a total of 3,500 cadets graduate, lifting the total number of combined interim and permanent police over the 6,000 minimum. If the Haitian and U.S. governments choose to wait until the force reaches 7,000 members before releasing any of the interim police, then the first demobilizations will not occur until May 1996.

According to Ross Rodgers of the State Department Bureau of International Narcotics Matters, the number of police academy graduates may decline if the academy is used for other purposes, such as training a Coast Guard. In this case, the interim police will remain on duty longer. (Telephone interview, March 21, 1995.) The U.S. Justice Department's International Criminal Investigations and Training Assistance Program (ICITAP) that is now directing the academy plans to graduate new classes every

Immediately after the September 1994 occupation of Haiti, the U.S. government launched its program to convert roughly half of the 7,000-man Haitian army into an interim police force.<sup>4</sup> Unfortunately, the effort to screen human rights violators out of the interim force was fraught with procedural failings and incomplete information. According to one U.S. Embassy official, it really served to review only candidates from the officer corps. A Haitian army commission (described in detail below) was named to select soldiers for the interim force. Ultimately, 3,400 soldiers were selected, nominally screened and trained. Approximately 200 of them were officers through the rank of major. The U.S. Justice Department's International Criminal Investigations and Training Assistance Program (ICITAP) provided six-day training courses to successive groups of 375 screened soldiers and returned them to their units with a change of uniform. Those who were not selected were eligible to participate in an Agency for International Development-sponsored jobs training program directed by the International Organization for Migration.

Despite a curriculum stressing human dignity, there was widespread doubt that a six-day course could reform former members of the Haitian armed forces. Even the justice minister expressed some reservation at the preparation of the interim police force, remarking that there is "no guarantee of their professional training."<sup>5</sup> He added that "they are still soldiers" and they did not receive actual police training. The former soldiers, now called interim police, carry sidearms or M-1 rifles. (Other weapons not appropriate for police use were confiscated by the multinational forces in many cases.)

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THIRTY TO FORTY DAYS.

<sup>4</sup> U.S. SOURCES BELIEVE THE ACTUAL SIZE OF THE HAITIAN ARMY WAS CLOSER TO 6,000, WHILE HAITIAN GOVERNMENT AND MILITARY SOURCES PUT THE NUMBER AT 7,000.

<sup>5</sup> INTERVIEW WITH JUSTICE MINISTER JEAN-JOSEPH EYUMÉ, PORT-AU-PRINCE, MARCH 9, 1995.

Currently, 820 international police monitors (from approximately twenty countries) under the command of the multinational force accompany the interim police in the field. Following the withdrawal of the multinational force on March 31, 1995, 456 of these monitors will become part of the United Nations' 900 civilian police (CivPol) force charged with training and monitoring the interim police for the duration of the (UNMIH) presence in Haiti.<sup>6</sup>

During the months that the interim police force of recycled soldiers took shape, the Haitian government took several steps to dismantle what remained of the Haitian army. On December 23, 1994, President Aristide dismissed several hundred soldiers, many of whom took part in a violent demonstration at military headquarters on December 26 protesting their removal and seeking back pay. The riot left at least four former soldiers dead, but a complete investigation of the incident has not yet occurred.<sup>7</sup> In the wake of the riot, several hundred additional soldiers were fired for allegedly having taken part in the disturbance. Then, in early January, President Aristide officially reduced the army to 1,500 men. By the end of February, the A.I.D.-sponsored International Organization of Migration military demobilization program had over 2,000 former soldiers registered for job training programs.<sup>8</sup> President Aristide's dismissal of all of the army's forty-three remaining officers above the rank of major in February left the institution without any formal leadership structure.<sup>9</sup> The highest ranking remaining officer, Major Dany Toussaint, former commander of the Pétionville police district, is the director of the interim police force, which is estimated to have 2,700 members.<sup>10</sup>

In February 1995, a dispute emerged between the Haitian and U.S. governments regarding the apparent introduction into the interim police force of several hundred former Haitian soldiers who had not gone through screening and the ICITAP training.<sup>11</sup> By early March, the issue appeared to have been resolved amicably by the governments, although not without some lingering confusion. The Haitian and American governments and the international police monitors are now visiting sites throughout Haiti to determine who is actually present in the interim police posts. In the wake of the dispute, all three consistently used the approximate figure of 2,700 current, active members of the interim police force but admitted their lists were incomplete.

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<sup>6</sup> Interview with Chief of Operations for CivPol, Inspector Gessie Clement, Port-au-Prince, March 6, 1995.

<sup>7</sup> Meeting with Amb. Robert Gelbard, Assistant Secretary of State for International Narcotics Matters, Washington, D.C., January 26, 1995. Gelbard called Brig. Gen. Mondésir Beaubrun a "murderer" who had shot at his own bodyguards in this incident. See below, at Dismantling the Haitian Army.

<sup>8</sup> International Organization of Migration, Haiti Assistance Program Monthly Report, February 1995.

<sup>9</sup> Douglas Farah, "U.S. Exercises Its Influence On Aristide," *THE WASHINGTON POST*, February 22, 1995.

<sup>10</sup> Telephone interview with Maj. Dany Toussaint, February 9, 1995. Toussaint reported that he fled Haiti in 1986 after he refused to carry out orders to repress Haitian citizens. He returned briefly during Aristide's 1991 administration, leaving for exile again after the coup. He returned on October 15, 1994, and commanded the Pétionville police district until he was appointed commander of the interim police force on January 7, 1995.

<sup>11</sup> Larry Rohter, "Aristide Forces Retirement of Haiti's Top Military Officers," *THE NEW YORK TIMES*, February 22, 1995, and Douglas Farah, "U.S. Exercises Its Influence On Aristide," *THE WASHINGTON POST*, February 22, 1995.



The Haitian government, the U.S. government, and the international police monitors provide distinct explanations for the discrepancies in membership in the interim police force. The director of the interim police force, Major Toussaint, explained that the controversy arose after the Americans identified 700 individuals who had not enrolled in the ICITAP course and whose names appeared on one of two lists of interim police officers. One of the lists was composed of approximately 2,000 interim police officers who had been formally transferred to the jurisdiction of the Justice Ministry, while the second contained the names of 1,500 individuals still on Defense Ministry payrolls but administratively considered part of the interim force. Major Toussaint explained that the Americans had identified 300 to 400 individuals on the first list and 412 on the second list that had not received ICITAP training. He considered that the discrepancies on the first list were probably due to several factors, including the efforts of soldiers who had deserted or been fired at the time of the coup to join the interim force, and widespread computer errors in recording soldier's names (particularly the transposition of first names for last names). The 412 individuals on the second list are military technicians now offering support to the interim police force, who were screened, but previously excluded from ICITAP training by mutual agreement of the Haitian and American governments.<sup>12</sup> President Aristide and Justice Minister Jean-Joseph Exumé have ordered that all individuals who have not received ICITAP training (except the earlier agreed upon technicians) be removed from the interim police. Major Toussaint explained that the dispute over the number of interim police force members and their background emerged after 500 soldiers, some trained by ICITAP, were removed from the Haitian army payrolls due to allegations they had participated in the December 26 riot at military headquarters.<sup>13</sup> Tensions over the membership of the force have continued and Major Toussaint asserted that he had difficulty removing close to fifty of the trained interim police with unsatisfactory performances (e.g. not appearing for work and not respecting orders) due to U.S. pressures to keep several of the individuals on the force. He remarked, "I have no authority to fire people."<sup>14</sup>

Raymond Kelly, director of the International Police Monitors, with direct responsibility for supervising the interim police force, also pointed to the firings following the December riot as sparking the debate. He estimated that 1,000 people were removed, some of whom had previously received ICITAP training. The Haitian government then reportedly submitted, as replacements, 1,500 names of other former soldiers, some of whom had not taken the course. According to Kelly, the Haitian government was then told that the U.S. wanted to reinstate the Haitian soldiers who had been removed, and many of those soldiers were in fact reinstated. Kelly stated that he was reasonably confident that all present members of the interim force (some 2,700) had been vetted and trained. He summarized the situation as "somewhere between controversy and ineptness".<sup>15</sup>

A U.S. Embassy official asserted that it would be wrong to see this as a conspiratorial effort to manipulate the police. He too pointed to the December riots and subsequent dismissals as sparking confusion over the number of ICITAP trained interim police. He estimated that several hundred soldiers were fired in the wake of the riots, but only 200 of them "legitimately." He did not provide a precise number of unvetted soldiers who had been added to the interim police force list but speculated that some of them could have been people who had previously been screened out, or a group of soldiers sympathetic to the "palace." He added that he was "convinced Aristide didn't know anything about it," and neither did the Justice or Defense ministries.<sup>16</sup>

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<sup>12</sup> Interview with Major Toussaint in Port-au-Prince, March 14, 1995. The 412 technicians included: seventy-two musicians, twelve military academy security, twenty fire fighters, eighty-six health service personnel, eighty-nine communication and signal staff, seventeen engineers, and seventy navy, twenty-two air force and twenty-four defense ministry security staff. Major Toussaint reported that none of these technicians undertake police work.

<sup>13</sup> *Ibid.* The order to remove all individuals who had participated in the riots was implemented by firing soldiers who did not report for regular duty on December 26.

<sup>14</sup> *Ibid.*

<sup>15</sup> Interview with Director of the International Police Monitors Raymond Kelly, Port-au-Prince, March 3, 1995.

<sup>16</sup> Interview with U.S. Embassy official (name withheld by request), Port-au-Prince, March 7, 1995.

The dispute over the police entered the public arena as well, with elements of the Haitian press interpreting the situation as a U.S.-led effort to deny the Aristide government the prerogative to independently name members of a national security force.<sup>17</sup> Many pointed to ongoing confusion about the number of interim police due to a number of former soldiers who had been screened out but showed up for ICITAP training sessions nonetheless. The ICITAP director in Port-au-Prince, who served as a trainer, commented that the screened out soldiers were "very persistent and diligent in trying to circumvent the process."<sup>18</sup> While public debate on the topic has continued, the Haitian and American governments seem eager to leave the dispute behind them, and all have stated that resolution of the controversy is well underway. Although the facts remain less than clear, it is imperative that continued emphasis be placed on removing human rights violators from the force. Furthermore, the discrepancies regarding the number and identity of interim police not only reflect a failure to monitor the force's composition, but also aggravate the difficulty of holding the interim police accountable for any past or current human rights violations.

### **U.S./Haitian Negotiations Regarding the Use of Former Soldiers as Interim Police**

From the outset, 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. This view, however, is contradicted by the 1987 Haitian constitution, which provides for a police force under the jurisdiction of the Justice Ministry. U.S. officials further argued that Haitian soldiers had received at least some training in discipline, following orders, and handling weapons. This argument was counterbalanced by their own admissions that even those Haitian soldiers assigned to police duties had never received police training, rarely conducted police patrols, and were not familiar with the proper use of weapons. Moreover, these soldiers had participated in a military culture steeped in violence, something which cannot be erased in six days of training. In fact, the U.S. government plan reflected an apparent U.S. desire to preserve whatever could be salvaged of the army, an institution with which the U.S. has had longstanding contacts and influence, and one seen as a check on President Aristide.<sup>19</sup>

Human Rights Watch/Americas had several meetings on Haitian police matters with the staff of the State Department's Bureau of International Narcotics Matters and ICITAP in 1993, 1994, and 1995.<sup>20</sup> During these meetings, we voiced strong reservations about the logic of creating the interim force entirely from the notoriously abusive Haitian army. We further argued that if army personnel were to be retained for the interim police force, the U.S. government had an obligation to purge human rights violators from its ranks. Yet after more than two years of planning, the U.S. rejected civilian participation in an interim force (and only later offered limited responsibilities to the Guantánamo public safety trainees) and never incorporated adequate human rights screening into selection procedures for the interim police.

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<sup>17</sup> "ARISTIDE N'A PAS LE DROIT DE CHOISIR," *HAÏTI PROGRÈS*, MARCH 1-3, 1995. THE WEEKLY PAPER'S COMMENTARY: "ARISTIDE, NOMINALLY PRESIDENT OF HAÏTI, DOES NOT HAVE THE RIGHT TO PLACE WHOM HE PLEASURES IN HIS OWN POLICE FORCE: SUCH IS ONE OF THE FUNDAMENTAL LAWS OF THE OCCUPATION. HE MUST FIRST GET THE O-K FROM THE OCCUPIERS...."

<sup>18</sup> INTERVIEW WITH ICITAP DIRECTOR JOHN WALKER, PORT-AU-PRINCE, MARCH 6, 1995.

<sup>19</sup> Telephone interview with a Defense Department source (name withheld), October 20, 1994, and with an ICITAP source on January 18, 1995. The administration initially rejected a proposal to recruit asylum-seekers being held at the time in U.S. detention camps in Guantánamo Bay, Cuba. According to a Defense Department official familiar with the Guantánamo plan, the U.S. was concerned, not that these civilians would not have legal standing to become interim police, but that they would be politically biased toward President Aristide. The prevalence of this view was later echoed by an ICITAP official. In the weeks prior to the September intervention, U.S. and Haitian government officials did recruit in Guantánamo for the interim police force, as described in detail below.

<sup>20</sup> THE INM HAS PLAYED A LEADING ROLE IN FORMULATING AND IMPLEMENTING PLANS FOR THE SELECTION AND DEPLOYMENT OF THE INTERIM POLICE AND THE CONSTRUCTION OF A NEW CIVILIAN POLICE FORCE. ICITAP PROVIDED IN SIX DAYS OF TRAINING TO THE INTERIM POLICE FORCE AND TECHNICAL ASSISTANCE, RESOURCES, AND STAFF TO THE POLICE ACADEMY THAT OPENED IN FEBRUARY 1995.

U.S. officials in the State and Justice departments began planning for both the interim and permanent police forces as early as 1992, premising their plans on the preservation of the Haitian army.<sup>21</sup> The failed July 1993 Governors Island Accord, brokered in large part by the U.S. government, called only for the removal of the top three coup leaders, and had it succeeded, would have left the army intact. A year later, the U.S. was preparing a hostile military invasion of Haiti authorized by U.N. Security Council Resolution 940, of July 31, to implement the Governors Island Accord by force. After the unopposed military intervention on September 19, 1994 led to the collapse of the Haitian army nationwide, the U.S. government worked closely with the Haitian high command to regroup the army in order to convert it into the interim police force.

### **Insufficient Screening Procedures for the Interim Police Force**

Haitian and U.S. government efforts to screen former soldiers for human rights violations and other unlawful conduct were tainted by failures to collect complete information, to investigate allegations against soldiers and to encourage civilian participation in the process. A U.S. Embassy official concluded that only the officers were actually screened, because information existed on "relatively few" enlisted men.<sup>22</sup> Even the first stage of the process, the selection and review of prospective interim police by a Haitian army commission, was called into question by the participation of alleged human rights violators on the commission. Despite this situation, one U.S. official said, in reference to the army commissioners, "None of them are really bad, some have done things, but their relative morality won't affect the screening [of the interim police force]."<sup>23</sup> But the screening commission, and the entire screening process, raise doubts about the integrity of the present members of the interim police. The director of Haiti's new national police force, Secretary of State for Justice Léon Jeune remarked, "It is very probable that in the interim force there are individuals implicated in the violation of human rights."<sup>24</sup>

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<sup>21</sup> MEETING WITH AMB. ROBERT GELBARD, ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS, WASHINGTON D.C., JANUARY 26, 1995. ACCORDING TO AMB. GELBARD, THE PLANS FOR THE INTERIM AND PERMANENT POLICE FORCES EVOLVED DURING THE TWO YEARS PRIOR TO THE SEPTEMBER 1994 INTERVENTION, AND WERE ONLY SLIGHTLY MODIFIED WHEN THE PLANNED HOSTILE INTERVENTION OF HAITI WAS CHANGED TO A "SEMI-PERMISSIVE" ENTRY ON SEPTEMBER 19, 1994.

<sup>22</sup> INTERVIEW WITH U.S. EMBASSY OFFICIAL (NAME WITHHELD), PORT-AU-PRINCE, MARCH 7, 1995

<sup>23</sup> INTERVIEW WITH U.S. OFFICIAL (NAME WITHHELD), PORT-AU-PRINCE, OCTOBER 28, 1994.

<sup>24</sup> INTERVIEW WITH SECRETARY OF STATE FOR JUSTICE JEUNE, MARCH 9, 1995.

### The Haitian Army Commission

The commission assigned to select and screen soldiers for the interim police force was composed of Brig. Gen. Bernardin Poisson (commander-in-chief of the Haitian Armed Forces), Brig. Gen. Mondésir Beaubrun (formerly chief of staff, and now minister of the interior), Lt. Col. Coulanges Justafort (then-commander of the G-2 section of the army high command), Lt. Col. Jean Robert René (then-G-4 section of the high command), and Col. Néoclès Arné. According to General Poisson, senior officials of the U.S. and Haitian governments jointly chose the five commission members from a list of twelve officers, four of whom were proposed by the Haitian government, four by the Haitian army, and four by the U.S. government.

At least one member of the commission has been implicated in serious human rights violations. Lieutenant Colonel Justafort, was a captain at the notorious Recherches Criminelles (Criminal Investigations) police unit in Port-au-Prince in August 1988, when André Delusma was imprisoned there for seven days. Only days after his transfer from Criminal Investigations to the National Penitentiary, Mr. Delusma, who still bore visible signs of torture, told a Human Rights Watch and National Coalition for Haitian Refugees' delegation that Justafort had ordered he be brutally beaten during his detention.<sup>25</sup> President Aristide later named Justafort to another army commission (discussed below) to study army reform.

The Haitian army screening commission conducted the initial selection of army personnel for the interim police force. The commission's procedures, however, lacked viable mechanisms for channeling civilian input and review and had no capacity to investigate alleged abuses by soldiers. The army commission selected soldiers by company beginning with the police units in the capital. According to General Poisson, commissioners made on-site visits to the companies of the soldiers to be screened. There, commission members reviewed the military record of each soldier and assessed his physical aptitude to participate in the interim police force, and then conducted local inquiries regarding the reputations of individual soldiers.<sup>26</sup> General Poisson stated that during the course of neighborhood inquiries, residents had accused soldiers of beating detainees. In such cases, the military commission reviewed the allegations with the unit's first sergeant in charge of personnel. If the allegations were confirmed by the sergeant, General Poisson reported that the soldier in question would be screened out.

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<sup>25</sup> AMERICAS WATCH, NATIONAL COALITION FOR HAITIAN REFUGEES, AND CARIBBEAN RIGHTS, *THE MORE THINGS CHANGE...HUMAN RIGHTS IN HAITI* (NEW YORK: FEBRUARY 1999): PP. 67-70. SOON AFTER GEN. PROSPER AVRIL TOOK OVER THE GOVERNMENT IN 1990, HE PROMOTED JUSTAFORT TO COMMANDER OF THE UNIT WHICH WAS RENAMED THE INVESTIGATIONS AND ANTI-GANG SERVICE. A YEAR LATER, JEAN ROBERT LALANNE, A LEADER OF THE NATIONAL POPULAR ASSEMBLY (ASSEMBLÉE POPULAIRE NATIONALE - APN) RECOUNTED HIS ARREST AND IMPRISONMENT IN CAP HAITIEN ON JULY 29, 1990. ACCORDING TO HIS TESTIMONY, THEN-MAJOR JUSTAFORT WAS PRESENT WHILE LALANNE WAS PUT IN THE DJAK POSITION (WHEREBY A PERSON IS DOUBLED OVER WITH A STICK BETWEEN THEIR HANDS AND KNEES AND TIED WRISTS TO ANKLES), AND BEATEN UNCONSCIOUS BY SIX TORTURERS.

<sup>26</sup> INTERVIEW IN PORT-AU-PRINCE, NOVEMBER 1, 1994.

It is doubtful that inquiries as described by General Poisson constituted a genuine attempt to solicit information from local Haitians. First, the army commissioners personally conducted the inquiries, and thus were less likely to elicit information from Haitians regarding army personnel given the climate of continuing tensions and uncertainty. Second, the army has transferred soldiers from some areas to new posts around the country, which would have made it difficult for residents to identify them or to comment on their past conduct.<sup>27</sup> For example, in Mirebalais, a corporal who badly beat a civilian during an altercation on October 31, 1994, was arrested by U.S. troops and turned over to the Haitian army. Rather than initiate legal proceedings, the local Haitian commander transferred him to Saut d'Eau.<sup>28</sup> Finally, in some cases, inquiries appeared not to have occurred at all. In some provinces, screening was conducted in a centralized location, rather than in the subdistricts or towns where soldiers were actually stationed. The commander of one Port-au-Prince police unit was not aware of neighborhood inquiries by army commissioners screening soldiers in his unit.<sup>29</sup>

Even when citizens did report abuses by individual soldiers, the military commission had established no procedures for investigating or evaluating those allegations. General Poisson asserted that in the case of allegations of a serious crime such as murder, the accused individual would be set aside for further investigation. However, he was not aware of how such an investigation would take place, what criteria would be applied, and under what authority. The procedures, as described, hardly constitute a thorough and impartial evaluation of allegations of misconduct by individual soldiers. Further, the implication that allegations of mistreatment of detainees would not be considered serious enough to merit further investigation in screening is disturbing in itself.<sup>30</sup>

The Haitian government had prepared a list of approximately 800 to 900 army members to be excluded from the interim force based in part on information from human rights groups and the international civilian mission. According to sources close to the Haitian government, the original plan was to disarm the entire army and recall it to Port-au-Prince prior to selecting former soldiers for the interim police force. Haitian officials had envisioned disbanding entire army units, including, for example, the notoriously brutal Investigations and Anti-gang Service, as part of the selection process. After the selection process, they proposed sending the trained interim policemen to different areas of the country in order to sever existing links with attachés and other bands of criminals formerly associated with the army.<sup>31</sup> In practice, however, the U.S. plan trained soldiers by company and returned them to their original units.

### **The U.S. Role in Screening**

While the U.S. Embassy was responsible for the second stage of screening, where names of prospective interim police were to be compared to data on Haitian soldiers involved in human rights violations or other unlawful conduct, one embassy official came to the disturbing conclusion that in truth, only the Haitian officer corps was screened on a case by case basis.<sup>32</sup> The efforts of both the U.S. and Haitian governments to compile available information about human rights violators from a variety of U.S., Haitian, and nongovernmental sources, as well as

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<sup>27</sup> General Poisson stated that the commission worked more closely with the first sergeant in charge of personnel rather than unit commanders during on-site visits because there had been many recent transfers of army personnel. Interview in Port-au-Prince on November 1, 1994. Special Forces commander General Potter said that some normal rotations had taken place since the September intervention. Interview in Port-au-Prince on October 28, 1994.

<sup>28</sup> Interview with sub-district commander Lt. Julio Cham, Mirebalais, November 4, 1994.

<sup>29</sup> Interview in Port-au-Prince (name withheld by request), October 31, 1994.

<sup>30</sup> Interview with Brig. Gen. Bernardin Poisson, November 1, 1994. General Poisson indicated that in some cases where serious allegations had been brought, the soldier would be encouraged to accept discharge from the army and take part in the A.I.D.-sponsored job training program for demobilized soldiers, rather than contest the charges and undergo an investigation.

<sup>31</sup> Telephone interview (name withheld), February 15, 1995.

<sup>32</sup> Interview with U.S. Embassy official (name withheld by request), Port-au-Prince, March 7, 1995.

from the UN/OAS International Civilian Mission (MICIVIH), evidently produced insufficient information to identify and remove human rights violators from the officer corps or the rank and file, and further efforts were not made to do so.<sup>33</sup>

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<sup>33</sup> THE U.S. GOVERNMENT ASKED HUMAN RIGHTS WATCH AND THE NATIONAL COALITION FOR HAITIAN REFUGEES FOR LISTS OF NAMES OF HUMAN RIGHTS VIOLATORS. MOST OF THE INFORMATION WE HAVE COMPILED IS PUBLISHED IN OUR REPORTS. HOWEVER, WE DID NOT PROVIDE LISTS OF INDIVIDUALS INDEPENDENTLY OF OUR REPORTS BECAUSE THE PROCEDURES, AS DESCRIBED TO US, LACKED CRITERIA AND APPROPRIATE PROCEDURES TO EVALUATE THE INFORMATION AND CONDUCT FURTHER INVESTIGATION IF NECESSARY. SIGNIFICANTLY, THE U.S. GOVERNMENT HELPED TO ESTABLISH THE ARMY COMMISSION WHICH INCLUDED COLONEL JUSTAFORT, EVEN THOUGH THE TESTIMONY OF PRISONERS ACCUSING HIM OF INVOLVEMENT IN THEIR TORTURE WAS PUBLISHED IN OUR REPORTS.

DESPITE THE MICIVIH'S SUCCESSFUL DOCUMENTATION OF HUMAN RIGHTS ABUSES IN HAITI DURING THE COUP D'ETAT REGIME, THE INFORMATION IT GATHERED WAS LIMITED DUE TO THE HAITIAN ARMY HAVING RESTRICTED ITS ACCESS TO PARTS OF THE COUNTRY AND BY MICIVIH'S EVACUATION FROM HAITI IN OCTOBER 1993 AND EXPULSION IN JULY OF 1994, BOTH DURING PERIODS OF ACUTE REPRESSION.

According to an official at the State Department's Bureau of International Narcotics Matters, a listing of all members of the entire Haitian army was passed to the Defense Intelligence Agency (DIA), where it was compared with data obtained from various U.S. agencies. The DIA individually compared the names of 700 to 800 officers with information in their database.<sup>34</sup> Under this system, the remaining 5,000 to 6,000 soldiers were not reviewed individually. Only those whose names directly tied to a specific serious human rights violation were noted as abusive personnel. From the entire Haitian army, the initial U.S. screening was only able to identify approximately 300 army members who definitely would be excluded from the interim police.<sup>35</sup> This number is shockingly low given the level of repression carried out by the Haitian army during the three years of military rule, and the fact that the U.S. had access to information on human rights violations committed by many more, including most of the officer corps. Luis Moreno, political officer involved in the screening, stated that very few of the soldiers selected by the army commission were later rejected by the U.S.<sup>36</sup> Where responsibility for human rights violations was found, the U.S. Embassy did not analyze up the chain of command in order to evaluate the responsibility of superior officers for abuses committed by their subordinates.<sup>37</sup>

In cases where less information was available, procedures to evaluate army personnel were vague and ad hoc. Moreno said that soldiers were screened out based on "credible information regarding violations of law and human rights violations" and would not be screened out based solely on allegations. While human rights abuses often were not recorded under the military dictatorship responsible for them, the U.S. Embassy, for its part, had long demonstrated its disinterest in vigorously gathering and investigating allegations of abuse.<sup>38</sup> Ultimately, the screening conducted by U.S. officials was severely limited, and no comprehensive procedures were established to ensure sufficient screening of all applicants.

### **Failure to Remove Human Rights Violators**

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<sup>34</sup> A three check system was reportedly used to evaluate the printout of the Haitian army. One check was given if the name corresponded to an officer; a second check indicated names associated with some information regarding human rights violations or other criminal activity; a third check indicated that the information was deemed sufficient to definitively screen out the individual.

<sup>35</sup> Telephone interview with an official of the Bureau of International Narcotics Matters (name withheld), November 15, 1994. Another U.S. source involved in police matters spoke of a "short list" with solid information to exclude an individual from the interim police and a "long list" with information that would not necessarily result in exclusion. During the course of training and posting the interim policemen, others were removed when new information became available or when ICTAP trainers found that the conduct or attitude of a trainee merited his removal.

<sup>36</sup> Interviews with Luis Moreno, Port-au-Prince, November 1, 1994 and by telephone, November 22, 1994. According to the Bureau of International Narcotics Matters source, some information was available about most officers, implying that a case by case investigation would be required in order to screen them out.

<sup>37</sup> Interview with Bureau of International Narcotics Matters source, November 15, 1994.

<sup>38</sup> See generally Human Rights Watch/Americas and the National Coalition for Haitian Refugees, "Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy" (New York, Human Rights Watch, April 1994) for a discussion of the U.S. Embassy's human rights reporting. A confidential cablegram dated April 12, 1994, and signed by U.S. Ambassador William Swing, downplayed the extent of the repression and accused Aristide supporters of exaggerating and fabricating reports of human rights violations with the help of national and international human rights groups.

As U.S. officials and associates of President Aristide acknowledged that the screening procedures were imperfect and allowed some human rights violators to slip through the cracks, they repeatedly stated that they were relying on a third phase of screening -- by the Haitian public-- once soldiers-turned-interim police were on the streets. We agree that the input of the Haitian public is central to the integrity of the screening process and should be systematic and ongoing. To be meaningful, the public's information should have been gathered and evaluated from the beginning of the screening process, before the interim policemen were redeployed with a U.S. stamp of approval and held responsible for internal security, only to be removed belatedly under pressure from Haitian public opinion. It also shows little regard for the potentially destabilizing effect on Haitian society of abusive soldiers being held up to the public as the guarantors of law enforcement only to be shouted down by crowds.<sup>39</sup>

Human Rights Watch/Americas and the National Coalition for Haitian Refugees have received allegations concerning human rights violations that were committed before the reinstatement of President Aristide by former soldiers who are presently in the interim police force. Two members of the force in the town of Savanette are alleged to have committed human rights abuses. Sergeant Paul Charleston, commander of the Savanette Avant Poste, was accused of having killed a twenty-four-year-old woman during the coup d'etat. Several Savanette residents have charged Gaby Noisette with having beaten them. Mr. Noisette is reported to have stolen a birth certificate and now to use the name Roland Bruny.<sup>40</sup> Both Charleston and Noisette were previously posted in Savanette and then returned as interim police. In Petit Goâve, Sergeant Jean Nicoleau was accused of participating in several brutal acts under the coup regime, including the torturing of prominent local journalist, Jean Mario Paul in October 1991, beating LaViolette Nathan in November 1991, and conducting an illegal search of the home of Gustave Jassme in November 1991.<sup>41</sup> Sergeant Nicoleau, who was posted to Petit Goâve for eight years with the Haitian army, is now responsible for managing police patrols in the same area. Captain Astral Charles, Nicoleau's superior, blamed the accusations against his colleague on local criminal elements. He insisted that Nicoleau was qualified, since he went through "recycling."<sup>42</sup> Claude Daniel is an interim police officer based in Grand Goâve who had previously been posted to Petit Goâve. Local residents accused him of responsibility for several cases of severe beatings when he was in Petit Goâve. He was accused of causing injury to: Ti Djo, a man who Daniel allegedly beat in 1992 and is still hospitalized from the injuries he received; Hubert Pascal, the son of a leader of a local popular organization, who was arrested in place of his father in 1993; and, Sorel Avril, whose arm was allegedly broken by Daniel in 1994.<sup>43</sup>

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<sup>39</sup> Interview with Bureau of International Narcotics Matters source, November 15, 1994. The official also mentioned cases where soldiers already deployed as interim police in Port-au-Prince had to be rescued from accusatory crowds by international police monitors.

<sup>40</sup> Interview with Louis Estiverne of the Savanette Agricultural Workers' Union (S.T.A.S.), Port-au-Prince, March 9, 1995. Roland Bruny has reportedly filed a complaint against Mr. Noisette for using his name.

<sup>41</sup> Interview with Gustave Jassmé, Petit Goâve, March 11, 1995.

<sup>42</sup> Interview with interim police force Captain Astral Charles, commander of the Petit Goâve police station, March 11, 1995.

<sup>43</sup> Interview with leader of Konbit Kòmiflo (As It Should Be Collective) in Grand Goâve (name withheld by request), March 4, 1995.



By mid-March 1995, neither the Haitian nor the U.S. government had established any formal complaint process available to Haitian citizens who wished to make allegations against a member of the interim police force. In response to queries from HRW/Americas and the NCHR, Justice Minister Exumé said that such a commission might be set up to take on the task, particularly as he could make no guarantee that the interim force was free of human rights violators, yet he mentioned no concrete plans to do so.<sup>44</sup> Both the director of the interim police and the director of the new national police pointed to the additional problem that they did not always have independent authority to remove members of the interim force over objections by the U.S. government.<sup>45</sup> U.S. authorities continued to rely on informal reporting to the multinational force and followed up on a number of those cases, but did not plan for a more open, or a more formal process.

In some areas, cases of multinational force troops turning over complaints against suspected human rights violators to their interim police colleagues raised skepticism about the value of reporting abuses and fear regarding potential reprisals. After the installation of the interim police in Savanette, local residents prepared a detailed list of complaints against the interim police in their town and turned it over to the U.S. Special Forces in nearby Belladere. The special forces then delivered the complaints, complete with the names of those making allegations, to the Savanette police who were charged with abuses. The commander of the Savanette post, Paul Charleston, who has been accused of killing a twenty-four-year-old woman during the coup d'etat, reportedly remarked to community members that he plans to save the list until after President Aristide's term expires. Another local interim police officer, Gaby Noisette, who has been linked to several cases of beatings (as described above), has said that the police will keep the list until they need it.<sup>46</sup>

Despite the absence of a formal mechanism to encourage and explore citizen complaints against the interim police force, there have been twenty-one arrests of officers since the force was created, largely for acts committed while the officers were part of the interim police. According to Raymond Kelly, commander of the international police monitors in Haiti, twenty-one interim policemen have been arrested since their deployment for crimes such as corruption, extortion, and assault. The interim police itself conducted the arrests, supervised by international police monitors.<sup>47</sup> Since becoming interim police commander in early January 1995, Major Toussaint began investigations of only one interim policeman, a corporal stationed in Jeremie who was accused of murder by local residents. Major Toussaint has also investigated five of the Guantánamo recruits accused of abusive arrest procedures. In an earlier case, an interim officer deployed to Cap Haïtien in November 1994 was removed after he admitted to having shot someone in the back.<sup>48</sup> It is encouraging that the Haitian authorities have responded quickly to these cases, and they should be vigorously prosecuted to signal to the interim police force and to the Haitian public that such behavior no longer will be tolerated.

### **The Interim Police in the Field - An Ineffective Force**

Unfortunately, the performance of the interim police thus far has highlighted their utter lack of credibility as a law enforcement agency. Inextricably linked to their military past by a public that continues to refer to them as "soldiers," the interim police suffer from paralyzing fear that keeps them in their stations. Worse, some have continued the repressive tactics of the coup d'etat regime. The failures of the interim police are magnified by the non-existence of a functional Haitian justice system.<sup>49</sup>

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<sup>44</sup> Interview with Justice Minister EXUMÉ, March 9, 1995.

<sup>45</sup> Interview with Secretary of State for Justice JEUNE, March 9, 1995 and Major TOUSSAINT, March 14, 1995.

<sup>46</sup> Interview with LOUIS ESTIVERNE of the SAVANETTE AGRICULTURAL WORKERS' UNION, PORT-AU-PRINCE, March 9, 1995.

<sup>47</sup> TELEPHONE INTERVIEW WITH RAYMOND KELLY, February 9, 1995. In an interview with Mr. Kelly on March 3, 1995, he did not report any further cases against members of the interim police.

<sup>48</sup> Interview with MARINE CORPS (RES.) MAJ. SAM DELGADO, CAP Haïtien, October 30, 1994.

<sup>49</sup> For a recent analysis of Haiti's justice system and proposals for reform, see NATIONAL COALITION FOR HAITIAN REFUGEES, *NO GREATER PRIORITY: JUDICIAL REFORM IN HAITI*, (New York: 1995).

The January 17, 1995 report of the United Nations Secretary-General to the Security Council observes: "[The interim police force] is untested and lacks...the experience and self-confidence that are indispensable to any police force." The report observed that the interim police officers generally suffered from low morale and seldom operated on their own. "In addition to being poorly trained, sometimes unwelcome and demoralized, [the interim police force] lacks essential equipment, particularly communications and vehicles."<sup>50</sup> The U.S. Special Forces unit commander, based in the Petit Goâve region, assessed the interim police in that region as "marginally effective."<sup>51</sup>

The public disapproval of the former Haitian military has had a dramatic impact on the potential of the interim police force to provide security. According to the interim police commander Major Toussaint, the interim police have been unable to assume their posts in Grand Rivière du Nord due to popular rejection and, in other areas such as Cap Haïtien and Gonaïves, their actions have been severely restricted due to public intolerance. In the Grande Anse region, there is no interim police presence in the town of Anse d'Hainault nor in Dame Marie. Residents of Dame Marie have painted the former military post blue and red and converted it into a community center.<sup>52</sup> An organizer working in the Central Plateau reported that the interim police in Hinche are not very active, and that they are not seen at all in the community of Papaye.<sup>53</sup> On January 6, fifteen interim policemen from the northeastern city of Fort Liberté, accompanied by international police monitors, went to Trou du Nord and held a meeting with local officials and townspeople. During the meeting, the people reportedly rejected their presence in the town and the interim policemen were obliged to return to Fort Liberté. In the northern town of Milot, the January arrival of recycled Haitian soldiers escorted by U.S. forces was met with local disapproval. When a member of a local organization explained the community's unwillingness to accept the interim police, a U.S. soldier reportedly fired in the air and insisted that the police remain. Five former Haitian soldiers did enter the military barracks, but apparently they are unable to conduct any patrols without being accompanied by U.S. forces or international police monitors.<sup>54</sup>

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<sup>50</sup> UNITED NATIONS SECURITY COUNCIL "REPORT OF THE SECRETARY GENERAL ON THE QUESTION CONCERNING HAITI," (S/1995/46, JANUARY 17, 1995): PARA. 47, 48, AND 50.

<sup>51</sup> INTERVIEW WITH SPECIAL FORCES CAPT. ROBERT CHANEY, PETIT GOAVE, MARCH 4, 1995.

<sup>52</sup> INTERVIEWS IN DAME MARIE, MARCH 5 AND 6, 1995.

<sup>53</sup> INTERVIEW WITH REPRESENTATIVE OF THE PAPAYE PEASANT MOVEMENT (MOUVMAN PEYIZAN PAPAY, MPP), PORT-AU-PRINCE, MARCH 9, 1995.

<sup>54</sup> INTERVIEW WITH MOISE JEAN CHARLES AND PHILISTIN DORVILLE OF THE MILOT PEASANT MOVEMENT (MOUVMAN PEYIZAN MILOT, MPM), PORT-AU-PRINCE, MARCH 3, 1995.

In some cases, accusations of human rights violations against the former military have led to acts of violence directed against the recycled soldiers who compose the interim police. One interim police sergeant described an incident on March 8, 1995, in which he was attacked at knifepoint by two individuals accusing him of repressive acts. The aggressors were restrained by a gathering crowd who believed in the sergeant's good character.<sup>55</sup> A sergeant in Gonaïves, where the interim police are still wearing their military uniforms, commented that the public did not respect the force. He then explained that he did not fear reprisals because he had lived for so long in the town and had not acted abusively.<sup>56</sup> Two additional attacks on the former Haitian military were reported on Port-au-Prince radio, including the slaying on February 3, 1995 of military Adjutant Kebreou Joseph in Martissant 15, and the shooting of Corp. Lagneau Dominique at a police station near Jeremie on February 4, 1995.<sup>57</sup> Major Toussaint reported that in January there was an attempt to hang two interim police in the town of Jeremie, which resulted in injury.<sup>58</sup> In the northern town of Limbé, tensions between interim police and community volunteer police resulted in a shoot-out that left one interim police officer dead and a second injured (as described in detail below). On March 21, 1995, as the multinational force withdrawal approached and the Haitian security situation grew more fragile, the head of personnel of the interim force, Major Max Hilaire was shot three times outside his home in Port-au-Prince.<sup>59</sup>

In other regions, the interim police have maintained authority and continued to use the repressive tactics frequently relied on under the coup regime. On February 14, 1995 a prison break in Savanette resulted in the escape of all of the approximately thirty-three prisoners. The escape reportedly was due to the payment of bribes of between forty and fifty Haitian dollars per person to members of the interim police force. Up to seventeen of the detainees were being held for the February 4th killing of Ylophene Antoine in the Layay region. When local sentiment rose against the interim force following the prison escape, all of the interim police deserted the post for a few days in early March.<sup>60</sup> Interim police detained Melina Fortina Samma on January 6, 1995 in Petite Rivière de l'Artibonite. Three interim police officers arrested her and held her for two days as a ploy to try to arrest her husband, Tony Samma.<sup>61</sup> But Mr. Samma went into hiding when he heard of his wife's arrest. On February 20, he was traveling on a truck in the area when he was spotted by Robert Gilméis, one of the officers who had arrested his wife. Samma testified that Gilméis attacked him with a machete, striking him in the back with the unsharpened edge. As Gilméis returned, a crowd developed and prevented the attack from continuing. Dumarsais Pierre-Louis, a resident of the fifth section of Petite Rivière de l'Artibonite, also reported misconduct on the part of the interim police. Following a theft of nine goats and significant stocks of agricultural products from his land on January 21, Mr. Pierre-Louis went to the interim police to report the loss. He stated that one of the interim agents demanded a bribe of 240 Haitian dollars to investigate the case.<sup>62</sup> Luis Moreno at the U.S. embassy reported that there had been recent removals of interim police for infractions including attitude problems, corruption, and excessive use of force.<sup>63</sup>

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<sup>55</sup> Interview with interim police sergeant (name withheld by request), March 1995.

<sup>56</sup> Interview with sergeant Jéador Jacques, Gonaïves, March 11, 1995.

<sup>57</sup> FBIS-LAT, "GUNMEN KILL ARMY ADJUTANT, ATTACK SOLDIERS," *SIGNAL FM RADIO*, February 6, 1995.

<sup>58</sup> Interview with Major Toussaint, Port-au-Prince, March 14, 1995.

<sup>59</sup> "Haitian Policeman Wounded in Growing Crime Wave," *REUTERS*, March 22, 1995.

<sup>60</sup> Interview with Louis Estiverne of the Savanette Workers' Central, March 9, 1995.

<sup>61</sup> Interview with Melina Fortina Samma in Petite Rivière de l'Artibonite, March 10, 1995. The widespread practice of illegally detaining family members, effectively as hostages, in order to carry out other arrests is explicitly forbidden by the Haitian Constitution at Article 24.3.5.

<sup>62</sup> Interview with Dumarsais Pierre-Louis, Petite Rivière de l'Artibonite, March 10, 1995.

<sup>63</sup> Telephone interview with Luis Moreno, political officer at the U.S. Embassy, March 22, 1995.

The impact of the interim police force is undoubtedly diluted by limited resources. The entire force has only fifty vehicles (although the international police monitors may leave it 250 vehicles upon departure).<sup>64</sup> Interim officers in the region of Grand Goâve agreed that they had limited possibilities, and blamed their weak presence on lack of transportation (not even a bicycle) and insufficient supplies of weapons. The interim force commander, Major Toussaint, revealed that the goal is to provide one weapon for each two interim police. One interim force member commented, "If they don't see you with a big weapon, it's hard to arrest them."<sup>65</sup> Others commented that their authority was diminished by the perception that they would only be police officers for a "little while" and were obviously concerned for their fate at the end of the interim period. Given present plans to retain the interim officers until the police academy has produced a full complement of 6,000 to 7,000 cadets, they will have good employment prospects for at least the coming ten to eighteen months. While there has been some discussion of later offering the interim police a job training program like that presently provided to over 2,000 members of the former Haitian military, neither the Haitian nor the U.S. government has confirmed that such a plan exists.

The international police monitors, an 800-person multinational group under the direction of Raymond Kelly, have sought to make the interim police a viable security force. The international police monitors set up twelve regional bases from which they have visited 120 locations a week.<sup>66</sup> UN mandated civilian police (CivPol) forces will assume the international police monitors' role and closely supervise interim police activities, but they will be restricted from performing any law enforcement duties.<sup>67</sup> Given the poor performance of the interim police to date, and their rejection by many communities, CivPol will face serious challenges in its effort to motivate the interim police to carry out effective law enforcement.

### III. CIVILIAN PARTICIPATION IN HAITIAN POLICING EFFORTS

The dismantling of the Haitian army, combined with the limited deployment and ineffectiveness of the interim police force, has resulted in a significant security vacuum. Seeking to fill that security void and respond to a rising level of crime in both the cities and the rural areas, the Haitian government, other international actors, and individual Haitian communities have created several innovative civilian security forces. Thus far these initiatives have met with mixed results. The most significant effort is the presence in several towns of approximately 900 "public safety trainees," who were selected and trained at the refugee camps at the Guantánamo Naval Base. Unfortunately, because the Guantánamo trainees have an uncertain mission, limited job security and are not permitted to carry weapons, their effectiveness is circumscribed to the point that many people have taken to calling them "*grigris*," a Creole term referring to both their grey uniforms and their sparrow-like insignificance. In another initiative, Haitians with foreign residence, and Canadians and Americans of Haitian descent, received a three-month training course from the Royal Canadian Mounted Police but are now in Haiti without any clear prospects for their future employment. Community policing efforts and the neighborhood watch associations called vigilance brigades are offering an additional alternative that has proven effective in some areas but has led to violence in others.

#### Public Safety Recruits from U.S. Refugee Camps in Guantánamo, Cuba

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<sup>64</sup> Interview with Raymond Kelly, March 3, 1995.

<sup>65</sup> Interview with interim police officer Jean Saint-Preu, Grand Goâve, March 4, 1995.

<sup>66</sup> Interview with Raymond Kelly, March 3, 1995.

<sup>67</sup> Interview with Inspector Clement, March 6, 1995.

In the weeks prior to the September intervention, the Haitian and U.S. governments initiated a process to identify recruits for the interim police force among Haitian asylum-seekers detained in camps at the U.S. naval base in Guantánamo, Cuba. As stated above, ICITAP and State Department personnel were opposed to the plan, apparently fearing that the recruits would contribute to a force biased in favor of President Aristide.<sup>68</sup> Some of these officials also expressed concerns regarding the relative competence of the Guantánamo recruits. U.S. and Haitian officials eventually tested and selected just over 1,000 of the Guantánamo refugees, and ICITAP led a twenty-one-day training program in the camps, to be followed by their repatriation and integration into the interim police force. Although the refugees were then and are now formally called "public safety trainees," the present ICITAP director at the Camp d'Application permanent police academy, who served at Guantánamo for the recruits' training, explained, "They were never intended to be police officers" and their initial mission was to "serve in an invasion force as a Haitian liaison."<sup>69</sup>

Following their repatriation, the Haitian Defense Ministry conducted a five-day training seminar for the Guantánamo recruits, and most of them have been deployed gradually. They wear different shirts to distinguish them from the former soldiers in the force and are subordinated to the former soldiers, particularly by virtue of the fact that they do not carry weapons.<sup>70</sup> According to a report by the multinational force in Haiti, Guantánamo recruits have been deployed in Port-au-Prince, Port-de-Paix, Cap Haïtien, Fort Liberté, Hinche, Gonaïves, and St. Marc.<sup>71</sup>

The Guantánamo recruits' activities have not been extensive, and were described by one U.S. Embassy official as doing traffic control and helping out at the stations. A group of Guantánamo trainees in Gonaïves reported that they were in charge of searching visitors to the prison for weapons and ensuring that all visitors bringing food sampled it to demonstrate that it was not poisoned. They also have been mentioned as possibly taking over ministerial security. One Guantánamo trainee in Petite Rivière de l'Artibonite described his frustration at working with a non-existent or corrupt justice system. Hoping to investigate a death about one week earlier, the Guantánamo recruit was delayed because the local judge had refused to formalize a death certificate until the deceased person's family paid him 300 Haitian dollars.<sup>72</sup>

In the midst of the debate over their role, twenty-five of the Guantánamo recruits were sent to the northern coastal city of Cap Haïtien in October, as part of a controversial experiment with a combined interim police force. On September 24, 1994, an exchange of fire between U.S. marines and a (Haitian army) police unit left ten of the Haitians dead and one U.S. marine interpreter slightly injured.<sup>73</sup> After that incident, soldiers, police, and section

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<sup>68</sup> WHEN PRESIDENT ARISTIDE NAMED THEN-COL. PIERRE CHERUBIN TO LEAD THE HAITIAN GOVERNMENT DELEGATION TO GUANTÁNAMO, THE U.S. OBJECTIONS INCREASED. AS DESCRIBED BELOW, CHERUBIN WAS CHIEF OF POLICE UNDER PRESIDENT ARISTIDE IN 1991 WHEN FIVE YOUTHS WERE MURDERED BY THE HAITIAN POLICE.

<sup>69</sup> INTERVIEW WITH ICITAP HAITI DIRECTOR JOHN WALKER IN PORT-AU-PRINCE, MARCH 6, 1995. THE HAITIAN CONSTITUTION SPECIFIES THAT ONLY THE ARMY AND POLICE ARE PERMITTED TO BE ARMED.

<sup>70</sup> ASSISTANT SECRETARY ROBERT GELBARD REFERRED TO THE GUANTÁNAMO RECRUITS AS "POLICE AUXILIARIES" IN A NOVEMBER 22, 1994 BRIEFING. THE U.S. EMBASSY'S POLICE LIAISON LUIS MORENO SAID THAT THEY SHOULD BE ALLOWED TO COMPETE FOR ENTRANCE INTO THE POLICE ACADEMY, BUT SHOULD NOT BE MIXED IN WITH THE INTERIM POLICE. IN A JANUARY 25, 1995 INTERVIEW, INTERIM POLICE COMMANDER MAJ. DANY TOUSSAINT TOLD US THAT HE WAS COMMITTED TO THE GUANTÁNAMO RECRUITS' FULL INTEGRATION INTO THE INTERIM POLICE FORCE. HOWEVER, THE GUANTÁNAMO RECRUITS HAVE NOT RECEIVED ANY WEAPONS TRAINING TO DATE.

<sup>71</sup> "EIGHTH REPORT OF THE MULTINATIONAL FORCE IN HAITI," SUBMITTED TO THE SECURITY COUNCIL IN ACCORDANCE WITH PARA. 13 OF SECURITY COUNCIL RESOLUTION 940 (1994). (S/1995/15, JANUARY 9, 1995): PARA. 12.

<sup>72</sup> INTERVIEW WITH GUANTÁNAMO PUBLIC SAFETY RECRUIT IN PETITE RIVIÈRE DE L'ARTIBONITE, MARCH 10, 1995. AT THE TIME OF OUR VISIT, THE CORPSE OF THE ASSASSINATED PERSON HAD BEEN LYING IN A NEARBY CANAL FOR ALMOST A WEEK DUE TO JUSTICE OF THE PEACE CHARLES JEAN-BAPTISTE'S REFUSAL TO DOCUMENT THE DEATH.

<sup>73</sup> WHILE AT LEAST EIGHT OF THE TEN DEAD HAITIANS WERE PROBABLY POLICEMEN OF THE FORMER ARMY, NONE WERE IN UNIFORM AT THE TIME OF THE SHOOT-OUT, ACCORDING TO THE U.S. EMBASSY DEFENSE ATTACHÉ LT. COL. STEVE LOVASZ. ACCORDING TO GENERAL POISSON, AT LEAST ONE OF THEM WAS AN ATTACHÉ.

chiefs deserted their posts *en masse* in Cap Haïtien and in many northern towns. Local government officials and American troops twice tried to return local soldiers to their posts in Cap Haïtien, but their efforts were frustrated by popular dissent. This scenario was repeated in other towns such as Trou du Nord, as described below.

Anxious to install a Haitian buffer between the multinational force and internal matters such as law enforcement, the U.S. army arranged for thirty-eight soldiers from Port-au-Prince to be screened and then transferred to Cap Haïtien. They were joined by twenty-five of the police recruits from Guantánamo. The two groups patrolled jointly, accompanied by international police monitors, and received a twenty-one-day course in policing designed by ICITAP and taught by international police monitors. As described earlier, ten of the screened soldiers were returned to Port-au-Prince, one after confessing to murder, and one ex-refugee was removed, leaving twenty-eight soldiers and twenty-four Guantánamo recruits.

U.S. Marine (Res.) Maj. Sam Delgado and the Argentinean international police monitors/trainers in Cap Haïtien assessed the capability of both groups to be essentially equal based on the classroom training and joint supervised patrols. They also reported that the receptivity of the population to the force was increased by the perceived balance achieved by including the Guantánamo recruits. However, over the objections of Delgado and other U.S. military personnel involved in the Cap Haïtien training, the precarious balance that seemed essential to the success of the experiment was broken by a decision by U.S. officials in Port-au-Prince to subordinate the Guantánamo recruits to the soldiers and to provide weapons training and weapons only to the latter (although neither training nor weapons were ever provided).<sup>74</sup> The recruits and their trainer/monitors described this decision as imperiling the cautious camaraderie that had formed between the two groups of trainees. One Guantánamo recruit asked how they could be expected to work with the soldiers if only the latter were armed. Another pointed out that although they were working together, they didn't entirely trust the soldiers.<sup>75</sup>

### Canadian Police Trainees

A group of one hundred individuals of Haitian descent enrolled in a three-month training course offered at the Royal Canadian Mounted Police training academy in Regina, Saskatchewan in the winter of 1994. The course participants were citizens of Haiti, the U.S. for Canada who had signed a three-year contract with the Haitian government that did not define precise job descriptions, location and wages.<sup>76</sup> On February 7, 1995, eighty-four graduates of the course flew to Port-au-Prince. Three of the trainees took a flight back to Montreal shortly thereafter. While presently housed at the National Police training center, Camp d'Application, the Canadian trainees' future is uncertain. The new Haitian police law restricts police service to Haitian citizens (and Haiti does not permit dual citizenship), and U.S. officials have reportedly insisted that the Canadians carry only batons.<sup>77</sup> A proposal reportedly was made to the Canadians that they provide ministerial security, but they rejected that offer. At the time of Human Rights Watch/Americas' departure from Haiti in mid-March, the Canadian trainees' future was not yet clear.

### Community Policing and Neighborhood Watch Associations

Community-based arrangements enjoy a higher level of public acceptance than the interim force in some areas. At the very least, these models place a positive emphasis on civilian authority and illustrate the importance of involving the Haitian public from the outset in efforts to establish and maintain a climate of security. Both community policing and neighborhood watch associations, known as vigilance brigades, have received Haitian and U.S. government endorsements. However, these efforts have in some cases led to violence. The Aristide

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<sup>74</sup> Interview with Maj. Sam Delgado, U.S. Marine (Res.) Supervisor of the International Police Monitors in Cap Haïtien, Cap Haïtien, October 30, 1994.

<sup>75</sup> Interviews with army and ex-refugee police recruits in Cap Haïtien, October 30, 1994.

<sup>76</sup> Jeffrey Ulbrich, "Canadian Mounties Training New Haitian Police," *The Associated Press*, December 12, 1994.

<sup>77</sup> "Trois membres de la brigade formée à Regina ont regagné le Canada après avoir démissionné," *Haïti Observateur*, February 22-March 1, 1995.

government, UNMIH and CivPol should carefully supervise these experiments and reinforce them with support and training where appropriate.

After the September intervention, U.S. forces led efforts in several areas to establish community policing arrangements. Provisional volunteer police were established in five towns: in Le Borgne, twelve civilians were policing the community and had three M1 rifles in their possession; in Port Margot, four civilians were volunteer police; in Plaisance, nine civilians were policing with one M1 rifle between them; and in Pilate, two soldiers and three civilians were policing with one M1 rifle.

When the sixty-four soldiers posted to Limbé deserted after the September 24 shootout in Cap Haïtien, residents worked with the U.S. Special Forces to establish a provisional policing arrangement there. Special forces troops were able to contact twenty of the missing soldiers and returned them to Limbé. A town meeting ensued, during which the townspeople themselves screened the soldiers, selecting eight, including a sergeant, to remain as a provisional police force. They also chose eight young men from the community to be volunteer police along with the soldiers. The men agreed to participate on the understanding that they would receive a good recommendation for the permanent police academy in exchange for their service. Training and activities were supervised by the U.S. Special Forces, who stressed self-reliance and problem-solving. The Haitian soldiers trained the civilians in weapons maintenance and assembly, but stopped short of giving them firing practice.

All of the provisional police, including the civilians, carried M1 rifles, which were locked in the barracks at night. The sixteen provisional police conducted joint patrols, and made arrests accompanied by a justice of the peace. They also cared for prisoners and conducted civic action projects such as road repair and general clean-up. The provisional force made arrests in cases of theft, rock-throwing, and fighting.<sup>78</sup>

On February 11, the community policing arrangement in Limbe erupted into violence. When the local, volunteer members of the force -- a group that Raymond Kelly characterized as "pretty aggressive" -- failed the entrance exam to the permanent police force, they attacked the interim police force in their barracks.<sup>79</sup> One interim policeman was killed and a second was injured.

In February 1995, President Aristide received the support of the U.S. military command in Haiti in proposing the adoption of neighborhood watch committees known as vigilance brigades (*brigades de vigilance*). The joint proposal attempts to address Haiti's rising crime rates, in both the urban and rural areas. Given the inability of Haiti's interim police to provide genuine security, this civilian option initially emerged as a plausible alternative response to crime. In Petit Goâve, U.S. Special Forces have been supervising the formation of the vigilance brigades and instructing their members to register as "sanctioned watch committees" with the local interim police.<sup>80</sup>

As desperation with Haiti's non-functioning court system has grown, the vigilance committees have recently been linked to some vigilante actions. On March 3, 1995, two alleged thieves were killed in the seventh section of Grand Goâve. The men had apparently tried to enter the home of a local woman when she started screaming for help. The local vigilance brigade arrived and reportedly decided to kill the thieves because they considered that turning them over to the Americans would only result in their release.<sup>81</sup> Other incidents of violence are not clearly linked to vigilance brigades, but may arise from frustration with the failings of the justice system. Major Toussaint told us that on March 13, in Port-au-Prince there were five lynchings of suspected criminals.

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<sup>78</sup> Interview with Special Forces Capt. Jeff Schorr, Limbé, October 31, 1994.

<sup>79</sup> Interview with Raymond Kelly, March 3, 1995.

<sup>80</sup> Interview with Special Forces Sergeant Philip Stone, Petit Goâve, March 4, 1995.

<sup>81</sup> Interview with Justice of the Peace Gala Luckner, Grand Goâve, March 4, 1995. The vigilance brigade's tragic logic reflects the severity of the underlying problems with Haiti's justice system, which they apparently did not even consider as a viable option.

#### **IV. HAITI'S OTHER SECURITY FORCES: A DISMANTLED ARMY AND NASCENT NATIONAL POLICE FORCE**

Haiti's armed forces have gone through such dramatic upheaval since the arrival of the multinational force that many Haitian, U.S. and international governmental representatives are not quite sure if the Haitian army still exists, or if it has any future. By mid-March 1995, the Haitian army no longer had a commander-in-chief, the most senior remaining army officer was a major, the Defense Ministry had been closed, with its former offices turned over to the new Ministry for Women's Affairs, the army's rural section chiefs had been disbanded, and approximately half of the Haitian military had been formally removed or retired and was participating in A.I.D. sponsored job training or in other pursuits. It is uncertain whether an earlier plan to reconstitute the Haitian military with 1,500 former soldiers (possibly from the interim force) will in fact be carried out.<sup>82</sup> Meanwhile, a group called the Association of Demobilized Military Without a Cause had made at least one television appearance, demanding work, requesting assistance for the 80 percent of retired soldiers it claimed are illiterate, and charging the government with destabilization.

At the same time, the Haitian government and the U.S. Department of Justice agency ICITAP were working together to create Haiti's new national police force. With the imprimatur of a new police law passed in December 1994, the Haitian government and ICITAP received over 45,000 applications for the new, permanent force and selected 375 to participate in the first four month training course, which began on February 3, 1995. The second class began on March 13, 1995.

The evolution of these two institutions was guided by political debate between the Haitian and U.S. governments, dramatic firings of military officers by President Aristide, and the convening of two Haitian commissions to focus on the reform of the army and the creation of a national police force. The first of these, charged with studying the structure, composition and mandate of the reformed army, was composed of Defense Minister Wilthan Lherisson, Brig. Gen. Bernardin Poisson, Brig. Gen. Martial Romelus, Brig. Gen. Mondésir Beaubrun, and Col. Néoclès Arné. The second commission, to study matters related to the new national police force, includes Mr. Léon Jeune, the Secretary of State for Justice, Col. Jean Eugene José, Col. Jean Lamy, Lt. Col. Pierre E.C. Neptune, and Maj. Pierre E. Charles. (While the military members of the commission were retired in mid-February, they remain on the police commissions.)

#### **Dismantling the Haitian Army**

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<sup>82</sup> ACCORDING TO MAJOR TOUSSAINT, THE NUMBER OF 2,700 ACTIVE INTERIM POLICE DOES NOT INCLUDE 412 MILITARY TECHNICIANS NOR APPROXIMATELY 1,000 OTHER FORMER SOLDIERS THOUGHT OF AS INTERIM POLICE ADMINISTRATIVELY BUT STILL ON DEFENSE MINISTRY PAYROLLS. ACCORDING TO LUIS MORENO AT THE U.S. EMBASSY, THE ONLY REMNANTS OF THE FORMER ARMY ARE THE 2,700 INTERIM POLICE AND 412 TECHNICIANS. HE REPORTED THAT 2,600 SOLDIERS HAVE BEEN DEMOBILIZED. DESERTERS, REMOVALS, AND PHANTOM SOLDIERS SWELLING THE ARMY ROLLS ACCOUNT FOR THE REMAINDER OF THE ORIGINAL ARMY. TELEPHONE INTERVIEW, MARCH 22, 1995.



The army commission named to consider the Haitian military's future effectively dismissed the bulk of the Haitian army. The changes took place so quickly that on December 26, 1994, angry soldiers, some of whom had been dismissed by the Haitian government three days before, converged on the Port-au-Prince army headquarters demanding back pay. According to Ambassador Gelbard, army commission member Gen. Mondésir Beaubrun shot at the reportedly unarmed soldiers and may have killed two of them.<sup>83</sup> The Associated Press reported that American military police also fired at the Haitian soldiers, although it was not clear if any were killed by American fire. While the military's most senior officers and thousands of soldiers have all been dismissed, the Haitian government has not provided concrete details on plans to investigate, and where appropriate prosecute, all those former soldiers who allegedly participated in human rights abuses, and particularly those soldiers who were removed from the military on human rights grounds.

President Aristide dismissed all of Haiti's military officer corps above the rank of major, many of whom had been implicated in human rights violations. In December 1994, he discharged an initial thirteen army officers. Among them were: Col. Bellony Groshomme and Capt. Castera Cenafils, who were commanding officers in Gonaïves at the time of the April 1994 massacre of at least twenty people in the neighborhood of Raboteau; Capt. Joanis Jackson, former commander of the notoriously abusive Investigations and Anti-gang Service (a Port-au-Prince police unit); and Maj. Josel Charles, also known as "Commander Z," who had been known for his brutality in Hinche and the Central Plateau under the coup d'etat regime.

Following those dismissals, the U.S. urged President Aristide to remove additional allegedly abusive Haitian officers from the army, including Lt. Col. Pierre Cherubin, Col. Pierre E.C. Neptune, and Capt. Richard Salomon.<sup>84</sup> While pressing for these specific dismissals, however, U.S. officials resisted the kind of rigorous screening and purging that might have resulted in the removal of all human rights violators. When President Aristide forced forty-three members of Haiti's officer corps into retirement on February 20, Major Toussaint became Haiti's highest ranking officer. The Aristide purge removed Lt. Colonel Cherubin and Col. Neptune from the military (although Neptune has continued to serve on the national police commission), and Salomon submitted his resignation on the same day.

Prior to the coup, President Aristide had dismissed the hated and abusive rural section chiefs who represented the lowest rung of the army hierarchy. The section chiefs had historically acted as sheriffs, judges, and juries in their villages, often deputizing dozens or even hundreds of men who became part of an extortion chain that maintained a stranglehold on already destitute villagers. Aristide replaced the section chiefs with communal police

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<sup>83</sup> MEETING WITH AMB. ROBERT GELBARD, JANUARY 26, 1995. AMB. GELBARD CALLED BEAUBRUN A "MURDERER" WHO SHOULD BE DISCHARGED FROM THE ARMY. FOUR OF THE DISGRUNTLED SOLDIERS WERE REPORTED KILLED IN THE INCIDENT, AND AMERICAN TROOPS ARRESTED AT LEAST A DOZEN ACTIVE-DUTY AND DISCHARGED SOLDIERS. ASSOCIATED PRESS, "FOUR KILLED AT HAITIAN ARMY HEADQUARTERS," *THE MIAMI HERALD*, DECEMBER 27, 1994. FOLLOWING HIS FORCED RETIREMENT FROM THE MILITARY IN FEBRUARY, BEAUBRUN WAS NAMED INTERIOR MINISTER, AND THEREFORE IS A MEMBER OF THE SUPERIOR COUNCIL OF THE NATIONAL POLICE, CSPN, WITH AUTHORITY OVER THE NATIONAL POLICE. TO OUR KNOWLEDGE, AN INVESTIGATION OF THE DECEMBER 26 INCIDENT HAS NOT OCCURRED.

<sup>84</sup> IN A JULY 1991 INCIDENT, FIVE YOUTHS WERE KILLED WHILE IN POLICE CUSTODY; IT WAS ONE OF THE MOST SERIOUS HUMAN RIGHTS VIOLATIONS DURING ARISTIDE'S FIRST ADMINISTRATION. A THOROUGH INVESTIGATION OF THE INCIDENT HAD NOT OCCURRED PRIOR TO THE SEPTEMBER 1991 COUP. A SUBSEQUENT MILITARY INVESTIGATION CONDUCTED UNDER THE COUP REGIME APPARENTLY EXONERATED NEPTUNE FROM INVOLVEMENT IN THE KILLINGS AND IMPLICATED SALOMON. THE LATTER WAS JAILED, DISMISSED FROM THE ARMY, AND REMANDED TO THE CIVILIAN JUDICIARY. THE INVESTIGATING JUDGE ASSIGNED TO THE CASE ACCORDED SALOMON THE BENEFIT OF THE DOUBT AND DROPPED THE CHARGES AGAINST HIM BASED ON POLICE TESTIMONY THAT, AFTER TAKING THE FIVE YOUTHS INTO CUSTODY IN HIS VEHICLE, SALOMON ORDERED THEIR HANDCUFFS REMOVED BECAUSE THEY AGREED TO COOPERATE IN THE IMMEDIATE PURSUIT OF ALLEGED ACCOMPLICES. THE COURT FOUND THAT WHEN THE DETAINEES LATER FLED, POLICE SHOT AT THEM. "EXTRAIT DES MINUTES DU GREFFE DU TRIBUNAL CIVIL DE PORT-AU-PRINCE," AUGUST 19, 1993. SEE AMERICAS WATCH, NATIONAL COALITION FOR HAITIAN REFUGEES, AND CARIBBEAN RIGHTS, "HAITI: THE ARISTIDE GOVERNMENT'S HUMAN RIGHTS RECORD" (NEW YORK: HUMAN RIGHTS WATCH, NOVEMBER 1991): PP. 32-33; AND DON BOHNING, "U.S. IS LEERY OF 3 ARISTIDE ADVISERS" *THE MIAMI HERALD*, DECEMBER 3, 1994.

IN A MARCH 1995 INTERVIEW IN PORT-AU-PRINCE, COLONEL NEPTUNE MAINTAINED THAT HE HAD TURNED OVER THE FIVE YOUTHS TO SALOMON UNHARMED. HE PROVIDED DOCUMENTATION OF INTERNAL INVESTIGATIONS OF THE MATTER THAT HE HAD INSTIGATED UPON DISCOVERING THAT THE FIVE SUSPECTS HAD DIED WHILE IN SALOMON'S CUSTODY. HE CLAIMED THAT HE HAD BEEN UNJUSTLY IMPLICATED IN THE INCIDENT AND THAT NO U.S. GOVERNMENT OFFICIAL HAD CONTACTED HIM TO DISCUSS IT. INTERVIEW WITH COLONEL NEPTUNE, PORT-AU-PRINCE, MARCH 12, 1995.

agents Communal Section Administrative Council (*Conseil d'Administration de la Section Communale*, CASEC) whose installation was preempted by the September 1991 military coup. Many communal police agents and members were driven into hiding when the army's section chiefs regained their former positions following the coup.

In November 1994, President Aristide dissolved the section chiefs for the second time. However, with little international military presence in rural areas and no legitimate Haitian authority to replace them, section chiefs in some areas were reportedly still functioning, although others apparently fled or turned in their weapons without incident.<sup>85</sup> Because the section chiefs acted as the only authority in the communal sections, their dismissal left a security void that legitimate administrative, judicial, and law enforcement personnel failed to fill.

A looming question for many Haitians is the future of those Haitian soldiers who have already been fired. In a recent visit to Haiti, the director of the International Organization for Migration (IOM), the A.I.D.-financed agency charged with providing six-month job training programs to the demobilized soldiers, referred to IOM's "unique expertise" in demobilization efforts.<sup>86</sup> At the end of February 1995, the IOM had 2,351 former soldiers enrolled in or attending job training courses. The IOM plans to assist the former soldiers in finding work by providing contacts with the Haitian business community, but the program "assumes no financial or other responsibility for the participants after the six-month training period."<sup>87</sup> Nonetheless, the realities of Haiti's economy probably make such a program a solution only in the short term. The Secretary of State for Justice, Léon Jeune, pointed out that the demobilized soldiers should not be trained for jobs that do not exist.<sup>88</sup> One former military officer expressed concern that, given their few options, the enlisted soldiers with poor educational backgrounds and limited economic resources might later turn to crime.<sup>89</sup>

### **The New National Police Force**

Haitian and American officials have reached consensus that the permanent Haitian police force should have between 6,000 and 7,000 members. The training of the first two classes of recruits (of approximately 375 cadets per class) has already begun at Camp d'Application under the direction of ICITAP. Yet, while the government agencies involved in selecting and training the new police officers already have weeded out candidates for the force from an initial applicant pool of 45,000 individuals, there is still no sufficient screening mechanism in place to examine the human rights background of potential police officers. This is particularly surprising given the alarming human rights record of the Haitian military, the prevalence of paramilitary abuse, and the plan for ICITAP to establish a civilian police force "based on the rule-of-law and internationally recognized standards of human rights."<sup>90</sup>

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<sup>85</sup> DOUGLAS FARAH, "GIs in Haiti AVOID MEDIATING LOCAL FEUDS, BUT REGIONAL BOSSES MAKE IT HARD," *THE WASHINGTON POST*, NOVEMBER 29, 1994.

<sup>86</sup> IOM DIRECTOR GENERAL JAMES PURCELL, PRESS CONFERENCE IN PORT-AU-PRINCE, MARCH 9, 1995.

<sup>87</sup> INTERNATIONAL ORGANIZATION OF MIGRATION, "Haiti ASSISTANCE PROGRAM MONTHLY REPORT", FEBRUARY 1995.

<sup>88</sup> INTERVIEW WITH SECRETARY OF STATE FOR JUSTICE JEUNE, MARCH 9, 1995.

<sup>89</sup> INTERVIEW WITH COL. PIERRE E.C. NEPTUNE, PORT-AU-PRINCE, MARCH 12, 1995.

<sup>90</sup> "US/AID Haiti BRIEFING BOOK, JANUARY 1995, PAGE 30, TAB E.

Secretary of State for Justice Léon Jeune, who is responsible for overseeing the new National Police of Haiti, asserted that human rights screening is a priority for the selection of the national police force. Yet, he explained that the Justice Ministry did not have the time to carry out in-depth investigations, and was relying on materials prepared by the applicants (such as the written police academy entrance examination) as well as a U.S. government generated "foreign asset control" list to identify human rights violators. According to Mr. Jeune, the limitation of the U.S. list was that it does not include civilians, and members of the Front for the Advancement and Progress of Haiti, FRAPH, who are known to have been responsible for human rights abuses.<sup>91</sup> In fact, the "foreign asset control" list was not intended to serve as a list of human rights violators, but was merely a list compiled by the U.S. Treasury Department to target coup leaders and supporters for sanctions.

The permanent police force cadets are scheduled to undergo human rights review only during the first two weeks of ICITAP's sixteen-week training course. Secretary Jeune explained that due to limited resources, beyond this provisional period a cadet's human rights record will not undergo continued scrutiny.<sup>92</sup> If, for example, cases of former Haitian military entering the national police academy are to be fully investigated, this two week rule would be far too restrictive to permit thorough research of each case. This plan also appears to contradict the Police Law stipulation, which is without any time limitations, that "any member of the Haitian Armed Forces denounced by public outcry (*clameur publique*) as the author or accomplice of a violation of Human Rights, upon verification by the Superior Council of the National Police (CSPN), cannot become part of the new force."<sup>93</sup>

Some slots in the police academy are being held open for applicants from the interim public security forces, but each of those applicants will be required nonetheless to meet the requirements demanded all other aspiring candidates. The plan for integrating the interim police sets aside ten places in the third academy training, twenty in the fourth training, and forty in each subsequent class.<sup>94</sup> With twelve classes of police academy graduates, this plan would result in former soldiers comprising approximately 9 percent of the National Police Force being made up of former soldiers. Yet, given the difficult admissions requirements for the academy and the low education levels of the vast majority of the former military, it is unlikely that former soldiers in fact will fill all of the slots reserved for them in each class.

The makeup of the new permanent police officer corps remains uncertain. The transitory dispositions of the recently enacted police law provide for the incorporation of Haitian army officers with specialized training. Article 64 states that

police commissioners will be recruited among the officers and junior officers of the Haitian armed forces who have received, in a recognized foreign institution, theoretical and practical instruction in administrative and judicial police matters, after examination of their record by the CSPN.

This provision will apparently permit the inclusion of previously dismissed Haitian military officers in the leadership of the new police. Furthermore, since the membership of the CSPN may well incorporate former military officers, as it does now, including General Beaubrun who was recently named minister of the interior, there may be excessive military influence in the civilian institution. Justice Minister Exumé insisted, that all nominations would be conducted in accordance with the constitution, with the Senate preparing a list of possible candidates for

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<sup>91</sup> Interview with Secretary of State for Justice Jeune, Port-au-Prince, March 9, 1995. See also, Allan Nairn, "Our Man in FRAPH: Behind Haiti's Paramilitaries," *THE NATION*, October 24, 1994. Emmanuel Constant's U.S. visa, temporarily revoked prior to the U.S. intervention in Haiti, was reinstated by the U.S. government after the intervention, permitting Constant to enter the United States early in 1995. The U.S. has now said that it is searching for Constant and will cooperate with Haitian authorities who wish for him to return to Haiti to face criminal charges.

<sup>92</sup> Interview with Secretary of State for Justice Jeune, March 9, 1995

<sup>93</sup> Article 64 - 2 of the "Law Regarding the Creation, Organization and Functioning of the National Police," December 1994.

<sup>94</sup> Interview with U.S. Embassy official (name withheld), Port-au-Prince, March 7, 1995.

the president's approval.<sup>95</sup> However, we remain concerned that the past involvement in human rights violations of officers considered for the new police be thoroughly ascertained.

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<sup>95</sup> INTERVIEW WITH JUSTICE MINISTER EYUMÉ, MARCH 9, 1995.

The assignments for the first classes of recruits have already been determined. Most of the first class will be deployed in the north, particularly Cap Haïtien, Limbé, and Grand Rivière du Nord, as well as Pétionville. Upon their arrival, the interim police forces will be shifted to other areas of the country, most probably to rural areas. The second class will be deployed to the Artibonite valley, particularly the city of Gonaïves, and Port-au-Prince. The third class will go to Les Cayes, to cover the south region, and to Delmas.<sup>96</sup>

## V. THE CURRENT SECURITY VOID

The ineffectiveness of the interim police and the crumbling of the Haitian army have contributed to a widening security gap, and crime has increased by an estimated 200 percent. Frequent reports of "zenglendo" violence are creating tension about daily safety as well as particular concern for the parliamentary elections scheduled for June.<sup>97</sup> Given that 70 percent of Haitians live in rural areas, there is broad acknowledgment that the rural security vacuum is the biggest problem in Haiti.

While some of the rising crime wave is apparently driven by property offenses, the zenglendo are also considered by the justice minister and others to be "a criminal force tainted with politics."<sup>98</sup> A number of recent killings have been linked to political motivations. In early March, the death of a Peasant Movement of Papaye (*Mouvman Peyizan Papay*, MPP) chauffeur, Faudener Simon, in Port-au-Prince was followed the next day by an organized effort in the area of Papaye to specifically threaten members of the organization. Several MPP members reportedly were told, "This is just the beginning of the big thing to come."<sup>99</sup> The killing of a former legislator from Fort Liberté, Eric Lamothe, on the same day, was interpreted widely as a political killing. The shootout in Limbé that left one interim police force member dead was also understood to have political motivations, in this case, as an attack against the army.

A rising tide of violence in Haiti is raising fears for disruption of the parliamentary elections in June and the presidential elections in December. Since the multinational force's disarmament efforts have been restricted, taking in approximately 20,000 out of an unknown total number of weapons, and because the interim police are understood to be incapable or unwilling to carry out further disarmament, the security picture in Haiti does not look promising. Furthermore, the non-functional judicial system undermines efforts to bring criminals to justice; as a U.S. Embassy official stated recently, "they can't function if they don't have a corrective system to turn people over to."<sup>100</sup> With the withdrawal of half of the U.S. forces on March 31, 1995, and a mandate that does not allow the UNMIH or CivPol to conduct law enforcement, Haiti's security situation is fragile at best.

## VI. ACKNOWLEDGMENTS

This report was written by Gretta Tovar Siebentritt and Sarah A. DeCosse of Human Rights Watch/Americas based on their research and that of Anne Fuller of the National Coalition for Haitian Refugees. Connie Walsh and Pierre Espérance of the Port-au-Prince staff of the National Coalition for Haitian Refugees also contributed research for parts of the report as did Rachel Neild of the Washington Office on Latin America. It was reviewed and edited by Allyson Collins of Human Rights Watch and Jocelyn McCalla and William O'Neill of the National Coalition for Haitian Refugees. Vanessa Jimenez provided production assistance.

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<sup>96</sup> Interview with COL. PIERRE E.C. NEPTUNE, a MEMBER OF THE NATIONAL POLICE COMMISSION, MARCH 12, 1995.

<sup>97</sup> ZENGLENDO is a HAITIAN CREOLE TERM FREQUENTLY USED TO DESCRIBE INDIVIDUALS TAKING CRIMINAL ACTIONS FOR EITHER PERSONAL OR POLITICAL MOTIVATIONS. UNDER THE COUP D'ETAT REGIME, BANDS OF ZENGLENDO WORKED IN TANDEM WITH THE HAITIAN MILITARY AND WITH PARAMILITARY GROUPS TO REPRESS THE HAITIAN POPULATION.

<sup>98</sup> Interview with JUSTICE MINISTER EYUMÉ, MARCH 9, 1995.

<sup>99</sup> Interview with REPRESENTATIVE OF THE PEASANT MOVEMENT OF PAPAYE (MPP), MARCH 9, 1995. THE CREOLE STATEMENT WAS "SA SE FROKÈT LA, CHAY LA DÈYÈ." OTHER THREATS MENTIONED SPECIFIC MPP MEMBERS BY NAME.

<sup>100</sup> Interview with U.S. EMBASSY OFFICIAL (NAME WITHHELD), MARCH 7, 1995. SEE ALSO NO GREATER PRIORITY, NCHR, MARCH 1995.

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#### *Human Rights Watch/Americas*

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#### *National Coalition for Haitian Refugees*

The NCHR was established in 1982 in the United States. It is composed of legal, human rights, civil rights, church, labor, and Haitian community organizations working together to seek justice for Haitian refugees and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla and its associate director is Anne Fuller. The NCHR has offices in New York and Port-au-Prince and publishes frequent reports on human rights and refugee affairs which is available upon request.