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THE HUMAN RIGHTS RECORD OF THE HAITIAN NATIONAL POLICE

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I. SUMMARY AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

The Haitian National Police is headed by a director general, under whom serves the inspector general, the director of the Administrative Police (the main police corps, responsible for public security and crime prevention) and the director of the Judicial Police (an investigative unit assigned to the judiciary). Other specialized police units include the Palace and Presidential Guard, the Ministerial Security Corps, and the Anti-Gang Unit. Weaknesses in police leadership allowed these specialized units to operate beyond their mandates and independently of HNP control during 1995 and much of 1996. Together with the main police corps, they are implicated in serious cases of human rights abuse. Departmental directors command the HNP in each of Haiti's nine departments. Police chiefs (*commissaires*) head city police divisions, sergeants (*inspecteurs principaux* and *inspecteurs*) head the sub-precincts (*sous-commissariats*) in smaller towns, and the smallest police divisions in rural and urban sections. As of October 1996, the HNP was operating with only seven of the nine departmental directors in place, only fifty of 133 commissaires, and eighty-five out of 550 to 600 inspecteurs.

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

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

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

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

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

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

The creation of the Haitian National Police offered Haiti a key opportunity to establish a professional institution capable of ensuring public order and respect for the rule of law. Clearly, such an institution cannot be built overnight, it will take time to develop a solid institutional infrastructure, including experienced and effective leadership, and a culture of professional policing. But the human rights violations documented here are a serious deviation from this path. Police authorities have acknowledged abuses, declared that they will not be tolerated, and have disciplined and

fired dozens of officers. Yet, unless the Haitian government takes firm measures to prevent such abuses through careful recruitment and more rigorous training coupled with more effective procedures to punish abuses, there is a serious risk that HNP officers and agents could slide further into the repressive practices of Haiti's past security forces, undermining Haiti's democratic transition.

Recommendations

Strengthening police accountability

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

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

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

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

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

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

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

Strengthening the Institution

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

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

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

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

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

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

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

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

Improving community relations

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

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

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

International assistance

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

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

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

II. HUMAN RIGHTS ABUSES COMMITTED BY THE HAITIAN NATIONAL POLICE

The Haitian National Police have committed serious abuses since their initial deployment in July 1995, including extrajudicial executions and beatings during arrests and interrogations. Police agents, both in the regular HNP service and in special units, killed at least forty-six civilians and wounded at least fifty more between July 1995 and November 1996.¹ Most of these killings have occurred in the Port-au-Prince area. On March 6, 1996, in the Port-au-Prince shantytown of Cité Soleil, the HNP summarily killed at least six men. Police killed five people in another incident on November 4, 1996, in Port-au-Prince, two of whom may have been extrajudicially executed.

Some HNP agents and officers have demonstrated an alarming tendency to adopt the abusive practices of Haiti's past security forces. Yet these abuses did not appear to be systematically ordered by police authorities. Police violence reflects insufficient training, inadequate leadership, inexperience, and lack of equipment. In some cases, deadly force appears to have been used in legitimate self-defense. The following discussion provides an illustrative but not comprehensive account of human rights abuses committed by Haiti's new national police force.

Summary Executions and Attempted Murders

HNP agents deliberately executed at least fifteen civilians in shooting and beating incidents. In several other instances, victims survived apparent police attempts to kill them.

Cité Soleil, a Port-au-Prince slum with a population of about 300,000, has been the scene of about 25 percent of the documented killings by police agents. The most egregious abuses occurred on March 6, 1996, when the HNP committed at least six summary executions, as well as attempted summary executions and other acts of police brutality. At this writing, the police had not released any results of their investigation of this incident. The Haitian courts have not prosecuted a single police agent or officer for participation in the March 6 abuses.

¹ Telephone interview with MICIVIH staff, Port-au-Prince, November 20, 1996.

Police violence in the area began on March 4, 1996, when the HNP responded to a demonstration at the National Port Authority (Autorité Portuaire Nationale, APN) in Port-au-Prince. One of the demonstrators, Eliphète Monval, reportedly was shot and killed during the demonstration by an HNP agent after he slapped the agent. Members of the HNP's Ministerial Security Corps (Corps de Sécurité Ministerielle, CSM) arrested nine demonstrators and took them to CSM's headquarters at the former military airport.² Only eight detainees were transferred later to the Pétionville police station. The corpse of the ninth detainee, Jimmy Poteau, was found on March 5 near the National Theatre at Portail Léogâne with a bullet hole in his chest, the apparent victim of an extrajudicial execution.³

On the morning of March 6, when local residents found out that Jimmy Poteau had died after being detained at CSM headquarters, a crowd gathered to protest and to demand the release of the other eight detainees. The crowd erected barricades across Route Nationale Numéro 1 and, according to MICIVIH, used a broken bottle to attack a police officer who was passing by. At least one emergency call went out on police radios, from an undetermined source.

Several uniformed and plainclothes police units responded, including agents from the Delmas, Port-au-Prince, and Pétionville police stations and some one hundred members of the Ministerial Security Corps. Several hours of pandemonium ensued, with minimal coordination between police units. Police reportedly roared through the streets in pickups, firing weapons as terrified residents fled for cover.⁴ Shooting victims and other witnesses stated that many police were searching for members of a purported "Red Army" (Armée Rouge).⁵ Witnesses and shooting victims implicated police in numerous incidents that left at least ten dead and more than fifteen wounded by gunfire or beatings.

- Police agents reportedly seized Frenel Louis from his home and killed him. His sister stated that police entered the neighborhood in several vehicles and conducted house-to-house searches, forcing residents to lie on their floors. She and her children were forced onto the floor of her patio, from which she could see her brother's home. She watched as police entered his home, then took her brother outside and shot him twice. When the police left the area, she ran into the street, where a man helped her lift her brother into a wheelbarrow. She carried him about one hundred meters and then ran home to get a pillow for his head. When she returned, witnesses told her that the police had reappeared and, noting that her brother was still alive, shot him twice in the head. She said, "They destroyed his head, his face was gone."⁶

² The CSM is a police unit charged with providing security for government offices. The CSM comprises officers from the IPSF and former refugees recruited at the U.S. military's Guantánamo naval base. Neither group received the four-month police academy training.

³ Interview with Mark van Wynsberghe, MICIVIH police expert, Port-au-Prince, June 21, 1996. MICIVIH presented written requests for further investigation of this case to the HNP director general on May 13, 1996. To our knowledge, the HNP has not issued any public report on this case to date.

⁴ Interviews with shooting victims and witnesses, Cité Soleil, June 13, 1996.

⁵ HNP Director General Pierre Denizé suggested that the Red Army might exist only to incite violence in Cité Soleil. Interview with Pierre Denizé, Port-au-Prince, June 20, 1996. Some Cité Soleil residents questioned whether such a group existed. Interviews with Cité Soleil residents, June 13, 16, and 22, 1996.

⁶ Interview with Livita Consciaient, Cité Soleil, June 16, 1996.

- Walson Marco was killed in the Cité Boston area of Cité Soleil. He was part of a youth group protesting the death of Jimmy Poteau. His sister stated that she discovered his body with two bullet holes in his chest, and wounds in his head, arm, and foot. She spoke to a witness who reportedly saw a police woman fire a first shot into Marco's foot, after which two male agents shot him in the body and head. Marco's sister left the area briefly to get a vehicle to pick up her brother's body. She said that when she returned, she saw police in the area and ten or eleven other corpses in the street, including one she recognized one as a man named "Salomon."⁷
- Twenty-year-old "Marcus" alleged that on March 6 police beat him and attempted to kill him in an area of Cité Soleil known as Cité Norway. He stated that the police came to his home at about 11:00 a.m., asked him to come outside, and then fired a shot into the house, almost hitting a resident. Outside, he saw heavily armed, uniformed police in two vehicles, holding holding two other young men from his neighborhood. The police reportedly asked him about the Red Army, but he said that he did not know of such a group. He alleged that the police beat him and the two detainees. The police then pointed their weapons at him, told him to run, and shot him in the hip. He said: "They came towards me when I fell, and I think they wanted to kill me, but I got up and started to run. I was on one side of the canal and then they shot at me from the other side of the canal." He fled into nearby alleys and later sought medical attention.⁸ His chest was deeply scarred and there was a bullet wound on his hip.

The HNP has attempted and committed other extrajudicial executions since the force's establishment:

- On December 11, 1995, an off-duty HNP agent traveling on a public bus disputed the fare and shot the driver, wounding him seriously. The agent reportedly was arrested for attempted murder, but then released on January 10, 1996, when he reached an out-of-court settlement in a civil suit paying the victim compensation.⁹
- On January 17, 1996, for reasons which remain unclear, an HNP agent reportedly shot Wilson Pierre, a thirty-five-year-old employee of the Delmas city hall, at close range through the back. Pierre, a resident of Cité Soleil, stated that he was listening to music on earphones as he walked to a community water tank. He stated:

When I was hit, I dropped my tape player. At the same time, a policeman grabbed my back. The agent ordered me to pick up my radio but I couldn't. I was doubled over with pain from being shot. As I tried to lean over, I looked over my shoulder and I saw his face and then he ran. He had on the police uniform with a bulletproof vest. He was very close to me when he shot me.¹⁰

- HNP agents beat one detainee to death and attempted to kill three others held in the Carrefour police station on the night of June 6 to 7, 1996. In August 1996, the HNP inspector general's office took disciplinary action against HNP agents Rony Dupuis and Marc-André Elien. On October 11, 1996, Dupuis, Elien, and a third agent, Junior Auriel, were fired and their cases forwarded to the judicial authorities. They were jailed pending trial.¹¹

⁷ Interview with Walson Marco's sister, Cité Soleil, June 22, 1996. Marco was married and had a one-month-old son, Macosin.

⁸ Interview with Cité Soleil resident "Marcus" (name withheld by request), Cité Soleil, June 22, 1996. Marcus stated that he left the hospital (L'Hôpital St. François de Salles) after only one day because he was told by a doctor that police officers had been looking for victims and that he might have been at risk of further violence.

⁹ Interview with Colin Granderson, MICIVIH Chief of Mission, Port-au-Prince, June 21, 1996. MICIVIH, *La Police Nationale d'Haïti et les Droits de l'Homme*, (Port-au-Prince: United Nations/Organization of American States, July 1996), p. 16.

¹⁰ Interview with Wilson Pierre, Cité Soleil, June 22, 1996. Neighbors told him that police officers reportedly returned to the shooting site with a plastic bag for his body. At the time of our interview, he was severely scarred from the initial wound and from two subsequent operations. Pierre provided a medical certificate dated March 26, 1996, from the Hospital of the State University of Haiti signed by Dr. Geissly Kernisan, verifying the injuries he reported.

¹¹ *Police Nationale d'Haïti, Inspection Generale, press release, July 6, 1996.*

- Between June 20 and 24, 1996, police killed four detainees at the police station in Croix-des-Bouquets, a town near Port-au-Prince. HNP agents tortured Moïse François to death and severely beat Fedner Descollines and then threw him in a latrine, where he was later found dead. Two other detainees were also killed, one shot to death. The HNP inspector general's office issued a public statement acknowledging police responsibility for the deaths and announcing an investigation of eighteen officers for their possible participation.¹² According to the inspector general, two agents were fired and are in jail pending trial at this writing.¹³
- In December 1996, the HNP director, Pierre Denizé, ordered the arrest of Eddy Arbouet, reportedly an unofficial member of the presidential security unit and a former U.S. soldier, as a suspect in the killings of two opposition politicians on August 20, 1996.¹⁴ Pastor Antoine Leroy and Jacques Florival were, respectively, a leader and member of the Mobilization for National Development (Mobilisation pour le Développement National). Denizé's call for Arbouet's arrest followed U.S. accusations that the presidential guard was responsible for the killings. The leader of the unit, the second in command, and seven additional members also were implicated in the killing.¹⁵
- The HNP killed five men on November 4, 1996.¹⁶ One of the dead was found handcuffed while another had been shot at close range in the head, raising concerns that the HNP may have extrajudicially executed two of the five men. Police claimed that the killings occurred in a "shoot-out" between HNP agents and individuals in a pickup containing weapons. Yet no HNP agent was wounded in the incident and only one vehicle suffered minor damage from one bullet. The incident began when an HNP patrol car attempted to stop a vehicle on the evening of November 4. The pickup truck fled on Route Delmas, a major Port-au-Prince road, as HNP pursued and radioed for backup. Other HNP vehicles cut off the truck, bringing a total of up to fifty police to the scene. The HNP claim that the men in the truck, at least one of whom reportedly was wearing an HNP uniform, opened fire and that police returned fire, killing five of the suspects.¹⁷ Police allege that seven others, including two wounded, escaped. The HNP seized a significant number of weapons from the pickup truck, reportedly including ammunition for automatic weapons and mortars. At this writing, the police had not released public information identifying the dead and wounded, nor had the HNP announced the opening of an investigation into the incident.

¹² Ibid.

¹³ Interview with HNP Inspector General Luc Eucher Joseph, Port-au-Prince, September 17, 1996.

¹⁴ "Presidential bodyguard sought in assassinations," *Miami Herald*, December 21, 1996. A U.S. official confirmed that Arbouet was suspected of killing Leroy and Florival. The source identified Arbouet as an unofficial member (*attaché*) of the Presidential Guard. Interview with U.S. official (name withheld by request), January 7, 1997.

¹⁵ Interview with U.S. official (name withheld by request), January 7, 1997.

¹⁶ "Report of the Secretary-General on the United Nations Mission of Support in Haiti," (New York: United Nations, November 12, 1996), S/1996/813/Add.1, para. 3. Foreign Broadcast Information Service, FBIS-lat-96-218, November 5, 1996. Telephone interviews with journalists and U.N. and OAS observers in Haiti, November 14, 19, and 20, 1996.

¹⁷ The U.N. reported that all five of the dead were wearing police uniforms. "Report of the Secretary-General on the United Nations Support Mission in Haiti," S/1996/813/Add.1, para. 3. The HNP has not alleged that any of the dead were members of the police force. Reportedly, at least one of the dead was a member of a private security agency. Telephone interviews with journalists, November 19, 1996.

- On the night of November 11, 1996 in Anse à Galets on the island of La Gonâve, HNP agents shot and killed Venerable Setil Christel. Christel was killed while police were conducting an illegal arrest of another individual. The arrest was illegal under Haitian law since it occurred after 6:00 p.m.¹⁸

Excessive Use of Force Resulting in Death or Serious Injury

HNP agents have used their weapons in circumstances where lethal force was unjustified or disproportionate, particularly in crowd control situations where stray bullets pose an obvious danger. Police also committed several killings with an excessive use of force while carrying out arrests or searches. Police used excessive force in the following cases:

- An HNP agent killed a seven-year-old school girl, Vania Termidor, in Cité Soleil on November 25, 1995. Witnesses reported that an agent on a motorcycle motioned for a nearby vehicle to stop, but the driver did not do so. As the girl and her twelve-year-old uncle passed nearby, the policeman reportedly drew his gun and fired the weapon, hitting the girl in the back of the head. Witnesses alleged that the agent then turned to the fallen child, kicked her in the head, and called her “garbage.”¹⁹ With an angry crowd gathering, the HNP agent allegedly climbed on his motorcycle and sped away while firing his weapon in the air. Following this incident, a crowd ransacked the Cité Soleil police station. The HNP inspector general said he could not find the file from his predecessor’s investigation of this case, but he had not reopened an investigation as of June 1996.²⁰
- On January 16, 1996, a group of workers went to the Haitian-American Sugar Company (HASCO) in Port-au-Prince to demand their paychecks. HASCO security guards fired at the crowd and called the police for assistance. A large contingent of HNP agents arrived and attempted to disperse the crowd, which refused to leave. Police fired on the crowd and killed twenty-four-year-old Martha Jean-Charles and a six-month-old baby. Two police agents were wounded in the incident.²¹
- In January 1996, a crowd protesting electricity shortages barricaded the Route Nationale Numéro 1 at L’Estère, a town near Gonaïves, blocking the road for three days. Local HNP monitored the demonstration without incident for two days, but on January 10, the arrival of a police unit from Gonaïves apparently sparked a conflict. Reportedly, members of the Gonaïves unit began firing their weapons in response to rock-throwing demonstrators. The police shot and killed a nine-year-old girl, Eva Pierre, with a stray bullet, and wounded two other protesters.²² Members of the local HNP unit reportedly identified the Gonaïves agents who were responsible for the incident. The L’Estère justice of the peace arrested these police agents, who were held overnight in the Gonaïves jail. Fellow HNP agents released the detainees the next morning. We are not aware of any further investigation or disciplinary action in this case.

¹⁸ The Haitian Constitution prohibits arrests between 6 p.m. and 6 a.m., except in cases of *flagrant délit*. Article 24-3, Haitian Constitution (*Constitution de la République d’Haïti*, 1987). Telephone interview with international observers, November 20, 1996. FBIS-lat-96-221, November 12, 1996. “Angry Mob Attacks Police in Haiti,” *The Miami Herald*, November 13, 1996.

¹⁹ Interviews with witnesses, Cité Soleil, June 16, 1996. An abrasion on the child’s forehead, where the officer reportedly kicked her, was visible in a photograph of her open casket.

²⁰ Interview with Inspector General Joseph, Port-au-Prince, June 20, 1996.

²¹ Interview with witnesses, Cité Soleil, March 12 and 15, 1996. Foreign Broadcast Information Service, FBIS-lat-96-103, January 19, 1996.

²² Commission Justice et Paix, Diocèse des Gonaïves, report number GO/96-1, January 11, 1996. Interview with Father Daniel Roussière, *Gonaïves Justice and Peace Commission, Gonaïves, May 17, 1996*.

- On February 21, 1996, several armed HNP agents accompanied by local residents, many of whom carried rocks and ropes, entered Quai Brillant in the area of Grande Rivière du Nord in the northern department. The police apparently were responding to a political dispute between local authorities and an opposition community organization. HNP agent Ernst Garçon shot Wilfred Cherfils through the left thigh, Marcelus Roland in the knee, and twelve-year-old Wilner Joseph in the back of the leg. Another agent, Nonez François, used his rifle to beat Wesley Deshommes in the mid-section and testicles.²³ HNP agent Garçon allegedly impeded bystanders from assisting the wounded. Shooting victims stated that they were too frightened of local authorities to make a complaint.²⁴
- In Port-au-Prince on February 27, 1996, police broke up a demonstration of schoolchildren, some reportedly as young as ten years old, using truncheons and firing into the air.²⁵ One child was reportedly injured in the hand by a bullet.
- On March 2, 1996, in Carrefour, a municipality bordering Port-au-Prince, police killed an unidentified individual after several youths seriously wounded an HNP agent at the Carrefour Reception Center (Centre d'Accueil). The reception center was said to be the hang-out of an armed gang. When police reinforcements arrived, they opened fire, killing an individual they claimed was trying to escape over a wall. However, blood traces found at the site indicated that the victim was killed in an interior corridor.²⁶

The HNP repeatedly employed excessive force during the March 6 disturbances in Cité Soleil, as the following cases show.

- A forty-five-year-old photographer, Christol Bruno, alleged that the HNP shot him through the closed door of his home in the Deuxième Cité of Cité Soleil on March 6, 1996. He stated that around noon, four white police pickups arrived in his neighborhood, with about five uniformed agents in each, most armed with .38 revolvers or twelve-gauge shotguns. He watched as HNP agents fired on four demonstrators building a barricade and then went to his home. Shortly afterwards, police tried to open his locked door. Moments later, he heard a loud noise and realized that he had been shot in the chin. Opening his door, he saw uniformed, armed police officers outside who reportedly apologized for shooting him and blamed "vagabonds" for creating a disturbance.²⁷ The police and UNMIH troops took him to a hospital but did not pay for his treatment. The bullet remains visible in Bruno's chin.

²³ The Grande Rivière du Nord's national representative, Vice Delegate (Vice Delegué) Fego Damus, also put a revolver in Deshommes's ear. HNP agent François beat Jean-Marie Alexandre the same day (see below, at Torture and Beatings During Arrest Detention, and Interrogation). François also reportedly took part in an armed intimidation the previous day, threatening Hugues Victor Cadet. Interviews with Hugues Victor Cadet, Wilner Joseph, Marcelus Roland, Wesley Deshommes, and Jean-Marie Alexandre, Grande Rivière du Nord, May 18, 1996.

²⁴ The mayor of Grande Rivière, Patrick Fanfan, denied that any shooting incident had taken place. Interview with Patrick Fanfan, Grande Rivière du Nord, May 18, 1996.

²⁵ Plate-Forme des Organisations des Droits de l'Homme, press release, February 29, 1996.

²⁶ MICIVIH, *La Police Nationale*, p. 17.

²⁷ Interview with Christol Bruno, Port-au-Prince, June 13, 1996.

- Maxim Destin, a twenty-year-old student, was walking from his home in Cité Soleil Nine to a public toilet at about noon on March 6, 1996, when he saw a white, four-door police pickup truck carrying at least eight armed, uniformed police agents, some with rifles. He alleged that the police fired from the moving vehicle as they passed, wounding him in the hip. He reportedly saw police shoot another man in the leg.²⁸
- Nineteen-year-old “Victor” of the Cité Boston sector of Cité Soleil, was returning from school at about 3:00 p.m. on March 6, 1996, when he saw three police agents. He stated that one was in uniform and two in plainclothes and that each carried a handgun and a heavier weapon. They stopped him, pointed their guns at him, and asked if he was in the Red Army. He stated that he was too frightened to speak and began to run. The police agents allegedly shot him in the buttocks as he ran.²⁹
- On March 10, 1996, Lescelie Jean-Baptiste was shot and wounded by an HNP agent in the Marché Premier Cité in Cité Soleil. Jean-Baptiste, a fifty-two-year-old market vendor, had gone to sell fruits and vegetables in the early afternoon. Seven or eight police agents with their weapons drawn reportedly entered the narrow, crowded market looking for a suspect. One agent fired, wounding Jean-Baptiste in the upper arm. She stated that the police took her to the General Hospital, but did not assist with the cost of her treatment.³⁰
- On July 3, 1996, in Mandou, near Anse d’Hainault in the Grande Anse department, HNP agent Calixte Saint-Clermont shot and wounded Mercilia Dorius in the groin. HNP authorities arrested Saint-Clermont and the inspector general’s office issued a public statement regarding the case on July 5.³¹ On September 30, the inspector general announced that he had fired Saint-Clermont and forwarded his case to judicial authorities.³²

Torture and Beatings During Arrest, Detention, and Interrogation

²⁸ Interview with Cité Soleil resident (name withheld by request), Port-au-Prince, June 13, 1996. The victim said that some of the police wore bullet-proof vests and black hats with “Security” written in white.

²⁹ Interview with Cité Soleil resident “Victor” (name withheld by request), Cité Soleil, June 22, 1996.

³⁰ Interviews with Lescelie Jean-Baptiste and husband Gerançon Vitalio, Cité Soleil, June 22, 1996.

³¹ Police Nationale d’Haïti, Inspection Generale, press release, July 5, 1996, and MICIVIH, *La Police Nationale*, p. 15.

³² Police Nationale d’Haïti, Inspection Generale, press release, September 30, 1996.

Haitian National Police leadership and individual officers acknowledged a growing practice of beatings during interrogation, resulting in the deaths (detailed above) of at least five detainees in June 1996.³³ MICIVIH also documented an alarming increase in the abuse of detainees, with eighty-six cases reported in the first five months in 1996, thirty-five of which occurred in Port-au-Prince.³⁴ HNP agents treated individuals with excessive force during arrest and beat them in police lock-ups. Many individuals alleged that, during interrogations, police punched and kicked them or hit them with pistol butts, stun-guns, batons, or plastic piping. MICIVIH also received several complaints that police at the central Port-au-Prince station shocked detainees with electric currents. Police apparently targeted "individuals suspected of being members of armed gangs, of having killed police officers, or of having participated in armed robberies."³⁵ MICIVIH reported that the detainees' complaints of abuse in Port-au-Prince declined in the second half of 1996, but the human rights mission did receive complaints from some detainees, including former soldiers, alleging that police had threatened and beaten them as they were arrested or interrogated.³⁶

In a troubling response, the commanding officer of the Jacmel police station, Inspector Jean-Gabriel François, said that beating prisoners was a necessary police practice since "these people are criminals."³⁷ Serious beating and torture cases have been documented in the region under François's command. His view echoed those of some police in Port-au-Prince, who justified beatings in cases where detainees had been carrying weapons or were "known" to be armed and violent robbers.³⁸

In addition to the beating deaths detailed above, HNP are responsible for the following cases of beatings and torture:

- On February 21, 1996, a group of HNP agents and armed civilians arrested Jean-Marie Alexandre in his home in Grande Rivière du Nord. HNP agent Nonez François and other HNP agents allegedly beat Alexandre in the police station, injuring his right eye and left shoulder. The police held him for three days, two of which he spent handcuffed, and did not permit him to receive prompt medical attention.³⁹
- HNP agents allegedly arrested Jean Pierre Santilus without a warrant on March 19, 1996, accused him of theft, and held him at the Jacmel police station. For five consecutive days, three agents allegedly beat Santilus on the chest, back, and buttocks during interrogation sessions. His complaint to the local investigating judge did not result in any action against the HNP agents.⁴⁰

³³ Interviews with HNP Director General Denizé and Inspector General Joseph. Interviews with HNP agents and officers, Port-au-Prince, June 1996.

³⁴ MICIVIH, *La Police Nationale*, p. 21.

³⁵ MICIVIH, *La Police Nationale*, p. 22.

³⁶ "The Situation of Democracy and Human Rights in Haiti: Report of the Secretary-General" (New York: United Nations, December 2, 1996), A/51/703, para. 11. Lucien Rigaud alleged that the HNP agents who arrested him stepped on his neck after they had handcuffed him. None of the former soldiers we interviewed alleged police beatings, but some said that the HNP had arrested them without warrants. Interviews with former soldiers and others held for crimes against the security of the state in the Port-au-Prince central police station, Port-au-Prince, June 19, 1996.

³⁷ Interview with Jean-Gabriel François, Jacmel, June 14, 1996.

³⁸ Interviews with HNP agents and officers, Port-au-Prince, June 18 and 19, 1996.

³⁹ Interview with Jean-Marie Alexandre, Grande Rivière du Nord, May 18, 1996.

⁴⁰ Interview with Jean Pierre Santilus, Jacmel, June 14, 1996.

- Another detainee in the Jacmel prison, Paul Wilfrid Bonet, also alleged that HNP agents arrested him without a warrant on March 19, 1996, and then beat him at the police station. Several agents reportedly made him lie down, handcuffed him, and watched while three other HNP agents beat him on the face and chest. He complained to the local investigating judge, who allegedly spoke to the accused police officers and then dropped the case.⁴¹

⁴¹ Interview with Paul Wilfred Bonet, Jacmel, June 14, 1996.

- On June 10, 1996, HNP agents acting without arrest warrants detained and tortured several residents of Bainet, in the region of Jacmel, including Renald Brutus, Daniel Coreau, and Joyeux L'Homme Lièvre.⁴² Although the police lacked a search warrant, they searched Brutus's home for drugs, which they did not find. Once at the local police station, Brutus allegedly was kicked and beaten with a stick on the head, legs, buttocks, arms, and back. According to the victim, an HNP agent named Alexandre and Alexandre's brother, who was not an agent, joined in the attack. One of the assailants fired a gun next to Brutus's ear and left him tied to a tree in the sun for over an hour. The HNP agents continued the beating despite one agent's protests. Brutus and other detainees allegedly also witnessed police beating Coreau and Lièvre, who had been arrested earlier.

When Renald Brutus's sixty-year-old father, Pierre Brutus, went to visit his son at the police station on June 10, the HNP also arrested him. The ranking HNP agent in Bainet, Guenel Joseph, along with three other agents, reportedly beat Pierre Brutus with a stick on the back and legs and then handcuffed him to a ladder, leaving him hanging for over half an hour. The police beat and interrogated Renald and Pierre Brutus again the next day. The police allegedly put guns in the mouths of two other detainees and urged them to make statements implicating Renald Brutus in drug trafficking. On June 12, 1996, CivPol officers arrived in Bainet and transported Renald Brutus, Coreau, and Lièvre to Jacmel. HNP agent Guenol Joseph reportedly threatened to kill Brutus if he told CivPol about the beatings. Joseph later denied beating prisoners but admitted that no drugs were found in the house search and said that the HNP had "invited" the detainees to come to the police station to give statements.⁴³

- Genet Pierre alleged that a group of HNP agents beat him on a public bus between Jacmel and Port-au-Prince on June 4, 1996. Pierre stated that he was bringing medicine to a family member in the capital when the substance spilled on the bus and emitted a strong odor. He reported that about eight out-of-uniform police agents became angry at the smell and began beating him with their hands, batons, and revolvers. The police then allegedly searched his bag, seized a cap gun he had bought for his nephew, arrested him, and brought him to the Jacmel police station. Later, CivPol officers reportedly took him to a local hospital for treatment of his injuries.⁴⁴

Additional Police Misconduct and Lack of Transparency in Police Operations

Police have conducted warrantless searches, particularly in the context of disarmament efforts, and carried out search and arrest operations between 6:00 p.m. and 6:00 a.m., contravening a constitutional prohibition on such actions during those hours.⁴⁵ Some police carry rifles, Uzis, Galils, M16s, and other automatic weapons in violation of a Haitian law limiting police to side-arms. The police apparently obtained these heavier weapons from the IPSF or in disarmament searches. The police leadership has presented a bill to parliament that would permit special police units, such as an Anti-Gang or Special Weapons and Tactics (SWAT) unit, to carry heavier weapons in specific circumstances. The Haitian Parliament had taken no action on this bill as of this writing.

During the first year of their deployment, HNP agents frequently failed to wear their uniforms and identification tags, and almost no police cars were clearly marked or bore police license plates.⁴⁶ Some police vehicles also had tinted windows, hampering identification of police agents. Greater transparency would enhance police accountability.

⁴² HNP agents also arrested individuals known as Ti Aline, Mirlande, Baboute, and Miguel Samedy without warrants. MICIVIH interviews with Renald Brutus, Pierre Brutus, and others, Jacmel, June 14, 1996.

⁴³ Ibid. When CivPol brought the detainees to the Jacmel prison, officials there refused to accept Renald Brutus, because of his poor physical condition. Prison authorities had him taken to the hospital. Dr. Michel Tozin, the director of the St. Michel Hospital, examined the detainees and determined that Brutus's injuries had been caused by beatings with a stick.

⁴⁴ Interview with Genet Pierre, Jacmel, June 14, 1996.

⁴⁵ Article 24-3 (d), Haitian Constitution (1987). An exception is made for cases of *flagrant délit*. Interviews with former soldiers and others held in the Port-au-Prince central police station, Port-au-Prince, June 19, 1996.

⁴⁶ Some police were issued only one uniform and wear civilian clothes while they do their laundry.

The HNP has improved police transparency, at least in the Port-au-Prince area, where most police cars are marked and HNP agents usually wear their uniforms. Nonetheless, the current HNP identification badge is difficult to read, making it harder to identify and hold individual agents accountable for abuses. The proliferation of false National Intelligence Service (Service d'Intelligence Nationale, SIN, a disbanded intelligence unit formerly under the Interior Ministry known for serious human rights abuses) badges, highlighted the potential for abuse of police identification cards.

Killings of Police Officers

Between March and August 1996, unknown attackers killed eight police officers; two other agents died in apparent confrontations with fellow HNP agents. There were marked similarities in the eight killings: all of the officers were killed in Port-au-Prince, while off duty and in civilian clothes. In the majority of the cases, the victims were traveling between work and home when attacked. In addition to the killings, senior police and security officials, including the Justice Ministry's Secretary of State for Security Robert Manuel, HNP Director General Denizé, and HNP Inspector General Joseph have received repeated death threats.

The first HNP agent killed was Marie Christine Jeune, who reportedly was raped, shot, and then strangled in March 1996. Her body was found on March 19. She had participated in a highly publicized January 19, 1996 meeting between the police and individuals identifying themselves as the "Red Army" in Cité Soleil. President Aristide moderated the meeting, in which Jeune publicly criticized the effort to negotiate with armed bands.

HNP agent Bismarc Milcent was shot dead with a .38 caliber pistol in a *tap-tap* (public bus) on his way to work on April 27. He recently had been transferred to Port-au-Prince from St. Marc, a port town to the north, where he had taken part in a drug raid leading to the arrest of two SIN members.

While the murders of Jeune and Milcent may have been related to their work, the precise motives in other cases have not been identified. On April 28, Philistin Désir, who was stationed at Carrefour, near Port-au-Prince, was killed with a .38 caliber pistol while waiting for a tap-tap in the Bolosse district of Port-au-Prince. Several days later, on May 2, four individuals shot and killed Jean Leonard Conseillant, who was stationed at Pétionville, while he was walking in Bolosse. Berthony Chéry was killed on May 15 in the Cité Boston area of Cité Soleil. Stationed at Desdunes in the Artibonite Valley, he was traveling home to Port-au-Prince with his brother, who was also a policeman. Both men were attacked as they got off a bus. Berthony Chéry's brother shot and wounded one of the assailants. On May 27, shortly after asking whether Désir Valcourt was a policeman, a fellow passenger on a tap-tap shot and killed him. Valcourt had been stationed at Delmas 33. Jean-Victor Serrat, a member of the CSM, was killed as he was getting off a tap-tap in the Bourdon district of Port-au-Prince on June 18. Garry Lazare was killed on August 12 in Croix-des-Bouquets, a town just outside Port-au-Prince, as he was driving to work. Another policeman in the car was wounded.

In addition to these killings by unknown gunmen, two policemen have been killed by other policemen. Two HNP agents killed Germain Chilare, a member of the CSM, on June 6, 1996. Chilare allegedly had drawn his gun on a civilian and failed to drop it or identify himself as a police agent when confronted by the two HNP, who then opened fire. Serge Achille, a member of the Anti-Gang Unit based in downtown Port-au-Prince, was killed on July 1, 1996, reportedly by an HNP agent.

In response to the murders of police agents, the HNP and CivPol organized a joint investigative task force. The HNP also offered a reward of 30,000 gourdes (about US\$2,000) for information leading to arrests. The task force has made little progress.

Several theories have been advanced to explain the killings. Police officers and others believe that some were assassinations by gangs and drug traffickers to avenge effective police work. Another theory attributes some of the killings to factional rivalries within the force. Observers note that there have been repeated incidents and non-lethal confrontations between academy-trained HNP and former military from the IPSF, as well as with agents from the now-disbanded SIN and police officers trained in Regina, Canada. Furthermore, investigations by the joint task force have

been hampered by a “parallel investigation” being conducted by the Anti-Gang Unit of the HNP (composed entirely of former members of the military). According to the CivPol officer coordinating the task force in June 1996, the Anti-Gang Unit obtained evidence and interviewed witnesses prior to the task force, and prohibited task force access to these materials and witnesses.⁴⁷

President Préval denounced the killings as an attempt to destabilize democracy in Haiti, an attitude that was shared by many among the Haitian public, U.N. officials, and government officials, including senior police commanders. HNP Director General Denizé believed there was a concerted campaign by anti-democratic elements to prevent the professionalization of the police and create animosity between the police and the public.⁴⁸

Many Haitians questioned the HNP’s ability to maintain security if the police themselves were the targets of attacks. Following the killings, police agents openly expressed concern for their own safety, particularly when they were off duty and commuting to work. Unfortunately, HNP ill-treatment of detainees markedly increased following the first police killings, with suspects in police killings and armed gang members the prime targets. Police justified these abuses by referring to the killings. The police also invoked violence against the force as demonstrating a need for HNP authorization to carry heavier weapons.

III. INVESTIGATIONS OF POLICE ABUSE AND DISCIPLINARY MEASURES

Haitian authorities have moved to curb police abuse on several fronts. The government and police authorities are implementing accountability mechanisms set out in the 1987 constitution, the police law, and the police disciplinary and ethics codes. This is nothing short of revolutionary in Haiti, a country where military and police forces have long enjoyed virtually complete impunity. Nonetheless, the government still needs to strengthen laws regulating police behavior and internal police disciplinary measures, which have improved significantly since the appointment of new police leadership in March 1996. Furthermore, Haitian courts have initiated only a handful of criminal investigations of police officers, none of which have resulted in convictions.

Before leaving office, the Aristide government took steps to confront growing public concern over police conduct. The Justice Ministry printed thousands of copies of the legal guidelines on use of force to be distributed to all members of the HNP on October 9, 1995. At the January 20, 1996 graduation of Class 8 from the police academy, then-Prime Minister Claudette Werleigh, then-Justice Minister René Magloire, and then-acting Director General of Police Fourel Celestin, all condemned police abuse, stating that the government would not tolerate such incidents in the force. The Haitian Parliament has energetically executed its oversight role. The Haitian Senate has reviewed appointments to director general of the HNP, rejecting Fourel Celestin, a former army colonel, in January 1996. The Parliament also has called police and Justice Ministry officials to testify on human rights issues.

President René Préval chairs regular meetings on police issues. Reportedly, he personally has insisted on policies to improve accountability and provide information to the public on incidents of abuse. These positions should be codified in police law and regulations to assure that they become standard institutional practice and do not depend upon the inclinations of particular police and government authorities. While Préval demonstrated support for the force by attending the funeral of Marie Christine Jeune, the first HNP officer killed, he also responded promptly to allegations of police abuse. Following March 1996 allegations of a police beating and other incidents in Ouanaminthe, he announced the formation of a special commission of inquiry. To our knowledge, the commission has not yet presented any public findings, nor initiated any concrete action against allegedly abusive officers. President Préval also should focus increased attention on advancing judicial sanction of police abuse.

Channels for Presenting Internal Complaints Against the Police

⁴⁷ Interview with Benoit Bélanger, CivPol, Port-au-Prince, June 25, 1996.

⁴⁸ Interview with Denizé, Port-au-Prince, May 16, 1996. This thesis was seconded by a senior CivPol official.

Victims of police abuse may bring complaints to local, regional or national police authorities.⁴⁹ Under the police law, the HNP must inform the inspector general's office within twelve hours of any complaint of human rights abuse in which a civilian or a police agent has been killed or gravely wounded.⁵⁰

Several impediments block the effective reporting of police abuses. Many citizens are afraid to bring complaints of police abuses to local or even departmental authorities. Yet, most Haitians lack the means to travel to Port-au-Prince, where the office of the inspector general is located. Alternative external mechanisms must be created for presenting complaints against the police locally. In Grande Rivière du Nord, the February 1996 shooting victims said that due to possible reprisals from the police and local authorities, they had not made a complaint against the two police agents who wounded them. They wished to present a complaint directly to the inspector general, but they had no transportation funds to reach his Port-au-Prince office.

Haitians have reported complaints of police abuse to the international human rights mission, MICIVIH, and to UNSMIIH's CivPol. While these missions have no formal authority over the HNP, they have brought certain cases to the attention of the inspector general, who has opened investigations. When UNSMIIH departs (on July 31, 1997 under its current mandate), the Haitian public will lose an important external channel for complaints of police abuse.

Many individuals have presented complaints directly to the inspector general's office, perhaps reflecting the preponderance of abuses committed in Port-au-Prince or a lack of confidence in local police officials. Such active citizen engagement on police accountability issues is encouraging, but it threatens to overwhelm this national office. In order to focus the inspector general's limited resources on the most serious issues of accountability, police authorities should reexamine police disciplinary codes which require national-level attention to nearly half of the codified infractions, including minor matters which could be handled more efficiently at the local level.

Moreover, the Haitian government should develop additional avenues for citizens to present complaints against the police at the departmental level and in Port-au-Prince. President Préval named Louis Roy the director of the constitutionally-mandated Office of Citizen Protection (l'Office du Protection du Citoyen, OPC, a human rights ombudsman), but the office has yet to receive a budget or staff. The office should assist citizens seeking remedies for all forms of abuse committed by government officials, including the police. If the government funds the OPC, the constitution provides that it should initiate independent investigations of abuse.⁵¹

Legal Powers of the Inspector General

The inspector general's office must ensure that HNP officers comply with police regulations and are held accountable for human rights abuses. Article 48 of the police law states that the inspector general:

⁴⁹ These authorities include the local sergeant, the police chief, the departmental director, or the inspector general.

⁵⁰ Circular Regarding the Transmission to the Authorities of Reports of Serious Incidents Involving National Police Personnel (*Circulaire Relative à la Transmission aux Autorités des Comptes Rendus d'Événements Graves Concernant les Personnels de la Police Nationale*), Circ-000/IGPN, November 6, 1995. The circular also states that police must notify the inspector general of other serious abuses within twenty-four hours.

⁵¹ Article 207, Haitian Constitution (1987).

is to receive complaints and proceed with investigations of all human rights violations and any other abuse members of the police force may be accused of; must provide a written receipt of all complaints made by a citizen against a member of the National Police; [and should] prepare a report following investigations, which is to be sent simultaneously to the Justice Minister and to the Director General of the National Police.⁵²

The police law also directs the inspector general to ensure that police regulations are followed and that police property and finances are used appropriately. He must prepare reports with recommendations for improvements on the regulation and functioning of the police.

The Performance of the Inspector General's Office

The Office of the Inspector General first started operations in June 1995 under the direction of attorney Luc Eucher Joseph. Reportedly, at first Joseph hesitated to initiate investigations until he received specific instructions from the justice minister. The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) provided some technical assistance and training to the inspector general and his staff, and observers reported improvements in their performance. In November 1995, the justice minister fired Joseph, reportedly because he had initiated investigations into illegal searches and arrests in the disarmament effort that followed the November killing of congressional Deputy Jean Hubert Feuillé.

Joseph's replacement, Pierre André Paul, set back the work of the inspector general's office. During two interviews in January 1996, he was unwilling or unable to provide the number of cases he had under investigation, stating that it was "around twenty." Other than two cases of accidental death, in which he stated that the HNP dismissed the responsible agents, he provided no further information on disciplinary actions.⁵³

In March 1996, HNP Director General Pierre Denizé reappointed Joseph to the position of inspector general. Denizé applauded Joseph's earlier performance, noting that his previous firing had been the result of political pressures due to the competence of Joseph's investigations. At the time that Joseph resumed his post, he found some 120 uninvestigated complaints on file.⁵⁴ Joseph asserted: "Improper behavior will not be accepted. Indiscipline will not be tolerated. The director general and I are in complete agreement on this. I don't like delinquents, either inside or outside the police."⁵⁵

Since his reappointment, Joseph has opened numerous internal investigations of police abuses, has disciplined, suspended, or fired officers for wrongdoing, and has forwarded cases to the criminal justice system for legal action. In the Haitian courts, however, no police officer has been convicted of a killing and only four officers have been convicted of police abuse, all in a single beating case. The government has not answered the public demand for reparations for police abuses except with informal action in a few cases.

⁵² Loi du 29 Novembre 1994 portant la Création, Organization et Fonctionnement de la Police Nationale, *Le Moniteur* No. 103, December 28, 1994. [Translation by WOLA.]

⁵³ The Haiti section of the Department of State *Country Reports on Human Rights Practices for 1995* states that at the end of 1995, the inspector general had taken twelve disciplinary actions and twenty other investigations remained pending.

⁵⁴ Interview with Denizé, Port-au-Prince, May 16, 1996.

⁵⁵ Interview with Joseph, Port-au-Prince, March 27, 1996.

As of January 1997, Inspector General Joseph reportedly had fired seventy-seven police for serious violations of police conduct, including human rights violations.⁵⁶ In early November, the HNP publicly released a list of thirty-two HNP agents and five HNP chiefs that had been fired. At least eight of these removals were based on the agents' or officers' commission of a human rights violation.⁵⁷ The release notes that in all human rights cases, the HNP had forwarded investigative files to the relevant prosecutor.⁵⁸ At this writing, twenty-four police officers and agents faced prosecution, and thirteen were in jail in Port-au-Prince awaiting trial on murder charges.⁵⁹ As of mid-May 1996, the inspector general had 186 cases under investigation, ranging from minor disciplinary infractions to serious human rights violations, had suspended forty-six agents with partial or total loss of pay, and placed others in "isolation."⁶⁰ At that time, the inspector's office had held 4,000 hours of hearings and interviews and closed thirty-six cases in which individual officers were sanctioned with punishments ranging from warnings to firings.

The inspector general assigned significant resources to investigating the worst incident of police abuse to date: the police killings and woundings on March 6, 1996, in Cité Soleil. However, police and Justice Ministry officials have made little information public about the incident and disciplined few officers. The inspector general immediately opened an investigation into the incident with assistance from CivPol and MICIVIH. Following this investigation, HNP authorities suspended or removed Port-au-Prince area commanders Guy Michel Philippe (head of the CSM), HNP Western Department Director Eliazar, HNP Carrefour police chief Ade, and HNP Delmas 33 police chief Lubin (his jurisdiction included Cité Soleil). Reportedly Denizé removed Lubin for his failure to control the police under his command, rather than for the killings *per se*.⁶¹ In September 1996, Inspector General Joseph said that he had forwarded the final report on the Cité Soleil violence to Justice Minister Max Antoine.⁶² However, as of this writing, neither the report nor any of its recommendations has been made public. We are not aware of any further disciplinary or criminal action in these cases. The HNP has not clarified whether the responsible commanders ultimately were fired or faced prosecution, or if they might have resumed duties at another police post.

At the local level, police investigations are often inadequate. Local HNP authorities tend to justify police behavior rather than investigate complaints. In the case of a beating in Port-de-Paix, the police investigation concluded that the accused HNP were innocent, although the judicial authorities sentenced some to pay a fine or spend several days in prison.⁶³ In other cases, local police authorities have taken disciplinary measures beyond their authority and without informing the inspector general's office, in an effort to calm local feelings.

⁵⁶ Interview with Joseph, Port-au-Prince, November 21, 1996, at which he showed the National Coalition for Haitian Rights a document listing police fired as of October 30, 1996. The U.N. Secretary-General reported that the HNP had fired forty agents by the end of October. "The Situation of Democracy and Human Rights in Haiti: Report of the Secretary-General" (New York: United Nations, December 2, 1996), A/51/703, para. 26. The HNP fired twenty-two agents in December 1996: four for drug possession, eight for theft, eight for corruption, and two for disciplinary reasons. At this writing, we were not aware that any of these cases had been referred to the courts for possible criminal prosecution. Interview with HNP official (name withheld by request), Port-au-Prince, January 1997.

⁵⁷ Police Nationale d'Haïti, Inspection Générale, press release, November 7, 1996.

⁵⁸ Ibid.

⁵⁹ Interview with Joseph, Port-au-Prince, November 21, 1996.

⁶⁰ The HNP isolates police by detaining them at a police station (other than the one to which they are assigned), removing their weapons and identification, and limiting visitors.

⁶¹ Interview with van Wynsberghe, MICIVIH, Port-au-Prince, April 2, 1996.

⁶² Interview with Joseph, Port-au-Prince, September 17, 1996.

⁶³ MICIVIH, *La Police Nationale*, p. 35.

Despite the inspector general's investigations and disciplinary actions, the HNP still must overcome significant problems impeding accountability for police abuse. Many Haitians fear reprisals if they present complaints of police abuses. "Victor," shot in Cité Soleil on March 6, 1996, said: "I did not bring a complaint against them. It can't be done. If I did, they could just shoot me or follow me. I was too scared to go to the hospital because I had heard they shot someone there."⁶⁴ Other victims of the Cité Soleil incident also told us that they were afraid to file a complaint against the police. The inspector general's increasingly aggressive action and public announcements of actions taken against abusive officers should help improve public confidence. Broader educational campaigns about the police also are needed to improve public understanding of duties and of mechanisms for bringing complaints against abusive police. Improving community-police relations, especially through effective community policing, may also diminish victims' fear of reporting police abuses. The inspector general should make clear that he will severely punish any retaliation against victims of or witnesses to police abuse.

Inspector General Joseph pointed to the unwillingness of witnesses to talk for fear of being identified and facing reprisals as considerable obstacles to investigations. He also noted the difficulty of overcoming the "code of silence" when police officers refuse to provide information about abuses by their colleagues.

HNP agents have in some cases obstructed victims' efforts to bring complaints. Lescelie Jean-Baptiste was shot on March 10, 1996. Her husband said:

I went to the police station and they said it wasn't police from Cité Soleil who were responsible, but I recognized three of the agents. When I asked for their names, they wouldn't tell me, they turned over their identification badges so I couldn't see their names. I went to the police headquarters a few times to meet with the inspector general but they never gave me a meeting. I paid twenty dollars one day to go there with my wife, but they still didn't see us. They haven't given us anything.⁶⁵

Victims in many cases face undue hardships in reporting cases due to the location of the Office of the Inspector General (in a remote Port-au-Prince neighborhood with limited access to public transportation).

Many victims complained that the HNP had not compensated their medical costs and time lost from work as a consequence of police abuse. Under international human rights law ratified by Haiti, including the International Covenant on Civil and Political Rights, the Haitian government must provide victims of police abuse the opportunity to seek a sufficient remedy through official channels.⁶⁶ Wilson Pierre, who was shot in the back on January 17, 1996, said:

I have had two operations and spent around H\$2,900.⁶⁷ President Aristide came to the police station after that and he said that when a police officer does something like this, that he will never have the right to be a chief again. They told me the officer was fired but I'm not really sure. The police never told me the officer's name so I could bring a case against him. Aristide knows but he never told us. I can't make a complaint with the police on my back. I have five kids and I haven't been able to work. The police haven't done anything for me. I want reparation.⁶⁸

⁶⁴ Interview with "Victor" (name withheld by request), Cité Soleil, June 22, 1996.

⁶⁵ Interview with Lescelie Jean Baptiste and Gerançon Vitalio, Cité Soleil, June 22, 1996.

⁶⁶ Article 2, International Covenant on Civil and Political Rights. Article 9 provides an enforceable right to compensation for any person suffering an unlawful arrest or detention.

⁶⁷ U.S.\$1,000, or three times the average per capita income in Haiti.

⁶⁸ Interview with Wilson Pierre, Cité Soleil, June 22, 1996.

Individual agents' informal efforts to provide financial support to police abuse victims, while laudable, are insufficient. Haitian government or HNP authorities must formally assume responsibility for the consequences of police abuses, including medical expenses.

Limited resources have hampered the work of the inspector general's office, although the situation has improved significantly in recent months. Police law mandates that the inspector general's office should have six senior investigators (*inspecteurs*) and twenty to thirty support staff.⁶⁹ Joseph said that he would like to have staff in every major town in Haiti, but that this remains a long-term goal. In mid-1996, he was working with only four investigators in two rooms and he had only one vehicle at his disposal. By October 1996, Joseph had seven HNP officers of the rank of sergeant (*commissaire*) supervising investigations, fifteen investigators, and four support staff. On November 16, 1996, the inspector general's offices moved into new quarters refurbished with ICITAP assistance.⁷⁰ International advisors, six from CivPol and one from ICITAP, are providing the inspector general's staff training and technical assistance.

Criminal Prosecutions of Police Abuse

Haitian judicial reform is lagging behind police reform and the judicial system remains only partially operational. Yet, severe police abuses demand prompt judicial attention. Impunity for human rights violations committed by the police will encourage further abuses and undermine the effort to establish the rule of law in Haiti. Although the Haitian judicial system has commenced criminal proceedings against some police, at this writing not one officer or agent of the new force has been convicted of any killing.⁷¹ The minimal judicial action against police agents and officers has put Haitian police on notice that, more likely than not, they will face no legal sanction for human rights abuses. By remedying the lapses described below, the Haitian police and judicial system could together deliver a new message, that impunity for human rights violations must come to an end.

Police abuse victims can bring complaints directly to judicial authorities, such as prosecutors or investigating judges, or to the police. If a police officer or agent receives an allegation of abuse, he or she should refer the complaint to the inspector general. According to the police disciplinary code, upon determining a likelihood that a police agent or officer committed a criminal act, and upon completing internal disciplinary measures, the inspector general then must refer abuse allegations to the courts for investigation and possible prosecution.⁷² The Justice Ministry's secretary of state for public security, Robert Manuel, stated that in cases of homicide or attempted homicide, police should notify judicial authorities immediately, rather than awaiting the completion of internal police inquiries. In November 1996, the Superior Council of the National Police (CSPN) decided that, in any case involving human rights violations or criminal acts, the inspector general's office must immediately inform the public prosecutor.⁷³ Press releases from the inspector general's office in late September and November indicate that the HNP is complying with this practice.

⁶⁹ Interview with Joseph, Port-au-Prince, September 17, 1996.

⁷⁰ Ibid.

⁷¹ The Haitian constitution states that offenses committed by police officers while exercising their professional functions should be tried in civilian courts. Article 274, Haitian Constitution (1987).

⁷² Article 32 (7) of the Disciplinary Code (*Règlement de Discipline Générale*).

⁷³ Interview with Joseph, Port-au-Prince, November 21, 1996.

Twenty-four police officers and agents now face criminal prosecution in Haiti, thirteen of whom are jailed in Port-au-Prince facing murder charges. To date, however, no HNP agent or officer has been convicted of murder. The cases now being considered by the Haitian courts include the beating deaths at Croix-des-Bouquets and the shooting of Mercilia Dorius.⁷⁴ Progress on these cases will be an important test of the judicial system's willingness and ability to confront police abuse.

It remains to be seen whether Haiti's judiciary will be capable of conducting effective prosecutions. In the case of a September 1995 police killing of a fleeing robbery suspect in Cap Haïtien, the judge's apparent reluctance to prosecute police has paralyzed the investigation since October 1995.⁷⁵ Criminal investigations leading to convictions of police officers or agents remain extremely rare in Haiti. Inspector General Joseph noted one case, a civil suit in St. Louis du Nord, that resulted in a decision ordering two police agents to pay damages.⁷⁶ Then-Inspector General Paul informed us of a case in which a police officer reached an out-of-court settlement with a complainant who had been wounded by the agent in a dispute over a bus fare.

Police Relations with the Judicial System

Poor coordination between the Haitian police and a weak judicial system characterized by corruption, incompetence, and a lack of qualified personnel and basic materials, has impeded accountability for police abuses. Some new police officers and agents lack the willingness to fully cooperate with the judiciary and in the worst cases, police officers and agents are openly defiant of judicial authority. While frustrated with persistent judicial corruption and occasional incompetence, some police wrongly have pointed to these factors as justifications for police abuses of detainees. In disturbing conversations with our organizations, police agents argued that since the judiciary was not likely to punish "criminals" then they had better do so while they had the chance, and before the "delinquents" come back to retaliate against the police.

HNP agents and officers have flaunted their disdain for the judicial system in some cases. Police arrested a young man accused of hitting a child in the south-western community of Dame Marie in February 1996. The police then held their own trial, using agents as prosecutor, defense, judge, and jury. A leader of a nongovernmental organization assessed the motivation for their action:

They did this because the justice system is incompetent. The fifteen HNP based there are very young and highly motivated, but even if they were correct about the court's abilities, they had no understanding of the proper role of the police and the nature of the relationship they should have with the justice system.⁷⁷

Judges and prosecutors in other areas have complained that police fail to recognize the authority of public prosecutors (*commissaires du gouvernement*) and investigating judges. Some judicial authorities have reported direct threats from HNP agents.⁷⁸ Tensions between the police and the judiciary frustrate the judicial process. The police sometimes have refused to carry out warrants they deem to be illegal, instead of informing their superiors or judicial authorities. On one occasion, HNP agents refused to free prisoners on bail as ordered by a judge.⁷⁹ The lack of police in many rural areas also handicaps the functioning of the judiciary. Judges in some more remote areas have complained that there are no police to assure their security, execute warrants, or conduct investigations.

⁷⁴ Interview with Joseph, Port-au-Prince, September 17, 1996.

⁷⁵ Ibid., p. 37.

⁷⁶ Interview with Joseph, Port-au-Prince, May 16, 1996.

⁷⁷ Interview with Michèle Pierre-Louis, Fondation Connaissance et Liberté, Port-au-Prince, March 26, 1996.

⁷⁸ Interview with Judge Max Saint-Ange, Jacmel, March 31, 1996. Interview with public prosecutor (name withheld by request), Port-au-Prince, June 1996.

⁷⁹ MICIVIH, *La Police Nationale*, p. 26.

Under Haitian law, the Judicial Police (*Police Judiciaire*), a specialized branch of the HNP, should conduct criminal investigations for prosecutors and investigating judges. However, only one dedicated unit of Judicial Police now functions: the thirty-eight agents that comprise the criminal brigade (*brigade criminelle*, which undertakes investigations for the Special Investigative Unit or SIU).⁸⁰ At the local level, HNP agents at each station are assigned to Judicial Police duties, and a further twenty-five agents conduct investigations out of the HNP's central office. Specialized training programs for the Judicial Police are in early phases (see Section V below on international assistance).

As noted above, the judicial system's weaknesses frustrate the police. Police officers and agents allege that judges frequently accept bribes to release prisoners. In one case where a police agent was killed (see discussion above, at 15), the agent had received threats following his arrest of an alleged drug trafficker who reportedly bribed a judge to obtain his release. Many members of the police force believe that the suspect was responsible for the agent's death a few days later. A shortage of judges has led to long delays in criminal trials. In the city of Gonaïves, judicial authorities did not hold a single criminal court session for five years. The judiciary also has been charged with issuing arrest warrants based on insufficient evidence of criminal action. The government has invoked these failures as justification for unconscionably long periods of pre-trial detention (sometimes exceeding the maximum sentence for the alleged crime).

Judges and police need more joint training on their appropriate roles in the criminal justice system. A judge in Jacmel pointed to a need for better judicial preparation, highlighting that judges did not always understand the police role in serving warrants. A consultant to the Justice Ministry urged that prosecutors needed more training because "they don't understand yet that they are supposed to work with and in some cases supervise police action, especially the Judicial Police."⁸¹ A U.S. advisor described a special one-week training session at the Judge's Training Academy (*École de la Magistrature*), which brings together justices of the peace, prosecutors, investigating judges, and police officers from throughout Haiti. The week-long sessions are designed to break down barriers and misunderstanding or mistrust between the participants. Trainers give participants hypothetical crime scenes and assign roles — police act as judges or prosecutors and judges act as police.⁸² The Haitian Justice Ministry should reinforce such ongoing training with regular joint meetings to improve coordination mechanisms in the field.

The demands of profoundly reforming both the police and judicial system simultaneously impose great strains on Haiti's limited resources. Currently, the HNP accounts for 10 percent of the national budget, while the police and prison administration (*Administration Penitenciaire Nationale*, APENA) together account for 87 percent of the Justice Ministry's budget, leaving only 13 percent for all projects on judicial reform. This raises concerns that judicial reform efforts may remain limited, hampering efforts to confront impunity in Haiti. While the United States has a five-year, US\$18 million administration of justice program in Haiti, its progress to date has been slow.

Public Information on Police Investigations

⁸⁰ In November 1995 the justice minister delivered a list of seventy-seven human rights crimes to be investigated by the SIU. The list included human rights abuses committed before, during, and after the military government of 1991 to 1994, as well as several "execution-style" killings committed since Aristide's return. The Dole Amendment to the Fiscal Year 1996 Foreign Operations Appropriations Act required the suspension of U.S. foreign assistance to Haiti unless the Haitian government investigated a number of cases of reportedly politically motivated killings, most of which occurred following President Aristide's return. The most prominent of these cases was the March 1995 murder of Mireille Durocher Bertin and Eugène Baillergeau.

⁸¹ Interview with François Semur, *Coopération Française*, consultant to the Haitian Justice Ministry, Port-au-Prince, April 1, 1996.

⁸² Interview with Carl Alexandre, U.S. Department of Justice, *École de la Magistrature*, Port-au-Prince, March 28, 1996.

Police transparency is central to ending the long history of impunity enjoyed by Haitian security forces. Public disclosure will serve as a crucial deterrent to police, demonstrating that committing abuses is unacceptable and that it will lead to loss of rank, salary, and, in serious cases, firing, criminal proceedings, and a jail term.⁸³

Senior Justice Ministry officials have promised to publicize information about police violations of the law and human rights. Top HNP authorities also said they wished to improve communications and public relations. Since their appointments, Denizé and Joseph have issued press statements and announcements of investigations in a number of incidents involving the police, but they have not done so consistently. Since July 1996, HNP statements have included the allegations, the names of the HNP agents, details of the events, and measures taken.⁸⁴ The HNP should publicize this information in all cases of police abuse.

The police law directs the inspector general to provide his investigation report and recommendations for action and publicity to the HNP director general and the justice minister. There is no legal requirement that either the initiation or results of internal police inquiries be made public.⁸⁵ As of this writing, Joseph publicly had released only thirty-two of the over seventy names of police discharged for committing serious crimes.

Joseph expressed some reservations about immediately publishing all the names of police under investigation and details of allegations against them, citing the concern that the public would assume their guilt. He considered this an additional punishment. Joseph also noted security concerns in the wake of attacks on HNP agents.⁸⁶ However, there is no evidence to suggest any link between assassinations of police agents and specific allegations of abuse by an agent. Greater police transparency and the stringent application of internal police rules and criminal laws against abusive police should heighten public confidence that abusive police will not go unpunished, and give credibility to cases where police are exonerated. Such a demonstration of viable accountability mechanisms should diminish public frustration with police abuses and the likelihood that police would face popular recriminations.

The Haitian press has covered police issues extensively and critically. The HNP will improve its image and efficacy by providing detailed information about police discipline of abusive agents and officers. As Haiti has never had a professional police force, there is profound need for public education on the responsibilities of the police and their relationship with the public. Providing information on general crime statistics and police response also would help to build understanding of the proper functioning of police in ensuring public order and the need for the public to cooperate with the police to prevent and investigate crime.

IV. INSTITUTIONAL DEVELOPMENT OF THE HAITIAN NATIONAL POLICE

Developing Police Leadership

⁸³ In Haiti, a country where firings typically serve as the only disciplinary measure, the government should implement the full range of measures available in police disciplinary codes. Police authorities should make clear that a career can advance if, following minor disciplinary measures, the police officer displays good professional behavior and skills.

⁸⁴ Police Nationale d'Haïti, Inspection Generale, press release, July 12, 1996.

⁸⁵ A proposed General Order, No. 007, for the HNP, stated that the inspector general is to "make public (*rendre publique*) all complaints brought by citizens against a member of the National Police." [Translation by WOLA.] This provision should be incorporated into police regulations.

⁸⁶ Interview with Joseph, Port-au-Prince, May 16, 1996.

The weakness or absence of HNP leaders clearly has contributed to the emergence and persistence of police abuse. Yet, there is little evidence that human rights violations committed by the HNP have been ordered by police commanders or result from a top-down policy. Many instances of excessive use of force resulted from situations where inexperienced agents, working without guidance or coordination, panicked and over-reacted. More ominously, police officers tolerated and failed to discipline abuse and displayed grave flaws in their own leadership.

The HNP has suffered a severe leadership vacuum since its inception. The first HNP Director General, Adrien Rameau, was appointed in May 1995, only weeks before the June 4 graduation of the first class of HNP cadets. Recruitment of secondary and regional police commanders lagged further, even as the first HNP were deployed to the field. Early in 1996, the HNP was operating with: only four of the nine departmental directors in place; only seventeen of 133 police chiefs (commissaires, including senior police officials required at headquarters); and seventy-three sergeants (inspecteurs) out of a required total of 500 to 600.⁸⁷ By late 1996, the HNP had deployed seven of the nine departmental directors and had appointed but not fully deployed some eighty-five police chiefs.⁸⁸ The absence of leaders from many police stations led one HNP agent to conclude that "the population is the only one evaluating the police."⁸⁹

In addition to problems created by empty leadership posts, there were no clear procedures or criteria for the few appointments that were made. Constitutional procedures were followed with Senate ratification of the director general of police, but other police officers were chosen on the basis of personal connections rather than professional criteria. The HNP then deployed these officers with little or no training.

Police officers frequently failed to discipline unprofessional or abusive behavior, and they themselves committed illegal and unprofessional acts. A police chief in the south-east reportedly developed an entourage of armed civilian "bodyguards" wearing dark glasses.⁹⁰ Many police commanders appropriated police vehicles for personal use and permitted the use of automatic weapons, rifles, and other non-police-issue weapons. Police commanders tolerated and failed to punish unprofessional behavior such as: not turning up to work on time and not wearing uniforms on duty; failing to display proper identification on vehicles; failing to holster weapons; not observing legal arrest procedures; and displaying apparent ignorance of basic police functions.⁹¹ These practices rapidly undermined HNP discipline, morale and professionalism, leading the HNP to display what the U.N. characterized as "a lack of motivation that is expressed in chronic absenteeism and even desertion."⁹²

The HNP must demonstrate a break from past practices by ensuring that competence rather than connections guide appointments and promotions. By law, the HNP should select chiefs from the police ranks based on seniority and merit. The law also permits the inspector general to appoint former soldiers to command posts. In fact, because the entire force is new, police agents do not have sufficient seniority to fill higher-level command positions. The HNP has recruited civilian and ex-military candidates for many police chief posts. The HNP also selected some agents demonstrating leadership promise for an ongoing leadership development program.

⁸⁷ Interview with Denizé, Port-au-Prince, May 16, 1996. The force should have closer to 150 chiefs.

⁸⁸ Interview with U.N. official (name withheld by request), Port-au-Prince, November 22, 1996.

⁸⁹ In March 1996, months after the HNP appointed a sergeant to head the Petit Goâve post, he had not arrived to take up his command. Interview with HNP agents, Grand Goâve, March 30, 1996.

⁹⁰ The Haitian press reported that departmental director of the south-east, Ernst Chery, and Jacmel police chief, Fritz St. Fort, resigned on February 17, 1996. *Agence Haïtienne de Presse*, February 27, 1996.

⁹¹ "The Situation of Human Rights and Democracy in Haiti: Report of the Secretary-General," (New York: United Nations, January 25, 1996) A/50/861, para. 20.

⁹² "Report of the Secretary-General on the United Nations Mission of Support in Haiti," (New York: United Nations, October 1, 1996) S/1996/813, para. 25.

HNP Director General Denizé, who was appointed by President Préval in March 1996, informed us that the Superior Council of the National Police (CSPN) should approve all nominations at the level of departmental director and above, but that it had not done so consistently. In accordance with these procedures, civilian candidates now have been appointed to seven of the nine departmental director positions.

Efforts to fill the leadership vacuum have proceeded slowly. HNP Director General Denizé initiated a recruitment process with support from CivPol and ICITAP in May 1996. This process aimed to recruit and train eighty police chiefs by the end of June. All police and civilian candidates had to be university graduates and pass an examination that included written exercises on human rights and community policing and hypothetical scenarios of problematic police interventions.⁹³ HNP personnel, civilians, former soldiers who had served in the IPSF, and previously appointed police chiefs (many of whom were ex-soldiers required to pass the examination in order to remain on the force), took the examination during May and June 1996. HNP authorities hoped that this uniform, objective process would avoid divisions in the police leadership and ensure that police commanders garnered greater respect and shared a “common National Police style.”⁹⁴

Only twenty-two of the 130 eligible ex-military officers took the first examination. Only twelve passed, two of whom were later dismissed following review of their personnel files. The low turn-out for the exam reportedly stemmed from fear and resentment by former military officers in the IPSF that they should have to pass another hurdle. In response, HNP authorities opened some later exams to additional ex-soldiers.⁹⁵

Due to low pass rates, the HNP recruited only about forty police chiefs through this process, half of them former military officers. Members of Parliament raised serious concerns about the preponderance of former military personnel. As a result, none of the officers were deployed until further recruitment could take place to reduce the overall percentage of former soldiers. Consequently, seventy police stations still were operating without chiefs at the end of September 1996.⁹⁶ Ongoing recruitment for police chiefs was open to civilians but primarily sought HNP personnel. The HNP conducted recruitment and training during September, October, and November 1996, and January 1997. At the time of writing, the Haitian government and HNP authorities still had not deployed many of the new recruits.

The majority of police commanders selected in 1995 and early 1996 were deployed with no formal police training. The only training available, which many appointees reportedly failed to attend, was a two-to-three day orientation course by ICITAP in November 1995. CivPol trainers deployed with each graduating class of cadets also advised commanders in the field.

ICITAP and CivPol provided four weeks of classroom training and one week of fieldwork for HNP officers recruited in 1996. MICIVIH conducted a day and a half of officer training on international human rights norms; the U.N. Code of Conduct for Law Enforcement Officials; the Police Code of Ethics; human rights organizations in Haiti; rules on treatment of detainees; Haitian laws on local government; maintenance of order issues, including crowd control; lawful public demonstrations; and, prison and morgue visits. Despite improvements in police leadership recruitment and training, HNP Director General Denizé noted significant weaknesses in the process.

⁹³ Interview with Dennis Pierce, ICITAP, Port-au-Prince, May 20, 1996.

⁹⁴ Interview with Joseph, Port-au-Prince, May 16, 1996.

⁹⁵ Interview with van Wynsberghe, MICIVIH, Port-au-Prince, May 16, 1996.

⁹⁶ “Report of the Secretary General” (New York: United Nations, October 1, 1996), S/1996/813 para. 23.

We are taking a university graduate, giving him five weeks training and putting him at the head of an unhappy and undisciplined police. There is a real question about whether this is going to work very well.⁹⁷

The Role of Former Military Personnel in the Haitian National Police

The admittance of former military personnel, particularly to command positions, has been one of the most controversial issues in the development of the HNP. During the last months of Aristide's government, under the tenure of then-Acting-Director General Fourel Celestin, former military officers assumed the top positions in the HNP.⁹⁸ Since that time, the incorporation of 130 former military officers, of the rank of 2nd Lieutenant and above (who had served in the IPSF) threatened to solidify the dominance of former military personnel in HNP command positions. This development provoked protests in the human rights community and debates in the Haitian press.

The high percentage of former military officers recruited as police commanders apparently reflected an expedient response to the lack of experienced civilian candidates. According to CivPol, the officers remaining in the IPSF were the best performers on the force. CivPol had selected more problematic individuals for early removal from the IPSF in the process of demobilizing that force.⁹⁹ CivPol officials, concerned about the leadership crisis on the ground, put forward the former military officers in the IPSF as a potential pool of HNP leadership candidates.

⁹⁷ Interview with Dénizé, Port-au-Prince, May 16, 1996.

⁹⁸ The Director of the Administrative Police was Lt. Col. Pierre E.C. Neptune. He reportedly was involved in the 1991 killings of five youths. See Americas Watch and the National Coalition for Haitian Refugees, *The Human Rights Record of the Aristide Government*, November 1, 1991. Neptune was replaced by Lt. Medard Joseph in early February 1996. At that time, Maj. Dany Toussaint left his position of director of the Judicial Police (an appointment he received in December 1995) to replace Joseph as head of the Palace Guard. Neptune moved from the Administrative Police to head the Judicial Police. Both Toussaint and Neptune since have left the HNP.

⁹⁹ CivPol conducted monthly evaluations of IPSF performance which were used in the demobilization process. Those who received poor evaluations were the first sent into the demobilization program run by the International Office for Migration (IOM). These evaluations ceased in October 1995.

We remain concerned that ex-military officers, whose human rights records have not been closely scrutinized, dominate command-level positions in the HNP. Police under the command of former military officers, such as in the Port-au-Prince and Delmas posts, have committed many of the worst incidents of human rights abuse. While there are strong arguments, grounded in short-term expediency, for relying on the more experienced former soldiers, this reliance could carry longer-term costs for the HNP's professionalism and civilian nature. The presence of ex-soldiers in HNP command posts already has shaken the Haitian population's trust and confidence. Former military personnel should be incorporated on an individual basis only, following the same recruitment and training procedures as for civilians, but with additional background checks on their human rights records. The HNP appears to have followed these procedures in recent recruitment of police chiefs. Nonetheless, the information shortfalls that have dogged other screening efforts in Haiti also may have compromised this screening of HNP officers.¹⁰⁰ In 1994, Haitian and U.S. authorities selected soldiers to serve in the IPSF based on a screening process to remove individuals suspected of human rights abuse. However, the process was rushed and based on limited information, allowing a real possibility that abusive ex-soldiers now serve in the police.¹⁰¹

Significant numbers of former military personnel also are serving at lower levels of the HNP, particularly in the notorious Port-au-Prince police stations known as Anti-Gang and "Cafeteria," and in the Traffic Police. HNP leaders incorporated 699 former soldiers into these units in December 1995, adding to the roughly 450 former soldiers already serving in the palace and presidential guards. The Haitian public is very sensitive to the possibility that soldiers from Haiti's extremely abusive military have a significant role in the new, civilian police. This is partly reflected in a common belief that large numbers of former soldiers also entered the HNP through regular recruitment for academy training. Very few actually did so. ICITAP stated that "no more than twenty former military" passed the examination and screening procedures for academy training.¹⁰²

Maintaining IPSF personnel in homogeneous units, and on different contracts and pay scales from the rest of the HNP, has generated considerable tensions and rivalries between different police units. HNP authorities are planning a process to make all former IPSF personnel, both military and Guantánamo recruits, take educational and physical tests. Those passing the examinations will be incorporated into the ranks of the HNP and those failing will be removed. This should diminish the tensions between forces and help to ensure that only qualified personnel work for the HNP.

Parallel Forces Within the Police

Haiti has a long history of competing armed units engaging in abuses against civilians with impunity. President François "Papa Doc" Duvalier created a paramilitary force called the Tonton Macoutes to counterbalance the military and their uncertain loyalty to his presidency. His son and successor, Jean-Claude "Baby Doc" Duvalier, fearing the potential independence of the Macoutes, created and favored an extremely abusive military battalion called "the Leopards." During President Aristide's first period in office before the coup, his creation of a Presidential Guard was perceived by opponents as the latest manifestation of this tradition. The August 20, 1996 killings of two opposition leaders, reportedly by an unofficial member and agents of the presidential security unit, heightened this concern.

It is alarming that multiple armed units, both pre-existing and new units created since 1994, started to operate beyond their mandates during 1995 and the first half of 1996, with little or no control by HNP authorities. These were the Ministerial Security Corps (Corps de Sécurité Ministeriel, CSM), the Palace Guard, Presidential Guard, "Cafeteria"

¹⁰⁰ See WOLA, *Policing Haiti: Preliminary Assessment of the New, Civilian Security Force* (WOLA, Washington, D.C., September 1995) and Human Rights Watch/Americas and the National Coalition for Haitian Rights, *Security Compromised; Recycled Haitian Soldiers on the Police Front Line*, (New York, March 1995).

¹⁰¹ See WOLA, *Policing Haiti*, pp. 13-14, and Human Rights Watch/Americas and the National Coalition for Haitian Refugees, *Security Compromised*, pp. 10-14.

¹⁰² Interview with Pierce, Port-au-Prince, May 20, 1996.

and Anti-Gang police units, all of which formally are under HNP authority. The Interior Ministry had legal authority over the National Intelligence Service (Service d'Intelligence National, SIN), which was created in 1986 with CIA assistance. Private bodyguards and security corps developed by local governmental authorities, particularly in Port-au-Prince, generated further concerns.

In early 1996, U.N. observers deemed the SIN and CSM "uncontrollable."¹⁰³ U.N. concern stemmed from incidents such as those in November 1995 following the killing of the Deputy Jean Hubert Feuillé when the SIN, CSM, and Palace and Presidential Guards conducted house to house searches, built road blocks, and made arrests, all of which exceeded their own mandate and were duties of the regular HNP force. They also used automatic weapons and rifles, and wore civilian clothes. They reportedly committed serious human rights violations during some of these operations. As noted above, the CSM were implicated in the March 6, 1996 Cité Soleil violence. The SIN also caused particular concern, because of its past record of abuse. Interior Ministry authorities had limited control of the force at best. The Interior Ministry attempted three times to verify SIN personnel between late 1995 and early 1996 and failed each time. At the time of their dismantling in May 1996, rosters showed eighty-four SIN agents and additional "assistants" (*adjoints*).¹⁰⁴ Large numbers of falsified SIN identification cards reportedly were used by individuals implicated in robbing residences. On May 14, President Préval announced the closure of the SIN. However, only those SIN agents who were in their premises at the time of the shutdown were disarmed, leaving the majority of former agents and their assistants presumed still to be heavily armed.

The CSM is a police unit devoted to ministerial security composed of 279 Guantánamo police recruits who previously served in the IPSF.¹⁰⁵ Until recently, the unit's commanding officers were former military personnel. CSM agents, who are based at the old military airport in Port-au-Prince, typically wear civilian clothes and travel in unmarked vehicles. They have been implicated in a number of troubling incidents, including the March 6, 1996 killings in Cité Soleil, when a hundred or more CSM agents reportedly responded to a police radio SOS call. Following the Cité Soleil incidents, HNP Director General Denizé fired the CSM's commanding officer, ex-soldier Lt. Guy Michel Philippe, but Philippe did not actually vacate the post until several months later.¹⁰⁶ U.N. observers attribute the CSM's problems primarily to Philippe's direction and to weak HNP leadership in late 1995 that allowed the force to become "cowboys." HNP authorities had considered Guantánamo recruits for rural police posts, but their behavior in the CSM suggests that they might bring abusive police practices to Haiti's villages.

Personal security forces created by local authorities have been involved in several shooting incidents, causing further concern. Acting extra-legally, the mayor of Port-au-Prince, Emmanuel Charlemagne, created a security detail armed with heavy weapons.¹⁰⁷ The mayor's guard have harassed market vendors and others on Port-au-Prince streets. National government authorities for the Department of the West (*Délegation de l'Ouest*, which includes the Port-au-Prince area) also created a security force that was accused of illegal activities. President Préval closed down that unit, as well as the SIN, on May 14, 1996.

¹⁰³ Interview with CivPol Commander Balladur, Port-au-Prince, March 28, 1996.

¹⁰⁴ Interview with Denizé, Port-au-Prince, June 20, 1996.

¹⁰⁵ The IPSF included members termed "police recruits" who were recruited from the population of refugees held at the U.S. military base at Guantánamo, Cuba. See WOLA, *Policing Haiti*, and Human Rights Watch/Americas and the National Coalition for Haitian Refugees, *Security Compromised*, for further details.

¹⁰⁶ Interview with van Wynsberghe, Port-au-Prince, April 2, 1996.

¹⁰⁷ MICIVIH, *La Police Nationale*, pp. 29-30.

The palace and presidential security guards comprise 464 former military personnel. Both the presidential and palace guards have conducted searches and set up road blocks in actions that appear to have exceeded presidential security duties. As described above, Eddy Arbouet, reportedly an unofficial member (attaché) of the presidential security unit and a former U.S. soldier, is suspected of killing opposition politicians Pastor Antoine Leroy and Jacques Florival on August 20, 1996.¹⁰⁸ In September the U.S. successfully pressured for the suspension of the unit's senior officers. At the time of this writing, the Haitian government reportedly had suspended seven presidential security guards who were under investigation for possible participation in the killings.¹⁰⁹ Republicans on the U.S. House of Representatives International Relations Committee also have accused the presidential guard of involvement in at least six alleged political killings during 1995.

Justice Minister Antoine and HNP Director General Denizé insist that there "is one police force and only one" and that they will not tolerate different armed entities that are not under their command, as required by the constitution. Initial steps, particularly the disbanding of the SIN and the Department of the West security corps, as well as new command appointments have started to address these problems. HNP authorities should investigate accusations against all HNP units, closely monitor the personnel in these units, and remove any HNP officers or agents responsible for abusive or unprofessional behavior.

Logistical Support and General Capabilities

In addition to leadership weaknesses, the limited training given to HNP agents and slow institutional development of logistical support capabilities appear to have contributed to human rights abuse by the police.

Further Training Needs

Beyond firmer discipline, a genuine likelihood of prosecution for criminal acts, and leaders who exemplify proper police professionalism, the HNP requires further training. Four months of academy training clearly were insufficient. Police trainers concur that cadets require a year's training to develop professionalism. The short training was particularly insufficient in the Haitian context, where the HNP was created from scratch over the past two years, and has no historical civilian police experience to draw on. ICITAP originally had proposed a six-month program that was shortened in order to train the full complement of HNP by February 29, 1996, when U.S. troops were withdrawn from the U.N. forces.

At the academy, Haitian instructors taught half of the courses — those on the Haitian constitution and law — in French, while foreign instructors taught the other classes. Translation of many of these instructor's classes into French or Créole further compressed the amount of training actually received. International and Haitian authorities have emphasized training specialized units to confront problems such as crowd control and "requalification training" in the use of force, firearms, and human rights. Recent HNP training prepared a SWAT team, and airport, customs, anti-narcotics, border, and coast guards. (See Section V below on international training programs.) HNP abuses of detainees in 1996 illustrates a need for further training in interview techniques, humane treatment of detainees, and the appropriate use of force.

Limits on Police Resources

Logistical and resource limitations have a negative impact on the HNP's ability to conduct effective policing and may have contributed to police abuse. Without radio communications, police on patrol are cut off from stations and unable to call for back up. This reportedly has contributed to panic in situations where police fear for their security. In several such cases, they have used excessive force. The HNP lacks use of deadly force alternatives. HNP stations also lack sufficient transportation. Back-up police cannot reach officers on patrol quickly and police often cannot respond

¹⁰⁸ "Presidential bodyguard sought in assassinations," *Miami Herald*, December 21, 1996. Interview with U.S. official (name withheld by request), January 7, 1997.

¹⁰⁹ Interview with U.S. official (name withheld by request), January 7, 1997.

promptly to emergency calls. HNP agents frequently rely on CivPol to transport them to execute arrest warrants. They also have used public transport for moving detainees, which has proven insecure. These shortfalls clearly have taken a toll on the morale and professionalism of the HNP.

The HNP has received significant international material assistance, including vehicles, uniforms, office supplies, and radios. However, basic resources, logistical support, and operating budgets remain extremely limited, and the HNP has managed poorly the few resources it has, partly due to the lack of maintenance capabilities. The rapid creation of the HNP, which required quick deployment of the force even as support systems lagged behind, contributed to these problems.

The HNP inherited the former military's guard posts around the country, many in appalling condition. Most police stations have no adequate lock-up facilities, phones, electricity, running water, or toilets, and many also lack windows and other basics. Conditions were so bad at the southern post of Ile La Vache, that CivPol withdrew the HNP agents sent there in early 1995. They feared that the HNP agents would desert their post and return to Port-au-Prince, as had happened in other areas. CivPol helped institute twice-weekly visits on market days by the police until the station was repaired.

At Grand Goâve in early 1996, the HNP had no telephone or radio and shared one motorcycle among fifteen agents.¹¹⁰ The entire Department of the South East was operating with five radios, two pickup trucks, and two motorcycles for 500 HNP officers and agents.¹¹¹ In mid 1996, twenty HNP stationed at Plaisance in the North had no telephone and shared two radios that were not capable of reaching the nearest police chief in Limbé, some fifteen miles away.¹¹²

HNP agents lost and may have stolen some supplies when the force was first deployed. There was no control system requiring personnel to sign out radios or other equipment (but the force has since developed one). HNP agents wrecked many vehicles in accidents, while others broke down. Many HNP agents did not know how to drive and their training did not include driver education. Local police stations lack any maintenance capability and frequently do not have money for gas.¹¹³

Logistical limitations pose a security issue for the HNP as well as for the population. Many criminals in Haiti are heavily armed and well aware of the HNP's limitations, as evidenced by the killings of police. Each HNP agent was issued three rounds for his or her .38 pistols (eighteen bullets).¹¹⁴ HNP agents told us that they faced constant shortages of bullets at police stations and resorted to buying them from other agents who would charge \$3 to \$5 Haitian dollars a bullet (approximately US\$1.00 to US\$1.70).¹¹⁵

Police authorities and agents recognize the need for equipment that matches their difficult working conditions. Use of deadly force alternatives is key, such as providing and training agents in the use of pepper spray or other means to subdue a person without endangering his or her life. HNP commanders also have proposed alternative modes of

¹¹⁰ Interview with several HNP agents, Grand Goâve, March 30, 1996.

¹¹¹ Interview with Lieutenant Gabriel Michel Jean-Francois, Jacmel, March 31, 1996.

¹¹² Interview with HNP Supervisor, Plaisance, May 19, 1996.

¹¹³ Interview with Sergeants Jean Harry Beaufort and Hippolyte Edemont, Cap Haïtien, May 18, 1996.

¹¹⁴ According to standard operating procedure, HNP agents are supposed to file a report every time they discharge their weapon, as is called for in Article 11 (b) in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the VIII U.N. Crime Congress, August-September 1990, and by the U.N. General Assembly, Res. 45/166, December 18, 1990. It is not clear whether the HNP are abiding by this practice.

¹¹⁵ Interview with HNP agents, Port-au-Prince, May 20, 1996.

transport such as horses, which are cheaper to maintain and can reach remote areas inaccessible even to four-wheel drive vehicles. Local officers supported the idea, arguing that two dozen horses could be maintained for the cost of a single vehicle. Having police on horseback, who could reach Haiti's roughest terrain, would improve the HNP's service to rural populations who frequently complain of a very limited police presence. Senior police leaders appear sympathetic to the proposal, but the HNP relies heavily on international donations and most assistance has come in the form of vehicles. The situation has improved somewhat in Port-au-Prince with the provision of fifty radio-equipped vehicles, but HNP throughout Haiti continue to confront severe logistical shortfalls.

HNP authorities are trying to confront other problems and shortages including ending the late payment of police; assuring that every HNP agent has two uniforms (many police who only received one uniform went to work at least one day a week in civilian clothes, making them hard to identify); training personnel for police garages in Port-au-Prince, Cap Haïtien, and Les Cayes; developing gunsmith capabilities; and, establishing a health insurance policy for police and their immediate families. International assistance is helping to address these issues. Taiwan is providing fifty vehicles, while the United States is sending mechanics to repair broken-down HNP cars and trucks, along with US\$1,000,000 of auto parts. With assistance from ICITAP and CivPol, the first HNP operations center opened in mid-November. At this central location, the HNP can communicate by radio with agents and officers in all of Haiti's nine departments.¹¹⁶

Challenges Faced by the Police

Police-Community Relations

While Haitians demand justice and more effective policing, some mistrust the police and many are deeply cynical about the judiciary. Beyond further reforms of the police and judiciary, improving police-community relations will require both public education and a new style of interaction between the Haitian people and the police. Crowds have thrown rocks at police, in some cases in response to police abuses, while in other cases unprovoked. A human rights monitor observed, "[A]s often as police abuse citizens, people attack the police in a kind of 'social negotiation' that is defining the limits of power on both sides."¹¹⁷

Many local people said that they want to see more of the police, particularly in remote rural areas. They want the police to attend their meetings and understand the work being done by local organizations. Nonetheless, they recognize that building more collaborative relationships may be difficult as Haitians have no experience of working with a police force. The police themselves also note the need for civic education with an emphasis on the role of the police in a democratic society.

¹¹⁶ Interview with Lang, ICITAP, Port-au-Prince, November 19, 1996.

¹¹⁷ Dan Coughlin, "New Police Force Revives Old Fears," *Inter-Press Service*, February 28, 1996, citing Father Daniel Roussière of the Gonaïves Justice and Peace Commission.

Public frustration with a weak justice system has contributed to widespread bursts of popular violence that typically go unpunished. MICIVIH documented 110 such killings from January to October 1996.¹¹⁸ Police have attempted to protect people suspected of crimes who face vigilante violence. On May 13, 1996, near the northwestern town of Port-de-Paix, local people killed a man accused of murder who police were holding in the local station. A crowd threw rocks at the police station, injuring an agent, and prompting police to try to move the detainee to Port-de-Paix in a local bus (as they had no vehicle). The crowd followed and the police agents shot into the air, trying to disperse them. When police ran out of bullets, the crowd attacked and decapitated the detainee.¹¹⁹ In an incident in Vieux Bourg d'Aquin in southern Haiti, police saved three suspects from a crowd who said that the robbers had no right to justice. Nine police officers were wounded by the stone-throwing crowd as they evacuated the suspects from the tribunal.¹²⁰

Despite police abuses and sometimes erroneous public expectations of the police, we found many positive local assessments of the HNP, particularly outside Port-au-Prince. Local community leaders were appreciative of efforts to reach out to the community in areas where "community policing" activities had taken place. A human rights monitor in the south said: "the population accepts and needs the police and understands there will be problems due to lack of experience and proper equipment."¹²¹ However, local activists also note the potential for rapid deterioration in relations: "We have no real problems with the HNP. They make proper arrests, and there are no beatings. But some are arrogant, and the people here had a terrible experience with the military and its police."¹²² In Anse à Galets, following the November 11, 1996 HNP shooting death of Venerable Setil Christel, an angry crowd responded by attacking and burning down the police station and the courthouse. Reportedly, relations between police, the justice of the peace, and the population deteriorated following several problematic incidents. One of these was a July 4, 1996 death in police custody that may have been a suicide. Twelve HNP agents were trapped by the angry crowd until CivPol officers arrived in the early hours of November 12 and evacuated them.¹²³ Such deterioration in police-community relations is a likely, but not inevitable, consequence of alleged police abuses. In Grande Rivière du Nord, where we interviewed four victims of police shootings, the victims and other local residents drew a clear distinction between the two HNP agents responsible for abuses and the force as a whole, which they said was doing a good job and engaged in community outreach.

Haitian police authorities and international police monitors agree on the need to improve public understanding of public order issues and improve police-community relations. In response, they have focused increasing attention on community policing approaches. Senior Haitian government officials endorse the community policing approach. According to Denizé: "If we give them a minimum of radios, cars, and some back-up, then they will be out on the beat in the community. [Conducting community policing] is a technical issue, not a cultural or substantive question."¹²⁴ Many local police stations have initiated school visits where they discuss a variety of subjects, including drug awareness and how the police can help students.¹²⁵ Others also have met regularly with local activists and community

¹¹⁸ "The Situation of Democracy and Human Rights in Haiti: Report of the Secretary-General" (December 2, 1996), A/51/703, para. 22.

¹¹⁹ Interview with MICIVIH observer, Cap Haïtien, May 19, 1996.

¹²⁰ MICIVIH, *La Police Nationale*, p. 41.

¹²¹ Interview with Father André Prévalus, Petit Goâve, March 30, 1996.

¹²² *Ibid.*

¹²³ Telephone interview with international observers, November 20, 1996; FBIS-lat-96-221, November 12, 1996; and, "Angry Mob Attacks Police in Haiti," *The Miami Herald*, November 13, 1996.

¹²⁴ Interview with Denizé, Port-au-Prince, March 27, 1996.

¹²⁵ Interview with Comme Il Faut members, Grand Goâve, March 30, 1996.

leaders. In some areas, police have started sports programs with local youth. Some HNP agents also mentioned an interest in learning more about conflict mediation.¹²⁶ Typically, in larger urban areas police were creating special community-policing units, while in smaller communities all the local agents were involved in community outreach. In many police stations we visited, the HNP had put up posters with the motto of the force (“serve and protect”), and signs with the slogan “listen before you act” (*tande avan ou reyaji*). CivPol has supported community policing efforts, and should continue to do so for the duration of its mandate in Haiti.

Local grass-roots leaders we spoke with endorsed community policing approaches. One human rights monitor noted:

¹²⁶ Interview with HNP agents in Grand Goâve, March 30, 1996.

The HNP and the government must promote civic awareness, they should make the police and community work together, have the police participate in the life of the community, work on community projects. This will get rid of the mentality that prevailed among the Haitian military—that “I’m the chief here.”¹²⁷

Initiating serious exchange between the public and police on issues of policing in a democracy requires commitment by civil society organizations as well as the police. Some human rights organizations, concerned that impunity for police abuse continues, say that the police must earn the respect and confidence of the people before the human rights community will engage directly with them on broader policing issues.¹²⁸ For their part, police authorities urge that the human rights community play a role in explaining to the Haitian public what a police force can and cannot do.¹²⁹ This kind of disagreement seems less prevalent in rural areas. Local human rights groups in Jacmel told us that they wanted to invite the police to their meetings and hoped that the HNP would participate in radio shows they planned to produce on human rights issues.¹³⁰ Another community leader described two meetings with the HNP to discuss local concerns and problems. He described a key element of such contact as understanding questions such as “who are the police and what can they do for us?” He commented, “If people don’t know what the police can do, if there is no dialogue, then it will be hard to keep order. Then people with bad intentions will cause trouble and try to manipulate the situation.”¹³¹

Where community outreach has taken place, it appears to have generated good-will and put the police directly in contact with the community. This “humanizes” them in the eyes of the population they are there to protect and whose assistance and trust are essential to police work.

V. INTERNATIONAL ASSISTANCE TO THE HAITIAN NATIONAL POLICE

The HNP receives international assistance from the United Nations civilian police (CivPol), which is part of the United Nations Support Mission in Haiti (Mission d’Appui des Nations Unies en Haïti, UNSMIH), from the United States through ICITAP, and from a bilateral Canadian program run by the Royal Canadian Mounted Police (RCMP). There is also a special United Nations support fund for the HNP, to which Japan, Korea, and Luxembourg have made donations. The total assistance from 1994 to this writing, including the cost of international police monitors, likely exceeds US\$100 million.

The international community’s ongoing training and assistance for the HNP is oriented toward improving institutional development and preparing for specialized police functions that were not incorporated into the massive first phase of selecting and training the HNP. U.S. training and assistance, provided by ICITAP, is the largest bilateral police aid program and should provide US\$6 million a year over the next two fiscal years. Canada also has an important ongoing bilateral police assistance program, in addition to RCMP personnel serving in CivPol. Over the next five years this program, administered by the RCMP, will provide Canadian \$12 million in training and technical assistance, primarily for criminal intelligence and executive management.

¹²⁷ Interview with Melisca Romestil, human rights monitor, Grand Goâve, March 29, 1996.

¹²⁸ Interview with members of the Haitian Platform of Human Rights Organizations, Port-au-Prince, May 14, 1996.

¹²⁹ Interview with Joseph, Port-au-Prince, March 27, 1996.

¹³⁰ Interview with human rights organizations, Jacmel, March 31, 1996.

¹³¹ Interview with Edmond Semexant, Petit Goâve, March 30, 1996.

The HNP's weakness has been at the center of arguments supporting a continued international presence in Haiti. The HNP's poor response to recent incidents such as the grenade thrown near the National Palace, the attack on the parliament, and the killing of two opposition figures in August 1996, spurred the U.N. Secretary General to recommend a further extension of the UNSMIMH mandate beyond November 30, 1996. The Security Council approved the extension of the mandate to May 31, 1997, with a possible further two-month extension until July 31, 1997. The U.N. military presence has assured relative security and stability since the return of democratic government. In the north, we were informed that the military presence had been playing a supporting role in crowd control.¹³² All U.N. troops are now based in the Port-au-Prince area, where they continue to provide back-up to the HNP in emergency situations, such as the attacks on the parliament and palace.

U.S. Assistance and Training

The U.S. ICITAP program was designed in two parts. During phase one, ICITAP assisted the Haitian government with the recruitment, training and deployment of the new police force. Phase one ended in February 1996. Phase two is a five-year plan to support the institutional development of the police. During this period, ICITAP will support the development of specialized capabilities in education, professionalism, and accountability. It also will assist in the creation of specialized criminal investigations unit(s) and full-service forensic facilities.¹³³ ICITAP also has trained specialized anti-narcotics police, VIP protection personnel, airport security, and a coast guard unit. ICITAP continues to provide training for police leadership, the Judicial Police, a SWAT team, and Haitian trainers to take over training at the police academy. ICITAP also is providing equipment and additional vehicles to the HNP.

The ICITAP program has responded to emerging problems and has incorporated human rights concerns into many elements of ongoing training. In response to shootings by members of the first HNP classes deployed in the field, ICITAP increased the number of hours of firearms training at the academy, emphasizing improved judgment and integrating role playing. ICITAP also is providing all HNP agents with an additional week of firearms retraining including human rights, defensive tactics, and use of force exercises. MICIVIH personnel also conducted academy and field training in human rights and use of force issues. ICITAP is providing additional remedial training in the use of firearms, safety, and defensive tactics to all members of the HNP. ICITAP also will train Haitian instructors to take over instruction in use of force and other issues over the long-term.

Responding to crowd control problems, ICITAP trained specialized crowd control units, emphasizing alternatives to the use of lethal force. The Urban Disorder Management Units are based in downtown Port-au-Prince, Delmas, Carrefour, and Pétionville in the Port-au-Prince area, and Cap Haïtien, Gonaïves, St. Marc, Jacmel, Les Cayes, and Jérémie. According to then-CivPol Commander Ballardur, the eighty police agents trained in crowd control, who were sent to the Dominican border in March 1996 to respond to problems created by the expulsion of Haitians from the Dominican Republic, did "remarkable" work.¹³⁴ France provided 300 sets of equipment for these units, including gas masks, shields, and fire-retardant clothing.

¹³² Interview with Sgts. Jean Harry Beaumont and Hippolyte Edemont, Cap Haïtien, May 18, 1996.

¹³³ Executive Summary: ICITAP Haiti Project. For a more detailed discussion, see WOLA, *Policing Haiti*, September 1995.

¹³⁴ Interview with Ballardur, Port-au-Prince, March 28, 1996.

ICITAP also has developed a program to train Haitian trainers in basic arrest and defensive tactics skills. Haitian trainers, including HNP from each of Haiti's departments and four from Port-au-Prince, will be rotated back to the police academy for further training in other areas. ICITAP plans four repetitions of this training so that each department has four instructors.¹³⁵

The United Nations Civilian Police

ICITAP has worked closely with CivPol to develop a field training program for the HNP. CivPol's mandate is to provide training and guidance to the HNP and to instill the principles of community policing.¹³⁶ CivPol's central role is to provide guidance and training in an effort to professionalize the police. Unfortunately, CivPol monitoring, particularly on human rights issues, has been quite lax. CivPol officers repeatedly defer human rights complaints against the HNP to MICIVIH. Some CivPol officers defended this practice in the name of collegiality with their fellow police. While MICIVIH's mandate includes an explicit focus on human rights concerns, its role should in no way detract from or substitute for CivPol's active monitoring of the HNP's adherence to human rights standards, undoubtedly an integral component of professional police performance.

CivPol provides weekly training, followed by brief examinations on subjects including arrest procedures, administration, security, community relations, traffic, judicial-police issues, and writing reports. Ongoing training emphasizes use of force issues. CivPol report weekly to local Haitian police, judicial, and governmental authorities.

CivPol personnel described an evolving relationship in which the HNP were increasingly confident and independent and wanting less international supervision. Former CivPol Commander Philippe Balladur commented that: "The HNP come to CivPol whenever they have a problem, but now they have much more confidence and experience and don't take so kindly to CivPol comments. So the work gets more challenging as it goes along."¹³⁷ Some HNP stated that CivPol should leave and stop restricting their ability to deal with detainees as they see fit, presumably including abusing prisoners. Other HNP personnel said they would like increased visits and training from CivPol.

Significant problems with CivPol contingents during 1995 and 1996 include the fact that well over half the CivPol contingents did not speak French and some of the police contingents had extremely limited skills to impart. The quality and extent of field training that CivPol offered HNP officers and agents varied widely. Weaknesses in CivPol's performance may be due to its staff consisting largely of lower-ranking police with meager training experience who are hastily recruited and often receive minimal briefing on their mandate. As one international expert in Haiti observed: "Operationally they are very good, and they can train in basic skills such as driving, but they cannot be expected to resolve issues such as use of force, intimidation, and policing in a democracy." A U.N. official said that U.N. headquarters needs to give greater attention and priority to CivPol recruitment processes. Currently, the recruitment is little more than a "clearinghouse," that fails to recruit police with skills matching the needs of different missions.¹³⁸

¹³⁵ Interview with Pierce, Port-au-Prince, May 20, 1996.

¹³⁶ Of 286 CivPol remaining in Haiti: 223 are deployed at police stations at nineteen sites; forty are technical consultants, advisors and instructors; and, eight comprise CivPol command at U.N headquarters in Port-au-Prince. "Report of the Secretary-General on the United Nations Mission of Support in Haiti" (New York, United Nations, October 1, 1996), S/1996/813, para 20 and S/1996/813/Add. 1 Annex.

¹³⁷ Interview with Balladur, Port-au-Prince, May 16, 1996.

¹³⁸ Interview with senior U.N. official, Port-au-Prince, May 16, 1996. This is a frequent criticism of U.N. peacekeeping operations involving civilian police, with Bosnia as a prime example.

At the time of the March 1996 extension of UNMIH until June 1996, CivPol ranks were reduced, while retaining the French-speaking contingents with most experience. These criteria also guided CivPol selection for the UNSMIH mission, which was authorized by the U.N. Security Council to follow UNMIH in Haiti. CivPol are training 500 HNP officers as trainers in basic police techniques. These HNP trainers will carry out field instruction accompanied by CivPol monitors. CivPol also is working to create police "command centers," first at HNP headquarters and in each department. CivPol also has devoted significant assistance to the inspector general's office, assigning twelve CivPol to work at HNP headquarters. However, in May 1996, then-Commander Balladur noted that he had trouble attracting qualified international police personnel experts for specialized training in accountability, police administration, and command and control. In October 1996, seventeen Haitian Creole-speaking police from the U.S. joined CivPol.¹³⁹

CivPol's limited presence in the field has reduced its potential effect as a deterrent on police abuses. We are further concerned that CivPol officers repeatedly state that they are not in Haiti to report on human rights abuses, deferring this responsibility to MICIVIH. There is a danger that CivPol silence on incidents of abuse will send a message of tolerance for abuse to Haitian police.

Nonetheless, local organizations and human rights activists generally are supportive of CivPol's role and calling for their greater and more visible engagement in HNP policing activities. In at least one area, CivPol invited local human rights organizations to police training sessions. There is widespread concern that without ongoing CivPol assistance in all areas, beyond expiration of the U.N. mandate, the HNP still will be a chronically weak institution when CivPol departs.

VI. CONCLUSION

For most of Haiti's 193-year history as an independent nation, its security forces have served as an instrument of repression. The creation of a professional, civilian police force in the form of the Haitian National Police offers the hope of breaking this cycle of repression and impunity. The police reform process sought to create a force that would function within the parameters of a democratic system to fight crime, protect citizens, and preserve democratic order. The international community devoted millions of dollars fashioning a new police force from scratch, and police reform arguably has proceeded faster than any other institution building process in Haiti.

Nonetheless, as documented in this report, police reform has run into serious problems. While not insurmountable, police abuses and the poor functioning of the force, attributable to weak leadership at the departmental director level and below, inexperience, and logistical deficiencies, threaten the credibility of the HNP. The human rights violations committed by the new force are the most alarming development, indicating a dangerous tendency by some members of the HNP to adopt the repressive practices of past security forces. HNP authorities have demonstrated the desire to prevent and punish abuses and are making important progress in this area. The Haitian government must ensure that police accountability is strengthened, particularly by consistently applying internal disciplinary measures, systematically providing information to the public about incidents, and sending cases to the courts for criminal investigation. The government also should codify these practices in police law and regulations, thereby seeking to assure continued good practices through future leadership changes.

One of the greatest challenges to ending impunity and establishing the rule of law in Haiti is the judicial system's persistent weakness. Judicial action against police abuse remains extremely limited. The Haitian government and Justice Ministry need to make a special effort to assure that the competent judicial authorities take appropriate action against police abuse. Failure to do so may prove a serious impediment to police accountability.

The international community has provided substantial assistance for police reform in Haiti. It also has imposed a timeframe, dictated by the need to withdraw troops, that resulted in the deployment of a force that lacked adequate

¹³⁹ "Report of the Secretary-General on the United Nations Support Mission in Haiti" (New York: United Nations, November 12, 1996), S/1996/813/Add.1, para. 8.

training. Now eighteen months old, the HNP only gradually is acquiring experience, while confronting pressing, unmet needs for leadership development and appalling infrastructure and equipment shortages. The international community can and should continue to play a role in helping the Haitian government fill these gaps. Studies of police reform in many countries conclude that these reform processes are long, and that one of the gravest dangers to reform efforts may be the premature withdrawal of international support.

In December 1996, the U.N. extended UNSMIIH's mandate until mid-1997 due to concerns that the HNP required continued assistance with institutional development and had responded poorly to several threats against the country's security in August 1996. The human rights concerns documented in this report demonstrate that the HNP will require international support until it has adopted professional policing practices and is capable of meeting challenges to democracy and the rule of law in Haiti.

Haiti's repressive history created widespread mistrust of security forces and profound skepticism about the possibility of creating a professional police force. Ending police abuse and establishing accountability, as well as improving understanding of the role of the police in a democracy, are vital steps toward overcoming this legacy. Police authorities so far have shown a desire to end impunity and work with the population to tackle these challenges. If they succeed, they will establish a solid foundation for human rights and the rule of law in Haiti.

VII. ACKNOWLEDGMENTS

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