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# RI BULLETIN

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## A POWERFUL VOICE FOR HUMANITARIAN ACTION

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### **Haiti: UN Civilian Police Require Executive Authority**

The UN peace operation in Haiti, MINUSTAH, faces serious obstacles in restoring the rule of law. While armed gangs pose a threat to peace, misconduct by the Haitian National Police (HNP) has combined with a lack of capacity to create a policing gap in Haiti. The UN Civilian Police (CIVPOL) cannot address this problem until their mandate is amended to allow them to do more than mentor and advise.

Haiti is gripped by the fear of violence. Various well-armed groups, including political gangs, former soldiers, and criminal organizations have raped, tortured, and murdered civilians. Human rights groups also state that rather than working to end the violence of these gangs, elements within the HNP are involved in extra-judicial killings and arrests. "People are suffering at the hands of the HNP," said one group. "The armed groups are increasing and HNP are arresting people who then turn up dead." Recent news reports have confirmed that UN peacekeepers have witnessed suspicious shootings by the HNP. A senior HNP officer inadvertently confirmed the HNP's reputation for shooting indiscriminately by telling Refugees International, "My officers are outgunned by the gangs. We do not have sufficient protective equipment. So when we conduct an operation we must go in shooting, and sometimes people are hurt."

In the slums of Cité du Soleil and Bel Air rival gangs control the streets. The HNP has no permanent presence inside the neighborhoods and only mounts sporadic raids, leaving people feeling trapped in their homes. A resident of Bel Air told RI, "When the [HNP] come to Bel Air, they come to shoot us." Residents of Cité du Soleil added, "The police cannot come here. Even though we are afraid of the criminals here – the police are worse. We do not want them and we do not trust them." Rape is also a serious problem in Haiti. "A woman would never go to report a rape to the HNP," said a Haitian woman, "She is likely to be raped by them again." While an internal police oversight committee does exist, Haitians have little trust that corrupt HNP officers will be prosecuted.

The misbehavior of the HNP also poses a serious problem for the UN. MINUSTAH is mandated to assist in restructuring and reforming the HNP, including vetting and certifying new police candidates and advising and mentoring current HNP officers. Although these strategies may eventually resolve the behavior problems, in the meantime MINUSTAH's relationship with ordinary Haitians is gravely harmed. HNP actions smear the reputation of UN peacekeepers, who are often present during these operations but not involved. Haitians see peacekeepers standing by while bodies litter the street, and question what MINUSTAH is doing to help them. "We see them driving around showing us their shiny new weapons. But they don't use them. The HNP shoot innocent people and MINUSTAH does nothing," a man in Cité du Soleil told RI.

HNP misconduct is first and foremost the responsibility of the Transitional Government of Haiti. However, under the Chapter VII authority granted by the Security Council, MINUSTAH military forces can stop the HNP from committing illegal acts. In fact, after HNP opened fire on unarmed protestors on March 2, 2005, UN Ambassador Juan Gabriel Valdes said that UN peacekeepers will use force to intervene if the HNP attacks unarmed civilians again. While MINUSTAH has received promises from the

Haitian Transitional Government that such incidences will not re-occur, RI is concerned that another confrontation between MINUSTAH and the HNP will create tension with the Transitional Government that may hinder ongoing reform and development efforts.

The UN Civilian Police mandate is to assist with the restoration and maintenance of law and order in Haiti by providing operational support, such as being present in police stations and patrolling alongside HNP officers and mentoring and providing advice to the HNP. This mandate, however, assumes that there is a functioning institution to which CIVPOL can provide operational support, but the HNP is ill-equipped to police Haiti. There are insufficient numbers of police vehicles; the HNP lack communications equipment, and many police stations remain in ruins from the political violence of 2004. From a high of around 9,000 police officers in 1999, the HNP now has around 3,000 officers, some of whom have never been officially vetted and whose credentials are suspect. In fact, one international policing advisor in Haiti suggested, “The HNP are so bad that when one of them is killed, the Haitian people seem glad. I would say that as many as two-thirds of the current officers are corrupt.” Although CIVPOL officers told RI that the police academy is “producing 400 new police officers every four months, and we’ve had tens of thousands of applicants,” rebuilding the police force will still take time. Haiti’s population of eight million is the same as New York City’s, which is policed by over 30,000 police officers. Thus, the HNP lacks sufficient policing capacity to enable CIVPOL to provide meaningful operational support.

One CIVPOL officer told RI that “CIVPOL commanders were pushing the envelope until recently... We were basically doing some policing, but UN headquarters said we were exceeding the mandate and now we are not doing as much.” Indeed, the Haitian people themselves are confused about CIVPOL’s role in Haiti. “MINUSTAH does not fill the gaps where the HNP is not,” complained a Haitian lawyer. RI believes that the mandate for MINUSTAH should be amended to provide CIVPOL with limited executive authority (the ability to perform active police functions). This would allow CIVPOL to do more than passively advise and mentor an essentially dysfunctional institution.

Where the HNP is incapable of performing its duties, providing CIVPOL with executive authority will allow them to engage in necessary policing activities, including arresting criminals, providing field supervision, transporting prisoners if necessary, and temporarily holding prisoners rather than releasing them or turning them over to inhumane conditions in Haitian jails. Further, because CIVPOL in Haiti previously had executive authority, the idea should not be controversial.

Acting under Chapter VII, consent from the Transitional Government is not required for CIVPOL to be given executive authority. However, without the Transitional Government’s political will and cooperation, providing CIVPOL with executive authority will not substantially change the situation on the ground, particularly if the illegal behavior and human rights abuses committed by the HNP continue. If the Transitional Government does not do more to address the culture of impunity within the HNP, MINUSTAH’s efforts to reform the HNP will be futile.

**Therefore, Refugees International recommends that:**

- The Transitional Government of Haiti actively prosecute corrupt HNP officers and commit to and ensure full cooperation with MINUSTAH in restoring rule of law to Haiti;
- MINUSTAH and all other actors in police reforms in Haiti involve local human rights groups, women’s groups, and communities in vetting both current police officers and incoming police cadets;
- Donors fulfill all pledges made to ensure sustainable development and reform of the Haitian police;
- The Security Council review the mandate for MINUSTAH and provide MINUSTAH CIVPOL with limited executive authority.

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*Refugees International advocates Sarah Martin and Peter H. Gantz recently returned from a two-week mission to assess MINUSTAH, the UN peace operation in Haiti.*