

Haiti: Security and the Reintegration of the State

I. OVERVIEW

Security is the core challenge for new President René Préval and the UN peacekeeping mission (MINUSTAH). Violence and impunity, rooted in the state's weakness, are pervasive, especially in Port-au-Prince. Haiti's five-month-old government must confront the illegal armed gangs, break the international crime/political power at ports and borders and cope with rising drug trafficking and kidnapping. Armed gangs and criminals, including elements of the Haitian National Police (HNP), perpetrate the violence but it is also fostered by the worst poverty in the Western Hemisphere. Dismantling the gangs and pursuing serious police reform are critical to every broader goal of the new administration, from education reform, infrastructure, private sector investment, jobs and agriculture to governance.

Conditions in Port-au-Prince dominate international perceptions. The provinces, where some 60 per cent of Haitians live, may be quiet but press and politicians respond to events in the capital. And impunity still rules across the entire country. The HNP are spread thin, poorly equipped, minimally trained and unable to confront any regional smuggling threats such as drugs, weapons, contraband and human trafficking coming through the porous ports and borders. Small planes operate with virtual freedom from make-shift airstrips in the countryside, whether carrying cocaine from Colombia or other illicit cargo.

The state security apparatus is as much a source of the problem as a solution. The HNP, along with the judicial system, is in dire need of reform. For two decades, donors have initiated police reform and judicial development projects and spent tens of millions of dollars. The 1987 constitution provided for an academy to train judges; the military was disbanded and the HNP instituted in 1995. None of these efforts have overcome endemic corruption, patronage and perception of the state as a means to personal enrichment.

New plans have again been drafted to restructure the police and judiciary: the Haitian National Police Reform Plan and the Strategic Plan for the Reform of Justice in Haiti. These, especially the police reform that includes vetting current officers, must be announced formally,

implemented urgently and monitored transparently on a rigorous timetable. Judicial reform presents even more complexities, some constitutional, others requiring parliament's approval and some, including nominations of new judges, needing a local government apparatus that does not yet exist. It is critical to the success of police reform and to building a rule of law that protects citizens and has their respect.

Protecting citizens also is a central goal of proposals to dismantle urban gangs in Port-au-Prince. With the newly appointed National Commission on Disarmament, Dismantlement and Reintegration (NCDDR), the government has put into place a three-part strategy for dealing with the gang-related violence and kidnappings that at times have paralysed the capital:

- ❑ Since early August, MINUSTAH has been squeezing the gangs by seizing and holding their territory, including with checkpoints on the roads leading into and out of the slum areas.
- ❑ The disarmament, demobilisation and reintegration (DDR) program for gang members has been linked to community development and violence reduction projects for the communities designed to create jobs, infrastructure and visible services and bolster the state's presence in Cité Soleil, Bel Air, Martissant and other armed group strongholds. If gang members refuse to disarm, they are to be targeted by special HNP units backed by MINUSTAH troops and police (UNPOL).
- ❑ The NCDDR is to coordinate the disarmament and violence reduction strategy and improve what has been a woeful effort to communicate with the public.

With support from UNPOL and MINUSTAH, the authorities also must begin to break up the networks that exploit the lack of rule of law at nearly all Haiti's ports and border crossings. Estimates are that between \$100 million and \$240 million are lost each year in uncollected customs and port revenues. Transparent accounting and utilisation of port and border revenues could go a long way towards encouraging tax compliance and cutting down on illegal drug trafficking and smuggling, while effective law enforcement in selected port and border crossings also would encourage foreign direct investment.

None of the needed reforms will happen quickly: citizens' trust has been deeply damaged over two decades of fitful democratic transition, and the state neither yet possesses nor is seen to possess the monopoly on legitimate use of force that a functioning state must have. Immediate practical steps for the new government and MINUSTAH to take, with financial and technical aid from donors, include:

- implementing the National Police Reform Plan by setting a timetable to vet every officer, retaining, retraining, arming and mentoring those who are cleared, while removing the others but giving those against whom no criminal charges are pending a soft landing in a retraining program;
- completing the database and registration of all police officers and their weapons, and applying standards for recruitment, merit-based promotion, career development and a new code of conduct;
- building the 200 commissariats called for in the police reform plan and considering co-locating some with health clinics, legal aid offices and potable water sources, where women and children gather;
- physically taking back control of the docks and border crossings and ensuring customs and ports fees are paid into the state treasury;
- building a viable vetting procedure into the justice reform plan so as to target and remove corrupt judges, creating special chambers of respected jurists to handle the most serious cases and using ad hoc panels with international advisers to review pre-trial detentions; and
- dismantling the gangs and reducing community violence by retraining and reintegrating into society gang members who disarm, prosecuting with a degree of leniency the leaders who turn state's evidence and end their criminal conduct and giving no quarter to those who refuse to cooperate.

II. A LEGACY OF INSECURITY

Reform of the security sector in Haiti has been a recurring challenge. Well before the 1915-1934 occupation by U.S. Marines, the country's military forces carried out coups on a regular basis, on their own behalf or for politicians. During the occupation, the U.S. tried to create an indigenous police force that would guarantee security and stability. Ultimately that U.S.-trained force became the Forces Armées d'Haiti (FAd'H). The country was divided into military districts with a unified military command.

Sheriff-like section chiefs controlled rural areas at the local level but ultimately reported to Port-au-Prince commanders. During Francois Duvalier's dictatorship, the section chiefs and their rural guards (known as *attachés*) were ruthless regime enforcers. From independence until President Jean Bertrand Aristide dissolved the FAd'H at the end of 1994, Haiti never really had a civilian police.¹

The contemporary insecurity problems and judicial impunity were born out of the Duvalier dictatorship, which monopolised the use of force as terror, reducing state institutions to facades. Several disruptive elements emerged from the end the Duvalier era: the return of the military as overseer, the empowerment of the poor seeking their own political voice, the violence of the *Ton Ton Macoute* (Duvalier's personal militia), the section chief system and the backlash against it by those who were oppressed.

Papa Doc Duvalier used the *Macoute* to keep the military in check. Under his son, Baby Doc, the elite *Leopard Battalion* was favoured over the increasingly independent-minded *Macoute*. The post-Duvalier period was dominated by military and civilian provisional governments, until Aristide, a populist former priest and liberation theologian, was elected president in 1990 with an estimated 65 per cent of the vote.² He was ousted the next year in a military coup, and a new reign of terror, led by General Raoul Cédras, began.³

The Cédras regime relied on massive repression, murder and intimidation. *Organisations populaires* (OPs) in the democracy movement – the “popular organisations” whose role is further described in the the next section –

¹ Robert M. Perito, “Where is the Lone Ranger when we need him? America's Search for a Postconflict Stability Force”, United States Institute of Peace. Crisis Group interviews with former Clinton administration officials, Washington, September 2006. The army's abolition was proposed by former Costa Rica President Oscar Arias Sanchez and eventually supported by the Clinton administration (though not without debate).

² The first provisional government was headed by General Henri Namphy from 1986 to 1987. He oversaw the infamous 1987 elections, cancelled amid massive violence at the polls perpetrated by uniformed military and civilians that resulted in dozens killed. He stepped aside for the quasi-elected civilian transitional government of Leslie Manigat, who was removed by General Namphy in 1988.² General Prosper Avril overthrew Namphy in 1989, then, under international pressure, turned over executive functions to a caretaker government headed by Etha Pascal-Trouillot, who oversaw the 1990 elections.

³ A detailed account of the human rights abuses of the Cédras regime is in “Report on the Situation of Human Rights in Haiti, 1995”, Inter-American Commission on Human Rights, 9 February 1995.

sought international support for Aristide's return⁴ and acquired weapons, the genesis for many of today's armed groups.⁵ The police, always an arm of the military, brutalised pro-Aristide elements, especially his base among the urban poor. Aided by gunmen associated with FRAPH, a violent political front, they terrorised the population; bullet-ridden bodies appeared daily on city streets. The international community condemned the coup and imposed a limited economic embargo but the poor took the hardest hit, and the most impoverished country in the Americas sunk deeper.

As part of the restoration of Aristide's government in 1994, the post-conflict reconstruction effort under the Multinational Force (MNF) tried to "stand up" the new civilian Haitian National Police (HNP).⁶ The U.S. Justice Department's International Criminal Investigative Training Assistance Program (ICITAP) was in the lead, with French and Canadian partners in the police academy and some two dozen countries contributing to a force of 960 International Police Monitors (IPMs). Their task was to recruit, train and monitor the HNP and assist it to prevent violence.⁷ In March 1995, the transition to the United Nations Mission in Haiti (UNMIH) occurred, and the IPMs were supplanted by the UN Civilian Police contingent (CIVPOL).

Over two years, 5,243 HNP officers completed training and began to function as law enforcement officers. Because lack of leadership was seen as a key problem, ex-military were given commands, but these were poorly vetted. The force had relatively high public acceptance at first.⁸ But after 1997, as the political process began to

unravel, it began again to be corrupted by political and then criminal elements.

A recent World Bank report noted that "major setbacks were the politicisation of new recruits, police links to de facto armed bands (the *chimères*) which eventually came to operate independently, and the entrance into criminal, often drug-related activities by some police members."⁹ Death threats directed at those who tried to keep the force out of politics drove the state secretary for public security, Robert Manuel, into exile. Growing instability marked the last two years of the first Préval administration and worsened in Aristide's second term, as the HNP resembled the FAD'H and section chiefs of the past.¹⁰ International observers noted that police reform was also hindered by the absence of a thorough parallel process to improve the functioning of prosecutors and judges.¹¹

Aristide's 2000 re-election produced a backlash from the ex-military, middle class, business leaders and a growing number of formerly supportive civic groups. HNP elements gave gangs of young Aristide supporters from the slums of Port-au-Prince and Gonaïves weapons that outmatched the police's own, leading to violent clashes with opposition forces and near civil war. As anarchy grew in early 2004, the HNP collapsed. Some officers abandoned their posts (keeping their arms), some fought the insurgency, others joined it; many went into in exile.

Aristide left the country on 29 February, and the U.S./France/Canada Multi-National Force (MNF) was authorised by the UN Security Council to bring order. A transitional government was established and the UN mission, MINUSTAH, took over from the MNF. This process left four main centres of insecurity: former politicised gangs now also engaged in crime; organised groups of corrupt current and ex-HNP; trans-national drug traffickers; and ex-FAD'H, who are armed and vocal but of least concern at this time.¹²

⁴ TransAfrica, headed by the Activist Randal Robinson, and the global solidarity movement worked with the South African anti-Apartheid movement and the Haitian Democracy Movement. Aristide, in Washington exile, found strong allies in the Congressional Black Caucus. Clinton administration diplomacy produced the Governor's Island Agreement, which when it was not implemented by the Cédras regime, set in motion the U.S. invasion.

⁵ Early human rights cases against the HNP invariably involved violent clashes with armed (often only with crude weapons) groups in the slums of Port-au-Prince.

⁶ UN Security Council Resolution 940 (31 July 1994) authorised a multinational force to restore the constitutional government under Chapter VII and specified that once a stable and secure environment had been created, it would turn over responsibilities to the UN Mission in Haiti (UNMIH), which would have as one of its tasks "the creation of a separate police force".

⁷ Ray Kelly, former and current New York City Police Commissioner, led IPM, reporting initially to the MNF commander.

⁸ Much credit is given to the inspector general, Luc-Eucher Joseph, State Secretary Robert Manuel and the then police chief, Pierre Denize, for their efforts to remove abusive or corrupt officers. "Haiti, the Human Rights Record of the Haitian National Police", Human Rights Watch/National

Coalition for Human Rights/Washington Office on Latin America Report, January 1997.

⁹ "Haiti Options and Opportunities for Inclusive Growth", Country Economic Memorandum, World Bank 1 June 2006.

¹⁰ Crisis Group interviews, Port-au-Prince, Washington, August-September, 2006; Perito, "Where is the Lone Ranger", op. cit.

¹¹ Crisis Group interviews, MINUSTAH and Haitian government officials, Port-au-Prince, September 2006; "Social Resilience and State Fragility in Haiti, A Country Social Analysis", 27 April 2006, World Bank, paragraphs 3.39-3.42.

¹² Among the rebels who invaded from the Dominican Republic were Guy Phillipe, who had been dropped from the HNP and would run for president in 2006, and Louis-Jodel Chamblain, the former FRAPH leader who had been convicted in absentia for participation in the Raboteau massacre. In 2005, after

III. ARMED GROUPS

Insecurity, violence and impunity have seized Haiti, and particularly the capital, Port-au-Prince, in fits and starts for the past half-decade. Since Aristide's departure, violent crime, especially kidnapping, and clashes involving rival armed groups, police and MINUSTAH are well documented, though consensus on their origins and sponsors is less uniform.¹³ In part, this is due to the complex nature and very different structures and backgrounds of the armed groups, as well as their often overlapping affiliations and shifting alliances.

A. LEVELS OF VIOLENCE

Reliable data and research linking specific violent acts and their authors are hard to come by and conclusions often are seen as politically motivated. MINUSTAH has attempted to keep a record but admits it is woefully inadequate. One MINUSTAH study of three communities reported barely 1,000 rapes, for instance, while a university study, although questioned for bias, found many times that number. Lost in the debate are the realities of police, military, criminal and political violence against women

surrendering. Chamblain was acquitted in what most international observers regarded as a sham trial. "Haiti: Obliterating justice, overturning of sentences for Raboteau massacre by Supreme Court is a huge step backwards", Amnesty International, public statement, News Service, No. 142, 26 May, 2005.

¹³ Crisis Group Latin America/Caribbean Report N°10, *A New Chance For Haiti*, 18 November 2004. The following is a small sample of other recent studies: "Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilisation, and Reintegration", Small Arms Survey, Geneva, 2005; "Notes From the Last Testament, the Struggle for Haiti", Seven Stories Press, New York, 2005; "Ghosts of Cité Soleil", August 2006, Sony Pictures; "Armed Groups in Haiti: Geographical Distribution, Internal Dynamics, Level of Threat and Community Perceptions", MINUSTAH, 2006; "Armed Groups in Haiti: Geographical Distribution, Internal Dynamics, Level of Threat and Community Perceptions", MINUSTAH, 2006; "Challenges Ahead for Haiti and the International Community", Organisation of American States Inter-American Commission on Human Rights, 26 October 2005; Louis Jonet, "Situation of Human Rights in Haiti", United Nations High Commission for Human Rights, 24, January 2006. A controversial recent survey is "Human Rights Abuse and Other Criminal Violations in Port-au-Prince, Haiti: a Random Survey of Households", *The Lancet*, 31 August 2006, which reported higher levels of killings and rape than most other studies. The journal has been investigating allegations of conflict of interest by the lead researcher. Also controversial is Thomas M. Griffin, "Haiti Human rights Investigation: November 11-21, 2004", Centre for the Study of Human Rights, University of Miami School of Law.

and children,¹⁴ as well as the slave-like *restavec* system in which children work as indentured servants for wealthier families

The wave of kidnappings since the start of the transitional government in 2004 is a new phenomenon. It has ebbed and flowed, from a high of 241 known kidnappings in December 2005 to a post-election low of fourteen in April 2006, followed by a spike to 115 in August.¹⁵ While street level drug dealing is not a major issue, Haiti is a transshipment point through its ports, airstrips and border crossings for large movements across Hispaniola towards Puerto Rico and eventually the U.S. mainland or Europe.¹⁶ Arms and other contraband also enter with relative ease.

B. GANGS AND GUNS

As noted, armed gangs and violent street crime came to Haiti relatively recently. As late as the mid-1990s, it was common to enter one of the worst slums in the Western Hemisphere, Cité Soleil, without much concern. Today, no member of MINUSTAH goes in without flak jacket and helmet; journalists who seek interviews with gang leaders make careful advance arrangements.¹⁷

The illegal armed groups fall into several categories. Of most concern are the OPs and organised criminal groups without a community base and mostly linked to current or former corrupt police, transnational organised crime and ex-Haiti Armed Forces (FAD'H).¹⁸ Others involved with these groups or independently responsible for violence include common criminals (*Zenglendos*), prison escapees, deportees from the U.S. and corrupt HNP members.

¹⁴ "Study on Women and Armed Violence in Haiti", MINUSTAH Gender Unit, June 2006. The November 2005 report by the Commission to Collect Data on Violence against Women and the above *Lancet* study illustrate the difficulty in assessing the level of violence. The three women's organisations in the commission study reported numbers from Port-au-Prince and several provinces. They show an incidence of reported rapes in for 2004 and 2005 of 472 (Gesquio), 139 (Kay Famn), and 203 (Sofa). *Lancet*, extrapolating from surveys of 1,260 randomly selected households encompassing 5,720 residents in Port-au-Prince, estimated possible rapes between 28,000 and 41,000 in the capital area alone between 29 February 2004 and December 2005.

¹⁵ See table 1, Appendix B below.

¹⁶ Crisis Group interviews, Port-au-Prince, September 2006. Also see "International Narcotics Control Strategy Report, 2006," U.S. State Department, available at www.state.gov.

¹⁷ Some NGOs do operate somewhat freely, such as Médecins Sans Frontières. However, the hospital it uses is often under fire.

¹⁸ Sebastião Nascimento, "Armed Groups in Haiti: Geographical Distribution, Internal Dynamics, Level of Threat and Community Perceptions", MINUSTAH, 2006. Crisis Group interview, MINUSTAH, UNDP, Port-au-Prince, September 2006.

The OPs were born out of the resistance to Duvalier and subsequent military regimes through participation in the democracy movement, and some remain community-based, politically-connected organisations without armed wings. Others became the armed *chimères* of the Aristide era. Still others switched sides prior to Aristide's departure and took money from those who sought his ouster.¹⁹ "BAZ" (sport, music, cultural associations) became associated with armed OPs, often those with specific socio-political positions rooted in 1980s liberation theology. These groups still cling to the rhetoric of resistance and the struggle of the poor. Given their often Robin Hood-like relationship with the impoverished communities in which they live, as well as the near total lack of state services there, this rhetoric occasionally has substance.²⁰

The criminal groups have less to do with Robin Hood than with organized theft and corrupt police. Evidence links the Delmas/Pétionville gangs with killings and kidnappings outside the reach of the slum gangs. The perpetrators of one interrupted kidnapping were a merchant, a student and an HNP officer.²¹ A MINUSTAH specialist told Crisis Group Cité Soleil gangs could be broken in two to four months but this would not halt kidnappings, the root cause of which is a desire for political destabilisation that serves the purposes of a variety of actors.²²

HNP and MINUSTAH officials describe sophisticated gang activity that, they say, reflects training by transnational criminals, ex-military or police. During clashes with police or the UN military, the use of tunnels between buildings and cached arms were reported, as well as such techniques as tying a rope to the foot of a sniper on a roof, so that if hit or pinned down he could be pulled off quickly without exposure to fire. Kidnappings have a systematic pattern: hitting quickly, removing targets to safe keeping, primarily in Cité Soleil no-go zones, then using cell phones to arrange ransom.

Separate cells within gangs run kidnappings and extortion; the HNP describe the use of isolated cells to reduce disruption of gang activity when individuals are arrested.²³

A spate of recent murders has alarmed the wealthy Port-au-Prince suburb of Pétionville. In Martissant, Bruner Esterne, president of the Grand Ravine Community Council for Human Rights, was murdered, apparently in connection with his testimony regarding the July 2006 massacre there by the Little Machete Army.²⁴

The effort by the government and MINUSTAH in Cité Soleil does not specifically address transnational organised crime or violence. Nor does it yet focus on the danger that the new gang culture could persist, as it has in Central America and larger cities of the hemisphere, such as Rio de Janeiro.

The ex-FAD'H is low on most lists of concerns, although it was prominent in Aristide's overthrow. Its members are armed but not as concentrated or visible as the gangs and not seen by government and MINUSTAH officials as threatening national stability, though they still pose local threats. The call in parliament for reinstating an army – led by the senior senator from the Artibonite, Yuri Latortue, but opposed by the Préval government and most of the international community – could reinvigorate these ex-military, especially if the security situation in Port-au-Prince does not improve.

C. GANG LOCATIONS AND STRUCTURE

Many disadvantaged young men (and increasingly young women)²⁵ with few legitimate opportunities see community and economic advancement in the twisted logic of gang culture. As long as possibilities through education and employment do not exist, gangs will. Haitian gang culture has morphed from a primarily community or politically-based affiliation where violence was mostly over ideology or turf conflicts, to one increasingly based on crime. As any San Salvador or Kingston resident can attest, it is an affliction extremely resistant to eradication.

The Port-au-Prince gangs are centred in Cité Soleil and the neighbourhoods to its immediate north and east, including Cité Militaire, Bel Air, Solino, and Delmas. A different set of gang conflicts exist along the main north-south artery, route National 1, the areas of Martissant and Carrefour (including troubled Ti Bois and Grand Ravine). There are also gangs in the Raboteau and Jubilee neighbourhoods of the volatile central coast city Gonaïves. The most infamous of these, the "Cannibal

¹⁹ Crisis Group interviews, Port-au-Prince, 2005-2006. See Crisis Group Latin America/Caribbean Report N°13, *Spoiling Security in Haiti*, 31 May 2005.

²⁰ Documentation is scarce but there is anecdotal evidence of gang leader generosity in paying medical expenses and protecting communities against rival gangs and MINUSTAH sufficient to create the urban myth that maintains tenuous community support.

²¹ Crisis Group interview, UNPOL, 11 September 2006.

²² Crisis Group interview, MINUSTAH, 12 September 2006; also Crisis Group Report, *Spoiling Security*, op. cit.

²³ Crisis Group interviews, HNP, Port-au-Prince, 12 September 2006.

²⁴ "Haiti: Fear for Safety/Death Threats", Amnesty International, 28 September 2006.

²⁵ For research on the participation of women, see "Study on Women and Violence in Haiti", Quarterly Report (April, May, June, 2006), MINUSTAH Gender Unit, June 2006.

Army”, was once loyal to Aristide but after the murder of its leader, turned against him and led the initial revolt that brought about the “Artibonite Resistance Front”, including ex-FAd’H and the rebels who invaded the north from the Dominican Republic.

There are smaller, less active groups around the northern coast city of Cap-Haitien, two well-organised groups in St. Marc and many less volatile ones across the southern peninsula. The ex-FAD’H have their largest concentrations in the Centre Department around Hinche and some influence in the north and Gonaïve. Transnational criminal elements are most prominent in the southern contraband import towns of Jacmel, Les Cayes and Port Salut and in the northern ports of Cap-Haitien and Port-au-Paix.²⁶

The Cité Soleil gangs consist of three main groups with shifting affiliations; each is said to have twenty to 80 members and some affiliated younger foot soldiers. Outside a Crisis Group meeting in Soleil 19 with Amaral Duclona, head of a gang once strongly supportive of Aristide, some twenty young men (many just boys), waited on the street or the ground floor stoop.²⁷ No weapons were visible, and Amaral complained of a lack of electricity to run his computers. He said he wants to escape from his predicament and offered to tell all he knows to a judge.²⁸

However, the leadership of Amaral’s gang refused a disarmament deal in July 2006, publicly embarrassing Préval and causing the government to take a harsher approach. Amaral’s position, despite his seniority (at 27, he is one of the oldest gang members) is constantly threatened from within and by other gangs, including his allies. His brother-in-law Evans Jeune (“*ti couteau*”) recently usurped some of his authority by getting away with expropriation of a generator.²⁹ That embarrassment and the pressure applied by HNP and MINUSTAH patrols and seizure of gang territory in Cité Pelé/Solino and Cité Militaire may have accounted for the fatalistic tone of the conversation.³⁰

²⁶ Crisis Group interviews, Port-au-Prince, 21, 25 September, 2006. “Armed Groups in Haiti”, MINUSTAH 2006.

²⁷ Amaral replaced 2Pac after he was killed by a rival gang. The story of 2Pac and his brother, Bily is told with stark realism in the documentary film, “Ghosts of Cité Soleil”, op. cit., which shows the level of political activity in the gang’s origins and is due for release in January 2007.

²⁸ He had just spoken about judicial corruption. Asked if he would submit to such unreliable justice, he said: “It’s what we have”.

²⁹ Evans Jeune, from the Boston area of Cité Soleil, is said to have replaced Thomas Robenson, a.k.a. Labanyé after that leader of the gang that killed 2Pac was himself murdered in 2005.

³⁰ Other gang leaders in the area include “Ti Blan”, an ally of Amaral who was recently pushed off his turf in Solino by the joint

The gangs in the Martissant/Carrefour area in the south east of Port-au-Prince are different, born out of RARA music groups going back several decades. The armed group from Ti Bois, the “Little Machete Army”, has been operating under the tutelage of rogue ex-police officers and been complicit in the two worst recent massacres. The first occurred on 20 August 2005, when twelve people were killed during a police raid on a football match, most, according to witnesses, by the Little Machete Army as the police stood by. The second, in July 2006 was launched by the gang on Grand-Ravine, where 21 were killed and some 100 homes burned or destroyed.

Two senior police officers arrested for their suspected roles in the August 2005 killings were released in March 2006 by the courts, reportedly after significant political pressure was applied. There have been few arrests and no convictions in the aftermath of the July 2006 killings. To some degree, the attacks in Martissant/Grand-Ravine can be traced to rivalry in the period prior to Aristide’s departure between gangs linked to his party and others reportedly with connections to political figures like former Senator Dany Toussaint, who split from the Lavalas party in 2003, and to local police officials.³¹

Most transnational criminal gangs are increasingly run on business models. Many pay regular salaries (or percentage of take) to members, extract dues and care for family members of incarcerated or killed members.³² In Haiti, due primarily to the poverty of the surrounding communities, retail drug sales are not a major issue, although drug use and alcohol are part of the culture. Payments for transshipping drugs are high but little reaches the community level.³³

The economics of many armed gangs in Port-au-Prince is based on kidnapping, a relatively efficient means under current conditions to get rich quickly. There are reports

UN/HNP operation, and Bellony “Pinochet” of Bois Neuf, who replaced the former leader, Dread Wilme, after he was killed in July 2005. The boss of Drouillard, “ti carlo”, was disposed of in February 2006; the new leader is not yet known. When MINUSTAH pacified Bel Air in 2005, the human rights uproar over collateral damage greatly influenced its reluctance to undertake further military activity in the slums. While the current operations in Cité Soleil are difficult for law enforcement, the conditions there are not nearly as bad as in the warren of mountainside slums in Martissant and Carrefour.

³¹ “Haiti: Failed Justice or the Rule of Law?”, op. cit.; also Michael Diebert, “Storm of Killing in Neighbourhood has Wide Implication for Nation”, IPS News, 2 August 2006. Crisis Group interviews, September 2006.

³² “An Economic Analysis of a Drug-Selling Gang’s finances”, *The Quarterly Journal of Economics*, August 2000.

³³ “Ghosts of Cité Soleil”, op. cit., and Crisis Group interviews, New York, 26 August, 2006.

that the gangs in Martissant have moved into extortion. Gangs in Ti Bois are into the music business.³⁴ An early Cité Soleil gang leader, the subject of a documentary film, “Ghosts of Cité Soleil”, took the moniker of the American rapper Tupac Shakur and was a budding rapper himself when murdered by rival gangsters in 2004. If the authorities, with MINUSTAH help, manage to curtail the current rash of kidnappings, it is all but certain that gangs will extend their activities into other arenas, unless education and jobs opportunities are made available.³⁵

While the government and MINUSTAH focus on disarming gangs and controlling violent crime and kidnapping in Port-au-Prince, gang members are migrating to other areas of the city and country.³⁶ Some seek greener pastures but others appear to be trying to escape a gang culture that does not permit voluntary withdrawal.³⁷ As immediate security needs are addressed, there should be concurrent efforts to deal with longer-term consequences if the anti-gang efforts are not to result in more gang activity outside the slums.³⁸ This requires focusing development and community works on at-risk youth beyond the capital and engaging in dialogue with gang members who migrate with the intention to change and are willing to join disarmament programs. It also requires keeping up strong police and MINUSTAH action against those who continue in illegal activities, are under indictment or are suspected of specific heinous crimes.³⁹

Given the transnational drug and contraband operations in some major towns, operations that thrive on instability, the scattering of armed groups could lead to the absorption of individuals into existing gangs in other cities or a challenge to those gangs by the new arrivals. Putting faith in the belief that, once scattered, gangs will disappear is not justified by experience in other countries.

Because of Port-au-Prince’s special importance to Haiti’s political dynamics, however, ending the gangs’ domination in Cité Soleil and other slum areas of the capital is essential to restoring the state’s authority.⁴⁰

IV. POLICE REFORM

A. HNP DURING THE TRANSITIONAL GOVERNMENT

Barely 3,000 members of the demoralised, depleted and discredited HNP were on hand when the new transitional government came into being in the aftermath of Aristide’s departure and the arrival of the MNF.⁴¹ From March 2004 until the end of the year, some 300 HNP were dismissed but not always disarmed, at least an equal number of ex-FAd’H were permitted to enter the force and others to join police academy classes. These decisions greatly complicated the effort to change both the reality and the perception of the HNP. Throughout 2005, the international community increasingly spotlighted the failure to clean up the HNP as a fundamental factor in the rising levels of crime and violence in Port-au-Prince.

Taking over the HNP in July 2005, Director General Mario Andrésol recognized the need for a thorough reform. He has declared some 25 per cent of the force to be corrupt.⁴² The situation has deteriorated to the point that families of kidnapping victims often do not inform the police, fearing their possible involvement in the crime, and handle ransom payments on their own to avoid complications.⁴³ The findings in several kidnapping

³⁴ Crisis Group interview, Port-au-Prince, 29 August 2006.

³⁵ Recent U.S. experience may be instructional. After an operation that resulted in the arrest of the bulk of its leadership, Los Angeles police claimed to have eliminated the 19th Street Gang. A year later, six new leaders had to be arrested, and there was no more talk of elimination. Richard Winton and Andrew Blankstein, “Crimes are down but authorities say prison and injunctions are not deterring the groups”, *Los Angeles Times*, 16 September 2006.

³⁶ Crisis group interviews, Port-au-Prince, September 2006.

³⁷ Crisis Group interviews, 29 August, 14 September 2006.

³⁸ There have been reports of increased arrests of gang members in the south-coast town of Jacmel in late September-early October 2006, as well as a kidnapping in mid-October of a U.S. missionary, his wife and Haitian colleague in Cap Haitien. “U.S. Missionary Kidnapped in Haiti”, Associated Press, 17 October 2006.

³⁹ Prosecuting gang leaders and members will be difficult in many cases as hard evidence, or even good circumstantial evidence, is usually lacking. Crisis Group interview, UNPOL.

⁴⁰ Another concern is the 1996 U.S. Illegal Immigration Reform and Immigrant Responsibility Act, which has been used to return thousands of illegal and resident aliens to their countries of origin. In El Salvador, this process produced the transnationalisation of MS-13, a gang originating among Salvadorans in the MacArthur Park area of Los Angeles. MS-13 deportees, operating freely in El Salvador’s streets, have re-entered the U.S. and spread new cells across the country. While this pattern has yet to appear in Haiti, U.S. deportees have been active in crime. The Haitian gangs in Miami do not appear influential yet but an eventual connection may be inevitable. Crisis Group interview, Alternachance, a deportee resettlement NGO, New York, 20 August 2006.

⁴¹ See Crisis Group Latin America/Caribbean Report N°10, *A New Chance for Haiti?*, 18 November 2004.

⁴² Crisis Group interviews, Haiti government officials, August-September 2006. Also “Haitian Police Chief Battles Widespread Corruption”, National Public Radio, 10 Jan. 2006, available at www.npr.org/templates/story/story.php?storyId=5226454.

⁴³ Crisis Group interview, family member of a kidnapping victim, 2 September 2006.

investigations – which led Andrésol to dismiss officers while others were arrested – suggest that fear is justified.

The transitional government closed its eyes to the rising levels of kidnapping and violence, doing next to nothing to combat or confront its leaders. MINUSTAH, which emphasised elections over police reform, in particular delaying vetting of officers, did only a little better. While the ministry of justice still spoke of 7,500 officers in July 2006, MINUSTAH registration showed 6,000 – numbers, however, that likely did not include the presidential guard.⁴⁴ Secretary-General Kofi Annan reported to the Security Council in August that registration had identified 5,783 serving officers, the serial numbers of whose weapons had been recorded.⁴⁵ More than two years after the inauguration of the UN mission, no officers other than those who graduated from the police academy have been vetted. There has been no input from Haitian human rights organisations or rigorous review of past conduct.⁴⁶

B. HNP UNDER PRÉVAL

The new administration has crafted a reform plan that, while it lacks adequate benchmarking and timeframes, could meet the goal of a force of 14,000 trained and vetted personnel by 2010 if it is implemented by the government and MINUSTAH and gets donor financial and technical support.⁴⁷ President Préval intends to do better than his predecessor, whose transitional government failed to heed the Security Council's early call for vetting the force and investigating human rights violations. The issue was consciously delayed in favour of concentration on election preparations⁴⁸ until on 22 February 2006, a seventeen-page agreement was signed

by the then special representative of the Secretary-General (SRSG), Juan Gabriel Valdés, and Prime Minister Latortue in New York. On return to Port-au-Prince, however, Latortue disavowed knowledge of its contents, while asserting that it violated Haitian sovereignty.⁴⁹ The agreement was put on hold until the Préval government took office.

The new plan has been put together under the leadership of Préval's close adviser, returned from exile, Robert Manuel, together with Andrésol, the state secretary for public security and justice, Luc Euchère, and UNPOL. It deals with size, structure, standards, resource requirements for the force and sequencing of implementation.⁵⁰

Size. The assumption is the force will reach 9,000 by 2008 and 14,000 by 2010. This would bring Haiti more in line with numbers of police in similar-size developing countries. Currently it has about half the police per 100,000 population as many African states and perhaps one-third of the Latin American average.⁵¹ Until this happens, MINUSTAH security will still be needed, with any reduction of UN troops balanced by UNPOL increases.

Structure. The force would have inspection and administrative divisions, as well as a structure matching the country's ten departments. The plan tentatively includes four new directorates: close protection of VIPs; maritime, air, border, migration and forests; civil protection, fire and natural disaster; and territorial services. The new directorates would in effect fulfill the functions that at times have been proposed for a second armed force. There remain those, particularly in the Senate, who still want the ex-FAd'H to become that force. The government and most international observers prefer, however, to incorporate any qualified ex-FAd'H into the HNP. A truly separate force would carry with it all of the historical baggage of the FAd'H, as well as duplicating HNP command and control functions, a luxury a poor country with a weak governing structure would not seem able to afford, either financially or politically.

Standards. The plan notes the HNP's failure to maintain professional standards and calls new standards in recruitment, training and career development along with compliance mechanisms "a matter of urgency". A promotion scheme that eliminates the perception it is "who you know" that brings advancement and a code of

⁴⁴ Crisis Group interviews, Luc-Eucher Joseph, secretary of state for public security; Richard Warren, UNPOL, September 2006.

⁴⁵ "Report of the Secretary-General on the United Nations Stabilisation Mission in Haiti", Security Council, 28 July 2006, S/2006/592. A further 1,623 weapons donated by the U.S. to trained HNP officers were being tracked through a database system.

⁴⁶ UNPOL points out that the 1,300 recruits trained or in training should qualify as vetted officers. However, those recruited before June 2005 and officers already on the street have yet to pass through a formal vetting process.

⁴⁷ Security Council Resolution 1702 (15 August 2006) that extended MINUSTAH's mandate pointedly welcomed "the Government of Haiti's final approval of its Haitian National Police (HNP) reform plan, and [called] upon it to implement that plan as soon as possible".

⁴⁸ Crisis Group interviews, MINUSTAH, UNPOL and UN officials, Port-au-Prince, New York and Washington, November 2005-January 2006; also see Security Council Resolution 1608, 22 June 2005, S/Res/1608.

⁴⁹ Many who opposed changes in the HNP play on nationalistic sentiment, which is always close to the surface.

⁵⁰ The "Haitian National Police Reform Plan". Crisis Group interviews, government and MINUSTAH officials, Port-au-Prince, September 2006.

⁵¹ See Crisis Group Report, *Spoiling Security*, op. cit.

ethics that clearly determines penalties, including conditions for dismissal, are also needed.⁵²

Resource requirements. HNP infrastructure was vandalised or destroyed during the Aristide years and the subsequent uprising. The plan found that 200 commissariats needed rebuilding, refurbishing or rehabilitation, while radio-communication equipment was 90 per cent destroyed or gone and only half the 300 vehicles in the departments, including fewer than 100 in the capital, were functioning. There has been some improvement but a five-year capital investment of \$108.5 million, mostly by donors, is needed, including for new training facilities to accommodate 1,400 annually. Some specialised training may be done abroad, while the cycle, with 150-200 trainers and technical specialists, would be extended to ten months (seven in classrooms, three in the field).

Two donor issues are critical. The first is for all donors to coordinate actions under the joint government/MINUSTAH plan, a need demonstrated by the failed reforms of the 1990s. The second is to follow through on pledges. The U.S. has provided \$39 million in training and equipment since 2004. Congress recently approved a supplemental FY 2006 appropriation for Haiti of \$22.5 million, of which \$5 million is for police reform. Additional funds are being approved in the FY 2007 funding cycle. The U.S. also has supported a 50-member U.S. contingent in UNPOL, substantially less than in the 1990s, but it may not be able to maintain even that level unless more resources are committed for FY 2007.⁵³ A positive element, however, is the bipartisan nature of U.S. support for the Préval government, something that was absent a decade ago. Such support also was evident in the recent decision of the State Department to license the commercial sale of weapons to the HNP.⁵⁴

Country contributions to UNPOL are critical. Canada reiterated its support in July by reconfirming \$20 million through the Canadian Policing Arrangement to maintain some 100 Canadian UNPOL officers, along with additional specialised officers. It also has provided the UNPOL commander in the past, though the post is currently vacant. France has some 76 UNPOL members.

It is hoped that all donors will increase their police reform contributions at the November Madrid meeting and particularly that the U.S., Canada and France will do so with regard to specialised personnel with Creole or French language skills. UNPOL is 300 shy of the 1,951 officers authorised by the Security Council and lacks many of the skilled contingents, including anti-gang and “SWAT” team expertise, needed.

Implementation. The crucial first step is vetting of present officers. That requires coordination between UNPOL and senior HNP leadership, whose relationship was tense, even combative, during the transitional government. Andrésol has volunteered himself and senior staff to be the first candidates in the process, which will start with the office of the inspector general in order to identify 50 high-ranking officers who can then form vetting teams (one HNP officer, one UNPOL) to review the rest of the force at a rate of five cases every two weeks. Those involving a referral to the judiciary for criminal investigation will pass through one of eight special teams. Safeguards will be needed so that dismissed officers do not drift into criminal organisations. Several, including the Secretary-General in his report to the Security Council, have suggested permitting ex-HNP to take part in some elements of the military demobilisation program.⁵⁵ With limited capacity – the UNPOL section working on police reform is at half size, missing 150 allotted staff – proper vetting probably requires at least eighteen months.

Meanwhile, an understaffed, poorly equipped force surviving on minimal pay must somehow cohabit with UNPOL and MINUSTAH, often without a mutual working language, participate in dangerous anti-gang operations, contend with internal corruption and integrate newly minted officers. Gonaïve, a problematic city even in the best times, illustrates the challenge. It has 30-40 police, 20-30 of whom do not have guns.⁵⁶ There is only one vehicle and one field radio to communicate with a headquarters on which reconstruction has been halted. The prison was destroyed during the rebellion and all prisoners, including the gang leader Jean Tatoune, freed. Holding cells contain 65-70 prisoners, who are routinely transferred to prisons in St. Marc without means to track the transfers, thus leaving many in a legal limbo common to the penal system. For a recent operation against gangs in Raboteau and Jubilee neighbourhoods, UNPOL had to

⁵² The vetting process is using an old disciplinary code, that of the National Superior Police Council (CSPN) decree of 1997, which permits termination for reasons such as being “unduly wealthy”. Crisis Group interview, UNPOL, 8 September 2006.

⁵³ Congressional Research Service memorandum, 25 September 2006, prepared for House International Relations Committee Hearing, “Moving forward in Haiti, how the international community and the U.S. government can help”, 28 October 2006.

⁵⁴ Prepared testimony of Assistant Secretary of State Thomas Shannon to the House Committee on International Relations, Subcommittee on the Western Hemisphere, 28 September 2006.

⁵⁵ Crisis Group interviews, Port-au-Prince, September 2006; Report of the Secretary-General, S/2006/592, 28 July 2006, paragraphs 61-62.

⁵⁶ Most were taken when the Artibonite Resistance Front overran Gonaïve in early 2004.

fly in special police teams by helicopter from Port-au-Prince.⁵⁷

In the short run, the key elements are:

- ❑ completing vetting of current officers and then reintroducing them into violence-prone communities with UNPOL mentors to launch a community-based policing strategy in conjunction with community development programs;
- ❑ establishing the new directorates and developing effective command and control over them;
- ❑ pursuing better geographical spread among recruits, upgrading training and establishing at least one regional academy outside Port-au-Prince; and
- ❑ providing necessary material support, including communications, arms, transportation and facilities.

Senator Yuri LaTortue's move to re-instate the army complicates police reform. The idea gained supporters when kidnappings spiked in August, and a budgetary allotment for exploration of a second armed force has been proposed. Préval has said he would consider some form of gendarmerie that might have a higher level of training and more weapons capabilities. State Secretary Luc-Eucher Joseph believes this could be accommodated by the current police reform structure. An elite unit might be used as incentive within the police force for promotion and higher training, incentives the HNP needs to build a culture of integrity and allegiance to the law. Haiti has no external threats that would justify a separate, new military force. The threats that do exist – crime, drug trafficking and terrorism – would be better handled by a competent civilian police force.⁵⁸

V. JUDICIAL REFORM

Police reform is unlikely to succeed without judicial reform, which unfortunately is an even greater laggard. The justice reform plan is a blue-print but not nearly as refined and operational as its police counterpart. There are serious institutional obstacles but, most critically, no amount of structural improvement can overcome the lack of capacity and perhaps desire of the system to embrace change.

A decade of aid and many millions of dollars of investment by the UN, international development banks and bilateral donors have not produced successful justice reform and rule of law. Donors bear significant responsibility due to overly optimistic presumptions of what external resources and expertise could quickly achieve, inadequate consideration of absorptive capacity and the lack of a long-term strategy. Haiti is a textbook case of the difficulties of justice reform in an impoverished and fragile state where spoilers seek to maintain power.⁵⁹

To most Haitians, the phrase “he who pays the most, wins” describes a day in court. While the Préval government has sought to correct the most egregious political detentions, thousands remain in jail without due process, many for periods longer than any sentence they would receive for their alleged crime. Some persons arrested for kidnapping have inexplicably gone free while others go to prison.

Reform issues include independence of the judiciary, the status of judges and constitutional procedures for appointment, terms and removal from office. Proposals by foreign specialists are often met with sovereignty objections, though the reality is that the justice system is unlikely to be reformed solely by Haitians. Because previous governments, including its immediate predecessor, intruded blatantly in judicial appointments and prosecutions, the Préval administration must be careful to ensure that its involvement in judicial reform avoids the appearance of undue influence. It should start by making better use of mechanisms that already exist such as convening the Senate as a special court to try judicial misconduct, and, once local elections are completed, the constitutionally mandated system for nominating candidates for judgeships. The constitution also provides for a Judicial Academy, which needs to be fully funded and staffed with competent professionals to train judges.

The prison system is the open sore of Haitian justice. Prisoners languish for years without charges and due process. Many do not even know why they are incarcerated. Conditions are appalling, with massive overcrowding and few sanitary facilities. Escapes are common.

The vetting of judges and other judicial appointees must meet stringent guidelines, although the means for removing corrupt judges still needs to be determined. More immediately achievable would be an ad hoc tribunal to review cases of possibly illegal incarceration, to determine

⁵⁷ Crisis Group interview, Port-au-Prince, 21 September 2006.

⁵⁸ See Crisis Group Latin America/Caribbean Report N°13, *Spoiling Security in Haiti*, 31 May 2005.

⁵⁹ Richard Huntington, Michèle Oriol, Marc-Rhéal Cadet Outcome Evaluation, “Outcome 7: Rule of Law, Justice, and Human Rights”, United Nations Development Programme (UNDP) Haiti, 29 August 2003. “Social Resilience and State Fragility in Haiti, A Country Social Analysis”, World Bank Report, 27 April 2006, paragraphs 3.51-3.73.

those who should be tried and those who should be immediately freed. The Inter-American Commission on Human Rights, which analysed the justice system in 2005, might be able to assist in such a review, along with the UN High Commissioner for Human Rights, which has an office within MINUSTAH. Another option would be to establish a joint Haitian/MINUSTAH panel to make recommendations to the courts.

It will take innovative thinking and long-term attention to turn Justice Minister Magloire's blue-print into a finished institutional structure that provides justice for the average Haitian.⁶⁰

VI. DISARM OR DIE

President Préval, on Radio Kiskeya on 10 August 2006, stated that urban gangs had one choice: "Disarm or die". That reflected his unhappiness with the lack of movement in disarming the gangs in Cité Soleil and his understanding of the urgency in re-establishing government presence and authority in much of the capital. He has reiterated that view in private.⁶¹ He faults the transitional government and MINUSTAH for an ad hoc response to the violence caused by gangs, armed groups and organised crime⁶² and for not having a coherent DDR program. He wants his government to move quickly and forcefully with MINUSTAH to disarm and dismantle these groups.⁶³ The core of its approach is a three-fold strategy:

- Since early August 2006, MINUSTAH, has set up 32 checkpoints, of which twelve are joint UNPOL/HNP, the remainder HNP alone. The idea is to squeeze gang space by seizing and holding roads into and out of the slum areas, first moving the gangs west of national highway route 1, then systematically reducing their ability to operate in Cité Soleil, where, for the first time in two years, the HNP has begun to patrol.
- The government has endorsed a DDR program linked to a community development and violence reduction program designed to create jobs, infrastructure and visible services and bolster the state's presence in Cité Soleil, Bel Air, Martissant and other armed group strongholds. Individuals are being given an option to dismantle their gangs and turn in weapons voluntarily. Those already

indicted for major crimes or subsequently found to be responsible for them will be treated leniently by the justice system. If they refuse, they will be targeted by special HNP units backed by UNPOL and MINUSTAH.

- The NCDDR, under Préval confidante Alix Fils Aimé, has set up a much needed communications task force to coordinate disarmament and violence reduction strategy. The idea is that the commission should function collegially, with Fils Aimé empowered to speak for it. The Provisional Electoral Council (CEP) experience is a strong argument for not permitting a cacophony of voices to confuse the message.

The Préval effort also must overcome the history of past failed attempts at disarmament of violent groups going back to the mid-1990s, including the U.S.-led gun buy-back and demobilisation program, the transitional government's payment of pensions to demobilised ex-FAd'H and the traditional DDR program MINUSTAH first tried. In the absence of two centrally-commanded forces bound by a peace agreement, the conditions for traditional DDR do not exist. What does exist, as noted, is a wide variety of armed groups, each in need of a case-specific approach under an umbrella program. The DDR section of MINUSTAH has designed such a program, which it terms "Community Security through Conflict Management and Arms Control" (*Securité Communautaire a Travers la Gestion du Conflit et le Controle des Armes*). It identifies five "pillars" for action – institutional, armed groups, community, youth and women – and has Préval's support.⁶⁴

It is positive that MINUSTAH has shifted its approach, and its new community-based effort is meant to get into the streets. The Committees for Development and Prevention of Violence (CPVDs), some of which have already been established, are the core of the project. MINUSTAH's direction of these is something of a problem, since many residents of conflict-prone neighbourhoods have mixed feelings toward the UN. If the community dialogue and confidence-building aspects are to work, local and international NGOs will have to sign on. Quite a few are well positioned to help, including the many involved in the "Campaign to Reduce Armed Violence in Haiti".⁶⁵

⁶⁰ Crisis Group plans a subsequent report on justice reform.

⁶¹ Crisis Group interview, senior Haitian government official, Port-au-Prince, 19 September 2006.

⁶² See Crisis Group Report, *Spoiling Security*, op. cit.

⁶³ Crisis Group interview, Port-au-Prince, 12 September 2006.

⁶⁴ Crisis Group interview, Desmond Molloy, chief of the DDR section, MINUSTAH, 4 September, 2006.

⁶⁵ In 2005, at Oxfam's initiative and in relation to the work of the International Control Arms Campaign, fifteen national and three international NGOs and community-based organisations discussed armed violence in Haiti and the potential for joint advocacy and awareness raising. Their specific objectives are to build awareness and knowledge among the general population and in particular at-risk urban youth regarding the causes and

All pillars will need to be constructed simultaneously. This is difficult for communities torn by political and class divisions, as well as distrust for both the government and the UN.

The state's visibility in providing jobs, educational opportunities and improved living conditions (more electricity, potable water, health clinics, educational opportunities and the like) could isolate the violent few and subvert their community role as de facto government. Only by bringing the state back into the communities is Haiti likely to reduce criminal violence and the attraction of youth to gang culture. The government needs to be perceived as creating chances for economic and social well being not now available to the vast majority of inhabitants in these areas by promoting:

- ❑ infrastructure and jobs programs in the armed group areas;
- ❑ increased educational and health opportunities in these same areas;
- ❑ early intervention programs, from school scholarships to community sports and arts centres, to help high risk groups, particularly teenagers, resist gang culture; and
- ❑ enlistment of local and international NGOs to facilitate community dialogue and build trust in the Committees for Development and Prevention of Violence (CPVDs).

Gang leaders and Cité Soleil grassroots activists often told Crisis Group that there would be no disarmament without an amnesty, something the government and MINUSTAH say is impossible.⁶⁶ If the recent voluntary disarmament of the gang leader "BiBi" is an indication, turned-in weapons will be in poor or useless conditions, as gang members keep the better ones for potential future needs. The gang leader Amaral Duclona stated that the armed groups would need considerable time to evaluate what the government and MINUSTAH were doing in the slums before they would have the confidence to enter a DDR program. On the other hand area residents repeatedly stressed their desire for government programs to improve living conditions.⁶⁷

consequences of armed violence, mobilise key sectors (youth, artists, media professionals, educators) to seek solutions and advocate a legal framework at national and international levels for effective control of small arms.

⁶⁶ Crisis Group interview, Amaral Duclona, gang leader from Cité Soleil, 1 September 2006.

⁶⁷ Crisis group interview, Patrick Tutilier, Cité Soleil activist, 30 August 2006.

Government coordination and leadership in DDR is now vested in the NCDDR, led by Préval confidant Alix Fils Aimé. The appointment to the commission of Jean-Baptiste Jean Philippe (known as Samba Boukman), a grassroots leader from Bel Air and Aristide's old Lavalas movement, was controversial since he had been very visible politically during the period of gang violence referred to as "Operation Baghdad". His inclusion, however, is important if the commission is genuinely to seek gang member commitment to disarmament. Fils Aimé has stated that the government knows of no outstanding warrant against Boukman and has asked critics to substantiate their claims or let the commission get on with its work. The commission also includes Fritz Jean (HNP), Căius Alphonse (ministry of justice), Jean Alix Boyer (ministry of social affairs) Emmanuel Gouthier (ministry of the interior) and Dillia Lemaire (ministry for the condition of women).⁶⁸

As noted, the NCDDR is also seeking to coordinate the violence reduction scheme. Two elements are of critical concern: the government's limited institutional capacity and the sometimes sluggish UN and donor bureaucracies. Fils Aimé is concerned about being able to achieve timely action, while MINUSTAH and other donors are concerned about moving too quickly before the state is able to cope.⁶⁹ Préval and the SRSB, Edmond Mulet, may need to work together to create special mechanisms for expedited decision making.

The International Organisation for Migration (IOM), the United Nations Children's Fund (UNICEF), and the U.S. Agency for International Development (USAID) are taking the lead in supporting many of the initial projects intended simultaneously to produce highly visible infrastructure improvements and jobs programs in gang territory. Communities are to be employed in rebuilding the destroyed police commissariats, which should become not so much fortresses for the HNP as community centres that combine HNP offices with facilities for health clinics and/or legal aid and potable water stations. Women and girls collect the bulk of the water used in poorer areas, so this would bring them into daily contact with police, give them access to health and legal help and contribute to links between police and the community. Women officers in these stations could facilitate women's rights and access to services.

MINUSTAH operations, in conjunction with trusted HNP elements, are focused on Cité Soleil, Solina and

⁶⁸ The uproar over Boukman had led to worries over the commission's ability of the commission to function better than the CEP, which was the centre of squabbling and accusations of political manipulations before, during and after the recent elections.

⁶⁹ Crisis Group interview, Port-au-Prince, 9 September 2006.

Cité Militaire, near downtown Port-au-Prince.⁷⁰ The pressure is meant to encourage gang members to take advantage of the new DDR program, which has just begun. Poor coordination between MINUSTAH and the government almost derailed that program before it could begin. On 4 September SRSR Mulet announced its launch. However, the NCDDR had yet to be convened. The day before that was to happen, the gang leader BiBi, accompanied by media and supporters, entered MINUSTAH's Bravo base with three ancient weapons and said he was there to sign up. An inadequately informed officer said he could do so, hand over his weapons and leave – a serious mistake since gang leaders like BiBi with felony charges pending against them are not to have automatic access to the program. MINUSTAH decided to hold BiBi until the Haitian authorities made a determination. A few days later, the first gang member to turn himself in was handed over to the HNP for prosecution, a poor start for the program, though Mulet recently announced that 107 persons have been admitted so far.

The effort to squeeze the gangs in the Cité Soleil area, if successful, would mark a needed start to return stability to the capital, without which socio-economic development cannot begin. But it must be followed by similar tactics to confront armed groups in other areas.

The MINUSTAH-government agreement on violence reduction procedures needs to be formalised, and the NCDDR made fully operational, with guidelines flexible enough to deal with cases on an individual basis. Not only past crimes should be considered, for example, but also the extent to which weapons are turned in and the possibility that a gang leader or gang figure otherwise ineligible for DDR might offer evidence against bigger criminals, including corrupt police officers and transnational actors. The core requirements for success remain to:

- continue steady application of force and seizure of gang territory to increase DDR's viability;
- set NCDDR guidelines and communicate DDR eligibility norms widely, including that gang leaders must undergo the judicial process but plea-bargaining is possible if full disclosure is made and weapons turned in;
- craft legislation that bars private ownership of "military" style weapons and re-establishes mandatory licensing and data collection for all guns and a licensing requirement for private security guards;

⁷⁰ Crisis Group interviews, MINUSTAH, UNPOL, government, Port-au-Prince, September 2006.

- fund community-based programs for victim support, at-risk youth and community participation as part of the violence reduction strategy; and
- design education and economic opportunity programs for women and girls, who suffer disproportionately from the effects of violence.

VII. PORTS AND BORDERS

The collapse of the state is glaringly evident in the conditions of its ports and borders. The frontier with the Dominican Republic is porous; the main crossings at Malpasse, east of Port-au-Prince, and Ouanaminthe, in the north, are easy avenues for smuggling and human trafficking.⁷¹ Conveniently located between the north coast of South America and the south coast of the U.S., Haiti is a prime air and sea transit point for drugs. Its open ports and borders, political instability and institutional weakness make it attractive to the cartels. Many shipments appear to move from Haiti into the Dominican Republic and from there to Puerto Rico in order to avoid mainland U.S. customs. Ports in the south, such as Port Salut near Les Cayes and Jacmel in the south east are said to be particularly attractive, while Cap-Haitien appears to be the favoured northern port. Small airports and airstrips around the country add to the smuggling challenge.⁷²

The government's attempt to reinstate customs duties at Malpasse produced a lengthy strike by transport associations, an action that illustrated the lack of a tax culture in Haiti. As border and port controls are reinstated, there is sure to be further resistance from certain business sectors. The new national customs director should give full support to the Malpasse customs director while he himself should be monitored closely to ensure that there is greater transparency, efficiency and accountability in customs operations.

For now, however, ports lack adequate government control, and many are inefficient. The World Bank has called them the most expensive and least productive in the Caribbean, with a per container charge in Port-au-Prince, for example of \$350-\$370 compared to the \$250

⁷¹ Crisis Group interview, MINUSTAH political affairs. The issue concerns corruption also on the Dominican side of the border. There is discussion with the Dominican leadership on this and other aspects of the volatile history of Haitian/Dominican relations. Bilateral relations are at the top of President Préval's international agenda.

⁷² "International Narcotics Control Strategy Report for Haiti 2006 – INCSR", U.S. State Department, available at <http://portauPrince.usembassy.gov>.

Caribbean average.⁷³ Port-au-Prince is plagued by violence, has about one sixth the productivity of an average port in Guatemala and operates only from 7:30 am to 4:00 pm, while most world ports work around the clock. Gonaïves has only a privately-owned wharf – the public wharf has been silted in since Hurricane Jean in 2004. Saint-Marc, a primary container port used to bring in most imported food, has been the object of a political fight for control.

Other ports, such as Miragoâne, west of Port-au-Prince, and said to be the favoured location for ship-to-ship transfers of goods destined for Cuba, are smaller and less supervised, facilitating possible smuggling, including of weapons, munitions and other contraband from the U.S. Much Miragoâne cargo originates from Miami, making it a good candidate for reassertion of government control. Cap-Haitien, the primary north shore port and with the only international airport after the capital, is another good candidate for stabilisation. Considerable drug trafficking goes through there, and hidden compartments in ships and false walls in containers have been found.⁷⁴

There are three compelling reasons to stabilise the ports and borders at this time. First, the government and the international community would be making a statement that transnational smuggling and official corruption will no longer be tolerated. A start could be made by selecting one port and a border crossing to secure (Malpasse would appear to be the logical border crossing). Secondly, such action would show the import/export business it will no longer be subject to Haiti's infamous random extortions and delays. Finally, customs revenue, currently \$100 million, would likely double or triple.⁷⁵ MINUSTAH and UNPOL would have to help but success would reverberate throughout the economy, from tourism to light industry, and also advance prospects for eventually increasing agricultural exports.

VIII. CONCLUSION

Returning an acceptable level of security to Port-au-Prince, coupled with government control of ports and border crossings is essential to creation of a stable environment where socio-economic development can take place. Police and judicial corruption, gang activities and international criminal presence cannot be eradicated immediately but unambiguous steps to dismantle the

gangs and reform the HNP and judiciary are critical. President Préval is focused almost exclusively on regaining control of the security situation, as he should be. However, if this absorbs his attention for much longer, it will be to the detriment of other much needed areas of development.

The UN through MINUSTAH and the wider international community through bilateral donors, the Inter-American Development Bank (IDB), the World Bank and the European Union must commit for at least a decade to Haiti's recovery. To begin they should:

- meet their obligations under the Security Council mandate by immediately filling the UNPOL commander's slot, making good the 30 per cent shortfall in UNPOL officers and recruiting more French or Creole-speaking officers, anti-gang specialists, SWAT teams and organised crime investigators. The Latin American countries are doing so. Countries with large Haitian diasporas, particularly the U.S., can do more;
- assure security for the mayoral, local and remaining parliamentary elections in December;
- finance highly visible infrastructure and jobs programs in support of the government's violence reduction efforts in Cité Soleil and other similarly conflicted areas;⁷⁶ and
- integrate these short-term projects into longer-term, sustainable job programs coordinated with government developmental priorities, such as universal primary and secondary education, rural development, urban infrastructure for Cité Soleil and other urban areas and long-term reforestation and environment recovery.

Anti-gang and anti-kidnapping teams need to work in cooperation with vetted HNP to keep the pressure on street violence. Disarmament and violence reduction strategies involving community participation and dialogue need to be lead by the government but also use on-the-ground capabilities of local and international NGOs, in particular the well placed members of the "Campaign for the Reduction of Violence in Haiti". International cooperation is likewise needed to secure the ports and

⁷³ Crisis Group interviews, Port-au-Prince, 27 September 2006. When a container has to go back empty, the cost can rise to as much as \$750.

⁷⁴ The Haitian Coast Guard is said to have its best interdiction capacity at Cap-Haitien.

⁷⁵ Crisis Group interviews, Port-au-Prince, 27 September 2006.

⁷⁶ Security Council Resolution 1702, Section 11, "Requests MINUSTAH to reorient its disarmament, demobilisation and reintegration efforts, to further that goal, towards a comprehensive community violence reduction programme adapted to local conditions, including assistance for initiatives to strengthen local governance and the rule of law and to provide employment opportunities to former gang members, and at-risk youth, in close coordination with the Government of Haiti and other relevant actors, including the donor community".

borders so legitimate businesses can pay honest taxes and receive, in turn, efficient government processing.

A real and perceived increase in general well being, especially in the poor urban slums and rural agricultural areas, requires that infrastructure and development projects be coordinated and implemented simultaneously with security improvements and the government be seen to provide leadership. Donors must resist temptation to claim credit. Haiti will have turned the corner only when citizens sense a reappearance of state sovereignty in daily life. It is important that, due to sound economic management, the IMF and the World Bank have declared Haiti eligible for debt reduction under the Heavily Indebted Poor Countries (HIPC) initiative. Investment, jobs and improved infrastructure and services are crucial to long-term security even with effective police and judicial reform.

The longer instability persists, the more its beneficiaries increase their influence. The government and the international community have a window in which to re-establish security and the state's authority. Police reform, beginning with full vetting of present officers and removal of the urban gangs' domination over the life of Cité Soleil, is essential to keep that window open.

Port-au-Prince/Brussels, 30 October 2006

APPENDIX A

MAP OF HAITI



Map No. 3855 Rev. 3 UNITED NATIONS
 June 2004

Department of Peacekeeping Operations
 Cartographic Section

APPENDIX B

REPORTED KIDNAPPINGS, 2005-2006

TABLE 1:

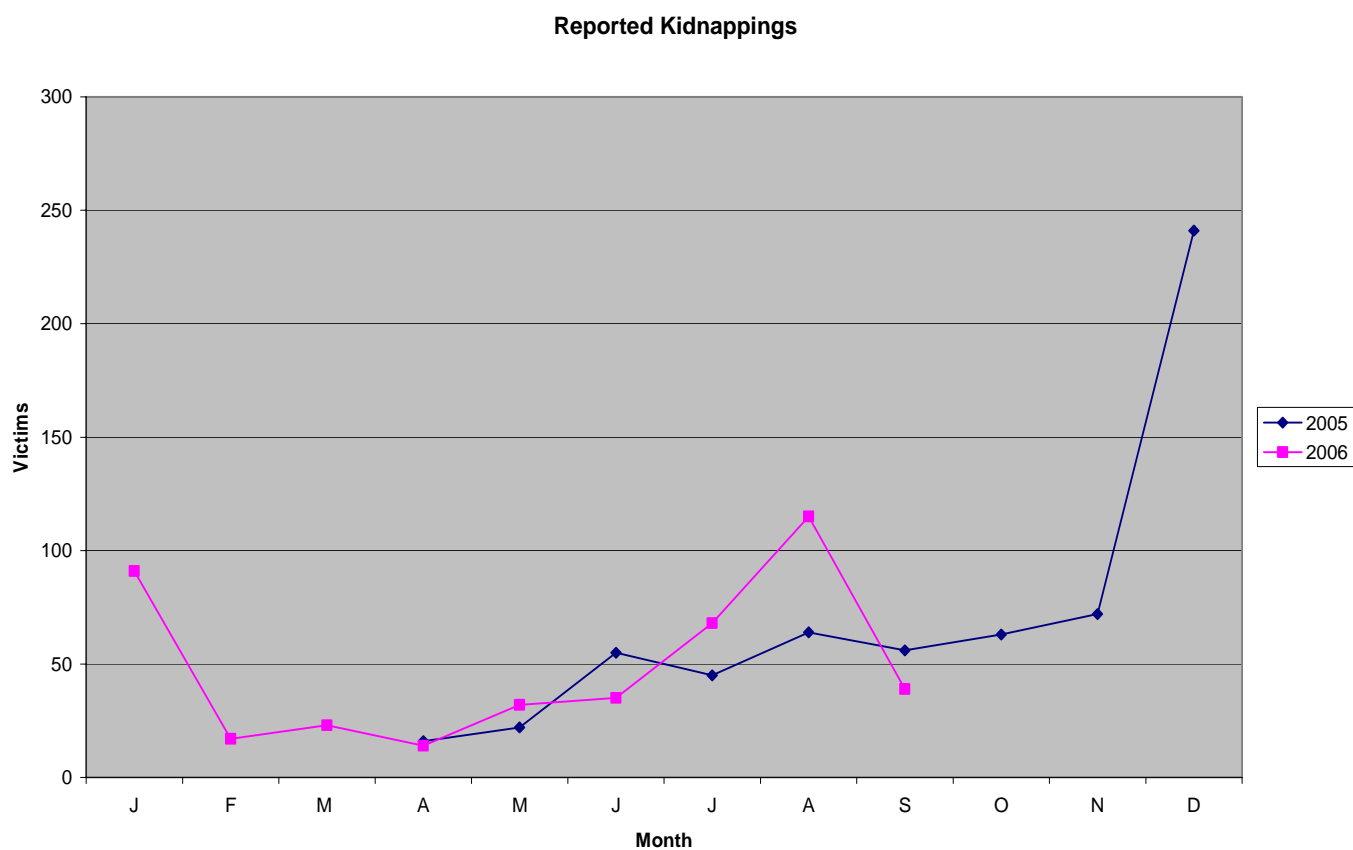


TABLE 2:

KIDNAPPINGS 2005	J	F	M	A	M	J	J	A	S	O	N	D
CASES				15	16	38	32	40	44	42	56	162
VICTIMS				16	22	55	45	64	56	63	72	241
KIDNAPPINGS 2006	J	F	M	A	M	J	J	A	S	O	N	D
CASES	55	14	22	14	20	30	55	78	22			
VICTIMS	91	17	23	14	32	35	68	115	39			

Source: MINUSTAH

APPENDIX C

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As at August 2006

International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
E-mail: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
E-mail: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
E-mail: washington@crisisgroup.org

London Office

Cambridge House - Fifth Floor, 100 Cambridge Grove, London W6 0LE · Tel: +44 20 7031 0230 · Fax: +44 20 7031 0231
E-mail: london@crisisgroup.org

Moscow Office

Belomorskaya st., 14-1 - Moscow 125195 Russia · Tel/Fax: +7-495-455-9798
E-mail: moscow@crisisgroup.org

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