



Security Council

Distr.
GENERAL

S/1998/796
24 August 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1141 (1997) of 28 November 1997, in which the Council requested me to report on the implementation of the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) every three months from the date of the adoption of the resolution. The report covers the activities of MIPONUH and developments in the mission area since my report of 28 May 1998 (S/1998/434).

II. POLITICAL SITUATION

2. The institutional crisis in Haiti is now over a year old and efforts to resolve it since my previous report have not yet borne fruit. Following the failure of the nomination of Mr. Hervé Denis as Prime Minister on 15 April 1998, President René Préval opened negotiations with the political parties represented in Parliament in order to reach an agreement on the name and programme of a new Prime Minister, the establishment of a new Provisional Electoral Council (CEP) and the holding of legislative and local elections.

3. The international community has repeatedly voiced its deep concern at the continuing political stalemate. In a démarche to President Préval on 11 June 1998, the Ambassadors of Germany, France and Spain to Haiti conveyed the concern of the European Union at the absence of a Prime Minister, and emphasized that the deadlock continued to impede international assistance to the country. On 16 June, the Friends of the Secretary-General for Haiti, accompanied by my Representative and the Executive Director of the International Civilian Mission in Haiti (MICIVIH), made a similar démarche to President Préval in which they stressed the importance of a settlement to the political crisis. The following day, they reiterated their concern in meetings with the President of the Chamber of Deputies and the President of the Senate.

4. After protracted negotiations, an agreement was reached between President Préval and the Organisation du peuple en lutte (OPL), which is the main party in Parliament. However, the agreement does not extend to all political forces represented in Parliament and territorial assemblies. On



15 July, President Préval nominated the Minister of Education, Mr. Jacques-Edouard Alexis, for the post of Prime Minister. A week later, he dissolved the Electoral Council, following the resignation of the last two of its nine members.

5. In the Chamber of Deputies, the Anti Neo-Liberal Group has declared its opposition to Mr. Alexis on the ground that he is committed to structural adjustment as part of his economic policy. The Prime Minister designate continues to hold consultations with deputies and senators in order to win ratification and approval of his government programme.

6. Elements of the Lafanmi Lavalas party have questioned the decision to establish a new provisional electoral council, arguing that the 1987 Constitution requires the establishment of a permanent electoral council. However, there is a lack of political support for the formation of a permanent council prior to the next elections, as the representatives who would submit a list of candidates to such a council were voted into office as a result of the contested elections of 6 April 1997. In these conditions, a permanent council would not enjoy the confidence necessary to bring about free and fair elections. It is encouraging to note that, in the last few days, President Préval has initiated the process of discussion with the legislative and judicial branches with a view to the formation of a provisional electoral council.

7. While a number of political forces, including Organisation du peuple en lutte and Lafanmi Lavalas, had indicated that legislative and local elections should take place by the end of the year, as provided by the Electoral Law (see S/1998/434, para. 8), the prerequisite that there be an operational electoral council has not yet been fulfilled. President Préval has indicated that such elections will have to be postponed until 1999.

8. Various recent developments suggest an increase in underlying tensions in Haiti, which is a cause for concern. The murder on 3 August of a popular priest has been portrayed as a political assassination. A number of people suspected of threatening state security and drug trafficking has been arrested or is being sought by the Haitian National Police amidst rumours of a Duvalierist conspiracy. The National Police has strongly denied accusations levelled against it by Lafanmi Lavalas, which has now publicly distanced itself from the policies of the Government. In addition, the Director of the police judiciaire of the Haitian National Police tendered his resignation on 13 August, claiming policy differences. My Representative in Haiti is monitoring the situation and is following closely the continuing investigations by the National Police.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

9. It will be recalled that, in establishing MIPONUH, the Security Council decided that the Mission would be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel, to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National

/...

Police. On 15 August 1998, the civilian police element of MIPONUH included 284 officers from 11 countries (see annex).

10. The substantive police element continues to be deployed in Port-au-Prince and in all nine départements, and the special police unit continues to be based in the capital. During the reporting period, MIPONUH continued to focus on training officers at the supervisory level and monitoring the performance of members of the National Police in carrying out their professional duties. In addition, it provided assistance to the Haitian National Police for the renovation of those police stations in the Artibonite and Département du Sud, where a MIPONUH civilian police element is present, and made available on a temporary basis five boats to the National Police force to enhance its patrolling of coastal waters.

11. The Mission continues to coordinate its activities closely with the United Nations Development Programme (UNDP) and bilateral programmes, such as those of Canada, France and the United States of America. It also maintains close collaboration with MICIVIH with a view to increasing the awareness and sensitivity of National Police officers to human rights issues.

IV. HAITIAN NATIONAL POLICE

12. During the period under review, the Haitian National Police continued to make steady progress in maintaining law and order, and there appears to have been a distinct improvement in the relations between its members and the Haitian citizenry. A new Director of Administration was appointed within the Haitian National Police Directorate, a development which should improve the operation of the institution. Since 10 August, a civilian police officer has been working closely with the Director on key administrative matters. However, the resignation of the Director of the police judiciaire (see para. 8 above) has left vacant a crucial position in the institution.

13. It will be recalled that, in his report of 12 November 1996 (S/1996/813/Add.1, para. 20), my predecessor identified several elements to help measure the results achieved by the new National Police force. The Haitian National Police, in coordination with MIPONUH, conducted such a qualitative study in July to examine its performance against these criteria. The study showed that, despite continuing constraints, consistent progress had been made in certain areas and, in particular, that there has been some progress in the important area of "community policing" at the rank-and-file level.

14. On 13 August, a ceremony which was attended by the Director-General and Inspector-General of Police was held at Port-au-Prince to mark the completion of training for 108 prison guards. The arrival of the new guards should alleviate some of the problems in prisons and detention centres. A new group of prison guards has started training.

15. Since my last report, MIPONUH has assisted the National Police in strengthening its capacity to monitor the border area and protect the environment in the south-east of the country by preventing the illegal destruction of the region's forests.

/...

16. The Director-General has recently shared with my Representative his concerns in three areas: the command structure of the police service, the administration of the service and the behaviour of the police in their day-to-day dealings with the public. All these areas will be treated as a priority for training in the next few months. The effectiveness of the National Police, however, continues to be hampered by financial, material and logistical constraints. The shortage of resources, in particular, vehicles and communications equipment, is especially acute in the more remote areas of the country.

17. The increasing illegal traffic in drugs and vehicles, as well as drug-related crime, pose a major challenge to the Haitian National Police. Despite significant seizures of cocaine, marijuana and heroin, the breaking up of criminal gangs remains a top priority of the force. However, the inadequacies of the judicial system continue to impede its efforts to combat crime, and encourage the population to resort to vigilante justice.

18. Earlier this month, the National Police suffered a setback when a riot erupted in Cabaret following the shooting of a local resident by a policeman. The officers in the town fled when the sous-commissariat was ransacked. Order was subsequently restored, but tension prevails in the town.

19. It is a matter of concern that, on occasion, some police officers still use excessive force when making arrests and, generally, act beyond the strict confines of the law. To address this problem, the Inspector-General's office continues to take steps to rid the force of officers whose conduct could bring the entire service into disrepute. It is essential for the credibility of the National Police that such efforts be sustained. In this regard, recent investigations of officers implicated in large-scale drug dealings are worrying, and it is of the utmost importance that this matter be dealt with effectively and transparently by the Inspectorate General and the Directorate General if damage is to be contained.

20. At the end of July, a team of international consultants made a formal evaluation of the UNDP project of technical assistance to the Haitian National Police. While critical in some areas, the report was largely positive. It concluded: "It is true both that the progress made in building up the Haitian National Police over the past three years has been extraordinary but also that the HNP as an institution remains extremely fragile and without further development will collapse". The report also noted that, while the investment of the international community in support of the National Police has proved to be a sound one, it will turn out to be a failure if it is not sustained.

V. JUSTICE SYSTEM

21. While the law on judicial reform adopted on 7 April 1998 has not yet been promulgated, important steps have been taken in this area (see also A/52/986, sect. III.D). On 6 July, in a meeting at the National Palace, the Preparatory Commission on Legal and Judicial Reform presented its five-year strategic plan for judicial reform which focuses on three main objectives, namely, reinforcing the strategic goals, programmes and services of the Ministry of Justice;

/...

strengthening judicial institutions and developing new judicial practices; and increasing the participation of the people and that of civil society in the reform and the administration of justice. In the short term, the Commission plans to concentrate on the following areas: strengthening of the Ministry of Justice, improvement of the courts and tribunals, reform of penal justice, impunity, juvenile offenders, participation of civil society and establishment of follow-up mechanisms. Progress in these all-important areas will be most welcome.

22. During the reporting period, there were two visits to Haiti by individuals involved in the search for justice for victims of the coup d'état. At the request of MICIVIH, Supreme Court Magistrate Louis Joinet (France), a United Nations expert on impunity, visited from 8 to 17 July and met the victims of the 1994 Raboteau massacre and their representatives. From 2 to 8 August, a delegation headed by Nobel Peace Prize laureate Adolfo Esquivel (Argentina) visited the country at the request of the Haitian association Fondation 30 Septembre, with the assistance of MICIVIH.

23. Some encouraging initiatives have recently been taken to improve the administration of justice, especially in the area of pre-trial detention. On 17 June, the Bureau de contrôle de la détention préventive was inaugurated at the National Penitentiary in Port-au-Prince with the aim of reducing the high number of pre-trial detainees. In addition, there have been more regular visits of juges de la paix to the prisons and closer cooperation between judicial representatives and the Bureau. It is also worth noting that Haiti has recognized the competence of the Inter-American Court of Human Rights.

24. Many of the judges who graduated last May from the École de la Magistrature (see S/1998/434, para. 23) have now been posted to tribunals across the country. Preparations for the selection and training of a new class of judges have not yet been initiated. However, on 3 August, a joint training programme on criminal investigations began at the École de la Magistrature for judiciary police and magistrates, with the assistance of MIPONUH and MICIVIH.

25. Both MIPONUH and MICIVIH are concerned by the lack of resources for the Office of the Ombudsman, which was established in November 1997. The financial difficulties faced by the office considerably affect its efforts to fulfil its mandate of protecting citizens against abuses by public authorities. Bearing in mind the need to continue to reinforce Haitian democracy, it is important that the Government, in cooperation with the international community, provide the required resources to allow this institution to carry out its activities effectively.

VI. DEVELOPMENT ACTIVITIES

26. The Government of Haiti continues to operate within the economic policy framework of the Shadow Programme agreed with the Bretton Woods institutions, a key element of which is the formulation of a development plan to focus on the most urgent needs of the population through public investment. However, the prolonged political crisis has had negative repercussions on public investment which, in Haiti, is mostly financed from external sources.

/...

27. An appraisal mission of the International Monetary Fund visited Haiti in July 1998 to assess the implementation of the national budget and start discussions on preparing the budget for next year. According to the mission, some progress has been made in the fight against inflation, which has been reduced from 16 per cent in 1997 to 10 per cent in the first half of 1998. The mission noted, however, that revenue collection has fallen far below target in many important areas.

28. The United Nations development system in Haiti continues to play a key role in supporting development initiatives aimed at helping the poorest sections of the Haitian population through agency-funded programmes in the social and productive sectors. Seven working groups created in May 1998 within the framework of the Secretary-General's reform programme are pursuing their efforts to strengthen the impact of United Nations development activities. In July, the World Bank appointed a new Resident Representative for Haiti, filling a long-standing vacancy.

29. UNDP continues to play an important role in the Haitian transition process, primarily through its continuing country programme activities. In addition to its traditional mandate in the areas of good governance, poverty reduction and environmental protection, UNDP continues to provide support through two projects on capacity-building within the Haitian National Police and prison reform. UNDP also cooperates closely with MICIVIH and donors to promote judicial reform and assist the Human Rights Ombudsman in the discharge of his duties. It should be noted, however, that the vital work of prison reform is likely to be badly hampered by a lack of funds, unless further resources are received by UNDP in the near future.

30. In July 1998, UNDP issued a final report and financial statement on its support to the 1996 and 1997 elections jointly financed through a trust fund by Brazil, Canada, France, Japan, Norway and the United States of America. In view of the current financial constraints of UNDP, which have prompted the Government to seek additional funds to co-finance UNDP-sponsored activities, any support to the future legislative elections will be contingent upon the readiness of bilateral and other donors to make available the required financial resources in a timely manner.

VII. OBSERVATIONS

31. The international community remains deeply concerned that Haiti is still without a Government more than a year after the outset of the current political crisis. Haiti continues to face formidable political and economic challenges, none of which can be met in the absence of a functioning Government. As is widely acknowledged, the continuing political deadlock poses considerable risks to the country's fragile democracy. It is also a serious impediment to economic development and international assistance. I therefore reiterate my appeal to the Haitian authorities and political leaders, especially legislators, to pursue current efforts to resolve the crisis so that a new Prime Minister can be ratified without further delay. The people of Haiti deserve a Government; without it the country's development cannot move forward.

/...

32. It is also of paramount importance that concrete steps be taken to prepare for the next local and legislative elections, including the establishment of a Provisional Electoral Council, and that these elections be free, fair and transparent. The United Nations stands ready to provide international experts to assist the Provisional Electoral Council if requested to do so by the Haitian authorities.

33. Although progress has been made in both the training and performance of the Haitian National Police, the development of an effective police force is a complex and lengthy task and is a fundamental part of the democratic process. In this context, it is now widely accepted that there will be a continuing need for international training of the Haitian National Police to strengthen the capacity of the force and consolidate the gains it has already achieved. During the coming months, therefore, consultations will need to be held with the Haitian authorities regarding the continued role of the international community in training the Haitian National Police in the medium and longer term.

34. I should like to take this opportunity to thank my Representative and Head of MIPONUH, Mr. Julian Harston, and the Police Commissioner, Colonel Claude Grudé, as well as international and local staff of the Mission, for their dedication and efforts in support of United Nations activities in Haiti.

/...

Annex

Composition of United Nations Civilian Police
Mission in Haiti as at 15 August 1998

Country	Special police unit	Substantive element
Argentina	140	6
Benin		6
Canada		24
France		36
India		3
Mali		19
Niger		5
Senegal		8
Togo		6
Tunisia		1
United States of America		30
Subtotal	140	144
Total		284

/...

