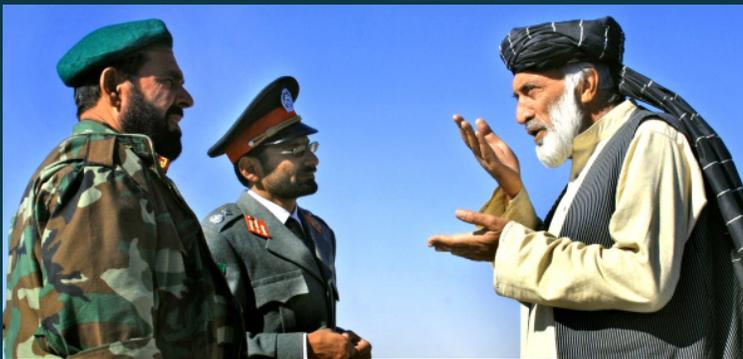




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Security Sector Reform in Haiti One Year After the Earthquake

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Introduction

Although the unspeakable loss of life is certainly the most important and tragic impact of the January 12 2010 earthquake in Haiti,¹ it was also a tremendous blow to the Haitian state, with all national institutions suffering some level of structural setback. For days, the state apparatus was paralyzed. Unfortunately, the extreme centralization of the state meant that destruction was felt most severely in the *Western Department*, where the earthquake's epicentre and most governmental institutions were located. The Justice Hall (*Palais de Justice*) was completely destroyed, and so were many Justice of the Peace buildings. The Haitian National Police (HNP) headquarters suffered severe damage, many commissariats were flattened and almost all inmates in the overcrowded National Penitentiary escaped.

Hundreds of thousands of people were wounded or killed, and security institutions were unable to react adequately in the face of this immense and sudden catastrophic destruction. The affected population was left on its own to seek shelter, protection and food. As weeks went by, large numbers resettled into makeshift urban camps, which posed further security challenges to newly weakened national institutions. The international community responded with a robust emergency humanitarian operation, and across the world a vast solidarity movement with the Haitian people took shape immediately.

Precisely what happened in the security and justice sector, though? A second wave of reform was underway when the earthquake struck,² to the HNP, prison administration, and the justice system. How were these reforms affected by the earthquake?

This paper, after summarizing the impact of the earthquake on the security and justice sectors, considers whether the new security challenges threaten reforms or offer opportunities for reshaping them. It also assesses national political will and the international community's commitment to ongoing reform.

¹ According to official figures, the death toll is estimated at 230,000, but a significant number of corpses were not removed from destroyed houses and buildings. As of July 2010, some 1.6 million individuals were homeless (*Le Monde*, 2010).

² In 1994, when then President Jean Bertrand Aristide returned from exile, Haiti's justice and security sectors embarked on reforms supported by the international community as part of broader state-building initiatives. In 2004, after Aristide was again forced into exile, a second wave of reform started. For more information on Haiti's SSR process up to the time of the January 2010 earthquake, see CIGI (2009-2010).



A Multi-dimensional, Never-ending Political Crisis

In late 2010 and early 2011, events propelled Haiti, yet again, onto the frontpage of many international newspapers: a deadly outbreak of cholera developed in late October;³ a first round of Presidential and legislative elections was declared by the Organization of American States (OAS) to be fraught with fraud and was followed by street protests, which in reality were much less violent than portrayed in the international media, and the ousted Dictator, Jean-Claude Duvalier, better known as Bébé Doc,⁴ resurfacing in the country after 25 years in exile. Although his motives for returning to Haiti are yet unclear, his presence does not simplify the very intricate political crisis that prevails in the country.

Working to curb the surge in gun and drug trafficking as well as the rise of crime and violence in the refugee camps, the HNP has been able to remain focused and largely free from political manipulation throughout the past year. It played its constitutional role and enforced a state request to bring Bébé Doc before the justice system.⁵ The coming months will present serious challenges to the security and justice reform process. How will the justice system treat the case of the returned exiled president? Will the HNP have the capacity to deal with organized armed criminality while respecting human rights standards? Will the ongoing political crisis further degenerate and weaken the very fragile socio-economic and security context? These are some of the questions the renewed UN-backed reform plan will have to address once it is defined by Haiti's next round of nationally elected authorities.

The Extent of the Damage

According to various sources, approximately 80 percent of the justice sector was affected by the earthquake (UNDP, 2010; Government of Haiti, 2010). Some 49 buildings were damaged, archives were destroyed, the Justice Ministry was completely destroyed and the minister had to be extracted from the rubble. Micha Gaillard, a long-time human rights defender and tireless advocate of justice reform, was found dead among the

3 Scientists identified the strain as being of Asian origin, pinpointing the Nepalese Peacekeepers stationed in the department where the outbreak first appeared as the original source (see Karunakara, 2011 and Katz, 2010).

4 Son of François Duvalier who ruled Haiti from 1958 to 71, Jean-Claude Duvalier was president from 1971 to 1986 and had declared himself President for life.

5 Although accusations of human rights violations by Duvalier's government are being brought before a judge, the ex-dictator was allowed to stay in the country in his own house. The motives for Duvalier's return to the country are still unclear, but his presence complicate the political crisis facing Haiti

ABOUT THE AUTHOR

Isabelle Fortin is an independent researcher in the field of security and justice system reform, specializing in community violence, gender-based violence and public security policy with a human rights approach. She has been based in Haiti for the last 20 years, working with the national human rights movement and women's organizations of the 1990s then in the UN system. From 1998 – 1999 she worked in the joint UN-OAS Human Rights Observation Mission and as MINUSTAH's coordinator of the human rights section in Port-au-Prince.

She has collaborated with many international and national NGOs in the elaboration of peacebuilding, justice and security programs. She has also contributed to the implementation of innovative projects targeting at risk youth and the transformation of conflict in densely populated neighborhoods of Port-au-Prince.

debris, and a number of judges also died in their own homes.

Eight prisons were either partially or completely destroyed, and some 5,130 detainees escaped; 80 percent of these were in preventive detention, and most had never seen a judge (Forst, 2010). All the detainees in the National Penitentiary escaped—an estimated 4,215—destroying the computers that held their files during their escape. Investigations are still underway to determine whether there was collaboration on the part of prison guards.

According to the Director of the Administrative Police (DCPA), the HNP lost 50 percent of its capacity in the first days following the earthquake. Some 500 police officers were either dead or unaccounted for, representing approximately 20 percent of police officers working in Port-au-Prince. The HNP headquarters and 54 police stations were partially destroyed (including the important Delmas 33 station, also a detention centre for minors) or heavily damaged (including the Port-au-Prince central police station). In the words of

the general director of the HNP, Mario Andresol: “we were completely unprepared to face this kind of disaster.”⁶

The United Nations Stabilization Mission in Haiti (MINUSTAH) also suffered heavy personnel losses and extensive destruction of its facilities. The earthquake destroyed the digital documentation of some 7,500 HNP personnel who had been reviewed in the vetting process under the UN-backed reform plan.

All three elements of the justice and security system were affected in terms of infrastructure, personnel and core competencies: the HNP as an institution was incapable of providing adequate security in the aftermath of the earthquake,⁷ the justice system simply stopped working for weeks, and allegations of complicity on the part of prison guards circulated widely after the massive prison escapes. These were clear signs that a rethinking of programs implemented by the international community was needed.

The New Security Challenges

Fearing wide-spread insecurity, the US military arrived in Port-au-Prince on January 13, 2010 and quickly took control of the airport.⁸ But even with the massive prison break, this much-feared violence did not materialize in the first weeks after the earthquake (United Nations, 2010). Instead, extraordinary solidarity was seen in every neighbourhood,⁹ where groups of victims organized their own shelter, security, food and water without the support of uniformed HNP or MINUSTAH personnel.¹⁰ All over the affected areas, survivors were organizing and acting in solidarity to help remove victims from the rubble, carry the wounded to clinics and hospitals, look for surviving family members and friends or set up temporary shelters.

The security environment remained generally calm for the first three months after the earthquake (United Nations,

6 CBC interview with Mario Andresol, General Director of the HNP, Port-au-Prince, February 2010.

7 It should be noted, however, that many HNP officers participated as individuals in rescuing trapped victims and providing security in their own neighbourhoods.

8 The US was criticized for prioritizing their own equipment and personnel needs over humanitarian aid such as food and rapid rescue teams (Thompson and Cave, 2010).

9 To give just a few examples: APROSIFA, a women’s right organization promoting health in an extremely devastated Port-au-Prince neighbourhood, organized local street vendors to provide 4,000 hot meals per day; Fanm Deside in the South East (Jacmel) provided food items and non-food items to numerous victims in camps; and Coordination Regional des Organisation du Sud-Est (CROSE) mobilized 500 volunteers to provide emergency relief in the region.

10 CBC interview with Mario Andresol, General Director of the HNP, Port-au-Prince, February 2010.

2010: 6). The HNP became operational again,¹¹ although under severe structural limitations. Having lost 90 percent of police stations in the Western department, the HNP was operating under tents and with fewer means.¹² In Jacmel, the police station suffered severe damage, but a regional civil society organization lent some office space, which allowed the HNP to quickly return to daily patrols of the streets and camps (CROSE, 2010). As time passed, large makeshift internal refugee camps began to pop up in most vacant lots or in the street in front of destroyed houses. The majority of camps had committees that tried to secure humanitarian aid and attempted to manage the population’s needs.

According to a randomized post-disaster household survey conducted in late February and early March by the University of Michigan and Small Arms Survey (SAS), the general population and those in camps felt that crime and insecurity—which had been considered a challenge in the capital city before the earthquake—was now less of a stress than having to cope with the post-earthquake destruction and loss of life (University of Michigan and SAS, 2010). The survey found that “while overall rates of violent crime seemed to be comparatively low (by regional and national standards), property crime and victimization appeared to be frequent” (University of Michigan and SAS, 2010: 14). This was further confirmed by a MINUSTAH security assessment, with respondents identifying thefts as their main preoccupation.¹³ One important finding of the survey is that the general population (in camps and elsewhere) felt that the HNP (63.6 percent) should be responsible for providing security rather than the community (27.2 percent) or MINUSTAH (3.5 percent) (University of Michigan and SAS, 2010: 15).¹⁴

Beyond property crimes, other threats started to emerge in the aftermath of the earthquake. Dangerous criminals who had escaped from prison tried to return to their neighbourhoods, where they were not always welcomed; some were even lynched by the population.¹⁵ In Cité Soleil, the notorious shanty town of Port-au-Prince, conflicts erupted when escapee gang members tried to regain control of their former territory now under the influence of new gangs (INURED, 2010). By mid-May, only 10 percent of the former detainees

11 Salary payments were briefly interrupted and were resumed two months after the earthquake.

12 CBC interview with Mario Andresol, General Director of the HNP, Port-au-Prince, February 2010.

13 Interview with MINUSTAH officer, Port-au-Prince, March 2010.

14 It should be pointed out that although the survey indicated that in general the population trusted the HNP, the survey questions did not ask respondents which group should respond to which kind of crime. For instance, responses could reflect that the community felt that it needed the HNP to investigate more serious crimes, like rape and murder, but could manage property-based crime itself.

15 Interviews with neighbourhood committee members, February and March 2010.

of the National Penitentiary had been re-arrested.¹⁶

Levels of violence against women were already high in Haiti prior to the earthquake (see Merlet, 2009), but women and other vulnerable groups (young women, orphans, children and persons with disabilities) were exposed to more abuse and the difficulties they faced were rendered more acute by a variety of factors, including unwanted sexual advances in camps, the tensions linked to accessing humanitarian aid and the diminished capacities of human rights organizations (RNDDH, 2010).¹⁷ Nevertheless, women's rights activists were quick to mobilize public opinion and the security institutions to counter the potential spike in gender-specific violence. The HNP set up temporary structures around some of the biggest camps to address gender-based violence, and joint HNP-MINUSTAH patrols were established.

Another major security issue is the deteriorating living conditions of internally displaced people (IDP) in large settlements.¹⁸ According to many humanitarian experts these conditions may persist for some time, especially since the governmental and international community have been slow to respond to the needs of IDPs.¹⁹ Challenges to the protection of the population are great: health risks, overcrowding, gender-based violence, inadequate food and water supplies, high unemployment, loss of property and savings, and further natural disasters (earthquake, floods, hurricanes) are the most persistent challenges.

Rule of Law and International Community Support: Not Going Back to Business as Usual

In the eyes of most international donors, it is not sufficient to restore the justice and security situation to what it was before the earthquake. The United Nations Development Programme (UNDP), which is an important actor in the security and justice sectors and has a planned US\$60.2 million in project funding, has stated that there is a “need for a more efficient and flexible system” that responds to security needs in

16 Interview with senior UNPOL officer, Port-au-Prince, May 2010.

17 Haiti's human rights sector suffered the loss of many of its advocates, including: Myriam Merlet of ENFOFANM, Anne Marie Coriolan of SOFA, Magalie Marcelin of Kay Fanm, Yvrose Jean of CARLI and Ketlie Desir of APROSIFA, to name a few. Many offices were destroyed or were severely damaged. The Ministry of Women's Affairs and Women's Rights was also destroyed.

18 As of May 2010, 1,342 displacement sites had been set up in affected areas as well as 122 vulnerable spontaneous sites (One Response, 2010).

19 Six months after the earthquake only 10 percent of the promised international aid for the earthquake had been received (Hiassen and Charles, 2010).

a way the sector did not prior to January 12 (UNDP, 2010). This view is shared by most UN agencies.

Six years after the beginning of its deployment, MINUSTAH was at a consolidation stage prior to the earthquake, with a stable number of personnel. The mission now feels it must increase its number of personnel to replace those that were killed and to address new context-linked security concerns.²⁰ It also acknowledges the necessity to review the HNP reform plan, recognizing that “the situation poses vast new challenges, particularly in ensuring protection of the displaced population in special camps and elsewhere, especially the most vulnerable; a two track approach in support of the HNP and the Ministry of Justice and Public Security, major judicial and correctional institutions, will be adopted” (United Nations, 2010: 15–16). The UN Mission intends to provide some direct logistical support and increase the provision of technical expertise to Haitian officials. MINUSTAH, the UNDP and the Haitian Ministry of Justice and Public Security are developing a joint program that seeks to maximize the impact of the UN assistance to justice, corrections, police and violence-reduction programs.

Other major actors in security and justice sector reforms are the United States and Canada. The main security threats to the US posed by Haiti have always been drug trafficking and illegal migration. One week after the earthquake, the US announced it would return all illegal Haitian immigrants trying to cross by boat to Florida (Waterfield, 2010). Although only 16 percent of drug trafficking flows to the US through the Caribbean, Haiti is identified as a smugglers' paradise where law enforcement is weak, the shore lines are wide and unprotected and local volunteer traffickers abound (Johnson, 2009). According to a senior UNPOL officer, the US will continue to provide training in Florida to HNP counter-narcotics officers. In May 2010, the Caribbean Basin Security Initiative (CBSI) was launched, strengthening cooperation of Caribbean Community (CARICOM) members, and the Dominican Republic, with the United States on security matters.²¹ Acknowledging the necessity to

20 For instance, 2010 is an electoral year and security is often a problem during these years.

21 The Caribbean-US Security Cooperation Dialogue *Declaration of Principles* reads: “The countries agree to counter and reduce narcotics trafficking, the trafficking of small arms and light weapons, and the trafficking in persons, to take steps to counter and reduce money laundering, to seek to prevent and reduce crime and violence, dismantle and disrupt organized gangs, and reduce gang-related activities, to focus on border security to reduce illegal, undocumented migration and human smuggling, to fight terrorism and transnational threats, including cybercrime, to work together to address the issue of criminal deportees and commit to share information in this regard; to focus on disaster preparedness, mitigation, and recovery and to work together to further promote social justice in our societies by addressing the important issues of crime prevention, justice sector reform, and corruption” (The Caribbean-US Security Cooperation Dialogue, 2010).

support Haiti in its reconstruction post-earthquake, the initiative clearly links efforts to counter drug trafficking with the need to support community-based violence-reduction programs.

Canada very quickly identified the January 12 earthquake as a severe setback to programming and a cause to evaluate further security sector support (START, 2010). Cooperation was already focused on providing security experts (corrections and police) to MINUSTAH, direct bilateral support to the HNP and support to community security projects. In March 2010, Canada's Minister of Foreign Affairs Lawrence Cannon announced increased support in these areas.²²

Recurrent Coordination Problems

To enhance the coordination of the humanitarian response, and to avoid duplication, the cluster system²³ was rapidly put in place in January 2010. In May, the United Nations' Inter-Agency Standing Committee (IASC) made a preliminary assessment of lessons learned. It found that coordination remained a clear challenge, that numerous humanitarian actors following divergent agendas affected efficient decision-making capacity and that national organizations were not sufficiently included (UN IASC, 2010). These factors seem to be present in most sectors of cooperation, and according to the Secretary of State for Public Security international cooperation should be reviewed.²⁴ According to informed observers, the security sector received an abundance of uncoordinated international co-operation prior to the earthquake that led to unsustainable projects and wasted resources. This lack of coordination warped the planning process by focusing on available international resources, instead of needs (Colombian Ministry of Defence, 2009).

22 An added US\$10 million will be channelled through The Stabilization and Reconstruction Task Force (START), making a total of US\$25 million for justice and security (Government of Canada, 2010).

23 Following a review of the humanitarian system in 2005, the UN Inter-Agency Standing Committee (IASC) agreed to implement a sector-specific cluster approach as a way to address gaps and strengthen the effectiveness of humanitarian response efforts. Accordingly, large aid groups were assigned to particular areas of focus in the aftermath of the earthquake. For instance, Oxfam is in the water and sanitation cluster (Clark, 2010).

24 Interview with Secretary of State for Public Security, Port-au-Prince, May 2010.

UN's HNP Reform Plan: Good Riddance?

On January 12, security sector priorities dramatically changed, and most programs were changed completely or put on hold. The *Post-Disaster Needs Assessment* conducted by the Haitian government is now the blueprint for all reform plans. It is unfortunate that it took the earthquake for the UN to finally concede that the HNP Reform Plan needed to be reviewed, because national stakeholders had been saying that for some time, supported by a number of international experts. By November 2009, the HNP had still not assigned any personnel directly responsible for implementing the plan (a clear indication of a lack of will), and the vetting process seemed more of a purge than a comprehensive transformation project (Colombian Ministry of Defence, 2009). According to a long-time Canadian observer and collaborator in many HNP-Canada cooperation projects, the UN might not be the best organization to meet the HNP's reform needs because of its recruitment process, the varied backgrounds of UNPOL officers and the short-term deployments.²⁵ The 2009 report of the Colombian mission to Haiti reveals that some national staff at the HNP Police Academy claimed to be disappointed by the lack of knowledge, experience and professionalism of some of MINUSTAH's instructors, which generated mistrust amongst HNP trainees. It adds that stricter standards should be set for the quality of UNPOL personnel because "it is difficult to demand from the HNP the implementation of a vetting process that guarantees standards when UNPOL itself, as perceived by the HNP, does not always meet adequate standards of professionalism" (Colombian Ministry of Defence, 2009).

In response to the post-earthquake security challenge, the reform of the HNP needs to be reoriented toward a reality and culture that is Haitian. It must answer adequately the needs of the citizens and the government, guarantee democratic governance, meet international policing standards and fulfil the Haitian policing profession's vision of the future.

25 Interview with senior Canadian security worker, November 2009.

Conclusion: Security and Justice is Everybody's Business

The looming threat of increased insecurity has, unsurprisingly, materialized like a dark prophecy. Many cases of kidnapping and rape have been reported since the earthquake. Without denying these situations and the real fear many citizens experience, it is essential to prevent the abusive exploitation of these facts and instead focus on developing clear-headed analyses of the situation and offering concrete solutions. Researchers on violence and public security underline the fact that making alarming declarations about increasing violence does not help to analyze the nature of the problem and provide a coherent response; instead it favours the implementation of purely repressive measures (see, for example, Mucchielli, 2002).

The crimes that occurred before the earthquake will continue to happen because their root causes—the sharpening of social and economic inequalities, the high concentration of the economically and socially weaker part of the population in certain urban areas and a discredited government and elite class, among others—have not been sufficiently addressed by reform initiatives led by the international community and the national government.

The emergency and humanitarian response in the area of justice and security should not simply take over all state-building programs implemented prior to the earthquake, even if these need to be revisited. Indeed the January 12 earthquake provides an opportunity to look at security and justice matters through a new lens. There is an urgent need to establish multiple accountability mechanisms in order to steer and control the transformation process. Dialogue with the community, civil society, universities, the government's auditing-control bodies, experts that advise on the transformation process and donors should be supported.

In the words of the Secretary of State for Public Security, who was appointed to office on January 11, 2010: “we need a different approach in matters of security.” Public security must be co-produced with civil society and other stakeholders and authorities. The HNP should not be the only entity responsible for providing security; social control is everybody's responsibility, from the potential victims to private business, local organizations, the police academy and judges. Social control structures criminality in the way market laws coordinate economic activity (Cusson, 1986). Academics and civil society organizations should be encouraged to become involved in order to improve our understanding of the society's priorities and the threats to security.

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