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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 1212 (1998) of 25 November 1998, by which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) until 30 November 1999 "in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, ... including mentoring Haitian national police field performance and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources". In that resolution, the Council requested me to report on the implementation of the resolution every three months from the date of its adoption until the expiration of the mandate of MIPONUH. The present report covers the activities of MIPONUH and developments in the mission area since my report of 11 November 1998 (S/1998/1064).

II. POLITICAL SITUATION

2. During the reporting period, there have been disturbing developments in the political situation in Haiti, raising renewed concerns about the country's stability and the future of its transition to democracy. On 25 November 1998, the Senate adopted a resolution extending its term until October 1999, in accordance with the 1987 Constitution. On 15 December 1998, the Senate ratified President René Préval's nominee for the position of Prime Minister, former Minister of Education Jacques-Edouard Alexis. Two days later, the Chamber of Deputies also voted in favour of Mr. Alexis' ratification. Mr. Alexis was then required to present his Cabinet and programme for parliamentary approval before the ratification process could be completed. However, despite negotiations between Mr. Alexis and the Organisation du peuple en lutte (OPL), the majority group in Parliament, agreement on the composition of the Government was not possible.

3. On 11 January 1999, the Haitian Parliament closed its extraordinary session, called by President Préval to ratify Mr. Alexis, and opened its regular session. President Préval did not attend. Later in the evening of 11 January,

the President broadcast a speech to the nation in which he declared, with reference to the 1995 Electoral Law, that the terms of all Deputies, one third of the Senators (the terms of another one third had expired in January 1997) and all the local authorities had expired. The President noted that, under the Constitution, he lacked the authority to either dissolve Parliament or extend its mandate. He explained, however, that he and the Prime Minister did not intend to govern without any oversight of their functions, and appealed to all sectors of society to join them in finding a constitutional solution to the crisis. On 20 January, the Council of Ministers adopted a resolution calling on the relevant Ministries and the Cour supérieure des comptes et du contentieux administratif to freeze the bank accounts of the National Assembly and withhold the salaries of Parliamentarians, cancel their diplomatic passports and confiscate their firearms.

4. President Préval's speech drew widespread condemnation from many political parties, with the exception of Lafanmi Lavalas. Certain parties characterized the speech as a coup d'état and as a step towards totalitarianism. A coalition of opposition parties, (espace de concertation) has developed out of the crisis. On 12 January 1999, President Préval's sister and personal secretary was seriously wounded and her driver killed in a shooting incident.

5. Numerous démarches had been undertaken prior to 11 January 1999 by concerned countries, including the group "Friends of the Secretary-General for Haiti", namely, Argentina, Canada, Chile, France, the United States of America and Venezuela. However, it was evident from President Préval's speech on 11 January that such expressions of concern had done nothing to persuade him to alter his chosen course of action.

6. On 19 January 1999, the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, briefed the Security Council on the situation in Haiti. The President of the Council made a statement to the press after the briefing, in which he urged a negotiated solution to the crisis and broad agreement on the formation of a credible Provisional Electoral Council (CEP). International concern over developments in Haiti was also expressed in a statement issued by the European Union on 26 January.

7. Seriously concerned about the deepening political crisis, I requested my Representative, Julian Harston, and the Executive Director of the International Civilian Mission in Haiti (MICIVIH), Colin Granderson, to come to New York for internal consultations and discussions with the group "Friends of the Secretary-General for Haiti" from 20 to 22 January 1999. All the participants agreed that the international community should take a principled position on the crisis, and that they would engage jointly in parallel discussions with the President, Prime Minister and political parties in order to assist in resolving the political situation. The statement by the President of the Security Council would be used as a basis for joint and individual démarches.

8. My Representative, the Executive Director of MICIVIH and the representatives of the "Friends" have met on three occasions with President Préval. My Representative has also chaired numerous discussions between the "Friends" and representatives of over 16 political parties and organizations since 24 January 1999. President Préval was informed that the international

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community would only support a free and fair electoral process which would include the formation of a credible CEP in consultation with the opposition parties and civil society. It was stressed to the political parties that it was in their interest to hold free and fair elections in the near future, and that to further that end they should participate constructively in the formation of a credible CEP.

9. President Préval initiated a dialogue with the leaders of the opposition parties with a view to achieving consensus on the establishment of a CEP and the holding of elections. President Préval and the representatives of the espace de concertation met on 2, 4 and 13 February 1999. Negotiations are continuing.

10. On 3 February 1999, another briefing was given to the Security Council by the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi. The President of the Council made a statement to the press after the briefing urging Haiti's political leaders to overcome their differences and to create the basis for early, open, free and fair elections.

11. Members of Parliament have petitioned the Cour de cassation to review the constitutional dispute between the executive and legislative branches. The Cour de cassation considered the petition on 12 February 1999, but has not yet rendered its judgement.

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

12. 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 (CIVPOL), 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 February 1999, the civilian police element of MIPONUH included 282 officers from 10 countries (see annex).

13. The substantive police element remains deployed at Port-au-Prince and in all nine départements, and the special police unit is based in the capital. Training remains a cornerstone of the institutional development of the Haitian National Police. In close collaboration with the Training Department (Direction des écoles et de la formation) of the Haitian National Police, CIVPOL and other international partners have worked to ensure that the training provided to officers is uniform. With the assistance of MIPONUH, the police are learning new policies, procedures and practices which complement the basic training provided by the Police Academy. The Mission has continued to give special emphasis to the training of officers at the supervisory level, guiding them in their professional duties and monitoring the performance of the Haitian National Police.

14. MIPONUH has provided technical assistance to the Offices of the Director-General and Inspector General. CIVPOL officers continue to be assigned to the Director-General's office to improve administration and efficiency. The Mission has also made available, under CIVPOL supervision, five Zodiac boats to

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the Haitian National Police to facilitate its work along the northern and southern coasts of the country.

15. MIPONUH conducts regular weekly training on administration, arrest procedures, community relations, crowd control, data processing, judiciary-police relations, record keeping and report writing. Those technical skills have enhanced the competence and effectiveness of the Haitian National Police. CIVPOL places due importance on community policing as an integral part of its training programme with the goal of developing trust and cooperation between the police and the Haitian people. In the context of the Border Project (Projet bouclier), CIVPOL, in cooperation with the Haitian National Police, has given a nine-week training session to officers at Mallepasse, situated on the border with the Dominican Republic. Through the Projet Forêt des pins, CIVPOL assists in improving environmental protection in the South-East department. As part of its mentoring of the field performance of the Haitian National Police, some 400 police officers are trained every week in different aspects of policing.

16. The Mission continues to coordinate its activities closely with those of the United Nations Development Programme (UNDP) and bilateral programmes, such as those of Canada, France and the United States of America. It also cooperates closely with MICIVIH in the monitoring of respect for human rights by the police force.

17. Following a deterioration in the security situation after 11 January 1999 (see paras. 4 and 5 above), the MIPONUH special police unit has provided assistance to MIPONUH personnel and increased its activities in the protection of the property of the Mission. Since the inception of MIPONUH, the special police unit has operated round the clock, and has provided a professional and reassuring safety net for the Mission and its personnel.

IV. HAITIAN NATIONAL POLICE

18. The Haitian National Police has performed in an efficient and exemplary manner since 11 January 1999, and has remained politically neutral. My Representative has publicly expressed satisfaction with its professional performance in maintaining law and order during this difficult time. More recently, the police service has again shown professionalism and restraint in the handling of a hostage-taking incident at one of Haiti's leading banks.

19. Following the action initiated by the President on 11 January 1999, my Representative expressed some concern at the resulting lack of parliamentary oversight over the police force. In discussion with the Secretary of State for Public Security and the Director-General of the Haitian National Police, it has been agreed that more regular meetings will be held between the Haitian National Police, MIPONUH and MICIVIH in order to permit the two missions even closer contact with its day-to-day work.

20. The Haitian National Police is now some 6,100 strong. In December 1998, the Inspector General of the Haitian National Police conducted a tour of all the departmental directorates in the country to evaluate their problems and further consolidate the institutional structure of the force. The Inspector General has

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criticized the failure of some police supervisors to take disciplinary measures against junior officers. However, the effectiveness of the Inspector General's office is adversely affected by its limited resources.

21. A successor has yet to be appointed to the Director of the police judiciaire, who resigned on 13 August 1998, claiming policy differences (see S/1998/796, para. 8, and S/1998/1064, para. 16). In the meantime, the Director-General of the Haitian National Police has formed a committee to explore ways of strengthening the police judiciaire.

22. The overall human rights record of the Haitian National Police has improved during the period under review, and there was a noticeable reduction in reports of ill-treatment during arrests and interrogations.¹ However, individual acts of abuse and misconduct by some officers remain a problem. Prompt investigation of alleged abuses by the force and appropriate disciplinary action against guilty police officers remain vital in maintaining the credibility and legitimacy of the institution in the eyes of the population.

23. The Director-General of the Haitian National Police introduced special precautionary measures, including an increase in the number of night patrols in Port-au-Prince, to prevent crime during the Christmas and New Year holiday season. This more visible police presence contributed to the relatively calm environment which prevailed during the season.

V. JUSTICE SYSTEM

24. Developments in the justice system have been uneven during the period under review. The Ministry of Justice has not taken any concrete steps to implement the short- and long-range strategic plan for reform submitted by the Preparatory Commission on Legal and Judicial Reform on 6 July 1998.

25. Since the first group of 60 judges graduated from the Ecole de la Magistrature in May 1998 (see S/1998/434, para. 23), there has been no action to select a new group of judges to be trained. However, on the occasion of the International Day of the Child, the Ecole organized a seminar on minors and the legal system. Workshops on forensic medicine have also been organized to improve expertise in that area. A two-week training session was held in February 1999 for juges de paix.

26. The Ministry of Justice, in cooperation with local and international organizations, has organized various activities in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. "Days of reflection" were held in different parts of the country, during which participants discussed the judicial system.

27. In a positive development, more than 300 detainees awaiting trial were released from Port-au-Prince prisons in mid-December 1998 as part of a concerted effort by the judicial officials to reduce overcrowding in the prisons. The majority of those released were facing minor charges and had been held in pre-trial detention for long periods.

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28. At the end of 1998, a legal consultant recruited by MICIVIH worked for a month with the Ombudsman to draft the report of the first year in operation of the Office of the Ombudsman. With a view to strengthening the Office of the Ombudsman, UNDP has financed training of its personnel, seminars for the Haitian National Police on human rights issues and publications to inform the public of the role of the Ombudsman. However, the Office is still facing financial difficulties which impede its capacity to fulfil its mandate.

VI. DEVELOPMENT ACTIVITIES

29. The performance of the Haitian economy was encouraging throughout 1998, with a 3.1 per cent growth in gross national product in real terms. The national currency, the gourde, was also stabilized. For the first time in years, there was a significant upturn in agricultural production, inflation was reduced to 8 per cent and the budget deficit was kept to 1.3 per cent of GNP. Improvements in tax collection and the launching of a voluntary early retirement programme for civil servants also inspired optimism. There were about 5,000 voluntary retirements during the past year. On the downside, hurricane Georges and - as a result of the institutional crisis - unratified loan agreements with major donors had a negative impact on the economy. The living conditions of a large part of the population remain precarious, as highlighted in UNDP's Human Development Report (see S/1998/1064, para. 23) and the World Bank's report on poverty in Haiti.

30. The report of the resident coordinator of January 1999 emphasized that the United Nations was able to provide assistance according to national priorities, through the United Nations Programme on HIV/AIDS, hurricane-related disaster relief, the police project, the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, and measures to enhance the participation of the public in local government, environmental protection, and the promotion of equality, health and advocacy, for example.

31. A second workshop on inter-agency coordination was held from 11 to 13 November 1998. Seven theme groups presented their work, which led to recommendations for programme work and analysis.

32. Together with its partners, UNDP produced a strategy paper in the form of a consultative note for the 1999-2001 period. That paper calls for a refocusing of technical assistance in three core areas: good governance, productive employment and the environment. With regard to good governance, UNDP plans to support the consolidation of democracy and the rule of law as part of a special subprogramme. UNDP has continued to work with MIPONUH to provide technical assistance to the Haitian National Police. It has also continued to back the Government's penal reform, but with reduced budgetary inputs. It appears that neither project will be able to meet its objectives in full unless additional exterior sources of funding can be tapped soon.

33. Other development activities of the United Nations system over the last several months have included an advocacy campaign on violence against women by all United Nations agencies, a United Nations Educational and Cultural Organization workshop on the culture of peace, a rights of the child and justice

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for minors programme by the United Nations Children's Fund, a United Nations Capital Development Fund environment project in the North-East administered by local authorities, the finalization of the UNDP-assisted national environment plan, sensitization of the public on reproductive health sponsored by the United Nations Population Fund (UNFPA), preparatory steps for the 2001 census by UNDP, UNFPA and the World Bank, a one-week public awareness campaign by the Pan-American Health Organization/World Health Organization (PAHO/WHO), the formulation of a national health policy by PAHO/WHO, disaster relief by several agencies in the wake of hurricane Georges, including a focus on the prevention of epidemics by PAHO/WHO, and the conceptualization of a project for the reinforcement of national disaster prevention and management capacity by UNDP.

VII. OBSERVATIONS

34. The international community continues to be gravely concerned about the crisis in Haiti. There is increasing polarization in the country, and new risks to constitutional government and the consolidation of democracy. The absence of a functioning Parliament has created a serious institutional vacuum. All political actors must pursue constructive and meaningful negotiations aimed at resolving the crisis. It is only through dialogue and compromise that the differences that have led to the current impasse can be resolved.

35. As stated in my previous reports and as the Security Council has reiterated in recent weeks, the basis for early, free and fair elections must be created in Haiti through the formation of a credible Provisional Electoral Council as soon as possible. A credible CEP and early and transparent elections are necessary to strengthen the eroding faith of the Haitian people in the electoral process and, indeed, in democracy itself. Therefore, the Haitian authorities and political leaders must negotiate in a spirit of tolerance and compromise with a view to reaching agreement on a CEP, which should be established in time to organize new elections before the end of 1999. There can be no expectation of international assistance, financial or otherwise, for elections which do not meet the necessary conditions of transparency and credibility.

36. The current political crisis is having adverse effects on social and economic development. Without a functioning government and legislature, it is becoming increasingly difficult to utilize international assistance or implement developmental projects. Political uncertainty is also not conducive to private investment. The political class in Haiti must be aware that it could become difficult if not impossible for United Nations development agencies to dispense funds to a government which lacks international credibility.

37. The performance of the Haitian National Police, especially since 11 January 1999, has been highly professional. This is all the more commendable since it was created in a country with no civilian police experience. It is of vital importance that the police maintain its political neutrality. Any attempt to politicize the Haitian National Police would jeopardize the real progress that has been achieved during the past three years, and would undermine the growing confidence of the Haitian people in their police service.

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38. It is a matter of concern that there has been little progress in implementing the reform of the judicial system. The Haitian authorities have been repeatedly encouraged to make judicial reform a matter of utmost priority since the rule of law is a foundation of a democratic society. I appeal to the international community to provide assistance to the Office of the Ombudsman to allow that critical independent institution to function effectively.

39. In conclusion, I would like to commend my Representative and the Head of MIPONUH, Julian Harston, as well as the women and men of MIPONUH, whose joint efforts have contributed to the professionalization of the Haitian National Police.

Notes

¹ See Human Rights Review, quarterly report by MICIVIH, October-December 1998.

Annex

Composition of the United Nations Civilian Police
Mission in Haiti as of 15 February 1999

Country	Special Police Unit	Civilian Police
Argentina	140	5
Benin		6
Canada		24
France		36
India		0
Mali		20
Niger		4
Pakistan		-
Senegal		8
Togo		7
Tunisia		3
United States of America		29
Subtotal	140	142
Total		282

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