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Stabilizing Haiti: Mission Accomplished? A Review of the work of MINUSTAH 2010-2011

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“The writing of the White Paper has proved to be an invaluable experience in learning about how powerful institutions and actors respond to the criticisms of their brutality. The United Nations has not acknowledged any of its misdeeds, and has absolved itself of any negligence or human rights abuses. The writing process allowed me and the team to connect with numerous grassroots Haitian groups...and be a part of an ongoing struggle to hold yet another occupying and anti-democratic force accountable for their wrongs in Haiti”

-Kevin Edmonds

Link to the **White Paper** in its entirety:

<http://isites.harvard.edu/icb/icb.do?keyword=healthroots&pageid=icb.page462433>

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INTRODUCTION

On February 23, 2004, the Caribbean Community (CARICOM), an organization of Caribbean countries and dependencies that included Haiti, requested that the United Nations (UN) Security Council (UNSC) address the worsening unrest in Haiti, which was supported and financed by the US, France, and others.ⁱ CARICOM asked the Council, of which the U.S. and France are permanent members, to authorize an international military force to assist the Haitian government in maintaining order.ⁱⁱ The Security Council rejected the petition.

However, within 5 days of the request, democratically elected Haitian President Jean-Bertrand Aristide was removed against his will from Haiti by a U.S. military airplane. In an event eerily familiar to the US occupation of Haiti in 1915, 1,000 U.S. Marines were on the ground in Haiti within 24 hours. By April, at the request of interim President Alexandre Boniface, the UNSC established the *Mission des Nations Unies pour la stabilisation en Haiti* (MINUSTAH), which included the deployment of 6,700

soldiers. By the end of the year, several independent human rights organizations including Amnesty International had documented numerous, violent abuses of human rights against Haitian civilians.ⁱⁱⁱ

In addition to offering a “secure and stable” environment, MINUSTAH was charged with “restructuring and reforming” the Haitian National Police (HNP), disarming rebels and paramilitary forces (whose arms were largely provided by U.N. member-states like the U.S.)ⁱ, supporting free elections, and promoting and protecting human rights.^{iv}

According to the standard of insecurity that is used to justify MINUSTAH’s continued presence, the levels of violence in several neighbouring Caribbean states (which are much higher than that of Haiti) could warrant international stabilization efforts in Jamaica, Trinidad and the US Virgin Islands (See Table). Yet, for political reasons, this is not the case. Even the US Department of State remarked in March 2011 that “despite grinding poverty, inadequate policing, and lax gun laws, some studies have shown Haiti to have a lower homicide rate than many of its neighbors in the Caribbean and Latin America.”^v It is ironic that in Brazil, the national leader of MINUSTAH, levels of civilian violence are far greater than in Haiti by a rate of more than three hundred percent.

Country	Population	Murders	Rate per 100,000
Haiti	9,600,000	795 ^{vi}	8.2 per 100,000
Brazil ⁺	189,953,000	50,113 ^{vii}	26.38 per 100,000
Jamaica	2,600,000	1428 ^{viii}	54.9 per 100,000
Trinidad	1,300,000	472 ^{ix}	36.3 per 100,000
US Virgin Islands	100,000	66 ^x	60 per 100,000

Table 1: Data from 2010

⁺ Data published on Brazil’s murder rate by the Brazilian Ministry of Justice from 2008

¹ The paramilitary rebel army which crossed over the Dominican border was largely made up of former members of *Le Front pour l'avancement et le progrès d'Haiti* (FRAPH) – the death squad involved in mass killings during the 1991 coup against Aristide. Guy Philippe, a former member of the Haitian Armed Forces had been trained during the 1991 coup by US Special Forces in Ecuador. Other leaders such as Emmanuel "Toto" Constant and Jodel Chamblain, were both former Tonton Macoutes and leaders of FRAPH. According to a 1996 UN Human Rights Commission report, FRAPH had been supported and financed by the CIA.

It is thus becoming increasingly difficult to justify the continued presence of MINUSTAH in Haiti. A detailed analysis of MINUSTAH's actions documented in the available situation reports during the post-earthquake phase reveal that the force is engaged in little more than policing activities related to crimes against persons and property - work which falls under the domain of the HNP, and which HNP could better carry out with more resources and training. Analysis of MINUSTAH's record leads to a concurrent conclusion to that of a large portion of the Haitian population - that the force should develop a plan for withdrawal from the country.

MINUSTAH's Pre-earthquake Human Rights Record

From 2004 to 2010, several independent legal and human rights organizations published reports supporting Haitian civil society charges that MINUSTAH not only failed to protect rights as outlined by its mandate, but also directly violated human rights of Haitian citizens. In 2005, the research organization Center for Global Justice, in collaboration with the Human Rights Program at Harvard Law School, found that MINUSTAH had neither initiated a disarmament program, nor protected civilians - particularly supporters of *Fanmi Lavalas*, the political party of ousted Aristide - from murderous paramilitary attacks and extrajudicial killings. Furthermore, they protected, both directly with personnel and indirectly through lack of investigation, Haitian National Police members who were carrying out extrajudicial killings.^{xi}

By mid-2005, MINUSTAH itself was carrying out attacks on civilian communities without involvement of the Haitian National Police. In a July 2005 assault on Cite Soleil, a Port-au-Prince slum, MINUSTAH targeted a single alleged gang leader and five of his associates, but ended up using 22,000 rounds of ammunition, killing upward of 70 people. The final death toll is unknown as MINUSTAH deemed the mission a success and did not seek to enumerate the civilian deaths.^{xii} Two years later, human rights lawyers were still documenting similar violent military strikes. They concluded that MINUSTAH's actions violated their charter and international law as well. However, the MINUSTAH mandate included a clause that essentially gave perpetrators of crimes immunity from the Haitian justice system.^{xiii}

In addition to physical violence, sexual violence committed by members of MINUSTAH has run rampant and gone

unpunished.^{xiv} Most notably, in 2007, 114 Sri Lankan soldiers were repatriated for transactional sex with underage Haitian girls. Because of the *de facto* immunity from the Haitian legal system, the U.N. recommended prosecution in Sri Lanka. To date, no prosecution has occurred, and despite U.N. threats to the contrary, Sri Lanka remains a part of the MINUSTAH mission.^{xv} This history tarnished MINUSTAH's reputation to the point where it began to be perceived as an occupying force.

MINUSTAH's post-earthquake human rights record

Protection failures and direct violations

Since the earthquake, Haitians have faced heightened threats to security, life, and health, as millions experienced conditions in makeshift displacement camps. Gender-based violence, which has affected women in hundreds of camps, has gone virtually ignored by MINUSTAH. The force has taken only few, name-only, measures to address it, and even in instances where patrols are sent to camps, most troops can barely communicate with camp residents enough to react appropriately.^{xvi} Forced evictions from camps have also affected hundreds of thousands of IDPs, with nearly no protective action by MINUSTAH despite domestic and international law that classifies these evictions as illegal.^{xvii} Compounding these protection failures was the actual introduction of cholera into the country by MINUSTAH troops, the subsequent cover-up, failure to investigate, and lack of proper response to the growing epidemic.^{xviii} Counter to its mandate to assist in free and fair elections, MINUSTAH also played a role in propping up a U.S.-supported but illegitimate presidential election which oversaw the exclusion of a majority political party and a large part of the population.^{xix}

In addition to these main areas of concentration are a number of other issues related to MINUSTAH's involvement in Haiti. One, for example, is MINUSTAH's complicity in the Les Cayes prison massacre which occurred on January 19, 2010, when the HNP stormed the facility to put down a riot related to deteriorating conditions. Although the incident led to the death of 19 unarmed inmates and injury of 40 others, MINUSTAH effectively helped the HNP orchestrate a cover-up.^{xx} Another telling incident is the death of Jean Gérald Gilles, the sixteen-year old boy who was found hanging inside a MINUSTAH base in Cap Haïtien on August 17, 2010.^{xxi}

Despite suspicions that he was murdered on the base, MINUSTAH has refused to investigate.^{xxii}

MINUSTAH has also developed a record of responding to peaceful popular protests in violent ways by gassing students and IDP camps,^{xxiii} assaulting journalists, shooting at children^{xxiv}, and killing peaceful protestors.^{xxv} Given that these protests were often targeting the presence of MINUSTAH itself, the mission's unprovoked, violent responses only provide further examples of its failure to build a positive relationship with the Haitian people and its suppression of the democratic process.

Lack of security coordination

MINUSTAH's failure to coordinate their activities with other governmental, domestic, and international organizations has either duplicated or understaffed critical positions, siphoned money from groups documenting abuses and protecting citizens, and created fatal mistakes in military operations. Despite being made aware of this issue since its inception, MINUSTAH fails to devote personnel and money toward more efficient coordination.

Despite designating a non-military security force, UNPOL, to Haiti, MINUSTAH's failure to coordinate with community leaders in post-earthquake Haiti has left internally displaced persons "at the mercy of landowners and gangs."^{xxvi} The lack of sufficient translators to accompany missions exacerbates MINUSTAH's inability to effectively document abuses and communicate with the very people they are charged to protect. Such a lack of commitment to understanding the on-the-ground reality of Haitian civilians is unconscionable given that the UN has been present in Haiti in one form or another for almost 20 years.

CONCLUSION

In sum, MINUSTAH's human rights record constitutes violations of not only its own mandate but also of human rights enshrined in Haiti's constitution and in international treaties legally binding in the country. These include the failure to protect, or direct violations of, the right to housing, the right to security of person, the right to water, the right to health, and a number of other civil, political, social, and economic rights. Nor has MINUSTAH made progress in building up Haiti's own capacity for protection and

promotion of human rights. Despite its record, the mission has been rewarded with consistent renewals of its mandate over the past seven years.

While some may claim that MINUSTAH's departure from the country could create a security vacuum, this is based on the false assumptions (as demonstrated here) that MINUSTAH is effective in its duties, and that Haiti experiences inordinate levels of violent instability in comparison to its Caribbean neighbors. MINUSTAH's failure to uphold its mandate and the force's consistent violation of human rights have made it a significant threat to the Haitian people. In light of the collected evidence, and in support of the frequently-issued demand from Haitians, the humane solution is for MINUSTAH to develop a timetable for withdrawal from the country, and for international resources to be re-routed to support humanitarian relief and capacity-building for those still suffering the effects of the earthquake, the cholera outbreak, and decades of pernicious foreign policy. MINUSTAH's \$865 million per year would be better spent on cholera treatment and water infrastructure than on soldiers and bullets.

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