

EMBARGOED UNTIL 00:01 HRS GMT MONDAY 9 JANUARY 2006

The call for tough arms controls

Voices from Haiti

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Summary

‘When there are guns, there are more victims. Before it was the macoutes [paramilitaries led by former dictators Francois and Jean-Claude Duvalier] and former [demobilised] soldiers who had the guns. Now, it’s the people who live in your own neighbourhood who commit the violence.’

— Malya, a woman living in Martissant, a Port-au-Prince neighbourhood, November 2005

Armed violence continues to ravage the lives of many people in Port-au-Prince, the capital of Haiti, despite the presence of the UN Stabilisation Mission in Haiti (MINUSTAH).¹ Armed groups in the poor areas — some loyal to former President Aristide, some loyal to rival political factions, and some criminal gangs — have battled against the Haitian National Police (HNP) and UN military, and against each other.

In just one medical mission in Port-au-Prince, some 1,400 people were admitted with gunshot wounds between December 2004 and October 2005. ‘We’re still receiving three gunshot victims a day. And there are more who go to the general [university] hospital — or who are killed,’ said the mission’s head, Ali Besnaci of Médecins sans Frontières. ‘This is like a war. There are always confrontations between the gangs and the UN peacekeeping force, MINUSTAH’. Many, if not most, of the victims have been innocent civilians.

Human-rights groups have documented murders and kidnappings committed by the many armed groups, extrajudicial executions carried out by the HNP, and deaths resulting from the alleged indiscriminate shooting by UN troops.² The scale of rape in Port-au-Prince is also believed to be directly linked to the proliferation of arms.

The Control Arms campaign carried out several interviews in Haiti in November 2005 and records here the voices of at least some of the people who bear the cost of the world’s continuing failure to control the arms trade.

Haiti’s armed violence is not new. After years of dictatorship by the Duvalier family, in 1990 Jean-Bertrand Aristide became Haiti’s first

¹ MINUSTAH was deployed in Haiti in June 2004, among other things, to support the interim government in ensuring security and stability, to assist with the reform of the Haitian police, and to protect and promote human rights and the rule of law (UN Security Council, resolution 1542, 30 April 2004).

² The specific incidents described in this paper are based on interviews conducted in Haiti in November 2005, and on the following articles based on interviews with Haitian human-rights groups at other times in 2005: ‘Civilians caught in UN-gang crossfire’, Reed Lindsay, *The Toronto Star*, 1 May 2005; and ‘OAS urged to rein in police, peacekeepers’, Jim Lobe, *Inter-Press Service*, 16 November 2005.

democratically elected leader. Within months, he fled to the USA after being overthrown by a bloody military coup. Some 3,000 people were killed during the ensuing military dictatorship which lasted until 1994. After he was reinstated by a US military operation, it was alleged that former President Aristide himself was supporting armed gangs in the poor areas for his own political ends. In February 2004, former President Aristide was forced out of Haiti amid an armed revolt staged by gangs formerly loyal to Aristide, and by demobilised soldiers.

The interim government lacks the strong political commitment to implement a comprehensive disarmament, demobilisation, and reintegration (DDR) programme targeting all illegally armed groups, individuals, and communities. In the meantime, the proliferation of small arms continues to cost the lives of many innocent men, women, and children. Development is also hindered by the violence generated by the presence and proliferation of arms.

Outside Port-au-Prince, Haiti has been relatively peaceful since spring 2005, when UN military rooted out armed former soldiers who had controlled several important towns and large areas of the countryside. UN military personnel have also managed to establish a permanent presence in some of the poor areas of Port-au-Prince, bringing a degree of calm. Otherwise, the rule of the gun dominates Port-au-Prince, not only killing and injuring poor people, but devastating their lives. Violence by armed groups continues, while deep-rooted concerns remain about unlawful killings by the Haitian police.

Haiti produces no firearms itself except for home-made 'Creole' guns which are usually crude handguns or rifles made from old ones. Most arms are smuggled into Haiti from neighbouring countries in the region, including from the USA. Over the past decade several countries including Brazil, France, Italy, the UK, and the USA have licensed the transfer of arms to Haiti, according to customs data in the UN commodity trade database.

Since the 1980s, the USA has been the largest supplier of arms to Haiti. However, following the military coup in 1991 the US government imposed an arms embargo on Haiti but allows for exceptions to be made for the authorisation of transfers of some US arms on 'a case-by-case-basis'. Since the appointment of Prime Minister Latortue in March 2004, there have been several of these transfers, including the supply in 2004 of 2,600 weapons to the HNP, which has been implicated in human rights violations. An additional sale to the HNP of pistols, rifles, and tear gas worth US\$1.9m was also approved in 2005.³

³ 'Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilisation, and Reintegration', Robert Muggah, Small Arms

The first elections in Haiti since President Aristide was ousted in February 2004 were due to take place on 8 January 2006. They have now been postponed amidst continuing insecurity. Given the fragile security situation and tense political climate in Haiti it is likely that, when they do take place, these elections will be accompanied by incidents of armed violence.

Foreign governments must act to stem the flow of weapons from Latin America, the USA, and elsewhere. The rest of the world must take responsibility for the arms that it supplies. There is still no comprehensive, legally binding international treaty to regulate the conventional arms trade, despite the suffering and poverty that international arms transfers continue to fuel.

In January 2006, a series of debates on disarmament are due to begin at the United Nations. There will be technical arguments and diplomatic negotiations between states.

A new international Arms Trade Treaty (ATT), based on the principles of international law, would create minimum global standards for arms transfers. It would reduce the human cost of irresponsible arms transfers and prevent unscrupulous arms dealers finding the weakest point in the supply chain.

2006 presents a major political opportunity to begin to do this:

- The Review Conference for the UN Programme of Action on Small Arms and Light Weapons, in June and July 2006, must agree clear principles for the international transfer of these arms, based on existing international law, to prevent them getting into the hands of human rights abusers.
- The Conference's Preparatory Committee, taking place in New York in January 2006, must set the stage for this.
- Then the UN General Assembly's First Committee (that looks at disarmament and security issues) meeting in October 2006, must finally initiate a process to negotiate an Arms Trade Treaty.

Irresponsible arms transfers still fuel atrocities in Haiti and in many other countries. Responsible arms exporters and arms-affected states must not be held back by the few states that want to impede progress. In 2006, they must begin negotiations to agree an ATT.

Survey, Graduate Institute of International Studies, Geneva, October 2005, p 12.

1 The real impact of irresponsible arms transfers

‘On Christmas Eve 2004 the gangs raped me. Chimères [a pejorative term for gang members or criminals] came to my home in the middle of the night. Their faces were all covered with masks, and they had large weapons. They fired their weapons outside of the door and then four of them entered the house where I was sleeping. The two children who were there saw what happened. They beat me that night. I did not get medical care for a long time after that. When I did, I found out that I had syphilis.’

— Guerline, a 40-year-old woman, describing an attack by armed gangs on 24 December 2004, in Cité Soleil in Port-au-Prince

An estimated 300,000 people live in Cité Soleil. This area of Port-au-Prince has been a magnet for poor migrants arriving from the countryside with nowhere else to go, and in recent years it has also become a refuge for groups engaging in violence in other parts of the capital.

Cité Soleil has been devastated by continuous violence, including a brutal war between two rival armed groups composed mainly of young men and teenagers. One of them was led by an Aristide supporter who went by the alias Dread Wilmè (who was reportedly killed by the UN on 6 July 2005), and the other was led by Thomas Robinson, alias Labanyè. This violence claimed new victims, as **Guerline** explains: ‘My husband was killed during the war that

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erupted on 30 September 2004. The gangs shot him and burned his body. We had a home, but they burned that and then stole the blocks that were left.’

The victims have been predominantly ordinary people, who

have suffered killings, rapes, kidnappings, and extortion. Since the death of gang leader Labanyè, who controlled the Boston

neighbourhood in Cité Soleil⁴ in the spring of 2005, the violence has continued, as pro-Aristide armed groups battle with UN peacekeepers almost daily. On 15 November 2005, 200 UN peacekeepers waged an eight-hour gun battle with heavily armed men who attacked them.⁵

The armed violence curtails almost every aspect of ordinary life. Schools and the neighbourhood's only hospital were closed for several months in late 2004 and early 2005, and market activity and public transport came to a halt. Guerline is only one of innumerable people who have had to flee from Cité Soleil, and she has experienced how one incident of armed violence can destroy even more than the life of her husband. 'I had a little stand where I would sell food. With this, I was able to feed my seven children and send them to school. But the gangs destroyed all my merchandise. I had no way to support my children.'

Since 2004

Although Port-au-Prince's poor bear the brunt of the growing violence, a spate of kidnappings, mostly for ransom,⁶ averaging two every day,⁷ have targeted the wealthy and middle-class families. Foreigners, UN civilian and military personnel, and humanitarian workers have been targeted too. 'The first time I was kidnapped was in March 2004,' reported Justine, a 39-year-old school administrator and mother of three.

In that first incident, she was abducted with her children. 'I couldn't do anything, because they were armed.' One of the kidnappers told her: 'You don't know that your last hour has arrived.' However, she and her family were released without explanation.

The second incident, in February 2005, was perhaps even worse: an example of kidnappers targeting children.⁸ In this case, it was her 10-year-old son. 'I went to pick up my son, Patrick, from school. After I put Patrick in the car, I felt the presence of someone close to me. A man pulled out a gun and pointed it at me. They didn't want me, but my son. They forced me out of the car. As they drove away, I could

⁴ He also reportedly had allegiances with the former opposition to Lavalas and the current government. 'Disarmament Delayed, Justice Delayed', Amnesty International, July 2005, AI Index AMR 36/005/2005.

⁵ 'Haiti: UN peacekeepers kill four, arrest 33 in new anti-gang operation in capital', UN News Centre, 16 November 2005.

⁶ However, some could be politically motivated as the case of Jean Roche, who was kidnapped, tortured and executed.

⁷ The average of two kidnappings a day was reported by Brazilian UN peacekeepers to Mark Schneider of the International Crisis Group: 'Politics at the point of a pistol', *Los Angeles Times*, 29 November 2005.

⁸ 'IACHR deplores escalating violence in Haiti', Organisation of American States, 23 June 2005.

see Patrick crying, “Mama, Mama”. I wouldn’t wish for my worst enemy to have to live through something like this. They called my husband and told him they had kidnapped his child.

‘First they asked for US\$1 million. Then they asked for \$200,000. My husband negotiated with them, but I still don’t know how much he had to pay them. Our friends helped us to pay to have Patrick released the next day.

‘Patrick has problems at school now. I have to take him to a psychologist. He was mildly anaemic before, but it’s gotten worse. After the kidnapping, Patrick had panic attacks and nightmares and complained of stomach pain and headaches. He was doing better until a classmate of his was kidnapped recently. I had to take him back to the psychologist again.

‘After Patrick’s kidnapping, I became depressed and am now taking anti-depressants. I’m seeing a psychologist, which costs US\$24 a session. I can’t afford this. I don’t feel like living. The children always remember when they are in the area where we were kidnapped. I’m always afraid we will be kidnapped again. I live in fear and suspicion. Sometimes I can’t handle it.’

Until 2004, Bel Air, a neighbourhood in Port-au-Prince, was not known as a particularly violent area. Only three blocks from the national palace in Port-au-Prince, it became a hotbed of armed confrontation after former President Aristide’s departure. Prime Minister Latortue’s administration dismissed many Aristide loyalists from government jobs and accused them of crimes, ordering the police to arrest them. They resisted, demanding their jobs back, and the return of the former president. In the consequent violence, human-rights groups have accused both police and the armed groups of committing abuses against innocent civilians caught in the middle, for example, cases of possible extrajudicial executions and unlawful killings by the police.⁹

Yvonne, aged 29, was one of them. She described an attack that took place on 18 August 2005: ‘Around 7pm, a group of bandits came to my home. There were five men and four women. They

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⁹ Extrajudicial executions continue to be a problem in Haiti. Amnesty International has raised several cases where police may have used excessive force. These include on 4 February 2005, a man killed reportedly by police officers on his way to work in Port-au-Prince. On 28 February, police opened fire on demonstrators in Bel-Air, killing at least 10 people. ‘Delayed, Justice Denied’, Amnesty International, 2005.

were wearing bandanas and were armed. They had machine guns, a lot of guns. The men were shooting and they forced their way into the house. They beat me and raped me in my home.

‘We didn’t have violence like this before. Bandits are killing people, and the police are killing people. There is no protection for anyone when they start fighting, and people get killed. Women are raped all of the time.’

Who are using the guns?

This fear of the police as well as fear of gangs is far from rare in Port-au-Prince today. The Haitian and US governments point out that the police need the weapons to confront a host of illegally armed groups, who hold and use up to 13,000 small arms and light weapons.

In October 2005, a report from the Small Arms Survey, based in Geneva University, identified ‘at least a dozen distinct types of armed groups in possession of varying numbers and calibres of small arms and light weapons: some OPs (popular organisations, or community-based groups with ties to politicians), *baz armés* (neighbourhood-based gangs), *zenglendos* (petty criminals), the demobilised army (FADH), former paramilitaries (*Front Révolutionnaire pour l’Avancement et le Progrès d’Haiti* – FRAPH), the ex-Presidential Guard,¹⁰ prison escapees, organised criminal groups, self-defence militia, private security companies, civilians, and politicians’. These gangs and groups use everything from sub-machine guns to handguns and automatic rifles, including M1s, M14s, M16s, Galils, and T65s.

Perhaps most alarmingly, many residents of Port-au-Prince’s poor neighbourhoods say that they fear the police as much as they fear the armed groups. On 26 October 2004, thirteen young people were apparently shot dead by police in cold blood in the Fort National neighbourhood of Port-au-Prince. Amnesty International found during its research that the killings happened after four police vehicles and an ambulance arrived in the afternoon at Estime Street, Fort National. The occupants of the police vehicles were reportedly wearing black uniforms with the word ‘police’ written on the back. They had their faces covered with balaclavas. Some took up firing stances on the street, others entered one of the narrow alleys that are typical of Port-au-Prince’s poorest neighbourhoods. According to testimonies, the police went to the house of Ti Richard. He was out, but 13 other people were there. The police allegedly ordered them to

¹⁰ This refers to the dismissed Presidential Guard (and also many police officers who were dismissed) without a proper controlled process. Many of them thus retained their uniforms and guns enabling them to continue to act in their former capacity.

lie on the ground and shot them without provocation or apparent motive¹¹. One mother's story is told below.

The next day in the nearby neighbourhood of Carrefour Pean in Port-au-Prince, four young men were allegedly executed in broad daylight. According to testimonies gathered by Amnesty International at the site of the killing, about 15 police agents in five police cars arrived in the area at around 11am. The four young men were taken between the cars and shot dead.¹² The murders raised fears of the possible existence of government-sponsored death squads operating in the poor neighbourhoods of Port-au-Prince where Aristide continued to have strong support.

The UN civilian police announced an investigation into the executions at Fort National, but by November 2005, more than a year later, they still had not made their findings public. The victims' families, such as 45-year-old **Celita Poleus**, are still looking for answers. Her son was 22, in his final year at high school.

'I'm the mother of
Vercius Fanfan,'
Celita said. 'I was
selling in the
market when the
massacre
happened on 26
October. People
said there had
been a massacre. I
got home. I looked
around and
realised that my
son wasn't there. I
asked his older
brother if he had
seen Fanfan come home from school. He said he hadn't. I started
crying, crying, crying.

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'A neighbour, who was on a roof and could see what happened below, told me later that the police killed twelve people. They made Fanfan carry the bodies and put them in the police trucks. They made him finish carrying the bodies, and then they killed him. They blew away the entire back of his head. When his father went to the General Hospital, he found little Fanfan lying on his back in the morgue. I covered the back of his head with a black bag. I buried him on 11 November.'

¹¹ 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International op. cit.

¹² 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International op. cit.

Celita believes that it was the police who shot her son — ‘because they were dressed like police’. Now, she feels that she has been forgotten. ‘We haven’t found any justice. MINUSTAH has never come here to talk with me. Since my son died, I’ve never seen them.’

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Across Port-au-Prince, in the seaside neighbourhood of Village de Dieu, armed gangs terrorised the population in late 2004 and early 2005, murdering and robbing residents and raping women. By late 2005 a degree of normality had returned, but victims of the violence, like 27-year-old **Marie**, still suffer the consequences.

‘On 4 January 2005, some people came to my house and called for my husband to open the door. When he didn’t respond, they kicked the door open. They were wearing black and they had masks covering their faces. I don’t know if they were police, former military, a gang, or

something else. They had very large guns — Galils or M1s. I can’t tell you exactly what they were, because I don’t know much about weapons. The gunmen took my husband out of the house and shot him in front of me. They came back afterwards and burned down the house.

‘I fled with my children. I was sleeping in the entryway of another house. The same group came back and raped me. I had to leave the area and went to Cité Plus [another poor neighbourhood]. I slept in the entryway of another house. One day, a group of armed men came and asked why we were staying there. They kicked us and then three of them raped us. I had to leave that house and flee to the neighbourhood of Martissant in March 2005. Someone allowed me to stay in their house for three days. But after they heard I was a victim of rape, they said I couldn’t stay any more because I could contaminate the house.’

Neighbourhoods destroyed

Besides the brutal impact of the armed violence, one of the most striking impressions conveyed by such interviews is the feeling that people have nowhere to turn to for protection. ‘When there’s shooting you can’t go outside to buy food to eat,’ said Gerald, a 28-year-old resident of Bel Air. ‘The police could be on one side, and the

other guys on the other. When there is an exchange of fire, you don't know where the bullets are coming from. Guns are firing all the time. It makes you crazy. '

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On 20 August 2005 in Martissant, one family saw the violence of both the police and a criminal gang. **Lucie**, a 46-year-old woman, has lived in the area all her life. On that day, Ulrick, her 28-year-old son, had returned from watching a football match. Between 4,000 and 6,000 people were estimated to have been at L'Eglise Ste. Bernadette/ l'Ecole Rose Mère, a church and school complex in Martissant, watching summer vacation football matches. Witnesses reported that police and civilians armed with machetes entered the stadium and that

the police shot several individuals.¹³

'When he came home', she reported, 'he told me that the police had come to the game and killed many people. Ulrick had injured his foot climbing over a wall at the stadium, trying to escape.

'While he was telling me this, a group of men with big guns came down into the alleyway where we live. This group always has huge guns. They walk around with them, scaring everyone. I don't know what kind they are — M1, Qaddafi, M16, all types I think. This group is not the state. They are not the police. They are criminals. They use the guns to kill people, to kidnap, to steal.

'They came to my house and took Ulrick. They killed him in front of me, right in front of the door of our house. The neighbours said later they had shot him 52 times. He had bullet wounds all over his body. I was screaming after they finished killing him. They shot at my head but missed. One of them took me to the corner of the alley and raped me there because I was protesting.'

Most of the women raped in Port-au-Prince are raped at gunpoint. Malya, another woman in the same Martissant neighbourhood, said, 'This is *why* there is more rape. Because men have guns. If they

¹³ www.ijdh.org/articles/article_recent_news_8-24-05.htm

didn't have guns, you could resist and cry for help. But when they have guns, there is no-one who can help.'

The number of deaths from the armed violence is horrific enough. Between September 2003 and December 2004, at least 700 people in Haiti were killed by intentional firearms-related violence.¹⁴ Four times that number were injured. But, as these interviews show, there is a much wider impact because, for example, of the fear that the presence of guns instils in people. Homes and livelihoods are destroyed. Fear is endemic. A 2004 UN survey found that 60 per cent of urban Haitians were frightened in their own homes. Shumann, a lawyer in Bel Air, sums it up: 'The impact of violence has been misery for people in the whole neighbourhood — poverty, unemployment, hunger. Street vendors get up at four in the morning to go downtown to sell. They have money in their hands, but there are people who wait for them at the edge of the neighbourhood to rob them. When that happens, they and their families and their children and their neighbours won't eat that day.'

Many young people are affected by gun violence. According to UNICEF's representative Francoise Gruloos-Ackermans, 'The exceptional vulnerability of Haiti's children almost guarantees that they would bear the brunt of the suffering.'¹⁵ Most of the 700 killed during the period described above were under the age of thirty years. A nation-wide survey conducted by UNICEF in March 2005 revealed that children were reportedly killed in more than 15 per cent of the surveyed zones. In more than a third of the zones, children were wounded by gunshots or beaten by armed gangs.¹⁶ Similarly, street children are also highly vulnerable to political violence and armed conflict. In Port-au-Prince, 3,000 children are estimated to live on the streets, severely marginalised by the population. Not infrequently, they are the target of vigilante groups.¹⁷

Yet, tragically, young people in Haiti are often the main perpetrators as well as victims of armed violence. According to Andreas Brandstatter, the UN mission's child-protection adviser, many children under 18 are recruited into armed groups.¹⁸ In early 2005, as

¹⁴ Robert Muggah (November 2005) 'Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilization, and Reintegration', p xxii, Occasional Paper No.14, Small Arms Survey, Graduate Institute of International Studies, Geneva.

¹⁵ Interview conducted by Control Arms researcher in Port-au-Prince, November 2005.

¹⁶ 'West's most neglected children bear brunt of Haiti's upheaval', UNICEF Press Release, 19 April 2005, http://www.unicef.org/media/media_20443.html

¹⁷ 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International, op. cit.

¹⁸ Interview conducted by Control Arms researcher in Port-au-Prince, November 2005.

many as 600 belonged to two major armed groups in the Cité Soleil neighbourhood.

‘Just imagine the psychological effect the violence has, not just on adults, but on the children who have to see this sort of thing,’ the lawyer Shumann added. ‘There are so many children who have been victims, who have been shot, who have been killed.’

Beyond Port-au-Prince

While much of Haiti outside Port-au-Prince has been relatively peaceful, residents near the border with the Dominican Republic suffered a spate of intense violence in 2005. Local human rights groups attribute it to armed gangs involved in cross-border trafficking of weapons, drugs, vehicles, wood, and other commercial products.

In recent months, residents have reported frequent gunfire at night, often related to the theft of cattle. Marie Michèle Polynice, of the Fonds Parisien Human Rights Committee, a local Haitian organisation based in the town of that name, said she had documented five deaths from gunshots in the past two years. In late 2005, a young girl was shot and killed at close range by a 9mm handgun near Terre Froide. The killings have traumatised residents of this rural area, which had previously been calm and peaceful.

‘The population are very scared about their safety, due to the insecurity and the lack of police in the area,’ said Jean Berno Mathieu, a member of the Committee in Defence of Human Rights of Terre Froide. ‘Because of their fear of putting their families’ lives in danger, people who live here have not wanted to speak publicly about the impact weapons have had.’

Residents and human-rights activists in the area blame heavily armed gangs of both Haitian and Dominican traffickers. They complain of the near total absence of government authorities and police along the border.

‘The state must do something to stop these things from happening again in Fonds Parisien. We’re not used to this violence,’ said Elicia Jean, a 40-year-old mother of six who was shot in the arm in September 2005. ‘The only way to improve the situation is if the state investigates, and tracks down and confiscates the arms that are circulating.’

2 Where did the guns come from?

It is estimated that there are as many as 210,000 small arms and light weapons in circulation, most of them held illegally, and mostly by civilians and various armed groups.¹⁹ Even for those held legally, the government has no functioning register.

Haiti produces no firearms itself, apart from crude home-made 'Creole' guns. All its disparate armed groups depend on supplies from abroad. Covert and illegal arms trafficking is common, with well-worn smuggling routes from Florida, where guns are easily available, and recent transfers of automatic weapons from the Dominican Republic, Jamaica, Central America, Brazil, South Africa, and Israel. Between 2003 and 2005, a quarter of weapons smuggled out of Miami, Pompano Beach, and Fort Lauderdale in Florida were destined for Haiti, according to the US Bureau of Alcohol, Tobacco, and Firearms. Since between eight and ten per cent of Colombian cocaine entering the USA comes through Haiti, it is hardly surprising that there is the demand and the money to buy those arms.²⁰ Haiti's ill-equipped and understaffed police and coastguard cannot control its porous borders and long coastline. It is also worth noting that before conflict broke out in February 2004, the number of police officers was some 5,000 for a country of 8.5 million people. In contrast, New York Police Department has a force of 39,110 officers (fiscal year 2003) for roughly the same population.²¹

According to the Small Arms Survey report published in October 2005, 'where large legal and illegal shipments are reported into Haiti, they are soon accompanied by the outbreak of armed violence.'

The USA has been the largest supplier of legal and illegal arms to Haiti since the 1980s. During Prime Minister Latortue's administration since 2004, the USA has made a large exception to its 14-year-old embargo on the transfer of arms to Haiti, providing 2,600 weapons to the police in 2004 and approving another sale in 2005 of pistols, rifles, and tear gas worth US\$1.9m. The 1991 embargo allows for these exceptions on 'a case-by-case basis'.

The USA and UN claim that the distribution and possession of these weapons will be tightly controlled. However, some observers have expressed concern, for two reasons. First, the Haitian police themselves have been accused of repeated extrajudicial executions and other abuses. Some of the accounts in this paper would seem to substantiate that concern.

¹⁹ Robert Muggah, *op.cit.*, p xxiv.

²⁰ Robert Muggah, *op.cit.*, p15.

²¹ 'Haiti: Breaking the cycle of violence: A last chance for Haiti', Amnesty International, June 2004, AI Index: AMR 36/038/2004. Also see www.ci.nyc.ny.us/html/nypd/html/misc/pdfaq2.html

Second, in the past, guns held by the police have ended up in the hands of illegal armed groups and individuals. According to the Small Arms Survey, 'weapons in the hands of armed groups appear to have been leaked from "official" stockpiles and inventories, rather than acquired illegally from abroad. Firearms are regularly channelled from police armouries by corrupt "insiders" and transferred to sympathetic OPs [community groups with links to different politicians], militia groups, and criminal gangs in urban centres. For example, according to former palace guards, at least 4,000 weapons (a combination of assault rifles, pistols, and revolvers) were provided by former President Aristide to the *chimères* — including arms allegedly provided by South Africa — in the days leading up to the ousting in early 2004.'²²

In short, there is a real danger that arms supplied to Haiti's police will be used in abuses by police officers, or channelled to other armed groups.

Beyond these transfers, admitted to by the USA, mystery surrounds an invoice received by senior Haitian officials in November 2004. This itemised a much larger quantity of weapons than officially admitted, including 3,653 M14 rifles, 1,100 Mini Galils, several thousand assorted 0.38 calibre pistols, 700 MP5s, and approximately one million assorted rounds of ammunition, valued at US\$6.95m. Perhaps most intriguingly, the Haitian Commissioner of Police claimed needs at the time amounting to only 300 M14s. In April and May 2005, both the US Embassy in Port-au-Prince and the US State Department in Washington denied that these arms had been transferred.²³

Several other countries have also legally exported weapons to Haiti over the past decade. In the ten years to 2001, Brazil approved exports of sporting and hunting rifles — despite hunting not being common in Haiti — worth more than US\$392,000, with more in 2003. Between 1993 and 1998, the UK, France, Netherlands, and Switzerland authorised the transfer of pistols and revolvers, ammunition, grenades, and anti-personnel mines worth more than US\$26,000.²⁴ According to official customs data submitted to the UN Comtrade database, the Dutch 1998 transfers were in the UN category of 'bombs, grenades, ammunition, mines and others'.²⁵

²² Robert Muggah, *op.cit.*, p16.

²³ Robert Muggah, *op.cit.*, p 12. This information was provided to the author by well-placed informants in Port-au-Prince in November 2004, who said that the weapons had already been transferred to Haiti by a US-based broker. See also 'Outrage over US guns for Haiti police', *South Florida Sun Sentinel*, 23 April 2005.

²⁴ Robert Muggah, *op.cit.*, p 12.

²⁵ 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International, *op. cit.*

3 What needs to be done?

There is no single solution to the proliferation of arms in Haiti — and no pretence that it will be easy. In February 2004, the interim government set up the National Disarmament Commission with representatives from civil society and the government. However, at the time of writing in December 2005, the programme to disarm, demobilise, and reintegrate (DDR) armed groups and armed personnel in Haiti on a large scale had not been implemented.

In this process, the interim government has applied one standard for the demobilised military and another for the armed gangs. The government allegedly offered a total of nearly US\$30m in compensation to disbanded members of the former military. Compensation was not conditioned on disarmament or demobilisation. Reintegration is only 'integration' into the police force since no programmes for vocational training for demobilised military seem to have been established. There was an official ceremony of 'disarmament and demobilisation' of 309 demobilised military in Cap Haitien but they only handed back seven decrepit rifles; they kept their automatic weapons.

'Things are not going as we had wanted,' said Alix Richard, President of the government's National Disarmament Commission and an adviser to Latortue. 'What we have to offer is not terribly attractive. If someone wants to face the justice system, we can offer legal assistance and ask human rights observers to make sure they are treated well. But nobody is going to give up their gun just in exchange for a promise of legal assistance.'

With the lack of police accountability, there is a need for the interim government in Haiti to take immediate measures to prevent extrajudicial executions, investigate human rights abuses, and prosecute those responsible.²⁶

The joint UN-government DDR programme has shifted its focus. The hope is that the projects and the jobs that it creates will calm tensions and provide a motivation to abandon armed violence. It is important though that these projects are sustained once the UN mission leaves the country so that armed violence does not increase again in the future.

Elsewhere, the experience of a UN Development Programme (UNDP) project, which took place during former President Aristide's rule in Carrefour-Feuilles (south-west of Port-au-Prince), proved to

²⁶ see 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International, *op. cit.*, for more information on the measures needed for these positive and effective changes in Haiti.

be valuable in assessing the response from the communities targeted. For over a year, the community was approached to establish a climate of confidence. Arms were then voluntarily turned over in exchange for access to micro-credit programmes.²⁷

According to Desmond Molloy, head of the UN's DDR programme in Haiti, 'We have a unique situation in Haiti. We've been trying to do DDR without the necessary political space, with a transitional government that has brought about greater political polarisation rather than national unity. There has been an increase in violence and fear, meaning that people are more likely to hide their weapons, instead of handing them over.'

Traditionally, DDR has been employed after a war or armed conflict in which there are two clearly defined camps and a peace agreement is in place that sets the terms for disarmament. However, in Haiti there are myriad small armed groups with fluid and shifting relationships.

It is certainly true that many people will not give up the gun without the opportunity of a peaceful way out of poverty. In many parts of Port-au-Prince, it is difficult to see evidence of that opportunity. 'The solution to violence in Bel Air is about misery,' said Herby, a 24-year-old resident. 'Misery can corrupt anyone. Young people need to be able to go to school. There needs to be health care. There needs to be a way to find food at least twice a day. There needs to be a way to earn at least two dollars a day. This could stop the violence.'

But even those implementing projects to reduce violence say that they are not the sole answer either. Philippe Branchat is a representative of the International Organization for Migration, which manages USAID-funded community projects which aim to reduce violence in poor neighbourhoods. He says that 'what is most needed in Haiti is justice'. Justice is certainly an important priority. At present in Haiti, impunity prevails for past and present human rights abuses by, for example, state officials and police officers. There is a lack of respect for the rule of law, and of due process for prisoners, many of whom remain in prison and have not been convicted.

According to the Small Arms Survey, 'There is an urgent need to suppress and reduce the spread of weapons, while simultaneously moving toward the regulation of state and non-state arms supplies and permanent civilian disarmament.' This will require a change in the law since Haiti's constitution says that 'Every citizen has the right to armed self defence, within the bounds of his domicile, but has no right to bear arms without express well-founded authorisation from the Chief of Police'.

²⁷ 'Haiti: Disarmament Delayed, Justice Denied', Amnesty International op. cit.

In terms of the police, their use of force and firearms is supposed to be controlled by agreed international standards, including the UN Code of Conduct for Law Enforcement Officials, and the even more self-explanatory UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials. Unfortunately, these standards were not affirmed in the UN Programme of Action on Small Arms and Light Weapons, and the failure of states to observe them is widespread.²⁸ The rules recognise the obvious fact that police may sometimes have to use force to protect others and themselves from an imminent threat of death or serious injury. But this force must be necessary, and proportionate to the violence that they face. It must be lawful, not arbitrary. In Haiti as elsewhere, those who supply arms have a responsibility to ensure that these standards are upheld. Without proper vetting of current police officers and those being integrated from the former military, and without major retraining and restructuring of the police, the danger persists that arms to the police may not be used as intended.

In short, there is a lot to do within Haiti. However, the continuing supply of arms from abroad — both illegally from the Dominican Republic, Jamaica, Central America, Brazil, South Africa, and Israel, and, both legally and illegally, from the USA — threatens to fuel the violence from outside, at the same time as those inside Haiti are struggling to control it.

Smuggling illegal weapons must be stopped. Embargoes must not be broken. As in violent crises everywhere, the rest of the world must take responsibility for the supply of weapons. The international arms trade lacks effective control. Irresponsible arms transfers fuel human-rights abuses and are a proven catalyst for conflict, prolonging wars once they break out, increasing their lethality, and adding to the immense human cost.

The primary responsibility for controlling the flow of arms rests with governments — all governments, whether they are manufacturers or not, that transfer, re-export, transit, or export arms. States do have the right to buy weapons for legitimate self-defence and responsible law enforcement. But they are also obliged under international law to ensure that arms transfers are not used to violate human rights or international humanitarian law.

Despite the suffering and poverty fuelled by international arms transfers, there is still no comprehensive, legally binding international treaty to regulate the conventional arms trade. The current system of transfer controls is full of gaps and inconsistencies that are exploited by arms dealers and brokers, for example.

²⁸ For a review of these rules and states' failure to implement them, see Brian Wood and Glenn MacDonald, 'Critical Triggers: Implementing International Standards for Police Firearms Use', Small Arms Survey, Oxford University Press, 2004.

A new international Arms Trade Treaty (ATT), based on principles of international law, would create minimum global standards for arms transfers, preventing those likely to be used to violate human rights or to hinder development. It would reduce the human cost of irresponsible arms transfers and prevent unscrupulous arms dealers finding the weakest point in the supply chain.

The list of governments in support of the principles behind the ATT is growing.

2006 presents a major political opportunity to build on this momentum:

- The Review Conference for the UN Programme of Action on Small Arms and Light Weapons, in June and July 2006, must agree clear principles for the international transfer of these arms, based on existing international law, to prevent them getting into the wrong hands.
- The Conference's Preparatory Committee, taking place in New York in January 2006, must set the stage for this.
- Then, the UN General Assembly's First Committee, meeting in October 2006, must finally initiate a process to negotiate an Arms Trade Treaty.

The proliferation of conventional arms is too severe to be ignored any longer. Arms transfers still fuel atrocities in Haiti and many other countries. Responsible arms exporters and arms-affected states must not be held back by the few states that want to impede progress. In 2006, they must begin negotiations to agree an Arms Trade Treaty.

Notes

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This paper was based on interviews conducted in Haiti in November 2005. The text may be freely used for the purposes of campaigning, education, and research, provided that the source is acknowledged in full.

Copies are available to download from www.controlarms.org.

AI Index number AMR 36/001/2006.



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Email: info@amnesty.org.uk



The International Action Network on Small Arms is the global movement against gun violence - more than 500 civil society organisations working in 100 countries to stop the proliferation and misuse of small arms and light weapons. IANSA seeks to reduce the impact of small arms through advocacy, promoting the development of regional and thematic networks, supporting capacity building and raising awareness.

Email: contact@iansa.org



Oxfam

Oxfam International is a confederation of twelve development agencies which work in 120 countries throughout the developing world: Oxfam America, Oxfam-in-Belgium, Oxfam Canada, Oxfam Australia, Oxfam Germany, Oxfam Great Britain, Oxfam Hong Kong, Intermón Oxfam (Spain), Oxfam Ireland, Novib Oxfam Netherlands, Oxfam New Zealand, and Oxfam Quebec.

Email: advocacy@oxfaminternational.org

The call for tough arms controls

Voices from Haiti



Arms are out of control

Arms kill more than half a million men, women, and children on average each year. Many thousands more are maimed, or tortured, or forced to flee their homes. The uncontrolled proliferation of arms fuels human rights violations, escalates conflicts, and intensifies poverty. The time for world leaders to act is now.

To confront this crisis, Oxfam, Amnesty International, and the International Action Network on Small Arms (IANSA) have together launched an international campaign calling for effective arms controls to make people genuinely safer from the threat of armed violence.

You can help us to put an end to this horrific abuse.

Log on to the control arms website and become part of the largest, most effective visual petition in the world.

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