

Port-au-Prince, September 7th, 2012

Mr. Godson Auréus  
The Director General of the Office of the  
Haitian National Police (PNH)

**Mr. Director General,**

The **National Human Rights Defense Network** (RNDDH) welcomes your accession to the General Directorate of the National Police of Haiti (PNH) and hastens to draw your attention to a set of facts which, if they are not addressed with the utmost urgency, with adequate responses; could jeopardize the existence of the PNH, and the foundation of the nation itself.

**Mr. Director General,**

For some time, dizzying exchange of automatic weapons has been taking place in the streets of the capital, resulting in the death. Doors to houses are broken open, children and adults are abducted, and women and girls are the victim of rape. To date, the PNH has not demonstrated its genuine desire to ensure the safety of the Haitian population, and consequently its' confidence in the police force crumbles every day.

***You must quickly take appropriate measures to protect the lives and property of members of the Haitian population.***

**Mr. Director General,**

The politicization and subservience of the police institution is and remains a great temptation. It is as well, a pressing and urgent concern for political authorities. It is therefore up to you to return to assuring that overall management of the PNH is done in compliance with laws and regulations governing the police institution. In this way, you will ***avoid to granting promotions on the basis of cronyism, political connections, or for other reasons.***

Grades must be attributed to the PNH on the basis of their competence in relation to their seniority. Otherwise, to opt for promotions based on cronyism, political

connections, or personal favors, may dangerously affect discipline and weaken the police force while reducing its performance.

***The PNH must imperatively impose clear rules of conduct, and be transparent in granting promotions, and assignments to positions of responsibility or management of its property and staff.***

In this sense, RNDDH signals that several PNH officers have exemplary behavior. They have worked diligently within the police institution for several years, some since its inception. However, they have not, to date received a promotion, and still wear their promotional grade. If some of these have decided, as a sign of disappreciation, not wear their badges or stripes; others suffer this insult without this sense of pride that inspired them when originally decided to join the police force.

Meanwhile, RNDDH notes that at least forty-four (44) Police Commissioners, have no post. They are willing to work yet they are not assigned anywhere, while several police stations are headed by Police Inspectors, in violation of Articles 47 and 50 of ***the Law Establishing the Creation, Organization and Functioning of the National Police***, published in ***Le Moniteur*** # 103 on Wednesday, December 28th, 1994, which states respectively:

***<< There is in each main community of the District, a District Commissioner under the authority of a member of the police bearing the rank of Chief Commissioner ...>>***

***<<There is, in each Commune, a police station under the District Commissioner. The communal police station(s) is placed under the authority of a Police Commissioner or a Divisional Inspector according to the importance of the commune. He/she will bear the title of Municipal Commissioner. >>***

**Mr. Director General,**

The PNH must be a credible institution and its' officers have an obligation to be of great character. In this sense, you will also ***avoid the integration into the police institution, of former police officers and civilians of questionable moral character.***

By integrating into the security services of the President of the Republic, former police officers and former military known for their immorality and their involvement in wrongdoing; the current political power has already demonstrated its' lack of respect for the code of ethics which characterize the management of the police force. ***It is today, up to you to rectify this situation.***

As such, RNDDH draws to your attention that the safety of the National Palace and that of the Prime Minister must be provided by specialized bodies of the PNH. In addition, any reinstatement within the PNH must be made in accordance with the provisions of Article 17 of the **Personnel Manual of the National Police of Haiti**, adopted on February 6<sup>th</sup>, 1996, which states:

**<< The request for reinstatement in the National Police does not confer rights to the author. Statutorily, it is regarded as a new application for employment.**

**To apply for reinstatement, the police officer who was removed from the ranks of the National Police whether after contract termination, or resignation from the police - must meet the following conditions:**

**Being younger than 36 years old on the day of the signing of the new contract;**

**Having not had a break in service greater than five (5) years;**

**Having obtained a certificate of good conduct for performed services to the National Police. >>**

The PNH is currently the only armed national institution, it is therefore unthinkable that the safety of the National Palace and the Prime Minister's offices are entrusted to civilians and dubious individuals, completely beyond its' hierarchical authority. However today, in the presidential security unit, the presence of Carientane NADY, of Pierre Leon Junior SAINT REMY alias Shunny, of Jacky NAU and of Pierrot DUPLAN, scandalizes society in general, and in particular RNDDH. It is the same for Carl LAPLANTE who is responsible for security to the Prime Minister.

Here follows is a summary of the facts alleged in the case of at least two (2) of these individuals:

On November 10<sup>th</sup> 2000, Carientane NADY sentenced to life by the Criminal Court of Gonaives , with the assistance of a jury, for torture and other crimes in the **Raboteau Massacre** perpetrated on the 18<sup>th</sup> and 22<sup>nd</sup> of April 1994. Thanks to a series of breakouts in 2004, he escaped from prison. He also submitted an appeal against the judgment of November 10<sup>th</sup>, 2000. The **Supreme Court**, on May 3<sup>rd</sup>, 2005, ruled that it reversed the impugned judgment, without further reference.

For his part, the former police commissioner Jacky NAU is, according to a report by the Inspector General, criticized due to his involvement in drug trafficking. Among others, he participated in the landing, on September 10<sup>th</sup>, 1999, in the area of **Savannah Carree**, a town between **Fort-Liberté** and **Ouanaminthe**, in the Department of North-East, of a flight from Colombia which had on board a cargo of four hundred fifty (450) kilograms of cocaine.

**Mr. Director General,**

Control of the security units affected to the Presidential Palace and the offices of the Prime Minister, by these armed civilians goes against the provisions of Article 1 of the Law of December 29<sup>th</sup>, 1994 prohibiting the formation of armed groups and fronts, which states:

**<< The financing, organization and maintenance of any armed bodies outside those established by the Constitution and the Law are prohibited. >>**

**The country then is waiting for specific measures to be taken on the management of security units of the National Palace and the offices of the Prime Minister.**

**Mr. Director General,**

Since 2004, the Inspector General of the PNH, called to play the role of policing the police; has been in crisis. On the one hand, it is has not been completely established. In this sense, RNDDH draws to your utmost attention, that Article 39 of the **Law establishing the organization and functioning of the National Police**, states that:

**<< The General Inspectorate consists of six (6) Inspector Generals of the National Police, under the responsibility of a Chief Inspector General. >>...**

On the other hand, while some cases make the headlines, the Inspector General has conducted investigations that led to administrative sanctions against certain officers, and the transfer their cases to the judiciary for legal follow-up; the outcomes of these proceedings are largely unsatisfactory. In fact, many complaints are pending before the General Inspectorate. Provisional arrangements have been made against the police officers involved, such as their placement in solitary confinement, even though their case seems to have been forgotten in a desk drawer. They are stuck halfway between the police force and the judiciary. This situation leads to have a number of prejudices for both the victims as well as the defendants themselves.

**Mr. Director General,**

The police are working at full capacity based on a modified schedule at the discretion of the responsible police stations. Sometimes they are on duty at their workplace for one (1) week without any possibility of returning home, while other times they work forty-eight (48) hours before taking a break. Let us remember that not all police and sub-stations are equipped with dormitories, the toilets are dirty and repulsive, the buildings are incredibly small; that many of these buildings are not supplied with running water and are subject to the whims of the Electric Company of Haiti (EDH) with no alternative; it is clear that the working conditions of the PNH are extremely difficult.

In addition, these officers are exposed to all sorts of risk, related to the type of work that they do. They deserve a respectable salary, which allows them to care for themselves and their families with dignity and should receive life and health insurance coverage which takes into account all of their needs.

**Mr. Director General,**

Dangerous people for the most part, have been arrested and then released from police stations, in exchange for money. This is a practice that must stop immediately as it undermines the laws of the Republic regarding crime, and their role in deterrence. Police stations are not houses of justice, and can in no way replace the full and proper functioning of the judiciary.

Meanwhile, at certain fixed points, a number of police officers engage in acts of eliciting bribes from motorists. These events degrade the PNH and are dangerous to public safety to the extent that these officers often abandon their working posts and/or fail to fulfill their tasks.

In addition, in several police stations and sub-stations of the country, particularly those located in remote areas, officers engage in gambling, thereby projecting a negative image of the police institution. This practice should be prohibited because, as in the case of bribery, it causes officers to let their guard down, and to be inattentive.

In light of the foregoing, it is clear that the protection of the **Morals** and **Discipline** of the PNH is now an imperative. ***Consequently, the work of oversight and investigation of the General Inspectorate, and the purification process of the PNH must urgently continue and intensify; as this is key in order to improve it's relationship with the population, and win the confidence of the public.***

**Mr. Director General,**

The Haitian population in general and in particular RNDDH, are counting on you to urgently address the range of issues listed above.

Trusting that you rise to the calling of your post, RNDDH extends the assurances of its highest consideration.

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Pierre Esperance  
Executive Director

Cc: Members of the Supreme Council of the National Police