MINUSTAH: Keeping the peace, or conspiring against it?

A review of the human rights record of the United Nations Stabilization Mission in Haiti 2010-2011

HealthRoots Student Organization
Harvard School of Public Health

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I wish I could say that these are the only conspirators against the peace of Haiti, but I cannot...To them, the welfare of Haiti is nothing; the shedding of human blood is nothing; the success of free institutions is nothing, and the ruin of neighboring country is nothing.

Frederick Douglass
Former Consul-General to Haiti, 1889-1891
World's Fair, Chicago, 1893

Douglass resigned his position in 1891 over opposition to US policies toward Haiti

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Executive Summary

In the year and a half since the earthquake in Haiti, the United Nations Stabilization Mission in Haiti (MINUSTAH by its French acronym) has expanded its role in the name of security, stability, and relief. However, since its establishment in 2004, multiple independent human rights organizations have documented myriad violations of the human rights of Haitians. These transgressions have continued unchecked since the earthquake, positioning MINUSTAH as a threat to Haitian stability and security instead of protecting it. Accompanying these abuses are domestic and international voices of protest, bolstered by human rights reports and leaked documents and cables demonstrating that the motivations of MINUSTAH and its members are not focused on Haiti. Further, permission for MINUSTAH's presence was granted by an unconstitutional, unelected government after the democratically-elected President Jean-Bertrand Aristide was ousted from office in an internationally-backed coup. When MINUSTAH is understood as part of a first world-focused interventionist geopolitical strategy rather than a humanitarian peace mission, it is clear why such an unsuccessful and unpopular operation continues to be renewed year after year.

Less than a year after the first soldiers landed on Haitian soil, independent humanitarian organizations documented cases of robbery, murder, assault, rape, and sexual exploitation of minors.[1] Evidence grew that MINUSTAH ignored extrajudicial, paramilitary killings of civilian groups mobilizing to protect their communities. Worse, it sometimes acted as the guerillas' personal security force.[2] These missions often cost innocent lives, as entire neighborhoods were assaulted by military strikes involving tens of thousands of rounds of ammunition, bombs, and armored vehicles. These offensives, conducted by an occupying military force in a peacetime sovereign nation, violate MINUSTAH's charter and international law. Nevertheless, MINUSTAH's mandate allows for judicial immunity from Haitian law for its soldiers. Since its inception, hundreds of soldiers implicated in crimes have escaped prosecution because of this clause.[3]

Since the earthquake, these problems have worsened. MINUSTAH fails to effectively monitor internally displaced people (IDP) camps, often only patrolling outside them. In any case, the forces do not speak the language, and often have not arranged for sufficient translation capacity, despite UN presence in Haiti for almost 20 years. MINUSTAH also fails to engage the many grassroots organizations dedicated to IDPs, gender-based violence, or protection against forced eviction. The mission's failure to coordinate with community leaders has left IDPs "at the mercy of landowners and gangs."[4] Hundreds of cases of sexual assault, rape, and gender-based violence by MINUSTAH soldiers were reported in pre-earthquake Haiti. After the earthquake, such abuses, often of children, continue.[5,6]

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Ten months after the earthquake, MINUSTAH troops, failing to take basic sanitation precautions by dumping human feces into a nearby river used for drinking, started a cholera epidemic that, to date, has killed more 6,000 people and crossed into the Dominican Republic. Despite eyewitness reports, and epidemiological and genetic studies proving that MINUSTAH was the source, they failed to take responsibility for nearly a year.

In August of 2010, Gérard Jean-Gilles, a sixteen-year-old boy, was found hanging on a base in Cap Haïtien.[7] Despite a post-mortem examination suggesting that he was murdered, and witness accounts suggesting that he was attacked before his death, MINUSTAH has refused to investigate.[8]

Contrary to its mandate to assist in free and fair elections, MINUSTAH played a role in an illegitimate presidential election in fall of 2010 that saw the exclusion of numerous political parties—including one of Haiti's largest—and a large part of the population.

MINUSTAH's continued presence is justified by the levels of unrest, or potential for unrest, in Haiti. In fact, the member countries involved in the mission, such as Brazil, have up to more than triple the murders per capita than Haiti. Since the earthquake, the only significant civil discord in the country has targeted MINUSTAH for introducing cholera or failing to respond to IDP camp conditions, or expressed anger over fraudulent elections. MINUSTAH responded to these peaceful protests with violence, including tear gassing students and IDPs, assaulting international journalists, shooting at children and even killing peaceful protestors.[9,10,11]

MINUSTAH has been destabilizing Haiti and violating human rights since its arrival, and has continued this trend after the earthquake. In addition to violent abuses, MINUSTAH's introduction of cholera and failure to accept responsibility for it demonstrate a systemic problem with the entire mission and the way it interacts with Haiti. Just like the earthquake and the subsequent cholera outbreak, MINUSTAH, as a disaster with widespread adverse effects, has brought Haitians together in nonviolent yet persistent solidarity against it. But these outcries are repeatedly violently silenced by MINUSTAH.

MINUSTAH acts against Haitian interests in order to meet the geopolitical or economic needs of foreign nations or those seeking to ingratiate themselves to those nations. Rather than the instability and violence MINUSTAH uses to justify its existence—which has failed to rear its head since the earthquake—it is MINUSTAH itself that threatens security and advancement.

At such a crucial point in Haiti's history, and with years of failures, inaction, repression, and human rights violations documented, it is time that MINUSTAH respect the Haitian people's wishes, and the wishes of many of its members' citizens, and withdraw from Haiti. Arguments of greater instability cannot justify the current abuse and violence against Haitians. Just as no concern of post-MINUSTAH instability can justify a single violation of a Haitian's rights by an occupying force, no solution to Haiti's problems can include foreign armed military on its soil. If the UN and its members want to support Haiti, MINUSTAH's nearly one billion USD yearly budget should be put toward sanitation, shelter, health, infrastructure, and education, not arms and soldiers that result in death, sexual assault, and the subversion of democracy.

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1 Pooja Bhatia and Benjamin S. Litman, *Keeping the Peace in Haiti? An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with its Prescribed Mandate as a Barometer for Success*, (Cambridge, MA: Harvard Law Student Advocates for Human Rights, 2005).

2 Bhatia and Litman, *Keeping the Peace in Haiti?*.

3 Bri Kouri Nouvèl Gaye et al., Haiti's Renewal of MINUSTAH's Mandate in Violation of the Human Rights of the Haitian People, March 24, 2011, submission to the UN Universal Periodic Review (UPR), Twelfth Session of the Working Group on the UPR Human Rights Council, October 3rd - October 13th, 2011.

4 Deepa Panchang and Mark Snyder, *Vanishing Camps at Gunpoint: Failing to Protect Haiti's Internally Displaced*, (Port-au-Prince: International Action Ties, 2010), http://ijdh.org/archives/13424

5 "Denuncian a Militaires Uruguayos en Haiti", *El Pais,* August 14, 2010, http://www.elpais.com.uy/110814/pnacio-586491/nacional/denuncian-a-militares-uruguayos-en-haiti/

[6] Ansel Herz, Matthew Mosk, and Rym Momtaz, "UN Peacekeepers Accused of Sexually Assaulting Haitian Teen," *ABC News*, September 2, 2011, http://abcnews.go.com/Blotter/peacekeepers-accused-sexually-assaulting-haitian-teen/story?id=14437122

[7] Thalles Gomes, "Morte de jovem haitiano gera novos protestos contra a Minustah," *Brasil de Fato*, September 24, 2010, http://www.brasildefato.com.br/node/233

[8] "What Happened to Gerard Jean Gilles?", *Center for Economic and Policy Research (CEPR)*, September 24th, 2010, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/what-happened-to-gerald-jean-gilles

[9] Kim Ives, "As MINUSTAH Gasses Students, CEP Sets New Elections for November 28th," *Haiti Liberte*, May 26, 2010.

[10] "MINUSTAH: Securing Stability and Democracy from Journalists, Children, and Other Threats," *CEPR*, October 18, 2010, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/minustah-securing-stability-and-democracy-from-journalists-children-and-other-threats

[11] "Haiti Cholera Protest Turns Violent," *Al-Jazeera*, November 16, 2010, http://english.aljazeera.net/news/americas/2010/11/201011151655241542 28.html

MORE than a year and a half has passed since the earthquake of January 12, 2010, one of the most devastating natural disasters in recent history. The relief effort following the earthquake has also been one of the largest in recent times. For many people in Haiti today, however, the situation on the ground has changed little. For others, it has become much worse.

Given the expanded role assumed by the United Nations Stabilization Mission in Haiti (MINUSTAH by its French acronym) in the international relief effort, the rising wave of protest against its presence in Haiti, and its history of human rights violations, the mission deserves particular scrutiny at this moment in time.

In many cases, MINUSTAH has either passively permitted or actively engaged in documented human rights abuses against the Haitian people. It has failed to protect vulnerable populations from further violence and is increasingly being used to repress legitimate forms of political participation by Haitians themselves. Foreign governments, particularly the United States, are using MINUSTAH as a political tool to achieve foreign policy goals. While protests against MINUSTAH are not a new phenomenon, the months since the earthquake have seen such protests continue with renewed vehemence and momentum. The protesters' demands have been mirrored by social movements abroad, particularly from within MINUSTAH-contributing countries.

The earthquake has compounded the operational failures of MINUSTAH, and the introduction of cholera has provided an extreme reminder of the force's lack of structural accountability, refueling the movement to oust the force from Haiti. Many of the movement's criticisms of MINUSTAH today mirror those put forward years ago and documented by the Harvard Law Student Advocates for Human Rights and Center for Global Justice in their report, *Keeping the Peace in Haiti?*, as well as countless journalistic and human rights pieces. Many of the recommendations and criticisms put forth in 2005 are still applicable today.

In the context of Haiti's recovery from the earthquake, one of the most critical elements of MINUSTAH's mandate is contained in article 4 of UN Resolution 1927. Passed on June 4, 2010, it states:

> Recognizes the need for MINUSTAH to assist the Government of Haiti in providing adequate protection of the population, with particular attention to the needs of internally displaced persons and other vulnerable groups, especially women and children, including through additional joint community policing in the camps along with strengthened mechanisms to address sexual and gender-based violence; and to tackle the risk of a resurgence in gang violence, organized crime and trafficking of children.[1]

It has become clear that after seven years under of a mandate to bring stabilization and protection to the people of Haiti, MINUSTAH is failing to achieve its stated goals. MINUSTAH's participation in widespread, documented human rights abuses has exacerbated rather than improved the humanitarian conditions in Haiti after the earthquake.

This report will substantiate and provide concrete examples for these claims, presenting the case that MINUSTAH's presence in Haiti is inappropriate, that its effectiveness in protecting the Haitian people from human rights violations is minimal, and that it is being co-opted by foreign powers to advance their strategic interests in Haiti. These considerations lead the authors to echo the movement within Haiti asserting that MINUSTAH currently plays no positive role in the

[1] *Official Records of the United Nations Security Council (UNSC)*, 65th year, 6330th meeting, document S/RES/1927, 2010.

Haitian reconstruction process and should make a plan to withdraw from the country, in accordance with the wishes of a large segment of the Haitian population.

Controversial Origins of the MINUSTAH Mandate

Central to the debate regarding MINUSTAH and its commission of human rights abuses is the inappropriate nature of its presence on Haitian soil under the United Nations Charter. According to Chapters I and VII of the Charter, without host nation consent, the UN is ordinarily without the authority to deploy armed forces on otherwise sovereign territory.[2] MINUSTAH's deployment in 2004 blurred the lines between consensual peacekeeping under Chapter VI (diplomatic settlements of disputes) and coercive peace enforcement under Chapter VII (sanctions in Article 41 & armed force in Article 42). The key aspect of Chapter VII operations that deploy armed forces is that they are present in the territory of a sovereign state only because that state has consented to their presence.[3]

Since Haiti has never had an interstate armed conflict or peace agreement to enforce, a Chapter VII peacekeeping mission that violates Haiti's sovereignty has never been warranted. Former President Luis Inacio Lula da Silva's Chief of Staff Jose Dirceu originally told US White House Special Envoy Otto Reich in March 2004 that Brazil would only participate in a Chapter VI peacekeeping mission, not a Chapter VII mission.[4] Haiti has had a democratically elected government since 2006 and has experienced no acts of aggression that threaten its peace and stability or that of its neighbors—and therefore provides no justification for a Chapter VII mission.[5] Despite widespread protest from the Haitian people since 2004, the UN Security Council (UNSC) has renewed MINUSTAH's Chapter VII mandate, most recently for an additional year in October 2010.[6]

Security Vacuum in Post-MINUSTAH Haiti?

The argument for MINUSTAH's continued presence in Haiti is often based upon its presumed ability to protect the Haitian people from the predatory elements of gang warfare and political insecurity in Haitian society. The case for MINUSTAH is presented as such: if MINUSTAH leaves, the country will collapse into a spiral of violence from which it will never escape. Former head of MINUSTAH, Edmond Mulet, has put it in such explicit terms, saying the country would "just fall apart" if MINUSTAH were to leave, and identifying Haiti as "a society, community, a nation that has committed collective suicide."[7]

Despite the controversy over the forced removal of a democratically-elected president in 2004 and the unconstitutional appointment of US-backed Prime Minister Gerald Latortue who was flown from his home in Florida to accept the nomination, the UNSC expressed full support of these unelected actors from 2004-2006 while concurrently claiming to be "in accordance with the

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2 Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal of MINUSTAH's Mandate in Violation of the Human Rights of the Haitian People*, March 24, 2011, submission to the UN Universal Periodic Review (UPR), Twelfth Session of the Working Group on the UPR Human Rights Council, October 3rd - October 13th, 2011.

3 United Nations, "Charter of the United Nations," Chapter 1 Article 1-4, 1 UNTS XVI, (Geneva: United Nations, 1945), http://www.un.org/en/documents/charter/chapter1.shtml

4 WikiLeaks. Cable from Sao Paulo, 2004-03-06. Ref ID: 04SAOPAULO493. http://WikiLeaks.org/cable/2004/03/04SAOPAULO493.html

5 Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal*.

6 *Official Records of the UNSC*, 65th year, 6330th meeting, document S/RES/1944. 2010.

7 "Battle for Haiti: Interview Edmond Mulet," *PBS Frontline*, October 2010, http://www.pbs.org/wgbh/pages/frontline/battle-for-haiti/interviews/edmond-mulet.html

Haitian Constitution."[8] However, the constitution mentions nothing of the forced removal of a democratically-elected president of a sovereign state.

Such porous understandings of sovereign governments in a Haitian context can be also understood through the framework of the "Responsibility to Protect" (R2P), which redefines sovereignty as a state's responsibility towards its people.[9] This concept emerged in 1996 from the Brookings Institute, which argued the international community should have the right to intervene when a government does not fulfill its responsibility to its people.[10] In 2001, the International Commission on Intervention and State Sovereignty released a key report entitled "The Responsibility to Protect," in which the ICISS restates that the international community (i.e., the UNSC) has the right to intervene militarily when a population is suffering from serious harm due to insurgency or to state failure.[11]

Although R2P is not an international law or treaty, the redefinition of "sovereignty as responsibility" has been adopted as a norm by the international community, including the US, Canada, and France.[12] In 2005, the UN World Summit Outcome Document also advocated for R2P,[13] and in 2006, the Security Council followed suit.[14] Security Council MINUSTAH resolutions from 2004 to 2006 repeat this language of R2P,[15] especially in emphasizing MINUSTAH's role in reducing "gang violence" threatening the Haitian people in a "fragile" state.[16]

Recalling the ICISS principles of foreign intervention in the case of failing/fragile states or insurgency, one can understand the international community's rhetoric on MINUSTAH presence has been formulated around protecting "Haitian people" against an insurgency of "gangs." As early as January 9, 2004, US State Department Spokesperson Richard Boucher warned of "government-sponsored gangs" rampaging through the streets of the capital. Subsequent statements from October 2004 also mention "armed gangs and groups who support former President Jean-Bertrand Aristide have launched a systematic campaign to destabilize the interim government and disrupt the efforts of the international community to assist the Haitian people." No parallel statement was released detailing the "systematic campaign" of the rebels (including former Front for the Advancement and Progress of Haiti [FRAPH] and Forces Armées d'Haïti [FAd'H] officers) who launched the insurrection against the government around the same time. Elsewhere, a Canadian- and US-funded NGO issued an inaccurate report on killings that took place in St. Marc in February, in which the deaths were labeled a government-sponsored "genocide."[17] These allegations resulted in the arrest of Aristide's former Prime Minister Yvon Neptune for allegedly having coordinated the "massacre"; however, no such evidence proved he was involved (Neptune was found innocent in 2008), or that any "genocide" occurred. Moreover,

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8 *Official Records of the UNSC*, 59th year, 4919th meeting, document S/RES/1529, 2004.

9 Fenton, Anthony, "Haiti and the Danger of the Responsibility to Protect (R2P)," *Upside Down World,* December 2008, http://upsidedownworld.org/main/haiti-archives-51/1638-haiti-and-the-danger-of-the-responsibility-to-protect-r2p

10 Francis Mading Deng, *Sovereignty as Responsibility: Conflict Resolution in Africa*, (Washington DC: Brookings Institution, 1996)

11 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, (Ottawa: International Development Research Centre, 2001)

12 Office of the Press Secretary of the Oval Office, "President Bush Addresses the Nation," press release, March 19, 2003, http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030319-17.html

13 UN General Assembly, Resolution A/60/L.1, 2005

14 "Reaffirms the 2005 World Summit Outcome Document regarding the responsibility to protect…", *Official Records of the UNSC*, 61st year, 5430th meeting, document S/RES/1674, 2006.

15 "Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region," *Official Records of the UNSC*, 60th year, 5192th meeting, document S/RES/1601, 2005.

16 *Official Records of the UNSC*, 61st year, 5513th meeting, document S/RES/1702, 2006.

17 Kevin Skerrett, "Faking a Genocide in Haiti: Canada's Role in the Persecution of Prime Minister Yvon Neptune," *Z-Net,* June 23, 2005, http://www.zcommunications.org/faking-genocide-in-haiti-by-kevin-skerrett

a University of Miami Law School human rights investigation in Haiti found extensive evidence of police protection of the anti-Aristide gang leader "Labanye" in Cité Soleil.[18] Though several incidences of violence have been reported from both pro- and anti-Lavalas armed forces, the Security Council and key foreign governments have remained partisan in their portrayal of "gangs" in Haiti.

In this context, military efforts in Haiti have been partially portrayed as a "counterinsurgency operation" (COIN). Both US[19] and Canadian[20] military counterinsurgency field manuals from 2005-2006 define insurgency as an "organized movement aimed at the overthrow of a constituted government" and mention Haiti specifically. Furthermore, the US Army's principal doctrinal publication for stability operations establishes that a government is no longer legitimate if it wages war against its population or instigates unwarranted hostilities with its neighbors.[21] Without ever asking the question of who these "gangs" were and why they were resisting, or without investigating the root causes of instability (namely, the Inter-American Development Bank's "slow disbursement" policy and freezing of loans from 2000-2003, and other externally-imposed economic policies[22]), military doctrine in Haiti labels these political acts as "insurgency," thus yielding the right to intervene to the international community under R2P.

Given the direct role by foreign governments in creating instability and instigating violence in Haiti before the removal of Aristide in 2004 and the implementation of an unelected government from 2004-2006 (the scope of which is beyond this report), invoking R2P as a justification for the MINUSTAH's counterinsurgency and "gang violence reduction" roles remains highly questionable, especially when Haiti is placed in a regional context.

According to the standard of insecurity that is used to justify MINUSTAH's continued presence, the higher levels of violence in several neighboring Caribbean states, including Jamaica, Trinidad, and the US Virgin Islands could warrant international stabilization efforts. Yet, for political reasons, this is not the case. Regarding safety in Haiti, even the US Department of State remarked in March 2011that "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."[23] Haiti also saw peaceful transitions of government in both 2006 and 2011.

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[18] See Griffin, Thomas M. "Haiti Human Rights Investigation: November 11-21, 2004" (U of Miami Law: Center for the Study of Human Rights, 2004).

[19] Department of the Army Headquarters. "Field Manual 3-24/MCWP 3-33.5: Counterinsurgency" (Washington DC: US Army, 2006)

[20] Canadian Military. "Draft Counter-Insurgency Operations Field Manual" (2005), 71, 83, 99. Available at: http://ceasefireinsider.wordpress.com/2007/04/17/revealed-the-militarys-draft-counterinsurgency-operations-manual/

[21] Department of the Army Headquarters. "Field Manual 3-07: Stability Operations" (Washington DC: US Army, 2008), 1-29

[22] See "Wòch Nan Soley: The Denial of the Right to Water in Haiti" (NYU School of Law Center for Human Rights & Global Justice, Partners in Health, RFK Memorial Center for Human Rights, Zanmi Lasante, 2009), 13-14

[23] Overseas Security Advisory Council, *Haiti 2011 Crime and Safety Report,* United States Department of State Bureau of Diplomatic Security, https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=10560

Homicide rate per hundred thousand, 2010

Country	Population (2010)	Murders (2010)	Rate per 100,000
US Virgin Islands	110,000	66[24]	60
Jamaica	2,600,000	1428[25]	54.9
Trinidad	1,300,000	472[26]	36.3
Brazil	189,953,000	50,113*[27]	26.38
Haiti	9,600,000	795[28]	8.2

* Most recent complete published data of Brazil's murder rate was in 2008 by the Brazilian Ministry of Justice

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, reveals 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 Haitian National Police (HNP), and which the HNP could better carry out with more resources and training.

It is ironic that in Brazil, the country that leads MINUSTAH, levels of civilian violence are far greater than in Haiti by a rate of more than three hundred percent. In 2008, Gen. Jose Elito Carvalho Siquiera, the Brazilian former commander of the UN force in Haiti, stated that "if you compare the levels of poverty here with those of São Paulo or other cities, there is more violence there."[29] This has remained true; nevertheless, claims of political insecurity and rampant violent continue to be used as the justification for MINUSTAH's presence in the country.

HUMAN RIGHTS RECORD

GENDER-BASED VIOLENCE

As is often seen after major disasters, prevalence of gender-based violence (GBV) in Haiti has been heightened since the earthquake. The breakup of communities, lack of physical protection, and conditions of extreme stress and uncertainty fuel this trend, and the lack of basic medical services and gender-sensitive approaches exacerbate the toll it takes on women and girls. MINUSTAH's role in addressing the problem, however, has ranged from harmful to ineffective. MINUSTAH troops themselves have been accused of perpetrating sexual abuse both before and after the earthquake. In the most prominent incident, in which troops were accused of sexual exploitation of minors in 2007and were sent back to their home country, legal justice for the victims was not achieved.[30] After the earthquake, peacekeepers sexually assaulted an 18-

[24] Daniel Shea, "Homicides in V.I.," *Virgin Islands Daily News,* January 13, 2011, http://virginislandsdailynews.com/news/homicides-in-v-i-1.1089794#axzz1RC9AESqx

[25] Mark Wignall, "Why Has Jamaica's Crime Rate Fallen?" *The Jamaica Observer,* February 3, 2011, http://www.jamaicaobserver.com/columns/Why-has-Jamaica-s-crime-rate-fallen_8329778

[26] "In the Shadow of the Gallows: Trinidad Debates the Death Penalty," *The Economist*, February 10, 2011, http://www.economist.com/node/18114940

[27] Julio Jacobo Waiselfisz, *Mapa Da Violência 2011: Os Jovens do Brasil*, (Brasilia: Ministry of Justice, 2011), http://www.sangari.com/mapadaviolencia/pdf2011/MapaViolencia2011.pdf

[28] Waiselfisz, *Mapa Da Violência*.

[29] Reed Lindsay, "Haiti's Violent Image is an Outdated Myth, Insist UN Peacekeepers," *The Guardian*, May 11, 2008, http://www.guardian.co.uk/world/2008/may/11/unitednations

[30] "Sri Lanka to Probe Sex Charges," *Agence France-Presse*, November 2, 2007, http://afp.google.com/article/ALeqM5jv1Dg19IGQjacW3GTAozDzgm43iQ

year-old Haitian man in a high-profile incident that was caught on video.[31] Evidence also emerged that MINUSTAH troops frequently engage in transactional sex with minors, often leading to pregnancy and the burden of raising children without support from fathers who generally leave Haiti after their deployment period.[32]

Beyond direct assault and exploitation, MINUSTAH has been ineffective in protecting women and girls from GBV in the displacement camps, where they are the most vulnerable to it. The environment in Haiti's displacement camps is characterized by desperation, frustration, and anger. Women and children have suffered from extreme levels of sexual violence, and continue to be at risk.[33] Two organizations that accompany rape victims, KOFAVIV and SOFA, documented 640 and 718 cases of GBV, respectively, over a period of months from just their small makeshift clinics.[34] A preliminary finding one year after the earthquake by New York University (NYU) School of Law found that 14% of 365 households in four different internally-displaced peoples (IDP) camps reported that at least one person in the house had been sexually assaulted.[35] Numerous other investigations and testimonies have confirmed the overwhelming levels of GBV occurring.[36] As with most issues of sexual violence, the majority of cases go unreported (even in the US, an estimated 61% of rapes are unreported).[37] Due to the lack of policing and social services, and historical stigma attached to victim-hood, it is unfortunately safe to estimate that this percentage is much higher in Haiti and that these documented cases show only a fraction of the GBV that is occurring.

There is overwhelming evidence that the level of rape and sexual violence against women has been largely overlooked by not only the Haitian government but international actors as well. In October 2010, a coalition of Haitian and US grassroots organizations drafted a petition requesting the Inter-American Commission on Human Rights to increase pressure on the Haitian government and UN agencies to concretely address GBV occurring in Haiti.[38] The Haitian government, through the Ministry of Women, has made some attempt to implement recommendations from the Commission to ensure that medical and psychological care by female staff is provide to rape victims and that more lighting and security be provided in the camps. But, efforts have been minimal compared to the level of need.

The United Nations Security Council (UNSC) also committed to increasing the capacity of national and UN forces to address violence against women. As a result, the UN Development

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[31] Ansel Herz, Matthew Mosk, and Rym Momtaz, "UN Peacekeepers Accused of Sexually Assaulting Haitian Teen," *ABC News*, September 2, 2011, http://abcnews.go.com/Blotter/peacekeepers-accused-sexually-assaulting-haitian-teen/story?id=14437122

[32] Ansel Herz, "UN Troops Accused of Exploiting Local Women," IPS News, September 7, 2011, http://ipsnews.net/news.asp?idnews=105016

[33] Amnesty International, *Aftershocks: Women Speak Out Against Sexual Violence in Haiti's Camps*, (London: Amnesty International, 2011).

[34] Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal*.
Lisa Davis et al., *Our Bodies Are Still Trembling: Haitian Women Continue to Fight Against Rape: One-Year Update*, (New York: City University of New York School of Law, 2011), http://www.madre.org/images/uploads/misc/1294686468_Haiti_Report_FINAL_011011_v2.pdf

[35] Margaret Satterthwaite and Veerle Opgenhaffen, *Sexual Violence in Haiti's IDP Camps: Results of a Household Survey*, (New York: Center for Human Rights and Global Justice at New York University School of Law, March 2011), http://www.chrgj.org/press/docs/Haiti%20Sexual%20Violence%20March%202011.pdf

[36] "Miscellaneous GBV Reports," *Institute for Justice and Democracy in Haiti*, http://ijdh.org/projects/rapp#GBV-reports

[37] Callie Marie Rennison, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1999-2000,* (Washington DC: US Department of Justice, 2002), http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1133

[38] Mario Joseph et al., Request for Precautionary Measures for Petitioner A from Camp C, Petitioner B from Camp LJJ, Petitioner C from Camp TL, and Petitioner D from Camp I, on Behalf of Their Respective Communities, and for the Community of Camp PDA, (Port-au-Prince: Bureaux Des Advocates Internationaux, 2010), http://ijdh.org/archives/17712

Program (UNDP) and MINUSTAH helped recruit over 1,000 new members of the HNP. However, simply increasing the HNP ranks without addressing the infrastructure that fails to prevent such abuse cannot address the problem.

The UN Police Division (UNPOL), a force through which the UN supports the HNP, was authorized to increase force levels by about a third, and add a small Camp Unit and Gender Unit.[39]As of July 31, 2011, the UN reported that there were 3,524 UNPOL and 8,728 MINUSTAH military personnel in Haiti[40]—including a 110 strong all-woman police unit from Bangladesh.[41] The new troops and other forces were pledged to maintain a strong presence in at least 20 camps, a more variable presence in several hundred more, and to follow up rape cases more aggressively. Due to MINUSTAH's failure to productively collaborate with the HNP, however, the units have limited capacity.[42] Furthermore, given that the processes in place for addressing GBV were largely non-functional and the restrictions that hindered previous troops hindered the new ones as well, augmenting the number of troops and officers has had little effect. A number of investigations have found that the troops' efforts are generally over-reported and not useful. Camp residents in larger camps such as Champs de Mars have rarely seen MINUSTAH personnel enter camps. Where MINUSTAH reported their troops were present 24 hours, many residents reported seeing them only rarely, if at all.[43]

Amnesty International noted that the "lack of security in and around the camps is one of the main factors contributing to sexual and other forms of gender-based violence," stating that "protection measures have not been fully integrated into the humanitarian response."[44] According to a study by the United States Institute of Peace, 75% of camp residents interviewed said they rarely or never saw a single UN or HNP officer in the camps.[45] Some camps, such as Place des Artistes, arranged their own informal security forces, but as they were untrained, often unarmed, uncompensated except for the occasional pay provided by an NGO, and without uniforms, this work was largely ineffective.

Amnesty International's January 2011 report makes recommendations to the UN system, including MINUSTAH, to expand police presence in the camps.[46] However, MINUSTAH troops have been documented refusing to enter several of the most vulnerable IDP camps.[47] An Al Jazeera documentary on conditions six months after the earthquake depicts, for example, a MINUSTAH base where officials knew nothing about the escalation of rape that was taking place in the adjacent camp.[48]In general, MINUSTAH's monitoring of camps has largely been limited to

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39 UNSC, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, (Geneva: UNSC, 2011), document S/2011/183, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Haiti%20S%202011%20183%20SG%20report%20on%20MINUSTAH.pdf

40 "MINUSTAH Facts and Figures," United Nations Stabilization Mission in Haiti (MINUSTAH), http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml, last modified July 31, 2011.

41 "Bangladesh to Send First Female Peacekeeper Unit to Haiti," *Agence France Presse*, May 13, 2010, http://minustah.org/?p=23499

42 Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal*.

43 MADRE, The City University of New York School of Law, Institute for Justice and Democracy in Haiti, *Our Bodies Are Still Trembling: Haitian Women Continue to Fight Against Rape, One-Year Update: January 2011,* http://www.madre.org/images/uploads/misc/1294686468_Haiti_Report_FINAL_011011_v2.pdf

44 Amnesty International, *Aftershocks*.

45 Louis Alexandre Berg, "Security in Post Quake Haiti," (presentation at United States Institute of Peace, Washington DC, August 31, 2010), http://www.usip.org/files/USIP%20Presentation%20Security%20After%20the%20Quake.pdf.

46 Amnesty International, *Aftershocks*.

47 Deepa Panchang and Mark Snyder, *"We Became Garbage to Them": Inaction and Complicity in IDP Expulsions: A Call to Action to the US Government*, (Port-au-Prince: International Action Ties, 2010), http://ijdh.org/archives/14448

48 "Fault Lines – Haiti: Six Months On," Al Jazeera English, July 12, 2010, http://english.aljazeera.net/programmes/faultlines/2010/07/20107614463473317.html

patrolling of the roads outside certain camps, some of which contain thousands of people. International Action Ties' (IAT) six-month report similarly documents a case of a camp in Cite Soleil where MINUSTAH officials at multiple levels were consulted about repeated instances of external attacks. The only aid they could offer was increased frequency of drive-by patrols outside the camps, which they themselves admitted would have little effect on the violence.[49] Left with no other option, the camp's community representatives requested financial support from MINUSTAH to set up their own system of internal security, but received no such assistance. This example was one in which camp residents had the assistance of international human right monitors helping them work through the process, speak to officials at various levels—requiring French and often English, with the resources to make multiple calls and hold meetings. Despite this assistance, which the vast majority of camps do not have access to, camp residents received no support from MINUSTAH.

MINUSTAH has also failed to consult grassroots women's organizations, which are widely known to play a key role in supporting survivors of sexual violence. A December 2010 strategies list for the coming year created by the UN GBV sub-cluster (the UN coordination group) does not mention inclusion of Haitian women's organizations to prevent sexual violence and support survivors of it.[50] In fact, these meetings continued to be held in English at least six months after the earthquake, and subsequently in French, with the GBV sub-cluster refusing to provide translation into Krèyol. The sub-cluster coordinator stated, one year after the earthquake, that providing translation would be "tedious," and that holding meetings in French was useful for international groups to communicate with each other.[51] Simultaneous translation, a cheap, simple option, has not been pursued. Language barriers thus not only preclude effective provision of security in the camps but also obstruct the ability of Haitians to engage in planning at a coordination level.

Forced Eviction

Amidst these conditions, residents of the IDP camps face heightened uncertainty due to the possibility of forced evictions. Forced eviction is defined as the permanent or temporary removal against their will of individuals, families, and/or communities from their homes and/or lands, which they occupy without the provision of or access to appropriate forms of legal or other protection.[52] Evictions are usually illegal—done extra-judicially and without a court order, in violation of Haitian and international law. Reports from numerous human rights groups, including Amnesty International, the Institute for Justice & Democracy in Haiti (IJDH), and Refugees IDP camps against these evictions, which are illegal under both Haitian domestic law and international human rights law binding on Haiti. As of July 2011, about 600,000 Haitians continue to live in approximately 900 IDP camps.[53]

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[49] Deepa Panchang and Mark Snyder, *Vanishing Camps at Gunpoint: Failing to Protect Haiti's Internally Displaced*, (Port-au-Prince: International Action Ties, 2010), http://ijdh.org/archives/13424

[50] MADRE et al., *Gender Based Violence Against Women and Girls in Internal Displacement Camps*, March 24, 2011, submission to the UN UPR, Twelfth Session of the Working Group on the UPR Human Rights Council, October 3rd – October 13th, 2011.

[51] TransAfrica Forum, *Haiti Cherie: My Dear Haiti. A Report of Field Missions to Haiti Conducted February – June 2010*, (Washington DC: TransAfrica Forum, 2010), http://www.transafricaforum.org/files/Haiti_Report.pdf
Lisa Davis et al., *Our Bodies Are Still Trembling: Haitian Women Continue to Fight Against Rape: One-Year Update*, (New York: City University of New York School of Law, 2011), http://www.madre.org/images/uploads/misc/1294686468_Haiti_Report_FINAL_011011_v2.pdf

[52] Committee on Economics, Social and Cultural Rights, "General Comment 7, Forced Evictions, and the Right to Adequate Housing," *Compilation of General Comments and Recommendations Adopted by Human Rights Treaty Bodies*, (Geneva: United Nations, 2003), UN document HRI/Gen/1/Rev.6.

[53] International Organization for Migration, Camp Coordination Camp Management Cluster. Displacement Tracking Matrix v2.0 Update. July 31, 2011.

Forced evictions of camp residents, first documented less than two months after the earthquake, continue to escalate. A September 2010 report commissioned by UN Secretary-General Ban Ki-Moon estimated that "29% of the 1,268 camps studied had been closed forcibly, meaning the often violent relocation of tens of thousands of people."[54] Human rights reports released on the one-year anniversary of the earthquake reveal that 17% of 106 sampled camps had been closed, with an additional 15% under threat of closure.[55] A statement issued by the UN in September 2011 says 67,162 people have been affected by evictions, although the number is likely much higher than what has been documented.[56] Forced evictions have been most frequently reported from camps located on private land, where approximately 72% of camps are located. Evictions are usually accompanied by violations of other rights. Often residents are forced to leave due to the cutting off vital services to the camps such as water and food distribution. In many cases, evictions involve direct violence and destruction of IDPs' possessions. Cases of armed gangs and thugs threatening residents, demolishing tents, stealing housing materials, burning and bulldozing of tents, and, in at least one case, murdering a citizen, have been cataloged.[57]

In April 2010, the UN recommended a three-month moratorium on forced evictions. However, the closure of camps continued.[58] In its statements on the issue, the UN rarely offered discrete actions to prevent forced evictions. Nor were NGOs willing to take a stance to uphold the legal rights of the displaced to stay in their camps. On November 2, 2010, Haitian human rights attorney Mario Joseph called for an extension of the moratorium.[59] Following the submission of a fact-finding mission report to the Inter-American Commission on Human Rights, the Commission issued a directive on November 16, 2010 to the Haitian government urging action against forced evictions.[60] Despite these prominent calls to stop forced evictions, MINUSTAH has failed to take decisive action to protect camp residents.

MINUSTAH's consistent failure to act in preventing evictions and the acts of violence that often accompany them, particularly in cases where MINUSTAH units have been notified of the dangers faced in specific camps, amounts to complicity in displacement and signals a clear noncompliance with the force's mandate. In a number of camps, cases were documented in which MINUSTAH units failed to respond to specific calls to provide protection from forced eviction.[61]

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54 "Earthquake Camps Bet on Tomas Missing Capital," Associated Press, November 5, 2010, http://abcnews.go.com/US/wireStory?id=12062590&page=2

55 Mark Schuller, *Unstable Foundations: The Impact of NGOs on Human Rights for Port-au-Princes Internally Displaced People*, (Port-au-Prince: Université d'État d'Haïti, 2010), http://ijdh.org/archives/14855

56 Kim Bolduc, "The Humanitarian Community in Haiti Concerned about the Increasing Number of Evictions in Camps," UN Office for the Coordination of Humanitarian Affairs, September 9, 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2040.pdf

57 Camp Benediction et al., *Right to Housing Report*, March 24, 2011, submission to the UN Universal Periodic Review (UPR), Twelfth Session of the Working Group on the UPR Human Rights Council, October 3rd - October 13th, 2011.

58 "Moratorium on Forced Evictions," International Action Ties press release, April 23, 2010, http://www.haitiresponsecoalition.org/towards-a-more-just-response-rights-of-internally-displaced-people-in-haiti/

59 "Rights Groups Testify Before Inter-American Commission and File Legal Request on Unlawful Forced Evictions in Haiti," Center for Constitutional Rights press release, November 2, 2010, http://www.ccrjustice.org/newsroom/press-releases/rights-groups-testify-inter-american-commission-and-file-legal-request-unlaw

60 Elizabeth Abi-Mershed to David Baluarte et al., November 16, 2010, files of Institute for Justice and Democracy in Haiti (IJDH), Boston, MA, http://ijdh.org/wordpress/wp-content/uploads/2011/03/IACHRPrecautMeasuresltr.pdf

61 Panchang and Snyder, *Vanishing Camps*.

IJDH even documented a case in which MINUSTAH acted as HNP reinforcement in carrying out a camp eviction.[62]

This failure to act, particularly in cases where threats of eviction and violence precede eventual eviction, demonstrates the severe flaws in MINUSTAH's protection mechanism. Furthermore, given MINUSTAH's political clout and the resources it has at its disposal, its failure to take a stand against forced evictions constitutes de facto complicity in human rights violations.

Lack of Coordination

Higher-level decision making practices regarding MINUSTAH's operations reveal many of the skewed priorities that manifest on the ground in the form of protection failures and rights violations. In April 2010, Nigel Fisher was appointed as Deputy Special Representative for MINUSTAH. He was also named the Resident and Humanitarian Coordinator later that year.[63] A report by Refugees International titled *Haiti: Still Trapped in the Emergency Phase* criticizes the assignment of two roles critical to an effective humanitarian response to a single individual.[64] The fact that the post of Humanitarian Coordinator in Haiti is listed by the UN as a part-time position, and is intertwined with the political objectives of MINUSTAH, is evidence that protection for those living in the IDP camps is not the UN's first priority.[65] Refugees International noted that the "UN coordination system in Haiti is not prioritizing activities to protect people's rights."[66]

Despite being integrated into MINUSTAH, the Office for the High Commissioner of Human Rights (OHCHR) does not play a complementary role in the organizational structure of the mission. In many instances MINUSTAH and the OHCHR are in competition for financial and human resources. The funding disparity between the two groups again reveals the faulty priorities of the UN mission in Haiti. For example, after the cholera outbreak in October 2010, the OHCHR asked the international community for 160 million USD in funding to combat the spread of the disease but only received 20% of what was needed.[67] In contrast, MINUSTAH's budget proposed in April 2011exceeded 853 million USD.[68]

MINUSTAH's routine role in enforcing political security, combined with its ineffectiveness at addressing issues of personal security, is a large part of the escalating humanitarian crisis. The 2005 Harvard Report noted the magnitude of MINUSTAH's inability to investigate alleged abuses. The report stated: "In a very real sense, a failure to investigate amounts to little more than the complicity in the actions of those alleged human rights abusers who otherwise would be the subjects of investigation."[69]

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62 Jeena Shah et al, "Sylvio Cator stadium and Camp Django—the Government of Haiti's continuing campaign to close IDP camps without respecting the human rights of displaced communities," letter to Inter-American Commission on Human Rights, August 9, 2011, http://ijdh.org/archives/20551

63 "Secretary-General Appoints Nigel Fisher (Canada) Deputy Special Representative, Ad Interim, for Haiti," UN press release, April 29, 2010, http://www.un.org/News/Press/docs/2010/sga1233.doc.htm

64 Melanie Teff and Emilie Parry, *Haiti: Still Trapped in the Emergency Phase*, (Washington DC: Refugees International, 2010).

65 Teff and Parry, *Haiti*.

66 Teff and Parry, *Haiti*.

67 "Haiti: Ban Appeals for Immediate Massive Aid to Fight Deadly Cholera Epidemic," *UN News Service*, December 3, 2010, http://www.un.org/apps/news/story.asp?NewsID=36950

68 *Financial Performance Report for the Period from July 1, 2009 to 30 June 2010 and Proposed Budget for the Period from 1 July, 2010 to 30 June, 2012 of the United Nations Stabilization Mission in Haiti*, (Geneva: United Nations, 2011), http://daccess-ods.un.org/TMP/9974494.57645416.html

69 Pooja Bhatia and Benjamin S. Litman, *Keeping the Peace in Haiti? An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with its Prescribed Mandate as a Barometer for Success*, (Cambridge, MA: Harvard Law Student Advocates for Human Rights, 2005).

The organizational failure of MINUSTAH to recruit enough French and Kreyòl speakers on the ground compounds these issues, leading to the avoidance of engagement and investigation due to language barriers. This issue of language is not new. The 2005 Harvard report also recommended that MINUSTAH work to "bridge the linguistic divide between UN personnel and the Haitian people by training personnel in Creole and/or French, or if that is not possible, by hiring professional translators to accompany personnel in the field."[70] The failure to act on these recommendations made six years ago has resulted in a situation where the basic protection of the Haitian people is sacrificed. Considering that the UN has had continuous presence in Haiti since 1993 in various military and developmental forms, it raises serious concerns about the ability or desire of the mission to effectively communicate and coordinate with the local population.[71] This lack of partnership, transparency, communication, and honesty has led many Haitians to view the UN as an antagonistic, untrustworthy military force more aligned with international interests than their own.[72]

In the summer of 2010, the UN established a 600-strong contingent of Bangladeshi female police officers to patrol IDP camps.[73] This is a positive gesture, however, these officers do not speak Kreyòl or French and have difficulty communicating about security issues with camp residents.[74] The October 2010 Refugees International report also highlights that "MINUSTAH should provide increased staffing for its IDP police unit, particularly translators and transport."[75] This failure to harness the linguistic resources of the Haitian people—many of whom can speak French, as well as English or Spanish—is a missed opportunity, as it could lend accessibility and local knowledge to the security efforts as well as jobs in cities where unemployment often exceeds 70 percent.

Refusal to Investigate Death of Gérard Jean-Gilles

Perhaps one of the most telling examples of MINUSTAH's refusal to investigate human rights abuses—including accusations of murder by their own troops—is the case of Gérard Jean-Gilles. On August 17, 2010, the body of 16-year-old Gérard Jean-Gilles was found hanging inside of MINUSTAH's Formed Police Unit base in Cap Haïtien, in northern Haiti. Earlier in the day, employees of the adjacent Henri Christophe Hotel heard a cry of "they are suffocating me!"[76] With the release of the body 72 hours later, suicide as the cause of death was ruled out because none of the victim's cervical vertebrae were damaged, as is found in hanging.[77]

According to friends and family of Gérard Jean-Gilles, the young man had been working on the base performing odd jobs for the Nepalese soldiers in exchange for money or food. Jean-

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70 Bhatia and Litman, *Keeping the Peace in Haiti?*.

71 "United Nations Mission in Haiti," http://www.un.org/en/peacekeeping/missions/past/unmih.htm, last modified 2003.

72 Sean Blaschke, et al., *Haiti: A Future Beyond Peacekeeping?* (New York: UN Studies Program, School of International and Public Affairs, Columbia University, 2009), http://www.sipa.columbia.edu/news_events/documents/UNSPHaitiFinalReport_v42_FINAL.pdf

73 Amy Goodman, "Thousands of Haitians Face Risk of Forcible Evictions from Temporary Camps," *Democracy Now!*, August 17, 2010, http://www.democracynow.org/2010/8/17/thousands_of_haitians_face_risk_of

74 Sebastien Walker, "Fault Lines: Haiti Six Months On," July 12, 2010, http://english.aljazeera.net/programmes/faultlines/2010/07/20107614463473317.html

75 Teff and Parry, *Haiti*.

76 Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal*.

77 Thalles Gomes, "Morte de jovem haitiano gera novos protestos contra a Minustah," *Brasil de Fato*, September 24, 2010, http://www.brasildefato.com.br/node/233

Gilles had been accused of stealing 200 USD from a Nepalese solider, which many believe is the reason why he was killed.[78]

An open letter drafted by 17 Haitian civil society organizations to MINUSTAH head Edmond Mulet, dated September 26, accuses the force of obstructing justice by refusing to investigate the death of Gérard Jean-Gilles. These organizations, including Haitian human rights organizations and Haitian medical examiners, called for an independent inquiry into the death of Jean-Gilles.[79]

MINUSTAH has failed to respond to all the presented facts about the case and has effectively blocked the attempts of a Haitian court investigating the matter. Those who witnessed the case as it transpired at the Cap Haïtien base had reason to believe that a translator who worked on the base may have targeted Jean-Gilles. However, Mulet claimed immunity for the translator, despite her status as a contractor rather than personnel, and despite the fact that the accusations pertained to her actions outside her standard job functions—both of which mean that immunity under the Status of Forces Agreement (SOFA) should not apply.[80] Regardless, as of September 2011, no further investigation has taken place into the death of Gérard Jean-Gilles.

November 2010 Elections

As a result of the earthquake, a national election due to take place in the spring of 2010 was postponed until November 28 of that year. In that election, the Haitian people were voting for the entirety of the House of Deputies for four-year terms, a President for a five-year term, and one third of the Senate for six-year terms. Due to the immense task of reconstructing post-earthquake Haiti, this was one of the most important elections in Haitian history.

Open and inclusive elections were not the order of the day, however. In a continuation from Haiti's 2009 Senate elections, when Haiti's Provisional Electoral Council (CEP) had excluded the country's most popular political party, *Fanmi Lavalas*, the party, along with several others, was again excluded. (This has been likened in prominent press to the exclusion of the Republicans or Democrats in a US election).[81] Because the CEP was hand-picked by René Préval and lacks the permanency required by the 1987 Constitution, its authority and decisions inherently violate the Haitian Constitution, which provides for an independent body to oversee elections.[82] Furthermore, the decision to exclude *Fanmi Lavalas* from the 2010 elections, was politically motivated, enjoyed the support of the US, and had no legitimate justification under Haitian law.[83]

With the significance of this election in mind, on October 7, 2010, US Congresswoman Maxine Waters and 44 other members of the US Congress sent a letter to Secretary of State

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78 Gomes, "Morte de jovem haitiano."

79 "MINUSTAH and the Execution of Young Gerard Gilles: Open Letter from Haiti Civil Society Organizations to Edward Mulet," September 26, 2010, http://www.jsf-post.com/2010/09/26/minustah-the-execution-of-young-gerard-gilles

80 Ansel Herz, "The Death of Gérard Jean-Gilles: How the UN Stonewalled Haitian Justice," *Haïti Liberté*, September 21-27, 2011, http://www.haiti-liberte.com/archives/volume5-10/The%20Death.asp

81 Amy Goodman, "Dr. Paul Farmer on How US-Backed Destabilization Undermines Haitian Democracy—and Public Health," *Democracy Now!*, July 14,2011, http://www.democracynow.org/2011/7/14/dr_paul_farmer_on_how_us

82 Institute for Justice and Democracy in Haiti, "The International Community Should Pressure the Haitian Government for Prompt and Fair Elections," June 30, 2010, http://ijdh.org/archives/13138

83 Institute for Justice and Democracy in Haiti and Bureau des Avocats Internationaux, *Haiti's November 28th Elections: Trying to Legitimize the Illegitimate*, November 22, 2010, http://ijdh.org/archives/15456
Mark Weisbrot, "Haiti's Election: A Travesty of Democracy," *The Guardian*, January 10, 2011, http://www.guardian.co.uk/commentisfree/cifamerica/2011/jan/10/haiti-oas-election-runoff

Hillary Rodham Clinton requesting that she support free and fair elections in Haiti.[84] In a statement made earlier in July, Senator Richard Lugar was very blunt, stating that, "[t]he absence of democratically elected successors could potentially plunge the country into chaos."[85] That same month, UN Secretary-General Ban Ki-Moon also called for "transparent and credible elections" in Haiti.[86]

MINUSTAH's mandate outlined in Resolution 1542 states that one of its primary goals is "to support the constitutional and political processes; to assist in organizing, monitoring, and carrying out free and fair municipal, parliamentary and presidential elections;" yet it raised no objections to the well-documented electoral irregularities on November twenty-eighth.[87] Foreign media outlets and observers documented ballot box stuffing, widespread examples of fraud, and violence at booths, including arson, vandalism, casualties from assault, shootings, stonings, and murder.[88] The elections were criticized by various observers, including the US Congressional Black Caucus Task Force on Foreign Policy and International Affairs.[89]

Taken in the context of MINUSTAH's previous violent assaults against *Fanmi Lavalas* supporters, its denial of the obvious irregularities surrounding the November election further revealed the force's bias in supporting a process that excluded the political choice of a large segment of the population. In a statement to Reuters prior to the election, Mulet avoided any reference to the exclusion of fifteen political parties and went on to state, "You have quite an interesting diversity of candidates from different groups and ideologies…so the choice is there."[90] Haitian voters seemed to disagree; the participation rate in the first round of the elections was extremely low compared to previous elections, with just 27% of registered voters going out to vote and 22.8% of registered voters having their vote counted.[91]

In addition to the low turnout, 12 of the 18 Presidential candidates—including the eventual winner Michel Martelly, and runner-up Mirlande Manigat—called for the annulment of the election on the day of the vote, citing concerns over massive fraud. Mulet's unsupported response was that the voting was "going well."[92]

Despite the UN's wish for "transparent and credible elections," MINUSTAH's blind eye towards the exclusion of political parties, voter fraud, and counting irregularities provided political legitimacy in what amounted to the systematic exclusion of a majority of the electorate.

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84 "Congresswoman Waters & Colleagues Urge Secretary Clinton to Support Fair, Free, Inclusive Haitian Elections," October 7, 2010, http://ijdh.org/archives/14892

85 *Haiti: No Leadership—No Elections. A Report to the Members of the Committee on Foreign Relations United States Senate*, (Washington DC: US Government Printing Office, 2010), http://lugar.senate.gov/issues/foreign/lac/haiti/pdf/report.pdf

86 "CARICOM SUMMIT: Transparent Elections Needed For Haiti," *Jamaica Observer*, July 5, 2010, http://www.jamaicaobserver.com/news/CARICOM-SUMMIT--Transparent-elections-needed-for-Haiti

87 Jake Johnston and Mark Weisbrot, *Haiti's Fatally Flawed Election*, (Washington DC: Center for Economic and Policy Research (CEPR), 2011), http://ijdh.org/archives/16941

88 "Election Live Blog," CEPR, November 28, 2010, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/election-live-blog
"Sunday's Presidential Election in Haiti Was Rife with Problems," *Canadian Broadcasting Centre*, November 28, 2010, http://www.cbc.ca/video/player.html?category=News&zone=world&site=cbc.news.ca&clipid=1672602743

89 Congressional Black Caucus Task Force on Foreign Policy and International Affairs Statement on Haiti Elections & OAS Report, Congressional Black Caucus press release, February 1, 2011, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/congressional-black-caucus-statement-on-elections

90 Joseph Guyler Delva, "US Lawmakers Warn of Flaws in Haiti Vote Process," *Reuters,* October 8, 2010, http://www.reuters.com/article/2010/10/08/haiti-elections-idUSN0824327920101008

91 Johnston and Weisbrot, *Haiti's Fatally Flawed Election.*

92 "Haiti Presidential Candidates Denounce Election Fraud," *British Broadcasting Corporation News*, November 29, 2010, http://www.bbc.co.uk/news/world-latin-america-11856118

Although MINUSTAH's official position was that it would provide support for free and fair elections, it not only stood by the electoral farce, it issued a statement saluting the "maturity" of Haitian candidates for accepting the outcome of the flawed election.[93]

Violent Response to Political Protest

Protest is the primary avenue for most Haitians to express discontent with MINUSTAH given the lack of institutional methods with which they can seek accountability. Perhaps this explains, in part, why the mission hardly allows for the peaceful expression of dissent. On many occasions, MINUSTAH has gassed and even killed unarmed protestors for using their right to free speech and political expression for demands for greater accountability from MINUSTAH and even withdrawal of the force from the country.

One such incident occurred on May 24, 2010, when university students gathered outside the Presidential Palace adjacent to the IDP camps in Champ du Mars to express their frustration with the lack of progress of President Préval's rebuilding efforts, and to call for the dismissal of MINUSTAH head Edmund Mulet.[94] In an effort to disperse the protestors, MINUSTAH troops fired tear gas, rubber bullets and pepper spray indiscriminately on participants and residents of a neighboring IDP camp. Partners In Health (PIH) physicians confirmed that they treated at least 6 individuals with wounds from the rubber bullets—including a young girl who was hit in the face.[95] On May 25, MINUSTAH spokesperson David Wimhurst denied the use of tear gas the previous day.[96] However, a UN spokesperson later admitted to independent journalist Ansel Herz that 32 tear gas canisters as well as flash grenades were used.[97]

On October 15, 2010, approximately 200 people peacefully marched past the MINUSTAH Logistics Base in Port-au-Prince protesting the annual renewal of MINUSTAH's mandate. Despite the organization's mandate to "protect civilians under imminent threat of physical violence," and "support…Haitian human rights institutions and groups in their efforts to promote and protect human rights; and to monitor and report on the human rights situation in the country," the peaceful demonstrators—as well as members of the international media—were attacked.

The incident, detailed in an online summary by the Center for Economic and Policy Research entitled "MINUSTAH: Securing Stability and Democracy from Journalists, Children and Other Threats", was described by eyewitness and long-time Haiti advocate Melinda Miles:

> …about 200 people were marching in front of the UN logistics base when MINUSTAH forces fired two bullets in the air and leveled their guns at demonstrators. A MINUSTAH vehicle and a second UN car pushed three foreign journalists and at least two Haitian demonstrators into a ditch. Haitian police then began striking demonstrators and journalists, including foreigners Sebastien Walker and Federico Matias, with the butts of their rifles. A policeman bashed

[93] "Haitians Praised for Handling Election Result with 'Maturity'," *UN Radio,* April 5, 2011, http://www.unmultimedia.org/radio/english/detail/118448.html

[94] "Haïti-Politique: Manifestations anti-Préval et anti-Mulet," *Alterpresse*, May 26, 2010 http://www.alterpresse.org/spip.php?article9549

[95] Ansel Herz, "UN Clash with Frustrated Students Spills into Camps," *Inter Press Service*, May 25, 2010, http://ipsnews.net/news.asp?idnews=51581

[96] Herz, "UN Clash."

[97] Herz, "UN Clash."

> his rifle into the mouth of a demonstrator from the Kanarin camp, knocking out his front teeth."[98]

Such use of force by MINUSTAH soldiers is not uncommon and has often characterized their interaction with the Haitian population.

On June 5, 2011, MINUSTAH soldiers stormed the Toussaint L'Ouverture International Airport with guns drawn after hearing that two Brazilian soldiers and their luggage were being detained and searched by Haitian customs agents due to their possession of taxable items under Haitian law.[99] The inspection, however, did not occur. Other MINUSTAH soldiers broke into the customs department and escorted their two colleagues into their armored vehicle waiting outside. In order to prevent intervention from Haitian authorities, the MINUSTAH soldiers fired warning shots and tear gas canisters into the air as they drove away.[100]

On June 24, MINUSTAH spokeswoman, Sylvie Van Den Wildenberg acknowledged that there had been little progress in investigating this incident due to a lack of cooperation by MINUSTAH soldiers. The spokeswoman also highlighted the troubling fact that the UN SOFA the UN had no judicial power or jurisdiction over the matter: "When a member of the staff of the United Nations is guilty of misconduct, they are subject to disciplinary sanctions and may be returned to their country, but they belong to the judicial authorities of the state of origin to take measures to bring them to justice."[101]

Cholera

The aftermath of the earthquake saw heightened risk for a public health disaster brought about by the unsanitary environment and collapsed public health system.[102] Nine months later, on October 20, 60 cases of acute diarrhea were recorded in *L'Hopital de Saint Nicolas*, about 60 miles north of Port-au-Prince.[103] The culprit was soon discovered to be cholera, although it was surprising that a pathogen not seen in Haiti for generations would suddenly appear.

Rumors from farmers and inhabitants living near a MINUSTAH base near where the first cases were noted spoke of foul-smelling waste from the base flowing into the Artibonite River. Local residents began to draw their drinking water further upstream due to the smell.[104] The base had been staffed by a contingent from Nepal, a country that began battling a widespread cholera epidemic in the summer of 2010.[105]

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98 "MINUSTAH: Securing Stability and Democracy from Journalists, Children, and Other Threats," *CEPR*, October 18, 2010, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/minustah-securing-stability-and-democracy-from-journalists-children-and-other-threats

99 "Armed MINUSTAH Soldiers Break into Toussaint Louverture Airport, Shots Fired," *Defend Haiti*, June 6, 2011, http://defend.ht/politics/articles/defense/1172-armed-minustah-soldiers-break-into-toussaint-louverture-airport-shots-fired

100 "UN: Lack of Cooperation in MINUSTAH, Toussaint Louverture Airport Investigation," *Agence Haïtienne de Presse*, June 24, 2011, http://www.defend.ht/politics/articles/defense/1305-un-spokeswoman-lack-of-cooperation-from-minustah-in-toussaint-louverture-airport-investigation

101 "UN Lack of Cooperation."

102 Bryan Walsh, "After the Quake Comes the Disease: Can Haiti Cope?" *Time*, January 13, 2010, http://www.time.com/time/specials/packages/article/0,28804,1953379_1953494_1953675,00.html

103 David A. Walton and Louise C. Ivers, "Responding to Cholera in Post-Earthquake Haiti," *New England Journal of Medicine* 364 (2011): 3-5.

104 Jonathan Katz, "UN probes base as source of Haiti cholera outbreak," *Associated Press*, October 28, 2010.

105 "Haiti Cholera Outbreak: Nepal Troops Not Tested," *British Broadcasting Corporation News*, December 8, 2010, http://www.bbc.co.uk/news/world-south-asia-11949181

French epidemiologist Renaud Piarroux was dispatched to investigate the source of the outbreak. According to his report, the source of this epidemic was the aforementioned MINUSTAH based in Mirebalais.[106] The Centers for Disease Control would later confirm that the strain of cholera affecting Haiti was of South Asian origin.[107] When confronted with this fact, the World Health Organization (WHO) and UN originally downplayed the need to investigate the source of cholera in Haiti, stating that any investigation into the outbreak would hinder efforts to combat the disease.[108] Late in October WHO spokeswoman, Fadela Chalib, stated, "At some time we will do further investigation, but it's not a priority right now."[109]

The initial response from MINUSTAH lacked transparency and consistency. UN officials at first denied the existence of waste from the base being dumped into the Artibonite River. When confronted about the black waste leaking from pipes, they claimed that it was kitchen and shower waste, not excrement.[110]

Some health officials made clear that determining the exact origin of the outbreak could be crucial for containing the disease's spread and for prevention of a recurrence in the future. PIH founder and current UN Deputy Special Envoy to Haiti, Paul Farmer, stated that resistance (from MINUSTAH, among others) to determine the outbreak's origin "sounds like politics to me, not science," adding, "knowing where the point source is—or source, or sources—would seem to be a good enterprise in terms of public health."[111] Yet Imogen Wall, the Head of Communications for the UN's Office for the Coordination of Humanitarian Affairs, commented that the outbreak "appears to be appalling luck. We don't know how the illness got into the country and, to be frank, it doesn't really matter in terms of the response."[112]

In late October, Vincenzo Pugliese, a MINUSTAH spokesperson, confirmed that samples were taken from the base and that the military team would be tested.[113] On November 16, in response to the release of information from several media investigations which reported that the Nepalese contingent of MINUSTAH was the source of the cholera epidemic, frustrated crowds took to the street in Cap Haïtien. At least 3 people were killed[114] and many more injured[115] in clashes between MINUSTAH and the protestors.

Despite MINUSTAH's attempts to distort the protests as the efforts of a small, politically motivated segment of the community, independent journalist Ansel Herz confirmed the exact opposite, noting that "all elements of society are participating" in expressing their frustration with MINUSTAH and demanding that it be held accountable for the introduction of cholera into

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[106] Deborah Pasmantier, "Choléra en Haïti: une épidémie importée," *Agence France-Presse*, November 29, 2010, http://www.cyberpresse.ca/international/amerique-latine/201011/29/01-4347408-cholera-en-haiti-une-epidemie-importee.php

[107] Jonathan Katz, "UN Worries its Troops Caused Cholera in Haiti," *Associated Press*, November 19, 2010, http://www.msnbc.msn.com/id/40280944/ns/health/t/un-worries-its-troops-caused-cholera-haiti/

[108] Katz, "UN Worries."

[109] Katz, "UN Worries."

[110] Katz, "UN Worries."

[111] Jonathan Katz, "Experts ask: Did UN troops infect Haiti?", *Associated Press*, November 3, 2010, http://www.msnbc.msn.com/id/39996103/ns/health-infectious_diseases/t/experts-ask-did-un-troops-infect-haiti/

[112] Mark Leon Goldberg, "UN Spokesperson: 'Appalling Luck' That Haiti Should Suffer an Outbreak of Cholera," *UN Dispatch*, October 28, 2010, http://www.undispatch.com/haiti-cholera-interview

[113] "UN Base Focus of Haiti Cholera Epidemic," *The Australian*, October 29, 2010, http://www.theaustralian.com.au/news/world/un-base-focus-of-haiti-cholera-epidemic/story-e6frg6so-1225944863461

[114] "Haiti Cholera Protest Turns Violent," *Al-Jazeera*, November 16, 2010, http://english.aljazeera.net/news/americas/2010/11/201011151654524154228.html

[115] "In Response to Protests, MINUSTAH Disregards Legitimate Grievances," *CEPR*, November 16, 2010, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/in-response-to-protests-minustah-disregards-legitimate-grievances

Haiti.[116] The same article revealed that MINUSTAH soldiers were not firing in the air to disperse the crowds, but were instead firing at people. As Herz stated "people are fed up with UN peacekeepers and the cholera outbreak is the straw that broke the camel's back".[117]

MINUSTAH responded to the protests regarding its introduction of cholera into Haiti through a violent suppression of political expression. The use of deadly force which had killed several unarmed Haitians was justified by MINUSTAH, which invoked its right to self-defense. The UN News Center reported: "At Quartier Morin in the northern department, armed demonstrators opened fire on peacekeepers…One of the demonstrators was killed when he was hit by a bullet fired by a UN peacekeeper, who supposedly shot in self-defense. An investigation is under way to determine the exact circumstances of the death."[118] One of the men killed in Cap Haïtien by MINUSTAH had been innocently sitting inside his house.[119]

During similar cholera protests in Port au Prince, MINUSTAH responded by throwing gas grenades into the densely populated IDP camps in Champ de Mars, leading to stampedes in which children and elderly people were injured.[120]

On December 15, UN Secretary-General Ban Ki-Moon announced the establishment of a scientific panel to investigate the source of the pathogen.[121] On May 4, 2011, over half a year after the outbreak started, the UN-established panel confirmed previous findings that cholera originated as a South Asian strain introduced into the Artibonite River due to human factors. However, the UN has yet to implicate itself as the human factor.[122]

Despite the consistent UN denial of any responsibility, a scientific study published August 23, 2011 examined genomic data from both the Haitian and Nepalese outbreaks, confirming that the source was Nepalese troops.[123] Harvard microbiologist John Mekalanos, who authored the first genomic study on the source of the outbreak, said "this comes as close as you can come to molecular proof," congratulating the researchers for "closing the book on this issue."[124] Piarroux commented that the evidence means the UN should accept responsibility and offer financial compensation or greatly ramp up the cholera prevention and treatment effort.[125] The cholera epidemic is a vivid example of how crucial health and development resources are being diverted towards unjustified and harmful military purposes.

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[116] Ansel Herz, "'All Elements of Society are Participating'—Impressions of Cap Haitien's Movement Against the UN," *Mediahacker*, November 19, 2010, http://www.mediahacker.org/2010/11/all-elements-of-society-are-participating-impressions-of-cap-haitiens-movement-against-the-un/

[117] Herz, "All Elements."

[118] "UN Deplores 'Politically Motivated' Violence in Haiti," *UN News Center*, November 16, 2010, http://www.un.org/apps/news/story.asp?NewsID=36771&Cr=Haiti&Cr1

[119] Juan Gonzalez, "Haitians Barricade Streets with Coffins as Protests Against UN Continue Over Cholera Outbreak," *Democracy Now!*, November 18, 2010, http://www.democracynow.org/2010/11/18/un_blamed_for_killing_2_haitian

[120] "Cholera Unrest Hits Capital," *Al Jazeera English*, November 19, 2010, http://english.aljazeera.net/news/americas/2010/11/201011181739556608 61.html

[121] Jonathan Katz, "UN Calls for Probe into Origin of Haiti Cholera," *Washington Times*, December 15, 2010, http://www.washingtontimes.com/news/2010/dec/15/un-calls-for-probe-into-origin-of-haiti-cholera/

[122] Anita Snow, "Independent UN Panel Confirms Haiti Cholera outbreak caused by South Asian Strain," *Associated Press*, May 4, 2011.

[123] Rene S. Hendriksen et al., "Population Genetics of *Vibrio cholerae* from Nepal in 2010: Evidence on the Origin of the Haitian Outbreak." *mBio* 2(4) (2011).

[124] Martin Enserink, "Whole Genome Study Nails Haiti-Nepal Cholera Link," *ScienceNOW*, August 23, 2011, http://news.sciencemag.org/sciencenow/2011/08/whole-genome-study-nails-haiti-n.html

[125] Enserink, "Whole Genome Study".

Status of Forces Agreement and the Issue of Impunity

With the series of human rights abuses and protection failures detailed here, MINUSTAH is actually contributing to the violation of the Haitian Constitution as well as of international human rights law binding on Haiti via its ratification of major conventions. Despite clear evidence of these violations, however, the SOFA, which governs the conduct of the mission, creates a major obstacle to monitoring and prosecuting them. Under the SOFA, signed by the Haitian government and the UN, MINUSTAH troops enjoy an almost blanket waiver of criminal liability in Haitian courts. Both military and civil members enjoy immunity for all acts performed in their official capacity. MINUSTAH military members who commit a crime outside of their official capacity are only subject to their home country's jurisdiction, and civilian members of MINUSTAH can only be prosecuted if the UN agrees. Haitians may not seek damages for civil liability unless the UN certifies that the charges are unrelated to the member's official duties.[126]

As a result, the government of Haiti does not have the ability to hold the UN responsible for the introduction of cholera into the country or other human rights violations. As of August 29, 2011, the cholera epidemic has claimed the lives of 6,266 people, while the number of documented cases is approaching half a million.[127] And as the current SOFA stands, soldiers responsible for violence and sexual assault or rape can only be held responsible upon their return to their home countries, a process which rarely transpires.

Political Context for MINUSTAH's Presence: Additional Insights from WikiLeaks

Recently released US State Department cables, made available by WikiLeaks, reveal that the US government sees MINUSTAH as key to advancing its geopolitical agenda and has worked to ensure MINUSTAH's continued presence in Haiti in numerous international fora and bilateral meetings. For example, the cables reveal that the US has seen the "peacekeeping" operation as important in part because it "excludes [Venezuelan President Hugo] Chavez, and isolates Venezuela among the militaries and security forces of the region."[128] The US also has suggested that MINUSTAH could be the beginning of "peacekeeping cooperation on a broader scale" in the region.[129] Other cables are very explicit, noting that "The UN Stabilization Mission in Haiti is an indispensable tool in realizing core USG [U.S. Government] policy interests in Haiti" and "a financial and regional security bargain for the USG."[130]

While the cables show that the US government has long been concerned by lack of domestic support for MINUSTAH within countries providing troops, including, most notably, Brazil,

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[126] Institute for Justice and Democracy in Haiti and Bureau des Avocats Internationaux, "The United Nations Should Hold MINUSTAH Personnel Accountable for Human Rights Violations to Haitians," press release, September 20, 2011, http://ijdh.org/archives/21673.
Bri Kouri Nouvèl Gaye et al., *Haiti's Renewal*.

[127] "Rapport de Cas, " Ministère de la Santé Publique et de la Population, Republique d'Haiti, August 29, 2011.

[128] WikiLeaks, Cable from Santiago, Ref ID: 07SANTIAGO983, http://WikiLeaks.org/cable/2007/06/07SANTIAGO983.html

[129] WikiLeaks, Cable from Santiago, Ref ID: 07SANTIAGO983, http://WikiLeaks.org/cable/2007/06/07SANTIAGO983.html

[130] WikiLeaks, Cable from Port-au-Prince, Ref ID: 08PORTAUPRINCE1381, http://WikiLeaks.ch/cable/2008/10/08PORTAUPRINCE1381.html

Chile, Argentina, and Peru, there has been little evidence in the cables released so far that US officials are as concerned about MINUSTAH's human rights violations.[131]

The cables reveal that Latin American participation in MINUSTAH has been far more tenuous than it might seem. They show that there has been opposition to the UN mission in Haiti ever since its establishment in 2004, in turn lending greater significance to current signs of MINUSTAH-fatigue in the region. A December 2009 cable states that, "Brazil remains uncomfortable in its leadership on MINUSTAH. To the constant refrain of 'we cannot continue this indefinitely,' Brazil has been increasingly insistent that international efforts to promote security must go hand in hand with commitments to economic and social development."[132] Recent public commentaries in contributing countries such as Chile[133] indicate that there is increasing impatience with participation in a foreign occupation force that has killed civilians. Meanwhile, protests against MINUSTAH inside Haiti have continued to grow, especially since the cholera outbreak.

In Brazil, representatives of the governing Workers' Party, *Central Unica dos Trabalhadores* (CUT, the main trade union federation), and the *Movimento dos Trabalhadores Sem Terra* (MST, the Landless Rural Workers' Movement)—one of the largest social movement organizations in Latin America, and a major force in Brazilian politics—and the Unified Black Movement, perhaps Brazil's most influential Afro-descendant organization, among others, have recently joined the movement calling for withdrawal of Brazilian troops from Haiti.[134] Jubilee South, which has close relationships with grassroots movements throughout the region, also issued a strong statement calling for MINUSTAH's withdrawal.[135]

A 2008 cable from the US Embassy in Brasilia suggests that Brazil's motivations for remaining in MINUSTAH despite domestic opposition are linked to its desire to obtain a permanent seat on the UNSC: "Brazil has stayed the course as leader of MINUSTAH in Haiti despite a lack of domestic support for the PKO [peacekeeping operation]. The MRE [Brazil's Ministry of External Relations] has remained committed to the initiative because it believes that the operation serves FM [Foreign Minister] Amorim's obsessive international goal of qualifying Brazil for a seat on the UN Security Council."[136] A later cable confirmed the continuing sentiment, stating: "Brazil's top foreign policy priority remains obtaining a seat on the UN Security Council and, as it takes its place in January as a non-permanent UNSC member for the tenth time, it is aware that its actions will be closely watched."[137]

It is also not surprising, then, that US officials would find growing discontent with MINUSTAH among Latin American member countries troubling. An October 2008 cable by US Ambassador to Haiti Janet Sanderson, titled "WHY WE NEED CONTINUING MINUSTAH PRESENCE IN HAITI [emphasis in original]," states: "We must work to preserve MINUSTAH by continuing to partner with it at all levels in coordination with other major donor and MINUSTAH

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[131] WikiLeaks, Cable from Lima, 2005-08-09, Ref ID: 05LIMA3434, http://wikileaks.org/cable/2005/08/05LIMA3434.html

[132] WikiLeaks, Cable from Brasilia, 2009-12-10. Ref ID : 09BRASILIA1411, http://WikiLeaks.ch/cable/2009/12/09BRASILIA1411.html

[133] Raúl Sohr, "Hora de sacar las tropas chilenas de Haití," *La Nación* (Chile), November 28, 2010, http://www.lanacion.cl/hora-de-sacar-las-tropas-chilenas-de-haiti/noticias/2010-11-27/232246.html

[134] "Is MINUSTAH's Time Almost Up?" *CEPR*, March 15, 2011, http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/is-minustahs-time-almost-up

[135] Jubilee South, "Sign-on in support of Haiti, MINUSTAH Out!", September 2011, http://jubileesouth.blogspot.com/2010/09/sign-on-in-support-of-haiti-minustah.html

[136] WikiLeaks, Cable from Brasilia, 2008-03-13, Ref ID: 08BRASILIA351, http://WikiLeaks.ch/cable/2008/03/08BRASILIA351.html

[137] WikiLeaks, Cable from Brasilia, 2009-12-10, Ref ID: 09BRASILIA1411, http://WikiLeaks.org/cable/2009/12/09BRASILIA1411.html

contributor countries from the hemisphere. That partnering will also help counter perceptions in Latin contributing countries that Haitians see their presence in Haiti as unwanted."[138]

To this end, the US Embassy sees natural disasters as helping to ensure MINUSTAH's staying power. Writing in 2008, Sanderson noted, "The current post-hurricane relief effort, however disordered, is proving an opportunity for US, Canadian, and other bilateral donors to partner with MINUSTAH in disaster assistance and reconstruction. We sense that the humanitarian focus of these crisis-response efforts—in contrast to riot-control efforts in April—is helping the case in Latin countries for continuing their peacekeeping contributions in Haiti."[139] It is not hard to imagine that US officials believes the earthquake has provided a similar "opportunity," on an even larger scale.

Recently released cables also offer insights into Brazilian thinking about MINUSTAH. Brazilian officials communicated to the US government, prior to MINUSTAH, but following President Jean-Bertrand Aristide's ouster in a 2004 coup, concern about the isolation of "pro-Aristide elements,"[140] although maintaining a view that Aristide "does not fit in with a democratic political future."[141] Yet Brazilian troops, among others, would soon act as accomplices as the HNP and paramilitary groups waged war on Aristide supporters, social movement activists, and others—leading to some 4,000 political murders[142] and hundreds of arbitrary imprisonments.

Other cables suggest that Brazil seeks to use the experience in "pacification" of slums such as Cite Soleil as practice for "occup[ation] and maintain[ing] control of *favelas*" back home. But the overarching goal in heading up MINUSTAH does seem to be a UNSC seat.

With growing dissatisfaction over the lack of a time-table for MINUSTAH's withdrawal, the recently-formed South American Defense Council has formed a dialogue commission to "resolve the fate and role of the armed forces in Haiti," as Uruguayan newspaper *La República* described it. The mounting sentiment to bring troops home in Latin America may be a factor in why the US has reached out to France, which is "approaching other 'Francophone' countries in [sic] Morocco and Senegal" to send troops to "bolster" MINUSTAH, as well as contributing more of their own.[143]

These revelations by WikiLeaks and independent investigative journalists clarify the reasons for MINUSTAH's continued presence in Haiti. One of the most up-front classified cables, from Sanderson on October 1, 2008, stated that, "A premature departure of MINUSTAH would leave the [Haitian] government…vulnerable to…resurgent populist and anti-market economy political forces—reversing gains of the last two years.[144]

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[138] WikiLeaks, Cable from Brasilia, 2009-12-10, Ref ID: 09BRASILIA1411, http://WikiLeaks.org/cable/2009/12/09BRASILIA1411.html

[139] WikiLeaks, Cable from Brasilia, 2009-12-10, Ref ID: 09BRASILIA1411, http://WikiLeaks.org/cable/2009/12/09BRASILIA1411.html

[140] WikiLeaks, Cable from Brasilia, 2004-05-27, Ref ID: 04BRASILIA1291, http://WikiLeaks.ch/cable/2004/05/04BRASILIA1291.html

[141] WikiLeaks, Cable from Brasilia, 2005-06-10, Ref ID: 05BRASILIA1578. http://WikiLeaks.org/cable/2005/06/05BRASILIA1578.html

[142] Athena R. Kolbe and Royce A. Hutson, "Human Rights Abuse and Other Criminal Violations in Port-au-Prince, Haiti: A Random Survey of Households," *The Lancet* 368(9538) (2006): 864-873.

[143] WikiLeaks, Cable from Paris, 2010-02-06, Ref ID: 10PARIS179, http://WikiLeaks.org/cable/2010/02/10PARIS179.html

[144] Ansel Herz, "WikiLeaks: US Embassy Makes its Case of MINUSTAH," *Mediahacker*, January 29, 2011, http://www.mediahacker.org/2011/01/WikiLeaks-us-embassy-makes-its-case-for-minustah/

IT is important in analyzing the onus of culpability to differentiate between the UN mission, UN troops as individuals, and the nations that contribute them. These nations themselves are often, as evident in the previous section, on the weaker ends of the games for global power. While for some of the relative heavyweights among them, such as Brazil, a contribution to MINUSTAH is part of an effort to secure Security Council membership or play to US political desires, for many lower-income countries the contribution of troops simply constitutes another essential source of national revenue. As the New York Times noted soon after the MINUSTAH sex abuse scandal in Port Salut, "The United Nations pays $1,024 a month per soldier, making peacekeeping a profitable venture for many poorer nations."[145] In fact, at least 25% of MINUSTAH troops in Haiti come from countries that reported cholera outbreaks in 2007-2009, which itself is indicative of the poverty and public health conditions that exist in contributing countries.[146] (If the analysis includes Brazil, which did report cholera cases in the last decade, that percentage jumps to at least 42%). As in the US military, economics again plays a selective factor in determining which people from within these countries end up as peacekeeping troops being sent abroad. Most are on the lower end of the socioeconomic ladder. The troops that imported cholera came from sections of society within Nepal that lacked the protection and infrastructure to avoid contracting the disease. Their importation of cholera into Haiti was a function of the system that allowed this to happen. Similarly, protection failures often stem not from individual malicious intent but rather from inability to communicate or orient oneself in a foreign country having had little to no language training, the pressure to follow orders, and an inculcated feeling of Haitians as a violent and enigmatic "other." While this does not excuse individual actions against others, it underlies the systemic problems with international military missions like MINUSTAH.

CONCLUSION

PERMISSION for MINUSTAH's presence was granted by an unconstitutional, unelected government after the democratically-elected Aristide was ousted from office in an internationally-backed coup. MINUSTAH has been destabilizing Haiti and violating human rights since its arrival, and has continued this trend since the earthquake. Beyond violent abuses, MINUSTAH's introduction of cholera, compounded by its failure to accept responsibility for it, demonstrates a systemic problem with the entire mission and the way it interacts with Haiti.

Since the earthquake, the only significant civil discord in the country has targeted MINUSTAH for introducing cholera or failing to respond to IDP camp conditions, or expressed anger over fraudulent elections. MINUSTAH responded to these peaceful protests with violence, including tear gassing students and IDPs, assaulting international journalists, shooting at children and even killing peaceful protestors. Just like the earthquake and the subsequent cholera outbreak, MINUSTAH, as a disaster with widespread adverse effects, has brought Haitians together in nonviolent yet persistent solidarity against it. But these outcries are repeatedly violently silenced by MINUSTAH.

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[145] Neil MacFarquhar, "Peacekeepers' Sex Scandals Linger, On Screen and Off," *New York Times*, September 7, 2011, http://www.nytimes.com/2011/09/08/world/08nations.html?pagewanted=1&_r=2

[146] "UN Mission's Contributions by Country", August 31, 2011, http://www.un.org/en/peacekeeping/contributors/2011/aug11_5.pdf.
World Health Organization, "Cholera, Areas Reporting Outbreaks, 2007-2009", October 6, 2009, http://gamapserver.who.int/mapLibrary/Files/Maps/Global_CholeraCases0709_20091008.png

By allowing itself to be used as a tool of international interests, MINUSTAH effectively propagates injustice and political repression in Haiti. It often acts against Haitian interests in order to meet the geopolitical or economic needs of foreign powers or those seeking to ingratiate themselves to those powers. Rather than the instability and violence MINUSTAH uses to justify its existence—which has failed to rear its head since the earthquake—it is MINUSTAH itself that threatens security and advancement. The use of an international military force in peacetime conditions robs Haiti of its freedom to use its political processes for self-determination and to rebuild in a way that puts civil society's agenda front and center.

Paralleling these abuses are domestic and international voices of protest, bolstered by human rights reports and leaked documents and cables demonstrating that the motivations of MINUSTAH and its members are not focused on Haiti. In a recent open letter to Brazilian President Dilma Rousseff, members of the largest labor groups in Brazil, with other members of civil society, stated that "we must end Brazil's participation in a military operation that is repudiated by the vast majority of the Haitian people."[147] As WikiLeaks cables demonstrate, this desire to see the end of a military occupation of Haiti has even been articulated by members of government.

When MINUSTAH is understood as part of a first world-focused interventionist geopolitical strategy rather than a humanitarian peace mission, it is clear why such an unsuccessful and unpopular operation continues to be renewed year after year. Though MINUSTAH is worsening Haitians' situation, it is protecting foreign interests, both within UN hierarchy, and within global economic policies.

At such a crucial point in Haiti's history, and with years of failures, inaction, repression, and human rights violations documented, it is time that MINUSTAH respect the Haitian people's wishes, and the wishes of many of its members' citizens, and withdraw from Haiti. Arguments of greater instability cannot justify the current abuse and violence against Haitians. Just as no concern of post-MINUSTAH instability can justify a single violation of a Haitian's rights by an occupying force, no solution to Haiti's problems can include foreign armed military on its soil. If the UN and its members want to support Haiti, MINUSTAH's nearly one billion USD yearly budget should be put toward sanitation, shelter, health, infrastructure, and education, not arms and soldiers that result in death, sexual assault, trafficking, and the subversion of democracy.

[147] "Endgame for Brazil's Role in MINUSTAH?", *Council on Hemispheric Affairs*, August 29, 2011, http://www.coha.org/endgame-for-brazil%E2%80%99s-role-in-minustah/

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