

AMNESTY INTERNATIONAL – PUBLIC STATEMENT

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Haiti: concern about lack of transparency in multinational security support (MSS) mission deployment

The imminent deployment of a non-UN Multinational Security Support Mission (MSS) to be led by Kenya, with the mandate “to support the efforts of the Haitian National Police to re-establish security in Haiti and build security conditions conducive to holding free and fair elections” raises concerns due to the lack of information available on the measures taken to ensure that all its operations are carried out with full respect for human rights, as requested by Security Council Resolution 2699 (2023). This deployment is expected to take place in the coming months.

Rooted in the legacy of colonialism and slavery, Haiti’s decades-long political, economic, humanitarian and human rights crisis deepened further after the assassination of President Jovenel Moïse in 2021. Political instability and insecurity have exacerbated the weakening of state structures and led to widespread human rights violations.

As Amnesty International stated in its August 28th public letter addressed to the UN Security Council, past multinational or foreign interventions in Haiti were tarnished by a troubling history of abuse and impunity. In the face of this fact, all necessary measures must be taken both prior to and for the entire duration of any deployment in the Caribbean country in order to prevent history from repeating itself.

Despite the clear requirements established in the authorizing Resolution 2699 (2023) of the Security Council, which requests the Member States participating in the Multinational Security Support Mission (MSS) “ensure the highest standards of transparency”, Amnesty International notes with concern that the countries and entities involved in the deployment of this mission have yet to provide detailed public information as to which rules, procedures, structure, and accountability mechanisms will be set in order to guide and delimit the scope of its actions while in the country. In the absence of clearly defined avenues for reporting, investigating, or remedying human rights violations and abuses, Haitian civil society and human rights groups have also expressed concern about the effectiveness and legality of MSS personnel and actions once deployed in a complex environment. ⁽¹⁾

The organization acknowledges that personnel to serve in the MSS are to be subject to vetting by the governments contributing to the force and furthermore that those receiving assistance from the United States also complete human rights vetting pursuant to United States law. Nevertheless, technical advice from UN agencies such as OHCHR to this aim, would be recommended. We also note that, despite announcements of significant financial contributions by some countries, no information has been provided as to how much funds will be allotted directly to the human rights protection system of this mission.

It is therefore imperative that, in the context of the progressive deployment of MSS personnel in the country, all the safeguards demanded by Haitian civil society and recognized as indispensable by the United Nations and the international community, be incorporated and communicated clearly.

AMNESTY INTERNATIONAL CALLS FOR THE MSS

Besides vetting procedures for all officials, MSS personnel should receive core pre-deployment and in-theater training from relevant UN entities. The training should provide an understanding of basic UN principles, guidelines, and policies, including on issues such as human rights law, sexual exploitation and abuse, protection of civilians, conflict-related sexual violence, and child protection. Contributors should commit to complying with these standards.

In line with relevant provisions of Security Council resolution 2699 (2023), Amnesty International calls for an accessible, independent, and transparent complaint mechanism (with a set rules of procedure), to carry out timely investigations of all allegations of misconduct and human rights violations, including sexual exploitation and abuse committed by any

personnel assigned to the MSS, regardless of the position or nationality. Technical cooperation including from the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Program (UNDP), DPO (Department of Peace Operations) and other UN agencies, the Inter-American Commission on Human Rights (IACHR), and the International Committee of the Red Cross (ICRC), is recommended. This should also look into no-cost paternity determination procedures for children with paternity claims against MSS personnel, along with referral pathways for securing child support.

Amnesty International believes that independent experts should be appointed to lead the mechanism and assess the claims and thereby avoid interference, opacity, and potential cover-up. Civil society participation in the election of the independent experts and OHCHR's technical advice and support would be desirable.

The mechanism should be compatible with criminal prosecution and other accountability measures - ideally in a manner that further supports strengthening Haiti's institutions. For cases of human rights violations such as extrajudicial killings, torture or sexual exploitation and abuse, the mechanism should be able to file a complaint in a Haitian ordinary court, or in any jurisdiction of a country providing personnel, aside the competence of any national court under the principle of universal jurisdiction, in order to investigate, and, if there is sufficient admissible evidence, prosecute all those suspected of criminal responsibility, including those in a command or superior position. Finally, clear standards and rules for disciplinary action, compensation, and any other relevant reparatory action, should be developed in a human rights-based approach, and ideally with input and participation of Haitian communities. Contributing countries must commit to funding remedies.

Finally, Amnesty International calls for adequate funding to be allocated to independent monitoring of the MSS's compliance with human rights, processing claims of alleged abuses, investigations, and full reparation. To ensure that victims have timely access to reparation, the UN must authorize the MSS trust fund to cover compensation and other remedy, while requiring that contributing countries bear ultimate responsibility to reimburse for liabilities incurred by their nationals if the MSS fund is not fully funded.

Amnesty International strongly urges to take these concerns into account prior to and throughout the course of the deployment of the force. Protection of human rights must always be at the forefront of all decision-making processes related to ensuring security and stability in Haiti.