

THE EMERGING DRUG THREAT FROM HAITI

HEARING

BEFORE THE
SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES
OF THE

COMMITTEE ON
GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

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THE EMERGING DRUG THREAT FROM HAITI

WEDNESDAY, APRIL 12, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:15 a.m. in room 2203, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica and Gilman.

Staff present: Sharon Pinkerton, staff director and chief counsel; Lisa Wandler, clerk; Charley Diaz, congressional fellow, Cherri Branson, minority counsel; and Jean Gosa and Earley Green, minority assistant clerk.

Mr. MICA. Good morning. I would like to call this hearing of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources to order.

We are going to go ahead and begin. There is a markup that some of our Members are involved in, but we do have two panels of witnesses to hear from, and we can proceed.

The order of business will be my opening remarks and statement, and then, as other Members join us, they can either give their opening statements or we will submit them for the record. We will leave the record open for a period of 2 weeks, without objection, for additional statements or materials submitted as a result of this hearing from witnesses or those interested in providing statements, information for the record.

Today's hearing is titled, "The Emerging Drug Threat from Haiti." That is the subject of our concern here as an investigations and oversight subcommittee of the House Government Reform Committee.

Five years after the United States military intervened to restore democracy in Haiti, and nearly \$4 billion later, Haiti has become the center of Caribbean drug trafficking. Many of these illegal drugs end up on our streets and in schoolyards across the United States. Today, the subcommittee will exercise its oversight responsibility to assess the current drug threat from Haiti and to examine the failure of wasteful spending of hundreds of millions of taxpayer dollars which were expended to reform Haiti's judicial system and national police.

What have American taxpayers gotten for their money? A lot of questions are now being raised. The answer appears to be a flood of deadly narcotics which are now washing up on our shores.

As one of today's witnesses wrote in a recent Wall Street Journal article, "Haiti is a political basket case." The Los Angeles Times recently characterized Haiti as "Increasingly lawless, corrupt, and poor, and also pivotal to a multi-billion-dollar business in cocaine." And a recent Miami Herald article linked corruption and drug trafficking to an American propped-up political bureaucracy in Haiti.

Furthermore, a recent report of the Congressional Research Service states that the unemployment rate in Haiti has now reached 80 percent.

Despite years of United States' assistance totaling billions of dollars, Haiti is now the major drug transshipment country for the entire Caribbean region, funneling huge shipments of cocaine from Colombia to the United States. Some have called Haiti the "crossroads of the Caribbean drug trade."

DEA estimates that last year 67 metric tons of cocaine moved through Haiti, a 24 percent increase over 1998. This cocaine poison eventually makes its way to the United States and destroys American lives.

The United States drug czar now estimates that there are over 52,000 drug-related deaths in this country every year. The social cost of illegal drugs—some of the lower figures are \$110 billion a year, and I have seen that figure, with everything taken into consideration, almost double. More importantly, over half of our Nation's young people will try illegal drugs before they finish high school.

Haiti is now responsible for fully 14 percent of all the cocaine entering the United States from Colombia. How did we come to this point? On one hand, Haiti's location between the United States and the major South American drug-producing countries makes it a very logical transshipment point for illegal narcotics. Also, as the poorest country in the western hemisphere, Haiti is extremely vulnerable to official corruption.

On the other hand, we spent hundreds of millions of taxpayer dollars to reform the judicial system and rebuild the national police force from the ground up.

We must ask: have the money and efforts made a difference? Unfortunately, Clinton-type nation building has, once again, had a disastrous failure.

The sad fact is that much, and probably most, of this taxpayer money has been wasted. A recent CBS News segment that aired on 60 Minutes was dedicated to this issue. The reporters visited Haiti to explore the judicial reform program funded by the U.S. Agency for International Development [USAID]. CBS wanted to know what has the United States gotten for its effort and also for its money.

Their conclusion was not much. They discovered lawlessness, bodies in the street, no police in sight, and hundreds of Haitian citizens locked up in pretrial confinement in overcrowded jails with no system to identify even what crimes these people were accused of.

On the topic of drug smuggling, the drug traffickers are very aware of the absence of an adequate defense along Haiti's southern coastline. Colombian drug lords have once again shifted a large portion of their operations, and they have chosen Haiti as a site of those operations.

According to DEA, our Drug Enforcement Administration, the primary method for smuggling large quantities of cocaine through the Caribbean to the United States is on maritime vessels. Colombian drug traffickers are now using so-called "go fast boats" to move cocaine, as much as a ton at a time, from the north coast of Colombia to the south coast of Haiti. Drugs are then transferred over land to the Dominican Republic for further shipment to the United States, including routing through Puerto Rico, and also to Europe.

Also, approximately a third of the Haitian drug flow occurs through air drops into mountainous regions of the country.

Much of the interdiction and enforcement work falls on the backs of our domestic law enforcement agencies, including DEA, the Customs Service, the U.S. Coast Guard, and also support from our Department of Defense. These agencies work to support goal four of the national drug control strategy, which is "to shield America's air, land, and sea frontiers from the drug threat." That is the mission.

Sadly, funds and resources provided by Congress several years ago to Puerto Rico and that area of the Caribbean have been shifted or expired. I was briefed on this during a short visit to Puerto Rico. Our staff also went down there recently. We were alarmed to find out that funds and programs that were supported financially by the current Speaker of the House, who had responsibility as chair of the subcommittee with oversight responsibility, also put together the program for supplemental funding for these programs. We found that much of that effort has evaporated or resource has been diverted from that region of the hemisphere, and once again we find ourselves at risk with an incredible sheer volume of hard narcotics coming in through Haiti.

This tragic situation is worsened by other shortfalls in Clinton administration efforts. We have lost our air base in Panama, and we have ceded control of this strategic area without first obtaining replacement bases in a timely fashion for continued effective air surveillance. Air surveillance is so key to both finding the source of illegal narcotics, and also obtaining the assistance, cooperation of other nations in interdicting these drugs as they leave the source and before they reach our shores.

With the absence of U.S. intelligence sharing, due, in part, to the reduced air coverage following the forced closure of Howard Air Force Base in Panama, our counter drug efforts in the region have been further crippled.

The General Accounting Office has documented a dramatic reduction in DOD assets that are committed to reducing the supply of illegal drugs in America. This is a report that I requested. It was published at the end of 1999, December 1999.

Among the GAO report findings are the following covering the period from 1992 to 1999, which we asked them to review:

The report states "the number of flight hours dedicated to detecting and monitoring illegal drug shipments declined from approximately 46,000 to 15,000, or some 68 percent." If there has been since 1992 any war on drugs, it must be a figment of fantasy and imagination from this administration. I think this report clearly shows that the war on drugs was, in fact, closed down, not only by

the 68 percent reduction in flight hours dedicated to detecting and monitoring illegal drug shipments, but also the second major point of the investigation. GAO said the number of ship days declined from about 4,800 to about 1,800, which was a 62 percent reduction.

DOD has diverted resources to other priorities and has apparently lost the will and commitment to win this battle.

The findings of this GAO report are just another indicator of the Clinton administration's lack of commitment to effectively combat the scourge of illegal drugs and stem the unbelievable tide of cocaine and heroin that is now transiting through the Caribbean.

What is Haiti doing? Is Haiti doing all that it can as a sovereign nation? Is it fully cooperating with the United States in the war on drugs?

Well, President Clinton decertified Haiti this year, which was an appropriate step. Then, he granted the country a national interest waiver, in essence nullifying the decertification. He took this action, despite the fact that the Haitian government has not passed much-needed counter narcotics legislation. He took this step, despite the fact that intelligence reports that we have, press accounts, and other documentation from our anti-narcotics forces and United States agencies indicates that corruption from illegal narcotics has now reached the very highest offices and officials in Haiti.

Why hasn't the Haiti parliament passed this needed legislation? One reason is that the current Haitian President Preval unilaterally shut down the Haitian parliament.

The ratio of Haitian police to population is one of the lowest in the world, and the Nation's counter-narcotics police unit, the BLTS, numbers only 24 personnel, while serving a population of 8 million citizens.

Beginning in November 1998, democratic elections in Haiti were repeatedly postponed. Once again, in a dictatorial fashion, President Preval has postponed elections for a third time, and I understand that is now put out until May of next year.

Indeed, all of this is a disappointment, particularly when we have invested billions and billions of American dollars propping up one corrupt administration in Haiti for now another corrupt administration.

I am conducting this important hearing today because the ultimate success or failure of Haiti's governmental institutions and its commitment to counterdrug efforts directly impact us here at home. Last year, this subcommittee held 28 hearings, 16 on drug policy and related topics—more than any other House subcommittee or committee. This year I intend to continue our oversight in this area.

Despite some differences, I know that members of the committee on both sides of the aisle are equally committed to the successful implementation of our national drug control strategy.

The United States and our hemisphere are facing some of the greatest challenges ever to our security interests. Just look at the turmoil in Colombia. I think Haiti is ripe for even further degradation in its situation with domestic turmoil, with corruption, and with drug interests taking further hold on this small, poor island nation.

I think we must do more to protect our hemisphere and our own national security, including the security of our homes and communities.

In order to succeed, we must keep an eye on the ball and also undertake a strategic and defensive and decisive approach.

We certainly must ensure accountability from those receiving hard American taxpayer dollars. We owe it to the American public, as well as to the people of Haiti.

I wish to thank our witnesses for testifying before us today. We look forward to hearing more about the challenging situation in Haiti and what the United States and Haiti can and should do about it and what our strategy is to go from this point forward.

[The prepared statement of Hon. John L. Mica follows:]

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OPENING STATEMENT
 Chairman John L. Mica

Subcommittee on Criminal Justice,
 Drug Policy and Human Resources

April 12, 2000 Hearing:

The Emerging Drug Threat from Haiti

Five years after the United States military intervened to "restore democracy" in Haiti, and nearly \$4 billion later, Haiti has become the center of Caribbean drug trafficking. Many of these illegal drugs end up on our streets and in schoolyards across this country. Today, this Subcommittee will exercise its oversight responsibility to assess the current drug threat from Haiti and to examine the failure of the wasteful spending of hundreds of millions of taxpayer dollars spent to reform Haiti's judicial system and national police.

What have American taxpayers gotten for their money?

The answer appears to be a flood of deadly narcotics now washing up on our shores. As one of today's witnesses wrote in a recent Wall Street Journal article, Haiti is a "political basket case."

The Los Angeles Times recently characterized Haiti as "increasingly lawless, corrupt and poor," and "pivotal to a multibillion-dollar business in cocaine." And a recent Miami Herald article linked corruption and drug trafficking to an American propped-up political bureaucracy. Furthermore, a recent report of the Congressional Research Service states that the unemployment rate in Haiti has now reached 80%.

Despite years of U.S. assistance totaling Billions, Haiti is now the major, drug transshipment country of the entire Caribbean, funneling huge shipments of cocaine from Colombia to the United States. Some have called Haiti the "crossroads of the Caribbean drug trade." DEA estimates that last year 67 metric tons of cocaine moved through Haiti -- a 24% increase over 1998.

This cocaine poison eventually makes its way to the United States and destroys American lives. The U.S. Drug Czar now estimates that there are over 52,000 drug-related deaths in this country every year. The social cost of illegal drug use is \$110 billion per year. More importantly, over one half of our nation's young people will try illegal drugs before they finish high school.

Haiti is now responsible for fully 14% of all the cocaine entering the U.S. from Colombia. How did we come to this?

On the one hand, Haiti's location between the United States and the major South American drug producing countries makes it a logical transshipment point for illegal drugs.

Also, as the poorest country in the Western Hemisphere, Haiti is extremely vulnerable to official corruption.

On the other hand, we have spent hundreds of millions of taxpayer money to reform the judicial system and rebuild the national police from the ground up. But, we must ask, have the money and efforts made a difference? Clinton type nation building once again has disastrously failed.

The sad fact is that much, and probably most, of this taxpayer money has been wasted. A recent CBS news segment that aired on "60 Minutes" was dedicated to this issue. The reporters visited Haiti to explore the judicial reform program funded by the U.S. Agency for International Development ("US-AID"). CBS wanted to know what has the U.S. "gotten for its effort and its money." Their conclusion: "not much." They discovered lawlessness, bodies in the street, no police in sight and hundreds of Haitians citizens locked up in pretrial confinement, in overcrowded jails, with no system to identify even what crimes they were accused of.

On the topic of drug smuggling, the drug traffickers are very aware of the absence of an adequate defense along Haiti's southern coastline. Colombian drug lords have once again shifted a large portion of their operations -- and they have chosen Haiti. According to the Drug Enforcement Administration (DEA), the primary method for smuggling large quantities of cocaine through the Caribbean to the United States is on maritime vessels.

Colombian drug smugglers are now using so-called "go-fast" boats to move cocaine --as much as a ton at a time --from the north coast of Colombia to the south coast of Haiti. Drugs are then transferred overland to the Dominican Republic for further shipment to the United States (including Puerto Rico) and Europe. Also, approximately a third of the Haitian drug flow occurs through "airdrops" into the mountainous regions of the country.

Much of the interdiction and enforcement work falls on the backs of our domestic law enforcement agencies, including the DEA, the Customs Service, and the United States Coast Guard with support from the Defense Department. These agencies work to support goal four of the National Drug Control Strategy: to "Shield America's air, land, and sea frontiers from the drug threat." Sadly, funds and resources provided by Congress several years ago to Puerto Rico and that area of the Caribbean have been shifted or expired.

This tragic situation is worsened by other shortfalls in Clinton Administration efforts. We have lost our air base in Panama and ceded control of this strategic area without first obtaining replacement bases for continued effective air surveillance. With the absence of U.S. intelligence sharing, due in part to the reduced air coverage following the forced closure of Howard Air Force Base in Panama, our counterdrug efforts in the region has been further crippled.

The General Accounting Office (GAO) has documented a dramatic reduction in Department of Defense (DOD) assets that are committed to reducing the supply of illegal drugs in America.

Among GAO report findings are the following, covering the period from 1992 -1999:

- The number of flight hours dedicated to detecting and monitoring illicit drug shipments declined from approximately 46,000 to 15,000, or 68%.
- The number of ship days declined from about 4,800 to 1,800, or 62%.

DOD has diverted resources to other priorities and has apparently lost the will and commitment to win this battle.

The findings of this GAO report are just another indicator of the Clinton Administration's lack of commitment to effectively combat the scourge of illegal drugs.

And what is Haiti doing? Is Haiti doing all that it can as a sovereign nation? Is it fully cooperating with the United States in the war on drugs? Well, President Clinton decertified Haiti this year, but then granted the country a "national interests" waiver, in essence nullifying the decertification. He took this action despite the fact that the Haitian government has not passed much-needed counternarcotics legislation.

Why hasn't the parliament passed this needed legislation? One reason is that Haitian President Preval unilaterally shut down the Haitian parliament.

The ratio of Haitian Police to population is one of the lowest in the world, and the nation's counternarcotics police unit ("BLTS") numbers only twenty-four personnel, while serving a population of eight million citizens. Beginning in November 1998, democratic elections in Haiti were repeatedly postponed. Once again, in a dictatorial fashion Preval has postponed elections for a third time.

I'm conducting this important hearing today because the ultimate success or failure of Haiti's governmental institutions and its commitment to counterdrug efforts directly impact us here at home.

Last year this Subcommittee held twenty-eight hearings, sixteen on drug policy and related topics (more than any other House subcommittee or committee). This year I intend to continue our oversight in this area. Despite some differences, I know that the members of this Subcommittee, on both sides of the aisle, are equally committed to the successful implementation of our National Drug Control Strategy.

The United States and our hemisphere are facing some of the greatest challenges ever to our security interests. Just look at the turmoil Colombia. I think we must do more to protect our hemisphere and our own national security, including the security of our homes and communities.

In order to succeed, we must keep our eye on the ball and undertake a strategic and decisive approach. We certainly must ensure accountability from those receiving hard earned American taxpayer dollars. We owe it to the American public, as well as the people of Haiti.

I wish to thank our witnesses for testifying today. We look forward to learning more about the challenging situation in Haiti, and what the United States and Haiti can and should do about it.

Mr. MICA. At this time we have our first panel of witnesses. Panel one today consists of Ambassador Don Steinberg, who is the special Haiti coordinator under the U.S. Department of State; Mr. Carl Alexandre, the director of Overseas Prosecutorial Development Assistance and Training [OPDAT], the Criminal Division of the Department of Justice. We also have Rear Admiral Ed J. Barrett, and he is with the U.S. Coast Guard, and he is Director of the Joint Interagency Task Force [JIATF] East; Mr. Michael Vigil, senior agent in charge in Miami [SIC] of the U.S. Drug Enforcement Administration; and Mr. John Varrone, the Acting Deputy Assistant Commissioner, Office of Investigations of the U.S. Customs Service.

I will inform our witnesses that this is an investigations and oversight subcommittee of Congress, and, as such, we do swear in our witnesses, which I will do in just a minute.

Additionally, if you have lengthy statements, documentation, or material which you would like entered into the record, we would be glad to do so upon a request and unanimous consent of the subcommittee.

With those opening remarks, we are going to go ahead and proceed and begin hearing from our witnesses.

I will first ask you to stand and be sworn.

[Witnesses sworn.]

Mr. MICA. Witnesses answered in the affirmative.

I welcome you and thank you for your participation today.

With that we'll first recognize Ambassador Don Steinberg. He is the special Haiti coordinator from the U.S. Department of State.

Welcome, Sir. You are recognized.

STATEMENTS OF AMBASSADOR DONALD STEINBERG, SPECIAL HAITI COORDINATOR, U.S. DEPARTMENT OF STATE; CARL ALEXANDRE, DIRECTOR, OVERSEAS PROSECUTORIAL DEVELOPMENT ASSISTANCE AND TRAINING [OPDAT], CRIMINAL DIVISION, DEPARTMENT OF JUSTICE; REAR ADMIRAL ED J. BARRETT, USCG, DIRECTOR, JOINT INTERAGENCY TASK FORCE [JIATF] EAST; MICHAEL VIGIL, SENIOR AGENT IN CHARGE, CARIBBEAN, U.S. DRUG ENFORCEMENT ADMINISTRATION; AND JOHN VARRONE, ACTING DEPUTY ASSISTANT COMMISSIONER, OFFICE OF INVESTIGATIONS, U.S. CUSTOMS SERVICE

Ambassador STEINBERG. Thank you, Mr. Chairman. I welcome the opportunity to be here today to talk about recent events in Haiti and our mutual efforts to address some of the problems that you've talked about already.

I have submitted a statement for the record.

Mr. MICA. Without objection, the entire statement will be made part of the record.

Ambassador STEINBERG. And so I wanted just to take a few moments to review some of the elements in that statement.

I have been in the position as special Haiti coordinator just since November, but have already made six trips to Haiti, and it is clear to me that we have a huge challenge ahead of us in helping Haiti move down the road in democracy, rule of law, and economic development. That road has been bumpy at best so far. There are no

quick fixes to helping a country overcome the legacies of two centuries of authoritarian regime, rapacious military forces, and class divisions.

Clearly, many of the expectations that we all shared after the democratically elected government was restored in 1994 have not been met.

My testimony highlights some of the areas of frustration, including halting progress on human rights, and, as you've said, the sad state of the judiciary and prison systems.

One key area of disappointment has, indeed, been the growing problem of drug trafficking. Cocaine trafficking now totals some 14 percent of the cocaine entering the United States. I agree that this is a direct national security threat to this country.

DEA, Customs, and Justice will describe their growing programs in a moment, which I believe show the seriousness with which this administration is attacking the threat. They will discuss our enhanced permanent anti-drug presence in Haiti and new efforts to counter air drops, freighter shipments, and money laundering.

Within the State Department, as well, the Bureau of International Narcotics and Law Enforcement is the lead bureau for training programs and border cooperation.

I agree, as well, that narcotrafficking and corruption are direct threats to Haiti as well, including the young and new institutions of the national police, the judiciary, and the government itself. This is one of the reasons that we focus so much attention on addressing these very institutions.

There have been some successes. The government of Haiti has cooperated in several major international counterdrug operations and has worked with the Dominican Republic to stem the flow of drugs over that land border. It has implemented a maritime drug interdiction agreement, even without formal legislation, and the Haitian National Police officials involved in drug-related corruption have been fired.

At the same time, we are disappointed in the absence of full cooperation, which is shown by the large drop in drug seizures. Last year, despite increased drug transit levels, we were disappointed by the police's failure to double the size of the anti-drug unit, as they had planned, the lack of vigorous investigation of reported corruption, and the failure to prosecute rather than simply fire most police officers identified in drug-related corruption.

Indeed, as you stated, the lack of a parliament, which was disbanded some 16 months ago, means that no new laws on money laundering, anti-corruption, or reorganization are being adopted. Indeed, we have spent a lot of effort to help restore that parliament, working full time to promote free and fair elections in the climate of security.

In this regard, the announcement yesterday that a date has been established for elections—and this is a date in May of this year, as opposed to next year—having been worked out with the electoral authorities. This is an important development, but we must also see an end to delay and to the violence and intimidation that is now characterizing the political scene in Haiti.

We condemn those elements in Haiti that are now using violence and strong-arm tactics to derail democracy.

Mr. Chairman, there has been progress in Haiti since the early 1990's when a brutal military regime in Port-au-Prince victimized opposition figures, when tens of thousands of boat people were risking their lives to flee the terror, and when starvation and suffering were rampant due to capital flight and sanctions.

We can all share some satisfaction in strides to alleviate hunger, to build basic institutions in civil society, to increase access to education, health care, and family planning, to combat environmental decline, and to demobilize the armed forces.

Indeed, this has been an expensive operation. Our estimate is that about \$2.2 billion has been spent overall in this effort, as opposed to the \$4 billion figure that some people cite, but it has been an expensive operation.

Despite all the problems that we've identified, I believe that we have helped give Haiti the best chance in its history to move down the road to democracy and national reconciliation. We need to be side by side with Haiti on that road. Our national interests are just too strong: promoting democracy throughout the western hemisphere, addressing crushing poverty on our doorstep, preventing a new flood of illegal migration, and, indeed, interdicting drug trafficking.

If we can all resist the easy solace of fatigue and frustration, I believe we can achieve these reasonable goals. I look forward to working with this committee in this vital effort.

Thank you.

Mr. MICA. Thank you.

[The prepared statement of Ambassador Steinberg follows:]

**Statement by Special Haiti Coordinator
Ambassador Donald K. Steinberg
House of Representatives Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000**

I welcome the opportunity to be with you today to discuss recent developments in Haiti and the Administration's efforts to address the challenges of promoting our national interests vis-à-vis that country. As Special Haiti Coordinator for the State Department, I am charged with coordinating efforts to help Haiti join the global march to democracy, strengthen basic institutions, alleviate crushing poverty, stem the flow of illegal migration, and interdict drug trafficking.

In the area of drug interdiction, the State Department responsibility falls under the Bureau of International Narcotics and Law Enforcement Affairs. Officials from that bureau are not here today. Further, I am testifying here today with officials from the Department of Justice, the Drug Enforcement Agency, and the U.S. Customs Service, who are the experts in drug interdiction, police training, and related issues. For this reason, I will use my testimony today to provide over-all policy context for the discussion of the emerging drug threat from Haiti, and allow the experts to address the more specific areas of interests to this Subcommittee.

Pursuing American National Security Interests

Since the early 1990's, Haiti has been a focal point of our efforts in the Western Hemisphere. Pursuing our objectives has been a huge challenge and the record has been mixed. Haiti is struggling to overcome legacies of two centuries of authoritarian regimes and rapacious governments, including the most severe poverty in the Western Hemisphere. Democratic institutions are fragile at best. Unemployment, crime, illiteracy, corruption and poverty pose constant threats to stability. Haiti's infant mortality rate is nearly triple the Caribbean average. More than one-fourth of Haitian children suffer from severe malnutrition.

Events in Haiti were spiraling out of control in the early 1990's as a result of the coup that expelled the democratically elected government from office and set up the so-called "de facto" regime. This brutal military regime victimized opposition figures, and tens of thousands of boat people risked their lives to flee the terror. The economy was in shambles due to capital flight and sanctions; and starvation and suffering were rampant. When international political and economic pressure failed to dislodge the de facto regime, a multinational force, including some 20,000 U.S. troops, restored order and made possible the restoration of elected government.

There were also dire predictions that if American forces were used as part of an international effort to restore the democratically elected Government, we would face huge casualties and decades of military engagement. Fortunately, this was not the case. The vast majority of U.S. forces were out of Haiti within six months, and today there are no U.S. forces there.

Areas of Progress

Haiti has not met all the expectations associated with the restoration of democratically elected government. I will discuss in a moment some areas of disappointment, but we can share some satisfaction in strides to alleviate hunger, build basic institutions, increase access to education, combat environmental degradation, foster civil society, and demobilize the armed forces.

U.S. development assistance from 1995-99 has helped address these issues. The Administration has supported projects such as helping 225,000 farmers adopt sustainable agricultural practices; training some 6,000 teachers at primary/secondary levels; and promoting hundreds of grassroots organizations in the health, environmental and public advocacy sectors. Our population program reaches women in the most rural areas and has doubled the use of modern family planning practices in areas in which it operates. Our food security program feeds daily some 500,000 of Haiti's schoolchildren, down from more than one million several years ago. Our health care program supports primary health care services for nearly half the population, including child immunization.

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USAID plans to build on its core projects in 2000 and 2001, albeit at reduced funding levels, with an added focus on longer-term development programs. USAID will continue its "Secondary Cities" program, begun in FY 99, to reduce the flow of migration to densely populated Port-au-Prince by increasing opportunities in and improving services to urban areas outside of the capital. As successful elections take place, USAID also plans to resume assistance to the Parliament and local governments.

Unmet Expectations

At the same time, there are other areas where our best efforts have been frustrated and disappointed. First, consolidation of democratic institutions has been thwarted by the disbanding of Parliament and local governments in January 1999 and the failure to hold prompt, free and fair elections. Due in part to U.S. and international assistance and the steady work of the Provisional Electoral Council (CEP), credible parliamentary and local elections can be held in time to seat a Parliament on June 12. We have voiced strong opposition to further delays in the vote, and we have worked with the international community, including the United Nations, Organization for American States and the European Union, to underscore the urgency of prompt and credible elections. We have warned that the failure to seat a Parliament and restore independent local government risks isolating Haiti from the community of democracies and imperils future cooperation.

The failure to move ahead on elections is feeding into a climate of instability and insecurity in Haiti, reflected in recent attacks on political party headquarters and radio stations, killings of prominent figures, and a proliferation of threats against others. This must stop. The perpetrators of these heinous actions must be identified and brought to justice. The Haitian National Police must be deployed so as to defend the safety and security of all Haitian citizens, including those engaged in political activity.

A second area of concern is the Haitian justice system. Our justice program in Haiti has trained scores of judges and prosecutors, helped release many pre-trial detainees, and provided free legal assistance to thousands of impoverished Haitians. Still, the judiciary remains essentially inoperative, plagued by huge case backlogs, a

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lack of adequately trained judges and prosecutors, scarce resources, minimal oversight by the Ministry of Justice, and a pre-trial detention rate of roughly 80 percent. Many people are detained despite valid release orders or without charges filed against them. The poor state of the judiciary is at the core of many of Haiti's problems, inhibiting investment, perpetuating corruption, denying average Haitians access to justice, and spurring vigilantism.

Third, Haiti replaced its long-abusive military in 1995 with a new civilian police force, mentored and trained primarily by the U.N. and the USAID-funded Department of Justice International Criminal Investigative Training Assistance Program (ICITAP). Although there is no longer a severe and systematic pattern of abuse, as under the Duvalier and de facto regimes, the Haitian National Police (HNP) remains an immature force grappling with problems of corruption, attrition and incidents of narcotics trafficking and human rights abuse. My colleagues from Justice will have more to say on this point.

Combating Drug Trafficking

In the area of combating drugs, Haiti has emerged as a significant transshipment point for Colombian cocaine coming to the United States. This situation is a direct threat to American national security interests. Some 14 percent of the cocaine entering the U.S. transits Haiti, and narco-traffickers operate with relative ease. Drug trafficking threatens to corrupt the basic institutions of Haiti, including the police, judiciary and government.

To counter this threat, DEA has increased its presence in Port-au-Prince from one to eight officers in the past year and increased interdiction efforts to counter airdrops, direct freighter shipments and money laundering. The Administration has launched joint efforts with nations throughout the region on counter-drug operations, including Haiti. There is on-going support for strengthening of the Haitian Coast Guard and the anti-drug unit (BLTS).

In these efforts, the Haitian Government has cooperated in several major international counter-drug operations, and moved against the Coneo drug trafficking operation. It has worked with the Dominican Republic to stem the flow of illicit drugs over the land border. It has continued to

implement the maritime drug interdiction agreement despite the absence of formal legislation, and has fired Haitian National Police officials involved in the drug-related corruption. On March 10, an accord was signed reflecting agreement among the Ministry of the Interior, the HNP, Haitian Customs and Haitian Immigration authorities to fight the flow of narcotics arriving via the ports and airports.

Nonetheless, the Haitian Government did not fully cooperate with the U.S. Government in 1999 on drug-related issues. Among our concerns is the fact that the drug seizure rate dropped substantially from 1998 despite an increase in the over-all drug transit levels. The HNP failed to double the size of the BLTS as planned. There was no vigorous investigation and prosecution of reported drug-related corruption involving Haitian Government officials, and most of those HNP officials identified in drug-related corruption were simply fired instead of being prosecuted. The lack of a parliament as well meant that no new money laundering, anti-corruption and essential reorganization laws were adopted.

For these reasons, the Administration determined on March 1 that Haiti failed to meet 1999 counter-drug certification criteria, but granted a vital national interest certification. This was based on two facts. First, the absence of U.S. assistance would enhance conditions of instability and poverty that would open the door even wider for drug traffickers and perhaps stimulate illegal migration. Second, many of our assistance programs seek to address the underlying problems in law enforcement and the judicial system, which are essential to building on the modest cooperation at present.

U.S. Policy: The Road Ahead

As we look to the future, the roadmap is clear. First, Haiti needs prompt and credible legislative and local elections. Elections per se do not equal democracy, nor are they a panacea for all that ails Haiti, but after years of impasse and stagnation, free and fair elections can empower government to spur economic growth, attract new investment, negotiate new cooperation from international partners, and attack festering social problems such as crime, insecurity, corruption and drug trafficking that

threaten to become cancers at the heart of Haiti's institutions.

Second, we seek to strengthen Haiti's basic democratic and security institutions to improve respect for the rule of law and the protection of basic human rights. Most notably, we are working with the UN and the so-called "Friends of Haiti" to put in place a new UN mission called the International Civilian Mission for Haiti (MICAH). This will provide technical assistance to the police, judiciary, and human rights sector. MICAH moves the focus of UN operations in Haiti from peacekeeping to institution building. Its human rights component will help develop indigenous capacity to monitor and promote human rights. Among other efforts, the justice component will help Haitians modernize the Ministry of Justice, improve the quality of judges, and revise the archaic criminal code.

Bilaterally, we will continue to press the Haitian government to reduce the high rate of pre-trial detention; and enhance the effectiveness of our police training, including new efforts to promote retention of existing officers and recruitment of qualified new officers.

We will remain focused on addressing poverty and festering social problems. In addition to USAID efforts cited earlier, we are encouraging other international donors to share the burden of helping Haiti move forward. We meet with bilateral donors and international financial institutions to discuss how we can work together to support economic recovery and democracy. All have agreed to consider new engagement in Haiti if conditions can be established for effective use for scarce international resources. At the same time, we are working with the Haitian diaspora in the United States to encourage their increased involvement, recognizing their personal interest in success and prosperity in Haiti.

We will keep pressing the Haitian government to restore fiscal discipline, and proceed with modernization of key state-owned enterprises and on other critical areas of economic reform.

Finally, we will continue efforts to disrupt the flow of illegal drugs and prevent a resurgence in illegal migration. I have described earlier our efforts to fight illegal drugs. On illegal migration, as the U.S. has

remained engaged in Haiti, the number of illegal migrants leaving Haiti by boat for the U.S. has declined. From 1992-94, the U.S. Coast Guard interdicted 67,140 Haitian migrants at sea. In 1999, there were 1,039 such interdictions. We will work with Haitian authorities to identify and prosecute individuals involved in alien smuggling operations; and continue monitoring trends that may indicate the potential for renewed large scale migration to the United States.

Building on Past Cooperation

We will continue to work in Haiti to strengthen democratic institutions, promote respect for human rights, encourage transparent and responsive government, help lay the groundwork for sustainable economic development, disrupt the flow of illegal drugs, and prevent a flood of illegal migrants. We cannot turn our backs on those working for democracy in Haiti, nor on extreme poverty on our doorstep. If the U.S. and international community remain engaged and resist the easy solace of fatigue and frustration, future generations may look back to the year 2000 as the period in which the roots of democracy, national reconciliation, and economic recovery finally took hold. This is good for Haitians and good for the United States as well. Thank you.

Mr. MICA. Thank you.

We will now hear from Mr. Alexandre, the Director of Overseas Prosecutorial Development Assistance and Training for the Department of Justice.

You are recognized.

Mr. ALEXANDRE. Thank you, Mr. Chairman. I welcome the opportunity to address this subcommittee.

As with Ambassador Steinberg, I have also submitted written remarks.

Mr. MICA. Without objection, your entire statement will be made part of the record.

Mr. ALEXANDRE. Thank you, sir.

As members of this subcommittee are no doubt aware, in Haiti we have been confronted with the most fundamental of problems: no tradition of effective of impartial police, criminal laws and procedures unchanged since the early 19th century, and a court system that had never functioned well in either civil or criminal context. Mr. Chairman, I know these things firsthand, because I participated in the first Justice sector assessment in Haiti in 1994 and directed the OPDAT program in Haiti from 1995 to mid-1997, when I was made Director of my office here in Washington.

First, I'd like to focus my summary on the activities of the International Criminal Investigative Training Assistance Program, ICITAP for short. That's the unit within the Justice Department that trains police investigators.

Since 1994, ICITAP has led the United States' effort to build a Haitian National Police. The HNP represents, Mr. Chairman, the first professionally trained civilian and constitutionally based entity in Haiti. Before the creation of that entity, there had never been a professional civilian police force in the country, and one had to be built from scratch.

ICITAP's work has evolved in stages. The first stage was to focus on public security, and ICITAP helped train and deploy the international police monitors to respond to violence.

The second and most ambitious phase of ICITAP's work in Haiti was the recruitment and deployment of a core of 5,000-plus police officers. Because this police force was being established from scratch, ICITAP worked to develop the basic organizational, procedural, and budgetary framework needed for its new entity.

Now in its third phase, ICITAP's program focuses on sustainability, and that effort has been conducted by placing technical advisors to assist in developing policies and standards throughout the agency.

Although some progress has been made in creating this police agency and establishing the rules of engagement, the agency continues to face many significant challenges, not the least of which is combating the burgeoning the drug trafficking problem in Haiti.

As you pointed out, Mr. Chairman, the BLTS was established in the spring of 1997 with only 25 agents. Its numbers were recruited from a pool of HNP agents with less than 18 months of police experience.

Although they have received training from the DEA, the French government, and others, this young organization continues to suffer problems of professionalism, leadership, and one cannot say that

the BLTS is playing a significant role at this point in the counter-narcotics effort in Haiti.

On the Justice side, as I mentioned, Mr. Chairman, I was part of a team in late 1994 that conducted the initial assessment of the Haitian criminal justice system. When we arrived there, we found a system which was dysfunctional in many respects. The legal codes dated back to the 1830's and had undergone little to no change since. Judges and prosecutors were poorly trained, poorly paid, and had few resources to do their jobs. Many were viewed as corrupt or incompetent.

The constitutional provision for training and selecting judges was never implemented. There was virtually no system of case registration or tracking. Prisons were overcrowded, largely with pretrial detainees. Men and women, juveniles, were all housed together in miserable conditions.

We recognized very early in 1995 that a significant effort would be required to build a criminal justice system which functioned at even the basic level of competence, and we focused our attention on training activities, we focused our attention on support for this institution which never existed, which is the Haitian National Judicial College, and we focus our attention on developing management and systems.

With respect to training, I would like to point out, Mr. Chairman, that until we arrived in 1995 there was really no training for members of the judiciary beyond law school in Haiti, and many justices of the peace, who handled many of the routine criminal cases, had had no legal training at all. Because of our effort, many of them have been trained today.

We have also, as I have mentioned, supported the Haitian National Judicial College, where, in 1997, 60 new judges were trained and were appointed to positions of responsibility within the judiciary. This fall, we expect a class of 40 new judges will be graduating from the school.

We continue to support the school, joint training programs between the police and the magistrates, because both of them have investigative responsibilities, but they have had little training or useful experience in working together.

Our plans for the future at the school include training on how to investigate and prosecute drug cases, and it also includes how to investigate and prosecute corruption cases.

One of the things that we did in Haiti, Mr. Chairman, is to focus our attention on management issues, and we developed a case tracking system in Haiti's jurisdictions.

These training programs and management tools have begun to show some results, and I'd like to point out for the committee that under Haitian law each jurisdiction is supposed to have two sessions, two trial sessions, jury trial sessions per year. Two years ago, no jurisdiction met this requirement, but in 1999, in all the jurisdictions in which we are operating—that is 10, excluding Port-au-Prince—met the requirement of having jury trial.

This is small progress, and overall progress in the overall criminal justice system is still very limited.

On the drug prosecution issue, the Haitian Government's record is woefully weak. We are aware of one successful prosecution for

drug trafficking in recent years, in 1998, the trial of five Colombians, four of whom were found guilty, the other one was found not guilty. The sentence they received by U.S. standards was short, and all those who were convicted are likely to be released within a year.

The case tracking system that we've helped develop in Haiti shows that the arrest for drug charges is on the rise; however, I must report that those arrested remain in pre-trial detention.

The reason that the record is poor on the drug prosecution front is for many reasons. First, many cases are dismissed by the justices of the peace, and that is contrary to Haitian law, which requires that the justice of the peace refer drug cases to a prosecutor.

In addition, cases are dismissed for lack of evidence, because generally the drugs which have been seized have not been properly preserved.

Moreover, the current Haitian law on drug trafficking and usage, which dates back to 1982, is outmoded and procedurally cumbersome. For example, the law requires that specific officials of the Haitian Department of Health have to conduct the test on the drugs that are seized. There are only two such persons qualified to conduct the test in Haiti.

Another problem that slows down the investigative process is the fact that these cases are supposed to be investigated by an investigative magistrate, and for a country with 8 million people, the size of Maryland, there are only 30 investigative magistrates throughout the country.

Similarly, the 1982 law provides for asset forfeiture, but that law, as well, is outdated.

As everyone has already stated, both you and Ambassador Steinberg, these laws need to be revamped, and to do so a functioning parliament is needed to act on the legislation.

In sum, OPDAT and ICITAP have worked hard to strengthen Haiti's police and prosecutorial apparatus. While there has been some progress, the problems in Haiti's criminal justice system are severe and the country is ill-equipped to confront what appears to be a serious and growing drug trafficking problem.

Thank you, Mr. Chairman.

Mr. MICA. Thank you for your testimony.

[The prepared statement of Mr. Alexandre follows:]



Department of Justice

STATEMENT
OF
CARL ALEXANDRE
DIRECTOR
OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT,
ASSISTANCE AND TRAINING
CRIMINAL DIVISION
BEFORE THE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES
CONCERNING
DRUG TRAFFICKING AND HAITI
PRESENTED ON
APRIL 12, 2000

House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources

STATEMENT OF CARL ALEXANDRE, DIRECTOR, OFFICE OF OVERSEAS
PROSECUTORIAL DEVELOPMENT, ASSISTANCE AND TRAINING (OPDAT),
CRIMINAL DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

April 12, 2000

Mr. Chairman, Congresswoman Mink, and Members of the Subcommittee:

I am pleased to appear before the Subcommittee today regarding the matter of drug trafficking and Haiti. I am the Director of the OPDAT – the Office of Overseas Prosecutorial Development Assistance, and Training – which is the unit within the Justice Department’s Criminal Division responsible for training and developmental assistance to foreign prosecutors. In Haiti, as in other areas, OPDAT has worked closely with ICITAP, another component of the Criminal Division, which concentrates on assistance to foreign police and investigators. While OPDAT and ICITAP are components of the Department of Justice, our program funds, in Haiti and elsewhere, come from the State Department and USAID.

Today, I will briefly outline OPDAT and ICITAP’s work since 1994 in Haiti, including training and development efforts in drug enforcement. As members of the Subcommittee are no doubt aware, in Haiti we have been confronted with the most fundamental of problems: no tradition of effective or impartial police; criminal laws and procedures unchanged since the early nineteenth century; a court system that had never functioned well in either the civil or criminal context; and a citizenry which, with little expectation of justice from its courts, had too often

taken the law into its own hands. I know of these things first hand, because I participated in the first justice sector assessment of Haiti in 1994, and directed OPDAT's program in Haiti from 1995 until mid-1997, when I became the Director of the Office.

ICITAP and the Haitian National Police (HNP)

Since 1994, ICITAP has led the United States' overall efforts to build the Haitian National Police (HNP). The HNP represents the first professionally trained, civilian, and constitutionally-based police entity in Haiti's history. In addition to the United States, France, Canada and the United Nations have played important roles in the establishment and development of the HNP.

ICITAP's work with the HNP has evolved in stages. The initial phase focused on public security – particularly as U.S. and other military presence declined – and on the beginnings of a Haitian police presence distinct from the Haitian Armed Forces (FADH). In this period ICITAP trained and helped deploy International Police Monitors to deter and respond to violence. ICITAP also developed a program for vetting members of the FADH to serve in the Interim Police and provided them with basic training.

The second, and most ambitious phase of ICITAP's mission in Haiti, was the recruitment, training and deployment of a core group of 5,200 police. During this period, ICITAP also worked to develop the basic organizational, procedural and budgetary frameworks needed for the

new HNP, including specialized units such as the Inspector General's office, judicial police, and crowd control units.

Now in its third phase, ICITAP's program focuses primarily on *sustainability* of the HNP. These efforts include placing technical advisors to assist in developing policies and standards throughout the HNP. ICITAP will also continue its training effort by monitoring basic recruit training, providing specialized training in investigative techniques and forensics.

Thus, the primary mission of ICITAP in Haiti has been the establishment and development of the HNP as a whole. The HNP continues to face many significant challenges not the least of which is combating a burgeoning drug trafficking problem.

At present, the HNP has only one specialized counternarcotics unit, which is known by its French acronym "BLTS" (*Le Bureau Lutte contre le Trafîque des Stupefiants*.) With ICITAP assistance, the BLTS was established in the Spring of 1997 as a unit of the HNP's Judicial Police. (The judicial police perform investigative rather than primarily public security functions.)

At the time of its creation, the BLTS was staffed by 25 agents –one Commissar, four Inspectors, and twenty officers. Its members were recruited from a pool of HNP agents with less than 18 months police experience. The agents' specialized training included a Department of State (INL)-funded basic narcotics course taught by the DEA; a French Government-sponsored

drug seminar; joint training with the HNP's SWAT unit, U.S. and Haitian Coast Guards, and DEA; as well as mentoring by ICITAP advisors in investigative techniques. The U.S. also provided a variety of equipment for the BLTS. With this foundation of basic training and equipment, the BLTS became semi-operational by December 1997. The basic structure and staffing level of the BLTS has not changed since its inception, although a tripling of its size to seventy-five officers has been discussed.

A new ICITAP advisor was assigned to BLTS in January of this year and our increased DEA presence in Haiti – now seven resident agents – has increased the prospects for increased operational activity by the BLTS. Nonetheless, the BLTS, which is tiny in relation to the drug trafficking problem in Haiti and which continues to suffer problems of professionalism and leadership, cannot be said yet to play a significant counternarcotics role in Haiti.

OPDAT and the Justice Sector

Since arriving in Haiti in the closing days of 1994, OPDAT has collaborated with the Government of Haiti and its Ministry of Justice in supporting training for judges and prosecutors. OPDAT's most significant long-range projects have been in supporting the opening of Haiti's national judicial college, the *Ecole de la Magistrature* (the *Ecole*), and in providing direct assistance, particularly case management assistance, to prosecutors and other justice sector personnel working in several "model" jurisdictions (presently 10). The need for modernization and reform is dire, and we have worked hard, but progress has been frustratingly slow.

As I mentioned earlier, I was part of the team which in late 1994 conducted the initial assessment of the Haitian criminal justice system. We arrived to find a system which was dysfunctional in nearly every respect. Legal codes dated back to the 1830s and had undergone little or no change since. Judges and prosecutors were poorly trained, poorly paid, and had few resources necessary to do their jobs; many were viewed as corrupt or incompetent. The constitutional provisions for training and selection of judges had never been implemented. There was virtually no system of case registration and case tracking. Prisons were overcrowded, largely with pre-trial detainees; men, women and juveniles were housed together in miserable conditions, and for many prisoners there were simply no records of how long they had been there or why.

Thus, in late 1994 and 1995, it was clear that a tremendous effort would be required to build a criminal justice system which functioned even at basic levels of competence, accountability and fairness. In addition to training and developmental aid, we believed two other elements were critical: modernization of laws, and establishment of a legislatively-based and systematic process for selection and retention of professional judges and prosecutors. Unfortunately, the long political impasse in Haiti – which affected both the Executive and Legislative Branches – has made hoped-for progress in these two important areas virtually impossible.

It is against this background that I will outline for you OPDAT's work in Haiti. Although OPDAT assistance has led to progress in some areas, we have yet to see meaningful

progress in the number of drug cases brought to trial and successfully prosecuted.

Initial Training Activities

OPDAT's first efforts – in 1995 and 1996 – were to provide short term training to almost all the Haitian magistrates then in service. Before, then there was no training beyond law school, and many justices of the peace – who handle many routine criminal cases – had no legal training at all. As we neared completion of this emergency training, we turned to the need for an institutional judicial training capability in Haiti.

Support for the *Ecole de la Magistrature*

Although the 1987 Haitian constitution created a national judicial college – the *Ecole de la Magistrature* – that institution existed only on paper until 1995. With resources from the United States and other international donors, Haiti's former military academy was renovated and began its operations as a training center for judges and prosecutors in July 1995.

The first class of 60 new magistrates entered the *Ecole* for a full course of study in 1997. The class was selected through competitive examination, and almost all who graduated remain in judicial service. After this first class, the training was extended to a full year, and the second class of forty (out of 150 applicants) is expected to graduate this fall.

In addition to these two full-time courses for new magistrates, the *Ecole* has served as the site for other OPDAT-assisted training. During the summer of 1998, OPDAT supported four two-week, joint training sessions for police and magistrates; both have investigative duties, but had little training or useful experience in working together. OPDAT has continued this joint training approach in the provinces with short courses on subjects such as legal principles of criminal responsibility, attempted crimes, and delegation of investigating authority to the police. Both at the *Ecole* and in the provinces, OPDAT in 1999 and in this year supported training for judicial authorities in election law. Our planning for future curricula includes training in drug cases and anti-corruption training.

Initially, OPDAT provided almost all logistical and operational support to the *Ecole*. However that support was gradually reduced, and ended in January of this year. Thus, while OPDAT continues to assist in training for judges and prosecutors, the school is now managed and financed principally by the Government of Haiti. The progress which the *Ecole* has made in becoming self-sustaining is nonetheless fragile.

Case Registration and Case Tracking Systems in Model Jurisdictions

OPDAT's second major project in Haiti has been the establishment of a case registration and tracking system for prosecutor's offices in a series of "model" jurisdictions. This project was begun in 1996, in collaboration with other international donors and the Haitian Ministry of Justice, and now includes ten jurisdictions.

These fundamental organizational tools were very much needed in a system where case files were lost and cases were dismissed for lack of timely investigation and prosecution. Almost all observers remark that this system is working well in the offices where it has been introduced. Case files can now be found and information on the status of cases is readily available. Prior to implementation of this system, such information was difficult, if not impossible, to obtain.

As part of the program, a Haitian legal consultant is hired for each “model” jurisdiction. The consultant provides technical assistance to the prosecutor’s office on using the case registration and tracking systems and on more efficient case management techniques. The consultant also addresses particular problems in each office, such as prolonged pre-trial detention, and collecting baseline data on criminal cases.

We believe one indication that our work in the model jurisdictions is having some positive impact is that more cases are actually moving to trial. Under Haitian law, each jurisdiction is supposed to have at least two sessions per year for criminal jury trials – the trials of the most serious cases. Two years ago, no jurisdiction met this requirement. In 1999, all our model jurisdictions except Port-au-Prince, met the requirement. However, overall progress in criminal justice reform remains limited.

Drug Prosecutions

The continuing problems with Haiti's criminal justice system are well evident in the area of drug prosecutions, where the record is woefully weak. We are aware of only one successful prosecution for drug trafficking in recent years: the 1998 trial of five Colombians, four of whom were found guilty. However, the sentences were, by U.S. standards, short, and all those convicted will likely be released within the year. A 1996 arrest of two Colombians, an Ecuadoran and three Haitians ended in the acquittal and release of the defendants for lack of evidence after they had spent two and one-half years in detention.

At a minimum, our case tracking system provided additional insights into the progress and ultimate disposition of drug cases, although its data is likely not complete. For Port-au-Prince, the district in which most drug cases would be handled, our information indicates 12 arrests on drug-related charges in 1996, 51 in 1997, and 91 for both 1998 and 1999. The majority of those arrested remain in pretrial detention. As of January 2000, for example, 23 of the 51 persons arrested in 1997 (45%), 61 of the 91 arrested in 1998 (67%), and 83 of 91 arrested in 1999 (91%) were in pretrial detention. At least two-thirds of those arrested were charged with trafficking rather than drug use. However, most seem to be minor players. Cocaine is by far the most frequent drug involved.

Patterns are similar in provincial jurisdictions, although a lower portion of arrestees seem to languish in prolonged pre-trial detention. For the years 1998-99, for example, a total of 70

were arrested in Jacmel, Aquin, and St. Marc, three coastal cities considered to have serious drug problems. However, in Jacmel, none of the cases has yet gone to trial; in Aquin, two cases went to trial, but neither lead to a conviction. In St. Marc, by contrast, three cases went to trial and each of the three lead to a conviction.

The poor record of prosecutions appears to arise from a number of factors. In Port-au-Prince, many cases are dismissed at the justice of the peace level; this is contrary to Haitian law which requires the justice of the peace to refer all drug cases to a prosecutor. This problem seems less common in provincial cities. In addition, it appears some cases are dismissed for lack of evidence, generally because the drugs which have been seized have not been properly preserved.

Moreover, the current Haitian law on drug trafficking and usage, dating from 1982, is outmoded and procedurally cumbersome. For example, drug analyses can be performed only by specific officials of the Haitian Department of Health, of which there are only two in the entire country. Also, lack of translators for non-Haitian defendants can lead to dismissal of cases in a system dependent on formal written statements, including interviews of the accused. Similarly, the requirement that major crimes, including drug trafficking, can be pursued only by an investigating magistrate, is a significant problem, given that there are only 30 such magistrates in all of Haiti.

Similarly, while the 1982 drug law provides for asset seizure and forfeiture, in practice assets are rarely confiscated. Comprehensive, modern anti-drug and money laundering legislation has been drafted, primarily through work of a former Haitian Minister of Justice under contract with the Department of State. At this point in time, there is no functioning parliament to act upon such legislation.

In sum, OPDAT and ICITAP have worked hard to strengthen Haiti's police, prosecutors and judges. While there has been some progress, the problems with Haiti's criminal justice system are severe and it is ill-equipped to confront what appears to be a serious and growing drug trafficking problem.

Mr. Chairman, this concludes my prepared remarks. I would now be happy to try to respond to any questions you may have about my testimony.

Mr. MICA. We'll now hear from Rear Admiral Ed J. Barrett, U.S. Coast Guard. He's the Director of the Joint Interagency Task Force [JIATF] East.

Welcome. You are recognized, sir.

Admiral BARRETT. Good morning, Mr. Chairman.

I have submitted a statement for the record.

Mr. MICA. Without objection, your entire statement will be made part of the record.

Admiral BARRETT. I testified before your subcommittee in November 1999 when you held hearings on Cuba's role in drug trafficking. At that time, I mentioned that Haiti was a problem area in the transshipment of cocaine to the United States. Haiti is still a problem, and, in response to the subcommittee's inquiry, I have created several charts portraying information on suspect air and maritime drug trafficking events to Haiti.

The first flip chart compares the estimated total of cocaine flowing from South America to the United States, the estimated total of cocaine flowing from South America into the Caribbean, and the estimated cocaine flowing from South America with the initial destination of Haiti. This is right in line with what you mentioned during your statement, sir.

In consonance with the National Drug Control Strategy and SOUTHCOM guidance, the first priority of JIATF East's effort is the source zone, primarily southeast Colombia and Peru. The second priority is the transit zone, with focus on the eastern Pacific and the northern Caribbean region around Puerto Rico.

Slide two—this chart depicts the suspected air movement of cocaine. The numbers of suspected air trafficking events has increased substantially over the last few years. This reflects the traffickers reaction to the counterdrug operation, Frontier Lance, that attacked the go-fast routes between Colombia and Haiti in early 1998, causing the traffickers to shift and fly over our detection and monitoring maritime assets and fly and drop or land in Haiti.

Mr. MICA. Can I ask a question?

Admiral BARRETT. Yes, sir.

Mr. MICA. This is air events. That's through the end of last year?

Admiral BARRETT. Sir, this is for all of calendar year 1999. Each one of these red lines represents an air track. It's just the northern track, sir. As you can see, a lot of them come out of southeastern Colombia, fly through Venezuela on their way to the Caribbean.

Mr. MICA. Is the pattern in Venezuela increasing also from that area?

Admiral BARRETT. Yes, sir.

Mr. MICA. Thank you.

Admiral BARRETT. The pattern of suspected drug trafficking aircraft departing Colombia, flying north, and air dropping the drugs in and around Haiti, and the return flight south that takes them through Venezuela airspace to break contact with counterdrug forces is clearly evident. Drug smugglers are exploiting the lack of endgame capabilities in Haiti and our inability to enter Venezuelan's airspace on their return leg to South America.

Even though we have not had success with endgames in Haiti, coordination with the Colombian Air Force has resulted in the de-

struction or seizure of 16 trafficking aircraft returning to Colombia, as shown on the table at the bottom of the chart.

Next slide—this chart depicts the suspected go-fast drug smuggling events. The slide clearly shows the pattern of departing the Guajiran Peninsula on the northern coast of Colombia, then transiting to Haiti. The insert bar graph reflects a level of success of Frontier Lance against the go-fast. You can see that they did drop down in 1998. They're back up a little bit in 1999. That's the bar chart in the upper right.

On the maritime side, the table reflects the successful seizures of maritime traffickers in the central Caribbean corridor and en route to Haiti. The totals there for 1997 are 4.6 metric tons; for 1998, 6.5 metric tons; and for 1999, 3.2 metric tons.

Next slide—the counterdrug operations depicted on this chart reflect several operations conducted under the construct of JIATF East Regional Campaign Plan, Carib Ceiling. As the regional coordinator for counterdrug operations, JIATF East coordinates, synchronizes, and integrates counterdrug operations. Currently, we cannot conduct CD operations in Haiti due to the lack of force protection and support infrastructure. The nearly nonexistent police force and judicial system compound this constraint. This construct has driven us to an operational counterdrug strategy of isolating Haiti.

These operations reflect our intent to keep the drugs out of Haiti as much as possible. Once the drugs are in Haiti, we make it as difficult as possible to move the drugs out of Haiti toward the United States by concentrating on the secondary flow routes.

These operations are not being conducted on a full-time basis, but are executed as the threat emerges and resources permit. Coordination among the Interagency is a critical component.

In summary, there are several initiatives underway to combat the flow of cocaine into and out of Haiti. First, the Interagency is working on an intelligence analysis of the secondary flow from Haiti. This will give us the information we need to attack secondary flow routes under our Carib Ceiling Campaign Plan and counterdrug operations to isolate Haiti.

Second, with funding provided by the Western Hemisphere Drug Elimination Act, which your committee supported, new assets that will increase endgame effectiveness against go-fasts have been put into operation. The U.S. Coast Guard use of force from helicopters have completed both day and night operational tests with outstanding results, seizing 100 percent, or six of six, of the go-fasts that they detected during these operations.

In addition, the Coast Guard is currently conducting operation tests of a TAGOS vessel outfitted with high-speed, deployable pursuit boats [DPBs]. I expect the DPBs will also be very successful against go-fasts.

Third, we are working with the Colombia Air Force to attack the southeast Colombia air bridge. With the Puerto Rican ROTHF coming online and Plan Colombia being operationalized, we intend to go after the air tracks within Colombian airspace and prevent them from departing en route to Haiti and other Caribbean destinations.

We also need to continue to work with Venezuela to gain their cooperation for overflight of their airspace and to assist their Air Force interdict suspect tracks.

Thank you very much, Mr. Chairman. I'll be glad to answer any questions.

Mr. MICA. Thank you.

[The prepared statement of Admiral Barrett follows:]

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GOVERNMENT REFORM, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES

TESTIMONY OF
REAR ADMIRAL EDWARD J. BARRETT
DIRECTOR, JOINT INTERAGENCY TASK FORCE EAST
ON
THE EMERGING DRUG THREAT FROM HAITI
BEFORE THE
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC

12 APRIL 2000

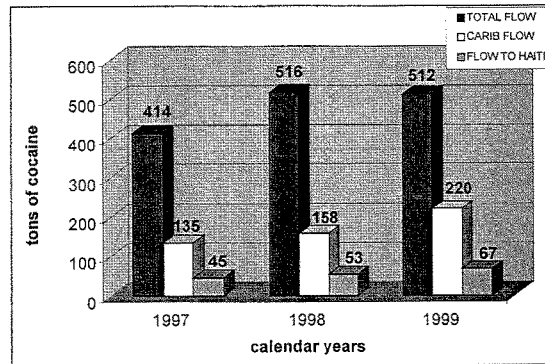
Good morning Mr. Chairman and Subcommittee members, I am Rear Admiral Edward J. Barrett, Director of Joint Interagency Task Force (JIATF) East in Key West, Florida.

JIATF East was created in 1994 as a result of Presidential Decision Directive 14, which ordered a review of the nation's command, control and intelligence centers involved in international counterdrug (CD) operations. Our organization of approximately 300 people includes representatives from all five military services, several law enforcement agencies and agencies from the intelligence community. We also have liaison officers from Great Britain, the Netherlands, France, Argentina, Brazil, Colombia, Ecuador, Peru and Venezuela working at JIATF East. The result is a unique, integrated international task force organized to leverage the force multiplier effect of the various agencies and countries involved.

For command and control, JIATF East works directly for General Charles E. Wilhelm, the Commander in Chief, United States Southern Command (SOUTHCOM). Our mission statement includes the essential tasks of detection and monitoring; the planning and coordination of counterdrug operations; and the implementation of the CINC's engagement and counterdrug campaign plan, supporting participating nations and our country teams. In April 1999, JIATF South from Panama was merged with JIATF East in Key West, and JIATF East assumed responsibility for counterdrug planning and operations for the entire SOUTHCOM area of responsibility (AOR), which includes the source and transit zones.

I testified before your Subcommittee in November 1999 when you held hearings on Cuba's role in drug smuggling. At that time, I mentioned that Haiti was a problem area in the transshipment of cocaine to the United States. Haiti is still a problem, and in response to the Subcommittee's inquiry, I have created several slides portraying information on suspect air and maritime drug trafficking events to Haiti.

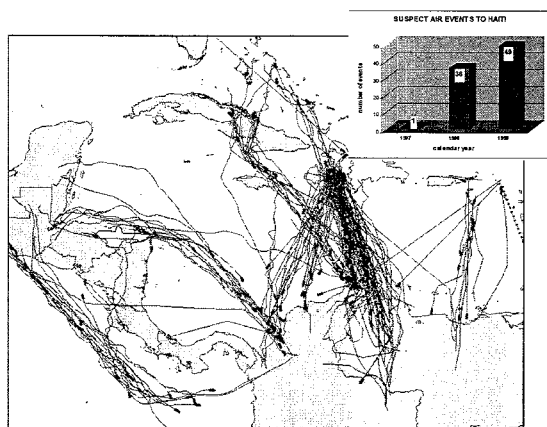
COCAINE FLOW FROM SOUTH AMERICA



The first slide compares the estimated total of cocaine flowing from South America to the United States, the estimated total of cocaine flowing from South America into the Caribbean and the estimated cocaine flowing from South America with the initial destination of Haiti. In consonance with the National Drug Control Strategy and SOUTHCOM guidance, the first priority of effort is the source zone--specifically southeast Colombia; the second priority is the transit zone--with focus on the Eastern Pacific and the northern Caribbean region around Puerto

Rico, respectively. You will note that the cocaine flow into the Caribbean has increased approximately 60% in the last three years, and Haiti increased approximately 50%.

SUSPECT AIR EVENTS CY-99

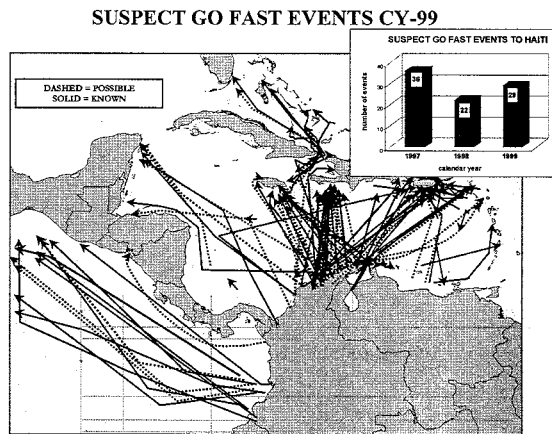


This slide depicts the suspected air movement of cocaine. The numbers of suspected air trafficking events has increased substantially over the last few years. This reflects the trafficker's reaction to the counterdrug operation FRONTIER LANCE that attacked the go-fast routes between Colombia and Haiti in early to mid 1998, causing the traffickers to shift to air. The pattern of suspected drug trafficking aircraft departing Colombia, flying north and air dropping the drugs in and around Haiti, and the return flight south that takes them through Venezuelan air space to break contact with counterdrug forces is clearly evident. Drug smugglers are exploiting the lack of endgame capabilities in Haiti and our inability to enter Venezuela's airspace on their return leg to South America.

AIRCRAFT SEIZURED / DESTROYED BY COLOMBIAN AIR FORCE

<i>CY</i>	<i>Destination</i>	<i>Number Destroyed/Seized</i>
1997	HAITI	0
	OTHER CENTCARIB	1
1998	HAITI	3
	OTHER CENTCARIB	4
1999	HAITI	4
	OTHER CENTCARIB	4
<i>Total:</i>		16

Even though we have not had success with endgames in Haiti, coordination with the Colombian Air Force has resulted in the destruction/seizure of 16 trafficker aircraft returning to Colombia as shown in the table above.



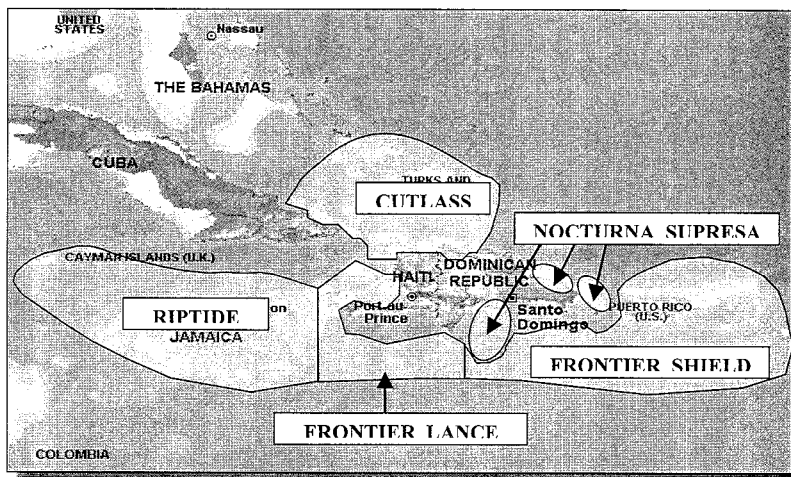
This slide depicts the suspected go-fast drug smuggling events. The slide clearly shows the pattern of departing the Guajiran Peninsula on the northern coast of Colombia, then transiting to Haiti. The insert bar graph reflects a level of success of FRONTIER LANCE against go-fasts.

CENTRAL CARIBBEAN MARITIME SEIZURES

CY	Destination	VESSEL TYPE	NUMBER OF EVENTS	KGS Cocaine SEIZED	LBS MJ SEIZED
1997	HAITI	GO	3	2176	9660
		MOTOR VESSEL	3	551	0
		<i>Total</i>	6	2737	9660
	OTHER	GO	2	559	319
		MOTOR VESSEL	1	1360	0
		<i>Total</i>	3	1919	319
1998	HAITI	GO FAST	1	91	0
		MOTOR VESSEL	1	2	0
		<i>Total</i>	2	93	0
	OTHER	GO FAST	2	1420	0
		MOTOR VESSEL	4	5013	0
		<i>Total</i>	6	6433	0
1999	HAITI	GO FAST	0	0	0
		MOTOR VESSEL	2	249	0
		<i>Total</i>	2	249	0
	OTHER	GO FAST	4	2904	0
		MOTOR VESSEL	1	49	0
		<i>Total</i>	5	2953	0

On the maritime side, the above table reflects successful seizures of maritime traffickers in the Central Caribbean corridor and en route to Haiti.

COUNTERDRUG QUARANTINE OF HAITI



The counterdrug operations depicted on this slide reflect a portion of the operations conducted under the construct of JIATF East Regional Campaign Plan CARIB CEILING. As the regional coordinator for counterdrug operations, JIATF East expends a great deal of effort to coordinate, synchronize and integrate counterdrug operations. The cocaine flowing into Haiti by air and sea is within the sphere of our highest Caribbean priority, Puerto Rico. Currently, we cannot conduct CD operations in Haiti due to the lack of force protection and support infrastructure. The nearly non-existent police force and judicial system compound this constraint. This construct has driven us to an operational counterdrug strategy of isolating Haiti.

These operations reflect our intent to keep the drugs out of Haiti as much as possible. Once the drugs are in Haiti, we make it as difficult as possible to move the drugs out of Haiti towards the United States by concentrating on the secondary flow routes. Not all of these operations are not being conducted on a full time basis, but are executed as the threat emerges and resources permit. Coordination among the interagency is a critical component.

Operation CUTLASS is a new joint, combined interagency maritime counterdrug operation that focuses primarily on the secondary movement of drugs out of Haiti to Southeast U.S., and on the known go-fast route from Jamaica through the Bahamas. Cutlass is a pulsed operation that includes the interagency, Bahamian Defense Forces, and takes advantage of the high-speed pouncer capabilities of the USN Patrol Coastal deployed to the JIATF East AOR.

Operation RIPTIDE is a joint multilateral maritime CD operation that focuses on the maritime and air vectors to and from the approaches of Jamaica and the Cayman Islands and has been conducted for several years. Participants include Country Team Jamaica, Coast Guard District Seven, Drug Commander from Cayman Islands, Host Nation LEA's, and JIATF East.

Operation FRONTIER SHIELD is the continuous U.S. Coast Guard Greater Antilles Section maritime and air CD operations in and around Puerto Rico and the U.S. Virgin Islands.

Operation FRONTIER LANCE is an area denial operation focused on the southern maritime and air approaches to Haiti. The joint and combined participants include the interagency, Country Teams Dominican Republic and Haiti, and the Dominican Republic LEA.

Operation SUPRESA NOCTURNA: (Op Night Surprise) is a new joint interagency/ international helicopter lift and maritime counterdrug operation in direct support of DEA in the Dominican Republic and concentrates on the eastward secondary cocaine movement out of Haiti.

Participants include the interagency, Country Team Dominican Republic, Dominican Republic LEA and military.

In summary, there are several initiatives underway to combat the flow of cocaine into and out of Haiti. First, the interagency is working on an intelligence analysis of the secondary flow from Haiti. This will give us the information we need to attack secondary flow routes under our Carib Ceiling Campaign Plan and counterdrug operations to isolate Haiti. Second, with funding provided by the Western Hemisphere Drug Elimination Act, which your Committee supported, new assets that will increase endgame effectiveness against go-fasts have been put into operation. The US Coast guard use of force from helicopters have completed both day and night operational test with outstanding results seizing 100% (6 for 6) of the go fasts that they interdicted. In addition, the Coast Guard is currently conducting operational tests of TAGOS vessels outfitted with high-speed deployable pursuit boats (DPB). I expect the DPB's will also be very successful against go fasts. Third, we are working with the Colombian Air Force to attack the southeast Colombia airbridge. With the Puerto Rican ROTHF coming on line and Plan Colombia being operationalized, we intend to go after the air tracks within Colombian airspace and prevent them from departing enroute to Haiti or other Caribbean destinations. We also need to continue to work with Venezuela to gain their cooperation for overflight of their airspace and to assist their Air Force interdict suspect tracks.

I want to thank the Subcommittee for the opportunity to testify on how DOD and JIATF East is working to combat the flow of cocaine through Haiti enroute to the United States. I will be glad to answer any questions that the members might have.

Mr. MICA. We will withhold questions until we've heard from all of the witnesses.

Next witness is Mr. Michael Vigil. He is the senior agent in charge of Miami of the U.S. Drug Enforcement Administration.

Welcome. You are recognized, sir.

Mr. VIGIL. Actually, it is the Caribbean rather than Miami.

Mr. MICA. All right.

Mr. VIGIL. Two separate divisions.

Mr. MICA. All right. We'll put you in the Caribbean. Thank you.

Mr. VIGIL. All right.

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear today to discuss the issue of drug trafficking throughout the Caribbean, and specifically Haiti.

I would first like to thank the subcommittee for its continued support of the Drug Enforcement Administration and overall support of drug law enforcement.

With your permission, I request that my full written statement be submitted as part of the official record.

Mr. MICA. Without objection, so ordered. You may proceed.

Mr. VIGIL. As all of you are aware, the international drug syndicates operating throughout our hemisphere are resourceful, adaptable, and extremely powerful. The syndicates have an unprecedented level of sophistication, and are more powerful and influential than any of the organized crime enterprises preceding them. Traditional organized crime syndicates operating within the United States over the course of the last century simply cannot compare to the Colombian and Mexican drug trafficking organizations presently functioning in this hemisphere. These drug trafficking organizations have at their disposal an arsenal of technology, weapons, allies, corrupted law enforcement, government officials that enable them to dominate the illegal drug market in ways not previously thought possible.

The leaders of these drug trafficking organizations oversee a multi-billion dollar cocaine and heroin industry that affects every aspect of American life.

The Caribbean has long been an important transit zone for drugs entering the United States and Europe from South America. These drugs are transported through the region to both the United States and Europe through a wide variety of routes and methods.

The Caribbean also plays an important role in drug-related money laundering. Many countries have well-developed offshore banking systems and bank secrecy laws that facilitate money laundering.

In countries with less-developed banking systems, money is often moved through these countries in bulk shipments of cash, the ill-gotten proceeds of selling illicit drugs in the United States.

The ultimate destination of the currency or assets is other Caribbean countries or South America. Due primarily to its mere location, in addition to uncontrolled points of entry and internal instability, Haiti has emerged as a significant transshipment destination for drugs. Recent statistics released by the Interagency assessment of cocaine movement, in which DEA participates, indicates that approximately 15 percent of the cocaine entering the United States transits either Haiti or the Dominican Republic. Vast quan-

tities of narcotics from South America arrive in Haiti after being transported across the poorest border with the Dominican Republic and then shipped on to Puerto Rico.

Just 80 miles from the east coast of Hispaniola, Puerto Rico is easily accessible from Hispaniola by either plane or boat.

Once the shipment of cocaine, whether smuggled from Haiti or the Dominican Republic by maritime, air, or commercial cargo reaches Puerto Rico, it is unlikely to be subjected to further United States Customs inspections in route to the continental United States.

Haiti is strategically located in the central Caribbean, occupying the western half of the island of Hispaniola, which it shares with the Dominican Republic. At 27,750 square kilometers, the country is slightly larger than the State of Maryland. With the Caribbean to the south and the open Atlantic Ocean to the north, Haiti is in an ideal position to facilitate the movement of cocaine and heroin from Colombia to the United States.

DEA is represented on the island of Hispaniola by the Port-au-Prince country office in Haiti and the Santo Domingo country office in the Dominican Republic.

Drug trafficking through Haiti is aided by the country's long coastline, mountainous interior, numerous uncontrolled airstrips, its 193 mile border with the Dominican Republic, and, obviously, its location in the Caribbean.

As is the case throughout much of the Caribbean, the primary method for smuggling cocaine into Haiti is via maritime ships. Traffickers also routinely transport cocaine from Colombia to Haiti by single or twin engine aircraft, the clandestine landing strips or air drop cocaine loads to waiting land vehicles or maritime vessels.

Other common conveyances for smuggling cocaine into Haiti include cargo freighters, containerized cargo vessels, fishing vessels, and couriers on commercial aircraft.

As cocaine enters Haiti, it is usually stored locally until it can be shipped to the United States or other international markets. Cocaine is often smuggled out of Haiti in containerized cargo or on bulk cargo freighters directly to Miami. The cocaine shipments aboard cargo freighters are occasionally off-loaded to smaller vessels prior to arrival in the continental United States.

Cocaine is occasionally transferred over land from Haiti to the Dominican Republic for further transshipment to Puerto Rico, the continental United States, Europe, and Canada. As in most countries where the cocaine trade has evolved, the pull of drug trafficking has left its imprint on Haiti and its police.

Since the inception of the Haitian National Police in 1996, limited progress has been made. As presently configured, the Haitian National Police lacks logistical support and training, a unified drug intelligence system, command and control capability, and adequate resources. Furthermore, several incidents have occurred which have further destabilized the leadership and effectiveness of the Haitian National Police.

First, on October 7, 1999, the Haitian Secretary of State for public security, Robert Manuel, formally resigned and left Haiti with his family for Guatemala. Following this, on October 8, 1999, an advisor to Haitian National Police Director Pierre Denize and con-

fidante of President Preval and former President Aristide was assassinated. It was learned shortly after the assassination that the advisor, Jean Lamy, was the potential successor to Manuel.

Finally, during the evening of October 14, 1999, an assassination attempt was made against Mario Andersol, head of the judicial police.

In August 1998, in response to a directive from the Attorney General, DEA enhanced the Port-au-Prince country office by increasing manpower and immediately deploying six special agents. Presently, the office is staffed by one country attache, six special agents, and one administrative support specialist.

In an attempt to further enhance and invigorate counterdrug activities in Haiti, the Port-au-Prince office has established an airport task force, a street enforcement interdiction task force, and a maritime interdiction force. Each of the respective task force groups has developed an area of expertise for both the DEA special agents and Haitian National Police officers, alike.

Primarily, the long-term goal of each of these units is to target then immobilize major trafficking organizations through the arrest, prosecution, and conviction of its principal members. In addition, each group attempts to maintain and foster cooperative efforts with their Haitian National Police counterparts.

What is most apparent in Haiti is the need for a counterdrug strategy that incorporates an interdiction component that is furnished critical, time-sensitive intelligence. The vastness of the Caribbean corridor, combined with traffickers' use of sophisticated compartments utilized in freighters and the sheer volume and variety of commercial cargo flowing through the Caribbean make it a meaningful interdiction program almost completely dependent on quality intelligence.

As a result, the Caribbean field division, in an attempt to defuse this intelligence void, created the UNICORN system. We call it the unified Caribbean online regional network. With this system, participating Caribbean law enforcement agencies can share photographs, data, and information concerning various targets, locations, and groups involved in drug trafficking and money laundering.

The Drug Enforcement Administration loans the equipment to participating agencies and provides training to host country counterparts, as well as installation and implementation of the system.

The UNICORN system has already reaped tremendous benefits, as exhibited in the success of Operation Columbus, Genesis, and, most recently, Conquistador. The enforcement operations planned and coordinated by the Caribbean field division have severely disrupted drug trafficking organizations through the Caribbean region and have reaped tremendous benefits.

For purposes of today's hearing, I would like to briefly discuss Operation Conquistador.

In conjunction with the Bureau of Alcohol, Tobacco, and Firearms and the United States Coast Guard, Operation Conquistador was simultaneously launched on March 10, 2000, in Panama, Colombia, Venezuela, Bolivia, Ecuador, Suriname, Trinidad & Tobago, Montserrat, Dominica, St. Kitts, Nevis, Antigua, Anguila, St. Martin, British Virgin Islands, Barbuda, Grenada, Barbados, St. Vin-

cent, St. Lucia, Aruba, Curacao, Jamaica, Haiti, Dominican Republic, and the Commonwealth of Puerto Rico.

The primary objective of Operation Conquistador was to develop an effective regional strategy intended to disrupt drug trafficking activities and criminal organizations operating throughout the Caribbean.

Command and control of the operation was executed from the DEA Caribbean field division in San Juan, Puerto Rico, with forward operating posts in Trinidad & Tobago and the Dominican Republic.

The Coast Guard provided expanded presence of interdiction assets throughout the Caribbean and executed air and maritime command and control of sea and airborne drug interdiction assets from all countries.

The Bureau of Alcohol, Tobacco, and Firearms conducted traces of all seized weapons.

This operation concluded after 17 days on March 26, 2000. Although the arrests and seizures in Operation Conquistador were extremely impressive, they, however, were secondary to the cooperation and coordination among the 26 countries that participated in this endeavor.

Despite limited resources and infrastructure in many of these countries, all responded with notable efforts and results. The sense of cooperation and the desire to attain a common goal among each country that participated should be the prelude to the evolution of an effective regional strategy.

In conclusion, I would like to say that Haiti requires a great deal of progress before they are able to effectively impede and diminish drug trafficking. A working legislature is required to implement counterdrug legislation. Conspiracy and asset forfeiture laws especially deserve attention.

The Haitian judicial system must be reformed and modernized to uphold the rule of law. Haitian law enforcement requires extensive training and resources. The Haitian Coast Guard requires more bases, especially on the southern coast. Also, airport and port security should be strengthened.

Until such reform is undertaken, Haiti will continue to be used as a significant transshipment point for illegal drugs.

Presently, the DEA has an effective working relationship with key officials in the Haitian National Police, judicial police, and other members in the Haitian Government.

With this in mind, DEA will continue to aggressively address the trafficking threat in Haiti and improve the ability of DEA personnel assigned to the island to confront this threat. We will continue to plan United States law enforcement operations in conjunction with the Haitian National Police. These operations will include enhancing the capabilities of drug units, investigating money laundering operations, improving the Haitian National Police drug interdiction capacity, and providing the basic framework for a drug intelligence system.

DEA will remain actively engaged with our Haitian counterparts to develop a respectable, dedicated, and corrupt-free drug unit. Over time, drug trafficking organizations that rise to prominence in Haiti can be effectively dismantled, providing that the Haitian

National Police continue to progress and enhance their law enforcement and judicial capabilities.

Thank you for the opportunity to testify today, Mr. Chairman. I will be happy to respond to any questions you or the members of the subcommittee may have.

Mr. MICA. Thank you.

[The prepared statement of Mr. Vigil follows:]

Remarks by
Michael S. Vigil
Special Agent in Charge, Caribbean Field Division
Drug Enforcement Administration
United States Department of Justice

Before

**The Subcommittee on Criminal Justice, Drug Policy and
Human Resources**

Regarding

“The Emerging Drug Threat from Haiti”



April 12, 2000
10:00 am
2203 Rayburn Office Building

Note: This is prepared text and may not reflect changes in actual delivery

Remarks by

Michael S. Vigil

*Special Agent in Charge, Caribbean Field Division**Drug Enforcement Administration*

Before

The Subcommittee on Criminal Justice, Drug Policy and Human Resources**April 12, 2000**

Mr. Chairman, Members of the Subcommittee: I appreciate the opportunity to appear today to discuss the issue of drug trafficking throughout the Caribbean and specifically, Haiti. I would first like to thank the Subcommittee for its continued support of the Drug Enforcement Administration (DEA) and overall support of drug law enforcement.

As all of you are aware, the international drug syndicates operating throughout our hemisphere are resourceful, adaptable and extremely powerful. These syndicates have an unprecedented level of sophistication and are more powerful and influential than any of the organized crime enterprises preceding them. Traditional organized crime syndicates, operating within the United States over the course of last century, simply cannot compare to the Colombian and Mexican drug trafficking organizations functioning in this hemisphere. These drug trafficking organizations have at their disposal an arsenal of technology, weapons and allies, corrupted law enforcement, and government officials enabling them to dominate the illegal drug market in ways not previously thought possible. The leaders of these drug trafficking organizations oversee a multi-billion dollar cocaine and heroin industry that negatively affects American life.

Trafficking through the Caribbean to the United States:

The Caribbean has long been an important transit zone for drugs entering the United States and Europe from South America. The drugs are transported through the region, to both the United States and Europe, through a wide variety of routes and methods.

The primary method for smuggling large quantities of cocaine through the Caribbean to the United States is via maritime vessels. Go-fast boats (small launches with powerful motors), bulk cargo freighters, and containerized cargo vessels are the most common conveyances for moving large quantities of cocaine through the region. Drug traffickers also routinely transport smaller quantities of cocaine from Colombia to clandestine landing strips in the Caribbean, using single or twin-engine aircraft. Traffickers also airdrop cocaine loads to waiting land vehicles and/or maritime vessels.

Couriers transport smaller quantities of cocaine on commercial flights from the Caribbean to the United States. Couriers transport cocaine by concealing small multi-

kilogram quantities of cocaine on their person or in baggage. Couriers also transport small quantities (up to one kilogram) of cocaine by ingesting the product.

Compared to cocaine, heroin movement through the Caribbean is limited. Heroin is generally not consumed in the Caribbean, but rather is transshipped to Puerto Rico or the Continental United States. Almost all of the heroin transiting the Caribbean originates in Colombia. Couriers generally transport kilogram quantities of Colombian heroin on commercial flights from South America to Puerto Rico or the Continental United States, concealing the heroin on their person or in baggage. Couriers also transport smaller quantities (up to one kilogram) of heroin by concealing the heroin through ingestion. The couriers sometimes make one or two stops at various Caribbean islands in an effort to mask their original point of departure from law enforcement.

Jamaica remains the only significant Caribbean source country for marijuana destined to the United States. Go-fast boats from Jamaica often transport multi-hundred kilogram quantities of marijuana through Cuban and Bahamian waters to Florida.

The Caribbean also plays an important role in drug-related money laundering. Many Caribbean countries have well-developed offshore banking systems and bank secrecy laws that facilitate money laundering. In countries with less developed banking systems, money is often moved through these countries in bulk shipments of cash – the ill-gotten proceeds of selling illicit drugs in the United States. The ultimate destination of the currency and/or assets is other Caribbean countries or South America

Haiti: Drug Trafficking Crossroads of the Caribbean:

Haiti is strategically located in the central Caribbean, occupying the western half of the island of Hispaniola, which it shares with the Dominican Republic. At 27,750 square kilometers, the country is slightly larger than the state of Maryland. With the Caribbean to the south, and the open Atlantic Ocean to the north, Haiti is in an ideal position to facilitate the movement of cocaine and heroin from Colombia to the U.S. DEA is represented on the Island of Hispaniola by the Port-Au-Prince Country office in Haiti and the Santo Domingo Country Office in the Dominican Republic.

The island of Hispaniola is just under 430 miles from Colombia's most northern point, and easily accessible by twin engine aircraft hauling payloads of 500 to 700 kilos of cocaine. The two countries on the island, Haiti and the Dominican Republic, share similar coastal features, facilitating intra-island boat traffic. Just as is the case with the Dominican Republic, Haiti presents an ideal location for the staging and transshipment of drugs. Furthermore, there is effectively no border control between the two countries, allowing essentially unimpeded traffic back and forth. In addition, there is no effective law enforcement or judicial system in Haiti, so there are few legal impediments to drug trafficking. Recently, DEA has significantly increased manpower on Haiti (from one to seven Special Agents) and increased interdiction efforts to counter air drops and identify freighter shipments. However, recent statistics released by The Interagency Assessment

of Cocaine Movement (IACM), in which the DEA participates, indicates that approximately 15 % of the cocaine entering the United States transits either Haiti or the Dominican Republic.

Due to the numerous uncontrolled points of entry and internal instability, vast amounts of narcotics from South America arrive in Haiti after being transported across the porous border with the Dominican Republic, and then shipped on to Puerto Rico. Just 80 miles from the East Coast of Hispaniola, Puerto Rico is easily accessible from Hispaniola by plane or boat. The key to the drug trade in Puerto Rico is the island's U.S. Commonwealth status. Once a shipment of cocaine, whether smuggled from Haiti or the Dominican Republic by maritime, air, or commercial cargo, reaches Puerto Rico, it is unlikely to be subjected to further United States Customs inspections en route to the continental U.S.

Trafficking Routes and Methods in Haiti:

Drug smuggling through Haiti is aided by the country's long coastline, mountainous interior, numerous uncontrolled airstrips, its 193-mile border with the Dominican Republic, and its location in the Caribbean. Haiti's thriving contraband trade, weak democratic institutions, and fledgling police force and judiciary system, contribute to its utilization by drug traffickers as a transshipment point.

As is the case throughout much of the Caribbean, the primary method for smuggling cocaine into Haiti is via maritime vessels. Traffickers also smuggle cocaine from Colombia into Haiti via general aviation; either by airdrops at sea or by landing at clandestine strips. Other common conveyances for smuggling cocaine into Haiti include cargo freighters, containerized cargo vessels, fishing vessels, and couriers on commercial aircraft.

As cocaine enters Haiti, it is usually stored locally until it can be shipped to the United States or other international markets. Cocaine is often smuggled out of Haiti in containerized cargo or on bulk cargo freighters directly to Miami. The cocaine shipments aboard cargo freighters are occasionally off-loaded to smaller vessels prior to arrival in the Continental United States (CONUS). Cocaine is also sometimes transferred overland from Haiti to the Dominican Republic for further transshipment to Puerto Rico, the CONUS, Europe, and Canada.

There are three primary smuggling routes for cocaine through Haiti. The first brings cocaine from Colombia into Haiti via general aviation conducting airdrops at sea. The second route is from source countries, via Panama or Venezuela, by commercial shipping. The third route is from source countries, via Panama or Venezuela, in coastal vessels or fishing vessels.

The Toll of the Drug Trade in Haiti:

As in most locales where the cocaine trade flourishes, competition for control of the local market has resulted in an escalation of drug-related crime and violence. Tragically, as we have seen in Colombia, Mexico and the United States, violence and corruption are attendant to the drug trade. Reports of drug corruption are widespread and numerous. Haiti's long history of economic and political instability has increased the attractiveness of the country as a significant transit point. Furthermore, Haiti lacks a functioning judicial system and a credible law enforcement element, making traffickers feel safe from potential arrest and prosecution.

Since the inception of the Haitian National Police (HNP) in 1996, limited progress has been made. As presently configured, the HNP lacks logistical support and training, a unified drug intelligence system, command and control capability, and resources. Furthermore, several incidents have occurred which have further destabilized the leadership and effectiveness of the HNP. Firstly, on October 7, 1999, the Haitian Secretary of State for Public Security Robert Manuel formally resigned and left Haiti with his family for Guatemala. Following this, on October 8, 1999, an advisor to HNP Director Pierre Denize and confidante of President Preval and former President Aristide was assassinated. It was learned shortly after the assassination that the advisor, Jean Lamy was the potential successor to Manuel. Finally, during the evening of October 14, 1999, an assassination attempt was made against Mario Andersol, head of the Judicial Police.

To further exacerbate this tenuous condition, the Haitian judicial system lacks any meaningful criminal code or drug laws. Prosecutions move at a snails pace and convictions are almost nonexistent. Defendants are oftentimes detained without any legitimate cause and a number are still incarcerated despite being granted orders of release. As a result, a significant obstacle for the DEA is the lack of a law enforcement entity capable of conducting investigations and making arrests and seizures that will stand up to judicial scrutiny. Haiti has, regrettably, made only the most tentative steps in the direction of viable drug laws or effective law enforcement.

A Hemispheric Law Enforcement Response:

With the assistance of state and local partners domestically as well as counterparts in foreign governments, DEA works to build cases against, and ultimately incarcerate, the leaders of these sophisticated criminal syndicates as well as the underlings they send to other countries. Over time, this strategy serves to steadily degrade a criminal organization's ability to conduct business, leaving it even more vulnerable to law enforcement strategies. Successful cases against the leaders of international drug trafficking groups most often originate from investigations being conducted in or having a nexus to, the United States.

As such, in an attempt to augment this strategy, DEA enhanced the Port-Au-Prince Country Office (PAPCO) in August 1998, by increasing manpower and immediately deploying six Special Agents. Presently, the office is staffed by one (1) Country Attache, six (6) Special Agents (S/A) and one (1) Administrative Support Specialist. In an attempt to further enhance and invigorate counterdrug activities in Haiti, the PAPCO office has established an Airport Task Force, a Street Enforcement/Interdiction Task Force and a Maritime Interdiction Task Force. Each of the respective task force groups has developed an area of expertise for both the DEA S/A's and HNP officers alike. Primarily, the long term goal of each of these units is to target, then immobilize major trafficking organizations through the arrest, prosecution and conviction of its' principle members. In addition, each group attempts to maintain and foster cooperative efforts with their HNP counterparts.

In Haiti, a viable counterdrug strategy must incorporate an interdiction component that is furnished critical, time sensitive intelligence. The vastness of the Caribbean Corridor, combined with traffickers' use of sophisticated compartments utilized in freighters, and the sheer volume and variety of commercial cargo flowing through the Caribbean, make a meaningful interdiction program almost completely dependent on quality intelligence.

As a result, the Caribbean Field Division, in an attempt to diffuse this intelligence void, created the UNICORN system (Unified Caribbean On-Line Regional Network). With this system, participating Caribbean law enforcement agencies can share photographs, data, and information concerning various targets, locations, and groups involved in drug trafficking and money laundering. The Drug Enforcement Administration loans the equipment to participating agencies and provides training to host-nation counterparts, as well as installing and implementing the system.

The UNICORN system has already reaped tremendous benefits, as exhibited in the success of Operations Columbus, Genesis and most recently, Conquistador. These enforcement operations, planned and coordinated by the Caribbean Field Division, have severely disrupted drug trafficking organizations throughout the Caribbean region and reaped tremendous benefits. The first of these operations, dubbed Genesis, was a bi-national initiative designed to foster cooperation between Haiti and the Dominican Republic. Due to a mutual, long-standing mistrust, Haiti and the Dominican Republic had never before coordinated anti-drug efforts. The second action, titled Operation Columbus, was a multi-national operation, comprised of fifteen nations and their respective law enforcement agencies. The final initiative, the recently concluded Operation Conquistador, was a multi-national regional operation designed to expand upon the successes realized in Operation Columbus. The following is a brief synopsis of each operation:

Operation Genesis:

In concept, Operation Genesis was designed to foster and maintain cooperation between Haiti and the Dominican Republic. This operation, which was conducted during

November 1998, resulted in 126 arrests throughout Haiti and the Dominican Republic. Prior to Operation Genesis, Haiti and the Dominican Republic had never before coordinated their anti-drug efforts. However, the results garnered through Operation Genesis will undoubtedly assist in improving the ability to coordinate anti-drug efforts on the island of Hispaniola.

The long-term objectives for Operation Genesis were to promote the exchange of information between Haiti and the Dominican Republic, facilitate the integration and coordination of Haitian and Dominican anti-drug efforts, establish a mechanism that will support the counter-drug effort, develop institutional mentoring and training, and disrupt drug trafficking operations that are being conducted on the island of Hispaniola.

The operation was executed in both Haiti and the Dominican Republic, using roadblocks at strategic locations and border crossing points, interdiction operations at the international airports and seaports, and United States Coast Guard maritime interdiction along the southern coast of Hispaniola.

Operation Genesis resulted in unprecedented exchanges of law enforcement cooperation by both the Dominican Republic and Haiti. As a result, the Haitian National Police (HNP) assigned an officer and an analyst to the Dominican National Drug Control Agency's (DNDC) Santo Domingo office, and four (4) more HNP officers were stationed at Dominican border crossing points. DNDC officials, on the other hand, were assigned to the HNP headquarters' at Port-au-Prince, as well as several Haitian border crossing points.

The exchange of information was further expedited by the UNICORN system, which facilitated data base checks of suspicious persons and vehicles that were stopped. The information was sent to the Caribbean Field Division (CFD)/San Juan office where system checks were performed. The information was then sent back to the HNP via the UNICORN system.

Operation Columbus:

Operation Columbus was a multi-national regional effort involving the island nations of the Caribbean, in addition to Colombia, Venezuela and Panama. The operation focused on air, land and maritime interdiction, eradication and clandestine airstrip denial. DEA's Santo Domingo Country Office and Trinidad and Tobago Country Office served as the northern and southern command posts. The UNICORN system was used to facilitate the exchange of actionable intelligence. Operation Columbus's principle objectives were:

- The development of a cohesive/cooperative environment among source and transit countries,
- Disruption of drug trafficking activities,
- The consolidation of the counterdrug efforts in the Caribbean transit zone,
- The continued development of a comprehensive regional strategy.

Operation Columbus was planned and initiated by the CFD to severely impact the drug trafficking activities in the Caribbean and source country areas. Columbus was implemented through interdiction and eradication efforts, enforcement operations involving the use of undercover agents, confidential sources, Title III intercepts, and surveillance.

Operation Conquistador:

Operation Conquistador was a 17-day multi-national drug enforcement operation involving 26 countries of the Caribbean, Central and South America. The operation was simultaneously launched on March 10, 2000, in Panama, Colombia, Venezuela, Bolivia, Ecuador, Suriname, Trinidad & Tobago, Montserrat, Dominica, St. Kitts, Nevis, Antigua, Anguila, St. Martin, British Virgin Islands, Barbuda, Grenada, Barbados, St. Vincent, St. Lucia, Aruba, Curacao, Jamaica, Haiti, Dominican Republic, and the Commonwealth of Puerto Rico. The primary objective of Operation Conquistador was to develop an effective regional strategy intended to disrupt drug trafficking activities and criminal organizations operating throughout the Caribbean.

Operation Conquistador's main objectives were: 1) The development of a cohesive and cooperative environment between source and transit countries; 2) The integration within each country of all counterdrug entities; 3) The continued development of a comprehensive regional strategy; 4) To facilitate the exchange of information between the participating countries with the use of the Unified Caribbean On-line Regional Network (UNICORN); 5) The mentoring and training of counter-drug entities in host countries ; 6) To impact and disrupt drug trafficking organizations in the Caribbean area and source countries.

Command and control of the operation was executed from the DEA Caribbean Field Division in San Juan, PR, with forward command posts in Trinidad & Tobago and Dominican Republic. The U.S. Coast Guard provided expanded presence of interdiction assets throughout the Caribbean and executed air and maritime command and control of sea and airborne drug interdiction assets from all countries. The Bureau of Alcohol, Tobacco and Firearms (BATF) conducted traces of all seized weapons. The operation concluded on March 26, 2000.

Although the arrests and seizures in Operation Conquistador were extremely impressive, they, however, were secondary to the cooperation and coordination among the 26 countries that participated in this endeavor. Despite limited resources and infrastructure in many of the countries, all responded with notable efforts and results. Throughout the duration of the operation, all participants exchanged information with each other through the UNICORN system.

Conclusion: The Road Ahead:

Haiti requires a great deal of progress before they are able to effectively impede and diminish drug trafficking. A working legislature is required to implement counterdrug legislation. Conspiracy and asset forfeiture laws especially deserve attention. The Haitian judicial system must be reformed and modernized to uphold the rule of law.

Haitian law enforcement requires extensive training and resources. The Haitian Coast Guard requires more bases, especially on the south coast. Also, airport and port security should be strengthened. Until such reform is undertaken, Haiti will continue to be used as a significant transshipment point for illicit drugs.

Presently, the DEA has an effective working relationship with key officials in the HNP, Judicial Police and other members in the Haitian government. With this in mind, DEA will continue to aggressively address the trafficking threat in Haiti and improve the ability of DEA personnel assigned to the island to confront this threat. We will continue to plan U.S. law enforcement operations, in conjunction with the HNP. These operations will include enhancing the capabilities of drug units, investigating money laundering operations, improving the HNP's drug interdiction capacity and providing the basic framework for a drug intelligence system.

DEA will remain actively engaged with our Haitian counterparts to develop a respectable, dedicated and corrupt free drug unit. Over time, trafficking organizations that rise to prominence in Haiti can be effectively dismantled, provided the Haitian National Police continue to progress and enhance their law enforcement and judicial capabilities.

Thank you for the opportunity to testify today, Mr. Chairman. I will be happy to respond to any questions you or the members of the Sub-Committee may have.

Mr. MICA. We will withhold questions until we've heard from our final witness. That witness is Mr. John Varrone, and he is the Acting Deputy Assistant Commissioner, the Office of Investigations, U.S. Customs Service.

You are recognized, sir. Welcome.

Mr. VARRONE. Good morning, Mr. Chairman. It is my pleasure to once again have the opportunity to appear before this committee to discuss the law enforcement activities of the U.S. Customs Service, and, in particular, law enforcement efforts directed against drug traffickers in Haiti.

Mr. Chairman, with your permission, I'd like to submit a long statement for the record.

Mr. MICA. Without objection, so ordered.

Mr. VARRONE. Thank you, sir.

I last testified before this committee in January, when field hearings were held in Miami regarding the role of Cuban drug smuggling. Today, I will describe in more detail the threat, our law enforcement activities, and Customs' international assistance to Haiti.

I have brought along several exhibits today that I hope will help to illustrate some of the challenges we face in dealing with this threat.

In our assessment, Haiti plays a significant role as a transshipment point for cocaine destined to the United States. This assessment is derived from both our role as one of the primary interdiction agencies responsible for detection and monitoring in the source and transit zones, as well as our successful experience in investigating Haitian smuggling organizations.

As this committee is aware, many factors have converged in recent years to make Haiti the path of least resistance in the Caribbean for drug smugglers. Our intelligence indicates that cocaine is being smuggled to Haiti in both private aircraft and maritime vessels, including both commercial vessels and so-called "go-fast boats."

A very recent example of this smuggling activity occurred on March 1, 2000, when our interdiction assets in the region were able to document and record an ongoing suspected cocaine air drop in Haiti while in progress.

Mr. Chairman, with your concurrence, I'd like to present this short video before the committee at the conclusion of my remarks.

What I have described for you thus far has involved our operations and the threat and the source and transit zones. I will now describe our operations in the arrival zone.

For the Customs Service, the Miami River presents one of our greatest threats from Haitian drug smuggling organizations. The reason for this is that the majority of the vessels, an average of 40 per month, that arrive in the United States from Haiti do so along the Miami River. These vessels present a threat that is truly unique when compared to other vessels who arrive from foreign ports.

What distinguishes Haitian-origin vessels from other foreign vessel arrivals is that they virtually all arrive in the United States without freight.

Another factor which distinguishes Haitian vessels from others is that they routinely spend weeks or more loading cargo prior to departing for return for Haiti. From a law enforcement perspective, the fact that Haitian vessels spend weeks sitting on the Miami River is a tremendous enforcement challenge, since it gives these criminal organizations an extremely long window of opportunity to remove their smuggled cocaine.

Very often we develop confidential sources regarding Haitian vessels and crew engaged in smuggling cocaine. However, the Miami River environment makes surveillance extremely difficult, and smuggling organizations exploit this weakness. During certain periods, we have had drug smuggling intelligence information on virtually every freighter on the Miami River.

Even with these law enforcement challenges, we have had some notable success in combating these drug smuggling organizations. Since the beginning of fiscal year 2000, the Customs Service has seized in excess of 5,600 pounds of cocaine that arrived directly from Haiti. Of this amount, more than 5,000 pounds was seized from freighters arriving from Haiti on the Miami River. In one 2-week period in early February, we seized more than 3,400 pounds of cocaine from five vessels which had arrived from Haiti.

We can attribute much of our success over the last several years to long-term, multi-agency operations that focus specifically on the Miami River and related criminal organizations. One such operation, termed "River Sweep," is a cooperative effort involving Customs, the FBI, DEA, Coast Guard, and the local police departments.

In closely reviewing and analyzing the results of our law enforcement operations, we have made several observations that we think are important. Consistent with most drug smuggling organizations, Haitian drug smugglers routinely analyze Customs' successes and routinely adapt their concealment techniques in an effort to minimize their risk and minimize drug interdiction.

On the Miami River, this has meant that drugs historically concealed in rudimentary compartments in areas readily accessible by the crew have been moved deeper into the depths of the vessels. This move to deeper and harder concealment has made our discovery of drugs on freighters more time consuming, costly, and, most importantly, dangerous to our officers.

In February of this year, when we seized more than 3,400 pounds from the vessels, we learned that Haitian smugglers had again adapted to our success by developing new compartments to conceal their cocaine. The exhibits that I have brought with me today reflect these deeper concealment.

In each of these seizures, the cocaine was concealed in a compartment that was built into the keel area of the vessel. We were only able to discover these compartments after an exhaustive search based upon specific intelligence derived from an ongoing investigation.

During our search, we had to place four vessels into dry dock in order to cut open the compartments from the outside and remove the cocaine. It cost approximately \$10,000 per vessel to place these vessels into dry dock and to perform the searches. This amount does not include the cost incurred to contract professional marine

engineering experts to open the keels so that we could extract the cocaine.

In addition to seizing a total of 5,000 pounds of cocaine on the Miami River, we have seized 11 coastal freighters that were used to conceal the drugs. The seizure of these vessels presents some unique challenges and issues to Customs. Identifying true ownership is very, very difficult for the Customs Service. These organizations routinely use beepers to conceal the true ownership.

The expenses related to importing, smuggling cocaine, is such that the violators are able to disguise that from Customs and we're unable to identify them.

We have found that shipping company representatives often really do not know who the true owners are. We had two cases where the vessel had been auctioned and 2 years later the same vessel with a different name attempted to smuggle contraband into the country and we re-seized the same vessel.

Turning to money laundering, our response to dealing with the threat presented from Haiti is not limited to searching for cocaine. Thus far, in fiscal year 2000 we have seized more than \$1.2 million in United States currency that was destined for Haiti. These seizures have occurred as a result of our outbound inspection programs at both Miami and JFK International Airports. In addition, several of the largest currency seizures have come as a result of proactive investigations which focused on Haitian drug money laundering organizations operating in the Miami area.

In 1999, our largest outbound seizure destined to Haiti occurred on the Miami River, when our agents developed information which led inspectors to seize more than \$1.3 million in a single incident. In this case, we discovered the currency in tool boxes on a freighter departing for Haiti.

Our outbound inspection programs have also identified a significant threat for both weapons and stolen vehicles that are being smuggled to Haiti.

Simultaneous to our enforcement efforts, we continue to support institution building in Haiti. While the Customs Service doesn't have any personnel assigned to Haiti as part of the United States country team, we have been very active over the past several years in providing law enforcement support to our counterparts. Through the State Department's Bureau of International Narcotics Law Enforcement, the Customs Service has provided several training courses to Haitian officers in both the areas of contraband detection and, more recently, integrity training. We are currently scheduled to conduct another such contraband detection training seminar in May.

In addition, in March we sent several inspectors and agents to work side by side with Haitian Customs and Haitian National Police during Operation Conquistador, a regional interdiction operation that focused on the movement of drugs through the source and transit zones.

We have also been participating with other Federal agencies in an effort to work cooperatively with both Haitian and Dominican agencies to strengthen the border between those two countries and slow the movement of cocaine from Haiti to the Dominican Republic.

While the Customs Service has many notable successes in dealing with the threat from Haiti, we believe that reducing the threat will involve a long-term, comprehensive effort to reduce Haiti's attractiveness to drug smugglers who use it as a path of least resistance.

As our air/marine interdiction video demonstrates, the first and most critical step in this process has to be to develop a credible and sustainable capability to conduct endgame operations in and around Haiti.

It is clear that the success rate for importations of cocaine from Colombia to Haiti is very high. Drug deliveries that are not successful are due almost exclusively to mechanical failures of aircraft or vessels and not Haitian law enforcement activities.

In addition, our operational experience in Haiti has shown us that we need to continually work closely to help Haiti improve their capabilities.

This concludes my remarks. I'd like to thank the committee for this opportunity to testify today and would be glad to answer any questions you may have after the presentation of the video.

Thank you, sir.

Mr. MICA. Let's go ahead and show the video, without objection.

[Video presentation.]

Mr. VARRONE. Sir, I probably should have given you the backdrop before we went into it. I apologize. But this event occurred on March 1, 2000. Our P-3 picked up that suspect aircraft about 33 miles north of Maracaibo, Venezuela. We tracked it in. As you can see, there was an air drop.

We were able to obtain the tail number of that aircraft, and our information is that we have tracked that aircraft on several other occasions.

After his air drop, he returned to Venezuela, where we, through ground forces, alerted everyone. We were denied air entry into Venezuelan airspace. They did launch on it, but there was no endgame. There was no successful endgame, as there was no successful endgame in Haiti.

Thank you, sir. That's all I have.

[The prepared statement of Mr. Varrone follows:]

Statement of

John C. Varrone

Acting Deputy Assistant Commissioner
Office of Investigations
United States Customs Service

before the

House Government Reform Committee

on

The Emerging Drug Threat from Haiti



April 12, 2000

Introduction

Mr. Chairman and other members of the Committee, my name is John Varrone and I am the Acting Deputy Assistant Commissioner for Investigations at the U.S. Customs Service. In my current assignment, I am responsible for all of the investigative and air and marine interdiction operations of the Customs Service. It is my pleasure once again to have the opportunity to appear before this Committee to discuss the law enforcement activities of the Customs Service and in particular our enforcement efforts directed against drug smuggling in Haiti.

I last testified before this Committee in January when field hearings were held in Miami regarding the role of Cuba in drug smuggling. While my testimony focused primarily on Cuba, I addressed more broadly smuggling in the Caribbean and Haitian drug smuggling groups. Today I will describe in more detail the threat, our law enforcement activities, international assistance and related experience with Haiti. I have brought along several exhibits today that I hope will help to illustrate some of the challenges we face in dealing with this threat.

Haitian Smuggling Trends

In the assessment of the U.S. Customs Service, Haiti plays a significant role as a transshipment point for cocaine destined to the United States. This assessment is derived from both our role as one of the primary interdiction agencies responsible for detection and monitoring in the Source and Transit Zones as well as our successful experience in investigating Haitian smuggling organizations.

As this Committee is acutely aware, many factors have converged in recent years to make Haiti "the path of least resistance" in the Caribbean for drug smugglers. Record quantities of cocaine are being smuggled there.

Like Cuba, its neighbor to the west, Haiti and the entire island of Hispaniola is a relatively short distance from the United States. By virtue of its location, it is significant as drug smugglers continually adapt to law enforcement pressures in the Transit Zone. Due to the tenuous political situation combined with other factors, such as the lack of law enforcement infrastructure and/or marine enforcement capabilities and the corrupting influence of drug trafficking, drug smugglers have been allowed to operate there with relative impunity.

Our intelligence indicates that cocaine is being smuggled to Haiti in both private aircraft and maritime vessels, including both commercial vessels and so called "go fast" boats. Customs' interdiction role in these areas has allowed us to document the increased movement of cocaine to Haiti. Our interdiction assets in the region were recently able to document and record an ongoing suspected

cocaine airdrop operation in Haiti as it occurred. Mr. Chairman, with your concurrence, I would like to like to present this video which occurred on March 1, 2000, on the island of Haiti before the Committee at the conclusion of my remarks.

The target aircraft depicted on the video was initially detected by Relocatable Over The Horizon Radar (ROTHR) approximately 33 miles from Maracaibo, Venezuela, as it headed north. After the airdrop, Customs P-3 aircraft shadowed the aircraft until it entered Venezuelan airspace. Customs requested approval from Venezuelan authorities to enter their airspace and continue the pursuit. This request was denied. We continually receive denials from the Venezuelan authorities to overfly that country's airspace. As a result, believe that drug smugglers are now using Venezuelan airspace to thwart law enforcement endgame attempts.

I should note for the Committee that the observations made by our officers during this suspected cocaine airdrop were relayed in real-time to JIATF (East) and then to DEA in Haiti. However, no endgame seizures or arrests occurred. We are well aware, however, that there is currently no capability for Haitian law enforcement authorities to respond to the tactical interdiction intelligence that we develop and pass along.

While we have not yet witnessed heroin being smuggled from Haiti, we believe the current situation there is ripe for exploitation by smuggling groups.

What I have described for you thus far has involved our operations and the threat in the Source and Transit Zones. I would like to move now to speak about our operations in the Arrival Zone.

The Miami River

For the Customs Service, the Miami River one of the greatest threats from Haitian drug smuggling organizations. The majority of vessels that arrive in the U.S. from Haiti do so along the Miami River. The navigable portion of the river is approximately five miles long and is occupied by numerous shipyards and marine support service providers.

Haitian vessels that arrive in Miami present a threat that is truly unique when compared to other vessels who arrive from foreign ports. The most obvious and significant factor that distinguishes Haitian origin vessels from other foreign vessel arrivals is that virtually all Haitian vessels arrive in the U.S. without freight. This factor is largely due to the virtual lack of any commercial exports from Haiti. What little export traffic there is from Haiti generally arrives by commercial aviation.

Another factor which distinguishes Haitian vessels from others is that Haitian vessels often spend three weeks or more loading cargo prior to departing for the return trip to Haiti. Haitian vessels generally return to Haiti with a cargo that consists of consumer goods, construction materials, used cars, bicycles and other commodities. These goods are generally loaded in bulk instead of being containerized.

From a law enforcement perspective, the fact that Haitian vessels spend weeks sitting on the Miami River is a tremendous enforcement challenge since it gives smuggling organizations an extremely long window of opportunity to remove their smuggled cocaine.

Very often we develop confidential source information regarding vessels smuggling cocaine from Haiti. However, the Miami River environment makes surveillance extremely difficult and smuggling organizations capitalize on this weakness. During certain periods, we have had drug smuggling intelligence information on virtually every freighter on the Miami River.

Even if we surveil a location or vessel for weeks, the Haitian smuggling organizations still have the advantage of their ability to identify law enforcement surveillance teams over an extended period of time gives them a distinct advantage in the removal and distribution of their cocaine.

Even with these law enforcement challenges, we have had some success in combating Haitian smuggling organizations. Since the beginning of Fiscal Year 2000, the Customs Service has seized in excess of 5,600 pounds of cocaine that arrived from Haiti. Of this amount, more than 5,000 pounds was seized from freighters arriving from Haiti on the Miami River.

In one two-week period in early February, we seized more than 3,400 pounds of cocaine from five vessels which had arrived from Haiti. Our most recent seizure occurred on the Miami River on April 4, when we seized 143 pounds of cocaine in a vessel's concealed compartment.

Operation Riversweep

We can attribute much of our success over the last several years to long term multi-agency operations, focusing specifically on the Miami River and drug smuggling by Haitian organizations. This effort, termed "Operation Riversweep", is a cooperative operation involving the Customs Service, FBI, DEA, U.S. Coast Guard, Broward County Sheriffs Office, Miami-Dade Police Department, Miami-Dade Medical Examiners Office, Miami Police Department and North Miami Beach Police Department.

In closely analyzing the results from Operation Riversweep, we have made several observations that we think are important.

One is that Haitian drug smugglers routinely analyze every Customs success and continually adapt their concealment techniques in an effort to minimize their risk and reduce drug interdiction.

On the Miami River this has meant that drugs historically concealed in rudimentary compartments in areas readily accessible by the crew have been moved deeper into the depths of vessels. This move to "deeper and harder concealment" has made revelation of drugs on freighters more time consuming, costly and, most importantly, dangerous.

For example, in 1998 Customs made several significant seizures of cocaine from false floors in areas of the vessels where it was clear that there was either crew involvement or knowledge that cocaine had been secreted aboard the vessel. After we made several seizures of this type, we continued to receive confidential source information as well as intelligence that Haitian vessels were continuing to be used to smuggle cocaine. However, our intelligence and intensified examinations did not reveal the new compartments that were being used.

Our Inspectors in Miami continue to perform searches on 100% of these suspect vessels where they conduct extensive probes in areas not routinely used by drug smuggling organizations. We have begun to seize cocaine in fuel tanks, fresh water tanks, ballast tanks, compressed air tanks and other areas below the water line that were both difficult and dangerous to examine. Because these areas often conceal harmful chemicals and gases that have overcome our Inspectors, we have trained and equipped specialized teams to conduct "confined space" searches using artificial breathing equipment and protective suits.

In February of this year, when we seized more than 3,400 pounds of cocaine from five vessels, we learned that Haitian smugglers had again adapted to our success by developing new compartments to conceal their cocaine.

The exhibits that I have brought with me reflect these concealments.

These five seizures demonstrate the "depths" to which the Haitians will now go to conceal their cocaine.

In each of these seizures, the cocaine was concealed in a compartment that was built into the keel area of the vessel. We were only able to discover these compartments after an exhaustive search based on specific intelligence information.

During our search, we cut through the hull of one of the vessels and had to contract with commercial divers to patch the vessels from the waterside before it sank. As a result, we had to place the other four vessels into dry dock in order to cut open the compartments from the outside to remove the cocaine. It cost the Customs Service approximately \$10,000 per vessel to place these vessels into dry dock. This amount does not include the costs incurred to contract with professional marine engineering experts to open the keels so that we could extract the cocaine.

As noted earlier, Customs has experienced notable law enforcement success with Haitian coastal freighters. In addition to seizing 5,000 pounds of cocaine on the Miami River, we have seized 11 coastal freighters that were used to conceal the drugs. While Customs believes that it is extremely important to seize and forfeit the conveyances that smugglers use to conceal their drugs, the seizure of these vessels presents some unique challenges and issues.

For example, we made several seizures recently in which the freighters involved had been previously seized by Customs, forfeited and then sold at auction. The seizure of the M/V Croyance in February following the discovery of 541 pounds of cocaine in the keel is one such example. The Croyance had been previously seized, forfeited and sold at auction by Customs following a seizure of 485 pounds of cocaine in November 1998.

One of the contributing factors to this situation is that this class of vessel has a limited number of uses and is used by a small community of ship owners.

As you will have noted from our exhibits, these vessels clearly could not be described as being on the "cutting edge" of cargo vessels. This also means that the costs associated with seizing, storing and maintaining these vessels prior to auction are sometimes prohibitive.

We have explored options other than auctioning the vessels, including turning them into artificial reefs, but the costs associated with bringing these vessels into accordance with environmental regulations prior to sinking them would be more cost prohibitive than auctioning.

As this Committee may also be aware, the ownership of these vessels is often well concealed and owners rarely come forward to contest the seizure or forfeiture of their vessels. In most cases, we often end up seizing the bonds posted by Ships Agents, who act on behalf of the owners in the U.S., for costs associated with the seizure, forfeiture and subsequent auction of these vessels.

We have found that shipping company representatives often do not really know who the true owners of the vessels are. These representatives are often paid in cash and only have pager numbers to get hold of the true owner of the vessel. We have been trying to work with these representatives to educate them about the importance of knowing their customers and the risks they run when they don't exercise basic business practices when dealing with customers.

While I have extensively discussed the threat that we have faced along the Miami River, I should also note that we have also recently detected an increase in cocaine seizures in commercial air cargo shipments from the Port au Prince Airport into South Florida. We have also continued to see a rather steady level of cocaine seizures from commercial air passengers, often concealed on the passenger or in baggage.

Money Laundering and other Crimes

Our focus in dealing with the threat presented from Haiti is not limited to searching for cocaine on coastal freighters on the Miami River.

Thus far in Fiscal Year 2000 we have seized more than \$1.2 million in U.S. Currency that was destined for Haiti. These seizures have occurred as a result of our outbound inspection programs at both Miami and JFK International Airports. In addition, several of our largest currency seizures have come as a result of proactive investigations, which focused on Haitian drug money laundering organizations operating in Miami.

In 1999, our largest outbound seizure destined to Haiti occurred on the Miami River when our Special Agents developed information which led Inspectors to seize more than \$1.3 million in a single incident when they discovered money concealed in tool boxes on a freighter departing for Haiti.

Our outbound inspection programs have also identified a significant threat for both weapons and stolen vehicles that are being smuggled to Haiti. Operation Riversweep has documented a serious problem involving illegal aliens who are being smuggled to the U.S. aboard coastal freighters. Some of these aliens are offloaded on the river while many are offloaded to small boats off the coast of Florida. During Operation Riversweep we arrested more than 40 illegal aliens who were turned over to the Border Patrol.

We are extremely sensitive to the destabilizing effect that these weapons could have in Haiti, and we continually work aggressively in our outbound enforcement efforts to eliminate the flow.

Customs Assistance in Haiti

While the Customs Service doesn't have any personnel assigned to Haiti as part of the U.S. country team, we have been very active over the past several years in providing support to our counterparts in Haiti.

Through the Department of State, Bureau of International and Narcotics Law Enforcement, the Customs Service has provided several training courses to Haitian Customs officers in both the areas of contraband detection and, more recently, integrity training. We are currently scheduled to conduct another contraband detection training seminar in May.

In addition, in March we sent several Inspectors and Special Agents to work side by side with Haitian Customs and Haitian National Police during Operation Conquistador, a regional interdiction operation that focused on the movement of drugs throughout the Source and Transit Zones.

We have also been participating with other Federal agencies in an effort to work cooperatively with both Haitian and Dominican agencies to strengthen the border between those two countries and slow the movement of cocaine from Haiti to the Dominican Republic.

The Long Term

While the Customs Service has many law enforcement successes to highlight in dealing with the threat from Haiti, we believe that reducing the threat will involve a long-term comprehensive effort to reduce Haiti's attractiveness to drug smugglers who use it as a path of least resistance.

As our Air and Marine Interdiction Division video demonstrates, the first and most critical step in this process has to be to develop a credible and sustainable capability to conduct "end game" operations in and around Haiti. It is clear that the success rate for importations of cocaine from Colombia to Haiti is virtually 100%. Those deliveries that are not successful are due almost exclusively to mechanical failures of aircraft or vessels and not Haitian law enforcement activities.

In addition, our operational experience in Haiti has shown us that we need to continue to work closely with and assist Haitian Customs to improve their capabilities. We believe that this is extremely important since we know that Haitian Customs is really engaged in a two front war in which they are working against both drug smuggling and commodity smuggling, which challenges the ability of the country to collect revenue that is vital to supporting their struggling democratic institutions.

Again, I would like to thank the Committee for this opportunity to testify today. I will be glad to answer any questions you may have.

Video Presentation

Mr. MICA. I have a number of questions, but we have been joined by a member of our panel and also the chairman of the International Affairs Committee, the gentleman from New York, Mr. Gilman, and I'd like to recognize him at this time for a statement.

Mr. GILMAN. Thank you, Mr. Chairman, Chairman Mica, for holding this important and very timely hearing on our hemisphere and Haiti, our neighbors now descending into the frightening depths of drug corruption and violence. In fact, Haiti is becoming the narcostate, and OAS is considering declaring them a non-democratic nation because of the problems that exist in Haiti today.

Colombian drug traffickers have established, I think, a firm beachhead in Haiti. It is estimated that 14 percent of the South American cocaine headed for our Nation is now passing through Haiti.

The Los Angeles Times reports that the Haitians have become an organized smuggling force in their own right. This same news account sadly comments that, "so ingrained has the trade become in Haitian society that entire villages have come to subsist on what they can siphon off from it. Narcotics traffickers are routinely released from prison by corrupt Haitian judges, while opponents of the Lavalas regime languish in jail for crimes of plotting against the state."

Drug-related corruption has become widespread in the Haitian National Police. This may account for why the Haitians have seized less than a third of the amount of cocaine that they did in 1998.

The Government of Haiti's singular lack of cooperation has led the administration to decertify Haiti for a second year in a row, and the Haitian National Police, created with massive United States assistance, is profoundly politicized. Nearly all of the members of the HNP's middle-level officer corps were selected based on their loyalty to former President John Bertranas Sneed's Lavalas party. Police Chief Pierre Deneze is a little more than a figurehead.

We face a grim future in our relationship with Haiti. Without some dramatic changes, Haiti will become a criminal organization shielded by the privileges of sovereignty. We must acknowledge what is happening in Haiti. We cannot protect our national interest, nor can we help alleviate the suffering of the much-abused people of that island nation until we come to grips with what the situation actually is.

So I am urging the administration to formulate a new policy directive for our Government to contain and to work to eliminate this drug cancer that now threatens to consume Haiti.

I thank you, Mr. Chairman, for this very timely hearing.

Mr. MICA. I thank the gentleman, and also for his hard work on the subcommittee and chairman of the important International Relations Committee in trying to bring some sense and order to both our policy and also the situation relating to illegal narcotics trafficking in the poorest of our hemispheric nations.

I have a few questions I'd like to start out with for the Department of State.

Maybe, Ambassador, you could give me some estimate as to how much money we have spent in building both the law enforcement and judicial structure in Haiti to date.

Ambassador STEINBERG. Thank you, Mr. Chairman.

Our assistance to both of the sectors has been in the neighborhood of \$200 million, if you combine them. I will give you a complete listing of the exact programs. OPDAT and ICITAP have been the principal agents through which those programs have been carried out, and they may be able to address those questions more directly.

In the case of—

Mr. MICA. An estimate, then, of \$200 million on both the police and judicial, the whole spectrum of rule of law initiatives?

Ambassador STEINBERG. That would be an overall estimate. I will, indeed, provide you with direct numbers.

Mr. MICA. By most accounts in some of the testimony here today, that program has not been very successful, and now, if there is any success, it is threatened with the corruption, assassinations, intimidation, drug trafficking, etc.

One of the concerns that we have as a subcommittee, oversight subcommittee, is we understand, from a report in November, that USAID—Agency for International Development under the Department of State—awarded the Haitian justice reform program to a Washington-based consulting firm—Chechi and Co.—and the individual chosen to run the program held a degree in international agriculture. Is that correct? And is it appropriate to award a contract of this importance and significance to someone who holds an agricultural degree?

Ambassador STEINBERG. The individual involved was an expert in management, an expert in development. Chechi Associates has a wide range of activities that they have been involved in around the world, and his effort was to manage the program, which involved a number of experts throughout the area.

That program—

Mr. MICA. The individual in charge of the program held an agriculture degree; is that correct?

Ambassador STEINBERG. That is true, sir. He was also an expert in management issues.

Mr. MICA. Well, the reports that we had also indicated the person selected to set up the Haitian court system was a disbarred California lawyer with several felony convictions, including defrauding the U.S. Government. I'm trying to figure out—maybe Mr. Gilman and I both would like to know—how we could have somebody selected to set up the Haitian court system who is a disbarred California attorney and also had been charged with defrauding the U.S. Government.

Ambassador STEINBERG. Mr. Chairman, the contractor that you are describing here was assigned to provide legal assistance to prison detainees. He was not in charge of the whole program, as you've described.

Second, he was not a direct hire of the U.S. Government. He was an employee of a contractor. He served for less than a year. There is not a regular procedure in place to go into the employment background applications of all AID contractors. Once this was discovered, there was a series of investigations which led to his immediate resignation.

Mr. MICA. Well, we're also concerned about the upcoming elections, which have been postponed. You're correct in that they are,

I guess, scheduled for May 21st of this year in that timeframe just recently announced within the last number of hours. We're very concerned about the safety of voters. The suspicious recent murder of Haitian radio journalist of Jean Larapode Dominic who criticized the government is one example of this situation spiraling out of control and now emboldened murders taking place even for those who may be champions of free and fair elections. What are we doing in that regard to ensure this process moves forward?

Ambassador STEINBERG. Mr. Chairman, I share those concerns. I have traveled to Haiti now three times over the last few weeks in order to try to push this process ahead. We are deeply concerned over the continuing delays in the holding of legislative and local elections.

You may be aware that some 3 to 4 million Haitians have actually registered to vote for those elections. This is unprecedented in Haitian history. In addition, there are some 29,000 candidates who are competing for those positions. Again, there is election fever in Haiti.

We have encouraged President Preval, who is responsible for publishing a date, which would be proposed to him by the Provisional Electoral Council, to move rapidly to hold these elections in advance of the seating of parliament, which is constitutionally mandated for the date of June 12th.

As you said, over the last few days we have intensified contacts with officials in Haiti, and we were pleased that a date seems to be emerging for May 21st for the holding of the first round of those elections.

At the same time, we are equally disturbed over the violence that you have described. This is a very negative trend. We were extremely disturbed over the weekend at the fact that one of the headquarters of an opposition party was burned to the ground. We have condemned that, and we have called on the government of Haiti, as well as the police officials of Haiti, to identify those people responsible for that action and bring them to justice immediately.

We have also called on the Haitian authorities to reinstitute security. We are deeply disturbed that there was no intervention in that individual case, although subsequently the Haitian National Police did act to forestall other actions on the ground.

Even as we are speaking, there is a meeting of the Organization of American States where this issue is being discussed, and we are working to ensure that the entire international community is on board with pressure to hold these elections.

Again, Mr. Chairman, these elections are not just going to be held in isolation. They are a key to restoring responsible government. They are a key to passing some of the very laws that we have been talking about here today that relate to drug trafficking, which is one of our highest priorities. They are a key to restoring the faith of the Haitian people in their democratic institutions, and we will continue to support those elections. We have already provided substantial financial support. They are a key to the fact that we are about 75 percent there in terms of getting to these elections, and we will continue that effort.

Mr. MICA. Well, we heard you describe the amount of money that was spent on training police and building the judicial system, and

also refer to working with the police. I guess part of your program you would train, probably, the chief law enforcement officer, which would probably be—the largest agency would be Port-au-Prince, the police chief. Is that correct?

Ambassador STEINBERG. I'd really rather have my colleague from Justice Department, who is in charge of this—

Mr. MICA. Well, that would have been one of your trainees at some point, I would imagine. Otherwise, I don't know how you could conduct a program to train police without working with the head of the Port-au-Prince police. Would that be correct?

Mr. ALEXANDRE. I don't know whether it is a requirement that members of the police agency graduate from the school, and—

Mr. MICA. But you wouldn't have directed any of your program or the \$200 million toward Port-au-Prince police activities?

Mr. ALEXANDRE. No. The focus of the assistance has been on providing training and technical assistance.

Mr. MICA. Well, I'm concerned that Port-au-Prince's former police chief, Lieutenant Colonel Michael Joseph Francois, was indicted in the United States in 1997 for narcotics transportation and distribution. He has fled to Honduras. Can you tell me if we have gone after that individual? Are we pursuing that individual?

Ambassador STEINBERG. Mr. Chairman, the individual that you are describing was, indeed, part of the regime from 1991, that organized the coup that overthrew the democratically elected government at the time. Indeed, he was one of the individuals whom we focused on in terms of having him leave the country to allow democracy to reemerge.

Mr. MICA. Well, he has been indicted by the United States. Is there a request for extradition? What's the process? It is nice to spend the money on building a judicial system. I don't know if he was involved in that. We don't have an answer on that. But he obviously was involved in drug trafficking and transportation distribution, fled to another country, which is, my most recent information, is an ally of the United States. And is he still at large? Are we going after that individual and making an example of him, or is he just on the lam?

Ambassador STEINBERG. Mr. Chairman, I obviously wasn't clear in my previous comment. This is an individual who was part of the military regime—

Mr. MICA. Right.

Ambassador STEINBERG [continuing]. In a previous era. We provided no assistance to that individual during that period. Indeed, we had sanctions against that government, very strong sanctions.

Mr. MICA. Well, he was there in 1997, and fled to Honduras. Are we making an example or going after that individual?

Ambassador STEINBERG. I would have to take that question in turn to—

Mr. MICA. Could you just give the subcommittee, for the record, some information relating to what is taking place with pursuing that individual?

Ambassador STEINBERG. We will do so. Thank you, Mr. Chairman.

Mr. MICA. It is my understanding there has only been one successful prosecution for drug trafficking in recent years, and that

was the 1998 trial of the five Colombians, who I think testimony indicated, would be released after maybe a year. What kind of example does this set for drug traffickers to have one prosecution and then 1 year of penalty?

Ambassador STEINBERG. Mr. Chairman, can I just elaborate on the previous comment?

When the military regime left the country, he fled to Dominican Republic, and only in 1997 did he then move to Honduras.

Thank you.

Mr. MICA. I'm not interested in tracing his movements, necessarily. I'm interested in whether we're pursuing it.

He was indicted by the United States for trafficking and distribution of narcotics, and, I mean, to set an example you go after these folks.

We've had one successful prosecution of five Colombians who are going to be released in 1 year, and the place is running rampant with drug dealers and others. Nobody respects the law if there is no enforcement, prosecution, or penalty.

This is my point. What is happening now with these individuals is this—our record of success after spending \$200 million in police enforcement training and judicial—and rule of law building, this is what we have to show for it.

Mr. ALEXANDRE. Mr. Chairman, we are not satisfied that the sentence meted out during the course of this program case is adequate. As I pointed out during the course of my testimony, the legislative framework for combating narcotrafficking in Haiti, the legal framework for asset forfeiture and money laundering, they are very weak.

In order to remedy the situation, legislation is needed. And, because there has not been an effective, functioning legislature, there has not been progress in that area.

It is our hope that, once this election is held and there is a sitting legislature, that legislation will be promptly submitted to the legislature for action. In fact—

Mr. MICA. Well, we don't have a legislature in place. We don't have elections. We don't have meeting of the legislature to approve a maritime agreement. So we have a maritime agreement but we don't have approval.

We spent money on training of judges and police to the tune of \$200 million. I would imagine it is even more than that. And you talked about maybe a more sophisticated level of pursuit of some of these individuals who maybe have been charged or involved in money laundering or more complex part of the judicial system, and we have reports that there are packed Haitian jails with people who have never been to trial. I mean, these are some basic things.

For \$200 million, it doesn't seem like a very good return, and even the basic liberties or access to justice doesn't appear to be in place at any level, high or low.

Do either one of you want to respond?

Mr. ALEXANDRE. Let me just make a remark about that. That has been one of our frustrations with respect to the level of pretrial detainees.

As I pointed out earlier in my testimony, the Haitian legal penal framework is very antiquated and does not provide for bail in many

circumstances, so, as a result, the number of pre-trial people who are in jail are not released on bail.

Second, the number of investigating judges available to handle some of these cases is also inadequate. There is only 30 investigating judges for a country with a population of 8 million people. That explains, in part, the number of people who have been sitting in jail in pre-trial detention.

But on the other narcotics issues, I'd defer to my colleagues from the DEA.

Mr. VIGIL. If I can make a comment, the Haitian Government fully recognizes the fact that they have very little adequate legislation that would impact on prosecutions, on other issues such as money laundering. However, we do have a program in place where we are exchanging information, and one of the things that we're trying to do within the Drug Enforcement Administration is to develop investigations in the United States against a lot of these targets and then prosecute them here in the United States.

As a result of the operations that I mentioned—Operation Genesis, Columbus, and Conquistador—we have developed a very good rapport with the Haitian National Police. Genesis was a binational operation between Haiti and drug Dominican Republic.

As all of you are aware, you know, we have had constant strife between both countries that exceed over a century, and as a result of that operation, in the aftermath we had the Haitian Government that arrested the wife, son, and brother-in-law of Edeberto Conao, who is a major drug trafficker out of Colombia who was recently arrested in that country. They didn't have charges on these individuals, so what they did is they turned them over to the Dominicans, who did, in fact, have jurisdictional venue over these individuals.

Later, the Dominicans also responded by arresting a serial killer that was getting ready to board an American Airlines flight to New York, and they didn't have charges so they took him over to the border and turned him over to the Haitian authorities in Melpas.

Now, as far as money laundering legislation, obviously, they don't have adequate laws, but what they did was they hired three legal scholars to review their laws, which parallel, you know, French law, and, much to their credit, they have undertaken steps to start seizing properties and money.

For example, during the past year they've seized in excess of \$4 million at the Port-au-Prince Airport that was destined for Panama. And what they've done is they have looked at their laws and they have structured these seizures in a way that, if the individual from whom the money or the assets were seized cannot prove legitimate ownership or revenues that would allow them to purchase million-dollar residences, those assets are, in fact, seized by the Haitian Government. Some of those assets go to the police department, and other assets do go to restructuring of their judicial system.

Mr. MICA. I have additional questions, but I'd like to yield now to the gentleman from New York, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Mica.

I'll ask any of the panelists who can answer this, how many unvetted former Haitian Army officers have been inserted into the HNP? Is anyone able to tell us that?

Mr. ALEXANDRE. I don't know, but I could try to find out.

Mr. GILMAN. Could you, and provide us with that information?

Do you have any reporting on who is putting these former Army members into the HNP? And, if you could, provide us with that information.

And what is Danny Toussaint's relationship to the HNP? Can anyone explain that for us?

Mr. VIGIL. Whose relationship, sir?

Mr. GILMAN. Danny Toussaint. He's a security officer for the administration for the Lavalas.

Ambassador STEINBERG. Mr. Chairman, thank you. We can address that question in another setting in greater detail.

Mr. GILMAN. All right.

Ambassador STEINBERG. But I will say that he has no formal, at this point, relationship. We, indeed, have indicated that a number of individuals who were suspected of illicit activities are not to have a formal role if the United States is going to continue to be able to support those activities. But I would rather, in a closed setting, address that question in greater detail.

Mr. GILMAN. We're going to ask our staff to arrange that session with you.

Ambassador STEINBERG. I will be there, but also our intelligence community would have the better information.

Mr. GILMAN. All right. Do we have any reports regarding involvement of Haitian Governmental officials in narcotics trafficking? I'd ask our narcotics expert.

Ambassador STEINBERG. Well, I'm not our narcotics expert, Mr. Chairman, and, I would say that our international narcotics bureau at the State Department is better placed to address that question specifically.

But let me say we do have some reports of involvement by some officials of the government—the judiciary and political parties—in those activities that you have described. We can, again, provide additional information in another setting.

The reports that we have received at this point are uncorroborated, and it would be inappropriate to address them in this setting.

Mr. GILMAN. Mr. Vigil.

Mr. VIGIL. What we have in terms of allegations are unsubstantiated rumors. You know, we in the Drug Enforcement Administration, you know, always look at compiling evidence that would substantiate, you know, those type of allegations.

I worked over 14 years in the foreign arena, and it is somewhat unfortunate, but a lot of times we have individuals that take over police agencies and what have you, and within 48 hours you immediately have informants tying them in to every major drug trafficking component that exists in those particular countries.

So, again, nothing in there that one would be able to sink their teeth into—rumors at this point in time.

Mr. GILMAN. Do we have any agents in Haiti now, any narcotics agents?

Mr. VIGIL. As far as DEA goes, yes, we have six special agents, one country attache in Haiti at this point in time.

Mr. GILMAN. Are you restricted in your activities in any manner?

Mr. VIGIL. Not at all. As a matter of fact, we've developed, you know, a lot of components there—a maritime task force, airport task force. We're in the process of negotiating with the Haitian Government in the establishment of a multi-agency mobile task force to include not only the Haitian National Police but the Coast Guard and Customs, Immigration, and what have you, that would be highly mobile and be able to address a lot of problematic areas throughout that country.

Mr. GILMAN. And, Mr. Vigil, is it true that most of the drugs transiting through Haiti coming to the United States originate in northern Colombia?

Mr. VIGIL. Well, I would say that in Colombia most of the drugs are manufactured in the southern regions of Colombia. The northern area of Colombia obviously has always been a primary staging area. But yes, the cocaine that comes into Haiti is by way of Colombia.

Mr. GILMAN. And is it coming from out of northern Colombia?

Mr. VIGIL. Yes, sir. And some of that also through Venezuela. Obviously, Venezuela is also a transshipment point.

Mr. GILMAN. If we are having limited success in Haiti in stopping those drugs, why don't we move the point of resistance back some, especially to northern Colombia, where we have good Colombian police who may be willing to work in fighting the drugs?

Mr. VIGIL. Well, the thing is that we do have a lot of resources. There are significant measures being undertaken in Colombia. Obviously, it is very difficult to stop the entire flow of drugs coming from there.

But I think one of the things that we're trying to work on is to develop a response capability. Obviously, in the Caribbean we do have a lot of detection and monitoring assets, but, at the same time, we don't have an endgame situation for Haiti, and one of the things that we've discussed with the chairman, Mr. Mica, is the need for helicopters to address the flow of drugs into Haiti. Otherwise, what we have is basically a fancy escort service in terms of those assets.

Mr. GILMAN. Well, has the DEA made a request for such equipment?

Mr. VIGIL. I have been making that request since I arrived in the Caribbean for over a year and a half, sir.

Mr. GILMAN. Has that research been forwarded on to the Congress?

Mr. VIGIL. It has been forwarded on to everybody.

Mr. GILMAN. How many choppers were you asking for?

Mr. VIGIL. Well, anywhere from three to five.

Mr. GILMAN. What kind of choppers?

Mr. VIGIL. Preferably Blackhawk, UH-60's.

Mr. GILMAN. Our committee staff were in northern Colombia over a year ago and learned the Colombian Navy lacked gas, in many cases, to pursue the fast boats carrying drugs to Haiti. Are you familiar with that problem?

Mr. VIGIL. If you would repeat that, sir?

Mr. GILMAN. Our committee staff were in northern Colombia over a year ago, learned that the Colombian Navy lacked sufficient gas to pursue the many fast boats carrying drugs to Haiti.

Mr. VIGIL. Well, I was assigned to Colombia many years ago. I don't know if that situation presently exists, but the fact of the matter is that, you know, it depends on the type of ship. I don't think that the Colombians right now have adequate resources to address the go-fast boats in terms of the velocity of this craft.

Mr. GILMAN. Can the Coast Guard respond to that?

Admiral BARRETT. Sir, I am in the Coast Guard, but right now I am working for DOD, but I can tell you that there was a request from both the Colombian Navy and the Colombian Air Force for additional fuel funds, and that has been provided by INL during, I believe, this fiscal year. I think that became available in October.

Mr. GILMAN. Has it been delivered now?

Admiral BARRETT. I think the—I cannot tell you that for sure. I can check and get back to you.

Mr. GILMAN. Could you check that—

Admiral BARRETT. Yes, sir.

Mr. GILMAN [continuing]. And let us know what the status is?

Admiral BARRETT. There was—yes, sir. There was a question as to how we could legally provide that in the distribution, and I'm not sure of that, but I know the funding for it was made available this fiscal year, and that fuel should be available, but let me get back to you on that.

Mr. GILMAN. Does Haiti have any fast boats that are—have the capability of pursuing the boats that leave Colombia and head for Haiti?

Admiral BARRETT. No, sir. Not that I'm aware of. I know the new Haitian Coast Guard that our Coast Guard is helping has been provided renovated Monarch-type boats, but they are really multi-purpose for search and rescue. They are not pursuit boats at all, sir.

Mr. GILMAN. Mr. Vigil, has anyone made a request of that nature?

Mr. VIGIL. I believe that request has been made. What they do have are, like, a couple of Boston Whalers. They do have a few other ships, but nothing that would provide interception, and I think that request has also come forward.

Mr. GILMAN. Have you made a request of—

Mr. VIGIL. I personally have not made that request. No, sir.

Mr. GILMAN. Has anyone in DEA made that request?

Mr. VIGIL. I don't know if DEA has made the request, but I think that that request was made by—and I'll defer this to Admiral Barrett—through the U.S. Coast Guard.

Mr. GILMAN. What about Customs? Is Customs here? Has Customs made any request of that nature?

Mr. VARRONE. The request that Customs has made, sir, is for arrival zone assets.

Mr. GILMAN. For what?

Mr. VARRONE. Arrival zone, the arrival zone, not specifically for Haiti.

Mr. GILMAN. What do you mean arrival? Spell that out for us.

Mr. VARRONE. The arrival zone—the Miami River, the surrounding area, the 24-miles—

Mr. GILMAN. No. I'm asking about coming out of Colombia now. Has any request been made for fast boats to help the Colombian

Navy or the Colombian Customs, or whoever it is, pursue the boats coming out of Colombia that are heading for Haiti?

Mr. VARRONE. No, sir. Not to my knowledge.

Mr. GILMAN. Can someone examine that need and make an appropriate request? Mr. Steinberg.

Ambassador STEINBERG. Mr. Chairman, one of the problems that we have vis-a-vis go-fast capacity in Haiti is the absence of port facilities that can handle it on the—

Mr. GILMAN. No. I'm talking about northern Colombia now, the product coming out of Colombia. They're going on fast boats. If we have no way of pursuing them, we're tying our hands.

Ambassador STEINBERG. I'm sorry, Mr. Chairman. What I was referring to is once those fast boats are on their way, presumably to Haiti, as we saw earlier, it is important to have bases, Naval bases on the southern part of the island that can address that responsibility.

We are now negotiating with the Haitian Government for the construction of those sites. Indeed, there are two fast boat capable interceptors, one might say, in Port-au-Prince that need to be for that purpose.

Mr. GILMAN. So now you're talking about the point of entry.

Ambassador STEINBERG. Entry into Haiti.

Mr. GILMAN. But I'm talking about a point of embarkation out of Colombia.

Ambassador STEINBERG. OK.

Mr. GILMAN. We're talking about trying to move the thrust to where the product is coming from.

Ambassador STEINBERG. OK.

Mr. GILMAN. Mr. Vigil.

Mr. VIGIL. The problem is a little bit more complicated than just strictly go-fast boats. A lot of the drugs that flow out of Colombia are taken out by freighters, fishing vessels, and then they rendezvous in international waters with go-fast boats, so it is not an issue of just go-fast boats, you know, embarking from the Colombian north coast.

Mr. GILMAN. What percentage is going out by fast boat?

Ambassador STEINBERG. To give you an answer on that, we'd have to have a perfect intelligence apparatus. We don't have it.

Mr. GILMAN. No one knows how it is going out? Admiral.

Admiral BARRETT. The maritime threat in the Caribbean accounts for about 85 percent, sir. The prime mover in the maritime threat are go-fast.

As Mr. Vigil says, though, go-fast doesn't carry near as much. A lot of times the go-fast will take the drugs offshore and load a freighter that comes through the canal and is headed toward Europe, headed toward southeast United States, so a lot of times it is a combination, sir. But go-fasts are our primary threat. There's no question about that.

I also would like to add, sir, I did not understand—

Mr. GILMAN. Admiral, let me interrupt a moment. I appreciate the information.

Admiral BARRETT. Yes, sir.

Mr. GILMAN. If go-fast is a primary threat, what are we doing about stopping the go-fast boats out of Colombia?

Admiral BARRETT. I didn't understand your question earlier, sir. Colombia used go-fasts that they have seized. The Colombian Coast Guard and the Colombian Navy used go-fasts that they have seized down there that they have put back in service. They also use helicopters off of their vessels, and they have the authority for firing warning shots from their helicopters, and they have been effective against go-fasts.

Mr. GILMAN. How many go-fast boats does Colombia have that they've reconstructed?

Admiral BARRETT. I don't have the specifics. I remember seeing them when I was in Cartagena, sir, but I don't—

Mr. GILMAN. Could the panel provide this committee with information about the need for go-fast boats, how many are needed, and what we can do about trying to provide that?

Admiral BARRETT. Yes, sir.

Mr. GILMAN. We're talking about helicopters. Provide us with specific information?

Admiral BARRETT. Yes, sir.

Mr. GILMAN. Why do you need Hueys for intercepting Naval operations?

Mr. VIGIL. Well, not Hueys. You know, what I have referred to as Blackhawk helicopters are UH-60's. The Hueys, you know, we had those in Mexico, and, as far as I am concerned, by are very limited in terms of lift, distance, and speed capability.

I think what we need are Blackhawk helicopters.

Again, if we are going to have detection and monitoring assets in the Caribbean, I think that we have to have an endgame, and the helicopters can pursue and vector in, you know, other, you know, Coast Guard cutters, what have you.

Most often than not, when these helicopters appear, either these individuals will at least toss the cargo overboard or beach the ship on shore where it can be seized.

Mr. GILMAN. All right. So if you could provide us with the kind of equipment that is needed be ever more efficient operation in Colombia with regard to shipments to Haiti, we'd welcome it.

We saw the video. They had dropped—how come you weren't able to intercept the drops?

Mr. VIGIL. The problem is that, you know, in Haiti you have a very limited communications infrastructure within the Haitian National Police. A lot of the roads there are unpaved, you know. It looks like the Ho Chi Minh Trail after the B-52s bombed it, you know, just full of holes, very difficult to get into these remote areas.

Again, here is where the helicopters would have played a very significant role.

Mr. GILMAN. Do we have any information that the police on occasion provide protection for the traffickers?

Mr. VIGIL. The thing is that there have been Haitian National Police officers arrested as a result of collusion with criminal organizations. Some of them have actually stolen drugs and they have been arrested by the Haitian Government. Yes.

Mr. GILMAN. Do you have any information of police involvement with any drug trafficker?

Mr. VIGIL. The thing is there is an endemic problem with corruption in Haiti. Yes, we have information on that. We have passed information. We have worked with the Haitian National Police, and they have attempted to arrest these individuals if they have information. And, like I said, they have arrested numerous individuals for corruption.

Mr. GILMAN. Has any of your information you passed on to Haitian officials been compromised?

Mr. VIGIL. Not to my knowledge. And one of the things that I would mention in that regard is that we've done multi-national operations with Haiti, and we have discovered absolutely no compromise in these operations.

As a matter of fact, on Conquistador they had three successes. On Operation Columbus they seized 275 kilograms, seized a \$2 million residence, seized several vehicles, luxury vehicles, as well as United States currency.

Mr. GILMAN. This is my last question, Mr. Chairman. Is there much of a population that is involved in drug abuse in Haiti at the present time? How extensive is it?

Mr. VIGIL. We have not seen a tremendous amount of drug abuse; however, you know, one of the things that we've learned through history is that a lot of these countries that are producer countries, that are transshipment countries, eventually develop that type of problem.

I think one of the factors in influencing that right now is the fact that, you know, these people barely have enough money to eat, much less pay for those type of expensive drugs.

Mr. GILMAN. Thank you very much.

Thank you, Mr. Chairman.

Mr. MICA. Thank you, Mr. Gilman.

A couple of things that have been brought to our attention here today. Even if they go after these drug traffickers, we spend \$200 million in Haiti to build a police force which can't even pursue them, and then, if they are pursued and arrested, you have an ineffective judiciary, almost nonexistent, to go after them. We've had one conviction and sentencing, and it was for a minimal amount of time. It appears that even the judicial system that is in place is not effective, which is a frustration.

The other point that was brought out—and I'm not sure if you've heard it, Mr. Gilman—is particularly disturbing. The Customs video that we saw and the comments from the Customs representative, Mr. Varrone, indicated that Venezuela is not cooperating.

Mr. Varrone, could you tell us again what the situation is with Venezuela now? We've heard mixed reports of cooperation and non-cooperation.

Mr. VARRONE. It is my understanding in the video that we showed you that, in a case of hot pursuit, where we are following and targeting, we pass the target to them. They don't allow us to follow it all the way in, and, therefore, an endgame—in-country endgame is difficult for us to monitor success.

Mr. MICA. The endgame is to go after the drug trafficker, right?

Mr. VARRONE. Yes, sir.

Mr. MICA. And what happened with Venezuela?

Mr. VARRONE. We don't know in that case what the end user—

Mr. MICA. You don't know if they went after them?

Mr. VARRONE. They launched the F-14s, and we were subsequently told that they were unsuccessful.

Mr. MICA. How would you describe the cooperation with Venezuela now, at least from your perspective? We can go to the admiral in just a second.

Mr. VARRONE. We believe that more and more air traffic is shifting there, based upon the fact that we—

Mr. MICA. That's the pattern that we saw presented by Admiral Barrett, that more are coming.

Mr. VARRONE. Yes, sir, because we have greater cooperation with Colombia than we do with Venezuela in regards to overflight right now.

Mr. MICA. Admiral.

Admiral BARRETT. Sir, the Customs aircraft that we saw in the slide was under our tactical control when they were doing that detection and monitoring. And what happens is every time, when the suspect target goes back toward South America, we notify both Colombia and Venezuela, through our op center to their op center, and request permission for overflight. Basically, since June 1999, President Chavez has directed that we are not granted overflight. So basically the Venezuelans work with us in that they launch their F-16s to try to interdict the suspects, but it's like a needle in a haystack. Unless you have a direct handoff, these are light aircraft, as you saw, flying at low altitudes with no lights at night. It is almost impossible to interdict them.

Basically, we also work, as a followup, always, if we get a side number of an aircraft and it is a Colombian aircraft, we report that to the Colombian Air Force, and maybe that night they will land in Venezuela, but within a day or two we've had three or four aircraft that popped back into Colombia and the Colombian Air Force have seized the aircraft the following day or when they come back.

So we do followup on that, but we have not been successful getting permission from Venezuela for overflight clearance, and it is a political issue right now.

Mr. MICA. What has the State Department done as far as pursuing this with Venezuela? Are you aware, Ambassador Steinberg?

Ambassador STEINBERG. Mr. Chairman, I'm actually not. My brief is Haiti. I will communicate the information—

Mr. MICA. Right. We'll ask that question and ask for a response for the record. We'd appreciate it. It is disturbing.

If you see the pattern of increased flights through that corridor, we have a problem.

My final question is for Customs. This is a pretty dramatic array of seizures since February that you've brought before the subcommittee today, pretty extensive volume of cocaine and fairly sophisticated smuggling operation. Last year, I know we were successful in working with you in getting some IN scanning equipment. Is there any portable equipment available to do a quick check on these hulls? And I understand that that equipment will penetrate some 6 inches of metal. Is that being used, or do we have that technology available to expedite the examination of these? You said you had more than 40 vessels a month coming in and out of there?

Mr. VARRONE. My understanding, sir—and I don't have the technological background, but we don't have the capability right now to be able to scan that vessel in any way, through any kind of x-ray, and make those type of detections, particularly the ones in the keel that are either at the water line or below the water line. So we just have no way of detecting that right now.

Mr. MICA. I think it might be good for us to look at some of the R&D or application of some of that technology in this, because it looks like it is very difficult to detect. They're becoming more sophisticated in their smuggling operations.

You are, although some of these are for sale in sort of a continuous cycle, able to recoup your cost, though, either with money seizures or seizures of these assets.

Mr. VARRONE. Well, most of these vessels, as you can see from the photographs, are fairly—you know, they're valueless to us, because to store them—

Mr. MICA. But, I mean, you're putting them up for auction and you're not recouping then your cost?

Mr. VARRONE. I don't—there's actually a mixed bag. There are some that—the newer ones that are online, and clearly the older ones, the dilemma is the environmental standards to even put them out at sea and make reefs out of them, the costs to make them environmentally—to meet the environmental standards is prohibitive, so, therefore, we're forced with the auction process, and then violators, of course, have the chance to purchase them back at low cost.

Mr. MICA. Admiral, have you talked to General Wilhelm about the Blackhawks for DEA? Has that been a subject of discussion?

Admiral BARRETT. No, sir. The assets that SOUTHCOM has been involved with are basically what has been requested for Plan Colombia. I am not sure that DEA's request has been forwarded to SOUTHCOM.

Mr. MICA. Since Plan Colombia is still under consideration and final station, we need to seriously look at this request, and also, if we have no capability. A glorified escort service is nice, but we need something for an endgame in this whole process. And Plan Colombia will deal with certain things in Colombia, but we also need to deal with outside that parameter by coming from Colombia to be effective.

Well, finally, I would like to congratulate DEA on the Operation Conquistador. In fact, if we could get the staff maybe to work with Mr. Gilman and send those countries that participated a letter of appreciation for their cooperation. It's going to take a multi-national effort and continuous exercises like this to go after this, plus some type of stability in Haiti, or we will see that country fall to corruption. It is well on its way, and, given the poor conditions of the country—the poverty, the corruption, we could face a disaster there, and it's heading in that direction.

We've also expended an incredible amount of money. I think if we took the amount of money and divided it by Haitians, it would probably buy them all a condo for what we've put down there, so it is extremely frustrating to see those kind of resources and not the results we expected.

There being no further questions of this panel, I'll excuse you, but we will be submitting additional questions. We'll leave the record open. Thank you.

Our second panel is one witness, and it is Mr. George Fauriol, who is with the Center for Strategic and International Studies. I call Mr. Fauriol forward at this time, if the staff could please adjust the witness table.

Again, we would like to welcome this witness, the only witness on this second panel, who is with the Center for Strategic International Studies.

Welcome. This is an investigations and oversight subcommittee, panel of the House of Representatives. In that regard, we do swear in our witnesses.

[Witness sworn.]

Mr. MICA. Thank you.

I'd like to welcome you now this afternoon. Thank you for your patience. We have been looking forward to having your testimony as part of our record, and I'd like to recognize you at this time. Since you are the only panelist, we won't run the clock, but we invite you to submit to the subcommittee any additional material, data that you think would be pertinent to your testimony in this hearing today.

You are recognized, sir. Welcome.

**STATEMENT OF GEORGE FAURIOL, CENTER FOR STRATEGIC
AND INTERNATIONAL STUDIES**

Mr. FAURIOL. Thank you, Mr. Chairman. I did submit a statement to the committee.

Mr. MICA. And without objection, the entire statement will be made part of the record.

Mr. FAURIOL. Thank you, sir.

In my written testimony I argue two general points, which in many ways were substantiated by the discussion of the first panel this morning—lots of questions and all sorts of partial or impartial, difficult answers.

First observation is I think many assessments of Haiti's difficulties are often explained on the basis of a timeline that seems to be fluctuating. Comparing the year 2000 with the embargo years is probably not the right judgment. The comparison should be between the year 2000 and 1994–1995, which, after all, is after the return of President Aristide back to office and the remarkable international involvement in Haiti's democratization and economic reconstruction process.

There is, related to that, also, I think, a premise which is often implied, not mentioned specifically, which is that Haiti's narcotics problems, Haiti's democratization problems, Haiti's economic problems, in general, are an emerging problem. In fact, the title of today's hearing uses that word.

Again, I think many in official positions have a tendency—perhaps unwillingly. I'm not accusing them of suggesting otherwise—that this is—the issue of emerging drug threat, in fact, is an emerging political crisis, an emerging collapse of democracy. It didn't begin yesterday. This is something which is the product of

a cumulative lack of policy direction and results over a period of several years—certainly since 1994 or 1996.

So two general comments, and I will just leave it at that for my oral comments, sir.

First, I think at this juncture United States policy toward Haiti is losing credibility fast. It is losing credibility, I think, among Americans, in general, for those who are watching this process, and it is probably losing credibility internationally. After all, the United States is the lead player in Haiti, and I suspect that other countries are watching carefully what the United States is doing or not doing.

Most of the priorities stated as anchors to U.S. policy—Ambassador Steinberg referred to them in passing this morning—have really undergone limited progress or, again, are worse off now than they were in 1995 or 1996. This includes democracy, human rights, and institution building, alleviation of poverty. I think most observers would argue that Haitians are, at best, not better off, and probably worse off now than they were some years ago.

You've heard that the flow of drugs through Haiti is worsening rather than improving. There may be some argument that the management of the illegal migration and refugee movement from Haiti to the United States has become a manageable process, but I think that is a very narrow issue to judge United States-Haitian relations.

And overall linking Haiti up with the region's democratization and economic growth trends has obviously been disappointing.

My second general point is that the Haitian Government leadership, in the context of this environment, is, I think I would argue, acting generally in bad faith in its relationship with the United States and the international community, and I think, arguably, bears considerable responsibility for Haiti's current problems. After all, they were elected by the Haitian people in 1995 and, therefore, should bear some of the responsibility for the current stalemate, including the political stalemate which, again, doesn't date back to early March, it dates back to the elections of April 1997, as well as the collapse, if you will, of Haitian governance in 1998—in 1999.

In effect, United States policy, as well as Haitian Government behavior, should be held to a higher standard. This applies to both the democratization process, as well as to the drug trade. We are here in April 2000, and published reports—much of it, in fact, coming from United States Government sources—have been documenting the worsening situation in Haiti for several years.

In other words, the current crisis circumstances in United States-Haitian relations should not be a surprise to anyone and only underscores, I think, the unwillingness of our own administration to come clean with the failings of policy toward Haiti since 1995.

As you, yourself, noted in your opening statement, as Chairman Gilman also noted, considerable resources have been spent. Arguably even almost more importantly than that, considerable energy, enthusiasm, and prestige of the United States have been spent in this enterprise, and ultimately there is very little to show for it.

Let me just add one or two additional comments, if I may, sir.

In the last several days, the last 10 days to 2 weeks, the situation has worsened considerably in Haiti, and I think this is an important backdrop, if you will, to any consideration of the narcotics question, as well as, more broadly, the democratization process.

As already noted, the offices of opposition parties have been burned down, and not only burned down, but in several other cases other party headquarters have been attacked. There seems to be an orchestrated set of attacks on media outlets. Beyond the assassination of a well-known radio station owner and political commentator, there have been attacks on a number of other radio stations in the last several days.

The head of the Chamber of Commerce, many in the business community associated with last year's so-called "May 28th call for democratic renewal" led by the private sector, and many of those have now fled Haiti.

I note this in part because there is still a discussion of whether Haiti can have elections some time over the next 60 days, and I am increasingly skeptical that the overall security environment and certainly political process is likely to ultimately make that election not only a success, but let alone even possible under present circumstances.

Finally, in my written statement I also note certain degree of nervousness about some of the proposals that are beginning to appear that suggest a revisiting of formal sanctions, economic sanctions toward Haiti, specifically those being discussed, for example, through the Organization of American States.

I am nervous for two reasons. One of them, the last time that those sanctions were used in the early 1990's, it took not only several years for Haiti to recover from it, but it also took the international community, including the United States, in particular, considerable military, diplomatic, and economic resources to ultimately come out of that particular process. Therefore, I am skeptical that this should be really discussed so early in this crisis.

Second, I am also skeptical because I wonder whether the administration, itself, has actually an integrated strategy regarding these multiple issues that are our part of the Haitian agenda—democratization, narcotics, judicial reform, and several other key aspects of the challenge that we face in Haiti.

Thank you, Mr. Chairman.

Mr. MICA. Thank you for your testimony.

[The prepared statement of Mr. Fauriol follows:]

Statement of Georges A. Fauriol
Director, Americas Program
Center for Strategic & International Studies
Washington, D.C.
Before the House Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources
April 12, 2000

The New Haitian end-game¹

U.S. policy on Haiti is collapsing and there is a need for Congress to re-impose some discipline. The United States intervened in September 1994 with 20,000+ troops along with a complex UN-mandated coalition to return to Haiti deposed president, Jean-Bertrand Aristide. The strategic marker for this remarkable action was the return to democratic governance.

Fast forward to April 2000: local and parliamentary elections scheduled for March 19 have been postponed, even though until recently most Haitian and U.S. officials were insisting that everything was on track. Haitian President, Rene Preval and the Haitian provisional election commission (CEP) are arguing over authority to reset the electoral calendar.

Haiti is now a country where elections are not held on time, results are not credible, foreign aid is wasted or simply not spent, the economy is wide open to the drug trade, the president of the country rules by decree, political intimidation is widespread, the *new* national police kills, and the government has invited Cuban technical advisers.

This sequence of events leads me to two general observations. First, for all practical purposes, senior Haitian executive leadership appears to be barely functioning. Second, there is little credibility left in U.S. policy efforts. What is happening here?

¹ Some of this analysis draws from my recent *Wall Street Journal* editorial (March 17, 2000), attached.

Washington's rhetoric alludes to five priority areas, with little if any progress in most of them: democracy, human rights, institution building; alleviation of poverty; countering of drug flows; management of illegal immigration; and linking up Haiti with the region's democratization and economic growth trends. Yet, the *unstated* strategic assumption is that Washington's interest in Haiti is measured by stability, not democracy, hence a policy posture that is satisfied with the low outflow of refugees rather than high Haitian voter turnout.

Washington is desperately attempting to keep on track a wobbly Haitian electoral strategy on the record of successively worse efforts since 1995. Specifically, the Administration's tactical imperative is to sanction this spring's Haitian electoral exercise as a stepping-stone to make credible a presidential election at the end of this year.

The subtext to all of the above involves Aristide, his influence over current events, his motivation regarding any upcoming elections, and the presumption that all political scenarios ultimately come back to him. Although his role is probably exaggerated, for U.S. policymakers Aristide appears to have become the past, the present, and the future. They are boxed in.

Item: The 1994 intervention consumed about \$1.5 billion-plus of U.S. taxpayer moneys in FY94-95. The intervention also triggered a \$1.2 billion multinational reconstruction effort, which ground to a halt in 1996 with the Haitian government's dismal record of necessary reforms (including privatization) and budgetary oversight. For an *average* of about \$6 million/year in direct U.S. support since 1995, each successive election [two in 1995, one in 1997] has generated a lower voter turnout (less than 5 percent in 1997--the same as with the 1988 elections run by the military). More remarkably considering the scope of the effort, there are no verifiable final vote counts, no permanent voter registration record, nor electoral machinery institution building ensuing from any of these elections.

Item: Haiti has opened up to Colombia's narcotics traffickers, and widespread contraband, that is damaging legitimate business—let alone U.S. investment. The country is reported to account for the transit of about 13 percent (or more) of all the cocaine reaching the United States, which may

be 2-4 times the rate of the international embargo years (1991-94). Haiti was recently "decertified" by Washington for failing the annual narcotics policy cooperation test, yet protected from its implications by a White House "national interest" waiver.

Item: What is keeping Haiti's political system from going off the rails is the surprising resiliency of a battered opposition and civil society that will not quit. This includes former Aristide tactical partners (most notably the OPL, the country's second largest political block) as well as new actors (Mochrena, linked to a growing grass-roots protestant constituency, claims major party status) and struggling moderate party coalitions (the Espace de Concertation the most durable so far). U.S. policy leadership has generally been openly skeptical of their credibility, lending credence to the perception of many Haitians that Washington has had no other game than Aristide's. The media remains surprisingly vibrant if under constant barrage of conflicting pressures, as the assassination last week of Radio Haiti Inter owner and political activist suggests.

Item: The real story behind the delayed March 17th elections--*delayed since November 1998*--is a Haiti governed by presidential decrees and operating with a government led by a *de facto* prime minister never constitutionally approved. Democracy? President Rene Preval, a weak if cunning Aristide protégé, shut down the national parliament last year in the wake of 18 months of skirmishes over the nomination of a Prime Minister. Petty rivalries? No. The previous Prime Minister, Rosny Smart, had resigned after refusing to legitimize the bogus April 1997 elections.

Item: An amazing aspect of post-94 politics relates to senior figures that have gravitated toward Aristide, an intriguing cast of individuals with apparently U.S. law enforcement, DEA, and Interpol files--untouchables as suggested by a February *Miami Herald* story. Some are graduates of the disbanded Haitian military and also candidates for parliamentary seats. The notables include Danny Toussaint, linked in media reporting to the Mireille Durocher Bertin assassination case in 1995, Fourrel Celestin, Aristide's failed police chief nominee in 1995, Serge Calvin, *political commissar* of Fanmi Lavalas and brother-in-law of President Rene Preval, Milien Romages, reportedly implicated in the assassination of pastor Leroy of the MDN party. This

image conflicts with the socio-political dynamic heavily promoted—in Haiti and the United States-- in the wake of Aristide’s return in 1994 of a Haiti governed by civilian leadership free of the military past.

Item: The judiciary and the related law enforcement structure are by all accounts barely functioning despite heroic efforts by the United States and other donors. A non-functioning judicial apparatus is therefore not much of a counterpart to a highly politicized *Haitian National Police*--a police whose ranks appear to be evaporating, down to about a 4,000-strong force from 6,000 two years ago. The original vetting process for new recruits laboriously set up in 1995, let alone a reasonably effective command structure, has been penetrated politically. This led last spring to several weeks of public pressure on Haiti’s law enforcement leadership, triggering the resignation and exile of the key public security official (Robert –Bob—Manuel). The HNP’s chief, Pierre Denize, even if originally well intentioned, is at best a weak actor and at worst a political instrument of the shenanigans of current and past occupants of the presidential palace.

The U.S.-Haitian policy environment has generated a form of "you know that he knows, that he knows you know" kind of round-robin policy consideration. There is an uneven and at times awkward structure to U.S. diplomacy directed mostly at Aristide rather than the Preval government (at least until recently) or the opposition. This structure has at least three layers: the Department of State and the U.S. Embassy (with only a "super-Charge d’Affaires" in place presently); the Special Haiti Coordinator (Ambassador Donald Steinberg); and an occasional private envoy (former NSC chief, Anthony Lake). Some would add a fourth layer, composed of miscellaneous intermediaries, including congressional visits. I believe this in part explains late last year’s resignation of our career ambassador (Timothy Carney), who left essentially out of frustration with a Washington political machinery captured by its own multiple scripts.

Admittedly, this sounds like "inside the Beltway" considerations but may have some effect on the effectiveness of Washington’s response. This is what I mean in the opening sentence of this statement when suggesting a need to re-impose policy discipline. There are too many cooks in

the kitchen. This is fundamental to a Congressional-Executive branch foreign policy engagement with a modicum of bipartisan support to address the difficulties in U.S.-Haitian relations.

◆It has become difficult to support a policy so wasteful in resources and missed political opportunities. Haiti's problems are not insurmountable but they require support of democratic and modernizing forces. Continuing flawed elections strategies in an environment led by discredited national leadership and institutions is not in the U.S. interest. Washington should be more demanding, not only for its sake but also that of Haitians.

◆As a result I support the continuation of the various congressional “holds” on assistance to Haiti. However, I would also attempt in this interim to reconcile or streamline the various congressional resolutions, amendments, restrictions, and waivers that confuse—at least from the public’s perspective— what the United States is actually trying to do, and how U.S. resources are being spent.

◆Haiti is close to being ungovernable so I would be cautious regarding implied sanctions. I agree that serious problems require serious solutions but I do not get the impressions that the Administration is working from well integrated strategy—let alone one where the United States is not the only country holding the bag. While the most senior Haitian leadership is acting with what appears to be extraordinary bad faith, I am not certain either that this same leadership controls the ship of state all that strongly. In any event, the paths down the road of U.S. or multilateral sanctions (OAS 1080 for example) are paved with good intentions and catastrophic results for Haiti’s recent experience. Congress should be extremely vigilant.

◆ The electoral underpinnings of the current crisis suggest a need to assess U.S. spending in this area since 1995. Future actions to break the political logjam in Haiti are anchored to pursuing effective electoral assistance strategies. Even a casual observation of Haiti’s recent electoral experience suggests that the international community should bear *some* of the responsibility and be accountable for the dismal failure of the effort. This review should include not only a public accounting of resources but also of agencies and programs involved to pursue what appears to be a cumulative waste of funds.

Mr. MICA. I'm pleased that you could join us today to give us your perspective. I think you very astutely analyze this situation that we find ourselves in, and it didn't occur just today. It has been something of a series of bad policy decisions from the very beginning, probably since 1994.

Personally, I strongly oppose the imposition of the economic embargo, which did an incredible amount of damage. Although you said it took several years to recover, I don't think they've recovered yet, having been involved in trying to help develop business there in the private sector. But for the fall of the government, we now have almost the entire island sort of left to a welfare state and the international donors keeping people alive at the lowest common denominator level. Business has fled. Very little business has returned. The instability is almost impossible to overcome. I'm not sure how you dig yourself out of this situation.

That really is my question. How would you even begin to put the pieces to this puzzle back together when we've had one disastrous policy initiative, failure of assistance programs? Where do you start? Do you have any ideas?

Mr. FAURIOL. Two or three ideas, sir, some here and some in Haiti.

First, I think there is a need—this may sound symbolic, but I think it is important—there is a need to have Haiti's most senior political leadership—in specific, the President of the country and some of his immediate associates—I think former President Aristide should be counted in that group, also—actually state formally, publicly in Haiti—not in Miami, not in New York, not in Washington, not elsewhere—to Haitians that they actually are behind a credible open political process and elections that will involve the entire Haitian political community.

I'm not suggesting that these statements may not have been said in the past, but I am struck by the lack of involvement and profile and enthusiasm that the Haitian political leadership is demonstrating in the middle of a crisis which has been ongoing now for several years.

I would assume that that message has been conveyed by our own leadership, but clearly that message hasn't had much impact; yet, I think this is really in some ways a marker. Unless that happens, Haiti in some ways may be left to its own devices, and that may be part of my second answer, which is, unless there is a clarification of Haitian political intentions regarding the democratization process and the election process fairly soon, I'm not quite sure exactly how one can, in fact, sustain a relationship with a government that is uncooperative with not only the United States but other governments, and let's not forget also other international financial institutions. The World Bank and others have more or less conveyed their dissatisfaction with Haitian economic management now for several years in a row.

So I guess my second answer is not a very satisfactory one for you, sir, but is, in fact, a potential call for some thinking that, in effect, is going to look at Haiti as an uncooperative nation, but one that doesn't imply a series of sort of an open-ended formal economic sanctions or other kinds of sanctions, but instead treats Haiti on a case-by-case basis.

We identify our interests and we try to work with Haiti as best as we can in the narrow focus of our interests. Narcotics may, for example, be one area, even though we don't seem to be very successful at it.

That may mean that in some areas we may not be able to work with Haiti at all, including support of what is clearly a flawed election process.

It may, however, mean that we should be able or might be able to continue continuing assistance and support and working with non-governmental institutions in Haiti, or trying to encourage the private sector to remain alive in Haiti, although even that doesn't look very encouraging under present circumstances.

So my second answer really is a selective identification of what the United States ultimately thinks is important, and simply to focus on those issues.

Mr. MICA. Well, we've also been unsuccessful in trying to build some of the institutions. The judicial institutions, the law enforcement are two abysmal failures. We have probably as much disruption, killing, lack of enforcement as they had prior to 1994, and now we have a situation where we have a breakdown of the judicial systems that deals with crime, corruption, drug trafficking, prosecutorial end of any of this.

What went wrong? And any ideas as to how we correct this and move forward after spending a quarter of a billion dollars just in that area?

Mr. FAURIOL. I think it was either in one of your questions or perhaps in the answers from the first panel. There was a reference to the vetting process. I think in some ways that may be the—

Mr. MICA. Important.

Mr. FAURIOL [continuing]. Important, and the most important issue, and that happened early on in the process. I'm not an expert in this issue, but clearly—

Mr. MICA. Sounds like we need to vet some of our own vendors and contractors when we have a disbarred attorney that was charged with defrauding the U.S. Government. We have someone who doesn't appear to have the credentials to be leading a program of this magnitude or complexity. Something is wrong.

Mr. FAURIOL. It is a vetting process in the contracting world of how things were done in Haiti. It's also vetting—

Mr. MICA. How about vetting the Haitians involved in this?

Mr. FAURIOL. Right.

Mr. MICA. But—

Mr. FAURIOL. After 1996 into 1997, the impression I got was that the entry into the recruitment process into the Haitian National Police became politicized. That should have been early on a marker for our own officials that things were getting off the rails. What is remarkable is that 3 or 4 years later we are finally coming to that admission, and I think the damage has now been done.

I don't see, frankly, a lot of future in the Haitian National Police in the present circumstances.

In my written statement, I mention that, in fact, it is an evaporating police force. It nominally should have probably had a force of somewhere around 6,000. I argue that it is probably close to 4,000. I've heard lower figures than that. I don't think anyone

actually knows. We don't know. The Haitians don't know. It could be as low as maybe 2,500.

Mr. MICA. Well, we're still going to be involved in Haiti, and if you were crafting an assistance program to Haiti, what would be your priorities and how would you approach from this point forward saying that we could get some free elections at some point?

Mr. FAURIOL. I would start again, maybe all over, with the electoral assistance program. In fact, one of the suggestions that I make in my written statement is that there would be some form of an assessment of what we've done and, quite frankly, the institutions that have been involved in that process have some lessons learned in that process.

Second, I think some of that assistance—although I realize there may be some restrictions or legislative limitations, some of that assistance perhaps should be more broadly distributed to a broader series of institutions in Haiti that are involved in civil society. Political parties, various kinds of civil society organizations and the media, the private sector, who I think has fought a good battle, overall, in Haiti—not perfectly, but has been active in recent years in support of the democratic process—should also be encouraged, and there are probably mechanisms and institutional arrangements that the United States can work with that do not purposely bypass the Government, but, under present circumstances, at least provide support to institutions that have committed themselves openly to the democratic process.

Second—and this is maybe easy for me to say as an outsider, and maybe, as I describe it in my written statement as sort of inside the beltway kind of comment, there must be a better way of interacting with Haiti than what we have under present circumstances.

I realize that there is complexity in the American government, but this is an ultimately hopelessly confusing, multi-layered series of messengers conveying priorities and ideas that supposedly come from the U.S. Government, and I think it allows the Haitian local leadership to play off one message against another, one perception off another.

I would administratively—but I think it has policy implications—streamline so that there is, in fact, a central senior corps voice that speaks on behalf of United States/Haitian relations, rather than what we have now, which are multiple avenues of interaction.

Third, I think there is, in some ways, a public diplomacy role. I realize that that word maybe conveys messages of the 1980's, but those were actually successful messages, in a way—that is, in a context of United States-Haitian relations, I think, an important message that both the executive branch and, to some degree, I think Congress can play in conveying to the American people that this is, as I think you implied in your question, not a passing issue for the United States. It is a permanent part of our foreign policy agenda, which has domestic policy implications, and it should be viewed, in effect, as sort of a public diplomacy kind of campaign involving every opportunity for every public official in the U.S. Government to underscore the importance of a stable and viable Haiti to the United States and to a Haitian-American community which is also significant here in the United States.

I would at least begin, if you will, with those general markers which, frankly, at this point are lacking.

Mr. MICA. Well, let me mention some areas, and I'd just like your candid assessment as to where you think we are versus 1994 vis-a-vis progress in Haiti as far as democracy, democratic institutions.

Mr. FAURIOL. The overall climate has deteriorated since 1994-1995.

Mr. MICA. Human rights?

Mr. FAURIOL. The level of violence and what could be described as political attacks is on the increase in comparison to 1994, certainly 1995.

Mr. MICA. And poverty, the economic conditions of the people of the country, your estimate?

Mr. FAURIOL. The numbers that I've seen, for whatever it is worth—although much of this doesn't really affect the average Haitian—the per capita is somewhere in the \$250 range a year. That has remained more or less stable in the last several years.

I think, overall, most Haitians are certainly, at best, no better and probably worse off, and particularly when compared to the expectations I think that many Haitians, rightly so, had after the return of democracy, at least of governance, democratic governance, to Haiti after 1995.

Mr. MICA. Finally, I'm not sure if you have any expertise or specific knowledge in this area, but the recent attacks that we've seen on the media, the opposition, and others, are there any links, to your knowledge, of drug traffickers involved in it?

Mr. FAURIOL. I don't have any—

Mr. MICA. Specific knowledge?

Mr. FAURIOL [continuing]. Particular evidence. My only comment is that I see a pattern, if you will, a pattern of destabilization, of what some call "decapitalization," if you will, of civil society. People are being essentially scared away from participating in a process. Whether they are journalists, politicians, business leaders, or simply the average citizen, that constituency, which is basically much of Haiti, is being scared away, and clearly some of it has to come from a pervasive environment which allows not only drug trafficking, but overall sort of contraband, illicit activity, criminal organizations to run rampant in and out of Haiti, and that clearly sets, if you will, a tone where these kinds of incidents become not only a regular occurrence, but I would argue the most dangerous feature of this assassination is that basically no one can pinpoint their finger as to who is responsible for this particular action. That is, in some ways, a clear indication of a situation which is on the verge of being out of control.

Mr. MICA. Well, as you can tell, we have some serious concerns about what has taken place as far as our policy, as far as administration of programs, as far as effectiveness of U.S. attempts to aid this country, and particularly the focus of this hearing today is now the increasing corruption, violence brought about by drug trafficking and total deterioration of the situation in that country.

We've expended a tremendous amount of American resources or international resources. As you said, credibility is stretched beyond almost the point of no return here. It has become the basketcase now of the entire hemisphere, and probably one of the saddest

chapters of any country in the world, particularly given the resources that have been poured in.

We do appreciate your perspective, your expertise, and your testimony today.

With that, I'll excuse you.

There being no further business to come before this subcommittee at this time, upon unanimous request, we will leave the record open for 2 weeks and submit additional testimony, questions to the witnesses, and leave the record open for that period of time.

This hearing of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources is adjourned.

Mr. FAURIOL. Thank you.

[Whereupon, at 12:44 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]



Haiti

Questions for the Record Submitted to
Special Haiti Coordinator, Ambassador Donald K. Steinberg
By Chairman Mica
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000

Question:

The Senate Foreign Relations Committee reportedly suspended foreign aid to Haiti due to the country's confiscation of a U.S. owned company. Please explain whether U.S. businesses and citizens are now at risk in Haiti. What specific benefits have resulted from the \$2.2 billion in assistance provided by the United States to Haiti in recent years? Explain what steps are being taken to ensure that future assistance is not squandered.

Answer:

About a dozen U.S. firms continue successfully to do business with Haiti, particularly in the field of textiles, apparel, and footwear, and in the food sector. Two-way trade in 1999 was over \$900 million, up from \$810 million in 1998. U.S. businesses and citizens do not appear to face greater risks than other foreign nationals or even Haitians, but they are equally vulnerable to problems associated with a worsening security situation, deteriorating national infrastructure, and an often-capricious judicial system.

While the U.S. has spent some \$2.2 billion in Haiti since the restoration of democratic government, it needs to be underscored that much of that sum went to the deployment

of military forces. Whereas U.S. developmental activities from 1995 to 1999 cost about \$746 million.

For this \$746 million, we have helped 225,000 farmers adopt sustainable agricultural practices, trained some 6,000 primary and secondary school teachers, supported hundreds of grassroots organizations in the health, environmental, and public advocacy sectors. Our population program reaches women in rural areas and has doubled the use of modern family planning practices to 26 percent in the areas in which it operates. Our food security program feeds daily some 500,000 of Haiti's schoolchildren. Our health care program supports access to primary health care services for nearly half the population and promotes child immunization.

From 1995 to 1998 U.S. assistance set out to 1) restore civil order and institute democratic systems and processes in Haiti; 2) stabilize the Haitian economy; and 3) provide immediate humanitarian relief to improve the quality of life for the average Haitian. FY1998 marked the transition from providing humanitarian relief to focussing on nation-building, with continued emphasis on human development, economic growth, and preservation of civil order.

Like USAID programs worldwide, our assistance to Haiti is managed in adherence to strict accounting and program guidelines. The General Accounting Office is currently conducting a review of U.S. assistance to Haiti since Operation Restore Democracy. Its results should be available shortly.

Questions for the Record Submitted to
Special Haiti Coordinator, Ambassador Donald K. Steinberg
By Chairman Mica
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000

Question:

What is the State Department's assessment of the results of the massive funding (reportedly at least \$200 million) by the U.S. to promote the "rule of law" (police and judicial improvements) in Haiti? Describe all measures of results. What indicators are there that these initiatives have been effectively administered? According to a major television network program, USAID awarded the Haitian justice reform program contract to a Washington, D.C. based consulting firm. The individual chosen to run the program reportedly held a degree in "international agriculture." Is an agricultural degree an appropriate qualification for managing a "rule of law" program? A subcontractor hired to oversee significant legal reforms, such as pretrial detention issues, reportedly was a disbarred California lawyer with several felony convictions, including a conviction for defrauding the U.S. government. Explain how these people were selected as contractors for USAID. What changes occurred as a result of this faulty contracting process? Are adequate safeguards now in place to prevent inappropriate contractor and subcontractor hires? Explain.

Answer:

From 1995 to 1999, USAID made available \$25.7 million for its Administration of Justice program to address the most severe deficiencies of Haiti's justice system. Activities focused on training present and future judicial personnel (judges, prosecutors and clerks), improving case-tracking and case-management techniques in Haitian courts, and providing legal assistance to Haitians who cannot afford lawyers.

The problems confronting reform of Haiti's judicial system are daunting. By 1994, after three years of de facto military rule, the Haitian justice system was virtually nonfunctional. It lacked independence from the other branches of government, jails were filled beyond capacity, judges were ill trained and overburdened, case tracking was haphazard and unreliable, and legal aid was virtually nonexistent.

Against these immense challenges, the USAID justice project has achieved the following results:

- A judicial training school (*Ecole de la Magistrature*) was established;
- Nearly 500 justices of the peace, court clerks, paralegals, lawyers, prison detainees and law students received basic training in substantive law and procedure;
- A judicial mentoring program has enhanced judge-craft skills in 23 justice of the peace courts;
- A paper case-tracking system has been installed in the prosecutor offices of ten model jurisdictions, and case registration has been established in 83 of 180 justice of the peace courts;
- Construction and renovation at the National Penitentiary resulted in decreased crowding and improved sanitation;

- Computerized inventory and intake procedures have been established at the Penitentiary, which create reliable prisoner records and promote adherence to the legal procedures of detention;
- More than 14,000 indigent detainees and 6,000 poor rural citizens received legal services;
- More than 52,000 Haitians were educated on the legal process and their rights;
- A pilot community-police relations program was initiated in four urban centers, decreasing the population's longstanding distrust of the police.

Checchi and Company Consulting (Checchi), a leading contractor to international development agencies in the field of legal institutions was chosen to run the USAID Administration of Justice (AOJ) program in Haiti. It has been the lead contractor for rule-of-law (ROL) efforts in El Salvador, Guatemala and Nicaragua and has worked on joint ROL projects in numerous other countries. Checchi's Chief of Party (COP) of the Haiti AOJ was Mechell Jacob who served in this capacity from January 1998 until the project ended in August 1999. The COP position, which was more administrative than technical, was supported by several attorneys, both Haitian and international, throughout the course of the contract. Mr. Jacob who holds a B.S. in business from the

University of Minnesota and an M.P.S. in international agriculture from Cornell University brought to the position management experience in human rights and legal services, as well as in grant management and program implementation, which when combined with his command of both French and Creole, made him the leading candidate for the COP position.

USAID institutional contractors — Checchi and Company Consulting in this instance — are required to conduct all necessary background checks on key personnel, which USAID reviews. USAID does not routinely conduct its own background checks on all employees of USAID institutional contractors and subcontractors. The person in question was not a USAID subcontractor, but was hired in August 1995 directly by Checchi as a consultant, to provide technical assistance on case management, as part of the USAID AOJ program in Haiti. Upon learning in April 1996 that he had falsified his Checchi application, he was judged unsuitable for a role in the USAID AOJ program and was forced to resign. No documented harm has been attributed to the work the consultant performed during his tenure with Checchi.

USAID and its institutional contractors remain vigilant that qualified and appropriate people are retained to carry out USAID-funded activities.

Questions for the Record Submitted to
Special Haiti Coordinator, Ambassador Donald K. Steinberg
By Chairman Mica
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000

Question:

According to a Washington Post article (April 7th), "the Clinton administration's current position is that Haiti must permit a vote and the seating of a new parliament no later than June 12 - or else risk both the loss of foreign assistance and diplomatic isolation." Is this an accurate or an idle threat? What specific plans does the U.S. have for monitoring and assisting in upcoming elections to ensure the safety of votes and voters? Is violence expected?

Answer:

Haitian President Rene Preval signed an official decree April 18 scheduling the two rounds of legislative and local elections for May 21 and June 25. Although this schedule precludes seating a Parliament by June 12, he has assured the international community that the Haitian parliament will be seated promptly with full constitutional powers after these elections. We continue to make clear that failure to hold credible elections soon will risk isolating Haiti from the community of democracies and jeopardize cooperation. This is not a threat, but a statement of fact. We are working with the OAS and with the UN Secretary General's "Friends of Haiti" (U.S., Canada,

France, Venezuela, Chile, and Argentina) to reinforce this message.

The U.S. has provided a great deal of support to help ensure that prompt and credible elections are technically and logistically possible. Essential to this effort is a robust international observer presence. We are now working with four potential delegations of observers, including a proposed Congressional delegation, to travel to Haiti before the first round. Included in our electoral assistance was \$500,000 in start-up funding to the Organization of American States (OAS) for an international Elections Observation Mission to monitor the preparations for and conduct of the elections. We have regrettably been unable to provide an additional \$1.3 million required for this mission due to a congressional hold. Without additional funding for the OAS, the U.S. and international community will not be able to monitor these elections effectively.

In addition to our continued support for the Haitian National Police (HNP) through the Department of Justice International Criminal Investigative Training Assistance Program (ICITAP) and consecutive United Nations police training missions, the U.S. is providing about \$2 million for riot gear, communications equipment, and leased

helicopters to enhance the capabilities of the HNP during the elections. We continue to encourage cooperation between the HNP and Provisional Electoral Council (CEP) in implementing a comprehensive plan for elections security.

Regrettably, Haiti has a long history of elections-related violence, and the current disturbing level of violence is comparable to that of the period prior to the 1995 presidential elections. The run-up to these elections has been marred by a number of apparent political killings, intimidation and threats against candidates, journalists and electoral officials, and acts of vandalism and arson. The U.S. condemns the present violence and has insisted that the Haitian government and HNP fulfill their constitutional duty to protect the free expression of political beliefs and to bring the perpetrators of violent and criminal acts to justice. We have also called on all political leaders to decry such acts and insist their followers adhere to the "Code of Ethics" which all the major parties have signed.

Questions for the Record Submitted to
Special Haiti Coordinator, Ambassador Donald K. Steinberg
By Chairman Mica
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000

Question:

Port-au-Prince's former police chief, Lt. Col. Michel-Joseph Francois was indicted in the U.S. in 1997 for narcotics transportation and distribution. He reportedly fled to Honduras. Please explain in detail all U.S. efforts to bring this person to justice, and whether such efforts continue. How many unvetted Haitian military personnel have been incorporated into the Haitian national Police (HNP)? Describe current vetting practices, including who is responsible for placing unvetted hires into the HNP. Are there ongoing U.S. drug trafficking investigations of current Haitian officials and their political allies? Explain.

Answer:

The United States has pursued the extradition of Joseph Michel Francois through the Honduran legal system. On April 16, 1997, a Honduran judge denied the U.S. extradition request for Francois stating that Francois was in Haiti, not in the United States, when the crimes were committed. On July 22, 1997, the Supreme Court of Honduras upheld the lower court's decision and denied the United States' request for extradition. The Administration has repeatedly argued to the Honduran authorities that these

legal decisions were based on an erroneous interpretation of the United States-Honduras extradition treaty. The Department of State, along with the Department of Justice, considered other possible options to see that Francois is turned over to the United States. None of the options considered have been successful. However, the case remains active and the Administration remains committed to seeing that Francois is brought to justice in the United States. We understand the Department of Justice has submitted a more detailed answer to this question.

The HNP report that 1,029 members of the former Haitian military are members of the HNP. The State Department understands that these members were "vetted" by the former United Nations International Civilian Mission in Haiti (MICIVIH) for human rights abuses. New entrants into the HNP complete a background questionnaire as part of their application and those who pass the competitive entrance examination for the police academy must also pass medical and physical fitness tests. At present, the counter-narcotics unit of the HNP is considered a "vetted" unit, i.e. polygraphed by DEA and background checked prior to acceptance within that unit.

The investigation of alleged involvement of current Haitian officials is the responsibility of the Drug

Enforcement Administration. The Department of State understands that DEA has provided a detailed answer on behalf of the Administration.

Questions for the Record Submitted to
Ambassador Don Steinberg
By Chairman John L. Mica
House Committee on Government Reform
Subcommittee on Justice, Drug Policy
and Human Resources
April 12, 2000

5. Military and Law Enforcement Equipment and Assistance
Requests

Question:

Please detail specific military and law enforcement equipment (including specific numbers and types of helicopters, e.g., Blackhawks) and training requests for assistance to Colombia, Haiti, and U.S. interdiction efforts for responding to aircraft and "go-fast" boats used to smuggle drugs into Haiti. Explain the resolution and status of requests.

Answer:

The State Department, through its Bureau for International Narcotics and Law Enforcement Affairs (INL), provides equipment and training to GOH law enforcement agencies engaged in drug interdiction, including the police anti-drug unit (the *Bureau de Lutte Contra le Traffique des Stupefiants* or BLTS), the Haitian Coast Guard (HCG), and the newly established Joint Information Coordination Center (JICC). This assistance is provided through an on-going consultative process, rather than through specific GOH requests. Department-procured equipment already delivered includes vehicles, motorcycles, computers, communications

equipment, drug storage safes, drug test kits, and evidence equipment. One Eduardono "go-fast" boat was delivered to the HCG in 1999 and another is awaiting shipment to Haiti after being refurbished in Miami. The first of three MonArk vessels was delivered to the HCG in 1998, the second in 1999, and the third will be delivered this summer after being refurbished. The GOH has never requested any helicopters from the USG, nor does the Department currently have any helicopters deployed to Haiti.

Over the past three years, the Department's International Interagency Law Enforcement Training Program has approved over \$300,000 in training for Haiti from agencies such as DEA, U.S. Customs, U.S. Coast Guard, and ATF. In addition, the Department is currently in negotiations with U.S. law enforcement agencies to finalize its fiscal year 2000 training program, which could potentially fund over \$100,000 in counternarcotics and law enforcement training for Haiti.

We would respectfully refer you to the Office of Drug Enforcement Policy and Support (DEP&S) within the U.S. Department of Defense for information about military equipment and training requested or provided to Colombia or Haiti.

Questions for the Record Submitted to
Special Haiti Coordinator, Ambassador Donald K. Steinberg
By Chairman Mica
Subcommittee on Criminal Justice, Drug Policy and Human
Resources
April 12, 2000

Question:

What efforts have been made and are being made to ensure that U.S. aircraft are able to pursue drug flights over Venezuela? When and how will this be resolved?

Answer:

We continue to discuss with the GOV, at the highest levels of government, ways to enhance and improve our counter-narcotics cooperation. Recent conversations appear to be making positive progress in addressing our mutual concerns, but the problem has yet to be resolved.

Questions for the Record Submitted to
Ambassador Don Steinberg
By Chairman John L. Mica
House Committee on Government Reform
Subcommittee on Justice, Drug Policy
and Human Resources
April 12, 2000

7. Clinton Administration Policy on Haiti's Emerging Drug Threat

Question:

An article in Foreign Affairs by Condoleeza Rice (Jan/Feb 2000) generally describes Clinton Administration foreign policy as one of "crisis, day by day" with the advantage that "if priorities and intents are not clear, they cannot be criticized." Please state the official Administration policy regarding the Haiti drug crisis.

Answer:

Haiti is a significant transit country for drugs owing to its unprotected coastline, young police force, weak judiciary, and weak customs oversight capability. The USG estimates that Haiti was the first stop for about 14 percent of the cocaine bound for the United States from South America during 1999. To combat this threat, it is the policy of this Administration to 1) strengthen Haiti's existing anti-drug institutions and create new ones; 2) encourage the passage of legislation needed to provide those institutions with the tools they need to fight narcotrafficking; and 3) cooperate with Haiti and the Dominican Republic to interdict drugs on their way in and out of Hispaniola.

Developing institutional narcotics interdiction capability within the Haitian National Police (HNP) remains a USG priority, as does assistance to law enforcement, judicial, customs, and port authorities. The USG is assisting the GOH in the adoption of Caribbean regional initiatives to combat drug trafficking and is cooperating with the Dominican Republic to stem the flow of illicit drugs over the land border.

The USG supports several counternarcotics programs within the HNP, both through the police anti-drug unit (the *Bureau de Lutte Contra le Traffique des Stupefiants* or BLTS) and the Haitian Coast Guard (HCG). The United States Coast Guard (USCG), initially in conjunction with the Canadian Coast Guard, has implemented a program to develop the infrastructure (bases, vessels) and operational capability of the HCG. As an integral part of this program, the USCG has been training and conducting maritime counterdrug law enforcement operations with the HCG almost continuously since 1997. These operations are consistent with the signed but not yet ratified (by the Haitian parliament) maritime counternarcotics interdiction agreement between the USG and the GOH.

In 1999 the USG assisted the GOH in establishing a Joint Information Coordination Center (JICC) at the Port-au-Prince airport. The JICC collects drug

intelligence and disseminates it to GOH anti-drug agencies, to the DEA, and to other countries in the region. In the near future the USG will assist the GOH in establishing new JICC stations at the Port-au-Prince seaport, at Cap Haitien, and on the Dominican border.

The USG is also providing training and equipment to help the GOH establish an interagency Special Investigating Team to work closely with the JICC in developing in-depth investigations of international drug trafficking organizations operating in Haiti.

The absence of a functioning parliament since 1997 and the necessary diversion of scarce GOH resources to provide security during the 2000 election campaign have hampered the counternarcotics effort in Haiti. However, the USG continues to press for approval of a National Counternarcotics Master Plan and the enactment of anti-drug and anti-money laundering legislation. Once there is a sitting parliament to move forward legislation criminalizing money laundering, the USG will assist the GOH in establishing a Special Financial Analysis Unit (SFAU) to detect money laundering and refer cases for investigation and prosecution.

The USG continues to work with the GOH and the GODR on interdicting the flow of drugs through Hispaniola. The U.S. Drug Enforcement Administration has strengthened its presence in Haiti to work more closely with the GOH on improving its ability to combat

narcotraffickers. In 1999 the GOH and the DEA successfully disrupted the operations of the Coneo family, the principal Colombian drug trafficking organization operating in Haiti. The GOH has also participated in regional DEA operations such as "Genesis," "Columbus," and "Conquistador."

Since 1998, the United States, Haiti, and the Dominican Republic have cooperated in joint maritime anti-drug interdiction operations that have disrupted the flow of drugs through the waters adjacent to Hispaniola and resulted in sizable drug seizures.

Since the return of President Aristide to Haiti in 1994, the Department of State, through its Bureau for International Narcotics and Law Enforcement Affairs (INL), has committed \$1.7 million towards counternarcotics programs in Haiti. This is in addition to general police training and development and judicial reform programs. To encourage anti-drug cooperation between Haiti and the Dominican Republic, the Department has already committed a total of \$448,530 in training and equipment, including communications links, to these two countries' border control initiative.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 12, 2000

The Honorable John L. Mica
Chairman
Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are answers posed to the Department in your letter of April 12, 2000. The questions follow-up on the appearance before the Subcommittee of Mr. Carl Alexandre, Director of Overseas Prosecutorial Development Assistance and Training within the Criminal Division. Mr. Alexandre testified before the Subcommittee regarding the emerging drug threat in Haiti.

Thank you for your attention to this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in cursive script that reads "Robert Raben".

Robert Raben
Assistant Attorney General

Enclosure

Response to Questions
from the
House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources

Questions 1 and 3:

On April 12, I testified that "limited progress" has been achieved in reforming the Haitian criminal justice system, and that this progress has been "frustratingly slow" because of the many challenges the Haitian people face in reforming their legal system. They do not have a functioning legislature to reform their antiquated legal codes; there are too few judges and prosecutors to address the country's growing crime problem; judges and prosecutors are ill-trained and poorly paid; and the criminal justice system lacks the resources to function effectively. In the absence of modern criminal law and procedure codes, the U.S. Department of Justice, through its Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), focused on assisting the government of Haiti to professionalize the corps of judges and prosecutors through training and technical assistance. In that regard, OPDAT collaborated with the Ministry of Justice on several activities which have yielded limited results.

From 1995 to the present, we provided technical assistance to the Haitian Ministry of Justice, with funds made available to OPDAT by the U.S. Agency for International Development (USAID). USAID informs us that the amount made available for its Administration of Justice project in the period 1995-1999, both to OPDAT and to private contractors working in the justice sector, was \$25.7 million. Of that amount, OPDAT received \$6.4 million. OPDAT used its initial funding to develop an in-service training program for judges and prosecutors. This is particularly important because, prior to 1995 when the program began, no training beyond law school had taken place in Haiti. Future in-service programs conducted by the Department of Justice will include counter-narcotic and anti-corruption training.

Since 1997, OPDAT has supported a rigorous full-time, long-term training program for new judges and prosecutors. The candidates for the program were selected from a national competitive process, which we helped develop. The first class of 60 trainees graduated in May 1998. The second class of 40 trainees will graduate this fall. We have also supported joint training for judges, prosecutors, and police. These joint training sessions are critical to the development of a culture of collaboration among actors who have investigative responsibilities, as is the case in Haiti's criminal justice system.

Another area in which we have been engaged and which has yielded some results, has been the establishment of the manual case registration and case tracking system for prosecutors' offices in several of Haiti's judicial districts. Prior to the establishment of that system, it was difficult to locate a file or to determine the status of a case. Now, case files can easily be found and the status of cases more easily determined. Moreover, in 1999 every jurisdiction where OPDAT has worked, except Port-au-Prince, met the legal requirement of two jury trial sessions,

whereas two years ago none met this requirement. It is our hope that we can continue to support many of these activities.

Despite modest improvements in the professionalization of the corps of judges and prosecutors, and the establishment of fundamental organizational tools in many prosecutors' offices, many other areas require significant attention. One such area is the unacceptable number of individuals in prolonged pretrial detention.

The number of pretrial detainees is linked to the insufficient number of investigative judges necessary to investigate serious crimes. There are 30 investigative magistrates in Haiti, a country the size of Maryland, with a population of 8 million inhabitants. The level of pretrial detainees is compounded by antiquated Criminal Law and Criminal Procedure Codes which date from the 1830s and provide for the detention of the accused during a criminal investigation. Only in rare cases are accused individuals released from detention on personal recognition or bond.

With respect to the Subcommittee's question on the selection of a Washington, D.C. based contracting firm by USAID, and the qualifications and background of the firm's personnel, the Department of Justice has nothing to add to the testimony already offered by Ambassador Steinberg on April 12 on that subject.

Question 2:

The Money Laundering chapter of the 1999 International Narcotics Control Strategy (INCSR), released by the Department of State last month, and drafted on an interagency basis, lists Haiti as a country of "Concern" from a drug money laundering perspective.¹ The other two categories are "Countries of Primary Concern,"² and "Other Countries/Jurisdictions Monitored." An interagency assessment of Haiti's anti-money laundering regime is located at page 243 of the INCSR, and below follows an extract from that summary:

The Government of Haiti (GOH) has yet to take any concrete steps to fight money laundering; its institutional infrastructure continues to decline; and its young and inexperienced law enforcement system has been unable to effectively combat the rapid increase in drug trafficking, mainly cocaine, through Haiti on its way to the United States. Drug money corrupts police officers, judges, prosecutors, politicians, and financial institutions. Criminals are able to take advantage of the absence of financial regulations and abuse the fragile financial system. Bulk proceeds of cash are smuggled through

¹Other Caribbean countries in this category include Aruba, Barbados, British Virgin Islands, Grenada, St Kitts and Nevis, St. Lucia, St. Vincent and the Turks and Caicos.

²Other Caribbean countries in this category include Antigua and Barbuda, the Bahamas, the Cayman Islands, Dominica and the Dominican Republic.

banks and money remitters.

In 1997 the GOH drafted money laundering legislation which would have criminalized drug money laundering, established procedures for asset seizure and forfeiture, imposed customer identification requirements, and mandated suspicious activity reporting. In the absence of a parliament and a working government, these measures were never introduced and cannot be considered until a new parliament is convened after elections scheduled for March 2000.

The absence of up-to-date anti-money laundering legislation continues to undermine the efforts of Haitian law enforcement agencies. The GOH needs to update its draft anti-money laundering legislation to criminalize the laundering of proceeds from all serious crimes, especially corruption, and to require cross-border currency declarations. It then needs to act expeditiously to enact the legislation. Once legal measures are in place, the GOH needs to create, train, and equip a centralized financial intelligence unit to coordinate anti-money laundering efforts and work with foreign governments to help protect the Haitian economy from criminal abuse. The GOH should also consider joining the Caribbean Financial Action Task Force.

As the above analysis indicates, the most pressing matter for Haiti in the area of anti-money laundering enforcement is the passage and implementation of legislation that will create a criminal offense for the laundering of a broad range of predicate offenses, mandate suspicious activity reporting by financial institutions, and establish a financial intelligence group to receive and review such reports. Passage and implementation of this legislation is dependent upon credible elections leading to a functioning parliament. Once passed these laws will need to be enforced and any attendant regulations implemented. These loom as high hurdles for the GOH with its dysfunctional judicial system and its relatively inexperienced police investigators and prosecutors.

Question 4.

Michel Francois, the former Port-au-Prince police chief and instigator of the 1991 coup against Haitian President Aristide, was charged with narcotics and money laundering offenses in a sealed indictment filed in the Southern District of Florida (SDFL) on January 15, 1997. Specifically, the indictment in case number *97-6007-CR-MORENO (s) (s) (s)* charges Francois with one count of conspiracy to import cocaine into the United States and aiding and abetting this conspiracy, one count of conspiracy to possess cocaine with intent to distribute, and aiding and abetting this conspiracy, and one count of conspiracy to launder monetary instruments and engage in monetary transactions in property derived from specified unlawful activity, to wit: the buying, selling and otherwise dealing in narcotic and dangerous drugs.

After the U.S. led multinational action designed to restore democracy to Haiti, Michel Francois fled Haiti overland to the Dominican Republic in October 1994. On April 22, 1996, he was arrested by authorities in the Dominican Republic and expelled to Honduras. Within

Honduras, Francois' status was as a resident alien and not as a political asylee.

Michel Francois was arrested in Honduras on March 7, 1997, pursuant to a request from the United States for his extradition based on the above referenced indictment. On April 16, 1997, Judge Alvarado, the Honduran Judge handling the case, denied the U.S. extradition request. His stated reason was that Francois was in Haiti, not the United States, when the crimes were committed. (The wording of Article 1 of the extradition treaty with Honduras is unusual. It states that persons are to be surrendered for crimes covered by the treaty when those crimes are "committed within the jurisdiction of one of the Contracting Parties while the accused was actually within such jurisdiction when the crime was committed".)

In addition to reading Article I too narrowly (i.e., by reading "jurisdiction" to mean "territory"), we believe that Judge Alvarado mistakenly overlooked Honduras' obligation to extradite Francois pursuant to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention) of which Honduras and the United States are signatory members.

We believe that the 1988 Vienna Convention clearly supplements our bilateral extradition treaty with Honduras (signed in the early 1900's prior to any international efforts to eradicate narcotics trafficking) to provide for extradition in a situation in which the defendant was not physically present in the United States, but engaged in a narcotics smuggling conspiracy designed to impact the United States. However, on July 22, 1997, the Supreme Court of Honduras, in a 5-4 decision, upheld Judge Alvarado's decision, and denied the United States' request for the extradition of Joseph Michel Francois.

Since the date of the Honduran Supreme Court's denial of extradition, the Department has continued to explore, with the U.S. Attorney's Office, State Department, U.S. Embassy and Honduran officials, legal options to effect the return of Francois to the United States.

Specifically, in August 1997, Deputy Director Thomas Snow of the Office of International Affairs and Assistant United States Attorney John Kastrenakes traveled to Honduras to discuss the Michel Francois case and investigate possible options to effect his return to the United States. Mr. Snow and Mr. Kastrenakes met with the private Honduran attorney retained by SDFL, the senior Honduran public prosecutor handling the Francois matter (Rene Valasquez), and with U.S. Ambassador Creagan and his staff.

Options discussed during these meetings included filing an "amparo," i.e., an appeal based on alleged constitutional defects in the Supreme Court opinion, refiling the same extradition request a second time (no double jeopardy considerations attach to extradition requests), or possibly obtaining a superseding indictment adding an additional charge (based on the same evidence) and then filing a new extradition request based on that new indictment. Ultimately, each of these options proved unworkable.

In addition, several discussions also took place concerning the possibility of the legal expulsion/deportation of Francois to a country from which we could obtain his extradition. While we remain interested in this option, it too has failed to yield results.

In short, we have made extensive efforts to effect the return of Michel Francois to face prosecution in the Southern District of Florida. While to date those efforts have not been successful, the case remains open and we remain committed to bringing this important fugitive to justice.

With respect to the number of former Haitian military personnel now serving in the Haitian National Police, we are informed by the HNP that the number stands at 1,029. This represents approximately 18 % of the total police staff. We understand these former Haitian military personnel were "vetted" by United Nations Civilian Mission in Haiti (MICIVIH).

Department of Justice (Mr. Carl Alexandre)

1. U.S. Assistance Failures. According to your testimony, attempts to reform the Haitian legal system generally have failed. You note that there has been only one successful prosecution for drug trafficking in recent years, the 1998 trial of five Colombians. One was acquitted and the others will likely be released this year. You further assess the situation as follows: "... the problems with Haiti's criminal justice system are severe and it is ill-equipped to confront what appears to be a serious drug trafficking problem." Explain any Justice Department plans to continue or modify these failed efforts, programs and policies.

2. Money Laundering and Drug Trafficking. Reports indicate that money laundering is occurring unabated in Haiti. Is Haiti becoming one of the newest money laundering headquarters in the Caribbean? What is the Department of Justice doing to combat this problem? What results have been achieved?

3. U.S. Sponsored "Rule of Law" and Justice System Improvement Initiatives (a) What is the Justice Department's assessment of the results of the massive funding (reportedly at least \$200 million) by the U.S. to promote the "rule of law" (police and judicial improvements) in Haiti? Describe all measures of results. The Haitian court system reportedly is backlogged, dysfunctional and inept. What is your assessment of how far the courts have progressed and what challenges remain? Is the problem primarily one of a lack of competent and trained personnel? According to a recent news report, many of the individuals held in the crowded Haitian jails have never been to trial. Why? What is being done to alleviate this problem? (b) What indicators are there that U.S. initiatives have been effectively administered? According to a major television network program, USAID awarded the Haitian justice reform program to a Washington, D.C. based consulting firm. The individual chosen to run the program reportedly held a degree in "international agriculture." Does the Department consider an agricultural degree an appropriate qualification for managing a "rule of law" program? A subcontractor reportedly hired to oversee significant legal reforms, such as pretrial detention issues, reportedly was a disbarred California lawyer with several felony convictions, including a conviction for defrauding the U.S. government. How are these people selected as contractors and subcontractors for USAID? What changes occurred as a result of this faulty contracting process? Are adequate safeguards now in place to prevent inappropriate such hires? As the world's largest law firm, explain the views and roles of the Department in this matter.

4. Drug Trafficking, Official Corruption and Vetting Police Hires. Port-au-Prince's former police chief, Lt. Col. Michel-Joseph Francois was indicted in the U.S. in 1997 for narcotics transportation and distribution. He reportedly has fled to Honduras. Please explain in detail all U.S. efforts to bring this person to justice, and whether such efforts continue. How many unvetted Haitian military personnel have been incorporated into the Haitian National Police (HNP)? Describe current vetting practices, including who is responsible for placing unvetted hires into the HNP. Are there ongoing U.S. drug trafficking investigations of current Haitian officials and their political allies? Explain.

The Honorable John L. Mica
Chairman
Subcommittee on Criminal Justice, Drug Policy,
and Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter dated April 14, 2000, in which you provided additional questions as a follow-up to the April 12, 2000, hearing on "The Emerging Drug Threat from Haiti." Responses to those questions are enclosed.

As always, I look forward to working with you and the other Members of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1750.

Yours truly,

Raymond W. Kelly
Commissioner

Enclosure

**Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy,
And Human Resources
Follow-up Questions Regarding Haiti**

QUESTION: Is there any evidence that Haiti needs and will welcome direct U.S. involvement and physical presence in Haiti to assist exclusively with drug interdiction efforts?

ANSWER: Haiti clearly needs outside assistance in strengthening their drug interdiction abilities. The Customs Service has provided extensive training to Haitian law enforcement agencies. During 1999, officers from both Haitian Customs and the Haitian National Police attended Customs Service anti-smuggling training programs given throughout the year.

The courses have been well received and the officers were attentive and active participants. Officers from the judiciary and port authority also attended some of the courses.

The Customs Service has also expanded the training provided to Haitian law enforcement agencies to include integrity training. An integrity training program scheduled for June 2000 was recently postponed because of election related unrest.

**Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy,
And Human Resources
Follow-up Questions Regarding Haiti**

QUESTION: In your testimony, you discussed the problem of selling seized vessels, only to have them used for smuggling again. What efforts are underway and viable options being considered for disabling or scrapping the vessels, or otherwise preventing their reuse by smugglers?

ANSWER: Customs already has operational procedures in effect, which prevent the sale of vessels that are specifically configured for smuggling, such as vessels with hidden compartments or false hulls. The motors of those vessels, if salvageable, are removed and sold at auction, and the vessels are destroyed or sunk at sea to support various artificial reef-building programs.

Customs is discussing options with the national seized property storage vendor that maintains our seized vessels to evaluate the vessels as they come into storage. An immediate evaluation of the vessel is being discussed to explore the best option and determine the cost benefit of public auction, versus destruction. This analysis will immediately identify those vessels that should be destroyed before storage costs are incurred. The savings in storage costs may be utilized in the preparation of the vessels for the artificial reef program. The artificial reef program requires Customs to make the vessels environmentally safe before sinking.

**Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy,
And Human Resources
Follow-up Questions Regarding Haiti**

QUESTION: Recently a U.S. Customs special agent in Miami stated: "The Haitians are now smuggling their own dope. And that's a bad sign for us. It also shows they've developed their own infrastructure in Haiti... We could have an epidemic in no time." Please elaborate on the Haitian drug smuggling infrastructure and operations. Is there evidence of growing numbers of airdrops and maritime smuggling activities? Explain.

ANSWER: The development of a Haitian narcotic smuggling infrastructure originates with the payment method by Colombian smuggling organizations for narcotics transportation. Originally, Haitian narcotics transportation organizations were paid for services in cash. The Colombian organizations later began to pay transportation groups in narcotics. A portion of the smuggled narcotics would be handed over to the transportation organization as their payment. Due to the poor economic conditions in Haiti, transportation organizations may find it difficult to convert narcotics to cash domestically in Haiti. Customs believes that Haitian transportation organizations are now transporting their own narcotics, received for payment, to the United States to facilitate the conversion to money. Recent currency seizures in the U.S., destined for Haiti, indicate the establishment of a Haitian infrastructure capable of smuggling narcotics to the U.S. and returning the proceeds to Haiti.



U. S. Department of Justice
Drug Enforcement Administration

Washington, D.C. 20537

JUN 21 2000

Honorable John L. Mica
Chairman
Subcommittee on Criminal Justice, Drug
Policy, and Human Resources
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This is in response to your April 14, 2000 facsimile, requesting additional information for the record, as a result of my testimony before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources on April 12, 2000. Enclosed are the answers to the three proposed questions.

If you require any further information, please feel free to contact me at (202) 307-1763.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Vigil".

Michael S. Vigil
Special Agent in Charge
Caribbean Field Division

Enclosure

Question #1: Operation Conquistador: Is it feasible to maintain a permanent version of such multi-national and regional operations, or is the intensity of this type of effort time and resource limited? Please explain.

A permanent version of Operation Conquistador is the Caribbean Field Division's (CFD) optimum long-term objective. However, this type of initiative is expensive and resource intensive. Currently, neither the CFD nor the participating nations have the ability to permanently maintain the necessary manpower and resources expended during Operation Conquistador. As such, the CFD plans to conduct three to four Conquistador-type initiatives annually.

Countries that have participated in Operation Conquistador, as well as Operation Columbus, have realized an increased level of self-esteem and cooperation. As a result, the flow of information and drug-related intelligence between the various law enforcement entities with counterdrug responsibilities, within the Caribbean transit and South/Central America source zones, have been strengthened. This has facilitated the development of a regional strategy designed to counter the drug trafficking problem.

Question #2: Military and interdiction Equipment and Assistance Requests: Please detail specific equipment (including specific numbers and types of maritime vessels and helicopters, particularly Blackhawks) and training requests for assistance to Colombia, Haiti and the Drug Enforcement Administration for interdicting and responding to aircraft and go fast boats that are used to smuggle drugs into Haiti. Also, identify your agency equipment and personnel needs in this regard. Explain in detail how requests have been communicated and will be communicated within the Administration, and the status of past requests.

The interdiction community, consisting of several law enforcement and military agencies throughout the Caribbean, has discussed the feasibility of an Operation BAT-type initiative in Haiti. These agencies include, but are not limited to, the U.S. Customs Service, U.S. Coast Guard, Department of Defense and the Drug Enforcement Administration. At this time, the general consensus among the respective agencies is that several hurdles must be overcome in Haiti before an objective assessment of assets and training can be formulated. These hurdles include the training of prosecutors and the enactment of legislation allowing for the extradition of Haitian drug traffickers. In addition, vetted police units must be established with adequate training and equipment, and several security issues must be addressed and rectified on the island. It should be noted that Department of Defense aircraft is not permitted in Haiti. Furthermore, if aircraft were allowed, Haiti lacks a secure facility to store such assets.

While the DEA routinely provides intelligence information regarding suspected trafficking aircraft or vessels to U.S. and Colombian counterparts, the DEA in Colombia is not directly involved in the physical interdiction of aircraft nor the boarding of maritime vessels on the high seas. As such, the DEA is not involved in the requisition of equipment nor does the DEA provide training assistance in support of these types of operations.

Relative to the budget process, DEA initiates its formal submission to the Department of Justice (DOJ) during the month of May. After review and changes by DOJ, the budget request is then consolidated as part of the Attorney General's budget request and sent forward to the Office of Management and Budget (OMB) in September. OMB then reviews and makes changes to the document and in January, consolidates the request and sends it forward to the Congress as part of the President's budget request. Congressional hearings on the President's budget are then held throughout the Spring and Summer months (one year after initial submission of the budget to DOJ) and after developing their own budget recommendations, the Congress forwards their appropriations document back to the President in September. In principal, by October 1, the President and Congress agree on the final appropriation totals for all government agencies for the upcoming fiscal year and the DEA budget officially becomes law. In Fiscal Year 2000, Congress provided \$5.5 million (17 positions, including 11 Special Agents) to augment the Caribbean Initiative funded in Fiscal Years 1998 and 1999.

Question # 3: Drug Trafficking, Official Corruption and Vetting Police Hires: Port-Au-Prince's former Police Chief, Lt. Col. Michel-Joseph Francois was indicted in the U.S. in 1997 for narcotics transportation and distribution. He reportedly has fled to Honduras. Please explain in detail all U.S. efforts to bring this person to justice, and whether such efforts continue. How many unvetted Haitian military personnel have been incorporated into the Haitian National Police (HNP)? Describe current vetting practices, including who is responsible for placing unvetted hires into the HNP. Are there ongoing U.S. drug trafficking investigations of current Haitian officials and their political allies? Explain.

Michel Francois, the former Port-Au-Prince Police Chief and instigator of the 1991 coup against Haitian President Aristide was charged with narcotics and money laundering offenses in a sealed indictment filed in the Southern District of Florida (SDFL) on January 15, 1997. Specifically, the indictment charged Francois with one count of conspiracy to import cocaine into the United States and aiding and abetting this conspiracy; one count of conspiracy to possess cocaine with intent to distribute, and aiding and abetting this conspiracy; and one count of conspiracy to launder monetary instruments and engage in monetary transactions in property derived from specified unlawful activity, the buying, selling and otherwise dealing in narcotics and dangerous drugs.

After the United States action to restore democracy to Haiti, Michel Francois fled Haiti to the Dominican Republic in October 1994. On April 22, 1996, he was arrested by authorities in the Dominican Republic and expelled to Honduras. Francois' status was a resident alien and not as a political asylee.

Michel Francois was arrested in Honduras on March 7, 1997, pursuant to a request from the United States for his extradition based on the above referenced indictment. On April 16, 1997, Honduran Judge Alvarado, denied the U.S. extradition request. His stated reason was that Francois was in Haiti, not the United States, when the crimes were committed. (The wording of Article 1 of the extradition treaty with Honduras is unusual.

Article 1 of the Extradition Treaty states that people are to be surrendered for crimes covered by the treaty only when those crimes are committed within the jurisdiction of Honduras or the United States. However for the extradition to occur the accused must have committed the crime while physically in Honduras or the United States.)

In addition to reading Article 1 too narrowly (i.e. by reading jurisdiction to mean territory), the United States Attorney for the SDFL believes that Judge Alvarado mistakenly overlooked Honduras' obligation to extradite Francois pursuant to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention) of which Honduras and the United States are signatory members.

The U.S. Attorney for the SDFL believes that the 1988 Vienna Convention clearly supplements our bilateral extradition treaty with Honduras (signed in the early 1900's prior to any international efforts to eradicate narcotic trafficking) to provide for extradition in a situation in which the defendant was not physically present in the United States, but engaged in a narcotic smuggling conspiracy designed to impact the United States. However, on July 22, 1997, the Supreme Court of Honduras, in a 5 to 4 decision, upheld Judge Alvarado's decision and denied the United States' request for the extradition of Michel-Joseph Francois.

Since the date of the Honduran Supreme Court denial of extradition, the U.S. Attorney for SDFL has continued to explore with the U.S. Attorney's Office, the Department of State, the U.S. Embassy and Honduran officials, legal options to effect the extradition of Francois to the United States.

Specifically, in August 1997, Deputy Director Thomas Snow of the Office of International Affairs and Assistant U.S. Attorney John Kastrenakes traveled to Honduras to discuss the Michel Francois case and investigate possible options to effect his extradition to the United States. Mr. Snow and Mr. Kastrenakes met with the private Honduran attorney retained by SDFL, the senior Honduran public prosecutor handling the Francois matter (Rene Valasquez) along with U.S. Ambassador Creagan and his staff.

Options discussed included filing an appeal based on alleged constitutional defects in the Supreme Court opinion; refiling the same extradition request a second time (no double jeopardy considerations attached to extradition requests); or obtaining a superseding indictment adding an additional charge (based on the same evidence) and then filing a new extradition request based on the new indictment.

In addition, several discussions took place concerning the possibility of the legal expulsion/deportation of Francois to a country from which the United States could obtain his extradition. However, this option has also failed, mainly due to political considerations in Honduras.

In short, extensive efforts have been made to effect the extradition of Michel Francois to the United States. While these efforts have not been successful, the case remains open

and the SDFL remains committed to bringing this fugitive to justice.

In regards to vetted military personnel working in the Haitian National Police (HNP), DEA has not vetted any member of the HNP. However, in December 1998, DEA administered polygraphs to 32 members of the Bureau de Lutte du Trafic des Stupefians (BLTS) and 24 members passed. It should be noted that when the United Nations Civilian Mission to Haiti (MICIVIH) formed the HNP, they had a list of former Haitian military officials that had committed human right violations. MICIVIH did not hire any of these individuals.

The Port-au-Prince Country Office has no current investigations of Haitian government officials or their political allies.