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 SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

REF: SECSTATE 156494

1. (U) SENSITIVE BUT UNCLASSIFIED - NOFORN
2. (SBU/NF) FOLLOWING IS THE 2000 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC.

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(BEGIN TEXT)

DOMINICAN REPUBLIC

THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT HIPOLITO MEJIA OF THE DOMINICAN REFORM PARTY (PRD) TOOK OFFICE ON AUGUST 16 AFTER A FREE AND FAIR ELECTION. THE PRD ALSO HAS CONTROL OF THE SENATE AND THE LOWER HOUSE. THE EFFORTS OF THE SUPREME COURT, CIVIL SOCIETY, AND NON-GOVERNMENTAL ORGANIZATIONS HAVE LED TO A MORE EFFECTIVE JUDICIARY INDEPENDENT OF OTHER BRANCHES OF GOVERNMENT. THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI), THE NATIONAL DRUG CONTROL DIRECTORATE (DNCD), AND THE MILITARY (ARMY, AIR FORCE, AND NAVY) FORM THE SECURITY FORCES.

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THE PN IS UNDER THE SECRETARY OF THE INTERIOR AND POLICE; THE MILITARY IS UNDER THE SECRETARY OF THE ARMED FORCES; AND THE DNI AND THE DNCD, WHICH HAVE PERSONNEL FROM BOTH THE POLICE AND THE MILITARY, REPORT DIRECTLY TO THE PRESIDENT. ALTHOUGH THE SECURITY FORCES GENERALLY ARE RESPONSIVE TO CIVILIAN AUTHORITY, THERE WERE INSTANCES IN WHICH MEMBERS OF THE SECURITY FORCES, PRINCIPALLY THE NATIONAL POLICE, ACTED INDEPENDENTLY OF GOVERNMENT AUTHORITY OR CONTROL. MEMBERS OF THE NATIONAL POLICE, AND TO A MORE LIMITED EXTENT, THE MILITARY, CONTINUE TO COMMIT HUMAN RIGHTS ABUSES BUT ARE RARELY SUBMITTED TO JUSTICE BY CIVIL AUTHORITIES.

THE ECONOMY, ONCE HEAVILY DEPENDENT ON SUGAR AND OTHER AGRICULTURAL EXPORTS, CONTINUES TO DIVERSIFY; TOURISM, TELECOMMUNICATIONS, AND FREE TRADE ZONES (FTZ'S) ARE MAJOR SOURCES OF INCOME AND EMPLOYMENT. REMITTANCES FROM ABROAD, ESTIMATED TO EXCEED \$1.5 BILLION, ARE EQUIVALENT TO APPROXIMATELY 9 PERCENT OF THE \$ 2,100 PER CAPITA GROSS DOMESTIC UNCLASSIFIED

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PRODUCT. THE COUNTRY'S AGRICULTURAL AND TOURISM SECTORS AND ELECTRICAL POWER NETWORK HAVE LARGELY RECOVERED FROM THE EFFECTS OF HURRICANE GEORGES, WHICH HIT THE ISLAND IN 1998, WHILE HOUSING RECONSTRUCTION AND TRANSPORTATION INFRASTRUCTURE LAG BEHIND. IN 1999, THE GOVERNMENT TRANSFERRED THE SUGAR MILLS AND LANDS BELONGING TO THE STATE SUGAR COUNCIL (CEA) BY LONG-TERM LEASE TO PRIVATE CONTROL, AND PRIVATIZED THE DISTRIBUTION FUNCTION AND MOST OF THE POWER GENERATING CAPACITY OF THE DOMINICAN ELECTRICITY CORPORATION (CDE). INCOME DISTRIBUTION IN THE COUNTRY IS HIGHLY SKEWED, AND MORE THAN HALF OF THE POPULATION LIVES IN POVERTY.

THE GOVERNMENT'S HUMAN RIGHTS RECORD CONTINUED TO BE CHARACTERIZED BY SERIOUS PROBLEMS. CIVILIAN DEATHS AT THE HANDS OF THE POLICE CONTINUED AT A LEVEL SIMILAR TO THAT IN 1999, WHILE THE ABILITY OF PROSECUTORS TO LIMIT POLICE DETENTIONS AND PRACTICES HAS ERODED, AS COMPARED WITH 1999. THE POLICE BEAT SUSPECTS AND USED FORCE TO DISPERSE DEMONSTRATORS. SOME SECURITY FORCE PERSONNEL REPORTEDLY TORTURED PRISONERS. PRISON CONDITIONS IN GENERAL ARE HARSH. POLICE ARBITRARILY ARRESTED, DETAINED, AND ABUSED SUSPECTS AND SUSPECTS' RELATIVES. THE POLICE WERE RESPONSIBLE FOR MOST OF THE HUMAN RIGHTS ABUSES COMMITTED BY THE SECURITY FORCES AND IN MOST CASES COMMIT SUCH ABUSES WITH IMPUNITY. THE ADMINISTRATION AND EFFECTIVENESS OF THE COURT SYSTEM IMPROVED SIGNIFICANTLY IN THE PAST YEAR, AND INTERFERENCE WITH THE JUDICIARY DIMINISHED. THE SUPREME COURT CONTINUES TO PROVIDE IMPORTANT LEADERSHIP ON ISSUES OF RESPECT FOR DUE PROCESS, CONSTITUTIONAL GUARANTEES, AND RESPECT FOR HUMAN RIGHTS. NUMEROUS ALLEGATIONS OF CORRUPTION BY GOVERNMENT

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OFFICIALS WERE RAISED FOLLOWING THE CHANGE OF ADMINISTRATIONS. DOMINICAN'S POLITICAL RIGHTS ARE GENERALLY WELL RESPECTED, AND UNCLASSIFIED

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THE MAY 2000 PRESIDENTIAL ELECTION WAS PRAISED BY INTERNATIONAL OBSERVERS. THE GOVERNMENT RESTRICTS THE MOVEMENT OF AND FORCIBLY EXPELS HAITIAN AND DOMINICAN-HAITIAN MIGRANTS. THE ADMINISTRATION OF FORMER PRESIDENT FERNANDEZ WAS PROACTIVE IN INITIATING SEVERAL PROJECTS TO COMBAT THE WORST FORMS OF CHILD LABOR. FORCED LABOR IN THE SUGAR INDUSTRY HAS BEEN REDUCED SIGNIFICANTLY; HOWEVER, CHILD LABOR IS STILL PRESENT DUE TO ECONOMIC NECESSITY WITHIN THE FAMILY. WORKERS IN THE SUGAR PLANTATIONS AND MILLS STILL WORK UNDER UNSAFE CONDITIONS.

3. (SBU/NF) RESPECT FOR HUMAN RIGHTS

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. (SBU/NF) POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS. HOWEVER, FROM JANUARY THROUGH JUNE (TO BE UPDATED IN DECEMBER) THERE WERE REPORTEDLY 84 CIVILIAN DEATHS AT THE HANDS OF THE NATIONAL POLICE, ALMOST THE SAME RATE AS IN 1999. LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS CATEGORIZE ALL OF THE DEATHS IN WHICH CIVILIANS DIE IN ALLEGED "EXCHANGES OF GUNFIRE" AS EXTRAJUDICIAL KILLINGS. FAILURE OF THE POLICE TO COOPERATE WITH CIVILIAN AUTHORITIES TO QUANTIFY THE PROBLEM IS MANIFEST IN THE FOLLOWING WAYS: 1) PUBLIC MINISTRY OFFICIALS ARE NOT PROVIDED WITH REPORTS ON POLICE INVESTIGATIONS OF CITIZENS KILLED IN CONFRONTATIONS WITH POLICE; 2) CITIZEN KILLINGS BY POLICE ARE RARELY DOCUMENTED IN ACCORDANCE WITH MINIMUM INVESTIGATIONS OR CRIME SCENE STANDARDS; 3) CIVILIAN AUTHORITIES, INCLUDING PROSECUTORS REQUESTING INFORMATION, ARE UNCLASSIFIED

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DENIED TRANSCRIPTS OF POLICE TRIBUNAL HEARINGS WHICH PROCESS THESE CASES IN SECRET, AND; 4) THE POLICE HAVE BEEN KNOWN TO MAKE A PUBLIC SHOW OF FIRING OFFICIALS INVOLVED IN THESE INCIDENTS, ONLY TO REINSTATE THEM QUIETLY LATER. THEREFORE, IT IS DIFFICULT FOR ANY OUTSIDE OBSERVER TO QUANTIFY THE EXACT NUMBER OF CIVILIAN VICTIMS OF EXTRAJUDICIAL KILLINGS EACH YEAR.

THE ADMINISTRATION OF PRESIDENT MEJIA HAS ACKNOWLEDGED THE PROBLEMS WITH THE POLICE APPARATUS AND HAS AGREED TO THE CREATION OF A POLICE REFORM COMMISSION TO BE MADE UP OF THE CHIEF OF POLICE, THE ATTORNEY GENERAL, THE SECRETARY OF THE

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ARMED FORCES, THE LEGAL ADVISOR TO THE PRESIDENT, REPRESENTATIVES OF HUMAN RIGHTS ORGANIZATIONS, AND LEGISLATORS. IN THE CHANGE OF GOVERNMENT, HOWEVER, PRESIDENT MEJIA RETAINED THE SERVICES OF CHIEF OF POLICE PEDRO DE JESUS CANDELIER, UNDER WHOSE TENURE THE NUMBER OF CIVILIAN DEATHS AT THE HANDS OF THE POLICE ROSE DRAMATICALLY OVER PREVIOUS YEARS. ATTORNEY GENERAL BELLO ROSA HAS PUBLICLY PROMISED MORE AGGRESSIVE INDEPENDENT INVESTIGATION OF EXTRAJUDICIAL KILLINGS.

THE DOMINICAN HUMAN RIGHTS COMMITTEE AND OTHERS STATE THAT THE POLICE MAY EMPLOY UNWARRANTED DEADLY FORCE AGAINST CRIMINAL SUSPECTS IN A KIND OF UNIFORMED VIGILANTISM. IN ADDITION, SOME VICTIMS ARE INVOLVED IN PRIVATE DISPUTES WITH POLICE AGENTS WHO USE THEIR PUBLIC AUTHORITY AND WEAPONS TO MURDER THEM, WHILE OTHER VICTIMS LATER WERE FOUND TO BE HONEST CITIZENS ERRONEOUSLY CAUGHT UP IN THE WAVE OF ANTI-GANG VIOLENCE CARRIED OUT BY THE POLICE. THE CIRCUMSTANCES OF THE VAST MAJORITY OF THESE KILLINGS ARE QUESTIONABLE, BUT WITNESSES OTHER THAN THE POLICE ARE USUALLY LACKING.

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THESE PROBLEMS STEM FROM THE LACK OF BASIC EDUCATION, POOR TRAINING, AND WEAK DISCIPLINE OF THE MEMBERS OF THE POLICE FORCE. THESE PROBLEMS ARE AGGRAVATED BY LOW PAY AND THE FACT THAT THE GOVERNMENT'S BUDGETARY ALLOCATION FOR THE POLICE IS TOO LOW TO SUPPORT THE HIGHER RECRUITING STANDARDS NEEDED AND TO PROVIDE ADEQUATE TRAINING FOR POLICE. FOR EXAMPLE, NEW RECRUITS FIRE ONLY ONE ROUND DURING TRAINING, AND THERE IS NO COHERENT POLICY ON THE USE OF DEADLY FORCE OR RULES OF ENGAGEMENT BY THE POLICE. ADDITIONALLY, THE LACK OF PROFESSIONAL, TRANSPARENT, AND CREDIBLE INVESTIGATION OF THE CIRCUMSTANCES WHEREIN POLICE KILL CITIZENS IN "EXCHANGES OF GUNFIRE" LEAD TO THE PERCEPTION OF IMPUNITY IN THESE KILLINGS. FINALLY, THERE IS A LACK OF SPECIFIC TRAINING IN HUMAN RIGHTS AS APPLIED TO POLICE WORK.

IN THE MAJORITY OF THE 84 CIVILIAN DEATHS (TO BE UPDATED IN DECEMBER) AT THE HANDS OF POLICE, THE POLICE CHARACTERIZED THE VICTIMS AS DELINQUENTS. THE REST WERE WIVES, GIRLFRIENDS, OR ASSOCIATES OF THE OFFICERS, OTHER CIVILIANS, OR FELLOW OFFICERS. IN MOST CASES, THE POLICE CLAIMED THE DEATHS RESULTED FROM THE EXCHANGE OF GUNFIRE IN THE COURSE OF AN ARREST. AMNESTY INTERNATIONAL'S 2000 REPORT NOTED THE LARGE NUMBER OF CIVILIAN DEATHS AT THE HANDS OF POLICE, AND THE LACK OF TRANSPARENCY IN THE INVESTIGATIVE PROCESS.

IN JULY IN MANOGUAYABO, A SUBURB OF SANTO DOMINGO, POLICE SHOT TO DEATH JUAN EXPEDITO GARCIA, A 49-YEAR-OLD BUSINESSMAN WHO WAS TRAVELLING WITH HIS DAUGHTER-IN-LAW, KATY JIMENEZ DE GARCIA.

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GARCIA AND JIMENEZ WERE VICTIMS OF AN ATTEMPTED CARJACKING BY A GROUP OF DELINQUENTS. THE DELINQUENTS ULTIMATELY KIDNAPPED THE TWO AND SPED AWAY, FOLLOWED CLOSELY BY THE POLICE. AFTER BEING STOPPED BY POLICE, GARCIA AND JIMENEZ THREW THEMSELVES TO THE
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GROUND, RAISED THEIR HANDS, AND TOLD THE POLICE NOT TO SHOOT BECAUSE THEY THEMSELVES WERE VICTIMS. JIMENEZ, THE ONLY SURVIVING WITNESS, REPORTED THAT THE POLICE SHOT GARCIA 4 TIMES IN THE HEAD AND THREE TIMES IN THE BODY BEFORE SHOOTING AND KILLING ONE OF THE KIDNAPPERS. SHE OVERHEARD ONE OFFICER GIVING THE ORDER TO KILL HER AS WELL, BUT WAS SPARED WHEN SHE WAS ABLE TO EXPLAIN THE CIRCUMSTANCES OF THEIR KIDNAPPING. THE POLICE COMMISSION INVESTIGATING THE INCIDENT RECOMMENDED THAT THOSE RESPONSIBLE BE TRIED IN A MILITARY TRIBUNAL.

POLICE ASSERT THE DEATHS OF SO-CALLED DELINQUENTS RESULTED FROM SHOOT-OUTS REQUIRING THE POLICE TO ACT IN SELF-DEFENSE. HOWEVER, A NUMBER OF CASES DEMONSTRATE THAT THIS IS OFTEN NOT THE CASE. IN JULY 1999, AUTHORITIES ARRESTED A GENERAL, A COLONEL, A LEGAL CONSULTANT, AND VARIOUS POLICE OFFICERS IN CONNECTION WITH THE DEATHS OF THREE ALLEGED DELINQUENTS IN MOCA. IN A CIVILIAN VIDEO, THE POLICE WERE SHOWN HANDCUFFING THE THREE YOUNG MEN AND PLACING THEM, ALIVE, IN THE BACK OF A POLICE PICKUP TRUCK. WHEN THE TRUCK ARRIVED AT POLICE HEADQUARTERS, THE THREE MEN WERE DEAD. AFTER A POLICE INVESTIGATION, THE RESULTS OF WHICH WERE NOT MADE PUBLIC, AT LEAST TWO OF THE OFFICERS CONTINUE TO WORK FOR THE NATIONAL POLICE. ONE HEADS THE SPECIAL OPERATIONS UNIT.

WITNESSES, INCLUDING THE SISTER OF 20-YEAR-OLD JUAN JOSE URENA, REPORTED THAT POLICE SHOT AND KILLED HIM IN SANTO DOMINGO IN JULY. THE POLICE SAID THAT URENA WAS WANTED BY THE SECRET SERVICE AND THE DEPARTMENT OF HOMICIDE AND CRIMES AGAINST PROPERTY. THEY REPORTED THAT WHEN THEY TRIED TO DETAIN HIM, HE THREATENED THEM WITH A MACHETE, AND THEY WERE FORCED TO SHOOT HIM. THE VICTIM'S SISTER, WHO SAW THE INCIDENT, SAID HE DID NOT
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RESIST ARREST, BUT RATHER THAT HE WAS ALREADY WOUNDED AND HANDCUFFED WHEN THE AGENTS FIRED THE SHOTS THAT KILLED HIM. THE DEATH OF URENA AT THE HANDS OF POLICE PROVOKED PUBLIC PROTESTS, TIRE BURNING, AND THE THROWING OF MOLOTOV COCKTAILS. POLICE RESPONDED WITH TEAR GAS AND GUNS. THE POLICE SHOT A BYSTANDER IN THE LEG AS THEY TRIED TO CALM THE PROTESTS. THE POLICE OFFICERS THAT PARTICIPATED IN THE SHOOTING OF URENA HAVE BEEN ARRESTED PENDING A POLICE INVESTIGATION.

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INSERT OTHER NEW EXAMPLES FROM SEPTEMBER - DECEMBER HERE

POLICE COURTS MAY TRY POLICE OFFICERS OR MAY REMAND THEM TO CIVILIAN COURT JURISDICTION. MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS OR OTHER CRIMES. CHIEF OF POLICE PEDRO DE JESUS CANDELIER ANNOUNCED THAT EVERY TIME AN OFFICER IS INVOLVED IN A QUESTIONABLE INCIDENT, THE CASE GOES TO A COMMISSION OF SUPERIOR OFFICERS FOR INVESTIGATION. HE SAID THAT IF IT IS DETERMINED THAT THE POLICE OFFICER HAS EXCEEDED HIS AUTHORITY, THE CASE IS SENT TO THE POLICE COURTS OR TO THE CIVILIAN COURTS, DEPENDING ON THE SEVERITY OF THE OFFENSE. VERY FEW, IF ANY CASES ARE SENT TO CIVILIAN COURTS, HOWEVER, DESPITE EXHORTATIONS FROM THE FORMER ATTORNEY GENERAL, DISTRICT ATTORNEY, AND JUSTICE REFORM COMMISSIONER. ON SEPTEMBER 4, 2000 SIX CIVIL SOCIETY GROUPS SUBMITTED AN "ACT OF UNCONSTITUTIONALITY" TO THE SUPREME COURT ON THE ISSUE OF THE LEGALITY OF LAW 285 WHICH ENCOMPASSES THE CODE OF POLICE JUSTICE. CIVIL SOCIETY GROUPS ARGUE THAT POLICE COURTS VIOLATE THE CONSTITUTION. THE LAWSUIT ASKS THE COURT TO RULE ON THE CONSTITUTIONALITY OF THESE POLICE TRIBUNALS.

OUT OF A POLICE FORCE OF ABOUT 23,000 MEMBERS, CANDELIER FIRED
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84, DISARMED 200, AND EVALUATED 100 FOR RETRAINING DURING THE FIRST SIX MONTHS OF 2000. THIS WAS AN EFFORT TO INCREASE RESPECT FOR HUMAN RIGHTS AND TO MODERNIZE THE POLICE FORCE. HE REPORTED THAT MANY OF THE 84 WERE FIRED FOR DRUG USE, INCLUDING COCAINE AND MARIHUANA. HOWEVER, SIGNIFICANT PROBLEMS STILL REMAIN BECAUSE SERIOUS EFFORTS HAVE NOT BEEN MADE TO VET POLICE RECRUITS. MANY PERSONS WITH PRIOR CRIMINAL RECORDS REPORTEDLY HAVE BEEN INCORPORATED INTO POLICE RANKS, EITHER USING FALSE NAMES OR IDENTIFICATION OR WITH RECOMMENDATIONS FROM OTHER STATE INSTITUTIONS, SUCH AS THE ARMY.

THE POLICE USED FORCE--AT TIMES DEADLY FORCE--TO DISPERSE DEMONSTRATORS. NEWS REPORTS AND HUMAN RIGHTS ORGANIZATIONS CRITICIZED THE EXCESSIVE USE OF FORCE BY POLICE TO DISPERSE DEMONSTRATORS IN BATEY 5 IN BARAHONA. PROTESTERS GATHERED TO CALL FOR COMPLIANCE WITH A PROMISE TO FINISH INSTALLATION OF ELECTRICITY MADE FOUR YEARS AGO BY THE GOVERNOR OF THE PROVINCE. THERE WERE REPORTS THAT POLICE INDISCRIMINATELY LAUNCHED TEAR GAS INTO HOMES; SEVERAL CHILDREN HAD TO BE TRANSPORTED TO HOSPITALS DUE TO THE EFFECTS OF THE GAS. ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE POLICE ON SEVERAL OTHER OCCASIONS USED EXCESSIVE FORCE TO REMOVE SQUATTERS FROM PUNTA VILLA MELLA, VALIENTE, LA TORONJA, AND VALLO LINDO, STATE-OWNED LANDS NEAR THE NATIONAL DISTRICT (SANTO DOMINGO AND ENVIRONS).

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THE GOVERNMENT HAS ALSO BEEN CRITICIZED FOR EXTRAJUDICIAL KILLINGS CARRIED OUT BY STATE AGENTS IN PRISONS. IN THE NAJAYO PRISON IN SAN CRISTOBAL, POLICE CUSTODIANS SHOT AND KILLED INMATES FRANCISCO ALBERTO JAQUEZ BRITO, MANUEL SANCHEZ FERMIN, AND RAFAEL TAVERSAL ALBERTO IN AUGUST DURING AN ESCAPE ATTEMPT. A COMMISSION WHICH INCLUDED THE ATTORNEY GENERAL, THE CHIEF OF UNCLASSIFIED

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POLICE, AND THE DIRECTOR OF PRISONS CONCLUDED THAT POLICE AGENTS ACTED NEGLIGENTLY AND IN EXCESS OF THEIR DUTIES AND THAT THE ESCAPEES COULD HAVE BEEN SUBDUED BY MEANS SHORT OF KILLING THEM. THE PRISONERS HAD NOT YET BREACHED THE EXTERIOR GATES OF THE PRISON CAMPUS WHEN THEY WERE GUNNED DOWN. THE COMMISSION RECOMMENDED THAT THREE POLICE CADETS BE TRIED IN A POLICE TRIBUNAL AND THREE POLICE SUPERVISORS BE SANCTIONED WITH DAYS IN PRISON AND "ARREST WITHOUT SALARY" FOR FAILING TO CONTROL THEIR SUBORDINATES AND FOR FAILING TO TAKE AN ADEQUATE COUNT OF PRISONERS. HUMAN RIGHTS GROUPS HAVE CALLED FOR CIVILIAN TRIALS FOR THOSE RESPONSIBLE FOR THE DEATHS OF THE PRISONERS.

THERE WAS NO PROGRESS REPORTED IN TRIALS OF POLICE OFFICERS DETAINED FOR KILLING LAW STUDENT FRANKLIN BORTOLO FABIAN MEJIA IN JULY 1998; FOR KILLING A SUSPECTED ROBBER OF A SANTIAGO PHARMACY, ALSO IN JULY 1998; OR FOR THE TRIPLE HOMICIDE ON NOVEMBER 25, 1998, OF THREE YOUNG MALE VICTIMS WHO MIGHT HAVE BEEN KILLED BECAUSE OF THEIR REFUSAL TO SHARE THE PROCEEDS OF A RECENT ROBBERY WITH THE POLICE. IN AUGUST THERE WAS A DECISION IN THE CASE OF FATHER JOSE ANTONIO TINEO NUNEZ WHO WAS KILLED BY POLICE IN AUGUST 1998 WHEN HE WAS ALLEGEDLY MISTAKEN FOR A MURDER SUSPECT. RAFAEL PAREDES DE LA CRUZ, AN EX-CADET OF THE NATIONAL POLICE WAS SENTENCED TO 15 YEARS FOR THE CRIME. THE OTHER DEFENDANT, JUAN BAUTISTA CAMINERO MENDOZA, WAS FOUND NOT GUILTY.

THERE WAS A LONG-AWAITED VERDICT IN THE CASE OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ HOWLEY, A CRITIC OF THE BALAGUER ADMINISTRATION. RETIRED GENERAL JOAQUIN POU CASTRO, FORMER AIRFORCE OFFICER MARIANO CABRERA DURAN, AND LUIS EMILIO DE LA ROSA BERAS ADMITTED TO THE KILLING AND WERE EACH SENTENCED TO UNCLASSIFIED

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THE MAXIMUM PENALTY OF 30 YEARS IN PRISON. LAWYERS FOR THE SENTENCED DEFENDANTS SAY THAT THEY WILL APPEAL.

B. (SBU/NF) DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

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THERE WAS LITTLE PROGRESS IN THE INVESTIGATION INTO THE CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE BALAGUER GOVERNMENT WHO DISAPPEARED IN MAY 1994. THE JUDGE OF INSTRUCTION IN CHARGE OF INVESTIGATING THE CASE APPEARED TO BE IN NEED OF MORE EVIDENCE. ACCORDING TO THE FORMER DISTRICT ATTORNEY, THERE IS NOT ENOUGH EVIDENCE TO GO TO TRIAL, AND CURRENTLY INFORMATION IS CONTRADICTORY. THERE HAS BEEN NO MOVEMENT ON THE FAMILY'S COMPLAINT WITH THE INTER-AMERICAN COURT OF HUMAN RIGHTS.

C. (SBU/NF) TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE CONSTITUTION PROHIBITS TORTURE AND OTHER FORMS OF PHYSICAL ABUSE; HOWEVER, SECURITY FORCES PERSONNEL CONTINUE TO TORTURE, BEAT, AND OTHERWISE PHYSICALLY ABUSE DETAINEES AND PRISONERS. LACK OF SUPERVISION, TRAINING, AND ACCOUNTABILITY THROUGHOUT THE LAW ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS, LOCAL PRESS, AND THE COMMISSION TO SUPPORT THE REFORM AND MODERNIZATION OF JUSTICE (JUSTICE REFORM COMMISSION) REPORTED REGULAR AND REPEATED OCCURRENCES OF PHYSICAL ABUSE OF DETAINEES WHILE IN CUSTODY. SPECIFICALLY, THERE WAS A DRAMATIC INCREASE IN ALLEGATIONS OF PHYSICAL ABUSE AND TORTURE OF MINORS IN POLICE AND MILITARY

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DETENTION.

IN JUNE THE JUSTICE REFORM COMMISSION DENOUNCED CASES OF TORTURE AND ABUSE OF NINE MINORS IN THE POLICE STATIONS IN VILLAS AGRICOLAS, LOS FARALLONES, VILLA FRANCISCA, AND PLAN PILOTO IN THE NATIONAL DISTRICT. IT CITED NUMEROUS INSTANCES OF BEATINGS, SEXUAL ABUSE, ASPHYXIATION WITH PLASTIC BAGS TO ELICIT CONFESSIONS, AND A TORTURE METHOD CALLED "ROASTING THE CHICKEN" IN WHICH THE VICTIM IS PLACED OVER HOT COALS AND TURNED UNTIL HE/SHE CONFESSES. AFTER COMPLETING AN INTERNAL INVESTIGATION, THE NATIONAL POLICE CLAIMED THAT THERE WERE NO INSTANCES OF TORTURE OR ABUSE AND THAT IF FORCE WAS USED, IT WAS NECESSARY TO OBTAIN THE "OBEDIENCE" OF THE MINOR. THE JUSTICE REFORM COMMISSION CRITICIZED THE POLICE FOR FAILURE TO CARRY OUT AN OBJECTIVE INVESTIGATION AND FOR COVERING-UP SERIOUS ABUSES. AS OF SEPTEMBER, THE DISTRICT ATTORNEY FOR SANTO DOMINGO HAD MADE TWO REQUESTS OF THE CHIEF OF POLICE THAT THREE OFFICERS BE TURNED OVER FOR INTERROGATION. BOTH OF THESE REQUESTS HAVE BEEN DENIED. A JUDGE OF INSTRUCTION WAS APPOINTED TO INVESTIGATE THE CASES.

JUDGES OF THE APPEALS COURT FOR CHILDREN AND ADOLESCENTS IN SAN PEDRO DE MACORIS IN AUGUST MADE PUBLIC A SET OF ALLEGATIONS OF

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SIMILAR ABUSES OF 19 MINORS IN POLICE STATIONS IN JUAN DOLIO AND BOCA CHICA, AS WELL AS IN THE PUBLIC JAIL GENERAL PEDRO SANTANA, CONTROLLED BY THE ARMY. ONE OF THE ADOLESCENT VICTIMS REPORTED THAT THE POLICE BEAT HIM TO FORCE HIM TO SAY "YES" TO THEIR QUESTIONS; IN THE INTERROGATION SESSIONS, THEY HIT HIM WITH THE BUTTS OF THEIR GUNS; THEY MADE HIM KNEEL AND TWO OFFICERS AT ONCE HIT HIM IN THE EARS AND KICKED HIM; THEY HIT HIM WITH A BATON, AND PUT HIM IN A DARK ROOM WHERE THEY PUT A CURRENT TO

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HIS BODY. THE CHILD REPORTED THAT DUE TO THE MARKS THESE INCIDENTS LEFT ON HIS BODY, THEY HELD HIM FOR EIGHT DAYS BEFORE TRANSFERRING HIM TO THE JUDGE. THE LAW REQUIRES THAT MINOR DETAINEES BE TRANSFERRED TO A JUDGE WITHIN 24 HOURS. THERE IS NO INFORMATION REGARDING ANY INVESTIGATION INTO THESE ALLEGED ABUSES BY THE POLICE OR THE MILITARY.

HOMOSEXUAL AND TRANSVESTITE DETAINEES REPORT TO GAY RIGHTS ADVOCATES THAT DURING DETENTION THE POLICE HAVE HELD THEM IN A DARKENED ROOM AND HAVE GIVEN THEM THE ALTERNATIVE OF PERFORMING FELLATIO ON WHICHEVER GUARDS SO DESIRED OR BEING PLACED IN A LOCKED CELL WITH THE MOST DANGEROUS PRISONERS, WHERE THE DETAINEES PRESUMED THAT THEY WOULD BE RAPED, BEATEN, OR BOTH. OTHER INFORMANTS CONFIRMED THAT THE POLICE USE THE PROSPECT OF BEING LOCKED IN WITH THE MOST DANGEROUS PRISONERS AS A THREAT.

THE NATIONAL COORDINATOR FOR HUMAN RIGHTS CITED THE DEPARTMENT OF HOMICIDE AND ROBBERY INVESTIGATIONS AND DNCD FOR THE PERSISTENT USE OF TORTURE TO EXTRACT CONFESSIONS FROM DETAINEES. ACCORDING TO HUMAN RIGHTS ORGANIZATIONS, THE METHOD MOST OFTEN USED IS BEATING. AFTER SEVERAL FORMER DETAINEES WENT TO THE PRESS WITH CREDIBLE REPORTS THAT POLICE INTERROGATORS HAD BEATEN THEM REPEATEDLY, THE CHIEF OF POLICE AND ATTORNEY GENERAL DESIGNATED A COMMISSION TO INVESTIGATE. THE BEATINGS ALLEGEDLY TOOK PLACE DURING PERIODS OF DETENTION OF UP TO 15 DAYS WITHOUT ARRAIGNMENT BEFORE A JUDGE (THE CONSTITUTION PERMITS ONLY 48 HOURS). THE INFORMANTS REPORTED THAT THE POLICE REPEATEDLY AWAKE THEM DURING THE NIGHT FOR QUESTIONING. HUMAN RIGHTS ADVOCATES HAVE DESCRIBED ANOTHER FORM OF ABUSE, KNOWN TO HAVE BEEN USED IN THE MEXICO SECTION OF SAN PEDRO DE MACORIS PRISON. PRISON OFFICIALS USE A PUNISHMENT CALLED "THE TOASTER", WHERE

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PRISONERS ARE LAID, SHACKLED HAND AND FOOT, ON A BED OF HOT ASPHALT FOR THE ENTIRE DAY AND, IF THEY SCREAM, ARE BEATEN WITH A CLUB. THE ARMY ADMINISTERS SAN PEDRO DE MACORIS PRISON.

THE NATIONAL DISTRICT PROSECUTOR'S OFFICE CONTINUED TO PLACE

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LAWYERS IN HIGH-VOLUME POLICE STATIONS AND IN SEVERAL DNCD OFFICES TO MONITOR THE INVESTIGATIVE PROCESS AND TO ASSURE THAT DETAINEES' RIGHTS ARE RESPECTED (SEE SECTION 1.D.). MOST OF THE AFFECTED PN AND DNCD INVESTIGATORS RESPONDED POSITIVELY TO THIS OVERSIGHT, ALTHOUGH SOME DNCD PERSONNEL REPORTEDLY COMPLAINED THAT THEIR HANDS WERE BEING TIED. STILL, THE INITIATIVE REMAINS LARGELY LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, WITH A LESSER PRESENCE IN SANTIAGO. THERE IS SOME EVIDENCE THAT THESE ASSISTANT PROSECUTORS AT TIMES ACQUIESCE IN TRADITIONAL POLICE PRACTICES, RATHER THAN ATTEMPT TO RAISE THESE PRACTICES TO CONSTITUTIONAL STANDARDS. LESS QUALIFIED PROSECUTORS ASSIGNED TO THE REST OF THE COUNTRY HAVE NOT ASSUMED STRONG ROLES IN MANAGING CRIMINAL INVESTIGATIONS AND ENSURING THE RIGHTS OF SUSPECTS. HUMAN RIGHTS COURSES ARE OFFERED IN THE TRAINING CURRICULA FOR MILITARY AND DNCD ENLISTED PERSONNEL AND OFFICERS, HOWEVER THE COURSES ARE OPTIONAL.

CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND MILITARY OFFICIALS ALLEGING TORTURE, PHYSICAL ABUSE, AND RELATED CRIMES. A 1997 LAW PROVIDES PENALTIES FOR TORTURE AND PHYSICAL ABUSE, INCLUDING SENTENCES FROM 10 TO 15 YEARS IN PRISON. HOWEVER, UNTIL RECENTLY THESE PROVISIONS WERE NOT KNOWN FULLY OR APPLIED BY PROSECUTORS AND JUDGES. THERE HAVE BEEN REPEATED CALLS BY HUMAN RIGHTS GROUPS AS WELL AS BY THE JUSTICE REFORM COMMISSION FOR CIVILIAN TRIALS OF OFFICIALS CHARGED WITH ABUSE AND TORTURE; HOWEVER, MOST CASES, IF TRIED AT ALL, ARE SENT TO

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MILITARY OR POLICE TRIBUNALS.

THE JUDICIAL TRAINING SCHOOL TRAINED 530 JUDGES (OUT OF A TOTAL OF 585) ON DRAFTING/STRUCTURING SENTENCES IN ITS FIRST CYCLE. THE SCHOOL IS CURRENTLY PREPARING A COMPUTER/INTERNET SEMINAR ON FUNDAMENTAL GUARANTEES WITH FOUR MODULES FOR JUDGES ON HUMAN RIGHTS. IN OCTOBER, THEY HELD A SEMINAR ON DOMESTIC VIOLENCE AND A SEMINAR ON JUDICIAL ETHICS FOR 200 JUDGES.

THE POLICE AT TIMES FORCIBLY DISPERSED DEMONSTRATORS, USING TEAR GAS AND WEAPONS (SEE SECTIONS 2.B. AND 6.B.).

ELECTION CAMPAIGNING WAS RELATIVELY PEACEFUL, ALTHOUGH THERE WERE ISOLATED INSTANCES OF VIOLENCE. ON APRIL 29 TWO DOMINICAN LIBERATION PARTY (PLD) ACTIVISTS WERE KILLED IN MOCA DURING A CAMPAIGN RALLY FOR THE DOMINICAN REVOLUTIONARY PARTY (PRD). PLD MEMBERS CLAIMED THAT PRD SUPPORTERS SHOT INTO A GROUP OF PLD FLAG WEVERS. IN CONTRAST, PRD SUPPORTERS ARGUED THAT PLD OPPOSITION MEMBERS WERE TRYING TO "AMBUSH" THEIR PRESIDENTIAL CANDIDATE'S MOTORCADE. THERE WAS ALSO POLITICAL VIOLENCE IN SAN PEDRO DE MACORIS AT THE END OF APRIL IN WHICH A VICE-MAYOR AND

SECRETARY GENERAL OF THE PRD WERE WOUNDED BY GUNFIRE WHEN THEIR PARTY WAS CARRYING OUT A MEDICAL MISSION IN ONE OF THE NEIGHBORHOODS.

IN 32 PRISONS AROUND THE COUNTRY WITH A TOTAL CAPACITY OF 9,000, THE POLICE AND MILITARY HOLD MORE THAN 15,000 PERSONS. THE MILITARY CONTROLS 22 PRISONS WITH A TOTAL OF 6,000 PRISONERS, AND THE NATIONAL POLICE CONTROLS 10 PRISONS, WITH A TOTAL OF 9,000 INMATES. A WARDEN IS RESPONSIBLE FOR RUNNING EACH PRISON AND REPORTING TO THE ATTORNEY GENERAL THROUGH THE DIRECTORATE OF UNCLASSIFIED

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PRISONS. A POLICE OR MILITARY COLONEL (OR LIEUTENANT COLONEL) THAT IS APPOINTED FOR 3 TO 6 MONTHS ONLY, REPORTS TO THE WARDEN AND IS RESPONSIBLE FOR PROVIDING SECURITY. HOWEVER, IN PRACTICE THE COLONEL IS IN CHARGE OF THE PRISON, AND NEITHER THE DIRECTORATE OF PRISONS NOR THE INDIVIDUAL WARDENS HAVE MUCH POWER. ACCORDING TO CREDIBLE REPORTS, SOME PRISONS ARE TOTALLY OUT OF THE CONTROL OF THE AUTHORITIES. THEY ARE, IN EFFECT, OPERATED BY ARMED INMATES, WHO DECIDE WHETHER AN INDIVIDUAL GETS FOOD, OR SPACE TO SLEEP, OR A NEEDED VISIT TO A DOCTOR OR DENTIST. INDIVIDUAL INMATES ONLY CAN SECURE A TOLERABLE LEVEL OF EXISTENCE BY PAYING FOR IT. ONLY THOSE WITH CONSIDERABLE PERSONAL OR FAMILY RESOURCES CAN DO SO.

PRISON CONDITIONS RANGE FROM POOR TO EXTREMELY HARSH, BUT MOST FACILITIES FALL IN THE LATTER CATEGORY. REPORTS OF TORTURE AND MISTREATMENT IN PRISONS ARE COMMON. THE PRISONS ARE SERIOUSLY OVERCROWDED, HEALTH AND SANITARY CONDITIONS ARE POOR, AND SOME PRISONS ARE OUT OF THE CONTROL OF THE AUTHORITIES. MEDICAL CARE IN ALL PRISONS SUFFERS FROM A LACK OF SUPPLIES AND AVAILABLE PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS ARE NOT TRANSFERRED TO A HOSPITAL, BUT SOME TERMINAL-STAGE INMATES WERE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME. THE GENERAL DIRECTORATE OF PRISONS FALLS UNDER THE AUTHORITY OF THE PUBLIC MINISTRY AND IS SERIOUSLY UNDERFUNDED. BUDGET ALLOCATIONS FOR NECESSITIES SUCH AS FOOD, MEDICINES, AND TRANSPORTATION WERE LACKING.

CONDITIONS AT LA VICTORIA PRISON, RUN BY THE NATIONAL POLICE, POSE A SERIOUS THREAT TO LIFE AND HEALTH. IN JUNE, THIS PRISON HELD OVER 3,500 PRISONERS IN A FACILITY BUILT FOR 1,000. IN MARCH THERE WAS A SERIOUS FIRE AT LA VICTORIA IN WHICH THIRTEEN UNCLASSIFIED

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PEOPLE DIED, 44 SUFFERED BURNS, AND 20 OTHERS WERE INJURED. INMATES ALLEGED THAT GUARDS REFUSED TO OPEN CELL DOORS SO THAT THEY COULD ESCAPE. THERE IS NO INFORMATION OF AN INVESTIGATION

INTO THESE CLAIMS. DECONTROLLED/UNCLASSIFIED

THE BARAHONA COMMISSION FOR THE DEFENSE OF HUMAN RIGHTS HAS CRITICIZED THE CONDITIONS IN THE BARAHONA PRISON, WHICH HAS 22 BEDS, BUT CURRENTLY HOLDS 586 INMATES. IN CELLBLOCK #40, WHICH HAS SPACE FOR 32 PEOPLE, THERE ARE 145. FIFTY-TWO HAITIANS IMPRISONED THERE ARE "PRACTICALLY KIDNAPPED" AND HAVE NOT BEEN TAKEN TO THEIR HEARINGS. THE COMMISSION REPORTS THAT THE BATHROOMS ARE CESSPOOLS AND THAT THE AUTHORITIES ARE INDIFFERENT TO THE LACK OF HYGIENE; PRISONERS DO NOT RECEIVE MEDICINE OR MEDICAL ATTENTION, AND MANY HAVE TUBERCULOSIS AND OTHER DISEASES. THEY ALLEGEDLY RECEIVE ONLY ONE MEAL ON SATURDAYS AND NO MEALS ON SUNDAYS.

A GOVERNMENT FOOD PROGRAM FOR THE GENERAL PUBLIC IS USED TO PROVIDE LUNCHEES AT SOME PRISONS. THE FORMER DIRECTOR OF PRISONS REPORTED THAT HIS OFFICE HAD THE BUDGET TO SPEND US\$.50 (8 PESOS) PER INMATE TO PROVIDE THREE MEALS PER DAY. INMATES SURVEYED SAID THAT THE FOOD PROVIDED WAS UNACCEPTABLE, AND MOST CHOSE TO EAT WHATEVER THEY COULD BEG FOR OR PURCHASE FROM PERSONS IN THE VICINITY OF THE PRISON OR FROM FAMILY MEMBERS.

FEMALE PRISONERS ARE SEPARATED FROM MALE INMATES. IN GENERAL, CONDITIONS IN THE FEMALE PRISON WINGS ARE SUPERIOR TO THOSE FOUND IN MALE PRISON WINGS. THERE HAVE BEEN SOME REPORTS OF GUARDS ABUSING FEMALE INMATES. IN RAFEY PRISON, IN SANTIAGO GUARDS BEAT SIX INMATES AS THEY BATHED IN THE RAIN IN A COURTYARD OF THE PRISON. TWO OFFICIALS ALLEGEDLY RESPONSIBLE
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FOR THE BEATINGS WERE SAID TO HAVE BEEN TRIED IN A POLICE TRIBUNAL.

THE LAW REQUIRES THAT JUVENILES BE DETAINED SEPARATELY FROM ADULTS. HOWEVER, RECENT PRESS REPORTS FOUND A HIGH INCIDENCE OF VIOLATIONS AT PRISONS AROUND THE COUNTRY. NAJAYO PRISON HAS A NEW WING FOR JUVENILE OFFENDERS WHICH HOLDS 250.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS AND BY THE PRESS.

. D. (SBU/NF) ARBITRARY ARREST, DETENTION, OR EXILE

ARBITRARY ARREST AND DETENTION ARE PROBLEMS. THE CONSTITUTION PROVIDES FOR THE SECURITY OF THE INDIVIDUAL AGAINST IMPRISONMENT WITHOUT LEGAL PROCESS, AND BARS DETENTION BEYOND 48 HOURS WITHOUT BEING PRESENTED BEFORE JUDICIAL AUTHORITIES, OR FAILURE BY CUSTODIAL AUTHORITIES TO PRESENT DETAINEES WHEN REQUESTED. IT ALSO PROVIDES FOR RECOURSE TO HABEAS CORPUS PROCEEDINGS TO

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REQUEST THE RELEASE OF THOSE UNLAWFULLY WITHHELD. HOWEVER, THE SECURITY FORCES CONTINUE TO VIOLATE CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR INVESTIGATION OR INTERROGATION BEYOND THE PRESCRIBED 48-HOUR LIMIT. THE POLICE TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHICH ONES ARE INNOCENT AND MERIT RELEASE, AND WHICH ONES THEY SHOULD CONTINUE TO HOLD. AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS IN 1997, THE POLICE BEGAN TO CURTAIL THE PRACTICE OF ARBITRARY DETENTION IN THOSE PRECINCTS. HOWEVER, PROGRESS HAS BEEN SLOW (SEE SECTION 1.C.), AND THIS PROGRAM HAS BEEN LIMITED FOR THE MOST PART TO THE SANTO DOMINGO METROPOLITAN AREA.

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THE PROSECUTOR FOR THE COURT OF APPEALS IN SANTIAGO REPORTED THAT THE DEPARTMENT OF INVESTIGATION OF HOMICIDE AND ROBBERY OF THE NATIONAL POLICE, NORTHERN COMMAND, ROUTINELY DETAINED PERSONS BEYOND THE 48-HOUR LIMIT. DETAINEES AT POLICE HEADQUARTERS IN SANTO DOMINGO, KNOWN AS "THE PALACE," COMPLAINED OF BEING HELD FOR 15 TO 21 DAYS. JUVENILES HELD AT THE DEPARTMENT FOR MINORS AT THE VILLA JUANA POLICE STATION ARE COMMONLY HELD FOR 8 TO 14 DAYS, WELL BEYOND THE 24-HOUR LIMIT FOR MINORS. THE OFFICIAL IN CHARGE OF THE DEPARTMENT FOR MINORS ATTRIBUTES THIS TO LACK OF SWIFT ACTION BY THE "DEFENSOR DE MENORES," THE PUBLIC MINISTRY OFFICIAL IN CHARGE OF INTERROGATING MINORS AND SENDING THEM BEFORE A JUVENILE COURT JUDGE. BY LAW, JUVENILES MAY NOT BE INTERROGATED BY THE POLICE, OR IN THE PRESENCE OF POLICE.

THE POLICE CONTINUED THE PRACTICE OF MAKING FREQUENT SWEEPS OR ROUNDUPS IN LOW-INCOME, HIGH-CRIME COMMUNITIES IN WHICH THEY ARREST AND DETAIN INDIVIDUALS ARBITRARILY. THE ALLEGED OBJECTIVE OF THE ROUNDUPS IS TO FIGHT DELINQUENCY. FOLLOWING THE INDISCRIMINATE ARRESTS, THE POLICE REGULARLY DETAIN INDIVIDUALS FOR UP TO 20 DAYS OR MORE, WHILE THEY LOOK FOR A REASON TO CHARGE THEM WITH A CRIME. ON SEPTEMBER 23-24, FOR EXAMPLE, POLICE ARRESTED 900 PEOPLE AROUND THE COUNTRY IN ONE WEEKEND WITH THE OBJECTIVE OF "PREVENTING THE COMMISSION OF CRIMES" AND "MAINTAINING ORDER AND PEACE." THEY ALSO TOOK POSSESSION OF MOTORCYCLES, VEHICLES AND WEAPONS. HUMAN RIGHTS ORGANIZATIONS REPORT THAT INDIVIDUALS DETAINED IN THESE ROUNDUPS ARE FREQUENTLY BEATEN. THE POLICE SAY THAT THEY RELY UPON UNLAWFUL DETENTION WITHOUT PRESENTATION TO A COURT BECAUSE SOME CASES INVOLVE MORE COMPLICATED INVESTIGATIONS. HOWEVER, THERE

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IS A CLEAR PATTERN OF THE POLICE ARRESTING INDIVIDUALS BEFORE

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INVESTIGATING A CRIME THOROUGHLY, AND RELYING ON CONFESSIONS TO MAKE THEIR CASE. WITHOUT THE EDUCATION, TRAINING, OR EQUIPMENT TO CONDUCT MODERN FORENSIC INVESTIGATIONS; POLICE RELY INSTEAD ON HOLDING SUSPECTS INCOMMUNICADO (SEE SECTION 1.E.), REPEATEDLY QUESTIONING THEM, AND SOMETIMES BEATING THEM, UNTIL THEY CONFESS. PROSECUTORS WHO ARE ASSIGNED TO MONITOR THE CRIMINAL INVESTIGATION PHASE AT POLICE STATIONS APPEAR TO BE UNABLE TO CONTROL THE PRACTICE (SEE SECTION 1.C.).

A RELATED PROBLEM IS THE POLICE PRACTICE OF ARRESTING AND DETAINING INDIVIDUALS SOLELY BECAUSE OF THEIR FAMILIAL OR MARITAL RELATIONSHIP TO A SUSPECT. A SUSPECT'S PARENTS, SIBLINGS, OR SPOUSE ARE ALL VULNERABLE TO THIS PRACTICE, THE GOAL OF WHICH IS TO COMPEL AN AT-LARGE SUSPECT TO GIVE HIMSELF UP OR TO COERCE A CONFESSION FROM ONE ALREADY ARRESTED.

LOCAL HUMAN RIGHTS ORGANIZATIONS HAVE REPORTED ON AND DENOUNCED IN THE PRESS ROUNDUPS OF HAITIAN AND DOMINICAN-HAITIAN CONSTRUCTION WORKERS BY POLICE OFFICIALS. OFFICIALS ALLEGEDLY TAKE GROUPS OF DARK-SKINNED OR "HAITIAN-LOOKING" INDIVIDUALS TO EMPTY BUILDINGS SOON AFTER THEY HAVE BEEN PAID, IN ORDER TO EXTORT MONEY FROM THEM. ONE WORKER REPORTED THAT HE WAS FREQUENTLY BEATEN AND HAD MANY OF HIS PAYCHECKS TAKEN DURING THESE ROUNDUPS. HE SAYS THAT THE LICENSE PLATES ARE REMOVED FROM THE OFFICIAL POLICE VEHICLES SO THAT THE PERPETRATORS CANNOT BE EASILY IDENTIFIED.

MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION. IN JUNE OVER 83 PERCENT OF THE NATIONAL PRISON POPULATION WAS AWAITING TRIAL, 11 PERCENT HIGHER THAN THE SAME POPULATION IN 1999; OF THESE, 16.3%

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WERE CONVICTED, 21.8% HAVE CONVICTIONS UNDER APPEAL, AND 62% ARE "PRISONERS WITHOUT SENTENCES." HOWEVER, WHILE SUSPECTS NATIONWIDE STILL SUFFER LONG PRETRIAL DETENTION, JUDICIAL STATISTICS SHOW REDUCED DELAYS FOR THE LAST 3 YEARS IN THE SANTO DOMINGO NATIONAL DISTRICT (AN AREA THAT ACCOUNTS FOR APPROXIMATELY 45 PERCENT OF ALL CRIMINAL CASES IN THE COUNTRY). THE AVERAGE PRETRIAL DETENTION THROUGHOUT THE COUNTRY IS MORE THAN SIX MONTHS. BECAUSE OF THE HISTORICAL INEFFICIENCY OF THE COURTS (SEE SECTION 1.E.), THE GRANTING OF BAIL SERVES AS THE DE FACTO CRIMINAL JUSTICE SYSTEM. AS A RULE, DEFENDANTS AWARDED BAIL RARELY FACE AN ACTUAL TRIAL. (TIME ALREADY SERVED COUNTS TOWARD A SENTENCE.) THIS SITUATION IMPROVED SOMEWHAT AS A RESULT OF THE STEPS TAKEN BY THE FORMER SANTO DOMINGO DISTRICT ATTORNEY AND THE JUDICIARY, IN COOPERATION WITH THE DIRECTOR OF PRISONS, TO INTRODUCE A PRISONER REGISTRY SYSTEM THAT FOCUSES ON ENSURING TIMELY TRIALS FOR PRISONERS. AS OF JUNE (TO BE UPDATED IN DECEMBER), HOWEVER, THIS REGISTRY SYSTEM WAS ONLY AVAILABLE

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INTERNALLY TO THE DIRECTOR OF PRISONS, AND COULD NOT BE ACCESSED BY THE PUBLIC MINISTRY. THE FAILURE OF PRISON AUTHORITIES TO PRODUCE THE ACCUSED CAUSED A SIGNIFICANT PERCENTAGE OF TRIAL POSTPONEMENTS. AUTHORITIES HELD SOME PRISONERS EVEN THOUGH THERE WERE NO FORMAL CHARGES AGAINST THEM, AND KEPT SOME PRISONERS JAILED EVEN AFTER A COURT ORDERED THEIR RELEASE. ONE PRISONER HELD IN NAJAYO PRISON WAS CHARGED WITH SWINDLING OVER FOUR YEARS AGO. THE MAXIMUM PENALTY FOR THIS CRIME WAS THREE YEARS; HOWEVER, THE PRISONER WAS NEVER TRIED OR CONVICTED. HIS CASE WAS FINALLY DISMISSED IN AUGUST. THE ATTORNEY GENERAL PROPOSED A PROGRAM TO REDUCE PRISON CROWDING BY RELEASING INMATE WHO WERE ONLY HELD PENDING PAYMENT OF A FINE.

FROM JANUARY THROUGH AUGUST THERE WERE IMPROVEMENTS IN THE
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ADMINISTRATION OF JUSTICE THAT RESULTED FROM COOPERATION BETWEEN THE JUDICIARY AND THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE. IN THE NATIONAL DISTRICT TIME TO TRIAL WAS REDUCED FROM 11

MONTHS IN 1997 TO 5.1 MONTHS IN 2000. NEW CASES UNNECESSARILY ENTERING/CONGESTING THE CRIMINAL SYSTEM WERE REDUCED BY MORE THAN 50% THROUGH USE OF COMMUNITY CONCILIATION CENTERS, AND INVESTIGATIVE JUDGE RULINGS INCREASED BY 65% IN THE LAST TWO YEARS. THE COURTS' EFFORTS TO IMPROVE PRODUCTIVITY OF JUDGES WAS NOTABLE: THE NUMBER OF DEFINITIVE (FINAL) SENTENCES WAS QUADRUPLED OVER THE NUMBER OF SENTENCES HANDED DOWN IN 1997, AND LESS THAN 50% OF ALL PRISONERS HAVE MORE THAN 12 MONTHS IN JAIL THIS YEAR. IT IS NOT YET CLEAR HOW THE CHANGE OF 90% OF PUBLIC MINISTRY OFFICIALS IN AUGUST WILL AFFECT THE POSITIVE TRENDS INTRODUCED IN THE PREVIOUS ADMINISTRATION.

NOTABLE ADVANCES WERE ALSO MADE BY THE NEW MEJIA ADMINISTRATION TO INCREASE THE AVAILABILITY OF FREE LEGAL SERVICES TO THE POOR. MOST JAILED DOMINICANS CANNOT AFFORD ADEQUATE DEFENSE SERVICES. THE EXECUTIVE BRANCH COMMISSIONER OF THE JUSTICE REFORM COMMISSION RETAINED ALL 31 OF THE PUBLIC DEFENDERS HIRED DURING THE PREVIOUS ADMINISTRATION AND HIRED AN ADDITIONAL
_____[DECEMBER # UPDATE]. THE JUSTICE REFORM COMMISSION'S PUBLIC DEFENDER PROGRAM WAS EXPANDED NATIONALLY TO 5 NEW MUNICIPALITIES. A BILL TO CREATE A NATIONAL PUBLIC DEFENSE PROGRAM WAS SUBMITTED TO THE CONGRESS AND IS IN THE JUSTICE COMMITTEE FOR ANALYSIS [AS OF SEPT 00].

HOGUISTEN CANJI, A 33-YEAR-OLD HAITIAN, SPENT 9 YEARS BEHIND BARS WITHOUT AN OFFICIAL CHARGE AND WITHOUT EVER BEING PRESENTED TO A JUDICIAL OFFICER. HIS CASE FINALLY CAME TO THE ATTENTION OF
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THE PUBLIC DEFENDER PROGRAM, WHICH ULTIMATELY OBTAINED HIS RELEASE ON A WRIT OF HABEAS CORPUS. HIS ATTORNEY NOTED THAT THERE WAS NO OFFICIAL FILE ON THE CASE, NO NAME OF THE PERSON THAT HE ALLEGEDLY MURDERED IN 1991, AND NO ORDER OF PREVENTIVE DETENTION. A PUBLIC DEFENDER PROGRAM ATTORNEY ALSO DEFENDED HECTOR MANUEL REYES, WHO SPENT 17 YEARS BEHIND BARS FOR A MURDER FOR WHICH HE HAD NEVER BEEN CONVICTED. AUTHORITIES HAD LOST HIS CASE FILE. OFFICIALS ACKNOWLEDGE THERE MAY BE HUNDREDS OF SUCH CASES IN THE PRISON SYSTEM.

THE LAW PROHIBITS FORCED EXILE, AND THERE WERE NO REPORTS OF ITS USE. HOWEVER, PERSONS WHO CREDIBLY ASSERTED THEY WERE CITIZENS WERE SOMETIMES EXPELLED TO HAITI (SEE SECTION 1.F. AND 2.D.).

E. (SBU/NF) DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION CALLS FOR AN INDEPENDENT JUDICIARY. ATTEMPTS BY PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, TO UNDERMINE JUDICIAL INDEPENDENCE HAVE DECREASED SOMEWHAT. THE NATIONAL JUDICIARY COUNCIL CHOOSES MEMBERS OF THE SUPREME COURT, WITH THE GOAL OF ENSURING INDEPENDENCE FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES. THE JUDICIARY, BASED PRIMARILY ON THE NAPOLEONIC CODE, A CIVIL LAW CODE, INCLUDES A 16-MEMBER SUPREME COURT, APPEALS COURTS, COURTS OF FIRST INSTANCE, AND JUSTICES OF THE PEACE. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, LAND, AND JUVENILE MATTERS.

MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE SECURITY FORCES. HOWEVER, THIS SYSTEM WAS CHALLENGED BY CIVIL SOCIETY GROUPS IN A SUPREME COURT CASE FILED IN AUGUST (SEE SECTION 1.A.). PUBLIC PRESSURE EXISTS FOR MILITARY OR POLICE

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BOARDS TO REMAND CASES INVOLVING SERIOUS CRIMES TO CIVILIAN COURTS FOR REVIEW; HOWEVER THERE IS NO INFORMATION THAT ANY SUCH CASES HAVE BEEN REMANDED THIS YEAR. IN OTHER CASES, CIVIL AUTHORITIES HAVE REQUESTED THE PN TO TURN OVER THEIR FILES SO THAT CASES OF SUSPECTED EXTRAJUDICIAL KILLINGS MIGHT BE EVALUATED INDEPENDENTLY FOR POSSIBLE PROSECUTION. THERE WAS LITTLE COOPERATION FROM THE NATIONAL POLICE OR MILITARY IN REQUESTED INVESTIGATIONS DURING THE FERNANDEZ ADMINISTRATION (SEE SECTION 1.C.).

JUDGES, RATHER THAN JURIES, RENDER ALL VERDICTS. UNDER THE 1994 CONSTITUTIONAL AMENDMENTS, WHICH ENTERED INTO FORCE IN AUGUST 1998, THE SUPREME COURT IS RESPONSIBLE FOR NAMING ALL LOWER-COURT JUDGES IN ACCORDANCE WITH A JUDICIAL CAREER LAW. THE NATIONAL JUDICIARY COUNCIL SELECTS NEW JUSTICES OF THE SUPREME

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COURT. THE COUNCIL CONSISTS OF THE PRESIDENT, THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE CHAMBER OF DEPUTIES, TWO AT-LARGE MEMBERS DESIGNATED BY THEM, THE PRESIDENT OF THE SUPREME COURT, AND ONE OTHER JUSTICE DESIGNATED BY THE SUPREME COURT.

FOLLOWING THE COMMISSION OF A CRIME, THE CRIMINAL PROCESS BEGINS WITH THE ARREST OF POSSIBLE SUSPECTS. DURING THE INVESTIGATIVE PHASE, SUSPECTS ARE QUESTIONED REPEATEDLY AND URGED TO CONFESS. THE CONSTITUTION PROVIDES FOR THE RIGHT NOT TO BE ARRESTED WITHOUT JUDICIAL WARRANT EXCEPT IN CASES WHERE THE SUSPECT IS CAUGHT IN THE ACT; THE RIGHT NOT TO BE DEPRIVED OF LIBERTY WITHOUT TRIAL OR LEGAL FORMALITIES, OR FOR REASONS OTHER THAN THOSE PROVIDED BY LAW; THE RIGHT TO BE PRESENTED TO A COMPETENT JUDICIAL AUTHORITY WITHIN 48 HOURS OF ONE'S DETENTION; THE RIGHT NOT TO BE A WITNESS AGAINST ONESELF; AND THE RIGHT TO A DEFENSE IN AN IMPARTIAL AND PUBLIC TRIAL. THESE RIGHTS ARE COMMONLY

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DISREGARDED.

THE MOST SERIOUS AND COMMON VIOLATION OF THESE RIGHTS OCCURS WHEN POLICE DETAIN SUSPECTS, SOMETIMES FOR MANY DAYS, WITHOUT GIVING THEM ACCESS TO A TELEPHONE CALL TO FAMILY WHILE SUBJECTING THEM TO FREQUENT QUESTIONING. ALTHOUGH ACCUSED PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT, THEY OFTEN ARE NOT PERMITTED TO CALL ONE OR, IF ONE ARRIVES, THE ATTORNEY IS NOT PERMITTED TO BE PRESENT DURING THE QUESTIONING. (THE POLICE COMPLAIN THAT THE PRESENCE OF ATTORNEYS INTERFERES WITH THEIR INVESTIGATIONS.) UNDER THESE CIRCUMSTANCES, SUSPECTS MAY CONFESS TO ACTS THAT THEY DID NOT COMMIT MERELY TO GET RELIEF FROM THE INTENSE QUESTIONING AND THE DETENTION. THE RESULTS OF THESE INTERROGATIONS FREQUENTLY FORM THE ONLY EVIDENCE PRESENTED AT THE TRIAL. DOMINICAN LAW CONTAINS THE REMEDY OF "AMPARO"--AN ACTION ANY CITIZEN MAY BRING FOR VIOLATION OF A CONSTITUTIONAL RIGHT, IN ACCORDANCE WITH THE TERMS OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. THIS ACTION INCLUDES VIOLATIONS BY JUDICIAL OFFICIALS. THE PROCESS OF DISPUTE RESOLUTION, INCLUDING RECONCILIATION, MEDIATION, AND ARBITRATION, CONTINUES TO BE USED AS AN ALTERNATIVE TO TRIAL AND INCARCERATION.

THERE REMAINS A LARGE BACKLOG OF CRIMINAL CASES IN THE NATIONAL DISTRICT AND THROUGHOUT THE COUNTRY. THE SUPREME COURT'S PLAN TO UNCLOG THE COURT DOCKETS HAS BEEN FRUSTRATED BY THE GOVERNMENT'S FAILURE TO ALLOCATE SUFFICIENT FUNDS. DOCKETS ARE CROWDED WITH TRAFFIC INFRACTIONS THAT SHOULD BE HEARD IN THE TRAFFIC COURTS PROVIDED FOR BY STATUTE; DUE TO A LACK OF FUNDS, THE TRAFFIC COURTS HAVE NOT BEEN SET UP. OTHER COMPLICATIONS IN CLEARING THE BACKLOG ARISE FROM THE EXHAUSTION OF FUNDS FOR TRANSPORTING PRISONERS TO COURT; MANY CASES MUST BE SENT BACK WHEN THE

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ACCUSED DOES NOT APPEAR. THE GOVERNMENT HAS NOT YET ESTABLISHED
25 ADDITIONAL COURTS PROVIDED FOR BY LAW.

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

F. (SBU/NF) ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME,
OR CORRESPONDENCE

THE CONSTITUTION CONTAINS PROVISIONS AGAINST INVASION OF THE HOME; HOWEVER, POLICE SOMETIMES BREAK INTO PRIVATE QUARTERS WITHOUT CAUSE TO SEARCH FOR SUSPECTS, AND AUTHORITIES INFRINGE ON CITIZENS' PRIVACY RIGHTS IN OTHER WAYS AS WELL. ALTHOUGH THE GOVERNMENT DENIES ARBITRARY USE OF WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES, IT HAS NOT CRACKED DOWN ON AN ACTIVE PRIVATE WIRETAPPING INDUSTRY.

THE LAW PERMITS THE ARREST OF A SUSPECT CAUGHT IN THE ACT OF COMMITTING A CRIME, AND POLICE MAY ENTER A RESIDENCE OR BUSINESS IN PURSUIT OF SUCH SUSPECTS. OTHERWISE JUDGES MUST AUTHORIZE ARRESTS AND ISSUE SEARCH WARRANTS. HOWEVER, THE PN AND OCCASIONALLY THE DNCD CONTINUE TO VIOLATE THESE REQUIREMENTS. SOME PROSECUTORS CONFESS THAT OUT OF "TACTICAL NECESSITY TO COMBAT CRIMINALITY" AND "WITH GREAT RELUCTANCE," THEY TOLERATE THE ILLEGAL SEARCH PRACTICES. THEY JUSTIFY THEIR ACTIONS BY ARGUING THAT THE GOVERNMENT HAS NOT PROVIDED SUFFICIENT RESOURCES OR ATTENTION TO CRIMINAL INVESTIGATION AND THAT, GIVEN THE CUMBERSOME AND ANTIQUATED CRIMINAL PROCEDURES, ADHERING TO THE LETTER OF THE LAW WOULD MAKE LAW ENFORCEMENT NEARLY IMPOSSIBLE. THE DOMINICAN HUMAN RIGHTS COMMITTEE REPORTS THAT POLICE CARRIED OUT RAIDS ON PRIVATE HOMES IN SANTO DOMINGO

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NEIGHBORHOODS CAPUTILLO, VILLA AGRICOLA, LOS ALCARRIZOS, AND
GUACHUPITA; POLICE ALLEGEDLY WENT INTO HOMES WITHOUT SEARCH
WARRANTS TO LOOK FOR DELINQUENTS.

4. (SBU/NF) SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. (SBU/NF) FREEDOM OF SPEECH AND PRESS

THE LAW PROVIDES FOR THESE FREEDOMS, AND THE GOVERNMENT GENERALLY RESPECTS THEM IN PRACTICE; HOWEVER, THERE ARE SOME ISOLATED EXCEPTIONS. FOR EXAMPLE THERE ARE ISOLATED INSTANCES OF GOVERNMENT PRESSURE ON EDITORS NOT TO PUBLISH CERTAIN UNFAVORABLE ITEMS, SUCH AS NEGATIVE POLL RESULTS.

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CITIZENS OF ALL POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH. NEWSPAPERS AND MAGAZINES FREELY PRESENT A DIVERSITY OF OPINION AND CRITICISM; THERE ARE 8 DAILY, AND 7 WEEKLY NEWSPAPERS, AND 3 WEEKLY MAGAZINES. HOWEVER, SELF-CENSORSHIP IS PRACTICED, PARTICULARLY WHEN COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL INTERESTS OF MEDIA OWNERS.

THE NATIONAL PRESS UNION DENOUNCED THE TREATMENT OF JOURNALIST AND UNION SECRETARY, PAUL MEGUIS JOSE, BY POLICE IN APRIL. JOSE WAS FOLLOWING A STORY IN BATEY CENTRAL IN BARAHONA WHEN HE WAS SHOVED BY A POLICE OFFICER WHO THREW HIS CAMERA ON THE GROUND AND THEN CONFISCATED IT. A POLICE TRIBUNAL FOUND THE OFFICIAL GUILTY OF AN INFRACTION, AND ORDERED HE SERVE TEN DAYS IN PRISON. IN SAN FRANCISCO DE MACORIS, POLICE SMASHED THE CAMERA OF LA NACION REPORTER JULIO BENZANT. HOY REPORTER JOSE RIVAS WAS ARRESTED AND MISTREATED BY THE DNI DURING HIS COVERAGE OF THE RETURN OF MARIO DURAN CABRERA, ONE OF THE DEFENDANTS IN THE

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ORLANDO MARTINEZ CASE. THE DOMINICAN HUMAN RIGHTS COMMITTEE CRITICIZED THE DETENTION OF JOURNALIST ROBERT VARGAS, OF EFE SPANISH NEWS AGENCY, AND THE UNLAWFUL SEARCH OF HIS RESIDENCE CARRIED OUT BY POLICE IN AN ATTEMPT TO INTIMIDATE HIM FOR HIS REPORTING ON HUMAN RIGHTS ISSUES.

NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW. THE GOVERNMENT CONTROLS ONE TELEVISION STATION.

IN SEPTEMBER, THE NATIONAL PRESS UNION CRITICIZED THE VIOLATION OF FREEDOM OF EXPRESSION BY THE DIRECTOR OF A GOVERNMENT-OWNED DOMINICAN RADIO TELEVISION FOR THE CANCELLATION OF THE DOMINICAN FM RADIO PROGRAM. THE DIRECTOR OF THE STATION ARRIVED WITH A GROUP OF MILITARY OFFICERS TO INTERRUPT THE ONGOING PROGRAM, AND SAID THE PROGRAM SERVED AS A FORUM TO CRITICIZE THE GOVERNMENT OF PRESIDENT MEJIA. THE UNION COMPLAINS THIS CANCELLATION WAS WITHIN DAYS OF THE INSTALLATION OF THE NEW GOVERNMENT, AND ALLEGES THE STATION DIRECTOR SHOULD HAVE DISCUSSED THE PROGRAM WITH ITS PRODUCERS IF HE DISAGREED WITH ITS CONTENT.

PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 100,000 MOSTLY PART-TIME STUDENTS, HAS FEW RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NONINTERVENTION (OTHER THAN ON CURRICULUM DEVELOPMENT) IN CLASSROOM AFFAIRS. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES, EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS ARE FREE TO ESPOUSE THEIR OWN THEORIES WITHOUT

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B. (SBU/NF) FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE; HOWEVER, THERE WERE SOME EXCEPTIONS. OUTDOOR PUBLIC MARCHES AND MEETINGS REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS; HOWEVER, THERE WERE INCIDENTS IN WHICH THE POLICE USED FORCE TO BREAK UP DEMONSTRATIONS ON SEVERAL OCCASIONS THROUGHOUT THE YEAR, THE GOVERNMENT RESPONDED WITH FORCE TO DISPERSE DEMONSTRATORS CALLING FOR COMPLETION OF PUBLIC WORKS PROJECTS, OPPOSING EVICTIONS, OR SUPPORTING A STRIKE. DURING TRANSPORTATION STRIKES IN THE FIRST FOUR MONTHS OF THE YEAR, POLICE USED FORCE TO DISPERSE UNION MEMBERS; OTHERS WERE ARRESTED AND DETAINED WITHOUT CHARGES FOR SEVERAL DAYS.

JUDICIAL BRANCH STATISTICS CONCERNING THE USE OF THE CRIMINAL CHARGE OF "ASSOCIATION WITH CRIMINAL ELEMENTS" DOCUMENT IMPROVEMENT IN CONDITIONS FOR POLITICAL DISSENT UNDER THE FERNANDEZ ADMINISTRATION. THERE HAVE BEEN NO REPORTS OF THIS CHARGE DURING THE NEW MEJIA ADMINISTRATION. UNDER FORMER PRESIDENT BALAGUER, AUTHORITIES TRADITIONALLY USED THIS CHARGE AGAINST DISSIDENTS AND THOSE INVOLVED IN STREET DEMONSTRATIONS AGAINST THE GOVERNMENT.

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. POLITICAL PARTIES FREQUENTLY AFFILIATE WITH THEIR FOREIGN COUNTERPART ORGANIZATIONS. PROFESSIONAL ORGANIZATIONS OF LAWYERS, DOCTORS, TEACHERS, AND OTHERS FUNCTION FREELY AND CAN MAINTAIN RELATIONSHIPS WITH COUNTERPART ORGANIZATIONS (SEE SECTION 6.A.).

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C. (SBU/NF) FREEDOM OF RELIGION

THE CONSTITUTION PROHIBITS DISCRIMINATION ON RELIGIOUS GROUNDS, AND THE GOVERNMENT DOES NOT INTERFERE WITH THE PRACTICE OF RELIGION. MANY RELIGIONS AND DENOMINATIONS ARE ACTIVE.

THE CATHOLIC CHURCH, WHICH SIGNED A CONCORDAT WITH THE GOVERNMENT IN 1954, ENJOYS SPECIAL PRIVILEGES NOT EXTENDED TO OTHER RELIGIONS. THESE INCLUDE THE USE OF PUBLIC FUNDS TO UNDERWRITE SOME CHURCH EXPENSES, SUCH AS REHABILITATION OF CHURCH FACILITIES, AND A COMPLETE WAIVER OF CUSTOMS DUTIES WHEN

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IMPORTING GOODS INTO THE COUNTRY. THE ATTENDANCE AT CATHOLIC MASS FOR MEMBERS OF THE NATIONAL POLICE IS COMPULSORY.

IN JULY THEN-PRESIDENT FERNANDEZ SIGNED A LAW MAKING BIBLE READING IN PUBLIC SCHOOLS OBLIGATORY. THIS NEW LAW ADDED BIBLE READING TO THE WEEKLY FLAG RAISING AND SINGING OF THE NATIONAL ANTHEM IN PUBLIC SCHOOLS. PRIVATE SCHOOLS ARE NOT OBLIGED TO INCLUDE BIBLE READING AS PART OF THEIR WEEKLY ACTIVITIES.

D. (SBU/NF) FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF TRAVEL, EXCEPT FOR LIMITATIONS IMPOSED UNDER JUDICIAL SENTENCE, OR POLICE REGULATIONS FOR IMMIGRATION AND HEALTH REASONS. CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY. LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS CITED DISCRIMINATION AGAINST HAITIAN MIGRANTS, WHOM THEY SAID WERE SUBJECT TO ARBITRARY AND UNILATERAL ACTION BY THE AUTHORITIES.

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HAITIANS CONTINUE TO MIGRATE IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST WITHOUT LEGAL DOCUMENTS, IN SEARCH OF ECONOMIC OPPORTUNITY. SOME ILLEGAL MIGRATION IS ASSISTED OR INDIRECTLY SANCTIONED BY DOMINICAN AUTHORITIES, ESPECIALLY BY POLICE AND MILITARY IN THE BORDER AREAS, WHO PROFIT BY THE ILLEGAL TRAFFIC. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, REPATRIATED UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE COUNTRY ILLEGALLY. IN MANY CASES, THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO DEMONSTRATE THEY RESIDED LEGALLY IN THE DOMINICAN REPUBLIC OR TO MAKE ARRANGEMENTS FOR THEIR FAMILIES OR PROPERTY. HAITIAN GOVERNMENT OFFICIALS COMPLAINED THAT HAITIANS OFTEN WERE DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT TIMELY NOTICE TO HAITIAN AUTHORITIES. INSTANCES OF VIOLENT TREATMENT OF HAITIAN MIGRANTS CONTINUE TO BE WIDELY REPORTED IN THE PRESS AND BY HUMAN RIGHTS ORGANIZATIONS.

ON JULY 18 IN GUAYABIN, ON THE NORTHERN BORDER WITH HAITI, SIX HAITIANS WERE SHOT AND KILLED BY DOMINICAN MILITARY AGENTS AFTER THEY CROSSED THE BORDER ILLEGALLY IN A TRUCK. THE TRUCK HAD SPED THROUGH SEVERAL MILITARY CHECKPOINTS AND DOMINICAN MILITARY PURSUED IT UNTIL IT CRASHED. A DOMINICAN WAS ALSO KILLED. CONTROVERSY STILL EXISTS AS TO WHETHER THE MILITARY KNEW THE TRUCK WAS FILLED WITH IMMIGRANTS WHEN THEY FIRED AT IT. A COMMISSION WITH MEMBERS FROM HAITI AND THE DOMINICAN REPUBLIC WAS PANELED TO INVESTIGATE THE INCIDENT. THERE IS NO INFORMATION THE SOLDIERS WERE DISCIPLINED OR CHARGED.

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ON AUGUST 13, A 30-YEAR-OLD HAITIAN DIED AFTER HE WAS TAKEN INTO CUSTODY BY SOLDIERS IN LA CANADA, NEAR HONDO VALLE, A BORDER TOWN. ACCORDING TO NEWSPAPER REPORTS, HE HAD ENTERED ILLEGALLY

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AND WAS DETAINED ALONG WITH TWO OTHER ILLEGAL MIGRANTS. HE WAS ALLEGEDLY BEATEN TO DEATH BY DOMINICAN AUTHORITIES. THE COMMANDER OF THE THIRD BRIGADE OF THE ARMY ARRESTED THE SOLDIERS INVOLVED IN THE HOMICIDE AND PROMISED A QUICK INVESTIGATION.

THE INTER-AMERICAN COURT OF HUMAN RIGHTS ("THE COURT") ON AUGUST 8 HEARD A CASE PRESENTED BY THE DOMINICAN CENTER FOR JUSTICE AND INTERNATIONAL LAW (CEJIL), DOMINICANS 2000, HUMAN RIGHTS WATCH, THE INTERNATIONAL HUMAN RIGHTS LAW CLINIC, AND OTHER INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS, ALLEGING THAT MASSIVE EXPULSIONS, REPATRIATIONS, AND DEPORTATIONS OF HAITIANS AND DOMINICAN-HAITIANS BY THE DOMINICAN GOVERNMENT VIOLATED INTERNATIONAL HUMAN RIGHTS LAW. THE COURT CONSIDERED GENERAL CONCERNS ABOUT "MASS EXPULSIONS" AND "FORCED REPATRIATIONS" CARRIED OUT BY THE MINISTRY OF INTERIOR AND POLICE, AS WELL AS NINE INDIVIDUAL CASES OF PERSONS WHO WERE ALLEGEDLY FORCIBLY EXPELLED WITHOUT OPPORTUNITY FOR DUE PROCESS. THE COURT DID NOT ADDRESS THE CASE OF THE SIX HAITIANS KILLED IN GUAYABIN.

ON AUGUST 18 THE COURT RENDERED ITS DECISION LAYING OUT "PROVISIONAL MEASURES" FOR THE FUTURE TREATMENT OF HAITIANS, AND SPECIFIC RELIEF AND PROTECTION OF THE NINE INDIVIDUALS. IT DID NOT REQUIRE IMMEDIATE BROAD-BASED ACCOUNTABILITY OF DOMINICAN MIGRATION AUTHORITIES FOR ENFORCEMENT OF BORDER AGREEMENTS REACHED WITH HAITI IN DECEMBER 1999. THESE AGREEMENTS SET OUT A SYSTEMATIZED DEPORTATION PROCEDURE IN WHICH HAITIAN AUTHORITIES WOULD BE ADVISED OF POTENTIAL DEPORTATIONS, DEPORTEES WOULD BE GIVEN OPPORTUNITIES FOR LEGAL HEARINGS (TO PRESENT PROOF OF LEGAL STATUS IN THE COUNTRY), AS WELL AS OPPORTUNITIES TO ADVISE FAMILY MEMBERS AND COLLECT BELONGINGS. RATHER, THE COURT REQUESTED THAT THE GOVERNMENT PROVIDE MORE DETAILED INFORMATION

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ABOUT THE CONDITION OF INDIVIDUALS IN THE BORDER "BATEYES" (SHANTYTOWNS) WHO ARE POTENTIALLY SUBJECT TO FORCED EXPULSIONS. IT ALSO ASKED FOR A GOVERNMENT REPORT EVERY TWO MONTHS ON PROVISIONAL MEASURES THAT WILL BE ADOPTED TO COMPLY WITH THE COURT'S DECISION.

THE ONGOING PROCESS OF REPATRIATING HAITIAN NATIONALS HAS NOT DIMINISHED AFTER THE COURT'S DECISION IN AUGUST. NGO REPRESENTATIVES WORKING IN RURAL AREAS REPORTED THAT DECISIONS

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TO DEPORT OFTEN WERE MADE BY LOWER RANKING MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE RACIAL CHARACTERISTICS OF THE DEPORTEES. THE DIRECTOR OF MIGRATION DESCRIBED THE PROCESS OF ROUNDING UP ILLEGAL HAITIANS AS ONE ESSENTIALLY PERFORMED BY THE RANK AND FILE OF THE ARMED FORCES AND MIGRATION OFFICERS. THEY APPROACH PERSONS WHO LOOK LIKE HAITIANS, INCLUDING PERSONS WHO HAVE VERY DARK COMPLEXIONS AND FAIRLY POOR CLOTHING. THEY ENGAGE THEM IN CONVERSATION ABOUT THEIR WORK AND RESIDENCE, MAINLY TO CHECK THEIR USE OF SPANISH AND ANY ACCENT THEY MAY HAVE. IF SUCH PERSONS SPEAK SPANISH POORLY OR WITH A NOTICEABLE ACCENT, THEY ARE GENERALLY DETAINED AND DEPORTED.

THE HAITIAN GOVERNMENT PROTESTED THE FAILURE TO GIVE DETAINEES AN OPPORTUNITY FOR A HEARING ON THEIR CLAIM OF CITIZENSHIP OR RIGHT TO RESIDENCE, ALTHOUGH IT ACKNOWLEDGES THE GOVERNMENT'S RIGHT TO DEPORT THOSE INDIVIDUALS WHO ARE ILLEGAL ALIENS. NGO'S AND CATHOLIC PRIESTS FAMILIAR WITH THE PROCESS HAVE ALSO PROTESTED THAT CHILDREN BORN OF ONE OR TWO HAITIAN PARENTS IN THE DOMINICAN REPUBLIC, HERETOFORE DENIED REGISTRATION AS DOMINICAN NATIONALS, ARE FREQUENTLY AMONG THOSE DEPORTED AS ILLEGAL HAITIANS.

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ACCORDING TO A 1984 PRESIDENTIAL DECREE, AN APPLICANT FOR REFUGEE STATUS MUST BE REFERRED TO THE TECHNICAL SUBCOMMISSION OF THE NATIONAL COMMISSION FOR REFUGEES BY THE NATIONAL OFFICE OF REFUGEE AFFAIRS. THE SUBCOMMISSION, WHICH MAKES A RECOMMENDATION TO THE COMMISSION, IS MADE UP OF MEMBERS FROM THE FOREIGN MINISTRY, THE DNI, AND THE IMMIGRATION DIRECTORATE. THE COMMISSION, WHICH MAKES A FINAL DECISION ON THE APPLICATION, CONSISTS OF THE THREE MEMBERS OF THE SUBCOMMISSION; THE LEGAL ADVISOR TO THE PRESIDENT; AND MEMBERS OF THE PN, THE MINISTRY OF LABOR, AND THE ATTORNEY GENERAL'S OFFICE. ALTHOUGH THERE IS NO FUNCTIONING NATIONAL OFFICE OF REFUGEE AFFAIRS, THE SUBCOMMISSION MAKES RECOMMENDATIONS, AND THE IMMIGRATION DIRECTORATE ISSUES DOCUMENTATION TO REFUGEES CERTIFIED AS SUCH BY THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR). WHILE THESE DOCUMENTS ARE ACCEPTED ROUTINELY BY THE POLICE AND IMMIGRATION OFFICIALS, THE PROCESS BY WHICH THEY ARE ISSUED DOES NOT COMPLY WITH THE DECREE.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT.

CITING FEARS OF A MASSIVE INFLUX OF HAITIANS ACROSS THE SHARED BORDER, THE GOVERNMENT BACKED AWAY FROM ITS REFUGEE POLICY WITH RESPECT TO HAITIANS, OPTING INSTEAD FOR A POLICY OF STRICTLY

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ENFORCED DOCUMENTARY REQUIREMENTS AND REPATRIATION FOR THOSE FOUND LACKING. THIS POLICY HAS, IN PRACTICE, BEEN RENDERED ARBITRARY BY THE REALITY OF DEPENDENCE ON HAITIAN LABOR FOR CERTAIN AGRICULTURAL AND CONSTRUCTION WORK. THUS, AFTER BEING STOPPED AS A SUSPECTED ILLEGAL HAITIAN, AN INDIVIDUAL MAY BE ALLOWED TO REMAIN IN THE COUNTRY DESPITE HIS LACK OF DOCUMENTS

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IF HIS STORY ABOUT WORK SATISFIES THE OFFICIAL WHO STOPPED HIM.

THERE WERE NO REPORTS OF THE FORCED RETURN OF PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

5. (SBU/NF) SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY THROUGH PERIODIC ELECTIONS. THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY, AND ITS CITIZENS LAST EXERCISED THIS RIGHT IN FREE AND FAIR PRESIDENTIAL ELECTIONS IN MAY 2000. THE PRESIDENT AND ALL 179 MEMBERS OF THE SENATE AND CHAMBER OF DEPUTIES ARE ELECTED FREELY EVERY 4 YEARS BY SECRET BALLOT. THERE IS UNIVERSAL ADULT SUFFRAGE; HOWEVER, ACTIVE DUTY POLICE AND MILITARY PERSONNEL MAY NOT VOTE. THERE WAS A SIGNIFICANT CONTROVERSY ABOUT THE ABILITY OF THE CENTRAL ELECTORAL BOARD TO ISSUE NEW NATIONAL IDENTITY CARDS TO THE VOTING POPULATION PRIOR TO THIS YEAR'S ELECTIONS, AND THERE WERE SERIOUS ALLEGATIONS BY THE PRD THAT THE PLD WAS INTENTIONALLY SABOTAGING IT'S SUPPORTERS' ABILITY TO VOTE. ULTIMATELY, THE BOARD WAS ABLE TO ISSUE CARDS TO MOST VOTERS WHO APPLIED FOR THEM. THERE WERE ALSO NUMEROUS REPORTS, INCLUDING ALLEGATIONS BY SUPPORTERS OF THE PRD, THAT IDENTITY CARDS WERE BEING TAKEN OR "BOUGHT" FROM DARK-SKINNED INDIVIDUALS SO THAT THEY WOULD NOT EXERCISE THEIR RIGHT TO VOTE.

THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND CENTER OPERATE OPENLY. THE PRESIDENT OFTEN DOMINATES PUBLIC POLICY FORMULATION AND IMPLEMENTATION. HE CAN EXERCISE HIS AUTHORITY THROUGH THE USE

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OF THE VETO, DISCRETION TO ACT BY DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. TRADITIONALLY, THE PRESIDENT HAS PREDOMINANT POWER IN THE GOVERNMENT, EFFECTIVELY MAKING MANY IMPORTANT DECISIONS BY DECREE. FORMER PRESIDENT FERNANDEZ REDUCED THE RELIANCE ON RULE BY DECREE DURING HIS ADMINISTRATION. THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29 PROVINCES.

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CONGRESS PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND DEBATE. THE MAIN OPPOSITION PARTY IS THE PLD, WHICH HOLDS 4 OF 30 SEATS IN THE UPPER HOUSE AND 49 OF 149 SEATS IN THE LOWER HOUSE. A THIRD MAJOR PARTY, THE SOCIAL CHRISTIAN REFORM PARTY (PRSC) OF FORMER PRESIDENT BALAGUER, CONTESTS ALL ELECTIONS; VARIOUS SMALLER PARTIES ARE CERTIFIED TO CONTEST PROVINCIAL AND NATIONAL ELECTIONS.

THE CENTRAL ELECTORAL BOARD (JCE) CONDUCTS ALL ELECTIONS. IN APRIL 1999 THE LEADING POLITICAL PARTIES AGREED THAT THE CONGRESS SHOULD APPROVE LEGISLATION EXPANDING THE JCE TO SEVEN MEMBERS UNTIL AFTER THE 2000 PRESIDENTIAL ELECTIONS. THE PLD AND THE PRSC EACH NOMINATED ONE NEW MEMBER TO JOIN THE BOARD.

WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION; HOWEVER, THEY ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. BY LAW PARTIES MUST RESERVE 25 PERCENT OF POSITIONS ON VOTING LISTS FOR WOMEN; A PROPORTION THAT IS TO INCREASE TO 40 PERCENT IN 2002. HOWEVER, THE PARTIES OFTEN PLACE WOMEN SO LOW ON THE LISTS AS TO MAKE THEIR ELECTION DIFFICULT OR IMPOSSIBLE. WITH THE ELECTION OF FORMER SENATOR MILAGROS ORTIZ-BOSCH TO THE VICE-PRESIDENCY, THERE IS NOW ONLY 1 WOMAN IN THE 30-MEMBER SENATE; WOMEN HOLD 24 SEATS IN THE 149-MEMBER CHAMBER

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OF DEPUTIES. WOMEN CONTINUE TO BE REPRESENTED IN APPOINTED POSITIONS, ALBEIT TO A LIMITED DEGREE. THE PRESIDENT OF THE CHAMBER OF DEPUTIES IS A WOMAN, AS ARE TWO CABINET SECRETARIES. WOMEN FILL 5 OF THE 15 SEATS ON THE SUPREME COURT; THERE IS 1 VACANCY ON THE COURT.

6. (SBU/NF) SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY WITHOUT GOVERNMENT INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE NATIONAL HUMAN RIGHTS COMMISSION, AND THE NONGOVERNMENTAL TRUTH COMMISSION (DEALING WITH THE NARCISO GONZALEZ CASE), SEVERAL HAITIAN, CHURCH, WOMEN'S, AND LABOR GROUPS EXIST.

THERE IS NO OMBUDSMAN'S OFFICE. HOWEVER, CONGRESS IS CONSIDERING LEGISLATION TO CREATE A HUMAN RIGHTS OMBUDSMAN'S OFFICE AS WELL AS TO CREATE A SPECIAL PROSECUTOR FOR HUMAN RIGHTS ABUSES.

7. (SBU/NF) SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,

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DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE LAW PROHIBITS DISCRIMINATION BASED ON RACE AND SEX. ALTHOUGH SUCH DISCRIMINATION EXISTS, THE GOVERNMENT SELDOM ACKNOWLEDGES ITS EXISTENCE OR MAKES EFFORTS TO COMBAT IT.

WOMEN

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DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. UNDER THE 1997 LAW AGAINST DOMESTIC VIOLENCE, THE STATE CAN PROSECUTE A SUSPECT FOR RAPE, EVEN IF THE VICTIM DOES NOT FILE CHARGES. THIS LAW ALSO ALLOWS A RAPE VICTIM TO PRESS CHARGES AGAINST HER HUSBAND WITHOUT HAVING HER MARRIAGE ANNULLED. THE MINISTRY OF WOMEN, AS WELL AS VARIOUS NGO'S, HAVE OUTREACH PROGRAMS ON DOMESTIC VIOLENCE AND LEGAL RIGHTS. IN APRIL 1998 THE GOVERNMENT OPENED A CENTER IN VILLA JUANA (NATIONAL DISTRICT) FOR THE LEGAL SUPPORT AND FORENSIC EXAMINATION OF ABUSED WOMEN, WHICH HANDLED 35 TO 50 CASES PER DAY IN ITS FIRST YEAR. SINCE ITS OPENING, IT HAS HANDLED OVER 7,000 CASES AND NOW AVERAGES 60 TO 90 CASES PER DAY. DUE TO THE SUCCESS OF THIS FIRST CENTER, THE GOVERNMENT OPENED TWO ADDITIONAL CENTERS THIS YEAR IN SAN FRANCISCO DE MACORIS AND SANTIAGO. THE MINISTRY OF WOMEN HAS BEGUN A PROJECT, IN COORDINATION WITH A LOCAL NGO, TO USE USG FUNDING TO OPEN A FOURTH "SERVICES CENTER FOR VICTIMS OF DOMESTIC VIOLENCE" IN SAN CRISTOBAL. AT YEAR'S END, THERE WERE STILL NO SHELTERS FOR BATTERED WOMEN.

A SERIOUS PROBLEM, RAPE IS WIDELY BELIEVED TO BE UNDERREPORTED. THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE RECEIVED ONLY _____ REPORTS OF RAPE DURING THE YEAR IN THE NATIONAL DISTRICT. (BY CONTRAST, THAT OFFICE REPORTED OVER _____ CASES PER MONTH IN SANTO DOMINGO OF SEXUAL ABUSE OF MINORS AND INCEST.) VICTIMS OFTEN DO NOT REPORT CASES OF RAPE BECAUSE OF FEAR OF SOCIAL STIGMA, AS WELL AS THE PERCEPTION THAT THE POLICE AND THE JUDICIARY WOULD FAIL TO PROVIDE REDRESS. THE POLICE ARE RELUCTANT TO HANDLE RAPE CASES AND OFTEN ENCOURAGE VICTIMS TO SEEK ASSISTANCE FROM NGO'S.

THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS,
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EXCEPT IN CASES INVOLVING CHILD PROSTITUTION AND INTERNATIONAL TRAFFICKING IN WOMEN AND GIRLS (SEE SECTION 6.F.). SEX TOURISM IS A GROWING INDUSTRY THROUGHOUT THE COUNTRY AS THE NUMBER OF INTERNATIONAL VISITORS INCREASES. NGO'S HAVE ONGOING HIV/AIDS AND SEXUALLY TRANSMITTED DISEASE PREVENTION PROGRAMS FOR MALE

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AND FEMALE PROSTITUTES, AS WELL AS FOR HOTEL AND INDUSTRIAL ZONE WORKERS. THE 1997 DOMESTIC VIOLENCE LAW PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THE LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION.

DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. SOME EMPLOYERS IN INDUSTRY REPORTEDLY GIVE PREGNANCY TESTS TO WOMEN BEFORE HIRING THEM, AS PART OF A REQUIRED MEDICAL EXAMINATION. UNION LEADERS AND HUMAN RIGHTS ADVOCATES REPORT THAT PREGNANT WOMEN OFTEN ARE NOT HIRED.

CHILDREN

DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN (OVERSIGHT ORGANIZATION), CREATED BY THE EXECUTIVE BRANCH, IS THE PRIMARY GOVERNMENT INSTITUTION COVERING ISSUES OF CHILD WELFARE. PRIVATE INSTITUTIONS RECEIVE 35 PERCENT OF THE BUDGET OF THE OVERSIGHT ORGANIZATION. THE MEJIA

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ADMINISTRATION CREATED A NEW MINISTRY OF YOUTH SOON AFTER THE ELECTION.

THE 1994 MINOR'S CODE REQUIRES 8 YEARS OF FORMAL EDUCATION. THE OVERSIGHT ORGANIZATION WORKS WITH NGO'S, LAW ENFORCEMENT PERSONNEL, AND THE GENERAL PUBLIC TO PUBLICIZE CHILDREN'S RIGHTS. IN THE NATIONAL DISTRICT, THE DEPARTMENT OF FAMILY AND CHILDREN, IN THE OFFICE OF THE PROSECUTOR, ADMINISTERS THE MINOR'S CODE AND ARRANGES CONCILIATION OF FAMILY CONFLICTS TO EXECUTE COURT DECISIONS WITH RESPECT TO CHILD PROTECTION, AND TO INTERVIEW CHILDREN WHOSE RIGHTS HAVE BEEN VIOLATED. THE DEPARTMENT ESTIMATES THAT 50 PERCENT OF THE CHILDREN IN THE COUNTRY ARE VICTIMS OF SOME SORT OF ABUSE.

ABUSE, INCLUDING PHYSICAL, SEXUAL, AND PSYCHOLOGICAL, IS THE MOST SERIOUS HUMAN RIGHTS VIOLATION AFFECTING CHILDREN. THE NATIONAL POLICE'S DEPARTMENT OF SEXUAL ABUSE RECEIVED _____ TO _____ REPORTS PER MONTH OF RAPES OF CHILDREN BETWEEN 4 AND 11 YEARS OF AGE. ONLY _____ % EVER REACHED THE COURTS, WHILE THE FACTS OF OTHER CASES REMAINED HIDDEN BEHIND DOORS WITHIN FAMILIES. IN 50% OF THE CASES, THE ACCUSED IS A PERSON CLOSE TO THE CHILD: A

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FATHER, GRANDFATHER, UNCLE, BROTHER, COUSIN OR CLOSE FAMILY FRIEND. THE CRIMINAL LAW PROVISION ON SEXUAL ABUSE AND INTRA-FAMILY VIOLENCE WAS MODIFIED TO PROVIDE A PENALTY OF 10 TO 20 YEARS INCARCERATION AND A FINE OF \$6,600 TO \$13,200 (108 TO 216 THOUSAND PESOS) FOR PERSONS FOUND GUILTY OF SEXUAL ABUSE OF A MINOR, AND UP TO 30 YEARS IF THE VICTIM IS A FAMILY MEMBER OF THE ABUSER.

TYPICAL CASES OF CHILD ABUSE INCLUDE THAT OF A FOUR-MONTH-OLD CHILD WHOSE ARM AND RIB WERE BROKEN BY HIS PARENTS. THE CHILD
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WAS SEPARATED FROM HIS PARENTS AND SENT TO A SHELTER UNTIL THE PARENTS COMPLETED REQUIRED COUNSELING AND PSYCHOLOGICAL TREATMENT. AN 8-YEAR-OLD'S HAND WAS BURNED BY HIS FATHER AFTER THE CHILD WAS CAUGHT STEALING. THERE HAVE ALSO BEEN REPORTS OF CHILDREN BEING LEFT TIED UP AND WITHOUT FOOD IN THEIR HOMES WHILE THEIR PARENTS GO TO WORK. THE MAJORITY OF CASES OF CHILD ABUSE, PARTICULARLY SEXUAL ABUSE, ARE NOT REPORTED IN THE PRESS BECAUSE THE LAW PROHIBITS IT.

THE MINOR'S CODE CONTAINS PROVISIONS AGAINST CHILD ABUSE, INCLUDING PHYSICAL AND EMOTIONAL MISTREATMENT, SEXUAL EXPLOITATION, AND CHILD LABOR. IT ALSO PROVIDES FOR REMOVAL OF A MISTREATED CHILD TO A PROTECTIVE ENVIRONMENT. ACCORDING TO LOCAL MONITORS, INSTANCES OF CHILD ABUSE WERE UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. HOWEVER, CHILD ABUSE IS RECEIVING INCREASING PUBLIC ATTENTION.

MIDYEAR REPORTS FROM THE MINISTRY OF HEALTH SHOWED THAT ____ TO ____ PERCENT OF FEMALE ADOLESCENTS WERE PREGNANT OR ALREADY HAD CHILDREN. MANY OF THESE PREGNANCIES WERE REPORTED TO BE THE RESULT OF RAPE OR INCEST AND OFTEN ARE ACCOMPANIED BY SEXUALLY TRANSMITTED DISEASES.

SOME IN THE TOURIST INDUSTRY HAVE FACILITATED THE SEXUAL EXPLOITATION OF CHILDREN; PARTICULAR AREAS OF CONCERN ARE BOCA CHICA AND PUERTO PLATA. TOURS ARE MARKETED BY FOREIGNERS OVERSEAS WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND AS SEX PARTNERS. TRAFFICKING IN GIRLS FOR PROSTITUTION IS A PROBLEM (SEE SECTION 6.F.). ACCORDING TO AN OFFICIAL IN THE DISTRICT ATTORNEY'S OFFICE, THE ASSOCIATION OF HOTELS HAS ASKED
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TO PARTICIPATE IN GOVERNMENT INITIATIVES TO COMBAT EXPLOITATION OF CHILDREN IN THE TOURIST INDUSTRY. JOURNALISTS REPORTED THAT THE MAJORITY OF PROSTITUTES IN BROTHELS VISITED AROUND THE

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NATIONAL DISTRICT APPEARED TO BE BETWEEN 16 AND 18 YEARS OF AGE. THERE ARE SEVERAL CHURCH-RUN SHELTERS THAT PROVIDE REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE. PROSTITUTION IS THE PRINCIPAL AREA OF EXPLOITATION OF UNDERAGE GIRLS IN THE INFORMAL ECONOMY.

THE JUDICIAL SYSTEM SOMETIMES FAILS TO PROTECT THE STATUS OF MINORS IN CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREAT MINORS AS ADULTS--MOST OFTEN WHEN PHYSICAL FORENSIC EXAMINATIONS INDICATED THE MINORS WERE PROBABLY ADULTS--AND INCARCERATE THEM IN PRISON RATHER THAN JUVENILE DETENTION CENTERS. IN 1997, THE GOVERNMENT BEGAN IMPLEMENTING THE 1994 MINOR'S CODE, LAYING THE GROUNDWORK FOR A JUVENILE COURT SYSTEM. THE SUPREME COURT INAUGURATED THE FIRST OF 11 JUVENILE COURTS IN AUGUST 1999 AND CHOSE JUDGES FOR THE OTHER 10 COURTS. ALTHOUGH THESE JUVENILE COURTS ARE ORGANIZED WITH A FOCUS ON REHABILITATING OFFENDERS, VERY FEW SOCIAL SERVICES ARE AVAILABLE FOR MINORS. IN PRACTICE, JUVENILES ARE DETAINED IN EXCESS OF THE TIME PERMITTED BY LAW, AND ARE THEN SENT TO JAIL, RATHER THAN BEING REFERRED FOR REHABILITATIVE SERVICES. THERE ARE LEGAL ADVOCATES ESPECIALLY FOR JUVENILES IN SANTO DOMINGO AND LA VEGA TO PROVIDE THEM WITH REPRESENTATION IN DELINQUENCY CASES.

THE PROSECUTOR'S OFFICE HAS CLOSED SEVERAL ESTABLISHMENTS SUCH AS NIGHTCLUBS AND DISCOS, AND PROSECUTED THEM FOR VIOLATING THE MINOR'S CODE. NUMEROUS ESTABLISHMENTS ARE KNOWN TO VIOLATE THE CODE BY SELLING ALCOHOL AND TOBACCO TO CHILDREN UNDER THE AGE OF 18.

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IT IS NOT UNCOMMON FOR MINORS TO BE PUT ON THE STREET TO FEND FOR THEMSELVES AS YOUNGER SIBLINGS CLAIM THE PARENT'S MEAGER RESOURCES. HOMELESS CHILDREN CALLED "PALOMOS" (DOVES) ARE FREQUENTLY AT THE MERCY OF ADULTS WHO COLLECT THEM AND PUT THEM TO WORK BEGGING AND SELLING FRUIT, FLOWERS, AND OTHER GOODS ON THE STREET. IN RETURN FOR THEIR WORK THEY ARE ALLOWED BASIC HOUSING. THE AGES AT WHICH THE CHILDREN WORK, THE HOURS THEY PUT IN, AND THEIR FAILURE TO COMPLY WITH COMPULSORY SCHOOL ATTENDANCE ALL VIOLATE THE LAW, BUT THE GOVERNMENT HAS NOT BEEN ABLE TO COMBAT THIS PRACTICE.

NEEDY ADOLESCENT GIRLS AND BOYS ARE SOMETIMES ENTICED INTO PERFORMING SEXUAL ACTS BY THE PROMISE OF FOOD OR CLOTHING; SOMETIMES THEY ARE PUSHED INTO UNSAFE RELATIONSHIPS WITH STRANGERS BY THE NEED FOR MONEY. ONCE INVOLVED, THEY MAY BE HELD AGAINST THEIR WILL BY INDIVIDUALS WHO SELL THEIR SEXUAL FAVORS TO OTHERS. SOME OF THESE MINORS ARE LURED FROM THEIR PARENTAL HOMES; OTHERS ARE ALREADY ON THE STREET.

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PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND IN THE PROVISION OF OTHER SERVICES. ALTHOUGH THE LAW CONTAINS PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED TO ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES HAVE NOT ENFORCED THIS LAW UNIFORMLY. THERE IS A SUBSECRETARIAT FOR REHABILITATION UNDER THE MINISTRY OF PUBLIC HEALTH, A RECREATION CENTER FOR THE DISABLED IN LAS CAOBAS, AND A DEPARTMENT IN THE SPORTS MINISTRY TO FACILITATE ATHLETIC COMPETITION FOR THE DISABLED. HOWEVER, THERE IS LITTLE CONSCIOUSNESS OF THE NEED TO

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MAKE THE DAILY LIVES OF THE DISABLED SAFER AND MORE CONVENIENT. FOR EXAMPLE, NEW STREET CONSTRUCTION MAKES FEW PROVISIONS FOR THE DISABLED TO CROSS THE STREETS SAFELY.

A NON-GOVERNMENTAL ENTITY FOUNDED IN 1963, THE DOMINICAN REHABILITATION ASSOCIATION (ADR) HAS GROWN FROM A 1-ROOM OPERATION TO A LARGE COMPLEX WITH 17 AFFILIATES THROUGHOUT THE COUNTRY. IT PROVIDES SERVICES FOR 2,500 PEOPLE DAILY. THE GOVERNMENT PROVIDES ABOUT 30 PERCENT OF THE ADR'S BUDGET.

NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG PREJUDICE AGAINST HAITIANS RUNS THROUGH SOCIETY, DISADVANTAGING MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY, AS WELL AS OTHER FOREIGNERS OF AFRICAN DESCENT. THE GOVERNMENT HAS NOT ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION NOR MADE ANY EFFORTS TO COMBAT IT. DARKER-SKINNED DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

EFFORTS TO STEM THE INFUX OF HAITIAN IMMIGRANTS HAVE MADE IT MORE DIFFICULT FOR THOSE ALREADY IN THE COUNTRY TO LIVE PEACEFULLY. POLICE REGULATIONS THREATEN THOSE OFFERING TRANSPORTATION TO ILLEGAL IMMIGRANTS WITH CONFISCATION OF THEIR VEHICLES, AND HAVE DISCOURAGED TAXI AND BUS DRIVERS FROM PICKING UP DARK-SKINNED PERSONS. IN ROUNDUPS OF ILLEGAL IMMIGRANTS, AUTHORITIES PICK UP AND EXPEL DARKER DOMINICANS AND LEGAL HAITIAN RESIDENTS. ACCORDING TO STATISTICS OF THE MINISTRY OF MIGRATION, 6,236 HAITIANS WERE REPATRIATED FROM JANUARY THROUGH AUGUST (UPDATE IN DECEMBER). DURING THAT SAME PERIOD, 131 HAITIAN CRIMINALS WERE DEPORTED.

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PERHAPS 500,000 HAITIAN IMMIGRANTS--OR 7 PERCENT OF THE

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COUNTRY'S POPULATION--LIVE IN SHANTYTOWNS OR SUGARCANE WORK CAMPS, IN HARSH CONDITIONS WITH LIMITED OR NO ELECTRICITY, RUNNING WATER, OR SCHOOLING. THERE ARE ESTIMATES THAT AS MANY AS ONE MILLION HAITIANS LIVE IN THE DOMINICAN REPUBLIC. HUMAN RIGHTS GROUPS REGULARLY CHARGE THE GOVERNMENT WITH UNLAWFUL DEPORTATIONS OF, AND POLICE BRUTALITY TOWARD, THESE LEGAL AND ILLEGAL IMMIGRANTS (SEE SECTION 1.D AND 2.D.).

CREDIBLE SOURCES ALSO CHARGE THAT THE GOVERNMENT REFUSES TO RECOGNIZE AND DOCUMENT AS DOMINICAN CITIZENS MANY INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY. SINCE MANY HAITIAN PARENTS HAVE NEVER POSSESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO DEMONSTRATE THEIR OWN CITIZENSHIP. AS A RESULT, THEY CANNOT DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY AND THEREBY ESTABLISH DOMINICAN CITIZENSHIP FOR THEIR OFFSPRING. SOME CIVIL REGISTRY OFFICES DO NOT ACCEPT LATE DECLARATIONS OF BIRTH FOR CHILDREN OF HAITIAN IMMIGRANTS, ALTHOUGH THEY ROUTINELY ACCEPT LATE DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS.

HAITIAN PARENTS ENCOUNTER DIFFICULTIES REGISTERING THEIR CHILDREN FOR SCHOOL. LACK OF DOCUMENTATION USUALLY DEPRIVES CHILDREN OF HAITIAN DESCENT OF THE OPPORTUNITY TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE. SOME PARENTS FAIL TO SEEK DOCUMENTATION DUE TO FEAR OF BEING DEPORTED. IT FALLS TO THE DISCRETION OF PUBLIC SCHOOL PRINCIPALS WHETHER CHILDREN MAY ATTEND, WHEN IMMIGRANT PARENTS HAVE NO IDENTITY CARDS OR BIRTH CERTIFICATES TO REGISTER CHILDREN FORMALLY. EVEN WHEN PERMITTED TO ATTEND PRIMARY SCHOOL, IT IS RARE THAT THE OFFSPRING OF HAITIAN PARENTS PROGRESS BEYOND SIXTH GRADE.

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THE GOVERNMENT HAS LARGELY ELIMINATED THE USE OF CHILDREN FOR CUTTING SUGAR CANE; HOWEVER, THERE ARE STILL REPORTS THAT POOR HAITIAN AND DOMINICAN CHILDREN ACCOMPANY THEIR PARENTS TO WORK IN THE CANE FIELDS, WITH THE TACIT ACCEPTANCE OF SUGAR COMPANIES. SOMETIMES POOR HAITIAN FAMILIES ARRANGE FOR DOMINICAN FAMILIES TO "ADOPT" AND EMPLOY THEIR CHILDREN. THE ADOPTING PARENTS CAN SIMPLY REGISTER A CHILD OF ANY AGE AS THEIR OWN. IN EXCHANGE, THE PARENTS RECEIVE MONETARY PAYMENT OR A SUPPLY OF CLOTHES AND FOOD. THEY BELIEVE THIS ENSURES THEIR CHILDREN A MORE PROMISING FUTURE. IN MANY CASES, ADOPTIVE PARENTS DO NOT TREAT THE ADOPTees AS FULL FAMILY MEMBERS AND EXPECT THEM TO WORK IN THE HOUSEHOLDS OR FAMILY BUSINESSES RATHER THAN ATTEND SCHOOL. THE EFFECT IS A KIND OF INDENTURED SERVITUDE, AT LEAST UNTIL THE YOUNG PERSON REACHES MAJORITY. THERE WERE REPORTS THAT HAITIAN GIRLS BETWEEN THE AGES OF 10 AND 14 WERE THE MOST SOUGHT AFTER, ESPECIALLY IN BORDER AREAS.

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THE GOVERNMENT IS DOING LITTLE TO IMPROVE THE CONDITIONS OF HAITIAN IMMIGRANTS. MOST SOCIAL SERVICES IN SHANTYTOWNS ARE PROVIDED BY NGO'S AND OTHER RELIEF ORGANIZATIONS.

8. (SBU/NF) SECTION 6 WORKER RIGHTS

A. (SBU/NF) THE RIGHT OF ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE FREEDOM TO ORGANIZE LABOR UNIONS AND FOR THE RIGHT OF WORKERS TO STRIKE (AND FOR PRIVATE SECTOR EMPLOYERS TO LOCK OUT WORKERS), AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT. ALL WORKERS, EXCEPT THE MILITARY

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AND THE POLICE, ARE FREE TO ORGANIZE. ORGANIZED LABOR REPRESENTS AN ESTIMATED 10 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG FOUR MAJOR CONFEDERATIONS AND A NUMBER OF INDEPENDENT UNIONS. THERE ARE APPROXIMATELY 190 REGISTERED UNIONS IN THE COUNTRY.

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN ABSOLUTE MAJORITY OF ALL COMPANY WORKERS WHETHER UNIONIZED OR NOT, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT THROUGH MEDIATION, WRITTEN NOTIFICATION TO THE MINISTRY OF LABOR, AND A 10-DAY WAITING PERIOD FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE STRIKE. THE GOVERNMENT GENERALLY RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO UNION REGISTRATION, AFFILIATION, OR THE ABILITY TO ENGAGE IN LEGAL STRIKES. ENFORCEMENT OF LABOR LAWS IS SOMETIMES UNRELIABLE, INHIBITING EMPLOYEES FROM FREELY EXERCISING THEIR RIGHTS.

NURSES BELONGING TO THE UNASED AND UNASE UNIONS WENT ON STRIKE IN MAY TO PROTEST NONCOMPLIANCE OF TERMS AGREED TO WITH THE MINISTRY OF HEALTH IN 1997. ISSUES OF CONTENTION INCLUDED A PAY RAISE AND A DEMAND FOR HOSPITAL EQUIPMENT. SUGAR WORKERS STRUCK IN LA ROMANA IN AUGUST TO PROTEST THE COMPANY'S FAILURE TO MAKE BONUS PAYMENTS. TRANSPORTATION WORKERS STRUCK IN THE PUERTO PLATA IN SEPTEMBER TO PROTEST RISING FUEL COSTS.

THE 1992 LABOR CODE PROVIDES EXTENSIVE PROTECTION FOR WORKER RIGHTS AND SPECIFIES THE STEPS LEGALLY REQUIRED TO ESTABLISH A UNION, FEDERATION, OR CONFEDERATION. THE CODE CALLS FOR AUTOMATIC RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED ON ITS APPLICATION WITHIN 30 DAYS. IN PRACTICE, THE GOVERNMENT READILY FACILITATES RECOGNITION OF LABOR ORGANIZATIONS.

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UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND GENERALLY INDEPENDENT OF POLITICAL PARTIES. HOWEVER, THE LAW AGAINST COMPANIES WHO FIRE UNION ORGANIZERS OR MEMBERS IS SELECTIVELY ENFORCED. THERE WERE REPORTS OF WIDESPREAD DISCREET INTIMIDATION BY EMPLOYERS IN AN EFFORT TO PREVENT UNION ACTIVITY. FOR EXAMPLE, UNIONS IN THE FREE TRADE ZONES IN SAN PEDRO DE MACORIS REPORT THAT THEIR MEMBERS HESITATE TO DISCUSS UNION ACTIVITY AT

WORK, EVEN DURING BREAK TIME, DUE TO FEAR OF LOSING THEIR JOBS.

ON DECEMBER 29, 1999, THE SUPREME COURT ISSUED A JUDGMENT AGAINST HAN CHANG, A KOREAN-OWNED COMPANY. IT UPHELD THE DECISION OF THE LOWER COURT THAT THE WORK CONTRACTS OF FIVE UNION LEADERS FIRED IN 1995 WERE VALID. THE COURT ORDERED THAT THE WORKERS BE REINSTATED AND PAID BACK WAGES. THE BANI COMPANY HAS FAILED TO COMPLY WITH THE DECISION AND THE LABOR CONFEDERATION, FENATRAZONA, HAS ASKED FOR THE CANCELLATION OF THE COMPANY'S EXPORT LICENSE. LEGAL AUTHORITY TO CANCEL EXPORT LICENSES LIES WITH THE NATIONAL COUNCIL OF FREE ZONES, AND IS DEPENDENT ON A REQUEST FROM THE MINISTRY OF LABOR. THE MINISTRY OF LABOR REPORTS THAT THIS CASE IS CURRENTLY BEING MEDIATED.

IN NOVEMBER 1999, EMPLOYEES OF THE FTZ COMPANY D & P HANDBAG (NORTH AMERICAN) IN SANTIAGO FORMED A UNION, AND FILED THE REGISTER OF UNION MEMBERS WITH THE DIRECTOR OF LABOR. THIS REGISTER WAS REJECTED BECAUSE THE DIRECTOR GENERAL OF LABOR CLAIMED IT DID NOT CONTAIN THE REQUISITE NUMBER OF MEMBERS. IN JANUARY 2000, THE MINISTRY OF LABOR UPHELD THIS DECISION. THE CASE IS NOW PENDING BEFORE A LABOR COURT IN SANTIAGO.

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G & K SERVICES A DOMINICAN-OWNED COMPANY IN SAN ISIDRO FIRED 20 UNION MEMBERS IN APRIL. NO JUDICIAL ACTION WAS TAKEN BECAUSE THE COMPANY PAID THE SEVERANCE PAY OF THE WORKERS. A COURT JUDGMENT IN APRIL ORDERED DENNIS FASHIONS, INC. (DOMINICAN-OWNED), WHICH HAD BEEN CLOSED SINCE 1998, TO PROVIDE SEVERANCE PAY TO ITS 352 UNIONIZED EMPLOYEES. THE COMPANY FAILED TO COMPLY WITH THE JUDGMENT. THREE HUNDRED AND FIFTY UNIONIZED WORKERS OF EUROMODAS (DOMINICAN-OWNED) IN CRISTO REY FILED A LAWSUIT TO COLLECT SEVERANCE PAY AFTER THE COMPANY CLOSED IN 1998. IN JANUARY THE COURT RULED THAT EUROMODAS HAD TO PAY THE WORKERS; HOWEVER, THE COMPANY NO LONGER EXISTS. THE OWNERS OF EUROMODAS OPENED A NEW COMPANY THIS YEAR, AND IN JUNE, FORMER EMPLOYEES PROTESTED OUTSIDE THE NEW FACTORY. PROTESTERS WERE DISPERSED BY THE POLICE, AND 35 WERE ARRESTED AND HELD FOR TWO DAYS WITHOUT CHARGES BEFORE BEING RELEASED.

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LABOR UNIONS CAN AND DO AFFILIATE FREELY REGIONALLY AND INTERNATIONALLY.

B. (SBU/NF) THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

COLLECTIVE BARGAINING IS LAWFUL AND MAY TAKE PLACE IN FIRMS IN WHICH A UNION HAS GAINED THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS. ONLY A MINORITY OF COMPANIES HAVE COLLECTIVE BARGAINING PACTS. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE UNION MEMBERSHIP OR ACTIVITIES. IN PRACTICE, HOWEVER, WORKERS ARE SOMETIMES FIRED BECAUSE OF THEIR UNION ACTIVITIES. TORTONI MANUFACTURING, A NORTH AMERICAN COMPANY, CLOSED ITS DOORS IN APRIL AFTER UNIONIZED EMPLOYEES TOLD MANAGEMENT THEY WANTED A COLLECTIVE BARGAINING AGREEMENT. NEW INVESTORS WERE REPORTED TO HAVE TAKEN

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CONTROL OF THE COMPANY, NOW CALLED GRAMERCI DOMINICANA, IN JULY, AND HAD ALLEGEDLY COMMITTED TO PAY EMPLOYEES SEVERANCE PAY. TO DATE, NO EMPLOYEES OF TORTONI HAVE BEEN COMPENSATED.

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES. WHILE CASES DO MAKE THEIR WAY THROUGH THE LABOR COURTS, ENFORCEMENT OF JUDGMENTS IS SOMETIMES UNRELIABLE.

THE LABOR CODE APPLIES IN THE 40 ESTABLISHED FTZ'S, WHICH EMPLOY APPROXIMATELY 200,000 WORKERS, MOSTLY WOMEN. WORKPLACE REGULATIONS AND THEIR ENFORCEMENT IN THE FTZ'S DO NOT DIFFER FROM THOSE IN THE COUNTRY AT LARGE, ALTHOUGH WORKING CONDITIONS ARE SOMETIMES BETTER AND THE PAY IS HIGHER. SOME FTZ COMPANIES HAVE BEEN ACCUSED OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS, BUT THERE ALSO HAVE BEEN REPORTS OF UNION ORGANIZERS EXTORTING MONEY FROM BUSINESS OWNERS. IN THE FTZ'S, WHILE THERE MAY BE AS MANY AS 10 COLLECTIVE BARGAINING AGREEMENTS ON PAPER, ONLY 3 ARE ACTUALLY FUNCTIONING. THE MAJORITY OF THE UNIONS IN THE FTZ'S ARE AFFILIATED WITH THE NATIONAL FEDERATION OF FREE TRADE ZONE WORKERS OR THE UNITED FEDERATION OF FREE TRADE ZONE WORKERS.

MANY OF THE MAJOR MANUFACTURERS IN THE FTZ'S HAVE VOLUNTARY "CODES OF CONDUCT," THAT PROVIDE FOR PROTECTION AGAINST FORCED LABOR, FREEDOM OF ASSOCIATION, FREEDOM FROM DISCRIMINATION, AND PROHIBIT THE USE OF CHILD LABOR. THEY ALSO CALL FOR A WORKPLACE THAT IS SAFE AND HEALTHY. WORKERS QUESTIONED ABOUT THEIR RIGHTS, HOWEVER, HAVE RARELY HEARD OF SUCH CODES, OR THE PRINCIPLES THEY SET OUT. A FTZ KOREAN-OWNED COMPANY IN BONAO, BI BONG APPAREL, FIRED SEVERAL WORKERS, WHO, DISPLEASED WITH THE SAFETY OF WORK CONDITIONS, CUT WIRES TO STADIUM LIGHTING UNDER

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WHICH THEY WERE FORCED TO WORK. IN MARCH, THE LABOR COURT HELD THAT THE COMPANY SHOULD NOT HAVE FIRED THE WORKERS, AND ORDERED AN INSPECTION. THE DEPARTMENT OF HYGIENE AND SAFETY CARRIED OUT AN INSPECTION OF THE LIGHTING, DRINKING WATER, BATHROOMS, AND VENTILATION. ACCORDING TO THE MINISTRY OF LABOR, INSPECTORS FOUND IRREGULARITIES WITH RESPECT TO THE WATER AND FORWARDED THE

CASE TO THE COURTS.

C. (SBU/NF) PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS ALL FORMS OF FORCED OR COMPULSORY LABOR; HOWEVER, SUCH PRACTICES STILL EXIST TO A LIMITED EXTENT (SEE SECTION 5). IN ADDITION, TRAFFICKING IN WOMEN AND GIRLS FOR PURPOSES OF PROSTITUTION IS ALSO A PROBLEM (SEE SECTION 6.F.). THERE WERE SEVERAL REPORTS OF COERCED OVERTIME IN FACTORIES AND OF WORKERS BEING FIRED FOR REFUSING TO WORK OVERTIME. UNION OFFICIALS STATE THAT NEWLY HIRED WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

D. (SBU/NF) STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

THE LABOR CODE PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE AND PLACES RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN UNDER THE AGE OF 16. THESE RESTRICTIONS INCLUDE LIMITING THE DAILY NUMBER OF WORKING HOURS TO SIX, PROHIBITING EMPLOYMENT IN DANGEROUS OCCUPATIONS OR IN ESTABLISHMENTS SERVING ALCOHOL, AND LIMITING NIGHTTIME WORK. CHILDREN BETWEEN THE AGES OF 14 AND 16 MAY WORK IN APPRENTICESHIP AND ARTISTIC PROGRAMS. CHILDREN WHO DO NOT CONTINUE IN SCHOOL OFTEN SEEK ILLEGAL EMPLOYMENT BEFORE

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REACHING THE MINIMUM WORKING AGE (SEE SECTIONS 5 AND 6.C.).

THE OVERSEAS MANUFACTURING CORPORATION, A CUBAN-OWNED COMPANY IN THE FTZ IN SAN PEDRO DE MACORIS WAS DENOUNCED BY FENATRAZONA IN AUGUST FOR EMPLOYING UNDERAGE WORKERS IN THE PRODUCTION OF COMPUTER COMPONENTS. THE MINISTRY OF LABOR CARRIED OUT TWO INVESTIGATIONS AND FOUND NO WORKERS UNDER 16. AT THE END OF AUGUST THE COMPANY REMAINED OPEN WITH ONLY 20 WORKERS, RATHER THAN THE NORMAL FORCE OF 60-80. ACCORDING TO THE OWNER, THE COMPANY IS UNDERGOING A WORK "SLOW-DOWN" DUE TO LACK OF PRIMARY MATERIALS.

THE HIGH LEVEL OF UNEMPLOYMENT AND LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW OR ENCOURAGE CHILDREN TO

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EARN SUPPLEMENTAL INCOME. TENS OF THOUSANDS OF CHILDREN BEGIN WORKING BEFORE THE AGE OF 14. CHILD LABOR TAKES PLACE PRIMARILY IN THE INFORMAL ECONOMY, SMALL BUSINESSES, CLANDESTINE FACTORIES, AND PROSTITUTION. CONDITIONS IN CLANDESTINE FACTORIES ARE GENERALLY POOR, UNSANITARY, AND OFTEN DANGEROUS. THE MINISTRY OF LABOR, IN COLLABORATION WITH THE INTERNATIONAL LABOR ORGANIZATION'S PROGRAM ON THE ERADICATION OF CHILD LABOR (IPEC), AND THE U.S. DEPARTMENT OF LABOR, HAS IMPLEMENTED PROGRAMS TO COMBAT CHILD LABOR. THESE INCLUDE A NATIONAL CHILD LABOR SURVEY; A PROGRAM TO REMOVE CHILDREN FROM DANGEROUS AGRICULTURAL WORK IN SAN JOSE DE OCOA, CONSTANZA, AND AZUA, AND; AN UPCOMING PROGRAM IN THE AREA OF CHILD PROSTITUTION IN BOCA CHICA AND PUERTO PLATA.

E. (SBU/NF) ACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION EMPOWERS THE EXECUTIVE BRANCH TO SET MINIMUM
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WAGE LEVELS, AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS ALSO MAY ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS \$135 (2,222 PESOS) IN THE FTZ'S AND RANGES FROM \$107 (1,757 PESOS) TO \$176 (2,895 PESOS) OUTSIDE THE FTZ'S DEPENDING UPON THE SIZE OF THE COMPANY AND THE NATURE OF THE BUSINESS. THE MINIMUM WAGE PROVIDES APPROXIMATELY ONE-THIRD OF THE INCOME NECESSARY TO SUSTAIN AN AVERAGE FAMILY. THE NATIONAL POVERTY LEVEL, WHICH IS BASED ON A BASKET OF GOODS AND SERVICES CONSUMED BY A TYPICAL FAMILY, ("CANASTA FAMILIAR") IS \$402 (6,607 PESOS) PER MONTH FOR A FAMILY OF FIVE.

THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL WORKERS ARE ENTITLED TO 36 HOURS OF UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A HALF DAY ON SATURDAY, BUT LONGER HOURS ARE COMMONPLACE. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK TOTALING BETWEEN 44 HOURS TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

CONDITIONS FOR AGRICULTURAL WORKERS ARE POOR, ESPECIALLY IN THE SUGAR INDUSTRY. MANY SUGAR CANE WORKER VILLAGES HAVE HIGH RATES OF DISEASE AND LACK SCHOOLS, MEDICAL FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS. ON SUGAR PLANTATIONS, CANE CUTTERS USUALLY ARE PAID BY THE WIGHT OF CANE CUT RATHER THAN THE HOURS WORKED. EMPLOYERS OFTEN DO NOT PROVIDE TRUCKS TO TRANSPORT TE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDA, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION BCAUSE THE CANE DRIES AND WEIGHS LESS.

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WHEN THE CANE IS WEIGHED, WORKERS ARE GIVEN TICKETS INDICATING THE WEIGHT OF CANE CUT (OFTEN ROUNDED IN FAVOR OF THE EMPLOYER) AND THE AMOUNT OF MONEY DUE. THESE TICKETS, ISSUED TO A SPECIFIC PERSON BUT PAYABLE TO THE BEARER, MAY BE TURNED IN TO THE EMPLOYER AND REDEEMED FOR CASH EVERY 2 WEEKS. MANY CANE CUTTERS EARN LESS THAN \$4.00 (60 PESOS) PER DAY. BECAUSE WORKERS EARN SO LITTLE AND SOMETIMES CANNOT WAIT UNTIL PAYDAY TO REDEEM THEIR TICKETS, AN INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ALSO ARE USED TO PURCHASE ITEMS AT PRIVATE STORES LOCATED ON THE PLANTATIONS. THESE PRIVATE STORES MAKE CHANGE BY GIVING BACK A COMBINATION OF TICKETS AND CASH. HOWEVER, IT IS NOT UNUSUAL FOR THESE STORES TO RETAIN 10 PERCENT OF THE CASH DUE A CUSTOMER. THE DOMINICAN HUMAN RIGHTS COMMITTEE AND BATEY RESIDENTS REPORT THAT CONDITIONS OF WORK FOR CANE WORKERS HAVE DETERIORATED SINCE THE INDUSTRY WAS PRIVATIZED. WORKERS ARE REPORTEDLY PAID LESS, WORK LONGER HOURS, AND HAVE FEWER BENEFITS, ACCORDING TO THE COMMITTEE. WHILE CHILD LABOR IN THE SUGAR INDUSTRY HAS DECREASED SIGNIFICANTLY, IT STILL EXISTS ACCORDING TO HUMAN RIGHTS ADVOCATES AND LABOR FEDERATIONS (SEE SECTION 5).

THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) SETS WORKPLACE SAFETY AND HEALTH CONDITIONS. THE EXISTING SOCIAL SECURITY SYSTEM IS SERIOUSLY UNDERFUNDED AND APPLIES TO ONLY ABOUT 9 PERCENT OF THE POPULATION. APPROXIMATELY 13,000 EMPLOYEES WORK IN THE IDSS BUREAUCRACY SUPPORTING FEWER THAN 20,000 RETIREES.

BOTH THE IDSS AND THE MINISTRY OF LABOR HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. INSPECTOR POSITIONS ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE, AND BRIBES FROM BUSINESSES ARE COMMON. IN PRACTICE, WORKERS

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CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKING SITUATIONS WITHOUT JEOPARDIZING EMPLOYMENT (SEE SECTION 6.B.).

F. (SBU/NF) TRAFFICKING IN PERSONS

THE LAW PROHIBITS TRAFFICKING IN PERSONS, AND IN AUGUST 1998 AN ALIEN SMUGGLING LAW INCREASED THE PENALTIES FOR THOSE FOUND GUILTY OF VARIOUS PHASES OF THIS CRIME. LAWS DEALING WITH DOMESTIC VIOLENCE, AS WELL AS THE MINOR'S CODE, CREATE PROTECTION UNDER BOTH CIVIL AND CRIMINAL LAW AGAINST PARTICULAR SITUATIONS THAT MAY BE CONDUCTIVE TO--OR ACTS THAT MAY BE A PART OF--THE TRAFFIC IN PERSONS, WHETHER FEMALE OR MALE, MINORS OR

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ADULTS. THE LAW ALSO PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THIS LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION. HOWEVER, TRAFFICKING OF WOMEN AND CHILDREN REMAINS A SERIOUS PROBLEM.

THE DIRECTORATE OF MIGRATION ESTIMATES THERE ARE APPROXIMATELY 400 RINGS OF ALIEN-SMUGGLERS AND PURVEYORS OF FALSE DOCUMENTS OPERATING WITHIN THE COUNTRY. THESE INDIVIDUALS PROFIT BY FACILITATING THE TRAFFICKING OF WOMEN TO SPAIN, THE NETHERLANDS, ITALY, AND SWITZERLAND UNDER FALSE PRETENSES, FOR PURPOSES OF PROSTITUTION. THE GOVERNMENT IS ALSO CONCERNED THAT SOME INDIVIDUALS ENTERING THE COUNTRY OSTENSIBLY TO ADOPT CHILDREN, MAY ACTUALLY INTEND TO USE THE CHILDREN IN THE PRODUCTION OF PORNOGRAPHY OR IN THE SEX TRADE.

IN 1999 THE GOVERNMENT CREATED THE INTERINSTITUTIONAL COMMITTEE FOR THE PROTECTION OF MIGRANT WOMEN (CIPROM); HOWEVER, THIS ORGANIZATION IS NOT CURRENTLY FUNCTIONING DUE TO LACK OF

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GOVERNMENT FUNDING. ONE NGO, THE CENTER FOR INTEGRAL ORIENTATION AND INVESTIGATION (COIN), COUNSELS WOMEN PLANNING TO ACCEPT JOB OFFERS IN EUROPE AND THE EASTERN CARIBBEAN ABOUT IMMIGRATION, HEALTH, AND OTHER ISSUES. THE PROGRAM ALSO PROVIDES SERVICES TO RETURNING WOMEN.

IN JANUARY TWO JOURNALISTS FROM THE SPANISH NEWSPAPER, EL MUNDO, MADE PUBLIC A DOCUMENTARY WHICH EXPOSED A RING OF TRAFFICKERS OF WOMEN TO EUROPE. THE RING WAS FORMED BY FOREIGNERS AND DOMINICAN AUTHORITIES. ONE MILITARY OFFICIAL WAS ARRESTED AND ONE DUTCH INDIVIDUAL WAS DEPORTED. THE PUBLIC MINISTRY IN JULY DISMANTLED A HOUSE OF PROSTITUTION IN WHICH THE MAJORITY OF THE PROSTITUTES WERE FROM EUROPE AND RUSSIA. THE LEADER OF THE OPERATION, AS WELL AS THE WOMEN THEMSELVES, FLED THE COUNTRY BEFORE THEY COULD BE PROSECUTED.

THE CONSTITUTION PENALIZES THE PROCEEDS OF PROSTITUTION, BUT DOES NOT ENFORCE PENALTIES AGAINST PROSTITUTION ITSELF, EXCEPT IN THE CASE OF JUVENILES.

THE DIRECTOR GENERAL OF MIGRATION REPORTED THE AUTHORITIES HAVE DISMISSED A NUMBER OF IMMIGRATION INSPECTORS AND SUPERVISORS FOR LINKS WITH BANDS TRAFFICKING IN WOMEN. IN ADDITION, SINCE THE PASSAGE IN 1998 OF AN ANTISMUGGLING LAW, AUTHORITIES HAVE CHARGED AT LEAST 80 INDIVIDUALS UNDER THE LAW. (TO BE UPDATED IN DECEMBER) THE COURTS CONVICTED TWO OF THEM, AND THE REMAINDER OF CASES WERE STILL PENDING AT YEAR'S END.

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THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN
COORDINATES THE APPROACHES OF VARIOUS AGENCIES INVOLVED IN
COMBATING TRAFFICKING IN CHILDREN, WHETHER FOR ADOPTION, SEXUAL
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EXPLOITATION, OR OTHER PURPOSES. THIS ORGANIZATION WORKS WITH
THE ATTORNEY GENERAL'S OFFICE, THE PUBLIC HEALTH MINISTRY,
MIGRATION, AND OTHER AGENCIES. IN THE NATIONAL DISTRICT, THE
DEPARTMENT OF FAMILY AND CHILDREN IN THE OFFICE OF PUBLIC
PROSECUTOR FOCUSES ON IDENTIFYING CHILDREN WHO ARE VICTIMS OF
ABUSE AND PROSECUTES OFFENDERS UNDER HEIGHTENED PENALTIES
CONTAINED IN THE DOMESTIC VIOLENCE LAW.

A PRIMARY CONCERN OF THE OVERSIGHT ORGANIZATION IS PREVENTING
ABUSE OF THE CHILD ADOPTION PROCESS BY THOSE INTENDING TO SELL
OR EXPLOIT CHILDREN THROUGH PROSTITUTION OR CHILD PORNOGRAPHY.
THE DEPARTMENT OF FAMILY AND CHILDREN IS VERY CONCERNED ABOUT
KIDNAPPINGS, ESPECIALLY OF INFANTS, FOR SALE TO FOREIGNERS WHO
HAVE DELIBERATELY SIDESTEPED LEGAL FORMALITIES--INCLUDING THOSE
OF THEIR OWN COUNTRY. THE DEPARTMENT SEEKS TO PROTECT CHILDREN
FROM VICTIMIZATION UNDER THE RUBRIC OF ADOPTION. MANY CHILDREN
LEAVE THE COUNTRY AS ADOPTEES, BUT GOVERNMENT OFFICIALS HAVE
MADE SUCH ADOPTIONS MUCH MORE DIFFICULT AND, THEY HOPE, HAVE
PREVENTED WOULD-BE TRAFFICKERS FROM ABUSING THE SYSTEM.

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TAGS: PHUM, KSEP, ELAB, PREL, DR

SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

REF: SECSTATE 156494

1. (U) SENSITIVE BUT UNCLASSIFIED - NOFORN
2. (SBU/NF) FOLLOWING IS THE 2000 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC.

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(BEGIN TEXT)

DOMINICAN REPUBLIC

THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT HIPOLITO MEJIA OF THE DOMINICAN REFORM PARTY (PRD) TOOK OFFICE ON AUGUST 16 AFTER A FREE AND FAIR ELECTION. THE PRD ALSO HAS CONTROL OF THE SENATE AND THE LOWER HOUSE. THE EFFORTS OF THE SUPREME COURT, CIVIL SOCIETY, AND NON-GOVERNMENTAL ORGANIZATIONS HAVE LED TO A MORE EFFECTIVE JUDICIARY INDEPENDENT OF OTHER BRANCHES OF GOVERNMENT. THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI), THE NATIONAL DRUG CONTROL DIRECTORATE (DNCD), AND THE MILITARY (ARMY, AIR FORCE, AND NAVY) FORM THE SECURITY FORCES. THE PN IS UNDER THE SECRETARY OF THE INTERIOR AND POLICE; THE MILITARY IS UNDER THE SECRETARY OF THE ARMED FORCES; AND THE DNI AND THE DNCD, WHICH HAVE PERSONNEL FROM BOTH THE POLICE AND THE MILITARY, REPORT DIRECTLY TO THE PRESIDENT. ALTHOUGH THE SECURITY FORCES GENERALLY ARE RESPONSIVE TO CIVILIAN AUTHORITY, THERE WERE INSTANCES IN WHICH MEMBERS OF THE SECURITY FORCES, PRINCIPALLY THE NATIONAL POLICE, ACTED INDEPENDENTLY OF GOVERNMENT AUTHORITY OR CONTROL. MEMBERS OF THE NATIONAL POLICE, AND TO A MORE LIMITED EXTENT, THE MILITARY, CONTINUE TO COMMIT HUMAN RIGHTS ABUSES BUT ARE RARELY SUBMITTED TO JUSTICE BY CIVIL AUTHORITIES.

THE ECONOMY, ONCE HEAVILY DEPENDENT ON SUGAR AND OTHER AGRICULTURAL EXPORTS, CONTINUES TO DIVERSIFY; TOURISM, TELECOMMUNICATIONS, AND FREE TRADE ZONES (FTZ'S) ARE MAJOR SOURCES OF INCOME AND EMPLOYMENT. REMITTANCES FROM ABROAD, ESTIMATED TO EXCEED \$1.5 BILLION, ARE EQUIVALENT TO APPROXIMATELY 9 PERCENT OF THE \$ 2,100 PER CAPITA GROSS DOMESTIC

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PRODUCT. THE COUNTRY'S AGRICULTURAL AND TOURISM SECTORS AND ELECTRICAL POWER NETWORK HAVE LARGELY RECOVERED FROM THE EFFECTS OF HURRICANE GEORGES, WHICH HIT THE ISLAND IN 1998, WHILE HOUSING RECONSTRUCTION AND TRANSPORTATION INFRASTRUCTURE LAG BEHIND. IN 1999, THE GOVERNMENT TRANSFERRED THE SUGAR MILLS AND LANDS BELONGING TO THE STATE SUGAR COUNCIL (CEA) BY LONG-TERM LEASE TO PRIVATE CONTROL, AND PRIVATIZED THE DISTRIBUTION FUNCTION AND MOST OF THE POWER GENERATING CAPACITY OF THE DOMINICAN ELECTRICITY CORPORATION (CDE). INCOME DISTRIBUTION IN THE COUNTRY IS HIGHLY SKEWED, AND MORE THAN HALF OF THE POPULATION LIVES IN POVERTY.

THE GOVERNMENT'S HUMAN RIGHTS RECORD CONTINUED TO BE CHARACTERIZED BY SERIOUS PROBLEMS. CIVILIAN DEATHS AT THE HANDS OF THE POLICE CONTINUED AT A LEVEL SIMILAR TO THAT IN 1999, WHILE THE ABILITY OF PROSECUTORS TO LIMIT POLICE DETENTIONS AND PRACTICES HAS ERODED, AS COMPARED WITH 1999. THE POLICE BEAT SUSPECTS AND USED FORCE TO DISPERSE DEMONSTRATORS. SOME SECURITY FORCE PERSONNEL REPORTEDLY TORTURED PRISONERS. PRISON CONDITIONS IN GENERAL ARE HARSH. POLICE ARBITRARILY ARRESTED, DETAINED, AND ABUSED SUSPECTS AND SUSPECTS' RELATIVES. THE POLICE WERE RESPONSIBLE FOR MOST OF THE HUMAN RIGHTS ABUSES COMMITTED BY THE SECURITY FORCES AND IN MOST CASES COMMIT SUCH ABUSES WITH IMPUNITY. THE ADMINISTRATION AND EFFECTIVENESS OF THE COURT SYSTEM IMPROVED SIGNIFICANTLY IN THE PAST YEAR, AND INTERFERENCE WITH THE JUDICIARY DIMINISHED. THE SUPREME COURT CONTINUES TO PROVIDE IMPORTANT LEADERSHIP ON ISSUES OF RESPECT FOR DUE PROCESS, CONSTITUTIONAL GUARANTEES, AND RESPECT FOR HUMAN RIGHTS. NUMEROUS ALLEGATIONS OF CORRUPTION BY GOVERNMENT OFFICIALS WERE RAISED FOLLOWING THE CHANGE OF ADMINISTRATIONS. DOMINICAN'S POLITICAL RIGHTS ARE GENERALLY WELL RESPECTED, AND
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THE MAY 2000 PRESIDENTIAL ELECTION WAS PRAISED BY INTERNATIONAL OBSERVERS. THE GOVERNMENT RESTRICTS THE MOVEMENT OF AND FORCIBLY EXPELS HAITIAN AND DOMINICAN-HAITIAN MIGRANTS. THE ADMINISTRATION OF FORMER PRESIDENT FERNANDEZ WAS PROACTIVE IN INITIATING SEVERAL PROJECTS TO COMBAT THE WORST FORMS OF CHILD LABOR. FORCED LABOR IN THE SUGAR INDUSTRY HAS BEEN REDUCED SIGNIFICANTLY; HOWEVER, CHILD LABOR IS STILL PRESENT DUE TO ECONOMIC NECESSITY WITHIN THE FAMILY. WORKERS IN THE SUGAR PLANTATIONS AND MILLS STILL WORK UNDER UNSAFE CONDITIONS.

3. (SBU/NF) RESPECT FOR HUMAN RIGHTS

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

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A. (SBU/NF) POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS. HOWEVER, FROM JANUARY THROUGH JUNE (TO BE UPDATED IN DECEMBER) THERE WERE REPORTEDLY 84 CIVILIAN DEATHS AT THE HANDS OF THE NATIONAL POLICE, ALMOST THE SAME RATE AS IN 1999. LOCAL

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AND INTERNATIONAL HUMAN RIGHTS GROUPS CATEGORIZE ALL OF THE DEATHS IN WHICH CIVILIANS DIE IN ALLEGED "EXCHANGES OF GUNFIRE" AS EXTRAJUDICIAL KILLINGS. FAILURE OF THE POLICE TO COOPERATE WITH CIVILIAN AUTHORITIES TO QUANTIFY THE PROBLEM IS MANIFEST IN THE FOLLOWING WAYS: 1) PUBLIC MINISTRY OFFICIALS ARE NOT PROVIDED WITH REPORTS ON POLICE INVESTIGATIONS OF CITIZENS KILLED IN CONFRONTATIONS WITH POLICE; 2) CITIZEN KILLINGS BY
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POLICE ARE RARELY DOCUMENTED IN ACCORDANCE WITH MINIMUM INVESTIGATIONS OR CRIME SCENE STANDARDS; 3) CIVILIAN AUTHORITIES, INCLUDING PROSECUTORS REQUESTING INFORMATION, ARE

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DENIED TRANSCRIPTS OF POLICE TRIBUNAL HEARINGS WHICH PROCESS THESE CASES IN SECRET, AND; 4) THE POLICE HAVE BEEN KNOWN TO MAKE A PUBLIC SHOW OF FIRING OFFICIALS INVOLVED IN THESE INCIDENTS, ONLY TO REINSTATE THEM QUIETLY LATER. THEREFORE, IT IS DIFFICULT FOR ANY OUTSIDE OBSERVER TO QUANTIFY THE EXACT NUMBER OF CIVILIAN VICTIMS OF EXTRAJUDICIAL KILLINGS EACH YEAR.

THE ADMINISTRATION OF PRESIDENT MEJIA HAS ACKNOWLEDGED THE PROBLEMS WITH THE POLICE APPARATUS AND HAS AGREED TO THE CREATION OF A POLICE REFORM COMMISSION TO BE MADE UP OF THE CHIEF OF POLICE, THE ATTORNEY GENERAL, THE SECRETARY OF THE ARMED FORCES, THE LEGAL ADVISOR TO THE PRESIDENT, REPRESENTATIVES OF HUMAN RIGHTS ORGANIZATIONS, AND LEGISLATORS. IN THE CHANGE OF GOVERNMENT, HOWEVER, PRESIDENT MEJIA RETAINED THE SERVICES OF CHIEF OF POLICE PEDRO DE JESUS CANDELIER, UNDER WHOSE TENURE THE NUMBER OF CIVILIAN DEATHS AT THE HANDS OF THE POLICE ROSE DRAMATICALLY OVER PREVIOUS YEARS. ATTORNEY GENERAL BELLO ROSA HAS PUBLICLY PROMISED MORE AGGRESSIVE INDEPENDENT INVESTIGATION OF EXTRAJUDICIAL KILLINGS.

THE DOMINICAN HUMAN RIGHTS COMMITTEE AND OTHERS STATE THAT THE POLICE MAY EMPLOY UNWARRANTED DEADLY FORCE AGAINST CRIMINAL SUSPECTS IN A KIND OF UNIFORMED VIGILANTISM. IN ADDITION, SOME VICTIMS ARE INVOLVED IN PRIVATE DISPUTES WITH POLICE AGENTS WHO USE THEIR PUBLIC AUTHORITY AND WEAPONS TO MURDER THEM, WHILE OTHER VICTIMS LATER WERE FOUND TO BE HONEST CITIZENS ERRONEOUSLY CAUGHT UP IN THE WAVE OF ANTI-GANG VIOLENCE CARRIED OUT BY THE POLICE. THE CIRCUMSTANCES OF THE VAST MAJORITY OF THESE

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KILLINGS ARE QUESTIONABLE, BUT WITNESSES OTHER THAN THE POLICE ARE USUALLY LACKING.

THESE PROBLEMS STEM FROM THE LACK OF BASIC EDUCATION, POOR TRAINING, AND WEAK DISCIPLINE OF THE MEMBERS OF THE POLICE FORCE. THESE PROBLEMS ARE AGGRAVATED BY LOW PAY AND THE FACT THAT THE GOVERNMENT'S BUDGETARY ALLOCATION FOR THE POLICE IS TOO LOW TO SUPPORT THE HIGHER RECRUITING STANDARDS NEEDED AND TO PROVIDE ADEQUATE TRAINING FOR POLICE. FOR EXAMPLE, NEW RECRUITS FIRE ONLY ONE ROUND DURING TRAINING, AND THERE IS NO COHERENT POLICY ON THE USE OF DEADLY FORCE OR RULES OF ENGAGEMENT BY THE POLICE. ADDITIONALLY, THE LACK OF PROFESSIONAL, TRANSPARENT, AND CREDIBLE INVESTIGATION OF THE CIRCUMSTANCES WHEREIN POLICE KILL CITIZENS IN "EXCHANGES OF GUNFIRE" LEAD TO THE PERCEPTION OF IMPUNITY IN THESE KILLINGS. FINALLY, THERE IS A LACK OF SPECIFIC TRAINING IN HUMAN RIGHTS AS APPLIED TO POLICE WORK.

IN THE MAJORITY OF THE 84 CIVILIAN DEATHS (TO BE UPDATED IN DECEMBER) AT THE HANDS OF POLICE, THE POLICE CHARACTERIZED THE

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VICTIMS AS DELINQUENTS. THE REST WERE WIVES, GIRLFRIENDS, OR ASSOCIATES OF THE OFFICERS, OTHER CIVILIANS, OR FELLOW OFFICERS. IN MOST CASES, THE POLICE CLAIMED THE DEATHS RESULTED FROM THE EXCHANGE OF GUNFIRE IN THE COURSE OF AN ARREST. AMNESTY INTERNATIONAL'S 2000 REPORT NOTED THE LARGE NUMBER OF CIVILIAN DEATHS AT THE HANDS OF POLICE, AND THE LACK OF TRANSPARENCY IN THE INVESTIGATIVE PROCESS.

IN JULY IN MANOGUAYABO, A SUBURB OF SANTO DOMINGO, POLICE SHOT TO DEATH JUAN EXPEDITO GARCIA, A 49-YEAR-OLD BUSINESSMAN WHO WAS TRAVELLING WITH HIS DAUGHTER-IN-LAW, KATY JIMENEZ DE GARCIA. GARCIA AND JIMENEZ WERE VICTIMS OF AN ATTEMPTED CARJACKING BY A
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GROUP OF DELINQUENTS. THE DELINQUENTS ULTIMATELY KIDNAPPED THE TWO AND SPED AWAY, FOLLOWED CLOSELY BY THE POLICE. AFTER BEING STOPPED BY POLICE, GARCIA AND JIMENEZ THREW THEMSELVES TO THE GROUND, RAISED THEIR HANDS, AND TOLD THE POLICE NOT TO SHOOT BECAUSE THEY THEMSELVES WERE VICTIMS. JIMENEZ, THE ONLY SURVIVING WITNESS, REPORTED THAT THE POLICE SHOT GARCIA 4 TIMES IN THE HEAD AND THREE TIMES IN THE BODY BEFORE SHOOTING AND KILLING ONE OF THE KIDNAPPERS. SHE OVERHEARD ONE OFFICER GIVING THE ORDER TO KILL HER AS WELL, BUT WAS SPARED WHEN SHE WAS ABLE TO EXPLAIN THE CIRCUMSTANCES OF THEIR KIDNAPPING. THE POLICE COMMISSION INVESTIGATING THE INCIDENT RECOMMENDED THAT THOSE RESPONSIBLE BE TRIED IN A MILITARY TRIBUNAL.

POLICE ASSERT THE DEATHS OF SO-CALLED DELINQUENTS RESULTED FROM SHOOT-OUTS REQUIRING THE POLICE TO ACT IN SELF-DEFENSE. HOWEVER, A NUMBER OF CASES DEMONSTRATE THAT THIS IS OFTEN NOT THE CASE. IN JULY 1999, AUTHORITIES ARRESTED A GENERAL, A COLONEL, A LEGAL CONSULTANT, AND VARIOUS POLICE OFFICERS IN CONNECTION WITH THE DEATHS OF THREE ALLEGED DELINQUENTS IN MOCA. IN A CIVILIAN VIDEO, THE POLICE WERE SHOWN HANDCUFFING THE THREE YOUNG MEN AND PLACING THEM, ALIVE, IN THE BACK OF A POLICE

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PICKUP TRUCK. WHEN THE TRUCK ARRIVED AT POLICE HEADQUARTERS, THE THREE MEN WERE DEAD. AFTER A POLICE INVESTIGATION, THE RESULTS OF WHICH WERE NOT MADE PUBLIC, AT LEAST TWO OF THE OFFICERS CONTINUE TO WORK FOR THE NATIONAL POLICE. ONE HEADS THE SPECIAL OPERATIONS UNIT.

WITNESSES, INCLUDING THE SISTER OF 20-YEAR-OLD JUAN JOSE URENA,
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REPORTED THAT POLICE SHOT AND KILLED HIM IN SANTO DOMINGO IN JULY. THE POLICE SAID THAT URENA WAS WANTED BY THE SECRET SERVICE AND THE DEPARTMENT OF HOMICIDE AND CRIMES AGAINST PROPERTY. THEY REPORTED THAT WHEN THEY TRIED TO DETAIN HIM, HE THREATENED THEM WITH A MACHETE, AND THEY WERE FORCED TO SHOOT HIM. THE VICTIM'S SISTER, WHO SAW THE INCIDENT, SAID HE DID NOT RESIST ARREST, BUT RATHER THAT HE WAS ALREADY WOUNDED AND HANDCUFFED WHEN THE AGENTS FIRED THE SHOTS THAT KILLED HIM. THE DEATH OF URENA AT THE HANDS OF POLICE PROVOKED PUBLIC PROTESTS, TIRE BURNING, AND THE THROWING OF MOLOTOV COCKTAILS. POLICE RESPONDED WITH TEAR GAS AND GUNS. THE POLICE SHOT A BYSTANDER IN THE LEG AS THEY TRIED TO CALM THE PROTESTS. THE POLICE OFFICERS THAT PARTICIPATED IN THE SHOOTING OF URENA HAVE BEEN ARRESTED PENDING A POLICE INVESTIGATION.

INSERT OTHER NEW EXAMPLES FROM SEPTEMBER - DECEMBER HERE

POLICE COURTS MAY TRY POLICE OFFICERS OR MAY REMAND THEM TO CIVILIAN COURT JURISDICTION. MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS OR OTHER CRIMES. CHIEF OF POLICE PEDRO DE JESUS CANDELIER ANNOUNCED THAT EVERY TIME AN OFFICER IS INVOLVED IN A QUESTIONABLE INCIDENT, THE CASE GOES TO A COMMISSION OF SUPERIOR OFFICERS FOR INVESTIGATION. HE SAID THAT IF IT IS DETERMINED THAT THE POLICE OFFICER HAS EXCEEDED HIS AUTHORITY, THE CASE IS SENT TO THE POLICE COURTS OR

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TO THE CIVILIAN COURTS, DEPENDING ON THE SEVERITY OF THE OFFENSE. VERY FEW, IF ANY CASES ARE SENT TO CIVILIAN COURTS, HOWEVER, DESPITE EXHORTATIONS FROM THE FORMER ATTORNEY GENERAL, DISTRICT ATTORNEY, AND JUSTICE REFORM COMMISSIONER. ON SEPTEMBER 4, 2000 SIX CIVIL SOCIETY GROUPS SUBMITTED AN "ACT OF UNCONSTITUTIONALITY" TO THE SUPREME COURT ON THE ISSUE OF THE UNCLASSIFIED

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LEGALITY OF LAW 285 WHICH ENCOMPASSES THE CODE OF POLICE JUSTICE. CIVIL SOCIETY GROUPS ARGUE THAT POLICE COURTS VIOLATE THE CONSTITUTION. THE LAWSUIT ASKS THE COURT TO RULE ON THE CONSTITUTIONALITY OF THESE POLICE TRIBUNALS.

OUT OF A POLICE FORCE OF ABOUT 23,000 MEMBERS, CANDELIER FIRED 84, DISARMED 200, AND EVALUATED 100 FOR RETRAINING DURING THE FIRST SIX MONTHS OF 2000. THIS WAS AN EFFORT TO INCREASE RESPECT FOR HUMAN RIGHTS AND TO MODERNIZE THE POLICE FORCE. HE REPORTED THAT MANY OF THE 84 WERE FIRED FOR DRUG USE, INCLUDING COCAINE AND MARIHUANA. HOWEVER, SIGNIFICANT PROBLEMS STILL REMAIN BECAUSE SERIOUS EFFORTS HAVE NOT BEEN MADE TO VET POLICE RECRUITS. MANY PERSONS WITH PRIOR CRIMINAL RECORDS REPORTEDLY HAVE BEEN INCORPORATED INTO POLICE RANKS, EITHER USING FALSE NAMES OR IDENTIFICATION OR WITH RECOMMENDATIONS FROM OTHER STATE INSTITUTIONS, SUCH AS THE ARMY.

THE POLICE USED FORCE--AT TIMES DEADLY FORCE--TO DISPERSE DEMONSTRATORS. NEWS REPORTS AND HUMAN RIGHTS ORGANIZATIONS CRITICIZED THE EXCESSIVE USE OF FORCE BY POLICE TO DISPERSE DEMONSTRATORS IN BATEY 5 IN BARAHONA. PROTESTERS GATHERED TO CALL FOR COMPLIANCE WITH A PROMISE TO FINISH INSTALLATION OF ELECTRICITY MADE FOUR YEARS AGO BY THE GOVERNOR OF THE PROVINCE. THERE WERE REPORTS THAT POLICE INDISCRIMINATELY LAUNCHED TEAR GAS INTO HOMES; SEVERAL CHILDREN HAD TO BE TRANSPORTED TO HOSPITALS DUE TO THE EFFECTS OF THE GAS. ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE POLICE ON SEVERAL OTHER OCCASIONS USED EXCESSIVE FORCE TO REMOVE SQUATTERS FROM PUNTA VILLA MELLA, VALIENTE, LA TORONJA, AND VALLO LINDO, STATE-OWNED LANDS NEAR THE NATIONAL DISTRICT (SANTO DOMINGO AND ENVIRONS).

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THE GOVERNMENT HAS ALSO BEEN CRITICIZED FOR EXTRAJUDICIAL KILLINGS CARRIED OUT BY STATE AGENTS IN PRISONS. IN THE NAJAYO PRISON IN SAN CRISTOBAL, POLICE CUSTODIANS SHOT AND KILLED INMATES FRANCISCO ALBERTO JAQUEZ BRITO, MANUEL SANCHEZ FERMIN, AND RAFAEL TAVERSAL ALBERTO IN AUGUST DURING AN ESCAPE ATTEMPT. A COMMISSION WHICH INCLUDED THE ATTORNEY GENERAL, THE CHIEF OF POLICE, AND THE DIRECTOR OF PRISONS CONCLUDED THAT POLICE AGENTS

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ACTED NEGLIGENTLY AND IN EXCESS OF THEIR DUTIES AND THAT THE ESCAPEES COULD HAVE BEEN SUBDUED BY MEANS SHORT OF KILLING THEM. THE PRISONERS HAD NOT YET BREACHED THE EXTERIOR GATES OF THE PRISON CAMPUS WHEN THEY WERE GUNNED DOWN. THE COMMISSION RECOMMENDED THAT THREE POLICE CADETS BE TRIED IN A POLICE TRIBUNAL AND THREE POLICE SUPERVISORS BE SANCTIONED WITH DAYS IN PRISON AND "ARREST WITHOUT SALARY" FOR FAILING TO CONTROL THEIR SUBORDINATES AND FOR FAILING TO TAKE AN ADEQUATE COUNT OF PRISONERS. HUMAN RIGHTS GROUPS HAVE CALLED FOR CIVILIAN TRIALS FOR THOSE RESPONSIBLE FOR THE DEATHS OF THE PRISONERS.

THERE WAS NO PROGRESS REPORTED IN TRIALS OF POLICE OFFICERS DETAINED FOR KILLING LAW STUDENT FRANKLIN BORTOLO FABIAN MEJIA IN JULY 1998; FOR KILLING A SUSPECTED ROBBER OF A SANTIAGO

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PHARMACY, ALSO IN JULY 1998; OR FOR THE TRIPLE HOMICIDE ON NOVEMBER 25, 1998, OF THREE YOUNG MALE VICTIMS WHO MIGHT HAVE BEEN KILLED BECAUSE OF THEIR REFUSAL TO SHARE THE PROCEEDS OF A RECENT ROBBERY WITH THE POLICE. IN AUGUST THERE WAS A DECISION IN THE CASE OF FATHER JOSE ANTONIO TINEO NUNEZ WHO WAS KILLED BY POLICE IN AUGUST 1998 WHEN HE WAS ALLEGEDLY MISTAKEN FOR A MURDER SUSPECT. RAFAEL PAREDES DE LA CRUZ, AN EX-CADET OF THE

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NATIONAL POLICE WAS SENTENCED TO 15 YEARS FOR THE CRIME. THE
OTHER DEFENDANT, JUAN BAUTISTA CAMINERO MENDOZA, WAS FOUND NOT
GUILTY.

THERE WAS A LONG-AWAITED VERDICT IN THE CASE OF THE 1975 MURDER
OF JOURNALIST ORLANDO MARTINEZ HOWLEY, A CRITIC OF THE BALAGUER
ADMINISTRATION. RETIRED GENERAL JOAQUIN POU CASTRO, FORMER
AIRFORCE OFFICER MARIANO CABRERA DURAN, AND LUIS EMILIO DE LA
ROSA BERAS ADMITTED TO THE KILLING AND WERE EACH SENTENCED TO
THE MAXIMUM PENALTY OF 30 YEARS IN PRISON. LAWYERS FOR THE
SENTENCED DEFENDANTS SAY THAT THEY WILL APPEAL.

B. (SBU/NF) DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

THERE WAS LITTLE PROGRESS IN THE INVESTIGATION INTO THE CASE OF
NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE
BALAGUER GOVERNMENT WHO DISAPPEARED IN MAY 1994. THE JUDGE OF
INSTRUCTION IN CHARGE OF INVESTIGATING THE CASE APPEARED TO BE
IN NEED OF MORE EVIDENCE. ACCORDING TO THE FORMER DISTRICT
ATTORNEY, THERE IS NOT ENOUGH EVIDENCE TO GO TO TRIAL, AND
CURRENTLY INFORMATION IS CONTRADICTORY. THERE HAS BEEN NO
MOVEMENT ON THE FAMILY'S COMPLAINT WITH THE INTER-AMERICAN COURT
OF HUMAN RIGHTS.

C. (SBU/NF) TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT
OR PUNISHMENT

THE CONSTITUTION PROHIBITS TORTURE AND OTHER FORMS OF PHYSICAL
ABUSE; HOWEVER, SECURITY FORCES PERSONNEL CONTINUE TO TORTURE,
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BEAT, AND OTHERWISE PHYSICALLY ABUSE DETAINEES AND PRISONERS.
LACK OF SUPERVISION, TRAINING, AND ACCOUNTABILITY THROUGHOUT THE
LAW ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE PROBLEM
OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS, LOCAL PRESS, AND THE
COMMISSION TO SUPPORT THE REFORM AND MODERNIZATION OF JUSTICE
(JUSTICE REFORM COMMISSION) REPORTED REGULAR AND REPEATED
OCCURRENCES OF PHYSICAL ABUSE OF DETAINEES WHILE IN CUSTODY.
SPECIFICALLY, THERE WAS A DRAMATIC INCREASE IN ALLEGATIONS OF
PHYSICAL ABUSE AND TORTURE OF MINORS IN POLICE AND MILITARY
DETENTION.

IN JUNE THE JUSTICE REFORM COMMISSION DENOUNCED CASES OF TORTURE
AND ABUSE OF NINE MINORS IN THE POLICE STATIONS IN VILLAS

AGRICOLAS, LOS FARALLONES, VILLA FRANCISCA, AND PLAN PILOTO IN THE NATIONAL DISTRICT. IT CITED NUMEROUS INSTANCES OF BEATINGS, SEXUAL ABUSE, ASPHYXIATION WITH PLASTIC BAGS TO ELICIT CONFESSIONS, AND A TORTURE METHOD CALLED "ROASTING THE CHICKEN" IN WHICH THE VICTIM IS PLACED OVER HOT COALS AND TURNED UNTIL HE/SHE CONFESSES. AFTER COMPLETING AN INTERNAL INVESTIGATION, THE NATIONAL POLICE CLAIMED THAT THERE WERE NO INSTANCES OF TORTURE OR ABUSE AND THAT IF FORCE WAS USED, IT WAS NECESSARY TO OBTAIN THE "OBEDIENCE" OF THE MINOR. THE JUSTICE REFORM COMMISSION CRITICIZED THE POLICE FOR FAILURE TO CARRY OUT AN OBJECTIVE INVESTIGATION AND FOR COVERING-UP SERIOUS ABUSES. AS OF SEPTEMBER, THE DISTRICT ATTORNEY FOR SANTO DOMINGO HAD MADE TWO REQUESTS OF THE CHIEF OF POLICE THAT THREE OFFICERS BE TURNED OVER FOR INTERROGATION. BOTH OF THESE REQUESTS HAVE BEEN DENIED. A JUDGE OF INSTRUCTION WAS APPOINTED TO INVESTIGATE THE CASES.

JUDGES OF THE APPEALS COURT FOR CHILDREN AND ADOLESCENTS IN SAN
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PEDRO DE MACORIS IN AUGUST MADE PUBLIC A SET OF ALLEGATIONS OF SIMILAR ABUSES OF 19 MINORS IN POLICE STATIONS IN JUAN DOLIO AND BOCA CHICA, AS WELL AS IN THE PUBLIC JAIL GENERAL PEDRO SANTANA, CONTROLLED BY THE ARMY. ONE OF THE ADOLESCENT VICTIMS REPORTED THAT THE POLICE BEAT HIM TO FORCE HIM TO SAY "YES" TO THEIR QUESTIONS; IN THE INTERROGATION SESSIONS, THEY HIT HIM WITH THE BUTTS OF THEIR GUNS; THEY MADE HIM KNEEL AND TWO OFFICERS AT ONCE HIT HIM IN THE EARS AND KICKED HIM; THEY HIT HIM WITH A BATON, AND PUT HIM IN A DARK ROOM WHERE THEY PUT A CURRENT TO HIS BODY. THE CHILD REPORTED THAT DUE TO THE MARKS THESE INCIDENTS LEFT ON HIS BODY, THEY HELD HIM FOR EIGHT DAYS BEFORE TRANSFERRING HIM TO THE JUDGE. THE LAW REQUIRES THAT MINOR DETAINEES BE TRANSFERRED TO A JUDGE WITHIN 24 HOURS. THERE IS NO INFORMATION REGARDING ANY INVESTIGATION INTO THESE ALLEGED ABUSES BY THE POLICE OR THE MILITARY.

HOMOSEXUAL AND TRANSVESTITE DETAINEES REPORT TO GAY RIGHTS ADVOCATES THAT DURING DETENTION THE POLICE HAVE HELD THEM IN A DARKENED ROOM AND HAVE GIVEN THEM THE ALTERNATIVE OF PERFORMING FELLATIO ON WHICHEVER GUARDS SO DESIRED OR BEING PLACED IN A LOCKED CELL WITH THE MOST DANGEROUS PRISONERS, WHERE THE

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DETAINEES PRESUMED THAT THEY WOULD BE RAPED, BEATEN, OR BOTH.
OTHER INFORMANTS CONFIRMED THAT THE POLICE USE THE PROSPECT OF
BEING LOCKED IN WITH THE MOST DANGEROUS PRISONERS AS A THREAT.

THE NATIONAL COORDINATOR FOR HUMAN RIGHTS CITED THE DEPARTMENT
OF HOMICIDE AND ROBBERY INVESTIGATIONS AND DNCD FOR THE
PERSISTENT USE OF TORTURE TO EXTRACT CONFESSIONS FROM DETAINEES.

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ACCORDING TO HUMAN RIGHTS ORGANIZATIONS, THE METHOD MOST OFTEN
USED IS BEATING. AFTER SEVERAL FORMER DETAINEES WENT TO THE
PRESS WITH CREDIBLE REPORTS THAT POLICE INTERROGATORS HAD BEATEN
THEM REPEATEDLY, THE CHIEF OF POLICE AND ATTORNEY GENERAL
DESIGNATED A COMMISSION TO INVESTIGATE. THE BEATINGS ALLEGEDLY
TOOK PLACE DURING PERIODS OF DETENTION OF UP TO 15 DAYS WITHOUT
ARRAIGNMENT BEFORE A JUDGE (THE CONSTITUTION PERMITS ONLY 48
HOURS). THE INFORMANTS REPORTED THAT THE POLICE REPEATEDLY
AWOKE THEM DURING THE NIGHT FOR QUESTIONING. HUMAN RIGHTS
ADVOCATES HAVE DESCRIBED ANOTHER FORM OF ABUSE, KNOWN TO HAVE
BEEN USED IN THE MEXICO SECTION OF SAN PEDRO DE MACORIS PRISON.
PRISON OFFICIALS USE A PUNISHMENT CALLED "THE TOASTER", WHERE
PRISONERS ARE LAID, SHACKLED HAND AND FOOT, ON A BED OF HOT
ASPHALT FOR THE ENTIRE DAY AND, IF THEY SCREAM, ARE BEATEN WITH
A CLUB. THE ARMY ADMINISTERS SAN PEDRO DE MACORIS PRISON.

THE NATIONAL DISTRICT PROSECUTOR'S OFFICE CONTINUED TO PLACE
LAWYERS IN HIGH-VOLUME POLICE STATIONS AND IN SEVERAL DNCD
OFFICES TO MONITOR THE INVESTIGATIVE PROCESS AND TO ASSURE THAT

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DETAINEES' RIGHTS ARE RESPECTED (SEE SECTION 1.D.). MOST OF THE AFFECTED PN AND DNCD INVESTIGATORS RESPONDED POSITIVELY TO THIS OVERSIGHT, ALTHOUGH SOME DNCD PERSONNEL REPORTEDLY COMPLAINED THAT THEIR HANDS WERE BEING TIED. STILL, THE INITIATIVE REMAINS LARGELY LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, WITH A LESSER PRESENCE IN SANTIAGO. THERE IS SOME EVIDENCE THAT THESE ASSISTANT PROSECUTORS AT TIMES ACQUIESCE IN TRADITIONAL POLICE PRACTICES, RATHER THAN ATTEMPT TO RAISE THESE PRACTICES TO CONSTITUTIONAL STANDARDS. LESS QUALIFIED PROSECUTORS ASSIGNED TO THE REST OF THE COUNTRY HAVE NOT ASSUMED STRONG ROLES IN MANAGING CRIMINAL INVESTIGATIONS AND ENSURING THE RIGHTS OF SUSPECTS. HUMAN RIGHTS COURSES ARE OFFERED IN THE TRAINING

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CURRICULA FOR MILITARY AND DNCD ENLISTED PERSONNEL AND OFFICERS,
HOWEVER THE COURSES ARE OPTIONAL.

CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND MILITARY OFFICIALS ALLEGING TORTURE, PHYSICAL ABUSE, AND RELATED CRIMES. A 1997 LAW PROVIDES PENALTIES FOR TORTURE AND PHYSICAL ABUSE, INCLUDING SENTENCES FROM 10 TO 15 YEARS IN PRISON. HOWEVER, UNTIL RECENTLY THESE PROVISIONS WERE NOT KNOWN FULLY OR APPLIED BY PROSECUTORS AND JUDGES. THERE HAVE BEEN REPEATED CALLS BY HUMAN RIGHTS GROUPS AS WELL AS BY THE JUSTICE REFORM COMMISSION FOR CIVILIAN TRIALS OF OFFICIALS CHARGED WITH ABUSE AND TORTURE; HOWEVER, MOST CASES, IF TRIED AT ALL, ARE SENT TO MILITARY OR POLICE TRIBUNALS.

THE JUDICIAL TRAINING SCHOOL TRAINED 530 JUDGES (OUT OF A TOTAL OF 585) ON DRAFTING/STRUCTURING SENTENCES IN ITS FIRST CYCLE. THE SCHOOL IS CURRENTLY PREPARING A COMPUTER/INTERNET SEMINAR ON FUNDAMENTAL GUARANTEES WITH FOUR MODULES FOR JUDGES ON HUMAN RIGHTS. IN OCTOBER, THEY HELD A SEMINAR ON DOMESTIC VIOLENCE AND A SEMINAR ON JUDICIAL ETHICS FOR 200 JUDGES.

THE POLICE AT TIMES FORCIBLY DISPERSED DEMONSTRATORS, USING TEAR GAS AND WEAPONS (SEE SECTIONS 2.B. AND 6.B.).

ELECTION CAMPAIGNING WAS RELATIVELY PEACEFUL, ALTHOUGH THERE WERE ISOLATED INSTANCES OF VIOLENCE. ON APRIL 29 TWO DOMINICAN LIBERATION PARTY (PLD) ACTIVISTS WERE KILLED IN MOCA DURING A CAMPAIGN RALLY FOR THE DOMINICAN REVOLUTIONARY PARTY (PRD). PLD MEMBERS CLAIMED THAT PRD SUPPORTERS SHOT INTO A GROUP OF PLD FLAG WEVERS. IN CONTRAST, PRD SUPPORTERS ARGUED THAT PLD OPPOSITION MEMBERS WERE TRYING TO "AMBUSH" THEIR PRESIDENTIAL

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CANDIDATE'S MOTORCADE. THERE WAS ALSO POLITICAL VIOLENCE IN SAN

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PEDRO DE MACORIS AT THE END OF APRIL IN WHICH A VICE-MAYOR AND SECRETARY GENERAL OF THE PRD WERE WOUNDED BY GUNFIRE WHEN THEIR PARTY WAS CARRYING OUT A MEDICAL MISSION IN ONE OF THE NEIGHBORHOODS.

IN 32 PRISONS AROUND THE COUNTRY WITH A TOTAL CAPACITY OF 9,000, THE POLICE AND MILITARY HOLD MORE THAN 15,000 PERSONS. THE MILITARY CONTROLS 22 PRISONS WITH A TOTAL OF 6,000 PRISONERS, AND THE NATIONAL POLICE CONTROLS 10 PRISONS, WITH A TOTAL OF 9,000 INMATES. A WARDEN IS RESPONSIBLE FOR RUNNING EACH PRISON AND REPORTING TO THE ATTORNEY GENERAL THROUGH THE DIRECTORATE OF PRISONS. A POLICE OR MILITARY COLONEL (OR LIEUTENANT COLONEL) THAT IS APPOINTED FOR 3 TO 6 MONTHS ONLY, REPORTS TO THE WARDEN AND IS RESPONSIBLE FOR PROVIDING SECURITY. HOWEVER, IN PRACTICE THE COLONEL IS IN CHARGE OF THE PRISON, AND NEITHER THE DIRECTORATE OF PRISONS NOR THE INDIVIDUAL WARDENS HAVE MUCH POWER. ACCORDING TO CREDIBLE REPORTS, SOME PRISONS ARE TOTALLY OUT OF THE CONTROL OF THE AUTHORITIES. THEY ARE, IN EFFECT, OPERATED BY ARMED INMATES, WHO DECIDE WHETHER AN INDIVIDUAL GETS FOOD, OR SPACE TO SLEEP, OR A NEEDED VISIT TO A DOCTOR OR

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DENTIST. INDIVIDUAL INMATES ONLY CAN SECURE A TOLERABLE LEVEL

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OF EXISTENCE BY PAYING FOR IT. ONLY THOSE WITH CONSIDERABLE PERSONAL OR FAMILY RESOURCES CAN DO SO.

PRISON CONDITIONS RANGE FROM POOR TO EXTREMELY HARSH, BUT MOST FACILITIES FALL IN THE LATTER CATEGORY. REPORTS OF TORTURE AND MISTREATMENT IN PRISONS ARE COMMON. THE PRISONS ARE SERIOUSLY UNCLASSIFIED

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OVERCROWDED, HEALTH AND SANITARY CONDITIONS ARE POOR, AND SOME PRISONS ARE OUT OF THE CONTROL OF THE AUTHORITIES. MEDICAL CARE IN ALL PRISONS SUFFERS FROM A LACK OF SUPPLIES AND AVAILABLE PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS ARE NOT TRANSFERRED TO A HOSPITAL, BUT SOME TERMINAL-STAGE INMATES WERE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME. THE GENERAL DIRECTORATE OF PRISONS FALLS UNDER THE AUTHORITY OF THE PUBLIC MINISTRY AND IS SERIOUSLY UNDERFUNDED. BUDGET ALLOCATIONS FOR NECESSITIES SUCH AS FOOD, MEDICINES, AND TRANSPORTATION WERE LACKING.

CONDITIONS AT LA VICTORIA PRISON, RUN BY THE NATIONAL POLICE, POSE A SERIOUS THREAT TO LIFE AND HEALTH. IN JUNE, THIS PRISON HELD OVER 3,500 PRISONERS IN A FACILITY BUILT FOR 1,000. IN MARCH THERE WAS A SERIOUS FIRE AT LA VICTORIA IN WHICH THIRTEEN PEOPLE DIED, 44 SUFFERED BURNS, AND 20 OTHERS WERE INJURED. INMATES ALLEGED THAT GUARDS REFUSED TO OPEN CELL DOORS SO THAT THEY COULD ESCAPE. THERE IS NO INFORMATION OF AN INVESTIGATION INTO THESE CLAIMS.

THE BARAHONA COMMISSION FOR THE DEFENSE OF HUMAN RIGHTS HAS CRITICIZED THE CONDITIONS IN THE BARAHONA PRISON, WHICH HAS 22 BEDS, BUT CURRENTLY HOLDS 586 INMATES. IN CELLBLOCK #40, WHICH HAS SPACE FOR 32 PEOPLE, THERE ARE 145. FIFTY-TWO HAITIANS IMPRISONED THERE ARE "PRACTICALLY KIDNAPPED" AND HAVE NOT BEEN TAKEN TO THEIR HEARINGS. THE COMMISSION REPORTS THAT THE BATHROOMS ARE CESSPOOLS AND THAT THE AUTHORITIES ARE INDIFFERENT TO THE LACK OF HYGIENE; PRISONERS DO NOT RECEIVE MEDICINE OR MEDICAL ATTENTION, AND MANY HAVE TUBERCULOSIS AND OTHER DISEASES. THEY ALLEGEDLY RECEIVE ONLY ONE MEAL ON SATURDAYS AND NO MEALS ON SUNDAYS.

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A GOVERNMENT FOOD PROGRAM FOR THE GENERAL PUBLIC IS USED TO PROVIDE LUNCHEES AT SOME PRISONS. THE FORMER DIRECTOR OF PRISONS REPORTED THAT HIS OFFICE HAD THE BUDGET TO SPEND US\$.50 (8 PESOS) PER INMATE TO PROVIDE THREE MEALS PER DAY. INMATES SURVEYED SAID THAT THE FOOD PROVIDED WAS UNACCEPTABLE, AND MOST CHOSE TO EAT WHATEVER THEY COULD BEG FOR OR PURCHASE FROM

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PERSONS IN THE VICINITY OF THE PRISON OR FROM FAMILY MEMBERS.

FEMALE PRISONERS ARE SEPARATED FROM MALE INMATES. IN GENERAL, CONDITIONS IN THE FEMALE PRISON WINGS ARE SUPERIOR TO THOSE FOUND IN MALE PRISON WINGS. THERE HAVE BEEN SOME REPORTS OF GUARDS ABUSING FEMALE INMATES. IN RAFEY PRISON, IN SANTIAGO GUARDS BEAT SIX INMATES AS THEY BATHED IN THE RAIN IN A COURTYARD OF THE PRISON. TWO OFFICIALS ALLEGEDLY RESPONSIBLE FOR THE BEATINGS WERE SAID TO HAVE BEEN TRIED IN A POLICE TRIBUNAL.

THE LAW REQUIRES THAT JUVENILES BE DETAINED SEPARATELY FROM ADULTS. HOWEVER, RECENT PRESS REPORTS FOUND A HIGH INCIDENCE OF VIOLATIONS AT PRISONS AROUND THE COUNTRY. NAJAYO PRISON HAS A NEW WING FOR JUVENILE OFFENDERS WHICH HOLDS 250.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS AND BY THE PRESS.

D. (SBU/NF) ARBITRARY ARREST, DETENTION, OR EXILE

ARBITRARY ARREST AND DETENTION ARE PROBLEMS. THE CONSTITUTION PROVIDES FOR THE SECURITY OF THE INDIVIDUAL AGAINST IMPRISONMENT WITHOUT LEGAL PROCESS, AND BARS DETENTION BEYOND 48 HOURS

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WITHOUT BEING PRESENTED BEFORE JUDICIAL AUTHORITIES, OR FAILURE BY CUSTODIAL AUTHORITIES TO PRESENT DETAINEES WHEN REQUESTED. IT ALSO PROVIDES FOR RECOURSE TO HABEAS CORPUS PROCEEDINGS TO REQUEST THE RELEASE OF THOSE UNLAWFULLY WITHHELD. HOWEVER, THE SECURITY FORCES CONTINUE TO VIOLATE CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR INVESTIGATION OR INTERROGATION BEYOND THE PRESCRIBED 48-HOUR LIMIT. THE POLICE TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHICH ONES ARE INNOCENT AND MERIT RELEASE, AND WHICH ONES THEY SHOULD CONTINUE TO HOLD. AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS IN 1997, THE POLICE BEGAN TO CURTAIL THE PRACTICE OF ARBITRARY DETENTION IN THOSE PRECINCTS. HOWEVER, PROGRESS HAS BEEN SLOW (SEE SECTION 1.C.), AND THIS PROGRAM HAS BEEN LIMITED FOR THE MOST PART TO THE SANTO DOMINGO METROPOLITAN AREA.

THE PROSECUTOR FOR THE COURT OF APPEALS IN SANTIAGO REPORTED THAT THE DEPARTMENT OF INVESTIGATION OF HOMICIDE AND ROBBERY OF THE NATIONAL POLICE, NORTHERN COMMAND, ROUTINELY DETAINED PERSONS BEYOND THE 48-HOUR LIMIT. DETAINEES AT POLICE HEADQUARTERS IN SANTO DOMINGO, KNOWN AS "THE PALACE," COMPLAINED

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OF BEING HELD FOR 15 TO 21 DAYS. JUVENILES HELD AT THE DEPARTMENT FOR MINORS AT THE VILLA JUANA POLICE STATION ARE COMMONLY HELD FOR 8 TO 14 DAYS, WELL BEYOND THE 24-HOUR LIMIT FOR MINORS. THE OFFICIAL IN CHARGE OF THE DEPARTMENT FOR MINORS ATTRIBUTES THIS TO LACK OF SWIFT ACTION BY THE "DEFENSOR DE MENORES," THE PUBLIC MINISTRY OFFICIAL IN CHARGE OF INTERROGATING MINORS AND SENDING THEM BEFORE A JUVENILE COURT

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JUDGE. BY LAW, JUVENILES MAY NOT BE INTERROGATED BY THE POLICE, OR IN THE PRESENCE OF POLICE.

THE POLICE CONTINUED THE PRACTICE OF MAKING FREQUENT SWEEPS OR ROUNDUPS IN LOW-INCOME, HIGH-CRIME COMMUNITIES IN WHICH THEY ARREST AND DETAIN INDIVIDUALS ARBITRARILY. THE ALLEGED OBJECTIVE OF THE ROUNDUPS IS TO FIGHT DELINQUENCY. FOLLOWING THE INDISCRIMINATE ARRESTS, THE POLICE REGULARLY DETAIN INDIVIDUALS FOR UP TO 20 DAYS OR MORE, WHILE THEY LOOK FOR A REASON TO CHARGE THEM WITH A CRIME. ON SEPTEMBER 23-24, FOR EXAMPLE, POLICE ARRESTED 900 PEOPLE AROUND THE COUNTRY IN ONE WEEKEND WITH THE OBJECTIVE OF "PREVENTING THE COMMISSION OF CRIMES" AND "MAINTAINING ORDER AND PEACE." THEY ALSO TOOK

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POSSESSION OF MOTORCYCLES, VEHICLES AND WEAPONS. HUMAN RIGHTS ORGANIZATIONS REPORT THAT INDIVIDUALS DETAINED IN THESE ROUNDUPS ARE FREQUENTLY BEATEN. THE POLICE SAY THAT THEY RELY UPON UNLAWFUL DETENTION WITHOUT PRESENTATION TO A COURT BECAUSE SOME CASES INVOLVE MORE COMPLICATED INVESTIGATIONS. HOWEVER, THERE IS A CLEAR PATTERN OF THE POLICE ARRESTING INDIVIDUALS BEFORE INVESTIGATING A CRIME THOROUGHLY, AND RELYING ON CONFESSIONS TO MAKE THEIR CASE. WITHOUT THE EDUCATION, TRAINING, OR EQUIPMENT TO CONDUCT MODERN FORENSIC INVESTIGATIONS, POLICE RELY INSTEAD ON HOLDING SUSPECTS INCOMMUNICADO (SEE SECTION 1.E.), REPEATEDLY QUESTIONING THEM, AND SOMETIMES BEATING THEM, UNTIL THEY CONFESS. PROSECUTORS WHO ARE ASSIGNED TO MONITOR THE CRIMINAL INVESTIGATION PHASE AT POLICE STATIONS APPEAR TO BE UNABLE TO CONTROL THE PRACTICE (SEE SECTION 1.C.).

A RELATED PROBLEM IS THE POLICE PRACTICE OF ARRESTING AND DETAINING INDIVIDUALS SOLELY BECAUSE OF THEIR FAMILIAL OR MARITAL RELATIONSHIP TO A SUSPECT. A SUSPECT'S PARENTS,
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SIBLINGS, OR SPOUSE ARE ALL VULNERABLE TO THIS PRACTICE, THE GOAL OF WHICH IS TO COMPEL AN AT-LARGE SUSPECT TO GIVE HIMSELF UP OR TO COERCE A CONFESSION FROM ONE ALREADY ARRESTED.

LOCAL HUMAN RIGHTS ORGANIZATIONS HAVE REPORTED ON AND DENOUNCED IN THE PRESS ROUNDUPS OF HAITIAN AND DOMINICAN-HAITIAN CONSTRUCTION WORKERS BY POLICE OFFICIALS. OFFICIALS ALLEGEDLY TAKE GROUPS OF DARK-SKINNED OR "HAITIAN-LOOKING" INDIVIDUALS TO EMPTY BUILDINGS SOON AFTER THEY HAVE BEEN PAID, IN ORDER TO EXTORT MONEY FROM THEM. ONE WORKER REPORTED THAT HE WAS FREQUENTLY BEATEN AND HAD MANY OF HIS PAYCHECKS TAKEN DURING THESE ROUNDUPS. HE SAYS THAT THE LICENSE PLATES ARE REMOVED FROM THE OFFICIAL POLICE VEHICLES SO THAT THE PERPETRATORS CANNOT BE EASILY IDENTIFIED.

MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION. IN JUNE OVER 83 PERCENT OF THE NATIONAL PRISON POPULATION WAS AWAITING TRIAL, 11 PERCENT HIGHER THAN THE SAME POPULATION IN 1999; OF THESE, 16.3% WERE CONVICTED, 21.8% HAVE CONVICTIONS UNDER APPEAL, AND 62% ARE "PRISONERS WITHOUT SENTENCES." HOWEVER, WHILE SUSPECTS NATIONWIDE STILL SUFFER LONG PRETRIAL DETENTION, JUDICIAL STATISTICS SHOW REDUCED DELAYS FOR THE LAST 3 YEARS IN THE SANTO DOMINGO NATIONAL DISTRICT (AN AREA THAT ACCOUNTS FOR APPROXIMATELY 45 PERCENT OF ALL CRIMINAL CASES IN THE COUNTRY). THE AVERAGE PRETRIAL DETENTION THROUGHOUT THE COUNTRY IS MORE THAN SIX MONTHS. BECAUSE OF THE HISTORICAL INEFFICIENCY OF THE COURTS (SEE SECTION 1.E.), THE GRANTING OF BAIL SERVES AS THE DE FACTO CRIMINAL JUSTICE SYSTEM. AS A RULE, DEFENDANTS AWARDED BAIL RARELY FACE AN ACTUAL TRIAL. (TIME ALREADY SERVED COUNTS

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TOWARD A SENTENCE.) THIS SITUATION IMPROVED SOMEWHAT AS A
RESULT OF THE STEPS TAKEN BY THE FORMER SANTO DOMINGO DISTRICT
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ATTORNEY AND THE JUDICIARY, IN COOPERATION WITH THE DIRECTOR OF
PRISONS, TO INTRODUCE A PRISONER REGISTRY SYSTEM THAT FOCUSES ON
ENSURING TIMELY TRIALS FOR PRISONERS. AS OF JUNE (TO BE UPDATED
IN DECEMBER), HOWEVER, THIS REGISTRY SYSTEM WAS ONLY AVAILABLE
INTERNALLY TO THE DIRECTOR OF PRISONS, AND COULD NOT BE ACCESSED
BY THE PUBLIC MINISTRY. THE FAILURE OF PRISON AUTHORITIES TO
PRODUCE THE ACCUSED CAUSED A SIGNIFICANT PERCENTAGE OF TRIAL
POSTPONEMENTS. AUTHORITIES HELD SOME PRISONERS EVEN THOUGH
THERE WERE NO FORMAL CHARGES AGAINST THEM, AND KEPT SOME
PRISONERS JAILED EVEN AFTER A COURT ORDERED THEIR RELEASE. ONE
PRISONER HELD IN NAJAYO PRISON WAS CHARGED WITH SWINDLING OVER
FOUR YEARS AGO. THE MAXIMUM PENALTY FOR THIS CRIME WAS THREE
YEARS; HOWEVER, THE PRISONER WAS NEVER TRIED OR CONVICTED. HIS
CASE WAS FINALLY DISMISSED IN AUGUST. THE ATTORNEY GENERAL
PROPOSED A PROGRAM TO REDUCE PRISON CROWDING BY RELEASING INMATE
WHO WERE ONLY HELD PENDING PAYMENT OF A FINE.

FROM JANUARY THROUGH AUGUST THERE WERE IMPROVEMENTS IN THE
ADMINISTRATION OF JUSTICE THAT RESULTED FROM COOPERATION BETWEEN
THE JUDICIARY AND THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE.
IN THE NATIONAL DISTRICT TIME TO TRIAL WAS REDUCED FROM 11

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TAGS: PHUM, KSEP, ELAB, PREL, DR

SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

MONTHS IN 1997 TO 5.1 MONTHS IN 2000. NEW CASES UNNECESSARILY ENTERING/CONGESTING THE CRIMINAL SYSTEM WERE REDUCED BY MORE THAN 50% THROUGH USE OF COMMUNITY CONCILIATION CENTERS, AND INVESTIGATIVE JUDGE RULINGS INCREASED BY 65% IN THE LAST TWO YEARS. THE COURTS' EFFORTS TO IMPROVE PRODUCTIVITY OF JUDGES WAS NOTABLE: THE NUMBER OF DEFINITIVE (FINAL) SENTENCES WAS QUADRUPLED OVER THE NUMBER OF SENTENCES HANDED DOWN IN 1997, AND
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LESS THAN 50% OF ALL PRISONERS HAVE MORE THAN 12 MONTHS IN JAIL THIS YEAR. IT IS NOT YET CLEAR HOW THE CHANGE OF 90% OF PUBLIC MINISTRY OFFICIALS IN AUGUST WILL AFFECT THE POSITIVE TRENDS INTRODUCED IN THE PREVIOUS ADMINISTRATION.

NOTABLE ADVANCES WERE ALSO MADE BY THE NEW MEJIA ADMINISTRATION TO INCREASE THE AVAILABILITY OF FREE LEGAL SERVICES TO THE POOR. MOST JAILED DOMINICANS CANNOT AFFORD ADEQUATE DEFENSE SERVICES. THE EXECUTIVE BRANCH COMMISSIONER OF THE JUSTICE REFORM COMMISSION RETAINED ALL 31 OF THE PUBLIC DEFENDERS HIRED DURING THE PREVIOUS ADMINISTRATION AND HIRED AN ADDITIONAL
[DECEMBER # UPDATE]. THE JUSTICE REFORM COMMISSION'S PUBLIC DEFENDER PROGRAM WAS EXPANDED NATIONALLY TO 5 NEW MUNICIPALITIES. A BILL TO CREATE A NATIONAL PUBLIC DEFENSE PROGRAM WAS SUBMITTED TO THE CONGRESS AND IS IN THE JUSTICE COMMITTEE FOR ANALYSIS [AS OF SEPT 00].

HOGUISTEN CANJI, A 33-YEAR-OLD HAITIAN, SPENT 9 YEARS BEHIND BARS WITHOUT AN OFFICIAL CHARGE AND WITHOUT EVER BEING PRESENTED TO A JUDICIAL OFFICER. HIS CASE FINALLY CAME TO THE ATTENTION OF THE PUBLIC DEFENDER PROGRAM, WHICH ULTIMATELY OBTAINED HIS RELEASE ON A WRIT OF HABEAS CORPUS. HIS ATTORNEY NOTED THAT THERE WAS NO OFFICIAL FILE ON THE CASE, NO NAME OF THE PERSON THAT HE ALLEGEDLY MURDERED IN 1991, AND NO ORDER OF PREVENTIVE DETENTION. A PUBLIC DEFENDER PROGRAM ATTORNEY ALSO DEFENDED HECTOR MANUEL REYES, WHO SPENT 17 YEARS BEHIND BARS FOR A MURDER FOR WHICH HE HAD NEVER BEEN CONVICTED. AUTHORITIES HAD LOST HIS CASE FILE. OFFICIALS ACKNOWLEDGE THERE MAY BE HUNDREDS OF SUCH CASES IN THE PRISON SYSTEM.

THE LAW PROHIBITS FORCED EXILE, AND THERE WERE NO REPORTS OF ITS
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USE. HOWEVER, PERSONS WHO CREDIBLY ASSERTED THEY WERE CITIZENS

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WERE SOMETIMES EXPELLED TO HAITI (SEE SECTION 1.F. AND 2.D.).

E. (SBU/NF) DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION CALLS FOR AN INDEPENDENT JUDICIARY. ATTEMPTS BY PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, TO UNDERMINE JUDICIAL INDEPENDENCE HAVE DECREASED SOMEWHAT. THE NATIONAL JUDICIARY COUNCIL CHOOSES MEMBERS OF THE SUPREME COURT, WITH THE GOAL OF ENSURING INDEPENDENCE FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES. THE JUDICIARY, BASED PRIMARILY ON THE NAPOLEONIC CODE, A CIVIL LAW CODE, INCLUDES A 16-MEMBER SUPREME COURT, APPEALS COURTS, COURTS OF FIRST INSTANCE, AND JUSTICES OF THE PEACE. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, LAND, AND JUVENILE MATTERS.

MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE SECURITY FORCES. HOWEVER, THIS SYSTEM WAS CHALLENGED BY CIVIL SOCIETY GROUPS IN A SUPREME COURT CASE FILED IN AUGUST (SEE SECTION 1.A.). PUBLIC PRESSURE EXISTS FOR MILITARY OR POLICE BOARDS TO REMAND CASES INVOLVING SERIOUS CRIMES TO CIVILIAN COURTS FOR REVIEW; HOWEVER THERE IS NO INFORMATION THAT ANY SUCH CASES HAVE BEEN REMANDED THIS YEAR. IN OTHER CASES, CIVIL AUTHORITIES HAVE REQUESTED THE PN TO TURN OVER THEIR FILES SO THAT CASES OF SUSPECTED EXTRAJUDICIAL KILLINGS MIGHT BE EVALUATED INDEPENDENTLY FOR POSSIBLE PROSECUTION. THERE WAS LITTLE COOPERATION FROM THE NATIONAL POLICE OR MILITARY IN REQUESTED INVESTIGATIONS DURING THE FERNANDEZ ADMINISTRATION (SEE SECTION 1.C.).

JUDGES, RATHER THAN JURIES, RENDER ALL VERDICTS. UNDER THE 1994
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CONSTITUTIONAL AMENDMENTS, WHICH ENTERED INTO FORCE IN AUGUST 1998, THE SUPREME COURT IS RESPONSIBLE FOR NAMING ALL LOWER-COURT JUDGES IN ACCORDANCE WITH A JUDICIAL CAREER LAW. THE NATIONAL JUDICIARY COUNCIL SELECTS NEW JUSTICES OF THE SUPREME COURT. THE COUNCIL CONSISTS OF THE PRESIDENT, THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE CHAMBER OF DEPUTIES, TWO AT-LARGE MEMBERS DESIGNATED BY THEM, THE PRESIDENT OF THE SUPREME COURT, AND ONE OTHER JUSTICE DESIGNATED BY THE SUPREME COURT.

FOLLOWING THE COMMISSION OF A CRIME, THE CRIMINAL PROCESS BEGINS WITH THE ARREST OF POSSIBLE SUSPECTS. DURING THE INVESTIGATIVE PHASE, SUSPECTS ARE QUESTIONED REPEATEDLY AND URGED TO CONFESS. THE CONSTITUTION PROVIDES FOR THE RIGHT NOT TO BE ARRESTED WITHOUT JUDICIAL WARRANT EXCEPT IN CASES WHERE THE SUSPECT IS CAUGHT IN THE ACT; THE RIGHT NOT TO BE DEPRIVED OF LIBERTY WITHOUT TRIAL OR LEGAL FORMALITIES, OR FOR REASONS OTHER THAN THOSE PROVIDED BY LAW; THE RIGHT TO BE PRESENTED TO A COMPETENT

JUDICIAL AUTHORITY WITHIN 48 HOURS OF ONE'S DETENTION; THE RIGHT NOT TO BE A WITNESS AGAINST ONESELF; AND THE RIGHT TO A DEFENSE IN AN IMPARTIAL AND PUBLIC TRIAL. THESE RIGHTS ARE COMMONLY DISREGARDED.

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TAGS: PHUM, KSEP, ELAB, PREL, DR
SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

THE MOST SERIOUS AND COMMON VIOLATION OF THESE RIGHTS OCCURS WHEN POLICE DETAIN SUSPECTS, SOMETIMES FOR MANY DAYS, WITHOUT GIVING THEM ACCESS TO A TELEPHONE CALL TO FAMILY WHILE SUBJECTING THEM TO FREQUENT QUESTIONING. ALTHOUGH ACCUSED PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT, THEY OFTEN ARE NOT PERMITTED TO CALL ONE OR, IF ONE ARRIVES, THE ATTORNEY IS

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NOT PERMITTED TO BE PRESENT DURING THE QUESTIONING. (THE POLICE COMPLAIN THAT THE PRESENCE OF ATTORNEYS INTERFERES WITH THEIR INVESTIGATIONS.) UNDER THESE CIRCUMSTANCES, SUSPECTS MAY CONFESS TO ACTS THAT THEY DID NOT COMMIT MERELY TO GET RELIEF FROM THE INTENSE QUESTIONING AND THE DETENTION. THE RESULTS OF THESE INTERROGATIONS FREQUENTLY FORM THE ONLY EVIDENCE PRESENTED AT THE TRIAL. DOMINICAN LAW CONTAINS THE REMEDY OF "AMPARO"--AN ACTION ANY CITIZEN MAY BRING FOR VIOLATION OF A CONSTITUTIONAL

RIGHT, IN ACCORDANCE WITH THE TERMS OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. THIS ACTION INCLUDES VIOLATIONS BY JUDICIAL OFFICIALS. THE PROCESS OF DISPUTE RESOLUTION, INCLUDING RECONCILIATION, MEDIATION, AND ARBITRATION, CONTINUES TO BE USED AS AN ALTERNATIVE TO TRIAL AND INCARCERATION.

THERE REMAINS A LARGE BACKLOG OF CRIMINAL CASES IN THE NATIONAL DISTRICT AND THROUGHOUT THE COUNTRY. THE SUPREME COURT'S PLAN TO UNCLOG THE COURT DOCKETS HAS BEEN FRUSTRATED BY THE GOVERNMENT'S FAILURE TO ALLOCATE SUFFICIENT FUNDS. DOCKETS ARE CROWDED WITH TRAFFIC INFRACTIONS THAT SHOULD BE HEARD IN THE TRAFFIC COURTS PROVIDED FOR BY STATUTE; DUE TO A LACK OF FUNDS, THE TRAFFIC COURTS HAVE NOT BEEN SET UP. OTHER COMPLICATIONS IN CLEARING THE BACKLOG ARISE FROM THE EXHAUSTION OF FUNDS FOR TRANSPORTING PRISONERS TO COURT; MANY CASES MUST BE SENT BACK WHEN THE ACCUSED DOES NOT APPEAR. THE GOVERNMENT HAS NOT YET ESTABLISHED 25 ADDITIONAL COURTS PROVIDED FOR BY LAW.

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

F. (SBU/NF) ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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THE CONSTITUTION CONTAINS PROVISIONS AGAINST INVASION OF THE HOME; HOWEVER, POLICE SOMETIMES BREAK INTO PRIVATE QUARTERS WITHOUT CAUSE TO SEARCH FOR SUSPECTS, AND AUTHORITIES INFRINGE ON CITIZENS' PRIVACY RIGHTS IN OTHER WAYS AS WELL. ALTHOUGH THE GOVERNMENT DENIES ARBITRARY USE OF WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES, IT HAS NOT CRACKED DOWN ON AN ACTIVE PRIVATE WIRETAPPING INDUSTRY.

THE LAW PERMITS THE ARREST OF A SUSPECT CAUGHT IN THE ACT OF COMMITTING A CRIME, AND POLICE MAY ENTER A RESIDENCE OR BUSINESS IN PURSUIT OF SUCH SUSPECTS. OTHERWISE JUDGES MUST AUTHORIZE ARRESTS AND ISSUE SEARCH WARRANTS. HOWEVER, THE PN AND OCCASIONALLY THE DNCD CONTINUE TO VIOLATE THESE REQUIREMENTS. SOME PROSECUTORS CONFESS THAT OUT OF "TACTICAL NECESSITY TO COMBAT CRIMINALITY" AND "WITH GREAT RELUCTANCE," THEY TOLERATE THE ILLEGAL SEARCH PRACTICES. THEY JUSTIFY THEIR ACTIONS BY ARGUING THAT THE GOVERNMENT HAS NOT PROVIDED SUFFICIENT RESOURCES OR ATTENTION TO CRIMINAL INVESTIGATION AND THAT, GIVEN THE CUMBERSOME AND ANTIQUATED CRIMINAL PROCEDURES, ADHERING TO THE LETTER OF THE LAW WOULD MAKE LAW ENFORCEMENT NEARLY IMPOSSIBLE. THE DOMINICAN HUMAN RIGHTS COMMITTEE REPORTS THAT POLICE CARRIED OUT RAIDS ON PRIVATE HOMES IN SANTO DOMINGO NEIGHBORHOODS CAPUTILLO, VILLA AGRICOLA, LOS ALCARRIZOS, AND

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GUACHUPITA; POLICE ALLEGEDLY WENT INTO HOMES WITHOUT SEARCH WARRANTS TO LOOK FOR DELINQUENTS.

4. (SBU/NF) SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. (SBU/NF) FREEDOM OF SPEECH AND PRESS

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THE LAW PROVIDES FOR THESE FREEDOMS, AND THE GOVERNMENT GENERALLY RESPECTS THEM IN PRACTICE; HOWEVER, THERE ARE SOME ISOLATED EXCEPTIONS. FOR EXAMPLE THERE ARE ISOLATED INSTANCES OF GOVERNMENT PRESSURE ON EDITORS NOT TO PUBLISH CERTAIN UNFAVORABLE ITEMS, SUCH AS NEGATIVE POLL RESULTS.

CITIZENS OF ALL POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH. NEWSPAPERS AND MAGAZINES FREELY PRESENT A DIVERSITY OF OPINION AND CRITICISM; THERE ARE 8 DAILY, AND 7 WEEKLY NEWSPAPERS, AND 3 WEEKLY MAGAZINES. HOWEVER, SELF-CENSORSHIP IS PRACTICED, PARTICULARLY WHEN COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL INTERESTS OF MEDIA OWNERS.

THE NATIONAL PRESS UNION DENOUNCED THE TREATMENT OF JOURNALIST AND UNION SECRETARY, PAUL MEGUIS JOSE, BY POLICE IN APRIL. JOSE WAS FOLLOWING A STORY IN BATEY CENTRAL IN BARAHONA WHEN HE WAS SHOVED BY A POLICE OFFICER WHO THREW HIS CAMERA ON THE GROUND AND THEN CONFISCATED IT. A POLICE TRIBUNAL FOUND THE OFFICIAL GUILTY OF AN INFRACTION, AND ORDERED HE SERVE TEN DAYS IN PRISON. IN SAN FRANCISCO DE MACORIS, POLICE SMASHED THE CAMERA OF LA NACION REPORTER JULIO BENZANT. HOY REPORTER JOSE RIVAS

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TAGS: PHUM, KSEP, ELAB, PREL, DR

SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

WAS ARRESTED AND MISTREATED BY THE DNI DURING HIS COVERAGE OF THE RETURN OF MARIO DURAN CABRERA, ONE OF THE DEFENDANTS IN THE ORLANDO MARTINEZ CASE. THE DOMINICAN HUMAN RIGHTS COMMITTEE CRITICIZED THE DETENTION OF JOURNALIST ROBERT VARGAS, OF EFE SPANISH NEWS AGENCY, AND THE UNLAWFUL SEARCH OF HIS RESIDENCE CARRIED OUT BY POLICE IN AN ATTEMPT TO INTIMIDATE HIM FOR HIS REPORTING ON HUMAN RIGHTS ISSUES.

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NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW. THE GOVERNMENT CONTROLS ONE TELEVISION STATION.

IN SEPTEMBER, THE NATIONAL PRESS UNION CRITICIZED THE VIOLATION OF FREEDOM OF EXPRESSION BY THE DIRECTOR OF A GOVERNMENT-OWNED DOMINICAN RADIO TELEVISION FOR THE CANCELLATION OF THE DOMINICAN FM RADIO PROGRAM. THE DIRECTOR OF THE STATION ARRIVED WITH A GROUP OF MILITARY OFFICERS TO INTERRUPT THE ONGOING PROGRAM, AND SAID THE PROGRAM SERVED AS A FORUM TO CRITICIZE THE GOVERNMENT OF PRESIDENT MEJIA. THE UNION COMPLAINS THIS CANCELLATION WAS WITHIN DAYS OF THE INSTALLATION OF THE NEW GOVERNMENT, AND ALLEGES THE STATION DIRECTOR SHOULD HAVE DISCUSSED THE PROGRAM WITH ITS PRODUCERS IF HE DISAGREED WITH ITS CONTENT.

PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 100,000 MOSTLY PART-TIME STUDENTS, HAS FEW RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NONINTERVENTION (OTHER THAN ON CURRICULUM DEVELOPMENT) IN CLASSROOM AFFAIRS. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES, EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS ARE FREE TO ESPOUSE THEIR OWN THEORIES WITHOUT GOVERNMENT OVERSIGHT.

B. (SBU/NF) FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE; HOWEVER,

THERE WERE SOME EXCEPTIONS. OUTDOOR PUBLIC MARCHES AND MEETINGS
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REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS; HOWEVER, THERE WERE INCIDENTS IN WHICH THE POLICE USED FORCE TO BREAK UP DEMONSTRATIONS ON SEVERAL OCCASIONS THROUGHOUT THE YEAR, THE GOVERNMENT RESPONDED WITH FORCE TO DISPERSE DEMONSTRATORS CALLING FOR COMPLETION OF PUBLIC WORKS PROJECTS, OPPOSING EVICTIONS, OR SUPPORTING A STRIKE. DURING TRANSPORTATION STRIKES IN THE FIRST FOUR MONTHS OF THE YEAR, POLICE USED FORCE TO DISPERSE UNION MEMBERS; OTHERS WERE ARRESTED AND DETAINED WITHOUT CHARGES FOR SEVERAL DAYS.

JUDICIAL BRANCH STATISTICS CONCERNING THE USE OF THE CRIMINAL CHARGE OF "ASSOCIATION WITH CRIMINAL ELEMENTS" DOCUMENT IMPROVEMENT IN CONDITIONS FOR POLITICAL DISSENT UNDER THE FERNANDEZ ADMINISTRATION. THERE HAVE BEEN NO REPORTS OF THIS CHARGE DURING THE NEW MEJIA ADMINISTRATION. UNDER FORMER PRESIDENT BALAGUER, AUTHORITIES TRADITIONALLY USED THIS CHARGE AGAINST DISSIDENTS AND THOSE INVOLVED IN STREET DEMONSTRATIONS AGAINST THE GOVERNMENT.

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. POLITICAL PARTIES FREQUENTLY AFFILIATE WITH THEIR FOREIGN COUNTERPART ORGANIZATIONS. PROFESSIONAL ORGANIZATIONS OF LAWYERS, DOCTORS, TEACHERS, AND OTHERS FUNCTION FREELY AND CAN MAINTAIN RELATIONSHIPS WITH COUNTERPART ORGANIZATIONS (SEE SECTION 6.A.).

C. (SBU/NF) FREEDOM OF RELIGION

THE CONSTITUTION PROHIBITS DISCRIMINATION ON RELIGIOUS GROUNDS, AND THE GOVERNMENT DOES NOT INTERFERE WITH THE PRACTICE OF RELIGION. MANY RELIGIONS AND DENOMINATIONS ARE ACTIVE.

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THE CATHOLIC CHURCH, WHICH SIGNED A CONCORDAT WITH THE GOVERNMENT IN 1954, ENJOYS SPECIAL PRIVILEGES NOT EXTENDED TO OTHER RELIGIONS. THESE INCLUDE THE USE OF PUBLIC FUNDS TO UNDERWRITE SOME CHURCH EXPENSES, SUCH AS REHABILITATION OF CHURCH FACILITIES, AND A COMPLETE WAIVER OF CUSTOMS DUTIES WHEN IMPORTING GOODS INTO THE COUNTRY. THE ATTENDANCE AT CATHOLIC MASS FOR MEMBERS OF THE NATIONAL POLICE IS COMPULSORY.

IN JULY THEN-PRESIDENT FERNANDEZ SIGNED A LAW MAKING BIBLE READING IN PUBLIC SCHOOLS OBLIGATORY. THIS NEW LAW ADDED BIBLE READING TO THE WEEKLY FLAG RAISING AND SINGING OF THE NATIONAL

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ANTHEM IN PUBLIC SCHOOLS. PRIVATE SCHOOLS ARE NOT OBLIGED TO INCLUDE BIBLE READING AS PART OF THEIR WEEKLY ACTIVITIES.

D. (SBU/NF) FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF TRAVEL, EXCEPT FOR LIMITATIONS IMPOSED UNDER JUDICIAL SENTENCE, OR POLICE REGULATIONS FOR IMMIGRATION AND HEALTH REASONS. CITIZENS FACE

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NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY. LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS CITED DISCRIMINATION AGAINST HAITIAN MIGRANTS, WHOM THEY SAID WERE SUBJECT TO ARBITRARY AND UNILATERAL ACTION BY THE AUTHORITIES.

HAITIANS CONTINUE TO MIGRATE IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST WITHOUT LEGAL DOCUMENTS, IN
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SEARCH OF ECONOMIC OPPORTUNITY. SOME ILLEGAL MIGRATION IS ASSISTED OR INDIRECTLY SANCTIONED BY DOMINICAN AUTHORITIES,

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ESPECIALLY BY POLICE AND MILITARY IN THE BORDER AREAS, WHO PROFIT BY THE ILLEGAL TRAFFIC. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, REPATRIATED UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE COUNTRY ILLEGALLY. IN MANY CASES, THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO DEMONSTRATE THEY RESIDED LEGALLY IN THE DOMINICAN REPUBLIC OR TO MAKE ARRANGEMENTS FOR THEIR FAMILIES OR PROPERTY. HAITIAN GOVERNMENT OFFICIALS COMPLAINED THAT HAITIANS OFTEN WERE DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT TIMELY NOTICE TO HAITIAN AUTHORITIES. INSTANCES OF VIOLENT TREATMENT OF HAITIAN MIGRANTS CONTINUE TO BE WIDELY REPORTED IN THE PRESS AND BY HUMAN RIGHTS ORGANIZATIONS.

ON JULY 18 IN GUAYABIN, ON THE NORTHERN BORDER WITH HAITI, SIX HAITIANS WERE SHOT AND KILLED BY DOMINICAN MILITARY AGENTS AFTER THEY CROSSED THE BORDER ILLEGALLY IN A TRUCK. THE TRUCK HAD SPED THROUGH SEVERAL MILITARY CHECKPOINTS AND DOMINICAN MILITARY PURSUED IT UNTIL IT CRASHED. A DOMINICAN WAS ALSO KILLED. CONTROVERSY STILL EXISTS AS TO WHETHER THE MILITARY KNEW THE TRUCK WAS FILLED WITH IMMIGRANTS WHEN THEY FIRED AT IT. A COMMISSION WITH MEMBERS FROM HAITI AND THE DOMINICAN REPUBLIC WAS PANELED TO INVESTIGATE THE INCIDENT. THERE IS NO INFORMATION THE SOLDIERS WERE DISCIPLINED OR CHARGED.

ON AUGUST 13, A 30-YEAR-OLD HAITIAN DIED AFTER HE WAS TAKEN INTO CUSTODY BY SOLDIERS IN LA CANADA, NEAR HONDO VALLE, A BORDER TOWN. ACCORDING TO NEWSPAPER REPORTS, HE HAD ENTERED ILLEGALLY AND WAS DETAINED ALONG WITH TWO OTHER ILLEGAL MIGRANTS. HE WAS ALLEGEDLY BEATEN TO DEATH BY DOMINICAN AUTHORITIES. THE

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COMMANDER OF THE THIRD BRIGADE OF THE ARMY ARRESTED THE SOLDIERS INVOLVED IN THE HOMICIDE AND PROMISED A QUICK INVESTIGATION.

THE INTER-AMERICAN COURT OF HUMAN RIGHTS ("THE COURT") ON AUGUST 8 HEARD A CASE PRESENTED BY THE DOMINICAN CENTER FOR JUSTICE AND INTERNATIONAL LAW (CEJIL), DOMINICANS 2000, HUMAN RIGHTS WATCH, THE INTERNATIONAL HUMAN RIGHTS LAW CLINIC, AND OTHER INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS, ALLEGING THAT MASSIVE EXPULSIONS, REPATRIATIONS, AND DEPORTATIONS OF HAITIANS AND DOMINICAN-HAITIANS BY THE DOMINICAN GOVERNMENT VIOLATED INTERNATIONAL HUMAN RIGHTS LAW. THE COURT CONSIDERED GENERAL CONCERNS ABOUT "MASS EXPULSIONS" AND "FORCED REPATRIATIONS" CARRIED OUT BY THE MINISTRY OF INTERIOR AND POLICE, AS WELL AS NINE INDIVIDUAL CASES OF PERSONS WHO WERE ALLEGEDLY FORCIBLY EXPELLED WITHOUT OPPORTUNITY FOR DUE PROCESS. THE COURT DID NOT ADDRESS THE CASE OF THE SIX HAITIANS KILLED IN GUAYABIN.

ON AUGUST 18 THE COURT RENDERED ITS DECISION LAYING OUT

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"PROVISIONAL MEASURES" FOR THE FUTURE TREATMENT OF HAITIANS, AND SPECIFIC RELIEF AND PROTECTION OF THE NINE INDIVIDUALS. IT DID NOT REQUIRE IMMEDIATE BROAD-BASED ACCOUNTABILITY OF DOMINICAN MIGRATION AUTHORITIES FOR ENFORCEMENT OF BORDER AGREEMENTS REACHED WITH HAITI IN DECEMBER 1999. THESE AGREEMENTS SET OUT A SYSTEMATIZED DEPORTATION PROCEDURE IN WHICH HAITIAN AUTHORITIES WOULD BE ADVISED OF POTENTIAL DEPORTATIONS, DEPORTEES WOULD BE GIVEN OPPORTUNITIES FOR LEGAL HEARINGS (TO PRESENT PROOF OF LEGAL STATUS IN THE COUNTRY), AS WELL AS OPPORTUNITIES TO ADVISE FAMILY MEMBERS AND COLLECT BELONGINGS. RATHER, THE COURT REQUESTED THAT THE GOVERNMENT PROVIDE MORE DETAILED INFORMATION ABOUT THE CONDITION OF INDIVIDUALS IN THE BORDER "BATEYES" (SHANTYTOWNS) WHO ARE POTENTIALLY SUBJECT TO FORCED EXPULSIONS.

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 IT ALSO ASKED FOR A GOVERNMENT REPORT EVERY TWO MONTHS ON PROVISIONAL MEASURES THAT WILL BE ADOPTED TO COMPLY WITH THE COURT'S DECISION.

THE ONGOING PROCESS OF REPATRIATING HAITIAN NATIONALS HAS NOT DIMINISHED AFTER THE COURT'S DECISION IN AUGUST. NGO REPRESENTATIVES WORKING IN RURAL AREAS REPORTED THAT DECISIONS TO DEPORT OFTEN WERE MADE BY LOWER RANKING MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE RACIAL CHARACTERISTICS OF THE DEPORTEES. THE DIRECTOR OF MIGRATION DESCRIBED THE PROCESS OF ROUNDING UP ILLEGAL HAITIANS AS ONE ESSENTIALLY PERFORMED BY THE RANK AND FILE OF THE ARMED FORCES AND MIGRATION OFFICERS. THEY APPROACH PERSONS WHO LOOK LIKE HAITIANS, INCLUDING PERSONS WHO HAVE VERY DARK COMPLEXIONS AND FAIRLY POOR CLOTHING. THEY ENGAGE THEM IN CONVERSATION ABOUT THEIR WORK AND RESIDENCE, MAINLY TO CHECK THEIR USE OF SPANISH AND ANY ACCENT THEY MAY HAVE. IF SUCH PERSONS SPEAK SPANISH POORLY OR WITH A NOTICEABLE ACCENT, THEY ARE GENERALLY DETAINED AND DEPORTED.

THE HAITIAN GOVERNMENT PROTESTED THE FAILURE TO GIVE DETAINEES AN OPPORTUNITY FOR A HEARING ON THEIR CLAIM OF CITIZENSHIP OR

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RIGHT TO RESIDENCE, ALTHOUGH IT ACKNOWLEDGES THE GOVERNMENT'S
RIGHT TO DEPORT THOSE INDIVIDUALS WHO ARE ILLEGAL ALIENS. NGO'S
AND CATHOLIC PRIESTS FAMILIAR WITH THE PROCESS HAVE ALSO
PROTESTED THAT CHILDREN BORN OF ONE OR TWO HAITIAN PARENTS IN
THE DOMINICAN REPUBLIC, HERETOFORE DENIED REGISTRATION AS
DOMINICAN NATIONALS, ARE FREQUENTLY AMONG THOSE DEPORTED AS
ILLEGAL HAITIANS.

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ACCORDING TO A 1984 PRESIDENTIAL DECREE, AN APPLICANT FOR
REFUGEE STATUS MUST BE REFERRED TO THE TECHNICAL SUBCOMMISSION
OF THE NATIONAL COMMISSION FOR REFUGEES BY THE NATIONAL OFFICE
OF REFUGEE AFFAIRS. THE SUBCOMMISSION, WHICH MAKES A
RECOMMENDATION TO THE COMMISSION, IS MADE UP OF MEMBERS FROM THE
FOREIGN MINISTRY, THE DNI, AND THE IMMIGRATION DIRECTORATE. THE
COMMISSION, WHICH MAKES A FINAL DECISION ON THE APPLICATION,
CONSISTS OF THE THREE MEMBERS OF THE SUBCOMMISSION; THE LEGAL
ADVISOR TO THE PRESIDENT; AND MEMBERS OF THE PN, THE MINISTRY OF
LABOR, AND THE ATTORNEY GENERAL'S OFFICE. ALTHOUGH THERE IS NO
FUNCTIONING NATIONAL OFFICE OF REFUGEE AFFAIRS, THE
SUBCOMMISSION MAKES RECOMMENDATIONS, AND THE IMMIGRATION
DIRECTORATE ISSUES DOCUMENTATION TO REFUGEES CERTIFIED AS SUCH
BY THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR). WHILE THESE
DOCUMENTS ARE ACCEPTED ROUTINELY BY THE POLICE AND IMMIGRATION
OFFICIALS, THE PROCESS BY WHICH THEY ARE ISSUED DOES NOT COMPLY
WITH THE DECREE.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN
ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES
FIRST ASYLUM AND RESETTLEMENT.

CITING FEARS OF A MASSIVE INFLUX OF HAITIANS ACROSS THE SHARED

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BORDER, THE GOVERNMENT BACKED AWAY FROM ITS REFUGEE POLICY WITH RESPECT TO HAITIANS, OPTING INSTEAD FOR A POLICY OF STRICTLY ENFORCED DOCUMENTARY REQUIREMENTS AND REPATRIATION FOR THOSE FOUND LACKING. THIS POLICY HAS, IN PRACTICE, BEEN RENDERED ARBITRARY BY THE REALITY OF DEPENDENCE ON HAITIAN LABOR FOR CERTAIN AGRICULTURAL AND CONSTRUCTION WORK. THUS, AFTER BEING STOPPED AS A SUSPECTED ILLEGAL HAITIAN, AN INDIVIDUAL MAY BE

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ALLOWED TO REMAIN IN THE COUNTRY DESPITE HIS LACK OF DOCUMENTS IF HIS STORY ABOUT WORK SATISFIES THE OFFICIAL WHO STOPPED HIM.

THERE WERE NO REPORTS OF THE FORCED RETURN OF PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

5. (SBU/NF) SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY THROUGH PERIODIC ELECTIONS. THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY, AND ITS CITIZENS LAST EXERCISED THIS RIGHT IN FREE AND FAIR PRESIDENTIAL ELECTIONS IN MAY 2000. THE PRESIDENT AND ALL 179 MEMBERS OF THE SENATE AND CHAMBER OF DEPUTIES ARE ELECTED FREELY EVERY 4 YEARS BY SECRET BALLOT. THERE IS UNIVERSAL ADULT SUFFRAGE; HOWEVER, ACTIVE DUTY POLICE AND MILITARY PERSONNEL MAY NOT VOTE. THERE WAS A SIGNIFICANT CONTROVERSY ABOUT THE ABILITY OF THE CENTRAL ELECTORAL BOARD TO ISSUE NEW NATIONAL IDENTITY CARDS TO THE VOTING POPULATION PRIOR TO THIS YEAR'S ELECTIONS, AND THERE WERE SERIOUS ALLEGATIONS BY THE PRD THAT THE PLD WAS INTENTIONALLY SABOTAGING IT'S SUPPORTERS' ABILITY TO VOTE. ULTIMATELY, THE BOARD WAS ABLE TO ISSUE CARDS TO MOST VOTERS WHO APPLIED FOR THEM. THERE WERE ALSO NUMEROUS REPORTS, INCLUDING ALLEGATIONS BY SUPPORTERS OF THE PRD, THAT IDENTITY CARDS WERE BEING TAKEN OR "BOUGHT" FROM DARK-SKINNED INDIVIDUALS SO THAT THEY WOULD NOT EXERCISE THEIR RIGHT TO VOTE.

THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND CENTER OPERATE OPENLY. THE PRESIDENT OFTEN DOMINATES PUBLIC POLICY FORMULATION AND

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IMPLEMENTATION. HE CAN EXERCISE HIS AUTHORITY THROUGH THE USE OF THE VETO, DISCRETION TO ACT BY DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. TRADITIONALLY, THE PRESIDENT HAS PREDOMINANT POWER IN THE GOVERNMENT, EFFECTIVELY MAKING MANY IMPORTANT DECISIONS BY DECREE. FORMER PRESIDENT FERNANDEZ REDUCED THE RELIANCE ON RULE BY DECREE DURING HIS

ADMINISTRATION. THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29 PROVINCES.

CONGRESS PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND DEBATE. THE MAIN OPPOSITION PARTY IS THE PLD, WHICH HOLDS 4 OF 30 SEATS IN THE UPPER HOUSE AND 49 OF 149 SEATS IN THE LOWER HOUSE. A THIRD MAJOR PARTY, THE SOCIAL CHRISTIAN REFORM PARTY (PRSC) OF FORMER PRESIDENT BALAGUER, CONTESTS ALL ELECTIONS; VARIOUS SMALLER PARTIES ARE CERTIFIED TO CONTEST PROVINCIAL AND NATIONAL ELECTIONS.

THE CENTRAL ELECTORAL BOARD (JCE) CONDUCTS ALL ELECTIONS. IN APRIL 1999 THE LEADING POLITICAL PARTIES AGREED THAT THE CONGRESS SHOULD APPROVE LEGISLATION EXPANDING THE JCE TO SEVEN MEMBERS UNTIL AFTER THE 2000 PRESIDENTIAL ELECTIONS. THE PLD

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AND THE PRSC EACH NOMINATED ONE NEW MEMBER TO JOIN THE BOARD.

WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION; HOWEVER, THEY ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. BY LAW PARTIES MUST RESERVE 25 PERCENT OF POSITIONS ON VOTING LISTS FOR WOMEN; A PROPORTION THAT IS TO

INCREASE TO 40 PERCENT IN 2002. HOWEVER, THE PARTIES OFTEN PLACE
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WOMEN SO LOW ON THE LISTS AS TO MAKE THEIR ELECTION DIFFICULT OR
IMPOSSIBLE. WITH THE ELECTION OF FORMER SENATOR MILAGROS ORTIZ-
BOSCH TO THE VICE-PRESIDENCY, THERE IS NOW ONLY 1 WOMAN IN THE
30-MEMBER SENATE; WOMEN HOLD 24 SEATS IN THE 149-MEMBER CHAMBER
OF DEPUTIES. WOMEN CONTINUE TO BE REPRESENTED IN APPOINTED
POSITIONS, ALBEIT TO A LIMITED DEGREE. THE PRESIDENT OF THE
CHAMBER OF DEPUTIES IS A WOMAN, AS ARE TWO CABINET SECRETARIES.
WOMEN FILL 5 OF THE 15 SEATS ON THE SUPREME COURT; THERE IS 1
VACANCY ON THE COURT.

6. (SBU/NF) SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND
NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN
RIGHTS

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY
WITHOUT GOVERNMENT INTERFERENCE. IN ADDITION TO THE DOMINICAN
HUMAN RIGHTS COMMITTEE, THE NATIONAL HUMAN RIGHTS COMMISSION,
AND THE NONGOVERNMENTAL TRUTH COMMISSION (DEALING WITH THE
NARCISO GONZALEZ CASE), SEVERAL HAITIAN, CHURCH, WOMEN'S, AND
LABOR GROUPS EXIST.

THERE IS NO OMBUDSMAN'S OFFICE. HOWEVER, CONGRESS IS
CONSIDERING LEGISLATION TO CREATE A HUMAN RIGHTS OMBUDSMAN'S
OFFICE AS WELL AS TO CREATE A SPECIAL PROSECUTOR FOR HUMAN
RIGHTS ABUSES.

7. (SBU/NF) SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE LAW PROHIBITS DISCRIMINATION BASED ON RACE AND SEX.
ALTHOUGH SUCH DISCRIMINATION EXISTS, THE GOVERNMENT SELDOM
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ACKNOWLEDGES ITS EXISTENCE OR MAKES EFFORTS TO COMBAT IT.

WOMEN

DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. UNDER
THE 1997 LAW AGAINST DOMESTIC VIOLENCE, THE STATE CAN PROSECUTE
A SUSPECT FOR RAPE, EVEN IF THE VICTIM DOES NOT FILE CHARGES.
THIS LAW ALSO ALLOWS A RAPE VICTIM TO PRESS CHARGES AGAINST HER
HUSBAND WITHOUT HAVING HER MARRIAGE ANNULLED. THE MINISTRY OF
WOMEN, AS WELL AS VARIOUS NGO'S, HAVE OUTREACH PROGRAMS ON
DOMESTIC VIOLENCE AND LEGAL RIGHTS. IN APRIL 1998 THE
GOVERNMENT OPENED A CENTER IN VILLA JUANA (NATIONAL DISTRICT)

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FOR THE LEGAL SUPPORT AND FORENSIC EXAMINATION OF ABUSED WOMEN, WHICH HANDLED 35 TO 50 CASES PER DAY IN ITS FIRST YEAR. SINCE ITS OPENING, IT HAS HANDLED OVER 7,000 CASES AND NOW AVERAGES 60 TO 90 CASES PER DAY. DUE TO THE SUCCESS OF THIS FIRST CENTER, THE GOVERNMENT OPENED TWO ADDITIONAL CENTERS THIS YEAR IN SAN FRANCISCO DE MACORIS AND SANTIAGO. THE MINISTRY OF WOMEN HAS BEGUN A PROJECT, IN COORDINATION WITH A LOCAL NGO, TO USE USG FUNDING TO OPEN A FOURTH "SERVICES CENTER FOR VICTIMS OF DOMESTIC VIOLENCE" IN SAN CRISTOBAL. AT YEAR'S END, THERE WERE STILL NO SHELTERS FOR BATTERED WOMEN.

A SERIOUS PROBLEM, RAPE IS WIDELY BELIEVED TO BE UNDERREPORTED. THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE RECEIVED ONLY _____ REPORTS OF RAPE DURING THE YEAR IN THE NATIONAL DISTRICT. (BY CONTRAST, THAT OFFICE REPORTED OVER _____ CASES PER MONTH IN SANTO DOMINGO OF SEXUAL ABUSE OF MINORS AND INCEST.) VICTIMS OFTEN DO NOT REPORT CASES OF RAPE BECAUSE OF FEAR OF SOCIAL STIGMA, AS WELL AS THE PERCEPTION THAT THE POLICE AND THE JUDICIARY WOULD FAIL TO PROVIDE REDRESS. THE POLICE ARE

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RELUCTANT TO HANDLE RAPE CASES AND OFTEN ENCOURAGE VICTIMS TO SEEK ASSISTANCE FROM NGO'S.

THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS, EXCEPT IN CASES INVOLVING CHILD PROSTITUTION AND INTERNATIONAL TRAFFICKING IN WOMEN AND GIRLS (SEE SECTION 6.F.). SEX TOURISM IS A GROWING INDUSTRY THROUGHOUT THE COUNTRY AS THE NUMBER OF INTERNATIONAL VISITORS INCREASES. NGO'S HAVE ONGOING HIV/AIDS AND SEXUALLY TRANSMITTED DISEASE PREVENTION PROGRAMS FOR MALE AND FEMALE PROSTITUTES, AS WELL AS FOR HOTEL AND INDUSTRIAL ZONE WORKERS. THE 1997 DOMESTIC VIOLENCE LAW PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THE LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION.

DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL

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LEVEL. SOME EMPLOYERS IN INDUSTRY REPORTEDLY GIVE PREGNANCY TESTS TO WOMEN BEFORE HIRING THEM, AS PART OF A REQUIRED MEDICAL EXAMINATION. UNION LEADERS AND HUMAN RIGHTS ADVOCATES REPORT THAT PREGNANT WOMEN OFTEN ARE NOT HIRED.

CHILDREN

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DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN (OVERSIGHT ORGANIZATION), CREATED BY THE EXECUTIVE BRANCH, IS THE PRIMARY GOVERNMENT INSTITUTION COVERING ISSUES OF CHILD WELFARE. PRIVATE INSTITUTIONS RECEIVE 35 PERCENT OF THE BUDGET OF THE OVERSIGHT ORGANIZATION. THE MEJIA ADMINISTRATION CREATED A NEW MINISTRY OF YOUTH SOON AFTER THE ELECTION.

THE 1994 MINOR'S CODE REQUIRES 8 YEARS OF FORMAL EDUCATION. THE OVERSIGHT ORGANIZATION WORKS WITH NGO'S, LAW ENFORCEMENT PERSONNEL, AND THE GENERAL PUBLIC TO PUBLICIZE CHILDREN'S RIGHTS. IN THE NATIONAL DISTRICT, THE DEPARTMENT OF FAMILY AND CHILDREN, IN THE OFFICE OF THE PROSECUTOR, ADMINISTERS THE MINOR'S CODE AND ARRANGES CONCILIATION OF FAMILY CONFLICTS TO EXECUTE COURT DECISIONS WITH RESPECT TO CHILD PROTECTION, AND TO INTERVIEW CHILDREN WHOSE RIGHTS HAVE BEEN VIOLATED. THE

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DEPARTMENT ESTIMATES THAT 50 PERCENT OF THE CHILDREN IN THE COUNTRY ARE VICTIMS OF SOME SORT OF ABUSE.

ABUSE, INCLUDING PHYSICAL, SEXUAL, AND PSYCHOLOGICAL, IS THE MOST SERIOUS HUMAN RIGHTS VIOLATION AFFECTING CHILDREN. THE NATIONAL POLICE'S DEPARTMENT OF SEXUAL ABUSE RECEIVED _____ TO _____ REPORTS PER MONTH OF RAPES OF CHILDREN BETWEEN 4 AND 11 YEARS OF AGE. ONLY _____ % EVER REACHED THE COURTS, WHILE THE FACTS OF OTHER CASES REMAINED HIDDEN BEHIND DOORS WITHIN FAMILIES. IN 50% OF THE CASES, THE ACCUSED IS A PERSON CLOSE TO THE CHILD: A FATHER, GRANDFATHER, UNCLE, BROTHER, COUSIN OR CLOSE FAMILY FRIEND. THE CRIMINAL LAW PROVISION ON SEXUAL ABUSE AND INTRA-FAMILY VIOLENCE WAS MODIFIED TO PROVIDE A PENALTY OF 10 TO 20

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YEARS INCARCERATION AND A FINE OF \$6,600 TO \$13,200 (108 TO 216 THOUSAND PESOS) FOR PERSONS FOUND GUILTY OF SEXUAL ABUSE OF A MINOR, AND UP TO 30 YEARS IF THE VICTIM IS A FAMILY MEMBER OF THE ABUSER.

TYPICAL CASES OF CHILD ABUSE INCLUDE THAT OF A FOUR-MONTH-OLD CHILD WHOSE ARM AND RIB WERE BROKEN BY HIS PARENTS. THE CHILD WAS SEPARATED FROM HIS PARENTS AND SENT TO A SHELTER UNTIL THE PARENTS COMPLETED REQUIRED COUNSELING AND PSYCHOLOGICAL TREATMENT. AN 8-YEAR-OLD'S HAND WAS BURNED BY HIS FATHER AFTER THE CHILD WAS CAUGHT STEALING. THERE HAVE ALSO BEEN REPORTS OF CHILDREN BEING LEFT TIED UP AND WITHOUT FOOD IN THEIR HOMES WHILE THEIR PARENTS GO TO WORK. THE MAJORITY OF CASES OF CHILD ABUSE, PARTICULARLY SEXUAL ABUSE, ARE NOT REPORTED IN THE PRESS BECAUSE THE LAW PROHIBITS IT.

THE MINOR'S CODE CONTAINS PROVISIONS AGAINST CHILD ABUSE, INCLUDING PHYSICAL AND EMOTIONAL MISTREATMENT, SEXUAL EXPLOITATION, AND CHILD LABOR. IT ALSO PROVIDES FOR REMOVAL OF A MISTREATED CHILD TO A PROTECTIVE ENVIRONMENT. ACCORDING TO LOCAL MONITORS, INSTANCES OF CHILD ABUSE WERE UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. HOWEVER, CHILD ABUSE IS RECEIVING INCREASING PUBLIC ATTENTION.

MIDYEAR REPORTS FROM THE MINISTRY OF HEALTH SHOWED THAT _____ TO _____ PERCENT OF FEMALE ADOLESCENTS WERE PREGNANT OR ALREADY HAD CHILDREN. MANY OF THESE PREGNANCIES WERE REPORTED TO BE THE RESULT OF RAPE OR INCEST AND OFTEN ARE ACCOMPANIED BY SEXUALLY TRANSMITTED DISEASES.

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SOME IN THE TOURIST INDUSTRY HAVE FACILITATED THE SEXUAL EXPLOITATION OF CHILDREN; PARTICULAR AREAS OF CONCERN ARE BOCA CHICA AND PUERTO PLATA. TOURS ARE MARKETED BY FOREIGNERS OVERSEAS WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND AS SEX PARTNERS. TRAFFICKING IN GIRLS FOR PROSTITUTION IS A PROBLEM (SEE SECTION 6.F.). ACCORDING TO AN OFFICIAL IN THE DISTRICT ATTORNEY'S OFFICE, THE ASSOCIATION OF HOTELS HAS ASKED TO PARTICIPATE IN GOVERNMENT INITIATIVES TO COMBAT EXPLOITATION OF CHILDREN IN THE TOURIST INDUSTRY. JOURNALISTS REPORTED THAT THE MAJORITY OF PROSTITUTES IN BROTHELS VISITED AROUND THE NATIONAL DISTRICT APPEARED TO BE BETWEEN 16 AND 18 YEARS OF AGE. THERE ARE SEVERAL CHURCH-RUN SHELTERS THAT PROVIDE REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE. PROSTITUTION IS THE PRINCIPAL AREA OF EXPLOITATION OF UNDERAGE GIRLS IN THE INFORMAL ECONOMY.

THE JUDICIAL SYSTEM SOMETIMES FAILS TO PROTECT THE STATUS OF MINORS IN CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREAT MINORS AS ADULTS--MOST OFTEN WHEN PHYSICAL FORENSIC EXAMINATIONS INDICATED THE MINORS WERE PROBABLY ADULTS--AND INCARCERATE THEM IN PRISON RATHER THAN JUVENILE DETENTION CENTERS. IN 1997, THE

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GOVERNMENT BEGAN IMPLEMENTING THE 1994 MINOR'S CODE, LAYING THE GROUNDWORK FOR A JUVENILE COURT SYSTEM. THE SUPREME COURT INAUGURATED THE FIRST OF 11 JUVENILE COURTS IN AUGUST 1999 AND CHOSE JUDGES FOR THE OTHER 10 COURTS. ALTHOUGH THESE JUVENILE COURTS ARE ORGANIZED WITH A FOCUS ON REHABILITATING OFFENDERS, VERY FEW SOCIAL SERVICES ARE AVAILABLE FOR MINORS. IN PRACTICE, JUVENILES ARE DETAINED IN EXCESS OF THE TIME PERMITTED BY LAW,
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AND ARE THEN SENT TO JAIL, RATHER THAN BEING REFERRED FOR REHABILITATIVE SERVICES. THERE ARE LEGAL ADVOCATES ESPECIALLY FOR JUVENILES IN SANTO DOMINGO AND LA VEGA TO PROVIDE THEM WITH REPRESENTATION IN DELINQUENCY CASES.

THE PROSECUTOR'S OFFICE HAS CLOSED SEVERAL ESTABLISHMENTS SUCH AS NIGHTCLUBS AND DISCOS, AND PROSECUTED THEM FOR VIOLATING THE MINOR'S CODE. NUMEROUS ESTABLISHMENTS ARE KNOWN TO VIOLATE THE CODE BY SELLING ALCOHOL AND TOBACCO TO CHILDREN UNDER THE AGE OF 18.

IT IS NOT UNCOMMON FOR MINORS TO BE PUT ON THE STREET TO FEND FOR THEMSELVES AS YOUNGER SIBLINGS CLAIM THE PARENT'S MEAGER RESOURCES. HOMELESS CHILDREN CALLED "PALOMOS" (DOVES) ARE FREQUENTLY AT THE MERCY OF ADULTS WHO COLLECT THEM AND PUT THEM TO WORK BEGGING AND SELLING FRUIT, FLOWERS, AND OTHER GOODS ON THE STREET. IN RETURN FOR THEIR WORK THEY ARE ALLOWED BASIC HOUSING. THE AGES AT WHICH THE CHILDREN WORK, THE HOURS THEY PUT IN, AND THEIR FAILURE TO COMPLY WITH COMPULSORY SCHOOL ATTENDANCE ALL VIOLATE THE LAW, BUT THE GOVERNMENT HAS NOT BEEN ABLE TO COMBAT THIS PRACTICE.

NEEDY ADOLESCENT GIRLS AND BOYS ARE SOMETIMES ENTICED INTO PERFORMING SEXUAL ACTS BY THE PROMISE OF FOOD OR CLOTHING; SOMETIMES THEY ARE PUSHED INTO UNSAFE RELATIONSHIPS WITH STRANGERS BY THE NEED FOR MONEY. ONCE INVOLVED, THEY MAY BE HELD AGAINST THEIR WILL BY INDIVIDUALS WHO SELL THEIR SEXUAL FAVORS TO OTHERS. SOME OF THESE MINORS ARE LURED FROM THEIR PARENTAL HOMES; OTHERS ARE ALREADY ON THE STREET.

PEOPLE WITH DISABILITIES
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DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND IN THE PROVISION OF OTHER SERVICES. ALTHOUGH THE LAW CONTAINS PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED TO ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES HAVE NOT ENFORCED THIS LAW UNIFORMLY. THERE IS A SUBSECRETARIAT FOR

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REHABILITATION UNDER THE MINISTRY OF PUBLIC HEALTH, A RECREATION CENTER FOR THE DISABLED IN LAS CAOBAS, AND A DEPARTMENT IN THE SPORTS MINISTRY TO FACILITATE ATHLETIC COMPETITION FOR THE DISABLED. HOWEVER, THERE IS LITTLE CONSCIOUSNESS OF THE NEED TO MAKE THE DAILY LIVES OF THE DISABLED SAFER AND MORE CONVENIENT. FOR EXAMPLE, NEW STREET CONSTRUCTION MAKES FEW PROVISIONS FOR THE DISABLED TO CROSS THE STREETS SAFELY.

A NON-GOVERNMENTAL ENTITY FOUNDED IN 1963, THE DOMINICAN REHABILITATION ASSOCIATION (ADR) HAS GROWN FROM A 1-ROOM OPERATION TO A LARGE COMPLEX WITH 17 AFFILIATES THROUGHOUT THE COUNTRY. IT PROVIDES SERVICES FOR 2,500 PEOPLE DAILY. THE GOVERNMENT PROVIDES ABOUT 30 PERCENT OF THE ADR'S BUDGET.

NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG PREJUDICE AGAINST HAITIANS RUNS THROUGH SOCIETY, DISADVANTAGING MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY, AS WELL AS OTHER FOREIGNERS OF AFRICAN DESCENT. THE GOVERNMENT HAS NOT ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION NOR MADE ANY EFFORTS TO COMBAT IT. DARKER-SKINNED DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

EFFORTS TO STEM THE INFLUX OF HAITIAN IMMIGRANTS HAVE MADE IT MORE DIFFICULT FOR THOSE ALREADY IN THE COUNTRY TO LIVE

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PEACEFULLY. POLICE REGULATIONS THREATEN THOSE OFFERING TRANSPORTATION TO ILLEGAL IMMIGRANTS WITH CONFISCATION OF THEIR VEHICLES, AND HAVE DISCOURAGED TAXI AND BUS DRIVERS FROM PICKING UP DARK-SKINNED PERSONS. IN ROUNDUPS OF ILLEGAL IMMIGRANTS, AUTHORITIES PICK UP AND EXPEL DARKER DOMINICANS AND LEGAL HAITIAN RESIDENTS. ACCORDING TO STATISTICS OF THE MINISTRY OF MIGRATION, 6,236 HAITIANS WERE REPATRIATED FROM JANUARY THROUGH AUGUST (UPDATE IN DECEMBER). DURING THAT SAME PERIOD, 131 HAITIAN CRIMINALS WERE DEPORTED.

PERHAPS 500,000 HAITIAN IMMIGRANTS--OR 7 PERCENT OF THE COUNTRY'S POPULATION--LIVE IN SHANTYTOWNS OR SUGARCANE WORK CAMPS, IN HARSH CONDITIONS WITH LIMITED OR NO ELECTRICITY, RUNNING WATER, OR SCHOOLING. THERE ARE ESTIMATES THAT AS MANY AS ONE MILLION HAITIANS LIVE IN THE DOMINICAN REPUBLIC. HUMAN RIGHTS GROUPS REGULARLY CHARGE THE GOVERNMENT WITH UNLAWFUL DEPORTATIONS OF, AND POLICE BRUTALITY TOWARD, THESE LEGAL AND ILLEGAL IMMIGRANTS (SEE SECTION 1.D AND 2.D.).

CREDIBLE SOURCES ALSO CHARGE THAT THE GOVERNMENT REFUSES TO RECOGNIZE AND DOCUMENT AS DOMINICAN CITIZENS MANY INDIVIDUALS OF

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HAITIAN ANCESTRY BORN IN THE COUNTRY. SINCE MANY HAITIAN PARENTS HAVE NEVER POSSESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO DEMONSTRATE THEIR OWN CITIZENSHIP. AS A RESULT, THEY CANNOT DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY AND THEREBY ESTABLISH DOMINICAN CITIZENSHIP FOR THEIR OFFSPRING. SOME CIVIL REGISTRY OFFICES DO NOT ACCEPT LATE DECLARATIONS OF BIRTH FOR CHILDREN OF HAITIAN IMMIGRANTS,
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ALTHOUGH THEY ROUTINELY ACCEPT LATE DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS.

HAITIAN PARENTS ENCOUNTER DIFFICULTIES REGISTERING THEIR CHILDREN FOR SCHOOL. LACK OF DOCUMENTATION USUALLY DEPRIVES CHILDREN OF HAITIAN DESCENT OF THE OPPORTUNITY TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE. SOME PARENTS FAIL TO SEEK DOCUMENTATION DUE TO FEAR OF BEING DEPORTED. IT FALLS TO THE DISCRETION OF PUBLIC SCHOOL PRINCIPALS WHETHER CHILDREN MAY ATTEND, WHEN IMMIGRANT PARENTS HAVE NO IDENTITY CARDS OR BIRTH CERTIFICATES TO REGISTER CHILDREN FORMALLY. EVEN WHEN PERMITTED TO ATTEND PRIMARY SCHOOL, IT IS RARE THAT THE OFFSPRING OF

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HAITIAN PARENTS PROGRESS BEYOND SIXTH GRADE.

THE GOVERNMENT HAS LARGELY ELIMINATED THE USE OF CHILDREN FOR CUTTING SUGAR CANE; HOWEVER, THERE ARE STILL REPORTS THAT POOR HAITIAN AND DOMINICAN CHILDREN ACCOMPANY THEIR PARENTS TO WORK IN THE CANE FIELDS, WITH THE TACIT ACCEPTANCE OF SUGAR COMPANIES. SOMETIMES POOR HAITIAN FAMILIES ARRANGE FOR DOMINICAN FAMILIES TO "ADOPT" AND EMPLOY THEIR CHILDREN. THE ADOPTING PARENTS CAN SIMPLY REGISTER A CHILD OF ANY AGE AS THEIR OWN. IN EXCHANGE, THE PARENTS RECEIVE MONETARY PAYMENT OR A SUPPLY OF CLOTHES AND FOOD. THEY BELIEVE THIS ENSURES THEIR CHILDREN A MORE PROMISING FUTURE. IN MANY CASES, ADOPTIVE PARENTS DO NOT TREAT THE ADOPTEES AS FULL FAMILY MEMBERS AND EXPECT THEM TO WORK IN THE HOUSEHOLDS OR FAMILY BUSINESSES RATHER THAN ATTEND SCHOOL. THE EFFECT IS A KIND OF INDENTURED SERVITUDE, AT LEAST UNTIL THE YOUNG PERSON REACHES MAJORITY. THERE WERE REPORTS THAT HAITIAN GIRLS BETWEEN THE AGES OF 10 AND 14 WERE THE MOST SOUGHT AFTER, ESPECIALLY IN BORDER AREAS.

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THE GOVERNMENT IS DOING LITTLE TO IMPROVE THE CONDITIONS OF HAITIAN IMMIGRANTS. MOST SOCIAL SERVICES IN SHANTYTOWNS ARE PROVIDED BY NGO'S AND OTHER RELIEF ORGANIZATIONS.

8. (SBU/NF) SECTION 6 WORKER RIGHTS

A. (SBU/NF) THE RIGHT OF ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE FREEDOM TO ORGANIZE LABOR UNIONS AND FOR THE RIGHT OF WORKERS TO STRIKE (AND FOR PRIVATE SECTOR EMPLOYERS TO LOCK OUT WORKERS), AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT. ALL WORKERS, EXCEPT THE MILITARY AND THE POLICE, ARE FREE TO ORGANIZE. ORGANIZED LABOR REPRESENTS AN ESTIMATED 10 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG FOUR MAJOR CONFEDERATIONS AND A NUMBER OF INDEPENDENT UNIONS. THERE ARE APPROXIMATELY 190 REGISTERED UNIONS IN THE COUNTRY.

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN ABSOLUTE MAJORITY OF ALL COMPANY WORKERS WHETHER UNIONIZED OR NOT, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT THROUGH MEDIATION, WRITTEN NOTIFICATION TO THE MINISTRY OF LABOR, AND A 10-DAY WAITING PERIOD FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE STRIKE. THE GOVERNMENT GENERALLY RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO UNION REGISTRATION, AFFILIATION, OR THE ABILITY TO ENGAGE IN LEGAL STRIKES. ENFORCEMENT OF LABOR LAWS IS SOMETIMES UNRELIABLE, INHIBITING EMPLOYEES FROM FREELY EXERCISING THEIR RIGHTS.

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NURSES BELONGING TO THE UNASED AND UNASE UNIONS WENT ON STRIKE
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IN MAY TO PROTEST NONCOMPLIANCE OF TERMS AGREED TO WITH THE
MINISTRY OF HEALTH IN 1997. ISSUES OF CONTENTION INCLUDED A PAY
RAISE AND A DEMAND FOR HOSPITAL EQUIPMENT. SUGAR WORKERS STRUCK
IN LA ROMANA IN AUGUST TO PROTEST THE COMPANY'S FAILURE TO MAKE
BONUS PAYMENTS. TRANSPORTATION WORKERS STRUCK IN THE PUERTO
PLATA IN SEPTEMBER TO PROTEST RISING FUEL COSTS.

THE 1992 LABOR CODE PROVIDES EXTENSIVE PROTECTION FOR WORKER
RIGHTS AND SPECIFIES THE STEPS LEGALLY REQUIRED TO ESTABLISH A
UNION, FEDERATION, OR CONFEDERATION. THE CODE CALLS FOR
AUTOMATIC RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED
ON ITS APPLICATION WITHIN 30 DAYS. IN PRACTICE, THE GOVERNMENT
READILY FACILITATES RECOGNITION OF LABOR ORGANIZATIONS.

UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND GENERALLY
INDEPENDENT OF POLITICAL PARTIES. HOWEVER, THE LAW AGAINST
COMPANIES WHO FIRE UNION ORGANIZERS OR MEMBERS IS SELECTIVELY
ENFORCED. THERE WERE REPORTS OF WIDESPREAD DISCREET INTIMIDATION
BY EMPLOYERS IN AN EFFORT TO PREVENT UNION ACTIVITY. FOR
EXAMPLE, UNIONS IN THE FREE TRADE ZONES IN SAN PEDRO DE MACORIS
REPORT THAT THEIR MEMBERS HESITATE TO DISCUSS UNION ACTIVITY AT

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WORK, EVEN DURING BREAK TIME, DUE TO FEAR OF LOSING THEIR JOBS.

ON DECEMBER 29, 1999, THE SUPREME COURT ISSUED A JUDGMENT AGAINST HAN CHANG, A KOREAN-OWNED COMPANY. IT UPHELD THE DECISION OF THE LOWER COURT THAT THE WORK CONTRACTS OF FIVE UNION LEADERS FIRED IN 1995 WERE VALID. THE COURT ORDERED THAT THE WORKERS BE REINSTATED AND PAID BACK WAGES. THE BANI COMPANY

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HAS FAILED TO COMPLY WITH THE DECISION AND THE LABOR CONFEDERATION, FENATRAZONA, HAS ASKED FOR THE CANCELLATION OF THE COMPANY'S EXPORT LICENSE. LEGAL AUTHORITY TO CANCEL EXPORT LICENSES LIES WITH THE NATIONAL COUNCIL OF FREE ZONES, AND IS DEPENDENT ON A REQUEST FROM THE MINISTRY OF LABOR. THE MINISTRY OF LABOR REPORTS THAT THIS CASE IS CURRENTLY BEING MEDIATED.

IN NOVEMBER 1999, EMPLOYEES OF THE FTZ COMPANY D & P HANDBAG (NORTH AMERICAN) IN SANTIAGO FORMED A UNION, AND FILED THE REGISTER OF UNION MEMBERS WITH THE DIRECTOR OF LABOR. THIS REGISTER WAS REJECTED BECAUSE THE DIRECTOR GENERAL OF LABOR CLAIMED IT DID NOT CONTAIN THE REQUISITE NUMBER OF MEMBERS. IN JANUARY 2000, THE MINISTRY OF LABOR UPHELD THIS DECISION. THE CASE IS NOW PENDING BEFORE A LABOR COURT IN SANTIAGO.

G & K SERVICES A DOMINICAN-OWNED COMPANY IN SAN ISIDRO FIRED 20 UNION MEMBERS IN APRIL. NO JUDICIAL ACTION WAS TAKEN BECAUSE THE COMPANY PAID THE SEVERANCE PAY OF THE WORKERS. A COURT JUDGMENT IN APRIL ORDERED DENNIS FASHIONS, INC. (DOMINICAN-OWNED), WHICH HAD BEEN CLOSED SINCE 1998, TO PROVIDE SEVERANCE PAY TO ITS 352 UNIONIZED EMPLOYEES. THE COMPANY FAILED TO COMPLY WITH THE JUDGMENT. THREE HUNDRED AND FIFTY UNIONIZED WORKERS OF EUROMODAS (DOMINICAN-OWNED) IN CRISTO REY FILED A LAWSUIT TO COLLECT SEVERANCE PAY AFTER THE COMPANY CLOSED IN 1998. IN JANUARY THE COURT RULED THAT EUROMODAS HAD TO PAY THE WORKERS; HOWEVER, THE COMPANY NO LONGER EXISTS. THE OWNERS OF EUROMODAS OPENED A NEW COMPANY THIS YEAR, AND IN JUNE, FORMER EMPLOYEES PROTESTED OUTSIDE THE NEW FACTORY. PROTESTERS WERE DISPERSED BY THE POLICE, AND 35 WERE ARRESTED AND HELD FOR TWO DAYS WITHOUT CHARGES BEFORE BEING RELEASED.

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LABOR UNIONS CAN AND DO AFFILIATE FREELY REGIONALLY AND

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B. (SBU/NF) THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

COLLECTIVE BARGAINING IS LAWFUL AND MAY TAKE PLACE IN FIRMS IN WHICH A UNION HAS GAINED THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS. ONLY A MINORITY OF COMPANIES HAVE COLLECTIVE BARGAINING PACTS. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE UNION MEMBERSHIP OR ACTIVITIES. IN PRACTICE, HOWEVER, WORKERS ARE SOMETIMES FIRED BECAUSE OF THEIR UNION ACTIVITIES. TORTONI MANUFACTURING, A NORTH AMERICAN COMPANY, CLOSED ITS DOORS IN APRIL AFTER UNIONIZED EMPLOYEES TOLD MANAGEMENT THEY WANTED A COLLECTIVE BARGAINING AGREEMENT. NEW INVESTORS WERE REPORTED TO HAVE TAKEN CONTROL OF THE COMPANY, NOW CALLED GRAMERCI DOMINICANA, IN JULY, AND HAD ALLEGEDLY COMMITTED TO PAY EMPLOYEES SEVERANCE PAY. TO DATE, NO EMPLOYEES OF TORTONI HAVE BEEN COMPENSATED.

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES. WHILE CASES DO MAKE THEIR WAY THROUGH THE LABOR COURTS, ENFORCEMENT OF JUDGMENTS IS SOMETIMES UNRELIABLE.

THE LABOR CODE APPLIES IN THE 40 ESTABLISHED FTZ'S, WHICH EMPLOY APPROXIMATELY 200,000 WORKERS, MOSTLY WOMEN. WORKPLACE REGULATIONS AND THEIR ENFORCEMENT IN THE FTZ'S DO NOT DIFFER FROM THOSE IN THE COUNTRY AT LARGE, ALTHOUGH WORKING CONDITIONS ARE SOMETIMES BETTER AND THE PAY IS HIGHER. SOME FTZ COMPANIES HAVE BEEN ACCUSED OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS, BUT THERE ALSO HAVE BEEN REPORTS OF UNION ORGANIZERS EXTORTING MONEY FROM BUSINESS OWNERS. IN THE FTZ'S, WHILE

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THERE MAY BE AS MANY AS 10 COLLECTIVE BARGAINING AGREEMENTS ON PAPER, ONLY 3 ARE ACTUALLY FUNCTIONING. THE MAJORITY OF THE UNIONS IN THE FTZ'S ARE AFFILIATED WITH THE NATIONAL FEDERATION OF FREE TRADE ZONE WORKERS OR THE UNITED FEDERATION OF FREE TRADE ZONE WORKERS.

MANY OF THE MAJOR MANUFACTURERS IN THE FTZ'S HAVE VOLUNTARY "CODES OF CONDUCT," THAT PROVIDE FOR PROTECTION AGAINST FORCED LABOR, FREEDOM OF ASSOCIATION, FREEDOM FROM DISCRIMINATION, AND PROHIBIT THE USE OF CHILD LABOR. THEY ALSO CALL FOR A WORKPLACE THAT IS SAFE AND HEALTHY. WORKERS QUESTIONED ABOUT THEIR RIGHTS, HOWEVER, HAVE RARELY HEARD OF SUCH CODES, OR THE PRINCIPLES THEY SET OUT. A FTZ KOREAN-OWNED COMPANY IN BONAO, BI BONG APPAREL, FIRED SEVERAL WORKERS, WHO, DISPLEASED WITH THE SAFETY OF WORK CONDITIONS, CUT WIRES TO STADIUM LIGHTING UNDER WHICH THEY WERE FORCED TO WORK. IN MARCH, THE LABOR COURT HELD THAT THE COMPANY SHOULD NOT HAVE FIRED THE WORKERS, AND ORDERED

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AN INSPECTION. THE DEPARTMENT OF HYGIENE AND SAFETY CARRIED OUT AN INSPECTION OF THE LIGHTING, DRINKING WATER, BATHROOMS, AND VENTILATION. ACCORDING TO THE MINISTRY OF LABOR, INSPECTORS FOUND IRREGULARITIES WITH RESPECT TO THE WATER AND FORWARDED THE

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CASE TO THE COURTS.

C. (SBU/NF) PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS ALL FORMS OF FORCED OR COMPULSORY LABOR; HOWEVER, SUCH PRACTICES STILL EXIST TO A LIMITED EXTENT (SEE SECTION 5). IN ADDITION, TRAFFICKING IN WOMEN AND GIRLS FOR
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PURPOSES OF PROSTITUTION IS ALSO A PROBLEM (SEE SECTION 6.F.). THERE WERE SEVERAL REPORTS OF COERCED OVERTIME IN FACTORIES AND OF WORKERS BEING FIRED FOR REFUSING TO WORK OVERTIME. UNION OFFICIALS STATE THAT NEWLY HIRED WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

D. (SBU/NF) STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE

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THE LABOR CODE PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE AND PLACES RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN UNDER THE AGE OF 16. THESE RESTRICTIONS INCLUDE LIMITING THE DAILY NUMBER OF WORKING HOURS TO SIX, PROHIBITING EMPLOYMENT IN DANGEROUS OCCUPATIONS OR IN ESTABLISHMENTS SERVING ALCOHOL, AND LIMITING NIGHTTIME WORK. CHILDREN BETWEEN THE AGES OF 14 AND 16 MAY WORK IN APPRENTICESHIP AND ARTISTIC PROGRAMS. CHILDREN WHO DO NOT CONTINUE IN SCHOOL OFTEN SEEK ILLEGAL EMPLOYMENT BEFORE REACHING THE MINIMUM WORKING AGE (SEE SECTIONS 5 AND 6.C.).

THE OVERSEAS MANUFACTURING CORPORATION, A CUBAN-OWNED COMPANY IN THE FTZ IN SAN PEDRO DE MACORIS WAS DENOUNCED BY FENATRAZONA IN AUGUST FOR EMPLOYING UNDERAGE WORKERS IN THE PRODUCTION OF COMPUTER COMPONENTS. THE MINISTRY OF LABOR CARRIED OUT TWO INVESTIGATIONS AND FOUND NO WORKERS UNDER 16. AT THE END OF AUGUST THE COMPANY REMAINED OPEN WITH ONLY 20 WORKERS, RATHER THAN THE NORMAL FORCE OF 60-80. ACCORDING TO THE OWNER, THE COMPANY IS UNDERGOING A WORK "SLOW-DOWN" DUE TO LACK OF PRIMARY MATERIALS.

THE HIGH LEVEL OF UNEMPLOYMENT AND LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW OR ENCOURAGE CHILDREN TO
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EARN SUPPLEMENTAL INCOME. TENS OF THOUSANDS OF CHILDREN BEGIN WORKING BEFORE THE AGE OF 14. CHILD LABOR TAKES PLACE PRIMARILY IN THE INFORMAL ECONOMY, SMALL BUSINESSES, CLANDESTINE FACTORIES, AND PROSTITUTION. CONDITIONS IN CLANDESTINE FACTORIES ARE GENERALLY POOR, UNSANITARY, AND OFTEN DANGEROUS. THE MINISTRY OF LABOR, IN COLLABORATION WITH THE INTERNATIONAL LABOR ORGANIZATION'S PROGRAM ON THE ERADICATION OF CHILD LABOR (IPEC), AND THE U.S. DEPARTMENT OF LABOR, HAS IMPLEMENTED PROGRAMS TO COMBAT CHILD LABOR. THESE INCLUDE A NATIONAL CHILD LABOR SURVEY; A PROGRAM TO REMOVE CHILDREN FROM DANGEROUS AGRICULTURAL WORK IN SAN JOSE DE OCOA, CONSTANZA, AND AZUA, AND; AN UPCOMING PROGRAM IN THE AREA OF CHILD PROSTITUTION IN BOCA CHICA AND PUERTO PLATA.

E. (SBU/NF) ACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION EMPOWERS THE EXECUTIVE BRANCH TO SET MINIMUM WAGE LEVELS, AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS ALSO MAY ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS \$135 (2,222 PESOS) IN THE FTZ'S AND RANGES FROM \$107 (1,757 PESOS) TO \$176 (2,895 PESOS) OUTSIDE THE FTZ'S DEPENDING UPON THE SIZE OF THE COMPANY AND THE NATURE OF THE BUSINESS. THE MINIMUM WAGE PROVIDES

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APPROXIMATELY ONE-THIRD OF THE INCOME NECESSARY TO SUSTAIN AN AVERAGE FAMILY. THE NATIONAL POVERTY LEVEL, WHICH IS BASED ON A BASKET OF GOODS AND SERVICES CONSUMED BY A TYPICAL FAMILY, ("CANASTA FAMILIAR") IS \$402 (6,607 PESOS) PER MONTH FOR A FAMILY OF FIVE.

THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL UNCLASSIFIED

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WORKERS ARE ENTITLED TO 36 HOURS OF UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A HALF DAY ON SATURDAY, BUT LONGER HOURS ARE COMMONPLACE. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK TOTALING BETWEEN 44 HOURS TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

CONDITIONS FOR AGRICULTURAL WORKERS ARE POOR, ESPECIALLY IN THE SUGAR INDUSTRY. MANY SUGAR CANE WORKER VILLAGES HAVE HIGH RATES OF DISEASE AND LACK SCHOOLS, MEDICAL FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS. ON SUGAR PLANTATIONS, CANE CUTTERS USUALLY ARE PAID BY THE WIGHT OF CANE CUT RATHER THAN THE HOURS WORKED. EMPLOYERS OFTEN DO NOT PROVIDE TRUCKS TO TRANSPORT TE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDA, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION BCAUSE THE CANE DRIES AND WEIGHS LESS.

WHEN TH CANE IS WEIGHED, WORKERS ARE GIVEN TICKETS INDICAING THE WEIGHT OF CANE CUT (OFTEN ROUNDED IN FAVR OF THE EMPLOYER) AND THE AMOUNT OF MONEY DUE. THESE TICKETS, ISSUED TO A SPECIFIC PERSON BUT PAYABLE TO THE BEARER, MAY BE TURNED IN TO

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THE EMPLOYER AND REDEEMED FOR CASH EVERY 2 WEEKS. MANY CANE CUTTERS EARN LESS THAN \$4.00 (60 PESOS) PER DAY. BECAUSE WORKERS EARN SO LITTLE AND SOMETIMES CANNOT WAIT UNTIL PAYDAY TO REDEEM THEIR TICKETS, AN INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ALSO ARE USED TO PURCHASE ITEMS AT PRIVATE STORES LOCATED ON THE PLANTATIONS. THESE PRIVATE STORES MAKE CHANGE BY GIVING BACK A COMBINATION OF TICKETS AND CASH.

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HOWEVER, IT IS NOT UNUSUAL FOR THESE STORES TO RETAIN 10 PERCENT OF THE CASH DUE A CUSTOMER. THE DOMINICAN HUMAN RIGHTS COMMITTEE AND BATEY RESIDENTS REPORT THAT CONDITIONS OF WORK FOR CANE WORKERS HAVE DETERIORATED SINCE THE INDUSTRY WAS PRIVATIZED. WORKERS ARE REPORTEDLY PAID LESS, WORK LONGER HOURS, AND HAVE FEWER BENEFITS, ACCORDING TO THE COMMITTEE. WHILE CHILD LABOR IN THE SUGAR INDUSTRY HAS DECREASED SIGNIFICANTLY, IT STILL EXISTS ACCORDING TO HUMAN RIGHTS ADVOCATES AND LABOR FEDERATIONS (SEE SECTION 5).

THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) SETS WORKPLACE SAFETY AND HEALTH CONDITIONS. THE EXISTING SOCIAL SECURITY SYSTEM IS SERIOUSLY UNDERFUNDED AND APPLIES TO ONLY ABOUT 9 PERCENT OF THE POPULATION. APPROXIMATELY 13,000 EMPLOYEES WORK IN THE IDSS BUREAUCRACY SUPPORTING FEWER THAN 20,000 RETIREES.

BOTH THE IDSS AND THE MINISTRY OF LABOR HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. INSPECTOR POSITIONS ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE, AND BRIBES FROM BUSINESSES ARE COMMON. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKING SITUATIONS WITHOUT JEOPARDIZING EMPLOYMENT (SEE SECTION 6.B.).

F. (SBU/NF) TRAFFICKING IN PERSONS

THE LAW PROHIBITS TRAFFICKING IN PERSONS, AND IN AUGUST 1998 AN ALIEN SMUGGLING LAW INCREASED THE PENALTIES FOR THOSE FOUND GUILTY OF VARIOUS PHASES OF THIS CRIME. LAWS DEALING WITH DOMESTIC VIOLENCE, AS WELL AS THE MINOR'S CODE, CREATE

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PROTECTION UNDER BOTH CIVIL AND CRIMINAL LAW AGAINST PARTICULAR SITUATIONS THAT MAY BE CONDUCTIVE TO--OR ACTS THAT MAY BE A PART UNCLASSIFIED

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OF--THE TRAFFIC IN PERSONS, WHETHER FEMALE OR MALE, MINORS OR ADULTS. THE LAW ALSO PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THIS LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION. HOWEVER, TRAFFICKING OF WOMEN AND CHILDREN REMAINS A SERIOUS PROBLEM.

THE DIRECTORATE OF MIGRATION ESTIMATES THERE ARE APPROXIMATELY 400 RINGS OF ALIEN-SMUGGLERS AND PURVEYORS OF FALSE DOCUMENTS OPERATING WITHIN THE COUNTRY. THESE INDIVIDUALS PROFIT BY FACILITATING THE TRAFFICKING OF WOMEN TO SPAIN, THE NETHERLANDS, ITALY, AND SWITZERLAND UNDER FALSE PRETENSES, FOR PURPOSES OF PROSTITUTION. THE GOVERNMENT IS ALSO CONCERNED THAT SOME INDIVIDUALS ENTERING THE COUNTRY OSTENSIBLY TO ADOPT CHILDREN, MAY ACTUALLY INTEND TO USE THE CHILDREN IN THE PRODUCTION OF PORNOGRAPHY OR IN THE SEX TRADE.

IN 1999 THE GOVERNMENT CREATED THE INTERINSTITUTIONAL COMMITTEE FOR THE PROTECTION OF MIGRANT WOMEN (CIPROM); HOWEVER, THIS ORGANIZATION IS NOT CURRENTLY FUNCTIONING DUE TO LACK OF GOVERNMENT FUNDING. ONE NGO, THE CENTER FOR INTEGRAL ORIENTATION AND INVESTIGATION (COIN), COUNSELS WOMEN PLANNING TO ACCEPT JOB OFFERS IN EUROPE AND THE EASTERN CARIBBEAN ABOUT IMMIGRATION, HEALTH, AND OTHER ISSUES. THE PROGRAM ALSO PROVIDES SERVICES TO RETURNING WOMEN.

IN JANUARY TWO JOURNALISTS FROM THE SPANISH NEWSPAPER, EL MUNDO, MADE PUBLIC A DOCUMENTARY WHICH EXPOSED A RING OF TRAFFICKERS OF WOMEN TO EUROPE. THE RING WAS FORMED BY FOREIGNERS AND DOMINICAN AUTHORITIES. ONE MILITARY OFFICIAL WAS ARRESTED AND ONE DUTCH INDIVIDUAL WAS DEPORTED. THE PUBLIC MINISTRY IN JULY UNCLASSIFIED

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DISMANTLED A HOUSE OF PROSTITUTION IN WHICH THE MAJORITY OF THE PROSTITUTES WERE FROM EUROPE AND RUSSIA. THE LEADER OF THE OPERATION, AS WELL AS THE WOMEN THEMSELVES, FLED THE COUNTRY BEFORE THEY COULD BE PROSECUTED.

THE CONSTITUTION PENALIZES THE PROCEEDS OF PROSTITUTION, BUT DOES NOT ENFORCE PENALTIES AGAINST PROSTITUTION ITSELF, EXCEPT IN THE CASE OF JUVENILES.

THE DIRECTOR GENERAL OF MIGRATION REPORTED THE AUTHORITIES HAVE DISMISSED A NUMBER OF IMMIGRATION INSPECTORS AND SUPERVISORS FOR

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LINKS WITH BANDS TRAFFICKING IN WOMEN. IN ADDITION, SINCE THE PASSAGE IN 1998 OF AN ANTISMUGGLING LAW, AUTHORITIES HAVE CHARGED AT LEAST 80 INDIVIDUALS UNDER THE LAW. (TO BE UPDATED IN DECEMBER) THE COURTS CONVICTED TWO OF THEM, AND THE REMAINDER OF CASES WERE STILL PENDING AT YEAR'S END.

THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN COORDINATES THE APPROACHES OF VARIOUS AGENCIES INVOLVED IN COMBATING TRAFFICKING IN CHILDREN, WHETHER FOR ADOPTION, SEXUAL EXPLOITATION, OR OTHER PURPOSES. THIS ORGANIZATION WORKS WITH

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ACTION DRL-02

INFO LOG-00 NP-00 ACQ-00 CIAE-00 INL-00 DODE-00 WHA-00
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E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, PREL, DR
SUBJECT: DOMINICAN REPUBLIC 2000 HUMAN RIGHTS REPORT

THE ATTORNEY GENERAL'S OFFICE, THE PUBLIC HEALTH MINISTRY, MIGRATION, AND OTHER AGENCIES. IN THE NATIONAL DISTRICT, THE DEPARTMENT OF FAMILY AND CHILDREN IN THE OFFICE OF PUBLIC PROSECUTOR FOCUSES ON IDENTIFYING CHILDREN WHO ARE VICTIMS OF ABUSE AND PROSECUTES OFFENDERS UNDER HEIGHTENED PENALTIES CONTAINED IN THE DOMESTIC VIOLENCE LAW.

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A PRIMARY CONCERN OF THE OVERSIGHT ORGANIZATION IS PREVENTING

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ABUSE OF THE CHILD ADOPTION PROCESS BY THOSE INTENDING TO SELL OR EXPLOIT CHILDREN THROUGH PROSTITUTION OR CHILD PORNOGRAPHY. THE DEPARTMENT OF FAMILY AND CHILDREN IS VERY CONCERNED ABOUT KIDNAPPINGS, ESPECIALLY OF INFANTS, FOR SALE TO FOREIGNERS WHO HAVE DELIBERATELY SIDESTEPED LEGAL FORMALITIES--INCLUDING THOSE OF THEIR OWN COUNTRY. THE DEPARTMENT SEEKS TO PROTECT CHILDREN FROM VICTIMIZATION UNDER THE RUBRIC OF ADOPTION. MANY CHILDREN LEAVE THE COUNTRY AS ADOPTEES, BUT GOVERNMENT OFFICIALS HAVE MADE SUCH ADOPTIONS MUCH MORE DIFFICULT AND, THEY HOPE, HAVE PREVENTED WOULD-BE TRAFFICKERS FROM ABUSING THE SYSTEM.

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