

**Dominican Coalition on National Security (DCNS)<sup>i</sup>**



# Report on the Occasion of the Universal Periodic Review of the Dominican Republic.

18th sesión of the working group –January-February 2014

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## **1. Information on the Recommendations of the last UPR<sup>ii</sup>**

### **1.1 Recommendations which were not implemented**

1. The State has not ratified the international human rights instruments which have yet to be ratified according to recommendations 88.1, 88.6, and 88.7.
2. The state has not elaborated nor implemented a national strategy of human rights according to recommendation 87.14.
3. The Dominican Republic has not extended an open invitation, nor a permanent one, to the special procedures of the UN, nor has it accepted the visit of the special rapporteur on the extrajudicial executions according to recommendations 88.14 and 88.15.
4. The state has not adopted additional measures to face the impunity, including the independent investigation of the assassinations committed by the security forces as indicated by recommendation 89.3; even though in some cases there have been prosecutions and obtained sentences against the public agents, this does not happen in the majority of the cases, and sometimes the persecution is only realized against officers with a low rank, which leaves many cases unpunished when officials are linked to the crime.<sup>iii</sup>
5. The state has not complied with the investigation and condemnation of the aggressors of crimes against and violations of the human rights of journalists and human rights defenders, according to recommendation 87.29. In 2012 there have been 25 charges pressed on physical and verbal aggression and submissions to justice brought against members of the press by officials, agents of the authority of civil citizens, which reflects how vulnerable the security is in which the journalists work.<sup>iv</sup>

### **1.2 Implemented Recommendations**

6. The Dominican Republic has appointed an ombudsman in line with recommendations 87.2 and 88.16. After 12 years of waiting for the elections of the ombudsman, the chamber of senators elected MRs Zoila Martínez in the second week of May 2013.
7. The state partly complied with recommendation 88.1 by signing and ratifying the Convention against torture and other cruel inhuman or degrading treatment or punishment, however it has not signed and ratified its protocol.
8. The state relies on two educational institutes on Human Rights; one for the police forces and the other for the Ministry of the armed forces. Both permanently capacitate in the area of human rights, in line with recommendation 87.27. Nevertheless, the efficiency of said institutions is preoccupying, seen the execution of labor by the agents.

## **2. Current Situation**

### **2.1 Abuses by the law enforcement agencies**

1. According to statistics of the Public Attorney's office of the Republic, 12% of all violent deaths annually registered by the state, are homicides committed by police agents. From 2008 until September 2012 1.510 individuals have found death on the hands of the law enforcement.<sup>v</sup>
2. The law enforcement commits other abuses too, such as the arbitrary detention and torture of detainees, both of these practices are also used at human rights defenders and journalists.
3. Other occurring situations are those of forced disappearances; this is reflected in the case of Juan Almonte, who disappeared on 28 September 2009. Four years after his disappearance, the authorities have not investigated the case in exhaustively.

4. Journalist Nuria Piera brought to light a video showing an execution of three defendants, who managed to escape, by the National Police. After they were tapped on a ranch they were assassinated, however, as may be seen on the images<sup>vi</sup>, the victims were unarmed.
5. Occasionally, a group of Dominican senators requested the chief of the police to institutionalize the extrajudicial executions. The chief of the police has given curious declarations, which were interpreted as death threats in relation to cases that ended in executions, such as the death of Cacón.<sup>vii</sup>
6. There are internal structural difficulties within the National Police forces, which do not only impede upon the realization of adequate labor, avoiding the excess use of force and the misuse of power, if not also provoking that their agents become victims of criminality which affects the country. Low salaries, deficiencies in the capacitation and education of the officials, deficiencies in the structures, teams and daily material, as well as the lack of internal transparency of the institution.
7. Currently the cases on police abuses lack the effective and transparent investigations, thus the necessity of an impartial organ which realizes these investigations, continues to exist.
8. The state lacks the statistics on cases of torture, arbitrary detentions, and forced disappearances on the hands of the law enforcement.<sup>viii</sup>
9. The state has not typified the crimes of forced disappearance and extrajudicial execution within its internal legislation.

## **2.2 Armed Violence**

10. The growth of armed violence resulted over the last years in the tendency by the civil population to bear small and light arms with the aim of self-defense. This is one of the most preoccupying phenomena of current times. According to 2012 data of the Ministry of the interior and police there have been 188,327 fire arms users and 66,568 fire arms are being held without a license or without a renewed license.<sup>ix</sup>
11. The public politics on prevention of armed violence have been practically inexistent and poorly given impuls to by the competent organs. Currently there is a project in progress on a law on the control of weapons, even though very discrete and within the chamber of deputies, which have been elapsed various times.
12. Non-natural deaths have been effectively increasing over the last couple of years, above all that are consequences of violent acts. In the majority of cases it is due to interpersonal conflicts, or shootings with the National Police, or due to acts of negligence. In 2011 62% (1,573) of the deaths were committed by fire arms and 45% of the femicides, according to data from the Public Attorney's office, death by pointed weapons exceed 15% of all deaths. Another important data is that the victims of armed violence are generally youngsters in reproduction age, between 18 and 34 years, which has severe consequences on the economic and social development.<sup>x</sup>
13. Statistics show that an estimates 4 people die daily as a result of fire arms.<sup>xi</sup>
14. As may be expected, this has an indirect impact on the lives of women, since the responsibility of the home falls on them when they lose children and or partners as a consequence of violent acts with fire arms.

## **2.3 Dominican perception of insecurity**

15. In the 2012 survey of the Latino barometer, included in their reports on National Security of that same year, 27% of the Dominicans experienced a perception of victimization, 58% believed that living in the country became more insecure every day, and 82 % believed that the delinquency has increased. 39% lives in fear of becoming victim of a crime, and

only 9% qualifies the country as safe. In this same reasoning, Dominicans considered the country to have an average of 5.6 on a scale of 1 to 10; 10 being very violent. At the same time 44% of the cases of violence were directed towards women and 33% towards children.<sup>xii</sup>

## **2.4 Confidence given to state institutions by Dominicans**

16. In accordance with the survey Gallup-Hoy, on the appreciation of the work by state institutions, related to the police, the senate and the chamber of deputies, 40% of the persons considers this work as very bad. In relation to instances of legislative power, only 3 out of 10 citizens considers them as good in their exercise of the public attorney's office, of the superior elective tribunal, the supreme court of justice and the constitutional tribunal.<sup>xiii</sup> The state is located between country with less confidence in their police forces; there is an average of 34.9 points.<sup>xiv</sup>

## **2.6 Situation of the penitentiary system**

17. The levels of overpopulation in the traditional prisons surpass with 600 percent, putting as an example that in four prisons with a total capacity of 190 individuals, over 1,200 individuals are residing. Which corresponds to an internal exceeding in the prison population.<sup>xv</sup>
18. Prisons of the traditional system continue operating with a grave over-population, lack of hygiene, a small portion of the prisoners enjoy all privileges, even though in August 2012, the public attorney's office dismantled cells consisting of privileged prisoners and sent them to the centers with the new penitentiary system.
19. Dominican prison cells do not have the capacity to host persons with disabilities.<sup>xvi</sup>

## **2.7 Some State Initiatives**

3. From 2012 onwards, the presidency of the Republic advances an integral reform of the Dominican National Police. There has been a draft redacted of the legal project which was presented in December 2012 to president Danilo Medina, who at the end of May 2013 remitted the project to the Congress. The government announced the implementation of a Plan on National Security in March 2013, however there are very few details known on the project. By decree there has been the creation of an Observatory on the National Security and a national plateau on National Security; in both projects there are at least two spaces reserved for NGO's. A group of 33 NGO's have undertaken actions to influence and be included in the project, provoking a thematic audience before the Inter-American Commission of Human Rights in March 2013. Nevertheless, it has been promised to link the civil society with the discussion, but until today the civil society is waiting to be able to open the discussion.

## **3. RECOMMENDATIONS**

- a) Typify the crimes of extrajudicial execution and forced disappearance in the internal legislation.
- b) Publicly demonstrate a political willingness to elaborate and impose effective reforms of the police based in human rights and persist on the results of these reforms. These reforms should be based upon the following: a) a qualitatively professional formation which integrates the full respect to human rights and the resolution of conflicts as primary objectives of the police intervention; b) working conditions and adequate wages, that

reflect the level of responsibility of the officers; c) possibilities of professional development and permanent control mechanisms that urge for the absolute respect of human rights; d) harmonization of politics and practices with the basic principles on the employment of the armed forces for the officials charged with compliance of the law.

- c) Include victims and witnesses of violations of human rights committed by the police in the witness protection program of the public ministry and establish a national reparation program, in addition to a program of assistance to victims, that responds when the one responsible for the suffered loss is unable to comply with its obligations.
- d) Recollect statistics on complaints, cases referred to court, sentences and condemnations. Recollected by the public attorney's office and the legislative power, on arbitrary detentions, forced disappearances, extrajudicial executions and torture by police officials; classified by sex, sexual orientations, place of the crime, ethnicity, age, place of occurrence, nationality and skin tone of the victim.
- e) Elaborate and apply, in cooperation with the Civil society, a national plan on human rights and introduce this and the culture of peace in school curricula: both technical and higher.
- f) Implement a protection plan for the defenders of human rights who are in danger, which promotes the non-tolerance towards threats.

## Endnotes

<sup>i</sup> This coalition is a joint effort of: FUNCEJI, ICED and CNDH as to influence public politics of the Dominican State, regarding the guarantee of the right to national security.

<sup>ii</sup> Recommendations from the Report of the Human Rights Council on the adoption of the results of the UPR of the Dominican Republic, A/HRC/13/56.

<sup>iii</sup> See report of the civil society on the implementation of the international pact on civil and political rights, presented to the Human Rights Committee of the UN. January 2012. Link: [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/FCEJI\\_DominicanRepublic\\_HRC104\\_sp.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/FCEJI_DominicanRepublic_HRC104_sp.pdf)

<sup>iv</sup> See report at the following link <http://www.sipiapa.org/asamblea/informe-republica-dominicana-2012-10-12-sao-paulo>

<sup>v</sup> Reports by the Department of Statistics of the General Attorney's office of the Dominican Republic, published at: <http://estadisticas.pgr.gob.do/documentos/homicidios/Default.ashx>

<sup>vi</sup> See video Nuria Piera on the execution of 3 prisoners who managed to escape de prison in San Francisco de Macorís: <http://www.youtube.com/watch?v=q2tnFz-4MbA>

<sup>vii</sup> See video at the following link: <http://www.youtube.com/watch?v=nR1AzwLcVAs>

<sup>viii</sup> The statistics on torture, forced disappearances, and arbitrary detention by the law enforcement, were requested through requests of access to information at the Public Attorney's office of the Dominican Republic. Additionally, statistics on received complaints and cases brought before court, judicial power over failed cases and sentencing were also requested. None of the institutions possesses any of the requested statistics.

<sup>ix</sup> See report on National Security in the Dominican Republic, published by: FUNCEJI, ICED y CNDH for the Inter-American Committee on Human Rights, March, 2013. See link: <http://funceji.files.wordpress.com/2012/02/editado-informe-sobre-la-situacion-de-la-seguridad-ciudadana-en-republica-dominicana-2013.pdf>

<sup>x</sup> To consult the statistics on violent homicides, visit the website of the Public Attorney's office: [www.pgr.gob.do](http://www.pgr.gob.do)

<sup>xi</sup> *Ibid.*

<sup>xii</sup> See report on the following link: [http://www.google.com.do/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&ved=0CDgQFjAB&url=http%3A%2F%2Fwww.latinobarometro.org%2Fdocumentos%2FLATBD\\_La\\_seguridad\\_ciudadana.pdf&ei=M0aaUdTzCsW14AOMzYGoBw&usq=AFQjCNFw1D8i4m8Fvh-eJf9M7BWQgCPhEA&sig2=bfOoARAFEB8pKWLrhEpCqQ](http://www.google.com.do/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&ved=0CDgQFjAB&url=http%3A%2F%2Fwww.latinobarometro.org%2Fdocumentos%2FLATBD_La_seguridad_ciudadana.pdf&ei=M0aaUdTzCsW14AOMzYGoBw&usq=AFQjCNFw1D8i4m8Fvh-eJf9M7BWQgCPhEA&sig2=bfOoARAFEB8pKWLrhEpCqQ)

<sup>xiii</sup> See report on National Security in the Dominican Republic, published by: FUNCEJI, ICED y CNDH for the Inter-American Committee on Human Rights, March, 2013. See link: <http://funceji.files.wordpress.com/2012/02/editado-informe-sobre-la-situacion-de-la-seguridad-ciudadana-en-republica-dominicana-2013.pdf>

<sup>xiv</sup> Cultura Política de la Democracia en República Dominicana, 2012, pp. 183 y ss. Complete report available at: <http://www.vanderbilt.edu/lapop/dr/DomRepublic-2012-Report.pdf>

<sup>xv</sup> Report on the Human Rights situation in the Dominican Republic, National Committee on Human Rights, 2012.

<sup>xvi</sup> *Idem*