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INTRODUCTION

Amnesty International is submitting this briefing to the Human Rights Committee (the Committee) ahead of its examination of the Dominican Republic's fifth periodic report on the implementation of the International Covenant on Civil and Political Rights (the Covenant). The document highlights main aspects of Amnesty International's on-going human rights concerns in the Dominican Republic in relation to a number of questions on the Committee's list of issues to be taken up in connection with its review of the state report.¹ It is based on Amnesty International's research including the recent report enclosed to this briefing:

- ***Dominican Republic: 'Shut up if you don't want to be killed!': Human rights violations by police in the Dominican Republic***, AI Index: AMR 27/002/2011, 25 October 2011, <http://www.amnesty.org/en/library/info/AMR27/002/2011/en>.

CONSTITUTIONAL AND LEGAL FRAMEWORK (ARTICLE 2)

Lack of reparation to victims of human rights violations (Question 2)

Amnesty International remains concerned that despite the high number of reports of violations of the right to life and to physical integrity by the Dominican police, very few victims and families of victims are able to access effective reparation for such violations.²

The legal provisions available in the Dominican Republic only ensure compensation and restitution to victims of human rights violations and their families. They therefore fall short of international law, which requires states to ensure reparation for victims of human rights violations and their families. Reparation must include: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Police officers who are convicted of unlawful killings are often sentenced to pay compensation to the victims' families, in addition to any prison sentence they may receive. However, none of the families interviewed by Amnesty International who were entitled to compensation had actually received it and lawyers also confirmed that, in the vast majority of the cases, this right is recognized on paper, but not fulfilled. Representatives of the Office of the Prosecutor General explained that, given their low salaries, most officers ordered to pay compensation do not have the resources to comply.

The National Police does not consider itself liable as an institution for civil damages resulting from the unlawful actions of its members. Article 61 of the Institutional Law on the National Police only establishes the personal responsibility of members of the police for unlawful

¹ See *List of issues to be taken up in connection with the consideration of the fifth periodic report of the Dominican Republic (CCPR/C/DOM/5)*, CCPR/IC/DOM/Q/5, 3 May 2011, http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceVersions/CCPR_C_DOM_Q_5_en.pdf.

² See *Dominican Republic: 'Shut up if you don't want to be killed!': Human rights violations by police in the Dominican Republic*, AI Index: AMR 27/002/2011, 25 October 2011, p. 43.

actions carried out while on duty.³ Dominican lawyers explained that in order to hold the National Police liable, victims need to file a civil action against the force.

Victims and their families can initiate a civil action against those responsible for human rights violations in order to obtain compensation for the harm suffered and restitution under Article 50 of the Dominican Code of Criminal Procedure. If they wish to seek compensation they have to file a complaint under the Civil Code (Articles 1382 and 1383).

Amnesty International calls on the Dominican government to:

- Amend national legislation to make explicit reference to the responsibility of the state for human rights violations committed by members of the National Police and other state agents while acting in the course of their official duties or exercising their authority as law enforcement officials.
- Amend the national legislation so as to cover not only the right to compensation and restitution, but all forms of reparation in case of human rights violations.
- In particular, incorporate guarantees of full reparation for victims of torture into national laws.
- Ensure that victims and families of victims of human rights violations by the police receive full reparation, which should include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

National human rights institution (Question 3)

The Dominican Republic has not established a national human rights institution in conformity with the Paris Principles.

Steps were taken to create the office of ombudsman (*Defensor del Pueblo*) in 2001 with the adoption of Law 19-01. However, more than a decade later, the first ombudsman has still to be appointed. This is due mainly to a lack of agreement among the political parties on a suitable candidate.⁴ According to Law 19-01, the ombudsman is independent and has functional, administrative and budgetary autonomy. The ombudsman's main purpose is to safeguard citizens' constitutional rights and to initiate investigations into possible violations of those rights by public officials (Articles 2 and 3). Where the ombudsman's investigations reveal that a public official may have committed a crime, they have a duty to inform the Prosecution Service (Article 16). For years, no steps were taken to fill the position.

In 2010, the appointment of an ombudsman appeared to move several steps closer when the

³ Members of the National Police are personally and directly responsible for actions carried out while on duty that infringe or violate legal norms and regulations.

⁴ The Defensor del Pueblo is appointed by the Senate with a majority of two thirds from a list of candidates submitted by the Lower House. According to Article 192 of the Constitution, if the Senate does not make its choice within 30 days, the Supreme Court of Justice appoints someone from the list of candidates proposed by the Lower House.

new Constitution made explicit reference to the office⁵ and after the government accepted the recommendation made during the Universal Periodic Review by the United Nations (UN) Human Rights Council to “promptly designate the person who will occupy the position of ombudsman (*Defensor del Pueblo*)”⁶. In August 2010, candidates were invited to file applications and interviews were held in November and December 2010. At the moment of writing, however, an ombudsman has yet to be appointed, more than 10 years after the office was established.

Amnesty International urges the Dominican government to appoint an ombudsman without further delay. Further, the government must ensure that the appointee is independent and free of political pressure, has a good understanding of the human rights protection and promotion system, and has a proven commitment to providing remedies to all victims of abuses and human rights violations by public officers. It is also crucial that adequate resources are allocated to the ombudsman, including competent and independent investigators. In particular, given the incidence of reports of human rights violations by the police, the ombudsman should have the powers and the resources to undertake investigations into complaints of police abuses, including human rights violations.

NON-DISCRIMINATION, RIGHTS OF PERSONS BELONGING TO MINORITIES, RIGHTS OF CHILDREN (ARTICLES 2 AND 24-27)

Discrimination of persons of Haitian origin (Question 10)

Amnesty International has longstanding concerns about the discrimination faced by Dominicans of Haitian descent, especially in regard to their right to a nationality, in violation of their rights under Articles 2 and 24-27 of the Covenant.⁷

In particular, in the last five years hundred of thousands of Dominicans of Haitian descent were denied access to identity documents on the basis of a directive issued in March 2007 by the Dominican Electoral Board (Circular 017). This directive instructed officers of the civil registry to examine carefully whether identity documents presented for renewal or registration had been wrongly issued in the past to children of foreign parents who did not prove their residence or legal status in the country. If the officers found indications of irregularity, they were instructed to refer the applications to the Dominican Electoral Board for further investigations. The refusal to issue identity documents resulted in people being denied access to education, employment and health services, the right to vote and citizenship. Those without papers were also at risk of arbitrary detention and mass expulsion, without access to judicial review. The vast majority of people affected by this directive are of Haitian descent.

⁵ Section VIII of the Constitution.

⁶ UN Doc. A/HRC/13/3, para.87.2.

⁷ See for example *Dominican Republic: A life in transit - The plight of Haitian migrants and Dominicans of Haitian descent*, AI Index: AMR 27/001/2007, 21 March 2007, <http://www.amnesty.org/en/library/info/AMR27/001/2007/en>.

A survey carried out by the Jesuit Service for Refugees and Migrants in four rural communities in 2011 revealed that at least 1,584 people of these communities had been denied identity documents by the Dominican Electoral Board, mainly on the basis of the Circular 017. The vast majority of these cases occurred in 2011. Some 72 per cent of those people were aged between 15 and 34 years. Denial of identity documents had effectively prevented them from pursuing their studies, finding employment or obtaining other official documents.⁸

In its implementation of *Circular 017*, the Dominican Electoral Board retroactively applied the General Law on Migration 285/04 to persons born before its enactment in 2004. This law for the first time made legal residence and/or regularized status of parents a requirement for their children to acquire Dominican nationality.

The new Dominican Constitution, entered into force in January 2010, consolidated the exception to the right to nationality to non residents introduced by the 2004 Migration Law. Under the previous Constitution, the only persons exempted from the constitutional guarantee of the right to nationality were the children of diplomats and the children of persons in transit. The new Constitution further widens this exemption to exclude children of persons who are illegally residing in the country. This new nationality provision directly contradicts the 2005 ruling of the Inter-American Court of Human Rights in *Dilcia Yean and Violeta Bosico v. Dominican Republic*⁹ that the migratory status of a parent should have no bearing on a child's right to nationality.

The impact of the 2007 directive on thousands of Dominicans of Haitians descent was discussed in a hearing of the Inter-American Commission on Human Rights in October 2011. Five days before the hearing, the Dominican Electoral Board issued a decision (*Circular No 32*) allowing the temporary release of identity documents to descendants of foreign citizens. This temporary release was made pending the conclusion of investigations into claims that identity documents had been wrongly issued prior to 2007. However, according to migrants' rights organizations, the release of documents remained at the discretion of administrative officers, who, in many cases, continued to deny the documents to Dominico-Haitians.

In December 2011, the Supreme Court dismissed an appeal from Emildo Bueno, a Dominican of Haitian descent who was refused a copy of his birth certificate in 2007 on the basis of the Circular 017. He had appealed this decision invoking that it violated his fundamental rights to juridical personality, nationality, equality before the law, non-discrimination, freedom of movement, dignity, juridical security, and due process. However, the Supreme Court ruled that the Circular 017 does not "violate or threaten fundamental civil and political rights of the applicant". Human rights organizations working on behalf of Haitian migrants and Dominicans of Haitian descent say the ruling confirms the policy currently being implemented in the Dominican Republic to deliberately strip Dominicans of Haitian descent of their right to nationality.

⁸ Servicio Jesuita a Refugiados y Migrantes, *Situación de dominicanos/as de ascendencia haitiana afectados por las disposiciones dela JCE*, 1 October 2011, available at <http://reconoci.do/images/stories/documentos/situacion-afectados-r12.pdf>.

⁹ The ruling is available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_156_esp.pdf.

Amnesty International is calling on the Dominican government to:

- To fully comply with the judgment and findings of the Inter-American Court of Human Rights in the case of *Yean and Bosico vs. the Dominican Republic*;
- To withdraw Circular 017 and introduce effective measures to stop discriminatory practices linked to granting citizenship and civil status registration, including identity documents;
- To ensure that all persons affected by the Circular 017 receive full compensation for the damages caused by the application of the directive;
- To avoid any retroactive application of the General Law on Migration 285/04 and of the Constitution.

RIGHT TO LIFE AND PROHIBITION OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT (ARTICLES 6 AND 7)

Unlawful killings, extrajudicial executions, torture and other ill-treatment by the police (Questions 11 and 14)

Amnesty International documented numerous cases including of unlawful killings, torture and other ill-treatment, enforced disappearances and arbitrary detentions committed by the police. The organization also analysed the difficulties faced by victims' families and survivors in getting justice; and examined how weak oversight mechanisms have allowed human rights abuses by the police to persist and flourish.¹⁰

The National Police is responsible for a high number of killings every year. According to police statistics, 2542 persons were killed by the police between January 2005 and July 2011. Amnesty International's research showed that officers are responsible, on average, for 15 per cent of all homicides in the Dominican Republic.¹¹

The vast majority of these fatal shootings are described by the police as "exchanges of gunfire" with criminal suspects. The police claim that the high number of such killings is a direct result of an increase in preventive policing. However, interviews with victims' families carried out by Amnesty International, as well as newspapers and NGO reports, suggest that in many cases police officers in the Dominican Republic fail to comply with international standards and Dominican law and use force that is disproportionate to the threat they face. In some cases, witness statements and autopsy reports contradict police claims that killings were the result of an "exchange of gunfire" and in a few cases, the courts have rejected the police version of events and officers have been convicted.

There are frequent allegations that some killings by police are in reality extrajudicial executions. Amnesty International has received such reports from families of victims, national

¹⁰ See *Dominican Republic: 'Shut up if you don't want to be killed!': Human rights violations by police in the Dominican Republic*, AI Index: AMR 27/002/2011, 25 October 2011.

¹¹ For statistics *ibid.*, page 15.

human rights organizations, other civil society organizations, academics, independent journalists and members of affected communities. There is evidence to suggest that some of these executions were aimed at eliminating repeat offenders and sending a clear signal to offenders, or were reprisals by corrupt officers against their former criminal associates. A significant number of allegations of extrajudicial executions are reported in the context of the policing of demonstrations. In a number of cases, courts have confirmed that officers deliberately used deadly force when they were not under imminent threat and found them guilty of murder.

Amnesty International has also received several reports of torture and other ill-treatment committed by the police. Most relate to the interrogation of criminal suspects. Suspects have been threatened with death, beaten and denied food, water and essential medicines. Some have had plastic bags put over their heads and their genitals twisted. In one case, the use of electric shocks was also reported. Many former detainees told Amnesty International that they had been handcuffed, hung from bars or nails by their handcuffs and beaten every time they tried to put their feet on the floor. Others report that they were made to kneel in uncomfortable positions for long periods and beaten. Some cases of torture and other ill-treatment occurred in the context of criminal investigations into high-profile cases. Most of those who spoke to Amnesty International had not lodged formal complaints about their treatment because they feared reprisals from the police or because they simply did not trust the system to properly investigate their allegations and bring those responsible to justice.

Two cases of possible enforced disappearance were reported to Amnesty International between 2009 and 2011: Juan Almonte Herrera and Gabriel Sandi Alistar. The families suspect that their relatives may have died while in police custody as a result of torture. The families have yet to receive any information from the government about the whereabouts of their relatives, despite repeated requests. In the case of Juan Almonte, the Inter-American Commission on Human Rights granted precautionary measures, calling on the Dominican Republic to make public Juan Almonte's whereabouts; guarantee his security and that of his relatives and lawyers; and inform the Commission of the measures taken to investigate his disappearance. In response to periodic reports submitted by the Dominican authorities, the Inter-American Commission on Human Rights has criticized the failure of the Dominican authorities to adopt concrete measures to establish Juan Almonte's whereabouts.

Although some police officers are brought to justice and criminally sanctioned¹², many other cases of human rights violations remain unpunished. Amnesty International's research shows that many investigations lack the thoroughness and independence required under international law. Among the barriers remaining to ensuring justice for all cases of human rights violations by the police, Amnesty International identified unclear investigation procedures; failure to investigate when there is no official complaint; discriminatory investigation practices; inadequate investigations; shortcomings in forensic services; inadequate protection for victims and witnesses, lack of reparations to victims.

¹² Prosecution of members of the security forces has been facilitated since the introduction of the Code of Criminal Procedure introduced in September 2004 which ended the trial of police officers and members of the military by separate police or military courts and placed all crimes, including those committed by the security forces, under civilian jurisdiction.

For further details on these concerns and case examples see the October 2011 report by Amnesty International referred to above.

Although the National Police and most of other relevant state officials have acknowledged the need to improve police effectiveness, they have failed to acknowledge the extent of the problem of human rights violations committed by the police. As a consequence, most of the police reform projects that have been or are being carried out have not focused on increasing respect for human rights and have therefore not been able to bring about the radical changes needed. In June 2011, the President submitted a draft Organic Law of the Police to the Congress which was adopted by the Senate in December 2011 and it is currently before the House of Representatives. Civil society organizations, including human rights groups, believe that once again this draft law does not provide for the comprehensive police reform needed.

In its October 2011 report referred above, Amnesty International called on the authorities of the Dominican Republic:

- To implement immediate measures to reduce killings by police, eradicate torture and ill-treatment and other abusive practices;
- To ensure independent, prompt, thorough and impartial investigations in all cases of alleged human rights violations by the police;
- To protect victims and witnesses;
- To ensure full reparation to all victims of human rights violations;
- To design and implement an effective human rights based police reform, starting from an extensive preventive assessment of the police and an Organic Law of the National Police based on such assessment;
- To improve the police external accountability system;
- To ratify and implement relevant international treaties, including the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons. Furthermore, the authorities should ensure the full implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the Dominican Republic has ratified on 24 January 2012.

Gender-based violence (Questions 12 and 13)

Amnesty International remains seriously concerned at the high incidence of violence against women in the Dominican Republic, including domestic violence and sexual assault, and the high number of killings of women in recent years. The organization expressed these concerns on several occasions and made repeated calls to the authorities to effectively address them, including in preparation of the Universal Periodic Review in 2009.¹³

According to the Office of the Prosecutor General, 1383 women and girls were killed between

¹³ See Amnesty International's submission to the Universal Periodic Review, 20 October 2009, AI Index: AMR 27/002/2009, available at <http://www.amnesty.org/en/library/info/AMR27/002/2009/en>.

2005 and 2011, 733 of whom were killed by partners or former partners. In particular, the number of female homicide victims reached a record high in 2011 when 230 women were killed. According to a report published in 2011 by the Spanish Center of Studies Reina Sofia, in 2006 the Dominican Republic ranked first in a list of forty European and American countries for the prevalence of women killed by family members, as measure by number of victims per million women.¹⁴

In response to such worrisome statistics, at the end of 2011, Congress was examining a draft law on femicide (the killing of women and girls) and considering including this as a specific crime in the Penal Code.

The establishment in 2005 of the units for the integrated assistance for victims of gender-based violence, domestic violence and sexual crimes under the supervision of the Office of the Prosecutor General (*Unidad de atención integral para las víctimas de violencia de género, intrafamiliar y delitos sexuales*) has been a major step in enhancing the institutional response to cases of gender-based violence. However, women's organizations remain concerned that the number of these units is insufficient (there are currently only fourteen and not present in all the provinces), that many prosecutors and judges are unprepared to deal effectively with cases of gender-based violence and that more extensive education programmes and awareness-raising campaigns are needed in order to prevent the violence.

According to women's organizations, the national health system is largely unable to provide adequate medical and psychological care to victims of gender-based violence. Even though protocols for the provision of comprehensive care for survivors of domestic and other gender-based violence against women were adopted by the Ministry of Public Health, no resources have been allocated for the implementation of those protocols.

Despite the passing in 2003 of Law 88-03 regarding the *Establishment of Halfway Houses and Shelters*, there are, according to women's rights organizations, currently only two functional shelters in the Dominican Republic, which have been established by the authorities under this law. Of these, one provides accommodation only for very short periods while the other can accommodate women and their children for up to three months. Women at risk and their children are mostly forced to take refuge in the homes of family and friends. This makes them more easily located by their aggressor and increases risks to their safety.

Amnesty International is also concerned that under the Dominican Republic's Penal Code women seeking abortion services and those who provide abortions face criminal sanctions regardless of the circumstances in which the abortion was sought or provided. The Constitution, which entered in force in January 2010, reinforced this framework, as article 37 states the inviolability of the right to life "from conception to death". The criminalization of abortion is considered an important factor contributing to high rates of maternal mortality in the country.¹⁵ For example, in 2007, the Dominican Society of Gynecology and Obstetrics

¹⁴ Centro de Estudios Reina Sofia, *III Informe Internacional, Violencia contra la Mujer en relación de pareja, Estadísticas y legislación*.

¹⁵ According to the 2010 National Report on the Implementation of the Millennium Development Goals, in 2007 the maternal mortality rate was 159 for every 100.000 births. The report is available at:

calculated that 13% of the maternal deaths were the consequences of unsafe abortions.

Amnesty International continues to call on the Dominican government:

- To establish Units for the Integrated Assistance for Victims of Violence against Women in each of the country's 32 provinces;
- To establish national coordination of policy from the Attorney General's Office with all public prosecutors' offices to ensure access to justice for women and girl victims of violence throughout the country;
- To ensure satisfactory prosecution of cases of gender-based violence, in particular by increasing the number of trained personnel in the Public Prosecutor's Office working to combat violence against women and girls;
- To fund and implement compulsory training programmes for officials – including police, lawyers, judges, forensic and medical personnel, social workers, immigration officials and teachers – in how to identify cases of violence against women and girls both in the home and the community, how to support victims throughout the justice process and ensure the safety of survivors, and how to effectively collect, safeguard, consider and present evidence;
- To ensure that all relevant government departments collect and publish disaggregated data and statistics on violence against women and girls;
- To ensure the immediate establishment of a minimum of one shelter for each of the country's nine regions;
- To implement the Strategic Plan for the Prevention, Detection, Support and Punishment of Violence against Women and Domestic Violence 2011-2016 adopted by the National Commission for the Prevention and Fight against Domestic Violence in April 2011;
- To ensure that the Ministry of Women, the Ministry of Health, the Office of the Prosecutor General and other institutions with a role in preventing and addressing cases of gender-based violence are adequately resourced;
- To reform the Penal Code in order to ensure that women and girls seeking abortion services are not subject to criminal sanctions and that health professionals are not criminalized for the only reason of providing safe abortion services;
- To take all necessary measures, including reform of the criminal law, to ensure that counseling, information and safe and legal abortion services are available, accessible, acceptable and of good quality, as part of comprehensive medical and psycho-social care, for all women who require them in cases of unwanted pregnancy as a result of rape, sexual assault or incest, and pregnancy which poses a risk to the life or grave risk to the health of the woman.

http://www.stp.gov.do/eWeb%5CArchivos%5CLibros%5CInforme_Objetoivo_Desarrollo_del_Milenio.pdf.

RIGHT TO LIBERTY AND SECURITY OF PERSON (ARTICLE 9)

Mass arrests by the police (Question 18)

As documented in the October 2011 report by Amnesty International referred to above, the Dominican police continue to carry out frequent mass arrests. The arrests take place during police raids (*redadas*) in low-income, high-crime communities, mostly at night, that are justified by police as preventive operations. During these round-ups, police indiscriminately arrest large numbers of residents, mainly men, and seize property, including motorcycles and other vehicles.¹⁶

Many people reported that these raids are often seen as an opportunity for extortion as many of those arrested pay to be released. A former prosecutor told Amnesty International that those who remain in custody following a round-up are either those against whom there is well-founded criminal evidence or those who have refused or are unable to pay a bribe.

The Code of Criminal Procedure allows the police and prosecutors to carry out collective searches as a preventive measure (Article 177) in exceptional circumstances. In practice, however, the numerous reports received by local human rights organizations and by Amnesty International indicate that collective searches are far from exceptional.

As a further safeguard against abuses, Article 177 of the Code of Criminal Procedure also requires the police to inform the relevant prosecutor in advance of any mass search. However, prosecutors interviewed by Amnesty International indicated that this provision of the Code is very rarely followed and that prosecutors are not given prior warning of mass searches. As a result, arbitrary detentions remain common. One prosecutor told Amnesty International that every day prosecutors visit police stations and order the release of detainees held for no reason. He also showed Amnesty International a monthly report by a local prosecutor of his regular visits to local police lock-ups which showed that most of those held had been detained in round-ups and that the prosecutor had ordered their release after his visit.

Mass arrests following raids are discriminatory in that men and boys from deprived communities are often indiscriminately targeted simply because of where they live or because they happened to be in the wrong place at the wrong time. In May 2011, the press highlighted the treatment of people living in the Capotillo neighbourhood of Santo Domingo who expressed their indignation at being systematically abused during police raids and at the fact that police seemed to view living in a neighbourhood with high crime rates as a crime in itself.¹⁷

In December 2010, the Minister of the Interior and Police asked the Chief of Police and the Director of the National Drug Control Department to avoid mass round-ups and other aggressive operations because of their negative effects on the community and on public

¹⁶ See *Dominican Republic: 'Shut up if you don't want to be killed!': Human rights violations by police in the Dominican Republic*, pp 33-34.

¹⁷ Noticias SIN, "DNCD realiza redadas en el ensanche Capotillo", 6 May 2011.

confidence in the police.¹⁸ He also encouraged the security forces to strengthen their intelligence operations in order to arrest only those against whom there is strong evidence of criminal activity. Amnesty International has no information on the actions taken by the police to put into practice the Minister's recommendations. However, the number of reports received by local human rights organizations and the media do not suggest that the mass round-ups have stopped.

FREEDOM OF MOVEMENT AND RESIDENCE, PROTECTION FROM ARBITRARY AND COLLECTIVE EXPULSION (ARTICLES 12 AND 13)

Mass expulsions of Haitian migrants (Questions 22 and 24)

The Dominican authorities continue to carry out mass expulsions of Haitian migrants, in spite of an appeal in February 2010 (renewed in June 2011) from the UN High Commissioner for Refugees and the Office of the High Commissioner for Human Rights to suspend all involuntary returns to Haiti on humanitarian grounds, following the earthquake in Haiti in January 2010. In January 2011, following an outbreak of cholera in Haiti, the Dominican authorities intensified mass deportations of Haitian migrants, claiming that the move was necessary to prevent the spread of the disease. According to local human rights organizations, more than 3,000 Haitians were expelled in the first six months of 2011.

Dominican NGOs working on migrants' rights issues have been continuously denouncing mass expulsions of Haitian migrants because they are carried out in breach of international human rights standards and those expelled have no recourse to appeal.

For example, on 20 September 2011, at 5am, at least 80 Haitian migrants living in Navarrete were deported to Haiti. By 8am the migrants had been taken to the border town of Dajabón, and from there they were driven across the border to Haiti. According to local organizations working with migrants, during the raid some of the migrants were beaten and some children were separated from their parents. The migrants, many of whom had been living in the community for more than 10 years, did not have an opportunity to have their cases individually examined, and therefore to challenge the legality of their detention or appeal against the decision to send them back to Haiti.¹⁹

Collective expulsions contravene the Protocol of understanding on the mechanisms of repatriation agreed by the Dominican and Haitian governments in December 1999. In signing the Protocol, the Dominican Republic undertook to improve its deportation mechanisms and made a number of specific commitments, including to avoid separating nuclear families during the process of repatriation and to allow those being deported to collect their belongings and keep their identity documents.

¹⁸ Listín diario. "Almeyda reclama poner fin a las redadas en los barrios", 24 December 2010.

¹⁹ See *Urgent Action: Dominican Republic: Migrants rounded up, deported*, AI Index: AMR 27/004/2011, 21 September 2011, <http://www.amnesty.org/en/library/info/AMR27/004/2011/en>.

In October 2011, the regulation enabling the implementation of the 2004 migration law was finally adopted. NGOs working on migrants' rights welcomed the adoption of the regulation, for which they had been campaigning since the adoption of the law. However, they regretted that civil society organizations had not been involved in the drafting of the regulation and expressed concern that the proceedings for expulsions failed to include essential guarantees for the protection of migrants. Moreover, migrant workers cannot appeal the deportation orders before a competent judicial body, in violation of international and constitutional standards of due process.

Amnesty International is calling on the Dominican government:

- To comply with the UN call to suspend all involuntary returns to Haiti on humanitarian grounds;
- To stop mass arbitrary expulsions and ensure that the human rights of migrant workers are respected in all deportation processes;
- To ensure that all migrant workers can appeal the deportation orders before a competent judicial body.

FREEDOM OF OPINION AND EXPRESSION (ARTICLE 19)

Threats and harassment of journalists (Question 26)

Several journalists denounce the impact of political pressures over independent journalism. For example, in 2010 the Dominican National Union of Press Workers reported that at least seven TV channels were forced to temporarily close or had their transmission signal blocked during the electoral campaign, as their programmes were critical towards the party in power. In August 2011, more than 60 journalists denounced a smear campaign by state officials against independent journalists reporting on corruption and drug trafficking.

Scores of journalists and media outlets have reported that they were harassed or physically attacked after exposing alleged ties between public officials and drug-trafficking networks and, to a lesser extent, reporting alleged human rights violations by the police. According to the Dominican National Union of Press Workers, 60 journalists and other media workers were harassed or physically attacked between January and August 2011, in many cases by police officers.

In some cases, authorities did not act swiftly to protect journalists who had been victims of threats. For example, on 2 August 2011, TV journalist José Silvestre was abducted and killed in La Romana. Prior to his death, he had faced attacks but had received no protection from authorities in spite of calls made by the National Union.²⁰

²⁰ See Amnesty International Press Release: *Dominican Republic: Journalist's killing must spur better protection*, 3 August 2011, <http://www.amnesty.org/en/news-and-updates/dominican-republic-journalist%E2%80%99s-killing-must-spur-better-protection-2011-08-03>.

Although the killing of José Silvestre was swiftly investigated and five people were subsequently arrested, in most other cases perpetrators were not brought to justice.

Amnesty International calls on the Dominican authorities to strongly condemn acts of harassment, threat or aggression to journalists and media workers, fully investigate each case and provide adequate protection to journalists.