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ACTION DRL-09

INFO LOG-00 AID-01 AMAD-01 ARA-01 CIAE-00 OASY-00 DODE-00
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  SF-00 SR-00 SS-00 STR-01 TRSE-00 USIE-00 PRME-01
  G-00 /039W

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P 052033Z JAN 95
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC PRIORITY 2463

LIMITED OFFICIAL USE SECTION 01 OF 05 SANTO DOMINGO 000075

DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPR, DR
SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

REF: A) 94 STATE 338293 B) 94 SANTO DOMINGO 8356
    C) 94 STATE 215437

1. LOU/NOFORN - ENTIRE TEXT.

2. THIS MESSAGE CONTAINS EMBASSY'S RESPONSES AND COMMENTS KEYED TO DEPARTMENT'S REVISION (REF A) OF THE 1994 DOMINICAN REPUBLIC COUNTRY REPORT ON HUMAN RIGHTS PRACTICES.

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3. PARA 5: IN THE THIRD SENTENCE, CHANGE "THE SENATE..." TO "THE PRESIDENT..." THE SENATE APPOINTS JUDGES AT LOWER LEVELS NOT THE SUPREME COURT JUSTICES. IN THE FOURTH SENTENCE CHANGE "FRAUD" TO "IRREGULARITIES" AND DELETE "LIKELY".


4. PARA 6: CHANGE "ACQUIESCENT" TO "ACQUIESCENCE."

5. PARA 8: DELETE FIRST SENTENCE. COMMENT. DOMINICANS EXERCISED THEIR RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY IN THE MAY 1994 ELECTIONS. ALSO, DEPARTMENT IS AWARE, PRESIDENT BALAGUER WAS WELCOMED AT THE SUMMIT OF THE AMERICAS AS A DEMOCRATICALLY ELECTED PRESIDENT. THAT THE PRESIDENTIAL VOTE WAS MARRED BY SUBSTANTIAL IRREGULARITIES IS INDISPUTABLE AND IT WAS IN THE PRESIDENTIAL CONTEST THAT THE WRONGDOINGS APPEARED TO BE FOCUSED. A NEW NATIONAL LEGISLATURE, HOWEVER, WAS ALSO ELECTED IN MAY AS WERE NUMEROUS LOCAL OFFICIALS. DOMINICANS FREELY PARTICIPATED IN THEIR ELECTION AS WELL AS THE PRESIDENT'S. IT WOULD THEREFORE ONLY BE CORRECT TO STATE THAT DOMINICANS WERE PREVENTED FROM CHANGING THE COUNTRY'S PRESIDENT.

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DOMINICAN WOMEN ARE DUPED OR TRAVEL ABROAD UNDER FALSE PRETENSES AND ARE COERCED INTO PROSTITUTION WHILE LIVING IN OTHER COUNTRIES. IT IS PRINCIPALLY A FAILING OF THE AUTHORITIES IN THOSE COUNTRIES THAT THE PROBLEM OF COERCED PROSTITUTION IS NOT ADDRESSED.

-- THE PARAGRAPH SHOULD READ AS FOLLOWS: "HUMAN RIGHTS PROBLEMS INCLUDED ELECTORAL DISENFRANCHISEMENT, CONTINUING INSTANCES OF POLICE KILLINGS OF CIVILIANS, ARBITRARY DETENTIONS (PARTICULARLY DURING THE TENSE POST-ELECTORAL PERIOD), BEATINGS OF SUSPECTS, SECURITY SERVICES' REFUSAL TO OBEY JUDICIAL ORDERS, JUDICIAL CORRUPTION, MALADMINISTRATION OF THE COURTS AND ABUSES AGAINST MIGRANT WORKERS. WORKERS IN THE STATE-OWNED SUGAR PLANTATIONS AND MILLS CONTINUED TO LABOR UNDER DEPLORABLE CONDITIONS. WORKERS IN THE COUNTRY'S EXPORT PROCESSING ZONES ACHIEVED SOME GAINS WITH THE SIGNING OF COLLECTIVE CONTRACTS AND OTHER AGREEMENTS."

6. PARA 11: THE CASES MAY STILL BE UNDER INVESTIGATION. WE ARE, HOWEVER UNABLE TO CONFIRM THE STATUS.

7. PARA 12: IN MARCH, A POLICE LIEUTENANT WAS SENTENCED TO TWO YEARS IN PRISON FOR THE "VOLUNTARY HOMICIDE" OF AN INDIVIDUAL.

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8. PARA 13: IN THE SECOND SENTENCE, CHANGE "NEVER DETERMINED" TO "HAS BEEN UNABLE TO DETERMINE". IN THE FOLLOWING SENTENCE,
CHANGE "MANY OF THE PROFESSOR'S ASSOCIATES..." TO "MANY DOMINICANS..." IT IS NOT JUST THE "PROFESSOR'S ASSOCIATES" WHO BELIEVE THAT THE GOVERNMENT ORDERED THE DISAPPEARANCE, THE

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P 052033Z JAN 95
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC PRIORITY 2464

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DEPT FOR DRL AND ARA/CAR
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SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES


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OF COLONELS, IS UNDER CONSIDERATION. THEY DO NOT WISH, HOWEVER, TO MAKE THIS PUBLIC.

9. PARA 14: DELETE "HOWEVER," AND "ONLY" FROM LAST SENTENCE.


11. PARA 18: FROM THE FIRST SENTENCE, DELETE "AND AGAIN IN JULY". ALSO, DELETE LAST SENTENCE. THE ORIGINAL SOURCE OF THIS INFORMATION HAS NOT BEEN ABLE TO VERIFY IT AND WE HAVE NOT BEEN ABLE TO VERIFY FROM OTHER SOURCES WHETHER THIS NUMBER IS CORRECT. THE POLICE TELL US THAT NONE OF THOSE PERSONS HELD DURING THE
POST-ELECTORAL PERIOD REMAIN IN CUSTODY. THERE IS, HOWEVER, THE CASE OF ONE PERSON (A JOURNALIST) WHO WAS TRIED IN MILITARY COURT FOR ALLEGEDLY SEEKING TO BUY ARMS FROM A MEMBER OF THE ARMED FORCES. HUMAN RIGHTS GROUPS PROTESTED THAT THE SENTENCE THE INDIVIDUAL RECEIVED (20 YEARS) WAS EXCESSIVE FOR THE OFFENSE.


13. PARA 22: DELETE SECOND SENTENCE. IN REFERENCE TO THE FIRST CLAUSE SEE PARA TEN ABOVE. AS TO THE SECOND CLAUSE, IT IS APPARENT, THAT BY LETTING THOSE PERSONS DETAINED ILLEGALLY REMAIN IN CUSTODY, THE GOVERNMENT IS ADDRESSING THE "STATED CONCERNS OF THE OFFICIALS WHO VIOLATE THE RELEASE ORDERS."

14. PARA 23: NO, BAIL IS A PROVISION WHICH ALLOWS SOME ACCUSED TO NOT BE HELD WHILE THE CASE IS PENDING. IT IS ABUSED BY PERSONS WHO USE IT AS A PAYOFF.

15. PARA 26: NUMEROUS INDIVIDUALS MADE THESE ALLEGATIONS. YES, WE THINK THEY ARE VALID.

16. PARA 28: IN THE FIRST SENTENCE, PLACE A PERIOD AFTER SPEECH" AND DELETE "...BUT THERE IS CLEAR DISCRIMINATION ... BROADCASTS." ALSO, IN THE SECOND SENTENCE, PLACE A PERIOD AFTER "VIEW" AND DELETE THOSE OF CREOLE SPEAKERS. THE 1971 LAW WHICH GOVERS RADIO BROADCASTING PROHIBITS ALL/ALL FOREIGN LANGUAGE BROADCASTS. NONETHELESS, THERE WERE CREOLE-LANGUAGE BROADCASTS IN THE D.R. IN 1994 SUCH AS THOSE EMANATING FROM RADIO JIMANI.
17. PARA 29: YES, "PROMINENT PERSONS" INCLUDES GOVERNMENT OFFICIALS. THE CONSEQUENCES COULD RANGE FROM LOSS OF FRIENDSHIP TO LOSS OF LIVELIHOOD. TO OUR KNOWLEDGE, THERE HAVE BEEN NO EXPLICIT THREATS FROM THE GOVERNMENT OR FROM OTHER SOURCES, BUT WE KNOW OF CASES WHERE JOURNALISTS HAVE BEEN INTIMIDATED WITH THE POSSIBILITY OF LOSING THEIR JOBS. IN MAY, AFTER THE ELECTIONS, THE FOREIGN MINISTRY ISSUED A NOTE WARNING JOURNALISTS THAT THE AUTHORITIES WOULD TAKE ACTION ACCORDINGLY IF ANY INDIVIDUAL VIOLATED DOMINICAN NATIONAL SECURITY. SOME SEE THE DISAPPEARANCE OF NARCISO GONZALEZ, WHO IN ADDITION TO BEING A PROFESSOR WAS A WRITER, AS A WARNING TO THOSE WHO WOULD OVERSTEP THE UNCODIFIED BOUNDS OF FREEDOM OF EXPRESSION IN THE D.R.

18. PARA 31: DELETE "WITH THE EXCEPTION OF THE GONZALEZ CASE". THE CASE IS NOT ONE RELATED TO ACADEMIC FREEDOM. THE PROFESSOR, WELL-KNOWN FOR LEFTIST VIEWS, EXPRESSED STRONG ANTI-GOVERNMENT AND ANTI-BALAGUER VIEWS IN A MANNER UNRELATED TO HIS ACADEMIC POSITION. THE ARTICLE WHICH MANY CONSIDER THE PRIMARY REASON FOR HIS DISAPPEARANCE APPEARED IN A MINOR LEFTIST PUBLICATION.
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P 052033Z JAN 95
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC PRIORITY 2465

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E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPR, DR
SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

19. PARA 32: DELETE "ROUTINELY" FROM SECOND SENTENCE.

20. PARA 36: END LAST SENTENCE WITH THE WORD "PLANTATIONS". THE CLAUSE WHICH FOLLOWS ("ILLUSTRATED...") IS GRATUITOUS.

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22. PARA 38: THE FIRST SENTENCE OF THE PARAGRAPH IS INCORRECT. CITIZENS HAVE THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY (REF C, PARA 38) AND, AS WE NOTED IN OUR ORIGINAL SUBMISSION, "THE DOMINICAN PEOPLE VOTED IN RECORD NUMBERS IN THE MAY 16 NATIONAL ELECTIONS." THEY WERE NOT NOT "DENIED THE ABILITY TO EXERCISE THIS RIGHT." ALSO, IN THE SECOND SENTENCE, IT WAS NOT THE INTERNATIONAL OBSERVERS WHO IDENTIFIED THEInstances OF DOUBLE VOTING AND VOTING BY INELIGIBLE PERSONS, IT WAS THE VERIFICATION COMMISSION WITH INFORMATION PROVIDED BY THE POLITICAL PARTIES. THE CENTRAL ELECTORAL BOARD WAS NAMED BY THE PRINCIPAL POLITICAL PARTIES AND CONTROLLED BY MEMBERS OF BALAGUER'S PARTY.


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25. PARA 41: DELETE "TINY" IN THE FOURTH SENTENCE. FOUR SENATE RACES AND EIGHT DEPUTY RACES WERE CLOSE ENOUGH THAT THEY MAY HAVE BEEN AFFECTED BY THE ELECTION IRREGULARITIES.

26. PARA 46: EMBASSY IS UNABLE TO DETERMINE "THE CURRENT EXTENT OF VIOLENCE AGAINST WOMEN" IN THE D.R. OTHER THAN AS STATED IN THE FIRST SENTENCE OF THE PARAGRAPH. ACCORDING TO ONE INFORMAL GROUP INTERESTED IN CHANGING THE PENAL CODE, SEVEN THOUSAND RAPEs OCCUR ANNUALLY BUT ONLY 1500 ARE REPORTED TO THE POLICE. THE STUDY CITED IN REF B HAS NOT BEEN DUPLICATED NOR HAS THERE BEEN FOLLOWUP ON SIMILAR DATA TO OUR KNOWLEDGE. SPOUSAL ABUSE PER SE IS NOT A CRIME. IT IS Seldom, IF NOT RARELY, REPORTED. AS IS
THE CASE NUMEROUS OTHER COUNTRIES, ONE WOULD NOT LIKELY ERR IN
PRESUMING THAT THE POLICE AND THE COURTS, IF A CASE EVER REACHES
THAT POINT, TREAT THE CASES WITH LESS THAN FULL FORCE.

27. PARA 47: RESTORE ORIGINAL LANGUAGE (REF B) "AN UNDETERMINED
NUMBER OF DOMINICAN WOMEN...". THOUGH IT EXISTS, PROSTITUTION IS
ILLEGAL IN THE DOMINICAN REPUBLIC. THE GOVERNMENT, OF COURSE,
DOES NOT DILIGENTLY ENFORCE THE LAW BUT SOCIETY IN GENERAL VIEWS
THE "PROFESSION" WITH SCORN. THERE IS NO EVIDENCE OF GOVERNMENT
COMPICITY IN THE TRAFFICKING OF WOMEN. THE GOVERNMENT IS IN
PART ADDRESSING THE PROBLEM THROUGH AGGRESSIVE ANTI-ALIEN
SMUGGLING EFFORTS. THE GODR WAS VERY COOPERATIVE ON THE CASE OF
CHINESE ALIENS WHO WERE BEING SMUGGLED INTO THE U.S.

--ALSO, AS WRITTEN IN THE REVISION, THE INITIAL SENTENCE OF THE
PARAGRAPH WOULD LEAD A READER TO CONCLUDE THAT IT IS WOMEN WHO
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ARE PROSTITUTES IN COUNTRY WHO ARE THEN EXPLOITED
INTERNATIONALLY. TO THE CONTRARY, THE WOMEN VICTIMS OF THE
INTERNATIONAL RINGS ARE OFTEN YOUNG, UNEDUCATED PERSONS WHO ARE
DUPED AND SENT ABROAD UNDER FALSE PRETENCES. ALSO, DELETE SECOND
SENTENCE. WHILE ONE FINDS DOMINICAN WOMEN WORKING AS PROSTITUTES
IN HAITI, THEY ARE PERHAPS NO MORE COMMON THERE THAN IN NEW YORK
CITY, ROME OR THE NETHERLANDS.

-- THE PROSECUTIONS ARE ON DOCUMENTATION FRAUD PRINCIPALLY
BECAUSE AUTHORITIES CONSIDER IT THE CRIME BEING COMMITTED AT THE
TIME OF APPREHENSION. THIS ALSO EASES PROSECUTION SINCE THERE IS
PHYSICAL EVIDENCE.

28. PARA 49: IT IS NOW LAW, BUT FOR A PERIOD INSUFFICIENT TO
JUDGE ITS EFFECTIVENESS.

29. PARA 53: THE LCHR IS CORRECT IN ITS CRITIQUE OF THE LABOR
CODE. THIS IS A SERIOUS PROBLEM WHICH THE LABOR MINISTRY BEGAN
TO ADDRESS IN PART THROUGH THE MORE PROFESSIONAL RECRUITMENT OF
LABOR LAWYERS. THE PROCESS IS, HOWEVER, IN THE EARLY STAGES.
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30. PARA 56: PLACE A PERIOD AFTER "...DISPUTES" AND ADD "THE COURTS HAVE BEEN INADEQUATE ENFORCEMENT MECHANISMS. LABOR
JUDGES, FOR EXAMPLE, OFTEN DO NOT APPLY SANCTIONS WHEN THE LABOR MINISTER BRINGS A CASE AND VIOLATIONS AGAINST FREEDOM OF ASSOCIATION, MINIMUM WAGE AND OVERTIME PAY CONTINUE."

31. PARA 57: THE THIRD SENTENCE IS INCORRECT. THE CEA IS RESISTANT TO ANY AND ALL ADDITIONAL UNION ORGANIZING ACTIVITY.

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ORGANIZERS HAVE BEEN SUBJECT TO HOSTILITY, AT TIMES PHYSICAL. UNFORTUNATELY, WE DO NOT HAVE SPECIFIC DOCUMENTATION OF INCIDENTS WHICH MAY HAVE OCCURRED IN 1994.

-- LABOR/MANAGEMENT RELATIONS, AS ARE WORKING CONDITIONS, ONLY AT LA ROMANA ARE EXEMPLARY. THE CONDITIONS AT THE COUNTRY'S OTHER PRIVATE SUGAR MILL FALL IN BETWEEN, BUT EMBASSY DOES NOT HAVE SUFFICIENT INFORMATION TO CORRECTLY DESCRIBE THE CONDITIONS THERE.


34. PARA 60: THE PROBLEM OF FORCED RECRUITMENT HAS BEEN DECLINING AS MORE OF SUGAR INDUSTRY LABOR BECOMES LESS MIGRATORY. AS THIS YEAR'S HARVEST IN THE SOUTHERN HALF OF THE COUNTRY BEGAN, LABOR SECRETARY ALBUQUERQUE ESTIMATED THAT BETWEEN 20 TO 30 PERCENT OF THE WORKERS WOULD BE MIGRANTS. IN PREVIOUS YEARS, THE
FIGURE HAD BEEN HIGHER. ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE (CDH), APPROXIMATELY 500 HAITIANS FROM THE PART OF HAITI DEVASTATED BY A TROPICAL STORM IN THE FALL WERE CONTRACTED UNDER FALSE PRETENSES TO WORK AT THE RIO HAINA SUGAR MILL WHICH WAS THE FIRST OF THE STATE PLANTATIONS TO BEGIN THE HARVEST THIS YEAR. TECHNICALLY, THE CEA DOES NOT PAY RECRUITERS INSIDE HAITI TO OBTAIN WORKERS. THE RECRUITMENT OF LABORERS HAS BEEN "PRIVATIZED" AND THE ORGANIZATION TURNS A BLIND EYE TO THE ORIGIN OF THE WORKERS.


36. PARA 62: IN THE FIRST SENTENCE, REPLACE "BUT THE RESTRICTIONS...PAST." WITH "BUT THERE WERE FEWER REPORTED INSTANCES THAN IN THE PAST."

IN SPECIFIC LOCATIONS AND THEIR SUPERVISORS EXPECT THEM TO WORK THERE. THE PERMITS CAN RESULT IN LESS ABUSE THAN WHEN WORKERS WERE UNDOCUMENTED BECAUSE A WORKER IS THEREBY CONSIDERED TO BE IN THE COUNTRY LEGALLY, BUT INSUFFICIENT EVIDENCE IS AVAILABLE TO US TO MAKE A DEFINITIVE STATEMENT AT THIS.

--IN OUR VIEW, THE LCHR CONCLUSION THAT WORK ON CEA PLANTATIONS AMOUNTS TO INDENTURED SERVITUDE AS WELL AS THE ICFTU'S FINDINGS ARE CORRECT. IT IS IMPORTANT TO NOTE, HOWEVER, THAT IT IS NOT NOT ONLY THE HAITIAN WORKERS WHO LIVE AND TOIL UNDER THOSE CONDITIONS. ALL WORKERS EMPLOYED THERE, REGARDLESS OF ETHNIC OR NATIONAL ORIGIN, SUFFER.

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37. PARA 64: IN THE FIRST SENTENCE, DELETE "CHILDREN REMAIN AT RISK OF EXPLOITATION SINCE" AND AFTER "...ENFORCE" INSERT "AND MANY EMPLOYERS IGNORE".

38. PARA 68: NO, WORKERS CANNOT REMOVE THEMSELVES FROM DANGEROUS WORKPLACE SITUATIONS WITHOUT JEOPARDY TO CONTINUED

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EMPLOYMENT.

39. PARA 69: IN THE FOURTH SENTENCE, CHANGE "CANE CUTTERS" TO "FIELD WORKERS" SINCE ALL WORKERS WHO LIVE IN THE BATEY BARRACKS ARE STILL PAID IN VOUCHERS. IN THE FINAL SENTENCE, DELETE "HAITIAN". THE CONDITIONS IN THE CEA VILLAGES (BATEYS) ARE DEPLORABLE AND MORE THAN HAITIANS LIVE IN THEM.

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