

UNCLASSIFIED

PTQ3861

RELEASED IN FULL

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ACTION WHA-01

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H-01 TEDE-00 INR-00 IO-00 L-01 ADS-00 NSAE-00
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O 111917Z FEB 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 3706

UNCLAS SECTION 01 OF 06 SANTO DOMINGO 000648

SENSITIVE NOFORN

E.O. 12958: N/A

TAGS: PHUM, DR

SUBJECT: POST RESPONSE TO INITIAL EDIT OF 1998 COUNTRY REPORT ON
HUMAN RIGHTS PRACTICES

REF: A) STATE 17676 B) SANTO DOMINGO 000616

PLEASE DELETE REF B AND REPLACE WITH THIS CABLE

1. (U) SENSITIVE BUT UNCLASSIFIED - PROTECT ACCORDINGLY.
2. (U) FOLLOWING IS POST'S RESPONSE TO INITIAL EDIT OF 1998
COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR THE DOMINICAN
REPUBLIC

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3. (SBU/NF) PARAGRAPH 1 OF THE INTRODUCTION: MODIFY THE LAST
SENTENCE TO READ "ALTHOUGH JUDICIAL REFORM EFFORTS HAVE LED TO A
MORE EFFECTIVE JUDICIARY, THERE HAVE BEEN ATTEMPTS FROM PUBLIC
AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, TO
UNDERMINE JUDICIAL INDEPENDENCE."

4. (SBU/NF) PARAGRAPH 3 OF THE INTRODUCTION: DELETE THE SENTENCE
THAT BEGINS "THESE FIRMS ARE EXPECTED...."

5. (SBU/NF) PARAGRAPH 4 OF THE INTRODUCTION: INSERT THE PHRASE
"OUTSIDE OF THE SANTO DOMINGO NATIONAL DISTRICT" AFTER THE WORD
"DETENTION" IN THE SENTENCE THAT BEGINS "OTHER SERIOUS PROBLEMS

INCLUDE..."

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6. (SBU/NF) SECTION 1.A., PARAGRAPH 1: MODIFY THE FIRST SENTENCE TO READ "THERE WERE NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS, BUT THERE WERE MULTIPLE MEDIA REPORTS OF 75 EXTRA JUDICIAL KILLINGS..."

7. (SBU/NF) SECTION 1.A., PARAGRAPH 1: MODIFY THE SECOND SENTENCE TO READ "BOTH THE DOMINICAN HUMAN RIGHTS COMMITTEE AND THE NATIONAL HUMAN RIGHTS COMMISSION (LOCAL NONGOVERNMENTAL ORGANIZATIONS) STATED PUBLICLY..."

8. (SBU/NF) SECTION 1.A., PARAGRAPH 1: AFTER THE SECOND SENTENCE, INSERT "THERE IS NO COHERENT POLICY ON THE USE OF DEADLY FORCE. IN LATE 1998, POLICE SPOKESPERSONS ALARMED CIVIL RIGHTS ADVOCATES BY PUBLICLY CONFIRMING THE EXISTENCE OF AN INFORMAL POLICY TO SHOOT PERSONS IN THE LEGS WHEN THEY ATTEMPTED TO FLEE FROM POLICE. THIS POLICY AND THE GENERAL CLIMATE OF
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VIOLENCE IN WHICH THE POLICE MUST OPERATE CONTRIBUTE TO THE PROBLEM OF EXTRAJUDICIAL KILLINGS.

9. (SBU/NF) SECTION 1.A., PARAGRAPH 2: DELETE THE SENTENCE THAT BEGINS "IN JANUARY A POLICE SERGEANT..."

10. (SBU/NF) SECTION 1.A., PARAGRAPH 2: AFTER THE SENTENCE THAT BEGINS "IN JULY THE POLICE FIRED LIVE AMMUNITION..." INSERT "THE POLICE OFFICERS IMPLICATED ARE DETAINED PENDING TRIAL."

11. (SBU/NF) SECTION 1.A., PARAGRAPH 2: FOR THE SAKE OF CHRONOLOGICAL ORDER, MOVE THE SENTENCE THAT BEGINS "IN JULY POLICE KILLED A MAN SUSPECTED OF ROBBING..." SO THAT IT IMMEDIATELY PRECEDES THE SENTENCE THAT BEGINS "IN AUGUST POLICE IN SANTO DOMINGO..."

12. (SBU/NF) SECTION 1.A., PARAGRAPH 3: IN THE FIRST SENTENCE DELETE "DE LOS CABALLEROS"

13. (SBU/NF) SECTION 1.A., PARAGRAPH 3: AFTER THE FIRST SENTENCE INSERT "EIGHTEEN WERE SUBSEQUENTLY RELEASED AND TWO REMAIN IN PRETRIAL DETENTION."

14. (SBU/NF) SECTION 1.A., PARAGRAPH 3: MODIFY THE LAST SENTENCE TO READ "THE ARRESTED POLICEMEN, ALL OF WHOM WERE..."

15. (SBU/NF) SECTION 1.A., PARAGRAPH 4: REPLACE THIS PARAGRAPH WITH THE FOLLOWING TWO PARAGRAPHS

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THE AUTHORITIES MADE PROGRESS IN THE INVESTIGATION OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ, WHO HAD BEEN CRITICAL OF UNCLASSIFIED

PAGE 04 SANTO 00648 01 OF 06 111919Z THE ADMINISTRATION OF FORMER PRESIDENT JOAQUIN BALAGUER. THE CASE WENT TO TRIAL IN NOVEMBER 1998 BUT WAS POSTPONED TO JANUARY 1999. THE GOVERNMENT IS CURRENTLY SEEKING THE EXTRADITION FROM THE UNITED STATES OF ALLEGED TRIGGER-MAN MARIANO CABRERA DURAN. FIVE OTHER INDIVIDUALS HAVE ALSO BEEN CHARGED IN CONNECTION WITH THE CRIME, INCLUDING THREE RETIRED GENERAL OFFICERS OF THE DOMINICAN ARMED FORCES.

IN NOVEMBER TRIAL RULINGS, THE JUDGE DENIED DEFENSE MOTIONS TO REMOVE BALAGUER'S NAME FROM THE LISTS OF POTENTIAL WITNESSES, WHO ARE VULNERABLE TO FUTURE CHARGES OF COMPLICITY AND OBSTRUCTION OF JUSTICE IN THE CASE. IN HIS 1988 MEMOIRS, BALAGUER STATED THAT HE LEFT INSTRUCTIONS WITH AN UNNAMED PERSON TO PUBLISH WHAT BALAGUER KNOWS ABOUT THE CASE SOME YEARS AFTER BALAGUER'S DEATH. IN A 1988 INTERVIEW WITH JOURNALISTS, BALAGUER SAID THAT HE HAD NOTHING TO ADD AND THAT HIS MEMOIRS CONTAIN HIS OPINION. IT IS NOT CLEAR WHETHER CHARGES WILL BE FORMALIZED AGAINST THE 92-YEAR-OLD EX-PRESIDENT. THE FRAIL BUT LUCID BALAGUER HAS RECOGNIZED THE COURT'S JURISDICTION BY REQUESTING THAT HIS PARTICIPATION IN THE TRIAL BE THROUGH A DEPOSITION TO BE TAKEN AT HIS HOUSE.

16. (SBU/NF) SECTION 1.A., PARAGRAPH 5: REPLACE THE SENTENCE

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O 111917Z FEB 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 3707

UNCLAS SECTION 02 OF 06 SANTO DOMINGO 000648

SENSITIVE NOFORN

E.O. 12958: N/A

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TAGS: PHUM, DR

SUBJECT: POST RESPONSE TO INITIAL EDIT OF 1998 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

THAT BEGINS "FROM JANUARY THROUGH AUGUST, POLICE COURTS TRIED..." WITH "DURING THE YEAR, POLICE COURTS SENTENCED 50 MEMBERS OF THE POLICE (39 ENLISTED AND 11 OFFICERS) FOR SERIOUS CRIMES."

17. (SBU/NF) SECTION 1.A., PARAGRAPH 6: REPLACE THIS PARAGRAPH WITH "ELECTION CAMPAIGNING WAS RELATIVELY PEACEFUL, ALTHOUGH THERE WERE ISOLATED INCIDENTS OF VIOLENCE. FOR EXAMPLE, OPPOSITION POLITICAL PARTIES ACCUSED ACTIVISTS WORKING FOR THE RULING DOMINICAN LIBERATION PARTY OF BEATING AIR FORCE RESERVE

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GENERAL LUIS SANTIAGO ON APRIL 10, CAUSING HIS DEATH A FEW DAYS LATER. THE POLICE INVESTIGATED THE MURDER AND ARRESTED EIGHT PERSONS, WHO WERE CHARGED WITH MURDER AND WHO REMAIN IN CUSTODY PENDING TRIAL."

18. (SBU/NF) SECTION 1.A., PARAGRAPH 7: DELETE THIS PARAGRAPH. THESE EVENTS DID NOT COME TO THE ATTENTION OF POST.

19. (SBU/NF) SECTION 1.B., PARAGRAPH 2: REPLACE THIS PARAGRAPH WITH "THE AUTHORITIES MADE PROGRESS IN THE CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE BALAGUER GOVERNMENT WHO DISAPPEARED IN MAY 1994. IN AUGUST 1998 AN ARMED FORCES AND NATIONAL POLICE SPECIAL INVESTIGATIVE REPORT WAS SUBMITTED TO PRESIDENT FERNANDEZ AND SUBSEQUENTLY DELIVERED TO THE ATTORNEY GENERAL AND SANTO DOMINGO DISTRICT ATTORNEY FOR CRIMINAL PROSECUTION. SUBSEQUENTLY, THE SANTO DOMINGO DISTRICT ATTORNEY FORMALLY CHARGED FORMER DOMINICAN AIR FORCE INTELLIGENCE CHIEF GENERAL RAFAEL REYES BENSOME WITH THE DISAPPEARANCE.

20. (SBU/NF) SECTION 1.B., PARAGRAPH 3: DELETE THIS PARAGRAPH. THE MOST IMPORTANT EVENTS CONCERNING THE NARCISO GONZALEZ TRIAL ARE INCLUDED IN THE PREVIOUS PARAGRAPH. ALSO, POST IS NOT CERTAIN OF THE IMPARTIALITY OF THE TRUTH COMMISSION: THE TRUTH COMMISSION MEMBER MOST OFTEN QUOTED IN THE PRESS IS THE PRIVATE ATTORNEY REPRESENTING GONZALEZ' WIDOW IN THE CIVIL PART OF THE TRIAL.

21. (SBU/NF) SECTION 1.C., PARAGRAPH 1: POST HAS BEEN UNABLE TO ASCERTAIN THE EXACT MONTH OF THE ALLEGED CABRERA BEATING. POST BELIEVES THAT THE STATEMENT CONCERNING THE DNCD IS CORRECT.

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22. (SBU/NF) SECTION 1.C., PARAGRAPH 2: REPLACE THIS PARAGRAPH WITH "A 1994 DNCD VIDEO TAPE OF THE BEATING OF A SUSPECT FELL INTO THE HANDS OF THE MEDIA IN 1998, GENERATING SIGNIFICANT MEDIA COVERAGE. THE VIDEO SHOWS A DNCD AGENT SLAPPING THE EARS OF SUSPECT LUIS MANUEL MATOS FELIX IN THE PRESENCE OF COLONEL LUIS HUMEAU HIDALGO, NOW AN ADMIRAL AND THE COUNTRY'S TOP ANTI-NARCOTICS OFFICIAL. MANY DNCD OFFICIALS HAD KNOWN OF THE VIDEO'S EXISTENCE IN 1994, YET NO ACTION WAS TAKEN AGAINST THE OFFENDING AGENT UNTIL THE VIDEO WAS SHOWN ON NATIONAL TELEVISION THIS YEAR. WHILE THE INCIDENT IS DATED, HUMAN RIGHTS ADVOCATES CITE THE IMPUNITY OF THE AGENT IN THE INTERIM YEARS AS EVIDENCE OF STILL INADEQUATE DNCD INTERNAL CONTROLS TO PROHIBIT SUCH PRACTICES AND PUNISH PERPETRATORS. THE DNCD AGENT WAS DISCHARGED."

23. (SBU/NF) SECTION 1.C., PARAGRAPH 3: DELETE THIS PARAGRAPH. THIS PARTICULAR EVENT DID NOT COME TO THE ATTENTION OF POST.

24. (SBU/NF) SECTION 1.C., PARAGRAPH 4: BEFORE THE SENTENCE THAT BEGINS "HUMAN RIGHTS COURSES ARE AN INTEGRAL PART..." INSERT "NATIONAL POLICE AND DNCD INVESTIGATORS ARE FOR THE MOST PART RESPONDING POSITIVELY TO THIS NEW OVERSIGHT, BUT THE INITIATIVE REMAINS LARGELY LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, WITH A LESSER PRESENCE IN SANTIAGO. LESS QUALIFIED PROSECUTORS ASSIGNED TO THE REST OF THE COUNTRY HAVE NOT YET ASSUMED STRONGER PROACTIVE ROLES IN MANAGING CRIMINAL INVESTIGATIONS OR IN GUARANTEEING THE RIGHTS OF SUSPECTS."

25. (SBU/NF) SECTION 1.C., PARAGRAPH 5: MODIFY THE LAST SENTENCE TO READ "HOWEVER, THESE PROVISIONS IN 1998 WERE NOT FULLY KNOWN OR APPLIED BY PROSECUTORS AND JUDGES, AND SOME SENTENCES WERE LESS THAN WHAT THE LAW STIPULATES."

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26. (SBU/NF) SECTION 1.C., PARAGRAPH 7: DELETE THE SENTENCE THAT BEGINS "THE PRISON ORIGINALLY WAS DESIGNED..." THIS STATISTIC IS NO LONGER RELEVANT NOW THAT THE PRISON HAS BEEN ENLARGED.

27. (SBU/NF) SECTION 1.C., PARAGRAPH 7: INSERT THE WORD "TEMPORARILY" AFTER THE WORD "CONDITIONS" IN THE SENTENCE THAT BEGINS "THE 46-YEAR-OLD PRISON..."

28. (SBU/NF) SECTION 1.C., PARAGRAPH 8: AFTER THE SENTENCE THAT BEGINS "THE INMATES LATER RELEASED..." INSERT "THE REMAINING HOSTAGES WERE RELEASED WITHIN 30 HOURS. THE GOVERNMENT AGREED TO MOVE BACK TO SAN FRANCISCO DE MACORIS SOME PRISONERS WHO HAD BEEN MOVED TO OTHER PRISONS AND AGREED TO INCREASED PRISONER PRIVACY IN ORDER TO FACILITATE CONJUGAL VISITS."

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29. (SBU/NF) SECTION 1.C., PARAGRAPH 10: THE REPORT WAS FROM SEPTEMBER.

30. (SBU/NF) SECTION 1.D., PARAGRAPH 1: IN THE SENTENCE THAT BEGINS "HOWEVER, PROGRESS HAS BEEN SLOW, AND..." INSERT "LARGELY"

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	NSCE-00	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SSO-00
	SS-00	STR-00	TRSE-00	USIE-00	PRM-01	DRL-02	G-00
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O 111917Z FEB 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 3708

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SENSITIVE NOFORN

E.O. 12958: N/A
TAGS: PHUM, DR
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BEFORE "LIMITED"

31. (SBU/NF) SECTION 1.D., PARAGRAPH 3: POST BELIEVES THAT THE DNCND NO LONGER ENGAGES IN THE PRACTICE OF INDISCRIMINATE ROUNDUPS.

32. (SBU/NF) SECTION 1.D., PARAGRAPH 4: REPLACE THIS PARAGRAPH WITH "WHILE SUSPECTS NATIONALLY STILL SUFFER LONG PRETRIAL DETENTION, NEWLY REFINED AND VALIDATED JUDICIAL STATISTICS SHOW UNCLASSIFIED

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REDUCED DELAYS FOR THE LAST TWO YEARS IN THE SANTO DOMINGO NATIONAL DISTRICT (AN AREA WHICH REPRESENTS APPROXIMATELY 45 PERCENT OF ALL CRIMINAL CASES IN THE COUNTRY). THE AVERAGE PRETRIAL DETENTION DROPPED FROM 13.8 MONTHS IN 1996 TO 10 MONTHS IN 1997 AND 6.5 MONTHS IN 1998. IT APPEARS THAT THE REST OF THE

COUNTRY HAS EXPERIENCED ONLY MODEST DECREASES IN JUDICIAL DELAYS."

33. (SBU/NF) SECTION 1.D., PARAGRAPH 5: MODIFY THE SENTENCE THAT BEGINS "DUE TO THE INEFFICIENCY..." TO READ "BECAUSE OF THE INEFFICIENCY..."

34. (SBU/NF) SECTION 1.D., PARAGRAPH 5: YES, TIME SERVED COUNTS TOWARD A SENTENCE.

35. (SBU/NF) SECTION 1.E., NOTE BETWEEN PARAGRAPHS 4 AND 5: POST DOES NOT BELIEVE THESE MERIT INCLUSION IN THE REPORT.

36. (SBU/NF) SECTION 1.E., PARAGRAPH 5: MODIFY THE LAST SENTENCE TO READ "BY DECEMBER, BASED ON INVESTIGATION OF CORRUPTION CHARGES, THE COURT HAD DISMISSED SEVERAL OF THE NEW JUDGES AND CLERKS IT SELECTED IN JANUARY."

37. (SBU/NF) SECTION 1.E., PARAGRAPH 6: YES, THE FIRST SENTENCE IS CORRECT.

38. (SBU/NF) SECTION 1.E., PARAGRAPH 6: AFTER THE LAST SENTENCE INSERT "WHERE NO PUBLIC DEFENDER IS AVAILABLE, THE JUDGES ASSIGN INDIGENT CASES TO ONE OF 70 PART-TIME, PRIVATE ATTORNEYS. THESE 70 LAWYERS NATIONWIDE ARE FUNDED BY THE STATE."

39. (SBU/NF) SECTION 1.E., PARAGRAPH 7: MODIFY THE FIRST UNCLASSIFIED

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SENTENCE TO READ "THE JUDICIAL SYSTEM IS STILL PLAGUED BY DELAYS, AND MANY SUSPECTS..."

40. (SBU/NF) SECTION 1.E., PARAGRAPH 8: MODIFY THE FIRST SENTENCE TO READ "A SCREENING MECHANISM FOR SANTO DOMINGO NATIONAL DISTRICT PUBLIC PROSECUTORS..."

41. (SBU/NF) SECTION 1.E., PARAGRAPH 8: ESSENTIALLY, THE RULING PARTY DOES THE SCREENING.

42. (SBU/NF) SECTION 1.E., PARAGRAPH 8: POST WOULD PREFER NOT TO CITE A SPECIFIC EXAMPLE OF POLITICAL INFLUENCE IN THE SCREENING PROCESS IN ORDER TO AVOID "NAMING NAMES" IN SUCH A PUBLIC MANNER.

43. (SBU/NF) SECTION 1.F., PARAGRAPH 1: DELETE THE SENTENCE THAT BEGINS "THE AUTHORITIES ONLY MAY SEARCH A RESIDENCE..."

44. (SBU/NF) SECTION 1.F., AFTER THE FIRST PARAGRAPH ADD AS A NEW SECOND PARAGRAPH "DOMINICAN LAW PERMITS THE ARREST OF A SUSPECT CAPTURED IN THE ACT OF COMMITTING A CRIME, AND POLICE MAY ENTER A RESIDENCE OR BUSINESS IN HOT PURSUIT. OTHERWISE, JUDGES MUST

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AUTHORIZE ARRESTS AND ISSUE SEARCH WARRANTS. HOWEVER, THE NATIONAL POLICE 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, WITH THE CUMBERSOME AND ANTIQUATED CRIMINAL PROCEDURE, ADHERING TO THE LETTER OF THE LAW WOULD MAKE ENFORCING THE LAW NEARLY IMPOSSIBLE.

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45. (SBU/NF) SECTION 1.F, PARAGRAPH 2: DELETE THE SENTENCE THAT BEGINS "THE POLICE REPORTEDLY FOLLOWED A LEADER..." THESE ALLEGED EVENTS OCCURRED IN 1997 AND WERE NOT INCLUDED IN LAST YEAR'S REPORT.

46. (SBU/NF) SECTION 2.A., PARAGRAPH 2: THERE WAS NO SELF-CENSORSHIP DUE TO GOVERNMENT PRESSURE IN THE SENSE THAT THE GOVERNMENT DOES NOT DIRECTLY THREATEN THE MEDIA WITH NEGATIVE CONSEQUENCES SHOULD THE MEDIA NOT PROVIDE FAVORABLE COVERAGE. THE SITUATION IS MORE SUBTLE. ACCORDINGLY, POSTS STANDS BY ITS ORIGINAL STATEMENT AND BELIEVES THAT IT CONVEYS THE NECESSARY INFORMATION.

47. (SBU/NF) SECTION 2.A., PARAGRAPH 3: DELETE THE SENTENCE THAT BEGINS "A 1971 LAW PROHIBITS..."

48. (SBU/NF) SECTION 2.A, PARAGRAPH 4: INSERT "MOSTLY PART-TIME" AFTER "APPROXIMATELY 100,000"

49. (SBU/NF) SECTION 2.B., PARAGRAPH 1: DELETE THE SENTENCE THAT BEGINS "IN JANUARY THE POLICE ARRESTED PROTESTING BUS DRIVERS..."

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FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 3709

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SENSITIVE NOFORN

E.O. 12958: N/A

TAGS: PHUM, DR

SUBJECT: POST RESPONSE TO INITIAL EDIT OF 1998 COUNTRY REPORT ON
HUMAN RIGHTS PRACTICES

THIS WAS A RELATIVELY MINOR INCIDENT AND IS ALREADY COVERED IN
THE REPORT.

50. (SBU/NF) SECTION 2.B.: INSERT AS A THIRD PARAGRAPH "JUDICIAL
BRANCH STATISTICS CONCERNING THE CRIMINAL CHARGE OF ASSOCIATION
WITH CRIMINAL ELEMENTS SUGGEST IMPROVEMENT IN CONDITIONS FOR
POLITICAL DISSENT UNDER THE FERNANDEZ ADMINISTRATION. THIS
CHARGE WAS TRADITIONALLY USED AGAINST LESSER DISSIDENTS AND THOSE
INVOLVED IN STREET DEMONSTRATIONS AGAINST THE GOVERNMENT. FROM

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1990 TO 1996, THIS CHARGE REPRESENTED 13 TO 16 PERCENT OF ALL
CRIMINAL CHARGES FILED IN THE SANTO DOMINGO NATIONAL DISTRICT.
IN 1997 AND 1998 THIS FIGURE DROPPED TO LESS THAN TWO PERCENT."

51. (SBU/NF) SECTION 2.C., PARAGRAPH 1: INSERT AS A SECOND
SENTENCE "HOWEVER, ATTENDANCE AT CATHOLIC MASS FOR MEMBERS OF THE
NATIONAL POLICE IS COMPULSORY."

52. (SBU/NF) SECTION 2.D., PARAGRAPH 7: MODIFY THE SENTENCE THAT
BEGINS "IN MARCH IT READMITTED THE TWO CUBANS..." TO READ "IN AN
AGREEMENT WITH THE GOVERNMENT OF CUBA, IN MARCH THE GOVERNMENT
READMITTED THE TWO CUBANS..."

53. (SBU/NF) SECTION 2.D., PARAGRAPH 7: POST IS UNAWARE OF ANY
OTHER CASES OF FIRST ASYLUM.

54. (SBU/NF) SECTION 3: INSERT AS A NEW SECOND PARAGRAPH "IN
AUGUST THE SENATE, DOMINATED BY THE OPPOSITION DOMINICAN
REVOLUTIONARY PARTY (PRD), APPOINTED THE FIVE MEMBERS OF THE
CENTRAL ELECTORAL BOARD (JCE), THE BODY THAT ORGANIZES AND
SUPERVISES ELECTIONS. THE RULING DOMINICAN LIBERATION PARTY AND
OPPOSITION SOCIAL CHRISTIAN REFORMIST PARTY HAVE QUESTIONED THE
LEGITIMACY OF THE SELECTIONS, CLAIMING THAT ELECTORAL LAW
REQUIRES CONSENSUS. THE DISPUTE REMAINS UNRESOLVED. MEANWHILE,
THE GOVERNMENT HAS INTENTIONALLY IMPEDED THE JCE BY DELAYING THE
DISBURSEMENT OF FUNDS TO THE BODY."

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55. (SBU/NF) SECTION 3, PARAGRAPH 2: REPLACE THE SENTENCE THAT BEGINS "PRESIDENT FERNANDEZ HAS ENCOURAGED ALLIES IN THE LEGISLATURE..." WITH "PRESIDENT FERNANDEZ ENCOURAGED ALLIES IN THE LEGISLATURE TO PLAY A GREATER ROLE, AND HE REDUCED THE

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RELIANCE ON RULE BY DECREE DURING THE FIRST TWO YEARS OF HIS ADMINISTRATION. HOWEVER, RECENT EVENTS, PARTICULARLY THE USE OF FORCE TO DENY ACCESS TO THE DOMINICAN MUNICIPAL LEAGUE, THE BODY THAT CONTROLS THE FLOW OF FUNDS FROM THE GOVERNMENT TO THE CITIES, ARE CAUSE FOR CONCERN. THE SUPREME COURT HAS ASSUMED AN INDEPENDENCE FROM THE EXECUTIVE BRANCH AS AN EQUAL BRANCH OF THE STATE AND AS GUARANTOR OF THE CONSTITUTION HERETOFORE UNKNOWN IN THE COUNTRY. PRESIDENT FERNANDEZ HAS PUBLICLY EXPRESSED RESPECT FOR THE INDEPENDENT ROLE OF THE COURT."

56. (SBU/NF) SECTION 4, PARAGRAPH 1: THIS PARAGRAPH SHOULD READ "NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY WITHOUT GOVERNMENTAL INTERFERENCE. IN ADDITION TO THE NONGOVERNMENTAL TRUTH COMMISSION DEALING WITH THE NARCISO GONZALEZ CASE, THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE NATIONAL HUMAN RIGHTS COMMISSION, AND SEVERAL HAITIAN, CHURCH, WOMEN'S, AND LABOR GROUPS EXIST. THERE IS NO OMBUDSMAN'S OFFICE."

57. (SBU/NF) THE TRUTH COMMISSION DEALS ONLY WITH THE NARCISO CASE. THE DOMINICAN HUMAN RIGHTS COMMITTEE (DHRC) IS AN NGO THAT DEALS WITH HUMAN RIGHTS IN GENERAL, INCLUDING THE NARCISO CASE. VIRGILIO ALMANZAR OF THE DHRC IS ALSO ON THE TRUTH COMMISSION. THE DHRC IS ALSO CONDUCTING ITS OWN INVESTIGATION OF THE NARCISO DISAPPEARANCE. THE NATIONAL HUMAN RIGHTS COMMISSION, WHICH WE MISNAMED AS THE DOMINICAN HUMAN RIGHTS COMMISSION IN OUR ORIGINAL SUBMISSION, IS A SEPARATE HUMAN RIGHTS ORGANIZATION.

58. (SBU/NF) SECTION 4, PARAGRAPH 2: DELETE THIS PARAGRAPH. THESE ALLEGED EVENTS OCCURRED IN 1997 AND WERE NOT INCLUDED IN LAST YEAR'S REPORT.

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59. (SBU/NF) SECTION 5, WOMEN PARAGRAPH 1: AFTER THE SENTENCE THAT BEGINS "THIS LAW ALSO ALLOWS A RAPE VICTIM..." INSERT "THE LAW APPEARS TO HAVE THE SUPPORT OF THE SUPREME COURT AND THE SANTO DOMINGO DISTRICT ATTORNEY. BECAUSE THE LAW WAS PASSED RELATIVELY RECENTLY, HOWEVER, ITS EFFECTIVENESS IN IMPROVING THE LIVES OF WOMEN CANNOT YET BE DETERMINED. THE GOVERNMENT'S OFFICE OF WOMEN'S ISSUES ADVOCATES ON BEHALF OF WOMEN WITH OUTREACH PROGRAMS ON DOMESTIC VIOLENCE AND LEGAL RIGHTS."

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60. (SBU/NF) SECTION 5, WOMEN PARAGRAPH 1: REPLACE THE SENTENCE THAT BEGINS "THE SECRETARY OF PUBLIC HEALTH ANNOUNCED..." WITH "IN MAY THE GOVERNMENT OPENED A CENTER FOR THE FORENSIC EXAMINATION OF ABUSED WOMEN. HOWEVER, THERE ARE STILL NO SHELTERS FOR BATTERED WOMEN."

61. (SBU/NF) SECTION 5, WOMEN PARAGRAPH 2: MODIFY THE SENTENCE THAT BEGINS "THE 1997 LAW AGAINST DOMESTIC VIOLENCE..." TO READ "THE 1997 LAW AGAINST DOMESTIC VIOLENCE PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THE LAW TO PROSECUTE THIRD PARTIES WHO DERIVE PROFIT FROM PROSTITUTION."

62. (SBU/NF) SECTION 5, WOMEN PARAGRAPH 3: IN THE SENTENCE THAT

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ACTION WHA-01

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	DODE-00	SRPP-00	EB-00
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	NSCE-00	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SSO-00
	SS-00	STR-00	TRSE-00	USIE-00	PRM-01	DRL-02	G-00
	SAS-00	/010W					

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BEGINS "TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL..." DELETE "OVERWHELMING"

63. (SBU/NF) SECTION 5, WOMEN PARAGRAPH 3: REPLACE THE SENTENCE THAT BEGINS "SOME EMPLOYEES HAVE STATED, AND WORKERS..." WITH "UNION LEADERS AND HUMAN RIGHTS ADVOCATES REPORT THAT PREGNANT WOMEN OFTEN ARE NOT HIRED."

64. (SBU/NF) SECTION 5, CHILDREN PARAGRAPH 2: REPLACE THE

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SENTENCE THAT BEGINS "ALTHOUGH THE MINOR'S CODE BECAME LAW..."
WITH "IN 1997 THE GOVERNMENT INITIATED IMPLEMENTATION OF THE 1994
MINOR'S CODE, LAYING THE GROUNDWORK FOR THE JUVENILE COURT SYSTEM
THAT THE CODE MANDATED."

65. (SBU/NF) SECTION 5, CHILDREN PARAGRAPH 2: IN THE SENTENCE
THAT BEGINS "THE SUPREME COURT INAUGURATED..." INSERT "1998"
AFTER "AUGUST"

66. (SBU/NF) SECTION 5, CHILDREN PARAGRAPH 2: YES, THERE ARE
STILL LEGAL DEFENDERS FOR JUVENILES IN SANTO DOMINGO AND LA VEGA.

67. (SBU/NF) SECTION 5, CHILDREN PARAGRAPH 3: AT THE END OF THE
PARAGRAPH INSERT "CHILD ABUSE, HOWEVER, IS RECEIVING INCREASING
PUBLIC ATTENTION."

68. (SBU/NF) SECTION 5, PEOPLE WITH DISABILITIES PARAGRAPH 1:
REPLACE THE SENTENCE THAT BEGINS "ALSO IN 1997 THE GOVERNMENT
INSTRUCTED..." WITH "ALSO IN 1997 THE GOVERNMENT INSTRUCTED THE
SECRETARIAT OF EDUCATION TO BEGIN A PILOT PROJECT TO INTEGRATE
MENTALLY RETARDED CHILDREN AND OTHER CHILDREN WITH SPECIAL NEEDS
INTO THE PUBLIC SCHOOL SYSTEM. IN 1998 THE GOVERNMENT TOOK ITS
FIRST STEPS IN IMPLEMENTING THE PROJECT, INTEGRATING CHILDREN
WITH SPECIAL NEEDS INTO FIVE PUBLIC SCHOOLS IN MARGINAL AREAS OF
THE SANTO DOMINGO NATIONAL DISTRICT."

69. (SBU/NF) SECTION 5, MINORITIES PARAGRAPH 4: MODIFY FIRST
SENTENCE TO READ "ALTHOUGH THE GOVERNMENT LARGELY HAS ELIMINATED
THE USE OF CHILDREN FOR CUTTING SUGAR CANE, POOR HAITIAN AND
DOMINICAN PARENTS SOMETIMES ARRANGE..."

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70. (SBU/NF) SECTION 5, MINORITIES PARAGRAPH 4: MODIFY THE
SENTENCE THAT BEGINS "IN EXCHANGE THE HAITIANS RECEIVE..." TO
READ "IN EXCHANGE THE PARENTS RECEIVE..."

71. (SBU/NF) SECTION 5, MINORITIES PARAGRAPH 4: MODIFY THE
SENTENCE THAT BEGINS "IN MOST CASES, ADOPTIVE PARENTS..." TO READ
"IN MANY CASES, ADOPTIVE PARENTS..."

72. (SBU/NF) SECTION 5, MINORITIES PARAGRAPH 5: DELETE
"INTERNATIONAL" IN THE SENTENCE THAT BEGINS "GENERALLY THE
GOVERNMENT RELIES UPON..."

73. (SBU/NF) SECTION 5, MINORITIES PARAGRAPH 5: DELETE THE

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SENTENCE THAT BEGINS "HOWEVER, THE RELIEF COMMUNITY IS RELUCTANT..." PEACE CORPS, USAID, AND RELIGIOUS ORGANIZATIONS ARE ACTIVE IN THE BATEYES.

74. (SBU/NF) SECTION 6.A., PARAGRAPH 3: MODIFY FIRST SENTENCE TO READ "THERE WERE FEWER STRIKES DURING THE YEAR, RELATIVE TO LAST YEAR."

75. (SBU/NF) SECTION 6.A., PARAGRAPH 3: DELETE SENTENCE THAT BEGINS "IN JANUARY POLICE HAD IMPRISONED DRIVERS..." THIS WAS A RELATIVELY MINOR INCIDENT AND IS ALREADY COVERED IN THE REPORT.

76. (SBU/NF) SECTION 6.B., PARAGRAPH 2: PARAGRAPH SHOULD READ "THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES. THESE COURTS, DESPITE THEIR SUBSTANDARD PHYSICAL FACILITIES, HAVE PROVEN SOMEWHAT MORE EFFECTIVE AT ENFORCING THE LAW. ONE RESPECTED LAWYER WHO REPRESENTS BUSINESSES COMMENTED THAT EVEN RULINGS THAT ARE NOT IN HIS CLIENTS' FAVOR ARE

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GENERALLY FAIR."

77. (SBU/NF) SECTION 6.C., PARAGRAPH 1: MODIFY SENTENCE THAT BEGINS "POOR HAITIAN PARENTS FREQUENTLY..." TO READ "POOR HAITIAN AND DOMINICAN PARENTS SOMETIMES..."

78. (SBU/NF) SECTION 6.C., PARAGRAPH 1: MODIFY SENTENCE THAT BEGINS "SUCH CHILDREN GENERALLY..." TO READ "SUCH CHILDREN OFTEN..."

79. (SBU/NF) SECTION 6.C., PARAGRAPH 1: MODIFY SENTENCE THAT BEGINS "BOTH EMPLOYERS AND WORKERS STATE..." TO READ "UNION OFFICIALS STATE..."

80. (SBU/NF) SECTION 6.C., PARAGRAPH 2: DELETE THE SENTENCES THAT COME AFTER THE SENTENCE THAT BEGINS "WHILE PAY IS LOW AND LIVING CONDITIONS HARSH..." THE SENTENCES TO BE DELETED DO NOT FOLLOW LOGICALLY FROM THE REST OF THE PARAGRAPH.

81. (SBU/NF) SECTION 6.D., PARAGRAPH 1: MODIFY THE SENTENCE THAT BEGINS "THE LAW PROHIBITS FORCED OR BONDED LABOR..." TO READ "THE LAW PROHIBITS FORCED OR BONDED LABOR; HOWEVER, POOR HAITIAN AND

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H-01 TEDE-00 INR-00 IO-00 L-01 ADS-00 NSAE-00
NSCE-00 OIC-02 OPIC-01 PRS-00 P-00 SP-00 SSO-00
SS-00 STR-00 TRSE-00 USIE-00 PRM-01 DRL-02 G-00
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DOMINICAN PARENTS SOMETIMES ARRANGE..."

82. (SBU/NF) SECTION 6.E., DELETE THE SENTENCE THAT BEGINS "FOR
EXAMPLE, 60 PERCENT..."

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