

URGENT ACTION

TORTURE DENOUNCERS THREATENED BY POLICE

Ana Patricia Fermín has been receiving death threats from police since April 2014 after she reported that two of her relatives were tortured while in police custody in the northern outskirts of Santo Domingo, the capital. Her husband and one of the tortured men were shot dead by police in September. Her safety remains at risk.

Three police officers were ordered pre-trial detention on 29 April by a Court in the Santo Domingo province (Tribunal de Atención Permanente de la provincial de Santo Domingo) for the alleged torture suffered by Luis Manuel Lember Martínez and **Eduardo Luis Cruz** in Los Alcarrizos, on the outskirts of Santo Domingo, on 12 April. Since **Ana Patricia Fermín** reported this torture, she, Luis Manuel, Eduardo Luis and her husband have publicly reported receiving death threats, although no protection measures have been implemented by the Dominican authorities. On the day the Court ordered the pre-trial detention measures against the police officers, one of them told Ana Patricia Fermín and her husband, **Mélido Florián Peña Rodríguez**: “we give you six months to live” (*les damos 6 meses de vida*).

On 24 September the police announced they had killed Mélido Florián Peña Rodríguez and Eduardo Luis Cruz in an exchange of gunfire near Nagua, northern Dominican Republic. Relatives of the two men allege that they were kidnapped around 2.40pm by hooded men with black and white vans as they exited a bar in Los Alcarrizos. Their dead bodies were later found abandoned with two other dead men near Nagua. The family told Amnesty International that on the same day, 34 relatives of Mélido Florián Peña Rodríguez were arrested by police at his wake. All were subsequently released on 25 and 26 September.

Ana Patricia Fermín was amongst the 34 arrested. She stated that she has been arrested by the police on two other occasions and brought to the local police station, although she was never presented to a prosecutor nor formally charged. Ana Patricia Fermín reported to Amnesty International that the police searched her house on nine occasions between May and September, and that she has seen a red van without licence plates often parked in front of her house, most recently on 19 October. She believes they may be police officers intimidating her.

Please write immediately in Spanish or your own language, calling on the authorities to:

- Immediately investigate the allegations of death threats against Ana Patricia Fermín, and the killings of Mélido Florián Peña Rodríguez and Eduardo Luis Cruz, to make the results public and bring those suspects to be responsible to justice;
- Ensure that all police officers identified as being involved in the death threats are immediately suspended from duty until the judicial investigation is satisfactorily concluded;
- Provide immediate safety measures to Ana Patricia Fermín and her family, in accordance with their wishes.

PLEASE SEND APPEALS BEFORE 8 DECEMBER 2014 TO:

Public Prosecutor

Francisco Domínguez Brito
Palacio de Justicia, Av. Jiménez Moya
esq. Juan Ventura Simón
Santo Domingo, Dominican Republic
Fax: +1809 532 2584
Email: info@pgr.gob.do

Salutation: Sr. Procurador General de la República / Dear Public Prosecutor

Minister of Interior and Police

José Ramón Fadul
Av. México esq. Leopoldo Navarro
Edificio de Oficinas Gubernamentales
Juan Pablo Duarte
Santo Domingo, Dominican Republic
Email: info@mip.gob.do

Salutation: Sr. Ministro / Dear Minister

Chief of the Police

Mayor General Manuel E. Castro Castillo
Palacio de la Policía Nacional
Av. Leopoldo Navarro #402
Santo Domingo, Dominican Republic
Fax: +1809 685 4510
Email: info@policianacional.gob.do

Salutation: Sr. Jefe de la Policía / Dear Chief of the Police

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 91/14. Further information:

www.amnesty.org/en/library/info/AMR27/006/2014/en

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ADDITIONAL INFORMATION

The victims of the alleged torture, their families and the witnesses haven't received any protection measures despite the public reports of death threats which could originate from police officers. The police presented the killings of Mélido Florián Peña Rodríguez and Eduardo Luis Cruz on 24 September as occurring in an exchange of gunfire, and that the men were part of a criminal gang carrying out kidnappings and attacks on a highway. Amnesty International is not aware of any independent investigation into their deaths having been carried out.

Luis Manuel Lember Martínez was arrested by the police early October under accusation of kidnapping. He is allegedly detained at the Najayo prison.

In October 2011 Amnesty International published the report "*Shut up if you don't want to be killed*" *Human rights violations by police in Dominican Republic* (AMR 27/002/2011, <http://amnesty.org/en/library/info/AMR27/002/2011/en>), which documented numerous cases of human rights violations committed every year by the police in the Dominican Republic, including unlawful killings, arbitrary arrests, torture and ill-treatment, and enforced disappearances. Amnesty International has received several reports of torture and other cruel and inhuman treatment in the Dominican Republic in recent years, mainly of criminal suspects in police custody, without being formally charged or convicted of any crime.

Even though reports of torture and other cruel and inhuman treatment are common in the Dominican Republic, not many victims file official complaints with judicial authorities. Many victims told Amnesty International that they did not submit a judicial complaint because they had no faith in the justice system, especially as those who had abused them were the very people entrusted by the state with upholding the law.

Additionally, Amnesty International's research suggested that in many cases police officers in the Dominican Republic continuously fail to comply with international standards and Dominican law and use force that is disproportionate to the threat they face. The large number of incidents in which several people are killed by police officers, while the officers themselves escape injury, further calls into question the plausibility of police claims that killings were the result of "exchange of gunfire".

Earlier this year the Public Prosecutor publicly expressed concern for the methods used by police which often amount to torture and ill-treatment and encouraged people to report such abuses to the prosecutor office.

On 23 February 2012, the Dominican Republic ratified the Convention Against Torture, but is yet to present its first report to the UN Committee monitoring the implementation of the Convention. In 2008 and 2009, the Dominican Republic did not approve the requests to visit the country by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, neither had it accepted in 2013 a similar request by the UN Special Rapporteur on Torture.

A process of legislative reform of the National Police was initiated in 2012 by the then newly elected President Danilo Medina. Unfortunately the reform is yet to be approved in the Dominican Congress since June 2013.

Victims of human rights violations by the police and their families who publicly denounce the abuses are often victim of acts of intimidation or harassment.

Name: Ana Patricia Fermín (f), Mélido Florián Peña Rodríguez (m) and Eduardo Luis Cruz (m)
Gender m/f: both

Further information on UA: 91/14 Index: AMR 27/014/2014 Issue Date: 27 October 2014