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DOMINICAN REPUBLIC

Legal concern - Teudo Mordán Gerónimo

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Amnesty International is concerned about the alleged arbitrary detention, apparently on political grounds, of Teudo Mordán Gerónimo. In spite of two court orders for his release, the police authorities have persistently refused to free him.

Teudo Mordán Gerónimo has been imprisoned in the *Penitenciaría Nacional de La Victoria*, National Penitentiary of La Victoria, since 24 June 1991, reportedly having been accused of being a guerrilla and of instructing peasants to overthrow the government.

According to reports, following the submission of a petition of *habeas corpus*, on 28 November 1991 the Santo Domingo *Cámara Penal de la Corte de Apelación*, Criminal Chamber of the Appeals Court, ordered the release of Teudo Mordán Gerónimo. However, the police failed to comply with the order and kept him in prison. Subsequently, on 8 May 1992, the *Corte Suprema de Justicia*, Supreme Court of Justice, upheld the Court of Appeal's resolution, but once again the police ignored the order for his release. In June 1992 the *Procurador General*, Attorney General, reportedly wrote to the *Jefe de la Policía Nacional*, Chief of Police, instructing him to free Teudo Mordán Gerónimo and 17 other prisoners who had also had court orders for their release. Teudo Mordán Gerónimo continues to be held in detention, reportedly on direct instructions from President Joaquín Balaguer.

In 1978 the Dominican Republic ratified the American Convention of Human Rights and acceded to the International Covenant on Civil and Political Rights.

Article 9, Section 4 of the International Covenant on Civil and Political Rights
states:

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

Article 7, Section 6 of the American Convention on Human Rights states:

Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful.

Amnesty International believes that the continued detention of Teudo Mordán Gerónimo is in contravention of these provisions insofar as the release orders have not been complied with.

BACKGROUND

Human rights organizations in the Dominican Republic are concerned about the continued detention of 18 prisoners, most of whom are being held at the *Penitenciaría Nacional de La Victoria*, National Penitentiary of La Victoria, in spite of judicial orders for their release. Among these, release orders have been issued by the Supreme Court on behalf of five prisoners. Some of these prisoners were apparently detained on suspicion of criminal acts unrelated to political activities. However, two of them, Teudo Mordán Gerónimo and Luis Lizardo Cabrera, were held for offences relating to their political activities.

Luis Lizardo Cabrera, who has been detained since May 1989 for alleged involvement in a bombing, reportedly remains in prison despite two court orders for his release (see CARRAN 03/91, AI Index: AMR 27/01/91). As with the case of Teudo Mordán Gerónimo, he is said to remain imprisoned on direct instructions from President Balaguer.

In December 1991, when questioned about these detentions, the *Procurador General* reportedly stated that when there is a court order for the release of a prisoner, it must be respected ("*hay que acatarla*").

In the Dominican Republic cases concerning the non-compliance of police with judicial orders are commonly referred to as '*desacatos*'.

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| KEYWORDS: ARBITRARY ARREST / CONTINUED DETENTION / HABEAS CORPUS / ICCPR / ACHR / POLITICAL VIOLENCE / POLICE / |
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