

URGENT ACTION

DOMINICANS OF HAITIAN DESCENT HARASSED

Groups of Dominicans of Haitian descent are being harassed and threatened by Dominican authorities. This is in relation to court decisions that they be given identity documents, which they have been denied for many years.

On May 29 a Court in San Pedro de Macorís in the Dominican Republic, instructed the Central Electoral Board (*Junta Central Electoral*) to immediately deliver identity and electoral documents to a group of 28 Dominicans of Haitian descent. The Court stated that the Central Electoral Board had violated the group's rights by denying their identity and electoral documents, including their right to human dignity, to equality before the law, to freedom from discrimination, and their right to a nationality. On July 16 a Court in El Seibo, Eastern Dominican Republic, issued a similar judgement for a group of 101 Dominicans of Haitian descent.

However, since then the Central Electoral Board has failed to implement the decision of the Court. Local human rights organisations, working on behalf of Dominicans of Haitian descent, have reported that Central Electoral Board personnel (accompanied at times by police) have visited the communities of the plaintiffs involved in both cases. Amnesty International has received testimonies reporting that the visits involve questioning the plaintiffs about the migratory status of their parents. The visits have involved threats, intimidation and pressure when requesting them to sign blank papers.

Local organisations believe that the Central Electoral Board have no intention of implementing the Court order aims and instead intend to enrol the plaintiffs in the Registry for Foreigners (*Libro de Extranjería*) which would mean they abandon their right to Dominican nationality. By continuously denying the plaintiffs their identity documents the Central Electoral Board is gravely prejudicing their rights to education, health and other human rights.

Please write immediately in Spanish or your own language:

- Urging the authorities to immediately stop any threatening or intimidating acts against individuals linked with the decisions of the Courts of San Pedro de Macorís and El Seibo, and future similar judicial decisions, and ensure their safety;
- Calling on the Central Electoral Board to implement without further delay the decision of the Court of San Pedro de Macorís, and El Seibo as soon as they receive notification and to ensure any similar decisions handed down by Courts in the future are carried out according to the law;
- Asking the authorities to immediately and independently investigate the accusation of threats and intimidation and ensure that those responsible are brought to justice.

PLEASE SEND APPEALS BEFORE 30 AUGUST 2012 TO:

President of the Central Electoral Board

Dr. Roberto Rosario Marquez
Junta Central Electoral
Av. Luperón 1, esq. Av. 27 de Febrero
Distrito Nacional – Santo Domingo
Dominican Republic
Twitter: @juntacentral
Fax: +1 809 531 5477
Email: rhotineo@hotmail.com
Salutation: Señor Presidente /
Dear President

Attorney General

Radhamés Jiménez Peña
Procurador general de la República
Ave. Jiménez Moya esq. Juan Ventura
Simón, Palacio de Justicia, Centro de los
Heroes, Constanza, Maimón y Estero
Hondo
Dominican Republic
Email: info@pgr.gob.do
**Salutation: Dear/Estimado Procurador
General de la República**

And copies to:

[Movimiento Reconoci.do](http://MovimientoReconoci.do)
Email: reconocidord@gmail.com

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In March 2007 the Dominican Central Electoral Board issued the Circular 17 which instructed government officials to examine closely any identity documents presented for renewal or registration, on the grounds that such documents had been wrongly issued in the past. In practice, this has been used to systematically deny identity documents to thousands of Dominicans of Haitian descent, which in turn deprives them of their right to vote and to education, and prevents them from entering the formal job market. It also puts them at risk of mass expulsion without access to judicial review, when they may also face ill-treatment.

The impact of the 2007 directive on thousands of Dominicans of Haitian descent was discussed in a hearing in October of the Inter-American Commission on Human Rights. Five days before the hearing, the Dominican Electoral Board issued a decision 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 March 2012 during the 104th session of the UN Human Rights Committee, the UN body urges the Dominican Republic to "abstain from applying the 2004 General Migration Act retroactively and maintain Dominican nationality for persons who acquired it at birth". The Committee furthermore recommends to the State to access the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to "ensure that all children born within its territory are registered and receive an official birth certificate".

A survey carried out in 2011 by the Jesuit Service for Refugees and Migrants in four rural communities revealed that at least 1,584 people had been denied identity documents by the Dominican Electoral Board, mainly on the basis of the Circular 17; 96 per cent had been affected between 2005 and 2011 and the vast majority of cases occurred in 2011. Some 72 per cent of those affected were aged between 15 and 34 years.

Name: Individuals linked with the decisions of the Courts of San Pedro de Macorís and El Seibo

Gender m/f: both

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