

DR / Haiti FOI Request

From: Steven Fisher (Sensitive)
Sent: 21 June 2013 12:33
To: 'christian-aid.org'
Cc: (Redacted s.40)
Subject: Re: Follow up to London NGO meeting - statelessness in DR

(Redacted s.40)

Thanks for setting up the discussion in May.

(Redacted s.40) will be working on the report you mention so I am copying to her.

Thanks too for the sources of information.

We will gladly share the results in whatever form they might take, but I should point out that our aim is to produce a short report to inform Ministers and officials and not an exhaustive report with a wider audience or objective.

Regards as ever,

Steve

From: christian-aid.org
Sent: Friday, June 21, 2013 10:31 AM
To: Steven Fisher (Restricted)
Cc: (Redacted s.40)
Subject: Follow up to London NGO meeting - statelessness in DR

Dear Steven,

I hope you had a good trip back to the Dominican Republic and that the visit of Hugo Swire was successful (which according to his twitter account, it did seem to be).

You mentioned in your meeting with British NGOs in London on 20th May that the Embassy is planning to do a piece of work on statelessness and migration. As (Redacted s.40) mentioned in the meeting, Christian Aid feels that the issues should be kept apart to ensure that the responsibilities on statelessness are fully acknowledged to lie with the DR government.

We are interested to know if the Embassy has advanced further with the scoping work that you mentioned, as Christian Aid (and our sister agency in the US, Church World Service) has a lot to contribute to such an assessment of the situation, as we and our partners have worked on this issue for years.

In the attachments, I enclose a copy of a report we published in 2006, On the Margins, as well as a case study prepared by CWS and Christian Aid for the UNHCR, and more recent web articles on two conferences that took place in 2011 and this year, in Washington DC and the DR, respectively.

(Redacted s.40) from Christian Aid, but currently on secondment to CWS in Washington DC, will be in the DR in the next couple of weeks, so she may be in contact with you.

We look forward to being in further contact with you about this scoping project.

Kind regards,

(Redacted s.40)

From: christian-aid.org

Sent: 21 June 2013 08:38

To: **(Redacted s.40)**

Cc: **(Redacted s.40)**

Subject: RE: Follow up to London NGO meeting - statelessness in DR

Dear **(Redacted s.40)**

I just wanted to say that if Christian Aid can be of any more help to you in your research for the report, please don't hesitate to contact one of us (though **(Redacted s.40)** is the only one of us based in Santo Domingo).

Best wishes,

(Redacted s.40)

From: **(Redacted s.40)**

Sent: 11 October 2013 15:56

To: Steven Fisher (Sensitive)

Cc: **(Redacted s.40)** **Subject:** RE: Regarding decision of the DR Constitutional Court

Steve,

Thanks for the update.

Given my meeting at the Haitian Embassy on Tuesday, and an impending PQ (which I imagine will be more succinct than the questions attached) we will need to come up with some lines to take by close on Monday **Redacted s.27.(1)(a)**

Is there anything we can say beyond the basic lines we gave to Mr Swire?

- Aware of the Dominican Constitutional Court ruling and the debate taking place in DR, Haiti and beyond about its implications for people born in the DR to foreign parents since 1929.
- Immigration and Nationality are sovereign matters; each state decides its own laws and must implement them fairly and transparently.
- Following the matter with interest.

Grateful for views. **Redacted s.27.(1)(a)**

(Redacted s.40)

From: Steven Fisher (Restricted)

Sent: 11 October 2013 15:00

To: **(Redacted s.40)**

Cc: **(Redacted s.40)**

Subject: Fw: Regarding decision of the DR Constitutional Court

..Advance notice of a PQ....

We can expect more of this kind of thing from the Haiti-watchers in civil society. **(Redacted s.27.1)**

Steve

From: christian-aid.org
Sent: 06 November 2013 16:35
To: (Redacted s.40)

Cc: (Redacted s.40)
Subject: Situation in the DR - statelessness
Importance: High

Dear (Redacted s.40)

Christian Aid has been supporting local partner organisations for many years on the issue of statelessness and its impact on Dominicans of Haitian descent, most recently through Centro Bono's Reconoci.do campaign and Mudha.

Evidently, we are concerned about the ruling on 23rd September 2013 by the Dominican Constitutional Court, in the case concerning Julia Dequis Pierre, a 29-year-old mother of four who was officially registered as Dominican at birth, but who the court has subsequently ruled did not in fact meet the criteria for Dominican nationality.

The court ruled that all people whose parents were 'in transit' or without legal documentation are not Dominican despite having previously been granted Dominican nationality and receiving official identity documents such as birth certificates. Ms. Pierre entered the Constitutional Court a Dominican citizen and left it denationalised or stateless and the Court has since asked Dominican authorities to identify similar cases going back as far as 1929.

Christian Aid would be keen to meet with you and the Head of the Caribbean team to discuss further the concerns of our local partner organisations in the DR on the impact of the ruling and to understand what the UK government's position is on this issue, particularly given the reactions by other international actors such as CARICOM and the OAS.

My colleague (Redacted s.40) and I would be available to meet with the FCO on **Tuesday 19th November at either 09h30-10h30 or 16h00-17h00**. Would either of these times be convenient?

Our colleague in the DR, (Redacted s.40), will also be seeking a meeting with Ambassador Fisher in the coming weeks.

I look forward to hearing from you.

Best wishes,

(Redacted s.40)

From: Steven Fisher (Sensitive)
Sent: 07 November 2013 11:15
To: (Redacted s.40)

Cc: (Redacted s.40)
Subject: Re: Situation in the DR - statelessness

(Redacted s.40)

Good idea.

The issue is constantly evolving. Redacted s.27.(1)(a) Christian Aid have approached us and at this stage I have asked (Redacted s.40) to take that meeting next week. She will join the teleconf too, as will (Redacted s.40)

I will jot 2-3 suggested lines to take for each as a point of discussion, if that would help?

I can do either time. Slight preference for the Monday.

Steve

From: (Redacted s.40)
Sent: Thursday, November 07, 2013 11:01 AM
To: Steven Fisher (Restricted)
Cc: (Redacted s.40)
Subject: FW: Situation in the DR - statelessness

Steve,

I'll be meeting Christian Aid on the 19th and, to be aware, they will be contacting you too. On the 18th, (Redacted s.40) and I will be meeting (Redacted s.40)

In advance of these meetings, can I suggest a brief teleconference. I know we have agreed lines in the context of EU working groups but I'd like to make sure we have an agreed approach as this issue is set to run. Depending on our approach, we may need to update/consult the Minister.

Would next Monday at 2.30pm or Tuesday at 4pm (UK times) work? (Redacted s.40) it would be good if you could dial-in too.

Thanks

(Redacted s.40)

From: Christian Aid
Sent: 27 November 2013 10:12
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: Recent events in Dominican Republic

Dear (Redacted s.40)

Many thanks for meeting with **(Redacted s.40)** and I last week about the situation of statelessness in Dominican Republic. Things are happening pretty quickly and we felt it important to contact you about events over the past few days.

I imagine that you've already received this information from other channels, but we wanted to make sure that you were aware that the text of regularisation plan was released yesterday and that the Dominican government has provided a deadline of Thursday (tomorrow) for comments. An overview of the plan is available here: <http://horacero.com.do/conozca-el-proyecto-de-decreto-del-plan-nacional-de-regularizacion/>. Our understanding is that civil society organisations in the Dominican Republic are formally asking for an extension of the deadline for comments. This makes sense as a two day window hardly seems realistic for considered analyses. We also want to hear our partners' opinions of the plan before we finalise our own thoughts but after an initial review we are very concerned about the required documentation, which will make it impossible for many affected people to use this process.

Also, we are concerned by the rise in tension in the country between Dominicans and people of Haitian descent as well as the news about the violence and expulsions that happened over the weekend. There is information here, for example:

<http://www.miamiherald.com/2013/11/25/3778133/deportations-to-haiti-continue.html>

From the reports that we are receiving, it seems that there are three categories of people who were expelled/repatriated. Some individuals were actually rounded up to be expelled, others went to the police station seeking protection and were then expelled, and others may have asked to be deported or went back on their own out of fear of mob violence--which law enforcement was unable or unwilling to address. We hope that the Dominican government will denounce the mob violence at the border, remind the border police to exercise due process with respect to human rights when carrying out deportations, and uphold its commitment not to expel people affected by the ruling at least until the regularisation plan has been implemented.

Finally, yesterday as again you are probably aware, Caricom voted to suspend the Dominican Republic's application to join and will reconsider their membership of Cariforum and Petrocaribe. Here is the press release:

http://www.caricom.org/jsp/pressreleases/press_releases_2013/pres265_13.jsp

We hope that you will continue to monitor this process and that concerns can be raised with the EU as relevant.

Best wishes

(Redacted s.40)

PS. I do not have **(Redacted s.40)** contact details but I hope you can share this information with him if he is not already aware of it.

From: **(Redacted s.40)**

Sent: 29 November 2013 16:35

To: **(Redacted s.40)**

Cc: **(Redacted s.40)** Steven Fisher (Restricted)

Subject: DR/Haiti Nationality Row - Press Lines

(Redacted s.40)

As discussed, this is an issue that is getting lots of media interest in the region. Not so much here but it has attracted parliamentary/NGO interest so I thought it would be worth sending some basic lines to take in case this is raised.

Background below and further background in the attached diptels – I'm happy to provide further information/lines as necessary if we get any press interest.

Lines to Take

- UK aware of developments in the Dominican Republic following the recent decision by the Constitutional Court.
- We continue to monitor the situation and, along with other EU partners, are engaging with the Dominican and Haitian governments through our Embassies in Santo Domingo and Port-au-Prince.
- Pleased that the Dominican authorities have undertaken to introduce a 'naturalization process' for those affected by the court ruling. Maintenance of acquired rights is very important.
- UK encourages the Governments of the DR and Haiti to restart their dialogue on this issue.
- **Border Issues/Civil Unrest:** UK following developments in the DR closely.

Background (for Press Office)

- On 23 September a Dominican Republic Constitutional Court decision stripped Dominican nationality from a woman of Haitian descent and ordered a review of all births to foreign nationals since 1929. The verdict effectively denies Dominican nationality to tens of thousands of citizens born in the country to parents whose migration status was irregular at the time of their child's birth, the vast majority being of Haitian descent.

- The Court Sentence re-interpreted the Constitution of 1929 in order to close a loophole which had granted Dominican nationality to the children of illegal migrants (until the Constitution was changed in 2010).
- There has been widespread criticism of the verdict, including from UNHCR, the Haitian Government, the OAS and CARICOM. **Redacted s.27.(1)(a)**
- President Medina has set out the government's intention to implement the court verdict. A Decree for the Regularization of Foreigners has now been published for consultation. It promises "a special naturalisation process" for those who have "lost nationality".
- The Dominican and Haitian governments began a dialogue (mediated by Venezuela) aimed at resolving the situation but on Wednesday the DR broke off talks following the decision by CARICOM to defer DR's application to join the organisation
- There has been some scenes of unrest close to the Haitian-Dominican border. A robbery and murder by two Haitians of an elderly Dominican coffee planter and his wife on 22nd November triggered an angry response and the lynching of one apparently innocent Haitian in the Dominican town of Neiba. The situation remains tense.

Thanks for your help.

(Redacted s.40)

-----Original Message-----

From: **(Redacted s.40)**

Sent: 05 December 2013 20:25

To: **(Redacted s.40)**

Cc: Steven Fisher (Sensitive); **(Redacted s.40)**

Subject: UNHCR Press Release on DR CC Ruling (Nationality)

All,

For info.

(Redacted s.40)

From: (Redacted s.40)

Sent: Thursday, December 12, 2013 12:41 PM

To: Steven Fisher (Restricted); **(Redacted s.40)**

Subject: Economist Article - Nationality Issue

From last week's Economist in case not seen:

(Redacted s.40)

Haiti and the Dominican Republic

A storm in Hispaniola

And no agreement as to how many have been cut off from citizenship

Dec 7th 2013 | [From the print edition](#)

THE last time the Dominican Republic committed an atrocity against residents of Haitian descent, the rest of the world paid little heed. In 1937 Rafael Trujillo, a brutal dictator, ordered troops to clear the country's borderlands of Haitians whom he said were thieves. In five days thousands of people were killed. Haiti's government issued only a mild protest.

Such violence is fortunately a thing of the past. But tensions between the two countries have increased after what the Dominican Republic's critics claim is a legal atrocity. In September its Constitutional Court ruled that the current policy, under which those born in the country are only granted citizenship if at least one of their parents was a legal resident, should apply retroactively to people born before it was implemented from 2004 onwards. According to human-rights groups, that leaves over 200,000 people of Haitian descent stateless. This time, Haiti and its allies are making more of a fuss.

The government argues that the ruling clarifies an ambiguous situation. On November 29th the president, Danilo Medina, decreed that all undocumented foreigners have 18 months, during which they cannot be deported, to register with the authorities. Applicants who show "unquestionable" ties to the country, such as studying or working there, speaking Spanish, having native relatives and owning property, will be eligible for residency. The government also plans to introduce a naturalisation law, which it says will offer a quick path to citizenship for these people.

The government insists that the decision's reach has been exaggerated. Its audit of the birth register found 24,392 people whose citizenship is now invalid. Campaigners question the reliability of this count, conducted in just eight days. They claim that ten times as many people could be affected, and that thousands of those affected do not have birth certificates and are thus excluded from the figure.

The court decision has poisoned Haitian-Dominican relations. In a speech Haiti's president, Michel Martelly, quoting a Dominican journalist, complained of "civil genocide". That prompted Dominican officials to cancel a meeting with their Haitian

counterparts to discuss the issue. Last month residents of Neiba, a Dominican town near the border, blamed Haitians for a burglary that left two people dead; they killed a Haitian man in retaliation. In the resulting unrest police hustled hundreds of Haitians across the border.

The Dominican Republic can no longer count on countries farther afield to look the other way. The United States has trodden carefully so far, encouraging the government to protect human rights while accepting the court's decision. But other Caribbean countries—whose mostly black populations see Haitian-descended Dominicans as victims of racism—have pulled no punches.

Caricom, a club of countries that the Dominican Republic has tried to join since 2005, last month suspended its membership application. Ralph Gonsalves, prime minister of St Vincent and the Grenadines, demanded that it be ejected from Cariforum, which represents the region in talks with the European Union, and from Petrocaribe, Venezuela's subsidised-oil programme. If Mr Medina wants to lessen the outrage, he could push for the naturalisation law to grant immediate citizenship to those affected by the ruling.

From the print edition: The Americas

From: Steven Fisher (Sensitive)
Sent: 20 December 2013 13:39
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: RE: DR/Haiti Nationality Row - Press Lines

(Redacted s.40) - thanks .

TBA - This is an FT blog by Robin Wrigglesworth who called on us a few weeks ago for an off the record discussion. It is a pretty good summary.

<http://blogs.ft.com/beyond-brics/2013/12/18/dominican-republic-and-haiti-relations-unravelling/>

Steve

From: (Redacted s.40)
Sent: 20 December 2013 08:22
To: (Redacted s.40)
Cc: Steven Fisher (Restricted); (Redacted s.40)
Subject: RE: DR/Haiti Nationality Row - Press Lines

(Redacted s.40)

A few minor updates to these lines on the DR/Haiti nationality issue ahead of the Christmas break. Again, I'd be surprised if this gets UK media interest in the next few weeks.

Have a good Christmas!

(Redacted s.40)

P.S. **(Redacted s.40)** – just to be aware as duty cover

From: **(Redacted s.40)**

Sent: 08 January 2014 11:56

To: **(Redacted s.40)**

Subject: UPR session of the Dominican Republic

Dear **(Redacted s.40)**

My colleague **(Redacted s.40)** had a meeting with you to talk about the UPR session of the Dominican Republic that will take place in about a month. She asked me to share with you our handout (in English) where you will find our conclusions, and the questions and recommendations suggested by CDERNA and MRG for this session (last page of the document).

If you want to discuss this issue further do not hesitate to contact us.

We also have a Spanish version available.

Kind regards,

(Redacted s.40)

From: (Redacted s.40)
Sent: 10 January 2014 09:05
To: (Redacted s.40)
Cc: (Redacted s.40)

Subject: RE: UPR session of the Dominican Republic

Dear (Redacted s.40)

I have received some information on the Dominican Republic from (Redacted s.40) , which may be of interest ahead of the UPR.

It includes the following recommendations regarding the denial of right to nationality:

- Comply with the recommendations from the CERD to *“remove the administrative obstacles to issuing identity documents to Dominicans of Haitian origin and restore any such documents that have been confiscated, cancelled or destroyed by the authorities, ensure that Dominican citizens of Haitian origin are not deprived of their right to nationality and adopt non-discriminatory policies with regard to identity documents, guaranteeing due process”* (CERD/C/DOM/CO/13-14,para.20).
- Cooperate with the UNHCR to take steps to restore the nationality of individuals affected by the ruling of the Constitutional Court, in line with its obligations under international law.
- Respect and implement the judgement of the IACtHR in the « Yean and Bosico » case which stresses that the Dominican state must immediately ensure by law that all children are registered on the Civil Registry.
- Take all legislative and administrative measures to make sure that inhabitants of the Dominican Republic are not deprived of their fundamental rights to education, to access health services, to work and to get paid for their work for lack of ID documents.
- Collaborate with the civil society to elaborate awareness-raising campaigns in order to fight racism and social stigma faced by Haitian descent people in the Dominican society and among state agents.
- Condemn publicly and take all necessary measures to prevent and punish hate speech and incitement to hatred targeting journalists, lawyers and people defending Dominicans of Haitian descent.

Kind regards,

(Redacted s.40)

From: (Redacted s.40)
Sent: Tuesday, February 04, 2014 07:44 PM
To: (Redacted s.40) Steven Fisher (Restricted)
Cc: (Redacted s.40)

Subject: RE: PQs - Constitutional Court Ruling

To note HMA has also met the President of the Junta Central Electoral (JCE). They are the custodians of the Civil Registry and grant personal identity documents (i.e. birth certificates).

Regarding Statelessness, I have previously provided my thoughts from a legal perspective.

If you would like to see them again, please let me know.

In connection to HMA's request, there are two documents to take into account:

There is a proposal published on 26 November 2013 marked XXX-13 (since it was not enacted and I believe this is the one you make reference to) but it does not address statelessness. You can find this proposal at <http://www.mip.gob.do/Portals/0/docs/PublicacionRegularizacion.pdf>

Another document is Decree 327-13 of 29 November 2013. This is the enacted decree. It makes reference or mentions most international covenants regarding related issues. Upon reading it, I found no mention to statelessness or risk thereof. **Redacted s.27.(1)(a)** If you would like to see the enacted decree, you can download from: <http://presidencia.gob.do/comunicados/el-presidente-medina-firma-el-decreto-del-plan-nacional-de-regularizaci%C3%B3n>

Another pending document is the Naturalization Law. This is the legislation that would regulate obtaining a regular status and/or Dominican nationality to those eligible. This is still pending to my knowledge.

Redacted s.27.(1)(a)

Let me know if you need anything else.

(Redacted s.40)

From: (Redacted s.40)

Date: Tue, 4 Feb 2014 15:38:10 +0000

To: <Steven.Fisher@fco.gov.uk>

Cc: (Redacted s.40)

Subject: PQs - Constitutional Court Ruling

Steve,

Lord Griffiths has tabled 2 PQs on the Constitutional Court ruling.

I'd be grateful for your (and others) comments by close on Wednesday if possible – deadline is 15.00 on Thursday.

Redacted s.27.(1)(a)

(Redacted s.40)

1) to ask Her Majesty's Government,

further to the Written Answer by Baroness Warsi on 8 November 2013 (WA 82), what assessment they have made of the impact that the ruling of the Constitutional Court of the Dominican Republic on 23 September 2013 regarding the right to nationality will have on Dominicans of Haitian ancestry; and what assessment they have made of the risk that Dominicans of Haitian ancestry might be left in a position of statelessness.

The UK Government, along with our EU partners, has expressed concern to the Government of the Dominican Republic over the potential impact of the Constitutional Court ruling on many people of foreign, primarily Haitian, descent living in the Dominican Republic. As such, we welcome President Medina's commitment to finding a 'human solution', to protect the rights of those affected by the ruling, including through the introduction of new nationality legislation. We continue to follow the situation closely and are engaging with the Dominican government through our Embassy in Santo Domingo.

2) to ask Her Majesty's Government,

further to the Written Answer by Baroness Warsi on 8 November 2013 (WA 82), what specific discussions the British Ambassador to the Dominican Republic and Haiti has had with the government of the Dominican Republic regarding the impact of the ruling of the Constitutional Court of the Dominican Republic on 23 September 2013 concerning the human rights of Dominicans of Haitian ancestry in that country.

Original Question Answered by Baroness Warsi (Questioner – Lord Foulkes) – 30.10.13

what discussions they have had or propose to have with the governments of Haiti and the Dominican Republic about the ruling of the Constitutional Court of the Dominican Republic on 23 September regarding the human rights of Haitians in that country.

Our Ambassador to the Dominican Republic has discussed the Dominican Constitutional Court ruling 168/13 with relevant Dominican authorities, including the President and the Director General of Migration. Our new Charge d'Affaires in Port au Prince will soon take part in discussions on the same subject with Haitian authorities.

From: Steven Fisher (Restricted)
Sent: Thursday, February 06, 2014 05:02 PM
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: Fw: Nationality Issue - Mr Swire

Draft looks good.
Two points to add:

- naturalization law: initial draft of the Regularization Decree promised "a special route to nationality for those affected" (ie an unknowable number which some estimate at 200,000); the final decree tightened this to "those affected who are registered in the registry of births" (ie approx 20,000).
- naturalization law will go to parliament on 27 Feb, we believe.

(Redacted s.40) - content? More to add?

Steve

From: (Redacted s.40)
Sent: 07 February 2014 10:52
To: (Redacted s.40)
Cc: (Redacted s.40) Steven Fisher (Sensitive);
Subject: DR/Haiti

(Redacted s.40)

The Minister asked for an update on the DR/Haiti nationality issue. The attached press lines and background should provide the Minister with the latest.

I will, of course, provide up-to-date briefing if the Minister meets the DR Ambassador to discuss.

For info, Lord Griffiths this week submitted a Lords written PQ asking for an HMG assessment of the impact of the CC ruling on Dominicans of Haitian descent.

(Redacted s.40)

From: (Redacted s.40)
Sent: 12 February 2014 14:32
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: Dominican Republic NGO meeting

Dear (Redacted s.40)

(Withhold – Outside Scope)

I met with representatives of Dominican NGOs to discuss top human rights issues in the Dominican Republic that should be addressed in the wake of the UPR.

Nationality

- The ruling of the Constitutional Court in September 2013 retroactively introduced new criteria for Dominican nationality. 200,000 people were affected by the ruling and would have to reapply for Dominican nationality according to the new bill on naturalisation.
- In the meantime, people of Haitian descent who had been stripped of Dominican nationality, often

(Redacted s.40)

From: (Redacted s.40)

Sent: 12 February 2014 16:11

To: (Redacted s.40)

Cc: (Redacted s.40)

Subject: Dominican Republic UPR

1. We presented the UK's statement at the UPR for the Dominican Republic (DR) on Wednesday 5 February. The session proceeded without any surprises. Many countries noted the Dominican Republic's success in making progress against the recommendations from the first UPR round. The most frequent criticisms focused on three areas:

i. Citizenship, with regards to people of Haitian descent denied nationality by the 23 September 2013 decision of the Constitutional Court;

ii. Violence and discrimination against women. Comments often acknowledged progress made towards reducing maternal and child mortality and preventing teenage pregnancy whilst stressing work still to be done in these areas;

iii. Excessive use of force by police and the need for security forces to be trained on the use of force and human rights.

2. Responding to the UK question on what the DR government was doing to protect economic, social and cultural rights, the Vice Minister for Foreign Affairs said that everyone in the DR, including foreigners, have the right to health, education and work so the status of the individual is irrelevant.

3. They also argued that nobody had lost nationality as a result of the decision; simply, anyone not registered regularly in accordance with the laws in place at the time of their birth would be stripped of nationality. People with irregular documentation would therefore be affected.

The DR later confirmed that they would consider all 134 recommendations and provide responses no later than the 26th Session of the Human Rights Council.

Draft report of the Working Group attached.

Regards.

From: (Redacted s.40)

Sent: 10 April 2014 09:32

To: (Redacted s.40)

Subject: UNHCR renews call for urgent action to find an adequate solution to stateless situation in the Dominican Republic

Excellence,

Veillez trouver ci-dessous un communiqué de presse de notre Bureau Régional à Washington.

Je vous remercie de votre attention.

Bien cordialement,

(Redacted s.40) Web: www.unhcr.org ou www.unhcr.fr

Washington, DC, 7 April 2014

Le HCR réitère son appel pour une action urgente afin de trouver une solution adéquate à la situation des apatrides en République Dominicaine

Aujourd'hui l'agence onusienne pour les réfugiés (HCR) a réitéré l'appel à la République dominicaine pour restaurer la nationalité des dizaines de milliers de Dominicains d'origine haïtienne nés dans le pays, devenus apatride par une décision de la Cour constitutionnelle du 23 Septembre 2013.

Le HCR est profondément préoccupé par le fait que plus de six mois se sont écoulés depuis la décision de la Cour constitutionnelle et que, malgré les efforts importants déployés par le Gouvernement dominicain, une solution pour répondre adéquatement à la situation courante de cette population, n'ait pas encore été atteinte.

Au cours des deux dernières semaines, le Président dominicain a rencontré plusieurs acteurs politiques dans le pays pour discuter du contenu d'un projet de loi visant à trouver une solution à ce problème, qu'il dit avoir l'intention de soumettre bientôt au Congrès. Le HCR se réjouit des efforts de l'exécutif et demande à tous les secteurs de la société dominicaine de se rallier d'urgence autour d'un projet de loi rétablissant la nationalité des personnes concernées et respectant les engagements pris par la République dominicaine en matière de droits de l'homme.

« Les conséquences de l'apatridie sont considérablement réelles pour les personnes touchées par la décision. Ils n'ont pas accès à l'octroi des cartes d'identité, ni à l'emploi ou à d'autres services de base. Ils ne peuvent pas voyager, se marier légalement ou enregistrer la naissance d'un enfant », a déclaré Shelly Pitterman, Représentant régional du HCR à Washington. « Ces personnes ont désespérément besoin d'une solution », a-t-il ajouté.

Avec le mandat de l'Assemblée générale des Nations Unies afin d'identifier, prévenir et réduire l'apatridie et protéger les apatrides, le HCR continue d'être prêt à aider les autorités dominicaines dans le processus de recherche d'une solution adéquate.

UNHCR renews call for urgent action to find an adequate solution to stateless situation in the Dominican Republic

Today the UN refugee agency (UNHCR) reiterated the call for the Dominican Republic to restore the nationality of tens of thousands of Dominicans of Haitian descent born in the country who were rendered stateless by a ruling of the Constitutional Court of 23 September 2013.

UNHCR is deeply concerned that more than six months have gone by since the ruling of the Constitutional Court and that, despite the significant efforts of the Dominican Government, a solution has not been reached yet to adequately address the plight of this population.

Over the past two weeks, the Dominican President has met with several key political actors in the country to discuss the contents of a draft bill aimed at finding a solution to this problem, and which he has said he intends to submit to Congress shortly. UNHCR welcomes the efforts of the Executive and calls on all sectors of Dominican society to urgently rally around a bill that restores the nationality of affected individuals and upholds the human rights commitments assumed by the Dominican Republic.

"The consequences of statelessness are dramatically real for individuals affected by the ruling. They are denied access to identification cards, employment and other basic services. They cannot travel, get married legally or register the birth of a child," said Shelly Pitterman, UNHCR Regional Representative in Washington. "These individuals are in desperate need of a solution," he added.

With a mandate from the UN General Assembly to identify, prevent and reduce statelessness and protect stateless persons, UNHCR continues to be prepared to assist the Dominican authorities in the process of finding an adequate solution.

ACNUR renueva llamado urgente para encontrar una solución adecuada a la situación de apatridia en la República Dominicana

La agencia de la ONU para los refugiados (ACNUR) reiteró hoy el llamado a la República Dominicana para restituir la nacionalidad de decenas de miles de dominicanos de ascendencia haitiana nacidos en el país que fueron convertidos en apátridas por una sentencia del Tribunal Constitucional de 23 de septiembre de 2013.

El ACNUR está profundamente preocupado porque, después de más de seis meses desde la sentencia del Tribunal Constitucional, y a pesar de los importantes esfuerzos realizados por el Gobierno dominicano, no se ha llegado todavía a una solución para abordar de manera adecuada la situación de esta población.

En las últimas dos semanas, el Presidente dominicano se ha reunido con varios actores políticos claves en el país para discutir el contenido de un proyecto de ley encaminado a encontrar una solución a este problema, el cual ha dicho que tiene la intención de presentar al Congreso en breve. El ACNUR acoge con satisfacción los esfuerzos del Ejecutivo y hace un llamado a todos los sectores de la sociedad dominicana a apoyar con urgencia un proyecto de ley que restituya la nacionalidad de las personas afectadas y observe los compromisos de derechos humanos asumidos por la República Dominicana.

"Las consecuencias de la apatridia son dramáticamente reales para las personas afectadas por la sentencia. Se les niega el acceso a cédulas de identidad, el empleo y otros servicios básicos. No pueden viajar, casarse legalmente o registrar el nacimiento de un niño", dijo Shelly Pitterman, Representante Regional del ACNUR en Washington. "Estas personas tienen una necesidad urgente de una solución", añadió.

Con un mandato de la Asamblea General de la ONU para identificar, prevenir y reducir la apatridia y proteger a los apátridas, el ACNUR continúa preparado para apoyar a las

autoridades dominicanas en el proceso de encontrar una solución adecuada.

(Redacted s.40)

From: Steven Fisher (Sensitive)

Sent: 07 May 2014 11:32

To: (Redacted s.40)

Subject: DR-HAITI BINATIONAL DIALOGUE

All

[Spanish readers see below]

The meeting scheduled for 8th May in Petionville will go ahead, but only with the Ministers of Health, Tourism and Commerce. These are areas in which progress has been made. Montalvo (DR's lead – Minister of the Presidency) and Lamothe (Haiti's lead) will not take part; nor will international observers.

In one sense the dialogue has dwindled. But at least the momentum is maintained in certain areas.

The big missing theme is, of course, migration. In the absence of any draft Naturalization Law from the DR side and no obvious progress yet on Regularization of illegal immigrants, it would have been difficult to celebrate a meeting which included that subject.

SF

From: Steven Fisher (Sensitive)

Sent: 20 May 2014 14:39

To: (Redacted s.40)

Cc: (Redacted s.40)

Subject: DR : NATIONALITY BILL

(Redacted s.40)

Thanks for your very fast and clear record of the meeting. Official minutes below.

The problem clearly persists in the unregistered part of the community – the size of which no one knows. I do see a de facto stateless situation for many people, and their descendents too where both parents are unregistered foreigners.

Redacted s.27.(1)(a)

Steve

From: Diptel SANTO DOMINGO (Sensitive)
Sent: 22 May 2014 22:38
To: Diptel FCO (Sensitive)
Subject: DOMINICAN REPUBLIC: NATIONALITY ISSUE [DIPTTEL 1404188]

Diptel SANTO DOMINGO (Sensitive)

Foreign & Commonwealth Office Diplomatic Telegram

Summary

Congress approves Naturalization Law to address de facto statelessness of tens of thousands of people. The problem (caused by a Constitutional Court ruling in September 2013) had damaged Dominican relations with neighbours, especially Haiti. International Community, lead by UNHCR, welcomes the Law but is worried about implementation. President Medina has shown leadership and political courage, notably in facing up to the anti-Haitian, nationalist fringe. Time will tell if the Law goes far enough to heal rifts with neighbours.

1. On 14th May President Medina sent the long-awaited Naturalization Bill to parliament. The lower House approved it in consecutive readings on 16th May and on 21st May the upper House followed suit. Neither House suggested an amendment. The law is now with the President for signature and promulgation.
2. From 1929 to 2010, Dominican nationality was granted under a *jus soli* system and it was widely assumed that this included those born in Dominican territory to illegal migrants. A Constitutional Court ruling of 23rd September 2013 over-turned this understanding and effectively declared tens of thousands of people “foreign”. As the vast majority had no other nationality they became de facto stateless with immediate effect. Estimates suggest that over 200,000 people were affected, the majority poor and descended from Haitian parents who had come to the Dominican Republic to cut sugar cane.
3. Faced with intense regional criticism, especially from Haiti but also from members of Caricom, President Medina promised a “human solution” to the problem. EU Member States, US, Canada, UNHCR, UNDP IOM and others kept up the pressure on the Government to live up to this pledge, mainly through quiet diplomacy. The Law proposed by Medina after wide consultation has been greeted with broad acceptance by mainstream Dominican opinion formers and political figures.

Redacted s.27.(1)(a)

4. The new Law provides Dominican nationality to those whose birth between 1929 and 2010 in the Dominican Republic to foreign parents with an irregular migration status (i.e. “illegals”) was formally registered by the Dominican authorities. This numbers around

24,000 people, of whom 10,000 are of Haitian descent. For those born in the Dominican Republic in the relevant period but whose birth was not registered, the Law provides a separate process of “regularization” as a foreign migrant which may subsequently facilitate an application for Dominican nationality. Estimates of the number of citizens in the second, unregistered category vary; a UN survey suggested it was around 200,000.

5. Many challenges lie ahead: implementation of the Law, once signed, will test Dominican administrative capacity; the implementing body – the Central Electoral Commission – has traditionally been unsympathetic (even hostile) to “Dominicans of Haitian descent” (i.e. the very people to whom it now meant to grant documents confirming nationality; the right-wing nationalist fringe might challenge the Law in the Constitutional Court, accusing the government of having provided a path to nationality to people declared non-Dominicans by a Court ruling; there are doubts about the extent to which those who now need to claim their nationality or regularise their status will have the means to do so, particularly if this involves obtaining missing documentation from a foreign government such as Haiti. It is reasonable to assume that most of those affected have never lived anywhere but the Dominican Republic and speak nothing but Spanish. They are also mainly poor, marginalised and in many cases illiterate. **Redacted s.27.(1)(a)**

COMMENT

5. The outcome is good for the 24,000 whose parents were able to register their births. For the unknown number of people whose births were unregistered it is less certain that they will be able to achieve a formal nationality as a result of the new Law

Redacted S.27(1)(a)

STEVEN FISHER

From: Steven Fisher (Sensitive)

Sent: 28 May 2014 23:20

To: (Redacted s.40)

Cc: (Redacted s.40)

Subject: Re: Ministry of Interior and Police Presentation - Plan Nacional de Regularizacion de Extranjeros en Situacion Migratoria Irregular (Decreto 327-13)

Thanks (Redacted s.40)

From the title of the briefing I assume this was about "regularisation" of foreigners, not "naturalization" of those affected by the Constitutional Court ruling but who have a Dominican birth certificate (ie the "24000")?

Or is the network of offices designed to deal with both issues?

From: (Redacted s.40)

Sent: Wednesday, May 28, 2014 09:19 PM

To: Steven Fisher (Sensitive)

Cc: (Redacted s.40)

Subject: Ministry of Interior and Police Presentation - Plan Nacional de Regularizacion de Extranjeros en Situacion Migratoria Irregular (Decreto 327-13)

HMA,

I attended this presentation, hosted by (Redacted s.40) of IOM, yesterday afternoon.

Guest speakers were from the Ministry of Interior and Police: Executive Director of the National Plan Samir Santos; Vice Minister Luis Fernandez; and Vice Minister Washington Gonzalez. The audience consisted of Ambassadors/DHMs from Canada; USA; Haiti; Netherlands; France; Germany; Spain; EU; and Mexico. There were also reps from a dozen or so international organisations (see my tweeted photo).

The speakers took us through a detailed PowerPoint presentation explaining the logistical process for documenting those affected (too quick for notes, but we and others should be getting written information delivered to us shortly). The speakers were very open and engaging, and the presentation was impressive. From the outset they mentioned that the process – and the workers to be recruited to execute it – would conform to internationally recognised human rights standards. The Plan had been 6 months in the preparation stage, and wef 2 June would move in to its year of execution. Offices will be opened in all provinces of the country, with several in SD. There will also be some mobile offices.

I, and I think others, were quite impressed by the professionalism of the presentation. There are still some issues to be ironed out, but it appears a lot of homework has been done by the Ministry. Worth noting that the children of those who become naturalised will automatically be deemed as Dominican. It was not clear what would happen to those who “failed the test”: theoretically they should register as aliens but it was pointed out this would be nigh on impossible for those who have no documentation at all.

After thanking the presenters, (Redacted s.40) noted that this was the first of what will undoubtedly be many meetings as we go forward.

(Redacted s.40)

From: (Redacted s.40)

Sent: 25 June 2014 11:38

To: Steven Fisher (Sensitive)

Cc: (Redacted s.40) Peter Beckingham (Sensitive)

Subject: RE: DOMINICAN REPUBLIC - REGULARISATION OF MIGRANTS

Steve,

Thanks for the helpful update.

This appears to be progress – and perhaps the most that could be expected of the GoDR in the circumstances. As you'll see from the attached, the NGO lobby in the UK clearly see the law as a step in the right direction but have serious concerns about implementation and the absence of an automatic naturalization process for those without documentation.

(Redacted s.40)

From: Steven Fisher (Sensitive)

Sent: 25 June 2014 15:50

To: (Redacted s.40)

Cc: (Redacted s.40)

Peter Beckingham (Sensitive)

Subject: DOMINICAN REPUBLIC - REGULARISATION OF MIGRANTS

(Redacted s.40)

You might welcome an update on the nationality/migration issue. I note that it did not come up at the Forum but that SG Insulza did mention it in his headline remarks at the OAS gathering in Asuncion.

The Regularization Plan has now started. Thousands of irregular migrants are now making their way to the offices of the Electoral Commission around the DR to apply for their status to be regularized according to the terms of the Presidential Decree issued in November 2013. [NB this is separate to the Naturalization process which is designed to grant Dominican nationality to those born here to illegal migrant parents and in possession of a Dominican birth certificate. In theory that has also started. People claiming to have been born here but without a birth certificate will have to go through the Regularization process before trying to become naturalized Dominicans].

A big obstacle for many who seek to regularize their status as immigrants has been lack of documentation proving who they are and where they are from. After coming under pressure from the Dominican government to provide documents the Haitian Government has now declared (via its Embassy in Santo Domingo) that it will issue birth certificates and passports to some 300,000 Haitians residing illegally in DR. The cost will be around \$60 per head. The Haitian Ambassador said that no money for this project had been granted from Venezuela (as has been rumoured) or the OAS (but we know that the latter is working up a project to do just this).

The Ambassador's comments claim that the process of documentation is also extended to Haitians in TCI.

Redacted s.27.(1)(a)

Steve Fisher

HMA Santo Domingo

From: Christian Aid
Sent: 25 June 2014 14:39
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: NGO update - DR ruling

Dear (Redacted s.40)

I am sure that you are only too aware of the naturalisation law recently passed in the Dominican Republic (169-14).

Both Christian Aid and Amnesty International brought out statements regarding this latest development, and I include the hyperlinks below in case you didn't see these:

- Amnesty International [Open letter to President Medina](#)
- Amnesty International [Public Statement](#)
- Christian Aid [press release](#)

As a follow-up to the meeting (Redacted s.40) and I had with you in November following the Constitutional Court September ruling, we (both Christian Aid and Amnesty International) would appreciate meeting with you to give you an update on our partners' reactions, and to hear from you.

I realise we are potentially getting into the holiday period, but wondered if you would be free to meet with Christian Aid and Amnesty on Tuesday 29th July?

I look forward to hearing from you.

Kind regards,

(Redacted s.40)

From: (Redacted s.40)
Sent: 29 July 2014 12:46
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: RE: NGO update - DR ruling

Thanks (Redacted s.40) and it does!

I met with the five visitors from Christian Aid and Amnesty International this morning. As expected, they largely used the meeting to bring me up to speed on recent events, the historical nature of this issue and to emphasise the policies that the DR has been pursuing for some time. Having read the briefing prepared for the Forum and your helpful e-mail below I gave a readout of HMG policy in this area.

Most useful was learning about their future plans. Christian Aid but especially Amnesty International would now be focusing their resources on the law's implementation. They cited numerous examples of individuals who were still unable to obtain relevant documentation despite the amendments to the Law of Naturalisation, including Juliana Dequis, the person at the centre of the original Constitutional Court ruling. AI would also be following up their open letter to Medina to try and elicit a response.

Redacted s.27 (1)(a)

Best

(Redacted s.40)

From: (Redacted s.40)

Sent: 31 July 2014 22:42

To: (Redacted s.40)

Cc: (Redacted s.40)

Subject: RE: Political Update

New information on the latest:

Redacted – Outside scope

- President Medina issued on 23 July Decree No. 250-114 -the Implementation Ruling for Law 169-14-on Naturalization. The approved text does not have considerable differences to the previous draft. It is therefore very likely several will request the unconstitutionality. Many have made statements along these lines. The government has stressed it adheres to existing legislation and contravenes no norm. We would have to wait and see how the Court rules.
- After 2 months the Regularization process has seen 17 people complete the procedure. 96,000 have requested to be benefitted and only 633 have provided the required documentation.

Let me know if you need any more information.

(Redacted s.40)

From: (Redacted s.40)
To: (Redacted s.40)
To: Steven Fisher (Sensitive)
Cc: (Redacted s.40)

Subject: RE: Dominican Republic - UNHCR problems
Sent: 25 Sep 2014 15:12

Colleagues,

I refer to recent emails regarding Haiti-DR relations. Wanted to update or inform some developments or interesting stories related thereof. Apologies for those who might think it is long. But considering the interest in the subject, I wanted you to have all the relevant information:

-Cuba and the Dominican Republic have signed a migration agreement. DR has committed to deporting illegal people back to Cuba. The Cuban Association in DR published a piece requesting compassion and mercy considering the "violation of HHRR and repression in Cuba".

-Number of boat people trying to reach Puerto Rico or other islands increasing. Middle eastern, Hindus and Haitians being trafficked on the rise.

-DR Authorities (JCE) estimates those who were registered irregularly and have benefitted from auditing their records at 1,300.

-JCE offered to provide to the Diplomatic community a report of those nationals that would be affected. We took up their offer and notwithstanding our follow up to this matter, we have not received the list. On 26 August a general list was published in printed media. I have a copy.

-1 August it was reported a Haitian Catholic Bishop in Mao, DR by the name of Vigny Bellrieve had registered 83 children as his own. The ID he used and information submitted, is allegedly fake. Authorities consider these people were not legally registered nor obtained Dominican nationality in a legal manner. Previously other priests have been accused of the same.

-25 August Minister for Haitians Living Abroad Francois Guillaume announced measures regarding providing IDs to those abroad. He estimates to have received at least 8700 requests for documents. In addition to Santo Domingo, centres in Higüey and Barahona would be opened. He cited his objective as registering 10,000 per month per centre. He stated the budget was estimated at 10 million dollars but they had only received 2 million. The Haitian NGO Zile has criticized the slowness of the process.

-An editorial in Listin Diario's 2 September issue highlights the case of an alleged Stateless person that did not elicit a response from the international community. It dates to 1986 and is allegedly neither Dutch nor Dominican. His name is Joseph Rosario.

-On 3 September 2014 it was reported a study regarding The Haitian Identification System had taken place. It was conducted by Panos Caraibes and National Endowment for Democracy. They found access in Haiti to documents "a very difficult exercise" and "most Haitians lack identification documents." Main reasons cited as distance to ID centre, cost, inaction, etc. Final

recommendation to convert National ID office into an autonomous entity (Rick, if you have this report, I would like to see it).

-JCE published on 9 September in printed media the requirements to register foreigners born in DR.

-The Haitian Union of Sugar Cane cutters have recently staged several protests in DR requesting the Haitian government grants them documents free of charge.

-President Medina was at UNGA. He has requested the International Community to assist in providing Haitians and people of Haitian origin with their identification documents. Asked to "pass from words to actions". He states that if they want to benefit from the plans currently in place in DR, they need to provide documentation. He stressed the DR is doing this free of cost whereas the Haitian government is charging. Asked international community to assist with this. The First Ladies of both countries met and studied more ways to work together.

-After the recent case involving the death of a Haitian national, the Minister of Interior and Police has stated they will disarm illegal people with weapons. The Attorney General has contradicted him in public. Public spat between government Ministers.

-Possible new bi national conflict. Dominican radio stations have been allegedly interfering with DR's radio electric spectrum in violation of ITU protocols. This is along the border. A technical report is being prepared by the competent DR authorities.

-On 23 September several NGOs working with Haiti related matters published an opinion piece. They state what they believe to be the issues affecting the relevant population.

-On 24 September it was announced Hungarian-American George Soros is considering sponsoring DR in its efforts to regularize Haitians or people of Haitian origin in DR.

-On 24 September it was announced DR will implement software for a national registrar of births and deaths. This is being done with the coordination of the Ministry of Health, UNICEF, IDB.

-84% of readers of El Nacional Newspaper supports the declaration of Gonzalo Vargas Llosa as Persona Non Grata

-Juliana Deguis has obtained her Dominican ID.

If you need more information let me know.

Best,

(Redacted s.40)

From: Steven Fisher (Sensitive)
Sent: 14 October 2014 20:34
To: (Redacted s.40)
Subject: RE: COLAC (Brussels reps) - meeting record

(Redacted s.40)

Thanks. Re DR-Haiti, it looks to have been a well balanced discussion. [(Redacted s.40) - With one exception it could be used for briefing Mr Swire for his meeting with the DR Ambassador next week. The exception is the implication that there is occasional "conflict". This could be misinterpreted. To date we have seen occasional criminal acts by individuals or small groups which appear to have been motivated partly by race/nationality. This is not quite the same as "conflict" in the sense of larger groups fighting in a more sustained way. That we have not seen, though it could come.

Steve Fisher

HMA Santo Domingo

From: amnesty.org on behalf of Caribbean [Caribbean@amnesty.org]
Sent: 24 October 2014 18:18
Subject: Amnesty International | Dominican Republic: Reaction to Court ruling shows shocking disregard for international law

Importance: High

For immediate release / Para publicación inmediata

<http://www.amnesty.org/en/news/dominican-republic-reaction-court-ruling-shows-shocking-disregard-international-law-2014-10-24>

Una versión española será disponible el lunes

AMNESTY INTERNATIONAL PRESS RELEASE

24 October 2014

Dominican Republic: Reaction to Court ruling shows shocking disregard for international law

The dismissive reaction of the Dominican Republic to the Inter-American Court of Human Rights' ruling on human rights abuses suffered by Dominicans of Haitian descent and Haitian migrants demonstrates a shocking disregard for international law and the country's legal responsibilities, said Amnesty International.

Earlier this week the Inter-American Court of Human Rights (IACHR) handed down a ruling calling on the Dominican Republic to provide redress for human rights abuses suffered by Dominicans of Haitian descent and Haitians as a result of illegal deportations, denial of identity documents and arbitrary deprivation of nationality, among others. However, yesterday the government formally rejected the regional court's ruling, dismissing it as "out of season, biased and inappropriate."

“By rejecting the ruling of the Inter-American Court of Human Rights, the Dominican Republic is snubbing its nose at international law. The court found that serious human rights abuses were committed. The Dominican Republic cannot just ignore the ruling simply because they do not like the outcome,” said Chiara Liguori, Caribbean Researcher, Amnesty International.

“In January 2014 President *Danilo Medina* said that he ‘would not accept anybody’s human rights being violated.’ It is the time to put that statement into practice.”

The decision of the IACHR is entirely in line with previous research by Amnesty International. The organization has documented a pattern of discrimination towards Dominicans of Haitian descent, particularly in the access to identity documents. This entrenched discrimination was exacerbated by a September 2013 Constitutional Court ruling, which left thousands of people of foreign descent stateless.

The IACHR found that, by issuing the September 2013 ruling, the Dominican State had failed to take positive measures to respect the rights to nationality, identity and judicial protection. The Court ordered the Dominican state to revoke the constitutional decision and to adopt all legislative measures, even constitutional amendments if necessary, in order to regulate a simple and accessible birth registration process in accordance with international human rights law.

In May this year the Dominican Congress unanimously approved Law 169/14. It created two categories of people: those who at some point were registered in the Dominican civil registry, and those whose birth was never declared.

Individuals in the first group had the possibility of having their Dominican nationality fully returned in a quick procedure, while the second group were [categorized as foreigners](#) and required to apply for Dominican nationality from scratch.

The IACHR found that the provisions obliging Dominicans to register as foreigners to be against international human rights law. The Court also noted that the migratory status of the parents do not transfer to the children.

Amnesty International is calling on the Dominican Republic to quickly and effectively comply with the IACHR ruling.

“It is shameful that the Dominican government dismissed the IACHR ruling in this off-hand manner. Regional and national human rights systems were created to guarantee everyone a route to pursue justice and reparation for human rights abuses when national justice systems have failed them,” said Chiara Liguori.

“The Dominican Republic is at a crossroad. Will they continue to discriminate against Haitians and Dominicans of Haitian descent or take note of these outcries and improve the lives of these vulnerable people? Progress made on some areas of human rights in the last few years would be compromised by the refusal to comply with this ruling.”

From: amnesty.org on behalf of Caribbean [Caribbean@amnesty.org]
Sent: 28 October 2014 15:33
Subject: Amnistía Internacional | Acción Urgente - República Dominicana: Amenazas policiales contra denunciantes de tortura / Amnesty International | Urgent Action - Dominican Republic: Torture denouncers threatened by police
Attachments: UA AMR 27.014.2014 Torture denouncers threatened by police.pdf; UA AMR 27.014.2014 Amenazas policiales contra denunciatos de tortura.pdf
Importance: High

ENGLISH: <http://www.amnesty.org/en/library/info/AMR27/014/2014/en>

ESPAÑOL: <http://www.amnesty.org/es/library/info/AMR27/014/2014/es>

FRANCAIS: <http://www.amnesty.org/fr/library/info/AMR27/014/2014/fr>

ACCIÓN URGENTE

Amenazas policiales contra denunciadores de tortura

Ana Patricia Fermín lleva recibiendo amenazas de muerte de la policía desde abril de 2014, cuando denunció que dos de sus familiares habían sido torturados bajo custodia policial en la zona norte de las afueras de la capital, Santo Domingo. Su esposo y uno de los hombres torturados murieron por disparos de la policía en septiembre. Su seguridad peligró.

El 29 de abril, el Tribunal de Atención Permanente de la provincia de Santo Domingo ordenó la detención preventiva de tres agentes de policía por la presunta tortura sufrida el 12 de abril por Luis Manuel Lember Martínez y **Eduardo Luis Cruz** en Los Alcarrizos, a las afueras de Santo Domingo. Desde que **Ana Patricia Fermín** denunció la tortura de los dos hombres, ella, Luis Manuel, Eduardo Luis y el esposo de Ana Patricia estuvieron denunciando públicamente haber recibido amenazas de muerte, pero las autoridades dominicanas no pusieron en marcha medidas de protección. El día que el Tribunal ordenó la detención preventiva de los policías, uno de ellos dijo a Ana Patricia Fermín y a su esposo, **Mélido Florián Peña Rodríguez**: "Les damos 6 meses de vida".

El 24 de septiembre, la policía anunció que había matado a Mélido Florián Peña Rodríguez y Eduardo Luis Cruz en un intercambio de disparos cerca de Nagua, en el norte de la República Dominicana. Los familiares de los dos hombres afirman que ambos fueron secuestrados hacia las 2:40 de la tarde, cuando salían de un bar en Los Alcarrizos, por unos individuos encapuchados que viajaban en furgonetas blanca y negra. Sus cadáveres se encontraron más tarde abandonados junto con los de otros dos hombres cerca de Nagua. La familia ha dicho a Amnistía Internacional que, ese mismo día, 34 familiares de Mélido Florián Peña Rodríguez fueron detenidos por la policía en su velatorio. Todos ellos quedaron en libertad entre el 25 y el 26 de septiembre.

Ana Patricia Fermín era una de las 34 personas detenidas. Según afirma, la policía la detuvo en otras dos ocasiones y la llevó a la comisaría local, aunque en ningún momento la presentaron ante un fiscal o la acusaron formalmente. Ana Patricia Fermín ha informado a Amnistía Internacional de que la policía registró su casa en nueve ocasiones entre mayo y septiembre, y que ha visto una furgoneta roja sin placas de matrícula aparcada delante de su casa, la última vez el 19 de octubre. Cree que puede tratarse de policías que pretenden intimidarla.

Escriban inmediatamente, en español o en su propio idioma, pidiendo a las autoridades que:

- investiguen de inmediato las denuncias de amenazas de muerte contra Ana Patricia Fermín y los homicidios de Mélido Florián Peña Rodríguez y Eduardo Luis Cruz, que hagan públicos los resultados de esa investigación y que lleven a los presuntos responsables de esos hechos ante la justicia;
- garanticen que todos los policías identificados como implicados en las amenazas de muerte son suspendidos de inmediato del servicio hasta que concluya satisfactoriamente la investigación judicial;
- proporcionen de inmediato medidas de seguridad para Ana Patricia Fermín y su familia, de acuerdo con sus deseos.

ENVÍEN LLAMAMIENTOS ANTES DEL 8 DE DICIEMBRE DE 2014 A:

Procurador General de la República

Francisco Domínguez Brito

Palacio de Justicia, Av. Jiménez Moya esq. Juan Ventura Simón

Santo Domingo, República Dominicana

Fax: +1809 532 2584

Correo-e: info@pgr.gob.do

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

Ministro de Interior y Policía

José Ramón Fadul

Av. México esq. Leopoldo Navarro

Edificio de Oficinas Gubernamentales Juan Pablo Duarte

Santo Domingo, República Dominicana

Correo-e: info@mip.gob.do

Tratamiento: Señor Ministro / Dear Minister

Jefe de la Policía

Mayor General Manuel E. Castro Castillo

Palacio de la Policía Nacional
Av. Leopoldo Navarro #402
Santo Domingo, República Dominicana
Fax: +1809 685 4510
Correo-e: info@policianacional.gob.do

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

Envíen también copias a la representación diplomática acreditada en su país. Inserten a continuación las direcciones de las sedes diplomáticas locales:

Nombre Dirección 1 Dirección 2 Dirección 3 Fax Número de fax Correo-e Dirección de correo-e Tratamiento Tratamiento

Consulten con la oficina de su Sección si van a enviar los llamamientos después de la fecha indicada. Ésta es la primera actualización de AU 91/14. Más información: www.amnesty.org/es/library/info/ASA20/006/2014/es

ACCIÓN URGENTE

Amenazas policiales contra denunciantes de tortura

Información complementaria

Las víctimas de la presunta tortura, sus familias y los testigos aún no han recibido medidas de protección, pese a haber denunciado públicamente amenazas de muerte que podrían proceder de agentes de policía. La policía presentó los homicidios de Mélido Florián Peña Rodríguez y Eduardo Luis Cruz, cometidos el 24 de septiembre, como consecuencia de un intercambio de disparos, y dijo que los hombres pertenecían a una banda delictiva que perpetraba secuestros y ataques en una carretera. Amnistía Internacional no tiene conocimiento de que se haya llevado a cabo una investigación independiente sobre sus muertes.

Luis Manuel Lember Martínez fue detenido por la policía a principios de octubre, acusado de secuestro. Al parecer, se encuentra detenido en la prisión de Najayo.

En octubre de 2011, Amnistía Internacional publicó el informe "*Cállate si no quieres que te matemos*". *Violaciones de derechos humanos cometidas por la policía en República Dominicana* (AMR 27/002/2011 <http://amnesty.org/es/library/info/AMR27/002/2011/es>), en el que se documentan muchos casos de violaciones de derechos humanos cometidas cada año por la policía en República Dominicana, incluidos homicidios ilegítimos, detenciones arbitrarias, tortura y malos tratos y desapariciones forzadas. Amnistía Internacional ha recibido varias denuncias de tortura y otros tratos crueles e inhumanos en la República Dominicana en los últimos años, sobre todo de presuntos delincuentes bajo custodia policial que no han sido acusados formalmente ni declarados culpables de ningún delito.

Aunque los informes de tortura y otros tratos crueles e inhumanos son habituales en la República Dominicana, no son muchas las víctimas que presentan denuncias oficiales ante las autoridades judiciales. Muchas víctimas han contado a Amnistía Internacional que no presentaron una denuncia judicial porque no tenían fe en el sistema de justicia, sobre todo porque aquellos que habían cometido abusos contra ellas eran precisamente las personas a las que el Estado había encomendado hacer valer la ley.

Además, las investigaciones llevadas a cabo por Amnistía Internacional sugieren que en muchos casos los agentes de policía de República Dominicana incumplen las normas internacionales y el derecho dominicano y usan fuerza desproporcionada a la amenaza a la que se enfrentan. Habida cuenta del gran número de incidentes en los que varias personas mueren a manos de policías, mientras que los propios agentes salen ilesos, cabe cuestionar si son plausibles las afirmaciones de la policía de que los homicidios fueron consecuencia de un "intercambio de disparos".

Este año, el Procurador General de la República expresó públicamente su preocupación por los métodos utilizados por la policía, que a menudo constituyen tortura y malos tratos, y animó a la población a denunciar esos abusos ante la fiscalía.

El 23 de febrero de 2012, la República Dominicana ratificó la Convención contra la Tortura, pero todavía no ha presentado su primer informe ante el Comité de la ONU encargado de vigilar la aplicación de la Convención. En 2008 y 2009, la República Dominicana no aprobó la solicitud de visitar el país formulada por el relator especial de la ONU sobre ejecuciones extrajudiciales, sumarias o arbitrarias, y en 2013 tampoco aceptó una solicitud similar formulada por el relator especial de la ONU sobre la cuestión de la tortura.

En 2012, el entonces recién elegido presidente Danilo Medina inició un proceso de reforma legislativa de la Policía Nacional. Por desgracia, esa reforma lleva desde junio de 2013 pendiente de la aprobación del Congreso dominicano.

Las víctimas de violaciones de derechos humanos cometidas por la policía, así como sus familias, que denuncian públicamente los abusos suelen ser objeto de actos de intimidación o de hostigamiento.

Nombres: Ana Patricia Fermín (mujer), Mélido Florián Peña Rodríguez (hombre) y Eduardo Luis Cruz (hombre)
Sexo: hombres y mujeres

Más información sobre AU: 91/14 Índice: AMR 27/014/2014 Fecha de emisión: 27 de octubre de 2014

From: amnesty.org **On Behalf Of** Caribbean

Sent: 06 November 2014 14:43

Subject: Amnesty International | Dominican Republic: Withdrawal from top regional human rights court would put rights of hundreds of thousands at risk

Importance: High

For immediate release

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La versión española será enviada mañana

<http://www.amnesty.org/en/news/dominican-republic-withdrawal-top-regional-human-rights-court-would-put-rights-risk-2014-11-06>

AMNESTY INTERNATIONAL PRESS RELEASE

06 November 2014

Dominican Republic: Withdrawal from top regional human rights court would put rights of hundreds of thousands at risk

The appalling ruling by the Dominican Republic's Constitutional Court that could lead to the country's withdrawal from the Inter American Court of Human Rights would, if supported by the government, deprive hundreds of thousands of survivors of human rights abuses from any hope of justice, said Amnesty International.

"With this latest judgement, the Constitutional Court of the Dominican Republic has confirmed its lack of independence and impartiality, proving it to be politically biased by defending narrow interests," said Erika Guevara Rosas, Americas Director at Amnesty International.

"Depriving people of the opportunity of finding justice abroad when it is denied at home would not only be outrageous but also a worrying step back in the country's strengthening of the rule of law."

The judgment comes only two weeks after the Inter-American Court of Human Rights ruled against a Dominican Republic's judicial decision that stripped thousands of Dominicans of Haitian descent living in the country of their nationality in a discriminatory way.

"Instead of throwing their toys out of the pram in the face of a ruling by an international court they do not agree with, the authorities in the Dominican Republic should focus their energy on ensuring the rights of every person living in the country are protected. This must start with complying with the judgement of the Inter-American Court of Human Rights," said Erika Guevara Rosas.

Should the President sanction this ruling, hundreds of thousands of victims of discrimination, police killings and other human rights violations will have no legal avenue to claim justice when they find no remedy at home.

"This decision shows the Dominican Republic's complete lack of care for its international human rights obligations and sets an incredibly dangerous precedent for the protection of the human rights of everybody in the Dominican Republic, particularly the most vulnerable. President Medina now has the opportunity and obligation to show leadership and ensure the country complies with its international obligations," said Erika Guevara Rosas.

The regional court ordered the Dominican Republic to revoke a judgement issued in September 2013 by the

country's Constitutional Court which retroactively and arbitrarily deprived thousands of Dominicans of Haitian descent of their Dominican nationality, leaving them unable to access basic rights such as work, health care and education.

Amnesty International urges authorities in the Dominican Republic to respect their international obligations by fully implementing the recent judgement of the Inter-American Court of Human Rights.

Background Information

On 4 November, the Dominican Constitutional Court argued that when the country joined the jurisdiction of the regional court in 1999 it had done so without respecting its own constitution. The government has now to indicate its position in relation with this decision and the consequences that this might bear.

Promoting and protecting the human rights of all without discrimination is the cornerstone of the rule of law and allows states to ensure that all people can live with dignity, regardless of their gender, race, ethnic origin or any other condition.

The regional human rights system – made up of the Inter-American Commission and Court of Human Rights – is a necessary complement to national protection measures throughout the Americas. Over the years, thousands of victims and their relatives across the continent have seen it as their only chance to obtain justice after national justice systems have failed them.

Since 1999, the Inter-American Court of Human Rights handed down four judgements regarding the Dominican Republic related to impunity for enforced disappearances, discrimination and right to nationality.

Thanks Steve and as with my previous response to you, grateful if we could cover this when we meet next week. **(Redacted s.40)** thought that further engagement with other Latin American countries would be helpful so good to see this listed under your second bullet.

As an update, I met with **(Redacted s.40)** (Christian Aid) yesterday at their request. He was passing through and wanted to brief the department on their work in Haiti – I understand you will be visiting one of their projects next month? His colleague **(Redacted s.40)** said that both they and AI would be issuing a statement shortly condemning the ruling of the Constitutional Court in respect to the IACHR and asking what this means for Dominicans going forward, including those who have nothing to do with the Haitian nationality issues, given that there is now no supranational court to appeal to.

Best

(Redacted s.40)

From: Steven Fisher (Sensitive)

Sent: 02 December 2014 15:41

To: **(Redacted s.40)**

Cc: **(Redacted s.40)**

Subject: Re: Statelessness-Dominicans of Haitian descent in DR

(Redacted s.40)

There are Diptels on this (which should have been reaching HRDDG). And CCMD is up to speed and well versed in the detail - I am copying **(Redacted s.40)**

In short this is a historic problem which has been developing for almost a century. A Constitutional Court ruling in Sept 2013 "clarified" **Redacted S.27(1)(a)** that an unknown number of people born to informal migrants in DR between 1929 and 2010 were not Dominican. The question then arose as to whether they had any statehood. **Redacted S.27(1)(a)** Others claim that the majority have the right to Haitian nationality and are hence not stateless. De facto they (around 200,000, it is believed) currently have no formal nationality (ie they cannot enjoy rights of a legal citizen in any state).

The DR Government has enacted a law to give all those born here, albeit to illegal migrants, DR nationality.

Redacted s.27(1)(a)

Let me know if you need anything from Post.

Steve Fisher
HMA

From: BBC Monitoring [mailto:topic@mon.bbc.co.uk]

Sent: 21 December 2014 09:57

To: (Redacted s.40)

Subject: Statelessness prompts change in Dominican-UN relations

Statelessness prompts change in Dominican-UN relations

Text of report in English by Santo Domingo-based English-language newspaper Dominican Today website on 18 December

Santo Domingo -The presence of the UN High Commissioner for Human Rights (UNHCR) stems from an agreement with the Dominican Government, and has realized that it must "change a bit."

The affirmation Wednesday by UN resident coordinator Lorenzo Luis Jimenez comes in the heels of the abrupt departure of UNHCR representative Gonzalo Vargas Llosa, and stressed that its permanence in the country is now, "under quite particular circumstances."

"It has been decided that the UNHCR presence will be restricted to the next 10 months and then will be studied whether its presence in the country is relevant or not," said Jimenez, quoted by elcaribe.com.do.

"Ultimately the UNHCR's presence is important, useful and Dominican authorities understand it as such in the same way that the UNHCR has understood that it has to change the way it performs and serves somewhat," he said.

"There is no statelessness but there's a situation of the potentially stateless if these processes aren't carried out in an optimal manner and that's the reason that all agencies, funds, programmes and agencies of the UN are working. We want to help the Dominican authorities to avoid a very serious

problem," he said of the UNHCR's mission of combating and preventing statelessness.

Backdrop

Vargas Llosa sparked widespread rebuke in mid-September when he invited "stateless" Dominican-Haitian Juliana Deguis Pierre to the UN forum on statelessness in The Hague.

Source: Dominican Today website, Santo Domingo, in English 1040 gmt 18 Dec 14

BBC Mon LA1 LatPol 211214 yk/prt

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From: (Redacted s.40)

Sent: 08 January 2015 18:42

To: Steven Fisher (Sensitive); (Redacted s.40)

Cc: (Redacted s.40)

Subject: RE: Haiti/DR relations

The DR press has been very active on related subjects. Mainly:

- Highlighting the alleged increase in the number of undocumented Haitians entering DR. This might be true since the same has happened around the regions with those venturing into the sea. Media reports indicating the number of Haitian children being abandoned in DR hospitals on the rise.
- Alleged attacks on DR consulates in Haiti. Many questioning why DR has not protested. Some indicating that considering the international perception, and how things are usually played out and on occasions exaggerated, they have remained calm. I believe I also read recently that in light of the political situation in Haiti, bilateral talks have been halted.
- Alleged kidnap of DR Consulate personnel in Anse-a-Pitre in retaliation for alleged capture of Haitian fisherman in DR waters.
- Controversy for settlement in Montellano, Puerto Plata with undocumented Haitian nationals. To note this was a former Sugar Mill. Money from the Canadian Embassy provided to a local NGO was used to build houses and related infrastructure. A commission has been designated by the Ministry of Interior and Police to look into this. Most relevant players in the country have issued statements rejecting this.
- Haitians in DR have been increasingly requesting Fritz Cineas resign or be removed. They state he does not represent their interests in the country. Several small protests have taken

place outside the Haitian Embassy. Complaints mostly relating to Haiti's lack of assistance in providing documents for the regularization/naturalization process. On a separate but related note. To highlight the structural deficiencies problems with DRs registry (for foreigners and nationals), the JCE has allegedly cancelled in the last 2 years 90,000 identity and electoral cards after detecting irregularities, falsification of data and deaths.

Best,

(Redacted s.40)

From: Diptel SANTO DOMINGO (Sensitive)

Sent: 15 January 2015 01:57

To: Diptel FCO (Sensitive)

Subject: HISPANIOLA IN 2015 [DIPTTEL 1500220]

Diptel SANTO DOMINGO (Sensitive)

Foreign & Commonwealth Office Diplomatic Telegram

Politics

Redacted – Outside Scope

Human Rights

4. An estimated 200,000 residents of DR are victims of the controversy concerning nationality of those born in Dominican territory to illegal Haitian migrants. 2015 is a critical year. The Dominican Government has put in place legislation which would “restore” nationality to those who have “lost” it. They have also begun a long overdue process of regularising foreign migrants. Both processes are moving very slowly. The pressure on government is growing: from nationalists to begin deportations; from civil society and the international community to speed up the naturalization and regularization processes. **Redacted s.27(1)(a)**

Redacted – Outside Scope

From: Caribbean [<mailto:Caribbean@amnesty.org>]

Sent: Wednesday, January 28, 2015 06:45 PM

Subject: Amnesty International | Urgent Action: Mass deportation in the Dominican Republic / Amnistía Internacional | Acción Urgent: deportación masiva en la República Dominicana

La versión española será enviada mañana

Dear all/Estimad@s tod@s,

Amnesty International issues today an urgent action following the report on 27 January of mass deportation from the Dominican Republic to Haiti of 51 people, including 30

Dominican-born children. They were detained while travelling to enrol into the schemes put in place by the Dominican government to regularise undocumented migrants residing in the country and for Dominican-born people deprived of their Dominican nationality following a ruling issued in September 2013 by the Dominican Constitutional Court.

The document will be accessible on the following link:

<http://www.amnesty.org/en/library/info/AMR27/002/2015/en>

Thanks for sharing in your networks and for taking immediate action.

Kind regards

Caribbean Team

Date: 28 January 2015

URGENT ACTION

mass deportation in the dominican republic

On 27 January, 51 people, including 30 Dominican-born children, some of their mothers and 14 other adults were deported without due process to Haiti from the Dominican Republic.

More mass deportations of Dominicans of Haitian descent and Haitian migrants are feared.

On the morning of 27 January, two mini-buses transporting 30 children aged between seven and 13, all born in the Dominican Republic, accompanied by some of their mothers (7

Haitian women) and 14 other Haitian migrants were travelling with religious officials to San

Juan de la Maguana in eastern Dominican Republic. Following a ruling issued by the

Dominican Constitutional Court in 2013 that rendered tens of thousands of people of

foreign descent stateless, the mothers intended to enrol the children in a naturalization

scheme established by the Dominican government in May 2014 to regularize the situation of

Dominican children of irregular migrants. The 14 other Haitian migrants sought to enrol in

the National Regularization Plan for Foreigners with Irregular Migration Status, established

in 2013 for undocumented migrants living in the Dominican Republic.

Around 20 kilometres before reaching San Juan de la Maguana, where the nearest offices

that process enrolment for both naturalization and regularization processes are located, the

mini-buses were stopped at a military checkpoint. The military officers denied the group

access to the city for being “undocumented migrants”. Following negotiations with the

religious officials, they were asked to obtain a pass at the office of the Migration Directorate

in Elias Piña near the Haitian-Dominican border. Once they arrived at the Migration

Directorate office, they were detained and accused of being illegal wanderers. The

authorities ordered their immediate deportation to Haiti without giving them the

opportunity to have their cases individually examined, and therefore be able to challenge

the legality of their detention or appeal the decision.

Following pressure, in the evening the Dominican Ministry of Interior gave authorization to

the whole group to re-enter the country. They were still on Haitian territory on the morning

of 28 January. The 30 children are in a particular situation of vulnerability as they do not

hold Haitian citizenship and remain stateless.

Please write immediately in Spanish or your own language:

n Calling on the Dominican authorities to allow the group to enrol in the naturalization and regularization schemes according to their wishes;

n Urging them not to use naturalization and regularization procedures to detect alleged undocumented migrants and to stop all deportations of similar measures against applicants in the naturalization and regularization schemes;

n Urging them to fulfil their obligations under international law, which prohibit arbitrary and collective expulsions, and to ensure that all those facing removal from the Dominican Republic have their cases individually examined in a fair and transparent procedure, where they can challenge the authorities' decisions and have their case reviewed.

PLEASE SEND APPEALS BEFORE 11 MARCH 2015 TO:

Minister of Interior and Police

José Ramón Fadul

Av. México esq. Leopoldo Navarro

Edificio de Oficinas Gubernamentales Juan Pablo Duarte

Santo Domingo, República Dominicana

Email: info@mip.gob.do

Salutation: Señor Ministro / Dear Minister

Director of Migration

Lic. Jose Ricardo Taveras

Dirección General de Migración

Avenida 30 de Mayo, Esquina Héroes de

Luperon,

Santo Domingo, República Dominicana

Fax: +1 809 534 7118

Email: info@migracion.gov.do

Salutation: Dear Director

Minister of Foreign Affairs

Andrés Navarro García

Ministro de Relaciones Exteriores

Avda. Independencia No.752

Santo Domingo, República Dominicana

Fax: +1 809 985 7551

Email:HYPERLINK "<mailto:relexteriores@mirex.gov.do>" relexteriores@mirex.gob.do

Salutation: Dear MinisterAlso 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.

URGENT ACTION

mass deportation in the dominican republic

ADditional Information

In September 2013 the Dominican Constitutional Court established that Dominican children of irregular migrants born in the Dominican Republic between 1929 and 2010 had never been entitled to Dominican nationality and had to be stripped of it (ruling 168-13). The vast majority of those affected are Dominicans of Haitian descent.

Following national and international outcry, in May 2014 the Dominican Congress adopted Law 169-14, which created two categories of people: those who at some point were registered in the Dominican civil registry, and those whose birth was never declared.

According to the law, individuals belonging to the second group are required to register themselves as foreigners and they will be able to apply for naturalization only two years after having been regularized. In parallel, the government has been carrying out a process for the regularization of migrants without regular migration status. Following an initial

preparatory phase, the second phase of the National Regularization Plan for Foreigners with Irregular Migration Status started on 1 June 2014, giving migrants 12 months to apply for regularization. Article 37 of the presidential decree for the implementation of the National Regularization Plan for Foreigners with Irregular Migration Status made it clear that no migrant who had applied to the Plan could be deported during the time of its implementation.

In October 2014 the Inter-American Court of Human Rights (IACHR) handed down a ruling calling on the Dominican Republic to provide redress for human rights abuses suffered by Dominicans of Haitian descent and Haitians as a result of illegal deportations, denial of identity documents and arbitrary deprivation of nationality, among others. However, the Dominican government formally rejected the regional court's ruling, dismissing it as "out of season, biased and inappropriate".

Only two weeks later, the Dominican Constitutional Court issued a new ruling that could lead to the country's withdrawal from the Inter American Court of Human Rights and deprive hundreds of thousands of survivors of human rights abuses from any hope of justice.

Arbitrary and mass deportations of Haitian migrants are common practice in the Dominican Republic. Amnesty International has documented numerous cases of people being arbitrarily expelled from the Dominican Republic in recent years. Local human rights organizations report that most of the expulsions that are regularly carried out are arbitrary and do not comply with international human rights standards. This practice of collective expulsions means that Haitians and Dominicans of Haitian descent in the Dominican Republic live in constant fear of being expelled, without an effective opportunity to challenge the decision to do so.

At the beginning of 2015, the Dominican authorities launched "Operation Shield" (Operación escudo), a mass-scale deployment of security forces in the border areas, with the aim of halting the entry of those without regular status. Since the beginning of the year, the authorities have announced having repatriated more than 22,000 individuals, the vast majority to Haiti. According to Dominican human rights organizations, among those repatriated there are also individuals who had already applied to the ongoing National Plan of Regularization of Foreigners with Irregular Migration Status.

Collective expulsions also contravene the Protocol of understanding on the mechanisms of repatriation agreed by the Dominican and Haitian governments in December 1999. In signing the Protocol, the Dominican Republic undertook to improve its deportation mechanisms and made a number of specific commitments, including to avoid separating nuclear families during the process of repatriation and to allow those being deported to collect their belongings and keep their identity documents.

Name: 51 people, including 30 children with their 7 mothers and 14 other adults

Gender m/f: both

UA: 20/15 Index: AMR 27/002/2015 Issue Date: 28 January 2015

From: (Redacted s.40)

Sent: 29 January 2015 18:24

To: Steven Fisher (Sensitive); (Redacted s.40)

Cc: (Redacted s.40)

Subject: RE: Haiti/DR relations

More protests from Haitian nationals due to lack of collaboration from the Haitian government in providing documents:

http://www.haitilibre.com/article-13063-haiti-republique-dominicaine-manifestation-devant-le-consulat-d-haiti.html?utm_source=dlvr.it&utm_medium=twitter

(Redacted s.40)

From: Steven Fisher (Sensitive)
Sent: Friday, January 30, 2015 11:57 AM
To: (Redacted s.40)
Cc: (Redacted s.40)
Subject: Re: For info: Deportations in the Dominican Republic & Operation Shield

(Redacted s.40)

Noted.

The deadline for Regularization of Migrants comes on 31st May. But the deadline for the "Special Naturalization Process" (for those born here) is tomorrow. Only a few thousand have apparently initiated the process. This either means that the 200,000 figure is wildly inaccurate, or that the vast majority do not possess the birth certificate necessary to engage with the process; or they are simply not engaging.

The consequences of this are difficult to predict. Effectively, if someone born here does not engage with the naturalization process they can still engage with the regularization process - but in doing so they would be foregoing the automatic right to naturalization which the GODR has held out to those who can prove they were born here.

We will continue to monitor and will draw the strands together at some stage.

Steve

From: amnesty.org on behalf of Caribbean [Caribbean@amnesty.org]
Sent: 30 January 2015 16:18
Subject: Amnistía Internacional | República Dominicana: Decenas de miles de apátridas y en peligro de expulsión si expira el plazo para pedir la residencia / Amnesty International | Dominican Republic: no more hope for tens of thousands still stateless and at r...

Attachments: UA AMR 27.003.2015 Continúa la crisis de apatridia en masa.pdf; UA AMR 27.003.2015 Mass statelessness crisis continues.pdf

Importance: High

Dear all/Estimad@s tod@s,

Amnistía Internacional lanza hoy una segunda acción urgente sobre la **República Dominicana** al finalizar el 1 de febrero el plazo del plan establecido a través la ley 169-14 para regularizar la situación de apatridia creada por el Tribunal Constitucional dominicano en septiembre del 2013. Miles de personas nacidas en República Dominicana, que adquirieron nacionalidad dominicana bajo las leyes vigentes al momento de su nacimiento, se quedarán en situación de apatridia y a mayor riesgo de deportaciones.

Ver la acción urgente a los siguientes links:

ESP: <http://www.amnesty.org/es/library/info/AMR27/003/2015/es>

ING: <http://www.amnesty.org/en/library/info/AMR27/003/2015/en>

Ver abajo un comunicado de prensa de Amnistía Internacional al respecto.

Gracias por su difusión y por tomar acción.

Saludos

Equipo del Caribe

Amnesty International issues today a second urgent action on the **Dominican Republic** as the plan established by law 169-14 to regularize the situation of statelessness created by the Dominican Constitutional Court in September 2013 will expire this Sunday, 1st February. Thousands of individuals, born in the Dominican Republic and who acquired Dominican nationality under the laws in force at the time of their births will remain stateless and at greater risk of deportation.

See the urgent action at the following links:

ENG: <http://www.amnesty.org/en/library/info/AMR27/003/2015/en>

SP: <http://www.amnesty.org/es/library/info/AMR27/003/2015/es>

See below a press release of Amnesty International on this situation.

Thanks for sharing in your networks and for taking action.

Kind regards

Caribbean Team



Caribbean Team | Équipe de la Caraïbe | Equipo del Caribe

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AMNISTÍA INTERNACIONAL

COMUNICADO DE PRENSA

30 enero 2015

República Dominicana: Decenas de miles de apátridas y en peligro de expulsión si expira el plazo para pedir la residencia

Decenas de miles de personas nacidas en la República Dominicana, la gran mayoría de ascendencia haitiana, estarán en peligro de expulsión cuando, el 1 de febrero, expire el plazo para presentar su petición de residencia. Así lo ha manifestado hoy Amnistía Internacional.

“Cuando, al dar la medianoche, expire el plazo, las esperanzas de decenas de miles de personas vulnerables se hundirán. Miles de personas correrán peligro de ser expulsadas del país”, ha manifestado Erika Guevara Rosas, directora del Programa para América de Amnistía Internacional.

“Incluso aunque estas personas puedan permanecer en la República Dominicana una vez vencido el plazo, su futuro será terriblemente incierto. Aunque los términos ‘residente’ y ‘apátrida’ pueden parecer burocráticos, lo cierto es que el contar con la ciudadanía legal puede ser esencial para tener acceso a la educación, la atención médica y el trabajo, entre otros derechos fundamentales.”

La Ley 169/14, introducida en mayo de 2014, establece que las personas nacidas de padres extranjeros indocumentados, cuyo nacimiento no se declaró en la República Dominicana, deben inscribirse en un programa especial para obtener un permiso de residencia que más tarde necesitarán para reclamar la ciudadanía del país. Sin embargo, el plazo para inscribirse termina el domingo 1 de febrero, y no se ha ampliado. Eso significa que las personas que no estén ya inscritas en el sistema perderán la posibilidad de recibir alguna vez la ciudadanía dominicana.

Tan sólo un pequeño porcentaje de las personas que, en virtud de la ley, tienen derecho a inscribirse han podido iniciar el proceso antes de que expire el plazo. El ministro del Interior declaró que, hasta el 9 de enero, 5.345 personas se habían inscrito en el programa de regularización establecido por la Ley 169/14. Esta cifra representa menos del 5 por ciento de las 110.000 personas que, según se estima, tienen derecho a hacerlo.

La Ley se introdujo tras la condena generalizada de la decisión del Tribunal Constitucional dominicano de privar retroactivamente de la nacionalidad dominicana a miles de personas de ascendencia extranjera, y convertirlas así en apátridas. La nueva ley obligaba a estas personas a inscribirse como extranjeras y volver a solicitar, partiendo de cero, la ciudadanía dominicana.

“Ya es hora de poner fin a esta crisis. La simple realidad es que, cuando nació la inmensa mayoría de estas personas, la ley dominicana entonces vigente las reconocía como ciudadanas. El privarles de ese derecho, y crear a continuación unos obstáculos administrativos insalvables para poder quedarse en el país, constituye una violación de sus derechos humanos”, ha manifestado Erika Guevara Rosas.

Ya se ha informado sobre algunas expulsiones. El 27 de enero, 51 personas, entre ellas 30 niños nacidos en la República Dominicana, algunas de sus madres y otros 14 adultos, fueron expulsadas sin el proceso debido a Haití desde la República Dominicana.

La Ley 169/14 crea dos categorías de personas: las que, en algún momento, se inscribieron en el registro civil dominicano, y aquellas cuyo nacimiento no se declaró.

Incluso la mayoría de las pertenecientes al primer grupo, a las que debería haberseles devuelto su nacionalidad dominicana en un procedimiento rápido, llevan meses esperando, y a día de hoy muchas siguen siendo de hecho apátridas.

Juan Alberto Antuan Vill es un joven de ascendencia haitiana nacido en la República Dominicana e inscrito en el registro civil dominicano en el momento de su nacimiento. Las autoridades dominicanas llevan años negándole sus documentos de identidad. Dijo a Amnistía Internacional:

“Estamos preocupadísimos, porque las autoridades siguen negando la existencia de la apatridia, pero es nuestra realidad. No nos fiamos de todo este proceso, a causa de la gente que lo dirige. En este país existe discriminación: no puedo trabajar y no puedo acceder a servicios esenciales.”*[esta cita la he traducido, pero es

posible que el original sea español; no sé si se puede pedir, o si conviene pedirla, o si se va a conseguir algo pidiéndola]

“La República Dominicana lleva demasiado tiempo pisoteando los derechos de las personas de ascendencia haitiana en el país. Esta injusticia ya ha durado bastante; el gobierno debe tomar ya medidas urgentes para restaurar plenamente la nacionalidad dominicana a las miles de personas vulnerables que han nacido, vivido y trabajado en el país durante decenios”, ha manifestado Erika Guevara Rosas.

Información adicional:

La Ley 169/14 ya ha sido objeto de intensas críticas anteriormente. En octubre de 2014, la Corte Interamericana de Derechos Humanos concluyó que la Ley violaba la Convención Americana sobre Derechos Humanos. Las autoridades dominicanas rechazaron de inmediato la resolución de la Corte y se negaron a cumplirla. También han manifestado reiteradamente que nadie ha quedado en situación de apatridia.

En la República Dominicana viven cientos de miles de descendientes de migrantes haitianos. En muchos casos, a sus familiares se les animó activamente a acudir a la República Dominicana desde la década de 1940, mediante acuerdos bilaterales establecidos por los dos gobiernos para reubicar una mano de obra barata que trabajara en las plantaciones de caña de azúcar.

Durante decenios, el Estado dominicano reconoció formalmente como ciudadanos dominicanos a los hijos de migrantes haitianos nacidos en el país, y les emitió certificados de nacimiento dominicanos, documentos de identidad y pasaportes, independientemente de la condición de inmigrantes de sus padres.

AMNESTY INTERNATIONAL PRESS RELEASE

30 January 2015

Dominican Republic: no more hope for tens of thousands still stateless and at risk of expulsion if residence deadline expires

Tens of thousands of individuals born in the Dominican Republic, the vast majority of Haitian descent, will be put at risk of expulsion when the deadline to register for residence expires on the first day of February, said Amnesty International today.

Law 169/14, introduced in May 2014, required those born to undocumented foreign parents, whose birth was never declared in the Dominican Republic, to register to a special scheme to obtain a residence permit which would be needed to later claim citizenship in the country. However, the deadline to register will run out on Sunday 1 February and has not been extended. That means all those not already registered in the system will lose the possibility of ever being granted Dominican nationality.

“At the stroke of midnight the hopes of tens of thousands of vulnerable people will be scuppered as this law expires. This could leave thousands at risk of possible expulsion from the country,” said Erika Guevara Rosas, Americas Director, Amnesty International.

“Even if these people are able to stay in the Dominican Republic after the deadline expires, their futures are woefully uncertain. While the terms ‘resident’ and ‘stateless’ might seem bureaucratic, in reality legal citizenship can be vital to open up access to education, healthcare and work, among other fundamental rights.”

Just a tiny percentage of those eligible to register under the law have been able to start the process before time ran out. The Minister of the Interior said that by 9 January, 5,345 people had applied to the regularization scheme under Law 169-14. This represent less than 5% of the estimated 110,000 people entitled to do so.

The law was introduced after widespread condemnation of the Dominican constitutional court’s decision to retroactively deprive thousands of people of foreign descent of their Dominican nationality, which left them stateless. The new law obliged these people to register themselves as foreigners and re-apply for Dominican citizenship from scratch.

“It is about time to put an end to this crisis. The simple fact is that when the vast majority of these people were born, the Dominican law at the time recognised them as citizens. Stripping them of this right, and then creating impossible administrative hurdles to stay in the country is a violation of their human rights.”

Expulsions are already being reported. On 27 January, 51 people, including 30 Dominican-born children, some of their mothers and 14 other adults were deported without due process to Haiti from the Dominican Republic. Law 169/14 creates two categories of people: those who at some point were registered in the Dominican civil registry, and those whose birth was never declared.

Even most of those in the first group, who should have been able to have their Dominican nationality returned in a quick procedure, have been waiting for months and to this day many remain de facto stateless.

Juan Alberto Antuan Vill is a young man of Haitian descent born in the Dominican Republic and registered in the Dominican civil registry at the time of his birth. He has been denied his identity documents for many years by the Dominican authorities. He told Amnesty International:

“We are extremely worried because the authorities continue to deny the existence of statelessness, but it's our reality. We don't trust the whole process because of the people leading it. There exists discrimination in this country, I can't work and I can't access vital services.”

“For too long the Dominican Republic has ridden rough-shod over the rights of Haitian descendants within their country. This injustice has gone on long enough and now the government must take urgent steps to fully restore the Dominican nationality of the thousands vulnerable people that were born, have lived and worked in the country for decades” said Erika Guevara Rosas.

More information:

Law 169/14 has come under intense criticism before. In October 2014, the Inter-American Court of Human Rights found that the law violated the American Convention on Human Rights. The Dominican authorities immediately rejected the ruling and refused to comply with it. They have also repeatedly stated that nobody has been made stateless.

Hundreds of thousands of descendants of Haitian migrants live in the Dominican Republic. In many cases their relatives had been actively encouraged to come to the Dominican Republic since the 1940s, through bi-lateral agreements between the two countries aiming to relocate a cheap labour force to work in the sugarcane plantations.

For decades the Dominican State formally recognized the children of Haitian migrants born in the country as Dominican citizens, issuing Dominican birth certificates, identity cards and passports to them, irrespective of the migration status of their parents.

From: (Redacted s.40)

Sent: 13 February 2015 19:48

To: Steven Fisher (Sensitive)

Subject: Draft UNHCR meeting

HMA,

Below some of the main points of the meeting . You may have more detailed information on numbers and both groups. I have used the information provided by the authorities to the press this week. It is the first part of this email:

According to press statements made by Minister for Interior and Police José Ramón Fadul on 11 February, 300,000 foreigners have applied for the regularization plan. They expect to provide Ids to 40,000 in approximately a month. 8,745 applied for naturalization. 139,000 have provided biometrics and 500 have received IDs. He has stated that the group from the Regularization Plan will have passports and transit status for 2 years, work or study permit.

Regarding foreigners irregularly inscribed in the Civil Registry currently being audited, he indicated preliminary findings conclude the number is 60,000 of which 40,000 are Haitian. The audit is set to conclude in march.

EU offered a press conference in its offices announcing it has joined up with DR Civil Society in supporting Haitian immigrants apply for the regularization process. They aim to reach 45,000 migrants. For this project the EU will provide 190,000 Euros plus additional contribution from the NGOs. They will install 5 mobile units around the country to provide support and reach bateyes and rural communities. 105 people will promote the programme.

(Redacted s.40)

From: Steven Fisher (Sensitive)

Sent: 17 February 2015 19:01

To: (Redacted s.40)

Subject: FW: Santo Domingo: UNHCR meeting 11 February 2015

Please explain to **(Redacted s.40)** the origin of the figures. They all come from the UN Statistical survey which (from memory) suggested 680,000 Haitians, of whom 200,000 were born here....

One theory is that the latter figure is wrong! I would not be at all surprised.

Dear **(Redacted s.40)**

Thank you for attending the recent event in Puerto Plata and also for your email below.

As you can imagine, here in the Embassy we are following the DR/Haiti bilateral relationship very closely. Along with our EU partners and other like-minded countries (e.g. Canada and US) we take every opportunity when we meet high level interlocutors from the Dominican (and Haitian) governments to stress the need for a humanitarian, legal, and peaceful solution to the issues of immigration and naturalisation.

We do recognise that such sovereign issues are a matter for the government in question, and we therefore welcome the various public declarations by the Dominican government – the latest given just yesterday by Foreign Minister Navarro - that it intends to adhere to international human rights standards and ensure the wellbeing of all those involved. We will continue to monitor the situation closely.

As to the suggestion that any foreign governments want to reunite the countries of DR and Haiti, I would not lend too much credence to this. To our knowledge no foreign government supports such an idea or has ever done so, and so this sounds more like a conspiracy theory than anything else.

The Embassy has not issued any public declarations on the immigration/naturalisation process as it is not really our place to do so (as mentioned above, this is a sovereign matter for the DR authorities). But please let me assure you that, like many other countries, we take every opportunity when talking to our contacts to press for a peaceful, just and transparent process.

I hope this answers your questions.

With warmest regards,

(Redacted s.40)

From: (Redacted s.40)

Sent: 20 February 2015 13:21

To: (Redacted s.40)

Cc: (Redacted s.40)

Subject: RE: Cocktail in Puerto Plata

Dear **(Redacted s.40)**

Thank you for your e-mail. I am pleased you enjoyed the cocktail.

I am copying **(Redacted s.40)** since he is in a better position to answer your question about the position of the Embassy on the Haiti-Dom Rep relations.

Best regards,

(Redacted s.40)

From: (Redacted s.40)

Sent: 20 February 2015 08:26

To: (Redacted s.40)

Subject: RE: Cocktail in Puerto Plata

Dear **(Redacted s.40)**

Thank you so much for your kind hospitality and a pleasant time on Wednesday evening. It was very nice to get together with you all.

Please pass on my thanks to everyone involved.

There was one issue I wanted to discuss with Steve but as we had to leave early, there wasn't time, and it is a complex matter. Is the British Embassy involved in any way in what is going on between the Dominican Republic and Haiti with regards to immigration? What is your position on the Nationalization Plan? Has the British Embassy published any statements on this? If so, please could you send me a link?

I am torn. I am involved with an orphanage in Haiti, **(Redacted s.40)**, and am involved with missionaries in my church who are working tirelessly to help Haitian people living here to obtain their documentation. I also know very well people in the Samaritan Foundation who are being accused of breaking the law by providing housing to Haitians who are claimed to be undocumented. However, **(redacted s.40)** who is very concerned about the rising conflict between the nationals of the two countries and the increase in the number of illegal immigrants. I used to go to Haiti nearly every month but have not been for over a year because of potential danger at the frontier and beyond (**(Redacted s.40)** request, not my choice). There is much fear and anger amongst the Dominican people that the international community (principally the US government) wants to remove the frontier altogether and try to merge the two nations. Many believe that a bloodbath would be inevitable, based on the long history of animosity in Hispaniola.

Where do you stand, as an embassy or government, on this, if at all? **Please will you pass this question on to whoever would be best to answer it.**

Many thanks and best regards,
(Redacted s.40)

Thanks.

Please talk to **(Redacted s.40)** and get a copy of the Haitian Constitution and relevant bits of nationality legislation so that we can understand what it says about the right to Haitian nationality of people born overseas to Haitian parents.

(Redacted s.40) - this is an important point. Some Dominicans are arguing that people born in DR to Haitian parents are automatically entitled to Haitian nationality and cannot therefore be regarded as "stateless". **Redacted s.27(1)(a)**

SF

From: (Redacted s.40)

Sent: 11 May 2011 08:15

To: (Redacted s.40)

Cc: Steven Fisher (Restricted)

Subject: FW: Haiti allows dual nationality to lure back diaspora

10/05/2011 **Haiti allows dual nationality to lure back diaspora**

Text of report by Radio France Internationale website on 10 May

An historic decision has been taken by the new parliament in Haiti. The recently-elected deputies and senators are finalizing the process of amending the constitution and have voted by a majority in favour of the right to dual nationality. The Haitian diaspora will now be able to take part in the political and economic life of their country of origin as fully-fledged citizens.

Our correspondent Amelie Baron in Port-au-Prince:

Article 15 of Haiti's constitution which said that "dual Haitian and foreign nationality is not allowed under any circumstances, no longer exists. A short sentence removed from the body of legislation that changes the situation of four million Haitians in the diaspora. They will now be able to vote in national elections from their countries of residence. For Edwin Paraison, the minister for Haitians living abroad, this amendment will help Haiti's development.

"Haiti is a country that has suffered from a brain drain over the past 30 or 40 years," Edwin Paraison explained, adding: "We have intellectuals and professionals in Africa, Europe and North America who make a vast contribution to the progress and development of their host countries. I think we have a shortage of professionals that could easily be offset if the diaspora came here. It now remains to ensure that our compatriots have the highest level of political participation." The debates continue because members of parliament do not want people with dual nationality to be able to stand in elections unconditionally. Most serving deputies and senators effectively look askance at the future competition that might come from abroad and

prevent their re-election.

[The Carriibbean Media Corporation news agency website at 1250 gmt on 26 April said that during a visit to Florida, USA, President-Elect Michel Martelly had urged Haitians living abroad to help "accomplish all we have planned for Haiti". He called immediately for a tax on money transfers and phone calls, for instance, to help meet his campaign pledge of free universal education. He also said, "We need you to bring your talents back to Haiti. We need you to bring your skills and expertise back to Haiti," the agency reported.]

Source: Radio France Internationale website, Paris, in French 0000 gmt 10 May 11

United Kingdom of Great Britain & Northern Ireland National Statement

Universal Periodic Review –Dominican Republic

The UK recognises the Government of the Dominican Republic's broad commitment to the protection of human rights and to addressing problems where they exist. We commend the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the passing of the Law on the Equality of the Rights of People with a Disability. We welcome the appointment of the Ombudsman and encourage the Dominican government to strengthen the Ombudsman's office with adequate funding and the appointment of capable and independent investigators.

We further welcome the Dominican Government's action on some of the UK recommendations made in their previous UPR, including ongoing efforts to improve the prison system.

The UK recognises the reduction in the number of extrajudicial killings by the National Police but believe the statistics remain unacceptably high. We encourage the Dominican Government to introduce further

human rights-based reform of the security services and the establishment of a fully independent oversight body to receive and investigate complaints.

The UK remains concerned by impunity, corruption and inefficiencies within the judicial system. This has the effect of denying access to justice to many citizens. As such, we welcome the frank and objective assessment of the challenges facing the judicial system which were expressed by the President of the Supreme Court in his speech of 7 January.

The UK is also concerned by ongoing evidence of racial discrimination in Dominican society, in particular towards people of Haitian origin. While recognising that the Dominican government does not promote this behaviour, we believe that the authorities should do more to ensure that state officials at all levels stop discriminatory practices, including in relation to the process of issuing identity documents.

We have 2 **recommendations**:

- That the Government of the Dominican Republic considers the recommendations on reforms to the justice system made by the President of the Supreme Court in his speech of 7 January and identifies improvements which will help to guarantee the human right of access to justice. This should include thorough investigation of malpractice and a zero tolerance approach towards corruption.
- That the Government of the Dominican Republic prioritises the adequate resourcing and staffing of the Ombudsman's Office, ensures that State institutions, including the National Police, collaborate fully with the Office and considers a public campaign to demonstrate to Dominican citizens how this institution can help protect and guarantee their human rights.