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7 July 2020

### DOM200287.E

Dominican Republic: Crime situation, including organized crime; state response, including effectiveness; state protection for witnesses and victims of crime (2017-June 2020)

Research Directorate, Immigration and Refugee Board of Canada

## 1. Overview

The US Overseas Security Advisory Council (OSAC) indicates that "[c]rime continues to be the number one safety concern in the Dominican Republic for Dominicans" (US 29 May 2020, 1). The 2018 annual report of the National Human Rights Commission of the Dominican Republic (Comisión Nacional de los Derechos Humanos de la República Dominicana, CNDH-RD), an NGO, notes that the level of insecurity is [translation] "high," and that Dominicans do not feel safe anywhere in

their country (CNDH-RD Dec. 2018, 8). Other sources similarly report that there is a "high" perception of insecurity in the Dominican Republic (Singer Nov. 2019, 81-82; Assistant Professor 15 June 2020).

Matthew Singer, an associate professor in the Department of Political Science at the University of Connecticut, states that, according to official data from 2014 to 2018 of the Citizen Security Observatory of the Dominican Republic (Observatorio de Seguridad Ciudadana República Dominicana, OSC-RD), the public body in charge of collecting and analyzing information about crime and violence in the Dominican Republic (Dominican Republic n.d.a), there has been a decrease in crime in recent years, particularly the homicide rate (Singer Nov. 2019, 81, 234). However, Singer notes that numerous surveys, including surveys conducted by the AmericasBarometer of the Latin American Public Opinion Project (LAPOP), an academic institution that conducts public opinion surveys in the Americas (LAPOP n.d.), have indicated that, in regard to the [translation] "most common acts of violence reported by the surveyed population," there has been an increase in crime victimization and the sense of insecurity in the Dominican Republic (Singer Nov. 2019, 81). To assess crime victimization, respondents of the LAPOP surveys were asked if they were victims of a criminal act in the previous twelve months (Singer Nov. 2019, 85). The LAPOP surveys show that crime victimization has increased from 16.6 percent in 2010 to 25.5 percent in 2019 (Singer Nov. 2019, 82, 87). In an interview with the Research Directorate, an assistant professor in the criminal justice program at Fitchburg State University, who studies citizen security, organized crime, and defense issues in Latin America and the Caribbean, particularly in the Dominican Republic, noted that while criminal activity and violence were previously concentrated in poorer areas, criminal activity and violence have become more pervasive in cosmopolitan areas (Assistant Professor 15 June 2020).

## 1.1 Homicide

A report on 2019 crime statistics by the OSC-RD indicates that 1,026 homicides were committed in the Dominican Republic, representing a rate of 9.9 homicides per 100,000 inhabitants (Dominican Republic Feb. 2020, 3). However, using data from the National Police (Policía Nacional) and the National Institute of Forensic Sciences (Instituto Nacional de Ciencias Forenses), a preliminary report by the Office of the Attorney General (Procuraduría General de la República, PGR)

states that there were 1,225 homicides in the Dominican Republic in 2019 (Dominican Republic [2019a], 2). Of these, the highest rates of homicides are related to personal fights and disputes (4.87 per 100,000 inhabitants), and robberies and thefts (1.30 per 100,000 inhabitants) (Dominican Republic [2019a], 3). According to the OSC-RD report, in 2019, the five provinces with the most homicides were Santo Domingo (276), the National District (107), Santiago (90), San Cristóbal (69), and La Altagracia (47) (Dominican Republic Feb. 2020, 2).

The OSC-RD report states that there were 42 fewer homicides in the Dominican Republic in 2019 than there were in 2018 (Dominican Republic Feb. 2020, 3). The same source also indicates that, between 2012 and 2019, there has been a decrease of 13.6 homicides for every 100,000 inhabitants, and that, in 2012, the homicide rate was 23.4 per 100,000 inhabitants (Dominican Republic Feb. 2020, 3). The Assistant Professor indicated that, even though official government data indicates that there has been a decline in the homicide rate since 2014, there are issues with transparency in data collection (Assistant Professor 15 June 2020). The same source added that "the homicide rate that is reported is not accurate" (Assistant Professor 15 June 2020). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **1.2 Femicide**

The Assistant Professor stated that femicide is a "huge problem" in the Dominican Republic and that rates of femicide have been fairly consistent over time (Assistant Professor 15 June 2020). The CNDH-RD report notes that the Dominican Republic has the fifth-highest rate of femicide in Latin America and the Caribbean, with an average of 177 cases per year (CNDH-RD Dec. 2018, 45). Amnesty International's 2019 review of human rights in the Americas reports that "[b]etween January and September, 58 women were killed because of their gender. The killing of lawyer Anibel González, reportedly by her former partner, reignited regular protests calling for an improved response to gender-based violence" (Amnesty International Feb. [2020], 44). The OSC-RD report indicates that 77 of the 1,026 homicides in 2019 were femicides, which was a decrease of 13 percent in comparison with 2018 (Dominican Republic Feb. 2020, 4). In a press release, the PGR states that 2019 had the lowest number of femicides in the Dominican Republic

in the last 14 years (Dominican Republic 10 Nov. 2019). However, an article by the Spain-based news agency Agencia EFE reports that human rights groups have questioned official statistics that indicate a decline in femicide (Agencia EFE 22 Nov. 2019). Similarly, the CNDH-RD report notes that it is difficult to develop statistics because not all cases of murdered women and girls are classified as femicides (CNDH-RD Dec. 2018, 45).

### 1.3 Kidnapping

The OSAC report indicates that the risk of kidnapping in the Dominican Republic is "low" (US 29 May 2020, 7). The PGR report indicates that one person died in circumstances related to kidnapping in 2019, which represents a rate of 0.01 homicides related to kidnapping per 100,000 inhabitants (Dominican Republic [2019a, 3]). The most recent available data on kidnappings from the UN Office on Drugs and Crime (UNODC), which is based on data from national authorities collected through the annual UN Crime Trends Survey (UN-CTS), indicates that, in 2016, the police-recorded 21 kidnappings in the Dominican Republic, a rate of 0.202 per 100,000 inhabitants (UN n.d.). Sources report that "express kidnappings" are an active occurrence in the country (*Listín Diario* 24 May 2019; Dominican Today 23 May 2019) and are a form of extortive kidnapping whereby a person is abducted and forced to withdraw money from a banking machine (*Listín Diario* 24 May 2019).

### 1.4 Robbery

The OSAC report states that robbery is "particularly concerning" in the Dominican Republic and that "[a]ggravated [r]obbery was the second-most common complaint to the police between January and June 2019, comprising 18% of all reported crimes. Nearly 65% of all homicides between January and September 2019 occurred during a robbery or attempted robbery" (US 29 May 2020, 1). The OSC-RD data indicates that 196 of the 1,026 homicides in 2019 were related to robberies (Dominican Republic Feb. 2020, 5). A 2019 report by Freedom House states that "the prevalence of drive-by robberies by armed assailants has prompted some reluctance to move about freely, particularly at night" (Freedom House 2019, Sec. G1).

## 2. Organized Crime

Sources report that the Dominican Republic is a transit country for narcotics (Assistant Professor 15 June 2020; INTERPOL n.d.; InSight Crime 24 May 2018). InSight Crime, a foundation dedicated to the study of organized crime in Latin America and the Caribbean (InSight Crime n.d.), reports that the head of the National Directorate of Drug Control (Dirección Nacional de Control de Drogas, DNCD) told InSight Crime that at least 120 tons of cocaine flow through the Dominican Republic annually (InSight Crime 24 May 2018). A report by the US Department of State on international narcotics control notes that "approximately 90 percent of the cocaine bound for North America and Europe through the Caribbean transits through the Dominican Republic" (US Mar. 2019, 147). The Assistant Professor noted that, in addition to drug trafficking, there are issues in the country with money laundering, and, to a lesser extent, arms trafficking (Assistant Professor 15 June 2020). Similarly, the OSAC report indicates that "[t]he Dominican Republic also faces challenges with organized crime, which involves a variety of activities, including drug trafficking and money laundering" (US 29 May 2020, 2).

Sources note that organized crime groups in the Dominican Republic have connections to transnational crime groups (InSight Crime 25 Apr. 2017; Assistant Professor 15 June 2015). InSight Crime reports that the presence of Venezuelan drug trafficking organizations and criminal elements in the Dominican Republic is growing (InSight Crime 24 May 2018). The Assistant Professor stated that, in the Dominican Republic, there are groups with connections to Mexican cartels, including the Sinaloa and the Gulf Cartel, and that there are also groups with connections to Venezuelan cartels (Assistant Professor 15 June 2020). Similarly, InSight Crime reports that the Gulf Cartel provided cocaine and other drugs to César Emilio Peralta, a top Dominican drug kingpin, and his criminal organization (InSight Crime 13 Sept. 2019). According to the Assistant Professor, there are also transnational gangs, including the Trinatorios and the Dominicans Don't Play gang, operating in the Dominican Republic (Assistant Professor 15 June 2020).

According to sources, the police and military in the Dominican Republic are involved in organized crime and drug trafficking (Assistant Professor 15 June 2020; Bertelsmann Stiftung 2020, 6). Similarly, the OSAC report states that corruption intensifies the situation regarding organized crime (US 29 May 2020, 2).

*Bertelsmann Stiftung's Transformation Index (BTI)*, which assesses country transformation to democracy and a market economy and the quality of governance in 137 countries, indicates that in the Dominican Republic, organized crime is "worse along the border with Haiti and in rural areas" (Bertelsmann Stiftung 2020, 2, 6). The same report states that there are signs that issues with organized crime in the Dominican Republic have become worse between February 2017 and January 2019 (Bertelsmann Stiftung 2020, 2, 6).

### **3. State Response**

#### **3.1 Prevention**

According to the Assistant Professor, few resources are invested in crime prevention in the Dominican Republic, and crime prevention is very ad hoc (Assistant Professor 15 June 2020). Dominican Today, an online English-language news publication in the Dominican Republic, reports that, in 2019, the National Police acknowledged that more measures need to be taken to prevent express kidnappings, assaults, and other types of crime in the country (Dominican Today 25 May 2019). The OSAC report indicates that a "lack of law enforcement resources, poorly paid and trained police officers ... exacerbate the situation" regarding organized crime in Dominican Republic (US 29 May 2020, 2).

According to sources, the police broke up the Peralta drug trafficking organization [in August 2019 (Reuters 20 Aug. 2019)] (InSight Crime 13 Sept. 2019; Reuters 20 Aug. 2019) and arrested more than two dozen people including three top members of the organization (InSight Crime 13 Sept. 2019). InSight Crime reports that the dismantling of the Peralta drug trafficking operation has weakened the country's cocaine trafficking network (InSight Crime 28 Jan. 2020). The OSC-RD report indicates that, in 2019, the DNCD seized 8,410,18 kilograms of drugs, with 76.2 percent of the drugs seized being cocaine, 23.4 percent being marijuana, and the other 0.3 percent being other narcotics (Dominican Republic Feb. 2020, 13).

#### **3.2 Police**

According to the Assistant Professor, the Dominican Republic has one of the biggest police forces in the world (Assistant Professor 15 June 2020). According to INTERPOL, there are 32,000 officers in the Dominican National Police for a country

population of approximately 9 million (INTERPOL n.d.). According to a Ministry of Interior and Police (Ministerio de Interior y Policía) 2019 budget report, the 2019 modified budget was approximately 20,859,890,256 Dominican pesos (DOP) [C\$483,016,844] (Dominican Republic 2019). A PGR report on the number of cases registered by prosecutors in the Dominican Republic indicates that during 2019, 176,340 cases were registered, including the following: homicides (1,271), robberies and thefts (31,209), and kidnapping (54) (Dominican Republic [2019b]). The US Department of State report on international narcotics control states that the US government provided law enforcement forces in Dominican Republic in 2018 with assistance in order to reduce illicit trafficking, including tactical and computer training, equipment and support to DNCD drug-detection canine units (US Mar. 2019, 149).

Sources report that trust in the police is low (Bertelsmann Stiftung 2020, 12; CNDH-RD Dec. 2018, 8; Assistant Professor 15 June 2020). The Assistant Professor indicated that, as a result, many crimes are not reported (Assistant Professor 15 June 2020). The CNDH-RD report states that the presence of the National Police and the Army, who conduct mixed patrols in cities, contributes to the public's feeling of insecurity (CNDH-RD Dec. 2018, 8). The Assistant Professor stated that "the involvement of police in organized crime is well known and is part of the problem" (Assistant Professor 15 June 2020). Singer notes that 61.2 percent of Dominicans indicated that the police are involved in crime (Singer Nov. 2019, 83). However, Singer indicates that confidence in the response of police to crime had improved with 39.9 percent confidence in 2019 compared to 25.5 percent in 2016 (Singer Nov. 2019, 83).

According to the Assistant Professor, while there have been attempts to address police corruption and the latest police administration has been more effective in this regard than previous administrations, it has been very challenging to effect reforms because the police are insufficiently funded and institutional culture makes it very difficult to effect reforms (Assistant Professor 15 June 2020). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Bertelsmann Stiftung's *BTI* reports that police violence in the Dominican Republic is a "serious civil rights problem" (Bertelsmann Stiftung 2020, 12). The Assistant Professor stated that the rate of police killings is "very high" (Assistant

Professor 15 June 2020). According to Amnesty International's 2017-2018 annual report, "[t]he Office of the Prosecutor General reported 110 killings by security forces between January and October. The circumstances around many of the killings suggested that they may have been unlawful" (Amnesty International 22 Feb. 2018, 149). The PGR report indicates that, in 2019, 103 people were killed by the police, for a rate of 0.99 per 100,000 inhabitants (Dominican Republic [2019a]). The CNDH-RD report indicates that, according to their data, there were 115 extrajudicial killings by police in 2018 (CNDH-RD Dec. 2018, 8). The same source reports that most of these deaths were among youth (CNDH-RD Dec. 2018, 8).

### 3.3 Judicial System

A monitoring report by the PGR indicates that, from January to June 2019, 18,523 cases were prosecuted (Dominican Republic July 2019, 2). In its 2019 global competitiveness report, the World Economic Forum, an independent international organization committed to improving the state of the world through public-private cooperation (World Economic Forum n.d.), ranks the Dominican Republic 123rd out of 141 countries for judicial independence, based on one of their executive opinion surveys (World Economic Forum 2019, 191, 615). The US Department of State report on international narcotics control strategy states that "[t]he judiciary is politicized and riddled with corruption, and the legal system offers little recourse to those who lack money or influence" (US Mar. 2019, 149). Similarly, the *BTI* report states that the judiciary in the Dominican Republic "is rife with corruption" (Bertelsmann Stiftung 2020, 10). The same source states that "[o]ften court cases are dismissed by judges in the lower courts in ways that raises questions about the independence of the judiciary" (Bertelsmann Stiftung 2020, 11). Similarly, the OSAC report states that "the weak criminal justice system" in the Dominican Republic contributes "to the high level of criminality in the country" (US 29 May 2020, 1). According to sources, there are judges with alleged connections to narco-traffickers (Assistant Professor 15 June 2020; US Mar. 2019, 149), and several were suspended in 2018, but there were no convictions as of March 2019 (US Mar. 2019, 149).

## 4. Protection for Witnesses and Victims of Crime

The Constitution of the Dominican Republic indicates the following regarding the protection of victims and witnesses of crime:

### Article 169: Definition and functions

The Public Ministry is the organ of the system of justice responsible for the formulation and implementation of the policy of the State against criminality, [it] directs the criminal investigation and exercises public action in representation of society.

### Paragraph I

In the exercise of its functions, the Public Ministry shall guarantee the fundamental rights that belong to male and female citizens, shall promote the alternative resolution of disputes, shall provide for the protection of victims and witnesses and shall defend the public interest guarded by the law.

... (Dominican Republic 2015a, emphasis in original)

Law No. 10-15 Amending the Criminal Procedure Code of the Dominican Republic (*Ley n° 10-15 que modifica el Código Procesal Penal de la República Dominicana*) indicates the following regarding the rights of victims of crime:

[translation]

**Article 2.** - Article 27 of Law No. 76-02 of July 19, 2002, establishing the Criminal Procedure Code of the Dominican Republic, is amended to read as follows:

**"Article 27. - Victim rights.** Victims have the right to represent themselves and to be assisted by a technical representative of their choice. If they do not have the economic wherewithal to designate one, the State will provide one. They have the right to intervene in the criminal proceeding and to be informed of the outcome of the proceeding in a manner provided for under this Code."

...

**Article 23.** - Article 84 of Law No. 76-02, establishing the Criminal Procedure Code of the Dominican Republic, is amended to read as follows:

**"Article 84. – Victim rights.** Without prejudice to the rights deemed to be those of the complainant, victims will have the following rights:

1. Receive decent and respectful treatment;
2. Have their personal privacy respected;
3. Receive protection to ensure the safety and security of themselves and their family members;
4. Be involved in the proceeding in accordance with the provisions of this Code;
5. File an appeal against actions available to end the trial;
6. Be informed of the results of the proceeding and the trial;
7. Be heard before each decision that involves the ending or suspension of the criminal action even if this is not requested;
8. Receive legal technical assistance free of charge in case of financial insolvency, in accordance with the law;
9. File the final action that they deem to be relevant after becoming the complainant in cases where private authorities are involved, even if the public prosecutor's office retains the file." (Dominican Republic 2015b, emphasis in original)

In June 2005, the Dominican Republic introduced the National Directorate for Victims' Support (Dirección Nacional de Atención a Víctimas) as a body connected to the PGR (Dominican Republic n.d.b). The National Directorate for Victims' Support is responsible for the development of policies for assistance for victims and for coordinating with institutions and organizations to ensure that the rights of victims are protected (Dominican Republic n.d.b). Further information on the type of assistance and programs provided by the National Directorate for Victims' Support could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A 2009 resolution by the PGR provided for the creation of a Victim and Witness Protection Unit (Unidad de Protección de Víctimas y Testigos), under the National Directorate for Prosecution of Drug Trafficking and Complex Crime (Dirección Nacional de Persecución del Narcotráfico y Criminalidad Compleja), for victims and witnesses of [translation] "cases of drug trafficking and complex crime," as well as "horrendous crimes that have had a major impact on society" (Dominican Republic 9 July 2009, 3, 5). Information indicating whether the Victim and Witness Protection Unit is currently functioning could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, sources report that there is no formal witness protection program in the Dominican Republic (Chambers and Partners 9 Dec. 2019; Assistant Professor 15

June 2020). In its 2016-2020 strategic plan, the country's Public Ministry (Ministerio Público) indicates that the Dominican Republic lacks a formal protection program, has a weak system of reception for victims and witnesses, and does not have a unified protocol for protection of victims, whistleblowers, and witnesses (Dominican Republic Mar. 2016, 54). A report from a Constitutional Court (Tribunal Constitucional) conference on the protection of victims and witnesses notes that one of the weaknesses of the criminal process in the Dominican Republic is protection of witnesses and victims and that, despite attempts to reform criminal procedures, there are still not effective guarantees of protection for witnesses and victims (Dominican Republic 28 Nov. 2019, 3-4).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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*El Día*; Factiva; Fundación Institucionalidad y Justicia; Gallup; *Hoy*; Human Rights Watch; Igarapé Institute; Organization of American States; Reporters sans frontières; UN – UNDP, Refworld; World Bank.

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