

February 10, 2016

*Via E-Mail*

His Excellency Irwin LaRocque  
Secretary General  
Caribbean Community  
[osg1@caricom.org](mailto:osg1@caricom.org)

Ambassador Colin Granderson  
Assistant Secretary General  
Caribbean Community  
[colin.granderson@caricom.com](mailto:colin.granderson@caricom.com)

**RE: OPEN LETTER – Community Response to the Organization of American States Holding the 46th General Assembly Meeting in the Dominican Republic**

Dear Secretary General LaRocque and Ambassador Granderson:

It has come to our attention that the 46th General Assembly meeting of the Organization of American States (“OAS”) will be held in the Dominican Republic in 2016. Given that the member states of the Caribbean Community (“CARICOM” or “the Community”) are also members of the OAS and given CARICOM’s condemnation of the Dominican Republic’s anti-immigrant and xenophobic policies against people of Haitian descent, we write to express our vociferous protest and opposition to the Dominican Republic serving as the host country of the OAS General Assembly.

As you are aware, on September 23, 2013, the Dominican government, through a Constitutional Tribunal ruling (“TC 168-13”), summarily and retroactively stripped away the citizenship of several generations of Dominicans, predominantly of Haitian descent. According to the UN High Commissioner for Refugees, this ruling created the largest stateless population in the Americas and the fifth largest in the world; the vast majority of whom are children.<sup>1</sup> In early December 2013, the Inter-American Commission on Human Rights (the “Commission”) conducted an on-site visit to the Dominican Republic to observe the situation regarding, among other things, rights to nationality and identity. The Commission determined that the Constitutional Tribunal ruling “implies an arbitrary deprivation of nationality” and that the ruling

---

1. “Urgent Action Needed to End Child Statelessness,” UNHCR, November 3, 2015 (<http://www.unhcr.org/56386d9f6.html>).

“disproportionately affects individuals who are already subject to many forms of discrimination, particularly discrimination based on race and poverty.”<sup>2</sup>

After an international outcry, the Dominican government approved a legislative “fix” to the devastating outcomes of the Tribunal’s ruling in the form of *Ley de Regimen Especial y Naturalización 169-14* (“Law 169-14”). But rather than resolving the massive humanitarian crisis caused by the Tribunal’s ruling, Law 169-14 only further codified the discrimination against those affected by forcing hundreds of thousands of Dominican citizens to register as foreigners and separating those who were already documented into an entirely different registry, firmly establishing them as second-class citizens in the country of their birth. The Inter-American Court of Human Rights (“IACtHR”), the judicial branch of the OAS, denounced TC 168-13 and parts of Law 169-14 as illegal. In response, the Constitutional Tribunal issued another ruling, TC 256-14, declaring as unconstitutional the instrument accepting the jurisdiction of the IACtHR, which the Dominican government deposited with the OAS on March 25, 1999. This unprecedented ruling is a deeply troubling and retaliatory denunciation of a jurisdiction that has been acknowledged and accepted by all branches of the Dominican government, including its courts, for over 15 years. It is important to note that the IACtHR has ruled against the Dominican Republic in four instances, thus, TC 256-14 effectively denies access to justice and international protection to all Dominicans, not just Dominicans of Haitian descent.

Moreover, the denationalization policies of the Dominican Republic have posed a substantial obstacle to one of the most fundamental rights firmly established in international law – the right to vote. Article 23 of the American Convention on Human Rights guarantees the right of citizens to vote. Moreover, the American Declaration of the Rights and Duties of Man adopted by the OAS member states in 1949 not only establishes the right to vote but also includes a *duty to vote* in the country in which one is a citizen.<sup>3</sup> With the closing of the electoral rolls on January 15, 2016<sup>4</sup> and the majority of Dominicans of Haitian descent still lacking identification and voting cards, the Dominican government has assured that this ethnic minority will be unable to participate in the Dominican elections scheduled for May 15, 2016. Thus, we call upon CARICOM to lobby the Inter-American Commission on Human Rights to investigate this blatant act of voter suppression.

Given these facts, it is beyond the pale that the OAS would appoint former Dominican President Leonel Fernández as head of an election observation mission in Bolivia.<sup>5</sup> Mr. Fernández was the architect of the Dominican Republic’s current statelessness and human rights crisis. He was

- 
2. “Preliminary Observations from the IACHR’s Visit to the Dominican Republic,” Inter-American Commission on Human Rights, December 6, 2013 ([http://www.oas.org/en/iachr/media\\_center/PReleases/2013/097A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2013/097A.asp)).
  3. American Declaration of the Rights and Duties of Man, Inter-American Commission on Human Rights, (<https://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm>).
  4. “Pleno de la JCE aprueba prorrogar los plazos para la inscripción y renovación de la nueva cédula de identidad y electoral con fines electorales,” Junta Central Electoral, December 14, 2015 (<http://beta.jce.gob.do/Noticias/pleno-jce-aprueba-prorrogar-plazos-inscripcion-y-renovacion-nueva-cedula-identidad-elecciones-2016>).
  5. “Leonel Fernández y Edgardo Ortuño encabezan las misiones de la OEA en Bolivia y Costa Rica,” *Eldiario.es*, January 8, 2016 ([http://www.eldiario.es/politica/Fernandez-Edgardo-Ortuno-OEA-Bolivia\\_0\\_471403615.html](http://www.eldiario.es/politica/Fernandez-Edgardo-Ortuno-OEA-Bolivia_0_471403615.html)).

responsible for the forcible removal of over 20,000 people of Haitian descent within a 4 to 6 month period in 1999,<sup>6</sup> as well as the adoption of the 2004 Migration Law that redefined the meaning of “in transit” to include undocumented immigrants. It was these policy changes leading up to the 2013 ruling that codified discrimination allowing Dominican administrative officials to systematically deny identity documents to Dominicans of Haitian descent forcing them to live in the shadows.

In July 2015, the OAS sent a special mission (the “Mission”) to the Dominican Republic and Haiti to gather updated information on the situation of Haitian migrants since its visit in 2013. As a result of this special mission, the OAS Secretary General, Luis Almagro, recommended that the Permanent Council encourage a dialogue between the two countries and that the international community find a mechanism to help displaced people. More relevantly, the Mission’s report affirmed that there were “people at risk of being without any recognized nationality.”<sup>7</sup> Before Mr. Almagro officially released his relatively benign recommendations, the Dominican government issued a statement declaring “that Dominicans govern the Dominican Republic for which no one can dictate policy to the country;”<sup>8</sup> an inflammatory proclamation suggesting that the Dominican government was being coerced when, in fact, the Mission was dispatched to the country at the government’s express invitation.<sup>9</sup>

CARICOM and the Commission have condemned TC 168-13.<sup>10</sup> More recently, the 15-member Community has called on the Dominican Republic to halt its policy of forcibly removing people of Haitian descent and to avoid a humanitarian crisis.<sup>11</sup> However, since the end of the *Plan Nacional de Regularización de Extranjeros*, the Dominican government reported that since June 2015, an astonishing 129,000 people have fled the Dominican Republic for the Haitian border.<sup>12</sup>

- 
6. Letter to President Leonel Fernandez from International Human Rights Law Clinic, Boalt Hall School of Law, University of Berkeley, CA et al., November 19, 1999 (<http://faculty.webster.edu/corbetre/haiti-archive/msg01134.html>).
  7. “Report of the Technical Fact-Finding Mission on the Situation in the Border Region between the Dominican Republic and Haiti,” OAS Technical Mission, July 29, 2015 ([http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=S-030/15](http://www.oas.org/en/media_center/press_release.asp?sCodigo=S-030/15)).
  8. “‘Dominicans Rule this Country,’ Government tells OAS,” *Dominican Today*, July 29, 2015 (<http://www.dominicantoday.com/dr/local/2015/7/29/55916/Dominicans-rule-this-country-government-tells-OAS>).
  9. “OAS Deploys Mission to Assess Situation of Haitian Migrants,” OAS Press Release, July 9, 2015 ([http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-205/15](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-205/15)).
  10. “CARICOM Chairman Reiterates Regional Position on Dominican Republic Court Ruling,” *Daily Observer*, December 20, 2013 (<http://antiguaobserver.com/caricom-chairman-reiterates-regional-position-on-dominican-republic-court-ruling/>); “Preliminary Observations from IACHR’s Visit to the Dominican Republic,” December 6, 2013 ([http://www.oas.org/en/iachr/media\\_center/PReleases/2013/097A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2013/097A.asp)).
  11. “Caribbean Community Slams Dominican Republic Deportations,” *TeleSur*, June 25, 2015 (<http://www.telesurtv.net/english/news/CARICOM-Chastises-Dominican-Republic-on-Deportation-Policy-20150625-0046.html>).
  12. “Van 129,000 extranjeros repatriados en 6 meses,” *Listin Diario*, January 14, 2016 (<http://www.listindiario.com/la-republica/2016/01/14/403769/van-129000-extranjeros-repatriados-en-6-meses>).

Significantly, the high volume of removals in this short period of time is strong evidence of the lack of due process and respect for international norms in removal proceedings by the Dominican authorities. The International Organization for Migration (“IOM”) has documented that an alarming number of individuals, including hundreds of unaccompanied minors, were forcibly removed or left the Dominican Republic under the threat of violence. Moreover, the IOM’s report found that a huge portion of these people were actually Dominicans and that some could even present government-issued identification establishing their legal right to be in the Dominican Republic.<sup>13</sup> As a result, refugee camps have sprung up on the Haitian side of the border and *no less than ten people have died* in a recent cholera outbreak in the camps with at least 100 more infected.<sup>14</sup> It’s only a matter of time before this crisis gets out of control.

In the face of such widespread human rights violations and the Dominican government’s flagrant disregard of OAS authority, jurisdiction and guidance, it is appalling that the OAS would hold its General Assembly meeting in the Dominican Republic. We know that the Community has engaged the Dominican Republic on this issue and has also placed the issue on the radar of both the Community of Latin American and Caribbean States and the United Nations.<sup>15</sup> In fact, the Dominican Republic’s denationalization policy against people of Haitian descent has been a stumbling block to the country joining CARICOM and the Community has even considered sanctions against the Dominican Republic.<sup>16</sup> We strongly urge you to do more. We demand that the OAS 46th General Assembly meeting be moved to another country and not be held in the Dominican Republic until these grave human rights violations are corrected. Additionally, regardless of where the meeting is held, we ask that the matter of Haitian-descended people in the Dominican Republic be placed on the General Assembly agenda for an immediate resolution to this crisis and/or appropriate sanctions.

Please note that we do not make this request lightly. We understand the economic benefits that holding the General Assembly meeting would have for the Dominican Republic and the expectation, rightly or wrongly, that these benefits could trickle down to those of Haitian ancestry who labor in the tourism industry. However, we cannot ignore the utter disregard by the Dominican officials of their treaty obligations to the OAS and under the American Convention on Human Rights. To hold the General Assembly meeting in the Dominican Republic is a tacit acceptance by the OAS of the Dominican government’s anti-immigrant and xenophobic policies as well as a complete dismissal of the plight of the people suffering under those policies. Thus, we call on the Caribbean Community to firmly stand in opposition to the violations occurring in

- 
13. “IOM Haiti: Border Monitoring SITREP,” October 23, 2015 ([http://www.ijdh.org/wp-content/uploads/2015/06/Border-Monitoring-Sitrep\\_XIV.pdf](http://www.ijdh.org/wp-content/uploads/2015/06/Border-Monitoring-Sitrep_XIV.pdf)).
  14. “Fearful, Haitian Migrants Flee Dominican Republic for Camps Along Border,” *New York Times*, December 12, 2015 ([http://www.nytimes.com/2015/12/13/world/americas/fearful-haitian-migrants-flee-dominican-republic-for-camps.html?\\_r=2](http://www.nytimes.com/2015/12/13/world/americas/fearful-haitian-migrants-flee-dominican-republic-for-camps.html?_r=2)).
  15. “CARICOM Denies Moving Slowly on Dominican Republic Deportation Issue,” *Jamaica Observer*, June 30, 2015 ([http://www.jamaicaobserver.com/news/Caricom-denies-moving-slowly-on-Dominican-Republic-deportation-issue\\_19153468](http://www.jamaicaobserver.com/news/Caricom-denies-moving-slowly-on-Dominican-Republic-deportation-issue_19153468)).
  16. “Caribbean Leaders Consider Sanctions against the Dominican Republic,” *Miami Herald*, November 23, 2013, (<http://www.miamiherald.com/news/nation-world/world/americas/haiti/article1957898.html>).

the Dominican Republic by acting as a regional bloc and oppose the 46th General Assembly meeting of the Organization of American States from being held in the Dominican Republic.

Thank you for your consideration of this letter. We look forward to your response.

Sincerely,

National Alliance for the Advancement of  
Haitian Professionals (NAAHP)

Edwidge Danticat  
Author

Haitian American Lawyers Association of New  
York, Inc. (HALANY)

Luke Daniels  
President of Caribbean Labour Solidarity  
United Kingdom

Latino Ministry at The Riverside Church

Raffique Shah  
Former Member of Parliament  
Trinidad & Tobago

LatinoJustice PRLDEF

Arif Ali  
Hansib Publications Limited  
United Kingdom

Ahora/Now

Myrtha Désulmé  
President, Haiti-Jamaica Society  
Jamaica

Black Alliance for Just Immigration (BAJI),  
Opal Tometi, Executive Director

Ludovic Comeau Jr, Esq., MBA, Ph.D.  
Professor at DePaul University (Chicago)  
Former Chief Economist, Central Bank of  
Haiti (1998-2001)

1199 SEIU United Healthcare Workers East,  
Monica Russo, Executive Vice President,  
Florida Region

Harry Fouche, Economist  
Former Consul General for Haiti in New  
York, NY; Chicago, IL

SEIU Florida State Council, Monica Russo,  
President

Mr. David Abdulah  
Political Leader  
Movement for Social Justice  
Trinidad and Tobago

The Leonard Tim Hector Memorial Committee  
(LTHMC), Lawrence A. Jardine, Chairman  
Antigua

Tennyson S.D. Joseph, PhD  
Head, Department of Government,  
Sociology and Social Work  
Faculty of the Social Sciences  
University of the West Indies, Barbados

Antigua Caribbean Liberation Movement  
(ACLM)

David Comissiong  
Chairman, Caribbean Pan-African Network  
Executive Member, International Network  
In Defense of Humanity (Caribbean  
Chapter) President, Clement Payne  
Movement (of Barbados)

Returned Peace Corps Volunteers for  
Citizenship Justice in the DR - Organizing  
Committee

Don D. Marshall, PhD  
Senior Research Fellow and Director of the  
Sir Arthur Lewis Institute of Social and  
Economic Studies, University of the West  
Indies, Barbados

Caribbean Movement for Peace and Integration,  
David Denny, General Secretary  
Barbados

Wendy Grenade, PhD  
Lecturer in Political Science  
University of West Indies, Barbados

Florida Immigrant Coalition (FLIC)

Roxanna Altholz, Assistant Clinical  
Professor of Law; Associate Director,  
International Human Rights Law Clinic,  
University of California, Berkeley School of  
Law

Fanm Ayisyen Nan Miyami (FANM), Inc., Ms.  
Marleine Bastien, MSW, LCSW, Executive  
Director

Daphne Campbell RN  
Florida State Representative District 108

National Organization for the Advancement of  
Haitians (NOAH), Washington, D.C., Dr.  
Joseph Baptiste, Chairman and former  
President, The Haitian Diaspora Federation  
(HDF)

Rodneyse Bichotte  
New York State Assembly – 42nd District

Institute for Justice & Democracy in Haiti  
(IJDH)

Patrick Brutus  
Candidate for US House of Representatives  
1st Congressional District - Illinois

National Haitian American Elected Officials  
Network (NHAEON)

Charnette Frederic, MHA, LNHA  
Irvington Council President  
Irvington, New Jersey

Global Haitian Diaspora Federation, Mr.  
Bernier Lauredan, M.D., Executive Vice  
President

Michael A. Etienne, City Clerk (an elected  
position), City of North Miami, Florida

Association of Haitian Professionals	Councilman and former Acting Mayor Philippe Bien-Aime, City of North Miami, Florida (representing Council District 3)
Power U Center for Social Change	Nancy Dorsinville UN Office of the Special Envoy to Haiti
Haitian American Lawyers Association of New Jersey	Joseph Makhandal Champagne, Jr. Former Mayor, South Toms River, NJ Ambassador for Peace, UPF/UN
Black Lives Matter in the Dominican Republic (BLMDR)	Vice Mayor and Councilman Alix Desulme, City of North Miami, FL (representing Council District 4)
Collectif 4 Decembre 2013, Jean-Robert Argant, Coordonnateur General Port-au-Prince, Haiti	James E. Knight Antigua and Barbuda
Comité d'Actions Contre la Décision 168-13, Jennie-Laure Sully, Montreal, Quebec	Fr. Luis Barrios John Jay College of Criminal Justice
Christian Haitian Entrepreneurial Society, Inc. (CHES), Rebecca Obounou President and Founder	Stephanie Sylvain Chair, Board of Directors Haitian Professionals of Philadelphia
Haitians Unified for Development and Education (HUDE), France Casseus, Chair/Executive Director, Jersey City, NJ	Régine M. Roumain, Executive Director, Haiti Cultural Exchange
Haitian-American Professional Network	Danielle Legros Georges Professor, Lesley University
Haitian American Nurses of Greater New York	Shaun Lynda Barbados
HABNET Chamber of Commerce	Andie Davis Barbados
Fédération de la Diaspora Haïtienne en Europe (FEDHE), Jean-Pierre Roy, Délégué Général	David Johnson, PhD Trinidad & Tobago
Asosiyasyon Fanm Ayisyen nan Boston/Association of Haitian Women, Inc. (AFAB), Carline Desire, Executive Director, Boston, MA	Ricot Dupuy Radio Soleil NY

Federation of Regional Associations of the Haitian Diaspora/ Federation des Associations Regionales Haitiennes de la Diaspora (FAREHD), Kenol Aris, MS, President, Hollywood, Florida	Archange Antoine, member and former President, Board of Education, Roselle Public Schools, Roselle, New Jersey
Haitian-Americans United, Inc. (HAU)	Wynnie-Fred Victor Hinds, President Stepping Stones Resources, Inc.
Haiti Solidarity Network of the North East (HSNNE)	Hon. Lionel Jean-Baptiste
The Haitian League, Mr. Bernier Lauredan, M.D., President, Irvington, NJ	Dr. Joel Augustin
Saint Anastasia Haiti Support Group (SAHSG), Georgette Delinois, Chair, Teaneck, NJ	Woody Philippe
Haitian Congress to Fortify Haiti	Kermshlise Picard
Haitian Congress for Civic Engagement	Ana Ozuna
The Haitian Diaspora Federation	Nancy Trevino
Haitian Federation of the West and Midwest	Fedy Vieux-Brierre
American and Haitian Economic Alliance for Development (AHEAD), Jacques P. Bingue, PhD, Interim General Coordinator	Patrice Bayard
Coalition of Human Rights in the Dominican Republic	Lumi Hilario
Luckner Bayas du Congres des Ingenieurs, Architectes, Scientifiques et Technologues Haitiens	Ruth Jeannoel
Pitit Ayiti An Aksyon (PAAAK), Aude M Sicard, 1st Vice President, Florida	Michelle Guillaume
Collective Solidarity with Cholera Victims, Jimmy Mertune, Organizer Orlando, Florida	Daniel Fombrun
Haitian American Lawyers Association of Illinois	Harry Lamarque
Alternative Chance	Marie-Claude F. Bayard



Haitian American Leadership Council

Li, Li, Li! Read

Haitian Lawyers Association (HLA)

Rosny Desroches

Keturah Cecilia Babb

Elizabeth Polycarpe

Katleen Felix

Jane Charles-Voltaire, Esq.

Wendy Dolce

Olivia Sybille Desinor

Jasmine Claude Narcisse

Alain W. Auguste

Ariel Sterlin

Leonce Jean-Baptiste, Jr.

Dr. Rodney Worrell

Felder Bingue

Marie Lynn Toussaint

Max Gustave Joseph

Gregory Jean-Charles

Yanick "Niki" E. Fulgueira

Serge Delinois

Georgette Delinois

Dabouze Antoine

May Parisien MD

Serge Parisien MD

Arelis Figueroa

Cc: CARICOM Member States