February 10, 2016

Via E-Mail

His Excellency Irwin LaRocque  
Secretary General  
Caribbean Community  
osg1@caricom.org  

Ambassador Colin Granderson  
Assistant Secretary General  
Caribbean Community  
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.1 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

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

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. With the closing of the electoral rolls on January 15, 2016 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. Mr. Fernández was the architect of the Dominican Republic’s current statelessness and human rights crisis. He was


responsible for the forcible removal of over 20,000 people of Haitian descent within a 4 to 6 month period in 1999, 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.” 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;” 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.

CARICOM and the Commission have condemned TC 168-13. 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. 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.

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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. 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. 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. 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. 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

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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
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<td>Antigua Caribbean Liberation Movement (ACLM)</td>
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<td>Chairman, Caribbean Pan-African Network</td>
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<td>In Defense of Humanity (Caribbean Chapter) President, Clement Payne</td>
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<td>Returned Peace Corps Volunteers for Citizenship Justice in the DR - Organizing Committee</td>
<td>Don D. Marshall, PhD</td>
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<td>Senior Research Fellow and Director of the Sir Arthur Lewis Institute</td>
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<td>of Social and Economic Studies, University of the West Indies, Barbados</td>
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<td>Caribbean Movement for Peace and Integration, Barbados</td>
<td>Wendy Grenade, PhD</td>
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<td>Lecturer in Political Science</td>
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<td>University of West Indies, Barbados</td>
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<td>Florida Immigrant Coalition (FLIC)</td>
<td>Roxanna Altholz, Assistant Clinical Professor of Law; Associate</td>
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<td>Director, International Human Rights Law Clinic, University of</td>
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<td>Institute for Justice &amp; Democracy in Haiti (IJDH)</td>
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<td>Candidate for US House of Representatives</td>
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<td>National Haitian American Elected Officials Network (NHAEON)</td>
<td>Charnette Frederic, MHA, LNHA</td>
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<td>Irvington, New Jersey</td>
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<td>Global Haitian Diaspora Federation, Mr. Bernier Lauredan, M.D., Executive</td>
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<td>Association of Haitian Professionals</td>
<td>Philippe Bien-Aime, City of North Miami, Florida (representing Council District 3)</td>
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<td>Nancy Dorsinville</td>
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<td>Haitian American Lawyers Association of New Jersey</td>
<td>Joseph Makhandal Champagne, Jr.</td>
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<td>Former Mayor, South Toms River, NJ</td>
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<td>Ambassador for Peace, UPF/UN</td>
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<td>Vice Mayor and Councilman Alix Desulme, City of North Miami, FL (representing Council District 4)</td>
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<td>Collectif 4 Decembre 2013, Jean-Robert Argant, Coordonnateur General</td>
<td>James E. Knight</td>
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<td>Comité d’Actions Contre la Décision 168-13, Jennie-Laure Sully, Montreal, Quebec</td>
<td>Fr. Luis Barrios</td>
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<td>John Jay College of Criminal Justice</td>
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<td>Christian Haitian Entrepreneurial Society, Inc. (CHES), Rebecca Obounou President and Founder</td>
<td>Stephanie Sylvain</td>
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<td>Haitians Unified for Development and Education (HUDE), France Casseus, Chair/Executive Director, Jersey City, NJ</td>
<td>Régine M. Roumain, Executive Director, Haiti Cultural Exchange</td>
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Federation of Regional Associations of the Haitian Diaspora/ Federation des Associations Regionales Haitiennes de la Diaspora (FAREHHD), Kenol Aris, MS, President, Hollywood, Florida

Archange Antoine, member and former President, Board of Education, Roselle Public Schools, Roselle, New Jersey

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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

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Woody Philippe

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Kermshlise Picard

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American and Haitian Economic Alliance for Development (AHEAD), Jacques P. Bingue, PhD, Interim General Coordinator

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Ariel Sterlin
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Cc: CARICOM Member States