

DOMINICAN AUTHORITIES BAN CREOLE RADIO PROGRAM AND CRACK DOWN ON PROTESTERS

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*"[I]t has nothing to do with freedom of expression, it's a matter of a political order"¹ --
President Joaquín Balaguer, February 20, 1992 press conference, discussing Radio
Enriquillo.*

In February, the Dominican Republic's telecommunications chief suspended the Creole-language news program of a popular Dominican radio station based in the southwest region of the country, near the Haitian border. After receiving complaints from Haiti's de facto military rulers, the Dominican authorities barred Radio Enriquillo from transmitting its news program in Creole, the Haitian language. The program is widely heard in Haiti. Since the ruthless suppression of the Haitian press, which began on the first day of the September 30, 1991 military coup in Haiti, Radio Enriquillo has been a main source of information for Haitians on developments in their own country -- including human rights abuses by the army -- as well as on the progress of international negotiations for the restoration of ousted President Jean-Bertrand Aristide. By

¹ "[N]o tiene nada que ver con la libertad de expresión, se trata de una cuestión de orden político," per transcript of President Balaguer's statements. "Balaguer dice ayudará a solucionar crisis haitiana," *Listín Diario*, February 21, 1992.

seeking to silence Radio Enriquillo's Creole broadcasts to Haiti, Dominican authorities have become a party to the Haitian military's efforts to impose a blackout on all independent sources of information reaching the Haitian people.

The banning of the Creole program also marked the beginning of a crackdown on local Dominican popular organizations that have sought peacefully to demonstrate their support for Radio Enriquillo. Since the censoring of the radio station, local groups that previously had been allowed to hold similar peaceful marches in protest against the Haitian coup and in solidarity with the people of Haiti have been subjected to heavy-handed police intervention, including gunfire, beatings, tear-gas and intimidation. A by-stander was shot and killed by a police officer during one such demonstration.

The Suspension of the Creole Broadcasts

In a communique dated February 14, the Dominican Director General of Telecommunications ordered the suspension of the Creole-language news program broadcast by Radio Enriquillo, a Catholic station based in Tamayo. The telecommunications chief, Leopoldo Nuñez Santos, advised the station that it "should abstain from transmitting programs in the Creole language," adding that the failure to do so would force him to "act in accordance with Law 118 on Telecommunications."²

Dominican President Joaquín Balaguer, in a press conference the following week, explained that the ban was imposed after his government received complaints from "the Haitian authorities" that the radio station was broadcasting "subversive slogans that were creating a certain uneasiness among the Haitian population." President Balaguer also said the station was transmitting news that was "not only subversive in character, but also could lead to criminal attempts against [the lives of] certain people." The President went on: "[F]or that reason, according to the Director of Telecommunications, he took this measure, to avoid those misunderstandings with the Haitian authorities....[I]t is not because they transmit in Creole, or any other language...."³ Neither the telecommunications director nor the President has offered any example or evidence of the "subversive" nature of the Radio Enriquillo news program.

The issue at stake seems not to be the use of Creole by a Dominican radio station -- a use which in any event provides no justification for restricting broadcasts⁴ -- but rather the fact that

² The relevant section of Law 118 of 1966 is Art. 110, which prohibits telecommunications transmissions that are "contrary to the security of the State, public order and international coexistence, morality or customs," or that are intended to "commit crimes against persons, or against property, or obstruct justice."

³ *Ibid.*

⁴ Although a decree dating back to 1971, issued during Joaquín Balaguer's earlier presidency, states that broadcasts should be made only in the Spanish language, it is rarely invoked or enforced by the Dominican authorities. Nor does such a law comport with international

Radio Enriquillo is an independent voice that can be heard in much of Haiti, and this is deemed threatening by Haiti's military junta. Haitians otherwise have been largely deprived of reliable, uncensored information since the violent overthrow on September 30 of Haiti's first democratically-elected president, Jean-Bertrand Aristide. From the first day of the coup, the Haitian army systematically shut down Haiti's leading independent radio stations, arresting journalists, shooting at stations and destroying equipment. Two journalists have been killed, one disappeared, and at least one tortured while in army detention. In November and December, the Haitian regime reportedly tried to jam Radio Enriquillo broadcasts by providing a Port-au-Prince radio station with the means to broadcast on the same frequency when the Radio Enriquillo Creole program aired.⁵ The February suspension reflects the Dominican government's acquiescence in the Haitian junta's efforts to silence this remaining source of uncensored information for the Haitian people.

Following the suspension order, the Director of Radio Enriquillo, Father Pedro Ruquoy, was told in a meeting with the head of Telecommunications that Haitian music would not be banned. The radio station has since expanded its previous one hour of Creole programming to include two hours a day of Haitian music which is used to report unfolding developments in Haiti through song. Each song is summarized in Spanish for Dominican listeners.

Radio Enriquillo is owned by Missionhurst, the international missionary congregation of the Immaculate Heart of Mary. Founded in 1977, it has a staff of forty and broadcasts eighteen hours a day, mostly in Spanish.

Since the coup in Haiti, Radio Enriquillo has been reporting on the Haitian army's brutal and systematic repression, including details of specific cases of gross human rights abuses, as well as developments in the international negotiations to end the crisis and restore President Aristide. Before the suspension, it also transmitted frequent interviews with President Aristide and prominent Aristide supporters.

The suspension of the news program has sparked a great outpouring of support for the station. Local Dominican popular organizations from Tamayo, the neighboring town of Vicente Noble, and the city of Barahona, have staged or attempted to stage several rallies and marches in solidarity with the station. These groups had been allowed to hold protest marches against the coup d'état in Haiti since September 1991 and as recently as February 7, 1992.⁶ However, the marches planned since the censoring of Radio Enriquillo have been forcefully suppressed by the police.

The Killing of Bienvenido Moquete Ramírez

standards on freedom of expression and the press.

⁵ See also Committee to Protect Journalists, *Attacks on the Press, 1991*, March 1992.

⁶ February 7 was the day Haitian dictator Jean-Claude Duvalier fled Haiti in 1986. Jean-Bertrand Aristide was inaugurated President of Haiti on February 7, 1991.

Bienvenido Moquete Ramírez, a 35-year-old math teacher at the Cristo Rey high school in Barahona, was shot and killed by a police officer on February 19, 1992, at approximately 5:45 p.m. That afternoon, students at the Federico Henríquez y Carvajal High School had held a demonstration against the banning of the Radio Enriquillo's Creole program, as well as against poor conditions in their school and neighborhoods.

The protest was dispersed by police firing tear gas and beating the student demonstrators. Gunshots were reportedly fired in the air. After a group of at least ten students ran away from the demonstration, four police officers -- three in gray uniforms, one in camouflage -- chased after them through a patch of land overgrown with bushes, toward the street where Moquete lived in the Camboya neighborhood in Barahona.

The officer in camouflage reportedly shot in the direction of the students who had stopped on the corner of Moquete's block. According to one report, the students had begun to throw stones. The gunshot missed the students and hit Moquete as he stepped outside the door of his home. According to witnesses, a total of two or three shots were fired, although Moquete was killed with a single shot to the chest. The police officers then ran away on foot before getting into a passing police vehicle and driving away. Two neighbors took Moquete's body to a nearby hospital on a motorcycle.

A police investigation was initiated the following day. According to a local human rights activist, police officer Noel Pérez Espinosa was arrested in connection with the shooting and was transferred to police headquarters in Santo Domingo.

The commander of the local police garrison was unable to meet with an Americas Watch/National Coalition delegation to discuss the case.

Arrests of Local Activists

A march that had been planned for February 20, 1992, was prevented from taking place after the police detained three participants. The march was organized by the Regional Committee for Solidarity with Haiti, a grouping of several local popular organizations, including youth, teacher and peasant groups. The march was to have started in the town of Vicente Noble and ended at Radio Enriquillo in neighboring Tamayo, where the participants planned to sing songs and play music.

About twenty participants met in the town square at 3:00 p.m. and waited for others to arrive, including a group of Haitian-style "~~Rara~~" musicians. Three policemen -- one lieutenant and two officers -- armed with handguns and tear gas arrived and began to question those waiting. The police told them they could not hold the march "because such banditry is not permitted." They went on to arrest two would-be marchers, **Hector Rafael Batista** and **Efraín Cuevas**. One of the police officers tried to kick Cuevas, but missed and instead hit him on the chin with his gun. Another activist, **Petronila Dotel Matos**, followed them to the police station in Vicente Noble and, once there, was also detained.

On their way to Vicente Noble to participate in the march, the ~~Rara~~ musicians were stopped by the police; the driver of the musicians' truck was arrested and the truck was confiscated, while the musicians ran away.

Others on their way to the radio station, traveling from nearby Uvilla, were also stopped and turned back by the police.

Batista and Cuevas were held overnight at the police station. Dotel was allowed to spend the night at home.

The three were brought before a judge the following day on charges of disturbing the peace. They were each fined 25 pesos (US\$ 2) and released.

Protest March Suspended Under Police Pressure

A march in solidarity with Radio Enriquillo planned on February 29, 1992 was cancelled by its organizers. That day, the Coordinator of Popular Struggle of Tamayo, a coalition of popular organizations, called off the march, reportedly after noticing a heightened police presence in Tamayo and the surrounding areas. The organizers were told by officers in the police garrison of the neighboring town of Neiba that their demonstration would not be permitted and that Radio Enriquillo would be held responsible for any violence that occurred.

Two days earlier, on February 27, Dominican independence day,⁷ the chief of police of Neiba reportedly had gone to Radio Enriquillo to check whether any activities were planned.

Other Incidents

Two other incidents of apparent harassment and intimidation of Radio Enriquillo and its supporters predated the suspension of the Creole news program. These occurred during the days preceding the first anniversary of President Aristide's February 7, 1991 inauguration, when anti-coup protests were planned. On February 2, 1992, a truckload of seven soldiers was stationed outside Radio Enriquillo, ostensibly with orders from the Neiba army commander, Captain Zapata, to "guard" the station. The soldiers left a day later without explanation.

On the evening of February 6, two armed men in civilian clothes entered the grounds in Tamayo where Radio Enriquillo's transmitters and antennae are set up, about one kilometer from the station. When nightwatchmen guarding the equipment spotted them and tried to scare them away, the men ran back to a waiting truck and fired shots as they drove off.

⁷ On February 27, 1844, Dominicans declared their independence from Haiti, which had occupied the territory since 1822. The territory previously had been colonized by Spain.

Recommendations

1. We urge the Director of Telecommunications to reverse the ban on Radio Enriquillo's Creole news program. Such a ban constitutes a clear violation of international standards of freedom of the press. Vague allegations that the radio station is broadcasting "subversive" news cannot justify the ban unless the government makes a specific showing that the station is inciting imminent violence. No such proof has ever been suggested.
2. We urge the Dominican authorities promptly and vigorously to investigate the shooting of Bienvenido Moquete Ramírez and to bring to justice those responsible for his death.
3. We urge the Dominican authorities to permit the peaceful exercise of the right to freedom of association and assembly. Restriction of peaceful demonstrations because of official disagreement with the purpose of the demonstrations is a clear violation of this fundamental right. If permits are required by law for certain kinds of assemblies, they should be granted without regard to the purpose of the demonstration.
4. Insofar as crowd control is necessary, we urge Dominican law enforcement authorities to employ non-lethal methods, and to refrain from using deadly force against unarmed demonstrators who pose no danger to the lives of police officers or others, as required by the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁸ Non-lethal weapons and self-defense equipment should be provided to law enforcement officers to decrease the need to rely on firearms.

* * *

Americas Watch was established in 1981 to monitor and promote observance of human rights in Latin America and the Caribbean. The chair is Peter Bell and the vice-chairs are Stephen Kass and Marina Kaufman. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne

⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted September 1990:

Article 9: Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Article 13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Manuel; Director of San Salvador Office, David Holiday; Representative in Santiago, Cynthia Brown; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Patricia Sinay.

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Established in 1982, the National Coalition for Haitian Refugees is composed of 47 legal, human rights, civil rights, church, labor and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla; associate director, Anne Fuller; and Research Associate, Ellen Zeisler. In addition to periodic reports on human rights in Haiti, the National Coalition for Haitian Refugees publishes a monthly bulletin on human rights and refugee affairs. It is available upon request.

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