

From: [Honorable Connie Mack](#)
To: Ricardo.Pita@mail.house.gov
Cc: [Goessler, Maggie](#)
Subject: UN Condemns Arbitrary Detention in the DR
Date: Friday, December 1, 2023 3:11:33 PM
Attachments: [UN WGAD Decision Spanish.docx](#)
[UN HRC WGAD English.docx](#)

Ricardo and Maggie,

I wanted to send this newly issued report your way from the United Nations condemning the Dominican Republic's use of preventive detention and disregard for the rule of law. The UN Human Rights Council Working Group on Arbitrary Detention (WGAD) found that the Dominican government violated the [Universal Declaration of Human Rights](#) and the [International Covenant on Civil and Human Rights](#) in the case of former Attorney General Jean Rodríguez. In the strongest terms possible, the WGAD condemned the behavior of the Dominican government and named Yeni Berenice, Head of the Prosecution Directorate of the Public Ministry, as the "protagonist" of a "public discredit campaign" that "systemically interrupted" the right to a defense. We take great interest in this report and thought you would as well, as this is exactly the treatment experienced by our client Donald Guerrero while being "preventatively detained" by the government of the Dominican Republic.

The Working Group is made up of international legal experts from UN Member States. Individuals who believe they are wrongly detained are allowed to submit a claim to the Working Group, who weighs the merits of their allegations and allows the government to respond before ultimately issuing an opinion. Unlike resolutions adopted by the wider Human Rights Council or General Assembly, these opinions are less politicized and carry more legal heft. I've attached the original decision (which is hosted on the [UN's website](#)), as well as a rough English translation. Some key points:

- **Chairman McCaul was correct to call out the DR's preventive detention crisis.** The working group's findings confirm the concerns expressed by Chairman McCaul in his letter from earlier this fall, where he expressed concerns about the "serious criminal justice issues" in the DR, including the "long standing problem" of preventive detention. The decision calls into question the independence of the Dominican justice system and exposed the government's complete disregard for basic tenets of due process. The Chairman should be proud that he is on the right side of history.
- **The DR's anti-corruption efforts are hyper-politicized.** Under the guise of "anti-corruption," Berenice and the other prosecutors in the Public Ministry have pursued preventive detention sentences against the government's political opponents. Since it was found her office has illegally persecuted individuals with arbitrary arrests and public discredit campaigns in violation of international law, she is now lashing out at the entire UN system as "false and manipulated" and claims the decision "constitutes a serious interference that threatens the independence of the judiciary of the Dominican Republic." So according to Berenice, the decision is both meaningless and nonbinding but also an existential threat to the DR.
- **The DR is violating human rights and internationally accepted standards of criminal**

justice. The decision urged the DR to “carry out a thorough and independent investigation” into the circumstance surrounding the former Attorney General, and “take appropriate measures against those responsible for the violation of his rights.” The Dominican government has already made it abundantly clear that they have no intention on complying with this guidance, even though the WGAD gave them six months to “harmonize the laws and practices of the Dominican Republic with its international obligations.” The WGAD reserved the right to follow up on its findings irrespective of the Dominican government’s continued obstruction.

This is a major decision further validating the Chairman McCaul’s initial concerns on the erosion of the rule of law in the Dominican Republic. It further raises concerns that the U.S. is wasting millions of taxpayer dollars to prop up a criminal justice system that wrongfully detains Americans and denies basic due process rights.

Sincerely,
Connie

This material is distributed by Liberty International Group on behalf of Axis Holdings LLC (on behalf of Donald Guerrero, former Finance Minister of the Dominican Republic) through DCI Group AZ, L.L.C. Additional information is available at the Department of Justice, Washington, DC.