

June 13, 2023

The Honorable Isiah Parnell

Chargé d'Affaires
United States Embassy Santo Domingo
Av. República de Colombia #57
Santo Domingo, Dominican Republic

Chargé d'Affaires Parnell,

Congratulations on your recent appointment in the United States mission in the Dominican Republic. I trust that your nearly 40 years of experience as a diplomat will be of tremendous value as the United States continues to build on its relationship with our key trading partner and strategic ally in the Caribbean.

By way of introduction, I represent the family of Donald Guerrero Ortiz (Mr. Guerrero), the former Finance Minister of the Dominican Republic. Since March 17, 2023, Mr. Guerrero has been imprisoned without charge under an 18-month "preventive detention" order. The detention order was requested by the Public Prosecutor's office and granted by Judge Kenya Romero for the stated purpose of completing an investigation into Guerrero that has been going on since 2020 and has produced no evidence of wrongdoing on his part.

Mr. Guerrero has not been charged, indicted or formally accused of any crime, but he's been in jail for more than two months. The laws of the Dominican Republic say that preventive detention without charge can be used under two legal justifications: 1) a demonstrable flight risk, or 2) evidence the individual has obstructed an investigation or intends to do so.

The prosecutors presented no evidence on either point in their request for his imprisonment and Judge Romero stated without citing any evidence that due to Guerrero's former government position, he might obstruct an investigation. Based on this precedent, any former government official would be subject to the extraordinary 18-month detention that Mr. Guerrero is facing.

Unfortunately, Mr. Guerrero's situation has become commonplace in the Dominican Republic. As I'm sure you're aware through your extensive experience in our nation's Foreign Service, the United States works with international organizations like the Organization of American States (OAS) to uphold democratic norms like due process, the rule of law, and strong independent judiciaries within the Western Hemisphere and the Caribbean. In the Dominican Republic, these pillars of democracy have been fracturing for decades.

In April, the Dominican legal aid agency National Office of Public Defense (ONDP), released a report that revealed up to 70% of all detainees in DR prisons are currently behind bars under an order of preventive prison¹. This precarious human rights situation mirrors the U.S. Embassy in the Dominican Republic's own findings, which state that the length of pretrial detentions often "equaled or exceeded the maximum sentence for the alleged crime, with some detentions reportedly lasting years."² This trend stems back as far back as 1999, when the OAS criticized the Dominican Republic's use of preventive detention for infringing on due process rights, as well as "prolonged detention cases" which violates "the right of presumption of innocence guaranteed by Article 8(2)" of the American Convention on Human Rights.³

Even more troubling are the circumstances surrounding Mr. Guerrero's arrest and illegal detention. In its 1999 report, the OAS found that "violations of the right to personal liberty in the Dominican Republic are expressed in several ways," including the use of "massive arrests" and "roundups" where "complaints were lodged of arbitrary

¹ Teresa Casado, "Informe de Defensa pública revela el hacinamiento y tratos crueles en las cárceles del país," *El Día*, 4/12/2023.

² "Dominican Republic 2022 Human Rights Report," *U.S. Embassy in the Dominican Republic*, 2022.

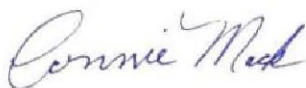
³ Inter-American Commission on Human Rights, "Chapter VI: The Right to Personal Liberty," *Organization of American States*, 10/7/1999.

detentions.” Like the imprisonment trends, nothing has changed in 24 years, except that now massive arrests and roundups have become political. The government of President Luis Abinader, under the guise of “anti-corruption” efforts, have weaponized the judiciary to punish political opponents and reward allies. It is extremely convenient for Mr. Abinader – who is running for re-election – that most of the leaders of his opposition party are now either imprisoned or under threat of imprisonment. It is even more convenient that the 18-month term of the preventive prison sentence would expire shortly after next year’s election, cutting his opponents off from any political activity until that time.

In my capacity as a U.S. Congressman and the Chairman of the House Foreign Affairs Subcommittee for the Western Hemisphere, I had a front row seat to the difficulties and disappointments that were often exhibited by some of our strongest allies to our south. It is my understanding that you have regular meetings with justice representatives from President Abinader’s government, and I would wager that they are not accurately representing the dire humanitarian situation there, including the illegal imprisonment of Mr. Guerrero. Furthermore, it is evident that the lead prosecutor in the case, Yeni Berenice, has not only abused her position but turned the Specialized Prosecutor’s Office for the Prosecution of Administrative Corruption (Pepca) into a political weapon.

I would welcome the opportunity to discuss the case of Guerrero with you and your staff further and request a call where our respective teams can share key facts of this pressing situation.

Sincerely,



The Honorable Connie Mack IV
Former Member of Congress

cc:

Mr. Brian Nichols
Assistant Secretary
Bureau of Western Hemisphere Affairs
U.S. Department of State

Mr. Todd Robinson
Assistant Secretary
Bureau of International Narcotics and Law
Enforcement Affairs
U.S. Department of State

Ms. Marcela Escobari
Assistant Administrator
Bureau for Latin America and the Caribbean
U.S. Agency for International Development

Mr. Alexander J. Titolo
Deputy Chief of Mission (Acting)
U.S. Embassy Santo Domingo

Ms. Katharine M. R. Beamer
Director
Bureau of Western Hemisphere Affairs, Office of
Caribbean Affairs
U.S. Department of State

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.