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Dominican Republic's Draconian Gang Laws Lead To Immolation Of 134 Trapped Prisoners

by LADB Staff

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Yet another chapter in the history of deplorable prison conditions and mishandling of the gang problem in the region opened in the Dominican Republic March 7 when a prison fire claimed the lives of at least 134 prisoners. No fewer than 26 suffered serious burns and respiratory damage or were otherwise injured.

The fire broke out early in the morning in the prison, called "hell on earth" by Domingo Porfirio Rojas Nina of the Dominican Comision Nacional de los Derechos Humanos (CONADEH). Rojas said the place was "unfit for human beings," thus standing out even in this country, which, according to UN records, has the most overcrowded jails in the Western Hemisphere. The cellblock where the fire broke out was so crowded that prisoners slept on top of toilets or pressed against doors, walls, and windows.

It was called the Vietnam block, a cloistered chaos where inmates were armed with guns and knives and guards did not venture. It had a maximum capacity of 25. At the time of the fire, about 178 prisoners lived there. The jam was not unique to Vietnam; the whole prison was designed for 80 but was home to 426 at the time of the fire. Countrywide there are 34 prisons built for 7,000 prisoners but currently housing more than 16,000.

Much of the overcrowding has been blamed on the bizarre new anti-gang laws so much in fashion now in the region. Similar overcrowding claimed 103 victims last year in a Honduras prison fire (see NotiCen, 2004-05-20).

Turf war leads to blaze

An early report from Interior Minister Franklin Almeyda told a now familiar story; the fire was a consequence of an armed confrontation between rival gangs concentrated in a way that guaranteed disaster. "In some way or other, they had been able to gain access to firearms," said the minister, who conceded that, in retrospect, "citizens who go to jail should receive adequate and humane treatment, and the conditions have not been the most appropriate."

Police chief Manuel de Jesus Perez said the conflagration started with one prisoner firing on a rival group. Police were able to stop the fight and remove the wounded to a hospital, but the fight raged on after they left. The fire started during this second battle when prisoners set fire to mattresses, using insecticide as an accelerator, and then disabled the locks on the cellblock to keep police out. Officers broke out the bars on a window allowing some to escape the flames, but others died in the stampede through the tiny exit.

Reminiscent of other prison fires in other places, there were also reports of death from the police. Surviving prisoner Enrique Wilano, hospitalized with gunshot and slash wounds, said, "They didn't want us to leave. Everybody who tried to get to the door got shot or hit with a machete."

Another surviving prisoner said the fight started over control of the cellblock, pitting locals from Higüey against a group transferred there from Santo Domingo. "The prisoners from the capital said they were from the city and were going to control the prison, because we are country boys," he said. Guards contribute to deaths Prisoners' accounts of events emphasized the culpability of guards, police, and soldiers. They told of tear gas being shot into the cellblock after the fire started.

When inmates in other cellblocks yelled for guards to save those in Vietnam, one officer shouted back, "There are no family members of mine in that cellblock." The fire also turned up evidence that minors were locked up in Higüey, in contravention of law. One, 17-year-old Andres Yan, survived, and is in the hospital with extensive burns and respiratory problems; he never should have been there. The immediate aftermath presented a grotesque spectacle, as distraught relatives inspected charred and stinking corpses looking for loved ones. To find out who survived, they were directed to a copy shop where they had to pay for lists of the living.

Similar scenes played out at a local hospital, where some of the dead were brought. By March 9, 71 bodies had not been identified. After 48 hours, the unidentified corpses will be buried, according to officials. Dominican officials readied themselves for an onslaught of indignation from the international community. Almeyda told the press that the prison system had suffered a "regression" because of inadequate funding, calling the jails "warehouses of people."

President Leonel Fernandez, in Spain at the time, sent profound condolences to the families and ordered an immediate investigation, but he didn't come home. He left it to Vice President Rafael Alburquerque to visit the scene and convey the messages. Among the messages: the government will pay all funeral expenses. Alburquerque got the investigation under way with the designation of Procurador de la Republica Francisco Dominguez Brito as chief of the endeavor, with Almeyda, Perez Sanchez, Gov. Pedro Morillo, and head of the Departamento Nacional de Investigaciones Gen. Manuel de Jesus Florentino y Florentino as members of the commission. The commission came back promptly with a preliminary finding confirming what reporters had already discovered. A fight for control of the prison and its drug-distribution networks was the cause.

A formal report determining responsible parties, both prisoners and police, is forthcoming. Face-saving legislative action In the Senate, meanwhile, a resolution was passed requesting that President Fernandez build a new prison in . Until that happens, Gov. Morillo said, Vietnam will be cleaned up and refilled. "We have inmates to house," he said. Beyond Dominican shores, interested parties clamor for more than determination of proximate cause. Dominicans living in New York are gearing up to pressure the Fernandez government.

Julissa Reynoso, lawyer for the Northern Manhattan Coalition for Immigrant Rights and other groups, said her organizations want an independent investigation "to report on the conditions and come up with recommendations to improve the system." She said, "The idea is to create a public criticism and hopefully public answers to the situation." Outside pressure also came from the Inter-

American Commission on Human Rights (IACHR) of the Organization of American States (OAS). The IACHR urged the Dominican government to take measures to guarantee the lives and welfare of prisoners in and in all the country's prisons.

Last month a US State Department human rights report singled out the condition of Dominican prisons. "Some prisons were totally out of the authorities' control and were, in effect, operated by armed inmates. Individual inmates could secure a tolerable level of existence only by paying for food, sleeping space, and medical care," said the report. It wasn't as if the Dominican government was doing absolutely nothing about its prisons.

In something of an ironic twist, Procurador Dominguez Brito said, "This tragedy happened just the day we were going to graduate people qualified to work in the prisons. What was going to be a day of celebration for our penal system turned into a day of great tragedy." The Procuraduria General de la Republica has been working with the Escuela Nacional Penitenciaria to train civilian guards to take over the system utilizing up-to-date rehabilitation methods. The system is already functioning in four prisons.

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