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Stepping Back Toward Death: Crime, Suicide, And Politics In The Dominican Republic

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Reeling under rising indices of violent crime, Dominicans are embracing restoration of the death penalty. An April poll in the newspaper Hoy found that more than 67% of respondents favor a return to capital punishment, at least in the case of rapists, where the victim is a child. The question arose in the context of legislative elections set for May 16. At least two candidates have centered their campaigns on hardening sentences for murder and rape convictions.

Police sources have said that, in the last 12 months, cases of kidnap, murder, and rape have risen from an average of two a day nationally to five. Congressional candidate Luisin Jimenez has advocated the death penalty. "The crime rate the country is recording and the professionalism criminals now have require more severe sanctions," said Jimenez. The surprisingly high percentage of citizens who approve of killing these offenders appears to have turned away from the premise that rising criminality is secondary to lack of opportunity.

University professor Belarminio Ramirez Morillo defends that viewpoint. "Anyone with a bit of sense knows that the principal factor generating all this [crime] is unemployment," he said. "With the panorama of economic uncertainty, violence will continue increasing, and the death penalty will not be the remedy." The maximum allowable sentence in the Dominican Republic now is 30 years.

Some who stop short of the death sentence favor extending the limit to life imprisonment. One of those people is Procurador de la Republica Rodolfo Espineira. Another is Partido de la Liberacion Dominicana (PLD) legal advisor Radhames Jimenez. But both say the best way to deal with crime is with preventive measures. "There are proposals that can be analyzed, but I believe that where we have to go is to the preventive part, that is to say, to the causes of misdemeanors and crime," said the prosecutor. Raising the maximum imprisonment time would require revising the penal code. Alto Comisionado de los Derechos Humanos Porfirio Rojas Nina goes along with the idea but does not favor life sentences. For him, 60 years seems enough.

The Catholic Church in the Dominican Republic has also come out against the death penalty. "We should look into life imprisonment because capital punishment is unjustifiable in accordance with the opinion of the pope," said Cardinal Nicolas de Jesus Lopez Rodriguez. They also kill themselves. The proposition that the causative factors moving more people to crime go deeper than the lack of severe penalties was bolstered recently by the finding that, as crime has risen, so has the incidence of suicide among the young.

Two Dominican psychiatrists have spoken out on this and have suggested that the phenomenon springs from some of the same social problems that human rights advocates have attributed to the crime wave. Their research was quite separate from the death-penalty debate. The psychiatrists,

Secundino Palacios and Christian Polanco, said the suicide rate would continue to increase because of a crisis of values and a lack of official response to the problems associated with lack of opportunity for personal development. They enumerated poverty, social exclusion, lack of opportunities, hopelessness, and low self-esteem as causes. This is very much like the causes of crime.

"The parameters of reference of a successful person are not to be a doctor, journalist, teacher, or agricultural producer, but to have money at whatever price and in the fastest possible way, which forms part of the serious moral crisis in the Dominican Republic and other parts of the world," said Palacios. He said these values are recent imports from abroad, ending up in a country that cannot supply the resources to satisfy the demand for instant gratification. Polanco noted that no institution working in mental health had implemented policies to confront this situation. He said that, at a minimum, investment in education was needed, along with more jobs. Again, this is similar to remedies for confronting criminality among young Dominicans.

Polanco also recommended that the state, churches, and neighborhood organizations develop actions to combat family disintegration and promote more humane treatment by parents toward their children. The two psychiatrists have analyzed suicide data and have determined that most suicides are among people in the 12-to-30 age group. Besides discovering an increase in incidence, they also have evidence that the numbers are greater than those disseminated by police, because many suicides are not reported as such.

Stepping backward

The poll, conducted by the Gallup organization and Hoy, interviewed 1,200 Dominican adults between April 7 and April 11. When asked, "Do you support or oppose the death penalty for people convicted of sexual abuse against children?" 67.3% supported, 28.3% opposed, 2.3% said neither, and 1.8% had no opinion. The margin of error for the survey was 2.8%. Among those favoring the death penalty, the results were similar across age brackets; young, midlife, and old were about the same. But it did vary somewhat according to gender; 69.3% of men and 65.4% of women favored the measure. Results varied more by geography.

In the south, approval reached 78.1%, in the north of the country, 65.3%, but approval in the west fell to 61.3%. By political party, those identified with the Partido Reformista Social Cristiano (PRSC) and the Partido Revolucionario Dominicano (PRD) supported the death penalty by 70.8%, while 67.4% of those in the PLD liked it, and only 56% of the Partido Revolucionario Social Democrata (PRSD) members were in favor. The Dominican Republic is one of 84 countries to have abolished the death penalty. It is one of 42 to have prohibited it constitutionally. Article 8 (1) of the 1966 Constitution of the Dominican Republic refers to the "inviolability of life," and states, "Therefore, neither the death penalty, torture, nor any other punishment or oppressive procedure or penalty that implies loss or diminution of the physical integrity or health of the individual may be established, pronounced, or applied."

Reinstating the death penalty implies, of course, amending the Constitution, a step backward from the point of view of Amnesty International (AI). AI, an anti-death-penalty-advocate organization,

lauds countries that have enshrined the prohibition in their constitutions and cites several legal decisions internationally that support "the right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment." Among these citations are the 1995 decision of South Africa's Constitutional Court that the death penalty was a violation of this right and the Hungarian Constitutional Court ruling of Oct. 24, 1990, that the death penalty violates the right to life and human dignity as provided under that country's Constitution.

Beyond the constitutions of individual states, international and regional prohibitions have been approved. AI cites the Second Optional Protocol to the International Covenant on Civil and Political Rights, Protocols 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. The death penalty is also excluded from punishments under the Statute of the International Criminal Court (ICC) adopted in 1998. AI takes special note of this exclusion, since the ICC has jurisdiction over the gravest of crimes, including genocide and violations of the laws of armed conflict.

Even in the gravest of the grave, the penalty has been abolished. The UN Security Council excluded it both for the International Criminal Tribunal for the Former Yugoslavia in 1993 and the International Criminal Tribunal for Rwanda in 1994. If re-establishing the death penalty in the Dominican Republic is a step backward, it is a very long step. Upon becoming independent, the country adopted the French penal and criminal-proceedings codes in use during the Haitian occupation. Spanish translations of the codes were mandated in 1867. These codes evolved into the 1884 Penal Code, 487 articles dealing with penalties for crimes. These provided for exile, imprisonment, temporary confinement, loss of civil rights, assessment of fines, and death by firing squad. The death penalty was abolished in 1924, replaced by the 30-year maximum penalty at forced labor.

The question of the death penalty comes up in the context of a very close set of races among the principal parties. Another Hoy/Gallup poll finds 41.7% of the voting population intending to vote for the Bloque Progresista, led by the ruling PLD. Another 41.4% intend to vote for the Gran Alianza Nacional, or Alianza Rosada, an amalgam of the PRD and PRSC. Of the eligible voters, 40.9% say they are "very sure" they will vote, 49.3% are "sure," and just 9.8% are "not sure." A total of 2,436 congressional and local offices are in dispute. This poll was taken concomitantly with the death-penalty survey, under the same criteria.

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