

DOMINICAN REPUBLIC¹

General Information

The Dominican Republic is a unitary state composed of thirty-one provinces and the National District, with a population in 2004 of 8,960,000.² The country's population grew at an average annual rate of 1.79% between 1993 and 2002.³ ECLAC figures indicate that 67.9% of the country's inhabitants lived in cities in 2005, up from 61.8% in 1995. In 2000, 16.3% of adults (over the age of fifteen) were illiterate, compared to 20.6% in 1990.⁴ Today, those under fifteen account for 33% of the total population, slightly less than in 1993 (35%), while average life expectancy at birth for 2000-2005 is 70.1 years.⁵ In 2002, 44.9% of the population lived in poverty, 2% less than in 2000. There was a similar decrease in extreme poverty, which accounted for 20.3% of the population in 2003. The GDP fell by 1% in 2003⁶ in contrast to its 4% rise in 2002. Per capita income also fell, decreasing from US\$2,310 in 2002 to US\$2,070 in 2003, equivalent to US\$6,310 in purchasing power parity. Urban unemployment stood at 16.1% in 2002, slightly higher than its average level of 15.2% during the previous decade.

Judicial System Highlights

- In 2003, there were seven judges, eight prosecutors and 321 police officers per 100,000 inhabitants.
- The Judicial Branch received 1.23% of the total fiscal budget in 2003 and 1.14% in 2004.
- In September 2004, Law 76-02 modifying the Criminal Procedure Code entered into effect, introducing an adversarial model that replaced the mixed continental inquisitorial model that had been in place.
- In October 2004, Law 136-03, the Code on the Protection of the Basic Rights of Children and Adolescents, entered into force.
- That same year the *Servicio Nacional de la Defensa Pública* (National Public Defense System) was formally legislated; up to that date, it had operated under a resolution issued by the Supreme Court. This new law governs the organization, powers and functioning of the public defense system in this country.
- In 2003, the first instance courts' clearance rate (cases disposed over cases filed) was 123%.
- In 2004, there were 1,750 murders in the Dominican Republic, or 19.5 per 100,000 inhabitants.
- As of early 2005, the prison system held 13,585 persons, or 155.4 prisoners per 100,000 inhabitants.
- There were 25,871 attorneys in the country, or 296 per 100,000 inhabitants, in 2004.

1. Institutions

The Dominican Republic's judicial system consists of the Judicial Branch, the *Consejo Nacional de la Magistratura* (National Judicial Council) and the *Procuraduría General de la República* or *Ministerio Público* (Public Prosecutor's Office).

Judicial Branch

The Judicial Branch administers justice through the courts; its function is to ensure the protection of the rights established by law.

Its highest authority is the Supreme Court, which has national jurisdiction and includes the following jurisdictional bodies: the Supreme Court Plenary; the Joint Chambers; the Civil, Criminal, Land, and Contentious-Administrative and Contentious-Tributary Chambers; and the Chief Justice's Office. According to the Constitution, the Supreme Court's powers and responsibilities include the selection of judges and their alternates for the courts of appeal, Land Tribunal, first instance courts, investigative courts, peace courts, Contentious-Tributary Court and all other judicial posts provided for under the Judicial Career Law. The Supreme Court may also order the temporary or permanent transfer of judges and exercise the highest disciplinary authority over all members of the Judicial Branch. It has the power to create administrative

¹ This chapter is based on institutional information provided by, among others, the *Suprema Corte de República Dominicana*, the *Ministerio Público*, and the *Departamento de Estadísticas de la Procuraduría General de la República*. The authors also consulted official justice sector websites, the *Memoria Anual del Poder Judicial* (Judicial Branch Annual Report), JSCA reports, and information from the websites of international cooperation agencies.

posts in order to allow the Judicial Branch to exercise fully its authority under the Constitution and the law, selects all Judicial Branch officials and employees and sets salaries and other remunerations for its judges and staff.⁷

The Dominican Republic's legal system operates through twelve judicial *departamentos*,⁸ each of which has an ordinary court of appeal that may have full jurisdiction or specialized chambers (criminal, civil, and/or commercial). The law recently increased the number of courts and established specialized jurisdictions; therefore, some judicial departments now have labor and juvenile courts of appeal, as well as superior land courts.

The second instance courts are mainly the courts of appeal, which are collegiate bodies.

There are ten ordinary courts of appeal. Two have broad jurisdiction and the others have a civil-commercial chamber and a criminal chamber, with the exception of the National District, which has two chambers. There are also five labor courts and five juvenile courts, a Contentious-Tributary Court and two superior land courts for the entire territory. In those *departamentos* where there is no specialized labor or juvenile court, these matters come under the jurisdiction of the civil-commercial chamber of the court of appeal of that area.

The ordinary first instance courts function in thirty-four judicial districts and may have broad jurisdiction or be divided into civil and/or commercial and criminal chambers.

Table 1
Organization of the Judicial Branch

Subject Matter	First Instance	Second Instance	Superior or Supreme Court
Civil and Commercial	40 Civil and Commercial Chambers of First Instance	8 Civil and Commercial Chambers of the Court of Appeal	Supreme Court*
Criminal	47 Criminal Chambers of First Instance 46 Investigative Courts	10 Criminal Chambers of the Court of Appeals	Supreme Court *
Juvenile (Children and Adolescents)	17 Juvenile Tribunals	5 Juvenile Courts	Supreme Court *
Transit ***	41 Transit Peace Courts	Yes	Supreme Court *
Land	31 Original Jurisdiction Land Tribunals	2 Superior Land Tribunals	Supreme Court *
Labor - Social	23 Labor Courts	6 Labor Courts	Supreme Court *
Peace Courts ***	164 Ordinary Peace Courts, 9 for municipal affairs	No	Supreme Court *
Tributary		1 Contentious-Tributary Court	Supreme Court *
Broad Jurisdiction	8 Courts of First Instance with Broad Jurisdiction	2 Courts of Appeal with Broad Jurisdiction	Supreme Court *

*The Supreme Court acts as an annulment court, ruling on whether the law has been correctly or incorrectly applied in last instance or sole instance rulings by the judicial branch bodies that have heard the facts of the case. It has three chambers: the First or Civil/Commercial Chamber; Second or Criminal Chamber; and Third or Land, Labor, Contentious-Administrative and Contentious-Tributary Chamber of the Supreme Court of Justice. Constitutional disputes are heard directly by the Supreme Court.

Human Resources

Table 2 presents a breakdown of Judicial Branch staff for 2003 and 2004:

Table 2
Judicial Branch Staff 2003-2004

Source: Corte Suprema de Justicia. Dirección General de la Carrera Judicial. División de Registro de Personal

Item	2003	2004
Number of first instance, peace, and investigative court judges	416	430
Number of second instance judges	164	164
Number of Superior Court judges	16	16
Number of court officials	No data	1,755
Number of administrative staff	No data	2,496

In 2003, the Dominican Republic had a rate of seven judges per 100,000 inhabitants.⁹

In 2004, the annual average salary of a first instance judge was RD \$614,774 (US\$14,637.47),¹⁰ while second instance judges earned RD \$883,723 (US\$21,041) and Superior Court judges RD \$1,431,548¹¹ (US\$34,084.47). According to data provided by the Information Technology Office, in 2003 the Judicial Branch had 1,623 computers.¹²

Budget

The Judicial Branch is independent of the other government branches, enjoying administrative and budgetary autonomy, though the Legislative Branch determines the amount of its budget under the Public Expenditure Law.

In 2004 the total justice sector budget for was RD \$2,047,660,615 (US\$48,753,824), of which RD \$1,382,512,654 (approximately 68%) was earmarked for the Judicial Branch and RD \$665,147,961 (approximately 32%) for the Public Prosecutor's Office. In 2003, total public expenditure on the courts was RD \$1,020,000,000, equal to US\$35,172,413. For comparative purposes, in 1997 the Branch received 1.1% of the total fiscal budget, 1.4% in 2001, and then 1.2% in 2002.¹³ In 2003, the budget allocation to the Branch accounted for 1.23% of the total fiscal budget, and in 2004, this had again dropped to 1.14%.

Table 3

Judicial Branch Budget

Source: Poder Judicial - Memoria Anual 2002/2003

	1997	2001	2003	2004
Fiscal budget as a percentage of GDP	12.5%	18.1%	17.98%	ND
Judicial Branch budget as a percentage of GDP	0.14%	0.26%	0.22%	ND
Judicial Branch budget as a percentage of total fiscal budget	1.12%	1.42%	1.23%	1.14%

Supreme Court

The sixteen-member Supreme Court sits in the capital city of Santo Domingo. Each justice is appointed by the National Judicial Council and may not be removed.¹⁴

The Supreme Court is the highest instance and has three chambers: the First or Civil and Commercial Chamber; the Second or Criminal Chamber; and the Third or Land, Labor, Contentious-Administrative and Contentious-Tributary Chamber.

The Supreme Court shall: ¹⁵

- Hear in sole instance any criminal action brought against the President and Vice President of the Republic, senators, congressional deputies, secretaries and undersecretaries of State, Supreme Court justices, the National Public Prosecutor, appeals court judges and prosecutors, State Attorneys before the Land Tribunal, judges of the Contentious-Tributary Tribunal, at the request of the Executive Branch, the Speaker of either National Congressional Chamber or an interested party.
- Hear appeals for annulment as provided for by law.
- Hear final appeals on matters heard in first instance by the courts of appeal.

Before the Constitutional Reform of 1994, Congress was responsible for judicial appointments and for approving the Judicial Branch itemized budget, while selection of subordinate staff was in the hands of the Executive Branch, which also formulated and executed the budget for the administration of justice.¹⁶

In 2003, the Supreme Court accepted 3,227 matters and ruled on 3,448; of those accepted, 2,687 were for annulment, distributed as follows: 812 in the Civil Chamber, 1,216 in the Criminal Chamber, and 598 in the Land, Labor, Contentious-Administrative

and Contentious-Tributary Chamber. The court also received twenty-eight *habeas corpus* appeals and ruled on fifteen, and forty-one matters of unconstitutionality, ruling on eight.¹⁷ These figures indicate that the Supreme Court's annual clearance rate was 106.8%; in other words, the Court disposed more matters than were filed that year.

Other Courts

The Dominican Republic has courts that do not form part of the Judicial Branch that have the authority to resolve certain disputes under the Constitution and the law. These are the *Junta Central Electoral*, which rules on electoral disputes; the Superior Administrative Tribunal (Law 1.494 of 1947); the Police Tribunal (Law 285 of 1966 and its modifications) and the Martial Court (Law 3.489 of 1953).

National Judicial Council

This body is responsible for replacing Supreme Court justices in cases of death, disqualification or resignation.

The Council has seven members, including its Chair, the President of the Republic;¹⁸ the Speaker of the Senate and one other senator chosen by the Senate from an opposing party; the Speaker of the Chamber of Deputies and one other deputy chosen by this Chamber from an opposing party; the Supreme Court Chief Justice and one other Supreme Court justice chosen by this Court, who acts as Secretary.

The Council was created in the Constitutional Reform of 1994 and is governed by Law 169 of August 2, 1997. Under Article 64 of the Constitution, the Council convenes for the sole purpose of appointing Supreme Court Justices.

Public Prosecutor's Office

The Public Prosecutor's Office, known as the *Procuraduría General de la República* or *Ministerio Público*, plays a key role in criminal processes from the investigation stage to the enforcement of judgment. Prosecutors investigate infractions of the criminal, taxation, environment, land, labor, intellectual property, family and juvenile legal codes and prosecute those charged with offenses under those codes. The institution is responsible for directing the investigation of punishable acts, bringing formal charges or requesting dismissal; prosecution; assisting victims and witnesses; guaranteeing the public peace; and fostering protection of human rights. It also formulates and executes prison policy.

The Public Prosecutor's Office carries out its functions through attorneys appointed as prosecutors by the Executive Branch. The term used to identify them varies from court to court. They are *Fiscalizadores* in the peace courts, *Procuradores Fiscales* in the first instance courts, and *Procuradores Generales* in the courts of appeal. The head of the agency is the *Procurador General de la República* (National Public Prosecutor), who is the highest authority of both the *Ministerio Público* and the Judicial Police.

Each judicial department has a court prosecutor (*Procurador de Corte*) and each judicial district has a district prosecutor (*Procurador Fiscal*). Each has a team of attorneys with similar powers.¹⁹ The Public Prosecutor's Office (*Procuraduría General de la República*) also has a cadre of attorneys who carry out strictly administrative functions such as supervising juvenile and family matters or court management duties.

Table 4
Budget and Resources of the Public Prosecutor's Office 2002- 2004
 Source: Procuraduría General de la República, Departamento de Estadísticas

Item	2004	2003	2002
Total budget allocation to the Public Prosecutor's Office in Dominican pesos	665,147,961	486,280,000	450,002,885
Total budget allocation in U.S. dollars ²⁰	15,836,856	16,768,275	25,000,160
Total number of computers in all prosecutor offices	729	ND	ND
Total number of computers connected to the Internet	74	ND	ND
Total number of prosecutors	705	688	589
Total number of female prosecutors	216	ND	ND
Total number of administrative staff	2011	ND	ND
Total number of female administrative staff	846	ND	ND

There were eight prosecutors per 100,000 inhabitants in the Dominican Republic in 2004, which represents a 20% increase over 2002.

The budget allocated to the Public Prosecutor's Office decreased by 36.6%²¹ between 2002 and 2004.

Public Defender's Office

Law 277-04 governs the organization, powers and operation of the public defense system, which was created on April 19, 2002 by resolution of the Supreme Court plenary. The main purpose of this body is to provide technical legal defense and counsel to low-income defendants who lack their own lawyer. Anyone may take advantage of this service upon arrest, and the families of those arrested and society benefit indirectly from it.

In 2003, the *Oficina Nacional de Defensa Judicial* worked primarily in the criminal system, covering the judicial departments of Santo Domingo and Santiago. Between January and December of that year, it sent 1,694 cases to the national district office, 134 of which were for minor offenses (*correccionales*) and 1,560 for felonies, with 757 cases resolved in total. Among other requests, the Public Defender's Office received 684 petitions for assistance with appeals and constitutional matters. 458 cases were assigned to the Santiago office during that period, sixty-four of which were minor offenses and 394 of which felonies. The agency resolved 499 cases of this nature that year (more than were filed). System users also filed 758 petitions for appeals, constitutional actions and other actions in Santiago.²²

In 2004, there were twenty-one on-staff public defenders and 131 court-appointed attorneys responsible for the legal representation of low-income defendants. In 2002, the Supreme Court created an office to monitor the performance of these professionals, the *Sección de Supervisión de los Abogados de Oficio*. During that year, this office evaluated the performance of the forty court-appointed attorneys working in the judicial department of the country's capital, reporting that 1,743 individuals received assistance from the public defenders. The criminal courts heard and ruled on 608 cases and seventy-six individuals held in pretrial custody were released due to lack of evidence.²³

In 2004, this office had a budget of RD \$10,018,806, equivalent to US\$238,543.²⁴

Police

The Dominican Republic's police force has 26,427 officers, 2,002 of whom are women, for a rate of 321 officers per 100,000 inhabitants.

Important Recent Legal and Institutional Changes

The country has passed a number of laws that have modified the structure or procedures of justice system institutions in this country. On September 27, 2004, Law 76-02 entered into force modifying the Criminal Procedure Code, establishing an adversarial model for the Dominican Republic's criminal court system to replace the mixed continental inquisitorial model that had been in place. The new system places the responsibility for investigating, charging and prosecuting criminal acts with the Public Prosecutor's Office and focuses on seeking the resolution of disputes and applying alternative measures to prosecution such as plea bargains, conciliation and provisional stays. A public defender takes the case as soon as the prosecutor presents charges. The law also establishes the position of Sentence Enforcement Judge, and modifies the evidentiary system: the new system allows victims to participate and to take certain actions in the process. Finally, the law organizes the appeals system and offers judges different options for enforcing judgment.

On October 17, 2004 Law 136-03, the Code on the Protection of the Basic Rights of Children and Adolescents entered into force, granting adolescents the same rights and guarantees as adults, such as the right to a proper defense, the presumption of innocence, and the required legality of procedural evidence and sanctions. The law also provides for special courts with procedures appropriate for juvenile, applying a different scheme for criminal code violations that includes guidance, education, and special time limits on pretrial custody that vary according to the defendant's age.

Another recent change in the Dominican Republic's justice system was the passing of Law 277-04 governing the Public Defender's Office, which had operated under a Supreme Court resolution up to that time. The new law establishes the organization, powers and operation of the public defense service, giving it the primary goal of providing technical defense and legal counsel to defendants who have no attorney. It also sets out that public defenders will be chosen by public competition and subsequently trained and evaluated, and gives the office functional, administrative and

financial autonomy over its own budget. Lastly, another Supreme Court resolution automatically made all current court-appointed attorneys part of the Public Defender's Office.

Finally, Law 194-04, which came into force on July 28, 2004, grants budgetary and administrative autonomy to the Judicial Branch, the Public Prosecutor's Office and the Court of Audit and establishes a minimum budget for these agencies expressed as a percentage of the total fiscal budget. This amounts to 4.10% for the Judicial Branch and Public Prosecutor's Office based on total internal revenue, including additional revenues and surcharges coming under the revenue budget and Law on Public Expenditure. Of the total amount, 65% goes to the Judicial Branch and 35% to the Public Prosecutor's Office. This allocation is to be reviewed every three years.

2. Procedures

Criminal Cases

The Criminal Procedure Code established under Law 76-02 substantially changed criminal procedure in the Dominican Republic. Major changes include placing responsibility for investigating crimes with the Public Prosecutor's Office and separating the functions of investigation and judgment, with the first coming under the purview of the prosecutor and the second under that of the judge, who is responsible for safeguarding respect for basic rights and ensuring the legality of the investigative actions of the prosecutor.

The law also establishes an adversarial and guaranteeist system. The first stage of the investigation is the preparatory stage, where the Public Prosecutor's Office and the victim formulate charges. The actors involved collect the evidence necessary to prove the accusation and the prosecutor determines whether there are grounds for a trial.

The second phase is the preliminary hearing, the purpose of which is to examine the results of the investigation and guarantee the legality of the prosecutor's actions up to this point. It concludes with a ruling by the investigative judge, who allows and sets the charges, orders a shortened procedure or a stay of proceedings, issues a restraining order; or approves the settlement agreed to by the parties. The judge may also issue a writ of dismissal if he or she finds that the act was not committed by the defendant or was not

committed, if the prosecution withdraws the charges, if the act in question does not constitute a crime, if the defendant cannot be held criminally responsible, or if there is insufficient evidence.

The third stage is the trial, which is governed by the general principles of orality, immediacy and public access. The first instance courts are either unipersonal or collegiate, depending on the seriousness of the punishable act: one judge is required for crimes involving monetary sanctions or those carrying not more than two years imprisonment (or both). Cases that may involve a sentence of more than two years imprisonment come before a three-judge tribunal. Finally, cases that may lead to the issuing of a sentence of over ten years' imprisonment are processed through a system that includes separate hearings for determining the guilt or innocence of the accused and sentencing.

The fourth stage – the appeal- does not always occur, but is allowed if one party wishes to challenge the ruling in a higher instance.

The fifth stage of a criminal proceeding is the enforcement of judgment. This takes place if the judge issues a mandatory definitive sentence. In this case, the sentence enforcement judge (*juez de la ejecución*) oversees the fulfillment of the sentence and guarantees the rights of those convicted; arranges inspections and visits to prisons as required; ensures compliance with conditions for dismissal; presents sentence review requests; hears matters related to the enforcement and rules on the parole of those convicted, where appropriate.

Civil Suits

Civil procedures are mostly written (the only oral stage of the process is the reading of conclusions during hearings) and consist of three stages.

The process generally begins with the plaintiff filing a suit, which is prepared by a bailiff before the first instance court. This stage initiates the legal relationship between the complainant and respondent, and the court does not participate. In all matters before the first instance civil court the case is presented to the presiding judge of the court in question, who then assigns the case to a specific courtroom. After such assignment one of the parties must request the presiding judge to schedule a first hearing, during which only the names of the parties, their addresses and the nature of the lawsuit are heard briefly. Under appropriate conditions a ruling may be made at this first

hearing; however, this will not occur if one of the parties presents an objection or requests additional evidence, in which case a new hearing will be scheduled or the additional procedures ordered, as appropriate. The court's work is concluded when a definitive ruling is handed down, and the winning party must then inform the losing party in order to initiate the time limit for filing an appeal.

Under this system, the judge plays a passive role until he or she pronounces judgment.

Either party may present an appeal before the respective court. The losing party may file for annulment in special instance before the Supreme Court. If the case is accepted, the Supreme Court may reject the second instance ruling and annul the sentence if it determines that it violates or fails to apply the law properly.

3. Case Volume and Movement

Table 5
Cases Filed in the First Instance Courts 2003- 2004
Source: Corte Suprema, Dirección General Técnica, División de Estadísticas

Jurisdiction	2003	% of 2003 total	2004 ²⁵	% of 2004 total
Civil	128,179	68%	88,536	70%
Criminal	41,504	22%	24,570	19%
Labor	12,872	7%	9,021	7%
Juvenile	4,879	3%	3,062	2%
Land	2,050	1%	1,760	1%
Total	189,484	100%	126,949	100%

Table 6
Cases Filed in the Courts of Appeal 2003 and 2004
Source: Corte Suprema, Dirección General Técnica, División de Estadísticas

Jurisdiction	2003	%	2004 ²⁶	%
Civil	4,445	31%	1,521	21%
Criminal	3,502	24%	2,272	31%
Labor	2,280	16%	1,634	22%
Juvenile	405	3%	269	4%
Land	3,878	27%	1,643	22%
Total	14,510	100%	7,339	100%

Cases Disposed

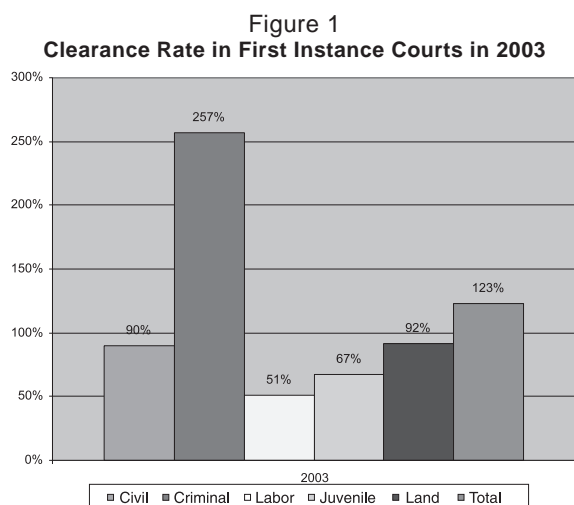
Table 7
Cases Disposed in the First Instance Courts 2003- 2004
Source: Corte Suprema, Dirección General Técnica, División de Estadísticas

Jurisdiction	2003	% of 2003 total	2004 ²⁷	% of 2004 total
Civil	115,037	49%	81,288	62%
Criminal	106,520	46%	41,225	31%
Labor	6,595	1%	4,670	3%
Juvenile	3,272	3%	3,306	4%
Land	1,882	1%	1,312	1%
Total	233,306	100%	131,801	100%

Table 8
Cases Disposed in the Courts of Appeal 2003- 2004
Source: Corte Suprema, Dirección General Técnica, División de Estadísticas

Jurisdiction	2003	%	2004 ²⁸	%
Civil	3,342	33%	1,207	23%
Criminal	4,435	44%	2,273	43%
Labor	1,257	12%	976	18%
Juvenile	351	3%	211	4%
Land	796	8%	611	12%
Total	10,181	100%	5,278	100%

In 2003 the first instance courts achieved a clearance rate (cases disposed over cases filed) of 123%; however, productivity varied by subject matter (see below).



As the above figure shows, the criminal court disposed the most cases in 2003, while the labor courts resolved barely 50%. A similar situation occurred in the juvenile courts, which achieved a clearance rate of 67%.

4. Crime Rates

In 2004, 1,750 murders were committed in the Dominican Republic, or 19.5 per 100,000 inhabitants. This represents a 59% increase since 1999, with an average annual increase of 13% from 1999 to 2004.



5. Prison Population

The *Dirección General de Prisiones* (Prison Administration) is a centralized agency of the Public Prosecutor's Office that supervises and manages all penitentiary establishments.

According to data from the Public Prosecutor's Office, in early 2005 there were 13,585 individuals held in custody in the Dominican Republic, a rate of 155.4 prisoners per 100,000 inhabitants. With a national holding capacity of 9,152 inmates, prison overcrowding stood at 67.3%.

The government has plans to build new prisons and renovate existing ones, including men's and women's establishments and juvenile detention centers. Information provided by the Public Prosecutor's Office indicates that such construction and remodeling efforts will be carried out in at least eight *departamentos* during 2005, 2006 and 2007.

6. Related Topics

Race and the Administration of Justice

The Dominican government maintains that racial discrimination is practically non-existent in the country. However, a JSCA study found that racism has taken on a special orientation in this country and has been (and continues to be) directed against everything related to Haitians. The Dominican Republic is an attractive country for the neighboring Haitian population, given its economic and social conditions, which are markedly different from the social and political instability from which Haiti suffers. Estimates put the number of undocumented Haitians in the Dominican Republic at 650,000 and the JSCA study indicates that their living conditions are already precarious without the added manifestations of racial discrimination and xenophobia.

According to the government, the lack of questions on race in the national census proves its claim that "race is not an issue" in the Dominican Republic. There are no institutions specifically

Table 9
Prison Population 2002- 2004

Source: Dirección General de Prisiones. Prepared by the Office of Statistics based on information provided by prisons.

Year ²⁹	Total	Men	%	Women	%	In Pretrial Detention	%	Serving sentence	%
2004	13,286	12,840	96.6	446	3.4	8,692	65.4	4,594	34.6
2003	14,731	14,270	96.9	461	3.1	10,248	69.6	4,483	30.4
2002	16,461	15,836	96.2	625	3.8	11,090	67.4	5,371	32.6

oriented towards promoting policies based on such categories as race. Instead, the legal provisions that refer to guardianship (*tutela*) are generally used in cases involving efforts to safeguard equality.

According to official sources, there is racial diversity in the justice administration system, and “it is not unusual to find blacks working within it.”³⁰

Legal Profession

In 2004, there were 25,871 attorneys in the country, or 296 per 100,000 inhabitants.

7. Judicial Reform and International Cooperation Projects Underway

Table 10
Judicial Reform Projects

Name of project or program	Objective(s)	Funding source and amount	Implementing Agency	References
Judicial Documentation and Information Center	To create a center that collects, processes and classifies case law, legislation and publications to enable easy, low-cost access.	Dominican Republic Judicial Branch strengthening project Agencia Española de Cooperación Internacional (AECI) and the DR Supreme Court	Supreme Court	Contact: Gloria Cecilia Cuello Suero, Directora General Técnica, Corte Suprema. E-mail: cuello@suprema.gov.do
Design of Human Resources Department Procedures to Strengthen the Judicial Career (Implemented during 2004, to be finalized in 2005)	To design a system to organize the judicial structure, create job descriptions and define salaries. Define criteria for the movement of judges, establish rules for judicial promotions and transfers and establish seniority levels within the system.	USAID, through the Justice and Governability project. DPK Consulting and the Supreme Court	Dirección General de Carrera Judicial de la Corte Suprema	Contact: Marta González, Dirección de Asuntos de la Carrera, Corte Suprema. E-mail: mgonzalez@suprema.gov.do
Program to Modernize the Land Courts (Jan 2001- Sept 2005)	To increase the efficiency and transparency of the Land Court jurisdiction in its work as adjudicator and arbitrator of land disputes.	IDB loan for US\$32 million and Dominican government funding in the amount of US\$8 million	Supreme Court, through the executing unit (Unidad Ejecutora)	Contact: Marisol Floren, Project Leader. Phone (809) 533-6809.
National Implementation Plan for the Criminal Procedure Code (8 month project)	To operationalize the institutions required for the application of the new Criminal Procedure Code in 4 broad areas: training, legal, management and institutional structure.	USAID, through the Justice and Governance Project, DPK Consulting, the Fundación Institucionalidad y Justicia (FINJUS) and the Dominican Judicial Branch	Dirección General Técnica de la Corte Suprema	Contact: Gloria Cecilia Cuello Suero, Directora General Técnica Corte Suprema. E-mail: ccuello@suprema.gov.do
Increase the efficiency of court administrative procedures in the labor and civil-commercial jurisdiction.	To implement more efficient court procedures and administrative tasks, reorganize administrative areas and implement information systems.	Supreme Court	Dirección General Técnica de la Corte Suprema	Contact: Gloria Cecilia Cuello Suero Directora General Técnica Corte Suprema. E-mail: ccuello@suprema.gov.do
Analysis and proposal to improve the procedures and structure of the Administrative Affairs Office and design of an implementation plan	To prepare a detailed analysis of the procedures, functions and organizational structure for the administration and finance area. To propose recommendations to improve procedures and organizational structure and design and implementation plan from the recommendations.	Dominican Judicial Branch and UNDP	Dirección General de la Carrera Judicial and Dirección General Técnica de la Corte Suprema	Contact: Gloria Cecilia Cuello Suero Directora General Técnica Corte Suprema. E-mail: ccuello@suprema.gov.do

Civil Society Organizations

Table 11
Civil Society Organizations

Name	Description	Contact Person	Mailing Address	Phone	Web page
Participación Ciudadana	Non-partisan CSO that lobbies, coordinates and fosters joint action between social organizations and the government.	Javier Cabreja, Executive Director	Wenceslao Álvarez No. 8, Zona Universitaria, Distrito Nacional.	809-685-6200	www.pciudadana.com
Fundación Institucionalidad y Justicia (FINJUS)	FINJUS contributes to strengthening democratic institutional structures and sustaining them to ensure respect for civil rights, while fostering an appropriate national environment for development based on investment and free enterprise; promoting democratic development through the judicial reform and consolidation of the rule of law.	Servio Tulio Castaños, Executive Director	Avenida Gustavo Mejía Ricart esquina Abraham Lincoln, Torre Piantini, 8vo. Piso, Suite 803.	809-227-3250	www.finjus.org.do

8. Websites

Supreme Court (*Corte Suprema de Justicia*)

www.suprema.gov.do

This site contains institutional information on the Judicial Branch and the Supreme Court, including their history, organizational structure, a directory of judges, press summaries and releases, judicial newsletters and other publications. It also includes discussion forums, listing of events, question format and multimedia archives, as well as Supreme Court resolutions and rulings. Available in English and Spanish.

Public Prosecutor's Office (*Procuraduría General de la República*)

www.procuraduria.gov.do

Users may access institutional information, an organizational chart, a list of the functions of the *Ministerio Público* and data on cases and rulings on this website, which also publishes an informative newsletter and contains links to sites such as the *Dirección General de Prisiones*, which provides statistics on the prison population.

Commissioner for the Reform and Modernization of Justice (*Comisionado de Apoyo a la Reforma y Modernización de la Justicia*)

www.reforma-justicia.gov.do

This site contains publications, project documents and papers on different aspects of judicial reform in the Dominican Republic. Documents available on the site include *Hacia un nuevo proceso penal*, and the study *Participación ciudadana en la reforma judicial*, a comparative analysis of this issue in Bolivia and Argentina. Complete texts of presentations heard at forums organized by the *Comisionado* are also published on the site, including one on the budgetary autonomy of the Judicial Branch. Spanish-language only.

National Judicial Academy (*Escuela Nacional de la Judicatura*)

www.judicatura.gov.do

This official website links to a virtual campus (<http://enj.org>) with special access. Users may access information on the origin of the ENJ <http://www.suprema.gov.do/poderjudicial/enj.htm>.

Iberian-American Network of Judicial Academies (*Red Iberoamericana de Escuelas Judiciales*)

www.riaej.org

RIAEJ was founded in May 2001 in the context of the *VI Cumbre Iberoamericana de Presidentes de Cortes Supremas y Tribunales Supremos de Justicia*, held in the Canary Islands, Spain. The National Judicial Academy oversees this organization's Executive Office. The RIAEJ website includes information on membership, newsletters describing the network's activities, links and a news section with a member organization events calendar. Spanish-language only.

National Statistics Office (*Oficina Nacional de Estadística*)

www.one.gov.do

This website provides statistics on demographic, economic, education and public health indicators. Users may also request data on more specific topics through an online request form. Spanish-language only.

Office of the President (*Presidencia de la República*)

www.presidencia.gov.do

This website contains general information on the country, an official schedule of activities and publications of the government as well as newsletters and descriptions of government offices and agencies.

Fundación Institucionalidad y Justicia, FINJUS

www.finjus.org.do

A group of local jurists and businesspersons launched the project "Institutionality and Justice" to promote democratic development in the Dominican Republic through judicial reform and the consolidation of the rule of law. They founded FINJUS in 1990. The organization's site contains information on the institution, its history and development, agreements and conventions, programs a list of executive directors. Spanish-language only.

9. Basic Directory

Corte Suprema

Address: Calle Hipólito Herrera Billini esq. Juan B. Pérez,
Centro de los Héroes,
Constanza, Maimón y Estero Hondo
Santo Domingo, D. N.
Phone: (809) 533-3139
Fax: (809) 535-8230
Website: www.suprema.gov.do

Consejo Nacional de Magistratura

Address: Calle Hipólito Herrera Billini esq. Juan B. Pérez,
Centro de los Héroes, Constanza, Maimón y Estero Hondo
Santo Domingo, D.N.
Phone: (809) 533-3139
Fax: (809) 535-8230

Escuela Nacional de la Judicatura

Address: Calle César Nicolás Pensón No. 59
Esquina Rosa Duarte, Gazcue
Website: www.judicatura.gov.do

Ministerio Público

Address: Calle Hipólito Herrera Billini Esq. Juan B. Pérez,
Centro de los Héroes, Constanza, Maimón y Estero Hondo
Santo Domingo, D.N.
Phone: (809) 533-3522
Fax: (809) 533-4098
Email: info@procuraduria.gov.do

Oficina Nacional de la Defensa Judicial

Address: Calle Hipólito Herrera Billini Esq. Juan B. Pérez,
Centro de los Héroes
Santo Domingo, D.N.
Phone: (809) 682-4858
Fax: (809) 221-5722

Notes

- ² ECLAC, *Statistical Yearbook for Latin America and the Caribbean. Part II: Statistical Series for Latin America and the Caribbean*.
- ³ Oficina Nacional de Estadística, *Censo 2002*. Available at <http://www.one.gov.do/>.
- ⁴ ECLAC, Op cit.
- ⁵ ECLAC, Op cit.
- ⁶ World Bank, *World Development Indicators*.
- ⁷ Article 67 of the Constitution of the Dominican Republic.
- ⁸ There are currently 10 *departamentos* functioning.
- ⁹ Including first and second instance judges and Superior Court justices.
- ¹⁰ Based on an exchange rate of 42 Dominican pesos per U.S. dollar, average annual rate, reported on the Supreme Court questionnaire sent to JSCA.
- ¹¹ According to information submitted by the Supreme Court on its questionnaire.
- ¹² Poder Judicial, *Memoria Anual 2003*.
- ¹³ Poder Judicial, *Memoria Anual 2002*, p. 112.
- ¹⁴ Supreme Court justices may resign their posts or request retirement when they so chose.
- ¹⁵ Information obtained from the website of the Office of the President. See <http://www.presidencia.gov.do>.
- ¹⁶ "Evolución y Evaluación del Judicial Branch en Dominican Republic," in Rivas Polanco, Mairení, *Otra imagen del Judicial Branch*, Dirección de Planificación, Corte Suprema, Santo Domingo, 2000, p. 30.
- ¹⁷ Poder Judicial, *Memoria Anual 2003*.
- ¹⁸ When the President is absent, the Council is chaired by the Vice President or, when both are absent, by the National Public Prosecutor (*Procurador General de la República*).
- ¹⁹ Domínguez Brito, Francisco Javier and Fulcar, Cristiana, *Preparación de un sistema integral de recolección y procesamiento de datos para la generación de estadísticas e indicadores judiciales*. Final Report on the Dominican Republic. JSCA, December 2002.
- ²⁰ Estimated using an average exchange rate, as reported in the questionnaire submitted to JSCA by the Supreme Court of Justice.
- ²¹ Calculated using the U.S. dollar amount.
- ²² Poder Judicial, *Memoria Anual 2003*.
- ²³ Poder Judicial, *Memoria Anual 2000*, p. 73.
- ²⁴ Average annual exchange rate used was 42 Dominican pesos per U.S. dollar, as reported in the questionnaire submitted to JSCA by the Supreme Court of Justice.
- ²⁵ Information provided for January - September 2004.
- ²⁶ *Ibid.*
- ²⁷ *Ibid.*
- ²⁸ Data for January- September 2004.
- ²⁹ Data from December of each year.
- ³⁰ For more information please see JSCA, "Judicial Systems and Racism against People of African Descent," 2004. Available at: <http://www.cejamerica.org/doc/proyectos/ceja-raza-ing.pdf>.