Chapter V

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AND DOMINICAN CALYSIS
Chapter V

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AND DOMINICAN CRISIS

The three previous chapters dealt at length with the political and diplomatic role of the OAS since the time of US military intervention in the Dominican Republic to effect an amicable settlement of the outstanding political issues and pave the way for the return of a constitutional government acceptable to the people of that country. Neither during the initial days of the civil strife nor following the diplomatic missions at the behest of the OAS, any attempt, for that matter, any consideration, was made to investigate into the human problems that the civil strife in its wake brought about in that island. In fact it was only when the Ad Hoc Committee began its tasks in the first week of June was there at all any consideration of the human rights question. Even then the Ad Hoc Committee made no specific reference to this aspect. In fact, whereas the Special Committee underscored the need for organizing "humanitarian aid... and evaluation of the most urgent needs with regard to food, medicins and hospital equip" and making an urgent appeal to that effect, it was only after the Ad Hoc Committee


2 By a resolution adopted on 3 May 1935 at the Second Plenary Session, the Tenth Meeting of Consultation resolved to "address an urgent appeal to all member states to place at the disposal of the General Secretariat of the Organization of American States, to the
succeeded in finalizing the Institutional Act which provided the basis for the return of civilian rule in the Dominican Republic, a reference to the human problems relating to safeguarding and the protection of human rights was made. Even at this stage there was no specific recommendation as to what the OAS should do in this respect.

Circumstances Leading to the Involvement of IACHR

Be that as it may, the question of human rights violations in the Dominican civil strife assumed importance ever since the

extent of their capabilities, trained medical personnel, food, medicines ... to be sent immediately to the Dominican Republic for the humanitarian purpose", Pan American Union, Final Act, OAS Official Records: OEA/SER.C/II.10 (Washington, D.C., 1970), p. 11a

It is also interesting to note that the United States had already initiated its unilateral humanitarian activities even before receiving a legal mandate from the Tenth Meeting of Consultation.

Part Two of the Institutional Act which was provided by the Ad Hoc Committee contained guidelines and provisions for the protection of human rights principles. Article 13 of the Institutional Act called on the Provisional Government "To respect and enforce respect for the human and public liberties set forth in the American Declaration of the Rights and Duties of Man ... and in the Universal Declaration of Human Rights of the United Nations". By Article 14, the Provisional Government undertook "To respect and enforce respect for human rights and fundamental liberties" of the individual. While Article 15 proclaimed the "inviolability of human life", by stating that "neither the death penalty nor any other that implies loss of physical integrity of the individual may be established". However: "The Law may establish the death penalty for those who ... are guilty of crimes against the defense of the Nation, or of treason or espionage in favour of the enemy". Article 16 proclaimed the inviolability of "personal liberty". "Any form of personal detention, inspection, or search not deriving from competent authority ... shall be considered arbitrary and unlawful". Article 17 assured

(footnote contd.)
Inter-American Commission on Human Rights (IACHR) began its activities on 1 June 1935. In assessing the role of the OAS, in the entire tragic episode of the Dominican crisis, the role of one of its special organs as that of the IACHR stands out as not only unique but also commendable. In the words of Durward V.

the right of "freedom of belief and of conscience" and proclaimed that the "freedom of religion and ideological profession are inviolable". While Article 20 forbade any arbitrary arrest "without written order stating reasons for such action", Article 21 insisted on the Law of Habemus Corpus in dealing with such cases. Article 30 ensured the freedom of expression. It stated: "All persons may without any prior censorship, freely express their thoughts by the spoken word, in writing or by any other graphic or oral means of expression" provided the thoughts so expressed are not contrary "to morality, the public order or good customs" and Article 31 ensured the freedom of press. It said: "The press may not be subject to any kind of coercion or censorship". While Article 33 ensured the freedom of movement by stating: "All inhabitants of the Republic [will] have the right to leave and enter into its territory". The freedom of Assembly was proclaimed by Article 34 of the Institutional Act. It said: "The inhabitants of the Republic have the right to assemble peacefully for all lawful purpose of life with no limitation except ... to ensure maintenance of public order". Article 35 stated: "Any act that affects the personal integrity, safety or honour of detained or convicted person shall be chargeable against such person's captors or guards". Article 41 of the Act even permitted resistance against human right violations. It said: "Resistance is declared to be legitimate when its purpose is to defend the human rights proclaimed above". Article 51 of Part three of the Act in fact stated that the Provisional Government "will request the co-operation ... [and] the presence of the Inter-American Commission on Human Rights in the Dominican Republic ... until the elected Government takes office". See for text Pan American Union, Institutional Act, OAS Official Records: OBA/SER.F/II.10, Doc. 280 (English), Corr. 5 (Washington, D.C.), 13 August 1965.

Over the period of fifty-eight years, between the establishment of the International Union of American Republics in Washington, D.C. in 1890 and the signing of the Charter of Bogota in 1948, several provisions were considered by the Inter-American Conferences for "the protection of human rights". The resolutions and the recommendations that were adopted during these years show genuine concern on the
Sandifer, member of the IACHR: "In the months that have followed in the midst of the opprobrium heaped indiscriminately on the representative of the OAS, the Inter-American Peace Force, and the United States, it has not been unusual to hear the Commission's part of the American Republics, "for the observance of human rights throughout the continent". In the Chapultepec Conference of 1945 on Problems of War and Peace, the basic principles for the protection of human rights were determined. In the Ninth International Conference of American States held subsequently at Bogota, Colombia in 1948, the question of human rights was once again referred. Since then, the activity of the OAS in the field of human rights had been commendable. The Tenth Inter-American Conference held at Caracas, Venezuela in 1954 adopted a resolution which among other things called for the "strengthening of the system for the protection of human rights". This resolution declared that the "strengthening of democracy and its effective exercise required . . . the protection of the rights and freedom of man through international and collective action". Further, the Tenth Inter-American Conference boldly asserted that "the continuing desire of the American States to attain the full validity of the fundamental human rights and duties" required "a system of representative democracy".

Following the political ferment in the Caribbean region, the Council of the OAS on 30 July 1959 approved the programme for the Fifth Meeting of Consultation. This meeting considered two main issues vis. (a) consideration of situation of International tension in the Caribbean and (b) the effective exercise of representative democracy, as well as respect for human rights. In due course, the Fifth Meeting of Consultation of the Ministers of Foreign Affairs adopted several resolutions "of great importance to the development of international protection of human rights". The meeting realizing the importance of human rights principles, decided that a draft convention of human rights be prepared by the Inter-American Council of Jurists, while it requested the Council of the OAS to "create an Inter-American Commission on Human Rights . . . which would be charged with the work of furthering respect for such rights". Accordingly, the Council established the Inter-American Commission on Human Rights on 6 June 1959. At the Eighth Meeting of Consultation in 1962, it was felt that the need had arisen "for accelerating development in the hemisphere for the collective defense of human rights so that this development might result in international legal protection of these rights". In fact the resolution

Footnote contd.)
representatives popularly called 'los buenos' - 'the good ones'.

The circumstances leading to the Commission's involvement in the Dominican crisis is also somewhat unique. Whereas the Commission over since its inception had initiated its activities only on the basis of majority decision of its members as well as with the consent of the government of the country in which it had functioned, in the Dominican crisis of 1965 such precedents were however not acide. In fact this legal issue was raised by the resolution of this Meeting categorically stated that "there is an obvious relation between violations of human rights and the international tension that work against harmony, peace and unity of hemisphere".

In order to face such challenges, the resolution recommended to the Council of OAS to "revisio the statute of the Inter-American Commission on Human Rights, broadening and strengthening the Commission's attributes and faculties to such an extent as to permit it effectively to further respect for those rights in the countries of the hemisphere". Accordingly, the Commission's initial mandate was broadened by the adoption of Resolution 22 at the Second Special Inter-American Conference held at Rio de Janeiro, Brazil in 1955. Among other things, the resolution provided the Commission with a new mandate "to keep vigilance over the observance of all rights contained in the American Declaration of Rights and Duties of Men in each of the American States". The Third Special Inter-American Conference was convened in 1967 to consider approval of a series of amendments to the Charter of the Organisation and raised further the authority of the Commission by making it as one of the principal organ of the OAS. As "an autonomous entity" of the OAS, "the function of which is to promote respect for human rights". It is composed of seven members elected once in four years and its members function in their individual capacity and not as official representatives of their individual countries. For details see OAS, The Organization of American States and the Human Rights 1955-1972 (Washington, D.C., 1972), pp. 3-13. Also see Anna P. Schreiber, The Inter-American Commission on Human Rights (Netherlands, 1970), p. 41.


6 Pan American Union, Tenth Meeting of Consultation of Consultation of (footnote contd.)
representatives of Guatemala and Uruguay in the Tenth Meeting of Consultation. While the Commission did not adopt the procedure laid down in the Charter of the OAS regarding the majority decision preparatory to its functioning in the Dominican crisis, it however not legally speaking the other procedure vis-à-vis "the consent of the government concerned". But the "consent of the government" in the Dominican crisis of 1935 involved in reality the consent of the governments of the two factions -- the constitutionalists government and the government of the military junta vis-a-vis the Government of National Reconstruction (DENR).

On 10 May the Commission received a cable from the National Congress of the constitutionalists requesting the visit of a representative of the Commissions for the purpose of verifying on the spot "the abuses to which defenseless citizens were being subjected".


7 The Inter-American Commission on Human Rights whose function according to Article 1 of its statute is to protect "respect for human rights" and the Commission in order to carry out this function "may move to the territory of any state -- on the basis of Article 11.c -- when it so decides by an absolute majority of votes and with the consent of the Government concerned". In the case of Dominican Republic, the IACHR proceeded to the Dominican Republic without waiting to get the absolute majority of votes but acted on the basis of the requests and the consent offered by the two "governments" of the Dominican Republic. For details see, Pan American Union, Report on the Activity of the Inter-American Commission on Human Rights in the Dominican Republic, 1 June to 31 August 1935, OAS Official Records: OEA/SER.L/V/II.13 (Doc. 14, Rev.), p. 13.

8 Sandiford, n. 5, p. 1. Also see Pan American Union, n. 3.
In less than two weeks, yet another request from the constitutionalist government made a specific charge in respect of human rights violations against the military junta by stating that the entire Commission should visit Santo Domingo not only to verify but also for "adopting pertinent measures" with regard to "the abuses and assassinations committed by the troops of the Government of National Reconstruction". During those very days, the military junta likewise urged the Commission to make an on-the-spot examination of the situation regarding human rights in the Dominican Republic. Since the two contending factional governments had extended their invitations to the Commission, legally speaking, the Commission was well within its legal mandate in proceeding to Santo Domingo. The situation would have assumed some legal complications had only one of the governments sought the Commission's visit. Perhaps to overcome the legalities

---

9 The Statute of the IACHR only envisaged the Commission to make studies and report and "to make recommendations to the Governments of the member states in general" and to develop an "awareness of human rights ... and to serve the OAS as an advisory body". But in its activities in the Dominican Republic in 1965-66, it overstepped its mandate by including in its role, the adoption of "pertinent measures" and thereby creating a precedent "with far broader action, range and role than ever anticipated by its creators".


10 Being a technical body, the services of the IACHR were requested by the member states right from its inception in 1959. The Commission began to receive complaints about violations of human rights principle committed by the Cuban Government both during its first session in October 1960 and during its second regular session in April 1961. After careful investigation, the Commission in a cable sent to the Cuban Government dated 24 April 1961 expressed its "deep concern" about the repressive measures adopted by that government and requested Cuba to furnish the Commission with "information pertinent to the facts denounced" but the Cuban government not only refused to provide the

(footnote contd.)
involved in the Commission's role or perhaps because of the magnitude of the problem of human rights violations in the Dominican crisis under consideration, the Secretary-General of the OAS on 25 May in a cable to the Tenth Meeting of Consultation emphasized the "essential and urgent presence" of IACHR, "In view of numerous ... violations of human rights formulated by both parties".

Questions that need to be raised in this context relate to why the Commission began its activities only long after the civil strife had broken and why the two factions vied with each other to get the Commission start its mission? What was the thinking of the US with regard to involving the IACHR? What role necessary informations but also considered the Commission's activities "as a part of widespread opposition that existed in the Western Hemisphere to the revolutionary principles" pursued by the Cuban government.


Pan American Union, Situation Regarding Human Rights in the Dominican Republic: Preliminary Report Presented to

(footnote contd.)
did the UN play in this connection?

It is not clear, however, as to why the Commission commenced its work three weeks after the outbreak of civil strife and delayed its visit after receiving requests from the two contending factions. If the magnitude of the problem of human rights violations was such that it turned the Commission away from its normal procedures of involving itself after majority decision, the Commission should have commenced its work immediately after the outbreak of the rebellion in the Dominican Republic in the third week of April. Since available evidence do not sufficiently point to the real reasons behind the delayed commencement of the Commission's work, one can only hazard an hypothesis. Curiously enough, the two major diplomatic missions under the sponsorship of the OAS -- the Special Committee and the Ad Hoc Committee -- made no mention of human rights violations in their reports even though some of the violations especially relating to death by torture, subsequently investigated and confirmed by the Technical Assistance Committee of criminologists clearly indicate that such violations were widespread even at the beginning of the civil strife. The Commission however, on its own claimed that it delayed its mission to 1 June 1965 because of the unstable and "open warfare" situation that obtained in the months of April-May. The establishment of the IAPF with its major tasks of maintaining ceasefire alone, the Commission

claimed, had permitted its effective functioning since 1 June. One writer however argues: "Armed intervention by the United States resulted in a military stalemate between the rival factions and generally effective cease-fire agreements. This unstable peace permitted the Commission to operate, which it could not have done under conditions of open warfare".  

The US interests in the Commission's role may be explained in more than one way. As one writer puts it the "factor [that] heavily engaged ... U.S. policy makers" was "to avoid creating an impression that their armed forces [were] being used, to support a regime lacking respect for human rights" which "the United States could ill-afford" at that juncture.  

It is also argued that the "effective diplomacy of Ellsworth Bunker, US representative in the three-nation Ad Hoc Committee seems to have contributed" to the Commission's work, for "Ambassador Bunker was personally a strong supporter of the Commission's work". The writer even goes to the extent of saying "it is possible that without the assistance of Ambassador Bunker, the work of the Commission would have been more difficult".  

More important than the aforementioned reasons may be seen in the role of US dominated Ad Hoc Committee in which Ellsworth Bunker acting as Chairman exercised enormous influence in almost

---

12 Schreiber, n. 4, p. 139.
13 Ibid.
14 Ibid., p. 140.
15 Ibid.
deciding the course of action in the Dominican crisis. It is for this reason, as one writer, claimed that "without the assistance" of Bunker, the role of the OAS would not have been effective.

By the end of May, the Dominican crisis had reached a point when it became imperative for the US both for its short and long-term objectives to find a means by which it could remove without any other repercussions the politically ambitious and by now a somewhat unmanageable Imbert. For without the removal of Imbert, it would have been difficult for the United States to promote the idea of provisional government with a more moderate and less ambitious Garcia Godoy later -- a strategy that the Ad Hoc Committee had come up with in the last days of August. The means to despose Imbert, surely the United States found in the IACHR. For some reasons if the United States found it difficult to depose Imbert, it could possibly pressurize by letting an array of correspondents publicise every atrocity perpetrated by the military junta and have the IACHR discredit Imbert, the leader of the junta. Looked in this context certainly one understands the anxiety of the US too to involve the IACHR.

As has been stated before, the UN was also involved in the crisis when its Secretary-General sent the one-man mission of Jose A. Mayobre to the Dominican Republic on 17 May 1965. The Mayobre mission was not favourably received by the United States and over the following days there developed some kind of friction

and competition between the OAS and the UN representative. Obviously the state of relations between the two had its impact on matters relating to human rights also. While petitions relating to human rights violations were submitted to the UN representative they were not as many as they were to the regional organization's human rights Commission. The people of the Dominican Republic and the two factions and their governments resorted more to the IACHR than to the United Nations. The Dominicans were familiar with the IACHR because the Commission had occasions to work in the Dominican Republic even earlier during the brief regime of Balaguer in 1961 as well as during Bosch's regime in 1963. The familiarity with the IACHR and its commendable work in the previous years undoubtedly made IACHR more acceptable in the Dominican Republic than the UN Commission on Human Rights. It is possible to suggest that in the realm of human rights the United States certainly would have preferred a definite and a

The Inter-American Commission on Human Rights visited Dominican Republic earlier in 22 October to 28 October 1961 to investigate human rights violations in that country. It submitted its recommendations to the Dominican government in a note dated 1 November 1961. In April 1962, the Commission published a document called "Report on the situation of Human Rights in the Dominican Republic" in which the Commission alleged that the most flagrant violations of human rights in the Dominican Republic was perpetrated by "the regime dominated by Generillismo Rafael Leonidas Trujillo". Though the situation was reported to have considerably improved since July 1961, yet the Commission in its report noted that certain "serious violation of human rights" continued to take place in that country. The Commission once again visited the Republic in May 1963 after the installation of the Government of Juan Bosch, to examine "the denunciation of supposed violation of human rights". For details see, Pan American Union, Report on the Situation Regarding Human Rights in the Dominican Republic, OAS Official Records: OEA/SER.L/V/II.4 (Doc. 32) (Washington, D.C.),
clear role for the IACHR than that of the United Nations Commis-

sion on Human Rights. For, the US from the beginning -- since 
the landing of its troops -- had been making every effort not to 
internationalize the Dominican crisis and certainly had not 
desired any role as far as the UN was concerned. No wonder 
therefore the US was less enthusiastic regarding the United 
Nations Commission on Human Rights to look into the human rights 
violations issue. Above all, any potential jurisdictional dis-
putes between the UN and OAS were resolved with the UN itself 
agreeing to have the Inter-American Commission act as the sole 
body in charge of matters concerning the violations of human 
rights. In the subsequent days, as a consequence, Mayobre him-
self turned over complaints which he had received relating to 
human rights violations, to the IACHR.

22 May 1962. Also see Pan American Union, Inter-American 
Commission on Human Rights, Report on the Work Accomplished 
During its Sixth Session, 16 April to 8 May 1961, OAS 
Official Records: OEA/SER.L/V/II.7 (Doc. 28) (Washington, 

18 On 2 June 1965, the United Nations Military Adviser, Indar 
Jit Rikhye visited the Chairman of the Commission to inform 
him that "the United Nations would be quite willing for 
the Inter-American Commission on Human Rights to be the 
sole Organization in charge of matters concerning respect 
for human rights in the Dominican Republic". To this end, 
he stated that the representation of the United Nations 
General Secretariat in the Dominican Republic would put 
at the disposal of the Commission all of the denunciations 
that it had received regarding violations of human rights.

In accordance with this commitment, representatives 
of the United Nations transferred to the Commission, on 
3 June 1965, the denunciations and complaints regarding 
violations of human rights that they had received, as well 
as other background materials related to the situation. 
For its part, the IACHR gave permission to representatives 
of the World Organization, in specific cases, to accompany 
it on its trips to the interior of the country, as well as 

(footnote contd.)
IACHR and Its Findings

On arrival in Santo Domingo the first major task of the IACHR was to establish contacts with the two factional governments, the Ad Hoc Committee, as well as with the United Nations representative. Establishing its offices at the Hotel Ambassador, located in the area which by now was under the control of the IAPF, the Commission commenced its work on 1 June 1965. At the beginning it received innumerable written and oral complaints each day coming from both governments as well as from different political parties, professional societies and private citizens. Soon enough, the members of the Commission began visiting every possible prison or temporary places of detention both in the city of Santo Domingo and in other sections of the country. In the preliminary investigations upon which an interim report was prepared the Commission catalogued the number of places of detention they had visited and their views regarding the physical location of the prisons, facilities provided and the kind of treatment noted out to the inmates of these prisons. The Commission noted that on some occasions, it found access to those places of detention were somewhat difficult. In fact, it mentioned that the

---

19 Pan American Union, Preliminary Report, n. 11, pp. 2-6. The Commission was able to get assurance from both the contending factions that they would respect "the American Declaration of the Rights and Duties of Man" and "would provide the Commission with all facilities essential for the fulfilment of its mission".

20 Pan American Union, n. 18, p. 16.
members of the Commission were denied access to the prison by the military authorities of the GNR. It however added that subsequently permission was given to the members of the Commission to visit those places.

One of the "most negative" aspects that it highlighted in its interim report related to "overcrowding in some cells of prisons under the authority of the Government of National Reconstruction". The Commission added: "such a situation not only is insulting to the individual who experiences it but it brings with it sanitary and physical problems that must be avoided". Giving priority to the problem, the Commission directed it efforts to "obtaining transfers of prisoners to less crowded cells or by accelerating the process of purging prisoners in order that those against whom there were no specific charges might be set free as soon as possible".

Another aspect of political prisoners which the Commission highlighted in its interim report related to arrest for "reasons of political vengeance or partisan rancor". The Commission pointed out that there were "many cases" of such arrests and said that both the governments perpetrated arrests of this kind: "either for the purpose of holding them as hostages or in order to terrorize their families" and pleaded that such instances of arrests should be "entirely avoided". A third aspect which

---

21 Pan American Union, Preliminary Report, n. 11, p. 20.
22 Ibid.
23 Ibid.
24 Ibid.
found important mention in the Commission's interim report was specifically with regard to the GMR. The Commission noted that "another important phenomenon" was the "disappearance of persons arrested" especially during the time when such persons were "transferred from one prison to another" and often "without reaching their destination". Such instances the Commission said were more in the area "under the authority of Government of National Reconstruction, where because of the greater number of prisons and greater distances" involved in such transfers.

Other instances of violations which the Commission found on both sides of the governments were denial of facilities of visits by the families of the prisoners; withholding of wages to political prisoners and corporal punishments given to imprisoned persons "in flagrant violation of the right of the individual to physical integrity". On the basis of these preliminary investigations and the prevailing situation in the island, the Commission recommended that its "representation remain in that country, for the purpose of observing and solving problems relating to human rights".

Alongside its efforts to alleviate the human rights violations the Commission made considerable use of publicity as well as persuasion to get the authorities of both the governments to look into these complaints. No doubt the Commission encountered considerable difficulty in its tasks in this regard. One incident which received wide publicity involved the discovery of several cadavers at an estate known as Al Harou under the authority of

---

25 Ibid., p. 22.
the Government of National Reconstruction. After visiting the scene, the Chairman of the Commission arranged for the IAPF to guard the area and have an investigating team of criminologists to look into the matter. The experts "mainly sought the cooperation of the military authorities" during their investigations and came to the conclusion that the cadavers were those of political prisoners executed under the authority of the GNR with a view to "eliminate adversaries".

Despite the lack of cooperation especially with the GNR, the Commission's efforts, before long contributed to the release of many political prisoners. Of an estimated 4,000 prisoners in June 1936, as many as 3,000 detainees in both the camps were released

---


27 On 10 June 1936, the Secretary-General at the request of the Inter-American Commission on Humanitarian Rights "requested by means of a telegram" the immediate services of "a technical mission of export criminologist" to investigate the alleged violations committed by the Government of National Reconstruction headed by Inbert junta. The Committee composed of three members, installed itself at Santo Domingo on Friday 18 June 1936. The Committee after conducting elaborate investigations stated that the places where most of the cadavers found were "located in that part of Dominican Republic controlled by the Government of National Reconstruction". The Committee found cadavers in places like "Mal Nombre" near Yuen river; in the estate of "La Estrella" and in a place called "Mala Redonda". The Committee also investigated the death of a Canadian priest, James Arthur Mackinnon, at the request of the OAS Secretary-General, Jose A. Nora. The Committee after conducting autopsy and other relevant medico-legal examination confirmed that the victims suffered torture and violent death. The Technical Assistance Committee of criminologists also complained the lack of cooperation from military authorities "of the Government of National Reconstruction" in conducting these investigations.

Further the evidences provided by the military personnel, "seemed so unlikely and reticent that the Committee... remained with the impression that they were instructed".

(footnote contd.)
by August of that year. The Commission's relentless persuasion and labours produced some favourable results, one of which was the establishment of an Investigation and Review Board by the GNR to review the cases of the individuals in prison since April 1965. While the Board discontinued its activities following dissensions among the military officers of the GNR a subsequent representation by the Commission, however, led to the revival of the Board during the last week of July.

The Commission, in addition to the aforesaid recommendations,

The general public on the other hand, preferred to remain silent "so as not to be exposed to the risks or repraisals that they think ... would overcome them if they said what they knew." In its concluding report, the Technical Assistance Committee asserted that a) most of the deaths in the areas mentioned were caused by fire-arms and sometimes the cadavers were left unburied as a sort of warning; b) all the places where the cadavers were found were "located in the part ... controlled by the Government of National Reconstruction"; c) the Committee while rejecting the plea of the Government of National Reconstruction that such crime was perpetrated by "a group of armed civilians" affirmed that they were of "military origin". The Committee in its report exonerated the constitutionalists government of such crime by stating that the constitutionalists government lacked "means to reach the locations" where the crime was perpetrated. The Committee's findings gained wide publicity which benefited the US dominated Ad Hoc Committee to isolate and perhaps eliminate the Imbert military junta from the Dominican politics and introduce Garcia Godoy as the Provisional President of the Dominican Republic. For details regarding the activities of the Technical Assistance Committee of Criminologists, see Pan American Union, Documents Received from Technical Assistance Committee of Criminologists, OAS Official Records: OEA/Ser.P/II.10 (Doc. 231) (Washington, D.C.), 11 July 1965.


UN Doc. S/6625, 20 August 1965, pp. 3-4.
asked for a special session to specifically delineate the course of action regarding human rights situation in the Dominican Republic at the earliest. Accordingly, the Chairman of the Commission under provisions of Article 11(b) 2 of the statute convoked a meeting in Washington, D.C. during July 21-23. The agenda of the meeting contained two main items, one of which was the consideration regarding human rights situation in the Dominican Republic and the other, related to the activities of the Commission before the establishment of provisional government and until the installation of the elected government. The resolution adopted following the special meeting authorised the Commission "to maintain a representation of the Commission in the Dominican Republic so that it may continue its attention to the problem related to human rights in that country in the course of the present situation".

Another resolution authorised the Commission "to maintain a representation" of the Commission in the Dominican Republic "in the form" in which it "deems most appropriate, provided that Provisional Government ... in accordance with the Institutional Act authorises its presence".

30 The operative part of the resolution read as follows:

"To authorize its Chairman, in accordance with his powers and by whatever means he considers most appropriate, to maintain a representation of the Commission in the Dominican Republic so that it may continue its attention to the problems related to human rights in that country in the course of the present situation". See Pan American Union, Inter-American Commission on Human Rights, n. 7, pp. 8-9.

31 Ibid., p. 10.
was outside the scope and mandate of the Commission. The humanitarian needs of the moment as it appeared was one of protection of human rights and not just promotion of human rights. As a result of interminable representations followed by day-long negotiations, the Commission was able to achieve the exchange of prisoners between the two factions without any more loss of life.

**Activities of the Commission Since the Installation of the Provisional Government**

The eleventh special session of the Commission which reviewed the Commission's first report not only approved of the Commission's activities but in turn authorised it to "maintain its representation" in the Dominican Republic to deal "with problems relating to human rights in that country during the present situation."

The critical phase of the Commission's role had in a sense, passed with the installation of Garcia Godoy as the President of the Provisional Government. The Institutional Act agreed upon by both the factions contained among other things, a pledge to respect basic human rights. The Act in part II defined the rights to be protected by restating the substance of several articles of

---


35 The Agenda of the eleventh meeting (special) contained two points, 1) The situation regarding human rights in the Dominican Republic and 2) Activities of the Commission in the Dominican Republic such as a) activities that the Commission will continue to carry out until the establishment of the Provisional Government, and b) activities to be carried out from the establishment of the Provisional Government until the installation of the elected government. Ibid., p. 8.
the American Declaration of the Rights and Duties of Man. Also, the Act called for the continued presence of the Commission until after the elections. Article 51 of the Act provided for the Provisional Government undertaking "to cooperate with the Commission to enable it to observe compliance with the provisions contained in part two of this Institutional Act". On 27 September the Vice-Minister of the Provisional Government requested the Commission to "remain in the Dominican Republic until the installation of the government that will emanate from the next election".

Considering the enthusiastic support that the Commission received both from the Ad Hoc Committee as well as from the Provisional Government, the Commission at its twelfth special session resolved to continue its "defense ... of human rights" in the island.

36 For details see Pan American Union, *Institutional Act*, n. 3.


38 On 27 September 1965, the Vice-Minister of Foreign Affairs of the Dominican Provisional Government, Rafael Mencia Lister, addressed a note to the Chairman of the Commission in which he requested the Commission to "remain in the Dominican Republic until the installation of the government that will emanate from the next elections". Ibid.

On 3 September, when Garcia Godoy assumed office, he stated that his major objective was one of creating a climate of peace "essential for the holding of free and honest elections". Even though the President's statement demonstrated a genuine desire to enforce human rights yet acts of terrorism, incidents of violent death, arbitrary arrest and property destruction continued to occur largely because of the inability of the new government to control the police and the military forces. Also, the recalcitrance of the officials of the military and the constabulary forces often obstructed the Commission's activities and made gathering of information somewhat difficult, a pattern that was in evidence prior to the formation of the Provisional Government. It may however be added that the Commission received fewer number of complaints now than before.

The Commission's tasks, in the process, also underwent some change. Since the major objective of the Garcia Godoy's government was one of creating an atmosphere of tranquility and freedom of expression, the Commission in its investigations from now on took special note of any tension that existed and sought advice from political leaders to assess whether the prevailing atmosphere permitted free elections.

---


This is not to suggest that the Commission's activities of the kind that it performed before the installation of Provisional Government had been completely suspended. Just as before, the Commission played an effective role in several cases involving key political leaders. When the residence of Juan Bosch was attacked, the Commission investigated and verified these acts and finally recommended the IAPF to guard his home. Similarly when the home of Hector Aristy, former minister of the constitutional regime was attacked, the Commission following its investigations asked the Provisional Government to provide guarantees to Aristy.

The Commission also came across instances of violations of right to property. Denunciations received by the Commission referred to two types of such violations -- one covering personal property and two, involving problems of limitation in the use of real property. With regard to violations covering personal property, two types of violations were again underscored -- one,

42 The Chairman of the Commission directly received from Juan Bosch a denunciation of human rights principles in which he stated that one of his personal guards, Eustaquio Agramante Heran was murdered by the 'loyalist' troops on 6 March 1936. Bosch also expressed his fear that his residence might be the target of attack by the 'loyalist' forces. The Commission succeeded in its negotiation with the civil and military authorities to give necessary "guarantees and protection" for Bosch's residence.

Similarly, the former Secretary of the Constitutionalist government, Hector Aristy, complained that his residence had been attacked and he complained to the Commission's Chairman that he was the victim of constant persecution and that his life was in danger. The Commission took adequate measures to give him necessary protection. Pan American Union, n. 37, pp. 23-26.
related to seizure of goods by troops. According to the Commission, the troops owing their loyalties to the constitutionalists had indulged in acts such as that of "entering ... places of business and withdrawing goods merely giving the proprietor a simple receipt". In addition, there were incidents involving damage to personal property "by acts of war". In the second group of violations, acts of terrorism perpetrated by the contingents of the IAPF was brought to light. As the Commission reported: "A typical case in this connection was the denunciation presented by various families whose properties were occupied by Brazilian troops of the Inter-American Peace Force and who would not vacate the premises on the ground that they constituted strategic points for them". Admittedly, the claim made by the IAPF was baseless. The Commission therefore after its investigations recommended and demanded the withdrawal of the IAPF troops in such instances and paved the way for individual families to have access to their personal properties.

With the impending elections scheduled for 1 June 1936, the Commission increasingly committed its efforts and energies in the direction of creating an atmosphere which would provide for the rights of assembly, freedom of expression and dissemination. Obviously without the exercise of such rights, the election could not be free and fair. The Commission's work in this regard undoubtedly was meritorious. Denunciations received from

---

43 Pan American Union, Inter-American Commission on Human Rights, n. 7, p. 61.

44 Ibid.
the Dominicans that officials would not allow public meetings and thereby hinder their freedom of expression and assembly were also looked into by the Commission. The Commission often interceded with the authorities to obtain release of detained journalists. More important was the Commission's relentless efforts in the realm of free movement. High incidence of violations of the right of movement in many territories especially in the zone occupied by the IAPF was noted. The "supply corridor" of the IAPF forbade the free movement of the Dominicans. The Commission's prompt and necessary stops to redo such instances of violations of the IAPF provided for the free movement of people throughout the republic.

The activities of the Commission towards the eve of the election with special regard to right of expression, assembly and movement greatly facilitated the tasks of the Technical Assistance Mission on Electoral Matters which the OAS appointed

45 The rights of assembly and freedom of opinion, expression and dissemination had been granted to the people of Americas under Articles 21 and 4 of the American Declaration of Rights and Duties of Man. However, during its initial activities, the Commission found that acts of violation of these principles committed by both the governments. Although unable to clear up the situation, "the Commission interceded with the authorities to obtain the release of some imprisoned journalists" and took efforts "to establish a climate of confidence and tranquility" for the people of Dominican Republic. Similarly with regard to the right to residence and movement, the Commission took all efforts to ensure these rights to the Dominican people. Whenever, a complaint was made by the victim, the Commission immediately took up the matter with the authorities concerned and "adequate solutions were often found for the problems brought up" by the people. See for details Pan American Union, n. 7 and n. 37.
towards the end of 1965. The Technical Assistance Mission in its report itself expressed its sentiments by saying that it was "guided" by the "background information ... furnished to" it "by the Inter-American Commission on Human Rights". The Mission as

The role of Technical Assistance Mission on Electoral matters in the Dominican election of June 1966 was nothing new for the Dominican people. The Commission had visited Dominican Republic earlier on 24 August 1961, soon after Trujillo was removed from power, and at the request of the then President Jaquin Balaguer, the Commission spent nearly three weeks in carrying out its investigations. After returning to Washington, the mission prepared a report on electoral matters in the Dominican Republic. It suggested many reforms in the electoral process of that country in view of certain inherent defects in the machinery of that country. Again the mission visited Dominican Republic in 1962 when it found that the local judicial and administrative electoral machinery like the Central Election Board, Provincial Election Board and Communal Election Board and the temporary electoral machinery like Local Election Boards functioned satisfactorily in conducting the elections of that country. The services of the Technical Assistance Mission on Electoral Matters was once again requested during the election of June 1966 by the Dominican government. The Provisional Government of the Dominican Republic requested the General Secretariat of the OAS on 19 November 1965 to lend its co-operation "in the preparation for ... the election" foreseen in the Dominican Republic. The members of the Technical Assistance Mission who visited Dominican Republic in 1966 were: Eduardo Arroyo Lameda, Richard M. Scammon, and Juan Pedro Zeballos. Though the mission found certain irregularities in the electoral process like it did on the previous occasion in 1961, yet it could understand "the practical reasons for it" and "the political circumstances in which the country" found itself. However, the Commission vehemently argued in favour of free elections without "unlawful interference" either by "the police force" or "by the Inter-American Peace Force".

The Technical Assistance Mission confined its activities in giving guidelines and suggestions to the electoral process that was taking place in that country. Whereas, the fundamental task of conducting "a free and fair" election rested with the Central Election Board, on the day of the election, the Technical Assistance Mission visited number of important Dominican cities like

(footnote contd.)
authorized by the OAS and also under the provisions of the Ad Hoc Committee's Institutional Act (Article 51) was charged with the responsibility of assisting the Provisional Government to organize the elections. While it was involved in such technical matters as drawing of electoral lists in collaboration with Election Board of the Provisional Government and issuance of identity cards to the electorate, its major tasks were similar to that of the IACHR in preparing a political climate conducive to a free and fair election. In this the Mission's activities more or less ran parallel to that of IACHR. Repeatedly in its report on electoral matters, the Mission mentioned that since the start of electoral preparation in March 1966, "neither the parties nor individual citizens have made any denunciation involving the police force in serious actions that threatened the electoral freedom".

Ever since that time, the Technical Assistance Mission along with that of IACHR, individually and collectively made every possible arrangement for the election. On election day

---

Azua, Barahona and Santiago and testified that "there was a marked spirit of impartiality" and "the electoral administrative organization" functioned "efficiently".


they visited various zones of the capital to observe the conduct of the elections. The Commission at its meeting of 3 June noted that "it was able to verify the correct form in which the balloting was conducted in an atmosphere of perfect order and full freedom".

With the installation of the new President, Joaquin Balaguer on 1 July 1966, the Commission's activities came to an end. The work of the IACHR, the Technical Assistance Committee of criminologists and that of the Technical Assistance Mission on Electoral Matters, though not concerned with the central and critical problems of the Dominican crisis, however performed a creditable role in a situation that was an inevitable consequence of the civil strife itself. But for the appropriate actions of these specialized efforts organized by the IACHR and the Technical Assistance Missions, the political resolution of the civil strife would have become even more complicated. The prompt actions of those missions, the major objectives of which was to eliminate further violence and abuse of basic human rights, greatly facilitated to defuse the crisis and hasten the process

48 Ibid., p. 8.

for the normalization. Whether the events following the
election provided a lasting solution to the political crisis
that erupted in the wake of US intervention is rather an open
question. This however, does not belittle the extraordinary
role that the IACHR and its related missions played in the
Dominican crisis. Mention has been made before regarding
whether the IACHR had gone beyond its jurisdiction as envisaged
by the Charter of the OAS. The question, however, is only
theoretical if not academic. The more important and relevant
question in the context of the Dominican crisis is whether
the IACHR and its related missions played a constructive role
or not. The answer to the question on the basis of the
Commission's role and performance in Dominican crisis of 1965
is in the affirmative.

OAS Managed Election and the Return
of a Civilian Government

In accordance with the recommendations made by the
Ad Hoc Committee in its Institutional Act, an election was
scheduled for 1 June 1966 in the Dominican Republic. Complying
with the provisions of Article 51 of the Institution Act, the
Provisional President of the Republic, requested "the
co-operation of the Organization of American States in the
election preparations and in the electoral process". In a
communication dated 19 November 1965 addressed to the General
Secretariat of the OAS, the Provisional President, Hector
Garcia Godoy requested the co-operation of the regional organi-
"in the preparation for, and process of, the election
foreseen for the return of the country to constitutional
normality". The General Secretariat accordingly appointed a
three member Technical Assistance Mission to visit the Domi-
nican Republic. After a preliminary supervision, the
Technical Assistance Mission submitted its first report on
27 January 1966 to the Provisional President, in which, among
other things it noted that the registration of voters which was
essential under Law 208 of 4 April 1964, was not conducted in
the year 1965. The reason for this lapse was explained to the
Mission in terms of the lack of sufficient time "for the proper
registration of voters".

50 General Secretariat of the OAS, appointed Eduardo
Arroyo Lameda, Richard M. Scammon and Juan Pedro
Zeballos to provide technical service to the Dominican
Republic during the election in 1966.

51 Pan American Union, First and Second Report of the

(footnote contd.)
The Technical Assistance Mission confined its initial activities to one of providing advice when called for to do so and recognized the fact that the fundamental task for preparing the country for elections rested with the Central Election Board. The Mission, however, recommended that "a wide dissemination" should be given to the "Letter of Instruction" issued earlier in 1982 with the approval of the Central Election Board. The "Letter of Instruction", among other things, prohibited "coercion, intimidation" and other forms of "unlawful interference by the police force in the election campaign ... and in the counting of votes". The Technical Mission expressed its apprehension with regard to the role of the Inter-American Peace Force and suggested that "should the Inter-American Peace Force continue to remain in the Dominican Republic, it will be the responsibility of the proper authority to adopt measures designed to make it impossible for the parties or the citizens ... to be influenced in any way, during the period of the election".

The members of the Mission even considered their presence

---

52 According to the electoral laws of the Dominican Republic, elections shall be held by "direct, secret, and popular vote" (Article 90, Title 14) and that "the elections shall be conducted by a Central Electoral Board and boards subordinate to it". (Article 91, Title 14). For details see, Pan American Union, A Statement of the Laws of the Dominican Republic in Matters Affecting Business (Washington, D.C., 1934), p. 21.

53 Pan American Union, First and Second Report, n. 46, p. 2.

54 Ibid.
in the Dominican Republic during the initial period as being "unnecessary". The Technical Assistance Mission after submitting its preliminary report to the Tenth Meeting of Consultation of the Organization of American States, returned once again to Dominican Republic on 3 March 1966, at the request of the Provisional President to begin the second phase of its activities. The Provisional Government informed the Secretary-General of its request that the Mission be allowed to "remain in that country throughout the course of the election campaign and the elections" in order to provide necessary advice and consultation to the Central Election Board.

The Technical Assistance Mission in its second report expressed its displeasure over "several serious defects" that were present in the electoral process. The report further suggested that one of the serious defects that came to the attention of the Commission was the lack of registration of voters. It even cited the 1962 election and argued that "if it was possible to hold normal elections in 1962 under the regulation in force", the same might be possible for the election to be held on 1 June 1966.

Apart from this, the Mission had many positive suggestions to make with regard to the electoral process prepared by the Board. On the basis of information provided by the Board, in respect of the preparation for the electoral process, the Mission concluded that the work of the Board was progressing "efficiently".

55 Ibid., p. 6.
56 Ibid., p. 7.
The Technical Assistance Mission, while concluding its second report though expressed its satisfaction over the measures adopted by the Central Election Board for conducting the election, nevertheless, recommended complementary procedures to be adopted in order to limit the interference of the police force "in the election" process or in the voting itself. With these broad suggestions, the Technical Assistance Mission concluded its work in the Dominican Republic. In its concluding report, it recommended in passing that it would be worthwhile to invite "several distinguished foreigners [particularly from Latin America] who are outstanding for their democratic views to attend the election of June 1 as observers".  

On 1 June 1966, the Dominicans went to the polls. The same evening with the commencement of the counting in a dozen polling stations in the capital, news reports flashed that Juan Bosch was leading over Joaquin Balaguer. Such a trend did not, however, last long. For the final returns showed that the turnout far exceeded the 1962 elections by more than three hundred thousands votes, and it showed that Balaguer was winning by a margin surpassing everyone's expectations, by polling nearly 57 per cent of the total electoral votes and Juan Bosch registering a mere 39 per cent. The rest of the votes was disproportionately distributed between five extreme rightist political parties and a little less than one per cent in favour of the left political
groups including the 14 June Movement.

With the election and the return of Joaquin Balaguer as the constitutionally chosen President of the Dominican Republic ended the mission that the OAS had undertaken since 1 May 1965. The return of Balaguer, more precisely the defeat of Juan Bosch, was an event of great significance to the United States. It may be recalled that the US intervention in the Dominican Republic was largely a consequence of the political developments in the republic ever since the time Bosch came to power in 1963. However, once the United States had taken a decision to intervene with its marines in Santo Domingo, its major concern was to seek a political resolution through the OAS. Such resolution, it was believed would guarantee the United States of a stable political regime amenable to Washington. In fact, each one of the efforts that the OAS had initiated in the Dominican Republic was to prepare the country finally for an election both "fair and free". The problem, however, from Washington's point of view was that such an election -- "fair and free" -- should not bring Juan Bosch back to power. It appears that President Johnson himself had stated that he would not prefer any one else other than a moderate like Joaquin Balaguer. Referring to the prospects of Bosch winning the election, Johnson appears to have said: "I am not going down in history as the man responsible for putting

---

another Trujillo in power in the Dominican Republic". On the evening of 28 April 1965, President Johnson reported to have summoned minority leaders of the Senate and the House of Representatives, Everett Dirksen and Jerry Ford and told them: "I want you to know ... that I have taken an action that will prove that Democratic presidents can deal with communists as strongly as the Republicans".

Further, while addressing a meeting at Baylor University Campus a month later, on 28 May 1965, President Johnson said that the Dominican Republic crisis has taught the US that it could "act decisively and together" to contain communists threat in the Western Hemisphere and that it had placed its "forces ... to assure the peoples" of those nations that their "rights to exercise their own will in freedom" will be protected by the US marines! He also openly warned that the future of Dominican Republic is not only the concern of that nation but also the concern of its neighbours "throughout this hemisphere". That the US administration very much desired the return of Balaguer was well reflected in a statement made by US Ambassador, Tappley Bennett Jr., on the eve of the election, when he stated that his government would be pleased to see Balaguer succeed in the "free and fair" elections that were to be held under the supervision

---

of the OAS!

Writers on Dominican crisis like Jerome Slater laboriously argue that the US no doubt was keen on an election but certainly were indifferent to the outcome of such an election. They argue that the US administration had no particular fancy for Balaguer. Accordingly, they claim that the US administration repeatedly emphasized total neutrality and absolute commitment to "free" elections. They go on to add that the US made any number of efforts to persuade the Dominican political leaders of the sincerity of its commitments. Says Jerome Slater, "Understandably enough, it took considerable persuasion to convince ... that the United States would not only demand free and honest elections and use its power to assist the Provisional Government towards that goal, but would fully support whoever won the elections". It is also claimed that the US government spared no efforts to prevail upon the Inter-American Human Rights Commission and other OAS observation teams by encouraging them "to tour the countryside continuously in order to exercise the strongest possible psychological deterrent; and, most importantly, the leaders of the armed forces [being] informed that the United States was firmly committed to supporting a Bosch government and would not hesitate to use its influence and power to that end".

60 Jerome Slater, n. 16, p. 165.

Realizing that the presence of the IAPF constituted a thorny issue during the election campaign, the US embassy officials, it is said, made assurances to the leaders of both the political groups that the IAPF would be withdrawn once the election had taken place. As John Gerassi wrote: "Balaguier's election was dominated by the popular desire to get rid of the U.S. Marines, something that was most unlikely if Bosch won".

These and other claims may only partly be valid. The logic of the events following the US intervention in the Dominican Republic and especially after the OAS had been involved, suggested that the "Dominican crisis" necessarily would have to climax into an OAS-managed election, as recommended by the Ad Hoc Committee, in its Institutional Act. Further, the United States also fully and unmistakably realized at this juncture that the only option for the Dominican people to solve their political issue was to elect a civilian government before long. In other words, the logic of events offered no other option except a democratic election.

Be that as it may, for the US, it meant using this option to its best advantage, keeping in mind its long-term objectives. The possibility of the return of Juan Bosch no doubt loomed large especially in the second half of 1965 when the constitutionalists had a favourable edge over the military junta. However, the United States successfully prevented Bosch from

returning to Dominican Republic, until such time when the US had gained a positive control through the OAS and turned the Dominican crisis to its advantage. The return of Juan Bosch either through an election or otherwise, not only would have undermined the prestige but also the image of the United States in the Western Hemisphere. It also would have jeopardized seriously the US objectives. For, by this time, the US policy-makers both in Washington and in the US embassy in Santo Domingo had expressed serious misgivings about the Bosch-type of government. Also, the US officials had no liking for the constitutionalist faction even from the initial days of the civil strife. So much so, the US in 1966 election, was looking forward to the political defeat of Bosch and his party. However, because of the fact that the "civil war" was fought on the very question of the return of the constitutional government headed by Juan Bosch, US thought it politically expedient to allow Bosch at least to contest the election in order to create a semblance of neutrality and at the same time influence to the extent possible, the outcome of the election. No doubt the objective of the US was to prevent a major political victory for Bosch.

Relative to this are the other vital questions that need to be raised and responded. One such question is that if Bosch had been unacceptable to the US policy-makers during the 1966 election, why was he accepted and perhaps promoted by Washington in 1963? A possible answer to this question would be that the Kennedy Administration having grown weary of the era of Trujillo in the Dominican Republic was looking forward to an
opportunity to forge a democratic institution in that country in order to make the Dominican Republic "a show case for democracy" in the Caribbean and a counter-weight to communist Cuba. But this experiment of US however failed, when once Bosch began to introduce certain socio-economic reforms, whereby, he not only antagonized the US but also the church and the military establishment within his country. His downfall though sudden was well predicted by the United States. The US policy-makers were no longer inclined to support Bosch because in their opinion, the downfall of Bosch "was his own making". Bosch, though a strong nationalist, was found to be unacceptable to the US policy-makers on the ground that he would not be in a position to provide the much-needed political stability to his country and to protect US economic and political interests in the Dominican Republic. He was therefore accused of being "soft" on communism - a pretext on which he was overthrown in 1963.

Further, his only contact with the people throughout the pro-election days in 1966 was restricted to the mass media. The consistent illegal deployment of the military and the police forces by the conservative elements of the Dominican armed forces generated certain psychological impact both on the rural and urban electorate. It is not only the question of sporadic terror initiated by the right wing military junta that demoralised the masses, the Dominican people themselves were

---

growing reluctant to support a person who did not enjoy the confidence of the military establishment or of the United States.

It was said that Bosch left his well-guarded (by the IAPF) home only twice during the entire election campaign—once to visit his wounded son in the hospital and at another time to accept the nomination of his party.

At one point of time even Juan Bosch expressed his serious misgivings about the possibility of holding a "free and fair" election. "No one can say really if there are going to be an election on June 1 because no one can guarantee that citizens can ... cast their votes without fear of terror."

At another point of time, he advised his supporters to go to the polls armed with "sticks and clubs" in order to safeguard themselves against possible attack from the rightist military forces. On many occasions, the IAPF failed to control effectively such sporadic violence perpetrated by the military junta. The Provisional President, Hector Garcia Gocoy, did look into complaints whenever it was referred to him but it was done so only after the violence had been committed. In fact, the Inter-American Commission on Human Rights time and again brought to the notice of the authorities concerned of the violations committed not only by the rightist military factions of the Dominican armed forces but also by the IAPF. Probably Juan Bosch

realized that under such circumstances the possibility of his winning the election was quite remote. He once predicted: "I do not wish to be a candidate because I know the PRD will win the elections and if it does, the government ... will be overthrown in a short time on the pretext that it is communist".

In the midst of political turbulence and turmoil, the US insisted on retaining the IAPF, in spite of the fact that Bosch during his election campaign repeatedly urged for its withdrawal. In spite of Bosch's demand calling for the withdrawal of the IAPF, the United States, the OAS and the Provisional Government retained the IAPF for the ostensible purpose of conducting a "free and fair" elections in Dominican Republic. Though the stated objectives for retaining the IAPF were well-grounded, the real motivation was not far to seek. As noted earlier, it was claimed that the IAPF was retained in order to supervise the "free and fair" elections; to support the Provisional Government; and to provide the Ad Hoc Committee with an enforcement machinery. However, on the strength of the investigations made by the IACHR, and other related agencies, it may be argued that the retention of IAPF intrinsically was to deploy it when necessary to support and generally to direct the campaign in favour of Balaguer.

One of the major factors explaining the defeat of Juan Bosch in 1966 was the effective deployment of the IAPF which greatly impeded his free movement. On one occasion, a soldier

---

in Brazilian military uniform of the IAPF was found hiding in the garden of the residence of Juan Bosch. He was spotted by the Bosch's bodyguards and immediately both UN and OAS teams were summoned to his residence. The initial investigations revealed that the man had been hired by a Brazilian soldier of the IAPF in order to see how close one could get to Bosch's residence. Though later on the person retraced the story as having been forced upon him by Bosch's bodyguards, further investigations however revealed that the man was earlier working in an IAPF camp and had made off with the discarded military uniform. Bosch also complained frequently to the officials of the IACHR that he feared that his residence might be target of attack by the right wing military forces.

Though the US officials in Santo Domingo explicitly adopted a posture of neutrality, yet their expectations with regard to the outcome of the elections were certainly not equivocal. As noted earlier, in May 1965, US Ambassador, Bennett indicated that his government would be quite willing to see a moderate elected as the President of the Republic. The moderate in their assessment was admittedly the ex-President Joaquin Balaguer. Ambassador Bennett further admitted that the US government was in touch with Joaquin Balaguer during his exile at New York through a diplomatic lobbyist named Irving Davidson. It was even alleged that during the election, the CIA and FBI were clandestinely operating in the Dominican Republic with the

66 For further details see UN Doc. S/7032/Add1.2; and Seldon Rodman, n. 50, p. 21.
help of Cuban refugees and funding the election programs of Joaquin Balaguer. It was even said that the United States Information Agency (USIA) circulated "comic strip type of political posters" to influence the electorate in South Vietnam and in Dominican Republic. When asked about such election aids that were supplied to the Dominican Republic, the officials of the USIA responded by saying that such supplies had been done either with the tacit approval of the OAS or "through" the OAS itself. The OAS officials, when contacted, however denied any such compliance on the part of the OAS and said that "the posters were strictly and solely the creation of the USIA". Under these circumstances such claims as that the Johnson Administration was indifferent to the outcome of the election can not be totally accepted. In fact, the efforts were afoot right from the beginning to discredit the constitutionalists and accuse them of being under the influence of the communist elements. Even the OAS-sponsored Ad Hoc Committee through its "Declaration to Dominican People" voiced, that it was aware of "persons who hope that the Act of Dominican Reconciliation" would not be ratified and also of persons, "who dream of making Dominican Republic a second Cuba". These references were obviously aimed to discredit the constitutionalists. What is even more surprising is the fact that the regional organization sponsored committee viz the Ad

67 See for details, Donald Grant, "The Dominican Tragedy", Progressive (Wisconsin), vol. 30, no. 9, 1966, pp. 20-21; Forman Gall, "The Strange Dominican Election", n. 49; and Tad Szulc, n. 49.

Hoc Committee, while affirming that "a fair and free" election would be held under the auspices of the OAS, nevertheless exhorted the Dominican people indirectly to eschew a candidate unacceptable to the US policy-makers.

Moreover, one of the special emissaries, John Bartlow Martin, sent by President Johnson in mid May 1965 to negotiate an acceptable formula with the constitutionalists faction, not only endeavoured to discredit the constitutionalists but also wanted the leader of that faction, Juan Bosch, to make a public statement to the effect that the constitutionalist faction was dominated by the communist elements. Juan Bosch while refusing to comply with any such request, however, replied, "Pardon me, Mr Ambassador [Martin], I am not an American functionary and Washington cannot dictate what I must do. I understand that you are defending your country's point of view, but I must defend my country's". Such instances only reveal the failure to the US policy-makers to adopt a neutral posture in the Dominican election of 1966 and shows their deep concern once again on the outcome of Dominican election. The US could have gained its credibility had it withdrawn its forces from the Dominican Republic with the installation of the Provisional Government. The failure on the part of the US to do so -- in spite of repeated requests made by various political parties -- lead to questioning of the motives of US policy-makers in retaining the US marines in the Dominican Republic during election of 1966.

Another major factor responsible for the defeat of Bosch in the 1966 election, as noted earlier, was the fear in the minds of some of the conservative elements within the church and the military establishments, that if Bosch were to be elected he might endanger their economic and political interests. Moreover, the women preferred to vote for a moderate political leader like that of Balaguer because they thought that he would be able to give the country the much-needed political stability and economic development. Though intimidation, bribery, illegal transportation of people to the polling booths and irregular methods of registration of voters were noted, yet, by and large, the election process was reported to have been "peaceful and orderly". Bosch and his supporters knew very well that they could not continue in power without the tacit support of the United States -- a lesson which they learnt from 1963 coup d'etat.

While on the other hand, in June 1966, the US preferred to support a conservative political leader like Joaquin Balaguer.

Further by now there had developed a dissension within the leftist political parties. One such faction was started by Mario Read Vittani during 1966 viz Democratic Christian Party (PCD) which lent its support to Balaguor. Understandably, a country which had been subjected to continuous political

70 It was said that the United States conducted a "purification" ceremony on the Dominican Armed Forces immediately after its military intervention and after that "[nearly] 95 per cent of the officers corps who were retained were imperialist trusted servants and defenders". For an analysis of this kind, see Carlos María Gutierrez, The Dominican Republic: Rebellion and Repression (New York, 1972), p. 62.
instability for over a period of six years, naturally, yearned for peace and tranquillity than for ostentious political rights. Seen in this context, the majority support given to Balaguer appears probably as a vote given in return for peace and order as against the "violence, conflict and instability" to which the Dominican people were subjected to in the recent years. Almost everyone had realized during 1966 election that Bosch's victory might lead the country to the brink of another civil war. Presumably, the political and social groups in the Dominican Republic realized that victory of Balaguer would not only earn the goodwill of United States but also would bring along with it, the much-needed economic aid and political stability to the war-torn Republic. In fact with the election of Balaguer, the Dominican Republic did receive substantial economic aid from the United States through the Agency for International Development (AID) and other similar agencies. The Johnson Administration had also increased the volume of sugar quota to the Dominican Republic in order to bolster its revenues. Another $3 million grant was given by the US, under military assistance programme to initiate counter-insurgency activities in the Dominican Republic.

While accusation had been levelled rampantly on the electoral process by certain political groups within the country, the OAS Technical Assistance Mission on Electoral Matters, as noted earlier, conceded that the elections were held under an atmosphere of "freedom and tranquillity". Similarly, a report submitted by a group of Latin American observers and by a group
led by Social Democrats from the US, like Norman Thomas and Victor Reuther had many positive things to say with regard to the electoral process.

On the basis of the recommendations made by the Technical Assistance Committee, a team of observers from various Latin American countries were invited by the Provisional President to observe the electoral process. These persons who arrived at Dominican Republic on 30 May, convened a meeting on the same day, at 11 O'clock in Santo Domingo to exchange views as to the best way to carry out their mission. The observers in various zones assigned to "various committees the tasks of observing the election" of the country and later called for their opinions. In the unanimous opinion of the observers, the means adopted by the Provisional Government in this regard had been "perfectly correct" and the electoral officials in the opinion of the observers, "performed their tasks efficiently, and with a noteworthy spirit of impartiality", and stated that the police officials "kept completely aloof" from the electoral process itself. Referring to the public force, the report of the observers noted that the agents of the said force carried out their "guard duty prudently and seriously and without any intervention in the electoral process". The survey of the report which runs to nearly three pages has nothing but praise for the authorities of the Dominican Republic. Its tone is highly rhetoric. It

appears as though that these observers had been invited to give a very favourable report as against the report furnished by the 72 Technical Assistance Mission.