

traditionally has looked to neighboring Haiti which shares the Caribbean island of Hispaniola, as a source of additional labor. Beginning in 1952, the Dominican government entered into a series of contracts with the Haitian government in which the latter undertook to provide approximately 20,000 Haitian workers to the Dominican government annually. The Dominican government assumed the responsibility of repatriating the Haitian workers at the end of the harvest. When Haitian "President-for-Life" Jean-Claude Duvalier was overthrown in February 1986, the contract lapsed and has yet to be renewed, although the current Haitian government of Lt. Gen. Prosper Avril is reported to be negotiating a new contract.

Even during the term of the contract, substantial numbers of workers needed for the harvest were recruited from among those of Haitian descent living in the Dominican Republic. That has been all the more true since the contract lapsed. It is estimated that those of Haitian descent living in the Dominican Republic -- often referred to as "Dominico-Haitianos" -- today number 500,000 to 600,000. With few exceptions, the Dominican government does not consider them Dominican citizens, even if they were born or have been living for years in the Dominican Republic. Although some "Dominico-Haitianos" voluntarily work as sugar-cane cutters during the harvest season, most prefer other occupations, with the result that there remains a shortfall of willing sugar-cane workers. Because working and living conditions on CEA plantations tend to be inferior to those of the private plantations, the CEA

plantations have borne the brunt of this labor shortage.

### III. Preliminary Findings

#### A. Forced Recruitment

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Forced recruitment has been the principal tool used by the Dominican government to compensate for this shortage of voluntary workers. Americas Watch has received reports of the Dominican military carrying out raids in locations within the Dominican Republic where workers of Haitian descent are known to live, and forcing those Haitians who are captured to cut cane on CEA plantations. For example, on January 28, 1988, the Dominican newspaper El Nacional reported that the Dominican military was conducting such raids in San Juan, Elías Piña, Las Matas de Farfán, El Cercado, Bañica and Pedro Santana.

Americas Watch has also received reports of the Dominican military patrolling main thoroughfares between cities and stopping cars and buses in search of workers of Haitian descent. According to these reports, anyone who looks Haitian is forced to disembark and produce identification papers. If the person is unable to comply, the soldiers take him, against his will, to the CEA plantations to cut cane. For example, on January 25, 1989, Enrique Feliz, together with two women and eight men from the eastern part of the country, were reportedly travelling from Pedernales, a border town, to Santo Domingo. Their bus was stopped by soldiers who forced them to disembark and produce identification papers. Since they had none, they were forcibly

11 kidnap

Case 9  
taken to batey number eight of the Barahona sugar mill in the southern part of the country.

Similarly, two young Haitian brothers interviewed by Americas Watch were forcibly recruited as they attempted to leave the Dominican Republic. The two initially had come voluntarily to work in batey Esperanza in the northern part of the Dominican Republic. One of the young men fell ill, and his brother decided to take him home to Gonaives in Haiti. The two were stopped on the way by soldiers, who asked them for identification papers. Because they did not have any, they were taken to cut cane at a batey in Consuelo in the eastern part of the Dominican Republic. When the two refused to work, they were beaten and locked up in the small jail (cárcel) where Americas Watch met with them. *Fore*  
*Case 2*  
*Kidney (12) 13*  
*Beat (2)*  
*Jailed (2)*

As a result of this forced recruitment, many Haitians living in the Dominican Republic are afraid to travel during the harvest season. They fear that they will be picked up and, without recourse, compelled to work on a sugar-cane plantation until the end of the harvest season.

Some Haitians are lured under false pretenses from Haiti to the Dominican Republic, where they are forcibly taken to CEA plantations. The recruiters (buscones) are employed by the Department of Sugar-Cane Cutters (Departamento de los Braceros) of the CEA, headed by Zacarias de la Cruz. They reportedly are paid approximately 250 pesos (approximately forty U.S. dollars) per month, plus an additional 50 to 75 pesos (approximately eight to twelve U.S. dollars) for every Haitian recruited. The

recruiters generally tell prospective workers that there are high-paying, short-term jobs available in the Dominican Republic. The recruiters then arrange for volunteers to be transported to the border, where the Dominican military imprisons them in barracks (fortalezas). When sufficient Haitians have been assembled in this manner, they are loaded into a truck and shipped under armed guard to a CEA plantation. (See, e.g., El Diario, Jan. 31, 1989.)

One Haitian worker interviewed by Americas Watch in batey *Case 3* Guazumjita, near Santo Domingo, described this practice. He normally lives with his wife and six children in Jacmel in Haiti, where he cultivates a small plot of land. In February 1989, a Haitian recruiter told him that there was a three-day job available in the Dominican Republic and that the Haitian would be able to return home after the job was completed. When the Haitian agreed to accept the supposed job, he was taken to batey *kidnap?* Guazumjita. He was still being held there, despite his desire to return home, when interviewed in April.

Some Haitians reportedly are also captured in Dominican border towns when they cross the border for other reasons. (Many Haitians cross the porous border daily to sell food or to work on Dominican farms before returning home at night.) In times of labor shortage on the sugar-cane plantations, the military reportedly captures some of these Haitians, imprisons them in barracks and, when enough have been gathered, loads them on trucks to be sent to CEA plantations.

The February 11, 1988 issue of the Dominican newspaper El Nuevo Diario offered an account of this practice. It described eleven Haitians who had crossed the border for day-work and had been captured and taken to batey number nine of the Barahona sugar mill. The men were transported in a military truck with their wrists and ankles tied. Complaining that their families had no idea where they were, they expressed a desire to return to Haiti but were not permitted to leave the guarded plantation.

Cafe  
(4)  
Hoy  
(24)

The role of the Dominican army in this forced recruitment was brought to light by a tragic road accident on January 27, 1989. A truck carrying 78 persons, including 73 Haitian cane-cutters, to the bateys of Ingenio Río Haina near Santo Domingo overturned, killing 47. The cane-cutters were being guarded by two Dominican soldiers, one of whom died in the accident.

Batey  
Death  
(47)

Several survivors of the accident told of having been captured by the military and kept prisoner in the military barracks before being put on the truck which was to take them to the bateys. (El Caribe, Jan. 28, 1989.)

Jail =

According to the father of the truck driver, his son regularly made such trips for the CEA. (El Nacional, Jan. 29, 1989.) He explained that his son had been hired by the military on behalf of the CEA, and that he was normally paid in the Santo Domingo offices of the CEA. (Hoy, Jan. 28, 1989.) The truck driver corroborated this account and added that the state paid 25 pesos (approximately four U.S. dollars) for each transported worker. (Latin America Press, Mar. 2, 1989.)

Case 6

When the CEA initially denied involvement in the transportation of Haitian cane-cutters, the Federación Nacional de Transporte Dominicano (FENATRADO), a federation of truck owners which assists in transporting the cane-cutters, publicly contradicted the CEA. On March 1, 1989, FENATRADO made public a document reflecting the shipment of 75 Haitians from Dajabón to Río Haina. The document had been signed by Captain Nicomedes Abréu Marte, a military commander. FENATRADO made clear that it regularly engaged in such transportation of Haitian cane-cutters at the direction of the Dominican military. (Hoy, Feb. 2, 1989.) Neither the CEA nor the Dominican government has denied FENATRADO's account.

B. Forced Labor

As a corollary of their recruitment practices, the state-owned CEA plantations must resort to force to compel the cane-cutters to remain on the plantations and work in the sugar-cane fields. Armed guards are regularly employed to watch the cane-cutters and ensure that they do not escape. Those who resist work are often forced to the fields by the rural police force (guarda campestres). Threat = 9  
Call (7)

For example, a group of five young Haitian men was brought to batey Bermejo, near Santo Domingo, the day before the visit of Americas Watch. One of the young men had then refused to go to the fields because he had no change of clothes. The rural police pulled the young man's machete from his hand in a manner which,

apparently deliberately, caused two of his fingers to be severely cut. Americas Watch spoke with the man after he had left the hospital where his wound had been treated.

Another method used by the CEA to deal with cane-cutters who refuse to work is to lock them up in the small jail cells maintained by most sugar mills. The cane-cutters often are simply kept in these cells until they agree to return to the fields. For example, the four companions of the man whose fingers were severely cut were themselves incarcerated when they refused to work in protest over his treatment. They were released only when a social worker intervened on their behalf.

Haitians at times are reportedly locked up at night in their dwellings by the jefe de campo (the person in charge of the batey) to prevent them from escaping. In the morning, the jefe de campo reportedly removes the padlocks and escorts the Haitians to the fields. For example, residents of batey number eight of the Barahona sugar mill, working under the supervision of a jefe de campo known as Platanito, reported during the current harvest being watched constantly by armed men and being locked up at night with padlocks. They escaped in February 1989 only when a Catholic priest intervened.

Even Haitians who might escape from a batey during the harvest season often are afraid to do so out of fear that they will be stopped on the public highways and taken to some other sugar-cane plantation. Many thus opt simply to stay where they are rather than risk being placed in a new and strange location.

CHILD

C. Child Labor

When the recruiters cannot find enough adults, they have resorted to the recruitment or capture of children, sometimes as young as 12 or 14 years old, in violation of Dominican law. (See, e.g., El Nacional, Dec. 8 and 14, 1988.) Section 222 of the Dominican Labor Code of 1951 provides that "the employment of young persons under 14 years of age is prohibited." Section 225 of the Code provides that "the working hours of young persons under 18 years of age shall in no case exceed 8 hours a day."

Case 10

Americas Watch spoke to a group of children -- none older than their early teens -- who had just been transported from the border to batey Bermejo, near Santo Domingo. One boy, Germain Dominique, reported he had been living in the streets of Port-au-Prince, barely surviving, when a man offered him a job in the Dominican Republic for a few days as a tomato picker. He agreed to come, and found himself instead working on a sugar-cane plantation.

Case 11  
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Similarly, a 14-year-old boy interviewed by Americas Watch in the Guazumita batey told of having been abducted by armed men as he strayed from his village in Haiti near the Dominican border. After having been kept for a few days in a military barracks, he was brought to Guazumita. As it turned out, he was physically incapable of cutting cane, so he had been abandoned in the batey and had no way of returning home to his village in Haiti.

MNSTD

D. Substandard Living and Working Conditions

When workers are brought to the sugar-cane plantations, they are housed in living quarters located in the bateys. A certain segregation exists in the bateys. The viejos (those who have lived in the Dominican Republic for several years, sometimes for several generations) generally live with their families in dwellings consisting of two or three rooms. Sometimes as many as ten people live in each such dwelling. As a rule, the dwellings have no electricity, running water, or sanitary or cooking facilities. As dismal as these dwellings are, however, they are still much better than the dwellings in which the congos (those who have just arrived) live. These one-room structures, which resemble stables, are generally located on the outskirts of the bateys. Most have no furnishings except for a few mattresses on the floor and an occasional iron bedframe. Eight to ten congos commonly sleep in one such room.

A cane-cutter's typical working day begins at five in the morning, when he is expected to go to the sugar-cane fields. Cane-cutters generally labor all day without interruption. Often their only source of food or water during the day is the cane which they eat for nutrition or suck to quench their thirst. The working day often lasts until seven in the evening, when the cane-cutters return home to prepare their evening meal. Food frequently is prepared on coal placed on the ground in front of

. Many cane-cutters are expected to work seven days the difficulty of their work, cane-cutters often receive as two or two-and-a-half U.S. dollars per day, a rate of eight pesos (a little over one U.S. dollar) per day of cane. After they cut the cane, they have to pile it up for it to be taken to the loading station -- a very long process. It has been estimated that an average worker can cut at most one-and-a-half to two tons of cane per day for only twelve to sixteen pesos, or approximately two and a half U.S. dollars per day. For child workers, the amount earned is much less. The legal minimum wage is five pesos (approximately three U.S. dollars) per day. Moreover, the cane-cutters are not paid in cash but are given vouchers which can be cashed only once a fortnight. Until the vouchers are cashed, workers must buy their food on credit, and are charged interest as high as 25% for the fortnight. Many who borrow money to come to the Dominican Republic, expect that they will earn enough to pay back their creditors and return to Haiti. As they are never able to save enough to return, they end up staying in the Dominican Republic, unable to pay their creditors back home, and caught in a never-ending

FOA

E. Infringement of the Right to Organize

Although the Dominican Labor Code formally recognizes the right to organize, the government discourages organization of Haitian cane-cutters. Several of those working in unions that are trying to organize Haitian workers have been harassed or dismissed from their jobs. In September 1987, two members of the General Central of Workers (Central General de Trabajadores), Frédéric Lafleur and Carlos Antoine, were mysteriously killed as they were returning from a batey. It is widely believed that the two men were assassinated for their work with Haitians. Case 11  
Death  
(12/79)

The government also uses delay to prevent organizing of Haitian workers, as occurred in the case of the demand for recognition by the Sindicato de Picadores de Caña de Barahona (Union of Cane-Cutters of Barahona). The law requires that any union which is formed must have a minimum number of workers, and that it must be registered with the Ministry of Labor. The Ministry then must formally recognize the union for it to be able to negotiate collective agreements. The Sindicato de Picadores de Caña de Barahona fulfilled all the requirements, and submitted its petition in February 1988, but it has yet to receive the official recognition needed to function. Case 12

