

**Security Council**

Distr.: General
13 January 2004

Original: English

Letter dated 8 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 9 October 2003 (S/2003/1003).

The Counter-Terrorism Committee has received the attached third report from the Dominican Republic submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Inocencio F. **Arias**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

Annex

**Letter dated 2 January 2004 from the Permanent Representative
of the Dominican Republic to the United Nations addressed to the
Chairman of the Counter-Terrorism Committee**

[Original: Spanish]

I have the honour to transmit herewith, with reference to your letter dated 3 October 2003, containing some comments and questions concerning the implementation of Security Council resolution 1373 (2001) that arose from the consideration by the Counter-Terrorism Committee of the supplementary report submitted by the Dominican Republic in April 2003, the additional information requested (see appendix).

(Signed) Marino **Villanueva Callot**
Ambassador
Permanent Representative

Appendix***Replies to the questionnaire of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism****State Secretariat for Finance**

Among the preventive measures which the Dominican Republic has adopted to implement controls on acts of terrorism is Act No. 72-02 on laundering of the proceeds of drug and controlled substances trafficking and other grave crimes. Article 8 of the Act prohibits taking over US\$ 10,000 or its equivalent in pesos out of the country and states that if a person is carrying that sum, he must declare it.

The banking system has implemented “know your customer” measures, meaning that when a bank account is opened in local currency or in United States dollars, an investigation must be carried out to determine where the money came from.

The Secretariat constantly reviews all checklists of security measures.

National Drug Council**Implementation measures**

1.2 In addition to the provisions found in the draft amendments to the Criminal Code that are before the National Congress, the National Drug Council sent a letter to the Chamber of Deputies, a copy of which is annexed hereto (annex A), containing a number of recommendations to be included in the draft. These recommendations are provisions found in the various conventions to which the country is a signatory.

1.3 Under article 40 of Act No. 72-02 on laundering of the proceeds of drug and controlled substances trafficking and other grave crimes, members of the professions are subjects of law and must identify their clients, among other obligations.

1.4 The Superintendency of Banks is also responsible for supervising entities of this type, which must comply with all the obligations set out in the Basel document and in Act No. 72-02.

1.13 Articles 61 to 66 of Act No. 72-02 refer to the procedure to be followed in respect of international cooperation. It follows from a reading of these articles that such cooperation is based on the principle of reciprocity and on the multilateral and bilateral agreements in the matter that have been signed and ratified by the National Congress.

A copy of Act. No. 72-02 is annexed hereto.

We are also transmitting a copy of the decree containing the implementing regulations for Act No. 72-02, which could provide any further details that are deemed necessary.

* Annexes are on file with the Secretariat and are available for consultation.

State Secretariat for the Interior and Police

Implementing measures

1.8 Act No. 36 of 17 October 1965 and amendments thereto governs matters relating to the purchase, sale, possession, stockpiling and importing of firearms into the Dominican Republic. The armed forces are responsible for the purchase, sale, importing, exporting and transport of firearms and explosives.

1.10 Act. No. 95 of 14 April 1939 and amendments thereto prohibits the persons mentioned in its article 10 from entering the country.

1.11 The Code of Criminal Procedure of the Dominican Republic empowers the judicial authorities to pursue and try individuals residing in the country who have committed criminal acts abroad, be they nationals or foreigners.

Head Office for Migration

The decisions pertaining to migration in the Dominican Republic are contained in Act No. 95, of 14 April 1939, and its implementing regulation No. 279, dated 12 May 1939, which imposes sanctions on all vessels that transport stowaways and put them down on Dominican soil, in the amount of US\$ 2,500, or RD\$ 105,500, for each stowaway. It also imposes fines and sanctions on clandestine immigrants who enter Dominican territory illegally via border crossings and marine platforms. Lastly, it orders administrative deportation through a simple and rapid procedure. Nevertheless, migration matters are under the jurisdiction of the National Congress, as stipulated in article 37.9 of the Constitution of the Republic; accordingly, amendments in this area must come from the Congress, which prevents the Head Office for Migration, per se, from taking decisions of a legal nature through administrative decisions.

The Head Office for Migration has adopted administrative measures aimed at combating terrorism and those who provide safe haven for terrorists, such as:

I. Holding courses, workshops and seminars for all maritime, air and border inspectors, which enhance their training through the reading of travel documents and specifications enabling them to detect forgeries and substitution of individuals or other irregularities. This has been possible with the support provided by the embassies of the United States of America, Argentina and Canada.

II. Establishing, within the Head Office for Migration, a special Forgeries and Investigations Department in order to supplement the training referred to above. The Department is headed by highly trained migration officials.

III. Establishing the Foreign Nationals Unit, a department specializing in residence requirements for foreign nationals. Before granting Dominican residence permits to foreign nationals, the unit requires them to undergo screening by the State security agencies, namely, the National Drug Control Office (DNCD) and the National Investigations Office (DNI), and by Interpol.

IV. Establishing controls through computerized document readers and installing high-technology equipment to make access to any area of migration more transparent for all travellers entering or leaving the national territory.

V. Implementing the Project to Legalize the Status of Foreign Workers in the Dominican capital and the various provinces, with offices attached to the provincial governments.

VI. Establishing a data centre with branches throughout the country, in all the sub-offices of the Head Office for Migration, to provide detailed information on individuals.

Other applicable legal provisions:

I. The Dominican Republic has put into effect Act No. 344-98, dated 14 August 1996, which penalizes anyone, whether based in the national territory or abroad, who engages in planning, sponsoring, financing or organizing, in any way, shape or form, travel or transfers aimed at the illegal entry to or departure from the national territory of persons, be they nationals or foreigners, by imposing a term of imprisonment of not less than 20 years or more than 30 years and fines ranging from RD\$ 25,000 to RD\$ 100,000.

II. The Dominican Republic has adopted Act No. 137-03 on illicit trafficking of migrants and traffic in persons, dated 7 August 2003, which imposes criminal penalties on anyone who engages in human trafficking.

The migration control measures have been adopted and are being carried out together with administrative measures to prevent the entry of terrorists into the Dominican Republic with the intention of crossing into the United States or other nations.

State Secretariat for Foreign Affairs

Owing to the nature and competence of the State Secretariat for Foreign Affairs in matters relating to terrorism, extradition, refuge and asylum, information of interest to the Committee is provided below.

Report on the status of the Dominican Republic as regards international instruments on terrorism and related subjects

A. In Force

1. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925.
2. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.
3. Convention on Offences and Certain Other Acts Committed on Board Aircraft, of 14 September 1963.
4. Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, of 14 February 1967.
5. Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968.
6. Convention for the Suppression of Unlawful Seizure of Aircraft, of 16 December 1970.

7. Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, of 2 February 1971.

8. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, of 11 February 1971.

9. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 23 September 1971.

10. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972.

11. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 14 December 1973.

B. Signed and under consideration

1. International Convention against the Taking of Hostages, of 17 December 1979.

2. Rome Statute of the International Criminal Court, of 17 July 1998.

3. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, of 13 January 1993.

4. Comprehensive Nuclear Test Ban Treaty, of 10 September 1996.

5. United Nations Convention against Transnational Organized Crime, of 15 November 2000.

6. Inter-American Convention against Terrorism, of 3 June 2002.

C. Under consideration

1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, of 10 March 1988 (with a view to accession).

2. Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, of 14 November 1997.

3. International Convention for the Suppression of Terrorist Bombings, of 15 December 1997.

4. Inter-American Convention on Transparency in Conventional Weapons Acquisitions, of 6 July 1999.

5. International Convention for the Suppression of the Financing of Terrorism, of 9 December 1999.

6. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, of 31 May 2001, supplementing the United

Nations Convention against Transnational Organized Crime, of 15 November 2000 (with a view to signature).

7. Convention on the Marking of Plastic Explosives for the Purpose of Detection, of 1 March 1991.

It should be noted that Dominican domestic law on terrorism includes articles 95, 96, 265 to 267, 434 and 437 of the Criminal Code, copies of which are annexed.

Concerning asylum, refugee status and extradition, the Dominican Republic is a party to the following international instruments:

1. Code of International Private Law, of 13 February 1928, annexed to the Convention on International Private Law, of 20 February 1928.
2. Inter-American Convention on Extradition of 26 December 1933.
3. Inter-American Convention on Asylum of 20 February 1928.
4. Inter-American Convention on Political Asylum of 16 December 1933.
5. Inter-American Convention on Diplomatic Asylum of 28 March 1954.
6. Convention relating to the Status of Refugees of 28 July 1951.
7. Protocol relating to the Status of Refugees of 31 January 1967.

Regarding extradition, the Dominican State also has Act No. 489 of 22 October 1969, amended by Act No. 278-98 of 29 July 1998, giving the requirements for weighing, requesting, granting or denying requests for extradition, procedures to be followed, required documentation, responsible parties and other aspects.

The President of the Republic, the State Secretariat for Foreign Affairs and the Office of the Attorney-General of the Republic are the competent authorities in extradition matters.

We wish to take this opportunity to provide the text of the articles of those laws of interest to the Committee, as follows:

Article 2: Extradition shall be in order and shall be carried out in the cases and in accordance with the procedures established by treaty and in this Act.

Article 3: Even in the absence of a treaty, extradition may be requested or granted by the Dominican State in conformity with the principle of reciprocity and the practice of law between States.

Article 4 (amended by Act No.278-98 of 29 July 1998): The Executive Branch has competence to grant extradition of a Dominican in cases where an extradition treaty exists between the requesting State and the Dominican State where the principle of reciprocity is established and the request of the Requesting State involves:

“Illicit trafficking in drugs and controlled substances and laundering of proceeds from this activity, murder, kidnapping, statutory rape, abduction or corruption of a minor under 15 years old, the sex trade or procuring, robbery, assault, counterfeiting of currency, fraud, offences related to traffic in historical and archaeological objects, and air piracy”.

Paragraph I — This provision shall apply without prejudice to the provisions of the extradition treaties in force that assign this authority to the Executive Branch.

Paragraph II — In the extradition treaties with other States signed by the Dominican State, when the extradition of a national is granted, the sentence imposed shall not be greater than the maximum established in the country at the time of the entry into force of this Act, which is 30 days.

Article 35 (amended by Act No. 278-98 of July 1998) — In the event of a conflict between this Act and the extradition treaties in force between the Dominican State and other States, the treaties shall take precedence.

Concerning asylum, it should be noted that the Dominican State gives the President of the Republic exclusive jurisdiction in that area, with the advice of the State Secretariat for Foreign Affairs, taking into account the aforementioned treaties on the subject.

Refugees are dealt with on the basis of the aforementioned Convention relating to the Status of Refugees of 1951 and its 1967 Protocol, and by the National Refugee Commission (CONARE) established by Decree No. 1569 of 15 November 1983, whose operations are governed by Regulation No. 2330 of 10 September 1984. This Commission is comprised of the State Secretariat for Foreign Affairs, which chairs it, the State Secretariat for Labour, the Office of the Attorney-General of the Republic, the Office of the Legal Advisor to the Executive Branch, the National Police, the Head Office for Migration and the National Investigations Office.

Annex: legislation cited.
