

Dominican death squad sentenced in '75 murder

Where were the "intellectual authors" of the crime?

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A quarter of a century after gunning down their victim in the streets of Santo Domingo, four members of a government-backed death squad were sentenced earlier this month to 30 years each in prison for the political murder.

For three weeks, the trial of the retired army general, an ex-special forces sergeant and two others gripped the attention of the Caribbean island nation.

The four were found guilty of the March 17, 1975 murder of Orlando Martinez Howley, a member of the Dominican Communist Party and a journalist who was one of the most prominent critics of the dictatorship headed by Joaquin Balaguer.

Assassinations as a means of suppressing and intimidating political opposition were not new to the Dominican Republic. It was commonplace under the dictatorship of Gen. Rafael Trujillo, who ruled for three decades before he was himself gunned down in 1961. The regime's opponents routinely ended their lives in torture chambers, their bodies thrown to the sharks, and their families condemned to poverty or prison.

Such methods were revived with a vengeance following the US invasion of the Dominican Republic in 1965, when 20,000 Marines and soldiers occupied the country to prevent the coming to power of a left-nationalist regime.

Orlando Martinez Howley was born in 1944 in the southern community of Las Maltas de Fagan. He was the editor of the magazine *Ahora* and a columnist for the daily paper *El Nacional*. His column, "Microscope," was one of the most widely read items of the period because of its consistent exposure of crimes and corruption within the Balaguer regime and the military.

The trial heard testimony on pervasive human rights violations and the illicit enrichment of the military command during that period. Also touched upon was the role of the CIA in the infiltration of left-wing organizations and the assassination of their leaders.

One name that came out at trial was that of Dan Mitrione, who was ultimately kidnapped and killed by the Tupamaro guerrillas in Uruguay where he posed as a US "agricultural adviser." In the Dominican Republic, witnesses established, he organized the infiltration of the leftist MPD, or Popular Dominican Movement, while playing a key role in the formation of the paramilitary death squads.

It was one of these units, known as the "Banda Colorado," that

carried out the murder of Orlando Martinez in a street near the Autonomous University of Santo Domingo.

The orders for the assassination came from Gen. Isidoro Martinez, who died of cancer last year. Those tried and convicted for carrying out the killing were retired Gen. Antonio Pou Castro, ex-Sergeant Mariano Carrera Duran and the two paramilitaries, Rafael Lluberes Ricart and Luis Emilio de la Rosa Beras.

The accused insisted that they were merely "obeying orders" from their superiors. Lluberes Ricart told the court that he belonged to an intelligence agency of the Dominican military and classified the murder as "part of the cold war." Despite the ample testimony making clear that the murder was a state crime, the court sought to treat the trial as a criminal matter involving only the individual defendants.

The obvious question raised by the trial is why, after nearly 26 years in which the death squad members remained untouchable, was there any prosecution at all?

First, it must be said, no such trial would have taken place without the courageous determination of Orlando Martinez's mother, Adriana, who continuously demanded justice for her son. She died in January after going again and again to the courts to renew complaints that were allowed to die.

None of the ostensibly democratic governments wanted such a trial. All of them were determined to bury the crime and preserve the state's power to assassinate its opponents and suppress the right to free expression with impunity.

The family of the slain journalist insisted that from the first investigation by the National Police there had been a cover-up. The cover-up continued at trial, with Judge Katia Miguelina Jimenez refusing to bring charges against ex-President Joaquin Balaguer and the members of the military hierarchy implicated in the crime—retired generals Ramon Emilio Jimenez, Enrique Perez y Perez, Victor Gomez Borges and others.

Balaguer, now 93, also refused to testify in the trial, citing poor health. This supposed condition did not prevent him from running for president in May. Having ruled the country through a regime of brutal repression from 1966 to 1978, he returned to power for another decade beginning in 1986.

In a gesture of political arrogance and confidence in his continued impunity, Balaguer boasted that he knew who ordered and carried out the assassination. He mentioned the crime in his

book *Memories of a Courtesan in the Era of Trujillo* (he served as the dictator's vice-president and succeeded him briefly as head of state in 1960 before being overthrown by the military). Leaving a page blank in the book as a macabre memorial to the murdered newspaperman, the ex-president said he had assigned someone to reveal the details of the assassination after his—Balaguer's—death. Still, the authorities did not call him to account and failed to subpoena him for the trial.

The 30-year prison sentence for those found guilty in the trial is the maximum penalty under Dominican law. The court also ordered the four to pay \$312,500 in damages.

The court's decision was riddled with contradictions and, while hailed by the mass media in the Dominican Republic and internationally as a victory for human rights, was widely recognized as a cowardly political compromise.

President Leonel Fernandez of the Dominican Liberation Party (PLD), who ordered the case brought to trial, admitted, “The imposition of sanctions against those that justice has found guilty is still not sufficient to make up for the pain caused by an act of this magnitude.” (Fernandez, who gained the backing of Balaguer's Dominican Social Reformist Party—PRSD to win the presidency in 1996, ceded power last week to the newly elected president, Hipólito Mejía, of the Dominican Revolutionary Party—PRD, who has given no indication that he intends to pursue the matter further.)

Tomas Castro, the attorney for the Martinez Howley family, said after the trial that if the assassination had been punished in 1975 the Dominican Republic would not have suffered a similar tragedy nearly two decades later, the “disappearance” of Narisco Gomez. A university professor and journalist who was kidnapped by the military 10 days after a rigged election that gave Balaguer his final term in 1994, Gomez had written scathing articles on the corruption of the former president and his regime. His body has never been found.

Despite the praise for Dominican justice, in a trial in which it was acknowledged that the accused were “following orders,” the proceedings left open one inescapable question: where were the intellectual authors of the crime?

“Certainly you're dealing with a step forward against impunity,” noted Rafael Molina, the president of the Commission on Press Freedom of the Intern-American Press Society (SIP). “But there were people missing from the dock.”

The defendants charged that the decision to try them was political, and undoubtedly there is a grain of truth in their self-serving protests. The Fernandez government ordered the trial under conditions in which it had shed the old populist pretensions of the PLD, faithfully implementing the economic austerity policies of the International Monetary Fund and presiding over the greatest social polarization in the country's history. In trying the four death-squad members the government was attempting to win itself some political credibility, while leaving the powerful institutions and figures that ordered such crimes untouched.

There are countless other victims like Martinez Howley, whose killers go unpunished. President Fernandez ordered an investigation into the disappearance of Narisco Gomez, but the results of the probe remain secret. In addition there is the murdered

student leader Amin Abel Hasbun; the leftist leader Otto Morales, and Maximiliano Gomez, assassinated in Brussels in 1971 in what was widely denounced as a CIA operation. During the high-point of the repression under Balaguer in the early 1970s it is estimated that the death squads murdered more than 2,000 workers, students and intellectuals.

Nor has this type of repression ceased. In the first full year of Fernandez's government, there were more than 50 extra-judicial executions carried out by the National Police with none of the state killers ever punished. Today, as under the Balaguer dictatorship a quarter of a century ago, the principal target of the repressive forces in the Dominican Republic is the country's workers and poor.

According to recent estimates, at least 65 percent of the Dominican population live in poverty. Low wages and state repression are the main attractions for foreign investment in the country, the bulk of it by US transnationals. Tens of thousands of workers, most of them women, work 10-hour days in the country's mushrooming free trade zones, where the average wage amounts to less than \$70 a week. Unions in the FTZs are outlawed and ruthlessly suppressed. To escape desperate poverty, hundreds of thousands have left the country, many of them risking shark-infested waters in a desperate bid to reach Puerto Rico by sea.

The police-military apparatus responsible for the assassinations, disappearances and endemic police killings that have plagued the Caribbean country for decades is, in the final analysis, the creation of the Pentagon and the CIA. From the 1965 invasion, Washington fashioned a state that would defend US domination of the country's economy and maintain the subjugation of the working class. Massive amounts of military aid, together with military and police advisers, followed the US soldiers and Marines who occupied the island, while CIA operatives like Mitrione prepared the lists that were given to the death squads.

Thus, missing from among the defendants sentenced for the murder of Orlando Martinez Howley were not only the aged Balaguer and senior officers of the Dominican military, but a number of US political, military and intelligence officials as well.



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