

## LEGAL SYSTEM OF DOMINICAN REPUBLIC

The Dominican Republic is on the island of Hispaniola, which it shares with the Republic of Haiti. The island is part of the Greater Antilles, set between the Caribbean and Atlantic Oceans.

Its territory comprises 31 provinces and a National District, which is home to its national capital, Santo Domingo de Guzmán. Each province has a civil governor appointed by the President of the Republic, with few gubernatorial functions. The provinces are divided into 146 municipalities (counties), which in turn are divided into municipal districts, sections and hamlets.

The Dominican Republic is a unitarian republic with a civilian, democratic and representative government. The latter is divided into the legislative branch, the executive branch and the judicial branch, all three of which are independent in the performance of their functions.

The Congress of the Republic, which is composed of the Senate and the House of Deputies, exercises the powers of the Legislative Branch. The members of these two houses are elected by popular elections held every four years, timed to occur two years after the presidential elections.

The powers of the Executive Branch are exercised by the President of the Republic, who is elected by popular elections held every four years, and which are held separately from the congressional and county elections. The President may be re-elected for only one additional term. The Executive Branch also has a Vice President, elected in the same manner as the President.

The President of the Republic is the head of government and commander-in-chief of the armed forces and the police. He appoints the Attorney General of the Republic, the Deputy Attorneys General and the other members of the Justice Department, based on suggestions made by the National Board of Prosecutors.

Disputes between civil servants and government agencies, and those between government agencies and private parties, are settled by the Superior Administrative Tribunal, composed of judges who sit on the bench of the Dominican Republic's Court of Accounts.

The Comptroller General, who is appointed by the President, exercises internal control of the administration and of public funds. The Court of Accounts, whose judges are nominated by the President and elected by the Senate, exercises external control. The President must submit each year's accounts to the National Congress, which either approves or rejects the statement of earnings from taxes and fees and investment of revenues that the Executive Branch must submit to it.

The Judicial Branch consists of the Supreme Court of Justice, elected by the National Council of the Judiciary chaired by the President of the Republic and composed of four lawmakers and two members of the Supreme Court. In accordance with Law No. 76-02 of July 2, 2002, the National Congress instituted the Code of Criminal Procedure, enacted by the Executive Branch on July 19th of that same year, and whose final phase of implementation was carried out in September of 2004. This Code modified some of the courts and current Supreme Court of Justice, as well as the competences expressly attributed to the Supreme Court by the Constitution and the laws, granting it jurisdiction to hear and decide on motions for repeal or nullification (*casación*), to reopen a case (*revisión*) and to resolve jurisdictional conflicts between the Courts of Appeal or between Judges and Courts in different departments, as well as to conduct proceedings in the case of extradition requests.

The Dominican State also comprises decentralized and autonomous agencies. The latter include the local county governments, administered by a supervisor or mayor who enforces the resolutions and ordinances of the *sala capitular* and County Council, and who is popularly elected every four years.

Presiding over the electoral bodies is the Central Elections Board (Junta Central Electoral – JCE) and the county elections boards, which answer to the Central Elections Board. The Central Elections Board is divided into two chambers, one contentious and the other administrative. Each chamber is composed of four judges who, together with the President of the JCE, are appointed every four years by the Senate of the Republic.

Recently, the Ombudsman's Act created the Office of the Ombudsman. It is an independent body whose function is to monitor to ensure that public functions are correctly discharged and to be the watchdog of the citizenry's personal and collective rights and entitlements. The Ombudsman has not yet been selected.

The fundamental individual and social, civil and political rights are recognized by the Constitution, the laws and the international instruments approved by Congress. The legal certainty of cases decided under a previous law is guaranteed by the Constitution. Similarly, laws cannot be applied retroactively, except when the convicted person or person on trial would benefit.

Due process of law is established in both the Constitution and the laws. There are a variety of remedies, such as mechanisms to defend and guarantee one's fundamental rights. Any interested person may file a direct action with the Supreme Court challenging the constitutionality of any law, decree or resolution, where the party makes its case as to why the law, decree or resolution in question is in violation of the Constitution.