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LADB Staff

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Region Reacts to Police Legislation

by LADB Staff

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The Honduran government's "anti-gang" legislation (see NotiCen, 2003-08-28) has provoked intense negative reaction from human rights, religious, academic, and legal sectors. The legislation enabled law-enforcement authorities to pursue a vendetta against youths whose only crime may have been to get a tattoo. A recent wave of police crackdowns on presumed gang members, with numerous arrests, rather than produce a reduction in gang-related crime, appears to have done nothing to prevent gang members from killing eleven people in a shooting incident in San Pedro Sula.

The local press characterized an attack on three buses in the Medina and Chamelecon neighborhoods of the Satelite colonia as a "declaration of war" on the part of the gangs. Said deputy commissioner of the Policia Nacional Preventiva (PNP) Wilmer Torres Saavedra at the time of the shooting, "We can't confirm it, but we can say that the attackers had the characteristics of these people [gang members.] It is clear that they sought to do the greatest possible damage in attacking in places of heaviest use."

Two individuals boarded one of the "rapidito" buses, ordered the driver to drive off route, and, at gunpoint, robbed the passengers. They then got off the bus and opened fire on the passengers, just as a car with five people in it pulled up and started firing at the passengers as well. About an hour later, the same car attacked another of the little buses, and minutes after that, a third bus took fire from a different car. The immediate response from the authorities was more political tough talk.

Vice Minister of Security Armando Calidonio said, "We only have one option, which is for the community, the government, and all the authorities to act together, joining the president against this kind of act." Another police official, Jose Munoz Licon, said those who committed the crimes were "mentally ill" or under the influence of drugs. The next day, police arrested four young male suspects, one of whom, according to Security Minister Oscar Alvarez, had been identified by a witness. The four ranged in age from 18 to 26 years old. Subsequent investigation indicated, however, that perhaps neither mental illness nor drugs was the ultimate cause of the savagery, but rather a payment of 10,000 lempiras, about US\$574.00.

According to police, there was a route dispute among owners of the companies that operate the buses. Authorities said that two of those arrested independently confessed to having been hired for the attacks. Whether this spectacular killing spree was a reaction to the government's declaration of war against disenfranchised, hopeless youth or the rational choice of these young people to bring to the marketplace the only commodity they have to sell, their violence, was not the relevant issue for Roberto Bussi, secretary general of the Asociacion Cristiana de Jovenes de Honduras (ACJ). Bussi's organization is concerned with, and has denounced, the violation of human rights that he alleges the anti-gang legislation to be.

ACJ is militating against the random application of the law by police. "They are not utilizing rehabilitative measures for those in gangs so that they don't end up in prison," said Bussi. "The government has not offered other alternatives like making jobs available for rehabilitated youths, or those in process [of rehabilitation.]" ACJ has intervened for the release of 12 young people who have been arrested under provisions of the law. Another view of the effects of the anti-youth legislation is that the excessive publicity with which the arrests of presumed mareros (gang members) have been carried out is making the gangs even more aggressive.

Isbela Orellana, chief of the Department of Social Sciences of the Centro Universitario Regional del Norte, told a reporter, "There is a great deal of publicity in these acts of the president, and it is exaggerated, which is provoking an anti-social backlash." Academics take note A study at the Universidad Centroamericana (UCA) has noted that the anti-gang legislation and activity now rife in Guatemala and El Salvador, as well as in Honduras, have begun to look like the anti-terrorism movement in the US. "Análisis de la Ley Antimaras" concluded that the multinational crackdown is "unnecessary, improper, and unconstitutional."

In addition, and also similar to the US anti-terrorism campaign, the economics of the measure is staggering. The study quotes the Inter-American Development Bank (IDB) in noting that the Salvadoran government devoted 5% of GDP in 1995 to the violence problem in the country, and says that, with anti-gang activities thrown in, that figure will grow. The government has estimated that there are about 20,000 gang members in El Salvador.

If the anti-gang law had been passed in 2001 and been in effect for all of 2002, it would have eaten up 6.79% of the national budget, said the report. Based on evidence that the war on gangs is a political concoction of the party in power to retain the presidency in next year's elections, the report charges that El Salvador, like Honduras, is creating a society of fear for political purposes. In this, it also resembles the anti-terrorist legislation in the US, says the report. "It is not surprising that supporters of the measure in El Salvador use as an example ex-mayor of New York Rudolf Guliani, inventor of 'zero tolerance' to sweep away North American urban delinquency." The analysis emphasizes that, even though the actions of the gangs provoke fear and instability in the population, "it cannot be said that this is about terrorist groups," as President Maduro in Honduras has tried to use to justify it.

Maduro has, in his rhetoric, reached beyond the US to Europe, to make a connection between the Basque separatist ETA and the gangs of Honduras. The UCA analysis, rightly or wrongly, makes a distinction between the groups, pointing out, "It is not the same thing to detonate a grenade at a dance as the result of alcoholic intoxication as to detonate that same artifact in a commercial center that has been identified as a symbol of power."

These plans, Mano Dura in El Salvador (see NotiCen,2003- 09-04), Ley Antimara in Honduras, and Plan Escoba in Guatemala, all borrow from the US conception, says the UCA, which is to identify "who are the enemy, real or imagined, and then to attack preemptively." There is now evidence that fallout from the anti-gang wave is reaching other countries.

Nicaraguan Minister of Government Eduardo Urcuyo has said that a Central American database is planned for the purpose of tracking presumed gang members and preventing their escape to other countries. Urcuyo said that the database was the result of an agreement between police and security forces of the region at a recent meeting in El Salvador. He said that the passage of the anti-gang law in Honduras alerted Nicaraguan police to the possible entry into the country of Honduran youths running from the crackdown in their own country. The minister expressed some doubt that there would be a massive ingress of errant adolescents, since the gangs are tied to their own neighborhoods.

Police spokesman Marlon Montano said that the level of danger of gangs on Nicaragua is less than that of the other countries, "and they haven't advanced to a criminal organization" as they have in El Salvador and Honduras. He said there were perhaps 2,500 youths between 12 and 20 in gangs in Nicaragua, far fewer than the 20,000 claimed for El Salvador or the 30,000 in Honduras.

In Nicaragua, said Montano, preventive measures have been in practice since 1997, and about 700 adolescents have been rehabilitated and integrated into productive life. He said that social work through crime-prevention committees organized in affected neighborhoods have been effective in reducing the need for young people to form gangs.

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