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LADB Staff

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Panama's President Remilitarizing the Country

by LADB Staff

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A program to modify Panama's public-security system has enraged much of the populace, who see it as a move to remilitarize the country. On Aug. 18, the Consejo de Gabinete de Panama, the 11-member Cabinet over which President Martin Torrijos presides, approved two of five bills to reorganize the public-security institutions of the country and then, a few days later, approved the other three. The leading newspaper La Prensa had warned a week prior to the approval that the plan, which in total creates the Servicio Nacional de Inteligencia y Seguridad (SENIS), would concentrate power in the hands of an intelligence agency and endanger the nation's democratic system.

The warning was contained in a letter sent to Torrijos by the secretary of the Consejo Nacional de Transparencia contra la Corrupcion (CNTCC), Alma Montenegro de Fletcher. The letter spelled out that measures arrogated to the new entity negatively affect individual rights and guarantees and are in violation of Article 55 of the Constitution. She further warned that SENIS would restrict the transparency law, mainly by reclassifying as secret certain documents that the law states should be classified only as restricted. These new classifications extend to issues, matters, acts documents, information, data, and objects of value concerning health, nutrition, industry, commerce, finance, science, technology, public administration, and more.

Said Montenegro, "We observe that this definition includes too broad a range of information and issues of national interest whose knowledge should not be restricted in any way, especially matters related to public administration." Regarding restricted information, the new program doubles, to 20 years, the length of time that certain documents can be withheld. Montenegro concluded that whatever is deemed necessary to deal with increased crime in the country "must be done by avoiding at all costs the concentration of power in an intelligence agency. This could eventually weaken democracy and governability."

Early signs of a challenge to governability came Sept. 3 with a rally against the measures and the announcement of a nationwide protest. A number of civic and political groups have made it clear they will not tolerate a presidential edict enacted while the Asamblea Nacional was in recess. In granting himself "special legislative powers," say the opposing forces, the president has staged a velvet coup. In addition to creating SENIS, the Cabinet and the president also changed the National Police Law to allow former military officers to serve as chief of the national police. This move has been called unconstitutional.

Further, Torrijos and company consolidated the Air Service, the Coast Guard, and the Navy into a new Aeronaval National Service and created a new National Border Patrol. As a whole, the package remilitarizes the country. According to Section XII of the Constitution, that is specifically prohibited except in a time of imminent danger at the national level, and even then, it can only temporarily organize "special police protection on the border and within Panama's legal jurisdiction." These

new entities do not qualify because, even if they were a temporary force, they would have to be a component of the national police, which they are not. The drastic reorganization was done, Torrijos said, to increase security, but opponents called it anything but.

These measures "are not the solution to the severe security problems for Panamanians and appear to be a political strategy for the government," said legislator Ricardo Quijano of Cambio Democratico (CD). With the exception of the ruling party, the Partido Revolucionario Democratico (PRD), and its followers, all other parties pledged to reject the reforms, while candidates in upcoming presidential elections promised to repeal them.

Torrijos pulled off his coup under a cloak of legitimacy. While no one could grant him powers to implement patently unconstitutional changes, the legislature in June granted him "special legislative powers" for two months to deal with security matters. Whereupon, the president set about drafting the five decrees. Who gets hurt? Torrijos has tried to justify these moves with the claim that Colombia's quickly retreating and deteriorating revolutionary force, the Fuerzas Armadas Revolucionarias de Colombia (FARC), is taking up residence in Panama, an inherent threat to the national stability.

This charge leads to a set of separate problems, including the abusive treatment of indigenous communities by authorities in the Darien area at the Colombia-Panama border. Police assume that people local to this region are collaborating with FARC movements through the area, but, at the same time, security forces are very reluctant to engage the guerrillas. Also, police and the state-security establishment have little credible information on actual FARC traffic in this area whose thick jungle vegetation makes tracking or sighting from afar impossible. So while the FARC guerrillas are known to move through there, and have been doing so for many years, there is no good evidence of any changes in the patterns or size of those movements. True, the FARC is under pressure, but intelligence on whether they truly are moving into Panama is lacking.

It is certain, however, that the local communities are suffering as a result of the speculation and the political issues that drive it. Their livelihoods are threatened, their movements restricted, and their communities raided with impunity. One such community customarily sells its fish across the border in Jurado, Colombia, but is no longer able to do so easily because of restrictions on both sides. A resident told a reporter, "They say we bring things for the guerrillas, and what they are doing is making us go hungry." They have lost their market and even access to ice to preserve their catch. "If you can contact the country's president [Torrijos]," said the resident, "tell him that we are Panamanians and that we are the ones who are most interested in having a safe border. We do not want people to help us with food handouts that are a problem for the government and for us. Let them help us market our fish and let them trust us."

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