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George Rodriguez

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Costa Rica: Clash During Police Operation On University Campus Triggers Concern, Outrage

by George Rodriguez
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Never in seven decades since the state Universidad de Costa Rica (UCR) was created had university autonomy been trampled on, authorities and other members of the institution of higher learning said in shock and anger.

Autonomy, though granted by the Costa Rican Constitution, does not place UCR beyond the rule of national law as if it were a state within the state, replied judicial police officials.

The debate, sparked by an unprecedented incident during an Organismo de Investigación Judicial (OIJ) operation inside the UCR campus, is ongoing. Costa Rica's academia is concerned about the violent events of April 12 possibly being the first of future police actions of the sort. UCR Rector Yamileth González, heads of other Costa Rican state universities, professors, students, leaders and members of grassroots organizations have voiced both anger at the way OIJ carried out the operation and fear of it possibly setting a trend.

Sting operation set off incident

Jorge Rojas, head of OIJ, said a member of the university's internal traffic-security force was then accused of bribing drivers on streets and avenues surrounding the vast UCR campus. A victim of the corrupt university cops told OIJ officials he was supposed to make a payment that day, was given marked bills, and arrived with judicial police agents at the spot where the delivery was to be made, Rojas repeatedly told media, including NotiCen. When the corrupt UCR security officer realized he was about to be arrested, he jumped on his motorcycle and dashed into the campus, an action that left no time for OIJ agents to coordinate the apprehension with university security, the OIJ chief explained. Rojas said his agents identified themselves but were nevertheless forcibly prevented by UCR security personnel from going further into the campus in pursuit of the crook, an argument ensued, and students at the scene immediately joined in. The head of Costa Rican judicial police's line of reasoning was that coordination was out of the question, since a crime was unfolding and a criminal had to be pursued and arrested. In her account of events, González underlined the fact that, unlike previous situations when OIJ needed to enter the campus and coordinated the operation with UCR security, for the first time ever this didn't happen. The OIJ agents were asked by university security to identify themselves, but refused to do so, and in an authoritarian manner tried to bully themselves further into the campus, the head of Costa Rica's first state university told NotiCen. As the argument heated up, strong words were followed by pushing and shoving, more OIJ agents were called as backup, and violence eventually erupted uncontrolled, leading to injuries on both sides and arrests among students, she added.
Dispute centers on extent of university autonomy

And the UCR security agent who was eventually arrested on charges of corruption was released, with no charges pressed, the following morning, she pointed out. In her strong view, "OIJ has no authority whatsoever inside the university campus," since "autonomy protects the university." She added, "University autonomy is a constitutionally guaranteed principle, it's a principle in which the political Constitution doesn't even speak of autonomy, it speaks of full independence in exercising its functions." "This doesn't imply, of course, that the university can ignore and detach itself from the nation's legal order," González made clear, adding, "What autonomy implies is a necessary coordination." Until April 12, "OIJ and all the bodies that at some point needed to enter the university campus for any corrective action, in pursuit of anything undue, have done so," and until then "OIJ coordinated with (UCR) security officers any action inside the university campus," What happened earlier this month, "in any event, is not entering a campus, it's trampling, because OIJ entered with an overpowering, bullying, intimidating attitude not only toward the [local security] officers but toward the entire community and the entire institution," stressed the head of the UCR.

In Fiscal General de la República Francisco Dall'Anese's view, OIJ agents "don't have to ask for permission" to enter university open grounds, "since they're not areas where people's intimacy might be affected, such as offices...reserved areas...classrooms where lessons are taking place." "There's no special jurisdiction or any superior authority on the part of any rector above the police or above judges or above attorneys. This has to be very clear," Dall'Anese told a press conference the day after the incident and after González's first statements on the issue. "It's not that the university is like the Vatican, where Italian law doesn't apply but rather its own," said Dall'Anese to illustrate his point, and he went on to add that the Vatican "is a state, and that's not the university's situation. The police entered and will be able to continue entering." "If, for example, a crime in process had to be investigated or a person had to be located, police officers may be infiltrated as if they were students I put this as an example, go to class, locate people, be informed of what’s going on to detain he people they're looking for," he further explained.

Protestors express concern about precedent

Three days after de incident and two days following Dall'Anese's press conference, at least 1,000 people heads of the country's state universities, faculty members, students, leaders and members of unions and other civil-society organizations took part in a peaceful march from the UCR campus in San José's eastern San Pedro district to the Corte Suprema de Justicia (CSJ) headquarters in downtown San José. González, one of the protestors, told NotiCen, "Autonomy implies respect, the university campus included, as well as the buildings on the premises. We cooperate with this country’s institutional structure, respecting the judicial branch, but we're not going to allow any disrespect toward us." Regarding the risk of events happening again, the UCR head pointed out, "That's one of the university community's greatest fears." "The precedent that worries us is that Monday, April 12, there was mention of a person having committed a crime and that is valid to pursue," she said, stressing, "We don't allow and won't allow the university to be haven for criminals. But this could mean that for any excuse, with any motivation, the campus could be invaded and repressive measures be taken." On Dall'Anese's statements, González underlined, "It remains to be seen whether they're going to keep entering."
Once the demonstration reached CSJ headquarters, González and her colleagues from the other state universities met with the head of the judicial branch, Chief Justice Luis Paulino Mora, and other court members. Both sides agreed the CSJ would investigate the incident, a task to be carried out by the court's Departamento de Inspección Judicial (DIJ), and they set up a joint working group responsible for strengthening coordination and communication mechanisms between judicial and university authorities. On the investigation, the influential and conservative Costa Rican morning daily La Nación pointed out in its editorial of April 25 that the inquiry must clearly determine what caused the incident and further suggested that the results of the search for facts must be transparent "for the sake of the university community and of the country as a whole" and "in view of the social repercussions" of the incident.

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