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Sean Mattson

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"Sausage Law" Backlash Ends in Protesters' Deaths, International Criticism

by Sean Mattson
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Panamanian President Ricardo Martinelli had hoped the fast-tracked June passage of an aviation bill stuffed with rider legislation that weakened unions, relaxed labor laws, and strengthened police powers would speed up the conservative leader's pro-business agenda. Instead, the controversial "9-in-1" or "sausage" law has created new obstacles that risk slowing an agenda that includes ambitious public infrastructure projects and opening the Central American country to massive copper-mining operations (NotiCen, July 8, 2010).

Official opposition to repealing the more controversial parts of the legislation has also raised the risk of a repeat of July protests in which at least two people died during a brutal police crackdown on striking banana-plantation workers.

Hundreds of protesters were injured by police shotgun blasts in what human rights defenders described as an excessive use of force by riot squads emboldened by the new law's increased protection from punishment for on-duty police transgressions.

Officials have so far largely dismissed recommendations from human rights observers, further increasing local and international criticism of an administration that has been called out for concentrating power, eliminating checks and balances, harassing the press, and ignoring criticism.

Lethal Strike

The ink barely dry on Martinelli's signature on the sausage law, Bocas Fruit Company, a major banana-sector employer, riled banana-worker unions further when it announced it would no longer transfer dues to the workers union, in an erroneous interpretation of the law, said a report by Panama's government-funded rights organization, the Defensoría del Pueblo.

Unionized workers responded by calling a 48-hour strike starting July 2 in Bocas del Toro, the western Panamanian province that borders Costa Rica on the Caribbean side of the Central American isthmus. The province is populated mainly by indigenous peoples, many of whom live in poverty and have long suffered from official neglect.

The company responded to the strike by withholding salaries, further elevating tension that pushed strikers—who numbered as many as 4,000, according to Human Rights Everywhere (HREV), an international nongovernmental organization (NGO) that did a report on the strike, police repression, and aftermath—to block the main access route to Changuinola, the province's main population center.

The government sent Labor Minister Alma Cortés to negotiate on July 6, but no accord was reached after a brief attempt at dialogue. Then it sent in the riot police, shotguns blazing.

By the time the tear gas dissipated a few days later after the government agreed to suspend the controversial labor provisions for 90 days, four people had died and 312 people had been wounded.
by bird shot, many of whom had been struck in the face and at least partially blinded, according to HREV.

Two died from shotgun blasts; two from respiratory complications arising from tear-gas inhalation, reported HREV. The government does not include the two who died from tear-gas inhalation in its total. The NGO noted six other deaths that required more investigation to determine whether they were related to police action.

The report also listed a litany of abuses including excessive force, racial discrimination, arbitrary arrests, lack of due process, police abuse of detainees, and deficient medical attention. In all, HREV listed 10 violated articles of the American Convention on Human Rights and eight violated articles of Panama's Constitution.

The total number of wounded may have been greater, but HREV noted victims were afraid to seek medical attention because of reported arrests at hospitals. The NGO reported witnesses telling rights workers that police raided homes searching for bird-shot-wounded indigenous people to arrest.

**Officials blame protesters**

Officials justified the use of force—some protesters fought riot police with rocks, sticks, and Molotov cocktails. Public and private property was damaged by protesters, who were also blamed for burning five government vehicles and for causing injuries to more than 30 police officers, one of whom was shot in the leg. Four police officers were kidnapped by protesters during the conflict; they either were released or escaped unharmed.

The Defensoría made numerous recommendations, including a call for an independent investigation and the elimination of the use of bird shot as a means of protest control, noting officers had clearly used excessive force.

New York-based Human Rights Watch (HRW) issued a statement asking Panama's government for a thorough investigation and criminal prosecution if abuses are proven. "Rather than trying to shift the blame, Panamanian authorities should ensure that those responsible for the abuses are brought to justice," José Miguel Vivanco, Americas director at HRW, said in the statement. "The special commission could help clarify what happened, but it is no substitute for criminal prosecutions."

Vivanco said that, as of the first week of September, HRW had not received a response from the government.

HREV said that criminal investigations had been opened against 187 people in the protests but that no known investigation had been launched to look into police abuses.

"Nothing has happened," said Francisco Gómez, HREV's legal representative in Panama. "We don't see a serious process of justice or reparation for the people who were affected."

The government has since launched a scholarship program in Bocas del Toro and promised—but has yet to deliver, said Gómez—compensation to the people injured and the families of the victims. Meanwhile, negotiations with unions to modify the sausage law had not progressed through early September. With time winding down on the 90-day suspension of the law, unions say they will protest if no accord is reached.
Martinelli supporter killed

Antonio Smith, a 37-year-old banana worker and community organizer, was one of the victims of the riot-police crackdown. He left nine children behind, and his wife depends on a US$200 stipend from his banana-workers cooperative while waiting for government support that has yet to come, said Chito Quintero, a cooperative member.

Smith had also been a dedicated campaigner for Martinelli’s Cambio Democrático party, helping the supermarket magnate to his landslide election win in 2009. Smith died from a perforated lung after being shot in the back, reported HREV, noting Smith suffered 10 broken bones witnessed blamed on police.

"He participated in Martinelli’s political campaign," said Quintero. "He was one of the provincial delegates of Cambio Democrático."

Smith was also among the first to organize workers against a government he felt had betrayed him. "The majority of the population believed in the change, but the people—because of innocence or lack of knowledge—didn't know what kind of changes the government would bring," said Quintero. "The change was for the capitalists and not for the poor."

Panama’s government has won accolades for fiscal discipline that helped the country join Latin America's small club of investment-grade nations earlier this year. The small but solid economy remains among one of the region's best performers and an investment-attracting US$5.25 billion expansion of the Panama Canal(NotiCen, Aug. 20, 2009) is among the portents of the First World future Martinelli envisions for his country.

But getting there will also require reformation of a thuggish police force and vast improvements in public health care and education. And serious reforms—including an expected controversial bill to open Panamanian mining to investments from foreign governments—appears on hold until the problematic 9-in-1 law is sorted out, including a provision that eliminates environmental impact studies for public works.

"In practice, the government here has carried out a veiled coup," said Gómez. "It is an executive that controls the [legislative] assembly, the judicial power, and has persecuted journalists, persecuted human rights workers, [and carried out] repression in the streets. The situation is very complicated."

Gómez frets that the international community has not taken notice of Panama's darker side—but that may be changing. An analysis piece highlighting the HREV report by the Washington-based Council on Hemispheric Affairs (COHA) was aptly titled, "A Message to Martinelli: The International Community is Watching."

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