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President Laura Chinchilla Faces Obstacles in Struggle against Organized Crime

by George Rodriguez
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In a complex context ranging from a judicial ban on preventive police checkpoints to the unprecedented US listing of Costa Rica as one of twenty countries worst hit by drug trafficking worldwide, President Laura Chinchilla warns that organized crime—including illegal drug trafficking—is the biggest threat her country has ever been up against in 189 years of independence.

Costa Rica’s first woman president is certain that world solidarity is essential for a successful struggle against crime everywhere; otherwise, all progress toward development will be at risk.

Chinchilla also strongly believes developed countries, mainly the major drug consumers, must cooperate efficiently with developing nations, such as Costa Rica, on the south-north drug path that makes them victims of a problem they have not created.

After delivering the central speech at the main Independence Day celebration on Sept. 15, Chinchilla told journalists, "Costa Rica sees its liberty, its peace, and its democracy threatened." It is "a situation...that is threatening our institutions and our public liberties."

President says problem threatens national security

Minutes before, as she addressed the gathering, the president had said, "We are living a situation more dramatic than any chapter in our history, because we must now combat an enemy that is rooted in the nation’s territory."

"We are living in difficult times," since "drug trafficking and organized crime have settled in our region [Central America] and are vying for control of the territory and the institutions," warned Chinchilla, a former minister of security and of justice who has also been a legislator and a vice president.

"We are speaking of an unprecedented international scourge, of crime with no parameters because of its ability to corrupt, because of its lack of scruples, and because of the technological and economic means within its reach," Chinchilla went on. "Winds are sweeping our soil, the same winds of violence and lack of security blowing strongly in other countries in Central America and beyond the region."

This situation "warns us, as at other clear times in our history, that we have a common destiny, that we face similar problems, and that only united shall we be able to solve them," the president said. "Today’s threat is different" from that posed in the 1850s by William Walker, the pro-slavery head of a US mercenary army who led an invasion of Central America and was captured and executed in 1860 in Honduras.

"This time, the scourge stalking us is more insidious and its means are practically unlimited," yet, at government levels, "we must act now, without fear and without delay," said the president. "Today, we do not see the invading force, and its power extends throughout the country, through drug
consumption, while, through the effects of crime, it has penetrated our very homes, and it respects neither age nor social status."

**Court rules against indiscriminate vehicle searches**

Chinchilla spoke between setbacks to her administration’s anti-crime and anti-drug efforts.

Twelve days prior to her Independence Day speech at Parque Nacional, the Sala Constitucional—also known as Sala IV of the Corte Suprema de Justicia (CSJ)—ruled in favor of a local lawyer’s habeas corpus writ triggered by the inspection of his car at a police checkpoint.

The Sept. 3 ruling stated the Fuerza Pública, the Costa Rican police, can carry out such inspections not as preventive actions but only with knowledge that a crime has been committed.

"It is not possible that such [police] operations be carried out randomly," said Sala IV, which in two previous rulings (2002 and 2004) had favored police checkpoints on a preventive basis. "And much less, that people be coerced or forced to allow access to the interior of their vehicles" without prior knowledge or proof of a crime having been committed. "To proceed to search the interior of a vehicle in this type of police check, the driver’s free and explicit consent is necessarily required, which implies he cannot be coerced in any manner whatsoever."

**US put Costa Rica on list of drug-trafficking countries**

The other setback came the morning after Chinchilla’s Independence Day speech, when Costa Rica suddenly, and for the first time, appeared on the US list of twenty countries with the highest levels of drug trafficking.

The local announcement was made by Security Minister José María Tijerino and National Anti-drug Commissioner Mauricio Boraschi during a Sept. 16 press conference at the Casa Presidencial.

Both Costa Rican officials said listing the country as vulnerable to drug trafficking provided an opportunity to call US attention to the fact that this Central American nation should be getting more aid from its American partner.

That Costa Rica is seen as a middle-income nation and is a country with no Army are negative elements when it comes to obtaining US aid for fighting drug gangs, said Tijerino, referring to the Central American Regional Security Initiative (CARSI) created in 2007 by the US under the initial label of the Mérida Initiative for security cooperation—including antidrug efforts—in Latin America and the Caribbean.

CARSI funds for Costa Rica are insufficient, Tijerino and Boraschi warned.

A couple hours later, US Ambassador to Costa Rica Anne Andrew told a press conference at a local luxury hotel, "Our hope is that...Costa Rica’s addition to this list...along with other neighboring countries in Central America, is an opportunity to have a more coordinated, more strategic and more effective response to the drug trafficking. That is going to be essential if Costa Rica is going to continue to have the type of secure country that has endured for such a long time."

"In order to reach that goal, it will be an effort that must be undertaken by Costa Rica, and the United States will work closely, as we have in the past and will continue to do in the future, to partner and support Costa Rica both in its efforts domestically and in efforts of the Chinchilla
administration to address this regional threat from a regional perspective," Chinchilla said. "The growing presence of drug cartels that are using Costa Rica not only as a transit zone but also as a base for their command and control operations."

"The Chinchilla administration has given top priority to confronting the threats to citizen security in this country," and "this listing reaffirms the need and the urgency for that action," Andrew pointed out. "In adding Costa Rica to the...list, the United States also added Honduras and Nicaragua," thus, "all Central American countries are now listed as major drug-transit countries. There’s no doubt that the illicit trafficking across Central America is a regional threat and requires a regional response."

Andrew admitted that "the Chinchilla administration has stepped forward as a regional leader," and she assured Costa Ricans that "the US government also recognizes the need for regional response."

Besides, "the US government will review its focus on Costa Rica’s unique requirements to better protect its territory from drug and criminal cartels and look for ways to leverage solutions with regional partners," she said referring to country’s abolition of its Army six decades ago.

Now in Spanish, she told journalists that "the US government and its people maintain their unwavering support to Costa Rica’s efforts to guarantee security."

Within this framework of setbacks, Chinchilla gave two speeches at the United Nations—one on Millennium Development Goals (MDGs) and the other addressing the General Assembly—stressing the need for effective international cooperation against organized crime—including drug trafficking.

On Sept. 22, six days after news of the listing, the president warned that, "if we cannot curb its [organized crime's] thrust, progress in development will be of little value," and she added that, "from this rostrum of commitment and hope, I call on developed countries, mainly the major drug consumers, to effectively cooperate with those of us who suffer a problem that has not been created by us."

The following day, she told the UN General Assembly that "the great battle against transnational crime demands from much more" than what has been done until now, and it can be won only through "global coordination and cooperation, and thorough review of the strategies followed so far, many of which have failed."

"I urgently call on world solidarity in this task and on the role multilateral organizations must play in favor of an integral agenda, more balanced regarding resources and responsibilities, and better monitored," said Chinchilla.

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