3-17-2011

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Spanish Journalist, Human Rights Activist, and Martinelli Critic Expelled from Panama

by Sean Mattson
Category/Department: Panama
Published: Thursday, March 17, 2011

The last thing Francisco Gómez Nadal did as a free man in Panama was try to film dozens of police officers detaining fewer than 20 indigenous protesters at a peaceful, street-blocking protest against mining outside Panama's legislature. The Spanish journalist, opinion columnist, and human rights activist was arrested along with protesters and his Spanish girlfriend, Pilar Chato, on Feb. 26. Within days, the legal residents of Panama were on a plane to Spain after signing a "voluntary" return agreement with immigration authorities.

The incident sparked local and international condemnation, unsettled foreign journalists in Panama, and again cast President Ricardo Martinelli's administration in a negative light for an incident that observers said seemed more like a forced expulsion of one of the president's most consistent critics.

"These expulsions set an alarming precedent for journalists in Panama," said Carlos Lauría, the Americas program coordinator for the New York-based Committee to Protect Journalists (CPJ), in a statement on one of the most extreme recent government actions against a journalist in Panama (NotiCen, June 3, 2010).

"We call on the Panamanian government to allow Francisco Gómez Nadal and Pilar Chato to return to the country and to let journalists cover this matter without harassment," continued Lauría, referring to weeks of protests against a mine reform that Martinelli repealed. The surprise repeal followed an earlier government decision to place an administration-long moratorium on mining in indigenous semi-autonomous territories (NotiCen, Feb. 24, 2011).

Chances are the CPJ's request will have little impact. The incident was at least the administration's second attempt to ban Gómez from Panama. Statements from top officials suggest Gómez is unwelcome in the country. And a legal battle for Gómez's return could last longer than the duration of the Martinelli administration, said a lawyer fighting for his return.

Inciting violence and "political hate"?

The night of Gómez's arrest, a statement from the president's office said he was detained while he "instigated and organized a group of citizens that was preparing to carry out a protest," citing security tapes as evidence. The brief statement did not bode well for Gómez, as it cited laws outlining how authorities can expel foreigners who "incite racial, religious, cultural, or political hate" or are "a threat to collective security, health, or public order."

The security tape, released later, showed no evidence of Gómez protesting, though the person believed to be Gómez is seen talking to protesters. A hand emerges from behind the camera and points at the person as he is thrown into the back of a police truck, after a mob of officers pulled him away from the protest's sidelines.

José Raúl Mulino, Panama's public security minister, said that Gómez was in Panama illegally and did not pay taxes and that his work visa had expired in 2007. "In Panama, there are no guarantees for
illegal foreigners. [Gómez] is not above the law," said Mulino, according to a press office statement that noted Gómez had been ordered to get his immigration situation in order. "All the legal supports for him to stay in the country expired."

Martinelli made similar statements, according to local media. "His work contract had expired, and he was in the country illegally," said Martinelli, as reported by TV station Telemetro, which paraphrased the leader saying Gómez was protesting and inciting violence at the time of his arrest. "The law was applied to him but he opted, voluntarily, to leave here for problems he had with distinct authorities and for very personal and family problems I'd rather not talk about."

His legal representatives would beg to differ, noting Gómez and Chato were legal residents. So did La Prensa, the broadsheet where Gómez published his column, which reported Gómez was actually owed a tax credit. Last year, he was briefly detained while departing from Panama's international airport and told he would not be allowed back into the country if he left. La Prensa left the columns reserved for his Wednesday opinion piece blank after Gómez's departure.

One of Gómez's legal representatives in Panama did not want to be quoted by name and referred press inquiries to Carlos Manuel Lee Vásquez, a lawyer and rights activist familiar with the legal details of the case against Gómez.

Lee said immigration statements following Gómez's arrest showed he was a legal resident of Panama. He said that there was no due process in fast-tracked legal proceedings against Gómez and that he and Chato would have faced two or three months in separate jails, had they not agreed to leave the country voluntarily, and would have faced deportation since authorities appeared to have already decided their fate.

Lee noted the statement from the president's office saying foreigners can face expulsion for meddling in protests was issued before brief legal proceedings against Gómez had begun. "That showed really what was going to happen to him....It was clear they were going to throw him out of the country," said Lee, emphasizing the the audio-free security tapes did not show Gómez inciting violence or organizing protesters. "That's a key point...there were no judicial proceedings, there were political proceedings."

"The political will of the government was that they did not want him in the country for his comments, his writings, and his weekly journalistic expressions that criticized the actions of this government," said Lee.

The organization Gómez volunteered for, Human Rights Everywhere (HREV), issued a preliminary report on the incident on March 11. Gómez was called to the protest by activists, to give witness to possible police action, according to the report. The group consisted of about 20 indigenous-community members, and the protest was broken up by some 80 officers shortly after it began. Chato was not part of the protest but was also arrested. Images obtained by Gómez and another witness were erased from illegally confiscated cameras, HREV alleged.

The report also alleges Gómez was coerced into signing the voluntary-repatriation agreement and enumerates numerous possible violations by authorities of Panama’s Constitution and the American Convention on Human Rights.

"We consider that the arbitrary arrest, sanction, and deportation of the Spanish citizens Gómez Nadal and Chato Carral violate the right to free movement of people who were legally in the
territory of the Republic of Panama," said the report. "The probative elements presented by authorities to justify their actions only demonstrate the presence of both citizens at the site of the events, as is to be expected in the case of journalists as well as human rights activists."

**Human rights observer loss, foreign press wary**

As well as losing one of Panama's most critical voices—Gómez was quoted by Spanish newswire EFE as as saying upon his arrival in Spain that "this is definitive proof that Panama is in a moment of totalitarian government, in which freedoms have terrifyingly reversed and that repression against journalists and human rights defenders is permanent"—Panama also loses a leading human rights observer.

In a country too small for a major presence from international global rights watchdogs, Gómez filled an important void. HREV took the lead in investigating a police crackdown in western Panama last year that led to two official deaths but demanded investigation of more.

The report came before similar recommendations from the Defensoría del Pueblo, the government-sponsored rights organization in Panama, which noted as many as 10 deaths during the protest merited investigation by authorities to determine causes and legal responsibility where circumstances warranted.

Gómez was close to Panama's marginalized indigenous groups and readily pointed out that they were in no need of being organized by foreigners. Panama's indigenous groups are known for fiercely defending their limited autonomy and for being wary of the government and foreigners.

Reporters Without Borders, local press associations, including the one representing Panama's foreign correspondents, and opposition politicians all expressed concern about Gómez's departure.

"Regardless of the legal nuances, Gómez and Chato were the victims of a politically motivated expulsion because their support for the indigenous cause as journalists and their involvement in the NGO [nongovernmental organization] Human Rights Everywhere ran counter to the Panamanian government’s interests," the press-freedom organization Reporters Without Borders (RWB) said in a statement. "This case represents a denial of freedom of expression on a matter of public interest."

Satirical Web site Bananama Republic put it a little more succinctly in a headline about the Gómez case: "Martinelli: Foreigners, shut up!"

"Panama's proverbial xenophobia has reached a new low," the article began.

Blogger Scott Bronstein, for one, said he would take the implications seriously. "[Gómez] was basically thrown in jail for the weekend, then pretty much given the choice of either leaving 'voluntarily' or getting kicked out," wrote Bronstein. "It seems to me that there were a few steps in the process that were skipped, such as the part where the guy gets to have his case heard by a judge and the government does things like present evidence that a crime has, indeed, been committed."

"This worries me as a journalist who is a foreigner. Now, I am not the type of guy who gets overly critical of the government. But now I am going to be especially careful about what I write," he concluded. "So if it was Ricardo Martinelli’s intent to scare foreign journalists into keeping their opinions to themselves, he has done a pretty good job, at least in my case."

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