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Top Costa Rican Judicial Cop's Proposal Against Motorcycle Assailants Outrages Bikers

by George Rodriguez
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The historically peaceful Costa Rica, a traditional island of tranquility in the eternally violent Central America, is being hit—not as dramatically as its regional neighbors—by spiraling, crime-related violence.

Last year, Desamparados, a densely populated canton in southern San José—the nation’s capital—became the stage for a string of killings that authorities attribute mainly to the arrest and sentencing of the area’s top drug boss, Marco Antonio "El Indio" Zamora (NotiCen, Dec. 4, 2014).

On Feb. 3, almost a year after the trial began, El Indio—who also operated in neighboring areas—was handed a 70-year prison sentence—later reduced to 50, the maximum allowed by Costa Rican law—for charges related to organized crime, including illicit association, drug trafficking, and homicide.

Eight other members of El Indio’s criminal organization—including José Francisco Zamora, one of his brothers—were sentenced to differing jail terms ranging from eight to 42 years, while three others were acquitted—including a woman recently wounded in a car when a passerby fired three times hitting her twice in the face and once in a shoulder.

Early last year, Costa Rican media began reporting on a series of homicides, specifically in "Desampa," as the sector is popularly known, crimes which authorities related to what they described as a territorial war between drug gangs rushing to fill the vacuum left by El Indio’s dismantled group.

One of the most populated of this country’s 81 cantones—totaling just over 4.6 million people nationwide—Desamparados is home to some 230,000 persons. Data published in November by the daily newspaper La Nación shows the homicide rate for Desampa last year was 16.9 per 100,000 population, well over the 8.3 registered for 2013. The figure for last year more than doubled the national index, which La Nación said was estimated at 6.0 by September.

Officials show that, during the 2010-2013 period, Costa Rica’s homicide rate fell from 12.54 to 8.9 per 100,000 population.

Intensive police action in Desamparados managed to somewhat curb murders there, but the gangs seem to have taken their war to neighborhoods in the capital’s western sector of Pavas, where contract killings now seem to be taking off.

Increase in attacks by motorcycle riders
One increasing method of such homicides consists of street attacks by teams of two people on a motorcycle, with the back passenger, armed with an automatic weapon, firing—usually several times—at the target or targets, and both criminals quickly getting away. At times, bullets are fired from a speeding motorcycle—or a speeding car—riddling a victim's house.
Since last year, Costa Rican media have been reporting daily on such actions being carried out by assailants usually wearing closed helmets with tinted visors or ski masks.

A recent casualty of the gang war was another of El Indio’s brothers—Juan Carlos Zamora—shot at least nine times from a speeding car as he was walking a dog in the Dos Cercas neighborhood in Desamparados.

Expressing concern at the upsurge of killings and holdups, Organismo de Investigación Judicial (OIJ) director Francisco Segura told reporters last month that since January 2014 a total of 45 homicides had been committed, 21 involving two people riding a motorcycle, as well as just under 2,000 holdups.

During a press conference on March 12 at OIJ headquarters, Segura also said that, in view of the situation, he sent a letter to Deputy Francisco "Frank" Camacho, head of the congressional Comisión de Seguridad y Narcotráfico, suggesting a series of changes in present legislation.

The head of the judicial police requested, among other changes, a ban on two passengers per motorcycle as well as the use of ski masks, and that helmets have a clear or transparent visor. The request also included that motorcycles have larger license plates and that passengers use vests with large plate letters and numbers.

Gustavo Mata, head of the Ministerio de Seguridad and a promoter of Segura’s initiative, told NotiCen, "This is a major issue. However, there’s a certain component, as one gets into the project’s details, that I wouldn’t agree with."

"I agree with marking the helmets with a large code," allowing authorities to verify who the owner is, he pointed out. "Also putting vests on individuals riding motorcycles, vests with a clear number, the plate number, so the vest matches the plate, and the license plate must be placed visibly and with large numbers, because the plate now is very small."

"But limiting or banning two individuals riding a motorcycle, I have reservations, because you can’t somehow go against the Constitution, and that is depriving people of their freedom of transit," added Mata, who, until last year when he was appointed vice minister—before being promoted this year to minister, was OIJ deputy director under Segura’s leadership.

"But I know there are countries like Colombia where at some point they’ve used this type of methodology, and it was effective," Mata said. "We’d have to study the possibility, because legally we can’t come up with a law from one day to the next, but everything could be done if there’s consent, if there’s consensus at the legislative level."

Regarding implementation of the passenger restriction in other countries, Mata highlighted a feature in the Honduran legislation he described as worth taking into account. "In Honduras the ban applies to two individuals riding a motorcycle, but to adult males," he said. "A man and a woman, that’s not banned, or a man and a child because it’s a means of transportation. So, the family man—the honest one—taking his child to school will have no problem, or the family man who usually takes his wife and leaves her at work, and he goes on to work. The problem will be when two men ride."

However, "you get to think, a man and a woman, you assume that the one riding behind is a woman, because the helmet won’t allow you to see, but if they’re stopped and it’s a man, the [authorities]
take the bike away and apply a major fine," added Mata. "In Costa Rica’s case, there is need for some more analysis."

**Segura’s announcement of the initiative triggers bikers’ opposition**

Six days after the head of OIJ revealed his idea, members of the Comité Cívico Nacional de Motociclistas de Costa Rica (CCNMCR) mobilized against it. Some 50 of the organization’s 6,000 members staged a protest, riding their vehicles for several blocks to the Asamblea Legislativa—the unicameral parliament—to deliver a letter rejecting Segura’s proposals. Leaders of the group handed the text to Camacho, one of the nine-strong leftist Frente Amplio (FA) congressional bloc.

In the first of its six explanatory points, the letter, which NotiCen had access to, describes Segura’s proposal as "discriminatory and detrimental to the motorcyclist sector regarding work as well as transport and recreation throughout the country."

Hours before the afternoon demonstration, CCNMCR coordinator Eugenio Badilla told the local Radio ADN, as an example of the group’s position, that numbers printed on vests could be copied by assailants.

At the beginning of the peaceful protest, Badilla told NotiCen that authorities and motorcyclists should start talks aimed at reaching an agreement. "We’re not going to accept implementation of these policies in the country," he said. "We have motorcycles for work, for transportation."

Also, Segura’s proposal could affect "the nation’s economy, because the moment you, as a biker, can’t transport your girlfriend, your wife, or your kids, you expose yourself to expenses," Badilla said. "We feel government authorities should sit down with the civil society—which in this case is us—to try and reach agreements and not harm a movement such as this, so organized."

Parties to the talks should be "Congress, because it makes the country’s laws, Segura, because he’s the one making the proposal, and us, and any other social actor—journalists—because this is an open, transparent group that wants the public to know why we’re doing what we’re doing," Badilla explained.

No announcement has been made on when—or if—the dialogue will take place.

"We’re not a subversive group. We believe in democracy and are respectful of our country’s Constitution," Badilla said, referring to incidents that took place last year, during demonstrations the organization held against rises in the cost of permits and insurance policies for motorcycle owners.