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Costa Rica: Frictions Emerge In Relations With U.S.

by Deborah Tyroler

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On Jan. 13, the Costa Rican Constitutional Court issued a ruling that suspends application of the extradition treaty signed with the US in 1982. In their decision, the judges cited the US Supreme Court ruling of June 1992 that authorizes the kidnapping of individuals in other countries in order to bring them to trial in the US. The US ruling indicated that such actions are not expressly forbidden in extradition treaties signed by Washington. According to the judges in San Jose, the US Supreme Court's "unilateral interpretation" constitutes a violation of Costa Rican law and national sovereignty. In Costa Rica, extradition is defined as the only valid procedure for bringing suspects to trial in another country. In addition, Costa Rica's constitution guarantees foreigners the same rights and protections as citizens. The San Jose court issued the controversial decision in conjunction with a favorable ruling on a writ of habeas corpus presented on Dec. 18 by James F. Karls, a US citizen wanted in Wisconsin on homicide charges. The US has requested that Costa Rica extradite Karls. Foreign Ministry officials must now decide how to proceed in the case. The Constitutional Court is not empowered to abrogate the bilateral extradition treaty, and thus it chose to essentially define application of the treaty as "illegal." In Jan. 14 comments to reporters, Foreign Minister Bernd Niehaus confirmed the ruling could have serious repercussions on relations with the US. However, he cautioned that several different interpretations could come out of the ruling. One reading, he said, would be that the existing extradition treaty should be modified. In any case, he reiterated that Foreign Ministry legal experts were studying the ruling, adding that the executive branch is required by law to comply with Constitutional Court rulings. The Constitutional Court ruling comes amidst a simmering bilateral dispute over Costa Rica's failure to compensate US citizens for confiscated property. In December 1992, the US announced its intention to block US \$250 million in loans for Costa Rica scheduled to come up for Inter-American Development Bank (IDB) approval. Washington said the decision was taken due to "unacceptable" Costa Rican foot-dragging in resolving the cases of at least six US citizens whose property was confiscated between 1964 and 1982. Following several weeks of maneuvering on both sides aimed at avoiding an impasse, on Jan. 6, Costa Rica managed to obtain approval for US\$80 million in IDB loans, with the US abstaining. A vote on the remaining US\$170 million was postponed until February. (Sources: Agence France-Presse, 01/13/93, 01/14/93; Agencia Centroamericana de Noticias- Spanish news service EFE, 01/14/93)

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