

11-13-1997

## Acquittal of Suspects in Killing of U.S. Soldier Sets Off U.S.-Panama Feud

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

---

### Recommended Citation

LADB Staff. "Acquittal of Suspects in Killing of U.S. Soldier Sets Off U.S.-Panama Feud." (1997). <https://digitalrepository.unm.edu/noticen/8342>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## **Acquittal of Suspects in Killing of U.S. Soldier Sets Off U.S.-Panama Feud**

*by LADB Staff*

*Category/Department: Panama*

*Published: 1997-11-13*

Relations between Panama and the US have been strained by the acquittal on Nov. 1 of Pedro Gonzalez and two other suspects who had been charged in the 1992 murder of Zak Hernandez and the attempted murder of Ronald Tarrell Marshall, both of whom were US soldiers stationed in Panama. The case attracted special attention because Pedro Gonzalez's father is Gerardo Gonzalez, one of Panama's most powerful political figures. He is president of the governing Partido Revolucionario Democratico (PRD) and president of the Legislative Assembly.

Zak Hernandez was ambushed and shot to death. Marshall, his companion, was also wounded as the two drove an army vehicle along a highway in Panama City. The killing appeared to be a politically inspired protest against the visit of then president George Bush, who ordered the 1989 invasion of Panama to arrest Gen. Manuel Noriega. The US government intervened early in the investigation, posting a reward for information and paying for the trial expenses.

Before the trial began, US Ambassador to Panama William Hughes transmitted his concerns about possible political interference in the case to the Panamanian government. State Department harshly criticizes the verdict After the trial, Assistant Secretary of State for Inter- American Affairs Jeffrey Davidow met three times with an official of the Panamanian Embassy in Washington to express the Department's criticisms of the verdict. Then, in a strongly worded statement, the State Department said it was "deeply disappointed."

Spokesman James P. Rubin called it "inconsistent with persuasive testimony by credible and disinterested witnesses, as well as firearm and other physical evidence." During the trial, the prosecution presented three eyewitnesses who said Pedro Gonzalez was one of the assailants. The car used in the attack was later found on Gerardo Gonzalez's property and an automatic rifle like the one used in the shootings was found on property where Pedro Gonzalez's sister works. A ballistics test by the Federal Bureau of Investigation (FBI) concluded that the rifle was the murder weapon. However, defense witnesses said Gonzalez was at a political rally at the time of the murder, and a Panamanian ballistics test indicated that the rifle was not used in the attack. The State Department apparently believes the verdict is negotiable.

A week after the trial, Davidow said that Panama owed the US an official, detailed explanation, and added that the US was ready to discuss its concerns as part of any new investigation of the case. US Ambassador says suspect's father intimidated the jury In response, President Ernesto Perez Balladares said the US should accept the verdict. "There is nothing left to say about the trial," said Perez Balladares.

Nevertheless, Ambassador Hughes has publicly accused Gerardo Gonzalez of manipulating the presiding magistrate in the case, Maria Eugenia Lopez, and of intimidating and threatening

witnesses. Hughes also said that Gerardo Gonzalez compromised the trial from the beginning by bringing charges against the chief of the Judicial Technical Police (PTJ), Jaime Abad, for supposedly hiding evidence that favored the accused. Hughes said that Gonzalez held a highly irregular meeting with Maria Lopez, after which the charges against Abad were increased. Whatever the merits of the ambassador's charges, the trial had powerful political and nationalistic overtones. During the trial, defense attorney Victor Chan invoked the image of women and children killed during the 1989 invasion as apparent justification for Hernandez's murder.

Similarly, PRD Assembly Deputy Balbina Herrera said, "If for the North Americans the death of one of its soldiers was painful, the Panamanian people have also suffered since many of their compatriots were killed in the invasion, and no one has paid for that."

Though Panama has refused to reconsider the case, Lopez was replaced as magistrate and returned to her old post as judge in the same court that has jurisdiction in the case still pending against Jaime Abad. In response to a suit Abad brought against Lopez, the Supreme Court has asked Attorney General Jose Sossa to investigate her conduct.

Whether these actions were taken to placate the US is not clear. But Panamanian government officials are obviously concerned that US irritation over the Hernandez case may negatively affect important bilateral relations. At issue is not just the verdict but the outcome of the ongoing negotiations for a multinational anti-drug center (see NotiCen, 07/31/97) and the smooth transfer to Panama of the canal and US military property by 1999. The outcome of these negotiations could have an important effect on Perez Balladares's bid for re-election.

### *Concerns arise that U.S. may kidnap freed suspect*

The official response to Ambassador Hughes's accusations has been surprisingly subdued. Foreign Minister Ricardo Arias for example, referred to the US attitude as "intervention," but said it was an understandable "emotional reaction" to the death of one of its soldiers. After a conversation with Hughes and Davidow on Nov. 9, Arias said both were willing to handle the Hernandez affair in a manner that would not negatively affect bilateral relations. Nevertheless, while Pedro Gonzalez was exonerated in Panama, he is still under a federal indictment in the US for the Hernandez murder.

The Panamanian Constitution does not permit the extradition of Panamanian citizens. But there is speculation that the US might demand Gonzalez's extradition anyway under international treaties on terrorism or that he might be kidnapped and taken to the US for trial. Statements by Hughes and the State Department consistently refer to the murder as an act of terrorism. Despite Hughes's denial that the US would contemplate kidnapping, unnamed State Department officials told the Miami Herald that such abductions were fairly common especially in Mexico and Central America and that they take place with, and sometimes without, the consent of the local government.

One Panamanian official told the Herald, "We can't legally extradite him, and we won't. If they snatch him, it will be without our knowledge or consent." Another avenue open for Washington is to put pressure on Perez Balladares by threatening to declare Panama a terrorist state and applying sanctions under US law. [Sources: Reuter, 11/02/97; Miami Herald, 11/02/97, 11/04/97; La Prensa (Panama), 11/08/97; El Panama America, 11/02/97, 11/07/97, 11/08/97, 11/09/97, 11/10/97]

-- End --