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## Court Drops Investigation of Helicopter Crash

by LADB Staff

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A Panamanian court has found insufficient evidence to support charges against government officials in connection with the mystery helicopter that crashed in the Pacific Ocean last year (see NotiCen, 2001-04-05). Anti-corruption prosecutors were seeking answers to such questions as what the president's connection was to the privately owned helicopter, her connections to its Colombian owner, the origin of cash found on board, and why the coast guard (Servicio Maritimo Nacional, SMN) sunk the helicopter before it could be examined.

In February 2001, the helicopter apparently ran out of fuel and crashed into the sea while carrying a group from Moscoso's vacation retreat in the southcentral port of Punta Mala on the Gulf of Panama to the capital. No one was seriously injured. One of the passengers was the president's cousin and private secretary. The local press reported that she had written an official memo to aviation authorities asking that the helicopter be registered as a state aircraft and be refueled at government expense.

The helicopter belonged to Colombian businessman Jose Vasquez Gallego, owner of a Panama firm managed by a close advisor to Moscoso whom she appointed to head an anti-corruption commission. Moscoso said she had no connection to the helicopter and denied it was government property. She said that from time to time private owners donated the use of such craft. Despite the denials, in July 2001, Labor Minister Joaquin Jose Vallarino admitted the government had rented the helicopter. He said Moscoso rented it with state money as a backup to the one supplied by the government. He said that Moscoso "has a perfect right to rent it," and that it had been used for her officials including himself for work-related travel.

The helicopter crashed on a Sunday and there is suspicion the trip was not work-related. After a year of investigation led by anti-corruption prosecutor Cecilia Lopez, Judge Zayda Cardenas ruled Feb. 28 that there was insufficient evidence to charge anyone with a criminal offense in the helicopter case.

Enrique Montenegro, secretary of the nongovernmental Frente contra la Corrupcion, believes the court ruling was ordered by the president to kill the case before new evidence emerged that could force a trial. "The craft used state gasoline, a pilot paid by the presidency, and furthermore, it used the presidential hanger," he said.

### *Coast guard sinks helicopter*

SMN director Jose Isaza ordered the helicopter sunk by gunfire from an SMN vessel one day after the forced landing. He told reporters that he ordered the aircraft scuttled because it was a hazard to navigation. In June 2001, prosecutor Lopez tried to have the helicopter raised to search it for evidence. Attempts to find the sunken helicopter failed, in part because the SMN gave incorrect

bearings on its location. Interior and Justice Minister Winston Spadafora said the order to sink the helicopter was justified because the helicopter was privately owned. He suggested that those behind the investigation were trying to disparage the government and destabilize the country.

In September 2001, Moscoso nominated Spadafora for a place on the Corte Suprema de Justicia (CSJ). Opponents of his nomination cited his defense of the sinking as one of the reasons for voting against his confirmation. Cash found on board An official report prepared by an SMN officer said that divers recovered three suitcases from the helicopter, one of which contained US\$2,000 in cash. In December 2001, Isaza said the money belonged to the presidency and was returned to Moscoso. He said he answered all questions put to him by prosecutors, hiding nothing. Among the mysteries he said he had cleared up was the suspension of some sailors involved in the sinking and money-recovery operations. The suspensions were administrative, he said, and had nothing to do with the operations.

However, the daily La Prensa reported that the crew of the SMN vessel sent to recover the suitcases told anti-corruption prosecutors that they were confined to base for 30 days as punishment for disobeying orders not to open the bags. The daily El Panama America reported that the SMN officer in charge of recovering the money has asked for a discharge from the service and a disciplinary panel is considering the request. Lopez said the investigation would continue, looking into why the sinking was kept secret and who paid for the US\$1.8 million insurance policy that Vasquez Gallego collected on the helicopter.

The daily newspaper El Universal suggested that the helicopter was sunk to collect on the insurance policy. Lopez said she would ask narcotics prosecutors to investigate where the money came from and where Vasquez Gallego and the US\$1.8 million had gone.

Opposition to challenge presiding judge Partido Revolucionario Democratico (PRD) president Balbina Herrera said Judge Cardenas' ruling was under a cloud because of the suspicion that she was related to Jacinto Cardenas, an alternate magistrate for Winston Spadafora who now sits on the CSJ. The PRD has asked for an official investigation to see if the two are related. Herrera expressed surprise that Judge Cardenas issued her ruling one week after the appointment of Spadafora to the court was confirmed.

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