

We Are Here to Serve You!
Public Security, Police Reform and Human Rights
Implementation in Costa Rica

SCHOOL OF HUMAN RIGHTS RESEARCH SERIES, Volume 24

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We Are Here to Serve You!
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Implementation in Costa Rica

Quirine A.M. Eijkman



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To my daughter Theresa S.Q. Biermans

PREFACE

In the summer of 2002 I read an advertisement in a Dutch newspaper calling for researchers who were interested in participating in a project on evaluating human rights and policing in Latin America. As I had already developed a great interest in Central America as well as in the dynamics between international law, criminal law and society I applied and was selected.

Over the years I have learned about the complexities of studying human rights implementation and the police in a non-western society context. I developed a true appreciation for doing things *a la Tica* and I have lost some of my academic innocence. My book is the final result of four and a half years' work on the Costa Rica section of the project. This would certainly not have been possible without the financial assistance of the Netherlands Organisation for Scientific Research (NWO) and the support of many people across the world.

During the solitary process of writing this doctorate thesis, I was guided by three supervisors, who each taught me valuable lessons. From Prof. dr. Piet van Reenen I learned about the police, Prof. dr. Patricio Silva challenged me to develop my academic curiosity and Prof. mr. Cees Flinterman's human rights advocacy was remarkable. Furthermore, I would like to thank all my SIM colleagues and especially my fellow Phd. candidates for creating a dynamic working environment, with at least every other week some kind of social gathering. Also, I would like to express my thanks to the assessment committee, consisting of Prof. mr. Jenny Goldschmidt, Prof. dr. Martha Huggins, Prof. dr. Monica den Boer, Dr. Kees Koonings, Dr. Carlos Sojo and Dr. mr. Barbara Oomen.

I am especially grateful to the numerous friends, contacts, experts and colleagues in Costa Rica for helping me during the research process. When I first travelled to San José to prepare the fieldwork I literally did not have any network. The help of the entire family Vargas, Mario Zamora, Karen Sanabria, Alfonso Chacón, Magdalena Sepúlveda, Iván Dumaní, Theo van Banning and Marieke de Ruyter de Wildt got me started and I can not thank them enough for their assistance and support!

During the following three fieldwork periods, between 2003 and 2006, the staff at the *Centro de Estudios para el Desarrollo Rural* (CDR) and the *Facultad Latinoamericana de Ciencias Sociales* (FLACSO) – Costa Rica were so kind as to give me advice, to provide office space and to share their contacts. At the Ministry of Public Security Paul Chavés, Leonardo Ramírez, Max Loria, Daniel Chavarria, David Solano, Ana Helena Chacón, Ana Eugenia Durán and the numerous public officials of the Police Academy, the Legal Disciplinary Department, the Community Security Department, the Centre for Information of the Public Force, the Psychology Department and

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Along the way I was lucky enough to receive feedback on numerous occasions. The critical reflections I got from fellow Phd. candidates of the *Overleg Latijns Amerika* (OLA) were always useful. This also holds for the comments of colleagues of the Anthropology Department of the University of Utrecht, the Centre for Migration Law of the University of Nijmegen, the Criminology and the Comparative Public Administration Departments of the Free University of Amsterdam and CERES. I feel fortunate I have been able to present papers at the expert meeting 'Towards a Sociology of Human Rights' of the International Institute for the Sociology of Law in Oñati, at the Dutch Police Academy in Apeldoorn, at the 2006 VSR Annual Meeting in Doorn, at SIM's 25th Anniversary Phd. Master Class in Utrecht, at the 'Police Human Rights Strategies' Conference of the Law Faculty of the University of Utrecht in Utrecht, the 2006 LASA (Latin American Studies Association) Conference in Puerto Rico, at the 12th International Police Executive Symposium 'Challenges for Policing in the 21st Century: a Global Assessment' in Prague, at the 2004 Annual Conference of the Society for Latin American Studies in Leiden and the 2003 Conference of the Academy of Criminal Justice Sciences in Boston. Additionally, I would like to thank the Roger Thayer Stone Center for Latin American Studies of the University of Tulane and specifically Martha Huggins and James Huck, Jr., for being a guest-researcher and Rev. Timothy Scully who was so kind as to invite me to give a presentation at the Kellogg Institute for International Studies of the University of Notre Dame.

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Amsterdam,
29 June 2007

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ABBREVIATIONS AND ACRONYMS

ACES	<i>Asociación Nacional de Empresas de Seguridad y Afines y la Asociación Costarricense de Empresas de Seguridad/Association of Costa Rican private security companies</i>
AI	Amnesty International
Alpha lima	Police lawyer
<i>Amparo</i>	Proceedings at the Constitutional Court/Sala IV that assure, with the exception of personal freedom or integrity, the enjoyment of all constitutional rights
Art.	Article
Basic police training course	Six month long course to prepare police officer students for their task as law enforcement officials with the Public Force
Basic police co-validation course	In the two week long basic police co-validation course, experienced police officers study the same subjects as police officer students in the basic police training course
CAFTA/TLC	Central American Free Trade Agreement/ <i>Tratado Libertad Comercial</i>
CASC	Central American Security Commission
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
CDR	<i>Centro de Estudios para el Desarrollo Rural - Universidad Libre Amsterdam</i>
CEJIL	<i>Centro por la Justicia y el Derecho Internacional</i>
CERES	Netherlands School of Communication Research
CIAPA	<i>Centro de Investigación y Adiestramiento Político Administrativo</i>
Civil Police Code	Modification of the General Police Law
<i>Chorizos</i>	Nickname for corrupt police officers
<i>Colones</i>	Costa Rican currency
<i>Confianza</i> system	Political clientelist system
COMBO-ICE	Costa Rican Hydroelectric and Telephone Company
Conamaj	<i>Comisión Nacional para el Mejoramiento de la Administración de Justicia/Commission to Improve the Administration of Justice</i>

<i>Cultura de la paz</i>	Culture of peace
CWHRI	Common Wealth Human Rights Initiative
<i>Defensoria de los Habitantes</i>	Ombudsman’s Office
Delta	Police unit
Flacso	<i>Facultad Latinoamericana de Ciencias Sociales</i>
FUNPADEM	<i>Fundación Para la Paz y Democracia</i>
GA	General Assembly of the United Nations
GDP	Gross Domestic Product
Gini Index	Measures inequality over the entire distribution of income or consumption. A value of 0 represents perfect equality and a value of 100 means perfect inequality
Greater Metropolitan Area	Includes San José and nearby cities (from Paraíso to Athenas to Cartago, Heredia and Alajuela)
<i>Guardia Civil</i>	Civil Guard (now the Public Force)
<i>Guardia Rural</i>	Rural Guard (now the Public Force)
<i>Habeas Corpus</i>	Constitutional Court Proceedings that challenges an individual’s deprivation of liberty
HDI	Human Development Index of the United Nations Development Programme
<i>Hombres de Army</i>	Nickname for police officers
Homicide rate	The number of intentional and non-intentional violent deaths per 100,000 inhabitants in a country
HRW	Human Rights Watch
IADB	Inter-American Development Bank
ICESCR	International Covenant on Economic, Social and Cultural Rights, 1966
ICCPR	International Covenant on Civil and Political Rights, 1966
ICE	Costa Rican Hydroelectric/Telecom Company
ICITAP	United States Justice Department’s International Criminal Investigative Training Assistance Programme
ICR	International Red Cross
ICJ	International Commission of Jurists
IIDH	Inter-American Institute for Human Rights
ILEA	National Statistical and Population Census Institute
INAMU	National Institute for Woman
<i>Josefino(a)</i>	Nickname for inhabitants of San José
LB	<i>Latinobarómetro</i>
Legislative Assembly	Parliament

Metropolitan Area	Alajuelita, Aserrí, Coronado, Curridabat, Escazú, Desamparados, Goicoechea, Montes de Oca, Moravia, Santa Ana, San José and Tibás
Ministry of Public Security	Ministry of Governance, the Police and Public Security
Neutral	Questionnaire category ‘I do not agree, but I do not disagree’
Ngo	Non-Governmental Organisation
<i>Nica</i>	Nickname for Nicaraguans
Non-transitional societies	Consolidated, established democracies in which change tends to be gradual
OHCHR	Office of the United Nations High Commissioner for Human Rights
O.I.J.	<i>Organismo de Investigación Judicial</i> /judicial police
PAC	<i>Partido Acción Ciudadana</i> /Citizen’s Action Party
PAHO	Pan American Health Organisation
PANI	<i>Patronato Nacional de la Infancia</i> /National Child Protection Agency
PHRS	Police Human Rights Strategy(ies)
Police Code	General Police Law
Police labour statute	Regulates labour stability and other benefits for professional police officers as civil servants
Professional police officers	Law enforcement officials of the Public Force who are graduates of the basic police training course and are part of the police labour statute, that guarantees a higher salary, career opportunities and labour stability
Public Force	Preventive police
PUSC	<i>Partido Unidad Social Christiana</i> /Social Christian Unity Party
PLN	<i>Partido Liberación Nacional</i> /National Liberation Party
Sala IV	Constitutional Chamber of the Supreme Court
Semi-autonomous fields	Social systems that are defined by their boundaries – their ability to create rules or to induce compliance with them. These social systems create rules, customs and symbols, and yet are simultaneously influenced by external rules, decisions and forces.
SICA	Central America System of Integration
TI	Transparency International
<i>Tico(a)</i>	Nickname for Costa Ricans
TLC/CAFTA	<i>Tratado Libertad Comercial</i> /the Central American Free Trade Agreement

Traditional police officers	Experienced law enforcement official of the Public Force who are not graduates of the basic police training course and are not part of the police labour statute, that guarantees a higher salary, career opportunities and labour stability
Transitional societies	Those nations in transition from totalitarianism to liberal democracy
TSE	<i>Tribunal Supremo de Elecciones</i> /Supreme Tribunal of Elections
UDHR	Universal Declaration of Human Rights, 1948
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UN Basic Principles	United Nations Basic Principles on the Use of Force and Firearms, 1990
UN Code of Conduct	United Nations Code of Conduct for Law Enforcement Officials, 1979
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
US	United States of America
USAID	United States Agency for International Development
US State Department Report	United States of America Department of State Human Rights Country Report
WHO	World Health Organisation
WOLA	Washington Office on Latin America