



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

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**Submission of reports by States parties
under article 19 of the Convention**

**Concluding observations on the fourth periodic report of
Panama**

Addendum

**Information received from Panama on follow-up to the
concluding observations***

[Date received: 22 August 2018]

* The present document is being issued without formal editing.



Fundamental legal safeguards: CAT/C/PAN/CO/R.4, para. 11

1. The Ministry of the Interior and Justice is continuing to implement a series of initiatives under the prison reform process. In addition, as a result of the report, the following one-off actions have been taken.
2. On 2 April 2018, the General Directorate of the Prison System issued notices to prison directors, requiring them to ensure compliance with legal safeguards and better coordination of prison management throughout the country. These notices:
 - Reiterated the instruction that every person deprived of liberty entering a prison must sign a pretrial detention register.
 - Enumerated the provisions of the Code of Criminal Procedure that refer to the right to and choice of a defence counsel.
 - Requested a detailed report on the procedure in place to ensure that persons deprived of their liberty have access to medical examinations.
3. Concerning medical attention, the procedure is as follows: once a person deprived of liberty is admitted to a prison, he or she is examined within the first 24 hours at the prison clinic or, in the absence of a clinic, at a public health-care facility. Once a person is incarcerated, periodic medical check-ups are conducted and, if specialized treatment is necessary, the prison doctor orders the person's transfer to the regional hospital.
4. The training provided to prison personnel addresses compliance with the safeguards set out in the Nelson Mandela Rules.
5. The next action that the General Directorate of the Prison System has planned for 2018 is to raise the issue at the meetings of prison directors and to adapt the content of the Prison Academy curriculum to place more importance on training sessions dealing with the safeguards set out in the Nelson Mandela Rules.
6. The Ministry of Public Security strengthened the monitoring of compliance with police procedures in the 2007 Procedural Manual, which establishes the steps to be taken when arresting or detaining a person:
 - Take proportionate security measures.
 - Read the person his or her rights.
 - Transfer the person to the nearest police station to conduct the requisite identification procedures.
 - Transfer the person to the State hospital for a medical assessment or medical care, depending on the situation.
 - Take the person to the competent or requesting authority, deploying the appropriate security measures.
7. The judiciary notes that, from the moment they are detained, persons deprived of their liberty have access to a public defender with whom they meet prior to their hearing before the due process judge. The defender informs them of the safeguards to which they are entitled and provides them with the necessary legal advice.
8. The public defender service belongs to the Inter-American Association of Public Defenders, which, under the EUROsociAL+ programme of the European Union, is working on a regional guide on the handling of cases of prisoner abuse, which is to be adopted at the Association's meeting in August 2018.

9. Issues covered in the draft text include the establishment of a registration, communication and support system for victims of prisoner abuse, and a comprehensive response protocol in the event of prisoner abuse that includes the following stages:

- Acceptance of the case.
- Visit to the prison concerned.
- Registration of the case and adoption of urgent measures.
- Lodging of a criminal complaint (with the consent of the inmate concerned), psychosocial support and medical confirmation by an external doctor.
- Inter-agency communication and action.
- Follow-up.

10. A proposal has been made to establish a comprehensive support unit within the public defender service for victims of prisoner abuse.

Deaths in custody: CAT/C/PAN/CO/R.4, para. 21

11. The State, through the General Directorate of the Prison System, has rolled out strategies designed to ensure security in prisons, notwithstanding the fact that security around prisons falls within the purview of the national police. The strategies consist of:

- Steadily increasing perimeter patrols so as to discourage people from attempting to smuggle banned objects into prisons by throwing them over the walls.
- Continuous monitoring through the motorized and canine units:

“Wherever a case is suspected, the competent authorities should be warned and, in the event that a person deprived of liberty is found, as the result of a search or otherwise, to be in possession of a firearm, the director of the prison concerned should immediately notify the competent authority.”

12. The General Directorate of the Prison System, as part of a pilot project, has purchased technological devices, similar to scanners, which will be installed in La Nueva Joya prison to prevent the smuggling in of banned objects by relatives and visitors. The initiative will subsequently be replicated wherever feasible.

13. The Public Prosecution Service has provided the following information on the current status of the trial in connection with the events of 9 January 2011 at the Tocumen youth detention centre. The defendants are charged with five counts of murder of a minor, two counts of attempted murder of a minor and offences against freedom in the form of egregious conduct, harassment and arbitrary acts directed against detainees at Tocumen.

14. On 11 January 2016, the Second High Court found three individuals guilty of the murder of five minors, the attempted murder of two minors and offences against freedom in the form of egregious conduct, harassment and arbitrary acts directed against minors at the Tocumen youth detention centre.

15. The case is currently before Judge Jerónimo Mejía, of the Criminal Division of the Supreme Court, for a ruling on an appeal filed by defence counsel to have three of the defendants acquitted of some of the charges, a position with which even the prosecution agrees.

National mechanism for the prevention of torture: CAT/C/PAN/CO/R.4, para. 27

Selection and appointment process

16. The procedure for appointing the director and deputy director of the national preventive mechanism is that nominations are put forward by the Office of the Ombudsman

and the appointments are made by a selection panel, pursuant to article 33 of Act No. 6 of 2017.

17. The selection panel was set up in August 2017 by the Office of the Ombudsman once various bodies had put forward nominations, as requested in April of that year.

18. It should be noted that the selection panel works independently and decisions are taken by consensus amongst the members. The Office of the Ombudsman acts as the panel's technical secretariat.

19. To date, the selection panel has issued two calls for applications. The first was declared invalid, owing to the fact that the applicants did not meet the requirements under Act No. 6. The second was issued on 24 May 2018 and remained open until 4.30 p.m. on 22 June 2018. The selection panel's programme of work is attached (see annex 1).

20. In keeping with the principles of transparency and dissemination of information, the Office of the Ombudsman has published both the calls for applications and the decisions of the selection panel in two national newspapers.

21. On 30 July, the Office of the Ombudsman announced that, pursuant to article 34 (3) of Act No. 6 of 22 February 2017, the selection panel had published a list of the 11 candidates who fulfilled the requirements under article 30 of the Act to take up the posts of director and deputy director of the national preventive mechanism.

22. In addition, the selection panel has informed the candidates that public hearings will be held on 20, 21 and 24 August 2018 in meeting rooms 1 and 2 of the Office of the Ombudsman in Plaza Agora. The technical secretariat will be contacting candidates individually via email and/or telephone to confirm the date and time of their interview.

Provision of budgetary resources

23. Budget lines for the national preventive mechanism were introduced into the budget for the 2018 fiscal year by the Ministry of the Economy and Finance at the request of the Office of the Ombudsman.

24. As the result of an inter-agency agreement, various ministries relevant to the work of the national preventive mechanism agreed to allocate funds from their budgets for the operationalization of the mechanism. A total of US\$ 480,000 has been allocated to cover the mechanism's operational costs in the second half of 2018, while the annual expenditure is forecast to be US\$ 800,000.

25. Furthermore, the Ministry of Foreign Affairs is collaborating with the United Nations Development Programme on stepping up the operationalization of the mechanism. The project has a budget of US\$ 200,000 and is aimed at strengthening the mechanism in its initial months through the following areas of focus: technical set-up support; the knowledge and skills of relevant officials regarding the prevention of torture and the mandate of the national preventive mechanism; and the dissemination of information on the prevention of torture. The project will run for the mechanism's first year of activity.

26. Article 43 of Act No. 6 of 22 February 2017 on budget allocation is thus being implemented.

Functional autonomy

27. It is worth repeating that article 1 of Act No. 6 of 22 February 2017 on the establishment of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment provides for the mechanism's functional autonomy.

28. The draft organizational chart created as part of the Office of the Ombudsman's restructuring and modernization project includes the Directorate of the National Preventive Mechanism as an entity under the Office, while respecting its autonomous nature (see annex 2).

Operational autonomy

29. The mechanism's operational autonomy is provided for in article 5 of Act No. 6 of 2017, which establishes, among its other functions, the mechanism's prerogative to draft its own rules of procedure and other provisions needed for the performance of its duties, to determine its organization and mode of operation and to select and manage its human resources.

30. Once the selection panel has chosen the director and deputy director of the national preventive mechanism and they have been appointed by the Office of the Ombudsman, the mechanism will be able to determine its own organizational structure, rules and operational manuals, as well as planning strategies, workplans and whatever else is required under the Act for the execution of the mechanism's work.

Implementing regulations of Act No. 6 of 2017

31. The Office of the Ombudsman submitted the proposed implementing regulations of Act No. 6 of 22 February 2017 to the Ministry of Foreign Affairs in May 2018.

32. At the time of drafting this report, the process of revising and amending the form and the legal content has been concluded and the implementing regulations will be adopted by an executive decree of the Ministry of Foreign Affairs, currently at the approval stage.
