

PANAMA

CAT A/46/46 (1991)

209. The initial report of Panama (CAT/C/5/Add.24) was considered by the Committee at its 75th and 76th meetings on 23 April 1991 (CAT/C/SR.75 and 76).

210. The report was introduced by the representative of the State party, who said that Panama, as a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had taken the legislative, administrative and judicial measures required to prevent acts of torture from being committed in its territory and that his statement was aimed at supplementing his country's written report and giving the members of the Committee a clearer and more comprehensive idea of how Panama was implementing the Convention.

211. The representative explained that the revision of the Penal Code, which was currently under way, was based on two major principles: "non-imprisonment", to offset the negative effects of custodial penalties, and decriminalization. The principle of "non-imprisonment" took three forms, the first of which was postponement of the enforcement of the sentence, the second a suspended sentence and the third conditional release; detailed descriptions of each were given. The Panamanian authorities were also concerned to avoid pre-trial detention, and it was with that purpose in mind that, in early 1991, Act No. 3 had been adopted providing, in particular, for the use of measures other than pre-trial detention for persons under a sentence of less than two years in prison who had no criminal record and had not attempted to elude Panamanian justice, as well as for persons over 65 years of age and pregnant women.

212. With regard to the prison system, he informed the Committee that Panama had a programme for implementing the Standard Minimum Rules for the Treatment of Prisoners and that funds were earmarked, in particular, for the construction of new prisons with the physical structure needed to ensure humane and rational treatment for prisoners. The prison system, which was governed by article 28 of the Constitution, was based on the principles of security, rehabilitation and social protection. All acts injurious to prisoners' physical or mental integrity were prohibited and prisoners were provided with training to help them re-enter society. However, the education of prisoners and work as a means of rehabilitation were still not very common in Panamanian prisons. Noting that the prison system was governed by several different laws not yet included in a single code on the enforcement of sentences and having described those laws as well as other aspects of the operation of the prison system, he said that significant improvements had been made in 1990. He cited some examples and gave a summary of the major activities planned for 1991 in that field. In conclusion, he said that the philosophy underlying Panama's prison policy was based on the principle of humanizing prisons; respect for human rights should become the customary practice in all prisons in the country.

213. The members of the Committee, noting that Panama's report was too brief, thanked the Panamanian representative for a statement particularly rich in information. They requested further information of a general nature, in particular on the ranking of legal instruments in Panama; the

possibility that the Convention might be contradicted by a law enacted subsequent to the Convention's entry into force; the procedure adopted to give effect to the Convention's provisions; and the organization and powers of the police force in Panama.

214. Referring to articles 1 and 2 of the Conventions, members of the Committee asked whether Panamanian internal law contained a definition of torture and whether a definition of an act of torture within the meaning of the Convention had been introduced into its internal legislation. Clarifications were also requested concerning the date when the obligations laid down in the Convention had been incorporated into internal law.

215. Concerning the implementation of article 3 of the Convention, some members of the Committee asked for clarification of the meaning of article 24 of the Constitution of Panama and wished to know whether torture was treated on the same basis as "political offences" which could not be invoked as grounds for extradition. Some members of the Committee noted that the report contained no information on the question of expulsion or refoulement and requested further information in that regard.

216. In relation to the implementation of article 4 of the Convention, some members of the Committee asked whether "an attempt to commit torture", as referred to in that article, was also an offence under Panamanian criminal law and whether penalties applied in cases of attacks on physical integrity were also applied in cases of attacks on psychological integrity. They also wished to know what penalties were laid down for failure to observe disciplinary rules in prisons and, in particular, whether they included corporal punishment and deprivation of food; and which criminal penalties were laid down for the offence of torture and whether Panama took into account its grave nature, in accordance with article 4, paragraph 2, of the Convention.

217. In connection with article 7 of the Convention, members of the Committee pointed out that, although article 10 of the Penal Code might be sufficient to meet the requirements of article 5 of the Convention, the same could not be said for the provisions of article 7 of the Convention to the extent that there appeared to be restrictions on the right to try a person whose extradition was refused on one of the grounds laid down in article 2508, paragraphs 5 to 11, of the Judicial Code. They also asked whether a person could be held incommunicado and, if so, for how long; whether that decision was taken by the examining magistrate or by the police; whether the detainee had the right to be assisted by counsel at the time of arrest or only at a subsequent stage of the proceedings; whether the detainee was obligated to make a statement before being allowed to meet with his counsel; whether a detainee had the right to choose his lawyer or whether the lawyer was appointed by the court; whether there was a body of experts in forensic medicine in Panama and what their powers were, especially with regard to drawing up reports. They also requested further information on the powers of the police and on the time-limits for bringing a person arrested by the police before the judicial authorities. Some members of the Committee also asked whether the treatment of political prisoners was the same as or different from that of other prisoners and what the conditions of detention were for drug traffickers under the new prison system.

218. Regarding the implementation of article 8 of the Convention, it was asked whether extradition were possible to a State with which Panama had not concluded an extradition agreement.

219. With regard to the effect given to article 10 of the Convention, members of the Committee took note with satisfaction of the various measures referred to in the report and of the plans discussed by the members of the Panamanian delegation and requested more details on the training of medical personnel, in view of the fact that doctors sometimes took part in the practice of torture, and on the training of judicial and military personnel.

220. Concerning article 11 of the Convention, members of the Committee requested clarifications on how inspection visits were conducted and, in particular, on whether detainees were systematically given a medical examination at that time. They also asked whether detainees had other means of submitting complaints to the authorities.

221. As to the implementation of article 13 of the Convention, some members of the Committee, noting that the report contained no information on that subject, requested explanations in that regard, as well as on the general amnesty provisions in Panama and the effects an amnesty might have on the possibility of filing a complaint or bringing a civil suit.

222. Concerning article 14 of the Convention, members of the Committee asked which measures had to be taken in Panama with a view to the social reintegration of detainees and for the medical rehabilitation of victims of torture and ill-treatment. In that connection, it was asked whether the Panamanian delegation could indicate how many officials had been implicated in cases of ill-treatment since the Convention had been ratified. Noting that the Civil Code did not refer to the right of the victim of an act of torture to obtain compensation, members of the Committee requested more detailed information on that point. They asked in particular for data on indemnification and the amount and nature of possible compensation.

223. Noting that Panamanian legislation did not contain provisions for implementing article 15 of the Convention, members of the Committee asked which internal measures the State took to prevent a statement obtained under torture from being invoked as evidence, in accordance with the Convention, and what effect proceedings would have in a case where evidence had been obtained under torture.

224. With regard to article 16 of the Convention, members of the Committee wished to know which criteria were used to differentiate between the offence of torture and disciplinary or administrative violations.

225. In reply to the questions raised by members of the Committee, the representative of Panama stated that it was of course possible that the act which had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment could be superseded by another act. However, in accordance with the provisions of article 31 of the Convention, denunciation would not become effective until one year after the necessary written notification had been received by the United Nations Secretary-General. The new democratic Government was concerned about the widespread abuses that had prevailed within the prison system during the 20-year period of dictatorship from 1968. It had undertaken to restructure the national police force. Cabinet Council Decree No, 38 of 10 February 1990 had abolished the former Defence Force, establishing a national police force directly responsible to the executive organs whose actions were subject to the Constitution and the laws of the Republic and whose task included ensuring respect for human rights

and support for democratic institutions. As a result of the action taken by the Government with respect to the reorganization of the police force, the latter was gradually winning confidence and beginning to perform its role efficiently.

226. With regard to article 1 of the Convention, the representative said that it was up to the judge to determine, on the basis of expert advice, what in any given case constituted physical or mental pain or suffering amounting to torture.

227. Turning to article 2 of the Convention, the representative stated that the legislation governing the national prison system dated back to 1941 and had not been substantially amended since. However, as part of efforts to update the 1941 legislation, measures were being taken to ensure that the United Nations Standard Minimum Rules for the Treatment of Prisoners were applied to all prisoners. Many shortcomings still had to be overcome, particularly with regard to overcrowding. In 1990, amnesties and pardons for those convicted of political crimes and reductions in sentences for 350 ordinary offenders had alleviated the problem of overcrowding. At the start of 1990, less than 10 per cent of the prison population had been convicted of offences and almost 91 per cent had been prisoners on trial or awaiting trial. According to the most recent statistics, the number of remand prisoners and prisoners on trial had fallen to 81 per cent and it was hoped that it would drop further to 60 or 50 per cent within one year as a result of the application of Act No. 3 of 1990. Technical teams composed of social workers, psychologists and criminologists were needed. Prisoners had to be properly classified within the prisons. The representative further indicated that the Government of Panama had taken a number of practical steps to ensure the dignity of individuals detained in prison. It had allocated the equivalent of some \$5.4 million for the construction of a new detention centre, was mindful of the problems existing in the prison system and was making every effort to ensure that detainees were not mistreated.

228. With respect to article 4 of the Convention, the representative pointed out that, since 1983, the Panamanian Penal Code had contained provisions on offences against the integrity of the person, with particular reference to violations involving unnecessary suffering inflicted by public officials. In all cases, the decision as to guilt was made by the officiating judge on the basis of expert advice. If the person concerned was found to have been responsible for cruel, inhuman or degrading treatment, an application on his behalf for bail could be denied. Public officials found guilty of such offences faced sentences of 10 to 15 years' imprisonment. There was no capital punishment in Panama.

229. In connection with article 7 of the Convention, the representative gave a detailed description of the three phases of criminal proceedings in Panama and pointed out that the persons accused of an offence were entitled to be brought before the competent authorities within a period of 24 hours and, when formally charged, had to be informed of their rights. They were entitled to the services of a defence counsel, paid for and appointed by the State if they were without means. Accused persons could, however, defend themselves in person if they so wished. Pre-trial detention was the responsibility of the Public Prosecutor's Office and should not normally exceed two months' duration. However, if the offence was of a serious nature or if repeated offences were involved it could be extended to four months, subject to the remedy of habeas corpus. As a safeguard against arbitrary detention by the State, the Penal Code made provisions for compensation on the grounds of material or moral injury and for setting aside cases after a period of one year's detention.

Criminal legislation in Panama prohibited solitary confinement or incommunicado detention, and affirmed the principle of the presumption of innocence. Defendants who alleged ill-treatment when in custody could request a medical examination by a doctor of their own choosing and could submit evidence of such ill-treatment in the court proceedings. There were no political prisoners in Panama. A number of former political figures had been charged but the offences in question were common crimes committed while they had held political office, not political crimes. The representative indicated that no specific programmes were envisaged for drug traffickers. The Government's policy was to try to ensure that they were detained under conditions of maximum security, but without prejudice to their human rights.

230. With reference to article 8 of the Convention, the representative stated that extradition was governed by the provisions of Act No. 5 of 16 June 1970. Articles 2508 (XII) and 2510 (IV) of the Code of Criminal Procedure specified that extradition might be refused where the request was contrary to the provisions of the law or of any treaty to which Panama was a party. If a country having no relations with Panama wished to extradite one of its citizens, under article 2502 of the Code of Criminal Procedure, it could submit the request via a friendly country, as provided for in the Convention. In such cases, the person concerned had the right to appeal within 30 days to the Supreme Court of Justice which would then study the objections and, where they were deemed to be well founded, refuse the request for extradition.

231. In connection with article 10 of the Convention, the representative of the reporting State informed the Committee that the new democratic Government, although in office for only a short time, had organized 96 three-month training courses in 1990 for almost half the national police force. The priorities of those courses had been human rights, police procedures, community relations, police ethics and first aid. He said that his Government was fully aware of the importance of training for members of the staff of detention centres and in 1990 had sent warders, inspectors and supervisors to the prison training school at the Reform Centre in San Jose, Costa Rica.

232. With regard to article 11 of the Convention, the representative said that one day was set aside each month for visits to prisons by circuit judges, examining magistrates and municipal judges. Judges were requested to visit detention centres and report on the progress of each prisoner's case. Where the judge found evidence that a prisoner had been ill-treated, the case would be referred to the Institute for Forensic Medicine and the prison director would be required to submit a report.

233. With respect to article 13 of the Convention, the representative, referring to the situation existing in Panama before 1989, stressed that it was clear that military dictatorship did not respect human rights. Persons who had made allegations of torture had disappeared and judges who had heard the complaints had been transferred elsewhere. Where an amnesty or pardon was granted, generally to political prisoners, detainees were not exempt from civil liability. There was no question of an amnesty or pardon for those guilty of human rights violations.

234. Turning to article 14 of the Convention, the representative pointed out that under the Penal Code a judge could determine civil liability in the course of criminal proceedings in order to compensate a person subjected to torture or to make restitution to his family. Such a remedy did not, however, rule out the possibility of an application for compensation under civil law.

235. As for the application of article 15 of the Convention, the representative noted that confessions obtained by torture could not be invoked as evidence in any proceedings and that evidence obtained by means of torture must be disregarded in hearings during criminal proceedings.

Concluding observations

236. In concluding their consideration of the report, the members of the Committee, having noted that democracy had only recently come to Panama and that promised reforms, while well under way, had not yet been completed, thanked the Panamanian delegation for the amount of information contained in its oral presentation of the report and for its comprehensive answers to the Committee's questions. They observed, however, that the report was rather brief and that it was difficult for the Committee to assimilate information given orally. Moreover, some questions had still not been answered. Accordingly, they requested that the Government of Panama, when submitting its periodic report in September 1992, should take into account the Committee's remark and the questions which still remained to be answered. It should also endeavour, in its periodic report, to give a full description of the measures taken - both in its legislation and in practice - to implement each article of the Convention.

CAT A/48/44 (1993)

311. The Committee considered the second periodic report of Panama (CAT/C/17/Add.7) at its 141st and 142nd meetings, on 21 April 1993 (see CAT/C/SR.141 and 142)

312. The report was introduced by the representative of the State party, who informed the Committee of the efforts his Government had made to improve and adapt the Panamanian penal and penitentiary system to contemporary requirements and of the progress that had been made in bringing the Panamanian justice system into conformity with the Convention. He indicated that those tasks had not been made easier following the events of 20 December 1989, which had led to the destruction of the penitentiary centres and an increase in crime.

313. The representative also provided further information of general interest, relating to the separation of powers between the legislative, judicial and executive branches of government and to the organization and structure of the administration of justice in Panama. In particular, reference was made to the powers and composition of the Supreme Court of Justice and its four chambers, one of which, namely the Administrative Division, following the adoption of a recent law, had the power to annul any administrative decisions that undermined the protection of human rights or were not in conformity with the standards provided for in the international human rights instruments to which Panama was a party.

314. The representative also provided a description of the role of the Public Prosecutor, the Attorney General and the staff of the Public Prosecutor's Department in the prosecution of crimes. It was indicated that an inquiry into the prosecution of a crime could be opened by the Public Prosecutor on the basis of information received from the media or other sources without the necessity of an individual complaint or accusation. The legal process in place for the prosecution of crimes consisted of three stages. During each stage all the guarantees of due process were respected, for example, presumption of innocence, right to, and contact with a lawyer, provision of instructions relating to preventive detention, recourse to habeas corpus and prohibition of coercion. The inquiry procedure, or first stage, was of maximum duration of two months except in exceptional circumstances, when it could be extended for another two months. Once the inquiry had been completed, the process entered its second or intermediate phase with the accused brought before the competent court. Within 15 working days the court had to decide on the merits of the inquiry. In extreme cases, the court could return the case to the Public Prosecutor in order that further inquiries be undertaken. The third stage was preceded by a given period to permit the defence to gather the necessary evidence and to determine whether to challenge the evidence presented by the prosecutor and appeal against the proceedings so far undertaken. On the basis of the evidence before the court, a decision by the court would be pronounced within 10 days. The accused had the right to appeal to a higher court against any sentence handed down to him.

315. In addition, the representative indicated the measures taken by Panama to ensure the impartiality and independence of the judiciary. He mentioned, in particular, the Council of Judicial Ethics, which evaluated and handed down rulings on complaints from victims of violations of certain ethical or moral principles during judicial procedures.

316. Recently efforts had been made to reduce preventive detention, sentencing to prison and the prison population, through, inter alia, the revision of the penal system.

317. Finally, the representative of the reporting State outlined more specific measures that had been taken to implement the provisions of the Convention, which included the incorporation within domestic law of the definition of torture and penalties for the violation of human rights ranging from 6 months to 15 years' imprisonment and mutual legal assistance in matters of extradition. The representative also indicated the importance his Government attached to meeting the requirements of its international human rights obligations and in this connection referred to the construction and functioning of a model prison at La Joya.

318. The members of the Committee expressed their appreciation for the information contained in the report and that provided by the representative of the State party. They also observed that they had received no allegations that torture was practised in Panama. Nevertheless, they wished to receive more information on how the provisions of the Convention, especially article 1, had been incorporated within domestic law. They also requested further information on the status of the Convention in domestic law and on the 23 court decisions relating to the implementation of the Convention, referred to in the report. They wished to receive further information on the organization, functions and independence of the judiciary and administrators. They also wished to receive information on the number of persons in detention, particularly political prisoners, and asked whether the public had welcomed the measures taken by the Government on the depenalization of the judicial system. Further information was also sought on the work of the Panamanian Commission on Human Rights, especially with regard to torture-related matters, and whether non-governmental organizations could regularly inspect and visit prisons and places of detention. Members of the Committee also wished to know whether the Government intended to make a declaration under article 21 and 22 of the Convention.

319. Concerning article 2 of the Convention, members of the Committee requested further information on the application of provisions of the Judicial Code by which the Administrative Division was empowered to nullify administrative decisions which violated justiciable human rights. They also wished to know whether special courts existed for members of the armed or security forces and whether the jurisdiction of ordinary courts could be suspended, notably in a state of emergency. Clarification was also requested as to the compatibility of Panamanian legislation with provisions of article 2, paragraph 3, of the Convention, according to which an order from a superior officer or a public authority could be invoked as a justification of torture.

320. In respect of article 3 of the Convention, additional information was sought on the measures taken by the State party to ensure that persons were not extradited to a State where the risk of being subjected to torture existed.

321. Regarding article 4 of the Convention, members of the Committee wished to receive further information on the penalization of acts of torture.

322. Additional information was requested on the implementation of articles 5,7 and 9 of the Convention, particularly with regard to the full application of the principles of universal jurisdiction and mutual legal assistance.

323. With regard to article 10 of the Convention, further information was sought specifically on the training given to medical personnel for the prohibition of torture and the identification and treatment of torture victims.

324. In connection with article 11 of the Convention, members of the Committee, wished to receive further information on the implementation of the article, particularly regarding the length of pre-trial detention, the rules and regulations governing preventive detention and the right of an individual to legal assistance from the moment of his arrest.

325. Regarding article 13 of the Convention, clarification was sought as to the authority competent to conduct inquiries into complaints against the police.

326. With regard to article 14 of the Convention, clarification was requested as to the rights of victims to bring a criminal action against a person alleged to have committed a violation of human rights and the rights of victims to rehabilitation and compensation. In particular, members of the Committee asked whether medical centres for the rehabilitation of torture victims existed in Panama and whether or not the State assumed responsibility for compensating a victim of torture whenever a police officer had committed such an act.

327. Concerning article 16 of the Convention, members of the Committee requested further information on the treatment and institutionalization of mentally ill persons, particularly whether specialized psychiatric hospitals existed and whether political prisoners had ever been detained there.

328. Replying to questions raised by members of the Committee, the representative of the reporting State said that the Convention against Torture had been fully integrated into Panamanian legislation and that the Constitution of Panama contained a full definition of torture. Derogations from the Convention were not admissible unless the Convention itself was denounced. The Supreme Court of Justice was concerned with ensuring respect for the Constitution and adherence to the provisions of the Convention. The function of the Attorney General's office was to defend the interests of the State, to ensure compliance with legislation and to monitor the conduct of public officials. The Attorney General was authorized to initiate any proceedings against any official. Panama had a professional civil police force which was subordinate to the Public Prosecutor's Department. It also had a national police force which was subordinate to the Ministry of Justice, which was itself responsible to the President. With regard to the issue of decriminalization and recourse to forms of punishment other than imprisonment, the representative informed the Committee that such measures were favoured when dealing with first offenders charged with crimes customarily punishable by less than three years' imprisonment. The results of those measures had been positive and a failure rate of only 1 per cent had been noted. The representative also indicated that until 21 December 1992 there had been no cases of political prisoners, but that four such cases had recently come before the courts, for which information would be provided in the next report. In addition, he indicated that there were 3,400 persons currently in prison for various types of offences. Non-governmental organizations were allowed access to prisons and other detention establishments and they could make recommendations concerning conditions of detention. Under article 22 of the Constitution any such recommendations must be transmitted to the relevant authorities.

329. Concerning the various questions raised with regard to article 2 of the Convention, the representative informed the Committee that although the possibility existed for administrative decisions to be overturned should they violate human rights, no such cases had been recorded. He also stated that no exceptional circumstances whatsoever, whether a State of war or internal conflict, could be invoked in Panama for justification of torture. In addition, he explained that article 34 of the Constitution did not exempt a person from liability for a manifest violation of a constitutional or legal provision to the detriment of another person on the grounds that he acted under orders from a superior. However, in the case of police officers on duty and members of the armed forces, responsibility fell solely on the superior who had given the order. Furthermore, disciplinary measures could be imposed by a supervisory body of the police force upon police officers who had violated another's human rights.

330. With regard to article 3 of the Convention, the representative explained that in relation to extradition matters Panama adhered to the norms established by the Bustamanti Code and the Caracas Convention and that the extradition of a person would not be permissible if there were evidence that it might lead to his being tortured, executed or persecuted.

331. Concerning article 4 of the Convention, the representative informed the Committee that specific provisions of the Penal Code were devoted to matters relating to torture and other human rights violations.

332. In respect of article 9 of the Convention, the representative indicated that mutual legal cooperation existed between Panama and other States regardless of whether a formal bilateral agreement was in place.

333. In connection with article 10 of the Convention, the representative explained that compulsory training programmes were organized for doctors, lawyers etc. to ensure that they were fully aware of all aspects of human rights issues.

334. With respect to article 11 of the Convention, the representative indicated the measures his Government had taken to implement the minimum rules for the treatment of prisoners and he pointed out that there had been no cases of torture in prison establishments. With regard to pre-trial detention, he stated that the prison authorities must receive a written detention order and that there were no cases of pre-trial detention having lasted longer than one year. He also indicated that Panamanian law provided that the police were entitled to detain a suspect for 24 hours before the rule of habeas corpus applied. Guarantees were provided to ensure that persons were not subjected to coercion when making statements and persons accused of having committed an offence were entitled to make their statements in the presence of a lawyer. Furthermore, all interviews were recorded and the accused had the right to appeal if he felt that constitutional guarantees had been violated.

335. Regarding article 13 of the Convention, the representative indicated that persons who considered themselves victims of torture were entitled to apply for administrative redress and to initiate proceedings in the courts.

336. Concerning article 14 of the Convention, the representative explained that Panamanian

legislation provided for compensation in the event of civil liability for wrongful arrest and that if the plaintiff were unable financially to sustain his own case, the State was under the obligation to provide funds for that purpose. Moreover, technical and medical services were provided under the social security system and included therapy for persons suffering from a mental disorder.

337. With respect to article 16 of the Convention, the representative informed the Committee that cases involving mentally ill persons were assessed by the Institute of Forensic Medicine and that criminal proceedings would be suspended until the person was considered fit for trial. Psychiatric institutions did exist in Panama exclusively in the interests of treating persons with mental illness and there were no cases in Panama of persons being or having been held in psychiatric institution on the grounds of their political opinion.

Conclusions and recommendations

338. The Committee recalled that when it had examined the initial report of Panama on 23 April 1991 it had concluded that the Government of Panama in its next report should, *inter alia*, take into account the various questions raised and remarks made by the members of the Committee and provide a full description of the legislative measures taken to implement each article of the Convention in practice. The Committee was of the view that the first supplementary report fulfilled all those expectations.

339. It concluded that the legal system in Panama was generally in accordance with the principles contained in the Convention, although it appeared that article 34 of the Panamanian Constitution, which related to police officers and provided for the defence of superior orders in the preparation of an act of torture, did not comply with article 2, paragraph 3, of the Convention.

340. The Committee also concluded that the legal system as described during the consideration of the report appeared to be geared towards the highest possible protection of human rights. The Committee also took note with satisfaction of the penal system in place in Panama and of its principle of “non-imprisonment”.

341. In addition, the Committee expressed its satisfaction with the timing and content of the report considered and expressed the hope that the Government of Panama would soon make a declaration to accept the provisions of article 22 of the Convention.

CAT A/53/44 (1998)

206. The Committee considered the third periodic report of Panama (CAT/C/34/Add.9) at its 332nd and 333rd meetings, on 13 May 1998 (CAT/C/SR.332 and 333), and adopted the following conclusions and recommendations.

1. Introduction

207. Panama ratified the Convention on 24 August 1987. It has not made the declarations provided for in articles 21 and 22 of the Convention.

208. It is also a State party to the Inter-American Convention to Prevent and Punish Torture.

209. The third periodic report covers the period from 21 September 1992, when the second periodic report was submitted, to 19 May 1997.

210. The representative of Panama provided additional information during the oral presentation, particularly regarding events after that period.

211. The Committee appreciates Panama's sending a high-level delegation to present the report and the cordial spirit of the discussions.

2. Positive aspects

212. The Committee has received no reports of cases of torture during the period covered by the report.

213. Panamanian legislation contains appropriate safeguards for the effective protection of human rights and especially the prevention of torture, in particular the maximum period of 24 hours, subject to no exception, within which a detainee must be brought before the competent judicial authority, and the prohibition against holding anybody *incommunicado*.

214. The establishment of the Office of the People's Advocate is a positive step.

215. Other positive measures include the provision in the Judicial Code for a system of monthly visits to prison establishments by judges, magistrates and investigating officers and the establishment by the Public Prosecutor's Department of a "prison mailbox" system to facilitate the exercise by prisoners of their right to lodge complaints and petitions.

216. The implementation of a human rights training project for members of the National Police and the introduction of a technical course on penology at the Faculty of Law and Political Sciences of the University of Panama seem to demonstrate an intention to professionalize this area of public service.

217. The State authorities demonstrate a commendable concern for restructuring the Judiciary to

improve the performance of its important role in the effective functioning of a State under the rule of law.

3. Subjects of concern

218. The Committee is concerned about the following:

- (a) The absence in Panama's legislation of a stipulated maximum duration of pre-trial detention;
- (b) The high proportion of unsentenced detainees in Panama's prisons;
- (c) The possibility that compliance with article 3, paragraph 1, of the Convention may be jeopardized by the repatriation of refugees coming from neighbouring countries.

4. Recommendations

219. The Committee recommends that the State party:

- (a) Consider the possibility of making the declaration provided for in article 22 of the Convention;
- (b) Adopt all necessary safeguards for the protection of refugees from neighbouring countries, in particular so as to ensure that in case of repatriation they are not placed in the situation referred to in article 3, paragraph 1, of the Convention.