



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CAT/Follow-up

23 October 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the fourth periodic report of Panama, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 61<sup>st</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/PAN/CO/4, para. 50) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 11, 21 and 27 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 22 August 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/PAN/CO/4/Add.1) and to make the following comments:

Fundamental legal safeguards (para. 11)

While taking note of the information provided by the State party, the Committee regrets that it does not include the results of the monitoring activities conducted to ensure compliance in practice with fundamental legal safeguards, including the right to prompt access to and private consultation with a lawyer, particularly during the investigation and interrogation stages, and the right to request and promptly receive a medical examination by a qualified professional after admission to a place of detention (2/B2).

.../...

H. E. Ms. Aida María Clement Guinard  
Ambassador  
Permanent Mission of the Republic of Panama  
to the United Nations Office at Geneva  
Email: [missionpanamageneva@mire.gob.pa](mailto:missionpanamageneva@mire.gob.pa)

### Deaths in custody (para. 21)

The Committee appreciates the information provided by the State party regarding the measures taken to ensure prison security. It regrets, however, the absence of information on the investigation regarding the entry and smuggling of firearms into prisons. It also takes note of the information provided on the prosecution of three persons accused for the deaths of five teenagers at the Tocumen youth detention centre on 9 January 2011. According to the information received, on 11 January 2016 the Second High Court found the defendants guilty of the murder of the five minors, the attempted murder of two other minors as well as other offences, including harassment and arbitrary acts against the minors held in the centre. The defendants have filed an appeal with the Supreme Court. The Committee reiterates its view that the State party should ensure the prompt, effective and impartial investigation of all cases of death in custody (2/B2).

### National mechanism for the prevention of torture (para. 27)

The Committee also appreciates the information provided by the State party on the ongoing process for the selection and appointment of the director and deputy director of the national mechanism for the prevention of torture, the total budget allocation for 2018 for this institution, as well as the explanations on the provisions of articles 1 and 5 of Act No. 6 of 22 February 2017 providing for its functional and operational autonomy. Nevertheless, the Committee regrets the lack of information regarding measures taken to ensure the follow-up and effective implementation of recommendations issued by the national preventive mechanism as a result of its monitoring activities (2/B2).

### Implementation plans (para. 50)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some of all of the remaining recommendations included in its concluding observations (C).

The Government of Panama is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fourth periodic report of Panama.



The Committee looks forward to a continued constructive dialogue with the authorities of Panama on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Abdelwahab Hani'.

Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture