



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Information received from Panama on follow-up
to the concluding observations on its report
submitted under article 29 (1) of the Convention***

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* The present document is being issued without formal editing.



I. Introduction

1. The Republic of Panama approved the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly on 20 December 2006, through Act No. 27 of 30 March 2011. As of its entry into force, the Panamanian State assumed the obligation to take legislative, administrative, judicial or other measures.
2. In September 2021, Panama engaged in the first constructive dialogue with the Committee on Enforced Disappearances responsible for monitoring the Convention. At the end of the dialogue, the Committee requested the Government of Panama to submit additional information on some of the issues discussed during the meetings.
3. This report responds to the recommendations made (CED/C/PAN/CO/1 of 4 November 2021) on the issues examined by the Committee at its 366th and 368th meetings held in September 2021. The report provides information on the inter-institutional measures implemented in response to the Committee's observations in paragraphs 11, 27 and 37.

II. Principal matters of concern and recommendations

Absolute prohibition of enforced disappearance

Follow-up information relating to paragraph 11 of the concluding observations (CED/C/PAN/CO/1)

4. The State is making efforts to identify the victims of enforced disappearance. The Public Prosecution Service maintains an internal register of the victims of enforced disappearance during both the military dictatorship (1968–1989) and the period known as the “invasion of 20 December 1989”.
5. In order to establish the systematic violations of human rights and disappearances committed by the State during the military dictatorship, the Government established the Truth Commission pursuant to Executive Decree No. 2 of 18 January 2001.
6. The Truth Commission prepared a list of missing and disappeared persons and a register of persons considered victims of the military regime.¹ In 2002, it delivered to the Government the results of the investigation it had carried out into three periods: October 1968 to October 1972; November 1972 to December 1983; and January 1984 to 20 December 1989, when the United States invaded Panama.

Information from case files	Panama Province and others			Chiriquí Province					
	Deceased	Disappeared	Total	Deceased	Disappeared	Total	Deceased	Disappeared	Total
Case files	103	104	207	69	54	123	34	50	84
Documented files	70	40	110	49	17	66	21	23	44
Undocumented files	6	24	30	2	18	20	4	6	10
Closed files	27	40	67	18	19	37	9	21	30

7. The Public Prosecution Service initially reported that, of the cases that meet the criteria for enforced disappearance that occurred during the military regime, 53 victims were identified on the basis of the records found in each criminal case. In addition, 25 are classified as victims of intentional homicide and 33 as missing, which makes a total of 111 victims.

8. Of the 111 persons whose cases were analysed and confirmed by the Truth Commission to be victims, 13 are included in the list of reparations contained in the friendly agreement between Panama and the Committee of Relatives of those Murdered and

¹ <https://defensoria.gob.pa/wp-content/uploads/2021/06/Informe-de-la-Comision-de-la-Verdad.pdf>.

Disappeared during the Military Dictatorship in Panama. The investigation carried out by the Commission served as the basis for submitting requests for reparations to international organizations for the violations suffered during the military dictatorship between 1968 and 1989.

9. In the context of its duties in relation to the registration of life events, the Electoral Tribunal opened a file for each person reported missing, which serves as tool for subsequent investigation processes and includes the following information:

(a) Names and surnames of the person reported as a victim and whether the person is dead or disappeared;

(b) Age, marital status, number of children, level of schooling, occupation and political activities;

(c) Information related to the disappearance, which was generally provided by relatives of the victims, as well as other witnesses, including an analysis of court records.

10. When it comes to the list of persons disappeared during the invasion of 20 December 1989, which is updated by the Commission of 20 December 1989, there were initially approximately 333 disappeared persons. Subsequently, the list was refined in cooperation with the Public Prosecution Service, leaving an official total of 313 persons.

11. It is important to mention that the Public Prosecution Service, through the high-level prosecutor's office, managed to recover 68 files related to the above-mentioned victims that were brought to trial and provisionally dismissed. Of the 17 cases of disappeared persons, one victim was identified as a result of cooperation with the Guatemalan Forensic Anthropology Foundation on the basis of mutual legal assistance request No. 59-24 of 27 May 2024, in which the authorities of the Republic of Guatemala were requested to arrange with the Guatemalan Forensic Anthropology Foundation for the genetic analysis of samples of 28 human skeletal remains of victims of the invasion to obtain a genetic profile, and comparison with the genetic profiles of the victims' relatives for identification purposes, culminating in phase IV, genetic analysis, and phase V, identification.

12. To date, 43 bags containing human skeletal remains, plus one fragment, have been found in 35 graves located in the Jardín de Paz cemetery and 8 graves in the Monte Esperanza cemetery. The multidisciplinary analysis, involving anthropology and forensic medicine and dentistry, of the exhumed graves has been completed.

13. The criminal justice system has concluded almost all of the cases related to the victims of the military regime, with only two active cases pending, which have been suspended due to the health of the defendants.

III. Measures to prevent enforced disappearance (arts. 16–23)

Communication by persons deprived of liberty

Follow-up information relating to paragraph 27 of the concluding observations

14. The Directorate General of the Prison System, under the authority of the Ministry of the Interior, has produced a protocol for the admission of persons deprived of their liberty to prison, compliance with which is mandatory.

15. The protocol provides that, upon admission to prison, persons who are subject to a pretrial detention order, a custodial criminal penalty or an administrative police penalty have the opportunity to telephone a family member, a person of their choice, or a consular representative in the case of a foreign national. This call is part of the regular process of admission to the prison and is made during the first interview. At this point the person deprived of liberty can inform the person called of his or her whereabouts and any immediate needs, such as basic necessities.

16. In the case of foreign prisoners, the Public Prosecution Service has established guidelines for prosecutors to immediately contact the consulate of the individual's country

of origin in order to guarantee their rights, in accordance with article 36 of the Vienna Convention on Consular Relations.

17. Continuous training in human rights has also been introduced. At the Prison Training Academy, custodial personnel and new officers receive training on the above-mentioned admissions protocol.

18. Likewise, the academic division of the General José Domingo Espinar Police Training and Specialization Centre of the National Police of Panama offers diplomas, courses, seminars, conferences and workshops. In addition, the Police Training and Specialization Centre runs continuing education programmes for police units. In 2022, a total of 15,021 persons received training, while in 2023 approximately 13,889 did so.

IV. Measures to protect and ensure the rights of victims of enforced disappearance

Search for disappeared persons and return of remains

Follow-up information relating to paragraph 37 (a) of the concluding observations

19. Despite budgetary challenges, the State has established a DNA database, pursuant to Act No. 80 of 1998. The National Institute of Forensic Medicine and Science is the entity responsible for the genetic information contained in the database.

20. The Laboratory of Biomolecular Analysis is responsible for the storage, organization and comparison of genetic profiles and biological samples collected in accordance with the law, from humanitarian, civil and criminal cases, quality control and special indexes. Technical personnel and qualified scientists carry out identification processes in the context of investigations into enforced disappearances.

21. The Laboratory's DNA database contains genetic material from possible human remains, together with the genetic profiles of relatives of the victims, from the periods of the military dictatorship and the United States invasion of Panama. Seventeen cases were reopened, as mentioned above, based on the skeletal remains obtained through judicial exhumation proceedings in cemeteries in Panama City and Colón.

22. For the investigation of the reopened cases of victims of the invasion of Panama, a protocol known as the minimum forensic standards for the search for missing persons and the recovery and identification of corpses was used, which breaks the process down into five phases, namely:

- (a) Phase I: Preliminary investigation;
- (b) Phase II: Forensic archaeology;
- (c) Phase III: Laboratory analysis, subdivided into phases A and B;
- (d) Phase III-A: Procedures for the processing and cleaning of skeletal remains and associated non-biological evidence;
- (e) Phase III-B: Interdisciplinary study and identification of corpses or skeletal remains in which determinations include metric and non-metric variables such as age, stature, sex, pathology and trauma and ancestry (the National Institute of Forensic Medicine and Science is currently in this phase);
- (f) Phase IV: Forensic genetics;
- (g) Phase V: Final identification.

Follow-up information relating to paragraph 37 (b) of the concluding observations

23. The National Institute of Forensic Medicine and Science works directly with the Commission of 20 December 1989 in relation to victims of the United States invasion of Panama.

24. The Institute selected 16 of the least degraded cases – graves 1, 2, 3, 4, 5, 10, 11, 21, 38, 62, 64, 93, 97, 98, 102 and 108 – for analysis by the Laboratory of Biomolecular Analysis. They have been processed and a genetic profile suitable for comparison has been obtained for 10 of the graves, which are in the process of being compared with the genetic profiles of the victims. To date, from these 10 graves, 3 victims have been identified. Seventy samples from family members of victims of the invasion have been entered into the Institute’s Laboratory of Biomolecular Analysis database.

Follow-up information relating to paragraph 37 (c) of the concluding observations

25. With the support of international cooperation agencies, the National Institute of Forensic Medicine and Science has made progress in terms of genetic identification, which has made it possible to obtain inputs for DNA analysis and prepare a general manual on the DNA database, which establishes the general guidelines for how best to conduct the basic tasks to be performed by the experts of the DNA Database Unit.
