



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Report on follow-up to the concluding observations of the Committee on Enforced Disappearances*

I. Introduction

1. The present report reflects the information received by the Committee between its twenty-fifth and twenty-eighth sessions in follow-up to its concluding observations on Panama under article 29 (1) of the Convention,¹ and the assessments and decisions that the Committee adopted at its twenty-eighth session.
2. The assessments contained in the present report refer only to the recommendations that were selected for the follow-up procedure and in relation to which the State Party was requested to submit information within one year of the adoption of the concluding observations. The present report does not constitute an assessment of the implementation of all the recommendations made in the concluding observations.
3. For its assessment of the information provided by the States Parties concerned, the Committee uses the criteria described below:

Assessment criteria

- A Reply/action satisfactory:** The State Party has provided evidence of significant action taken towards implementing the Committee's recommendation.
 - B Reply/action partially satisfactory:** The State Party has taken steps towards implementing the recommendation, but additional information or action is necessary.
 - C Reply/action not satisfactory:** The State Party has sent a reply, but the action taken or information provided is not relevant or does not implement the recommendation.
 - D No reply regarding a recommendation:** The State Party has provided no information on implementation of the recommendation.
 - E Information or measures taken are contrary to or reflect rejection of the Committee's recommendation:** The reply reveals that the measures taken are contrary to or have results or consequences that are contrary to the recommendation of the Committee or reflect rejection of the recommendation.
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* Adopted by the Committee at its twenty-eighth session (17 March–4 April 2025).

¹ [CED/C/PAN/FCO/1](#).



II. Assessment of follow-up information submitted under article 29 (1) of the Convention

Panama

Concluding observations:	CED/C/PAN/CO/1 , adopted 24 September 2021 (twenty-first session)
Recommendations to be followed up on:	Paragraphs 11 (compilation of the centralized register of missing and disappeared persons), 27 (communication by persons deprived of liberty) and 37 (search for disappeared persons and return of their remains)
Reply:	CED/C/PAN/FCO/1 , due 27 September 2022, received 12 June 2024

Paragraph 11: The Committee recommends that the State Party expedite the compilation of the centralized, permanent register of missing and disappeared persons so that it reflects the total number of missing and disappeared persons in the State Party and the number who may have been subjected to enforced disappearance, including those who have been found, whether alive or dead, and those who are still missing. At the very least, the register should include the following information:

- (a) The total number and identity of all missing and disappeared persons, with an indication of those who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;
- (b) The sex, gender identity, sexual orientation, age, nationality and ethnic origin of the missing or disappeared person, as well as the place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance;
- (c) The status of the relevant search and investigation procedures, and of those necessary for the exhumation, identification and return of remains.

State Party's reply

4. The reply of the State Party is contained in paragraphs 4 to 13 of document [CED/C/PAN/FCO/1](#). The Committee takes note of the information provided by the State Party on the action taken to register and identify the victims of enforced disappearance. The Committee notes that the Public Prosecution Service maintains a register of persons who disappeared during the military dictatorship (1968–1989) and the invasion of 20 December 1989. It also notes the reference to the work of the Truth Commission, which was established in 2001 to investigate the human rights violations committed during the dictatorship, and the results it delivered in 2002, when it identified 111 victims. Of these victims, 13 are mentioned in the list of reparations agreed with the Committee of Relatives of Those Murdered and Disappeared during the Military Dictatorship in Panama. The Electoral Tribunal has also opened a file for each disappeared person so that it can gather information for future investigations. An official list of 313 persons who disappeared during the invasion of 1989 has been drawn up. The Public Prosecution Service has recovered 68 court files and has identified one victim with the help of the Guatemalan Forensic Anthropology Foundation. To date, 43 bags containing human skeletal remains have been found in two cemeteries, and the forensic analysis of the exhumed graves has been completed. The Panamanian criminal justice system has resolved almost all the cases related to the victims of the military regime, with only two active cases pending (the hearings have been suspended owing to the defendants' health).

Committee's evaluation

5. [C]: The Committee notes that the State Party repeats the figures concerning disappearances that occurred during the military dictatorship (1968–1989) and the invasion of 20 December 1989. The State Party does not, however, mention any new action taken to compile the centralized, permanent register of missing and disappeared persons since the adoption of the Committee's concluding observations in September 2021. The submission does not provide confirmation of whether the centralized register contains the information required to determine the sex, gender identity, sexual orientation, age, nationality and ethnic origin of the missing or disappeared person, as well as the place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance. The Committee is thus of the view that the measures that have been adopted and the information that has been provided do not make it possible to conclude that the recommendation contained in paragraph 11 of its concluding observations has been given effect. It requests the State Party to take concrete action in follow-up to that recommendation and to provide detailed information on that action in its additional information to be submitted under article 29 (4) of the Convention.

Paragraph 27: The Committee recommends that the State Party take the necessary measures to ensure that, from the outset of their deprivation of liberty, all persons deprived of liberty and all persons who are transferred from one place of deprivation of liberty to another, irrespective of their location, have immediate access to a lawyer and are able to communicate with their relatives, close friends or any other person of their choice, and, in the case of foreign nationals, their consular authorities.

State Party's reply

6. The reply of the State Party is contained in paragraphs 14 to 18 of document [CED/C/PAN/FCO/1](#). The Committee notes that, according to that reply, the Directorate General of the Prison System, under the authority of the Ministry of the Interior, has a mandatory protocol for the admission of persons deprived of their liberty to prison. The protocol establishes that, during their first interview following admission to a facility, detained persons are permitted to make a telephone call to a family member, another person of their choice or, if they are foreign nationals, a consular representative. The Public Prosecution Service works with consulates to guarantee the rights of foreign nationals, in accordance with the Vienna Convention on Consular Relations. Ongoing human rights training is offered to prison and police personnel. The National Police run training programmes, through which they trained thousands of police units in 2022 and 2023.

Committee's evaluation

7. [B]: The Committee takes note of the information provided by the State Party. This information, however, does not clarify to what extent the existing protocols and regulations are applied in practice. It also fails to address the concerns expressed by the Committee in its concluding observations that, despite the regulatory framework in place, persons deprived of their liberty were transferred to other places of deprivation of liberty without their families or relatives being informed of their transfer and persons held incommunicado in detention facilities were unable to inform others of their detention. The Committee thus considers that, while the State Party has taken steps to implement the recommendation, additional information or action is necessary. Accordingly, the Committee reiterates the recommendation contained in paragraph 27 of its concluding observations and requests the State Party to submit additional and updated information in that regard under article 29 (4) of the Convention.

Paragraph 37: The Committee recommends that the State Party intensify its efforts to search for, locate and release all persons who disappeared during the dictatorship and the period referred to as the "invasion" of 20 December 1989 and, in the event that they are found dead, to ensure the dignified return of their remains. It further recommends that the State Party take the necessary measures to:

(a) **Establish a genetic database that compiles the genetic information of remains found for the purpose of matching them with relatives and facilitating the**

identification of disappeared persons, and ensure that the database is updated on an ongoing basis;

(b) Ensure effective coordination, cooperation and cross-checking of data between the agencies responsible for searching for disappeared persons and, in the event that such persons are found dead, for identifying their remains and returning them to their relatives;

(c) Ensure that the authorities responsible for investigating enforced disappearances and searching for persons subjected to enforced disappearance have adequate financial and technical resources and qualified staff to be able to perform their work promptly and efficiently;

(d) Ensure that the competent authorities proceed with the search and that the relatives and close friends of the disappeared person may take part if they so wish.

State Party's reply

8. The reply of the State Party is contained in paragraphs 19 to 25 of document [CED/C/PAN/FCO/1](#). With regard to subparagraph (a), the State Party emphasizes that, despite budgetary challenges, Panama has a DNA database that, pursuant to Act No. 80 of 1998, is managed by the National Institute of Forensic Medicine and Science. The Laboratory of Biomolecular Analysis organizes and compares genetic profiles and biological samples for humanitarian, civilian and criminal cases. The Laboratory stores the genetic profiles of possible human remains, together with the genetic profiles of relatives of the victims, from the periods of the military dictatorship and the invasion of Panama by the United States of America. Seventeen cases were reopened as a result of exhumations in cemeteries. A five-phase protocol for the search and identification of disappeared persons is followed in such cases, which are currently at the interdisciplinary study and identification phase.

9. On subparagraph (b), the State Party notes that the National Institute of Forensic Medicine and Science works with the Commission of 20 December 1989 on matters relating to the victims of the invasion of Panama by the United States. Sixteen of the least degraded graves were selected for analysis by the Laboratory of Biomolecular Analysis. A genetic profile suitable for comparison was obtained from 10 graves. These genetic profiles are in the process of being compared with those of the victims. To date, from these 10 graves, 3 victims have been identified. In addition, 70 samples from victims' family members have been entered into the Laboratory's database.

10. With regard to subparagraph (c), the State Party explains that, 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. The manual establishes the general guidelines for how best to conduct the basic tasks to be performed by the experts of the DNA Database Unit.

Committee's evaluation

11. **[B]:** The Committee takes note of the progress made in compiling genetic information on human remains that have been found so that it can be checked against the data of disappeared persons' relatives in order to facilitate the identification of the disappeared persons. It notes, however, that the State Party fails to provide information on the results of the measures, most of which predate the adoption of the Committee's concluding observations. The Committee also notes that the State Party provides no information on the measures taken to ensure that the genetic database is updated or the mechanisms set up to ensure that the competent authorities proceed with the search and that the relatives and close friends of the disappeared person may take part if they so wish (subparagraph (d)). Consequently, the Committee reiterates the recommendation contained in paragraph 37 of its concluding observations and requests the State Party to submit additional and updated information in that regard under article 29 (4) of the Convention.

Committee's decision

12. The Committee will send a letter to the State Party communicating its evaluation. The letter will emphasize that the State Party should, when implementing the Committee's recommendations and when submitting additional information under article 29 (4) of the Convention, take into account the specific guidance and request for information contained in the present report.

13. The deadline for the submission by the State Party of additional information under article 29 (4) of the Convention is 27 September 2027.
