



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

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**Committee against Torture**

**Forty-fourth session**

26 April–14 May 2010

**List of issues prior to the submission of the fourth periodic report of  
Panama (CAT/C/PAN/4)\***

**Specific information on the implementation of articles 1 to 16  
of the Convention, including with regard to the Committee's  
previous recommendations**

**Articles 1 and 4**

1. Please provide detailed information on whether the law on torture and its definition in Act No. 5 of 1987 is interpreted in conformity with article 1 of the Convention and on any relevant judicial decisions relating to the interpretation of the definition of torture and the implementation of the Convention.
2. Please provide detailed information on whether the main provisions of the Convention have been incorporated into domestic law. Also, please provide detailed information on whether all acts of torture or cruel, inhuman and degrading treatment are treated as offences under criminal law and what the penalties are.

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\* The present list of issues was adopted by the Committee at its forty-fourth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

**Article 2\*\***

3. Please provide detailed information on any steps taken towards creating legislation on a stipulated maximum duration for pretrial detention.
4. Please provide information on whether steps have been taken to deal with the high proportion of detainees awaiting sentence in the State party's prisons.
5. Please provide information on any legislative or administrative measures taken to ensure that all detained persons are informed of their rights while in custody from the moment of their detention, including the right to be informed of the reasons for their detention, to contact their family members and to have prompt access to medical assistance.
6. Please elaborate on the measures taken to guarantee that detainees are immediately informed of their right to consult with counsel and to receive independent and free legal aid if they cannot afford private counsel. Please also indicate whether a statement of detainee rights is available at all places of detention for consultation by detainees.
7. According to information before the Committee, please provide detailed information on measures taken to prevent police officers and civilian prison guards from physical and mental ill-treatment of detainees on a broad and systematic scale.
8. Please provide detailed information on measures taken to combat the increase in the number of cases related to domestic violence and killing of women and on any effective mechanisms for the protection of the victims that have been put in place. Please provide statistical data on all types of violence against women, the number of complaints received and investigated during the reporting period, as well as the number of prosecutions, convictions and types of sentencing thereof.
9. Please elaborate on any measure taken to combat the increase in the number of cases in the State party of sexual abuse of children, especially girls.
10. Please provide detailed information on measures taken to prevent human trafficking and to prosecute and convict trafficking offenders, including officials complicit in trafficking. Please provide statistical data on the extent of trafficking and exploitation of prostitution in the country, the number of complaints received and investigated during the reporting period, as well as the number of prosecutions and conviction thereof.
11. Please provide information on measures taken to continue to develop and implement procedures for identifying and caring for child victims of trafficking; continue to develop procedures, in relevant source countries to ensure safe, voluntary repatriation for victims; and consider raising awareness to deter the possibility of child sex tourism.
12. Please provide detailed information on steps taken by the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, ensure the protection of the human rights of trafficked women, including witnesses and girls, provide safe houses and provide for their rehabilitation.

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\*\* The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As general comment No. 2, para. 3, states "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chap. V of the same general comment.

13. Are there existing mechanisms for the implementation of laws and norms designed to prevent, punish and eradicate abuse, sexual exploitation and other forms of sexual slavery? If so, please provide specific examples of their application and statistical data demonstrating how effective they have been. Will the crime of procurement for sexual exploitation be reestablished in criminal law? Please explain why, with the effective revocation of Act No. 16 of 2004, the body charged with monitoring efforts to prevent and eradicate sexual exploitation (CONAPREDES) no longer exists. What new body is mandated with the prevention of sexual exploitation?

14. With regard to the Office of the Ombudsman:

(a) Please provide updated information on the mandate and activities of the Office with respect to the areas covered by the Convention and in particular to its role with regard to monitoring and visiting prisons.

(b) Please provide information on measures taken to strengthen the office of Ombudsman in order to improve capacity to hear and investigate complaints.

(c) Please provide information on the number of complaints received by the Office of Ombudsman and the time that it takes to investigate and to respond to these complaints. Please specify as to the type of complaints and whether any of these complaints involved allegations of torture or cruel, inhuman or degrading treatment of prisoners or other individuals.

15. Please provide information on steps taken by the State party in expressly prohibiting and punishing any kind of recruitment, use, financing, assembling or training of mercenaries.

### **Article 3**

16. Please provide information on any steps taken to adopt all necessary safeguards for the protection of asylum-seekers from other countries, in particular so as to ensure that, in case of repatriation, the obligations of the State party under article 3 are fulfilled and especially that such persons are not returned to countries where there are reasonable grounds for believing their lives or freedom would be threatened.

17. Please provide information as to whether existing laws and regulations governing migration and refugees allow migrants and asylum-seekers their right to a remedy should they face deportation.

18. Please provide information on any measures which have been taken within domestic law, including immigration and refugee law, to ensure that the necessary safeguards are in place to protect the human rights of immigrants and refugees and to ensure that the principle of non-refoulement is respected.

19. Please provide data, disaggregated by age, sex, and nationality on:

(a) The number of asylum requests registered;

(b) The number of asylum requests approved;

(c) The number of applicants whose requests were granted because they had been tortured or might be tortured if they were returned to their country of origin;

(d) The number of forcible deportations (please indicate how many of them involved rejected asylum-seekers); and

(e) The countries to which these persons were expelled.

### **Articles 5 and 7**

20. Please provide detailed information on how the State party has exercised its universal jurisdiction over persons responsible for acts of torture, wherever they occurred and regardless of the nationality of the perpetrator or victim, and provide specific examples and texts of any decisions on the subject.

### **Article 8**

21. Please provide information on whether the State party has rejected, for any reason, requests for extradition by another State for an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. Please give details on the number of cases that have reached trial and the outcome thereof.

### **Article 10**

22. Please provide detailed information on measures taken to reinforce education and promote activities on human rights and especially with regard to training on the provisions of the Convention for law enforcement personnel. In particular, please provide information on the training of forensic doctors and medical personnel, especially on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

23. Please provide information on the training of law enforcement officers to ensure that individuals are not subject to abusive treatment in prison or at the time of arrest by the police.

24. Please indicate how the results of such training are evaluated and assessed.

### **Article 11**

25. Please indicate whether the State party has kept under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of person subjected to any form of arrest, detention, or imprisonment, with a view to preventing any cases of torture. If so, please provide detailed information thereon.

26. What measures have been adopted to provide educational and vocational training, medical and recreational facilities to help reintegrate youth offenders into society?

### **Articles 12 and 13**

27. Please provide detailed information on measures taken by the State party to ensure that victims of torture are not dissuaded from lodging a complaint by fear of retaliation.

28. In relation to information before the Committee, please provide detailed information on any effective measures taken to put an end to incidents of police brutality and excessive use of force and to monitor, investigate and bring to justice and punish members of law enforcement bodies who commit ill-treatment. Please provide statistics on criminal and disciplinary proceedings initiated for this type of conduct and the results of those proceedings.

29. What measures is the State taking to guarantee that neither the police nor civilian prison guards torture detainees or subject them to cruel, inhuman or degrading treatment, and that those who commit such crimes are brought to justice? Please provide specific examples of representative measures taken in such cases.

30. Please provide data with respect to persons tried and convicted, including the punishments received, for the crime of torture, attempted torture and complicity or participation in torture. Please clarify under which sections of the Penal Code the perpetrators were convicted. Also, please provide details as to what is considered proof of torture.

31. Please provide detailed statistical data, disaggregated by crime committed, geographical location, ethnicity and gender, on complaints relating to torture or acts amounting to cruel, inhuman or degrading treatment, which have been filed during the reporting period, as well as related investigations, prosecutions, convictions and on the penal or disciplinary sanctions applied.

32. Please give detailed information on the number of complaints received and investigations of cases of disappearances and acts of torture or ill-treatment that occurred between 1968 and 1989 and the result of such investigations. Please give details of the number of prosecutions, convictions and types of sentencing.

#### **Article 14**

33. Please provide information on any redress, rehabilitation and compensation measures provided to victims of torture, or their families. Please indicate if compensation has been provided to family members of victims of the de facto Government that ended in 1989. This information should include the number of requests filed, the number granted, and the amounts ordered and those actually provided in each case. Also, please include information on other avenues for redress and compensation when the party accountable cannot provide it.

34. Please inform the Committee whether there is a statute of limitations in place that prevents individuals from bringing claims of torture. If there are such time limits in place, please inform the Committee as to whether any measures have been taken to remove them in order to ensure redress for all victims of torture or their families.

#### **Article 16**

35. Please provide detailed information on measures taken to address overcrowding, unsanitary and life-threatening inhumane conditions of detention in prisons, especially with regards to Joya-Joyita Penitentiary Complex and allegations of prisoners going without water. Please give detailed information about each prison facility including prisons for women.

36. Please provide information on the conditions of detention of children, specifying whether (and if so, how) they are provided with facilities suitable to their age and separated from adults throughout their detention period.

37. Please provide detailed information on the measures taken to carry out independent and impartial investigations regarding alleged incidents of excessive use of force by the police apparently affecting the right to peaceful assembly of trade union members and indigenous peoples, including with regard to the events that occurred at the hydroelectric project in the province of Bocas del Toro.

38. Please provide detailed information on any measures taken by the State party to prevent the forced evictions of indigenous people, often with unnecessary and disproportionate police brutality and to prosecute and punish those responsible, in particular, the forced evictions of Naso indigenous people which occurred in 2009 and 2010.

39. Please provide detailed information on the measures taken to fully implement the prohibition of corporal punishment and other forms of violence against children by the adoption of Act No. 38 in 2001 on domestic violence and mistreatment of children and adolescents.

### **Other issues**

40. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

41. Please provide information on steps taken to become a party to the Optional Protocol to the Convention. Please also indicate what steps have been taken by the State party to accept the competence of the Committee under articles 21 and 22 of the Convention.

### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

42. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the third report, including any relevant jurisprudential decisions.

43. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the third periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

44. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations, since the consideration of the third periodic report in 1997, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.

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