

PANAMA

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: MARCH 16, 1951

RATIFIED AMERICAN CONVENTION: MAY 8, 1978

Recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On March 11, 1993, Paraguay presented to the General Secretariat of the OAS an instrument recognizing the jurisdiction of the Inter-American Court of Human Rights, "for an indefinite period of time and which should be interpreted in accordance with the principles of International Law in the sense that this recognition refers expressly to acts that occurred after the deposit of this instrument and only for cases in which there exists reciprocity.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR "INTERSTATE COMMUNICATIONS" (ART. 45): JUNE 22, 1978

ACCEPTED JURISDICTION OF IACHR (ART. 62): MAY 9, 1990

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Baena Ricardo et al. v. Panama

This case concerns the arbitrary dismissal of 270 government employees that participated in a demonstration for labor rights and were subsequently accused of complicity for perpetrating a military coup. In this case, the Court had the opportunity to rule on violations of certain articles of the American Convention that are seldom invoked, such as Article 10 (Right to Compensation), Article 15 (Right of Assembly) and Article 16 (Freedom of Association), as well as matters of litispendence and the Court's power to monitor compliance with its own judgments. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Compensation and Remedies (Right to); Due Process Rights; Economic, Social, and Cultural Rights; Judicial Protection (Right to); Suspension and Restrictions on Rights*

Merits, Reparations and Costs

Judgment of February 2, 2001. Series C No. 72

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 21, 2002 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of November 22, 2002 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of June 6, 2003 (Available only in Spanish)

- 4) Order of the Inter-American Court of Human Rights of November 28, 2005 (Available only in Spanish)
- 5) Order of the President of the Inter-American Court of Human Rights of February 11, 2008
- 6) Order of the Inter-American Court of Human Rights of October 30, 2008
- 7) Order of the Inter-American Court of Human Rights of July 1, 2009
- 8) Order of the Inter-American Court of Human Rights of May 28, 2010
- 9) Order of the Inter-American Court of Human Rights of February 22, 2011
- 10) Order of the Inter-American Court of Human Rights of June 28, 2012
- 11) Order of the Inter-American Court of Human Rights of February 5, 2013

II) Case of Heliodoro Portugal v. Panama

On May 14, 1970, Mr. Heliodoro Portugal was in a café in Panama City when he was forced to get into a vehicle that drove off to an unknown destination. The Commission alleged that State agents took part in these acts, which occurred at a time when Panama was governed by a military regime. During the military dictatorship, it was not possible to have recourse to the domestic authorities to file complaints for human rights violations or to know the whereabouts of a person. Mr. Heliodoro Portugal's daughter did not report his disappearance until May 1990, when democracy was restored in the country. In September 1999, the Attorney General's Office found human remains in a military barracks in Tocumen, which were presumed to be those of a Catholic priest; however, after undergoing DNA testing, they were identified as belonging to the victim. The corresponding criminal proceeding is still open and those responsible have not been convicted. The Court found that the State violated the American Convention on Human Rights and the Inter-American Convention on Forced Disappearance of Persons.

Key Words: *Arbitrary Arrest and Detention; Civil War and Unrest; Due Process Rights; Forced Disappearances; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections, Merits, Reparations and Costs

Judgment of August 12, 2008. Series C No. 186

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of April 20, 2010
- 2) Order of the Inter-American Court of Human Rights of May 28, 2010
- 3) Order of the Inter-American Court of Human Rights of June 19, 2012

III) Case of Tristán Donoso v. Panama

During July 1996, the Attorney General José Antonio Sossa Rodríguez issued an order to have Mr. Tristán Donoso's, a Panamanian attorney, telephone conversation with a client recorded. In the recorded conversation and later at a press conference, Mr. Tristán Donoso, made statements regarding the Attorney General's corrupt behavior. Mr. Tristán Donoso then filed a criminal report against the Attorney General for abuse of power and infringement of his public official duties. The Panamá Republic Supreme Court of Justice rejected the complaint for the lack of evidence supporting the complaint. Later, the Attorney General commenced criminal proceedings against Mr. Tristán Donoso for defamation in retaliation for the accusations Mr. Tristán Donoso made. As a result, the Court found that the State violated the American Convention on Human Rights.

Key Words: *Freedom of Expression; Judicial Protection (Right to); Privacy*

Preliminary Objection, Merits, Reparations and Costs

Judgment of January 27, 2009. Series C No. 193

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of September 1, 2010

IV) Case of Vélez Loor v. Panama

This is the case of an Ecuadorian citizen who entered Panama illegally three times. He was expelled two times but at the third time he was arrested, tried and detained. Mr. Vélez Loor was sentenced to a 2-year prison term and allegedly tortured and mistreated. On September 10, 2003, Mr. Vélez Loor was deported back to Ecuador. The Court held that Panama was liable for the breach of the American Convention on Human Rights and the American Convention on Forced Disappearance of Persons.

Key Words: *Due Process Rights; Judicial Protection (Right to); Prison and Detention Conditions; Migrant Rights; Discrimination; Arbitrary Arrest and Detention; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 23, 2010. Series C No. 218

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 13, 2013

V) Case of Kuna Indigenous People Madungandí and the Emberá Indigenous People of Bayano and their Members v. Panama

In 1972, the State began to the construction of a hydroelectric dam in the areas inhabited by the indigenous Kuna groups from Madungandí, and the indigenous Emberá groups from Bayano. The State removed many of the indigenous groups to allow construction of the dam and the subsequent flooding of the basin. However, the State failed to pay these groups the compensation that was originally agreed upon, and also failed to demarcate new territories for the indigenous groups in a timely manner. Without any title to their new lands, the indigenous groups struggled to keep non-indigenous squatters off of their land. The Court found that the State violated the Inter-American Convention.

Key Words: *Movement and Residence; Property; Housing, Land, and Property Rights; Indigenous Peoples' Rights; Internally Displaced Persons; Civil and Political Rights*

Preliminary Objections, Merits, Reparations and Costs

Judgment of October 14, 2014. Series C No. 284 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Four Ngöbe Indigenous Communities and Their Members regarding Panama [May 28, 2010]