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PANAMA

Jails Criticized for Abuses

A fresh burst of criticism was launched against the Panamanian penitentiary system this month, as accusations of overcrowding and human rights abuses were made by inmates and government authorities. While the prison population increases by 25% yearly, the precariousness of the jails gains more and more exposure. Many of the realities inside the penitentiary system can be witnessed at the Public Penitentiary of David where prisoners cram around the barred windows for fresh air and a glimpse of the outside world.

The David prison was constructed in '47 for a maximum capacity of 300 inmates. Now, 58 years later, its infrastructure has fallen into a state of disrepair, and penitentiary organizations are beginning to raise concerns regarding the human rights of the 770 prisoners who now overpopulate the jail. A majority of the inmates spend their days in a center section of the prison, named *La Mata*, where some inmates pass the time working in woodcraft and others manage to buy, sell and use drugs.

The Minister of Government and Justice, Héctor Alemán, responded to the criticisms of the David prison by admitting that it really does not qualify to be a prison. He continued to say that Chiriqui and other provinces “need real penitentiary centers, where those who break the law are subjected to a process of social rehabilitation.”

According to Ombudsman Juan Antonio Tejada, the problem of overcrowding is not just confined to the David prison but can be seen in jails throughout the country. To remedy this situation, Alemán will try to free-up more government funds in addition to the \$4 million donated by the European Union to modernize the prison system. Yet the problems plaguing the jails are not purely financial. Orlando Guerra, the director of the David prison, believes that a major reason for the overcrowding is that many inmates, almost 50% of the penal population, have not been sentenced or are awaiting trial. In addition, Tejada believes that the “lack of finances cannot be used as a permanent excuse for not resolving the penitentiary problems,” and suggests reducing sentences, investing in preventive measures and speeding up trials without violating due rights to alleviate the overcrowding.

Aside from overcrowding, in recent months the ombudsman's office has also made several other accusations of prisoner human rights abuses, including the lack of potable water, deteriorated infrastructures and the mistreatment of inmates by prison guards. In the damp confines of the Santiago prison, where broken water pipes create an all but sterile atmosphere, guards have been accused of intimidating and mistreating inmates as well as depriving them of phone calls and family visits. Enrique Montenegro Jr., the commissioner in charge of the prison guards, acknowledges the acts of violence towards inmates, but justifies them as disciplinary and as the "only method of maintaining control in the jail."

Panamanian Forests in Danger

Part of the forest surrounding the Panama Canal is up for sale to developers, which has generated a new dispute between those wishing to preserve the virgin forest and those who see the amount of revenue the new development would produce for the country. Environmental campaigners are saying that the part of the forest currently for sale is illegal under Panamanian law; however, the government disagrees.

When the forested area, along with the canal, was given back to Panama in 2000, it was in perfect condition, and environmentalists believed that the biodiversity mecca would be untouched by future development. However, approximately 27 hectares of land in the former canal zone have already been sold, with boundaries marked in an additional 100 hectares and put on sale to the highest bidder. Some plots of the forest will be used for commercial and industrial development, while others will be turned into luxury villas. Raisa Banfield, of the local campaigning group Defense of Forests, said that the sale of these forests is illegal under at least three laws that explicitly ban their sale.

After the initial deforestation and flooding that took place in 1903 to create the Panama Canal, the surrounding forest thrived under the 97 years of US control, during which development was forbidden in the Canal Zone. Campaigners for the protection of the forest now accuse the government authorities of turning their backs on conservation and selling out to developers.

Although development is the very thing that is threatening to destroy the endangered rainforests, the one saving grace might come from commercial pressures. Each year, the canal brings in \$700 million in revenue, with each ship paying anywhere between \$80,000 and \$250,000 to pass through the canal. The trees surrounding the canal are vital to keeping the 100 km of waterway clear of silt and obstruction, and full of fresh water. In order for it to function properly, the canal is dependent on the surrounding forest. Dr. Michael Roy, of the Conservation Research Education Action pressure group in Panama, said: "the trees and roots act as a sponge slowly releasing water into the canal, which is important during the three-month dry season when the canal is dependent upon rainfall from the previous rainy season."

Panama is home to some of the richest and most diverse biodiversity in the world, and is the link between North America and the Amazon. Almost 50% of the canal watershed is already deforested, and this amount is continuing to rise each year.

Corruption in Judicial System Shocks Country

On 11 Mar, President Martin Torrijos publicly acknowledged the crisis in his country's judicial system, and said that he would immediately begin reforming the system without needing to change the

Constitution. Recent accusations of corruption against four magistrates of the Supreme Court of Justice (CSJ) have prompted Torrijos to take action.

Allegations of suspicious activity in the judicial system first surfaced after rulings by some of the accused judges freed numerous drug defendants and returned confiscated property to convicted drug traffickers. Formal charges of these allegations of corruption have since been filed with Attorney General Ana Matilde Gómez.

In early Mar, a poll that had been conducted by a local newspaper showed that 94% of Panamanians deemed their country's judicial system corrupt. This is not the first time the country's judicial system has been linked with corruption. In Jan '02, the appointments of two judges to the Supreme Court resulted in allegations that the two were linked with corruption and bribes, as well as with the buying of legislative votes (Vol. 21, Nos. 1, 2).

On 10 Mar, Torrijos and the presidents of the National Assembly and the Supreme Court, Jerry Wilson and José Troyano, signed a pact for justice (*Pacto de Estado por la Justicia*), which includes the creation of a state commission to determine the agenda for reforming the judicial system. The government commission was given a period of 180 days to present its report, including seven points for judicial reform. The agenda will also discuss changes in the election of the magistrates to the CSJ, a system for the submission of expense accounts and an evaluation of the work of judges and attorneys, as well as of other municipal workers. After the signing, Torrijos said that the reform of the judicial system "simply could not be postponed any longer."

—Andrew Kraushaar and Julia Tulba