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PANAMA: GENERAL AMNESTY BILL GUARANTEES IMPUNITY FOR PERPETRATORS OF HUMAN RIGHTS VIOLATIONS

In a letter sent from London on 14 February to the President of the Republic of Panama, Ernesto Perez Balladares, Amnesty International expressed concern at Bill No 1 1995, known as the General Amnesty Bill.

The bill was approved on second reading by the Panamanian General Assembly in December 1995 and will be discussed again on 2 March.

According to Amnesty International, "if approved, this legislation would be the third measure in two years aimed at exonerating current or former public officials, or other individuals linked to the state, of their responsibility for human rights violations".

The previous measures referred to are the presidential pardon of September 1994, which resulted in the release of 222 members of the military and the September 1995 pardon which released another 130 people, some of whom were awaiting trial on charges of corruption and criminal offenses.

Amnesty International is particularly critical of the first and ninth articles of the bill, which grant general amnesty to current and former public officials and others suspected, implicated or tried for crimes against individual freedom or politically motivated offences, including illegal detention and torture or cruel, inhuman and degrading treatment.

By granting amnesty within a period of up to a week from the entry into force of the legislation, the state is flouting its obligation to cooperate with the judicial investigation into human rights violations. This measure also goes against the basic principles established by the United Nations for the independence of the judiciary.

Amnesty International opposes any measure which grants immunity from prosecution to public officials allegedly responsible for human rights violations and which prevents the facts and corresponding responsibilities from being clarified. The organization therefore considers that the amnesty law should not impede the judicial investigation of these violations nor benefit the perpetrators. However, it takes no position on measures granting pardon after final sentencing.

Amnesty International considers that, prior to the forthcoming discussion of the bill, a list of judicial proceedings which would be closed if the bill is approved should be made public. Moreover, it considers that it should be made known publicly which of these proceedings involve current or former public officials and others linked to the state who may have committed human rights violations.

Amnesty International urges that human rights violations committed during the period covered by the bill be impartially investigated and that those allegedly responsible be brought to justice.

Amnesty international's letter concludes by recalling that tolerating abuses and preventing the perpetrators from being brought to justice only serves to perpetuate such crimes.

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