

UA 95/95 Excessive use of force/Legal-Medical concerns 19 April 1995

PANAMA **Traslación Acosta, Vidal Concepción, Alejandro Jiménez, Fermín Franco Cortés, Silverio Pimentel, Enrique Concepción, Ana Acosta, Anselmo Acosta (aged 12), Liborio Concepción - all members of the Ngobe-Bugles indigenous group (the Guayamí)**

On 11 April 1995 the above-named members of the Ngobe-Bugles indigenous group were reportedly arrested without warrants in Cerro Pelado, Las Palmas district, Veraguas province following a confrontation with a special anti-riot squad of the National Police. In the ensuing disturbances, nine of the demonstrators were arrested and one suffered gun-shot wounds to the head and face.

After arrest, the detainees were taken to the vastly over-crowded and substandard *Cárcel Modelo* in Panama City, where they are said to have been held incommunicado, and not permitted to inform relatives and lawyers of their whereabouts. Lawyers working on their behalf secured their return to Veraguas, after arguing that the transfer to Panama City was illegal.

Liborio Concepción, who was injured in the confrontation, is reportedly now hand-cuffed to his bed at the Hospital de Santiago in Veraguas. Anselmo Acosta, also detained, is only twelve years old. Another detainee, Ana Acosta, is pregnant, but has apparently not been given any medical attention. Lawyers also complain that the charges against the detainees have, as yet, not been made clear.

Concern has also been expressed that legal proceedings have not been completed within the time limits specified by Panamanian law, and that there has been no response to the writs of *habeas corpus*, nor requests for bail filed on behalf of the detainees. It has also been reported that police confiscated the tape recorder and documents of an indigenous journalist, Arcalio Bonilla, when he tried to investigate the incident. His tape recorder was only returned to him after he agreed to tear up his notes.

Over a period of several weeks, hundreds of Ngobe-Bugles had been peacefully demonstrating in protest over exploratory mining by Geo-Tec, a Canadian-Panamanian mining company, on lands which they claim as their *comarca* - lands which they say are historically theirs, and over which they claim administrative rights.

Allegedly, a representative of the mining company used his family connections with the Ministry of the Interior and Justice to secure the intervention of the National Police in the dispute. The Indians say that machete wounds suffered by two policemen during the incident occurred when the protestors were forced to defend themselves against the armed police assault on them.

BACKGROUND INFORMATION

May 1994 elections returned the *Partido Revolucionario Democrático* (PRD), Democratic Revolutionary Party, to power under the leadership of Ernesto Pérez Balladares. The PRD had supported the *de facto* military government of

long-time Panamanian strongman, former Panamanian Defense Forces chief, Brigadier General Manuel Noriega. Under General Noriega, Amnesty International had been concerned at arbitrary arrests and excessive use of force against demonstrators opposed to his government, ill-treatment of detainees, and summary executions of members of the Defence Forces who joined in military uprisings against General Noriega.

The abuses were carried out both by the Panamanian Defence Forces, and the so-called *Batallones de la Dignidad*, Dignity Battalions, civilian militias operating under their command. General Noriega's government was overthrown when United States' forces invaded the country in December 1989. General Noriega was taken to the US, where he was eventually sentenced on drug trafficking charges. Thousands of his supporters were briefly detained; others were held without trial until September 1994, when President Ernesto Pérez Balladares, announced a pardon for 222 former officials and military supporters of the Noriega government. President Pérez said those pardoned had been prosecuted for political reasons, but opponents of the measure feared it granted impunity to people who had committed common crimes, including murder and misappropriation of state funds.

Indigenous people make up an estimated 10% of the population of Panama. They have been campaigning in recent years for recognition of their rights to administer lands which they inhabit or use. Panama's constitution contains provisions recognising the right of its indigenous peoples to control their own lands, but de facto, their lands have continually been encroached upon by settlers, poachers of endangered animals, loggers and mining companies. Indigenous protests at such encroachments have frequently been met with police violence, as occurred on 11 April in Cerro Pelado.

RECOMMENDED ACTION: Please send telexes/faxes/express and airmail letters either in Spanish, English or in your own language:

- Calling for the detainees to be given access to their lawyers and families and that they be charged with a legally recognizable offence or released;
- Asking that the apparent excessive use of force by the National Police be investigated and that those found responsible be brought to justice;
- Calling for the injured detainee, Liborio Concepción, to be accorded immediate medical attention in appropriate circumstances; that steps be taken, including a full medical examination, to ensure that Ana Acosta's pregnancy is not endangered; and that 12-year Anselmo Acosta be treated in accordance with standards governing the treatment and care of minors in custody;
- Asking that steps be taken to compensate Arcalio Bonilla for loss of equipment and earnings, and to ensure that no such further interference with the work of journalists trying to report on human rights abuses be permitted.

APPEALS TO

President of the Republic:

S.E. Ernesto Pérez Balladares
 Presidente de la República de Panama Palacio Presidencial
 Valija 50, Panamá 1
 REPUBLICA DE PANAMA
Tel: + 507 27-4062
Telex: 2770 PRESIPA PG
Fax: + 507 27-0076

Salutation: Excelentísimo Sr. Presidente/Dear Mr. President

2) Minister of the Interior and Justice

Sr. Raúl Montenegro
Ministro de Interior y Justicia
Ministerio de Interior y Justicia
Apartado 1628, Panamá 1
REPUBLICA DE PANAMA

Tel: + 507 22-8973, Telex: 2746

Fax: + 507 62-7877

Salutation: Señor Ministro/Dear Minister

3) Veraquas Police Commander

Mayor Porfirio Velásquez
Sr. Comandante, Fuerzas Públicas de Panamá
Veraguas
REPUBLICA DE PANAMA

Salutation: Señor Ministro/Dear Minister

COPIES OF YOUR APPEALS TO:

Indigenous Rights Groups

Napguana, Consultorio Jurídico de Pueblos Indígenas, Asociación Indígena de Panamá, and Fundación Dobbo Yala

FAX: +507 69 35 14

and to diplomatic representatives of Panama accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 May 1995.