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Panama Works To Avert Prison Disaster

by Mike Leffert

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A national psychosocial evaluation of Panama's prisons that examined 10,687 inmates, or 99% of the prison population both male and female, found serious human rights violations. Among those violations were subhuman living conditions, lack of medical services, and poor quality food. Most prisoners sleep in hammocks or on floors.

Lack of access to prison yards, limitations on communications, lack of access to lawyers, and severe punishments completed the picture, said the Defensoria del Pueblo study carried out in February and March 2006. The report called upon the government to form the Consejo de Politica Penitenciaria (CPP) and the Consejo Tecnico del Sistema Penitenciario in accordance with a 2003 law.

Said ex-defensor del pueblo Juan Antonio Tejada, who was in office at the time of the study, "Even if there is an effort on the part of the government, it hasn't ended up changing the scenario. There are no results different from what we have been seeing in the past years in the prisons." Tejada issued a warning: if Panama does not start enforcing humane conditions, he would take the case to the Sistema Interamericano de Derechos Humanos (SIDH).

The terrible conditions were impressive even to those not specifically in human rights roles. Director of the Sistema Penitenciario Nacional Carlos Landero, new to the job this year, said he understands he has a "time bomb" on his hands. After spending several weeks touring the system, he said he would make the facilities more bearable and see that rights are respected. He convened a CPP meeting to discuss parole and other issues, and came away saying, "Everything has to be done, starting with reformulating some basic programs of resocialization using education programs and open jails."

The 2003 law allows him to make changes, including replacing and retraining prison personnel and guards with the advent of a new training academy. This could take as long as two years to implement. Public Law 55, as it is called, requires assigning funds to these projects, the totality of which could take four years to implement.

The country spends US\$12 million a year on its prisons. Landero said he will need additional resources to introduce scientific policies to the system. At the moment, the only funds he has have come from European Union (EU) donations. High on the list of priorities is constructing a 60-bed minor-surgery hospital and clinic. Another immediate need is for data systems coordinated with police, the attorney general's office, and the Policia Nacional, and identification systems for inmates. All these changes have to be done in a logical order.

Only about 48% of prisoners in the system are actually convicted, the rest are in various stages of pretrial processing. Only those serving sentences are eligible for the socialization and training

programs, and, without an identification system in place, officials do not even know who is in what category. Prisons packed with people who shouldn't be there Landero also wants to see the prisons cleared of those who do not need to be there.

Overcrowding is severe and is perhaps the most dangerous of the system's deficiencies. "If we speak of mediation, arbitration, and conciliation [cases] through the Comision Codificadora, it won't be necessary to have people who are being processed in jail," he said. He also wants to see some preventive measures to keep people out of prison in the first place and to reduce the incidence of people returning to prison. But, in the meantime, conditions remain unacceptable.

A potentially explosive problem is substandard food. Minister of Government and Justice Olga Golcher said she would act against providers who are out of compliance with contracts. "Very serious letters have been sent to the contractors," she said. "Either they improve the quality of the food or we will proceed in accordance with the law." Within weeks of her warning, the attorney general lodged charges against the procurement agency of the Ministry of Government on behalf of contractors whose service had been approved, and Landero said he would investigate. The prisoners, however, were fed up with the food and with other concerns.

On May 22 they launched a 24-hour hunger strike to protest the overcrowded conditions in the facilities. Some 9,000 inmates throughout the system were said to have participated. Javier Justiniani of the Fundacion de Apoyo al Detenido brought the strike to national attention on a radio network, telling of the conditions and of the long delays in judicial processing that keeps the prisons packed. The national capacity is just over 7,000, yet more than 11,000 are locked up. "There is a general clamor of the prison population to support Law 55, which is violated by the authorities." He said the situation also violated the minimum UN standards.

Family members of prisoners joined the strike outside the Defensoria del Pueblo. Justiniani said the strike was organized only after he had gotten "zero attention" from the government, even after notifying them of plans for the strike. After the strike, he met with Golcher and with the new Defensor del Pueblo Liborio Garcia. Golcher said that the meeting established a new relationship between the ministry, the defensor, and Justiniani on the issues. Justiniani called the hunger strike a success and said Golcher promised to resolve the food problem within three to six months and to contract mental health workers to evaluate prisoners. He said he had also gotten agreement on paroles that would result in freeing some 800 prisoners during the next seven months. "As long as we have these levels of communication, where we can tell the minister what is happening and prompt solutions result, there will be no more need for strikes," said Justiniani.

On the food issue, Landero told the media in June that new bids had been accepted from the El Salvadoran firm ALIPRAC SA that would result in high-quality meals for prisoners. His optimism remains to be demonstrated. ALPRAC did not have to go to any great lengths to get the contract. The company was the only bidder and that on a second attempt. A first call for bids got no takers.

The law of public contracts allows negotiations with single bidders if they meet specifications. "Now the food that will be delivered to the inmates will be of better quality and in conformity with the

requirements of the prison population," Landero promised. The company began a nutritional study in June in order to meet standards.

If all goes as planned, Panama will be the only country in the isthmus to have averted an impending disaster within its prison system. Honduras, El Salvador, and Guatemala have all been the scenes of murders, mutinies, riots, and fires that have claimed hundreds of lives in just the past few years (see NotiCen, 2001-07-25, 2004-05-20, 2005-08-18, 2006-01-12). So far as has been reported, Nicaragua and Costa Rica do not have the problem.

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