

LEGISLATIVE BRANCH

RULING NO. 101

(AUGUST 29, 1994)

THE BOARD OF THE LEGISLATIVE BRANCH

CONSIDERING:

That under [transitory] Article 42 of Law No. 13 of July 27, 1994: "by which some articles of Law No. 23 of December 30, 1986 are amended, modified, and added", was approved that the mandates not amended as well as the new mandates contained under Law No. 23 of December 30, 1986, be ordained in a systematic manner as a single text;

That same [transitory] Article 42 of Law No. 13 of July 27, 1994 establishes that the new publication of Law No. 23 of December 30, 1994 shall have its articles numbered in sequential increasing order, and also said Law shall be published as a single text in the Panamanian Official Gazette;

That the Legislative Branch's Reviewing Committee and Styling Correction has written the new edition of Law No. 23 of December 30, 1986;

DECIDED:

1. To adopt the single text of Law No. 23 of December 30, 1986.
2. To order the publication of the single text in the Official Gazette along with this Ruling.

LEGAL BASIS: Article 42 [transitory] of Law No. 13 of July 27, 1994.

Given in Panama City on the 29th of August, 1994.

LEGISLATIVE BRANCH PRESIDENT

ARTURO VALLARINO

SECRETARY GENERAL

RUBEN AROSEMENA VALDES

LEGISLATIVE BRANCH

SINGLE TEXT

(August 29, 1994)

CONTAINING LAW NO. 23 OF DECEMBER 1986

WHEREBY SOME ARTICLES FROM THE CRIMINAL AND JUDICIAL CODES ARE AMENDED, AND OTHER SPECIAL MANDATES ARE ADOPTED ON DRUG-RELATED CRIMES, DRUG

PREVENTION AND REHABILITATION"

AND

LAW 13 OF JULY 27, 1994

WHEREBY SOME ARTICLES OF LAW NO. 23 OF DECEMBER 30, 1986 ARE AMENDED, MODIFIED, AND ADDED", AS RULED BY THE LEGISLATIVE BRANCH.

THE LEGISLATIVE BRANCH

DECREES:

CHAPTER I Criminal Provisions

ARTICLE 1:

When two or more persons associate with the intent to commit trafficking or illegal drugs, psychotropic substances, or drug-related crimes, each one of these persons will be punished, for that sole act, to a prison term or 5 to 8 years.

This sanction will be increased from one third to one half of the total sentence, to the instigators, chiefs, or managers of said illicit association.

ARTICLE 2:

Criminal Code; Article 255 shall read:

ARTICLE 255:

Anyone getting drugs into the national territory, even if in transit through Panama, or takes out or attempts to take drugs out of the territory bound in transit or as trafficking to other countries, will be punished to a prison term of 8 to 15 years.

If the person brings drugs for sell or for local consumption within the Panamanian territory, the sanction will be increased from one third to the half of the total sentence.

When it is determined, beyond any reasonable doubt, due to the small amount and other mitigating circumstances that drug-possession was for personal use, the sanction will be with 1 to 3 years in prison and with 200 to 365 days-fine.

ARTICLE 3:

Criminal Code, Article 256 shall read:

ARTICLE 256:

For criminal law, drug is defined as any substance that causes physical o psychological

dependency, such as narcotic drugs, prescription drugs, psychotropic drugs, and all precursors and essential chemicals used in manufacturing, converting, or preparing narcotic drugs, as established by legal dispositions, treaties, and agreements on health in force in the Republic of Panama.

ARTICLE 4:

Criminal Code, Article 257 shall read:

ARTICLE 257:

Any person incurring in the following activities will be penalized with 5 to 10 years in prison:

1. Planting, harvesting, or storing seeds of plants used to produce cocaine and its derivatives; opium and its derivatives, or marijuana. Also, planting, harvesting, or storing seeds of any other plant that causes physical or psychological dependency.
2. Extracting, converting, or manufacturing illegal drugs..
3. Storing or financing plantations destined to produce illegal drugs.
4. Possessing, manufacturing, or transporting precursors, chemicals, machinery, or elements used to produce and convert illegal drugs.

If the above-mentioned activities are conducted by doctors, pharmacists, laboratory assistants, chemists, agronomists, or by a professional related to the field, the stipulated sanction in this article will be increased from one-third to a half of the total sanction, along with the suspension of the practicing license for a term of 8 years.

ARTICLE 5:

Criminal Code, Article 258 shall read:

ARTICLE 258:

Anyone buying, selling, or transferring drugs will be penalized with 5 to 10 years in prison. This sanction will be doubled under the following circumstances:

1. When to commit the crime, a minor child or a person with mental disorders, are used.
2. When illegal transactions are conducted within or surrounding areas of educational institutions, sport or cultural installations, jails, or places where public performances are carried out.
3. When the crime is committed by individuals working both in private and government schools.
4. When violence or fire arms are used.

5. When using the position as a public servant.

ARTICLE 6:

Criminal Code, Article 260 shall read:

ARTICLE 260:

Any person possessing illegal drugs will be penalized to a prison term of 1 to 3 years and with 50 to 250 days-fine.

When the amount of drugs is such that, according to the Court, it is proved to be for sell or, to be transferred for illegal consumption, the sanction will be from 5 to 10 years imprisonment.

ARTICLE 7:

Criminal Code, Article 261 shall read:

ARTICLE 261:

The Panamanian Criminal Law will be applied to the cases in Articles 255, 257, 258, 260, 262, and 263B of this Code, if committed abroad and, if the activities or transactions with drug-related proceeds were conducted from within Panamanian territory in order to be consummated abroad.

ARTICLE 8:

Criminal Code, Article 262 shall read:

ARTICLE 262:

Any person designating personal or real property to manufacture, store, convert, distribute, sell, use or transport drugs, will be penalized with a prison term of 5 to 10 years and with 250 to 365 days-fine.

Same sanction will apply to the owner, leaseholder, manager, or holder of any title of a real estate property, or business establishment used or given to another person, knowingly that said individual will use it to consume, manufacture, store, or distribute illegal drugs. When businesses or facilities for public entertainment are involved, they will be permanently closed once it has been demonstrated that the owners or managers used said places to commit the illegal activities stated in the first paragraph of this article.

Same sanction will be imposed once it has been determined that said places have been used many times to commit the crimes stipulated by this law, although the owners or managers have not participated in the commission of said crimes.

ARTICLE 9:

Criminal Code, Article 263 shall read:

ARTICLE 263:

All instruments, assets, and securities along with the proceeds employed in the commission of the crimes referred to in this current Law, shall be confiscated.

ARTICLE 10:

Article 263B added to the Criminal Code, shall read:

Article 263A

Any person, although not participating in the commission of crimes described by this Law, but conceals, contempt or obstructs the findings on the true source, location, destination, and ownership of assets or rights pertaining to them; or helps to secure the profit from illegal drug-trafficking, will be penalized with a prison term of 5 to 8 years and with 250 to 365 days-fine.

ARTICLE 11:

Article 263B added to the Criminal Code, shall read:

Article 263B:

Any person, although not participating in the commission of crimes described by this Law, but knowingly conducts transactions, by himself or by means of a third party (individual person or corporation) in banks, financial institutions, businesses, or any other type of establishment, with money, titles, securities, or with any other financial source from illegal activities stated in Articles 255, 257, 258, 259, 260, and 262 of this Code, will be sanctioned with a prison term of 5 to 10 years.

The above-stated will also apply although the action for obtaining money, titles, securities or other assets or financial resources, has been conducted outside Panama.

ARTICLE 12:

Article 263C added to the Criminal Code, shall read:

Article 263C:

Any person that by himself or by means of a third party (individual person or corporation) provides false information to banks, financial institutions, businesses, or any other type of establishment, in order to open accounts or conduct drug-money transactions, in species or its equivalent, will be penalized with a prison term of 5 to 8 years.

ARTICLE 13:

Article 263CH added to the Criminal Code, shall read:

Any person that knowingly uses his position, employment, occupation or profession to authorize or to allow the commission of criminal activities described in the Criminal Code, Articles 263B and 263C, will be charged with aiding and abetting and punished to a prison term of 2 to 5 years.

ARTICLE 14:

Article 263D added to the Criminal Code, shall read:

ARTICLE 263D:

Pertaining to the Criminal Code, Articles 263B and 263C, the word transactions shall be construed as all transactions conducted in or from the Republic of Panama, such as deposits, purchase of cashier's checks, drafts, certificates of deposit, travellers' checks, or any other title or security, money transfers and money orders, buy and sell of foreign exchange, stocks, bonds, and any other title or security on the client's account, provided that the amount of such transactions is received in the Republic of Panama in cash money or in its equivalent in species or titles.

ARTICLE 15:

Article 263E added to the Criminal Code, shall read:

Article 263E:

Any person who knowingly uses money or any other economic resource from drug trafficking to finance political or any other type of campaign, will be sanctioned to a prison term of 5 to 8 years, and will be barred from holding public office, for a term equal to the sentence, after completing imprisonment.

ARTICLE 16

Article 263F added to the Criminal Code, shall read:

Article 263F:

If any person possessing drugs suffers of physical or psychological dependency, and the amount of possessed drugs is small enough to prove that are for personal consumption, only preventive measures will be applied.

Small amount shall be construed as the amount for personal consumption, the posological amount limited to one dose that will be stipulated by the coroner from the Public Ministry.

ARTICLE 17:

Article 263G added to the Criminal Code, shall read:

Article 263G:

The public servant that, while in charge of investigating, judging, or placing under custody individuals related to crimes typified under this Law, conceals, alters, takes away or destroys exhibits, evidence, or instruments to the crime or, procures the escaping of the detained, arrested, or sentenced individual, will be penalized to a prison term of 3 to 6 years and barred from holding public jobs up to 20 years.

CHAPTER II Procedural Provisions

ARTICLE 18:

All nationals and aliens under Panamanian jurisdiction shall enjoy the procedural guarantees as established in the National Constitution, local laws, international treaties and conventions where the Republic of Panama is a party.

ARTICLE 19:

Article 2099A added to the Judicial Code, shall read:

Article 2099A:

Defendant's presumption of innocence shall be preserved, therefore his name and other particulars that may relate him to the investigated crime, shall be withheld until the Court finds him guilty. Not compelling with this disposition will constitute slander.

Exception to the above Article are the cases of highly dangerous reputed common criminals whose search and location through the mass media is authorized by the Public Ministry.

ARTICLE 20:

Judicial Code, Article 2212 as passed under Law 18 of August 8, 1986, shall read:

ARTICLE 2212:

In crimes against property and embezzlement of public funds, the release bond will be equal to the double of the total amount of damages or misappropriated values.

No release bond will be granted in crimes such as embezzlement over ten thousand dollars, armed robbery, larceny, drug trafficking, cultivation, manufacturing, inducement to cultivate, possess, sell, or transfer of drugs.

Exception to the above is possession marijuana, where release bond will not be less than

five hundred (\$500.00) dollars. There will be no release bond for repeat offender.

ARTICLE 21:

Judicial Code, Article 2112A, as passed by Law 18 of August 8, 1986, shall read:

Article 2112A:

The process of deportation, repatriation, or expulsion of an alien accused of committing a felony in Panama, will not take place until said individual alien has been tried and, if found guilty, to serve the time according to the sentence.

ARTICLE 22:

There will be no release bond for drug-related crimes. However, release bond will be granted to individuals arrested for drug possession if the amount of said drug is small and can be proved that it was for personal consumption.

ARTICLE 23:

When action is taken on drug-related crimes, the conditions of release will be executed by the competent court, with the exception of Article 2147(e) of the Judicial Code. These conditions of release will be forwarded, for consultation, to the immediate superior court.

ARTICLE 24:

The investigation of any crime conducted by members of the Public Ministry or Judicial Branch, and the resulting information of existing evidence or circumstantial evidence linking the suspect to the crime and the property under investigation, obtained according to the legal proceedings presently in force, shall be kept secret.

This secrecy will be maintained until the information corroborates the commission of the investigated crime. Only then, said information will be incorporated to the file. If the information does not corroborate the crime, it will be returned to the institution where it came from. No copy of said information will be saved.

ARTICLE 25:

The Public Ministry will conduct undercover operations while investigating a crime, in order to identify authors, accomplices, or to clarify facts related to the crimes described in this Law.

ARTICLE 26:

When there exists circumstantial evidence on the commission of a serious crime, the Attorney General shall authorize the use of video-recorders, or the recording of all conversation and telephone communication of those involved in the commission of the crime, subject to Article 29 of the National Constitution.

The transcriptions of the recordings will be in a written record only incorporating the information

pertaining to the case under investigation. Said transcription will be certified by the person in charge of the proceeding and by his immediate superior.

ARTICLE 27:

The Attorney General will authorize and supervise controlled delivery of illegal drugs, precursors, chemicals, and drug-money, allowing them to enter, transit, circulate or leave the country in order to identify the individuals involved in crimes described in this Law.

When there will be an international controlled delivery, the interested State shall previously communicate the entering of the illegal cargo and shall inform on all actions taken by them pertaining to merchandize subject to controlled delivery.

When an international controlled delivery has been completed, the Public Ministry or the Court knowing the case shall request, through diplomatic channels, all documents and other evidence related to this proceeding in order to use them as evidence against the individuals linked to the crime.

ARTICLE 28:

The person accused of, or charged with any of the offenses prescribed in the present Law, shall be entitled to a two thirds reduction of the penalty, in the event that true information shall be provided by said individual and can prove the participation of perpetrators, accomplices, accessories, or instigators to the investigated crime or to any other crime typified in this Law. Same reduction will apply when the supplied information leads to the seizure of large amounts of money, illegal drugs, precursors, chemicals, and instruments used to convert or manufacture drugs.

When the information contains aggravating circumstances against the defendant, or includes the commission of other crimes, it will be recorded, but will not be taken into consideration neither as aggravating circumstances nor to press additional charges.

In order to protect the physical integrity of the defendant or indicted that had provided the information, the judge, upon request from the government attorney or the defense counsel, could authorize any of the following measures:

1. Place the defendant outside the corresponding correctional facility.
2. Place the defendant outside the corresponding correctional facility under protective custody by member of the Judicial Technical Police or National Police.
3. Replace preventive detention with any other conditions of release established in the Judicial Code, Article 2147B.

ARTICLE 29:

The instruments, monies, securities, and other assets used to commit drug-related crimes along with the proceeds from said crime, will be temporarily seized by the prosecutor, placing them out of trading, and turning them over to the Special District Attorney Office for Drug-Related Crimes, until the case is tried and ruled by the competent jurisdictional court. When it is deemed

appropriate, the warrant for temporarily seizure will be recorded at the Public Registry Office.

When the temporarily seizure is issued against motor vehicles or business establishments owned by third parties not related to the crime, the competent court, previous legal opinion from the prosecutor, will grant the owner the provisional tenancy and management of the seized assets until the case is decided in court.

Anyone authorized to provisionally possess or manage real or personal property, is compelled to fulfill all compromises as a good father would do it, and will only answer for the physical deterioration or damages caused by his fault or negligence.

ARTICLE 30:

The money, securities, and other assets referred to in Article 29, while under temporarily seizure, will remain in the bank or in the Loan and Savings Association where originally deposited. However, if the aforementioned values are not deposited in a bank or in a Loan and Savings Association, said assets will be deposited in a Custody Account set by the Attorney General Office at Banco Nacional de Panama.

When the monies, securities, and assets referred to in this Article, are deposited in a bank or in a Loan and Savings Association as a guarantee to a credit in said institution, the creditor will collect the credit, even if the payments are not late, with the exception when acting in bad faith, once the prosecutor orders the temporarily seizure. If this is the case, all assets obtained by the defendant as a result of the transaction originating the collection of the credit, will be considered derived from the crime under investigation

After the credit has been paid, remaining values, if any, will be placed under the custody of the Attorney General Office, and deposited in the Custody Account.

ARTICLE 31:

When there are other assets different than money or securities, the bank or the creditor will call for delinquent debt and request a public auction of said assets in order to collect the credit. The remaining, if any, will be placed under the custody of the Special District Attorney Office for Drug-Related Crimes.

Both, the action to recover property and petitions to release provisionally seized instruments and other assets by the Special District Attorney Office for Drug-Related Crimes, will be decided by the competent Court that may grant, previous legal opinion rendered by the prosecutor, the provisional possession or management of said assets.

ARTICLE 32:

The defendant accused of drug-trafficking and related crimes will have to prove that the provisionally seized assets are derived from legal activities and that they are not the result of a crime, nor they have been used for the execution of the crime.

ARTICLE 33:

The investigations on crimes listed in the Criminal Code, Article 261, can be also initiated by joint

cooperation, or by a request from the State where the crimes have been committed.

For the purpose of formalities, the evidence received from a foreign State will be ruled by the law of the State where obtained; and, for the purposes of probative value, the evidence will be ruled according to the procedural law in effect in the Republic of Panama, with the exception as established in treaties ratified by the Republic of Panama, pertaining to this subject.

ARTICLE 34:

The Panamanian courts of law will have jurisdiction on crimes stipulated by this Special Law, even if the crime has been committed outside the Panamanian territory, but only if the result of said crime or any component to the crime has been carried out in the national territory and, if said crime causes partial or total effects in Panama and, in all other cases where Penal Code, Article 9 applies.

ARTICLE 35:

The judge knowing the case will instruct, through a judicial order, that all assets, instruments, funds, or securities used in, or derived from any of the crimes described in this Law, that said assets be turned over to the National Commission for the Study and Prevention of Drug-Related Crimes (CONAPRED), once they have been judicially confiscated.

The confiscated money or the money obtained from the proceeds of a public auction will be deposited in a fund to be used in drug-prevention, rehabilitation, and repression against drug-related crimes. This fund will be handled in accordance to the proceedings and management established by the Comptroller General of Panama.

The Commission for the Study and Prevention of Drug-Related Crimes (CONAPRED), will submit an annual financial report detailing the disposition of said funds.

ARTICLE 36:

When precursors and chemicals used to manufacture or convert illegal drugs are seized, a report will be prepared by an expert from the Judicial Technical Police, University of Panama, and from the Ministry of Health. The report will state the amount, quality, and the use given to said substances. The report will be signed by each participating expert.

Once the report is completed, all precursors and chemicals will be turned over to the Commission for the Study and Prevention of Drug-Related Crimes (CONAPRED), and this organization will donate them to public institutions in charge of conducting scientific investigations, in accordance to their needs.

The public institution receiving the donation will have to submit a periodical and detailed report explaining how they are using the substances. CONAPRED will, at its own discretion, conduct the necessary and direct inspections of the chemicals in the public institution.

ARTICLE 37:

The seized illegal drug will be destroyed in public act within a period of time not greater than one (1) month, in public act previously announced indicating the date and time, in which will be present a laboratory assistant from the Public Ministry, a health inspector from the Ministry of

Health, and a laboratory assistant from the University of Panama that will determine the most adequate means to destroy the drug without affecting the ecological balance and public health.

Before carrying out said destruction, the aforementioned public officers will certify in the corresponding document, immediately signed by them, the amount, type or quality, and purity of the drug to be destroyed. The original copy of the Act will be kept by the Public Ministry, and authenticated copies will be delivered to the head of the offices where the subscribers thereto are assigned.

ARTICLE 38:

When marijuana, coca, opium poppy, and other plantations used to manufacture substances that may cause dependency or addiction, will be destroyed, the following steps are taken:

1. The experts will determine the type and variety of the plants.
2. The cultivated plot will be identified as well as its boundaries, total area, and the total amount of plants.
3. The land's owner general description or the tenant's, will be recorded along with the general description of all individuals found in the site or the seizure.
4. Samples of the plants will be taken for its analysis.

Any and all gathered information that is relevant for the investigation, will be registered in a written record that will be signed by all the public officers that participated, and also by the owner, tenant, manager, or by whomever was present in the site at the time of the seizure conducted by the Public Ministry's agent.

Once the written record is signed, the plantation will be destroyed according to the most adequate scientific mechanisms in order to preserve the ecological balance and the public health.

ARTICLE 39:

Public Agents who participate in destroying drugs or drug-plantations referred to in previous articles and, that certify the amount, type quality or purity of the destroyed drug or drug-plantation, and if these Agents confirm or deny a false fact, or deny or withhold the truth about the amount, type, quality or purity of the destroyed drug or drug-plantation, will be penalized with a prison term of 3 to 5 years, and will be barred from holding public jobs and practicing their profession, skills, or occupation after released from prison, and for a term equal to the prison term.

CHAPTER III EXTRADITION IN DRUG-RELATED CRIMES

ARTICLE 40:

In drug-related crimes, the Republic of Panama will observe the treaties where is a signatory party and, in the absence of a treaty, will deliver to the requesting State, the individual penalized or accused of committing a crime within the jurisdiction of the requesting State, according to the

provisions in this Law.

ARTICLE 41:

The request for extradition on drug-related crimes will be subject to the following rules:

1. Must be addressed through the requesting State diplomatic channels, and the documents referred to in Article 41 must be attached to said request.
2. Once the extradition request has been received, within five (5) working days the Ministry of Foreign Affairs will forward said request to the Attorney General. If the extradition request is admitted, the Attorney General will immediately order the provisional detention of the individual to be extradited. The provisional detention shall not exceed sixty (60) calendar days.
3. Once the individual to be extradited is provisionally detained, his rights must be read, and will have the right to be assisted by an attorney from that moment on. In case the individual lacks the financial resources to hire a private lawyer, a public defender shall be appointed within the next twenty Four (24) hours. The individual to be extradited may use all legal resources granted by the Panamanian laws, with the exceptions stated in this Law.
4. Within the five (5) working-days term, the Attorney General will determine if the extradition request fulfills all legal requirements. If the extradition request lacks said requirements in order to be admitted, the Attorney General will inform so to the requesting party through the corresponding diplomatic channels, and the requesting party shall correct or amend the document within a period of time not greater than thirty (30) calendar days from the date the communication was received by the requesting State.
5. If the documents are correct and admitted, the Attorney General will forward them to the Executive Branch to decide, within fifteen (15) working days, if grants or not the extradition. Once this step is completed, the file will be returned to the Attorney General who will communicate, through the proper diplomatic channels, the results of the decision.

ARTICLE 42:

The following documents, duly authorized and translated into Spanish language, must be attached to the extradition request:

1. Copy of the sentence duly executed, incorporating the evidentiary elements on which said sentence was based upon, if said elements are not stated in the sentence.
2. If the criminal case has not been concluded, a copy of the decision to call for trial or a copy of the provisional detention must be included along with the probative elements on which said decisions are based upon, and a brief description of the crime must be included.
3. Copy of legal provisions applicable to the criminal case, the statutes typifying the crime, and the statutes of limitation.

4. Personal information that allows to identify the individual whose extradition is sought.
5. Certification where the requesting State corroborates that do not exist any of the circumstances enumerated in Article 43(2)(3)(4)(5) of this Law. Also include any and all document deemed pertinent by the requesting State, in order to clarify the crime.
6. Legalization will be accepted as correct only when:
 - a. The request is made from government to government pursuant to the laws of the requesting State; and
 - b. The request is made through a diplomatic or consular agent, pursuant to the Panamanian laws.

ARTICLE 43:

When many States seek the extradition of a person in a drug-related crime, preference will be given to the State where the crime was committed.

If extradition is requested for different drug-related crimes, preference will be given to the State where the committed crime has a greater punishment, according to the Panamanian law. If the different drug related crimes are equally punished in the States seeking extradition, extradition priority will be taken into consideration.

ARTICLE 44:

No extradition will be granted in the following situations:

1. When the person to be extradite is a Panamanian citizen.
2. When extradition is resubmitted for the same crime, under the same grounds and for the same person, as previously submittee and dismissed.
3. When the person to be extradited has completed the corresponding punishment, or has been granted pardon or amnesty for the crime his extradition is sought by the requesting State.
4. When, in the requesting State, the criminal liability of the person is affected by the Statutes of limitation.
5. When, in the requesting State the crime is punished with death penalty, life-terms in prison, or any other cruel and public punishment.
6. When the person to be extradited is under criminal court proceedings or is serving prison time in the Republic of Panama.
7. When the Executive Branch disposes otherwise.
8. When the crime is typified by the law in the requesting State, but is not typified as a crime under the Panamanian Criminal Law.

ARTICLE 45:

If the extradition is dismissed based upon Sections 1, 5, 6, and 7 of Article 44, the person whose extradition is sought will be tried in the Republic of Panama as if the crime was committed in Panamanian territory. If this is the case, the requesting State will submit copy of all investigations conducted on the crime causing the extradition, and said documents will be duly authenticated and translated.

The criminal file opened in the requesting State will be furnished as evidence during the trial, and the means to sustain a conviction will be assessed according to the provision of the international law.

ARTICLE 46:

If extradition is granted, the requesting State shall take over the extradited person within sixty (60) working days from the date extradition was granted. If the requesting State does not take over the extradited person within the stipulated frame of time, the extradited person will be released.

Turning over the extradited person to the requesting State will take place in the Republic of Panama, and in a place indicated by the Executive Branch. If possible, it will be preferable that said place is an airport with non-stop international flights to the requesting State. When dealing with bordering States, the extradited person will be turned over at the border, unless otherwise agreed by both States.

ARTICLE 47:

The Republic of Panama will not be liable for any future claim arising from the enforcement of the provisions herein stated.

ARTICLE 48:

The requesting State will clearly commit in advance not to try a requested person on charges different from the charges sought for.

CHAPTER IV Provisional Transferring of Detainee

ARTICLE 49:

Only by willful written consent by the defendant, the Republic of Panama may grant the provisional transfer of detained aliens awaiting for trial in Panama on drug-related crimes, for a maximum period of time of two (2) months in order to conduct all legal proceedings aimed to clarify the crimes committed in the requesting State. For all purposes, Panama and the requesting State will agree on the conditions for said transfer.

ARTICLE 50:

Detainee provisional transfer will be subject to the following rules:

1. The requesting State will communicate the Attorney General, through its diplomatic channels, the need to conduct legal proceedings with the participation of the person arrested by the Panamanian authorities.

2. With the request must be attached the following documents duly legalized and translated into Spanish language:

a. Court ruling ordering to conduct the legal proceedings with the participation of the requested person.

b. Clear explanation on the type of proceeding to be conducted and the length of time it will take.

c. Detailed explanation about the relation of the requested person and the investigation.

d. All personal data of the person to be transferred.

3. Once the request for provisional transfer has been received, the Attorney General will have five (5) working days to determine if said request fulfills the legal requirements and, if so, will take a sworn statement to the requested person who will be assisted by a defense attorney, in order to state his free will to participate or not during the proceedings he has been requested for.

4. If the request does not meet the legal requirements or, if the requested person does not want to go, the Attorney General will inform that decision to the requesting State, through the corresponding diplomatic channels.

5. If the requested person expresses his consent to participate during the legal proceedings causing said request, the Attorney General will inform that decision to the requesting State, through the corresponding diplomatic channels, so the provisional transfer can take place.

6. Copy of this proceedings will be incorporated to the criminal file at the Public Ministry of Panama, where it has been issued a warrant for the arrest of the requested person.

7. Provisional transfer of the requested detained person will not be granted if the Attorney General deems that said transfer will substantially affect the investigations conducted in our country.

8. Provisional transfer of the detained requested person will not be granted if said individual is a national from the requesting State.

ARTICLE 51:

The requiring State will previously and clearly compromise to:

1. Guarantee the physical integrity of the requested person.

2. Guarantee the due process of law as established in the body of laws in both the requiring State and the required State, as well as the provisions recognized by the International Law on this subject.

3. Obtain for the required person free legal assistance before and during the proceedings if said person lacks the means to hire one.
4. Return to the Republic of Panama the requested person as soon as the granted period of time has expired or, if the proceedings concluded before the expiration of said time.
5. Cover all expenses incurred in Transferring the requested person.
6. Allow Panamanian diplomatic or consular authorities to access the legal proceedings and the installations where the requested person is kept, in order to verify that his human rights, physical integrity, and due process of law are observed.
7. Conduct all legal proceedings where the requested person participates, in a language fully comprehensible for said person.
8. Assume responsibility for any affected right of the requested person while the granted transfer is in effect.

ARTICLE 52:

The requiring State shall take over the requested person from the moment and time determined by the Panamanian authorities.

ARTICLE 53:

The requiring State shall submit the Attorney General of Panama, copy of the conducted legal proceedings, duly authenticated and translated into Spanish language, a copy of a detailed summary on the results of said proceedings, and a copy of the sentence duly legalized and translated into Spanish language.

CHAPTER V DISTRICT ATTORNEY'S OFFICE FOR DRUG-RELATED CRIMES

ARTICLE 54:

Two District Attorney's Offices located in the City of Panama are hereby duly established with jurisdiction over the entire national territory.

ARTICLE 55:

The functions of the Special District Attorneys for Drug-Related Crimes are:

1. Initiate on his own or by complaint filed, summary investigations pertaining drug-related crimes.
2. Supervise the Regional Agencies for Drug-Related Crimes assigned to the District Attorney's Office for Drug-Related Crimes.
3. Prepare and submit the Attorney General a detailed monthly report on all cases

handled.

4. Assign total or partial duties to the Regional Agencies for Drug-Related Crimes, from the overall duties assigned to the District Attorney's Office for Drug-Related Crimes.

5. Coordinate manpower reinforcement for Regional Agencies subordinated to the District Attorneys's Office for Drug-Related Crimes, from other Regional Agencies, when the case load is heavy.

6. Once the proceedings have been completed, shall be submitted to the agent from the Public Ministry, who then has to know the case.

ARTICLE 56:

In order to accomplish the above stated the required and necessary budget shall be created and approved within the Public Ministry's budget.

CHAPTER VI THE NATIONAL COMMISSION FOR THE STUDY AND PREVENTION OF DRUG-RELATED CRIMES (CONAPRED)

ARTICLE 57:

The Commission for the Study and Prevention of Drug-Related Crimes, hereinafter "THE COMMISSION", is hereby duly established as a technical-administrative State agency to study the mechanisms aimed to prevent drug-related illegal activities and to rehabilitate the individuals incurring in said conducts.

ARTICLE 58:

The Commission will be presided by the Attorney General, and will be integrated by the Ministers of Government and Justice, Education, Health, Treasury, the Juvenile Court Justice -while the Juvenile Superior Court of Panama is established-, the President of the Panamanian White Cross, the Dean of the University of Panama, the head of the Catholic Church, the Chairman of the Committee for the Control and Eradication of Drugs and Narcotics of the Legislative Branch, and a coordinator appointed by the Executive Branch.

Ministers can be represented before the Commission by a public official holding a position not inferior to a national director.

ARTICLE 59:

The Commission responsibilities are:

1. Analyze the national situation on drug-related crime; and recommend action programs aimed to develop an effective prevention; these studies will be based upon surveys, reports, and documents monthly submitted by the members of the Commission.

2. Coordinate at administrative level with the Judicial Technical Police, the tasks conducted by the National Center of Computerized Judicial Information on illegal drugs in

addition to any and all reports and drug statistics and with the Special District Attorney's Office for Drug-Related Crimes.

3. Coordinate at administrative level with the Ministry of Government and Justice, any and all information and statistics on drug-related crimes.

4. Coordinate at administrative level with international agencies in charge of preventing drug-related crimes, joint actions to combat the drug problem.

5. Coordinate at administrative level with the Panamanian authorities, the adequate means to control introduction into the national territory, chemicals used to manufacture illegal drugs.

6. Coordinate at administrative level the training and capacitation of Panamanian agents, with the best techniques to prevent drug-related crimes.

7. Coordinate at administrative level any and all action taken by the national agencies in charge of preventing drug-related crimes.

8. Coordinate any and all type of statistical investigation, such as surveys, reports, epidemiological studies, and any other required field pertaining to the Commission.

9. Issue agreements, rules and regulations in order to guarantee the fulfillment of the assigned tasks.

10. Invite to its debates, according to the needs and expertise, authorities and institutional representatives, as well as technicians, and experts.

ARTICLE 60:

The administrative management will be carried out by Attorney General Office. All needed financial allotment will be included in its budget.

ARTICLE 61:

The Judicial Technical Police National Center for Computerized Police Information on Illegal Drugs subordinated to the Public Ministry, will coordinate with the Commission the following:

1. Keep record of all criminal cases, for drug-related crimes in Panama.

2. Keep record of all individuals involved in drug-related crimes in Panama.

3. Keep record of all information received from international agencies on drug-related crimes.

4. Keep record on local or international movement of substances used to manufacture illegal drugs.

5. Submit, upon request from the Attorney General Office, any and all information on drug-related crimes recorded in this Center.

6. Any other task assigned by the Commission.

ARTICLE 62:

The laboratories specialized on drug analysis, subordinated to the Public Ministry, will be integrated by the required scientific personnel in charge of analyzing and determining the nature of seized drug. They will also conduct any other analysis needed by the prosecutor. The test results will be submitted in an official document that will become an authentic public document.

ARTICLE 63:

The Public Ministry and the Ministry of Health, through the Judicial Technical Police, the Ministry of Treasury, and Customs, will supervise the control, transit, and destination of precursors or essential chemicals used to manufacture illegal drugs. These agencies shall take into a very special consideration the national current laws, treaties and international agreements on this subject.

ARTICLE 64:

The Public Ministry will include in its budget, all financial allotment required in order to enforce this law.

Likewise, the Executive Branch will provide the necessary funds to promote educational programs aimed to aware children and youths on the dangers of drug-use.

ARTICLE 65:

Through the Attorney General, the Commission will submit to the Executive and Legislative Branches a yearly report on the conducted activities to prevent and control drug-related crimes.

CHAPTER VII PREVENTION CAMPAIGNS AND EDUCATIONAL PROGRAMS

ARTICLE 66:

Any campaign intended and directed to avoid the traffick and use of illegal drugs, will be addressed and supervised by the National Commission for the Study and Prevention of Drug-Related Crimes (CONAPRED).

ARTICLE 67:

The mass media, such as newspapers, radio, and television shall grant advertising spaces for campaigns against drug-trafficking and drug consumption. These campaigns shall be carried out by the corresponding media, and must be approved by the Commission.

ARTICLE 68:

The study plans for elementary, high school, and college shall include educational programs intended to provide information regarding the dangers involved with the use, sale, dependency,

and consumption of drugs. These plans shall be coordinated with the corresponding authorities and shall be presented before the Commission for its approval.

ARTICLE 69:

Each institution or organization that is part of the Commission can work out its own prevention, education, rehabilitation and drug-suppression programs, provided that said programs are submitted for the Commission approval.

CHAPTER VIII TREATMENT AND REHABILITATION

ARTICLE 70:

The main goal for the safety measures to be taken for the treatment and rehabilitation of drug-addicts, will consist in reintegrating the drug addict back to society as a useful person. For that purpose, the Executive Branch will set the required measures to establish rehabilitation centers for drug addicts.

ARTICLE 71:

The Ministry of Health will include in its programs, health care programs related to prevention on drug use, treatment, and rehabilitation of medication addicts. For said purpose, the Ministry of Health will submit statistical reports to CONAPRED, every three months, on the number of individuals assisted for drug abuse in Panama.

ARTICLE 72:

The establishment and operation of any private and public institution intended for the prevention, treatment, and rehabilitation of drug addicts shall be submitted for the authorization and inspection by CONAPRED.

ARTICLE 73:

[TRANSITORY] In the light that the present reforms modify, subrogate, repeal, add, and introduce new articles to Law No. 23 of December 30, 1986, but some articles remain the same, it is approved the systematic elaboration of provisions not amended along with the new dispositions as a single text. The articles will be numbered in sequential increasing order, and published in the Official Gazette as a single text.