

DESCRIPTION AND GENERAL EXPLANATION OF THE SYSTEM OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS IN THE REPUBLIC OF PANAMA

The Political Constitution of the Republic of Panama establishes respect for and compliance with the rules of international law. Based on this premise, the Republic of Panama has signed different types of agreements for mutual legal assistance in criminal matters.

The Republic of Panama has followed a practice seldom used in other countries, and that is to establish different types of central authorities, according to the nature of the crime and the convention signed, to provide legal assistance in criminal matters. Consequently, when executing a request for assistance, if the central authority is not fully identified in the treaty on the basis of which the request is made, that should be confirmed in advance to avoid any delays in the assistance process.

In all bilateral agreements on mutual legal assistance in criminal matters signed by the Republic of Panama, the Ministry of Government and Justice, through its National Directorate for Implementation of Treaties of Mutual Legal Assistance and International Cooperation, has been designated as the Central Authority. Once the request has been admitted that Directorate must forward it to the competent authority for the case in question. This TALM Directorate was also designated as the central authority in the Convention with Central American Republics and the Inter-American Convention, both in the area of mutual legal assistance in criminal matters.

As regards requirements for executing requests for assistance, the Republic of Panama applies only those indicated in the treaties themselves.

In the event that a state does not have an international legal link in criminal matters, it may make its request for international assistance through its diplomatic channel to the Panamanian foreign ministry, which will forward the request to our Supreme Court of Justice. In these cases, our Court would have to rely on the principle of reciprocity, solidarity, and good faith that should prevail among countries in the international community. On this basis, it is permissible to grant requests formulated abroad by states with which the Republic of Panama has not signed a convention for judicial assistance. In addition, it is important to note that reciprocity is viable for all other formal requests or letters rogatory that do not violate the positive law of Panama.