

Translated from Spanish

Ref: MPP NY-491/10

The Permanent Mission of the Republic of Panama to the United Nations presents its compliments to the Secretary-General of the United Nations and, in response to note LA/COD/50 dated 8 January 2010, concerning General Assembly resolution 64/110 of 16 December 2009 entitled “Criminal accountability of United Nations officials and experts on mission”, I have the honour to submit information from the Government of Panama about the implementation of that resolution, in particular paragraphs 3, 4, 5 and 14 thereof. This information is submitted for use in the report that you will submit to the General Assembly at its sixty-fifth* session.

In that regard I would like to draw your attention to article 22, Chapter III, Section One, of Panama’s Penal Code, which provides that:

Panamanian law shall apply to all persons without distinction, except:

1. Foreign heads of State.
2. Diplomatic officials of other States and other persons enjoying immunity, under international agreements in force in the Republic of Panama.
3. Cases envisaged by the Political Constitution and laws.

The exceptions established in this article shall not apply in the case of offences covered under part XV, volume two, of this Code (crimes against humanity) and the offence of enforced disappearance.

In this regard, article IV, section 11** of the Convention on the Privileges and Immunities of the United Nations provides the following:

“Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during the journey to and from the place of meeting, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind; [...]

Since under our Penal Code diplomatic staff, including representatives of the United Nations, enjoy immunity from legal process, I should like to point out that the provisions of our Penal Code (articles 421 to 449) already cover crimes against humanity; however, those provisions do not apply to representatives of the United Nations and other diplomatic officials although our country is party to the Rome Statute of the International Criminal Court.

Reviser’s note:

* Spanish says sixtieth.

** Spanish reads article 11.

The Permanent Mission of the Republic of Panama to the United Nations takes this opportunity to convey to the Secretary-General of the United Nations the renewed assurances of its highest consideration.

New York, 7 June 2010

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