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# HUMAN RIGHTS VIOLATIONS, ABUSES AND INCIDENTS RECORDED DURING THE PROTESTS AGAINST THE MINING CONTRACT IN PANAMA

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**Research team**  
Rekha Chandiramani and Ana Teresa Benjamín M.

WRITTEN BY:



### **RESEARCH TEAM**

Rekha Chandiramani and Ana Teresa Benjamín M.

### **PRODUCED BY:**

Fundación para el Desarrollo Integral Comunitario y Conservación de los Ecosistemas en Panamá (FUNDICCEP) and Red Nacional en Defensa del Agua Panamá

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### **COVER PHOTO**

Left: Members of the teachers union *Asociación de Eduadores de Veragua* walking with the people of Veragua in a peaceful protest against the mining contract.

Central Avenue, Santiago, Veraguas Province.

Right: Protests in front of the Supreme Court, November 19, 2023. (Photo credit: Panamá Vale Más Sin Minería)

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Protest outside the Supreme Court. November 19, 2023. (Photo credit: Panamá Vale Más Sin Minería)

## INTRODUCTION

In October and November 2023, Panama experienced its second great social explosion since the U.S. invasion of the country on December 20, 1989.<sup>1</sup> Over the course of 39 days, teachers groups, labor unions, students, youth, and indigenous and rural communities protested against a contract with the Minera Panamá company, a subsidiary of the multinational corporation First Quantum Minerals.

Although the protests against this contract negotiation began years ago, October 20, 2023 marked a turning point when the National Legislative Assembly held its third round of debate on the proposal, and the Executive Branch signed it into Law 406 that same day, publishing it in the Official Ledger [No. 29894-A](#). The National Assembly had held the three rounds of debate on three consecutive days. At the end of the third day, the Executive signed and published the law, in a process that was clearly rushed and raised concerns among the Panamanian public.

From that moment on, demonstrations of discontent ceased to be isolated and sporadic, and went beyond environmental activists and associations, growing into a mass

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<sup>1</sup> The first great outpouring came in July 2022, when different social sectors took to the streets to protest against the high cost of living. This uprising “broke down the narrative that has kept Panama submerged in a deceptive and artificial social peace,” which has been weakened by the fact that only the working class was asked to make sacrifices to deal with the consequences of the pandemic. González, E. (2023). “Julio de 2022: voz y pensamiento de la clase trabajadora”. *Contra el “consenso”. Reflexiones sobre la desigualdad, el discurso antidemocrático y la subjetividad mediática en Panamá*. Babilonia Editores, p. 9. Panama City.

movement that paralyzed the country. In the aftermath, the defenders of the concept of nature as an integrated system and proponents of a reconceptualization of the dominant notions of progress, faced off against defenders of mining activity as a new pillar for economic growth in Panama framed under the modern capitalist and instrumentalist vision of nature as an inexhaustible resource, despite all signs pointing to the contrary.

## BACKGROUND OF THE CONFLICT

In a 2017 ruling that the parties were not notified of until 2018, the Supreme Court of Panama found that a 1997 law upholding a mining concession to Petaquilla Minerals was unconstitutional ([after changing hands numerous times, the concession was acquired by First Quantum, with the lawsuit alleging its unconstitutionality already underway](#)). This concession granted the exploitation of a 13,000-hectare mine in the heart of the Mesoamerican Biological Corridor, in the Caribbean region of the country. Then-President Juan Carlos Varela (2014-2019) argued that the ruling did not affect the operations of Minera Panamá, as it nullified the legislation but not the concession contract itself. This opinion came despite contract clauses requiring legislative approval for the concession to be in force. Nonetheless, on the strength of the statements coming from the Varela administration and a series of clearly unsubstantiated appeals filed against the ruling, the company continued de-facto operations without a contract.

In May 2019, at the end of his term, Varela attempted to introduce the contract that had previously been declared unconstitutional into the Legislative Assembly, to grant some legal standing to initiate the exportation of copper concentrate, which the company announced would begin in 2019. By that time, however, the then-President no longer had the sway in the Legislative Assembly that he enjoyed at the start of his term thanks to a “governance agreement” he had negotiated with the majority party in the legislature, Partido Revolucionario Democrático (PRD). Furthermore, his party had lost the elections in May 2019 to the PRD, so the Legislative Assembly’s Economy and Finance Commission wound up [rejecting the contract](#).

As announced, company [exports started in mid-2019](#), without a contract and with the promise that newly-elected President Laurentino Cortizo would “[review it](#).” Once in office, Cortizo formally announced a new contract would be negotiated while the company continued its operations and exports uninterrupted and unsupported by the law, since the Supreme Court had categorically dismissed all the appeals that had been filed. At the time, the President stated that closing the project would be “suicide” from a financial perspective.<sup>2</sup>

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<sup>1</sup> <sup>2</sup> <https://cobrepanama.com/nota/cuatro-anos-de-exportaciones-de-cobre-panameno>. Between 2019 and 2022, copper concentrate exports came to 4.9 million wet tons, accounting for more than 75% of the value of the country's total exports.

In 2022, the Panamanian government announced negotiations had concluded and it had started to prepare the contract. This in turn led to pressure from both sides, that is, the company and the government. The government kept all negotiation and contract details classified. It published them on a website for only 30 days— with printing permissions disabled — a few days prior to submitting it to the Assembly in mid-2023. The opposition persisted in its criticism: the same issues that had led to the ruling of unconstitutionality the first time were present in the new contract, including the fact that in both cases the contract had been issued directly, without a legally-mandated bidding process.

Beyond the formal and legal arguments, opposition to the contract is underpinned by a significant environmental component. According to information published by the *Centro de Incidencia Ambiental* (CIAM)—which is actively involved in environmental advocacy, legal defense and strategic litigation—as of April 2022, serious findings had revealed “non-compliance with environmental commitments in the project and in the country’s current environmental legislation.”

The Ministry of the Environment's own findings of noncompliance—as of this writing—include clear-felling 876 hectares over the authorized limit, almost 3 thousand hectares of deforested land in a high-biodiversity area, noncompliance with reforestation commitments, unauthorized discharges of waste into natural bodies of water, and an unpaid debt of over 11 million dollars owed to the Ministry for the management of neighboring protected lands.

In [a press release](#), CIAM stated that “these instances of noncompliance and another 200 or more detected in previous reports have yet to be sanctioned by the Ministry of the Environment, mostly due to relentless and protracted appeals the promoter filed to derail the legal sanctioning processes from their course.”

At that time, the organization stressed that the reiterated cases of noncompliance, “show that metals mining cannot be done sustainably, particularly with circumstances being what they are in countries like Panama...,” where institutions are shown to be “unable to guarantee the rights of the public and nature.”

The opposition also demonstrated through the *Movimiento Panamá Vale Más Sin Minería*, a coalition of 40 organizations and communities that organized to defend natural assets and counter metal mining.

On June 14, 2023, the Cabinet authorized the head of Commerce and Industry—representing the government in negotiations—to sign the new contract. “There is little doubt that this contract is a historic win for Panama,” said then-Minister Federico Alfaro Boyd to the country.

After the Legislative Assembly Commerce and Economic Affairs Commission held a “discussion” process at Donoso and La Pintada—both areas where mining had a direct impact—in September 2023, the Cabinet announced the contract had been approved with revisions. Objections were also raised against this process, because regulations state that the Assembly is only empowered to approve or reject international contracts or treaties, but not to suggest the Executive branch make revisions.

The revisions emerged from criticisms raised by trade unions, professionals, organizations and those living in the communities adjacent to the mine. They included new language in a new version of the contract that expressly eliminated the clause allowing the company to request expropriation in its favor. However, this prerogative was de facto guaranteed by declaring mining an 'activity of public interest' which is a prerequisite for the State to be able to expropriate under Panamanian law. Expropriation powers under the Mineral Resources Code would continue to be in force for the benefit of this concessionaire.

Against this backdrop, on October 20, 2023, the National Assembly approved a new contract with First Quantum Minerals for what would be the largest mine in Central America. While voting on the contract was going on inside the Chamber—it was approved with 44 votes in favor, five against and two abstentions—the people who, a day earlier, had witnessed photographer Aubrey Baxter being shot in the face with pellets while he was documenting the protests, were demonstrating in the vicinity of the legislative building.

In the midst of the social unrest, upon learning the contract had been approved, then-Minister Boyd Alfaro [tweeted on X \(formerly Twitter\)](#), “Today, the Assembly held the third debate and approved Law 1100 on the mining contract between the State and Minera Panamá, after two years of protracted negotiations with a team of experts committed to achieving the best benefits for the Panamanian people. Approval of this law does Panama justice. It received \$375 million, benefiting retirees, teachers and communities in the vicinity of the mining project. This administration listens!”

References to the negotiations and the government listening are elements that are worth analyzing from an ethical point of view. As already mentioned, the entire renegotiation process was conducted behind the public’s back and after a court ruling declaring the legal contract unconstitutional, eliminating the license.

In principle, discussion is a valid tool to achieve peaceful social coexistence in democratic societies. From the perspective of the ethics of discourse, a series of authors (Habermas, Rawls, Otto-Apel) argue for the need to reach consensus from—in general terms—equitable, free and equal positions, when establishing norms and laws (accepted by all) that make life in society possible, despite the existing moral, political and philosophical differences.



In Panama, since the so-called “return to democracy” in 1990 (following the U.S. invasion on December 20, 1989), a number of episodes of social conflict have emerged: in 1995, for instance, the public protested against reforms to the Labor Code and, in 2005, in defense of social security. In 2010, banana plantation workers in the northeast protested against the “Chorizo Law” that sought to eliminate labor gains and revise the law that created the Ngäbe Buglé Comarca, in order to allow mining in that territory. The outcome was that two people lost their lives and dozens of workers lost their eyesight partially or completely when law enforcement shot pellets at them.

In 2012, indigenous people from the Ngäbe-Buglé Comarca protested against the Cerro Colorado mine. At these protests, Jerónimo Rodríguez Tugrí was murdered. That year, there were demonstrations against the sale of State lands in the province of Colón. Three people lost their lives there.

In each of these cases, the conflict was a consequence of the ways the government ignores the society they allegedly govern and of the way government responds to social outcry from a position of technical savvy, Hobbesian power (strong and authoritarian) and calling for dialog that ends up being cynical statements, as explained by philosopher Enrique Dussel.

Dussel explains that the starting point for any discussion is the recognition that the Other is to be understood as those neglected by the Western Eurocentric world vision (women, Afro populations, indigenous people or the poor). From the “cynic’s” perspective, these groups have little to offer, because, to speak bluntly, they ‘neither know nor understand.’ Even more serious, they are not even considered interlocutors. Technical-scientific knowledge is recognized as valid; this kind of knowledge is based on the notion of progress understood as endless growth, and as mentioned before, nature is viewed as raw material, dissociated from human existence and evolution.

This is why, when former Minister Boyd Alfaro stated on his “X” account that the Cortizo “administration listens,” this begs the question of whom it is really listening to, taking into account not only the anti-mining demonstrations of 2023, but the long history of protests against mining extraction that are registered in Panama. This will be addressed below.



Members of the Panamá Vale Más Sin Minería coalition march in Panama City, demanding the enactment of the proposed National Mining Moratorium. (Photo credit: Panamá Vale Más Sin Minería)



## MINING PROBLEMS, HISTORY, AND NEOLIBERALISM

There is a long history of the mining industry as the source of social conflict in Panama. One of the most representative instances is the Cerro Colorado copper mine in the west of the country. In the 1970s, the government created the Corporación de Desarrollo Minero (CODEMIN) in order to mine the copper deposit. The project failed due to financial issues, a drop in the price of copper on the international market and domestic political issues. In 2012, the project still drew protests by the indigenous Ngäbe and Buglé indigenous peoples, who oppose mining developments on their lands.<sup>3</sup>

Another relevant case is the Santa Rosa Mine in Cañazas, Veraguas. It operated in the mid-1990s in that rural community. In June 1998, it reported a [break down in the leaching vats](#) after several hours of heavy rainfall. There is another latent conflict in that region, any time there is a license for exploration or developing a gold, silver and copper mine for Veragold Mining Company Inc., at the old Santa Rosa mine. This mine is under construction and the contract ( [Contract-Law Number 92](#)) was also challenged as unconstitutional. As of April 2024, the Supreme Court of Justice of Panama sentence is still pending.

It is also important to mention the case of the Mina Cerro Quema mine in Los Santos Province where the latest anti-mining protests took place. CIAM biologist Isaías Ramos noted that in the mid-1990s, in the region, [there were strong demonstrations against the project](#), and the administration

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<sup>3</sup> The Ngäbe-Buglé Comarca was created with Law 10 in 1997 and its lands are in the provinces of Bocas del Toro, Chiriquí and Veraguas.

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of President Ernesto Pérez Balladares responded with repression and different forms of criminalizing the protest. At that time, the *Frente Santeño contra la Minería* emerged, and 20 years later, it continues to oppose this sort of activity in the country.

In 2009, protests were also reported in the province of Coclé, in the vicinity of Minera Panamá works located in Colón. “The protests at the then Petaquilla mine lasted weeks and the government sent riot police and broke up the protest,” added Ramos.

For this reason, the demonstrations that took place in Panama between October and November 2023 cannot be seen in isolation. These are the sum of the country’s anti-mining struggles for the last five decades. This shows public disapproval of the non-transparent and improper negotiation of the contract with Minera Panamá. As political scientist [Harry Brown Arauz](#) said, they also became the channel to give vent to “socioeconomic exclusion and many other environmental abuses and countless excesses in public institutions” since 1990.

Brown Araúz, however, says a major factor behind the massive public response in the streets was sovereignty: “in Panama, the people come out of the struggles in the last century to overcome the ‘damage’ and humiliation brought about by the Canal Zone. Therefore, the Panamanian people are essentially sovereigntist and anti-enclave. The moment the environmentalists and different Panamanian professionals described the new First Quantum mining contract as a new enclave was when the pressure cooker blew up.”

The environmental factor was also important. Brown Arauz also states that, “Opinion polls conducted by Centro Internacional de Estudios Políticos y Sociales (CIEPS) showed that environmental awareness runs high in the Panamanian public, who are even willing to sacrifice economic indicators. In the last 30 year they became converts to common sense.”

The indicators the social scientist refers to are fundamentally economic growth as measured by the Gross National Product (GNP), which is a totem in the case of Panama because of the dominating political and economic sectors’ free market fetichism.<sup>4</sup> According to the latest official figures, GDP was 10.8% in Panama in 2022.

With 15 concessions granted and 103 applications pending before the approval of Law 1110—which prohibits the granting of new concessions for the approval, extraction, exploitation and benefit of metal mining in Panama and was the result of social mobilization—this extractive activity continues to be a problem due to a lack of

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<sup>4</sup> Although the adoption of neoliberal policies began in the 1970s, it wasn’t until the mid-1990s that the Ernesto Perez Balladares administration launched an aggressive plan to privatize state-owned companies after instituting a series of free-market policies. Privatizations materialized; monopolies and oligopolies emerged concurrently.



regulation, scant environmental safeguards and deficient mechanisms for effective participation in a small country of enormous biodiversity and abundant rainfall.

This led the Panamanian public to pose a series of big questions, and Canadian citizens as well—who expect the companies representing them outside their country to comply with laws in both countries. How did First Quantum start to export without a contract actually in force? Why had the Panamanian government allowed mineral exports in the absence of an effective contract with the company? In 2023, how did Panamanian lawmakers approve a contract that according to the November 27, 2023, Supreme Court Ruling contained 25 violations of Panamanian Law? How did the company’s local legal counsel and spokespersons get the Panamanian Government to agree to sign and enact a contract with 25 violations of the Constitution?

All these continue to be valid and core questions illustrating the power relations between both parties in the contract negotiation, while also taking into account the conflicts of interests of Panamanian officials who were directly—or indirectly—involved in securing this contract. Some relationships were reported in the Panamanian media, including the following:

1. The Panamanian vice-president during the 2019-2024 term of the Laurentino Cortizo administration, José Gabriel Carrizo, [had been an attorney representing Petaquilla Minerals](#), which bought First Quantum after a series of transactions. Carrizo’s mother [worked for- and sat on](#) the Petaquilla board of directors.
2. Two ministers in the Cortizo Cabinet, Rafael Sabonge and José Alejandro Rojas, are partners at [URBE, a construction company that built works for Minera Panamá](#), a First Quantum subsidiary. Specifically, it built a housing project in La Pintada, the region in Coclé where the access roads to the mine are located. Sabonge admitted this fact and only said he had not been involved in negotiating the mining contract, [“other than his involvement as a Cabinet minister.”](#)
3. Willie Cochez—attorney to Richard Fifer, who kept part of the original concession of Petaquilla— [sued](#) Sabonge and Rojas in the Supreme Court for alleged conflict of interest. These lawsuits are still pending.
4. The Cabinet authorized the Executive to submit the mining contract to the Assembly. This act was signed by Sabonge as Minister of Public Works, even though his own company benefitted from having Minera Panamá as a client, in a clear case of conflict of interest. [A lawsuit against this resolution was filed before the Court by attorney Carlos Barsallo](#), who maintains that this situation means the Cabinet resolution is illegal. However, [the Court rejected the lawsuit, arguing that the resolution was, “a preparatory measure”](#) —not a contract per se—and that preparatory measures cannot be attacked for being illegal. Aside from the legalisms, the Court stopped short of debating the substance of the questioning, namely, the way a minister had benefitted personally

from a project his own company executed, and even signed a Cabinet resolution that benefits said company.

5. Another minister under Cortizo, [attorney Aristides Royo, is also a partner at Morgan & Morgan](#), representing Minera Panamá since it arrived in Panamá. The minister said he had left the firm in 2019, when he was appointed Panama's minister for canal affairs, yet he is still listed on the firm's website as a partner for over 40 years.
6. Minister for Commerce and Industries Federico Alfaro participated in contract negotiations, and was the one to submit it to the Assembly, he signed it and defended it in public. [He was a partner at Arias, Fábrega and Fábrega in 2017 according to La Prensa](#). At that time, his firm was negotiating with the Panamanian State on behalf of the mine.
7. La Prensa published an investigation piece called ["El círculo minero de la Caja 2 del PRD,"](#) describing the way Vice President Carrizo, a former Petaquilla attorney, had triangulated company donations to the 2019 presidential campaign, including Petaquilla whom he worked for, and whose concession wound up in the hands of First Quantum. Private donations to political campaigns are not 100 percent transparent in Panama, because the Electoral Tribunal has publicly acknowledged it is unable to conduct audits to find out whether what is reported is actually a campaign donation--in cash or in kind--consistent with the facts.
8. José Alejandro Rojas Pardini is Minister-Counselor for Private Investment Facilitation in the Cortizo administration, [and a cousin of an attorney representing Minera Cobre Panamá, Manuel Virgilio Aizpurúa Rojas Pardini](#).

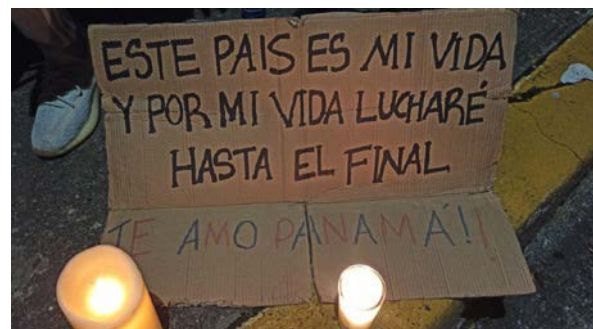
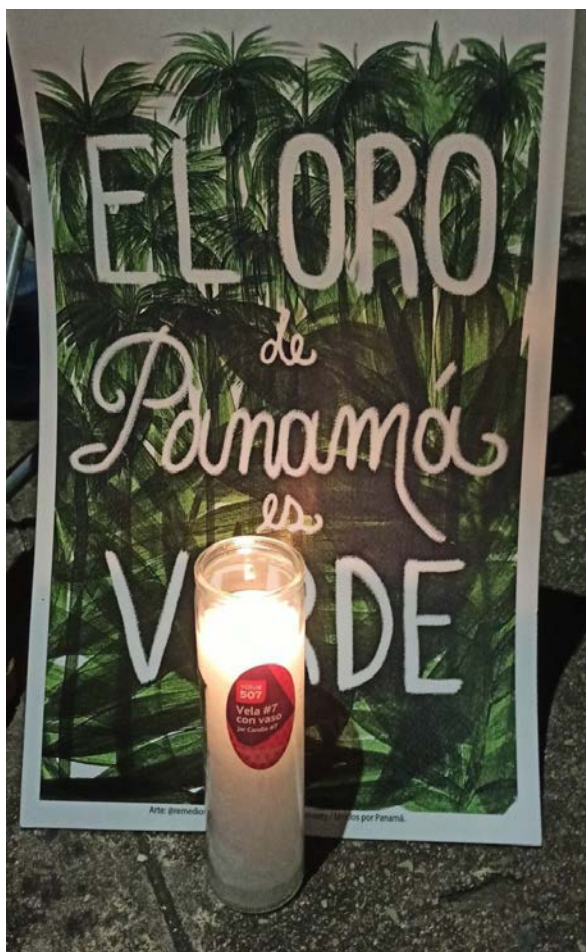
Recapping, we have de-constructed only some of the questionable relationships that are evident and that have been reported in the media, although not to the extent and depth that these issues warrant. Nonetheless, there may be other underlying connections between politicians and mining subcontractors, as gleaned from the draft contracts submitted to the Congress in 2023. For instance, of the companies that show up in the contract as "affiliates" of Minera Panamá, there were at least eight established in Panama and all show the resident agent and/or director as Manuel Virgilio Aizpurúa Rojas, who signed the contract on behalf of Minera Panamá, and is also the legal representative.

Neither is it possible to learn the identities of beneficial owners of the company affiliates and/or subcontractors, because although there is a Registry of Beneficial Owners in Panama, it is not publicly available, and because there is still the option of using "nominal directors"—individuals hired to appear on company boards—and politicians in office hide their private financial interests as well as the conflict of interest that these connections incur.

## ANTI-MINING PROTESTS AND HUMAN RIGHTS VIOLATIONS

Instances of, and facts surrounding human rights violations were documented for this report, specifically those that occurred during the protests against mining contract 406 signed between Panama and Minera Panamá a subsidiary of the Canadian First Quantum Minerals. Although these protests took place over the course of a month and a half—from October 16 to November 28, 2023—this will also include subsequent events that occurred as a consequence of the protests, some of them still underway, such as the prosecution of environmental activists, union members and students.

Information was compiled from primary and secondary source interviews, a desk review and analysis of the facts. We submit documented cases of repression against demonstrators during the mining protests in Panama, and human rights violations committed in light of Inter-American Commission on Human Rights (IACHR) standards. We also include an approximate analysis of media coverage, reviewing content in two of the country's most important newsprint media, *La Prensa* and *La Estrella de Panamá*.



Placards at the vigil in front of the Supreme Court of Justice, in anticipation of the ruling of unconstitutionality against the mining contract on November 14, 2023. (Photo credit: Panamá Vale Más Sin Minería)

For reference, in the report on [Protest and Human Rights](#) both the IACHR and the Special Rapporteur for Freedom of Expression establish the following regarding human rights in democratic governance systems:

- The right to free demonstration and peaceful protest is an essential element of the functioning and very existence of the democratic system, as well as a channel that allows individuals and different groups in society to express their demands, dissent, and complain about the government or their particular situation.
- It is essential that all levels and every agency of the State, **respect and guarantee that no one will be criminalized<sup>5</sup>** for exercising the rights to freedom of expression, assembly and association in the context of demonstrations and protests; and that **neither will they be subjected to threats, harassment, violence, persecution or retaliation for participating in protests.**
- (They must) ensure that law enforcement interventions to protect and control the undertaking of demonstrations and protests make it their **priority to defend the life and integrity of people**, abstaining from administering cruel, inhuman or degrading treatment on demonstrators, arbitrarily depriving them of their liberty or violating their rights in any other way.
- (They must) guarantee people and groups that are victims of fundamental rights violations and abuse during the exercise of the protest **are able to effectively access justice** and they will receive reparations for any violation of their fundamental rights.
- The authorities enable the exercise of the right to demonstrate and protest as a general rule and **must not consider them a threat to public order or internal security.**
- The authorities must prioritize dialogue and negotiation when managing any form of protest, and abstain from resorting to force during demonstrations, occupations or protests except when absolutely necessary. **In no case should there be indiscriminate use of force in the context of protests.**
- Holding demonstrations and protests **must not be subject to prior approval by the authorities.** When the law requires prior notification, it must be simple, accessible and non-discriminatory.
- Spontaneous demonstrations and protests must not be against the law and must be exempt from any notification requirements.

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<sup>5</sup> Marked in bold by the authors.



- The States must (...) use all means at their disposal to protect the lives and physical integrity of people in the context of protests, from acts committed by law enforcement personnel or third parties.
- ***The use of less-lethal weapons must be strictly regulated.*** Any incident that involved the use of any type of weapon by law enforcement must be recorded, whether or not harm has come to any person.
- It is particularly important to keep in mind that journalists, photographers, photo-reporters and communities covering protests are gathering and disseminating information about events during demonstrations and protests, including actions taken by law enforcement; ***freedom of expression protects the right to record and disseminate any incident.***
- There must be no massive, collective or indiscriminate detentions. ***Detentions based solely on having participated in a public demonstration or protest fail to meet the standards of reasonableness and proportionality.***
- Demonstration or protest organizations and organizers as such ***must not be made responsible*** for possible acts of violence involving participants or third parties.
- The legislative branch must abstain from creating vague definitions of offenses that criminalize behavior that is germane to a social protest, such as criminal penalties for lack of authorization or for failure to comply, ***or traffic disruption.*** These criminal offenses violate the principle of legality and Inter-American standards.
- Any criminal law that may affect the right to hold demonstrations and protests must strictly comply with the principle of legality. ***Policies against terrorism or organized crime should not be legislated in such a way as to restrict human rights and generate a generalized inhibitory effect on the exercise of the rights of assembly, association, freedom of expression and political rights*** in the contexts mentioned in this report.

As can be inferred from IACHR conclusions and recommendations, social protest is connected to rights such as the right to assembly, association, strike and freedom of expression. It is connected to other rights that, although not expressly mentioned, also stem from the right of association, such as the right to freedom to form unions and the right to join a workers' union. Attorney and lecturer Rolando Murgas Torraza notes that the right to social protest “involves a set of

fundamental human rights” that are exercised collectively and acknowledged in both international instruments and different constitutional texts.<sup>6</sup>

A [Defensoría del Pueblo report](#) dated December 14, 2023, listed rights violations and damages caused by mining demonstrations since mid-2023, expanding the period of study to include incidents recorded since the government authorized Minister Alfaro Boyd to sign the contract with Minera Panamá.

On December 15, 2023, during a [meeting](#) with Panamanian Ombudsman Eduardo Leblanc, UN High Commissioner for Human Rights Alberto Brunori requested Panamanian State authorities to “fully guarantee the right to peaceful protest,” and called on demonstrators to abstain from violent methods and to respect the rights to health, food and freedom of movement.

There was no independent report on the protests from the United Nations agency. Instead, it worked with the Panamanian *Defensoría del Pueblo*, focusing on the financial and commercial damages and losses, rather than the violation of demonstrators’ rights.

It is worth noting here that the *Defensoría* in Panama is ratified by National Assembly congress members, and in the specific case of Eduardo Leblanc—an attorney whose professional background is in the banking sector—he was chosen after the 2019-2024 Assembly [removed](#) the previous Ombudsman. At the time, IACHR [noted](#) it had concerns in this regard.

According to a report issued by *Defensoría*, mining protests in July 2023 outside the Assembly building caused harm to people from the effect of tear gas that law enforcement had used. An older person lost his eyesight when shot with a pepper-spray projectile.

An important point is that the *Defensoría* resorts to language that reveals ion the incidents, justifying State actions as necessary. For instance, the *Defensoría* said that school being cancelled when teachers went on strike was a “violation of the public’s rights,” adding that the rights to food and health were violated when deliveries of food and medicines to hospitals, and the provision of medical assistance were all held up due to street blockades at different sites. In other words, it made the consequences of the protest out to be alleged offenses attributable to the Other: who opposed the contract, who protested in the street.

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<sup>6</sup> Murgas Torraza, Rolando (2022). “Alcance y límites del derecho de protesta social”. *Revista Ratio Legis*. Año 2. No 4. julio-diciembre. Instituto de Estudios Democráticos (INED). Tribunal Electoral de Panamá.

In fact, the narrative that prevailed during the demonstrations criminalized the protests. The public was portrayed as feeling “kidnapped” by the fact that streets were closed off by demonstrators, who were even described as “terrorists.” Public officials, business association representatives, journalists and the news media participated in creating this narrative. They supported or came out as being in favor of mining and the fact that a new contract had been approved.

Individuals interviewed for this report, however, contradicted the version told by *Defensoría*. They stated that at every site, demonstrators had allowed vehicles with food, patients and ambulances through, specifically to avoid violating their right to health. In addition, many sites were closed intermittently and only one lane of the roadway was taken.

It is possible that the narrative criminalizing the protests can explain several incidents recorded by traditional media journalists and demonstrators—the latter challenged the media and journalists on live broadcasts, and in social media. The *Defensoría* referred to these events as “demonstrators attacking” journalists and the media, “when they disagreed with their opinions or the news broadcasts.”

The *Defensoría* recorded 44 days of protesting, starting on October 19—the day that the mining contract was approved during the second debate and a day before it was approved in the third debate, its sanction and enactment—through December 2, the day that almost all the blockades were removed from the road to the mining project near the communities of San Juanito and Ceiba in Coclé province.

Blockade sites were set up in [10 provinces around the country and in the comarcas](#).



Nationwide protest in Panama.  
(Photo credit: Olmedo Carrasquilla Aguila, *Colectivo Voces Ecológicas* and *Radio Temblor Internacional*)

## RIGHTS VIOLATED ACCORDING TO THE DEFENSORÍA DEL PUEBLO IN PANAMA

In the *Defensoría* report, the introduction states that “open-pit mining is detrimental to a healthy environment,” citing the first unconstitutionality ruling of the Court in 2017. It also notes that the contract “failed to comply with basic public contracting principles, did not represent the best interests of the State and was contrary to social wellbeing and the public interest” (p. 2).

The *Defensoría* also stated that, “**it failed to respect the Rule of law,**” in that the first ruling of unconstitutionality in 2017 was not published in the Official Ledger until 2021 and that, despite the 2016 lawsuit against the concession, then-president Juan Carlos Varela renewed the concession 20 more years through the Ministry of Commerce and Industry. Note that this type of concession is a contract-law, where the concession is legalized—or not—under a contract. In the absence of a contract, the concession is automatically extinguished and in this sense the Court ruled on unconstitutionality on November 27, 2023, stating that: “There is no concession without a contract. The aforementioned law was removed from the normative system that governs this country.” ([María Eugenia Arias, November 28, 2023](#)). Regarding the public input process, the *Defensoría del Pueblo* concluded that:

*the public's right to provide input was not respected, since public opinion was not taken into account at the time the final decision on the document was made.*<sup>7</sup>

This conclusion is based on the fact that, although the Panamanian government opened up a period for consultation, it was very brief:

*...the Executive Branch, through the Ministry of Commerce and Industry, **only allowed public participation through comments during a period of about a month, from March 24 to April 22, 2023.***

*In the view of this leading human rights agency, and that of many in the general public, this **period was very brief**, taking into account the expansiveness and significance of this contract granted by a twenty-year (20) concession.*<sup>8</sup>

Additionally, the input period only received “comments” on a virtual platform called Agora, restricting input to only people with internet access. The contract posted on the platform could not be printed out, making its analysis even more difficult for those who only had access to internet on their mobile phone, for instance. Furthermore, the input period was described as “non-binding” by the government itself. This position does not

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<sup>7</sup> Defensoría del Pueblo. Informe Rechazo al contrato minero. p. 5. <https://defensoria.gob.pa/wp-content/uploads/Informe-Defensorial-Rechazo-Contrato-Minero.pdf>

<sup>8</sup> *Ibid.* p. 5.



satisfy the spirit of taking citizen input into account that

is in the Escazú Agreement, to which Panama is a signatory by way of [Law 125 of February 4, 2020](#), signed by the Cortizo administration.

Although the Defensoría fails to mention the Escazu Agreement in its report, the [ruling of unconstitutionality](#) by the Court on November 27 does mention it. It clearly notes non-compliance with several precepts in the Escazu Agreement, including the fact that mining contract 1100, which later become Law 406, was based on an environmental impact study approved in 2011:

*in addition to not being recent, and therefore, lacking updated information on the ecological conditions at the time the contract was executed, it fails to comply with State-issued regulations that provide effective access to information on environmental matters, signed in the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement).<sup>9</sup>*

Further on, the Supreme Court states that the mining contract was submitted to discussion and approved, “over the course of 10 days,” with no updated environmental information—because the environmental impact study was dated 2011. This violated the public right to be “informed in an effective, understandable and timely manner,” and that the Assembly’s approval of the contract, despite the aforementioned, violated the collective right to public participation in Article 257 of the Political Constitution of Panama.<sup>10</sup>

## INDEPENDENTLY-DOCUMENTED CASES, EVENTS, AND INCIDENTS IN THE CONTEXT OF PROTESTS AGAINST THE MINING CONTRACT

The events that took place during and after the protests against mining contract 406 signed between the Panamanian State and the Canadian company First Quantum were reconstructed based on 20 interviews compiled for this report, a review of cases published in traditional and alternative media, testimonies shared by victims on social media or circulated by messenger, and information compiled by the *Defensoría del Pueblo* in its report.

As for protests in October and November 2023, the *Defensoría del Pueblo* stated there were:

1. Over 100 injuries, such as, respiratory issues, swelling and/or stinging sensation due to exposure to tear gas bombs launched by

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<sup>9</sup> Órgano Judicial. Fallo de la Corte Suprema de Justicia. Panamá, 27 de noviembre de 2023. *Gaceta Oficial* 29922, p. 182.

<sup>10</sup> *Ibid.* p. 183.

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law enforcement while repressing mining protests. Eight were law enforcement personnel themselves.

2. Five (5) people lost their eyesight completely or partially due to pellets or *pepper balls* that the police fired. Two of them were female minors.
3. Five (5) fatalities. Two were hit by vehicle, one in the province of Colón where the mine is located; and the other in the province of Chiriquí, on the border with Costa Rica in the west of the country. A migrant woman died from physical strain, also in Chiriquí. Two people in Chame in Panamá Oeste Province—a teacher and her husband—were on the street protesting when they were gunned down at point blank by Kenneth Darlington.
4. Acts of vandalism, violence, threats, hate speech.
5. Financial losses and damages to the commercial sector and public property.
6. Clashes between demonstrators and non-demonstrators (the *Defensoría* called them “residents of the affected areas”).

However, the *Defensoría* overlooked significant systemic rights violations, which as per the facts and statements compiled as background for this report, constitute clear human rights violations based on the IACHR’s parameters for the right to protest, as described above.

The human rights violations are grouped according to the following categories: arbitrary detentions, prosecution, injuries, fatalities, retaliation against demonstrators, excessive use of force and media violence.

## ARBITRARY DETENTIONS

Panamanian police detained 1,274 people between October 20 and November 24, 2023, as [reported in the media on November 25](#). The detentions were due to vandalism and property damage during the protests, according to the National Police. Most of those in custody were brought before the Justice of the Peace. In other cases, lawsuits were filed against demonstrators and their cases ended up in the Office of the Attorney General.

No official list is available with the number of apprehensions during the protests against the mining contract, but statements by attorneys reveal that in many cases due process was not followed. The attorneys state that, given the circumstances, judges declared that many detentions had been illegal. In other cases, detainees were released hours later, when no offense could be proven.

Detainees included [155 children](#). The other 1,119 cases were adults, including members of the public who were protesting, as well as individuals who were not participating in the demonstrations, but were detained as they passed by the site, according to several statements taken down as background for this report.

### University students

One of the cases was described by criminal lawyer Jorge Castañeda Patten, who was defense counsel for students protesting on the campus of the University of Panama. He described a complaint of property damage involving a Kia Picanto automobile on the campus. The complaint included six (6) students, who the Legal Investigation Division—police section that conducts investigations at the request of the Attorney General—identified through an anonymous source who is thought to be the University itself. The only one who had charges filed against him and was identified: Abraham Hidalgo. Another student was also searched, resulting in the seizure of a laptop computer. He was charged with minor offenses. The case was settled through mediation and the injured party withdrew the lawsuit.

The attorney pointed out that many detainees were denied immediate access to their legal counsel. Other witnesses and victims that were interviewed concurred. In some cases, nothing was known about these people until hours after their detention, as they had been unable to make phone calls.

Castañeda assisted about 100 people a night during the month-and-a-half long protests. Most were released hours or days later with no charges filed. An unknown number of them were under precautionary measures and had to report every 15 days, while others still had court processes against them. Many of them preferred to keep silent about what had happened given the uncertain circumstances.

### Education sector leaders

Members of the *Asociación de Profesores de Panamá* Diógenes Sánchez, Cristóbal Joseph and Samuel Pinto [were detained](#) along with their attorney Rogelio Peralta at Casa de Paz de Santa Ana. They were accompanying a teacher who had been summoned there after she had been detained while participating in the protests in the vicinity of the Assembly building.

She was apprehended on November 1, after the judge at Casa de Paz threatened to seize her cell phone and upload her data in [pelepolice](#) (law-enforcement app) if she failed to comply with the order. Upon learning about threat:

*...there were about 12 of us. The justice of the peace did not like having so many people there. Words were exchanged and he started threatening to put us in jail. The tension escalated. He had the police [at the Casa de Paz]*



*bar the doors. He called for reinforcements. When we felt we were trapped, we started to shout slogans. Then more police arrived and one threw himself on me, hit me on the head and grabbed me in a headlock to take me into custody.*

The teachers have been charged with disrespect for authority and disturbing the peace and are waiting to receive notice of a hearing date.

### **Union members**

Among them, police detained several leaders of the Suntracs construction worker union (Sindicato Único de Trabajadores de la Construcción y Similares) like [Jaime Caballero](#), who was detained at Alanje, Chiriquí on October 26, 2023. October 25, the day before, [Kadir Méndez](#), son of Suntracs secretary general Saúl Méndez, was also apprehended in Chiriquí and released hours later. Against this backdrop, Saúl Méndez also [reported death threats](#) were being made against Jaime Caballero and himself.

### **People not involved in the demonstrations**

There were people who were not involved in the demonstrations but who were also detained, as revealed in attorney- and witness statements from the provinces of Panamá, Veraguas, Colón, Chiriquí and Ngäbe-Buglé Comarca. This included students, different kinds of workers and people who were passing by the site of the demonstrations.

In Colón province, where the mine site is located, at least 38 demonstrators were detained, as confirmed by attorney Felipe Cabeza. Three (3) of them have been brought to trial. One is Eduardo Baltazar, a fisherman. He was on his boat working at Punta Rincón, not involved in the protests. He was arrested and taken to the mining area. His attorney stated that:

*He was not protesting. He was in Punta Rincón. He was repressed when he was on his boat alone. They shot rubber bullets and dosed him with pepper spray. He was apprehended and all he had been doing in the boat was fishing. He had no bomb, placard, stones, or anything the police say he had. They seized the boat. They issued a precautionary measure so he has to sign-in every 15 days. The detention was deemed illegal, because they did not take him to the Aeronaval station, they took him to the mining operations area. He was not put into custody with authorities and they held him there in handcuffs for over 24 hours. When they took him to the station, Guarantee Judge Nelson Vergara declared the arrest of Eduardo Baltazar illegal.*

Arbitrary detentions took place throughout the 44 days of protests and the victims were particularly youth, indigenous people and farm workers.

## INJURIES

Official figures *Defensoría* put out after the protests show that over 100 people had been injured, including respiratory issues, swelling and/or burning as a result of tear-gas bombs launched by law enforcement during repressive actions, eight of these individuals were law enforcement personnel themselves.

Nevertheless, the scope of the protests, the number of days, the intensity of repression and statements collected, all indicate that the actual number surpasses 100 injured.

The police shot ammunition, rubber bullets, tear gas, they applied batons and beat demonstrators in different contexts and places. The Panamanian police themselves [reported](#) 49 police officers had been injured during 35 days of protests. The agency press release stated five police officers' injuries were due to physical aggression, 37 blunt objects, seven with firearms. Two had to be hospitalized and the rest were given a few days leave. Many of the aggressions were documented by alternative media or by the protesters and victims themselves, and shared on social media. Among those injured by rubber bullets were environmental activists Serena Vamvas of *Movimiento MiMar*; and Olmedo Carrasquilla and Conzuelo Hooker of *Voces Ecológicas*.

In Santiago in Veraguas Province, strong repression was reported from October 27 to 28. The result was at least 30 adults were injured and three children were seriously injured, according to Hooker and teacher Luis Sánchez of the teachers union A EVE (*Asociación de Educadores Veraguenses*) who participated in the demonstrations in this city located in the central region of the country. The repression started on the evening of the 27th and ended on the morning of October 28. Of the three children who were seriously wounded, one lost a testicle, the other sustained a fracture in the abdominal area and the other lost sight in one eye. The latter's parents did not even want to file a complaint about the incident. According to Conzuelo, the health centers did not want to assist those wounded in the protests. They came together with the indigenous people and a group of youth to set up first aid brigades with volunteer physicians posted at the three protest sites in Veraguas (near the Piramidal Hotel, under the *19 de Julio* bridge, and near *La Soledad* community).

In this regard, Sanchez stated:

*There was abuse, there were serious injuries. People lost their genitals. Youth who had nothing to do with it. The police claim there was a stone. They had thrown it themselves. There were gunshots. There was a youth who was hospitalized, we were unable to go inside. We remained outside. The police arrived. They removed the evidence. They entered. They wouldn't let the young man see his legal counsel. There were indigenous people who showed up with swollen eyes, busted noses. The police launched harsh attacks against the youth, and particularly against the indigenous people. There were children who were affected by the tear gas. We reported all of this on social media.*

In Colón too, people were injured by pellets, rubber bullets, live ammo, tear gas. People were beaten with excessive force by the police, as confirmed by attorney Cabezas who assisted the cases in that province. In the Caribbean province, a few kilometers away from Panama City, protests were organized at the crossroads of Cuatro Altos and at Punta Rincón, where the Donoso fishermen self-styled “Sea Warriors” protested. At Punta Rincón, demonstrators set up a watch and an encampment to prevent ships from docking at the port the company had built in the area.

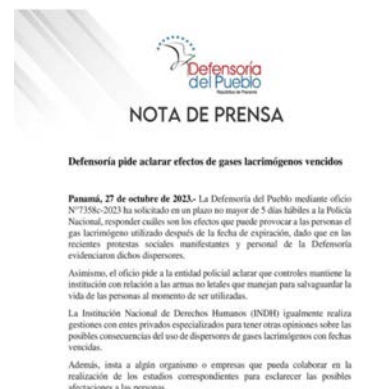
There were episodes of fainting due to tear gas, pellet- and rubber bullet wounds in all of the provinces. The hot spots were around the National Assembly building, the University of Panama, the *19 de Julio* bridge in Santiago, the crossroads of Horconcitos in Chiriquí, Chepo, the port at Punta Rincón and on the roads to the mining project site, going through La Pintada in the province of Coclé.

## USE OF EXPIRED TEAR GAS

Use of expired tear gas [was reported](#) by demonstrators on social media. After the chemical made contact with their skin, they felt a level of intense burning and discomfort never experienced before in other protests. [Videos were posted](#) showing the expiration dates on the canisters. Some had even expired five years earlier. According to [reporting in the \*La Prensa\*](#) newspaper on October 29, criminalistics expert Julio Alonso is cited saying, “tear gas bombs are chemical weapons. Decomposition is dangerous, and even more so when they combine ingredients. When they decompose, they turn into other chemicals, and may become cyanide, potassium, chloride and others, which are not used to deter. Instead, their effects on the human body are serious.”

Alonso added that the effects can vary, from intoxication, poisoning, loss of eyesight, loss and/or blocked respiratory function, damage to the nervous system, thyroid issues and a whole series of adverse reactions in vital organs.

Photo accompanying the press release by the *Defensoría del Pueblo* of Panama on October 27, confirming the police had repressed the demonstrations with expired tear gas.



The use of expired tear gas violated the demonstrators' right to protest safely without putting their lives at risk. International attorney and human rights specialist [Alonso Illueca said the following on his X account](#): "The use of expired tear gas ammunition is dangerous. No longer able to disperse adequately, the gas can be more highly concentrated, and causes pulmonary injury or even going from irritation to causing asphyxiation. Remember, these are chemical weapons."

Only after demonstrators reported this on social media, the *Defensoría* also [confirmed and recorded](#) this fact—although it failed to mention it in its report.

## EXCESSIVE USE OF FORCE

Castañeda Patten described other lawsuits, where they captured demonstrators in the afternoons/evenings and took them to the Justice of the Peace or night courts: "There were excesses there, physical and psychological abuse, even involving children who had been at the protest. There were beatings and the police openly committed acts that violated human rights."

The attorney described a case where a University of Panama fine arts student was detained by the police: "They harassed her, spit on her and groped her, which caused the young woman to urinate... the police then kicked her." The night judge admonished the students who were detained. However, the office in charge of these matters, the *Dirección de Responsabilidad Policial*, failed to look into the behavior of the police.

The Palacios sisters—whom attorney Castaneda also assisted—witnessed police abuse of the fine arts student, while their own right to freedom of movement was violated, because they were not even in the protest at the time they were detained. Castañeda Patten relates the following:

*They arrived at the protest late. They arrived at the metro [station] of Santo Tomas [Hospital]. They went above and the march had advanced, they backed off and two police officers stopped them, seized them and put them in the patrol car. They drove them around the city for hours. The Palacios sisters were subjected to harassment and insults; and, they witnessed what the police did to the fine arts student. When I arrived at the Cuba Avenue station, I saw these two young Ngäbe women on the corner, crying. They told me the police had grabbed them, kicked them and put them in the patrol car.*

Another statement regarding disproportionate use of force came from A EVE teachers union leader Sanchez, in reference to the incidents of the night of October 20 near the Assembly building, the date the Assembly approved the mining contract in the third debate:

*They beat us up at the “5 de mayo” [Plaza]. I was there with the little A EVE banner.  
We had to run all the way to Cinta Costera. Police abuse was very heavy.  
It is my understanding that tear gas bombs are shot up in the air. They [law enforcement] shot  
like you shoot a deer. They shot at point-blank range. If you ran up Avenida B, there was  
a contingent there. If you went down Avenida Balboa or El Marañón, another contingent.  
When you arrived, there was tear gas everywhere.*

Conzuelo describes an ambush that took place during the repression in Santiago, in late October. The group of youth I was with came together on the night of October 27 at the Piramidal Hotel restaurant, which is an open space. And they set out to have something to eat, when they were intercepted by riot police who started to shoot and launch tear gas. Conzuelo ran, jumped a fence and waited for several hours on the other side for the shooting to stop. Then, she walked to the gathering point to assist the injured. She got shot in her right ankle.

Excessive use of force was criticized by [opposition congress member Juan Diego Vasquez](#) while the [IACHR remonstrated Panama](#) for this very issue. Although the *Defensoría del Pueblo* requested that the Attorney General’s Office look into these reports, as of April 2024, no official report regarding these cases had been issued by the government, the AGO or the *Defensoría* itself.

Statements taken down for this report indicate there are no lawsuits against the police, except by photographer Aubrey Baxter, who lost his right eye. In this case, Baxter also reported attempts to drag the process out by attorneys in charge of the case, and requested they be replaced in April 2024. In Panama, the *Dirección de Investigación Judicial* (DIJ)—in charge of [investigations requested by the Attorney General](#)—is attached to the National Police, which is under the Ministry of Security, which is a cog of the Executive.

According to Felipe Cabezas, in Colón, a suit was filed at the *Defensoría del Pueblo* for excessive use of force against the Donoso fishermen and against people protesting in the streets. Cabezas also reported that in the Escobal community, a person was handcuffed and denied food for eight (8) hours.

Castañeda, who represents the victims that are being prosecuted, noted that there was, “an order to do massive damage, instill terror and terrify them... The order was to harm them.”

Several statements coincide in saying that the police beat and kicked demonstrators, while the justices of the peace violated rights and guarantees, not only when they rejected the cases, but also allowing them to remain in detention even though they had been detained illegally.

The only protest point where the police neither acted violently nor cracked down on protesters was in Tierras Altas, in the province of Chiriquí. All the statements gathered reveal that the police played an effective mediating role in that region. However, on



November 2, 2023, mediation turned into inaction and omission of duty

when district mayor Javier Pitti marched with alleged farmers armed with stones and sticks, with two military vehicles escorting them. They demolished the tents located on either end of the protest, setting off a violent clash between indigenous people and alleged farmers at the site known as Los Dragones. This incident is explained further on in the report.

## FATALITIES

Four lives were lost during mining protests. The protestors—whose deaths were reported by both media outlets and witnesses—were murdered. Two were road traffic fatalities and two were shot point blank during the protest by a Panamanian-U.S. citizen.

- Agustín Morales: [Died after being run over](#) in Los Viveros, Buena Vista, Colón province, on October 26, 2023, in the middle of a street closing. The hit-and-run driver is not in custody, only under a provisional measure, signing-in on the 15th and 30th every month.
- Tomás Milton Cedeño García: Indigenous teacher from Ngäbe-Buglé Comarca. [He died after he was run over](#) by a Czech citizen who attempted to force his way through a closed street on the Pan-American Highway at the Horconchitos crossing, in Chiriquí province. The incident took place on November 1, 2023. The driver fled the scene and was detained 500 meters further ahead. The victim's family, however, reached an [arrangement](#) with the driver, as reported in the media.
- Abdiel Díaz: Teacher, murdered at Chame on November 7.
- Iván Rodríguez Teacher's spouse. Was murdered on November 7.

Díaz and Rodríguez were [murdered](#) by the same individual while participating in the closing of the [Pan-American Highway near Chame](#), in Panamá Oeste Province. Díaz was a teacher and member of the Teacher's Association. Rodríguez was a teacher's spouse. Both of them were protesting on the roadway when a 77-year-old man got out of his car and shot them point blank after briefly exchanging words. Defendant [Kenneth Darlington was remanded to the Office of the Attorney General and is in custody and under investigation](#) for crimes against life and personal integrity. We reached out to both of the victim's families, but they preferred not to give statements. As of April 2024, both families were waiting for the trial.

Several sources acquainted with the case revealed that as a part of the end-of-strike agreement between the teachers and the government, the government agreed to take responsibility for the families of Abdiel Díaz and Iván Rodríguez. As of April 2024, however, no aid had come through, as confirmed by Luis Sánchez of the leadership.

The murders were [captured by photographer](#) Bienvenido Velasco of the EFE agency was at the scene at the time. The images clearly show the murderer pointing the weapon and firing ruthlessly.

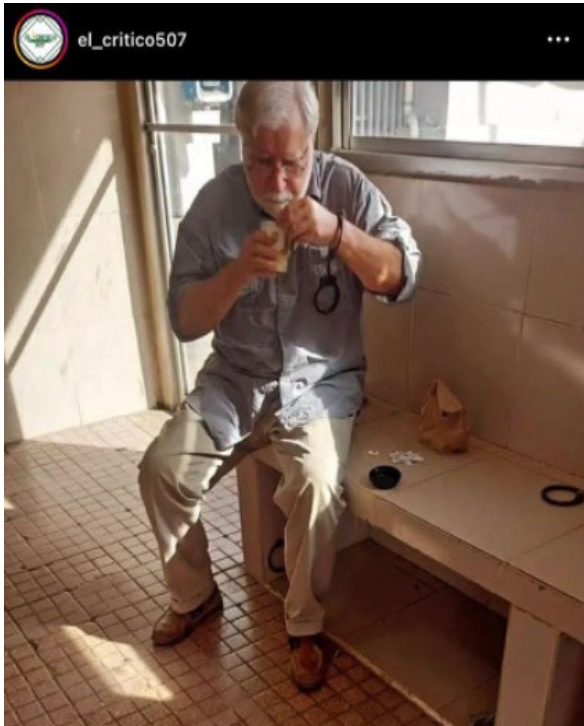


Photo taken by Kenneth Darlington as shared on social media. Criticism against the police in light of alleged special treatment.

The *Defensoría del Pueblo* registered a fifth fatality involving a migrant woman who died in a heat wave in Chiriquí, but there was no background.

## PROSECUTION OF DEMONSTRATORS

As of November 8, 2023, the Office of the Attorney General of the Nation of Panama had opened 175 investigations and confirmed that 60 individuals had been detained for alleged offenses of different kinds during the protests against the mining concession. The Office of the Attorney General stated they are looking into alleged offenses, such as **intentional- and culpable homicide, bodily harm, damage to public and private property, extortion, overreach of duties, abuse of authority, and incitement to crime**. Further, 13 individuals had been sentenced over a two-week period, according to a press release from the [Office of the Attorney General](#).

The Office of the Attorney General has not updated the number of open cases against protesters, whose cases need to be investigated within six months. This period concludes between April and June 2024.

In Colón, out of 38 detainees, three cases have gone to trial.

- Sabino Ayarza: Fisherman in the area of Donoso, Colón. He is known as Nitongo, and is a member of a group who call themselves, “Sea Warriors.” They protested

in fishing boats, regular boats and barges in and around Punta Rincón Port. Police allege that Ayarza rammed a military craft. He is also under temporary order and has to sign in every 15 days. He was the most militant and highest-profile media figure during the protests at the port where the mining company operates.

- Eduardo Baltazar: This fisherman was detained at Punta Rincón while working. He was in Punta Rincón. They shot rubber bullets and dosed him with pepper spray while he was alone in the boat. He was apprehended and all he had been doing in the boat was fishing. The boat was seized and he is under a temporary order and has to sign in every 15 days. A judge ruled the apprehension was illegal, because Baltazar was not taken to the Aeronaval base or the police. Instead they took him to the mine, where he was handcuffed and held for 24 hours before taking him to the legal authorities.
- Juan Arroyo: He was detained inside his own house in sector 20, in the suburbs of Colón, on the Transisthmian Route, where there had been protests as well. One day, the police charged a protest and pursued the young people and entered homes. Arroyo was inside his own home when the police threw tear gas. When they detained Arroyo, who had not been protesting, his family members spoke out, and the police entered without a warrant and beat him to force him out. They also pressed charges, and he is under temporary order and has to sign in every 15 days, while he awaits a statement by the AG's office.

**In Tierras Altas, in the province of Chiriquí**, the Chamber of Tourism, Commerce and Industry of Tierras Altas filed criminal lawsuits against 21 people for crimes against property in the form of damages against collective security, terrorism and unlawful assembly. In addition to this action, they sued the defendants for 50 million dollars in damages. The defendants include environmentalists, protesters, non-protesters, small farmers and reporters.

The following are the 21 defendants in Tierras Altas:

- Nariño Aizpurúa
- Jaime Jiménez
- Eugenio Marcucci Montesuma
- Paulina Pinedo Morel
- Karla Valenzuela Santamaría
- Augusto Batista
- Laura Pedreschi
- Víctor Pinero
- Damaris Sánchez
- Elvin Montero
- Abdiel Gallardo
- Kibzeth Concepción
- Yurena Serrano
- Gloria Espinoza
- Angélica Chávez
- Christopher Aizpurúa
- Eric González
- Dalys Jurado
- Benjamín Rodríguez
- Diego Flores
- Eduardo Jesús Nuñez Aranda

The text of the lawsuit states that “a group of individuals, continuously, from Monday to Sunday, seven days a week... [have] obstructed the passage to and from Tierras Altas”, this, according to the plaintiffs, “the activities of the district's productive sectors, such as agriculture, tourism and commerce had completely ceased.” However, the six (6) statements recorded for this report in Chiriquí denied that activities had “completely ceased” as the Chamber of Tourism alleges. The agricultural products and natural gas from Costa Rica were delayed from gaining entry or exiting at the height of the conflict during the protest, but it is impossible to blame the delays in the supply chain on 21 people, some of whom were not even present at the protests.

Laura Pedreschi, an activist with the Tierras Altas Civic Group and a real estate agent, had lived in Volcan for many years. She stated that she was not at the protest. She described the following:

*I did not participate physically, or economically or intellectually in anything. I have been accused of being a terrorist, a common criminal and a habitual offender. I wasn't there, I would've had to have been crazy to go there. This was too big; because you are facing down one of the largest and most powerful companies in the world. There was a 67-year-old woman, a diabetic. What was I supposed to think? What could I do? The rest of Panama was doing something. I couldn't just do nothing.*

The lawsuit itself admits that the plaintiffs were able to identify “some of these subjects,” suggesting—as the witness statements did—that they had already profiled the Chiriquian activists who were charged at this event, several of whom had been engaged for several years in the struggles against the hydroelectric projects that have been built in the region.

At the time the lawsuit was filed, Chamber of Commerce spokesperson Maru Galvez made statements in different media about the lawsuit and constantly referred to the Chiriquí protestors as “[terrorists](#)” and “[kidnappers](#).” This narrative was then picked up by the traditional media. Appearing in over 15 interviews and written news articles where she is cited as a source, she refers to the negative effects the protests have on the economy in the province.

Less than three months after these incidents, Galvez again appeared in the media, but as the “[spokesperson for Minera Panamá](#),” announcing there were guided visits to the site where the mines operated, after the contract was declared unconstitutional.

The charges filed by the Tierras Altas Chamber of Tourism were expedited by the Office of the Attorney General, even when several of the defendants had not participated in the protests. Eduardo Núñez, for instance, is a communicator and his role was limited to documenting and broadcasting the facts on Tierras Altas TV.

Neither the Tierras Altas Chamber of Tourism nor the media respected due process and presumption of innocence of the defendants. Before the lawsuit was filed on December 13, they had already published the names and images of the defendants in a



[press conference on November 22](#). This escalated the level of threat to the defendants, because on top of the legal proceedings they were facing, many suffered a blow to their incomes, their right to work, some feared for their own safety and had been threatened, followed and intimidated on the street and anonymously.

All four defendants—Damaris Sánchez, Gloria Espinosa, Laura Pedreschi and Nariño Aizpurúa—are genuinely afraid for their own safety after the lawsuit, because the hate speech fueled by hostility can turn to physical harm when they are in public places. One protester, Nariño Aizpurúa, who is a tour guide, had his motorbike stolen and an unknown male showed up at his home to intimidate him. His livelihood was also affected, because he has not been booked by tourists since the charges were brought against him.

Other legal actions include open lawsuits against union members of Suntracs, including Jaime Caballero and Kadir Méndez, whose lawsuits are underway. The Attorney General also has its own investigation of the union underway.

## HARASSMENT AGAINST THE DONOSO FISHERMEN

A group of fishermen from the community of Donoso, where the mining company has an enclave, began to protest in fishing boats in front of the port the mining company operated and where it used to export gold, copper, silver and molybdenum. This is the same port the mining company used to receive the coal it used to power the mine. Protests were 24 hours long and were streamed live, although intermittently, on the [Despierta Donoso \(@despiertadonos\)](#) Instagram account.

The fishermen became well known on social media as the “Sea Warriors,” on the frontline of the protest in front of the company facilities. They actually got the company to suspend operations while the Court ruling was pending. The [sea warriors prevented several vessels](#) from docking and delivering coal to the power plant. They prevented material extracted from the mine from being taken away. They did all this unarmed and facing the National Aeronaval Service, who tried unsuccessfully to clear a path for the cargo vessels headed to the company.

The vigils at the mining port were [documented](#) with the “Sea Warriors” streaming constantly on social media, and this made it possible to watch [episodes](#) of repression live. National Aeronaval Service vessels shot tear gas at the small craft, harming the fishermen.

The [protest](#) had the support of the fishermen and the entire community. Donations also came in through “Yappy” money transfer app managed by the Banco General of Panama, who organizers say blocked their accounts from receiving funds. The Bank never confirmed or denied this, but it was reiterated by Donoso resident and leader Inés Sutherland.

Two protesters from Punta Rincón were [also detained](#). Sabino Ayarza, also known as “Nitongo,” was charged for allegedly threatening the security forces and has a precautionary measure and must report every 15 days. Teacher Arcadio Pitti was also arrested, but in the end no charges were filed at the hearing.

## LOSS OF VISION DUE TO POLICE BRUTALITY

Four people lost sight in one eye as a result of actions taken by members of the National Police Crowd Control Unit.

### Ana Herrera

A minor was the victim of buckshot in the vicinity of the bridge over Risacua river in the province of Chiriquí. This was one of the bridges that had been blocked during protests. The incident took place on Monday, October 23. She received medical attention at the *Caja de Seguro Social* polyclinic and then transferred to the regional hospital, according to her mother Emilia Montezuma.

*She lost the ability to see in her left eye. When I got to the polyclinic, they said it was a small wound, but at the Regional they said something else. At the polyclinic, they cleaned the wound. At the hospital, they informed me that they were going to extract her eye... [Finally] they left the eye in, but she is unable to see. The doctor told me she definitely would never recover her eyesight.*

Montezuma filed a complaint at an Office of the Attorney General Legal Medicine, they examined the young girl’s injury. Montezuma has had no news about the case.

### Aubrey Baxter

Independent photographer and videographer, environmental activist and member of the “*Ya es Ya*” collective,

the Panama chapter of international organization Scientist Rebellion. He was injured on October 19 while covering anti-mining demonstrations on *5 de Mayo* square, next to the National Assembly building. National Police Crowd Control Unit personnel allegedly shot Baxter in the right eye with pepper balls. He was seriously wounded, but received no assistance when he asked police officers in the area for help. He was able to make his way on his own to Santo Tomas Hospital, after other protesters helped him.

Baxter underwent surgery on Friday, October 20. The attending physicians determined his eye could not be saved. He said the following about the repressive incident that day:

*They started to throw [tear] gas at me (...). I felt a policeman appear. He hid behind a lamp post and I tried to find cover. I felt him staring at my face; he pointed right at my face and I tried to use the lamp post like a barrier between us. There were like 10 shots... He was after me... One [bullet] hit me straight on; and the others, I could feel them pass me by... You can see it clearly on the video.*

*When I felt the impact, at first I lost my balance; I felt like I was going to fall, but I felt alert and stopped my knee from touching the ground. I felt like, if I fell, it was going to be worse and they were going to come for me... I could only see blood, but I asked my friend [Abdiel] to record, so that there would be proof. It hurt a lot, but adrenaline was running high at that point, and I asked him to document it.*

## Unknown victims

The [Defensoría del Pueblo report of October 31, 2023](#) stated that two more people were injured in the eye with pepper-spray projectiles, but we have not been able to establish their identities. *Defensoría* reported that one of the cases involved a child. It took place in the province of Veraguas. The other was in the vicinity of the Bridge of the Americas in the province of Panama and involved a worker who, “is hospitalized and required life-saving surgery.”

## PARA-STATE OPERATIONS AND CLASHES IN THE HIGHLANDS

Protests in Tierras Altas highlands came to a head on November 2, when Tierras Altas Mayor Javier Pitti and some farmers in two military vehicles stormed at least three protest sites on the roadways between Volcán and Los Dragones, breaking down the tents set up at the protest sites and forcibly clearing the street. Eduardo Núñez, one of the defendants charged by the Tierras Altas Chamber of Tourism, documented the incidents in two live streams on Instagram, [part 1](#) and [part 2](#).

Based on the videos and accounts, the following sequence of events has been put together: On November 1, the mayor met with a group of alleged farmers—witnesses say many of the people they saw were not farmers—at the Fanny Bistro restaurant, where they made plans for the next day. One of the attendees was heard to say, “you’ll see what’s going to happen tomorrow!”

The following day, November 2, it was rumored that a “peaceful march” was coming up from Volcán all the way to Los Dragones. The march was presided by Tierras Altas Mayor Javier Pitti, while those accompanying him were armed with sticks and stones. Behind them came the two heavy vehicles. The mayor had all the tents knocked down. This had been where mothers slept with their children, women prepared food and older people were staying. Next, the mayor’s contingent intimidated the demonstrators and the trucks razed what was left of the protest site.

“They crossed at this point, there were barricades, they removed them with the trucks and the police attacked the Ngäbes (in Los Dragones) from the rear. They had to face the police with tear gas on one side, and trucks on the other... they were hemmed in,” stated Jonathan González Quiel, a Chiriquian environmentalist and member of the *Red Nacional en Defensa del Agua*, and one of the founders of the *Movimiento Panamá Vale Más Sin Minería*, who caught sight of Abdiel—one of the defendants—who was bleeding at that moment. Then the police went down to Volcán and blocked the entrance so that no one could pass. When people started requesting medical help for the injured, they let them through. There were at least 12 individuals with significant injuries, not counting the children and adults affected by tear gas.

Summing up what happened that day, while the mayor’s contingent attacked from Centro de Volcán on the main road, the police advanced on Volcán from the city of Concepción. Protesters were caught between both attacks, the police with tear gas and the mayor’s group with heavy vehicles, weapons, sticks and stones.

Damaris Sánchez remembered the following about that day:

*It really pained me to see on social media our own people in the confrontation. I am still sad, because these farmers depend on the indigenous people they work with every day. They went out there and threw rocks at each other. Watching the mayor arrive with the farmers, as if they were criminals. There were pensioners, children, women in the tents... They knocked the tents down, with so much rage... They got all their rage out because the demonstrators were the workers they gave orders to everybody on their farms, but this was a whole other scenario.*

From the point of view of Gloria Espinosa, who was there on November 2:

*On November 2, I got to the scenic rest stop at about 9 a.m. At about 10 a.m., the rumor spread that a peaceful march was coming. There were two closures before [the scenic rest stop] and after Los Dragones. There were children, retirees, older people. I left and went about a kilometer and this mob of people was advancing with two military vehicles. They stopped and the mayor gave the go order. He started taking down the tents, knocking them down and making way for the vehicles to drive right over them. They drove those vehicles right over the Ngäbes at Los Dragones. Some farmers had been tricked into going. They had been told they were going to clean up. Was it ethnic cleansing? If you drive over them, the car is a weapon. That is attempted homicide. They were armed with sticks and machetes. There were lots of people. When I saw that, I turned back, because I thought, ‘there are going to be casualties,’ because they were shouting as they advanced... Someone else said ‘were they saying we were PRD? Here come the PRD and now we’re going to beat the... out of you!’ Since I am a health worker, I had to help, because people were going to get injured. Many of the Ngäbes were adolescents and they clashed. I was so demoralized. How can they attack you for being different? It’s inhumane.*

Witness statements match up. The incident had been planned beforehand by the mayor. The meeting at the café on November 1, the rumor of a supposed peaceful march, calling in the anti-riot team, ambush at Los Dragones, violent contingent. Even the day before, the mayor had sent for a tent he had lent the community to support them when the demonstrations began.

After that, Mayor Pitti issued a decree that stated any individual or group had to request city hall authorization before protesting. This was unprecedented and unique in Panama, where it is enough to inform the authorities any time there is a gathering. This openly violates the right to protest in the Constitution and the IACHR principles.

## RETALIATION

### Closure of the Suntracs bank account

During the protests, the state run *Caja de Ahorros* bank sent message number 2023 (01-0116) 067 to the Suntracs construction workers union dated November 13, notifying them that their accounts 17 and 18 with the bank had been closed. The reason the institution gave for closing the accounts was “internal policy and as per the contract on bank products and services.” Then, they handed the funds to the union in the form of a cashier’s check.

Two days later, on November 15, the **La Estrella de Panama** newspaper published an article titled “[Caja de Ahorros closes Suntracs bank accounts](#).” It stated that it closed the accounts due to, “suspicious transactions” of cash for supposed “terrorist financing.” No journalist signed the article and the paper failed to reveal the name of the government source that, according to the paper, had provided the information.

Following the bank’s notice and the article in the newspaper, no banks accepted the Suntracs cashier’s check, nor would they let the union open a new account. The workers union requested certification from the Panama Financial Analysis Unit (UAF) that is in charge of bank alerts for suspicious transactions, from the Panama Bank Superintendent, from the *Caja de Ahorros* itself, and the AGO, and in the end, there had been no real alert issued, nor was the union under investigation. After 30 years of working with that bank, Suntracs notes that this is a “unilateral and illegal” measure.

Suntracs lawyer Antonio Vargas explained that—prior to October 2023—the union had three accounts in the *Caja de Ahorros*: its main account, a smaller account for regular expenses and a time deposit account. Then, in October, the bank suggested they open accounts for each of their sites or offices, so that they could handle their expenses



independently. This is why they had opened 15 more accounts that were funded from the master account: the master account received the funds that were then distributed to each of the 15 accounts that were for each of the union's offices throughout the country. The *Caja de Ahorros* closed out 17 accounts, the union's lawyer stated. "Paradoxically, it did not close out the time deposit account, which comes to maturity in 2024. How do you close all the accounts and keep the time deposit, if there is alleged suspicious activity?" he asked.

The union filed a [complaint against La Estrella de Panama and the Caja de Ahorros](#) to find out who had leaked the information and why they had said it was due to "terrorist acts," because, "that is a very serious accusation" and has no basis in fact, stated the lawyer.

What stands out in this case is that the accounts were closed while the country was paralyzed by the mining protests and Suntracs was a high profile actor in the demonstrations. Since the *Caja de Ahorros* decision and the news article was published, the union has been unable to find another bank to accept the checks that the *Caja de Ahorros* issued.

Following this situation, the union decided to file complaints with the Committee on Freedom of Association of the International Labor Organization, with the Panamanian Labor Ministry, the *Defensoría*, the Panama Bank Superintendent and against the senior bank management, its director and the branch administrator who closed the accounts.

The bank states that it has the right to select its clients because it is a private business. Although the *Caja de Ahorros* is a state-owned bank and banking services are considered public services, it is regulated by the State, which also participates through state-owned banks. "If from the start there had been suspicious transactions, as they said there were, they should have alerted the Financial Analysis Unit, which in turn has to alert the Office of the Attorney General. This was not what transpired before the accounts were closed."

Later, at the union's constant insistence for its failure to follow up on complaints, the Office of the Attorney General started an investigation in early 2024 into the alleged money laundering that the union is defending itself from, as the union's legal representative explained.

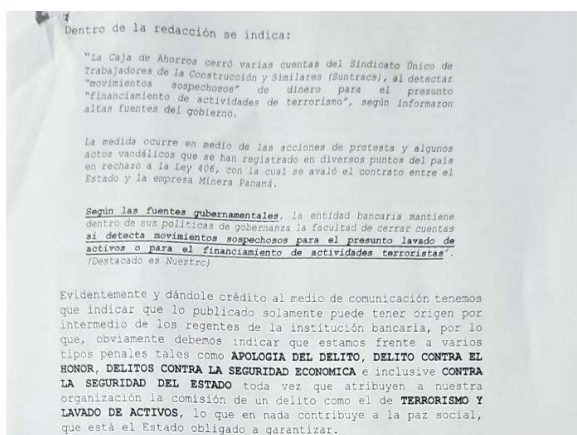
Along these lines, [in the complaint they filed against the bank](#), they stated that they had always submitted "in a consistent, ongoing and timely manner" all of the support documentation and requirements as requested by the bank regarding the provenance, purpose and use of the funds that they manage for the union at the national level. They also clarified there had never been any observations or complaints—verbal or in writing—regarding the handling of the accounts.

Suntracs General Secretary Saúl Méndez [stated](#) that neither the AGO nor the UAF can demonstrate that there is dark money. “We are facing a new generation war tactic: a combination of lawfare (sham trials) and media,” he warned at a press conference on February 26, 2024.

Note that *Caja de Ahorros* is a Panamanian State Bank, and the law states that civil servants can only do what the law empowers them to do, while citizens can do everything that the law does not prohibit them from doing. According to the union, the closing of the accounts was an abuse of authority and overreach, as per articles 17 and 18 of the **Constitution of Panama**.

“If you serve the public, you cannot go against a union that is protected by law, by the Labor Code, by international conventions on freedom of association and that has statutes recognized by the country's authorities,” warned the union. This statement has the support of several social sectors in Panama, including unions like *Asociación de Profesores de Panamá* (ASOPROF) la *Central General Autónoma de Trabajadores de Panamá* (CGTP), *Confederación de Unidad Sindical Independiente* (CONUSI—which Suntracs is a part of—and [Federación de Asociaciones de Profesionales de Panamá](#) (FEDAP). The International Trade Organization (ILO) also sent letters of support and reached out asking the Panamanian government to mediate.

Addressing the media, Bank Superintendent Amauri Castillo [said](#) about the case, “the union has been very combative” and “there is probably a degree of ‘insatisfaction’ (sic) in the way they protested against certain issues, but I certainly believe this is something that should be sorted out, hopefully sooner rather than later, but I don’t really have a definite answer for how and who should really solve the problem.”



Excerpt from the lawsuit Suntracs filed against Caja de Ahorros.

From the Superintendent’s statement, it can be inferred that closing accounts and other banks refusing to accept funds has to do with the union participating in the protests against mining contract 406 on October 20, 2023, when the contract was approved in a third round of talks.

As of April 2024, Suntracs has still been unable to open any bank accounts. The union filed a civil claim for damages at the Third Chamber of the Supreme Court and submitted protective measures for board members at the IACHR, because they consider that this action represents government payback for having opposed the signing of the mining agreement. “This measure is political, for exercising the right to protest,” they conclude.

The union also filed a complaint against the manager of *Caja de Ahorros* for violating bank secrecy and ***La Estrella***, for publishing the article describing their actions as terrorism. The complaint was rejected at the Attorney General’s Office, however. Although it did accept the criminal lawsuit against 21 people from Tierras Altas, mostly environmental activists.

The union is also being investigated for alleged money laundering. The AGO launched this investigation in early 2024. At the international level, a complaint was filed at the ILO Trade Union Committee, and the case was also placed on the agenda of the ILO plenary in June 2024.

### **Teachers’ salaries withheld during the strike**

The Panamanian government [withheld the salaries of 17,495 public-school teachers](#) who were on strike, protesting against the mining contract. The government admonished the teachers to return to class in November, but the strike held until the contract was declared unconstitutional.

Luis Sánchez, teacher-union representative of *Asociación de Educadores Veragüenses* (AEVE), explained that on October 20 they had spoken with other teacher unions like *Asociación de Profesores de Panamá* (ASOPROF), *Asociación Movimiento Gremialista de Educadores de la República de Panamá* (ASOMOGRERP) and *Asociación de Maestros Independientes de Panamá* (AMIA), and decided to strike for 48 starting October 23. Classes were suspended for several days by the Ministry of Education, for a total of 16 actual strike days. Nonetheless, the government withheld teacher salaries for the second half of November 2023, to discourage teachers from protesting.

Negotiations to end the strike took 17 hours and the agreement was signed in the was signed in the pre-dawn hours on December 2. Teachers refused to add class days or to work Saturdays, their salaries would be restored to them and a working group was created to follow up with the families of the teachers who lost their lives in the protests.

Teachers [eventually received their salaries](#) following the strike termination agreement. Veraguas teachers association asked the Ministry of Education who the source of the withholding order was, given that by law the measure was “illegal” during the strike.

## Firing of communicators

At least two communicators were fired during the mining protests, although the media outlet did not attribute this as the reason. The victims version and the circumstances of the firing confirm that it can be linked to the protests.

- **Doralis Mela:** Cultural TV program host for *Corporación Medcom*, stated she was fired for protesting strongly against mining and the mining contract both in marches and on her social media accounts. The TV channel neither confirmed nor denied it.
- **José Escobar:** Established journalist who had participated on several programs produced by *Corporación Medcom*, including a radio show where he strongly raised questions about the 45 congress members who approved the mining contract that has 25 unconstitutionality. The next day, the TV channel informed him it had canceled the show, but he would be kept on as a news announcer. When he did another radio show, he was fired from Medcom after working there for 38 years. The reason was neither confirmed nor denied by the channel, but the communicator said he inferred by the course of events that his harsh criticism of the congress members had been the reason he was fired.



Nationwide protest in Panama. (Photo credit: Olmedo Carrasquilla Aguila, *Colectivo Voces Ecológicas* and *Radio Temblor Internacional*)

## RACISM AND VIOLENCE AGAINST THE INDIGENOUS POPULATION

Statements are consistent and numerous: During the protests, the country's prevailing institutional racism again became evident. Indigenous people were repressed and criminalized, particularly Ngäbe and Buglé people who participated in the protests and roadblocks in the provinces of Chiriquí and Veraguas. It should be pointed out that the Ngäbe-Buglé Comarca covers a part of the territories of these provinces.

First-hand statements taken for this report point out clear cases of racism and discrimination by the Public Forces of Panama. This reflects the greater structural racism in the State which has been widely condemned in Panama by indigenous groups, human rights activists, social scientists and different organizations.

Luis Sánchez of the A EVE teachers union explained that out of 20 detained in Santiago during the protests, the majority were indigenous people. "It was a racist way of doing things. That was clear to see. Out of 20 detainees, 17 were native people. Look at the way they repress them in Tierras Altas, the very people that they have working the land and are exploiting."

Conzuelo herself is Ngäbe. She lived in Santiago during the protest. Her impression is that "the police raged against the youth and native people because we had come together and they could never get us out of there. Maybe it had a psychological effect on them, because they did not expect that kind of resistance. They were really aggressive and violent." Wearing her press pass, she was recording for the *Panama Vale Mas* movement when a police officer sprayed pepper-spray right in her face. "That'll teach you," he said.

At the Santiago garrison, the natives were subjected to insults, asked why they weren't out in the fields working, to aim for a higher standard of living. They were roughed up and beaten on the head. They even harassed the women, saying they should go serve their husbands, see to their homes, Conzuelo related.

Another racist incident took place on November 1, at Paso Ancho, Chiriquí, where the majority were indigenous people. A contingent of Tierras Altas farmers arrived at the blockade with two [military vehicles](#) usually used for hauling lumber and for agricultural tasks in the province. Their goal was to break that protest site up. The trucks [were loaded with carrots and cabbage](#), and they littered the site with them. According to Jonathan González Quiel, the farmers shouted all kinds of racist remarks at the indigenous people, insulting them and beating them.

Damaris Sánchez, one of the defendants in the Tierras Altas Chamber of Tourism lawsuit, confirms this. "That day [November 2, during the repression at Los Dragones], brought out the worst in people or what they really think. Above all, it was a reflection of the struggle for worker rights of indigenous people, who are the workers on the productive farms in Tierras Altas." The rage of the Tierras Altas farmers and mayor was enhanced

by the fact that on that day, during the protests, the farm bosses were on the same footing as the workers and could not order them to clear the road. Instead, in the middle of the protest, the word on the streets, was “the people rule here,” explained Sánchez.

Lawyer Castañeda expanded on this. She stated the police followed a “line of terrorizing the youth, construction workers and indigenous people. This is State terror policy,” and explained that in their messaging, it was plain that the private business sector, the media and other corporate power structures had aligned to attack these three groups.

## INFILTRATORS AND FALSE-FLAG OPERATIONS

Conzuelo noted she constantly received threats from infiltrators in the protests. She told of being threatened with a blade while she was broadcasting live. They said, “Clear out... we know where you live and who with.’ I was wearing my press pass.”

At Tierras Altas, “there was political maneuvering by the opposition and the government to discredit the protest. Power groups ended up suing those who had been protesting without any kind of violence,” Castañeda said. She compares the Chame murders to a false flag operation, where one side is blamed for an action that was actually carried out by another, the sector opposing the protests.

“It can aim to weaken or break the unity,” the lawyer noted about the Legal Medicine office statement about Darlington, who was declared to be fully cognizant of his actions. “This person pulled a gun with foresight, intent, malice, treachery, viciousness and malice aforethought, which, added to his criminal past, is at least a questionable motive.” The video of him being captured shows that the police only said, ‘we have to cuff him’ when Darlington got into the patrol car, when normally handcuffs are placed as soon as a suspect is captured.

There were also infiltrators at the Panama marches. This was revealed on social media. At a march that reached the premises of the President’s office, [an individual pulled a gun out](#) and fired shots in the air, with the police nearby.



For his report, we conducted an approximate analysis of the coverage of November 2023 in the two main newspapers in the country: ***La Prensa*** and ***La Estrella de Panamá***.

In all, we analyzed 86 news items, 50 published on the ***La Prensa*** web page and 36 print articles in ***La Estrella de Panamá***. Print was used because it was impossible to search by date on the *web page* of ***La Estrella***.

The reasons for doing this review were: first, to establish the primary sources of the new items and the approaches to the coverage. Second, it was to conduct a critical analysis of the discourse in the information in November 2023, a high conflict period during the mining protests.

If we start from the idea of politics as the broad series of actions carried out by citizens and institutions that are part of a society; and that the media, as human and social institutions, play a political—and not merely informative—role, under the notion of supposed impartiality and objectivity; then, it is possible to critically analyze the contents published during the period to determine whether the media discourse sought to “condition, direct or control, in a partial manner, the political activity of sectors of the public, taking advantage of power inequalities that translate into unequal conditions of access and control over genres and contexts of discourse production.”<sup>12</sup>

As Benjamín explains (see p. 91), beyond the belief about truth in content, it needs to be clear that the speaker “reproduces knowledge, ideologies and attitudes that condition political practices,” and the practices have an influence on material things. In the case of the mining conflict, it has already been pointed out that the competing narratives came from defenders of the concept of nature as an integrated system and of the need to reconceptualize the dominant notions of progress (and so opposed to mining activity), faced off against defenders of mining activity as a pillar for economic growth in the country, under the capitalist notion of accumulation. In the midst of these competing narratives, the enclave/sovereignty narrative emerged, which does not necessarily involve environmental awareness, but above all aims for territorial integrity.

The first conclusion in the approximate analysis is that out of 86 news items, most sources were public officials or government statements,

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<sup>11</sup> The only author of this section is Ana Teresa Benjamin.

<sup>12</sup> Benjamín M. Ramón H. (2020). *La política en el discurso. Construcciones discursivas de las élites panameñas en la posinvasión*. Instituto de Estudios Democráticos (INED). Tribunal Electoral de Panamá.

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business- and mining sector representatives (60% **La Prensa**, 63.8% **La Estrella**). They largely focused on “financial losses” due to roadblocks across the country, “kidnapping” the public, or the “right to freedom of movement” (40% **La Prensa**, 30.5% **La Estrella**). In view of the high level of social and public engagement in the incident, it seems strange that the protestors’ voices were heard so few times. In the case of **La Prensa**, what is repeated more often than we’d like are news items with no clearly identifiable sources, or just a single source, generally from the official sector.

Social communications professor and researcher Claudia Figueroa Pino drew attention to the way media companies influence the choice of issues categorized as priority, “by prioritizing the order of appearance of the news, the time they are allowed on radio or television or the space allotted to them in print.”<sup>13</sup>

It is called the Agenda Setting Theory. Figueroa Pino emphasizes that in conflict scenarios, “the approach the news media takes can significantly alter the way it develops and resolves,” (p. 52) and in this sense, we share the following examples:

1. On November 22, 2023, the **La Prensa** print media published a news item with the Ministry of Health as its source, stating that “some 285 thousand medical appointments” had been lost across the country. The headline was: “Approximately [at Minsa and the CSS due to street closures.](#)”
2. That same day, November 22, the same national publication had another news item: “[Criminal charges filed against leaders of blockades and road closures in Tierras Altas](#) .” The source for this news item were the plaintiffs. The defendants were not interviewed, although their names appeared in print.
3. On November 21, in connection with the Tierras Altas protests in Chiriquí province, the headline in **La Prensa** read: “[The Question in Chiriquí: Who is the Government Protecting, Anarchy or People who Want to Work?](#).”
4. On November 19, **La Prensa** mentioned “kidnapping” in the following headline: “[We have been Kidnapped, Claim Locals in Chiriquí and Bocas del Toro.](#)”

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<sup>13</sup> Figueroa Pino, Claudia (2022). “Cuando las voces del pueblo fueron transmitidas. O sobre los días en que se rompió la agenda mediática”. *Contra el “consenso”. Reflexiones sobre la desigualdad, el discurso anti-democrático y la subjetividad mediática en Panamá*. Babilonia Editores, p. 50. Ciudad de Panamá.

As noted, one of the ways in which the two newspapers approached the coverage was, “the right to freedom of movement” or travel, rights which, according to the sources they spoke with, were being violated by the wave of mining protests. In line with this approach, they systematically published news items on the roadblock sites up and down the Inter American Highway, and the effect they had, for instance, on public healthcare in different government facilities throughout the country.

The case of Tierras Altas is representative, because the province was almost entirely closed down, with blockades from the east. The only author of this section is Ana Teresa Benjamin

—in the Comarca region—all the way to the mountainous areas, where indigenous people are the main workforce on the vegetable- and produce farms. In this mountainous area, there are also a number of environmental activists and organizations that have worked against hydroelectric and mining extraction for decades.

We also call it representative, because this is the part of the country where social conflict escalated to the level of violence among members of the public: those who insisted on maintaining blockades against those who called for opening up again. [The mayor of Tierras Altas himself](#) was one of the main protagonists in the conflict, as explained before, when he subscribed to the ‘kidnapping version’ that business and media sectors availed themselves of, and then he headed a mob of farmers who forced open the sites blockaded by demonstrators.

On the other hand, it is undeniable that blockades affected supplies of cooking gas and vehicle fuel in the province, and that when it was impossible to get produce out of the region, it seriously affected farmers’ incomes. This in turn led to a shortage of fresh produce in the nation’s capital.

As for **La Estrella** print media, we share the following examples:

1. On November 19, the oldest newspaper in the country published the following headline: [“Protests in Panama have an Impact on Central America.”](#)
2. On November 11, in keeping with the ‘economic losses’ approach, one headline read: [“Companies Report Bankruptcies and Closures at CCIAP.”](#)
3. On November 5, another headline had a similar tone: [“Government and Businesses Request Roads Open, Social Organizations Insist on Keeping them Closed.”](#)

From a critical analysis, insistence on the ‘economic loss’ approach is suspicious; at the same time, the discourse was around kidnapping, and social protest was criminalized. Although, from a journalistic point of view, it is perfectly valid to choose one approach or another, criticism revolves around the fact that, “communications, like any human right... has to be guaranteed, like the balance between the work and discourse equity and pluralism.” (Figueroa Pino, p. 53).

**La Estrella** should be credited with having two sources in almost all of the news items we reviewed and analyzed. This is the minimum for reporting to be balanced.

From a human rights standpoint, an approximate analysis of the coverage in both newspapers in November 2023 indicates that, by choosing certain approaches without the appropriate counterweight or questioning, and by using terms such as “kidnapping”, “anarchy” and even “terrorism” to refer to the protests and the demonstrators, they helped to stigmatize the protest and to violate several of the rights established by the IACHR, listed on pages 10, 11, 12 and 13 of this report.

Several journalists covering the events were attacked due to the hostility during the demonstrations and the ability to access information on social media from accounts that have been historically linked to the anti-mining struggle or are an alternative to *mainstream* information sources. They were considered emissaries of the media that stigmatize social protest. When they were detected by the demonstrators, they were hindered or prevented from broadcasting live.

### Approximate analysis of media coverage

Mining protest coverage in newspapers *La Prensa* and *La Estrella* from November 1 to 30, 2023

<b>La Prensa web</b>	<b>Type of source</b>	<b>La Estrella print</b>
50 news items		36 news items
15	Official sources	7
13	Business sector and civic associations	10
4	Demonstrators	9
6	Supreme Court of Justice	2
2	Mining company	6
10	Other (church, NGO, not identified)	2
60%	Official sources, business and mining sectors	63.8%
	<b>Primary focus</b>	
5	Financial losses	7
15	“Kidnapping”/right to freedom of movement	4
40%		30.5%





Nationwide protest in Panama. (Photo credit: Olmedo Carrasquilla Aguila, *Colectivo Voces Ecológicas* and *Radio Temblor Internacional*)

## CONCLUSIONS AND RECOMMENDATIONS

- In Panama, in October and November 2023, there were massive protests throughout the country as a result of the non-transparent negotiations and the expedited approval of a contract with the company Minera Panamá, a subsidiary of Canadian First Quantum Minerals. The contract violated 25 Articles in the Panama Constitution, as stated in the Supreme Court of Justice of Panama ruling on November 27, 2023.
- During the demonstrations, the government committed human rights violations against the public. Reports of injuries included rubber bullets, the effects of tear gas (expired), arbitrary detentions, lawsuits, hate speech and policies to criminalize the protest, with the State adopting a position that contradicts international agreements on the right to protest. The fatalities and those who lost their eyesight totally or partially, demonstrate that the State did not meet its obligation to protect the public.
- There are rights that are linked to social protest, such as freedom of assembly, association, freedom of expression, the right to form a union and the right to strike even in irregular or atypical ways. Consequently, social protest “comprises a set of fundamental human rights” that are recognized in both international instruments and different constitutional texts. The right to protest,

therefore, involves the collective exercise of all of these rights together. In the case of the mining protests in Panama, the State demonstrated that it disregards these rights.

- The fact that different administrations and business associations have declared Panama is a “mining country,” despite different social and public sectors have shown they oppose it, shows the lack of any real openness to discussion. In this sense, it is worth reflecting seriously about the way democracy has been built in this country since the United States invasion of Panama in December 1989.
- The mining protests echo at least two visions for development in the country: sectors defending the notion of nature as an integrated system and of the need to rethink the dominant notions of progress; and those defending mining activity as a pillar for economic growth in the country, based on the capitalist notion of accumulation. The challenge is to find a path that satisfies both parties.
- The case against the Suntracs construction workers union (*Sindicato Único de Trabajadores de la Construcción y Similares*), closing their bank accounts while they are participating in mining protests, raises the need to reflect about the right to organize and freedom of association. Authorities bear the burden of having to demonstrate the charges now that the Attorney General’s Office has opened an investigation, several months after the bank accounts were closed.
- The *Defensoría del Pueblo* did not prove to be independent enough to serve as a balance to the possible excesses of the Executive and the Attorney General’s Office. The same can be said of certain international agencies that settled for official versions of the protests.
- The news media and journalists have a social role to provide balanced information, as close as possible to the facts. In this sense, journalism must be carried out ethically. This calls for ensuring good data collection, using at least two sources, and verifying versions and facts.