



Palacio de las Garzas  
Avenida Eloy, Alfaro,  
Panamá, Panama

14 April 2015

FAO: President Juan Carlos Varela

Your Excellency,

I write with reference to the ongoing incarceration of Ambassador Arthur Porter in La Joya prison, where he has been held for 2 years without being brought before a judicial authority.

You will be aware that the United Nations Special Rapporteur on Torture and Inhuman and Degrading Treatment or Punishment, Mr. Juan Mendez, in his recent report [A/HRC/28/68/Add. 1, dated 5 March 2015] found Panama responsible for holding Ambassador Porter in conditions which breach the prohibition on torture and inhuman and degrading treatment or punishment. The prohibition on torture is a norm of *jus cogens* status, and the fact that Panama has been condemned by the UN Special Rapporteur of a fundamental human rights violation is a grave stain on its reputation.

I refer also to the meeting which was held at the Panamanian Embassy in London, with the outgoing Ambassador Ms. Ana Delgado, two Embassy officials, Ms. Amal Clooney, Ms. Brittany Kaiser and Ambassador Porter's medical adviser, Dr. Karol Sikora, on 30 October 2014. Certainly since that date, and indeed long before, Panama has been well aware of Ambassador Porter's medical condition, namely being terminally ill with cancer.

It may well be that Ambassador Porter will die of cancer, in custody, in the coming weeks, without being released on compassionate grounds to see his family and friends before he dies. This is utterly inhumane. He has never been brought before a Judge in Panama,

much less convicted of any crime. Even a convicted criminal would have the right to be released for the most humane reasons of seeing his family before he dies.

If Ambassador Porter dies in La Joya prison, it will be an indelible stain on Panama's international reputation, about which Panama will never cease to hear.

I say the foregoing without even mentioning the issue of his diplomatic immunity, as an Ambassador-at-large bearing a diplomatic passport of Sierra Leone, when he was arrested, and Canada's failure to comply within the relevant time-frame with the applicable Extradition Treaty, which means that Ambassador Porter should, in any event, have been discharged many months ago.

Finally, I would mention that an inmate recently released from La Joya prison, Mr. Nick Tuffney, has hundreds of hours of footage which he secretly filmed in La Joya prison with a small camera, which shows a catalogue of human rights abuses, corruption by guards, drug-taking by prisoners and guards alike and a host of other incidents which further put Panama to shame. I have seen the footage with my own eyes, and will be forever haunted by many of the images, including of a prisoner who was chopped into pieces by another prisoner, due to the fact that the prison negligently allows prisoners access to machetes. This is from the very same prison where Ambassador Porter is held.

It is a shame on Panama, and a shame on its officials if Ambassador Porter is left to die in La Joya prison, due to the utter neglect of basic decency and human rights which I would have expected Your Excellency to uphold.

I intend to publish this letter as an open letter, but will withhold doing so for a week in order to give Panama a final chance to release Ambassador Porter before irreparable harm is done to his health, and to Panama's standing in the world.

Yours sincerely,

A handwritten signature in black ink that reads 'Edm Jones'.



**John R. W. D. Jones Q.C.**

**Cc: Panamanian Ambassador to the United Kingdom.**