Panama: *Ex Parte* Court Relief for Arbitrations Seated Abroad

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While Panamanian law does not generally allow the recognition and enforcement of interim measures issued by foreign courts, it does allow the recognition and enforcement of interim measures ordered by arbitral tribunals seated abroad.

Moreover, Panama's arbitration framework offers a distinctive advantage that international practitioners should be aware of: Panamanian courts can grant interim measures in support of arbitration proceedings seated abroad (Article 44 Law 131 of 2013).

Indeed, Panamanian courts have jurisdiction to order interim measures in support of arbitral proceedings regardless of whether those proceedings take place in Panama or not. Courts exercise this authority under their own procedural rules, while taking into account the distinctive features of international arbitration.

This article will focus on explaining the different types of interim measures that Panamanian courts can grant under their procedural rules.

Ex Parte Nature of the Panamanian Interim Measures

All judicial interim measures under Panamanian procedural law are granted *ex parte*. This is why the court will not grant an opportunity for the respondent to file an opposition prior to ruling on whether the interim measure should be granted or not.

General Requirements

For all interim measures, the court must assess **(i)** the parties' interest, **(ii)** the existence of a threat to the right, **(iii)** the *fumus boni iuris* (appearance of good right), and **(iv)** the necessity, effectiveness, and proportionality of the measure. Additionally, all measures —except the registration of the claim— require the applicant to post a bond sufficient to cover potential damages arising from the measure's enforcement.

Types of Interim Measures Available

Under Panama's Civil Procedure Code, parties may request the following interim measures in declaratory proceedings, which are the measures available to courts acting in support of arbitration:

1. **Freeze Order (*Secuestro*):** This consists of the seizure of movable or immovable property, or rights over such property, to prevent the respondent from transferring, concealing, dissipating, or disposing of assets.

2. **Provisional Suspension of Activities:** A party may request the court to order the respondent to suspend any transaction, negotiation, transformation, or work relating to property at issue, where such activity could prejudice the applicant's rights. This measure is granted without prior hearing of the respondent, provided the applicant posts a bond and demonstrates that the suspension can prevent irreparable harm.

3. **Registration of the Claim:** When the dispute concerns assets subject to public registration, the court will order the provisional registration of the claim, placing third parties on notice. Notably, this measure does not require a bond.

4. **General Injunction:** This is a flexible, catch-all category. A party who faces an imminent and irreparable risk before obtaining a judicial or arbitral decision on the merits may request the court to order any appropriate protective measure. The applicant must demonstrate an appearance of good right and post a bond.

Conclusion

For international practitioners arbitrating against Panamanian entities —or against any counterparty holding assets in Panama, such as bank accounts, real estate, or corporate interests— Article 44 of Law 131 is a powerful and often overlooked tool.

In an era where the effectiveness of international arbitration depends not only on the quality of the award but also on the ability to preserve assets for its eventual enforcement, Panama's interim relief framework is a resource that no international practitioner should overlook.

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With the addition of our new Associate María Fernanda Abras, ARIFA consolidates its position as a benchmark in dispute resolution by strengthening its international commercial arbitration team.

This growth is a direct result of our positioning in Latin America as a leading reference in international commercial arbitration and in the resolution of complex cross-border disputes.

Additionally, ARIFA's attorneys have actively participated in key events such as *Panama's Arbitration & ADR Week 2026* and *Paris Arbitration Week 2026*, reaffirming our leadership in cross-border litigation and arbitration.

At ARIFA, we combine tradition, innovation, and exceptional results to support our clients in their most strategic challenges.

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In response to the rapid growth of the digital ecosystem in the region, ARIFA has launched a new practice group specializing in Fintech and Digital Assets. This team, led by our Partner and Group Director Estif Aparicio, together with our Partner Javier Yap Endara, and of which our Associate Nicolás Ramos is a member, advises crypto-asset exchanges, blockchain platforms, global payment processors, and fintech startups on regulatory matters, compliance, M&A, and capital transactions.

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