

AMNESTY INTERNATIONAL

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Portugal: Continuing human rights concerns must be addressed

As the UN Human Rights Committee (HRC) issues its Concluding Observations on Portugal's third periodic report under the International Covenant on Civil and Political Rights (ICCPR), Amnesty International today reiterates its concerns about serious human rights violations in the country.

Amnesty International's concerns include:

- possible unlawful fatal police shootings;
- deaths in police and prison custody in disputed circumstances, including self-inflicted deaths;
- the prison authorities' failure to prevent inter-prisoner violence, including that resulting in killings;
- the failure of the Portuguese authorities to prevent ill-treatment by law enforcement officials;
- detention conditions in some prisons amounting to cruel, inhuman and degrading treatment, including as a result of the prison authorities' failure to ensure access to adequate sanitary facilities;
- inadequate and ineffective mechanisms to address prisoners' complaints alleging human rights violations;
- allegations of discriminatory policing practices, including racist abuse;
- the slow pace of the administration of justice, including the failure to bring alleged perpetrators of human rights violations to justice promptly; and
- the authorities' failure to ensure the separation between people in pre-trial detention and convicted criminals.

The organization calls on the Portuguese authorities to:

- implement fully and as a matter of priority the recommendations of the HRC;
- ensure that in all cases of human rights violations in which police or prison personnel are reasonably suspected, a criminal investigation is promptly initiated and completed, and that those charged are brought to justice within a reasonable time by way of a fair trial;
- create an oversight agency over the police which is completely independent of the Ministry of the Interior, with powers to investigate grave human rights violations by law enforcement officials and to enforce disciplinary measures;
- ensure the protection of the right to life and of the physical and mental integrity of all people in police or prison custody;
- ensure the separation of people held in pre-trial detention from convicted prisoners;
- ensure prompt and regular access to adequate medical care and adequate sanitary facilities for all people in custody;
- create an adequately resourced oversight agency over the prison service which is completely independent of the prison service and of the Ministry of Justice, empowered to investigate inmates' complaints and carry out unannounced visits to all establishments; and
- review policing of economically and socially deprived areas to prevent and combat all aspects of

discriminatory law enforcement.

Unlawful fatal police shootings

The organisation is concerned that on several occasions law enforcement officials may have used firearms in breach of international standards and national laws and regulations. In particular Amnesty International is concerned about the fatal shootings by police officers of Ângelo Semedo, António Pereira, and Nuno Lucas. The three men were killed in separate incidents which occurred between December 2001 and August 2002. From the information available to Amnesty International, although the circumstances in which each of these shootings took place are still disputed, there are no allegations that any of the men was armed at the time, nor that there was a clear and imminent danger to the lives of the officers or of those present at the time of each shooting.

Apart from the actions of individual police officers in the above-mentioned cases, Amnesty International is concerned that these incidents may be symptomatic of inadequate training in the use of firearms, both as to the situations in which firearms can lawfully be used and as to the technical aspects of their use. Amnesty International is also concerned that the police officers involved were neither suspended from active duty nor ordered not to carry firearms pending disciplinary and criminal investigations, as a precautionary measure.

Deaths in police custody

Amnesty International has repeatedly expressed concern regarding deaths which occurred in police custody or shortly after the deceased had reportedly been ill-treated by police. In this connection, the organization reiterates its concern about the Portuguese authorities' failure promptly to bring to justice those allegedly responsible for human rights violations because of the slow pace of the criminal justice system.

Suicides in police custody

Amnesty International is concerned about reports indicating that the authorities may be failing to protect the right to life of people detained in police stations, particularly from the risks of self-inflicted injuries. Between December 2001 and January 2002 there was a number of self-inflicted deaths in police custody, including a sequence of three reported suicides of people of Ukrainian origin in different police stations. According to reports, at least two of the men had been detained in connection with disturbances in public places in the course of which they had stated that they were being threatened by people involved in criminal activities and had asked for police protection. From reports of the circumstances of some recent cases of alleged suicide in police custody it emerges that there may have been contributory factors such as an unsafe detention environment, and disregarded or inadequate procedures to identify and deal with particularly vulnerable persons.

Deaths in prison custody

Amnesty International has been gravely concerned at the failure of the authorities to ensure the protection of the right to life of people detained in prisons, in particular from inter-prisoner violence and self-harm in the case of particularly vulnerable persons. Inter-prisoner violence has been a major problem in Portuguese prisons in the last decade, and has continued to be so in recent years, with some very grave incidents -- including some which resulted in fatalities -- in the second part of 2001.

Amnesty International received information indicating that between July 2001 and January 2002 four people were killed reportedly as a result of inter-prisoner violence, three of them -- Rui Jorge Oliveira Gomes, Augusto Morgado Fernandes and António Oliveira Dias -- in Vale de Judeus prison. Although not designed as a high security prison, Vale de Judeus is an establishment housing dangerous prisoners and prisoners sentenced to long terms of imprisonment.

Self inflicted deaths in prison

In 2001, 20 people were reported to have died from self-inflicted injuries in Portuguese prisons. This is the highest number of such deaths since 1998, when 20 cases were also recorded. There had been 13

cases in 1999 and 10 in 2000.

Amnesty International is concerned that prison staff may not be adequately trained to identify and ensure the safety of particularly vulnerable inmates; and that procedures to ensure their safety and address their needs -- especially medical needs -- may be either disregarded or lacking in some establishments.

Police ill-treatment and racist abuse

Amnesty International has continued to receive numerous reports of police ill-treatment of people - including children, women and people belonging to ethnic minorities - at the time of arrest or in police stations. Reports of ill-treatment and racial abuse by police were corroborated by a number of local non-governmental organizations.

For a full copy of Amnesty International's paper: *Portugal before the Human Rights Committee: summary of Amnesty International's concerns regarding the protection of human rights under the International Covenant on Civil and Political Rights* please contact Teresa Richardson on +44 207 413 5554 or 07768 182 445.

Public Document

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