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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture (CAT), I refer to the examination of the fourth periodic report of Portugal on 14 and 15 November 2007. The Committee adopted its Concluding Observations (CAT/C/PRT/CO/4), in paragraph 22 of which it requested further comments by the Government of Portugal in relation to the specific concerns listed in paragraphs 11, 12, 13 and 14, to be provided within a year.

On behalf of the Committee, allow me first to thank you for your letter of 23 November 2007 (CAT/C/PRT/CO/4/Add.1) providing Comments by Your Excellency's Government on three of those paragraphs. I have reviewed it with care and the additional information provided assists the Committee in its ongoing analysis of the issues identified for follow-up in the paragraphs above. As Rapporteur on Follow-up, I would be grateful for clarification on the following matters, where sufficient information has not yet been provided to complete an analysis of the progress made regarding implementation of the recommendations in the paragraphs designated for follow-up.

The Committee would be grateful to receive further information regarding the incidents of violence and abuse in Portugal's prisons raised in paragraph 11 of its Concluding Observations. In particular, please provide the Committee with updated statistical information reflecting the number and nature of complaints of violence or abuse of any kind submitted by detainees in Portuguese prisons in 2007-2008. Please clarify how many such complaints were investigated, and with what outcomes? The Committee has been concerned over reports of prison violence and alleged abuse, as articulated by a range of civil society and inter-governmental bodies.

With regard to the reported deaths in Portugal's prisons, the Committee appreciates the information provided already, but also requests some further information on the number and nature of deaths of prison inmates for 2007 and 2008, disaggregated by institution, cause of death, gender, age, and length of time in detention. Please also clarify for the Committee what inquiries were carried out into deaths of prisoners. We would also be grateful for updated information on the case of Albino Libanio, specifically whether the prison guard cited in your Comments (para. 11) or any other individuals were sanctioned or otherwise held accountable for the injuries he sustained as a result of prison violence.

H.E. Mr. Francisco M. Xavier Esteves
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The Committee appreciated the State party's clarification, regarding paragraph 12 of its Concluding Observations, that torture is included in Article 4 of Act No. 21/2000 referring to criminal investigations by the judicial police under the "crimes against the peace and humanity" clause. However it reiterates the recommendation to include the crime of torture as a separate and specific crime in this legislation, Please also provide the Committee with information on the number of cases of torture that have been investigated by the judicial police under Article 4 of Act No. 21/2000.

In paragraph 13 of the Concluding Observations, the Committee notes the information provided stating that investigations are automatically investigated. As information was also requested on the efforts to raise awareness among police forces with respect to compliance with the provisions of the Convention, please clarify whether such trainings and awareness-raising measures are carried out. If so, please include information on the content of such trainings, the number of police officers who have attended them, their frequency, and any assessment of their impact. The Committee would appreciate receiving information on the number of complaints of abuse by members of the police force that have been submitted since 2007, as well as how many were investigated and with what outcomes, including the number of cases that led to convictions of perpetrators and compensation for victims.

The Committee regrets the lack of information provided with regard to paragraph 14 of its Concluding Observations, concerning the use of 'TaserX26' weapons for use by the police forces, and reiterates its recommendation that Portugal should consider relinquishing the use of such weapons as their impact on the physical and mental state of targeted persons may be in violation of articles 1 and 16 of the Convention. Please provide the Committee with information on the number of officers carrying such weapons, and what regulations limit their use.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Portugal on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Excellency, the assurances of my highest considerations.



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture