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Portugal: Prison officers beat inmate

Albino Libanio was beaten while detained in Lisbon Prison. He suffered multiple injuries and was unable to walk steadily. He received no medical assistance following the attack by prison officers. In its latest report *Portugal: Attack on a prisoner in Lisbon Prison*, Amnesty International raises concerns about ill-treatment with impunity in Lisbon prison.

"The attack on Albino Libanio appears to have been premeditated. We are concerned that there may have been a system for ensuring that abuse of prison inmates by prison officers could take place in a climate of complicity and impunity," Amnesty International said.

"Similar attacks may have happened in Lisbon prison and in other prisons without coming to the attention of investigating and prosecuting authorities. Amnesty International is concerned about systemic failures to ensure the protection of the human rights of prisoners in Portugal," the organization said.

Albino Libanio was isolated from other prisoners so that prison officers could beat him without drawing unwanted attention. Prison officers, who were not involved in the attack but knew about it, failed to report the incident to their superiors as they should have done. Albino Libanio was left without medical help after the beating. Virtually all prison officers in Lisbon Prison have refused to cooperate with the internal inquiry into the incident.

Amnesty International is concerned about the following:

- The attack on Albino Libanio may amount to torture;
- The failure to provide Albino Libanio with medical assistance;
- The failure of the prison authorities to protect inmates from abuse of their physical and mental integrity;
- The lack of basic understanding on the part of prison officers of their duties and obligations towards prison inmates;
- The breaches of international human rights laws and standards and of national laws and Prison Service regulations.

The government of Portugal must live up to its obligations under international law and standards to protect detainees from torture and other cruel, inhuman or degrading treatment or punishment. It must ensure that prompt, thorough and independent investigations are carried out into allegations of such acts and bring the perpetrators to justice. Victims must have access to redress and adequate compensation.

Amnesty International calls upon the Portuguese government to ratify and implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the earliest opportunity. By becoming a party to the Protocol, Portugal will be obliged to allow independent international inspection of its places for detention.

"The Portuguese government must put an end to a culture that is fostering abuse of power in the prison system," Amnesty International said.

"All prison officers allegedly involved in the attack should be suspended pending the outcome of criminal investigations. The findings of the disciplinary and criminal investigations should be made public."

"Albino Libanio is entitled to justice - he must be given adequate compensation compatible with the findings of the investigation."

Background

On 11 November 2003, Albino Libanio inquired with a trainee prison officer for a second time about the delivery of a package of food that he was expecting, and in doing so apparently used "inappropriate" language. The trainee prison officer considered his attitude disrespectful and reported the incident to the prison officer in charge of that wing of the prison. Albino Libanio was placed in a cell known as the "waiting room" or "cell 80", which was used for the temporary placement of inmates in transit and as a cell for the separate detention of violent or vulnerable inmates. In the evening, the trainee officer took Albino Libanio to an area where a group of 10 to 15 prison officers had aligned themselves in two rows. Albino Libanio was forced to walk between the rows, while the prison officers pushed, kicked and punched him. Another prison officer noticed the commotion and led the prisoner away. None of the prison officers reported the incident. It became known by chance - on the following day Albino Libanio received a visit and told his visitors about the beating. They informed his lawyer who reported the attack to the Prison Service and the Public Prosecutor.

On 5 July 2004, Amnesty International wrote to the Minister of Justice to express the organization's concerns about the case; to request information about the criminal and disciplinary investigations which have been opened and to urge her to take action on the organization's recommendations.

To see the full text of Amnesty International's report *Portugal: Attack on a Prisoner in Lisbon prison* (AI Index: EUR 38/001/2004 <http://web.amnesty.org/library/index/engneur380012004>)

See also *Portugal before the Human Rights Committee: summary of Amnesty International's concerns* (AI Index: EUR 38/001/2003 <http://web.amnesty.org/library/index/engneur380012003>)

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