

EXTERNAL

AI INDEX: EUR 38/06/97

21 August 1997

CAXIAS, PORTUGAL: PRISONER CLAIMS SEVERE BEATING BY FIVE GUARDS

Amnesty International is concerned about claims that a prisoner held at Caxias prison was severely beaten by guards, as a result of which his health has suffered. Allegations of ill-treatment of a prisoner by prison guards have been made to this organization and to the press by the mother of Belmiro Santana, an inmate at Caxias, and by the prisoner himself. According to these allegations, Belmiro Santana was brutally beaten by five guards on the night of 8 June 1997. He was left for the remainder of the night in solitary confinement and without medical care, and only the following morning was taken to hospital for tests and treatment. He was later admitted to the prison hospital. His mother claims that he is still unwell.

Belmiro Francisco Schaht Duarte dos Reis Santana is serving a three-year prison term at Caxias prison (*Estabelecimento Prisional de Caxias*) for theft. On 8 June 1997 his mother, Isabel Maria Schaht Duarte dos Reis Santana, visited her son at the prison. In the course of her visit Belmiro asked his mother to retrieve a legal document from the court in connection with his case, to which she answered that she could only do so if he gave her the case number. Belmiro then turned to the guard in attendance and asked him for permission to go back to his cell to find the number. When the guard refused, Isabel Santana decided to approach a senior officer, who granted permission. Before leaving Isabel Santana was approached by the guard who had been overridden by his senior. He asked her if she was Belmiro's mother. She said that she was and asked why he wished to know. The guard told her that after she had left he and Belmiro were going to have a little talk. Isabel Santana again asked the reason and whether her son had done something wrong. The guard answered that was a matter between her son and himself. That same night she received a telephone call from someone at the prison, who would not identify himself, to say that Belmiro had been brutally beaten.

The following day Isabel Santana telephoned the prison to find out if her son was there and if he was all right. She was told that he was in the prison and had been badly hurt. Although no prison visits were allowed that day she was given permission, in the circumstances, to see her son. She claims that his face was covered with haematoma, a tooth was missing and that there were weals on both arms and around his loins from truncheon blows (*cassetetes*). Belmiro told her he had been kicked and beaten, and that his nipples and navel, which at some point before entering prison had been pierced, told her that the rings had been torn from them "in cold blood" ("*a sangue frio*"). He had been beaten firstly by the guard who had spoken to his mother, and after putting up resistance and pushing the guard away, had also been beaten by other guards.

In an interview with a newspaper¹, Belmiro Santana stated that he had been beaten by five guards and left unconscious. The forcible tearing out of the rings from his nipples and navel had left deep holes in his flesh. He had been hit around the head and had temporarily lost the sight of his left eye. Two teeth, which had been broken during the beating, had subsequently to be pulled out.

After the beating Belmiro Santana was reportedly left in solitary confinement, without medical treatment, for the remainder of the night. The duty doctor called in the morning and, according to Belmiro, was surprised by the extent of his injuries. The doctor said Belmiro would need to be kept under observation and he was taken to the prison hospital. He was later taken to the Hospital S. Francisco Xavier, where x-rays were taken, and other tests carried out. He was subsequently transferred back to the prison hospital of Caxias (*Hospital Prisional de S. João de Deus*). His mother, Isabel Santana, asked for the x-rays, so that the family doctor could see them, but was told they were not available. According to the newspaper *Manhã Popular*, in its report on the case, all medical papers on the incident, showing the extent of Belmiro's injuries, disappeared.

According to Isabel Santana, in a letter to Amnesty International of 18 June 1997, her son was still at the prison hospital and in poor health. Since the time of the beating he was subject to fainting fits and had problems eating. He also required a prosthesis as a result of the injuries to his mouth, for which he himself would have to pay.

The Portuguese prison service (*Direcção-Geral dos Serviços Prisionais - DGSP*) reportedly gave a different version of the incident. According to the DGSP Belmiro Santana and a guard had been involved in a fight and an inquiry had been opened to ascertain responsibility. The DGSP said both men had been treated in the prison hospital of Caxias, where the prisoner remained, and psychiatric tests were being carried out on the prisoner. It was also reportedly stated that it was advisable to keep the prisoner in the hospital wing longer than may be necessary for medical treatment while tempers cooled.

It has not at this stage been confirmed whether a judicial complaint has been lodged in court by the prisoner or by members of his family.

¹*Manhã Popular*, 20 June 1997

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London WC1X 8DJ
United Kingdom

RECOMMENDED ACTIONS

Please send courteously worded letters of inquiry, if possible in Portuguese, otherwise in English, to the Minister of Justice, Dr Vera Jardim, with copies to the Public Prosecutor, the Director General of Prison Services, the director of Caxias prison and head of the prison staff of Caxias (*Chefe da Guarda*). You should also send a copy to the Portuguese ambassador in your country.

1. ADDRESSES

MINISTER OF JUSTICE

Exmo Senhor Ministro
Dr José Eduardo Vera Cruz Jardim
Ministro da Justiça
Ministério da Justiça
Praça do Comércio
1100 LISBOA
Portugal

cc. PUBLIC PROSECUTOR

Exmo Senhor Delegado do Procurador da República
Tribunal Criminal de Caxias
CAXIAS
Portugal

cc. DIRECTOR-GENERAL OF PRISON SERVICES

Exmo Senhor Director-Geral
Dr Celso Manata
Direcção-Geral dos Serviços Prisionais
Travessa Cruz Torel 1
10150 LISBOA
Portugal

cc. DIRECTOR OF CAXIAS PRISON

Exmo Senhor Director
Estabelecimento Prisional de Caxias
CAXIAS
Portugal

2. Introduce yourselves as an Amnesty International group. In your letters to the Minister of Justice explain that you have received reports that Belmiro Francisco Schaht Duarte dos Reis Santana, a prisoner at Caxias prison, was severely beaten there by five guards on the night of 8 June 1997. It is your understanding that Belmiro Santana was subsequently taken to the Hospital S. Francisco Xavier, where x-rays and other tests were taken, and that he was then taken back to Caxias prison, and held in the Hospital Prisional de S. João de Deus;
3. Emphasize that Amnesty International's concern in this case is based on Article 1c) of its Statute, under which it opposes torture and cruel, inhuman or degrading treatment. **You should not write your letters in such a way as to suggest that Amnesty International regards all allegations made to it as established fact. Do not make accusations or use an accusatory style in your letters.** Explain that Amnesty International is simply seeking as much information as possible about the allegations brought to its attention. By making such inquiries the organization is not saying or implying that such allegations are true or false.
4. Express concern at allegations made by Belmiro Santana and by his mother, Isabel Santana, according to which, as a result of an incident during a prison visit, Belmiro was severely beaten by up to five guards on the night of 8 June 1997; that when visited the following day by his mother, she saw his face covered with haematoma, a tooth missing and the marks of truncheons on his arms and back. State that it has also been reported that he was kicked and beaten, that rings were torn from his nipples and navel, leaving deep holes in the flesh, and that he temporarily lost the sight of his left eye. His mother adds that he remains in poor health and that from 8-9 June he has been subject to continual fainting fits and has problems eating.
5. State that according to these allegations, Belmiro Santana was firstly attacked by one guard and later, when he resisted and pushed the guard away, by an additional four guards. State that you are aware that the DGSP has referred to the involvement of only one guard, that both prisoner and guard were taken for medical treatment, and that an inquiry was opened to establish responsibility for the attack. Ask the Minister to confirm whether an inquiry was opened by the DGSP into the incident and into the above-mentioned allegations, and ask him to let you know how many guards were involved in the incident;
6. Express your concern at reports that after Belmiro Santana was returned from the Hospital S. Francisco Xavier to the prison hospital of Caxias, all medical reports relating to the beating disappeared and that, should this be the case, their loss will militate against the possibility of a full and thorough inquiry. Ask the Minister whether it is true that these documents have been lost. If not, can the Minister let you know whether these have been made available to any inquiry.

7. Ask, in addition, whether any judicial complaint, either by the prisoner or by the guard, has been lodged with a court, and if so, request the Minister to keep you informed of this inquiry also.
8. Finally, ask for details about reports that Belmiro Santana was being detained in the prison hospital wing for psychiatric tests as well as for his own safety.
9. **Contact address**

Isabel Maria Schaht Duarte dos Reis Santana
Praceta da Romeira, 13 r/c Esq.
Ponte de Frielas
2670 LOURES
Portugal

Tel: 988 47 87

DURATION OF ACTION: UP TO SIX MONTHS FROM RECEIPT OF THIS MAILING. [If, after six to eight weeks, you have had no response from the authorities listed above, please write to them again, referring to your earlier letter(s).]

PLEASE REMEMBER THAT IT IS IMPORTANT TO SEND THE EUROPE REGIONAL PROGRAM - AS SOON AS POSSIBLE - COPIES OF THE LETTERS YOU SEND TO THE AUTHORITIES IN CONNECTION WITH THIS ACTION AS WELL AS ANY REPLIES YOU RECEIVE. THANK YOU.

HOW THE WERAN WORKS

TIPS FOR COORDINATORS AND GROUPS FROM THE EUROPE REGIONAL PROGRAM

As soon as the individual/relevant team decides to issue a RAN action on a specific human rights violation in Western Europe, it writes up the action and dispatches it directly to groups and Coordinators in the WERAN network. The majority of actions sent to the WERAN network concern cases of alleged ill-treatment (in police custody or in prisons).

WHAT HAPPENS TO THE WERAN ACTION AFTER IT HAS LEFT THE REGIONAL PROGRAM ?

- ◆ The relevant team decides how many groups are needed to participate in the action, then sends it direct to the relevant WERAN Coordinators. As soon as possible, each Coordinator then allocates the action to a group (or several groups, as specified in the action), taking the groups' workload and language ability into consideration. Copies of the action are also sent to the relevant section office for information.
- ◆ Each Coordinator then informs the relevant team which groups will be working on the action by completing the enclosed Record Form.
- ◆ Each group will start work on the action, sending copies of their letters promptly to their Coordinator, who will then forward them to the team responsible for issuing the action - eg. Germany team, Italy team, UK team etc. (There is no need to send multiple copies of the same letter to different authorities - just attach a note saying who the letter has been sent to). In the same way, if the group receives a reply, it should be sent immediately to the Coordinator for forwarding to the relevant team. If the reply is undated, then the group should indicate the date when the reply was received.

WHAT HAPPENS WHEN A GROUP DOES NOT HAVE A WERAN COORDINATOR?

- ◆ The team responsible for issuing the WERAN action will simply dispatch the action direct to the group. The group should then start work on it and send copies of their letters, and any replies from the authorities, straight to the relevant team in London. Groups should address their correspondence to the "team" responsible for issuing the action (eg. Italy team, Germany team, UK team etc).

WHY DO GROUPS NEED TO SEND COPIES OF THEIR LETTERS TO THE RELEVANT TEAMS?

- ◆ It is absolutely crucial that groups send the relevant team copies of both the letters they have written and any replies received! The reason for this is not for us to check the letters you write - but so that we can be sure that the authorities have been contacted by Amnesty

International about a particular case of concern to us. In most actions, the only communication with a government about a particular case may be through a WERAN group. We need this sort of information in order to write external papers such as the six-monthly AI bulletin, *Concerns in Europe*. The team also needs to be kept up-to-date in case it has to communicate directly with the government of the country concerned. Without the groups' contribution, Amnesty International is unable to rely on its information being up-to-date or accurate.

WHAT HAPPENS IF A GROUP IS UNABLE TO PARTICIPATE IN A PARTICULAR ACTION?

- ◆ If you receive an action and find that you are unable to work on it, please inform your Coordinator (or the relevant team in London, if you do not have a Coordinator) so that the action can be promptly re-allocated to another group. It is very important that you do not just ignore the request for action.

REMINDERS FOR COORDINATORS:

- ◆ When you receive an action for allocation, please let the relevant team know as soon as possible which group(s) will be working on it by completing the enclosed Record Form.
- ◆ Please inform the Group Actions Team in the Campaign and Crisis Response Program if a group changes address (even if only temporarily) or has left the WERAN network. We need to know we can rely on groups to take action.
- ◆ Please inform the Group Actions Team in the Campaign and Crisis Response Program if a new group joins the WERAN network.
- ◆ If for any reason you are unable to carry out your responsibilities even on a temporary basis - for example, if you are ill or away on holiday - please inform the Europe Regional Program so that WERAN actions can be sent to another Coordinator or group.
- ◆ Keep in regular contact with your groups to offer advice on their WERAN activities.

GOOD LUCK WITH YOUR WORK ON THIS WERAN ACTION!