

# Prison Conditions in PORTUGAL



A FACTUAL REPORT
compiled by
AMNESTY INTERNATIONAL

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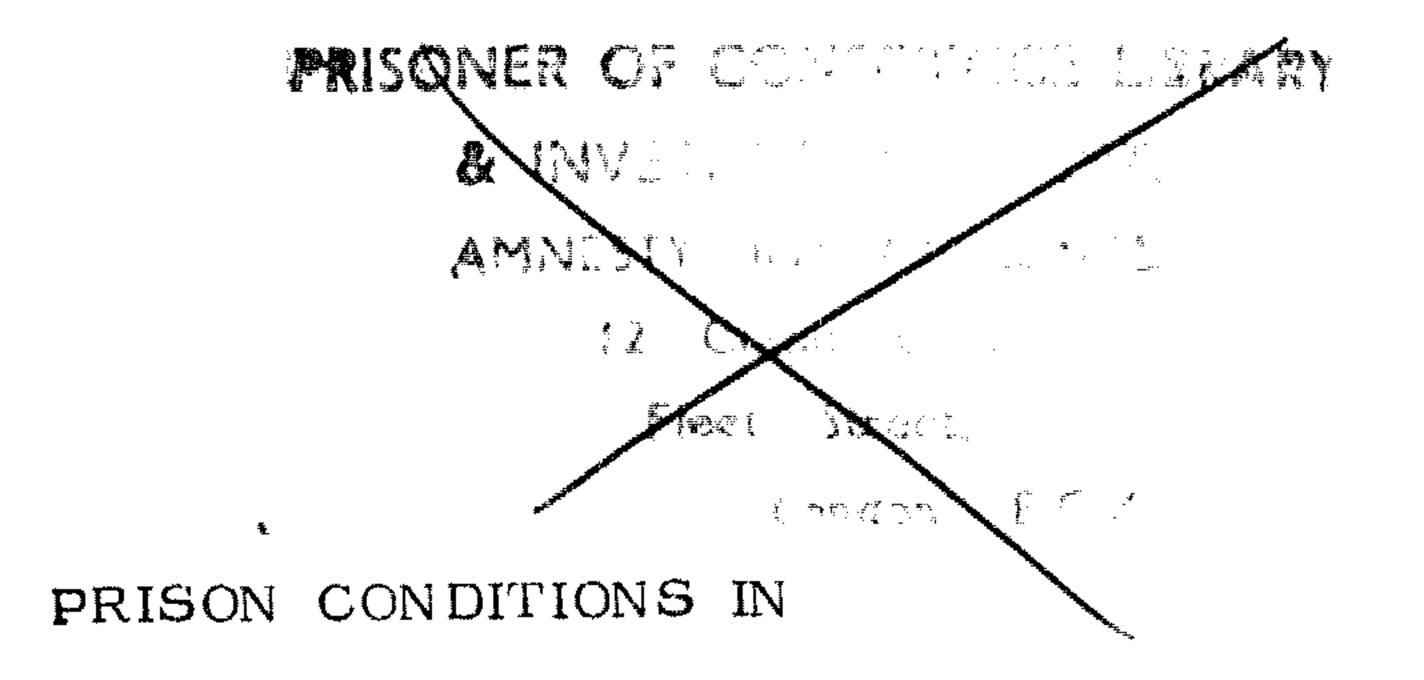
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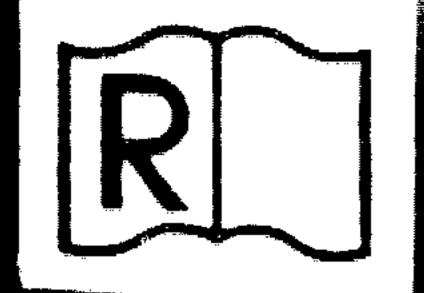


PORTUGAL

Conditions of Detention of Political Prisoners

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A FACTUAL REPORT
compiled by
AMNESTY INTERNATIONAL



THIS REPORT was written and intended to be read as a part of a series. It was in 1964 that AMNESTY INTERNATIONAL resolved at its Annual Assembly to embark on the publication of reports on the conditions in the prisons of all countries holding 'Prisoners of Conscience'. As there are over seventy such countries and all of them by definition conceal what goes on in their prisons, the undertaking is considerable. As the available resources are limited, it was decided to proceed at the rate of three reports each year. This is one of the first batch.

A significant feature of the 1960's is the general development of interest in penology. Country after country is turning attention to the most intractable of its social problems — the reform of the habitual criminal. Great advances have been made. It has been demonstrated that imprisonment is neither necessary nor beneficial for the great majority of offenders, and that, where custodial care is essential, conditions should approximate to those in a mental institution. Unfortunately, there has been little sign of any improvement of the conditions of 'Prisoners of Conscience'. A hundred years ago political prisoners were regarded and treated more favourably as a class apart. Where this distinction remains, its purpose now is to single out opponents of the government for worse conditions and exclusion from any benefits of penal reform.

AMNESTY INTERNATIONAL is itself partly a product of the penological reform movement. It is not composed of philosophical anarchists who advance the view that society is obliged to tolerate any form of dissenting behaviour. It was established by, and is composed of, practical reformers. Its principal contention is simply this: it is short-sighted to penalise people for their ideas, for there can be no progress in civilisation unless new ideas are allowed to spread. Of course, some ideas are bad, socially harmful. But nothing is gained by taking physical action against their proponents. To execute, torture or incarcerate those who commit no other offence than to propound opinions is to ensure their views a currency and respect they would not otherwise obtain. In short, political imprisonment is not only wrong; it is stupid.

The purpose of AMNESTY INTERNATIONAL is two-fold; first, to secure the release of 'Prisoners of Conscience', that is to say those locked up because their government does not like their ideas; second, to convince mankind in general that this type of imprisonment is degrading and unnecessary. Consequently this series of reports is directed to two publics. It is on the one hand designed to give the citizens of the countries concerned some reliable information about what has been done in their name, by their government. Would that such a report had been published about

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iv Germany after the Nazis took power in 1933. On the other hand, these reports are addressed to readers all over the world, inviting them to think not just about the suffering disclosed, but also about the principles involved.

To those who may object that most of the evidence comes from former prisoners and therefore cannot be trusted, one answer is that conditions in Hitler's Auschwitz and Stalin's Vorkuta were found to be worse than any description previously given by those who had escaped. The other that a government can disprove false allegations of bad prison conditions by inviting inspection by the International Committee of the Red Cross and publicising annual Red Cross reports; the fact that none of these three governments have yet done so speaks for itself.

One such principle is that the power of a government in the 1960's to control the media of communication is so complete that it is merely oppressive to spend public money locking up those already banned from the radio and press. In practical terms what can a few duplicated sheets distributed furtively at a street corner achieve in an age when newspapers are printed by the million? Does it really matter that a handful of people should gather to listen to a speaker in a hall, when the government can command the attention of the entire population over television?

When work on this series of reports was launched in 1964 all the first three countries selected quite needlessly harassed the political opponents of the government. The three countries selected were Portugal, Rumania and South Africa, and their selection was designed to reflect the operation of three differing ideologies. It may be said that there are certain similarities between the regimes of Portugal and South Africa; true, the two countries are allied, but there are most important differences; South Africa is frankly racialist, Portugal was the first country to assimilate large numbers of a different-skinned people without any legal distinctions. Portugal is the last country to retain its colonial empire, while South Africa was one of the first to fight a war against colonial masters to assert its right to self-government.

Since work on this series began the Rumanian Government accepted the proposition that political imprisonment was broadly speaking no longer necessary. Why then publish the report on Rumania? First, because the sensible attitude of the Rumanian Government is not shared by all other Communist countries; in some of them conditions such as those described in Rumania a few years back still continue. Second, because it is important to emphasise that, if the Rumanian Government can afford to take the risk of releasing their political opponents, they should not stop short once the prison gates are unlocked. They should bind up the wounds which they themselves have inflicted, restore the released

prisoners to their homes, their social benefits and their jobs.

It may be objected that mere publication of reports such as these will not achieve a great deal. AMNESTY INTERNATIONAL relies upon the power of the word. The influence of these reports depends upon the degree of concern of the readers. The men responsible for imprisonment of this character are few in number. Some may read this report themselves and realise that they are inflicting as much needless, out-moded suffering as the surgeon operating without anaesthetic. Others may have their attention drawn to the contents by readers who have been moved to write to them. If the concensus of the decent opinions of mankind has no effect on them, let them reflect soberly that copies of these reports will be on library shelves long after they are dead..., and that the supporting evidence by which history will judge them is stored away safely.

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PORTUGAL

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#### INTRODUCTION

This report on the conditions of imprisonment in Portugal has been put together by taking statements from Portuguese exiles in London and Paris, who have, at some time, been detained in the political prisons of Portugal. The report also includes statements taken by Mr Paul Johnson, Editor of the New Statesman, from Portuguese exiles in Brazil, who declared their willingness to testify under oath in London. It was hoped also that certain points would be clarified by the Portuguese Embassy in London, but repeated enquiries have so far led to nothing.

The only investigation into conditions of imprisonment in Portugal which has been carried out recently at the request of the Government, was that of Lord Russell of Liverpool. In March, 1963, Lord Russell was invited by the Portuguese Government to inspect their prisons, and make inquiries into allegations of illtreatment. This he did between 22nd April and the 1st May, 1963. His findings have, however, been questioned by all the exiles in London and Paris who have direct day-to-day experience of Portuguese police methods and prison conditions. The main complaint is that he has dealt largely with the cases of convicted men, when in fact ill-treatment takes place during the pre-trial or interrogation period. Another complaint is that Lord Russell had experience of only a few cases, whereas the Government has ignored repeated requests for an official enquiry into numerous allegations of brutality at the hands of the Political Police. There is also doubt that the prisoners would have felt free to complain to Lord Russell while still in prison.

Moreover, in a reply to Lord Russell of Liverpool published in the 'Daily Telegraph' on 7/2/64, Lord Gardiner Q.C. listed the number of attempts which have been made by various respected cross-sections of the Portuguese public, to make the Government instigate an official enquiry into ill-treatment of political prisoners. All these attempts were in vain, and in some cases the signatories of the appeals were arrested. Lord Gardiner says:-

'I cannot therefore accept Lord Russell of Liverpool's statement that "The Portuguese Government was most anxious to get some impartial and objective observer to enquire into these prison conditions and the allegations of torture and ill-treatment of those serving prison sentences for offences against the State." In the first place the primary complaint has always been, not against the treatment of convicted men in the ordinary prisons, but of those awaiting trial in the P.I.D.E. prison at Oporto and in the P.I.D.E. headquarters in Lisbon, to which those awaiting trial in Aljube prison, Lisbon, are taken for interrogation in the

rooms which he accurately describes. Secondly, as stated above, they have repeatedly been asked to hold such an enquiry and have always refused to do so. Thirdly, I have myself applied, before writing this article, to the Portuguese Government for the same facilities as he was given, but have been refused them. I regret this all the more because, of course, I have been able to interview many political prisoners who have been released whereas, I believe, Lord Russell only saw those still in prison.'

This report is therefore intended to give a picture of the personal experiences of those in the pre-trial period, to whom Lord Gardiner refers, and to set out the main complaints which have been made about ill-treatment of political prisoners at the hands of the Portuguese Political Police.

MAUREEN TEITELBAUM

August, 1965

In 1926, following a period of revolutions and instability in Portugal, a military coup d'etat succeeded in establishing itself in power. As a result of this, Dr Salazar, then a young professor of Economics at the University of Coimbra, was appointed Finance Minister, and in 1931 became Prime Minister. He has ruled the country ever since on a virtually one-man basis, with the aid of a large-scale machinery of legislation, which is used to repress or prevent the formation of any opposition party. In this way, Portugal has remained stable at home in the past, in spite of the wars in the colonies, but the poverty rate is still high, and discontent seems to be growing as more and more of the budget is spent on the struggle in Africa. The number of political trials has grown in the 1964-1965 period, involving men and women of all classes in Portugal.

The Corporative Constitution of 1933 is so worded as to give the impression of recognition of basic human rights and the equality of the citizen before the law, but it contains a proviso which attributes to the government powers to promulgate the 'regulation' of the use of such liberties, by additional legislation. The Cabinet, of which Dr Salazar is the head, does in fact govern by Decree Laws, which are not open to question either by the Parliament or the National Assembly, and which have imposed a grave limitation

on personal freedom in Portugal. The opposition therefore finds itself in a helpless position. For example, no opposition member has, as yet, been elected to the National Assembly, and the possibility of this happening is strongly hampered by Law 2015, which contains the major provisions rogarding elections. In substance, the Law says that only literate adults or those paying a specified minimum in taxes are entitled to be on the electoral register, and as both the illiteracy rate and the poverty rate are high in Portugal, approximately half the population is excluded from voting. In addition, further difficulties are put in the way of would-be voters (App. 1). Moreover, a large number of those who actually manage to get on the electoral register are likely to be public employees, as Portugal is a corporative republic and as such controls the professions. Teachers, professors, doctors and so on would find it difficult not to vote for the government, as they are obliged to sign a declaration of loyalty to the regime, and to swear that they will 'co-operate in achieving the higher aims of the State'. (App. 2).

The septennial Presidential election, which was the only near-democratic elective appointment, was abrogated after the 1958 election when General Delgado stood against the government nominee and had a fair measure of success, in spite of inter-

Under the Portuguese Constitution, all industrial workers have 5 to be members of their appropriate industrial syndicate, and all strikes and lock-outs are illegal. The penalty for any worker who strikes, is from two to eight years' imprisonment. It is a criminal offence to form any trade union, apart from official

syndicates.

government supporters, as a result of which, President Americo Tomas was re-elected in July, 1965, without any opposition. The Constitution appears to guarantee freedom of expression of opinion, but under Article 2 of Decree-Law No. 26,589, no publication whether periodical or not may be established without the approval of the government (App. 3). In practice, every newspaper and publication is subject to rigid censorship, which excludes practically all criticism of the government. A recent example of this censorship in action was that the press conference given by the Accao Democratico-Social (an opposition movement) before the Presidential elections stating why they were opposed to the electoral system, was not reported in Portugal at all, although it was well reported abroad.

ference with his supporters by the police. The President is now

chosen by an electoral college consisting of 575 men, who are all

The right of freedom of association appears also to be guarenteed by the Constitution, but in practice, no society, association or organisation is permitted to exist unless it has government approval. Law 1901 provides fines and imprisonment for those forming associations or organisations without government sanction (App. 4). By means of this law the government was able to prevent the formation of a Portuguese United Nations Association in 1957, although Portugal itself has long been a member of the

United Nations (App. 5). The only political 'party' allowed by law is the Unaio Nacional, which is a semi-official organisation, whose President is Salazar. There are other parties, but they are illegal. The government has set as its objective the stamping out of communism, but there seems to be a tendency to label any opposition activity as being of a 'communist character'. The laws are sufficiently loosely worded to allow this to happen. 'Communist character', for example, are words used in Decree-Law No. 40550 and can apply to all associations, movements or groups which adopt Marxist or socialist doctrines, although not necessarily Communist, or movements which are critical of the government. The government had for some time accused the opposition of not having a programme because they were really a communist body and dared not bring forward a communist programme. Subsequently, the democratic opposition presented a programme on the 11/5/61 suggesting what they considered to be rather 'conservative' reforms. Proceedings were instated against the 62 lawyers and writers who signed the programme, and five of them were jailed at once. Most of them have been on bail ever since, and it was not till an amnesty was granted in honour of the investiture of Admiral Americo Tomas as President, in August, 1965, that the cases were dropped.

The fact that students have, in the past, shown themselves to be outspoken critics of the Government education policy, resulted in the promulgation of Decree-Law 44632 of the 15/10/62, which eliminated almost completely all that remained of the students' associations autonomy (App. 6). The student crisis has been growing since that time, and the year 1965 has so far been notable for the number of student arrests and trials in Portugal.

By virtue of these laws which have driven almost all opposition underground, and labelled all anti-Government political activity as clandestine and 'subversive', the political prisons in Portugal contain people of all walks of life, and of varying political ideology, whose common link is that they would like to see a more democratic regime established in Portugal. Only a very few of these political prisoners have ever indulged in acts of violence against the State.

The State further protects itself by means of a very strong police force which has given Portugal a reputation of being a 'police state'. It is useful to examine the extent of the power given to the police by law.

# THE POWER OF THE POLITICAL POLICE

The whole position in Portugal is dominated by the secret police --- the Policia Internacional e de Defesa do Estado, known commonly as the PIDE, which constitutes one of the highest authorities in the land. Its headquarters are in Lisbon, and it has branches in the main towns of Portugal and the colonies. It is a widespread allegation that the PIDE have a large network of informers, and that these informers are to be found in all communities in Portugal and in her overseas territories. A second force which is also attached to the Ministry of the Interior, is the Policia de Seguranca Publica (PSP), whose task it is in conjunction with the Guarda Nacional Republicana (GNR) to ensure the 'daily maintenance of order in the streets and countryside'. The PSP is used in urban areas for day-to-day police action and for preliminary clashes with political demonstrators. The PSP have used tear gas and water containing aniline dye against May Day demonstrators, and have even shot into the crowd, wounding and killing people. The force is commanded by army officers, and is well-armed. The GNR is also well-armed and a military organisation. It operates mainly in rural areas of industry,

where it is used to quell strikes or demonstrations for better conditions by workers or peasants.

The security laws are numerous and far-reaching. Decree-Law No. 37,447, promulgated on the 13/6/49, set up a Council of Public Security, which consists of the Commander-in-Chief of the National Republican Guard, the Commander-in-Chief of the PSP, and the Head of the PIDE. This same Decree-Law also creates classes of people who are to be subject to police supervision.

The PIDE have wide powers to ban meetings and gatherings, to close public performances and to 'search the residences of the individuals supervised'. The object of the PIDE is to watch closely the activities of all, to the extent that employers who engage men in districts away from their homes must

report their engagement to the police.

Article 23 of Decree-Law No. 37,447 further provides that the Political Police have the power to close 'places which serve as headquarters or may be used by their owners to facilitate subversive activities', and Article 24 of the same Decree provides imprisonment for those 'who print publications, manifestos, pamphlets or other literature of a subversive nature'. The somewhat vague wording of this law enables the police to search virtually anyone's home, and to detain people indefinitely.

Before the present regime, the police could not arrest and detain anyone in prison for more than 48 hours without bringing them to court on some charge. But now, under Decree Law No. 35,042, the PIDE can arrest and imprison without charge for three months, which by two subsequent periods of 45 days each, can be extended to six months, with the permission of the Ministry of the Interior. It seems to be rare for this permission to be refused and this power given to the PIDE to arrest, imprison for six months, release and re-arrest is in common use. Many statements have been taken from people who were arrested more than once without any formal charge being brought against them, without ever having been tried. There are also cases of people who have been arrested and detained for many months and then acquitted by the courts. This means, in effect, that sometimes innocent men are open to repeated arrest. Lord Gardiner Q.C. said in an article printed in the Daily Telegraph in reply to Lord Russell of Liverpool, that:-

Portugal is the only country in Western Europe which refuses to allow the International Red Cross to inspect its penal establishments. It will not even allow reputable relief organisations like the Catholic Society of St. Vincent

de Paul to give relief to the desperate families of political prisoners, who, under Portuguese law, can at any time be arrested by the PIDE and kept in custody for six months without any charge being made against them. One young man I talked to in Oporto had spent most of the previous two years in the prison of the PIDE without ever having been convicted of any offence, having been three times arrested, imprisoned for some months, and then released.'

Furthermore, the young man of whom Lord Gardiner speaks and others in the same situation have no recourse to the Writ of Habeas Corpus, for although the Constitution provides for such a Writ, in practice it is not granted, because the PIDE are protected by Decree Law 35042.

It is obvious that the PIDE are using and have used this system of arrest and re-arrest as a means of intimidation for over thirty years. An exile now living in Brazil named Joaquim de Lemos Figueiredo, gave a detailed statement on his own experience of this:-

'In August 1931, I was arrested by PIDE agents, accused of being a leader of the uprising of 1931. No charge was preferred against me; indeed at no time has any formal charge been made against me, nor have I ever been brought to court. I was taken to Lisbon, where I spent four months in the cells at PIDE headquarters. Of this time, thirty days was spent in solitary confinement. I was then released. In 1934, I was again arrested at Alenquer by PIDE agents, accused of promoting strikes. I was again taken to Lisbon, to the civil prison. There I was beaten by PIDE agents. After two months in prison I was released. In 1935 I was arrested a third time in Alenguer by agent Seixais of the PIDE. Seixais is a very powerful man, known as cara de carvalho --- "horseface". He beat and kicked me brutally. I was taken to Lisbon. and put in solitary confinement for two months, being brought out for interrogation once or twice a week, always in the middle of the night.... Afterwards, I was transferred to the civil prison for one month, and then released. In 1936, I was arrested for the fourth time in Alenguer and taken by PIDE agents to the Pedrocos police station in Lisbon. There I was beaten by PIDE agent Paula. I was taken to the Alegria civil police station in Lisbon, where I spent 34 days in solitary confinement. I was then transferred to the Peniche prison for six months, and released.... After I was released in 1936, the police came to my house on several occasions. But each time I was warned, and left the town.'

One of the sections of the Portuguese population which has suffered noticeably from this power of the PIDE to arrest and

'Thus I lived for fourteen months, although proved innocent even by the standards of the Portuguese Political Courts.' Arnaldo Mesquita was again arrested on the 9/8/64 on charges arising from his stand on the case of Maria da Piedade Gomes dos Santos. The 'Guardian' of the 22/9/64 reported:-

acquitted of the charge against him and says in his statement:-

'The case came up for review on Saturday. It was in connection with enquiries to her lawyer, who could not be found, that it was learned that while Mrs Gomes dos Santos had been freed, Mr Mesquita had been arrested under the same decree, which also foresees a 90-day preventive detention for investigation by the State police.'

Other lawyers who are known oppositionists have been arrested four or five times and one of them, Mario Soares, has been detained nine times.

As education is a coveted privilege in Portugal, the threat of arrest and re-arrest is a very effective means of intimidation used by the PIDE against students. Many students complain that they are hauled in by the PIDE regularly before their examinations and are threatened with the termination of their studies. Sacuntala Miranda, a young Portuguese woman now exiled in London, said in her statement that although she was only detained by the PIDE for three days, they put great pressure on her and on her parents, to remove her from Portugal and from university life, to the extent of ringing up her parents in their home town in the Azoros and telling them that she was a leading member of the Communist Party and was to be deported. Miss Miranda goes on to say:-

'A young medical student was arrested by the PIDE for belonging to the democratic youth movement MUD Juvenil, which was later banned by the Government, and he was put in jail. He was later released. He was again arrested just before his exams, and a scene was made to intimidate him.'

## THE PIDE AND THE POLITICAL COURTS

Those who are actually sent for trial appear before special courts for the trial of political cases, with special judges, which have been set up in Lisbon and Oporto and which sit continuously. There have been so many trials in the 1964-65 period that auxiliary courts are being used.

Although trials are public, in practice it is difficult for the public to obtain seats in the courtroom, as many are reserved for the PIDE, who attend in plain clothes.

Advocates appearing for the Defence before the Political Courts are obliged to be somewhat cautious. On the 23/7/57 Dr Manuel Joao da Palma Carlos who was defending in a political trial in Lisbon, was told by the court at a certain stage of the proceedings that they did not wish to hear further from him, to which he replied - 'Your Excellencies, judge as you feel like, with or without proof!' On the same day he was charged, and in a trial lasting from midnight to 4a,m. he was convicted and sentenced for this remark to seven months' imprisonment.

There are many complaints that people are convicted by the courts on PIDE evidence, without sufficient proof. One of the more curious anomalies was the case of Francisco Miguel, who says in his statement:-

'In 1957, after I had remained ten years in jail and after I had purged the sentence to which I had been condemned in August 1948, I had to go to court again and this time I was accused of trying to overthrow the government, and of having organized communist sections inside the Caxias prison in 1953. It is obvious that I couldn't organise communist sections in Caxias in 1953 because I was then in the Tarrafal concentration camp, which I left only in 1954. Nevertheless, the Plenario Tribunal of Lisbon condemned me to five years and a half of 'security measures', that is to say that the court did what the Police told it to do.'

Audrey Sander, a British barrister, who attended the trial of Natalia David and Julio Martins in November, 1963, expressed her surprise at the weight attached to the evidence of the PIDE by the court. She says in her report:-

'The Prosecution called witnesses, about six in all, amongst whom was one who said he had leased Julio Martins a house under another name, and another who had seen a typewriter there. The Defence did not cross-examine them. Then followed the most vital evidence of two policemen, which was to prove that the accused were Communists. When asked what proof they had to substantiate this charge they replied that evidence was on their files. Even in cases where political views are denied by the accused, no further proof is required

of guilt. On being called to speak for the prisoners, defence counsel declined. This was a pre-arranged decision as a protest against the increasingly futile roles that lawyers are able to play in trials of this kind.'

Ian Macdonald, a young British barrister who attended a trial of 31 students during the first week of August 1965, reported on the evidence of the Prosecution in the following way:-

'The evidence of the Prosecution depended almost entirely upon "confessions" signed by 25 of the students. The information upon which these confessions were drawn up was supplied to the PIDE by Nunes Alvares Pereira, who had been arrested by them in December, 1964, one month before the majority of the 31 students. According to the PIDE, Pereira was the chief Communist official in the University, controlling the various "cells" to which the accused belonged. If there was a shred of truth in the information he is supposed to have given, by any normal legal standards it would be imperative to call him as a witness. First, he was the key man in the so-called Communist conspiracy. Secondly, without his evidence there could be no corroboration of the confessions of the accused. By normal legal standards the success or failure of the prosecution would depend upon the evidence of this witness. Yet when the trial opened it was discovered that Pereira was in Rio de Janeiro, in Brazil.'

Mr Macdonald goes on to say in his report that with Pereira out of the way, the Prosecution were left with only PIDE agents to call as witnesses....

'The first was Sylvestre Delgado Luis. His sworn testimony was that he had seen each list of questions put to about 15 of the accused; he had listened to these questions being read out to each of the 15; he had seen each of them signing; no coercion had been used to get the accused to sign. Under cross-examination he was totally unable to identify more than one or two of the accused whom he had allegedly seen signing confessions. He was unable to remember any details of the questions which had been read out. Furthermore, the Defence were able to put documents to him which directly contradicted his evidence that the PIDE never used torture or coercion.'

There are also complaints that difficulties arise for the Defence in preparing their case, because in many instances the prisoner has not been allowed to communicate with his lawyer. This is because the PIDE tend to interpret the Decree Law of the 13/10/45, which confirmed the secret nature of the investigation to mean that the accused is not allowed to communicate with anyone, not even his lawyer. Even after the investigation period no free or confidential conversation is possible between lawyer and client.

Mr Patrick Hallinan, an American Attorney, who attended the trial of Jose Bernardino in Lisbon on the 9th and 10th of May, 1963, said of the case:-

'There was no prosecuting attorney and the President of the Court, Judge Silva Caldeira, asked all the questions. The case for the State rested on the testimony of a single witness, a PIDE agent, who said that Bernardino had confessed after his arrest in May, 1962, and that the State possessed certain documents proving his alleged membership of the Portuguese Communist Party and the subversive nature of his student activities. No foundation was laid to establish the credibility of this confession. The defendant had been held in prison for one year without trial, and it was six months before Bernardino was able to seek the aid of a Counsel. The method of extracting the confession was to deprive the accused of sleep for two periods, one of seven and another of nine days. The confession was not in writing. The Court admitted the evidence. The State refused to produce the alleged documents on the grounds that they were secret and production would threaten State security. This argument was also accepted by the court....

In the case of Antonio Dias Lourenco, who was arrested in August, 1962, and was to be tried on the 27th June, 1963, the defence counsel asked for an adjournment for he had not been allowed to see the accused up to that time. In most cases the defence counsel have complained that they have only spoken to the accused for a few minutes with a PIDE agent or a warder present.

There have also been many protests that the PIDE interfere with Defence witnesses. Patrick Hallinan, the American Attorney, says of the trial of Jose Bernardino that:-

'The principal defence witness, Vasco Vieira de Almeida, a lawyer, was not present at the trial. He had been arrested by the PIDE on the morning it opened.'

A report by an observer in Portugal in December, 1964, states that:-

'In the case of Jose Saldanha Sanches, a young student who was arrested in May, 1964, by the PIDE as he was leaving a cafe at midnight, and who was shot twice, in the shoulder and the stomach, the only witness was a taxi-driver, who was arrested on a technical charge. After being held for three months and two weeks in prison, the taxi-driver was obviously too afraid to give evidence.'

Arnaldo Mesquita, the lawyer, said that in his own case:'The President of the Council of Lawyers in Portugal who had visited me in prison at Caxias, and seen my condition, Dr Pedro Pita wanted to give evidence for me. He was flying from Lisbon to Oporto for the purpose, but the PIDE held up the

aeroplane for several hours so that he arrived too late to give evidence.'

The power of the PIDE was further strengthened by Decree Laws No. 37,447 and No. 40,550. Article 20 of Decree Law 37,447, of the 13th June, 1949, deals with the 'security measure' which is now extended to political offences and defines it as 'internment as a measure of security for one to three years in a suitable establishment'. The Political Courts are empowered by this Decree to apply to those convicted of crimes against the security of the State, the 'security measure'. Article 22 of the same Decree provides that it is the duty of the Political Police 'to apply or extend the security measure' and adds that they 'may apply the security measure temporarily'. These powers of the Political Police are being extended and now enable them to keep men and women in prison indefinitely after conviction. Nicolas Jacob, a French lawyer who has studied the security laws, says in his report:-

'What makes the situation of political prisoners in Portugal tragic is security measures. Security measures are directed to the future; in principle they do not have a punitive character and are based solely upon "the dangerous nature of the delinquent for society".'

He goes on to give an account of the further extension of the authority of the political police by Decree Law 37,749 of the 9th August, 1954:-

By Article 19, the function of the judge during the investigation, as far as concerns the preliminary investigation with a view to security measures, may be exercised, not only by the Director but also by the Chief Inspector and the Assistant Directors of the PIDE in all cases in which the proceedings are investigated by them. Further, by the same Decree the associate directors, inspectors, under-inspectors and heads of divisions, when they are acting as directors or are sent on a mission, have the powers given to the above-mentioned officers.... The result is a true system of administrative imprisonment that is entirely arbitrary, that deprives citizens of the most elementary guarantees of their personal security.'

Decree Law 40,550 of the 12/3/56 deals with the application of security measures and their extension, and in Article 7 it defines those who are subject to such measures:-

'The following will be subject to internment as a measure of security in a suitable establishment for an indeterminate period, from six months to three years as long as they continue to show themselves dangerous.'

The definition which follows includes communists and many others, and due to the loose wording can in practice apply to all those who

oppose the Government (App. 7).

It is because of these 'security measure' Decree Laws that, although life imprisonment has legally been abolished in Portugal, a political prisoner can be held by the PIDE for what amounts to almost a life sentence. An example of this is the case of Manuel Rodrigues da Silva, who was released in January, 1964. He was for nine years in the notorious Tarrafal concentration camp, from 1936 until the camp was closed in 1945. He was again arrested in 1950, when he was sentenced to eight years for belonging to the Communist Party. This sentence of eight years resulted in his spending 14 years in prison in all, due to security measures, and brings the total of his years in prison to 23.

However, it is Article 8 of Decree Law 40,550 which really causes alarm as to the growing influence of the PIDE on the courts. The Article provides that:-

'Should the accused be charged with crimes against the security of the State, the security measures referred to in the previous article will be applied by the competent court, even if the

accusation is not proceeded with.'
This means, in effect, that a person accused by the PIDE of voluntarily or involuntarily engaging in subversive activities can be subjected to security measures and jailed, whether or not he has been previously sentenced by a court. Security measures can also be prolonged by successive periods of three years at the dictate of the PIDE.

There is a considerable body of evidence that PIDE activities also extend into the social and professional lives of those who are not in agreement with the Government. Before taking office, members of the teaching profession, doctors, civil servants and so on must swear an oath of loyalty to the regime, which is worded in the following way:-

'I declare upon my honour that I am a loyal member of the social order established by the Political Constitution of 1933 and that I am actively opposed to Communism and to all subversive ideas.'

If this declaration is not signed, the result will be 'the legal invalidation of the claim and disciplinary responsibility for the State official responsible for it'. This means that active members of the opposition, whether communists or not, would be excluded from professional posts if they found themselves unable to sign such an oath, and that people whom the PIDE choose to detain for questioning for no matter how short a time, and without any charge being established against them, are blacklisted.

A young student summed up his own position in the following way, in December, 1964:-

'I was arrested three years ago when the PIDE raided us. They rushed into this Common Room, where we are talking now, beat us up and took over 200 of us to prison for questioning. I was kept for 24 hours, but now I have a prison record, and that means that I am automatically disqualified from all public appointments. My only hope is to work in private practice.'

Moreover, it is difficult for relatives of political prisoners to find jobs, as employers are wary of complications with the authorities if they offer work. Sacuntala Miranda, who was arrested and held for three days while still a student, and is now exiled in London, told in her statement of her cousin who lost her job as a teacher, and was given as the reason for her dismissal that she was related to Miss Miranda. It is for this reason that so many doctors, scientists and professors, who would be invaluable to the Portuguese nation are now in exile in various countries.

But even those who do not belong to the professional classes find themselves facing difficulties in getting their old jobs back or in finding new jobs, if they have been involved with the PIDE. It has been known for prisoners' syndicate membership cards to be withdrawn, so that the prisoner when released can no longer return to his former position. It is reported that while Sra. de Varela Gomes was in custody, her syndicate, the Sindicato de Trabalhadores Sociais withdrew her membership card so that she could not operate as a social worker or a personnel officer.

Duarte Mendes, an exile in Paris, said in his statement that he was not able to get his old job back on leaving prison, because the PIDE had intervened directly with the people in charge, and this complaint is repeated by Francisco Miguel, who says:-

'I know some anti-fascists who were persecuted by the PIDE after being released. The PIDE ordered the bosses who had given jobs to those democrats to fire them. To harm antifascists in their private lives is a current method of the PIDE. That is why many teachers have been deprived of their diplomas and many big monopolist companies don't give jobs to people known as being anti-fascist, without the PIDE's consent. The Ministry of the Interior refused a driving licence to some people who had been arrested for their anti-fascist opinions.'

Another statement from an ex-prisoner, Joao dos Santos Baleizao, now exiled in South America, describes his situation after release as follows:-

'Since I passed out of university in civil engineering as head of my class, I was offered first refusal of a government post, with a month's option to take it up. In Portugal, anyone appointed to a government post has to have clearance from the PIDE. They were therefore notified. I was immediately arrested,

and held in Caxias prison, without charge or trial, until after the month's option was over. It therefore became plain to me that there was no future for me in Portugal, and I decided to emigrate to South America.'

## METHODS OF INTERROGATION OF THE PIDE

Immediately after arrest political prisoners are either taken direct to PIDE Headquarters and held there for some days for interrogation, or sent to the political prisons. Those who are detained in the prisons are collected several times by the PIDE and taken to the Headquarters also for interrogation purposes. All the ex-prisoners who have given statements on their personal experiences have claimed that the most terrifying aspect of detention in Portugal is to have to face PIDE interrogation methods. These methods range from subtle psychological pressures to threats of torture and outright brutality, and have not only been used against leading communists, as official sources have claimed, but even against very young students.

The main aim of the PIDE interrogators seems to be to establish membership of the Communist Party against every person they question, and a refusal to confess to such membership leads to the methods of intimidation complained of by so many ex-political prisoners. The number of young people who have suffered from this as a result of the university crisis, which had its beginnings in 1956, is alarming. Lord Gardiner Q.C. in his reply to Lord Russell of Liverpool said:-

'In December 1956 there began, and in June 1957 there ended, the trial before the Political Court of Oporto of 52 young people. Only three of them were over 30. The average age was twenty—two, 62% of them being students. Seven of them were young women. The youngest on arrest was 17 years old. They had been arrested between January and May 1955 and had thus been in prison for two years awaiting trial. There was a considerable body of evidence, including medical evidence, that the "statue" had been applied to many of them. One of them, with brief intervals for food, had endured it for seven consecutive days and nights. Within a few days of the end of the trial I myself, in Oporto, spoke to some of the students who had been acquitted and who had themselves endured the "statue".'

The 'statue' torture of which Lord Gardiner speaks seems to be the main form of torture used against political prisoners to force them to confess. The PIDE agents themselves described what this form of torture entailed to Arnaldo Mesquita, the lawyer who was twice arrested by them. He testifies:-

'I should explain that, as I was told by the PIDE agents, this (the "statue") does not nowadays mean being required to stand

reason as a result of sleeplessness.'

There has been considerable evidence of the use of this torture against the students arrested during 1964 and 1965. As a result of the condition in which the father of one of the students, who was tried in June 1965, found his daughter when he was finally allowed to visit her, he wrote to the Minister of the Interior, saying that he had difficulty in recognising her because:-'Her face was that of a corpse; she could not co-ordinate her

ideas and had difficulty in the articulation of words. Besides this, she could not stand up properly, but walked clutching the walls. All this shows clearly that during the 12 days of her isolation by the PIDE she was subjected to violent treatment, to the torture of no sleep and perhaps to other kinds of violence. And all this was done to a young girl who had never been in trouble with the police, and who has always lived in her father's house."

There can be little doubt that the father's allegations had a sound basis of truth to them, for his letter to the Minister of the Interior was written on the 7/12/64 and when the girl was brought to trial, months later, on the 22/6/65 she was still very ill. The

London 'Times' reported on the trial, saying:-

'The presiding judge accepted the request of Maria de Azevedo's parents that a police doctor who attended their daughter be called to give evidence, as well as an inspector who had dealt with her case. The girl is still under psychiatric treatment in hospital, and came to court from there.'

Furthermore, her father risked arrest himself in order, by his letter, to bring attention to the methods of interrogation used against his daughter, for he was summoned to the PIDE and threatened with prosecution for damaging the prestige of the country abroad, and for the spreading of false or tendentious news of a nature likely to alarm the public, offences provided for by Articles 149 and 174 of the Portuguese Penal Code.

Nicolas Jacob, the French lawyer mentioned earlier, visited Portugal in December, 1964, to report on the student situation

and stated:-

'At the time I was in Lisbon, 57 students were in detention. My attention was drawn to a number of them, and particularly to a young girl student of the College of Fine Arts of Lisbon, Gina Azevedo, whose father is a journalist, and who had to be taken to hospital in a trance after 60 hours of interrogation; she is at present in hospital, having insulin treatment.

Maximino Vaz da Cunha, a medical student, is in the same con-17 dition; he was also taken to hospital after 60 hours of interrogation, without a mornent's sleep. Baeta Neves, a young student in the Law Faculty, tried to commit suicide by swallowing the lens of his spectacles because, after several hours' interrogation, he was threatened with injections of a truth drug.'

Ian Macdonald, the British barrister, who returned on the 7/8/65 from acting as an observer at the trial of 31 students, including Maximino Vaz da Cunha, states that there was a great deal of evidence that all the students had been subjected to harsh interrogations, in spite of the fact that many of them are teenagers. Maximino Vaz da Cunha himself had collapsed after three days of interrogation without sleep, and spent 36 days in hospital recovering. Mario Antonio Figueiredo Neto was questioned for four days and five nights consecutively without sleep, and was held for two months in solitary confinement. Antonio Jose Borrani Crisostomo Teixeira spent two periods of five days and nights, and six days and seven nights without sleep, followed later by a period of ten days and nine nights without sleep. Jose Afonso Raimao Aires Teixeira was interrogated for 180 hours without sleep. Jose Alberto Caeiro da Costa, a 17-year-old, was questioned for three days and three nights without sleep, and was put on the 'statue' torture for 54 hours and spent 10 days in one of the tiny solitary confinement cells in the Aljube prison. These are just a few examples, but it appears that all the 31 students were treated in the same way during interrogation, as a result of which only six of them were able to refuse to sign the confession to 'communist activities' which the PIDE put before them.

There are various kinds of psychological pressures which are also used by the PIDE, not only against students but all other political detainees as well. A method used against young people in general is to confront them at the interrogation with their mother or father, or both parents. The aim of this is obviously that a hysterical, nervous or frightened parent will try to influence its child. The family is used in other ways also. Duarte Mendes says of his own interrogation:-

'One of the tactics they used against me was that they presented me with a letter which said that my wife had taken up "men

friends" during my stay in prison.'

Another tactic commonly in use is to alternate the interrogators. One interrogator is friendly and will try to win the trust of the detainee; he leaves and his place is taken by a 'tough' interrogator who threatens and bullies and frightens the prisoner enough to make him welcome the first man as a friend and confidant.

A lawyer, now exiled in Paris, says in his statement that his

18 interrogation took the following form:-

'I was interrogated by a policeman who was still a cadet. A Brigade chief came after the interrogation to see the results. On one occasion, they took away all the chairs in the room so that I had to stand, but this was done only to humiliate me. The next time they made me sit down near a table, out of the drawer of which a policeman took a pistol which he waved at six inches from my face. Another time, they pulled away the chair from under me. This was done by Inspector Rosa Casaco, who after my release spread nasty rumours about me in my home town, in order to discredit me.'

However, what is really disturbing about the statements made by former political prisoners, is that it seems that in most cases actual physical means of intimidation have been employed by the PIDE. Arnaldo Mesquita described his own experience of the 'statue' as follows: -

'My dreadful experiences really began on the 44th day, when I was taken to the PIDE Headquarters in Lisbon and kept there for six days.... During the whole of this period of six days I suffered the statue.... On falling asleep I would be woken at once or within a few minutes by having pins stuck in me, or by shaking, or by sounds of knocking or tapping. In the end, the slightest noise would waken me. I have since suffered from auditive hallucinations. Many prisoners are reduced by this treatment to the mentality of a child. Some lose their reason altogether. Gouveia told me of prisoners who claimed under this treatment to have seen Our Lady of Fatima.'

Gouveia, who is mentioned here and in many other statements, seems to have indulged in the more sadistic methods used by the PIDE agents. He was a leading agent for a long time, but information as to where he is now or whether he has retired has not been supplied by the Portuguese authorities.

An exile named Rato also named Gouveia in his statement and went on to detail a different version of the 'statue' torture, which he underwent, and to which many others have also been subjected in the past. He says:-

'I was sent to Lisbon to the Headquarters of the PIDE on the second day after my re-arrest. I was at once sent there to Gouveia. This was the first time we had met. After putting a few questions to me about the identity of my other comrades in M.U.N.A.F. to which I declined to reply, Gouveia handed me over to his subordinate, an ordinary PIDE agent, and ordered that I should be put on the "statue". This means that you are required to stand, not to sit or even lean against a wall, continuously, day and night, which means that the blood is drained from the head, you get dizziness and swollen feet, etc.. You

can walk about and you can sit down for meals but that is worse 19 than not sitting down at all, because it is almost impossible to get up, but you have to. The penalty for not continuing to stand is to get beaten by guards or agents. The agents were watching me to ensure that I kept on the statue, by four-hourly shifts. If I showed any sign of leaning or falling down they would kick me to rise. This started at noon on the first day and went on for five days and five nights... From time to time Gouveia came in to ask if I had decided to speak.... On the fifth night, Gouveia took me into another room and questioned me for the entire night till about 5a.m. He told me that as I would never get out alive, he would tell me about his own life, which he did, boasting of his arrests and tortures, etc.... At the end, with grossly swollen legs, dizzy head, etc., I felt compelled to invent some false story, following which I was sent to a cell, where I could lie down, and I remained for sixty days in isolation.'

The statement of Joao Cesario Cartarino Goncalo, now exiled in South America, tallies closely with the experiences of Rato. He says: -

'On the 6th June, 1958, whilst I was working as a clerk in a Ceramics factory in Ilhavo, I was arrested and charged with subversive activities. I have never been a Communist, and had belonged to no political organisation. The reason for my arrest, I believe, was that I had attended a meeting two days before addressed by the Opposition candidate for the presidential election, General Humberto Delgado, and since I had sat in the first few rows, had had my name taken by police agents. I was taken to the headquarters of the PIDE at Coimbra by four PIDE agents; I recall the names of two of them — Costa Pereira and Gouveia. I was then taken to the ordinary police station, where I spent about 15 days. From there I was taken to PIDE headquarters for full interrogation. I was subjected to three days and three nights of the "statue". I was placed in front of a table and questioned continuously. I was not allowed to sit or lie down, except for 10-15 minutes when I was given my meals. On several occasions I collapsed, but managed to get back to my feet when threatened with beating. I was allowed no sleep whatsoever. As a result of this continuous standing, the calves of my legs became swollen to approximately twice their normal size. When I was released I received medical attention for general fatigue and loss of energy. Some two years later, I still suffered from occasional loss of memory, and I also suffer from occasional bouts of nervous exhaustion and depression.'

Prisoners against whom the PIDE can almost certainly establish a connection with the Communist Party fall victim to 20 more brutal methods of interrogation than the others. While all the former political prisoners from whom statements were taken have come to regard ill-treatment at the hands of the PIDE as a matter of course, in the case of left-wing sympathisers it has become almost a form of legalised cruelty. The PIDE agent Gouveia himself was apt to tell prisoners being interrogated on the third floor of the PIDE headquarters that 'The Law does not reach the PIDE's third floor.' Lord Russell of Liverpool says in his report:-

'It is, perhaps, more than a coincidence that the only allegations which have been made to me personally of this form of Gestapo ill-treatment have been made by three prisoners who are without doubt leading members of the Communist Parties in Portugal and Angola.'

Lord Russell seems to imply more than once in his report that brutal interrogation of communists is necessary, without challenging the validity of confessions to communist activities obtained under duress.

A statement by Francisco Miguel who spent a total of twentyone years and two months in Portuguese political prisons substantiates the allegation that the PIDE are allowed to use the most violent methods against communists. He says:-

'As I had been arrested under conditions which gave the PIDE material evidence of my belonging to the Portuguese Communist Party, the questioning consisted in long periods of torture, with the aim of obtaining information.... During my first imprisonment I was savagely beaten up, suffered severe injuries, my body was literally covered with black spots resulting from the beating. The six agents who beat me several times were Jose Goncalves (one of my captors, the same one who shot to death the Communist militant, Alfredo Dinis, on the road to Bucelas); Julio de Almeida, who later became a PIDE inspector; Miguel Castanheira, then a Chief of Brigade; Francisco Mateus; Rosa Casaco, nowadays a PIDE inspector and Mascarenhas. They beat me with the following instruments: a "cavalo-marinho" (a sort of cat o'nine tails), a four-edged wooden stick, which they called "Arriba Espana", two doors which were then out of place in the room where the torturing was done, a chair, and their hands and feet. I was handcuffed during the beating-up. That time I was incommunicado for seven months, three months at the Police Headquarters at Arroios, two months at the Santa Maria Police Headquarters, and two months in the Aljube prison in Cell 2a.'

Francisco Miguel also underwent the 'statue' torture and describes his own experience of it in his statement:-

'I was thirty days and nights standing up and awake. This period

was divided in three parts: a period of eleven days from 10 p.m. on the 3/7/47 to 4a.m. on the 15/7/47; a period of ten days and a third stretch of nine days. Between the first and second periods there was an interval of forty hours which I spent in a very small cell in Aljube. These torture sessions took place at the 70th bureau on the third floor in PIDE Headquarters, Antonio Maria Cardoso Street. The investigator was one of my captors, the then Chief of Brigade, Fernando Gouveia.'

Lord Russell of Liverpool doubted the validity of allegations made to him of PIDE brutality by three men who were in prison when he saw them, and yet two factors make it difficult to understand why these men should have exaggerated their experiences. Firstly, as they were still in prison they must have feared reprisals whether they were assured that reprisals would not be taken or no; secondly, their allegations have been substantiated, in detail, by many other statements. For example, Lord Russell says:-

'Dr Ramos confirmed the fact that he was arrested in August, 1960, and said that he was interrogated in a cell in the PIDE prison in Lisbon (Aljube) for ten days incessantly without being allowed any sleep. It is possible, from other investigations I have made that he was subjected to a very lengthy interrogation, for he is an important official in the Communist Party, but it is very doubtful whether it was for such a long period as ten days. He also stated that he was kept in isolated confinement for four months in one of the tiny cells in Aljube.'

As it seems from all the statements taken that the PIDE do keep people awake for ten days without sleep, especially if they are in any way connected with the Communist Party, it would have been useful if Lord Russell had given his reasons for doubting Dr Ramos' statement. For instance, Duartes Mendes says of his own interrogation:-

'They started by interrogating me normally. As I refused to reply they forced me to undergo the torture known as the "statue". I underwent this torture for 273 hours, with an interval of 20 hours when I was sent to a cell. After the "statue" they beat me several times before I was sent to trial. When I was acquitted, they threatened me by saying that the next time I wouldn't get out. The men who threatened me were Fernando Gouveia and Porto Duarte.'

However, on examining statements dating from the early days of the regime to the present day, it would seem that police methods have changed to some extent. During the first twenty or twenty-five years of Salazar rule, the PIDE seem to have employed much more brutal means of intimidation than are used at present. Francisco de Oliveira Pio, now exiled in Brazil, says that in 1931,

'One prisoner was Captain Chaves, who had been shot by a PIDE agent in the shoulder during interrogation: I examined his wound. Others had marks on the chest, back, shoulders, arms and legs, caused by beatings with whips made of hippopotamus hide during interrogation. I also saw marks on prisoners caused by burnings with electric wires on the genital organs and nearby regions.... The principal officer in charge of these interrogations was Captain Jose do Passo, who also interrogated me. His brother, Francisco do Passo, was also notorious for brutalities; so was Simoes, another PIDE agent.'

Pio goes on to report on police brutality in 1933 and 1934 and says:'While in the Oporto prison, I had personal experience of
atrocities committed by PIDE agents. One young man, aged
30-32, called Rogerio, was severely beaten by PIDE agents
during interrogation; he was beaten with whips and kicked,
under the direction of Francisco do Passo. As a result of the
injuries he received, the PIDE, fearing that he might die on
their hands, released him. He died, from the above causes, a
few months afterwards. During my stay in Oporto prison, I
also saw political prisoners bearing the marks of whips, burns
caused by electric wires, and eyes swollen after burning with
electric lights.'

Another ex-prisoner named Armando Correia de Magalhaes spent some time in the Portuguese prisons between 1932 and 1939 and says in his statement:-

'I was threatened by Fernando Gouveia with torture and even death unless I made a confession.... I was not in fact tortured by Gouveia first, because I was well-known in the glass industry and in the district and secondly because my wife the Baroness Elizabeth de Maydell was a member of the European aristocracy. When I emerged from solitary confinement, Gouveia expressed surprise that I was still unwilling to confess; he boasted that most of the prisoners surrendered to his methods. After I was released from solitary confinement, I was able to talk occasionally to other political prisoners in the Aljube prison. Many complained of torture by Gouveia. One prisoner, a taxidriver called Alecrim, showed me severe burns which had been inflicted on and around his sexual organs, and on the pelvis, by Gouveia, by means of a wire connected to an electrical battery. I also saw many prisoners being returned to their cells, in a state of collapse, after being interrogated during the night by Gouveia. They were severely bruised and in some cases unconscious.'

Arlindo Augusto da Costa Chiu, now exiled in South America, was also arrested during this period and testifies:-

'After I was arrested and held at headquarters in Evora, I was beaten and tortured by PIDE agents, in an attempt to make me confess to political crimes. I was beaten on the head with a thick wooden stick with a round knob, known as a "moca". I was hit with sacks of sand in the kidneys. I was kicked in the testicles, and my testicles were twisted. As a result, my private parts suffered permanent damage and I was unable to pass water. I received medical treatment after my release, but the trouble has continued ever since. As recently as the 8/1/59, my testicles were operated on at the Faculdade Nacional de Medicina da Universidade do Brasil.'

The statement of Augusto Filipe Aragao dos Santos, who was arrested in 1947, seems to suggest that the methods of interrogation had not changed a great deal by that time. He says:-

'I was arrosted by PIDE agents at the boarding house where I lived. They included Chefe de Brigade Antonio Pinto Suares, agent Carvalheira, agent Figueireido Lima, agent Tomaz, agent Roque and others. They had no warrant for my arrest. Suares throatened me with a revolver. I was bundled into a car and taken to PIDE headquarters in Oporto. There I was kicked by Chefe de Brigade Crespo.... when I protested about the absence of a warrant, I was pushed into a cell and kicked again by agent Coelho and agent Costa. I had bruises on my legs, back and face. I was kept in this cell for two months. For the first month, I was interrogated virtually every night; I was threatened at pistol point during these interrogations, and beaten on the neck by Chefe de Brigade Pinto Suares and agent Carvalheira during questioning. I was also made to stand for 1-2 hours at a time. After two months, I was taken out of solitary confinement. But, after I had failed to rise when a warder, Valentim, entered the general cell (I was sick in bed at the time), I was again beaten, and by way of punishment put into solitary confinement. This cell, No. 5, was underground, underneath a staircase.... A previous occupant, Manuel de Oliveira, whom I knew, had become mentally unbalanced while imprisoned in this cell, and had subsequently hanged himself.'

However, later statements seem to indicate that beatings or electrical torture are much less frequently used, and that the only means of physical torture which is frequently employed is the 'statue'. Open complaints about the 'statue' and general ill-treatment of prisoners have been made time after time, with little or no reaction from the authorities. Lord Gardiner Q.C. wrote of some of the attempts to establish an official enquiry into allegations of police brutality, saying:-

to enquire into these allegations. As they said, "Everybody

has heard of recurrent instances of political trials where the

judges inexorably silence lawyers, witnesses and defendants

whenever they try to describe any kind of physical violence

a judicial enquiry into the police methods denounced by the

used during the detention period of the preparatory phases of

the case... None of these hearings ever led to the opening of

'On the 16th March, 1957, 33 lawyers of Coimbra, of all political

There have also been individual complaints filed against the PIDE for brutality. The case of Gina de Azevedo's father has been mentioned earlier in this report. Another case in point was that of Colonel Luis Blanqui Teixeira, a retired Portuguese army officer, who filed a complaint against Major Silva Pais, director of the Portuguese political police, asserting that his son, Fernando, had been tortured and beaten by them. He also accused the head of the political police of depriving his son of sleep for 13 consecutive days after his arrest. These complaints seem to lead to nothing but threats of prosecution by the PIDE. Until a full enquiry is carried out, the Government are able to dismiss the allegations of PIDE brutality as opposition propaganda, and yet there has been a wealth of evidence to suggest that this is not so.

## Aljube

All the statements taken from political prisoners who had spent time in the Aljube prison have stressed that the conditions inside this prison are very bad. The future of the prison is very much in doubt at the moment. It was still being used in June, 1965, when a number of students were being held there, but repeated requests from the Portuguese authorities have failed as yet to clarify the present position. Mr Ian Macdonald, who returned from Portugal in August, 1965, was told that it had been closed. Lord Russell of Liverpool was informed while he was there, that when renovations to Caxias North prison were completed the prisoners would be moved from Aljube to Caxias and that those who remained would only be kept there at the most for a few days whilst being interrogated at PIDE headquarters.

The Aljube prison is quite small and is situated opposite the Cathedral church in Lisbon. It is frequently claimed that the Gestapo played a part in the designing of it. Lord Russell of Liverpool described it in the following way:-

'The whole atmosphere of this prison, except for the top floor, is one of gloom and despondency and the inmates look very different from their fellow prisoners in the other prisons.' As this prison has always been used largely for prisoners awaiting trial and in the preparatory phases of the case against them, the atmosphere serves also as a means of intimidation. There are thirteen solitary confinement cells in which many of the exprisoners who gave statements have spent long periods of time in unbearable circumstances.

These thirteen solitary confinement cells are on the second floor of the prison. Most of them are in total darkness for 24 hours of the day. Lord Russell says in his report:-

'Until we entered the cell it was pitch dark (this was while it was still broad daylight outside), and even when the light was switched on it was impossible to read.'

A former political prisoner, Joao Mota, now exiled in South America, says of his own solitary confinement:-

'In this prison, I was confined for 16 days in a concrete cell whose dimensions were as follows: length, the length of my body; width, twice the span of my hands (2 feet, 3 inches, approx.); height, 6 feet, 6 inches. There was no light what—soever in this cell, no window and no ventilation except through three bars in the door. The light outside the cell was only switched on during interrogation; the rest of the time I was in darkness, so that I had to eat my food entirely by feeling with my hands.'

A young doctor who is now resident in England spent several days in one of these cells, and was later released without any charge being made against him. He described his own cell as follows:-

'The dimensions of the cell were approximately  $6\frac{1}{2}$  feet long x 3 feet wide x 12 feet high. There was only one foot of space between the "bed" and the wall. The bed consisted of a board which folded down from the wall, and two blankets. The floor was cement. There was a tiny opening at the top of the cell, which gave no light. The door had bars in it and opened on to another door, through which the warder looked in and kept watch. Outside the cell was a T-shaped corridor, in the middle of which was the bathroom. Prisoners had to be escorted by a warder if they wished to use the lavatory. All personal articles were taken from me when I arrived, even my shoelaces.'

There is no room in these cells for the prisoners to walk about, and they are not allowed any exercise at all in Aljube. The official reason for this seems to be that there is nowhere for them to exercise. Whatever the reason, there can be no doubt that the physical and psychological effects of total inactivity in a dark, tiny, sometimes damp cell for twenty-four hours of the day can be extremely grave for even the stronger prisoners. Lord Russell witnessed these effects directly and says in his report:-

'Those who are confined in these tiny cells, when I saw them, looked rather like caged animals. I tried to speak to one of them, who was in Cell 13, and he just stared back at me as though he had seen a ghost. There was a coloured youth from Angola in another cell, I think it was No. 16, to whom I spoke. In spite of the fact that my identity was explained to him, he appeared to be terrified when I talked with him through an interpreter and he shook all over.'

Although most of the men who have been detained in Aljube had not been convicted of any offence during their stay there, they are subjected to much greater pressures and limitations than detainees in the other prisons. They are not allowed to exercise, as mentioned above, and in addition they are not allowed to read when in solitary confinement, nor to have any other form of recreation. They are left entirely alone with their thoughts except on the days when they are taken to PIDE headquarters for interrogation purposes.

While it is claimed by official sources that political prisoners are only held in solitary confinement in Aljube for a matter of days for investigation, statements have been collected from many exiles who have spent months in these cells. One man who spent a month in one of these cells, and is now resident in London, reports as follows on the psychological effects of solitary confinement in Aljube on a prisoner in the cell next to his:-'The man in the cell next to mine collapsed and began screaming. The screaming went on for several hours. He said he had been in the cell for four months without seeing anyone. He kept shouting his name and address, and that he was suffering from T.B. He was taken away the next morning, and I never heard of him again.'

A lawyer, now exiled in Paris, stated that the most terrifying aspect of his detention in Aljube was that he was held for what amounted to eight months in solitary confinement. Although he appears to be a man of strength and will-power, he says that he was reduced to such a frightened state, that when they told him that he was to be released, he found himself unable to face the thought of leaving his cell. He went on to say that prisoners were often threatened by the warders and told that they would be put in Cell 14. Cell 14 is a tiny dungeon under a staircase, and the same lawyer reports of it saying:-

'I know, for example, that the lawyer, Sousa Castro, was put in it for 15 days without ever seeing any light. Another prisoner, Manuel Rodrigues da Silva, was put in room 2a for two years without sun and without exercise.'

Francisco Miguel, who actually spent three months in Cell 14,

says in his statement: -

'When I was arrested for the second time the beating was less severe, but I spent three months incommunicado in Cell 14, in Aljube, the darkest and least ventilated cell in the entire prison.'

It would appear that the thirteen really bad solitary confinement cells are used in the first instance when a prisoner has just entered the prison and is undergoing frequent interrogation, and later as a disciplinary measure. Arnaldo Mesquita described his own experience of the use of the cells in his statement:-

'I had this solitary confinement for the first thirty days, as is standard. After that I led ordinary prison life. Then I saw what had been done to another prisoner named Fernando Jiminez.

... I saw him being carried from the prison by Gouveia's agents to the Headquarters of the PIDE at Lisbon. He was brought back three days later in a dreadful, fainting condition. He was a fairly fat man of about 35 years old. As a result of his experiences during these three days he developed a bad heart and had to receive some kind of heart injection on his return, to keep him alive. He told me he had been put on the "statue", etc.. As a result of his description of his experiences to me, I sent a letter of protest to the Minister of the Interior. For this I was subjected to a further fifteen days in the Cela Disciplina. Later for some other "offence" was subjected to a further 25 days in the Cela Disciplina.'

Prisoners are given a cursory examination by a doctor upon entry to Aljube. After this, there is a male nurse in attendance 'between 7 and 7.30 p.m.'. Prisoners must make personal application to the warder if they wish to see the male nurse. It is alleged that influential connections have a direct bearing on the medical and general treatment received in the prisons and at the hands of the PIDE. A young doctor, now exiled in London, says in his statement:-

'I had a fever after the fourth day. Due to family obligations, i.e. my father had delivered the prison doctor's grandson, I was moved to the top floor, where I was given a single room and a table to write on.'

A Portuguese lawyer said of his experience of medical facilities in Aljube that:-

'on one occasion when a prisoner had a sore throat, he was given a liquid to gargle with, out of a metal cup. This same cup was used without disinfection for other prisoners, as a result of which, shortly after nearly all the prisoners had sore throats.

Nearly all the prisoners who have given statements on Aljube have complained that there was no heating even in the depth of winter, and that they suffered bitterly from the cold. There are also strong complaints about the quality of the food served. The morning meal consists of coffee and a piece of bread. The lunch and supper consist of soup and fish or meat with haricot beans and sometimes cabbage. But the prisoners allege that the fish and meat are of bad quality and often rotten. While statements on food are often inconsistent, all ex-prisoners agreed that it was badly balanced and almost uneatable.

The behaviour of warders towards prisoners in Aljube appears to be unnecessarily cruel on occasions. All prisoners said that it depended on the warder, and that there were good and bad ones. A lawyer, now exiled in Paris, claimed that at one period of his detention in Aljube, a warder entered his cell eighteen times during the night in order to wake him up, and that this was done at the orders of those in charge of the prison. He went on to say that it happened frequently that the warders made a lot of noise during the night, and switched the lights on, so that the prisoners should not sleep.

It is to be hoped that as the Portuguese authorities promised Lord Russell that this prison was to be closed, that they will

The Peniche Prison

Peniche prison is situated some 50 miles from Lisbon and is used specifically for political prisoners. It is confined within the walls of a 16th century fortress. The Director of the prison is Captain Manuel da Encarnacao Falcao, and the Chief Warder is Victor Ramos. A very recent report from Portugal claims that Ramos is a sadistic man, and that he had on several occasions threatened to shoot some of the prisoners as an example to the others. Certainly, while physical conditions in Peniche seem to be much better than they are in Aljube, the behaviour of the warders to the prisoners is constantly being reported as being capricious and demoralising. This has become much worse in the last few months when there have been moves to isolate the inmates even further from the outside world by the restriction of visits and mail and other petty measures.

In the past the prisoners have complained of the petty restrictions aimed against the reading matter they are allowed. Dr Orlando Ramos complained to Lord Russell that:-

'his only occupation there was to continue his medical studies and that he found difficulty in getting the books he required to do this.'

More recently, a prisoner who wanted an atlas was refused it 'because it contained a map of the Soviet Union', and another prisoner who wanted a Portuguese textbook on economics was refused because it was 'political'. Even the classics like Eca de Queiroz, Camoes, and Alves Redol are not allowed into the prison. Prisoners are allowed the newspapers, but in spite of the fact that they have already been cut by the official censor, they are further censored by the prison authorities before prisoners are allowed to see them.

A more brutal measure employed against prisoners for any form of 'insubordination' is to put them in a 'special cell' for several days. Captain Varela Gomes, who is being detained at the present time in the Peniche prison, sent a letter of protest to the Minister of Justice on the 8/1/65, because he was not allowed to see his family at Christmas, as is the normal practice. As a result of this letter, he was put in a punishment cell for ten days, without books, tobacco, visits or letters.

All the most recent reports on Peniche prison have stressed that various repressive measures are being taken against the prisoners at the moment. There has been a reduction in the number of family visits, and in the number of letters allowed to be received or written. There is also mounting anxiety over

30 the alleged disappearance of a worker named Dias Lourenco, who was sent to a punishment cell, and has not been heard of by his fellow-prisoners since the second week of July, 1965.

Certain prisoners are subjected to solitary confinement in Peniche. Francisco Miguel was one of these and says in his statement:-

'At Peniche, the last time I was arrested, I was submitted to a cellular regime. I was alone in Cell No. 2, on the third floor.'

However, on the whole, the prisoners are lodged in communal rooms containing 10-15 men. The wife of a prisoner described the lay-out of the Peniche prison in the following way:-

'the prisoners are lodged in three blocks (pavilhoes), each containing three floors accommodating about 15 prisoners. General political prisoners are lodged in Block A, those connected with the Beja revolt are in Block B, and "communists" in Block C.'

Lord Russell states in his report that the rooms are large and well-lit, with about ten men to each room, and that they have proper beds and bedclothes. The prisoners complain however that there are not enough blankets in winter, and that as there is no heating they suffer badly from the cold.

Prisoners in Peniche are allowed  $l\frac{1}{2}$  hours' exercise a day, and can spend two hours a day in the library. There are bathroom and washroom facilities in the early morning. It must be noted at this point, that conditions for criminal prisoners in the ordinary prisons are much better than even the best conditions in the political prisons. Lord Russell commented on this in the following way:-

'Although in Peniche the prisoners are allowed to take exercise in a yard which gets the full sun, they are not allowed to play games as they are in the ordinary civil prisons.'

He goes on to say that:
'In the ordinary prisons which I have visited prisoners are allowed to have radio sets in their cells and to attend concerts.'

Any activity or entertainment of this kind is totally prohibited to political prisoners.

The visiting hours are quite good at Peniche. Visitors are allowed two hours a day, but unfortunately as Peniche is some distance from Lisbon, relatives are not able to take this up very often. A recent report claims that some prisoners, probably the poorer ones, have not received visits for months. It is also alleged that prisoners are sometimes sent to Peniche deliberately, so that the difficulty in visiting serves as an additional punishment. Moreover, the conditions under which visits are made are not good, as was noted by Lord Russell in his report:-

'The only part of the prison which is not in keeping with the high standard of the general accommodation is the room where the prisoners are allowed to see visitors. There are no partitions dividing one prisoner from another and there is, therefore, little privacy.'

Certainly what little privacy there is, is further hindered by the presence of a warder, who has full authority to intervene in any conversation. One of these warders watches over two visitors at a time, and can prohibit them from talking on any subject however trivial. Francisco Miguel says in his statement:-

'The slightest reference made by the prisoner to his situation or life inside the prison is cause for interruption of the conversation and even for punishment.'

The main complaints received about Peniche are that the warders create an atmosphere of terror for the prisoners, and that the prison diet is very bad. A very recent statement received about the diet was worded in the following way:-

'The food is inadequate. Apart from the national dish, bacalhau (dried cod), the diet is severely restricted to articles such as black beans and chick peas. Though Peniche is a fishing port the "fresh fish" which is served is often putrid. There is a lack of proteins and vitamins in the diet, which together with the psychological pressures, meant that an estimated nine out of ten prisoners suffered from ulcers and stomach ailments, colitis, etc.. Prisoners are, however, allowed to receive food from outside, for example, fresh fruit up to a maximum of 30 pieces a month.'

As opposed to Aljube, the prisoners in Peniche are given work to do. This usually consists of menial work, such as peeling potatoes and cleaning cells.

There are the same type of medical facilities as at Aljube, but Francisco Miguel says in his statement on these facilities that:'At Peniche, for instance, there is an infirmary with a military nurse-assistant, who was at the same time an employee at the prison office. Very often, the nurse himself said he couldn't buy the needed medicines because the sum to be used for this purpose could not exceed 200 escudos per annum for the entire prison.'

There are very few complaints about the general accommodation in Peniche, but the administration is alleged to be unnecessarily repressive.

## 32 The Caxias Prison

Large-scale changes have been made in this prison over the last two or three years, and it is difficult to ascertain from the authorities exactly what the present position is. When Lord Russell of Liverpool was in Portugal visiting the prisons, he said of Caxias:-

'I was first shown the North prison, which is at present empty as it is being thoroughly renovated and modernised. Nevertheless, I inspected the rooms in which the political prisoners will be housed when this prison is ready. Each of these rooms is about 35 feet by 25 feet, and each room has a very large window which lets in the sun. A number of these rooms have a dining room leading off them. There is an adequate medical inspection room with partitions and a modern cookhouse is to be installed. The washing and lavatory accommodation is more than adequate and includes a few baths as well as wash basins. While these renovations are being carried out a number of prisoners, who were formerly housed there, are now being housed in Caxias South which is therefore over-crowded, and there are about 18 men in each room instead of only 10."

However, Lord Gardiner says in his reply to Lord Russell:-'I have before me a letter from a man who was in Caxias prison when Lord Russell of Liverpool visited it, who says that Lord Russell of Liverpool only saw one of the three rooms where political prisoners were kept (room 3, first right), that he only saw ten of those housed there since the other forty were in the recreation ground, there being a further 54 men in a second room and 27 in his; and that he would have been happy to tell Lord Russell of Liverpool of his treatment and to give him a copy of the official complaint which, without receiving any reply, he had sent. After 18 months he was released without having been tried for any offence.'

It is to be hoped that the problem of overcrowding was overcome when the South part of the prison was closed as promised to Lord Russell, but an enquiry made to the Portuguese authorities in London some time ago as to whether the South part of Caxias had in fact been closed, has so far brought no reply. Moreover, Lord Russell's report mentions nothing of solitary confinement cells, and statements taken from ex-prisoners indicate that there are or were such cells in Caxias. Joao dos Santos Baleizao, now exiled in South America, stated:-

'I was again arrested in 1950, while returning from the funeral of a Republican hero, Teixeira Gomes. I was sent to the Caxias Prison and placed in solitary confinement. My cell was a concrete box, 3 feet wide x 4 feet long x 5 feet high. It

contained no furniture, had no light or window whatsoever, and 33 only a small aperture in the door for ventilation. There was no means of sanitation, so that I was obliged to urinate, etc., on the floor. Food was pushed in to me through the door. spent twelve days and nights in this cell. I was taken to PIDE headquarters in Lisbon for interrogation.'

Another exile named Louro says of his experience of Caxias:-'I was sent to prison at Caxias, one of the main PIDE prisons about 20 miles from Lisbon, in the PIDE truck or lorry, and at Caxias I was put in solitary confinement in a cell below ground less than three feet wide but about nine yards long. Apart from one or two visits to the PIDE Headquarters for interrogation, I was kept in this cell for a total period of eleven days and after that to a similar adjacent cell for a further period of nine days, making a total of twenty days. In each case, the cell was underground, in darkness day and night, damp, with enough food to live on, but no visitors and no ventilation apart from a chimney.'

There are certain details which apply not only to Caxias, but also to the other political prisons. For instance, political prisoners are not obliged to wear prison uniform, and in fact wear their own clothes. It seems that they are responsible for the laundry of these clothes.

As far as corresponding with the outer world is concerned, individual prison Governors can impose certain restrictions (as a form of punishment), but in general prisoners are allowed to correspond with relatives. Francisco Miguel says in his staternent:-

'According to Article 318 of the "Prison Reform" --- the law which rules the Portuguese prison system — "Political prisoners are allowed to correspond freely with whoever they please." In fact, political prisoners are only allowed to write to their relatives to the third degree. I, who never got much mail, was forbidden to write to my nephew. This PIDE decision was conveyed to me on the 6th April in the Caxias Fortress. They told me that imprisoned uncles were not allowed to write to their nephews. This prohibition, entirely arbitrary, was imposed upon me without any justification or pretext, when my nephew was in a hospital ready to undergo a dangerous chirurgical operation, which might cost his life. At the Peniche Fortress we could only write two times a week, two letters each time, each on only one sheet of paper. This means that in this matter they also acted illegally.'

Visiting also applies only to near relatives, and sometimes cousins or nephews are excluded. Visitors are allowed to bring food into the political prisons during visiting hours, and the prisoners are also allowed to receive parcels from relatives.

Each prison has its own sickroom with a male nurse and one or two doctors. In addition there is a new prison hospital at Caxias to which prisoners from other political prisons are also sent but only if they are really seriously ill or in need of an operation. The hospital has 184 beds and is very well-equipped. When Lord Russell of Liverpool visited it, there were three prisoners from Peniche in the hospital.

On the whole, it would seem that the Government are endeavouring to improve the physical conditions within the prisons, but as yet, they have not agreed to let the International Red Cross visit them. It is to be hoped that this will be permitted in the future, as investigation by an impartial body would be more valuable than all the findings of separate individuals.

It is most important also that the Portuguese government should instigate a full enquiry into the many allegations which have been made about the interrogation methods of the PIDE. The allegations have been frequent enough to constitute a grave condemnation of the Government, should they be true. By choosing to ignore them, or to prosecute those who make them, the Government is not only showing a total disregard for the basic human rights of the individual, but is also lending truth to the allegations.

1. ARTICLE 10 of LAW 2015 states that to be entered on the electoral register, it is necessary to make personal application and to submit proofs of the applicant's educational standards or of the taxes he pays. The Law contains further provisions disqualifying classes of persons so loosely defined as to leave the government a wide discretion in their application. In the past, the government refused to issue the opposition list in the same size and format as the government list, so that the election officials could tell whether the voter was voting for or against the government. The government has refused to allow any representative of the opposition to be present when votes are counted.

#### 2. ARTICLE 1 of DECREE-LAW No. 05,317 states that:

tofficials or employess, civil or military, who have shown, or show, a spirit of opposition to the fundamental principles of the Political Constitution, or who do not guarantee to acoperate in achieving the higher aims of the State, will be suspended or retired, if they have the right to this, or if not will be dismissed. 1

ARTICLE 4 of the same Decree states that: 'Dismissal, retirement, or suspension, and exclusion from examinations or schools is always under the jurisdiction of the Council of Ministers.'

#### ARTICLE 5 states that:

The provisions of Articles 1 and 2 are applicable to the administrative organisations and corporations.

ARTICLE 4 of DECREE-LAW No. 27,003

states that:-

'Heads and chiefs of services will be dismissed, retired or suspended if any of their respective officials or emplayees subscribe to subversive doctrines and it is ascertained that they did not use their authority or did not inform their superiors.

3. ARTICLE 5 of DECREE-LAW No. 26,589 provides that:

The Division of Censorship can oppose the use of any denomination of journal, bulletin, royiew or other publication which might induce the public to error concerning the social doctrine or policies there customarily defended. ARTICLE 7 of the same Decree-Law states: The entry into Portugal, distribution and sale is prohibited of journals, reviews and other foreign publications containing matter the disclesure of which would not be permitted in Portuguese publications.

4. ARTICLE | of LAW 1,901 provides that:-\*Associations and organisations carrying on their activities in Portuguese territory are obliged to provide the civil authorities of the districts in which they have their head office, divisions or branches with a copy of their constitution or rules, and a list of their members, with details of their officers and their names, and to give any other supplementary informat tion about their organisation and activities which may be, for reasons of public security, requested from them. ' The same article provides for fines, imprisonment and loss of pension. ARTICLE 2 of the same Law provides that: The following, being considered secret. are to be dissolved by the Minister of the Interior: (a) Associations and organisations carrying out their activities, in whole or in part, in a clandestine

manner · · ·' The same article provides varying sentences of imprisonment for all ordinary members of such associations and organisations and increased sentences for 'persons who, with or without remuneration, carry out managerial, administrative or consultative functions1.

ARTICLE 3 provides that no individual may be appointed to a public position unless he signs a declaration that he does not belong, and will never belong, to any of the 'secret' organisations,

The Law ends:'Illegal associations, which are discovered, whether they are secret or not,
will be immediately dissolved and their
officials arrested so that the objects
of the association may be ascertained.'

5. ARTICLE 25 of DECREE-LAW 37,447 provides that:-

'It is forbidden to promote, set up, organise or direct in Portuguese territory, associations of an international nature without the permission of the Ministry of the Interior. The affiliation of Portuguese associations to international organisations also requires the approval of the Government.'

It is on this basis that the Portuguese UNA was prevented from being formed.

6. DECREE-LAW 44,632 of the 15/10/62 is designed to maintain strict control over the extra-mural activities of students. A permanent commission of extrascholastic organisation of higher education was created thereby, consisting of I: members nominated by the Minister of Education, including 5 students, witr advisory functions. By this decree the associations coase to be the official representatives of all students, and in the future are only to represent their paid-up members. The Government no longer calls them students' associations, but students' assemblies, and their creation and activities are now entirely dependent upon the consent of the Minister of Education. The election of their leaders has to be approved by him.

7. ARTICLE 7 of DECREE LAW No. 40550

(I) Those (individuals) who form associations, movements or groups of a communist character, with the object of exercising subversive activities, or aiming at committing crimes against the security of the State; or using terrorism as a means of action; as well as those (individuals) who may adhere to such associations, movements or groups, who may collaborate with them or follow their instructions with or without previous agreement;

(3) Those (individuals) who consciously facilitate such subversive activities either by providing the place for meetings, or by subsidising (these activities) or permitting their propaganda, are 'subject to security measures of internment in an adequate establishment for an indefinite period of time, for six months to three years, renewable for successive terms of three years, should they con-

tinue to reveal themselves dangerous.

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- By getting your local paper, magazine or journal to publish something about the work of Amnesty International.
- By offering to speak to local organisations about Amnesty International. (Speaker's notes provided.)
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