



Dear Mr.
General Director for Reintegration and
Prison Services
Travessa da Cruz do Torel, 1
1150-122 Lisbon

Your Ref.

Your Communication

Our Ref.

Visit no. 46-2015

RECOMMENDATION NO. 1/2016/NPM

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I

Under the provision contained in article 19, paragraph b), of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I highly recommend the implementation of the following measures:

- a) The vacancy of the cellars of Lisbon prison's main building in the shortest possible time, giving priority to the "E" sector;
- b) To carry out significant rehabilitation work on accommodation spaces and common areas located in the basement of the building in order to provide them with good living conditions, in particular work to benefit the condition of the floor and reduce the humidity and the cold in the cells, especially in the "E" sector. In this context, it is necessary to recover the night call system in all the sectors as well as the repairing of toilets and lighting systems which, mostly because they are incomplete or damaged, do not work;

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c) Alternatively, if the structural features of the building do not allow intervention with significant and lasting effects, the final closure of the cellars.

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The following exposition is based on a visit to the Lisbon prison by the National Preventive Mechanism (NPM)¹ on December 22, 2015.

The visit was carried out with the purpose of (i) verifying the habitability conditions of the accommodation spaces located in the basement of the main building of the establishment including the disciplinary cells; (ii) ascertain the habitability and safety conditions of the admission zone; and (iii) assessing the adequacy of the criteria for separation of prisoners.

At the beginning of the process, a meeting was held with the Director of the establishment, which provided clarification on the separation criteria tending to be followed in the distribution of prisoners by the six wings of the main building - sectors "A" to "F" — and by the two outer wings — "G" and "H".

This was followed by a visit to the accommodations located in the cellars of the sectors "A" to "F".

All the cells of the lower "A" wing, occupied by two inmates, have windows that allow the aeration and the entrance of natural light. The artificial light is switched off automatically at 10:00 p.m.

It was observed that the calling system did not work.

The cells, of double occupancy, are cold and show signs of humidity. There is reduced privacy regarding the use of toilets (*lavatory type*) that are separated from the area of the cell by a wall with about 1 meter in height.

The lower cells of sector "B" have identical conditions. From the placement of this wing results a lesser sun exposure than the one verified on wing "A".

¹ The Portuguese Ombudsman was designated NPM, through a Resolution of the Council of Ministers no. 32/2013, on May 20.



At the end of section "C" is installed the disciplinary zone, which was without inmates because during the holiday season the facility does not begin the application of the disciplinary sanctions. The cells of the disciplinary zone have poor natural light. Toilets (Turkish type) have poor cleaning conditions. In one of the cells, the lavatory faucet was significantly damaged. The common spaces of the "C" sector are monitored by video surveillance and the calling system worked when tested.

In general, the disciplinary cells are cold, with signs of humidity and poor cleaning conditions.

In the basement of section "D", with cells of double occupation, the admission sector works. In one of the cells visited, there was a lack of glass in the window. In another, there was no light bulb, which meant that during the night period inmates could not enjoy artificial lighting. The cell floor is in bad shape. Some toilets (of the Turkish type) are in poor cleaning conditions.

The calling system was not operational. One of the inmates said that, having needed assistance during the night, he knocked on the door of his cell to get the guards' attention, but without any result.

Cells show signs of humidity and smell characteristic of humid environments. The safety conditions are the same as the other wings.

The lows of the "E" wing present the worst conditions of habitability, with the ground quite degraded, the walls of the cells with much humidity, saltpeter and unpleasant smell. In one of the cells there was a malfunction of the toilet (toilet type). In another cell, the lavatory was clogged. In this wing, each cell is occupied by three inmates.

Due to the location of the basement of the "F" wing, exposed for a longer period in the sunlight, their cells are slightly humid, appearing warmer and brighter than the lower ones. In this ward, the cells have switches to turn on and off the light bulb, turned off centrally at 10:00 p.m.



The prisoners interviewed in all the wings, in general, complained of the cold in the cells, noting that the supply of only two blankets to each one is insufficient during the winter period.

In conclusion, it has been observed that the marked deterioration of housing conditions, resulting from the poor structural conditions of the Lisbon prison, undermines the dignity of prisoners and all those who work there.

Respect for the human rights of persons deprived of their liberty is an imperative of civilizational development and, in particular, of the designation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all member-states should comply with it. The experience, although temporarily limited, in a very cold, very humid, very dirty space — due to the specific and inadequate conditions of habitability — translates the subjection of the prison population to an inhuman and degrading treatment, thus putting at risk the integral respect for the rights of the people held there.

The Portuguese Ombudsman,
National Preventive Mechanism

José de Faria Costa