



Your Excellency
The Minister of Internal Affairs
Praça do Comércio
1149-019 Lisbon

Your Ref.

Your Communication

Our Ref.

Visit no. 20-2016

RECOMMENDATION NO. 4/2017/NPM

I

Under the provision enclosed in the article 19, paragraph b), of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend, with a view to improving the conditions of detention at the Territorial Post of the National Republican Guard of *Samora Correia*, the adoption of the measures considered adequate in order to guarantee:

- a) The realization of recovery and conservation works in the building;
- b) The appropriate disinfection and packaging of blankets in cells after use by each detainee;
- c) The regular programming of disinfection and disinfestation operations;
- d) The replacement of the metal sheet on the windows of the cell by a metal grid, thus ensuring adequate lighting and ventilation conditions.



II

The present position of mine is based on the visit made on November 8, 2016 to the Territorial Post of the National Republican Guard of *Samora Correia* by the National Preventive Mechanism (NPM).¹

In accordance with the preventive scope of intervention of this autonomous State body², the visit focused on the conditions of habitability of places of detention, on the conditions in which the detainees' rights are secured — in particular in terms of food, terms of communication with the outside (contact with the defender or lawyer and family member or person of trust) and times of detention — in the verification of compliance with the rules applicable to cases of compulsory hospitalization and, In the analysis of the working conditions of the military.

III

The reality found in the Territorial Post of *Samora Correia* can be considered, in a general appreciation, satisfactory. The physical and salubrious conditions of space are not, however, exempt from repair. Thus, as for the former, there is some degradation in the structure, exterior and interior, of the building. On the other hand, there was a lack of natural lighting and insufficient hygiene in cleaning the blankets, in the ventilation of the cells and in the disinfection and disinfestation operations.

IV

The building belonging to the Territorial Post of the Republican National Guard of *Samora Correia* consists of two floors and dates from 1996, and has not been the subject of any conservation work since. In this context, there were some

¹ In Portugal, the quality of NPM was assigned to the Ombudsman, through the Resolution of the Council of Ministers no. 32/2013 of May 20.

² The objective of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is to establish a system of regular visits by independent international and national bodies to places where persons are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, having been ratified by Portugal in 2012, through Decree no. 167/2012 of the President of the Republic of December 13.



signs of deterioration in the building, either on the façade — it was possible to observe the existence of several cracks and fissures — or in the interior structure (it refers, for example, to the humidity that is noticed in the ceiling of the sanitary facilities, located on the first floor, reserved for police officers), lacking remedial measures.

I understand that it is relevant to carry out works for the restoration and conservation of buildings, as the places of detention «must meet good habitability»³. Consequently, such spaces must not show signs of deterioration that not only contribute to the building's own wear but also provide a cool and damp environment inside it, which can be detrimental to the health of those who are there.

V

The NPM also detected some disconformities in the hygiene and health conditions of the place visited. It was first established that the blankets in the cells were not always washed and disinfected after each use, thereby contravening article 12, paragraphs 5 and 6 of the Regulation on the Detention Conditions. In addition, it was found that the visited establishment did not, and was not expected, any disinfection and disinfestation operation, as determined by article 6, paragraph 2 of the aforementioned Regulation.

As will be readily understood, the practices described above do not ensure hygienic and cleaning conditions which, by washing and disinfecting the blankets and disinfestation of the cells, must be observed in the places of detention. Failure to do so would entail risks to the protection of the health of persons deprived of their liberty, as well as of the military personnel who work there. I therefore consider it urgent to adopt strict measures in this area with a view to strengthening

³ See article 3, paragraph 1, of the Regulation on Material Conditions of Detention in the Police Facilities, approved as an annex to the Order of the Minister of Internal Administration no. 5863/2015, published in the «*Diário da República*», no. 106, 2nd Series, dated June 2, 2015 (hereinafter referred to as the Regulation on the Detention Conditions).



the required cleaning, disinfection and disinfestation procedures and to program them with the necessary regularity.

VI

The NPM also verified that the configuration of the metal plate installed to protect the inside of the windows of the cells did not allow the natural light and the airing⁴.

In fact, the metal sheets observed have small circular perforations, with the approximately dimension of one centimeter in diameter, which prevents proper air circulation and renewal. The lack of aeration was felt in particular in one of the cells which had a stagnant air associated with an unpleasant odor. This, in addition to representing a situation that pinches the proper treatment of persons deprived of their liberty, may entail risks to the health of the occupants of the detention areas.

Without prejudice to other measures that may be adopted to overcome the constraints I would like to comment that it is appropriate to replace, in a short amount of time, metal sheets installed in metal grids, with mesh intervals of not more than five millimeters, in compliance with the applicable standards⁵, in order to ensure adequate lighting and ventilation in the two cells of the place visited.

I conclude, being convinced of the personal commitment and cooperation with which you will receive this recommendation, thus contributing to the improvement of the conditions of detention of the Territorial Post of the National Republican Guard of *Samora Correia* and, consequently, to the reinforcement of the appropriate treatment to the persons deprived of their liberty.

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa

⁴ See article 3, paragraph 1 of the Regulation on the Detention Conditions, «the detention place must guarantee good habitability conditions, natural lighting and airing.»

⁵ See article 4, paragraph 6 of the Regulation on the Detention Conditions.