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Islamic Human Rights Commission

Portugal: Submission to the UN Universal Periodic Review

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The Islamic Human Rights Commission is an NGO in special consultative status with the United Nations Economic and social Council.

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Executive Summary

In this submission, the Islamic Human Rights Commission raises concern in relation to ill treatment by law enforcement officials in Portugal towards people of colour, people of low socio-economic background and peaceful demonstrators. IHRC also raises concerns over the alleged complicity of the Portuguese authorities in the CIA rendition flights of terror suspects to Guantanamo Bay.

In this submission, the Islamic Human Rights Commission provides information under sections B, C and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review

Under section B, the Islamic Human Rights Commission gives background information about brutality by law enforcement officials, including torture, overzealous use of fire arms and other weapons including the Tazer gun. Under section C, the Islamic Human Rights Commission raises concern over the slow process of prosecution or sometimes of no judicial action taken against law enforcement officials or other state actors involved in torture, unlawful use of fire arms and rendition flights against terror suspects. Under section D, the Islamic Human Rights Commission makes a number of recommendations regarding action that should be taken by the Portuguese government to improve the way law enforcement officials operate.

B. Background

1. During the period 2009-2013, one of the main concerns regarding Portugal's human rights record was use of excessive force by law enforcement officials including police and prison staff on allegations of torture and other ill-treatment. In 2010, judicial investigation of allegations of Portugal's involvement in rendition flights to Guantanamo Bay of terror suspects was closed due to lack of evidence. During the same period, there were law enforcement officials implicated in two high-profile cases of torture and other ill-treatment. Their prosecution proceeded very slowly. Details on three cases, including two high profile cases are mentioned in Amnesty International reports on Portugal between 2009 and 2013.

2. Another disturbing observation of law enforcement brutality is against people of colour and people of low socio-economic background.

C. Promotion and protection of human rights on the ground

Example of Police Brutality against people of colour

In a press release Plataforma Gueto reported that on 12 June 2013, a fifteen year old black male youth named Musso from the community of the Bairro 6 de Maio, in Amadora, Lisbon died from a blow to his head, injuries that lead to a burst vein in his head. One month earlier, he was reportedly tortured by police officers in a police station.

Eight years ago, in the same community, young Teti, also fifteen years old, died the same way. Fifteen people in total, young, black and poor have been killed by the Portuguese police in the last ten years, without a single conviction.

In December 2012, the police officer that killed fourteen year old Elson Sanches “Kuku” in 2009, was acquitted of the accusation of homicide by negligence. This is despite the fact that though according to forensic investigation by police the gun was shot at the distance of 15 cm (about 6 inches) away from Elson’s head while he was alive, which no doubt shows that it was an execution.

Excessive use of force by Police and Prison Officials

There have been concerns been raised in the past as well, including by United Nations, EU institutions and Amnesty International of torture and excessive use of fire arms and Tazer guns.

Apart from people of colour, people from the Roma community have been subjected to police brutality and recently, during a general strike in November 2012, police reportedly charged peaceful demonstrators using batons, forty eight people were wounded and some those that were detained, were not told why they were detained and denied timely access to legal representation.

Rendition CIA Flights

Although Portuguese authorities were alleged to have let Portuguese territory be used for transferring terror suspects to Guantanamo Bay, the case was overturned for lack of evidence without a diligent investigation and questioning of intelligence officials and civil aviation authorities.

Institutionalised Racism

What we see is that there is a form of endorsement of law enforcement ill treatment by a section of Portuguese society and media which stems from a form of institutionalized racism derived from Portugal’s colonial past and marginalised communities of colour who are often considered outcast by the mainstream Portuguese society. A slow judicial process or often a judicial process where law enforcement officials and other state actors are unpunished for their unlawful acts, gives a sense of impunity to the law enforcement officials and a lack of justice and security for citizens.

D. Recommendations

In accordance with the recommendations that the United Nations Human Rights Committee made to the government of Portugal in 2012. The Portuguese government should continue to take steps, legislative or otherwise, to prevent the excessive use of force and ill-treatment by law enforcement officials and members of the security forces. The Portuguese government should provide information on the number of complaints since 2011, investigations should be carried out by the Inspectorate General of Internal Administration and internal investigation departments of local police services, and punishments handed down in each case. The report should also include fuller information about the regulation and use of fire arms and electric shock devices, such as "Tasers".

The IHRC recommends that judicial reforms must be made to accelerate judicial process, have thorough investigations of ill treatment and other wrong doing by law enforcement officials. No law enforcement should be left unpunished if he has broken the law or indulged in ill treatment.

The IHRC also recommends training of law enforcement officials and other state actors respecting racial minorities and other ethnic minorities.

As well as training on appropriate use of fire arms, batons and electric shock devices.