



*Missão Permanente de Portugal
junto do
Conselho da Europa*

Nº 001

Strasbourg, 06th January 2025

Subject: CoE Safety of Journalists Platform – Alert submitted with regards to Portugal (Alert n.192/2024)

Dear Mr. Matjaž Gruden,

I have the honour to submit to your attention the reply of the Portuguese Authorities to the matter mentioned above:

“Following the alert nr. 192/24 issued by the Safety of Journalists Platform of the Council of Europe on the 2nd of October 2024, concerning the allegation of a physical attack against journalist Beatriz Henriques Ferreira and photojournalist João Beirão, both from the television operator CMTV, allegedly committed on 14 September this year by Fernando Barata, President of the Barroca Parish Council, while covering a forest fire in Fundão, please be informed that the Attorney General's Office [Procuradoria-Geral da República (PGR)] has opened two enquiries to investigate the reported incident with a view to establishing the facts and, if they point to a crime being committed, holding the perpetrators responsible.

It should be noted that Portugal is a democratic state governed under the rule of law, based on respecting and guaranteeing fundamental rights and freedoms and the separation of powers, and which Article 20 of its Constitution grants access to the law and the courts, as well as effective judicial protection. As such, any natural or legal person who considers that they have been harmed or wronged by another person can invoke their rights before the authorities to ensure that they are respected, with the proceedings taking place before the competent court, under the terms of the applicable procedural and substantive law.

Furthermore, due to their special reprehensibility, offences committed against journalists are considered aggravated crimes, which means that the penalty applicable to the perpetrator is increased in its minimum and maximum limits. In

particular, in the cases of offences against the physical integrity (assault) and murder of journalists, the terms of imprisonment are increased by 50% [Article 145 ex vi Article 132(2a) and Article 132(2a), all of the Penal Code]. On the other hand, whenever the victims are journalists, these crimes are of a public nature, which means that once the news of the alleged crime is known, the opening of an enquiry, the investigation and, if the facts found indicate the commission of a crime, the prosecution, are obligatorily pursued by the Public Prosecutor's Office, without depending on a complaint from the victim.”

Yours sincerely,



Carlos Oliveira



Deputy Permanent Representative of Portugal
To the Council of Europe

Matjaž Gruden
Director of Democratic Participation
Directorate General of Democracy
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