

***Ricardo Marques***  
Advogado

Exmo(a). Sr(a).  
Paul Colin Gloster (Rec. nº281)  
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Best regards.

After receiving your letter, I am obliged, as requested by you, to provide the following clarifications:

First of all, to inform you that no one referring to being your relative has contacted me so far. Only last week I was contacted by an Education Technician from that Prison, who asked me for permission to include my contacts on your card so that you could contact me. What, however, has not yet happened. So, since this is the only alternative to inform you, I am writing this letter to you.

I further report that contrary to what you refer in the letter that you sent me, I did not receive any letter with 10 pages (which you sent me has only 5). Reason why I can not naturally send you a photocopy of it, as you request.

As to the requests you make to represent you next to the Irish Council for Prisoners Overseas and to take disciplinary action on your behalf against the GNR military and persons of The Public Ministry (not to mention the reasons why you intend to participate in disciplinary proceedings) which, as you will surely understand, I can not do. First of all, because the scope of the *Ofício da Ordem dos Advogados* nº-5885859-A, dated 11.21.2017, was restricted to the intervention in *Inquérito* nº 322/17.1PCCBR of the 2nd section of the *DIAP* of Coimbra, which began with the complaint you submit at the GNR of Taveiro on March 18.

This case, which, as I had told you the last time you were in my office, have been view rejected the hierarchical complaint presented.

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Thus, my intervention was exhausted by the decision to keep the archiving made following the hierarchical intervention. I would say that any intervention under the System of Access to Law and Courts (Law nº34 / 2014, of July 29) can only occur in cases that run in Courts, and not in other entities such as the GNR General Command (Largo do Carmo, 1200-092 Lisboa) or the COJ (Conselho dos Oficiais de Justiça - Av. D. João II, 1.08.01 9th, 1990-097 Lisboa). Entities with supervisory powers over GNR mourners and judicial officials, respectively.

In this regard, I only use to reinforce some points that, despite having already communicated to you, may still not have been completely clarified. First of all, because the hierarchical complaint presented occurred following the verification of the archiving carried out by the Magistrate holding the investigation, on March 27.

In fact, by denouncing in these proceedings crimes of a particular nature, the decision to close an investigation, either for expiry of the exercise of the right to complain or for inadmissibility of the procedure, mainly because the requirement set forth in art. 68º nº2 of C.P.P., is the exclusive competence of the Public Ministry.

As decisions of a purely procedural nature deal with, never implying a judgment of merit, they also do not allow them to be subject to judicial control, in particular through the opening of the investigation (abertura de instrução).

On the other hand, it is also true that "there is no recourse to the orders issued by the Public Ministry" - cf. Acórdão TRP of 06/19/2013, available at [www.dgsi.pt](http://www.dgsi.pt). Also, because the assistant can not, in any case - in crimes of a particular nature - request the opening of the investigation (abertura de instrução).- cf. Art. 287º nº2 al. b) of C.P.P..

All that remained was to submit those decisions to hierarchical control under the terms of art. 278º of C.P.P ..

And if none of the lawyers who preceded me (since there was 3 before me) had, at that moment, no intervention, and more specifically, at the time of the consultation which I conducted with that inquiry, I understood that it would still be possible to reverse that decision of archiving.

However, within the hierarchy of the Public Prosecutor's Office, the archivement was maintained. That is why, because it is legally impossible to react to this last decision (which I believe is the one that transcribed in the final part of this letter and that has been translated - at your request - into the German language) nothing more can be done. Eventually, if new evidence arises that invalidates the grounds for archiving (pursuant to article 279º of CP), this investigation may be reopened. However, I alert to the circumstance provided for in paragraph 2 of the aforementioned regulations, which states that from the order refusing to reopen the investigation, there is a complaint to the superior. This situation can enter into a vicious circle that can -

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keeping the hierarchical structure of the M.P. its position - fails to achieve the effect that you intends. First of all, criminally blame the accused in these proceedings.

Finally, and still as requested, this is the address of GNR de Taveiro: Rua Professor Guilherme Tomé, 3045-503 Taveiro.

Yours sincerely,

Coimbra, 15 de Junho de 2018.

O Advogado,