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PORTUGAL: MAN IN CUSTODY SHOT DEAD BY PUBLIC SECURITY POLICE

Amnesty International is concerned about the fatal shooting, while in police custody, of 21-year-old Carlos Araújo by a police officer on 15 December 1996.

At about 6am on 15 December officers of the Anti-Crime Brigade (*Brigadas Anticrime*) of the Public Security Police (*Policia de Segurança Pública* - PSP) were alerted to the activities of three men, who were robbing a clothes shop in the Rua da República, in the centre of Évora. Once they had seen the officers, the men attempted to escape in a Fiat Punto car, which had been stolen in Lisbon. The PSP officers gave chase, and later claimed that they had fired warning shots into the air and had also fired at the Fiat's tyres. An anonymous witness told the Lusa (Portuguese) press agency that he had heard and seen firing.

According to one report, Carlos Araújo's two companions were caught and arrested while Carlos Araújo continued to run. A PSP officer and a night guard pursued him, and the police officer is reported to have admitted that he fired his weapon several times during the pursuit, which ended with the capture of Carlos Araújo.

The three men were arrested in possession of clothing to the value of 940,000 escudos (roughly, 5562 US dollars) and taken to the PSP station at Évora. In a statement published by the General Command (*Comando-Geral*) of the PSP, Carlos Araújo was taken "suddenly ill"¹ in the bathroom at the station and transported "urgently" to hospital, the Hospital Distrital de Évora (HDE), but was found to be dead on arrival. However, according to a source at HDE, there were signs that death had occurred several hours before his arrival at HDE. Speaking before the autopsy had been carried out, a hospital director, António Queirós, stated that there were no traces of bullet holes in the body - only small grazes on the knee and on the wrists. There was also a small mark on the abdomen.

¹..." *acometido de doença súbita*" - police statement quoted in *Público*, 16 December 1996

The autopsy carried out on the body at the *Instituto de Medicina Legal* on 17 December revealed that, contrary both to the PSP statement and to a statement issued by the Civil Governor, Henrique Troncho (according to which "none of the persons arrested was struck by a bullet,"²) Carlos Araújo had been shot by a 7.65 millimetre bullet of a calibre identical to that of the guns issued to the police, and that the bullet had been fired into his back at close range. The autopsy estimated a distance of up to three metres. The small mark on the abdomen was in reality a bullet hole, the bullet having possibly been stopped in its trajectory by the buckle of the belt Carlos Araújo had been wearing. Officers of the Judiciary Police (*Policia Judiciária* - PJ) of Lisbon seized the weapons of the officers involved to submit them to laboratory analysis. Tests confirmed that the bullet had been fired from the weapon of one of the police officers, and he was placed in preventive detention by a judge of the Criminal Court of Évora (*Tribunal de Instrução Criminal de Évora*). An administrative inquiry was opened by the General Inspectorate of Internal Administration (*Inspecção-Geral da Administração Interna* - IGAI).

(IGAI was created under Decree Law 227/95 of 11 September 1995, modified by Decree Law 154/96 of 31 August 1996. It is especially charged with the supervision of the activities of law enforcement forces "in order to defend the rights of citizens and to achieve a better and quicker implementation of disciplinary justice in situations of major social importance". IGAI is part of the Ministry of the Interior and its mandate covers all the services under the control of the Ministry, including all its law enforcement agencies, notably the PSP and the paramilitary Republican National Guard (GNR), but excluding the Judiciary Police, which is responsible to the Ministry of Justice.)

In this case IGAI opened an inquiry to investigate the contradiction between the police statement and the findings of the autopsy. According to IGAI's deputy general inspector (*subinspectora geral da Administração Interna*) Maria de Fátima Carvalho, the inquiry would also look into allegations made to a television station by one of the youths who had been arrested with Carlos Araújo, and who claimed that the police had ill-treated them after they had arrived at the police station.

The two youths, one of 16, one of 19, who had been arrested with Carlos Araújo and charged with theft, appeared before the Criminal Court of Évora, but were not detained. The detention of the officer, which was strongly opposed by the police, led to widespread protests in which officers surrendered their weapons over the Christmas period. The general commanding the PSP, who supported the officers' protests about the preventive detention of the policeman, was subsequently dismissed by the Minister of Internal Administration. He was replaced by the first head of this police force not to be appointed directly from the ranks of the military.

Amnesty International is concerned at a number of recent reports of deaths in police custody (see *Concerns in Europe, July-December 1996, AI Index: EUR 01/01/97*). It is concerned that the fatal shooting of Carlos Araújo may be the result of disproportionate use of

²... "nenhum dos detidos foi atingido por qualquer tiro" - Henrique Troncho, quoted in *Público*, 21 December 1996

force by a police officer. The international community has elaborated international standards bearing on the right to life and the absolute prohibition of torture and cruel, inhuman and degrading treatment. The UN Code of Conduct for Law Enforcement Officials emphasizes the exceptional nature of the use of force and more detailed guidelines are set out in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials ("Basic Principles"). They establish that force should be used only when strictly necessary, that the use of force should not be disproportionate to the legitimate objective to be achieved, and that firearms should not be used except as an extreme measure in a restricted range of situations.

Amnesty International's concern in this particular case is compounded by the misleading statement issued about the cause of Carlos Araújo's death by the General Command of the PSP, and the statement by the Civil Governor, Henrique Troncho, and the organization welcomes reports that the inquiry by IGAI will look into this aspect of the case, as well as into the above-mentioned allegations of police ill-treatment.