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PORTUGAL: THE ALLEGED ILL-TREATMENT OF JOSÉ PEDRO TAVARES TELES DA ROCHA BY PUBLIC SECURITY POLICE OFFICERS IN OPORTO

The following information is based on a statement made to Amnesty International by José Pedro da Rocha's sister and on an article which appeared in the Portuguese newspaper, Jornal de Notícias, on 5 January 1994.

José Pedro da Rocha is a 27-year-old unemployed man who, as a teenager, was diagnosed as suffering from schizophrenia. He has lived all his life with his parents in the Amial district of Oporto and currently receives a monthly invalidity pension. In early January 1994 it was alleged that he was ill-treated by two plainclothes officers of the Polícia de Segurança Pública (PSP) in Oporto.

According to his sister's statement to Amnesty International, at approximately 3.30pm on 3 January 1994 José Pedro da Rocha was walking towards a bar near his home in the Amial district of Oporto for a customary cup of coffee. He was then approached in the street by two unknown individuals whom he said looked suspicious ("de semblante duvidoso"). He was surprised when they asked him what he was doing there and where he lived. José Pedro da Rocha replied that he lived in a "slum" (bairro de lata). The two men then began to kick him and beat him while he was lying on the ground. His shouts were heard by a person who telephoned the police as he believed that José Pedro da Rocha was being assaulted.

Various members of the public gathered and were told by the two men that they were plainclothes police officers. They had stopped José Pedro da Rocha between parked cars to ask for his identity. The newspaper article reported the two officers as saying that when they questioned him he had reacted violently by punching and kicking them; one of the officers was reportedly injured.

José Pedro da Rocha's mother was alerted and on seeing her son covered in blood attempted to defend him. She explained to the two officers that he was mentally ill. The officers apparently ignored her pleas and placed José Pedro da Rocha in a police van where he was taken to the Campo Lindo police station and charged with assaulting the police (agressão a autoridade). His mother was not allowed to accompany her son to the station and she was not allowed to see him when she arrived there. She, however, asked that he be taken to hospital for a medical examination. José Pedro da Rocha's sister stated that her brother was recognized in the station by a police officer who apparently spoke to him and expressed

surprise at José Pedro da Rocha's condition.

While in custody José Pedro da Rocha was taken in an ambulance, escorted by the two arresting officers, to S. João Hospital. His family were not allowed to see him while in hospital but were later informed that he had been examined by various doctors, including a psychiatrist, a neuro-surgeon and an ophthalmologist. A medical certificate was issued by the hospital recording José Pedro da Rocha's external injuries, which included various cuts and bruises.

He was then taken to the Aljube PSP police station where he was detained over night to await a court hearing the following day. On the evening of 3 January 1994 members of his family went to the police station to deliver his prescription medication and have stated that the officer they spoke to at the Aljube police station acted in a correct manner.

On 4 January 1994 José Pedro da Rocha appeared before the court (Tribunal de Pequena Instância Criminal). Various witnesses to the incident on the street the previous day were present, along with family members and a lawyer. His family have stated that they saw no visible signs of injury to the two arresting officers when they appeared in court. However, when José Pedro da Rocha appeared before the judge his family noted that he had visible injuries to his neck, that his right eye and the right hand side of his face were swollen and red and that his jacket was torn. The judge suspended the court hearing and José Pedro da Rocha was released. The Public Prosecutor, Rosa Armada Moura, made a public statement announcing that she would be pursuing the investigation into the alleged ill-treatment of José Pedro da Rocha by the PSP officers.