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Angola: A step towards ending police impunity

On 8 August 2005 a police officer was sentenced to 17 years' imprisonment for the deliberate and unlawful killing of Antóninho Tchiswungo "Toi" -- a boy of about 16 years of age -- on 1 January 2005. Amnesty International hopes that this verdict will send a strong message that unlawful killings and other unlawful acts by police officers will not be tolerated.

As far as Amnesty International is aware, this is the first time a police officer has been convicted for the unlawful killing of a member of the public and sentenced to a lengthy prison term.

The sentence was handed down on 8 August 2006 by the Benguela Provincial court in the city of Lobito. In addition to the prison sentence, the officer was sentenced to pay damages to the victim's family of Kz 500,000 (approximately US \$6,250).

However, Amnesty International is concerned about the apparent attempts by the police to hide the crime. The day after the killing two police officers reportedly removed the body from the scene of the crime and took it to the police Operative Unit (*Unidade Operativa da Polícia*) before they buried it in an unknown place. Apparently, no autopsy was carried out beforehand. The police made no effort to find the victim's relatives to inform them of his death, who were only subsequently located by a local non-governmental organization. A death certificate was issued giving the date for burial as 3 January. However, there was no record of the burial in the city cemetery, nor was his death recorded by the Notary's Office. Four youths who had accompanied the body to the Operative Unit were reportedly ill-treated and detained there for about six hours.

Officials from the Attorney's Office in Luanda, who went to Lobito in February to investigate the killing, stated later that the officer had escaped from prison in the DPIC, with the help of his colleagues. A warrant for his arrest was issued in March. In a letter to Amnesty International in June 2005, an official from the Ministry of the Interior confirmed that the officer had been re-arrested in March and that he was in prison in Lobito. His trial, which was repeatedly postponed, started in March 2006 and was temporarily suspended on several occasions.

While this verdict is a step forward in combating impunity in Angola, Amnesty International remains concerned that:

- the family of Antóninho Tchiswungo "Toi" has not yet been given accurate information about the whereabouts of his body;
- no investigation appears to have taken place into the alleged involvement of other police officers in the officer's escape, which had the effect of obstructing the course of justice;
- no investigation into the alleged threats, ill-treatment and detention of the other four other youths has

taken place.

Amnesty International urges the authorities to thoroughly and independently investigate incidents of killings, torture or ill-treatment allegedly committed by the police with a view to bringing to justice all those suspected to be responsible for human rights violations. Investigations must comply with internationally recognized standards for documenting and reporting on human rights violations. The authorities should also investigate all allegations of collusion with police officers suspected of human rights violations and all police officers suspected of obstructing the investigations or the course of justice.

Background

The court found that Antóninho Tchiswungo "Toi" was killed by the police officer soon after 10 pm on 1 January 2005 in the city of Lobito. The officer, from the First Police Station (*Primeira Esquadra*), was dressed in plainclothes and went to the fourth floor of an abandoned building where Antóninho Tchiswungo "Toi" and other homeless young people lived. After threatening them with his pistol, the officer grabbed Antóninho Tchiswungo "Toi", handcuffed him and shot him in the head at close range. He then removed the handcuffs and threw the body down the elevator shaft. The officer also allegedly kicked and threatened to kill another youth, Damião Martinho.

A few hours after the killing, the officer was intercepted and arrested near the abandoned building by fellow police officers, who took him to the Provincial Criminal Investigation Police Department (*Departamento da Polícia de Investigação Criminal -- DPIC*), from where he escaped with the help of colleagues. He was re-arrested in March 2005 and finally tried between March and July 2006.

It has taken over a year and a half to reach this verdict. This unprecedented judgement is a step forward towards ending police impunity, one of the major problems in Angola.