

PORTUGAL: DEATH IN CUSTODY OF ÁLVARO CARDOSO

Amnesty International is concerned about the death in custody of Álvaro Rosa Cardoso in Oporto on the night of 14 January 2000. Álvaro Cardoso, a Rom, died of bleeding from a ruptured spleen after being arrested and reportedly severely beaten by officers of the *Polícia de Segurança Pública* (PSP). Another man also died allegedly as a result of severe beatings in police custody in Oporto on the same night¹. Two police officers were subsequently charged with the killing of Álvaro Cardoso. The following summary is based on a number of press reports.

On 14 January 2000 Álvaro Cardoso, a market stall holder, died at the Hospital de Santo António in Oporto after being taken into custody by PSP officers. He had been arrested in the Aldoar area of the city after police had been called to a reported altercation between members of some Romani families who lived in the area. His 17-year-old son-in-law, Franquelim Romão, was also arrested. Both were driven to the police station of Pinheiro Manso. Later that night Álvaro Cardoso was taken to hospital. Franquelim Romão, who was released after being held in custody for two days, claimed that, as his father-in-law was being taken to hospital, he had heard him say that he had been badly beaten. According to a police version, Álvaro Cardoso had suffered a double heart attack. However, an autopsy report allegedly referred to a number of external and internal injuries and stated that the cause of death was bleeding from a ruptured spleen.

A judicial inquiry was immediately opened by the *Departamento de Investigação e Acção Penal* (DIAP) of the department of public prosecutions of Oporto. A preliminary administrative and disciplinary inquiry was also opened by the *Inspecção-Geral da Administração Interna* (IGAI), the police oversight agency attached to the Interior Ministry². On 1 February IGAI revealed that its inquiry had found sufficient evidence to link the death with use of violence by one or more PSP officers. Ramos de Campos, the General Commander of the Oporto PSP, who had publicly upheld the police version of the cause of death, was removed from his post and replaced by António Chumbinho.

IGAI proceeded to open a full administrative and disciplinary inquiry into the case. The separate DIAP inquiry was reported to have interviewed as witnesses 15 officers attached to the

¹ Paulo Silva, aged 32, also died on the night of 14 January 2000, as a result of a separate beating incident, in Bairro do Cerco. According to the Institute of Legal Medicine, where the autopsy took place, he also died from rupture of the spleen. Paulo Silva's family allege that he was beaten by PSP officers. IGAI and DIAP have opened investigations into the circumstances of his death, and eight police officers are reported to be involved in the inquiry.

² The *Inspecção-Geral da Administração Interna* was created in 1995 and the first Inspector General was appointed in February 1996. Its main purpose has been to monitor and supervise the activities of the law enforcement forces that fall under the responsibility of the Interior Ministry, to defend the rights of citizens and to achieve a better and quicker implementation of disciplinary justice in situations of major social importance. IGAI can open inquiries into particularly severe reports of police abuse, and open automatic inquiries into deaths in custody as a result of alleged ill-treatment or shootings, although it cannot carry out its own disciplinary proceedings or impose penalties of its own accord. IGAI has undertaken a number of initiatives to modernize and improve the efficiency of police forces, to diminish the scope for human rights violations and to introduce or improve training programs.

stations of Foz and Pinheiro Manso. In view of the nature of the injuries sustained by Álvaro Cardoso, which appeared to show clearly that he had been beaten, the officers were reportedly asked about whether truncheons or batons (“*cassetete*”) had been used. Several officers, however, denied that police ill-treatment had taken place and attributed the man’s injuries to violence inflicted in a fight with other Roma prior to their arrival at the scene of the arrest. In April, at the conclusion of the investigation two officers were, nonetheless, charged with homicide committed as public officials (*homicidio qualificado*). Judicial proceedings were opened in June.

The provisional detention of the two officers caused angry and widespread protests by PSP officers, many of whom were reported to have burst into tears at news of the arrests. IGAI was criticized by at least one police union for acting too swiftly, without taking into account all aspects of the case and suggested that, if the police had used force, it had been necessary in the circumstances. As in the case of the provisional detention of an officer accused (and subsequently convicted) of the death of Carlos Manuel Gonçalves Araújo, an unarmed petty thief who was shot in the back in 1996, officers took part in these protests after surrendering their weapons. On 18 April, a number of officers gathered around the entrance to the court house (*Tribunal de Instrução Criminal - TIC*) at Oporto to await the decision of a prosecuting magistrate about the continuing detention or release of their two colleagues. Hearing that they were to remain in detention, the officers reportedly used menacing behaviour towards the magistrate as she left the court, and she was forced to resort to a judicial police escort to accompany her to her car. Once inside the car, she was surrounded by PSP police officers, who allegedly threatened her with death. The judge told a newspaper that she had felt extremely intimidated. She reported the incident to the public prosecutor and declared that she would also lodge a complaint with the PSP.

Álvaro Cardoso is not the first Rom to have allegedly died as a result of PSP ill-treatment in the Oporto area. In June 1994 Romão Monteiro was shot dead at a police station in Matosinhos while handcuffed and under interrogation for drug offences. The PSP at first claimed that he had committed suicide. In December 1996 the Supreme Court of Justice reduced a three-year prison sentence against an officer, suspended for three years, for manslaughter, to a suspended term of two years and 10 months’ imprisonment. The officer remained in active service. In May 1998 the Interior Minister ordered his dismissal. In December 1994, João Espanhol was shot dead by police in the Areias area of Oporto. The police claimed at the time that he had been shot by a relative.