INPUTS ON THE STATE OF KNOWLEDGE AND IMPLEMENTATION ON THE UNITED NATIONS MANUAL ON THE EFFECTIVE PREVENTION AND INVESTIGATIONS OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXETCUTIONS (THE MINNESOTA PROTOCOL)

**PORTUGAL**

The two main entities that deal with the Minnesota Protocol are the Portuguese National Institute of Legal Medicine and Forensic Sciences and the Public Prosecutor’s Office, which are the entities responsible for the conduction of forensic autopsies and the investigation of unlawful/violent deaths (i.e. the death of a human being as the result of a wrongful act of another person), respectively. In addition, the Criminal Police is the Portuguese law enforcement agency with competence to conduct a criminal investigation of serious and/or complex crimes, namely, a violent death/possible homicide.

**Regarding the Portuguese National Institute of Legal Medicine and Forensic Science:**

Within the Portuguese National Institute of Legal Medicine and Forensic Sciences, all of its forensic doctors specialists in Legal Medicine have a comprehensive knowledge of the Minnesota Protocol.

The Minnesota Protocol is taught in the postgraduate training organized by the Portuguese National Institute of Legal Medicine and Forensic Sciences within the scope of matters related to the study of injuries allegedly due to torture or ill-treatment. The training courses organized by this Institute (Specialization Course in Legal Medicine and Forensic Sciences and Post-Traumatic Damage Assessment Course) include the teaching of the Minnesota Protocol. These courses are not only aimed for forensic doctors, but also for other professionals within the forensic sciences.

The Portuguese National Institute of Legal Medicine and Forensic Sciences uses the English language version of the Minnesota Protocol without any problems.

In all situations of violent death, whether with suspicion of torture, ill-treatment or other reasons that could be classified as an alleged violation of human rights, forensic exams at the Portuguese National Institute of Legal Medicine and Forensic Sciences are always carried out following a rigorous, systematic and complete methodology. Autopsies include all the steps of the external and internal examination of the corpse, written and photographic record of all the lesions found and collection of biological samples to carry out a complete battery of complementary exams (anatomo-pathological, chemical-toxicological and genetics, within others if necessary).

The Minnesota Protocol is an extremely important tool in the field of expert investigation of many situations. Only if a complete and standardized methodology is used in all different situations is it possible to identify these cases. The obligation to carry out autopsies in situations of death in custody or associated with a police or military intervention or in cases where there is suspicion of torture, cruel, inhuman or degrading treatment, as is the case in Portugal, is a good practice in this area.

The results of the forensic investigation of these deaths are notified to the Criminal Police and to the Public Prosecutor’s Office as soon as possible, which is the entity that coordinates the investigation process. The National Institute of Legal Medicine and Forensic Sciences also provides the direct contact of victims' relatives, when necessary.

**Regarding the Public Prosecutor’s Office:**

The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol, 2016) is publicly available online (in the English language) on the Public Prosecutor’s Office’s website. The Minnesota Protocol (2016) is also available online in the Public Prosecutor’s Information System (which is only accessible to the Prosecutors).

Unlike the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), which was translated by the Portuguese Public Prosecutor’s Office in 2001, the Minnesota Protocol is not translated to Portuguese yet.

However, the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), which are the basis of the Minnesota Protocol, are available in Portuguese, both to the public in general (via Public Prosecutor’s Office’s website) and to the Prosecutors in particular (via Public Prosecutor’s Information System).

The initial training of the Prosecutors comprises an important component of Human Rights, which includes the right to life and matters related to the use of lethal force and the prohibition of torture or ill-treatment. However, specific references to the Minnesota Protocol or its Principles (1989) are not made in the curriculum.

On March 11th, 2022, an important step was made towards the rigorous investigation of deaths occurred in the prison system, when the Portuguese Minister of Justice, Francisca Van Dunem, signed an order that stated that deaths occurred in prison must be, in every case, notified to the Criminal Police in order to investigate a possible homicide.

Please find attached statistical data provided by the Portuguese National Institute of Legal Medicine and Forensic Science regarding autopsies and other forensic examination information regarding the years of 2010 to 2020.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of procedures done** | |  | **Year** |  |  |  |  |  |  |  |  |  |  |
| **Field of expertise** | **Type of procedure** | **Procedure** | **2020** | **2019** | **2018** | **2017** | **2016** | **2015** | **2014** | **2013** | **2012** | **2011** | **2010** |
| **Forensic Thanatology** | **Bodies admitted** | **Identified** | 10 322 | 9 398 | 9 244 | 8 965 | 8 247 | 8 105 | 7 945 | 8 203 | 7 972 | 8 041 | 8 112 |
| **Not identified** | 69 | 68 | 103 | 74 | 75 | 88 | 71 | 78 | 93 | 128 | 99 |
| **Aetiology** | **Violent death - Homicide** | 83 | 86 | 83 | 93 | 79 | 134 | 97 | 148 | 125 | 155 | 128 |
| **Violent death - Suicide** | 880 | 907 | 1 020 | 983 | 842 | 962 | 1 076 | 1 123 | 1 057 | 1 208 | 1 155 |
| **Violent death - Traffic Accident** | 611 | 748 | 753 | 653 | 584 | 733 | 640 | 780 | 813 | 1 093 | 1 150 |
| **Violent death - Accident at work** | 122 | 120 | 120 | 111 | 109 | 122 | 102 | 153 | 130 | 188 | 184 |
| **Violent death - Others** | 1 000 | 985 | 1 073 | 939 | 837 | 943 | 836 | 753 | 680 | 904 | 855 |
| **Natural causes deaths** | 3 400 | 3 741 | 3 804 | 3 104 | 2 913 | 3 045 | 2 845 | 2 877 | 3 089 | 3 225 | 3 017 |
| **Undetermined cause deaths** | 312 | 299 | 321 | 231 | 238 | 214 | 409 | 406 | 285 | 359 | 381 |
| **Forensic Toxicology** | **Reports** | **Completed** | 10 240 | 11 038 | 10 849 | 10 900 | 9 732 | 10 223 | 10 280 | 10 860 | 10 791 | 12 015 | 12 757 |
| **Pending** | .. | .. | .. | .. | .. | .. | .. | 41 | 85 | 28 | 247 |
| **Exams performed** | **Alcohol analysis** | 13 507 | 14 226 | 13 675 | 14 016 | 15 802 | 16 366 | 16 173 | 17 772 | 16 334 | 19 041 | 19 679 |
| **Prescription drugs analysis** | 23 647 | 23 963 | 21 329 | 22 271 | 19 769 | 19 291 | 18 057 | 17 704 | 15 501 | 15 412 | 16 749 |
| **Illicit drugs analysis** | 38 812 | 40 262 | 37 742 | 37 997 | 31 410 | 32 326 | 29 388 | 31 197 | 33 571 | 34 179 | 35 813 |
| **Pesticides analysis** | 1 167 | 1 563 | 1 573 | 1 621 | 1 700 | 1 758 | 1 382 | 1 466 | 1 629 | 1 599 | 1 909 |
| **Other substances analysis** | 490 | 559 | 673 | 726 | 518 | 563 | 464 | 562 | 436 | 321 | 447 |