

SPAIN

End impunity for police officers who commit acts of torture and other ill-treatment

"The credibility of the prohibition of torture and other forms of ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions."

European Committee for the Prevention of Torture, 14th General Report

For many years, Amnesty International, along with other international and national non-governmental organizations, and a range of United Nations and Council of Europe human rights bodies, have expressed serious concerns regarding torture or other cruel, inhuman or degrading treatment committed by law enforcement officials in Spain and the effective impunity they enjoy in relation to these acts.

Amnesty International considers that the continuing allegations of ill-treatment by police officers result from multiple failings by the Spanish authorities to comply with their international legal obligations which require them to take a range of measures to prevent ill-treatment.

Sergio LD* described to Amnesty International how he was arrested by national police officers during a demonstration in Barcelona on 16 March 2002. He explained that he was beaten violently on his legs and head inside the police van and described being used "like a battering ram" against the side of a police vehicle. He stated that he was further assaulted in the police station, which caused him to suffer muscle seizures and vomiting. A doctor reportedly advised that because of his head injuries he be taken to hospital, but officers continued to interrogate him, whipping the soles of his feet and threatening him with a knife. After losing consciousness several times during the night he was taken to hospital the following day. He described how his physical injuries required several months to heal and he is still receiving psychological counselling as a result of his ordeal. The initial lower court case against the police officers was originally discharged without further investigation, but Sergio LD appealed to the Provincial Criminal Court of Barcelona, which ruled that the actions of the lower court had been incorrect and "absolutely unacceptable" and ordered an investigation into a possible crime of torture. The case was still in the initial stages in October 2007, almost four years after this ruling.

*full name withheld to protect privacy



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On 12 January 2007 Daniel Guilló Cruz was stopped by plain-clothes police officers outside his house. One of the officers then began to beat him as the other pushed him against a car, holding him by the neck. Daniel Guilló Cruz and the two women he was with believed the men were muggers and called the police. Daniel Guilló Cruz was then arrested for assault. When he made a complaint about his treatment, the police informed him that he was being charged with attempted homicide. The case is still ongoing.

Jordi Vilaseca told Amnesty International that on 1 April 2003 he was arrested by autonomous regional police officers while driving home from work in Tora, Catalonia. He explained that he was taken to the police station, where he was forced to remain standing in a cell facing the wall without leaning against it until he collapsed from exhaustion after 10 hours. He described how he was interrogated by a national police officer who pretended to strangle him with his own dreadlocks and told him that his girlfriend would be arrested and the police officers would rape her. While making his police statement, he was reportedly not allowed to speak to the lawyer present. He described how, after three days in detention, he lost consciousness. When he came round, he said that was unable to speak, walk or control his bowels. After being released, he made a complaint against the police for torture. In May 2005 the case was closed on the grounds of lack of evidence and because the prosecutor said that there were contradictory versions of events from the complainant and the accused. Jordi Vilaseca's lawyer appealed on the basis that contradictory testimonies were to be expected, and the case was reopened, but then closed without justification. Another appeal was lodged and rejected. Jordi Vilaseca has now lodged a case with the Constitutional Court, which was pending in October 2007.

The cases of police torture and other ill-treatment investigated by Amnesty International demonstrate the following factors which contribute to impunity:

1) Lack of preventative measures

- ▶ absence of audio and video recording in all areas of police stations;
- ▶ lack of clear protocols for police on use of force;
- ▶ inadequate training in the appropriate use of force.

2) Obstacles in obtaining justice

- ▶ intimidation of complainants by police officers;
- ▶ failure by the courts to investigate allegations of torture and other ill-treatment promptly, thoroughly and impartially;
- ▶ sentences which do not adequately reflect the gravity of the crime committed.

Amnesty International urges the Spanish government to face up to the problem of torture and other ill-treatment by police officers. Until the government takes effective action

to root out and bring to justice those responsible for such conduct, police officers in Spain will remain above the law, leading to ongoing serious human rights violations and unfairly tarnishing the image of the Spanish law enforcement agencies as a whole.

In order to eradicate impunity for police officers in Spain, Amnesty International urges the government to:

1. Ensure that all areas of all police stations are under constant CCTV surveillance and that footage is made available for investigations.
2. Enact legislation to reform the system of investigating complaints of ill-treatment committed by police officers to bring it into line with international standards.
3. Create and disseminate protocols on appropriate use of force and implement them through ongoing training programmes for police officers.

Please go to our website www.amnesty.org where you can find the full report *Spain: End impunity for police officers who commit acts of torture and other ill-treatment* AI Index: EUR 41/006/2007.

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We research, campaign, advocate and mobilize to end all abuses of human rights – civil, political, social, cultural and economic. From freedom of expression and association to physical and mental integrity, from protection from discrimination to the right to shelter – these rights are indivisible.

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