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Spain: Reform investigatory system to end torture and other ill-treatment by police

Acts of torture and other ill-treatment by police officers in Spain are not isolated incidents, Amnesty International said today. The reluctance of successive Spanish governments to address the problem is exacerbating the climate of impunity which fosters further incidents of ill-treatment, the organization warns.

"The Spanish authorities must end the state of denial regarding torture and other ill-treatment by police officers. The lack of political will to address the problem has led to further human rights violations," Rachel Taylor, Amnesty International's researcher on Spain said.

Amnesty International's report, *Spain: Adding insult to injury: The effective impunity of police officers in cases of torture and other ill-treatment*, highlights cases of people who have been hit, kicked, punched and verbally abused by police officers, including while handcuffed, both in the street and while in police custody.

In some cases, the complainants have claimed that they were threatened with a gun or knife, whipped on the soles of their feet, and received death threats from police officers. In one case a detainee was told that if he did not cooperate, the police officers would rape his girlfriend. In another, a man lost hearing in one ear for several weeks as a result of blows to his head from police officers.

Amnesty International's research indicates that the cases documented in this report are not isolated incidents but are examples of pervasive and structural shortcomings in the prevention, investigation and punishment of torture and other ill-treatment.

Victims of ill treatment and torture by the police frequently do not receive justice. Often, court decisions are biased towards police testimony and victims of abuse may end up in prison and have their lives and careers ruined.

"Police officers often take the law in their own hands, while the authorities turn a blind eye to their practices which are in clear violation of Spain's international legal obligations," Rachel Taylor said.

"Torture may not be routine but it goes unchecked despite Spain's commitments under international law."

Amnesty International has identified the factors contributing to effective impunity for ill-treatment by law enforcement officials in Spain which include:

- o Obstacles to lodging a complaint;
- o Lack of independent, prompt and impartial, investigations or an outright failure to investigate;
- o Incomplete or inaccurate medical reports;
- o Intimidation of complainants by the police;
- o Failure to impose appropriate sanctions or trial cases ending in acquittal due to the non-identification of the officers responsible.

"Until the government takes effective action to investigate allegations and bring to justice all those responsible for torture and other ill-treatment, police officers will remain above the law and the climate of impunity will spread," Rachel Taylor said.

Amnesty International calls on the Spanish authorities to introduce a range of legislative, judicial, and administrative measures to prevent torture and other ill-treatment. The organization also recommends that the authorities ensure the prompt, independent, impartial and effective investigation of any case where there is reason to believe torture and ill-treatment may have occurred. Furthermore, the authorities are required to ensure that persons responsible for such human rights violations are brought to justice in fair proceedings and to ensure an effective remedy, including reparation, for victims.

See: *Spain: Effective impunity of police officers in cases of torture and other ill-treatment CASES* (AI Index: EUR 41/000/2007) <http://web.amnesty.org/library/index/engneur4100x2007>
Spain: Adding insult to injury: The effective impunity of police officers in cases of torture and other ill-treatment, (AI Index: EUR 41/006/2007) <http://web.amnesty.org/library/index/engneur410062007>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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Amnesty International, International Secretariat, 1 Easton Street, WC1X 0DW, London, United Kingdom