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Spain: new reports of excessive use of force by police against demonstrators

Today Amnesty International expressed concern about recent reports of excessive use of force by police forces acting to disperse seemingly peaceful demonstrators of the so-called 15-M movement in Madrid. In a letter delivered this morning to the Government Delegate in the Community of Madrid, María Dolores Carrión Martín, Amnesty International questioned the use of force by police officers during their intervention in Calle Castellana on the night of 4 to 5 August, as well as in and around Puerta del Sol square on 17 and 18 August. The organization called the Delegate to clarify which actions are being taken to investigate the incidents and avoid their repetition.

On the evening of Thursday 4 August, several hundred demonstrators walked towards the Ministry of the Interior, in Calle Castellana, to protest against the evacuation and closure of the Puerta del Sol square on 1 August. According to media reports, around 800 demonstrators were in front of the Ministry of the Interior at around 11pm, when riot police officers charged them repeatedly. According to the media, the police reacted to the attempt by some demonstrators to attach posters on the fences of the ministry, but witness reports gathered by Amnesty International claim that the police charged indiscriminately, including against peaceful demonstrators. Images available on the internet show riot police officers hitting demonstrators with their batons, although the demonstrators did not appear to be resisting and were holding their hands up. According to the media, 20 people, including seven police officers, were injured following the intervention by the police.

Angela Jaramillo, a woman aged 58, told Amnesty International that she was standing alone close to a bench in Calle Castellana, when she saw about 10 riot police coming towards her. She said that her attitude was peaceful and she was holding up her hands, but when the police passed her, one of the officers hit her on the face with her shield, making her fall on the bench, and then hit her on the left knee with her baton, causing a contusion for which she later received medical treatment. According to her account, about five people witnessed the scene and offered assistance. She said that one of them called after the police as they walked away, criticizing their behaviour, and the officers immediately walked back towards the group and hit them with their batons. Angela Jaramillo's account was confirmed by one of the witnesses, who was also repeatedly hit with batons by police and required medical care for the injuries she suffered on her neck, hip and legs. Both filed complaints against the police the following day.

Other witnesses also told Amnesty International that members of the riot police hit various demonstrators with their batons, and did not stop despite the demonstrators' peaceful attitude and their warnings that there were children, elderly and disabled people amongst them. Amnesty International is also concerned by consistent reports by witnesses that the riot police were not wearing any type of identification on helmets or uniforms, in breach of Secretary of State for Security's instruction N° 13/2007.

In view of these allegations, Amnesty International has requested the Government Delegate in Madrid to clarify whether any investigation into the use of force by the police on the night of 4 to 5 August has been opened, whether any disciplinary proceedings have been initiated against police officers who failed to wear visible identification numbers during the intervention, and which guidance and instructions are disseminated to police officers on the use of force, including batons, during the policing of demonstrations.

Amnesty International is also concerned about more recent reports of excessive use of force by police officers against demonstrators and reporters in and around Puerta del Sol square on 17 and 18 August. Video footage widely available on the internet shows riot police officers beating seemingly peaceful demonstrators and reporters on both days. According to media reports, at least 11 people have reported injuries. Amnesty International understands from declarations to the media by the Government Delegate in Madrid that an internal investigation has been opened in some specific cases in which police officers may have committed abuses. Amnesty International has therefore asked the Government Delegate in Madrid to clarify the nature and scope of such an investigation, and called on her to ensure prompt, independent, thorough and effective investigations into all allegations of excessive use of force by police, and that their results are made public.

Amnesty International recognises that the police have the responsibility to ensure public order and respect for the rule of law. However, international human rights standards designed to protect the rights to life and to physical and moral integrity clearly indicate that law-enforcement officials have the obligation to avoid or minimize the use of force, and that they should apply the criteria of proportionality and necessity at all times. Amnesty International calls on Spanish authorities to comply at all times with their international human rights law obligations and with international standards on policing, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Further information

Rallies have been taking place in several Spanish cities, starting on 15 May 2011, to demand change in the political system and in specific policies concerning the economy, employment, housing, education, health and other issues.

Amnesty International has already expressed profound concern about reports and evidence of excessive use of force in Catalonia square in Barcelona, in the morning of 27 May, when riot police officers of the Mossos D'Esquadra intervened to disperse demonstrators. Video footage and consistent testimonies and documentation indicated that police repeatedly hit apparently peaceful demonstrators with batons, and also shot rubber bullets and blanks. The organization has documented and made public cases of individuals who reported injuries as a result of excessive use of force by law enforcement officers, and who submitted formal reports to obtain justice and reparation.

Amnesty International also expressed concern about reports according to which police forces used excessive force against demonstrators in Madrid on 15 May, in Lleida on 27 May, in Valencia on 9 June, and in Barcelona on 15 June.

On 7 July, Amnesty International sent the then Spanish Minister of Interior, Alfredo Pérez Rubalcaba, and the Councillor of Interior of the autonomous Catalan government, Felip Puig i Godes, letters expressing concern about these reports. Since then, more than 43 thousand people have signed an online petition by Amnesty International Spain, asking authorities to investigate reported abuses, initiate proceedings against police found to have used excessive force, provide reparation to victims, establish an inquiry over the policing of the demonstration of 27 May in Barcelona, and comply at all times with their international human rights law obligations and with international standards on policing. No reply has been received to date.

According to Article 3 of the Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly in 1979, "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". Additionally, as established by Article 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials shall "exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved" and shall also "minimize damage and injury, and respect and preserve human life". Spanish Law provides that law-enforcement officials must observe the principles of "coherence", "opportunity" and "proportionality" during the exercise of their functions (Ley Orgánica 2/1986 de los Cuerpos y Fuerzas de Seguridad del Estado, Article 5.2.c).

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