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SPAIN: ALLEGED ILL-TREATMENT OF GUILLERMO GUZMAN BY NATIONAL POLICE OFFICERS IN VITORIA

Amnesty International is concerned about the allegations of Guillermo Guzmán Noval, according to which he was assaulted by two officers of the national police (*Polizia Nacional*) in Vitoria on 7 August 1995. The organization is seeking to establish with the Spanish authorities whether an inquiry has been opened into the allegations of ill-treatment which he made to the judicial authorities of the court of Vitoria.

The following information is based on the information supplied by Guillermo Guzmán in his complaint of 7 August 1995..

Guillermo Guzmán, who is 42 years old, is registered as disabled; prior to this incident he had had two heart attacks and five years ago lost a third of his kidneys. He comes from Oviedo but lives in Irún and sells a magazine called *La Farola*. He had come to Vitoria to sell the magazine during the August festival of La Blanca.

On 7 August 1995, at about 4am, he was in one of the gardens that adjoin the cathedral in Vitoria when he was robbed of his wrist watch and purse, which contained his identity card, driving licence and credit cards and 60.000 pesetas. The thieves are reported to have been a group of seven or eight young "punkish" men and women, one of whom threatened him by holding a knife to his neck. He was not, however, injured. After the robbery he went to a nearby hotel to telephone the municipal police (*Policía Municipal*). Two policemen arrived and suggested that he make a formal complaint either to them or at the police station of the national police (*Policía Nacional*). He chose to do the latter.

After making a complaint at the police station, he was leaving the building when he saw a car (a Citroen ZX) entering the area of the gardens. Two uniformed policemen got out. They did not appear to be carrying truncheons at the time. He went up to them and said, "Why aren't you patrolling the streets?" (*Por qué no vigilan las calles?*) They are reported to have answered abusively, saying they had a lot of other things to do and calling him the son of a whore (*hijo de puta*). When Guillermo Guzmán said his mother had died in February and they should mind their words because he had just been to the police station to make a complaint about a robbery, one of the police officers allegedly grabbed him by the neck and threw him to the ground, beating his head, which began to bleed. Guillermo Guzmán reported that the same policeman then went to the car, took out a truncheon and hit him on the right side of the lower part of the back, in the area of the kidneys. Again he fell. When he got up the younger policeman reportedly said that if it had depended on him he would have killed him. (*Que si hubiera sido él le hubiese matado*). Guillermo Guzmán fell a third time, as a result of the previous beatings, and remained on the ground. He maintains that the whole incident took place in front of the police station without any other policeman coming to his aid; but that later some boys who were passing helped him to his feet and took him to the Hospital de Santiago Apostol.

A medical report, written at 6.45am by the Accident and Emergency (*Urgencias*) doctor, noted that Guillermo Guzmán had been the victim of an assault. It referred to a number of

contusions (*pluricontusiones*) on Guillermo Guzmán's body and to blood being found in his urine. The doctor advised him to see a urologist about his kidneys and to return to the hospital for further examination if the symptoms continued. As he continued to suffer pains in his neck, Guillermo Guzmán went back to the hospital for radiography tests. His neck was placed in a neck brace and he was told to take a complete rest and not to carry any weight.

Guillermo Guzmán made a complaint about police ill-treatment to the court of Vitoria-Gasteiz (*Juzgado de Instrucción no.1*) and is claiming compensation from the police for the injuries he received. He told the newspaper *Egin*: "I am recognized as disabled; I have had two heart attacks and am missing a third of my kidneys. I earn my living honestly ... I'm robbed, I go to make a complaint (to the police) and look how they treat me." ("*Soy una persona que tengo una invalidez total; he sufrido dos infartos; me falta un tercio del riñón; me gano la vida honradamente ... me roban, voy a denunciarlo y fijate cómo me han dejado.*")