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SPAIN: FATAL SHOOTING OF MOROCCAN STUDENT BY CIVIL GUARD RESERVIST

Amnesty International is concerned at the fatal shooting of Mourad El Abedine by a Civil Guard reservist in June 1997. It is also concerned by the suggestion that the killing could have been racially motivated. Amnesty International is seeking information from the Spanish authorities about the progress and eventual outcome of a judicial investigation into Mourad El Abedine's death, and of any further judicial or administrative proceedings arising from it.

The following account is based on an article which appeared in the Spanish daily newspaper, *El País*.

Nineteen-year-old Mourad El Abedine originated from Casablanca, Morocco. In 1988 he moved to Spain with his parents and two sisters. He was a member of *Asociación de Fraternidad Hispano-Marroquí* and was studying electronics at university. He had a valid residence permit.

At about 4.30am on 20 June 1997 Mourad El Abedine was walking with his girlfriend in the calle de Barquillo, in the centre of Madrid, when he stopped to tie his shoelace. He was seen by a Civil Guard reservist who had reportedly been asleep in the street and who, according to witnesses, suddenly drew out an Astra revolver and fired at the young Moroccan's shoulder, killing him outright. The victim's family is reported to believe the attack was racially motivated.

Following the shooting, the Civil Guard reservist was arrested, after a struggle with a patrol of the National Police (*Cuerpo Nacional de Policía*). It was reported that, after arrest, the reservist refused to make a statement or to take a blood test despite police claims that he was clearly intoxicated.

The report continues by stating that, as a result of a physical injury, the Civil Guard reservist had left active service in the Civil Guard in 1996 and was obliged to hand in his regulation weapon. However, with the permission of the Civil Guard and regional government authorities¹ he was granted a licence to carry an Astra revolver for personal protection². Licence holders are obliged to present documentation providing evidence that they have no criminal record and that they are in sound mental health.

However, it appears that in April 1997 the Civil Guard reservist was arrested by officers from the police station of Arganzuela, Madrid, for allegedly attempting to sexually assault a

¹*El jefe de la III Comandancia de la Guardia Civil and la Delegación de Gobierno de Madrid.*

²Amnesty International understands that licences to carry personal arms are awarded only on a basis of "strict necessity" ("*estricta necesidad*") and that around 12,000 such licences are currently held in Spain.

woman he had taken to his house. This incident gave rise, in May 1997, to proceedings to revoke his licence, proceedings which appear to have still been underway at the time of the fatal shooting of Mourad El Abedine in June 1997.

It was reported that on 20 June 1997 the Ombudsman (*Defensor del Pueblo*) opened an inquiry into the circumstances in which the reservist had been authorized to carry a weapon for personal use. In December 1997, in the light of this report, Amnesty International wrote to the Ombudsman expressing its concern at the killing of Mourad El Abedine and at the apparent lack of safeguards relating to the availability of firearms for personal use to members, or former members, of the law enforcement bodies, which the above report would seem to illustrate. The organization sought confirmation that an inquiry had opened and requested to be kept informed about its outcome and whether it made any recommendations.

In a reply, dated 29 January 1998, the Ombudsman confirmed that an administrative inquiry had been opened by his office and informed Amnesty International that this had now concluded. In the course of his investigation he sought and received confirmation from the Headquarters of the Civil Guard (*Dirección General de la Guardia Civil*) that the reservist's licence to carry a weapon had been revoked. The Ombudsman's inquiry was, however, unable to establish that the acquisition of the weapon presented special administrative irregularities³.

The Ombudsman further noted that for several years his office has been closely monitoring the conditions under which members of the law enforcement bodies and armed forces may possess weapons, with a particular emphasis on those members who have left active service.

³ "...no se ha podido acreditar que la obtención de dicha arma presentase irregularidades administrativas especiales".