

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Spain: Amnesty International concerned by reports of excessive use of force by police against demonstrators

Today, Amnesty International wrote to the Spanish Minister of Interior, Alfredo Pérez Rubalcaba, and the Councillor of Interior of the autonomous Catalan government, Felip Puig i Godes, to express deep concern about consistent reports of police forces acting to disperse demonstrators of the so-called 15-M movement using what appears to have been excessive force in several instances. 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 is particularly concerned about reports and evidence of excessive use of force in Catalonia square (*Plaça de Catalunya*) in Barcelona, in the morning of 27 May, when law enforcement officers, in particular riot police officers (*Brigada Móvil*) of the Mossos D'Esquadra, intervened to disperse demonstrators. The reason given for the operation was that the protesters needed to leave the square temporarily to allow for the cleaning of the square and the removal of potentially dangerous materials, ahead of possible celebrations for a football game in which Barcelona F.C. was playing the following day.

Video footage of the police operation in Catalonia square widely available on the internet shows police repeatedly hitting apparently peaceful demonstrators with batons, and shooting rubber bullets and blanks. In the same footage, some demonstrators appear to be injured and to have blood on their hands and heads. According to official figures, 84 demonstrators and 37 police officers resulted injured. A lawyer assisting the affected demonstrators told Amnesty International that a total of 180 persons have reported injuries, of which around 50 have received medical reports documenting those injuries.

Individual cases

Amnesty International has itself documented cases of individuals who reported injuries as a result of excessive use of force by law enforcement officers in the context of the police operation carried out in Catalonia square on 27 May: Jaume Delclòs Ayats, a Spanish 31 year-old industrial engineer working at a public institution of the Catalan Government; Angel Tamariz Sánchez, a 28 year-old Mexican citizen currently taking a master's degree in telecommunication engineering at the Polytechnic University of Catalonia; Paula Alvarez-Ossorio, a 24 year-old student currently enrolled in a master's degree in international relations at the Autonomous University of Barcelona; Xavier Mir Bernadó, a 47 year-old consultant on international development cooperation, who lives in the outskirts of Barcelona with his wife and two daughters. All described to Amnesty International how in the morning of 27 May they were beaten with batons several times by Mossos d'Esquadra, although they were demonstrating peacefully and did not attack police at any time, and suffered injuries as a result. Their testimonies are corroborated by reports issued by medical staff, as all received medical treatment, including for contused lacerated wounds, ecchymoses and contusions at their heads and other parts of the body. Their recounts are also corroborated by video footage of the police operation, showing Mossos d'Esquadra – unidentifiable due to helmets and the lack of a visible identification number on their uniforms – repeatedly beating them and dozens of other peaceful demonstrators with their batons.

Response by the Catalan government

On 8 June, the Counsellor of Interior of Catalonia, Felip Puig i Godes, reported on the incidents of Catalonia square before the Interior Affairs Commission of the Catalan Parliament. During the session he stated that no inquiry on the alleged excessive use of force on 27 May was necessary, as the Mossos d'Esquadra resorted to force only in order to respond to assaults by demonstrators. However, no evidence of the alleged use of violence by demonstrators has been made public by the authorities, nor otherwise noted by Amnesty International. On the contrary, footage and testimonies indicate that police repeatedly hit with batons demonstrators who were sitting on the floor with their hands up. Amnesty International has therefore written to the Counsellor Felip Puig i Godes, urging him to ensure that an independent, thorough and effective inquiry into the policing of the demonstration of 27 May in Barcelona is promptly established, and that its results are made public.

Mechanisms for accountability at domestic level

Amnesty International welcomed the creation, by decree of the Catalan autonomous government in 2007, of the Police Ethics Committee, mandated *inter alia* to receive and examine complaints from individuals relating to the conduct of police forces. However, the organization regrets that the Committee's activity has been suspended after the resignation of most of its members. It is important to note that the Committee did not have the power to conduct its own investigations into such complaints, which would have provided valuable independent and objective evidence for use in criminal prosecutions. In addition, the Committee did not have the power to order an internal investigation to be conducted or reopened if the internal police inspectorate failed to investigate a complaint properly, nor could the Committee refer a case to the public prosecutor for criminal prosecution. The organization is also concerned that the presence within the Committee of police force representatives, who may still be on active duty, may prejudice its impartiality.

Amnesty International also highlights that, according to Decree 217/2008 of 4 November 2008,¹ all uniformed Mossos D'Esquadra officers must wear their professional identification number clearly marked on their uniform at all times, in compliance with relevant international standards. However, according to both testimonies and available footage and pictures, the Mossos d'Esquadra involved in the operation in Catalonia square had no identification number reported on the protective vests they wore on top of their uniforms. This may hamper efforts to identify officers allegedly responsible for abuses, also considering that most officers were wearing helmets, and some even balaclavas, making it harder to hold them accountable.

Further reports of excessive use of force

There have also been reports according to which police forces used excessive force against demonstrators in Lleida on 27 May, in Valencia on 9 June, and in Barcelona on 15 June. Although there are allegations that a small number of demonstrators may have acted violently against the police, video footage of the latter demonstration shows Mossos d'Esquadra, with no identification numbers on their protective vests, beating seemingly peaceful demonstrators with batons, and shooting rubber bullets and blanks.

The organization has also received allegations of beatings and other ill-treatment suffered by demonstrators detained in the context of demonstrations in Plaza del Sol, in Madrid, on 15 May. In particular, and according to a statement issued by 16 of the 19 detained demonstrators, they suffered beatings by police officers, some during the demonstration in the square, others while being transferred by car to the Moratalaz police station, and others within the police station itself. According to the

¹ Decreto 217/2008, de 4 de noviembre, sobre la utilización del número de identidad profesional en determinadas piezas de los uniformes de la policía de la Generalidad – mozos de escuadra, Diari Oficial de la Generalitat de Catalunya N.5255, 11.11.2008

statement, the police also threatened them with violence such as throwing them out of the window, homophobic remarks and other insults.

Applicable international standards

Although under international human rights law everyone has a right to participate in lawful and peaceful assemblies, restrictions may be placed on the exercise of this right in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Amnesty International does not challenge the right of relevant Spanish and Catalan authorities to act in accordance with the law to impose such restrictions, and recognizes that law enforcement officials have an obligation to ensure safety and security. However, the policing of demonstrations should be carried out in a manner that complies with international law and standards, including the duty to exercise restraint, to act in proportion to the seriousness of the offence and the legitimate objective to be achieved, to minimize damage and injury, and to respect and preserve human life.

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” [Principle 4].

The same Basic Principles also foresee that, whenever it is necessary to disperse non-violent assemblies, even in the case they are unlawful, “[...] law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.” [Principle 13]

Furthermore, the Basic Principles state that whenever injury is caused by the use of force by law enforcement officials, “[...] Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances.” [Principle 22]

As to the obligation for police to wear identification numbers on their uniforms, the European Code of Police Ethics states that “police personnel shall during interventions normally be in a position to give evidence of their police status and professional identity”. In the comment to this recommendation, the Committee of Ministers of the Council of Europe emphasizes that this requirement is closely linked to personal police responsibility for actions or omissions, in that “without the possibility of identifying the individual police man/woman, personal accountability, seen from the perspective of the public, becomes an empty notion”.²

Recommendations

Amnesty International calls on the Councillor of Interior of the autonomous Catalan government and the Spanish Minister of Interior, each within their respective area of competence:

- to ensure the prompt, independent, thorough and effective investigation of all allegations of excessive use of force by police, including during the demonstrations of the 15-M movement;
- to ensure that disciplinary and, where appropriate, criminal, proceedings are taken against the police officers found to have used excessive force;
- to provide adequate reparation, including compensation, to victims; and to take effective steps to ensure non-repetition;

² Council of Europe, Committee Of Ministers, Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics (adopted by the Committee of Ministers on 19 September 2001 at the 765th meeting of the Ministers' Deputies).

- to promptly establish an independent, thorough and effective inquiry over the policing of the demonstration of 27 May in Barcelona, with the power to recommend cases for prosecution, and to make its findings public;
- 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.

Amnesty International has raised concerns on various occasions over repeated and credible allegations of arbitrary or excessive use of force by law enforcement officials in Spain and prevailing impunity in such cases. The organization reiterates its recommendations to the Councillor of Interior of the autonomous Catalan government and the Spanish Minister of Interior, each within their respective area of competence:

- to establish an independent mechanism with a mandate to carry out investigations into allegations of human rights violations by law enforcement officials;
- to take steps to introduce a fully resourced independent body to investigate allegations of human rights violations by Mossos d'Esquadra and local police officials; this mechanism could be an enhanced version of the Police Ethics Committee, or a new body;
- to ensure that law enforcement officers are individually identifiable, by means of identity badges worn visibly on their uniform, including when they are wearing special gear, such as helmets or other protective clothing.
- to suspend from active duty any law enforcement official under disciplinary or criminal investigation for ill-treatment for the duration of the proceedings;
- to publish in full annual reports of all police forces' internal inspectorates (making anonymous personal details if necessary) so members of the public can be fully informed of all complaints made against law enforcement officers and the steps taken in response to such complaints.

Further information on individual cases

Amnesty International has documented cases of individuals who reported injuries as a result of excessive use of force by law enforcement officers in the context of the police operation carried out in Catalonia square, Barcelona, on 27 May.

Jaume Delclòs Ayats, a Spanish 31 year-old industrial engineer working at a public institution of the Catalan Government, is one of them. He described to Amnesty International how in the morning of 27 May he was sitting on the floor of Catalonia square with his hands up, together with other demonstrators, to resist passively the attempt by police to remove demonstrators from the square. At that point, he was beaten several times by different Mossos d'Esquadra, who hit him with batons on his ribs, head, face, one knee and one elbow, so that he was forced to leave the area to avoid further beating and to seek help. Jaume Delclòs Ayats's testimony is corroborated by medical reports issued by medical staff present in the square and in the *Centre d'Urgències d'Atenció Primària Mansó*, where he received medical treatment for contused lacerated wounds to the head, the bottom lip and an elbow, as well as a wound on his knee, and given eight stitches in total (four in the head and two each to a lip and elbow). Available footage of the police operation also shows two Mossos d'Esquadra – unidentifiable due to helmets and the lack of a visible identification number on their uniforms – beating him with batons at least six times in a matter of seconds, although he was sitting on the floor with his hands up. The same footage, widely available on the internet, also shows how other Mossos d'Esquadra repeatedly hit dozens of other peaceful demonstrators with their batons.

Angel Tamariz Sánchez is a 28 year-old Mexican citizen currently taking a master's degree in telecommunication engineering at the Polytechnic University of Catalonia (*Universitat Politècnica de Catalunya*). He told Amnesty International that on 27 May he reached Catalonia square around 10am, to protest against the ongoing operation to confiscate personal property of demonstrators, including personal computers, cameras, power generators and rucksacks from the square. Together with several other demonstrators he sat on the ground of the square to block trucks trying to remove those objects. According to him, although demonstrators did not attack police at any time, a group of Mossos

d'Esquadra suddenly started shooting rubber bullets and blanks, and charging the demonstrators to disperse them. Angel Tamariz Sánchez said he remained seated together with other demonstrators, and was hit several times with batons, on the head, one leg, one arm and left hand, and was also dragged by his hair, by Mossos d'Esquadra. At that point another demonstrator, noting that his head was bleeding abundantly, accompanied him to an ambulance nearby, where he received first aid treatment to stop the bleeding. He was then transferred by ambulance to the *Centre d'Urgències d'Atenció Primària Mansó*, together with two other demonstrators who also sustained head injuries. There he received treatment for his wounds and was given eight stitches for the 8cm contused lacerated wound on his head. Angel Tamariz Sánchez's testimony is consistent with medical reports, pictures and footage, and was summarized in a complaint for assault against unknown persons that he filed with the competent Investigating Court (*Juzgado de Guardia*) on 31 May. However, he told Amnesty International he would not be able to recognize the police officers responsible for the beating, as the Mossos d'Esquadra involved in the operation wore helmets with visors, some wore balaclavas, and did not carry visible personal identification badges. Angel Tamariz Sánchez also noted that in at least one instance a demonstrator requested a police officer to show an identification badge but received no answer.

Paula Alvarez-Ossorio, 24, is a student currently enrolled in a master's degree in international relations at the Autonomous University of Barcelona. She told Amnesty International that on 27 May she arrived in Catalonia square around 7.30am, as she had been called by friends warning her about the police operation. As the square was cordoned off by the police, she could not reach its centre, so she sat on the ground in front of the police cordon to protest against the plan to remove demonstrators. It was then that a Mosso d'Esquadra, without giving her any warning, and while she was sitting with her back to the police cordons, dragged her by her hair and hit her twice with the baton, on a buttock and a leg. The same police officer threatened her with more beating if she did not move away, but another police officer, seemingly of higher rank, told him to refrain from further beatings as there were journalists around, so he left the area. Paula Alvarez-Ossorio asked a third police officer to identify the one who had beaten her, as he carried no visible identification badge, but the request was refused. She was then forcibly removed from the area by two Mossos d'Esquadra, and reached the ambulance parked nearby to get ice to reduce the swelling due to the beating. Around 11.15am, as the trucks carrying demonstrators' belongings tried to leave the square, she sat in front of them to protest peacefully, together with many other demonstrators, and block their way. Shortly after, a group of riot Mossos d'Esquadra charged, hitting demonstrators with batons and shooting rubber bullets and blanks, including in the direction of the demonstrators. Paula Alvarez-Ossorio was beaten twice on her left leg, then again to the right thigh and ribs. She escaped and reached the ambulance, where medical personnel again documented the contusions she had suffered. Later on, she went to the Mossos d'Esquadra police station of Barcelona to file a complaint, but, according to her, the officers who attended her refused to receive her complaint, alleging that the medical documentation and written complaint were not formally admissible. The same complaint and documentation were then presented and filed at the competent Investigating Court. Paula Alvarez-Ossorio's account is corroborated by medical reports, video footage and pictures.

Xavier Mir Bernadó, 47, consultant on international development cooperation, lives in the outskirts of Barcelona with his wife and two daughters. One of his daughters, Nuria Mir Portet, 19, who studies sociology at the Autonomous University of Barcelona, was camping in Catalonia square in the night between 26 and 27 May. Around 9 in the morning of 27 May, worried because of the images of the police operation transmitted live on TV, Xavier Mir Bernadó reached the square in order to join his daughter. However, when he arrived in Catalonia square, he was not permitted to reach the demonstrators gathered in the centre of the square, where his daughter was, as a double police cordon was separating demonstrators in two groups. As Nuria Mir Portet told him by phone that demonstrators' belongings were being removed and loaded on trucks, Xavier Mir Bernadó joined demonstrators sitting on the floor in front of the trucks in order to block them from carrying those materials away. Then, according to Xavier Mir Bernadó, the Mossos d'Esquadra cleared the way for the trucks by beating demonstrators with batons and shooting rubber bullets in their direction, although none of the protestors acted violently against the police at any time. Xavier Mir Bernadó was sitting with his hands up and shouting "no-violence", he told Amnesty International, when he received several hits with batons at the arms and back. Hours later, the *Centre d'Atenció Primària La Garriga* documented six

ecchymoses on his back, arms, and right foot, and a 3cm excoriation at the left wrist. Xavier Mir Bernadó's testimony is also corroborated by several photos provided to Amnesty International.

Amnesty International publications

Spain: Follow-up information to the Concluding observations of the Committee against Torture, 1 November 2010 (EUR 41/003/2010)

Spain: Adding insult to injury: Police impunity two years on, 3 November 2009 (EUR 41/010/2009)

Spain: Briefing to Committee against Torture, 1 November 2009 (EUR 41/011/2009)

Spain: Report of seminar "Police complaints investigation mechanisms in the Spanish context": Madrid, 17 October 2008, 1 May 2009 (EUR 41/003/2009)

Spain: Adding insult to injury: The effective impunity of police officers in cases of torture and other ill-treatment, 14 November 2007 (EUR 41/006/2007)

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