

AI Index: PRE 01/377/2009
03 November 2009

Spain: Allegations of torture must be investigated

The Spanish authorities need to reform the current system of investigating allegations of torture and other ill-treatment by security forces, Amnesty International has said in a new report published as the UN prepares to examine Spain's record on the issue again.

[*Spain: Adding insult to injury – police impunity two years on*](#), reveals that victims alleging torture and other ill-treatment whose cases Amnesty International first reported on in 2007 have failed to receive justice due to lack of political will on the part of the Spanish authorities.

“The structural failings affecting all aspects of the prevention, investigation and punishment of torture and other ill-treatment that Amnesty International identified in 2007 are still present, and still obstructing justice,” said Rachel Taylor, Amnesty International's Spain expert.

Complainants told Amnesty International that they had been threatened with a gun or knife, whipped on the soles of their feet, and received death threats from police officers.

Since November 2007 only two open investigations into allegations of torture and other ill-treatment from the 11 reported by Amnesty International have resulted in a conviction.

Of the remaining nine cases, six were closed without ever reaching trial and two are still under investigation, one of which has now been open for more than seven years.

In the last case, it was found at trial that torture had taken place but the accused officers were all acquitted on the grounds that it was not possible to identify which of them had personally participated in the assault.

One of the cases which failed to reach trial stage in Spain has been submitted to the European Court of Human Rights on the grounds of violation of a right to fair trial, as well as violation of the prohibition of torture and non-discrimination. Two other closed cases are those of Sandra Guzman and Jordi Vilaseca.

Sandra Guzman registered a complaint in December 2006 at the Basque Department of the Interior after she witnessed a police officer partially strip search, hit and kick several men of North African origin in Bilbao. Her complaint was closed six months later supposedly because it had been impossible to locate the men who had allegedly been assaulted by the police officers.

Jordi Vilaseca was arrested on 1 April 2003 by autonomous regional police officers in Catalonia while driving home from work. After ill-treatment during his three days in detention, he lost consciousness and was hospitalised. When he regained consciousness, he was unable to speak, walk or control his bowels. Jordi Vilaseca made a complaint against the police for torture. In May 2005 the case was closed on the grounds of

lack of evidence and because the prosecutor said there were contradictory versions of events from the complainant and the accused. After several appeals, the Constitutional Court rejected the case in January 2009. No further appeal is possible.

“The Spanish authorities must stop shirking their obligation to conduct thorough, impartial and effective investigations into all allegations of torture or other ill-treatment by police officers. At the same time they should focus on prevention of such acts, which is always better than cure” Rachel Taylor said.

Amnesty International welcomes progress made in some police forces to implement measures designed to prevent acts of torture and other ill-treatment.

The increasing use of CCTV cameras in police stations and clear personal identification of police officers on their uniforms are important developments in this regard. Amnesty International regrets to note that significant improvements in autonomous community police forces (the Ertzaintza and Mossos d’Esquadra) have not been matched at national level.

“Unless the Spanish authorities demonstrate political will to make the necessary changes to ensure effective and impartial investigation of all allegations of torture and other ill-treatment by law enforcement officials, their victims will continue to face obstacles on their way to justice,” Rachel Taylor said.

See also: [*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).