

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: EUR 41/004/2008 (Public)
Date: 01 February 2008

Spain: Five police officers under criminal investigation for ill-treatment reinstated in their duties.

London – Amnesty International expresses its concern regarding the slow progress in the criminal investigation of five law enforcement officers (Mossos d'Esquadra), suspected of ill-treatment of detainees. On 16 January 2008 the officers returned to active duty while continuing to await the outcome of the investigation.

The five officers were suspended from duty following the opening of a criminal investigation by investigating court number eight of Barcelona into two incidents of alleged ill-treatment of detainees in Les Corts Central Police Station in Barcelona in March and April 2007.

Nine months after the investigation began, a decision on bringing the case to trial has still not been made. To be considered “effective” according to international standards, an investigation into allegations of ill-treatment must be prompt, thorough and impartial. A prompt conclusion is in the interests of both the alleged victims and the accused. The UN Committee against Torture stated in the case of *Abad vs. Spain* (1996) that the promptness of an investigation into allegations of ill-treatment is essential and in its 2005 report on Spain, the CPT reminded the Spanish authorities that “In order to comply with Article 3 of the ECHR an investigation must ... be conducted in a prompt and reasonably expeditious manner.”

Furthermore, Amnesty International notes that the reinstatement into duty of the five officers under investigation is contrary to the recommendations the UN Committee against Torture, which has advised that officers under investigation for ill-treatment be suspended from duty for the duration of the proceedings (Report to the UN General Assembly by the Committee against Torture, UN Doc. A/56/44). Amnesty International is concerned that, by reinstating the officers before the criminal investigation is completed, the Department of the Interior of the Catalan autonomous government is going against this recommendation and may be fostering a climate of impunity amongst law enforcement officials.

Amnesty International calls on all of the Spanish authorities to take appropriate measures, in compliance with international legal standards and with the recommendations made by international bodies, to ensure that investigations into alleged torture and other ill-treatment committed by law enforcement officials are conducted promptly, so as to guarantee fairness for all parties concerned. Law enforcement officials under investigation for alleged torture or ill-treatment should be suspended from active duty while impartial and thorough investigations takes place.

Background information

During separate incidents in March and April 2007 two persons were arrested and allegedly subjected to ill-treatment while detained at the Les Corts Central Police Station in Barcelona (Comisaría barrio de Les Corts).

According to reports, on 31 March 2007 a male detainee was repeatedly subject to blows, kicks and insults by four law enforcement officers. In the second incident, on 5 April 2007, a female detainee received a blow to the face while handcuffed in detention. The incidents were recorded on concealed surveillance cameras which were installed inside the police station after a series of allegations of ill-treatment by previous detainees.