

EXTERNAL Amnesty International

AI INDEX NUMBER: EUR 41/04/97 International Secretariat

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21 August 1997

SPAIN: YOUTH ALLEGES ASSAULT BY BADAJOZ POLICE

On Saturday evening, 15 January 1997, [NAME REDACTED AT REQUEST OF INDIVIDUAL] a 17-year-old resident of Badajoz, was riding his Vespino motorcycle around the centre of town. At 23.55pm he had entered the Calle Zurbarán, where it crosses the Ronda del Pilar, a focus of the town's night life, when he noticed an officer of the local police, the *Policía Local*, signalling him to stop from the far end of the street. The following description is taken from the accounts given to Amnesty International by [NAME REDACTED AT REQUEST OF INDIVIDUAL] and by his elder brother, [NAME REDACTED AT REQUEST OF INDIVIDUAL] and confirmed by a medical certificate from the local hospital.

According to these accounts, [NAME REDACTED AT REQUEST OF INDIVIDUAL] began to brake and turned off the motor. The lights switched off simultaneously. Although he had not yet come to a complete standstill by the time he reached the police officer, who was with a colleague, he maintains that he was travelling very slowly, at less than 10km per hour. Rebuking him for not having completely stopped, the officer pushed him and he fell from his bike onto the ground. His helmet also fell to the ground. Though not hurt he was shaken and got to his feet, asking the officer whether he was "stupid or what" ("*que si estaba tonto o que*"). The officer made him repeat the phrase twice. He then seized him by the neck and tried to push him into the patrol car. At first [NAME REDACTED AT REQUEST OF INDIVIDUAL] resisted, but as his arm was twisted behind his back he succumbed to the pressure and was pushed into the car. He maintains that at no time during these events was he formally arrested or told what charge was being made against him. As [NAME REDACTED AT REQUEST OF INDIVIDUAL] was pushed into the car he shouted "Fascist!" The police officer then got into the car after him and beat him, breaking his nose and "destroying" his face.

This version of events appears to be confirmed by statements made by two eye-witnesses, who saw [NAME REDACTED AT REQUEST OF INDIVIDUAL] brake and approach the police officer slowly, the lights of the motorcycle extinguished. The eye-witnesses concur that [NAME REDACTED AT REQUEST OF INDIVIDUAL] did not approach the police officer on a direct collision course, but moved to one side before being pushed to the ground. They saw him enter the car uninjured. But one of the officers got out of the car again to pick up [NAME REDACTED AT REQUEST OF INDIVIDUAL] helmet, which was still lying in the road, and as the officer opened the boot to put it inside, they saw [NAME REDACTED AT REQUEST OF INDIVIDUAL] on the back seat covered with blood.

The police officers' version of events seems to completely contradict the above. They have reportedly stated that [NAME REDACTED AT REQUEST OF INDIVIDUAL] was travelling too fast, having ignored the order to stop, that he was deliberately bent on a collision course with the police officer and that his injuries were sustained by collision with the officer's

arm, outstretched in a "Stop!" signal. The police officer in question asserts that the collision also caused injuries to himself (the extent and nature of which are not currently known to Amnesty International).

[NAME REDACTED AT REQUEST OF INDIVIDUAL] was taken to the Hospital Provincial, from where he states that he saw an officer cleaning the blood from the leather cover of the back seat of the car and throwing the tissues away in the hospital refuse. He was still not told why he was being detained, and was not allowed to use the telephone to call his family, but eventually a hospital nurse was able to facilitate a call. The hospital doctors decided that the injuries to [NAME REDACTED AT REQUEST OF INDIVIDUAL]'s face were sufficiently serious to warrant his transfer to the Hospital Regional, otherwise known as the Infanta Cristina (HRIC). Some members of his family arrived, including his brother, [NAME REDACTED AT REQUEST OF INDIVIDUAL] and were told by one of the doctors that the injuries were serious and that [NAME REDACTED AT REQUEST OF INDIVIDUAL] needed urgent surgery. The medical report written there, a copy of which is in Amnesty International's possession, confirms that his nose had been fractured, and that the bone structure had been shifted towards the left of the face.

According to [NAME REDACTED AT REQUEST OF INDIVIDUAL], the two police officers were also in attendance at the Hospital Regional, where the officer who had not been directly involved in the assault spoke to him and to other members of the family. The officer smelled of alcohol; he appeared to be fairly drunk and unable to speak coherently, but [NAME REDACTED AT REQUEST OF INDIVIDUAL] understood that their version of what had occurred was as described above. When the relatives informed him that they were considering making a judicial complaint, the officers conferred with one another, after which they said that [NAME REDACTED AT REQUEST OF INDIVIDUAL] would have to go with them to the police station. His brother insisted on travelling with them. Other family members also attended the station. [NAME REDACTED AT REQUEST OF INDIVIDUAL] was taken away to a detention cell. His family, who stated they wished to make a complaint, were also held in a cell for one hour, and were not given the opportunity to lodge the complaint. During their time at the police station they also asked that the two officers be breathalyzed, but the request was refused. At the same time a complaint was made against [NAME REDACTED AT REQUEST OF INDIVIDUAL] by the police, who kept him at the station overnight.

On 17 January the family went to court (*Juzgado de Instrucción no.2, Audiencia Provincial de Badajoz*) where they were told that no complaint by [NAME REDACTED AT REQUEST OF INDIVIDUAL] had been received - only the complaint by the police officer against him. The family were therefore obliged, with what they consider to be an unjustified delay, to lodge a complaint to the court. The family fears that the (inadvertent) delay in lodging the complaint will tell against them.