



This report has been made by TAT-Group
Against Torture, being last years basque
citizens torture testimonies the base.

Design by: KOM KOMUNIKAZIOA- Thanks a lot!

The purpose of this report is to denounce spanish
and french tortures against Basque Country.

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INTRODUCTION

Once again, on reviewing the year 2000, we have to make reference to, and denounce, the violation of the most basic human rights of dozens of Basques in the Spanish State. Again we are obliged to reveal police brutality, and impunity in the practise of torture and abuse, by the police and security forces in detention centres in the Basque Country.

The pages of this report bring us closer to concrete personal cases, in which it is revealed how homes were torn apart and the unbearable conditions that the victims were subjected to. Far from being eradicated from police practise it continues to be an instrument that is systematically implemented. In addition, as a sick joke they try to sell an image to society, from institutions, that this type of violence against Basque citizens doesn't exist. They claim that there are sufficient methods of control to avoid the practice of torture.

We have placed ourselves in that world where basic rights are denied and violated and have brought their experiences to light. That is, the expressions of

violence that 76 Basque citizens have endured over the year 2000. Many other testimonies are absent, those of people who preferred to remain silent due to the trauma and fear that has been left as permanent scars due to that terrifying experience. The testimonies that appear are fragments of what was reported to TAT by the victims. We have left out commentaries in order to make it easier to analyse. Reference is made, where appropriate, to the judicial complaints that have been filed and to their progress. Some complaints will be made in the near future.

Without any doubt the present anti-terrorist legislation is a facilitating factor in the systematic application of torture and abuse of those arrested for political reasons. The fact that the High Court (Audiencia Nacional) deals with all such cases is another factor, as well as the lack of control, investigation and punishment of torturers.

The existence and application of anti-terrorist legislation on Basque detainees is the heart of the problem. Both internal Spanish State and international legislation decrees that



protect the minimum rights of the detainee.

Article 17, paragraph 3 of the 1978 Constitution and Article 520 paragraph 2 of Criminal Justice Law, guarantees the right of the detainee to be informed without delay of the reason for his detention and the what he is accused of. It also states the detainee has the right to remain silent and not make a statement, the right to inform a third party of his choice of the fact of arrest. The detainee also has the right to choose the lawyer who will on his behalf in all police and judicial dealings.

In international legislation, Article 9 of the International Pact on Civil and Political Rights, paragraphs 2 and 3 guarantees that every person detained will be informed, without delay, of the reason for detention and the accusation that is being made. It also stipulates that the detainee be brought as quickly as possible before a Judge or other authorised functionary to begin Judicial proceedings. Article 10, paragraph 1 demands that every person deprived of their liberty be treated humanely and with respect to the

inherent dignity of man. Article 5.2 of the European Convention for the Protection of Human Rights establishes that the detainee has the right to know, in the shortest time possible, the reason for his detention and the accusations being made against him. Article 5.3 establishes that the detainee be taken without delay before a Judge. Article 6 of the European Convention establishes minimum rights for the person accused of having committed a crime; amongst these are presumption of innocence, the right to know the charge that is being made and the right to a defence.

Also on an international level, rule 92 of the minimum standards for the treatment of prisoners guarantees the immediate communication of the arrest to the family in question.

However, all these decrees are made null and void with the application of articles of Spanish Criminal Law. Articles 529-527 of the aforementioned law considerably limits the previously mentioned rights in cases of "people involved in or related to armed groups or individual terrorists or rebels". Among

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other things they possess the possibility to increase the period of detention, limited to 72 hours, by another 48 hours. Also, with a Judge's authorisation, the detainee can be held incommunicado "no contact with anybody outside the police station, not even with a lawyer". Thus they lose their right to inform their family of their arrest and whereabouts, nor can they freely choose their own lawyer. The police forces receive the permission to hold a detainee incommunicado by the simple procedure of requesting it from a Judge, within a period of 24 hours.

Thus the application of these laws are in contradiction with international precepts. International articles like Article 26 of the International Pact on Civil and Political Rights, and Article 14 of the European Convention, declare that all are equal before the law. Therefore to differentiate between a person involved in, or related to, armed organisations, individual terrorists or rebels and the rest of the population contradicts international precepts. In addition these differentiating and discriminatory rules are applied to an important sector of the Basque

population, who because of their ideas are bracketed in this category by the State Security Forces, and consequently are dealt with under anti-terrorist legislation. This is supported and authorised by the Law, Judges and Courts.

The adopting by the High Court of competencies with relation to opening proceedings against Basque political detainees is another fundamental reason for the existence of torture.

It must be remembered that this Court in itself clashes with Article 24, paragraph 4 of the Spanish Constitution, in which the right of all to an ordinary trial according to the law is laid down. All have the right to a public process, delays and with civil rights respected, as well as the presumption of innocence. Principle 5 of the collection of Basic Principles, with relation to the independence of the judiciary, indicates that every person has the right to be tried by ordinary Courts of Justice in accordance with legal established procedures. It should therefore be the normal Judge, from the place where the crime was committed, that should have compe-

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tency in the case.

On the other hand, it should be noted that the magistrates that make up that Court repeatedly ignore the complaints made about torture and abuse. In spite of the evidence they accept that "physical and psychological conditions are appropriate for making a statement" that are delivered to them by High Court doctors in their reports before the trial begins. But what is never produced is a full investigation into what has happened in custody during the incommunicado period. This in spite of the fact that there is ample evidence, when the detainee makes a statement, that his condition is the result of having been tortured over five days.

Judges reject the requests for the application of "habeas corpus" (measures that are requested, in a period of not more than 24 hours from the time of arrest, when an arrest has been made using violence or when there is a fear that the detainee is being mistreated) that are made by defence lawyers.

The Judges show no concern in verifying if the police statements were received using

torture or not. On many occasions and faced with the evidence that detainees were not capable of making statement due to their physical or psychological condition, as a consequence of being held incommunicado, the Judges have opted for preventative imprisonment of the detainee, delaying the court appearance until the detainee has recovered.

They accept self-incriminating statements that have been dragged out of detainees in police custody. This is against Article 15 of the Convention against Torture and other, cruel, inhuman and degrading treatment which establishes that no declaration can be accepted as evidence in a trial against a person if it is shown that this has been achieved as a result of torture or other cruel, inhuman or degrading treatment.

It is, however, difficult to show that someone has been subjected to abuse or torture, given that interrogators have perfected techniques and that often the torture is psychological. In addition the detainee has been held incommunicado. There have been cases where it was abundantly clear that the detainee had been tortu-

red and the sitting Judge accepted the police statement. The judge merely interrogated the detainee once again and then imprisoned him based on the statement that had been made to the police.

Another procedure that is being used frequently recently by the magistrates in the High Court is imposing the detainees to make a declaration without the presence of a lawyer of confidence. This reduces even further the few



TESTIMONIES



N..1

Lopez Bidaguren, Izaro

Age	25 years	From the time of detention, as she was introduced into the police car to be transferred to the station, they began with the beating and three. One policeman told that he himself was violent but that they were; that he was bridge between her and the other police agents, that was better for her to
Sex	F	
Date of arrest	03/01/2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 4 A.Nacional	
Situation	Prison	
Complaint	filed	

to him than with the other policemen. At that moment another agent entered and angrily punched her. Each time the policeman asked her a question and Izaro answered that she didn't know the answer he slapped her in the face. Later three other police officers entered while one of them hit her in the face another hit her in the back behind and another continuously shouted in her ear. Interrogation in the absence of a lawyer were constant and during which time and beatings to the head and face were constant.

They also threatened her with the application of various torture methods "the bag, picaña, electrodes..." that she wouldn't be able to resist the picaña and would throw herself through the window, that she was the first person to do so and that they would get her. Meanwhile the questions and beatings continued.

One policeman grabbed her by the muscle that goes from the neck to the shoulder and this caused her enormous pain. They opened the door and began to shout at her that the best thing she could do was to throw herself from it. They told her that if she wasn't going to cooperate she was going to pass to a second level, a second level of torture that she wouldn't endure.



N. 2

Urretabizkaia Sauquillo, Jon

Age	22 years	At the time of arrest was hit in the head policeman, another policeman said to him here, later in the station The punches began in car as they were driving the station. One policeman held his head against seat with his boot, w the other occupants of car punched and b him.
Sex	M	
Date of arrest	03/01/2000	
Place of arrest	Basauri	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 4 A.Nacional	
Situation	Prison	
Complaint	filed	

Once they reached the station he was dragged from the car by th thrown to the ground and they began to beat him from all In the illegal interrogations that he was subjected to, two po held his wrists and forearms while another kicked him in th cles. At another time he was laid on a table with the rest o hanging off and one punched him in the testicles whilst pulled his hair. The insults, threats and pressure were cons When they took him to carry out a search of his house they for an hour in the car with his head between his legs, with t and heat at full blast, sometimes hot and sometimes cold. Mean the police agents remained outside the car, banging it and movi On the journey to Madrid one of the police officers forced him at him. He had a machine gun in his hands and was imitatin fire. He said "if you act the fool" you know what you



N. 3

Uriarte Iturriaga, Julien

Age	29 years	At the time of arrest whilst they were transferring him to the police station they began with the beating, punches to the face, head and testicles. On inside the station they began kicking him and told him to prepare himself for the worst. He was passed from one policeman to another where he repeatedly threatened
Sex	M	
Date of arrest	03/01/2000	
Place of arrest	Bilbao	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 4 A.Nacional	
Situation	prison	
Complaint	filed	

shaken and beaten. Shouts were heard coming from nearby rooms. Later he would find out that the shouts were from those arrested with him.

He was interrogated in the absence of a lawyer on more than one occasion. During these interrogations they made constant threats against him and his girlfriend. They said that they were going to arrest and leave their daughter alone, that they were going to arrest someone from his family and they were going to destroy the bar that belongs to his family, that he was going to rot in prison and he was going to be infected with AIDS in prison. They told him that they already had electrodes ready, another officer said he was going to put on the corn and beat him stupid... they asked him to collaborate with which he refused.

On being transferred to Madrid the policeman sitting beside him prevented him sleeping by continuously elbowing.

He suffered a neck contracture due to being made stand for hours with his head bent.

He made a complaint to the judge of having endured pressure, intimidation and beatings.



N. 4

Merino Bilbao, Guillermo

Age	28 years	At the time of arrest he did not offer his name and surnames and was thrown to the ground and kicked in the head for not doing so. Once he entered the police station they began beating and threatening him "if you move I'll butcher you" and started kicking him in the head. In the interrogations,
Sex	M	
Date of arrest	03-01-2000	
Place of arrest	Basauri	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 4 A.Nacional	
Situation	prison	
Complaint	filed	

absence of a lawyer, 4 or 5 policemen beat him, slapping him in the head and face, shoving him. One officer threw him to the ground, opened his legs and another officer kicked him in the testicles.

Before being transferred to Madrid he was kept in the car with his head between his legs for an hour and a half.

The threats were constant; they let him hear how to use the "machine" (in reference to electrodes), making him believe that they were going to use them. At another time they removed his trousers and pants and a policeman touched his testicles asking him if it hurt or if they usually hurt him.

TORTURAREN AURKAKO TALDEA



N.5 **Izpura, Mikel**

Age	32 years
Sex	M
Date of arrest	16-01-2000
Place of arrest	Mexico
Type of arrest	Incommunicado
Police body	Handed to N. Police
Prosecutor	JCIn° 6 A.Nacional
Situation	prison
Complaint	filed

Complains to the judge having been abused a tortured during his tim in the police station.



N. 6

Larrea Elorriaga, Josu Gotzon

Age	32 years	Is detained in Mexico and handed over to the Spanish police in the Barajas airport of Madrid. Interrogated constantly in the absence of a lawyer during which he is forced to stand against the wall and they punch, elbow and slap him. In almost all the interrogations there are two police officers with him.
Sex	M	
Date of arrest	16-01-2000	
Place of arrest	Mexico	
Type of arrest	Incommunicado	
Police body	Handed to N. Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	filed	

He endured threats so that he would agree to make a statement that they wanted. They made him strip, put him against the wall and put his socks around his eyes. They tied his hands and twisted his testicles. "He won't have kids", they said amongst themselves. One spat on the ground and later made him lie face- down on it with his legs apart, another placed his foot on his testicles and pressed in order that he would feel totally humiliated. When he was taken to a cell one officer put his fingers to his head, imitating a gun, and shouted "bang-bang". The time in the cell was horrible, permanently waiting the time when they would come to take him for another interrogation, always expecting the worst. He thought about self-afflicting some wound with the glass of his glasses because he didn't think he could take any more interrogations.

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N. 7

Arrieta Llopis, Mikel

Age		Is detained in Mexico and handed over in Barajas airport to the Spanish police. Immediately the threats begin and they started to induce fear, "Mikel, mate, you escaped before but now you are here, relax we have days to talk...". The threats were constant during the illegal interrogations to which he was
Sexe	M	
Date or arrest	17-01-2000	
Place or arrest	Mexico	
Type of arrest	Incommunicado	
Police body	Handed to N. Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	filed	

subjected. "You know how this is, if you collaborate nothing will happen but if you don't we'll butcher you, as you insist on not making a statement you are obliging us to bring you down to the mine, you'll talk or we'll take your girlfriend and we'll see how you talk, you're done, you want to be the last mohican when all you are is a shit...". The police shouted at him, beat him around the head and ears producing severe pain. He was subjected to threats and psychological pressure.

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**N. 8****Otxoa de Eribe Landa, Jose Angel**

Age	
Sex	M
Date of arrest	17-01-2000
Place of arrest	Mexico
Type of arrest	Incommunicado
Police body	Handed to N. Police
Prosecutor	JCIn° 6 A.Nacional
Situation	prison
Complaint	filed

Was subjected to constant threats to his family and was beaten during th interrogations.

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N.9

Gastesi, Garikoitz

Age	19 years	Once in the car taking him to the station the beating began. Punches to the head with the driver elbowing him in the head as he drove. Threats and insults were continuous. They kept him in the car for longer than was necessary taking a longer route to the station and told him that they were taking him to the mountain.
Sex	M	
Date of arrest	12-04-2000	
Place of arrest	Orereta	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	filed	

Once at the station, he was flung in the door with the handcuffs still on and thrown to the ground. They put a chair on him, one sat on the chair and the others (maybe six or seven) began to kick him, they put rubbish bag over his head and the bin on top of that and continued to beat him around the body and interrogating him.

In one of the interrogations he was placed in a chair with his head bent close to the table, each time he didn't answer a question to their liking, a policeman standing behind him smacked his head against the table. A woman police officer slapped him from behind.

One of the officers threatened that when they arrived in Madrid they were going to insert a baton into his anus, another said that they wouldn't wait until they got there. Then they grabbed him by the neck and insulting and threatening him they lifted him from the floor causing a great deal of pain

During the transfer, and when they arrived in Madrid, the beating, insults, humiliation and threats continued.



N..10

Urbieta Huizi, Gorka

Age	19 years	He was subjected to continuous threats during the interrogations, which were carried out without the presence of a lawyer. He is told that his friends are making statements against him, and that if he didn't talk they were going to break an ashtray over his head, that he was going to prison and that there, they were going to take
Sex	M	
Date of arrest	12-04-2000	
Place of arrest	Orereta	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	filed	

him from behind...during this one officer was shoving his elbow into his back.

In other interrogations he was made squat against the wall. They encouraged him to collaborate with them.

In order to transfer him to Madrid they had to drag him out, unhandcuffed, because he was energy-less. Once there, he thinks he had four long interrogations, each lasting a number of hours, and other shorter ones.

During one of the illegal interrogations he suffered an anxiety attack. Shocked by this the police took him to first aid and then on to emergencies.

His three days without communication with the outside world were spent crying.



N..11 **Urbe, Egoitz**

Age	20 years	In the transfer from house to the police station the threats began "you are going to find out soon...you're going to see..." The brought him into the station in a pretty manner. As the passed along a corridor they continuously shouted at him to look at the floor and him that from then on wasn't going to raise
Sex	M	
Date of arrest	12-04-2000	
Place of arrest	Orereta	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	filed	

head, they kicked him and punched him in the head. All the time insulted him "we have another son of a bitch"

They constantly shouted at him during the illegal interrogations, hit him and threatened that he was going to receive a beating, that they were going to introduce a baton into his anus, that he'd never be free because his friends initially were reluctant to talk but in the end they told everything, that he was going to prison. He heard screams from adjoining rooms. They sat him down on a chair with his head bent against a table; if they didn't like his answers or he didn't answer sufficiently quickly they banged his head against the table. Although he remained almost the whole time seated he was forced on some occasions to stand facing the wall.

The four-hour transfer to Madrid he did with his head between his legs, they didn't let him support himself against anything, nor did they. Once there each day was the same, interrogations in which the threats and blows were continuous.

When he was taken to the cell they didn't let him sleep and they kept banging the door consistently or opened the hatch and shouted until he was up.



N..12

Gurrutxaga, Oroitz

Age	18 years	On leaving the house entering the car the beating began to the saying that without parents he wasn't brave, they threatened that they were going bring him to the maintains to talk there. dragged him out of the station and put him in a room There they threw
Sex	M	
Date of arrest	12-04-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	filed	

against a wardrobe among constant threats and beatings

The interrogations were all carried out without the presence of a lawyer. Anytime he replied that he didn't know the answer to a question they beat him up. The threats were constant "we are going to kill you with blows and shouts from adjoining rooms and said the chief talk was his, but they were going to pull out his tongue, to insert the pole of a sweeping brush into his anus, that in prison a young king lad like him would be forced to have anal sex..." While passing in the interrogations the police got more nervous and the beatings became increasingly more continuous.

En route to Madrid he was handcuffed, with his head bent between legs and denied sleep. Any time sleep overtook him they used their elbows to wake him up. The policeman beside him told him that if he collaborated they would take off the handcuffs. Meanwhile the officer in front continued to beat him

Once in Madrid one of the officers opened his shirt and took out a tool so that he could see it, later he put it into his trousers. The interrogations were carried out with the detainee standing against the wall for hours until he couldn't stand any longer. Threats to his family were continuous "by collaborating you are saving the future of your brother and your own; your mother wouldn't be able to take care of she has been recently operated..."

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N..13

Lujanbio, Mikel

Age	19 years	They continuously told him during the illegal interrogations that he was going to be imprisoned for 8 years, that all the other detainees are implicated in acts of sabotage. They threatened to put him into the bath, apply the electrodes etc. They smacked his head against the wall on more than one occasion. The ones hitting him were always
Sex	M	
Date of arrest	12-04-2000	
Place of arrest	Orereta	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	filed	

female officers while the men constantly threatened him and caused him a great amount of fear.

They impeded his intents on sleep when he was in the cell.

They made him learn the police statement by heart and a policeman told him that when he repeated it in court he had to say it like it was the first time. They told him that they had to agree to the police statement in court or things would get worse and he would receive worse torture and pressure. In court he agreed to the police statement for fear of reprisals. Later he changed his judicial statement.



N..14

Ostolaza, Mikel

Age	18 years	The insults began immediately on detention "what are you doing you sons of bitches, you are shits, how are you helping the Basque Country..." and then they noticed they had a pistol to their heads. They did not identify themselves at any time but he knew they were ertzainas because they spoke some euskera (Basque language).
Sex	M	
Date of arrest	17-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	

In the station he was forced to strip and stand facing a wall, then not to turn around and not to look at them in the face, even they were hooded.

He was interrogated on a number of occasions without the presence of a lawyer and the questions were non-stop. Constant too many insults and threats "you are going to get a shitty sentence, if you were with you, you can share it amongst you all, but if you say anything you are going to face the full six years yourself". There are times which he can't remember fully and others he is hazy. He made two police statements, agreeing to what the ertzainas told him to say.

They didn't give him the clothes that his parents brought to the station for him, nor did they let him clean himself up before arriving in Madrid. The journey was terrible because he was kept handcuffed and his head was kept bent between his legs. He complained about the treatment received to the judge and although it wasn't very tough (though he did receive some blows) he said he was physically exhausted.

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N..15

Velez, Karlos

Age	16 years	Suffered illegal interrogations, during these was psychologically under a lot of pressu
Sex	M	
Date of arrest	19-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint		

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N..16

Imaz, Gorka

Age	21 years	When they arrested they asked him wh hadn't been at home w they went looking for the first time. They i gally interrogated him more than one occa During these interrog tions he endured th like "if you look you'll find out w happen, there's still three more days; you are going
Sex	M	
Date of arrest	19-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCIn° 1 A.Nacional	
Situation	prison	
Complaint		you want to spend it like him?". He also suffered fierce p that he would say what they wanted him to "if you go to the good manners you will go free, later we'll give you a someday...". The repeated the same things over and over and in he started to believe what they told him. He said that they ps cally play with the detainee. He was punched once during an gation.

say what I want you to say; you my friend, are having a you want to spend it like him?". He also suffered fierce p that he would say what they wanted him to "if you go to the good manners you will go free, later we'll give you a someday...". The repeated the same things over and over and in he started to believe what they told him. He said that they ps cally play with the detainee. He was punched once during an gation.

They didn't let him rest when he was in his cell and went to his cell. They didn't give him any dinner for two days, ac the ertzaina because he "responds the way they wanted him When he made a judicial statement he complained about the he had been subjected to



N..7

Solano Salaberria, Jokin

Age	20 years	From the time he was put in the car to be transferred to the station the threats were constant. They threatened "from this moment on I'm going to do with you whatever the hell I want and when you talk to me or my partner you are going to refer to us as Sir you are a shit, a son of bitch, you're not worth anything, we are going to destroy you, we have you now for as long as we want, your friends are getting
Sex	M	
Date of arrest	26-04-2000	
Place of arrest	Goizueta	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	

themselves in all kinds of awkward situations, you are the stupid one if you don't talk you are going to have a really bad time, you are going to be with me for many days and I swear on my mother you are going to have a terrible time...". They said that his sister and her boyfriend were also arrested, and that his sister was going to have a tough time. They gave him some details and said that if he wanted to avoid it all he had to make a statement saying exactly as they said.

At the start they gave him a few blows to the head, in the end they threw him against the wall. He was repeatedly dragged from one place to another, and managed to rip his jumper in the process.

He endured a number of interrogations, all of them without the presence of a lawyer, but he couldn't say how many. He thought there may have been four or five a day and during all of those they made him stand facing the wall in a corner. The insults and threats were continuous and they repeatedly tried to humiliate him "from here twenty years inside and when you get out they'll put a poster up for you in town". They shouted at him and threw him against the wall saying that they were going to arrest his girlfriend because they were certain that she would tell everything he had done, and then said "what, after fucking you don't say anything to her or what?". During the interrogations they tried to mix him up saying something and then saying that that was what he had said to them, till they reached a point where they didn't know what he had said or not.

He complained to the doctor about the treatment he received and when the ertzainas returned to interrogate him they threatened "what do you think you're doing opening your mouth, best that you shut it



N..B

Karrera, Eduardo

Age	20 years	He was taken to the station of Oiartzun lying on the ground of the van, the journey lasted an hour or an hour and a half. Once in the station he endured continuous interrogation without the presence of a lawyer, during which he was forced to stand against the wall, with his hands behind his back and his head bent,
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	Freed	
Complaint		

unable to see his interrogators. They pressurised him psychologically during these interrogations, they insulted and threatened saying that he was going to Salto del Negro prison, because it's is the worst prison for 15 or 20 years. They said they were going to beat him and he was going to suffer. They threatened him about his family, girlfriend -saying they were going to arrest her too. The interrogations tire you out and the questions are constant, time and time again the same question, they played "good police, bad police". The interrogations took place both day and night without leaving time to rest between one and the other.

While he was in the cell they had the lights on constantly. They went on more than one occasion to disturb him; they banged on the door and told him to stand against the wall with his hands behind his back and his head bent.

They made him learn by heart the police statement, and when he had his court appearance he ratified it, thinking that everything would go all right and he would be freed as the ertzainas had said.



N..19 **Velez, Xabier**

Age	18 years	He was subjected to many illegal interrogations without the presence of a lawyer, during which he was forced to face the wall with his hands behind his back and his head bent. During these the shouts knocks against the wall were constant in order to intimidate him. Later they calmed a bit.
Sex	M	
Date of arrest	17-05-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	Freed	
Complaint		

He was told that if ertzaina knocked on the door or opened the hatch of the cell, he had to stand up and put his hands behind his back. Thus he couldn't because as he drifted to sleep they would come to wake him up lights in the cell were on full blast "for security reasons". They put him under pressure by mentioning his family, above all his brother and shoved him against the wall. They shouted at him continuously to intimidate him.

The journey to Madrid was spent in a form of cage in the police. The cage was so small that he couldn't raise his head. There was a camera in each so if he lifted his head they knew and would be threatening.



N...20

Gurrutxaga Rafael, I aki

Age	17 years	As soon as the journey the station began so did the shouts and threats, "this is like killing you, to leave your parents like that this is nothing, you'll see when we reach the station, I'm nice but wait until you see my friend..." He spent the whole journey handcuffed behind his back and with his head bent between his legs. When they reached the station he was left in the car for more than an hour without being able to move. If he moved the ertzainas outside the car shouting at him. During the interrogations that he endured (could be about six) he had to stand with his back to the wall with his head facing the wall. Threats were continuous "you are trying my patience, my friend is going to come soon...", as well as psychological pressure so that he would agree to what they were telling him. He was hit a few times on the head and back and shoved against the wall on numerous occasions. During one interrogation he was seated facing the wall and for every answer that they didn't like they kicked the chair against the wall. He was extremely hot and sweaty during his interrogations and when they took him to the cell he got cold because it was extremely cold there. Whilst there they paid him a number of visits to disturb his rest. They forced him to stand facing the wall with his back to the wall and his head bent. They had the light permanently switched on in the cell.
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	

ched the station he was left in the car for more than an hour without being able to move. If he moved the ertzainas outside the car shouting at him. During the interrogations that he endured (could be about six) he had to stand with his back to the wall with his head facing the wall. Threats were continuous "you are trying my patience, my friend is going to come soon...", as well as psychological pressure so that he would agree to what they were telling him. He was hit a few times on the head and back and shoved against the wall on numerous occasions. During one interrogation he was seated facing the wall and for every answer that they didn't like they kicked the chair against the wall. He was extremely hot and sweaty during his interrogations and when they took him to the cell he got cold because it was extremely cold there. Whilst there they paid him a number of visits to disturb his rest. They forced him to stand facing the wall with his back to the wall and his head bent. They had the light permanently switched on in the cell.

He had to learn the police statement making him say it on a number of occasions. After doing so and agreeing that he would say what he wanted the treatment got a little better. He confirmed the judicial statement because he believed what the ertzainas had said and that if he played along he would be released.

Zuloaga Larrea, Ahiletz

TAT



N..21

Zuloaga Larrea, Ahiletz

Age	22 years	The whole journey to the station was done with his head bent. When he reached the station in Oiartzun he was forced to remain in the car with his head bent between his leg and then he was taken to Vitoria-Gasteiz. When they reached there the ertzainas made a passage-way for him which he had to pass along with the
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	to pass along with the

insulting him. They took him to a cell and said when somebody knocked on the door he had to stand with his hands behind his back against the wall with his head bent. There were always two ertzainas with him and he couldn't see them because they had hoods on and when he looked at them they hit him across the head.

He had to face the wall for the duration of the interrogations, behind his back and head bent, and legs half bent. The humiliations were constant as were insults like "you are a shit, we are going to bring your girlfriend here and let her see how you are crying, your mother is going to have to become a prostitute to be able to see you, you're a sick shit, I don't want to look at you because I just want to give you a beating ...". During one interrogation he began to faint and when he told the ertzaina they told him that they didn't have a doctor there "but don't faint like a que". They didn't let him sleep at night, banging the door and forcing him to stand up and face the wall. A situation in which it is impossible to sleep. One night they began to shout "you are fucking good for nothing if you fall asleep again I'll wake you with a beating...". They gave him tuna omelette rolls to eat although he told them on numerous occasions that he was allergic to tuna.

When he appeared in court the State appointed lawyer for his defence asked that he be imprisoned.



N..22

Gorrotxategi, Imanol

Age	17 years	Outside his house he his hands tied with a ro When he was put in the c to be taken to the st they put his jumper o his head and started threa tening him, "if you r your head you'll e torch". He was tied for duration of the jour and forced to keep his he bent between his legs. The interrogations we
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	freed	
Complaint	filed	

carried out without the presence of a lawyer and had to remain facing the wall with his head bent. When he answer question they put him under psychological pressure "you will gr like men because you're going to prison, you're not going to s parents again, if you don't tell the truth you're going to take for all of these (they took a list of sabotages that had taken p They hit him now and again

They interrupted any attempt at sleep by banging the cell forcing him to stand against the wall. In the cell the light was nently on and sometimes they increased the intensity which was trolled from the outside.

When appeared in court his State appointed lawyer agreed prosecution that he should be imprisone



N..23

Villar, Jon Ander

Age	17 years	He was forced to bend h head for the duration of the journey to the statio Head bent and hands hand- cuffed behind his back. The threats began and ertzaina said that if raised his head he w going to eat a torch. On he arrived to the statio they left him in the c without letting him mov for a while.
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	

He had many interrogations but couldn't be specific as to the amou
He was forced to stand for these with his hands behind his back and
head bent. He endured severe psychological pressure as they con
nuously shouted at him and threw him against the wall. They
extremely violent. They managed to intimidate him and he said in
station exactly what they wanted. A police statement was made and th
made him repeat it on several occasions. After making the statem
they wanted the treatment lightened somewhat.

When he went to make a judicial statement he was extremely tired a
only wished that all of it would end. The Judge asked him if he w
agreement with the police statement and as he has difficulties expre
sing himself in Spanish he said that he didn't understand what he
being asked. The judge's reply was "if you don't understand...". He
nervous and as he didn't understand what he had to say he decid
take the ertzainas advice. When the Judge said "prison" the
appointed lawyer said "I agree". Then the Judge asked him how he
been treated he replied "not very well as I received threats and
under pressure".

He cannot remember the whole period that he spent in the statio



N. 24

Miner Canflanca, I aki

Age	20 years	In his house when his mother went to give him a kiss, they pushed him around violently and wouldn't let his mother near him. Once in the car the threats began and they forced his head between his legs, "with me you are fine but you'll see how you are with my friend, you are going to miss me, you are
Sex	M	
Date of arrest	26-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	going to Salto del Negro prison. Do you think your family will be able to visit you? We are going to give you a beating you won't forget...", they threatened.

going to Salto del Negro prison. Do you think your family will be able to visit you? We are going to give you a beating you won't forget...", they threatened.

He was obliged to carry out illegal interrogation, forced to stand against the wall, head bent and hands behind his back. They gave blows to the head, back and neck. They continuously insulted him, telling him that he wasn't normal, that he was the most stupid of all. Any time he said " I don't know"to a question they punched him.

When he said in the station that he wasn't going to make the statement they wanted him to make in the station they became very rough.

The journey to Madrid was done in a van with very small cages on the inside where detainees are placed. They endure the journey with the head bent and if they raise their heads the ertzainas bang their batons on the cage. In the High Court when he said to the judge the treatment he was subjected to (threats, pressure) he said to him "look Mr. Miner I don't believe anything you have told me". The State appointed lawyer said he was in agreement with the request for imprisonment made by the prosecution.

TAT



N..25

Telleria Lujanbio, Angel

Age	23 years	Just after being put in the car to be brought to the station the pressure began "what have you done, look at your mother and see the disgust in her face at you...". His mother is widowed and they continuously harped on the fact that she would be left alone... The interrogations were continuous and he was
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	

insulted, shouted at, threatened and put under fierce psychological pressure during these to say what they wanted him to say. During one interrogation they told him that "he was going to receive it up hi anus". They took him to another room took his trousers and pants down and made him get down on all fours and an ertzaina placed himself behind him. Then the ertzaina said "not today because I don't have condom or Vaseline".

He was made do press-ups during the interrogations and when h broke down they made him start again. This continued until he wa absolutely exhausted.

The journey to Madrid took place in a van with types of boxes. He di the whole journey with his head been and if he raised his head the banged their batons.

He complained to the judge about the pressure and psychological torture that he had endured.



N...26

Gasamanes, Jon

Age	21 years	They handcuffed him home and while downstairs he received t first blow. They banged head against the wall began threatening him "n to make a big deal straight to the car o smash your head here, you son of a and when my coll ask you a questio reply should be yes Sir
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	

In the station the beating and threats continued "well Jo what is expected of you, it depends on you whether you ha bad time here". "You know why you are here?". His reply no, I haven't done anything, and I don't have to be here immediately punched by an ertzain

He had many interrogations without the presence of a lawye threats continued during these "everybody has mentioned you so you can't deny it Jon, we have a long time to be together going to receive a tough one because everybody has ratted should remember that your girlfriend is waiting on you. You to take the rap for so many things, you are going to be bla this one too, were you here? No, well you're going to ta anyway". They said they were going to take him to his m her how badly he behaved, they also asked about his girlfriend she was going to be arrested too, and that he wouldn't that he was going to prison... They said to him that in they had the electrodes "take this rap or you're not here".

They travelled to Madrid in a van which was divided into partments, like cages, and they had cameras so that if you r head the ertzainas would know and would go and threaten him made a judicial statement, the State appointed lawyer said



N..27 Kijera, Unai

Age	20 years	When they left the ho they pushed him around bit and began threatenin him "you are going to ta a flight of misery When he entered the they smacked his h against the side of the c and told him to keep head down. The ertza that was travelling besid him hit him in the with his baton.
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	

The threats continued when he reached the station: "playing hard going to tell me what you have done, if you don't tell me now yo made do so later one way or another, come on, I want you to easy way, Unai, you're fucked". All the time giving him a few pun Then they took him to his cell and made him strip, took some slagged him, told him to get dressed and that the interrogations begin the next day.

All the interrogations (perhaps seven or so) were carried out hout the presence of a lawyer, they asked him many questions insulted him, hit him and threatened him. "You aren't the first son that has pissed and shit themselves in this corner and you be the last, do you hear me? Better that you begin to talk becau know what we usually do to terrorists, don't you? You want to fin what the bag is?" He was made squat down and any time he move whacked him in the legs. They made him think that his family care about what was happening to him, they said they had spoken t father and he had said this. They said they were going to ar girlfriend if he didn't collaborate...During one of the interrogations began to feel faint but didn't actually lose consciousness. He wa that if he changed his statement in front of the Judge the Police were going to hurt him a lot. For fear of reprisals and b he reached the High Court physically and mentally exhausted he



N...28

Lorenzo Quintela, I aki

Age		The interrogations without the presence of a lawyer were constant (six or seven long ones) and he was made stand facing the wall with his head bent. He couldn't look at them, even though they were masked. They smacked the wall and the ground with some heavy object in order to intimidate him. Pressure and threats were
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	prison	
Complaint	filed	constant. They said that his girl friend had been arrested by the Guardia Civil, and they joke about the treatment that that police body usually gives to detainees, and especially to women. They said that the treatment she received was in his hands. If he made a statement they would tell the Guardia Civil to immediately bring her before the courts, but if he didn't the period of time she spent incomunicado would be lengthened. The humiliation, insults and threats were increased as the interrogation advanced. There were times that he was so nervous and disturbed that they allowed him to sit during the interrogation. He heard screams from the neighbouring rooms. He complained to the doctor that he was being subjected to psychological pressure and when he made a judicial statement he once again complained about the treatment he had received. The State appointed lawyer agreed to the request by the prosecution that the detainee be imprisoned.



N. . 29

Aranburu, Gotzon

Age	24 years	From the moment he was identified the blows, pushing, shouting and threat began. They said they were going to leave him in the hands of the Guardia Civil. The whole journey to the station was spent with his head bent between his legs and hands cuffed behind his back. They placed two jackets over his head which produced a choking sensation.
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	

tion.

During the interrogations, in the absence of a lawyer, there were 7 or 8 ertzainas hitting him, pushing him around and constantly threatening him. The interrogations were constant and lasted about 8 hours. One of them lost control and even managed to injure him while hitting the wall producing an injury. The tension was unbearable. He heard shouts which came from other rooms.

They didn't let him rest at all in the cell, the ertzainas came to talk to him and threaten him. He had to stand looking at the wall each time they came to the cell or when they opened the hatch in the cell. He hardly slept in the five days he spent incommunicado.

The journey to Madrid was made in a van, that was divided into a number of cells, into which he was shoved. He had to go with his head between his legs and handcuffed. It was very tough. On reaching the High Court and being left in the hands of the National Police the ertzainas said to them "here comes the pimp".

In the judicial declaration they asked the same questions that the ertzainas had asked, he denied the accusations, but later the appointed lawyer requested his imprisonment.



N...30

Aira Urruzola, Urtzi

Age	17 years	They immediately be threatening him "you going to be amazed at awaits you...". He was cu fed with his hands b his back on being trans rred to the station and to keep his head b his legs. They gave h few punches so th would keep his head as as possible. Many illegal interro
Sex	M	
Date of arrest	27-04-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCIn° 1 A.Nacional	
Situation	prison	
Complaint	filed	tions took place and he was obliged to remain against a hands behind his back and with his head bent. If he mov millimetre they punched him. During the interrogation two e approached him and began shouting at him from both side to feel faint but they lifted him up and continued with th tion. The punched him in the head at times. The threats wer saying that he was going to spend ten years in prison, th going to make life for his family impossible, that they w kill him, that if he got out of there they would get him in th give him a beating, that they were going to arrest his ex that his mother would have to prostitute herself in order to visit both (in reference to the fact that his father is also a constantly calling him "son of a bi

Many illegal interro tions took place and he was obliged to remain against a hands behind his back and with his head bent. If he mov millimetre they punched him. During the interrogation two e approached him and began shouting at him from both side to feel faint but they lifted him up and continued with th tion. The punched him in the head at times. The threats wer saying that he was going to spend ten years in prison, th going to make life for his family impossible, that they w kill him, that if he got out of there they would get him in th give him a beating, that they were going to arrest his ex that his mother would have to prostitute herself in order to visit both (in reference to the fact that his father is also a constantly calling him "son of a bi

He says that the police declaration was made under pres confirmed it in Court for fear of reprisals. The State appo yer said he agreed with the request of imprisonment made by secution. Until he returned to the cell after making the s didn't realise the consequence of what had hap



N. . 31

Alonso, Eneko

Age	21 years	After leaving his house and entering the car the insults and humiliation began. He was cuffed and forced to put his head between his legs and keep the position until they reached the station. Once at the station he endured continuous interrogations without the presence of a lawyer, during which he was forced
Sex	M	
Date of arrest	17-05-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	prison	
Complaint	filed	

ced to face the wall with his head bent and hands behind his back. He was insulted, threatened, and pressurised to do as they wanted during the interrogations.

On one occasion when insults were made about his family he turned around and looked at the ertzainas. They called reinforcements and did a Judo move to immobilise him and banged his head against the wall. On one occasion an ertzaina spat at him in the face although he wiped it off immediately.

When they read him his rights he didn't understand them and asked if he could read them, they refused saying that if he didn't understand that was his problem. He had to ask for food on more than one occasion. When he was in the cell the ertzainas frequently pretended that they were going to enter forcing him to rise and face the wall with his hands behind his back.

He complained about the treatment he had been subjected to a judicial commission that visited the station. This commission consists of the night Judge, a secretary and a doctor. On the basis of what he declared during this visit an investigation was opened into the treatment received.



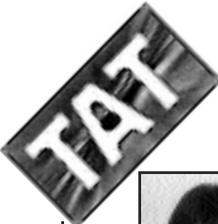
N...32

Zu iga, Xabier

Age	18 years	He was taken handcuffed and with his head bent at the station. When he arrived there the threats and pressure began. Insults were mainly related to his family members. They told him he was going to spend 8 years in prison. The illegal interrogation which he was subjected to lasted 3-4 hours and
Sex	M	
Date of arrest	17-05-2000	
Place of arrest	Hernani	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	freed	
Complaint	filed	

was subjected to constant psychological pressure. He was spend the entire time standing facing the wall, hands behind and head bent. He ended up crying and exhausted at the interrogation. The ertzaina said that they were going to make deals with him and were going to help him. They were using the tactics of bad police. In the end he gained confidence in them and would make the statement that they wanted him to do so. When the doctor came he complained about the pressure he was put under. He made a statement in accordance with the demands and did so because of the pressure and because of reprisals.

The transfer to Madrid was made in a van, which was divided in two. The journey was made with his head bent and hand



N..33 **Apaolaza, Iratxe**

Age		Once arrested she
Sex	F	taken to Oiartzu
Date of arrest	17-05-2000	journey was long.
Place of arrest	Hernani	there she was left
Type of arrest	Incomunicado	while in the car
Police body	Ertzaintza	At the beginning
Prosecutor	JCI nº 1 A.Nacional	were three ertzainas
Situation	Free	were very angry.
Complaint	filed	said they had

interrogations were continuous as were the attacks and the pressure. The insults were repeated again and again and she was "as if she was dumb...". She was with two people who treated her "as if she was dumb". The pressure was put on her in relation to her family. Each time they entered the cell she had to stand again and the light was permanently switched.

The second day was tougher for her and she cried throughout the journey. The journey to Madrid was made in a police van with a person from the interior and she had to make the whole journey with



N..34

Barrenetxea, Ander

Age		When the ertzainas went to his house he wasn't at home, thus the next day he went to the police station with a lawyer, where he was arrested. He was made to take off his trousers and pants to make fun of him. He had a number of interrogations without the presence of a lawyer, during which the shouts, threats about his family
Sex	M	
Date of arrest	17-05-2000	
Place of arrest	Pol. Station, Oiartzun	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	freed	
Complaint	filed	

and prison were constant. In the first interrogation he was forced to stand against a wall in the corner of a room, in the second they let him sit down but again facing the wall. They began to shout at him but later they calmed a bit...then shouts and threats again. "do you work, well you're going to prison, we know that you have never done anything...". He couldn't relax and they didn't let him sleep as they persistently kept up a racket outside the door. Although he refused to make a police statement they took him to the room to do so. When they accused him of a terrorist crime the State appointed lawyer said to the ertzainas that they had to make the accusation concrete. With this the ertzainas made the lawyer leave the room and after an argument he was allowed to enter the room again.

The transfer to Madrid was made in a van that was divided into a number of small cells. He had to make the journey with his head bent.

TAT



N..35

Apezetxea, Jokin

Age	17 years	The interrogations without the presence of a lawyer were continuous, as well as psychological pressure and threats of imprisonment. They told him that they were going to start hitting him. He had to remain standing facing the wall during the interrogation and the questions were constant, as well as the threats and lies. He wasn't
Sex	M	
Date of arrest	17-05-2000	
Place of arrest	Hernani	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	freed	
Complaint	filed	

allowed look at the ertzainas at any time even though they were masked. They didn't actually hit him but psychologically they made it very tough, the same questions over and over again.

The journey to Madrid was carried out in a van, he was seated but kept on sliding on it. He was made keep his head lowered for the duration. The ertzainas ignored him for the journey.



N..36

Aranburu Goikoetxea, Aritz

Age	26 years	Complained to the that he suffered abus the time of arrest. He dragged 15 metres the ground and suf damage to his kne wrist.
Sex	M	
Date of arrest	26-05-2000	
Place of arrest	France	
Type of arrest	Incommunicado	
Police body	French Police	
Prosecutor		
Situation	prison	
Complaint		

TAT



N. 37

Geresta Azurmendi, Ander

Age	21 years	Complains to the Judge o the abuse recei Punches to the face. As result of the blows he had swollen eye when he mad his judicial statement, h was also punched in t chest.
Sex	M	
Date of arrest	26-05-2000	
Place of arrest	France	
Type of arrest	Incommunicado	
Police body	French Police	
Prosecutor		
Situation	prison	
Complaint		

TAT



N...38

Igo, Iker

Age	16 years	When making a ju statement he complai about having suffered bea tings, abuse, threats illegal interrogations.
Sex	M	
Date of arrest	31-05-2000	
Place of arrest	Atarrabia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI n° 6 A.Nacional	
Situation	prison	
Complaint		

TAT



N..39

Go i, Sergio

Age	22 years	Complained to the about the illegal inter gations.
Sex	M	
Date of arrest	31-05-2000	
Place of arrest	Atarrabia	
Type of arrest	Incomunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint		

TAT



N..40

Domezain Artola, Aitor

Age	21 years	At the time of arrest policeman put a machine gun to his chest. The threats began on the journey to the station. They told him he was going "flip" when he reached the station. He made the journey with his head between his legs and the hood of a sweater over his head. When he arrived the interrogations began without
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A. Nacional	
Situation	prison	
Complaint	filed	the presence of a lawyer. The beating began and the threats continued around his family "that they were going to make the life of his partner a misery, that they were going to follow his sister and knock her moped, that they were going to give his grandmother a shock would kill her, that they were going to take him to the mountain strip him, tie him to a tree and make him talk..." He had to stand against a wall for the interrogations and smacked him against a wardrobe was in one of the rooms on more than one occasion. They pulled his hair and he was made squat down and in doing so was kneed testicles and the thighs.

the presence of a lawyer. The beating began and the threats continued around his family "that they were going to make the life of his partner a misery, that they were going to follow his sister and knock her moped, that they were going to give his grandmother a shock would kill her, that they were going to take him to the mountain strip him, tie him to a tree and make him talk..." He had to stand against a wall for the interrogations and smacked him against a wardrobe was in one of the rooms on more than one occasion. They pulled his hair and he was made squat down and in doing so was kneed testicles and the thighs.

They transferred him to Madrid where the blows and threats continued.

He felt weak and strange at all times and he felt that they had put something in his drinks because in the three days incommunicado he didn't do anything.



N. 41 **Astigarraga, Joxean**

Age		He was held at gu when he was arr they threw him to the flo and stood on him. cuffed him as they insult and shouted at him On leaving the house began to kick and him. In the car on the to the station the th began. They told him were going to take him the mountain and
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	prison	
Complaint	filed	

him in the head. They said that his younger brother was also but that if he said what they wanted him to they would let h free. They said that his parents would find it all very difficul Once they reached Madrid they said that his time had end from then on his nightmare would begin. Three agents went behin and began punching him in the head whilst another interrog and said that they were going to punch him all over the b leaving a mark.

He heard the shouts of the others that were arrested and told the others were having a really bad time, and that the same wou pen to him. The blows didn't cease for two days. When he did wanted the treatment got a little bett

When he made a judicial statement he told the Judge that he the statement under threat and through torture. The shouting at him saying she wanted to see if he had memor



N..42

Rodriguez Aldanondo, Lartaun

Age		The threats began when he left the house "you'll see when we are alone together..." on the journey to the station they were visibly annoyed (he believes it was because he refused to sign the search order) so they pulled his hair and shouted at him to lower his head and they threatened to take him to the mountain and shoot
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 3 A.Nacional	
Situation	prison	
Complaint	filed	

him.

Once at the station the interrogation began without the presence of lawyer where they beat him around the head, slapped him in the face They forced him to kneel down while another policeman sat on him, he was also forced to remain squatted and when he was exhausted the threw him to the ground and told him to squat again. They forced him to do press-ups and one police put his foot under his testicles and a pen into his anus. They said to him that "you are queer and you probabl like it". They threatened him with the "bath" and he could hear th water flowing.

The journey to Madrid lasted about four hours and they made him d the journey with his head bent. Once there the threats and the blow continued. He was forced to memorise the police statement.

He complained about the treatment he received to the doctor.

He also made a complaint to the judge saying that the police declara- tion was made through pressure and torture. He told her that he wa made memorise the statement. The Judge replied, in an ironic tone that he had a fine memory if he could learn it all off.

TAT



N..43

Abanda Pagola, Aitor

Age	24 years	At home the treatment was calm but as soon as he reached the station it got worse. They kept his hands cuffed from behind and his head bent and began to threaten him: "you'll see now, now you'll find out, you're going to receive a big one, you are going to have three endless days, if you raise your head you'll find out you son of a
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	Freed	
Complaint	filed	

bitch...".

He endured a number of interrogations without the presence of a lawyer and they made him stand for hours. They shouted, beat and threatened him. To move him from one room to another he was almost dragged on his knees.

He had his head bent for the journey to Madrid and wasn't allowed support himself in any place. The abuse continued in Madrid. On one occasion when they went to interrogate him they found him almost faint supporting himself against a wall. Thus they were forced to ring a doctor to examine him.

During his judicial statement he said that the police statement had been made under severe pressure and torture and the Judge shouted at him: "and then what, you have invented all this?". Whilst making the statement he fainted and they had to ring the Samur (Medical Emergency Service) to examine him.



N..44

Mendizabal, Garikoitz

Age	21 years	From the moment of arrest the police told him he had to keep his head permanently bent. This he did but on the way the police hit him in the head to force him to lower it further between his legs. The threats continued on the way to the station "we are going to open the door of this van and throw you from it and later say that
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI n° 3 A.Nacional	
Situation	freed	
Complaint	filed	from it and later say that

you had an accident, when we get to the station the worst was going to begin, that they could easily kill somebody like him, that they were going to arrest his girlfriend and rape her, that they were going to visit his cell that night, that they were going to have his ass because it was lovely" they threatened to put him in the "bath". During one of the interrogations they showed him a number of cables. Another policeman said he knew of a new method of torture which consisted in grabbing the testicles in between the finger, and that the longest a person has been able to resist the torture without fainting is three minutes.

He endured many interrogations without the presence of a lawyer and forced him to remain hours standing, and later squatting. The interrogations changed from being at times calm to being really tough. One night while he was in his cell a policeman came and made him stand looking at the wall in the centre of the cell and to jump up and down. This was repeated seven or eight times.

TAT



N..45

Iruretagoiena Mujika, Gorka

Age	20 years	On the journey from house to the station made him lie in the car a they stood on him began hitting him all ov the body.they started threaten him about w was going to happen him the station. Threats were cons during the interrogation which took place in absence of a l
Sex	M	
Date of arrest	14-06-2000	
Place of arrest	Donostia	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	Freed	
Complaint	filed	

Threats related to his family and girlfriend, "this is nothing, the t part comes when you get to Madrid, you'll see there, we are rape your girlfriend, it's easy for us, it's so easy for us to up, if you get free from this we are going to ruin your family going to ensure that they are sacked from their jobs..." They als him, threw him to the ground and continued the beating. H injury to his hand (he had a very deep wound in one finger) an they were interrogating him they put pressure on it until he lost consciousness with pain. The journey to Madrid was made cuffed and as the front passenger had his seat thrown back, the nee had almost no room to sit. They put a jumper over his head fleece jacket was tied right up. His head was bent between his He was made learn by heart the police statement but later he to sign it. Then it began to get worse. Policemen began coming i cell to threaten him and kick him and they made him swear they had told him in front of the Jud

TAT



N..46

S daba Garc a, Javier

Age	25 years
Sex	M
Date of arrest	04-07-2000
Place of arrest	Girona
Type of arrest	Incommunicado
Police body	National Police
Prosecutor	
Situation	prison
Complaint	

On the way to the stat
the beating began and con-
tinued once at the station

TAT



N. 47

Gartzia Urbieta, Gaizka

Age	22 years	Once he reached the station he was made take off his clothes and was left in his underwear whilst they made fun of him. He was subjected to many illegal interrogations, during these he was forced to stand facing the wall with his hands behind his back and his head bent for a long time. They shouted, insulted, threatened, and
Sex	M	
Date of arrest	05-07-2000	
Place of arrest	Oiartzun	
Type of arrest	Communicado	
Police body	Er tzaintza	
Prosecutor	JCI nº 4 A.Nacional	
Situation	Bail	
Complaint	filed	

knocked him against a table and then against the wall next to him. This was all done to intimidate him. The threats were constant "how are you going to survive 17 years in prison, your girlfriend is going to fuck all your friends and you'll have a moor in prison to give it to you up your ass, your girlfriend and friends are going to forget all about you during this time, you know how this goes, if you don't tell us the truth we won't tire, we have you on a big one...". He was also beaten numerous times in the head

When they had up against the wall he felt faint but managed not to fall. The faintness was due to being forced to stand in front of a blank wall and due to the heat in the room, which had very powerful bulbs. Each time he held himself up against the wall due to the tiredness they shouted at him to do as they said, and forced him to return to the same position.

In three days he was twice given something to eat but nothing to drink.



N..48

Martinez Perez, Leire

Age	22 years	Once she reached the airport the doctor who examined her detected a fault in her heart, bradycardia arritmia, in addition to the fact that Leire suffered from asthma. In spite of the fact that these factors "made them change face with regard to the police in whose custody she was placed, she wasn't checked into hospital. They didn't
Sex	F	
Date of arrest	26-07-2000	
Place of arrest	Mexico	
Type of arrest	Incommunicado	
Police body	Handed to N. Police	
Prosecutor	JCIn° 3 A.Nacional	
Situation	prison	
Complaint	filed	

even let her rest so that her heart could recover but instead she endured a day and a half of illegal interrogations, physical abuse and threats. She was made stand for long hours under powerful bulbs. They sought physical exhaustion and they threatened that they were going to pass onto the second level, that they would begin a tough treatment that she wouldn't be able to bear. The interrogations were very long she hardly had time to rest. They threatened her with regard to family and about her imminent imprisonment "from which she would never come out alive..."

Each time that she fell to the ground they gave her a glass of water with some valeriana tablets so that she would calm down

TAT



N. 49

Pla, David

Age	28 years	When they arrested they put a pistol head and told him move or he'd g bullets in the head Once in the police st the interrogations w continuous, they threats related to his gir friend, that they going to apply diff methods of torture like t "bag" and electrodes. Th
Sex	M	
Date of arrest	27-07-2000	
Place of arrest	Zaragoza	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	prison	
Complaint	filed	

said that both were going to disappear, him and his colleague nobody knew they were arrested. One policeman said that w got out of prison he was going to kill him, that if he was hand he would kill him there and then. They beat him c hitting him in the head, ears, kidneys, testicles and stomach. Th that on the way to Madrid there were plenty of quiet where they could stop for a chat. On the journey they feigned on many occasions.

During the interrogations he was made stand for hours to rea sical exhaustion. He was made keep his hands spread in a cro with one leg raised, other times he was made to squat with cross. This was kept up until he fell exhausted to the f made stand up by being kicked and punched. Any time he didn' a question he was punched. The method used in each interroga similar, repeat the same until physical exhausti

They offered him to collaborate with them, offering him money to do so. He complained about the abuse he received to tor.



N...50

Lorente, Aitor

Age	28 years	During the illegal interrogations that he endured he received a number of blows to the head, (these blows are particularly unpleasant and the sensation of fainting, genital, and punches to the chest. They introduced fingers into his ears and felt that his veins were going to explode producing a horrible sensation. This made him do press-ups and physical exercises of all types to physically exhaust him.
Sex	M	
Date of arrest	27-07-2000	
Place of arrest	Zaragoza	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	prison	
Complaint	filed	

made him do press-ups and physical exercises of all types to physically exhaust him.

On the first day he lost consciousness during one of the interrogations he felt a tingle in his arm and then pangs of pain in the chest, it was difficult to breathe. They called the fire brigade to attend to him, they checked his heart, his tension and pulse. They told them that he had a palpitation of the heart. The firemen said to him "nothing happened, you're ok, here they'll treat you well, won't they?" During the interrogations he was forced to strip and while they said "what a pitiful sight" in a humiliating manner forced him to squat down and to walk in that position. One of the interrogators put a metal object to his back while one policeman told him it only lacked the current.

The threats were constant: "if you don't talk you are going to know an area of the mountain where you'll tell everything, if you don't talk they are going to give you such a hiding that will make you stick a baton up your ass."

On the journey to Madrid he was punched in the head and woken up.

He complained to the doctor that treated him in the station that he had been abused and threatened. He repeated this complaint in court and got a response that "they didn't give it



N. 51 **Gomez, Oier**

Age	17 years	At the time of arrest ertzainas shouted " should set this guy on fire the Guardia Civil is coming now, we should hand h over to them". Over the three days which he spent in the station tw interrogations were mad without the presence of lawyer, during which was pressurised to agr to what they wanted. The
Sex	M	
Date of arrest	09-08-2000	
Place of arrest	Gasteiz	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor		
Situation	prison	
Complaint		

played good-police, bad-police. The "bad" police would threat take him to Madrid and put him in prison so the "Moors could take up the ass". The "good" police said that if he made a statem wouldn't take him to Madrid, that they would make a judicial ment in Gasteiz. The ertzainas were wearing white facemasks, the o used by doctors, and wore rubber gloves and hood

When he was in his cell he heard how the ertzainas talked lo each other about preparing the "bath", that when he was handed to the Guardia Civil he would find out all about it. On more t occasion an ertzaina came to his cell to disturb him, not lettin sleep. On each change of guard they came to the cell, looking t the hatch and saying things.

At night they put the air conditioning on cold and during the int gations during the day they had it on hot to produce headache and cold. In the three days he was in police custody no doctor came to mine him.



N. 52

Aiestaran, Aritz

Age	16 years	At the time of his arrest there was hassle because they arrested him in a bar and as there were disturbances in the street, police used him as a shield. Once he got to the station he was forced to sit while the police made fun of him. They made him raise a leg so they could look at his anus, but they didn't touch. They threatened to leave him in the hands of Garzón "because he'll give you one". They told him that "in prison his ass was going to be like and they made a gesture with their hands. The ertzainas told him he had to remain permanently facing the ground and that he could not look at them and once when he looked up they smacked him in the face. When he was in the cell the ertzainas went and told him that they were going to kill him, that he was a fool and a son of a bitch. They did not let him rest. While he was in the cell the light was switched on. The night that he spent in police custody they didn't supply him with a blanket, and so he went cold. Each time he was taken from the cell to go to the toilet or to be interrogated they did through pushups. He asked to be examined by a doctor and they told him that he could do whatever he wanted. One ertzaina told him that a doctor would come later but none arrived. Before being taken in front of the Judge he had to get washed or wear the clothes that his family had brought to the station for him.
Sex	M	
Date of arrest	11-08-2000	
Place of arrest	Donostia	
Type of arrest	Comunicado	
Police body	Ertzaintza	
Prosecutor	J1 n° 5. DONOSTIA	
Situation	Freed	
Complaint		

ned to leave him in the hands of Garzón "because he'll give you one". They told him that "in prison his ass was going to be like and they made a gesture with their hands. The ertzainas told him he had to remain permanently facing the ground and that he could not look at them and once when he looked up they smacked him in the face. When he was in the cell the ertzainas went and told him that they were going to kill him, that he was a fool and a son of a bitch. They did not let him rest. While he was in the cell the light was switched on. The night that he spent in police custody they didn't supply him with a blanket, and so he went cold. Each time he was taken from the cell to go to the toilet or to be interrogated they did through pushups. He asked to be examined by a doctor and they told him that he could do whatever he wanted. One ertzaina told him that a doctor would come later but none arrived. Before being taken in front of the Judge he had to get washed or wear the clothes that his family had brought to the station for him.

TAT



N. .53

Garc a, Jordi

Age	21 years	They arrested him in a bar and because there were disturbances in the street they used him as a shield as they left. He was handcuffed and they pushed the baton into his back as they left. From the moment that he was in police custody he was forced to look at the floor.
Sex	M	
Date of arrest	10-09-2000	
Place of arrest	Donostia	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	Jl n° 5. DONOSTIA	
Situation	prison	
Complaint		

The first night he spent in a cell and the ertzainas told him that he had to spend the night standing facing the wall and stay in that position for the night, some 10 hours. Every once in a while the ertzainas looked through the hatch and if they didn't find him in that position they began to insult him.

During the illegal interrogations he was subjected to constant threats, saying that he was going to prison, that they were going to arrest his girlfriend and his sisters. They also threatened that he would be shot if he didn't collaborate and agree to what they wanted.

He received on repeated occasions slaps to the back of the head when he didn't respond the way the police wanted. On many occasions he was insulted and humiliated.

While he was in his cell he was very hot, later in the interrogation room they put the air-conditioning on cold.

When he made a judicial statement he complained about the treatment he had received. The lawyer asked the Judge if she was going to open an investigation into this, to which she replied that wasn't, that for such to happen a formal complaint would have to be made.



N..54

Atxabal, Asier

Age	25 years
Sex	M
Date of arrest	12-08-2000
Place of arrest	Bilbo
Type of arrest	Incommunicado
Police body	Ertzaintza
Prosecutor	
Situation	prison
Complaint	

He was interrogated in the absence of a lawyer and was subjected to continuous psychological pressure.



N..55

Karro, Jon

Age	21 years	He endured 4 interrogations in the absence of lawyer and the threats (imprisonment, that Guardia Civil were going to torture him when he went to the High Court, that wouldn't leave prison for 40 years...), the psychological pressure (insults (what a shit gudar (warrior), were constant)), the psychological pressure (insults (what a shit gudar (warrior), were constant))
Sex	M	
Date of arrest	12-08-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor		
Situation	freed	
Complaint	filed	He was forced to

facing a wall with his hand spread out in a cross for a while. him that if he crossed his arms they would "punch him around continued until he was exhausted

While he was in the cell they left the lights on permanently impeding sleep.

He made a complaint about the treatment he had received to the



N..56

Amaro, Oskar

Age	24 years	Endured 4 interrogations, the first ones being the longest. He was subject to continuous pressure and threats, about his family work... During one of the interrogations he got really nervous and said to the ertzainas that were interrogating him that he was going to make a statement and to take him to a ce
Sex	M	
Date of arrest	12-08-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor		
Situation	freed	
Complaint	filed	

however the ertzaina kept asking him questions. He was getting more and more nervous and one of them came close and threw him to the ground beating him around the temple. He had to be transferred to hospital where he received an injection to calm him down. From then on the interrogations were more relaxed.

TAT



N. 57

Zestau Aranibar, Eneko

Age	21 years	Once the Municipal Police had left the station the National Police grabbed him by the hair and almost dragged him by it to room, insulting him and threatening him all the time. The interrogations took place in the absence of a lawyer. During these he was insulted, smacked in the head with a telephone directory. They put rubbish bags over his head impeding breathing. The first he ripped with his hands and when they held his hands down he ripped the other with his teeth. He had a bag put on his head some six times. He was punched in the testicles, they put a pistol to his head and on the policemen said "we'll kill him right here". During one of the interrogations they tied his hands, chest and legs to a chair, lowered trousers and underwear and attached something to his genitals saying that it was electrodes and that they were going to use it. He couldn't because they had covered his eyes with toilet paper. On another occasion they switched off the light of the room, put against the wall and made him stand there for hours, but continued with the questioning. He made a complaint about the treatment he was receiving to the doctor who visited him.
Sex	M	
Date of arrest	15-08-2000	
Place of arrest	Iruñea	
Type of arrest	Incomunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	filed	

TAT

70



N...58

Resano Aranibar, Xabier

Age	18 years	The insults were constant: "son of a bitch, I shit on your fucking mother..." They beat him around the head. One of the policemen pretended to take out his gun whilst telling him that he was going to die. Later they put a knife into his nose putting pressure on it and telling him that they were going to kill him. The threats to his life were
Sex	M	
Date of arrest	15-08-2000	
Place of arrest	Iruñea	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	filed	were going to rape his girlfriend, they were going to use the electrodes, the "bath", that they were going to smash his head through a wall partition, that he was going to Prison... One of the policemen opened the cell and said he could escape, but that if he tried he was going to shoot him, that he had two guns and would put one in his hand and later say that there was a shoot out

constant, they said they were going to rape his girlfriend, they were going to use the electrodes, the "bath", that they were going to smash his head through a wall partition, that he was going to Prison... One of the policemen opened the cell and said he could escape, but that if he tried he was going to shoot him, that he had two guns and would put one in his hand and later say that there was a shoot out

TAT



N..59

Beloki Ortuzar, Ibon

Age	27 years	From the time that he was arrested the threats began "one more sound and I'll kill you, you son of bitch, don't look at my face or I'll kill you..." The ten or twelve interrogations were all different in content depending on the ertzainas that were interrogating him. Some played the role of good police and said that they were
Sex	M	
Date of arrest	21-08-2000	
Place of arrest	Durango	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	Freed	
Complaint	filed	

there to help him, while others played the role of "bad" police and pressurised him. They threatened and insulted him continuously.

The interrogations took place without the presence of a lawyer and the pressure became so intense that he thought about injuring himself by banging his head against the wall, so that the interrogations would stop. The threatened, insulted and shouted at him constantly. He said that he couldn't have imagined that there were people who could cause such suffering.

During his time in the police station they didn't let him sleep because they came to the cell to disturb him. He is epileptic but didn't take his medication because he hadn't eaten anything in first few days out of fear. He was afraid that they would put drugs in his food or drink.

TAT



N..60

Garitaonaidia Ansuategui, Iker

Age	32 years	The interrogations without a lawyer present were continuous. They threatened to imprison him "when you are released, your daughter will be 20 and won't recognise you and your girlfriend is going to sleep with others and won't visit you in prison..." They said they were going to arrest his partner and their child of one
Sex	M	
Date of arrest	19-08-2000	
Place of arrest	Arrasate	
Type of arrest	Incommunicado	
Police body	Ertzaintza	
Prosecutor	JCI n° 1 A.Nacional	
Situation	Freed without charges	
Complaint		

month. When they went to arrest him at his home they brought both of them to the station and kept them there for a number of hours. They told him that the order for arrest came from the Guardia Civil, and pretended to be talking to the Guardia Civil by phone "it seems like this one is about to talk..". for the days he remained detained they didn't allow him sleep and the interrogations were continuous.

TAT



N..61

Simón Cebrián, Montse

Age	32 years	He only spent a day in the station because he had to check into hospital because of appendicitis. However, during that day he was continuously interrogated and they didn't let him relax. During the interrogation which lasted hours the threats were constant. He had to put up with persistent insults and humiliation.
Sex	F	
Date of arrest	21-08-2000	
Place of arrest	Lasarte	
Type of arrest	Incomunicado	
Police body	Ertzaintza	
Prosecutor	JCI nº 1 A.Nacional	
Situation	Freed on bail	
Complaint	filed	

In hospital he was in the custody of various different agents, and said that the treatment he received varied from one to the other. They didn't let him sleep nor rest at night. After leaving hospital and before being taken to appear in court they first transferred him to Langraitz prison and later to Soto del Real.

TAT



N. 62

Urteaga Ardoia, Gorka

Age	18 years	The threats began as soon as he got in the car to transferred to Madrid telling him that he they were going to throw him out on the journey. Once he got to Madrid was subjected to constant interrogations in the absence of a lawyer. From the very beginning he covered his eyes so he couldn't see anything
Sex	M	
Date of arrest	20-09-2000	
Place of arrest	Bakaiku	
Type of arrest	Incommunicado	
Police body	Civil Guard	
Prosecutor	JCI nº 2 A. Nacional	
Situation	prison	
Complaint	made	

During one of the interrogations they forced him to hold a gun and that if he didn't make a self-incriminatory statement they accuse him of belonging to an armed organisation, as he had left a gun on a gun. They threatened him with other forms of torture "bag"...They also said that if he made a complaint to the Judge about treatment he would return to the station. During the interrogations he was constantly beaten, above all in the head

He was forced to stand facing the wall in his cell for an hour, hour and a half. Earlier they had made him maintain this posture more or less two hours.

TAT



N..63

Urteaga Ardoia, Iaki

Age	24 years	He had the bag put on his head twice, received punches to the head and constant threat. They said they were going to frame him on a more serious charge if he didn't admit to some sort of involvement in the case. His lawyers are going to present a complaint about the abuse he received
Sex	M	
Date of arrest	20-09-2000	
Place of arrest	Bakaiku	
Type of arrest	Incomunicado	
Police body	Civil Guard	
Prosecutor	JCI nº 2 A.Nacional	
Situation	prison	
Complaint	filed	

TAT



N..64

Paskual, Amaia

Age	30 years	The threats began as soon as she was arrested. The brought her to a fi where she was kept order to frighten her. During the interrogations that she was subject without the presence of lawyer, she was constantly threatened with imprisonment. She heard threats to her family. They hit her in the head and when s
Sex	F	
Date of arrest	26-09-2000	
Place of arrest	Orereta	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI n° 6 A.Nacional	
Situation	Freed	
Complaint	made	

didn't reply to the satisfaction of the police they gave sharp pull her hair. They made her stand up, sit down, stand up again...this continued until she was exhausted.

During one of the interrogations, after being treated in a threaten manner, she lost consciousness. She began to notice that she could breath and began choking and fainted. When she regained consciousness she was in her cell and quite a while had passed. It appears that this the police got a little scared and began to treat her a little better. On the way to Madrid, they stopped the car to change drivers because according to the driver, the other policemen were not hitting enough.

TAT



N..65

Trecet, Juan

Age		During the interrogations that he was subject to the absence of a lawyer the threats were constant These included arrest in his mother and sister They said that the fate of his girlfriend who was also arrested was in his hands.
Sex	M	
Date of arrest	26-09-2000	
Place of arrest	Lezo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	made	

TAT



N..66

Solana, Jon Igor

Age	25 years	At the time of arrest they hit him around the head with a pistol and later when they were putting him into the car they smacked his head against the car.
Sex	M	
Date of arrest	16-10-2000	
Place of arrest	Seville	The interrogations were constant, all without lawyer, and during which he was hit, kicked, punched around the head and face. In the first interrogation they hardly asked him anything at all. They asked some questions but didn't await a reply. They beat him brutally until his nose and his left ear began to bleed. He felt it was like they didn't wait for a reply to their questions. He fell to the ground due to the blows that he had received. The police tried to stand him up again but couldn't, as he had no strength left to stand.
Type of arrest	Incommunicado	
Police body	National Police	The punches to the face, head, testicles ("to the balls so he can't have any kids" they said). They said that if he agreed to say as they wished he would be taken to hospital, if not he wouldn't go. However it got to such a point that he couldn't say anything because his tongue and face were so swollen. When he was lying on the ground, as a result of the blow received, they tried to put the leg of a table over his testicles, but couldn't in the end because the table was too heavy. The humiliation, insults and threats against his family were constant. They told him they were going to bring him to the street and kill him there.
Prosecutor	JCI nº 3 A.Nacional	
Situation	prison	
Complaint	made	

made

The punches to the face, head, testicles ("to the balls so he can't have any kids" they said). They said that if he agreed to say as they wished he would be taken to hospital, if not he wouldn't go. However it got to such a point that he couldn't say anything because his tongue and face were so swollen. When he was lying on the ground, as a result of the blow received, they tried to put the leg of a table over his testicles, but couldn't in the end because the table was too heavy.

The humiliation, insults and threats against his family were constant. They told him they were going to bring him to the street and kill him there.

They made him strip and blindfolded him with his t-shirt, they made him open his arms out into a cross, and pinched him fiercely above the collarbone. As he was naked a policeman took the opportunity to grab his testicles and squeeze tightly, thus increasing the pain and spreading it over a longer period. This was the most painful thing that was done to him.

TAT



N..67

Iragi, Harriet

Age	24 years	He was injured in the arm when the police arrested him. From the beginning they directed their attention to it, hitting it, pressing on it. On arrest he was brought to hospital, where they began interrogating him without the presence of a lawyer. He believes that initially they weren't looking for answers, they
Sex	M	
Date of arrest	16-10-2000	
Place of arrest	Seville	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 3 A.Nacional	
Situation	prison	
Complaint	made	

asked questions, then hit him without giving him time to answer. Nearly all the blows were directed towards the injured arm. They threatened to return to the police station, and that five days were awaiting him there. One said that if he had been the one to arrest him he would have emptied the barrel of his gun in his head. They told him that they were going to kill him. When he couldn't take any more they threw ice-cold water over him to wake him up. It took four hours to take him to hospital, and by the time they did he was in a bad condition. He was cold and shaking.

Once there, they did a brain scan when he complained to the doctor that his head hurt badly. They operated on the injured arm and was checked out two days later. He returned to the police station where the interrogations continued. They didn't give him the medication that he needed for his injured arm. The threats, humiliation, insults and beating continued.



N.º 68

Muoa, Ibon

Age	40 years	The threats
Sex	M	arrest and
Date of arrest	18-10-2000	during the j
Place of arrest	Eibar	Madrid. They told
Type of arrest	Incommunicado	start preparing
Police body	National Police	for what he was
Prosecutor	JCInº 3 A.Nacional	receive when he
Situation	prison	there. During the days
Complaint	filed	he remained incom

During these he was
 ched in the head, face, forehead, pulled his hair and
 ticles.

They made him strip on one occasion. Another time
 from the waist up. Once when he was totally
 squat and stay in that position whilst they beat him u
 received were so strong that the police themselves had
 for a while before beginning

They said they were going to arrest his girlfriend, his
 were threatened with the possibility of other for
 "bath", "bag"... they told him on more than one occa
 eat to get the strength for what was to come. In
 permanently on as well as the air conditioning. He h
 coming from outside

TAT



N..69

Zuloaga, Mikel

Age		The arrest was fairly violent and a number of people were injured, one of them being his partner. they cuffed him and threw him into the back of the police van that took him to Indautxu station. Once there a policeman approached him saying that he was the one who had applied the electrodes the last time he was there.
Sex	M	
Date of arrest	01-11-2000	
Place of arrest	Bilbo	
Type of arrest	Incomunicado	
Police body	National Police	
Prosecutor	JCI nº 5 A.Nacional	
Situation	prison	
Complaint	filed	

During the first interrogation they went down through all the happenings the first time he had been in the station, when he was brutally tortured. They did this so that he would bring back the psychological terror of the first time there.

He was clear headed but physically destroyed and began to self-inflict injuries. Then the doctor entered the cell with tablets to calm him and later with an injection. On one occasion the doctor entered with a black bag (on the previous occasion the person who said he was the doctor actually carried out the "bag"). He refused to allow this person give him the injection but the supposed doctor returned with 6 policemen who held him down, and squeezed his testicles, while they introduced the needle. He continued self-inflicting injuries until they allowed him to be with his partner for a few minutes.

When he went to Court to make a statement his face was bruised and swollen.



N..70

Garro, Nerea

Age	26 years	Whilst she incommunicado in custody the interrogations were constant, as were threats, insults and humiliation (scum, shit...). They pulled her hair and hit her in the face and slapped her in the chest. She was punched in the stomach and in the back. The police told her that they were going to rape her, and that she would be killed if she did not cooperate.
Sex	F	
Date of arrest	07-11-2000	
Place of arrest	Madrid	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A.Nacional	
Situation	prison	
Complaint	made	

Although initially she didn't believe them later she realised that they would do it. Threats of torture were constant. Due to not being able to sleep in the whole time she felt lost, in a constant battle with sleep and tiredness in her a sense of helplessness. During one of the interrogations they squeezed a pump on her backbone causing her serious pain.

TAT



N..71

Urretabizkaia, Asier

Age	25 years	The threats and i began immediately arrest. He was subjec continuos threats insults during interrog tion. They told him were going to try out ferent means of tor the bath, the bag, "we going to torture you, w give you a bath, th and later if you li can make a compl
Sex	M	
Date of arrest	07-11-2000	
Place of arrest	Madrid	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI n° 6 A.Nacional	
Situation	prison	
Complaint	made	

they said. The blows, punches, elbows in the stomach, chest, face and head were non-sto

On more than one occasion he was made strip and while he position one policeman would grab him by the testicles tightly, causing fierce pain. He was made hold his arms out for hours, raising one leg at times; all this was done completely naked. They made him bend his head and get hunkers, putting his head under his legs and making him w position. All this while they beat him up, particularly to th testicles. They asked him on a number of occasions if he ha sister in law crying at night due t



N..72

Go i, Victor

Age	33 years	From the time of a the insults, humiliatio beatings and threats began They threatened that girlfriend (who arrested with him) going to be impris with him although knew that she hadn't d anything. They also threa tened to take him to waste ground where t would shoot him i
Sex	M	
Date of arrest	07-11-2000	
Place of arrest	Madrid	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCIn° 6 A.Nacional	
Situation	prison	
Complaint	made	

didn't start talking. During the interrogations he was kneed, slapped and punched in the back and thighs. They sque neck, pulled his hair. Almost all the blows that were above wais were done with an open han

On more than one occasion he was made strip naked while the nued to beat him around the body. They pressed a point b testicles and the anus which causes intense pain. They also p point on the tip of the chin which is also very painful. He stand with his hands spread in a cross and to raise his leg. He w hold the position to the limit of his resistance. When he f tiredness, he was made stand up again and get into the sam again. They forced him to squat with his legs open while they in the groin and testicles, head and back. This all took place was totally naked.

He received slaps to the ears. He was insulted, his gir threatened (to shoot her, rape her) as were his family an Death threats were frequent, they also threatened to shoot him testicles, and were permanently displaying their firearms. stage they switched off the lights where they were interrogati so that he wouldn't know where the blows were coming



N.73

Martinez de Osaba, Igor

Age	28 years	From the time of a the threats and bea began. During the time spent detained the i rrogations in the abse of a lawyer were consta He received a number strong blows to the h face , chest, stomach testicles. He also receiv kicks to the thighs as w as having his hair pul He ended up lying on
Sex	M	
Date of arrest	10-11-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor		
Situation	prison	
Complaint	made	

floor as a result of all this. They also persisted in threateni other forms of torture.

During one of the interrogations he was forced onto his knees told that they were going to play Russian roulette. They began the barrel of the gun. Anytime he stopped turning they placed to the temple and fired a blank. They did this many They showed him the window through which they said they had Xabier Kalparsoro. They said they were going to do the same w and held half his body out the window for a couple of m On another occasion they lay half his body over a table and half lying over the edge. He had his hands cuffed behind his back stage. They began punching him in the head, testicles and stom felt as if he was being choked and lost the senses in the extrem body. He couldn't hold himself up and was thus dragged to the i gations. He lost consciousness and when he regained it he w way to hospital. One of the other detainees spotted him in t and was shocked by the condition he was

The journey to the High Court was done with the detainee lyin floor of the van, and a policeman holding his foot on hi



N.74

Muerza Santos, Iigo

Age		He is going to make a judicial complaint regarding the abuse he received during his time in the station. When the interrogations began, all without the presence of a lawyer, the blows to the head, face and testicles began. On one occasion they threw him to the floor and started to kick him. In the Indautxu
Sex	M	
Date of arrest	09-11-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor		
Situation	prison	
Complaint		

police station he had about 5 or 6 interrogations. They also threatened him with other forms of torture, the bath, electrodes, the helmet, the bag...

Once in Madrid he had three different types of interrogations. One where psychological torture and threats predominated, particularly in reference to his family. Another type where he was beaten around the whole body, naked and with humiliatory comments at all times, and then others where they sought physical exhaustion making the detainee maintain different postures (squatting, arms out in cross, one leg raised...). He was made on one occasion carry out physical exercises, under strong lights, until he was exhausted. Although he was really thirsty they didn't supply him with water. That night they locked the door between the cell and the toilet. The interrogations were constant during the day and afternoon, including also at night.

The last night was the toughest when they beat him endlessly in the head, genitals. They also tried to suffocate him by covering his mouth and nose and putting a handkerchief in his mouth. Another policeman would put a hand to his heart every now and then.



N..5

Karrera, Asier

Age		He will make a complaint regarding treatment received in custody. Once he was put in the to be brought to Inda station the beating began this was mostly to the head, stomach and testicles. Once he was they brought him to a room where 5 policemen gave him a beating. This was
Sex	M	
Date of arrest	09-11-2000	
Place of arrest	Bilbo	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor		
Situation	prison	
Complaint		

general beating but the blows were directed to the head and he also knocked his head off the ground and pulled his hair out. They brought him to the corridor so he could hear how his was being beaten, so he could hear her cries and the slaps. They brought him to carry out the house searches they conducted intense interrogation. They threatened him constantly, saying that he would end up like Geresta and Basajaun. They forced him to hand over his mobile from which he could hear the screams and shouts of his mother who they said was his girlfriend. They said they were raping her and how they were doing it. They played with their pistols as if they were going to shoot her.

Once he got to Madrid he went three days without being able to sleep. They constantly threatened him with regard to his girlfriend. One day he heard his own voice (recorded?) talking to a girl in the next cell (he thought it was his partner), how he said he would be calm that nothing was going to happen (he actually thought he was losing his mind). The psychological pressure was so tough that "I relaxed a little when they physically tortured me".

On the last night they took him to a room where two policemen were drunk and they gave him a beating.

On the way to the High Court he made the journey lying on the van. One of the policemen threatened him with a pistol and



N.º 76

Eziolaza, Roberto

Age	28 years	From the time arrest they covered head with a bag remained that way a the whole time. The and threats began diately. The slaps, punches to the head, stomach, testicles constant. There threats of all typ Madrid even the t talk" " we are
Sex	M	
Date of arrest	19-11-2000	
Place of arrest	Gasteiz	
Type of arrest	Incommunicado	
Police body	National Police	
Prosecutor	JCI nº 6 A. Nacional	
Situation	prison	
Complaint		

arrest your father and your girlfriend and we'll raping her here", " we are going to knock the d house down, we have everything prepa They put him facing a wall and put a plastic bag ove suffered a smothering sensation on more than one occasion. he is asthmatic and thus the effect of the bag is inte in his face.

The transfer to Madrid was carried out cuffed, and they sleep at any time. The threats and insults were continuous a stage where he couldn't feel his hands or parts of in his own words "he prayed to God that he would d Once in the police station in Madrid the blows, humilia ats continued. (they made him strip on many occasions), him to remain in tiring position for hours, they asked h of torture that he preferred: the bath, electrodes or him into the wall. They took out a gun and asked him if h yed "Russian Roulette"
His lawyers will make a judicial complaint for these as possible.



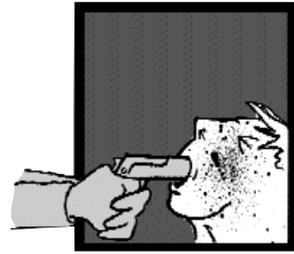
N..77 **Beaumont, I aki**

Age	24 years	He was thrown ground as he was ar and they smacked his against the ground. he was put into the van in order to take the station they con to hit him in the Once he reached the sta they brought him to a where they bea threw him to the lifted him up by the
Sex	M	
Date of arrest	24-11-2000	
Place of arrest	Iruñea	
Type of arrest	Incomunicado	
Police body	National Police	
Prosecutor		
Situation	prison	
Complaint	made	kicked him, shoved him around. They put a "bag", one o protectors for a computer on him about 20 or 30 times, the policemen took his pulse. He was threatened with being mountains where he would be shot " because nobody knows here".

kicked him, shoved him around. They put a "bag", one o protectors for a computer on him about 20 or 30 times, the policemen took his pulse. He was threatened with being mountains where he would be shot " because nobody knows here".

The beat him in the spinal column with a metal object see it because his eyes were covered. This metal obje injuries to his back. They continued beating him around later put the object to his neck almost cho They repeatedly hit him in the head until a policeman on, my hand is hurting me too much" and so th directory instead, hitting him with it until They introduced a type of screwdriver into his ear great banging pain and began to

TORTURE METHODS



...The following means of abuse and torture that have been applied to detainees have been supplied to TAT by the victims themselves:

Beatings

This type of torture is most frequently alleged by detainees, 50 of whom (4 women and 46 men) accounted for having received beatings during their time in the police station.

In the majority of cases it consisted of blows to the head, in 40 cases, mostly using the hands to inflict the blow, although there have been cases where a telephone directory and other objects were used.

There have also been many occasions where people have received blows to the testicles (14 cases), carried out using hand, fists and even feet.

In 17 cases the beating has been indiscriminate or generalised,

stomach, sides, chest, legs...using fists, feet and various objects.

In two cases they were held over a table with the upper part of the body hanging face upwards. One police agent pulled the hair of the victim downwards, whilst others punched the victim in the chest and stomach.

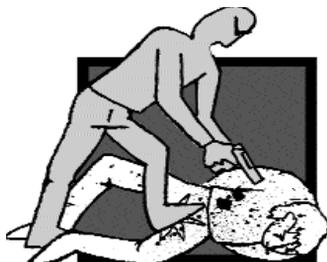
The National Police is the police body that has beaten up detainees most. It has done so to the head on 28 occasions, generalised blows 17 times, 14 times to the genitals and 5 times to other parts.

Sexual aggression

15 people have related that they were forced to strip (1 woman and 14 men). Whilst they were naked they were constantly humiliated, suffered sexual commentary and threats of rape. This generally happened in the hands of the National Police. 5 detainees told of having suffered a mock-rape. It should be noted that in one of the cases the Ertzaintza were the police body involved. They forced one detainee to take down his trousers and pants and forced him onto his hands and knees, whilst an ertzaina placed himself behind him, finally saying "not now because I don't have Vaseline or a condom".

Physical weakening

Methods of physical weakening were recounted by the majority



of detainees. This consisted of being left standing in the one place for a long period in 31 cases, obliged to maintain a fixed position for a long period of time in 39 cases (squatting, arms spread out in a cross, standing with one leg raised and arms spread out, sitting with head between the legs...) the obligation to carry out violent physical exercises have been recounted on 4 occasions, these consisted in press-ups and sit-ups until exhaustion.

Suffocation, "the Bag":

The use of the suffocation technique has been almost exclusively been used by the National Police, on one occasion it was also used by the Guardia Civil. This consists of placing a bag over the head of the detainee, tying it and leaving the detainee this way until the point of fainting.

Hair pulling

12 people have reported having suffered strong, sharp hair pulling, 10 men and 2 women.

Lights

26 people reported that while they were held in their cells the lights remained permanently on. This usually concerned a light bulb that was regulated in intensity from outside the cell, giving stronger light at times than at others. This is a generalised practice on those detained by the



Ertzaintza.

Denial of food

2 men told of how they were denied food during their time in police custody. This happened once in the hands of the National Police and another time with the Ertzaintza.

Forced sleeplessness

9 detainees told us that they weren't allowed sleep at any time, some because the interrogations were constant and others due to being continuously harassed in their cells as they tried to sleep. Two detainees related how it was a constant battle between accumulated sleepiness, tiredness and fear, reaching a point where one believes one is living an unreal situation.

Impediment of vision

4 detainees recounted that their vision was impeded. Their eyes were blindfolded with their clothes or with toilet paper, increa-



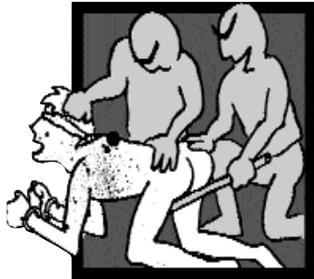


sing the feeling of defenceless of the detainee.

In the cases of the Ertzaintza almost all related that they didn't put anything on their eyes to impede vision, but that they were not allowed, at any time, to raise their heads and look at the agents interrogating them. If they did they were shouted at and hit.

Threats

This type of psychological torture is increasing and the Ertzaintza, for example, are a police body which are using it in a more consistent way-more so than physical aggression. Majority of detainees related having received threats. Threats to the family of the detainee took place in 38 cases; ruin the employment of their parents, destroy the family, arrest members of their family or boy/girl-friend, do exactly the same to them as is being done to the detainee whilst the detainees watch what is being done to their loved ones. Murder threats were mentioned in 10 cases (2 women and 8 men). Threats of being subjected to even more severe torture were told by 19 people; threats



that the police would pass onto the second level of torture, one that the detainee would be able to bear (generally threats related to "the bag", the bath and electrodes, showing the cables to the detainees and letting them hear the water running in the bath). Other threats are also general referring to imprisonment and what they will do to the detainee if he doesn't make a statement in lines with what they tell him/her.

Simulation of execution

Three of the detainees related having suffered a simulation of execution with a firearm. One was told that they were going to play "Russian roulette", he was obliged to squat down, turn the revolver and feigned a shooting on more than one occasion. On another occasion he was hung from the window of the police station and was threatened with being dropped.

The other detainee said he had a pistol put to his head, other police tried to frighten him.

See/hear torture

2 of the detainees spoke of hearing shouts from the others

POLICE METHODS

CIVIL GUARD

They haven't been very active this year with regards to arrests but they left their mark in the few cases that they have dealt with. A principal characteristic is that the Guardia Civil put a hood on, or blindfold, the detainee from the very beginning. Impeding vision the detainee cannot recognise who is carrying out the interrogations. The methods most used are the "bag" and general blows, but above all to the head and ears, and death threats. Aware of the terror that they create they use the threat of further torture if they don't make the statement required, or if they mention the abuse received, when the pass before the Judge.

the eyes of the detainee. Repeated blows are meted to the head every time a question is left unanswered or is answered with "I don't know". Detainees are obliged to remain many hours on foot, both in the interrogation rooms as well as in the cells.

Iruñea Police station

They begin the blows and threats from the moment of arrest. Threats related to the application of different methods of torture (the "bag", electrodes, the bath...), threats that last for the duration of their time in the police station: "if you don't make a statement in court or you mention the abuse you will return here...". On occasions the bag has been used.

Vision is impeded by covering



NATIONAL POLICE

In the year 2000 this police body has used the most savage and intensive torture methods. The methods most used by the National Police are general beatings, above all to the head, ears and testicles. In addition they have used death threats and the threat of more serious methods (the bath, electrodes, rape...). They have simulated execution (Russian roulette, hanging a detainee from a window and threatening to let him drop, opening the door of a police van and threatening to throw him out at high speed...) suffocation with the use of the "bag". From the time of arrest the threats and beating begin, without any particular interest in the interrogation itself, in order to achieve the effect of auguring that all the sessions will be like that one. Thus the National Police have left the biggest mark of brutality and savageness in the treatment of detainees.

Analysing the cases according to detention centres they can be classified in the following way.

Iruñea Police station

As soon as they arrive to the station they are brought into a room where they are put standing facing

a wall. Now the beatings begin to the head, by hand or using telephone directories, heads are smacked against the wall, they are shoved to the ground and are kicked. One of the detainees is beaten in the spine with a metal object, due to which the detainee received four huge injuries in the back. A type of screwdriver is introduced into the ear until a cut appears and it begins to bleed. Threats of other methods of torture, against the family, girlfriend, are habitual... One detainee was spat on on more than one occasion, and one was made eat the phlegm of another police officer. A detainee had a gun put to his head whilst they mocked shooting him. Another had a knife put to his nose with pressure being placed upwards, whilst the threats continued. On one occasion a detainee was tied to a chair by his hands, chest and feet. They removed his trousers and pants and put something on his testicles saying that they were going to use electrodes. The detainee can't make out what they have put there because his eyes are blindfolded.

Amara Police station

The interrogation begins immediately on entering the police station, although the threats begin in



the transfer.

They oblige him to stand in the corner and they begin hitting him in the head, and hitting his head against the wall...at other times they let them sit down but place the head near the table and slap his head against it. On some occasions they force the detainee to remain standing, or squatting, or standing with the knees slightly bent against a wall for hours. One detainee was forced to do press-ups while another put a foot in his testicles and a pen in his anus. A policeman stood there humiliating him while this was happening.

Threats related to family, girlfriend and friends are constant, as well as the threat of using other methods of torture. One was threatened with the bath and heard the water running in the bath next door.

Police Headquarters,
Zaragoza

Threats begin at the time of arrest, although physical abuse doesn't begin until they are identified. Then they are beaten around the head, testicles... and threats are made regarding family and girlfriend, and also about what is

awaiting the detainee in Madrid. They are even threatened with "disappearing".

They use methods to produce sensations of losing orientation. They are not allowed look at a police officer at any time and are forced to keep their head bent for the duration. In the interrogations they are obliged to stand facing a wall with their hands behind their backs and also in other uncomfortable postures: standing with hands spread out like a cross, squatting down, squatting down with arms spread, standing with one leg raised and arms spread... each time they fall due to tiredness they are raised again by a shower of blows. And so on until exhaustion. Interrogations last hours.

The threats and beatings continue on the way to Madrid and they aren't allowed sleep at any time.

Police Headquarters,
Seville

Beating begins as soon as they arrive at the station. At the beginning it seems like the police are not trying to receive answers, but to inflict terror, because the blows are continuous without

paying any attention to the interrogation. Blows are dealt all over the body, head, testicles...including to the injured arm of one of the detainees. In one of the cases the victim of the abuse is left lying on the ground in a semi-conscious state. The police leave and when they return he is still lying there. They tried to crush the testicles of one of detainees with the leg of a table but didn't manage to do so as the table was too heavy.

They play good police-bad police. They make them strip whilst they are beaten, especially around the collarbone. They grabbed their testicles and apply pressure, bit by bit, which produces an intense pain. There are also threats related to their families, of further torture, and verbal sexual abuse.

Indautxu Police station

The beating begins during the transfer and continues in the police station. They put them in a room and throw them to the ground and beat them around the body, head and testicles...two are laid on a table with half their body hanging while another police officer hits them in the testicles and others pull their hair.

One detainee said that during the first night they were asked practically nothing at all but continued with blows to the head, face, stomach and testicles... On another occasion they were forced to their knees and told they are going to play "Russian roulette", they twisted the barrel of the pistol, placed it at the temple and fired. This was repeated on many occasions.

Threats regarding the families, girlfriends and friends are continuous, as well as the threat of increasing the torture. One of the female detainees is told that she is going to pass onto the second level of torture, one that she won't be able to bear, and so better if she threw herself out the window. Whilst they open the window they say that it's not the first time they are going to do this and that nothing will happen to them. Another detainee was hung by half his body from the window. They kept him there for a few minutes.

General Security Command, Madrid

Beatings, humiliation and sexual abuse begin as soon as they reach there. They are forced to stand for

TORTURAREN AURKAKO TALDEA



ERTZAINZA

Amongst the methods used by the Basque Autonomous Police to "direct" interrogations are psychological abuse and abuse that leaves no physical marks. These are the methods most often used by this police body and they are experts in it. The instruments used for this are: death threats and threats to carry out more conclusive methods of torture, sexual aggression (including mock-rape), forced to maintain uncomfortable postures or carry out tiring exercises, blows to the head, insults and humiliation.

Txurdinaga Police Station

Interrogations are constant, not leaving the detainees with time to rest between one and the other, nor time to sleep. During these threats, shouting, insults and humiliation are constant. They play the game of good cop-bad police, the good ones speak in Euskera and softly, the bad ones shout and are constantly threatening.

Antiguo Police Station, Donostia

In some case detainees are forced to strip naked so that a full body search can be carried out.

They are forced to remain with their heads bent during interrogations without being able to look up at any time. It is common practise to force detainees to stand with their faces to the wall for the night after having carried out the interrogation.

Oiartzun Police Station

When they bring the detainees to the station they make them stay in the car for a long period of time, handcuffed and with their head between their legs whilst they are being recorded on video.

Each time they go to get the detainees from the cell in order to take them to be questioned, they make a lot of noise banging doors, so that the detainees know to place themselves against the wall with their hands behind their backs and their heads bent. During the interrogations they are forced to remain with their knees semi-bent and are also forced to do press-ups. During the interrogations the shouts and threats- in reference to the family, boy/girlfriend and friends- are continuous. Banging on the walls next to where the detainees are being kept, banging on the floor and table are also



consistent in order to intimidate the detainee. There have also been cases where they have hit the detainee, blows to the head, shoved against the walls, kicks... There was one detainee who wasn't given anything to eat, on another occasion when they called to go to the toilet no policeman appeared to let them out. In the case where a policeman appeared they were forced to use the toilet with their heads between their legs in full view of the ertzainas.



The cells are very small, all tiled. There is a break in the tiles where a mat and mattress can be found. The iron door has a small hatch through which the ertzainas shout during the night to impede sleep. Some cells have a window to the outside which is covered by a steel plate through which very little light passes.

Lakua Police Station

Most notable is the fact that the interrogations are carried out by ertzainas dressed in white gowns like those used by doctors, latex gloves and hoods. There are always two ertzainas one who plays the good police, and the other constantly threatens, shouts and bangs the table when

he gets mad, the bad police. During the night they put the air conditioning in the cells on cold and during the day they put it on hot. Dealing with such heat during the day is almost insupportable. The change in temperature causes headache.

Arkaute

Detainees that have passed through this station say that they were made stand against the wall, head bent and their hands behind their backs during the interrogations, constantly receiving threats. They were made to learn the statements that they would make to the police. After this the treatment calmed a little. There have been detainees who after suffering the latter were kept in the cells without being taken out for any other reason.

When they are transferred to Madrid, they do so in police vans that are divided into small cages for the detainees. They are forced to keep their head bent at all times and there are small cameras in all cages so that the ertzainas can see them. If a detainee raises his head the ertzainas move towards the cage and start beating it with their sticks and

METHOD	TOTAL	F	M	CIVIL GUARD	NATIONAL POLICE	ERTZAINZA
BEATINGS						
To the head	49	3	46	2	32	15
Generalised	18	0	18	0	18	0
To the genitals	14	0	14	0	14	0
To other parts	11	2	9	0	6	5
WEAKENING						
Standing in the one place	36	2	34	1	13	22
Fixed position	41	2	39	0	20	21
Physycal exercises	4	0	4	0	3	1
SUFFOCATION	6	0	6	1	5	0
HAIR PULLING	12	2	10	0	10	2
LIGHTS	26	3	23	0	6	20
DENIAL OF FOOD	2	0	2	0	1	1
SEXUALAGGRESSION						
Commentary	9	3	6	0	7	2
Strip	19	1	18	1	10	8
Rape	0	0	0	0	0	0
Mock rape	5					
STRESS CLIMA	6	1	4	0	4	1
FORCED SLEEPLESS NESS	10	1	5	0	3	3
		2	8	0	4	6
IMPEDIMENT OF VISION	6	0	6	1	5	0
INTERROGATORIO CONSTANTE						
THREATS						
Murder	19	0	19	0	16	3
Family	47	5	42	0	26	23
Torture	21	3	18	1	19	1
Other	44	3	41	1	17	26
SIMULATION OF EXECUTION	3	0	3	0	3	0
SEE/HEAR TORTURE	7	1	6	0	5	2
HUMILIATIONS	21	2	19	0	11	10
SHOUTS	44	5	39	0	16	28

JUDICIAL COMPLAINTS

TAT

N.1

IZARO LOPEZ BIDAGUREN

Date filed	February 25th 2000
Court	Court no. 6 Bilbo
Proceedings n°	DP 550/00
Situation	On November 13th 2000 made reform appeal and ancillary appeal, November 29th 2000 the reform is rejected but accept formally the filing of the appeal.

N.2

JON URRETABIZKAIA SAUQUILLO

Date filed	February 25th 2000
Court	Court no. 7 Bilbo
Proceedings n°	DP 733/00
Situation	on December 20th 2000 a reform appeal is made against the dismissal and provisional archiving of the case.

N.3

JULEN URIARTE ITURRIAGA

Date filed	March 7th 2000
Court	Court no. 3 Bilbo
Proceedings n°	DP. 703/00
Situation	June 1st 2000 appeal and ancillary is made against the dismissal and archiving of the case. On July 3rd the Court rejects the appeal for reform but permits the appeal. On September 18th the date for the verdict of the appeal is set for October

TAT
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N.4	GUILLERMO MERINO BILBAO
Date filed	February 25th 2000
Court	Court no. 4 Bilbo
Proceedings n°	DP. 525/00
Situation	Appeal archived on July 20th 2000, notifying the appellant on November 15th . It isn't appealed because of problems resulting from changing lawyers. By the time the appellant was informed of the archiving of the case the time allowed for

N.5	MIKEL ARRIETA LLOPIS
Date filed	September 8th 2000
Court	Court n° 1. Donostia
Proceedings n°	DP. 2586/00
Situation	Withdrawn to Madrid. Court no. 10 with proceedings no. 5143/00

N.6	GARIKOITZ GASTESI
Date filed	May 25th 2000
Court	Court n° 2. Donostia
Proceedings n°	DP. 1266/00
Situation	Complaint archived. Makes appeal and ancillary appeal. Waiting for resolution.

TAT

N.7	GORKA URBIETA HUIZI
Date filed	May 25th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP 1258/00
Situation	Complaint archived Makes appeal and ancillary appeal. Has been transferred to the Ministry of Public Prosecution so he can make a report on the appeal.

N.8	EGOITZ URBE
Date filed	May 25th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP 1259/00
Situation	Complaint archived. Appeal and ancillary appeal made against the archiving of the case. Has been transferred to the Ministry of Public Prosecution so he can make a report on the appeal.

N.9	OROITZ GURRUTXAGA
Date filed	May 25th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP 1260/00
Situation	Complaint archived. Appeal and ancillary appeal made against the archiving of the case. Has been transferred to the Ministry of Public Prosecution so he can make a report on the appeal.

N. 10

MIKEL OSTOLAZA

Date filed	November 7th 2000
Court	Court nº3. Donostia
Proceedings nº	DP. 2687/00
Situation	petition by the Judge to the Ertzaintza that they report on incidents that occurred during the time he spent in the police station. Petition to the High Court for a testimony of the proceedings taken against Ostolaza.

N. 11

JOKIN SOLANO SALABERRIA

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3089/00
Situation	Nothing new since making the complaint.

N. 12

I AKI GURUTXAGA RAFAEL

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3095/00
Situation	There has only been a declaration of initiation by the D.P

TAT

N. 13

AHILETZ ZULOAGA LARREA

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3086/00
Situation	There has only been a declaration of initiation by the D.P

N. 14

IMANOL GORROTXATEGI

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3092/00
Situation	Nothing new since making the complaint

N. 15

JON ANDER MARTIN VILLAR

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3088/00
Situation	Nothing new since making the complaint

TAT
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**N. 16****I AKI MINER CANFLACA**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3099/00
Situation	There has only been a declaration of initiation by the D.P

N. 17**ANGEL TELLERIA LUJANBIO**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3093/00
Situation	Nothing new since making the complaint

N. 18**JON GASAMANES**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3091/00
Situation	There has only been a declaration of initiation by the D.P



TORTURAREN AURKAKO TALDEA**TAT****N. .19****UNAI KIJERA**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3087/00
Situation	Nothing new since making the complaint

N. .20**I AKI LORENZO QUINTELA**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3096/00
Situation	Nothing new since making the complaint

N. .21**GOTZON ARANBURU**

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3085/00
Situation	There has only been a declaration of initiation by the D.P

TAT
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N. 22

URTZI AIRA URRUZOLA

Date filed	November 7th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 3090/00
Situation	There has only been a declaration of initiation by the D.P

N. 23

ENEKO ALONSO

Date filed	May 18th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP. 1196/00
Situation	October 6th 2000 announced stay of proceedings and the case is provisionally archived. October 26th appeal and ancillary made against the archiving of the case. November 9th the reform appeal is accepted and on November 23rd is called

N. 24

XXABIER ZU IGA

Date filed	November 7th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP. 2720/00
Situation	Complaint is archived on January 15th 2001. Reform appeal and ancillary is made on January 18th 2001.

TAT

N. 25

IRATXE APAOLAZA

Date filed	November 7th 2000
Court	Court nº 3. Donostia
Proceedings nº	DP. 2680/00
Situation	Nothing new since complaint was made

N. 26

JOKIN APEZETXEA

Date filed	November 7th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP. 2721/00
Situation	Petition to the High Court made by the Judge for the medical reports and the statements made by Jokin Apezetxea.

N. 27

IKER IIGO

Date filed	August 31th 2000
Court	Court nº 1. Iruñea
Proceedings nº	DP. PA. 5307/00
Situation	Judge petitions National Police on September 15th for a report on what happened during the period of detention.



N. 28

AITOR DOMEZAIN ARTOLA

Date filed	October 24th 2000
Court	Court nº 1. Donostia
Proceedings nº	DP. 3086/00
Situation	Nothing new since complaint was made

N. 29

JOXAN ASTIGARRAGA

Date filed	October 3th 2000
Court	Court nº 1. Donostia
Proceedings nº	DP. 2914/00
Situation	November 10th 2000–stay of proceedings and archiving of case announced. Reform appeal accepted on December 18th 2000.

N. 30

LARTAUN RODRIGUEZ ALDANONDO

Date filed	September 8th 2000
Court	Court nº 1. Iruñea
Proceedings nº	DP. 3086/00
Situation	Nothing new since complaint was made

TAT

N. 31

AITOR ABANDA PAGOLA

Date filed	September 8th 2000
Court	Court nº 5. Donostia
Proceedings nº	
Situation	Nothing new since complaint was made.

N. 32

GARIKOITZ MENDIZABAL

Date filed	September 8th 2000
Court	Court nº 5. Donostia
Proceedings nº	DP. 2472/00
Situation	Nothing new since complaint was made.

N. 33

GORKA IRURETGOIENA MUJICA

Date filed	November 7th 2000
Court	Court nº 1. Donostia
Proceedings nº	DP. 3184/00
Situation	Court appearance and complaint on December 12th 2000



N. 34

GAIZKA GARCIA URBIETA

Date filed	September 22th 2000
Court	Court nº 4. Donostia
Proceedings nº	DP. 1756/00
Situation	Case transferred to the Ministry of Public Prosecution for a report on November 3rd 2000

N. 35

LEIRE MARTINEZ PEREZ

Date filed	September 8th 2000
Court	Court nº 2. Durango
Proceedings nº	DP. 0963/00
Situation	Case transferred to Madrid, Court no. 16 with D.P no. 5674/00.

N. 36

AITOR LORENTE

Date filed	September 6th 2000
Court	Court nº 1. Bilbo
Proceedings nº	DP. 2501/00
Situation	Transferred to Zaragoza, Court no. 5 with DP number 3678/00. Ministry of public prosecution make report September 29th 2000. Archived on December 15th 2000. Waiting on appeal hearing.

TAT

N. 37

JON KARRO

Date filed	September 29th 2000
Court	Court nº 9. Bilbo
Proceedings nº	DP. 2768/00
Situation	Stay of proceedings and provisional archiving by declaration made on January 11th 2001. Reform appeal and ancillary made on January 18th 2001.

N. 38

OSKAR AMARO

Date filed	September 29th 2000
Court	Court nº 7. Bilbo
Proceedings nº	DP. 2886/00
Situation	Stay of proceedings and provisional archiving by declaration made on December 26th 2000. Reform appeal and ancillary made on December 28th 2000

N. 39

ENEKO ZESTAU ARANIBAR

Date filed	September 8th 2000
Court	Court nº 1. Iruñea
Proceedings nº	DP. 5369/00
Situation	Nothing new since complaint was made.

TAT
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N. 40		IBON BELOKI ORTUZAR	
Date filed	November 23th 2000		
Court	Court nº 3. Durango		
Proceedings nº	DP. 1038/00		
Situation	Transfer to Bilbao on November 29th 2000, Court no. 4, case no. 2819/00.		

N. 41		AMAIA PASCUAL	
Date filed	November 23th 2000		
Court	Court nº 1. Donostia		
Proceedings nº	DP. 3280/00		
Situation	Transferred to Madrid on November 29th 2000		

42		JUAN TRECET SATRE	
Date filed	December 22th 2000		
Court	Court nº 1. Donostia		
Proceedings nº	DP. 2883/00		
Situation	Transferred to Madrid on January 9th 2001, Court no. 6, added to case no. 191/99		

TAT

N. 43

JON IGOR SOLANA

Date filed	December 21th 2000
Court	Court nº 7. Bilbo
Proceedings nº	DP. 3562/00
Situation	transferred to Seville on December 21st 2000

N. 44

HARRIET IRAGI

Date filed	December 22th 2000
Court	Court nº 8. Bilbo
Proceedings nº	DP. 3345/00
Situation	transferred to Seville on December 22nd 2000

N. 45

IBON MU OA

Date filed	December 15th 2000
Court	Court nº 3. Donostia
Proceedings nº	DP. 135/00
Situation	Without changes since the complaint was made.

TAT
120



N. 46	NEREA GARRO
Date filed	December 29th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP. 5/01
Situation	transferred to Madrid on January 4th 2001

N. 47	ASIER URRETAZKAIA
Date filed	December 29th 2000
Court	Court nº 2. Donostia
Proceedings nº	DP. 4/01
Situation	transferred to Madrid on January 4th 2001, Court no. 6, proceedings no. 3940/00

N. 48	VICTOR GO I
Date filed	December 28th 2000
Court	Court nº 3. Gasteiz
Proceedings nº	DP. 3305/00
Situation	Transferred to Senior Court Bilbao on December 30th 2000.

TAT

N. .49

I AKI BEAUMONT

Date filed	December 19th 2000
Court	Court nº 3. inuñea
Proceedings nº	
Situation	

N. .50

IGOR MARTINEZ DE OSABA

Date filed	December 28th 2000
Court	Court nº 3. Gasteiz
Proceedings nº	DP. 3290/00
Situation	Transferred to Senior Court, Madrid on December 28th 2000.

PSYCHOLOGICAL EFFECTS

To suffer torture, to pass through a police station, the threats and aggression are stressful factors that can lead to a devastating traumatic experience; to have to listen to serious threats towards your own security or the physical well-being of loved ones. Not all those exposed to this situation develop the same type of disorders, many, though, show symptoms almost immediately. They appear upset and moody, depressed, anxious, anger, desperation...



These often disappear after two or three days and are reactions to an seriously stressful situation. The symptoms depend on the situation endured, the personality of the individual, if there are moments of vulnerability...a series of factors that induce the appearance of symptoms.

Sometimes there is a delayed reaction to the happenings and the symptoms last much longer.

During the year 2000 an analysis has been made of people (40 precisely) that have been through police stations. They have been interviewed, and in addition to giving their own personal testimony of their time in detention, facts have been gathered on the impact that this event has had on an emotional level.

The observed consequences have been gathered in three groups; O symptoms of Anxiety, symptoms of Depression, Posttraumatic symptoms.

Of the forty people, twenty have returned to be interviewed after a month to fill in the same questionnaire which contained the list of the symptoms described.

The results obtained are:

As can be seen in TABLE 1, in the first group 15 (of forty cases) suffered symptoms of anxiety (35%). Symptoms of depression were

TABLE 1

	N ^o Cases	%
Anxiety	15	37,5%
Depression	16	40%
No symptoms reported	9	22,5%
Posttraumatic symptoms	23	57,5%



reported in 16 cases, that is 40% of those interviewed. Posttraumatic symptoms extended to 23 cases, which means 57.5% of the total. Only in 9 occasions were neither symptoms of anxiety nor depression

TABLE 2

	after being released		after a month	
	N° Cases	%	N° Cases	%
Anxiety	12	60	6	30
Depression	10	50	7	35
No symptoms reported	3	15	3	10
Postraumatic symptoms	17	85	14	70

reported.

**TABLE 3**

	risen		decreased		stable	
	N° Cases	%	N° Cases	%	N° Cases	%
Anxiety	2	10	7	35	5	25
Depression	4	20	7	35	3	15
Postraumatic symptoms	1	5	7	35	9	45

A follow up analysis after a month on 20 cases of the initial forty showed that 6 showed reported symptoms of anxiety (30%). There were 7 cases reporting symptoms of depression (35%), and 14 reporting postraumatic symptoms, 70%. (TABLE 2)

In what way these symptoms developed more concretely is presented in TABLE 3.

In the anxiety section, the cases have risen in number or in intensity in two cases 10%. They have fallen in seven occasion (35%), and



have remained the same in five cases (25% of the total).

In cases of depression, symptoms have risen in four occasions (20%), while they have fallen in seven (35%). They have remained stable in three cases (15%).

In cases of posttraumatic symptoms they increased in one case (5%), decreased in seven cases (35%), and remained stable in nine cases, 45%.

The most frequent symptoms of anxiety are: sudden shock for no apparent reason; feeling terrified; internal agitation, impossibility to remain still; feel tense; headache, migraine, etc.

After a month the same responses were given as in the first occasion, but some new ones were added: feel terrified, intense nervousness and internal bodily unrest; unrestlessness.

Those responding to symptoms of Depression reported most frequently: feeling of a total lack of energy; feeling that doing anything would involve a great effort; insomnia; desperation; nostalgia; overly worrying about things.

After a month certain symptoms persisted like feeling low in energy, desperation about the future; nostalgic feelings; and overly worrying about things.

Posttraumatic symptoms observed were wide and fluctuated between memories of the arrest and events related to the arrests; feeling of having relived the event; feelings of separateness; fleeing or distancing from people; concentration difficulties; feeling wide-awake; feeling irritable or bouts of anger; ignoring the event; incapacity to remember parts of the arrest; feeling that the future has no meaning; sudden physical or emotional feelings on remembering the arrest; feelings of guilt; desperation...

After a month other symptoms can be noticed like that of looking for the reason for what had happened, feel that people don't understand you,



feeling timid...together with some of the others witnessed earlier, like desperation, physical and emotional reactions on remembering the arrest, irritability, sudden and recurring thoughts and memories, feelings of reliving the event and feelings separateness from one's environment



CONCLUSIONS

- In the majority of cases, those interviewed showed signs of anxiety and/or depression, and/or posttraumatic symptoms intermixed. These symptoms varied with time.

**Basque Refugees expelled by France
to Spain.**

**Illegally handed over to
Spanish security forces.**

**Tortured by Spanish Security Forces.
and
imprisoned in Spanish prisons.**

January 2001.

Maker: Didier Rouget



Over the last few years the French Government has handed over various Basque refugees to the Spanish security forces after being arrested and detained in France. It is true that many Basque citizens seek refuge in French territory to escape from the repression and consequent torture and mistreatment that the Spanish security forces systematically apply. In France, many of these refugees have been arrested and condemned to prison sentences for "association with wrong-doers", for belonging to or relations with Basque independentist organisations. Later when these people have finished the sentence imposed by France and await release, despite there being no petition for extradition by the Spanish authorities, these people are taken to the border to be handed over to Spanish security forces.

The hand-over of these people takes place at the border and directly to the Spanish security forces (Guardia Civil or National Police). After the hand over, the person is arrested and held incommunicado and, in the majority of cases 5 days pass before they appear before a Judge, during which time the detainee suffers the mistreatment that are against

article 3 of the European Convention of Human Rights. After this they are brought before the Courts to be accused and tried

The practise of direct hand over by the French authorities of Basque pro-independence militants to Spanish security forces is habitually used by the Spanish and French authorities. This is so because it is a very quick process which impedes the person being handed over from appealing the decision to the French Courts due to the haste with which all is carried out. It is done after giving very brief notice to the person involved and is carried out almost immediately. (1) This practise is very easy for them as the detainee is in a prison or police station in France, and thus totally isolated from all contact with their family and lawyer.

This practise allows them to avoid the controls of the French justice system in the face of Spanish demands for extradition and thus eliminate a guarantee of rigor in the decisions that are taken which is essential. By using the process of hand over agreed with the Spanish authorities, the French authorities are trying to avoid the awkward formalities

which are involved in carrying out an expulsion in a legal manner, and thus deprive the concerned individual of the guarantees that would correspond to them if it had been carried out correctly. These are fundamental rights like the right to a lawyer and the right to an interpreter. Effectively, it is possible that the petition of extradition could be denied as it has unsolid foundations, especially as it is based on information given through the use of torture in Spain, and also because the individual concerned has already been convicted and imprisoned for these deeds in France.

For example, Jou Urrutikoetxea was expelled by France to Spain and handed over to the Spanish authorities on May 5th 1996. He was imprisoned in Madrid, sentenced for the same acts and the same law suit as had resulted in him spending 10 years in prison in France (2). On the other hand, on October 16th 1990 an extradition process solicited by Spain against him was rejected due to a lack of consistency in the evidence given by the Spanish High Court. In any case the use of the process of expulsion allowed the French and Spanish authorities overcome this reluctance to extradite. On the

basis of the same action pardoned by the French authorities the Spanish public ministry sought a sentence of 31 years of prison for Josu Urrutikoetxea. In spite of the fact that Urrutikoetxea had been elected as a deputy in October 1998 and councillor in June 1999. In addition the Administrative Court of Toulouse declared the hand over, and the fixing of Spain as the country of destination, as illegal in a ruling on May 26th 1999. (3)

In addition, the carrying out of the measure of hand over to Spain has an irreversible character. If the French judicial authorities annul this decision after a certain period of time, the Spanish authorities don't have to accept the rulings of a foreign jurisdiction and therefore can deprive the concerned individual of his liberty in line with the old adage "Male.Captus, Bene Detentus" (4) It is on this basis that the Spanish High Court sentenced Josu Arkauz Arana to 83 years prison in 1998, in spite of the illegality of the hand over which was recognised by the French authorities.

This procedure of handing over citizens to the Spanish Security Forces , was explained and defended



by the French minister of the Interior Jean-Louis Debré, in an interview made in the Madrid daily ABC (pg. 11, 14th July 1996). With respect to the expulsion of Basque citizens and refugees and detainees in the French State to Spain he declared: "The present French government will hand over to Spain all those people (members or sympathisers of ETA) demanded by the Spanish Courts that don't have legal proceedings in course in France." This illegal practise has been systematically carried out by the French ministers of the Interior Jean-Pierre Chevènement and Daniel Vaillant.

An illegal practise condemned by the French Courts.

This norm of direct hand overs of Basque pro-independence militants to the Spanish security forces is "an extradition disguised" as was stated by the European Court of the Human Rights it's ruling in the case of Bozano against France on December 18th 1986. The decision to make such a handover to the Spanish security forces was deemed to violate article 27bis of the Statute of the 2nd of November 1945 which

deals with the conditions of entry and residence of foreigners in France. It states that "a foreigner shouldn't be forced to go to a country if it established that their life or liberty are threatened or it is shown that they are likely to be treated in a manner in contravention of that indicated in article 3 of the European Convention for the Safeguarding of the Human Rights and Fundamental Liberties of November 4th 1950.

It is something which has been declared illegal by numerous Judges in the French administrative Courts:

In a case in the Paris Administrative Court on July 7th 1995 it was stated in relation to the decision to handover . Jose Domingo Aizpurua Aizpuru to the Spanish security forces that "no decision of extradition that may have been taken against his interests is lacking legal basis, therefore Mr. Aizpurua Aizpuru is authorised to petition for its annulment".

The case of Jose Arkauz Arana held on February 4th 1999 in the Administrative Court of Pau, rejected the expulsion decision by France to Spain for the following



reasons: "Considering the formula of proceeding that has been used, it doesn't correspond to the French administration the handing over of M. Arkauz-Arana to the Spanish authorities that happened at the Junquera (border police posts), that competency in the evaluation of this action, in particular to the verbal-process, dated February 14th 1997, of the High Court of the Madrid Central Court of Instruction, therefore this informal decision that involves an excess of power can only be revoked."

-In the case of Mikel Zarrabe in the Administrative Court of Toulouse on May 26th 1999, the order of hand-over to the Spanish security forces (December 8th 1995) was revoked for the following reasons: "Considering that [...] if an expulsion order, that simply consists in a police-administrative measure, authorises the administration to bring the person in question to the border of the country of which this person is a national, it cannot be legally allowed as such actions revoke the resolutions of the law of March 10th 1927 in relation to the extradition of foreigners; and in addition, in these conditions, Mr Zarrabe is authorised to hold the

belief that the decision implicit in his handover lacks legal basis and therefore he may demand the revoking of it".

-On July 1st 1999 the Administrative Court of Versailles revoked the hand over of Pilar Mondragón Zabala for the following reasons: "Taking into account that according to the terms of Article 3 of the law of March 10th 1927 in relation to extradition of foreigners: "the French Government may hand over, on request, to foreign Governments any individual who is found in the territory of the Republic[...] who is the subject of a demand in the name of a State or even, subject to a order for punishment by its Courts"; it must be said that the Spanish Government has not made any request to the French Government in relation to the handover of Mr. Mondragón Zabala; and as a consequence of this the said handover ought to be revoked".

-The Administrative Court of Versailles revoked the handover of Maria Gomez Gorrotxategi on July 1st 1999 for the same reasons.

- The Administrative Court of Versailles revoked the handover of

Mari Luz Bella Bringas on November 8th 1999.

- On May 24th 2000, the prefect of l'Essone ordered the expulsion to Spain of Alberto Lopez de la Calle Gauna, who should have been freed from prison on July 7th 2000. The European Court of Human Rights asked the French Government not to expel him to Spain. Later, on July 6th 2000, the Administrative Court of Versailles ordered the suspension of the expulsion. In the case in the Administrative Court of Versailles on September 26th 2000 the decision was revoked for the following reasons: "Taking the terms of the article 27 bis of the resolutions [...] of November 2nd 1945 [...] a foreigner cannot be expelled to another country if it is established that his life or liberty is threatened, or the person is exposed to treatment contrary to article 3 of the convention [...]".

- "Considering, that the resolutions are accepted that prohibit an expulsion to a country where it is proven that the freedom of the person expelled is threatened, they cannot be given a literal application, since the hand over to a country which the person being expelled has nationality doesn't

normally happen, it is when faced with the case of a person who should and may be handed over to the authorities, then the resolutions ought to be studied from the principles of international law on the matter of extradition, and that they reserve in these legal actions the hand over to authorities of a foreign State that is subject to judicial demands".

- "Considering that the evaluation of the expedient that Mr. Lopez de la Calle Gauna is subject to a demand from Spain, that the prefect won't dispute that his destination of Spain will be accompanied by a hand over to the Spanish authorities; that Mr. Lopez de la Calle Gauna is obliged to endure that the decree will fix Spain as the country of destination, that although it appears in all ways as an extradition, it ought to be taken as something irregular in the framework of an expulsion".

- In the case in the Administrative Court of Melun on October 24th the decision dated October 9th 1998 was revoked. Hence, the prefect of Val-de-Marne revoked the expulsion order of Iñaki Lopez de Bergara Astola to Spain.

- In the end, after 6 Court hea-

rings on June 20th 1997 (n° 9615356/4 Arruti Agirre; Nº 9615349/4 Hernandez Lamasas; n° 9615347/4 Lopez Galarza; n° 9615350/4 Portu Espina; n° 9615348/4 Segura Burgos; n° 9615353/4 Pagoaga Gallastegui the Paris Administrative Court revoked the decrees of June 8th 1996 of the Minister of the Interior designating Spain as the country of destination for the following reasons: Taking into consideration that the decree of June 8th 1996 , due to which Spain was designated as the country of destination, constituted a police measure that ought to be based in article 1 of the law of July 11th 1979; and that , in virtue of article 8 of the decree of November 28th 1983, it will not be legally possible to intervene any more after M. Arruti Agirre has been able to present the allegations in writing; that the articles 23 and 26 of the law of November 2nd 1945 in relation to the expulsion processes don't make references to resolution destined to allow foreigners that have been subject to a demand for expulsion to present the allegations concerning the country that they are to be handed over to, and in application of article 27 of the same law ought to be subject to a contrary decision in

relation to the measure of expulsion. Considering that the Minister of the Interior hasn't offered any acceptable circumstance to justify the non application of article 8 of the decree of November 28th 1983 and that hasn't denied that such resolutions haven't been respected; as a consequence, M. Arruti Agirre ought to be defended from the demands made alleging that it is mixed up in flawed process and for this reason request the revoking of it".

- It is also worth mentioning that within the system of expulsion procedures there have been numerous complaints and the commissions of expulsion have made unfavourable warnings about the expulsion of Basque militants to Spain.

- In addition, the continuous use of this procedure against Basque citizens has provoked protests from numerous humanitarian organisations and personalities (Amnesty International, World Organisation Against Torture, Association for the Prevention of Torture, Human Rights League, Christian Association for the Abolition of Torture, Treaty for Human Rights, International Prison Watch, Magistracy Trade Union, Lawyers' Trade Union of



France, French Communist Party, Dominique Voynet, the Green party's spokesperson, today French Government minister, Mr. Gaillot, Bishop...).

Tortured by the Spanish Security forces.

According to article 27bis of the law of November 2nd 1945 in relation to the conditions of entry and residence of foreigners in France "a foreigner cannot be transferred to a country in which it is established [...] that the person has been exposed to treatment against article 3 of the European Convention for the safeguarding of Human Rights and fundamental liberties signed on November 4th 1950". Additionally, the jurisprudence of the European Court of Human Rights and the Committee of Human Rights rules that a State may not remove anyone to another State where this person will run the risk of suffering torture and cruel, inhuman or degrading treatment.

That may be so but the French authorities have handed over Basque citizens to the Spanish Security forces, in contradiction to this prohibition, and they have been tortured.

- November 3rd 1986, Pablo Vivanco Ruiz, afflicted with poliomyelitis, was handed over by French authorities to the Spanish police who tortured him.

- July 10th 1993, Manuel José Chavarri Lopategui is handed over by France to the Spanish police who torture him.

- Jose Domingo Aizpurua Aizpuru was expelled from French territory and handed over to Spanish security forces in June 1994. He was tortured by this body. With this case there was a meeting with members of a delegation of the European Committee for the Prevention of Torture (CPT) in the visit they carried out between the 10th and 14th of June 1994.

- Mikel Zarrabe was handed over by the French police to the Guardia Civil on the 8th of December 1995. He was brutally beaten during the interrogations.

- Teodoro Meabe Derteano was handed over with urgency on March 17th 1996 by France to the Guardia Civil who tortured in a similar way as in the aforementioned case.

- On June 5th 1996, Luis Iruretagoiena, is handed over by French authorities to the Guardia Civil. He suffered uninterrupted sessions of torture over three days (electrical discharges, beatings, plastic bag over his head...) and in addition they kept him secretly arrested for more than one month.

- February 13th 1997, Josu Arkauz Arana was handed over by French authorities to the Guardia Civil. He suffered three days without cease of torture sessions (beatings, plastic bag over his head, sleep deprivation). He was visited by the CPT after leaving isolation.

- April 13th 1999, Mari Luz Bella Bringas was handed over by the French police to the Spanish police at the Junquera border post. Two days later when he appeared in front of the Judge was when he denounced have been mistreated and having received numerous blows to the head. Almost 13 years M. L. Bella Bringas had been a refugee in France as earlier he had suffered torture in Spain over 10 consecutive days. During his detention he was introduced on many occasions in the "bath".

It is important to point out that it is with a true knowledge of the cases that these people were handed over by France to the Spanish security forces. This makes a very serious situation. In effect, the practise of torture and maltreatment by the Spanish security forces is looked on with a favourable light by the Spanish authorities. These are facts that have been ratified by a number of international bodies: statements made and recommendations of the Committee of Human Rights and the Committee against Torture of the United Nations; the reports of the European Committee for the Prevention of Torture in relation to the visit made to Spain which was published on March 4th 1996. The reports of Mr. Kooijmans and Rodley, special envoys of the United Nations on torture, the reports of Amnesty International (5), the Association for the Prevention of Torture of the International Prisons Watch... The Committee of Human Rights said, after examining the report presented by Spain in virtue of article 40 of the Pact, that it was worried about the numerous reports that they received concerning torture and mistreatment suffered by people accused of

terrorist acts at the hands of members of the security forces. The committee declared that the reports referring to these deeds are not dealt with correctly, that after being recognised as guilty of these deeds and sentenced to prison sentences, they are rapidly released without carrying out the sentence.

France is condemned by the United Nations Committee against Torture.

The United Nations Committee against Torture in its second report declared on the 6th of May 1998 that it was seriously worried about the practise of police to police hand overs from one country to another (Spain), despite the fact that French Jurisprudence had declared this practise illegal; this means a failure of the French State to fulfil the recommendations of article 3. Thus the Committee recommended that the French State be more consequent of the recommendations of this article of the Convention, applying it indiscriminately both for expulsion and extradition.(7)

According to a decision taken on November 9th 1999 and made public on the 1st of December 1999, the Committee of the United Nation against Torture declared that having been placed Josu Arkauz Arana in the hands of the Guardia Civil, France had violated article 3 of the said Convention. likewise, the Committee reminded all that various international bodies for the protection of Human Rights consistently reported that the practise of torture and mistreatment of Basque citizens suspected or accused of belonging to pro-independence movements by Spanish security forces is very frequent. They also stated that these people find themselves in a very particular vulnerable situation during their detention.

Josu Arkauz Arana was visited on the 17th of January by a delegation of the European Committee for the Prevention of Torture (CPT). It is important to point out some things in this respect. that the report elaborated by the CPT after that visit was published on April 13th 2000. In this the CPT claim that the testimonies made by Jose Arkauz Arana are real.

After the sentence of 83 years of prison given to J Arkauz on the



EIGHT POINTS THAT ARE NECESSARY FOR THE ERADICATION OF TORTURE

We feel it is time to do something. The consequences of torture are irreparable. We need to activate, and force the political class and society in general to activate, the mechanisms that are necessary to end this horror. This is necessary due to the scandalous numbers of Basque citizens that have been tortured and humiliated in the last 40 years.



We can't sit here with our arms crossed and ignore the grave problem using an excuse that " I didn't read that in the papers" or "I didn't know this was happening". Disgracefully, we must say that ignoring the problem converts us into protectors of these abominable practices.

Our silence only serves to cover them up. In this manner, we as victims would like to offer our small suggestions for the eradication of torture.

We consider it absolutely vital:

1. The abolishing of anti-terrorist legislation, in concrete Articles 520 and 227 of the Criminal Justice Law that allows the detainee to be held incommunicado for a total of 5 days. It is during this period that the abuse occurs, a time when nobody ensures the physical and psychological integrity of the detainee.

The elimination of the first and second paragraphs of Article 520 bis which allows for the lengthening of the time of detention incommunicado from 3 to 5 days.

The text of Article 520 bis

is the following.

1.- Any person arrested as a supposed participant in any of the crimes referred to in Article 384 bis will go before the competent Judge within 72 hours from the time of arrest. However, the detention can be lengthened for investigative reasons to a limit of a further 48 hours, if the extension has been requested within the first 48 hours of detention, and will be authorised by the Judge within a further 24 hours. Both the authorisation and refusal of the extension will be explained.

2.- When a person arrested for the motives expressed earlier, a Judge can be requested to decree his incommunication. The judge should make a decision, documented, about the matter within 24 hours. With incommunication granted, the detainee will at all times be prevented from communication without prejudicing his right to defence, which is due to him under the established articles 520 and 527, until the time that the Judge has decided it should last.

The elimination of Article 527 is necessary as it specifies the contents and consequences of this



period of incommunication and eliminates the following rights of the detainee:

- Right of the detainee to the assistance of a lawyer of confidence.
- Right of the detainee to inform a family member or another person of their choice of the fact of arrest and the place of custody at that particular time.
- Right of the detainee to have a confidential interview with his lawyer at the end of the initial proceedings.
- Right to be informed, without delay, of the reasons for arrest.
- Right to remain silent and not make a statement during the period of detention.

The actual text of Article 527 is the following:

The detainee or prisoner, whilst he remains incommunicado, does not enjoy the rights that are laid out in this chapter, with the exception of those established in Article 520, and with the following modifications:

- a) in all cases the lawyer will be State appointed.
- b) he also won't have the right to an interview with his lawyer as laid out in part d/ number 2.
- c) he also will not have the right to an interview with his lawyer as laid out in part c/ number 6.

Elimination from article 553 of the paragraph which privileges the police with the Judicial authorisation for the detention of people, or the raiding of homes or other areas where actions are carried out against those responsible for the actions laid down in Article 384. Concretely from (...) in cases of exceptional or urgent necessity (...) until the end of the article.

The actual text of article 533 is the following:

The police agents can work on their own authority in detaining immediately people when there is a prison warrant for them; when they are caught committing a crime, when a delinquent is pursued by police agents and they hide or refuge themselves in a house, or, in exceptional cases or cases of urgent necessity, when it related to those presumed responsible for actions referred to in Article 384 bis, anyone who hides refugees in a place or home, as well the raiding of these places and the taking of articles and instruments that are in these places and can be kept in relation to the crime committed.

When the raid has been completed, along the lines established in

the last paragraph, a competent judge will be informed, indicating the reasons motivating the raid and the results obtained, with special reference to detentions that have been made. Those participating and any incidents that occurred should be reported to the Judge.

2.- Right of Basque citizens to be tried by normal Courts, instead of in the Spanish High Court that has ignored the continuous complaints made of abuse and accepts self-incriminating statements received through torture. Elimination of the capacity of Spanish High Court as a special Court for the trying of criminal cases referred in Article 384 bis, due to its character as direct descendent of the Francoist Court of Public Order, due to its markedly political activities which is against the principles which should rule in a democratic State, and for breaking with the internationally recognised fundamental principle of territorial competency.

This is fixed in the repeal of the Transitory Decree passed in the Organic Law 4/1988 on May 25th, in the reform of the Criminal Justice Law and the

acceptance of the mentioned fundamental principle of territorial competency that would mean the normal Judge would have an understanding of the themes

The text of the Transitory Decree is the following:

The Central Courts of Instruction and the High Court will continue to hear the trials of cases related to crimes committed by people involved in armed groups or related to terrorist or rebel elements, when the commission of the crime contributes to their activity, or those who in any way cooperate or collaborate with the actions of those groups or individuals.

3.- Repeal of the possibility of extending the period of detention.

4.- Ensure that all detainees are visited by two doctors, one selected by the corresponding Court and the other chosen by the family of the detainee.

5.- Real Pursuit and investigation into the complaints of torture and abuse.

6.- Declare invalid the police or Judicial statements of those

INTERNATIONAL POSITIONS

With regard to the treatment that torture and abuse receives in the international arena, that is in addition to the legal decrees of an imperative character that are laid out in various Treaties and Conventions (International Pact on Civil and Political Rights, European Convention for the Protection of Human Rights...).

There are other bodies, institutions and regional or international organisations that have echoed the claim of the existence and persistence of torture whilst being held incommunicado (incommunicado is when the detainee has absolutely no contact without the outside world). These organisations, examining the problem using diverse procedures and instruments and in the light of the decrees of the aforementioned Conventions and Protocols, have come to definite conclusions. They have shown the constant and systematic use of torture linked to those shadowy periods of incommunication. They have analysed the different legal, administrative and judicial elements that favour the practise of torture and it's impunity.

With regard to the European Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), dependent on the Council of Europe, it can be said that it has carried the most precise reports. The following should be underlined with respect to the contents of the three reports on the Spanish state published to date:

The first CPT report (April 1991) came to the conclusion that "it would therefore be premature to conclude that the phenomenon of torture and severe ill-treatment have been eradicated" in the Spanish State.

They specified more concretely the "risk area" for torture in their second report (April 1994) affirming that "it would be premature to conclude that the phenomenon of torture and severe ill-treatment had been eradicated. Further [...] in the light of the information at it's disposal, the comment made in paragraph 25 of the report on the first periodic visit remained valid".

The third visit (10th-14th of June 1994), was made with relation to an arrest made by the



Guardia Civil (military police) in Gipuzkoa. In addition to periodic visits, the Committee could organise any visit they felt was necessary according to the circumstances. The CPT said "... the allegations received at the beginning of June 1994 provided an opportunity to assess more closely the risks of torture or severe ill-treatment occurring".

In paragraph 33 of the third report they signalled the following with respect to the conclusions of the sitting Judge on the possible existence of torture: In his ruling of 21 July 1994 (cf. paragraph 27) the judge in charge of the Central Central Examining Court N° 5 states that "there has not been ill-treatment or torture inflicted upon any of the detainees in this proceedings". "In the light of all the information set out above, the CPT does not share the same degree of certainty on this matter. It considers that the said information is sufficient to give rise to legitimate concern about the manner in which at least certain of the persons arrested between 2 and 7 June 1994 were treated while in the custody of the Civil Guard".

In the report carried out on the 17th and 18th of 1997 the CPT saw that "... it would be premature to conclude that the phenomenon of torture and severe ill-treatment had been eradicated. Further, [...] in the light of the information at its disposal, it could only reiterate the above-mentioned comment". It continued: "Nevertheless, the CPT has continued to receive from time to time allegations of the ill-treatment of detained persons by the Spanish law enforcement agencies, and in particular of the ill-treatment by the Civil Guard of persons suspected of terrorism offences" "At the beginning of 1997 the CPT received reports concerning Mr. Jesus Arcauz Arana". This included an analysis of the methods used by the Guardia Civil in interrogations "It makes mention of the fact that not all of the alleged methods of torture and mistreatment leave marks or external signs. Thus the absence of any sign of violence cannot be considered conclusive in determining that the treatment was adequate."

In the report of 22nd November 1998, the CPT reports: "Those allegations involved blows to various parts of the body and, in

some cases, more serious forms by physical ill-treatment, including sexual assault of female detainees by males police officers, and asphyxiation by placing a plastic bag over the head. In certain cases, the reports included medical certificates recording injuries or conditions consistent with the allegations made by the persons concerned."

It should be noted that the last two reports quoted were refused authorisation to publish by the Spanish Government until last year (2000), breaking the principle of transparency and good will that inspired the putting into practise of these Treaties and Conventions.

The CPT always formulated recommendations demanding mechanisms to overcome the situation and to avoid that cases of abuse and torture would continue. The Spanish State systematically fails to fulfil the recommendations and even avoids responding punctually to the requests for information by the CPT.

Amongst the recommendations most repeated are that a lawyer be present and report at all times to the detainee, the possibility of

communicating with family or close friends during the detention period, and the presence of a medical doctor of confidence.

They also feel it vital that the maximum period of incommunication be 48 hours for a legal guarantee against torture.

They suggest creating a system of inspection of detention centres, by independent and impartial bodies, in order to contribute to protecting against mistreatment. Referring to the role of the Judicial authorities when confronted with testimonies of torture they recommend that "the examining judge may [...] take the necessary steps to preserve evidence and initiate proceedings to investigate the allegations. In all such cases, the public prosecutor has a key role to play. In particular, it is the task of the prosecution service to instigate legal action in defence of the right of the citizens, both "motu proprio" and following a complaint or at the request of an interested party".

The concern of the CPT can be seen in the following extract: "the persistence of allegations of ill-treatment by the law enfor-



cement officials highlights the need for the Spanish authorities to remain particularly vigilant in this area".

With regard to observations of the CAT (Committee against Torture) of the United Nations on the use of the Convention in preventing torture and other cruel, inhuman or degrading treatment. Their report of November 27 1997 concludes that "processes begun around complaints of torture are frequent and is completely incompatible with the premises required by Article 13 of the Convention", putting into doubt the real wish of the Spanish authorities to pursue the crimes of torture. In this manner they indicate: "sentences imposed against public officials guilty of acts of torture, are frequently merely symbolic sentences and not involving a period of imprisonment, seem to indicate a certain level of indulgence which doesn't give the sentence a sufficiently dissuasive character, and does not have an exemplary effect that it should have. In addition it is an obstacle to the basic objective of eliminating the practise of torture". In order to improve the situation they suggest "con-

sidering the elimination of cases in which arrest is made without communication, and situations where there are restrictions on the rights of detainees, that they indeed be allowed to have the assistance of a legal defence of their choice."

In the Conclusions of the Committee on Human Rights in "the supervision of the fulfilment of the International Convention of Civil Rights dated 3rd April 1996, it is noted with concern that the Judicial authorities don't systematically carry out investigations when confronted with complaints of torture and abuse, and even more, when members of the security forces are found guilty of such acts and sentenced to prison, they are often cleared and quickly released, or they simply don't carry out their sentence. In addition, those who carry out such acts are rarely suspended from their posts for any length of time".

They also note their concern because in many cases, "evidence obtained through coercion is not systematically rejected by the Courts".

The Committee concludes by

recommending that "legislative provisions that establish that those accused of belonging to, or collaborating with, and armed organisation may not choose their own lawyer be removed". It urges the State to withdraw the use of arrest with incommunicatio, and invites them to reduce the length of preventative detention.

The Special Reporter on Torture, with responsibility for bringing to light the human rights violations by mistreatment and abuse mentions the exceptional situation in the Spanish State. Mr. Peter Kooijmans points out in his report in 1993: "it is the idea of impunity that makes torture attractive and viable. The Special Secretary receives information too often that certain people [...] have been hooded or have had their eyes blindfolded while they have been interrogated so that they wouldn't be able to identify those interrogating them, that they have been held incommunicado for a considerable period, that they haven't had access to a lawyer or doctor of their choice, that their parents haven't been informed of their arrest, that they have made complaints to the

authorities who tolerate or allow for the practise of torture, that the complaints have not been investigated by an independent organisation and that, in consequence, those responsible of these illegal acts remain immune and the victims are left without an effective recourse and proper indemnity". It continues "Governments ought to be aware that they cannot continue condemning torture on an international level whilst accepting it at a national level". They also add that judges have the "the competency to order the freeing of detainees that have been held in conditions in flagrant violation of the norms; that they have competency to not accept testimonies that haven't been given freely; they have power to ensure that the practise of torture is in no way recompensed and thus holds no attraction, and they should use this power".

More recently, the present Special Reporter Mr. Nigel Rodley presented a report in reference to the Spanish State to the Human Rights Commission, part of Social and Economic Council of the United Nations, in which he collected the testimonies of Basque detainees who were

IMPUNITY: ANOTHER BASE OF TORTURE

With the pardoning of fourteen agents of the FCSE in December 2000, the Spanish Government has returned to close the circle of impunity around the systematic use of torture. By systematic use we mean not just the habitual use of torture but also the juridical, political and media framework that allows it to happen with abso-



We are talking about a Parliament that hides special anti-terrorist legislation (those sadly famous anti-terrorist laws) in a supposedly ordinary judicial process. The parliament gives a free hand to police bodies to arrest and apply anti-terrorist legislation without any former requisites and also gives full authority to the judges of the High Court to rule on the matter. They allow for detention incommunicado (with no contact with anybody outside the police station, not even with a lawyer) and extend the period to five days when the police bodies request it. For this the police don't have to give an explanation or reasoning for their request.

During this period of incommunication and the extension of the period of detention, nobody other than those in the station (the detainee, police and clerks from the High Court) knows what is happening to the detainee there. Thus we are dealing with secret police spaces in which the practice of torture on detention is habitual.



Torture is carried out in such a way as not to leave marks. The "bag", bath, and open handed blows, threats, sexual abuse, humiliation, mock executions...have been used habitually during the year 2000. "I'm going to destroy you and later you will make a complaint and nothing will happen to me", a police agent said to a detainee last year. It is clear that nothing will happen to him, even with a bit of luck he will be promoted for his merits.

The Judges of the High Court don't want to see this reality. They turn a blind eye when a detainee appears in the High Court with marks of torture or is in poor psychological health. When taking the judicial statement of the detainee they base it on the results of the police interrogation. Definitely, torture is useful for them too.

However, many of the people who have been tortured have the courage to make complaints during the court process, and sometimes, a Judge will open an investigation and carry it through to the end, until the torturers are sentenced. This is a triumph of perseverance of those who have been tortured. After many years of struggle (the processes can extend over many years 15, 17 and 20 years in some

cases) it is admitted that they really were tortured. This is a small problem for a State that allows for the practise of torture. It is a small breach in an ideal system.

In these cases, the condemned agents are not discharged from their posts. They continue in them and are often rewarded with promotions. Once sentenced the Government rescues them and pardons them. This is what happened with the last pardoning.

Many international bodies have established the framework of holding detainees incommunicado as a framework that facilitates the use of torture. They have urged the Spanish Government to take measures to overcome this practise, but to date these measures haven't been adopted and in addition they continue to "pardon" the crime of torture. The European Committee for the Prevention of Torture, the United Nations Committee against Torture, the United Nations Special Secretary on Torture and Amnesty International are some of the NGO's and institutions that have made such appeals to successive Spanish Governments

The U.N special Reporter Peter Kooijmans, in his annual report to the United Nations Human Rights Commission in 1992, stated that the impunity with which police bodies act, and the lack of thorough investigation of complaints of torture, as well as the long processes that those who make complaints face, are pillars of the practise of torture. Hardly referring to the Spanish State? In the same way the United Nations Committee against Torture have shown their concern with torture in the Spanish State on various occasions.

The recent pardoning of agents of the State Security Forces by the Spanish Government, on the occasion of the JUBILEE YEAR, reinforces the practise of torture, the circle of impunity is closed. Thus free rein is given to police bodies so that they can continue to torture during the period of incommunication.

We will now detail the pardonings given by the Government to various torturers, showing the cases of torture for which they were condemned and then pardoned.

JULIO HIERRO AND MARIA JESUS FANEGAS

Both were sentenced by the second section of the Provincial Court of Bilbo on 28th January 1997, as the authors of the crime of dishonesty, to a sentence of 10 months special suspension from employment and public service for the acts committed in 1982.

The act referred to in the sentence is the torture that a Basque citizen, ANA EREÑO, was subjected to during the time she was held incommunicado under anti-terrorist legislation in 1982.

They were charged with allowing policemen in their charge to torture Ana Ereño.

In the case of Julio Hierro it should be noted that he had already been condemned for another

torture charge. This police agent was also found guilty for the kidnapping, in the name of GAL, of the Basque citizen Segundo Marey and received partial pardoning in that case.

Amongst the means of torture that she was subjected to were strong punches to the chest, karate kicks to the thighs, punches and slaps to the head and neck....

The doctors that attended her in the General Police Headquarters, Madrid noted amongst the injuries that were produced during the torture sessions, were "facial swelling, with bilateral edema, obvious conjunctival ecchymosis of the left eye, bilateral mandibular hematoma, mesogastrium





ANIBAL MACHIN, JUAN JOSE FERNANDEZ AND ABEL ALBERTO NUÑEZ

Sentenced by the seventh section of the Provincial Court of Madrid for the crime of torture to three months imprisonment and one year police suspension, on the 21st January 1997.

The sentence refers to acts carried out in 1982 when a Basque citizen ENRIQUE ERREGERENA was detained under anti-terrorist legislation and tortured in police custody.

Amongst the means of torture used were electric shocks to the penis, testicles and head, death threats whilst they pointed at him with a gun and continuous beating. Amongst the injuries there were bruises to the arm and right elbow, the under-

298 REAL DECRETO 2096/1997 de 7 de diciembre por el que se dictan a don Abel Alberto Nuñez Álvarez.

Visto el expediente de instrucción de don Abel Alberto Nuñez Álvarez, con los informes del Ministerio Fiscal y del Tribunal correspondiente, con dictamen por la Sección Séptima de la Audiencia Provincial de Madrid, en resolución de fecha 21 de marzo de 1997, como autor de un delito de tortura, a la pena de tres meses de arresto, multa y un año de suspensión de la posibilidad de ejercer, por hechos cometidos en el año 1982, a propiamente del Ministerio de Justicia y previa deliberación del Consejo de Ministros en su reunión del día 1 de diciembre de 1996.

Visto así también a don Abel Alberto Nuñez Álvarez dos meses de la pena privativa de libertad y de suspensión de cumplimiento, a condición de que no vuelva a cometer delitos durante el tiempo de eventual cumplimiento de la condena.

Dado en Madrid a 1 de diciembre de 1997.

JUAN GARIBAY E.

El Ministro de Justicia,
ÁNGEL AGUIRRE ESPARVIA.

213 REAL DECRETO 2097/1997 de 7 de diciembre por el que se dictan a don Juan José Fernández Sagastika.

Visto el expediente de instrucción de don Juan José Fernández Sagastika, con los informes del Ministerio Fiscal y del Tribunal correspondiente, con dictamen por la Sección Séptima de la Audiencia Provincial de Madrid, en resolución de fecha 21 de marzo de 1997, como autor de un delito de tortura, a la pena de tres meses de arresto, multa y un año de suspensión de la posibilidad de ejercer, por hechos cometidos en el año 1982, a propiamente del Ministerio de Justicia y previa deliberación del Consejo de Ministros en su reunión del día 1 de diciembre de 1996.

Visto así también a don Juan José Fernández Sagastika dos meses de la pena privativa de libertad y de suspensión de cumplimiento, a condición de que no vuelva a cometer delitos durante el tiempo de eventual cumplimiento de la condena.

Dado en Madrid a 7 de diciembre de 1997.

JUAN GARIBAY E.

El Ministro de Justicia,
ÁNGEL AGUIRRE ESPARVIA.

210 REAL DECRETO 2095/1997 de 7 de diciembre por el que se dictan a don Anibal Machin Sáenz Álvarez.

Visto el expediente de instrucción de don Anibal Sáenz Álvarez, con los informes del Ministerio Fiscal y del Tribunal correspondiente, con dictamen por la Sección Séptima de la Audiencia Provincial de Madrid, en resolución de fecha 21 de marzo de 1997, como autor de un delito de tortura, a la pena de tres meses de arresto, multa y un año de suspensión de la posibilidad de ejercer, con los accesorios de suspensión de todo cargo, pólizas y derechos de sufragio durante el tiempo de la condena, por hechos cometidos en el año 1982, a propiamente del Ministerio de Justicia y previa deliberación del Consejo de Ministros en su reunión del día 1 de diciembre de 1996.

Visto así también a don Anibal Sáenz Álvarez la pena privativa de libertad y de suspensión provisional de cumplimiento, a condición de que no vuelva a cometer delitos durante el tiempo de eventual cumplimiento de la condena.

Dado en Madrid a 1 de diciembre de 1997.

JUAN GARIBAY E.

El Ministro de Justicia,
ÁNGEL AGUIRRE ESPARVIA.



ISIDORO MARTINEZ, EMILIO
MARIÑO AND CARLOS PRIE-
T O

Sentenced by the second section of
the Provincial Court of Gipuzkoa on
the 2nd November 1994, as the
authors of the crimes of torture and
condemned to two months imprison-
ment and two months suspension of
duty.

The sentence refers to acts that took
place in 1982, when the Basque
citizen JUAN CARLOS GARMENDIA





JOSE LUIS FRAILE AND LUCIANO GARCIA

Sentenced by the first section of the Provincial Court of Bizkaia, on the 18th April 1995, for the crime of torture to two months imprisonment and a ten-month suspension of duties within the FCSE.

This was related to acts carried out in 1981, when the Basque citizen MIGUEL RUIZ MALDONADO was arrested under anti-terrorist legislation and tortured in police custody.

Miguel Ruiz gave testimony to the use of torture methods like threatening death with a gun, a mock hanging in a tree in a mountain, electric shocks and punches to the stomach and chest. They also played Russian roulette with him.

Was condemned for slandering the





JOSE MARIA RODRIGUEZ
AND
DAMIAN VINAYO

Sentenced by the first section of the Provincial Court of Bizkaia, dated 18th February 1997, for the crime of torture to one-month imprisonment and three months suspension of duties within the FCSE.

The deeds referred to in the case date back to 1983, when the Basque citizen JAVIER FERNANDEZ was arrested under anti-terrorist legislation and tortured in police





If you want to help us, more information, or to contact with us:

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