



## BRIEFING NOTE

### **Spain: Launch of the report “Incommunicado detention and torture” in Madrid**

**Geneva, 24 September 2014.** The OMCT participated last week, together with other international and local human rights and medical organizations, in a seminar held in Madrid, in the framework of which the report “Incommunicado detention and torture” was presented for the first time.

The study, led by the Basque Pro Human Rights Association “Argituz”, applies the Istanbul Protocol<sup>1</sup> to 45 persons that alleged having been subject to torture and ill-treatment during incommunicado detention in the counter-terrorism context over the last thirty years.<sup>2</sup>

A multidisciplinary team of over 30 renowned medical professionals and psychologists applied international forensic standards with a leading compartmentalized methodology and advanced statistical techniques to ensure objectivity and impartiality in the results. In a joint statement read out during the presentation of the report, Juan E. Méndez, UN Special Rapporteur on torture, and Ben Emmerson, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pointed out the relevance of the study as “a step towards transparency and accountability”.

The study had three main objectives: to assess the credibility of allegations of torture under incommunicado detention using a large and significant sample; to advance in the research of medical and psychological consequences of torture and ill-treatment on the short, medium and long term; to identify and analyze the torture methods to ascertain the existence or inexistence of patterns.

According to the experts that participated in the study, of the 45 assessments conducted, 53.3% qualified as of “maximum consistency”, 31.1% were “highly consistent” and 15.6% obtained a “consistent” degree of credibility. These numbers show a high degree of credibility of the accounts of torture and ill-treatment and confirm the findings of the Special Rapporteur on torture, the European Committee for the Prevention of Torture (CPT), the UN Committee against Torture, and other international human rights bodies pointing to the existence of credible and consistent allegations of severe ill-treatment collected from detainees under incommunicado detention.

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<sup>1</sup> The “Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (Istanbul Protocol) is a UN-endorsed set of guidelines for the effective investigation and documentation of torture and ill-treatment.

<sup>2</sup> The report is available in English on the website of the Mental Health & Psychosocial Network (MHPSS Network): <http://mhpss.net/?get=195/Informe-Incomunicacion-tortura-Analisis-protocolo-Estambul-Eng.pdf> (accessed on 24 September 2014)

As of the impact of the acts of torture and ill-treatment, it is noteworthy to draw attention to the figures laid down in the report: 53% of the examinees had showed Post-Traumatic Stress Disorder (PTSD) symptoms, 13.4% depressive disorders, 6.7% anxiety disorders and 8.9% an enduring personality change.

When asked for measures of reparation, most of the examinees expressed that the main and most urgent reparation measure would be the recognition of the facts: “that torture exists” and the need to undertake effective measures to put an end to it.

According to the latest report issued by the Basque Government (Framework Report on Human Rights violations in the Basque Country (1960-2013), June 2013), there are approximately 5,500 torture cases that have been reported. Other reports count over 10,000 cases.

During the presentation, a documentary called “Voces [Voices]. Detention and torture in the Basque Country”, that compiles the testimonies of several persons held in incommunicado detention who participated in the study, was screened. The documentary is available (in Spanish) on: [https://www.youtube.com/watch?v=0WXhr1TIN\\_4](https://www.youtube.com/watch?v=0WXhr1TIN_4)

The OMCT welcomes the report “Incommunicado detention and torture” in the Basque Country and believes that it constitutes a valuable tool and a landmark example of good practice in the field of the investigation of torture and other cruel, inhuman or degrading treatment or punishment using the Istanbul Protocol. In this context, the OMCT hopes that the Spanish authorities draw on the study and its conclusions to implement the recommendations of international human rights bodies, among them: to put an end to the practice of incommunicado detention; carry out prompt, effective and thorough investigations leading to the prosecution and punishment of those responsible, whenever there is reasonable ground to believe that prohibited acts have been committed; provide full reparation to the victims, including compensation, rehabilitation, full and public disclosure of the truth and guarantees of non-repetition to ensure that the absolute prohibition of torture is upheld in all circumstances.

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