



Acció dels Cristians per l'Abolició de la Tortura (ACAT)
Acción de los Cristianos para la Abolición de la Tortura (ACAT)

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“PSYCHOSOCIAL DYNAMICS LEADING TO TORTURE AND ILL-TREATMENT”

For this contribution¹, in addition to the ACAT Board, we have had the collaboration of Ramon Piqué, one of the founders of the Memory Against Torture association, formed by people who survived torture in 1992.

We find dynamics that predominate in different social spheres, all of them are closely interrelated and mutually reinforcing each other. Some of these dynamics recall the legacy of Francoism:

- **OF LEGITIMATION OF A CERTAIN DEGREE OF STATE VIOLENCE. The social acceptance of the need for a certain physical and psychological violence in frisk, interrogations, transfers, internment, etc., as well as the repression of 'undesirable' people and groups, and believing that "pressing, hitting, intimidating ... a little", the truth will be known before, and there will be more social 'peace'. From this error they nourish police abuse and the inaction of society.**
- **DISINFORMATION AND LACK OF FORMATION OF THE REAL OBJECTIVES -sought- AND OF THE PROCESS IN THE PRACTICE OF TORTURE**, not only in society in general but also at the level of forensic doctors, courts, prison officials, security forces and politicians. And also the **DISKNOWLEDGE OF THE SERIOUS SEQUELS OF TORTURE AND MISREATMENT** in tortured people, in those who tortured and in the whole society. Its effects are minimized, ignoring the depersonalization of the victims, the perversion process of torturers and the degradation of the entire society that they entail.
- **OF RACISM AND SOCIAL AND STRUCTURAL XENOPHOBIA, OF FEAR – AND EVEN HATE- OF OTHER CULTURES AND THE PROTESTS OF THE MOST VULNERABLE OR IN FAVOR OF THEM.** Police treatment and government care for migrants or popular groups, tends to be discriminatory and even vexatious, during identifications, searches, interrogations, arrests, complaints, etc. of these people. At a social level, hoaxes are created about the evils derived from the reception or acceptance of different groups. Fear of different motivates protests against juvenile centers and even civil street patrols to repress migrants of all ages.
- **FROM PUNISHMENT TO DISSIDENCE OF ALL KINDS** when it is significant (groups, entities, newspapers ...). It is perceived as a dangerous threat to the monolithic conception of Spain, or of social values, although the action and protest of the groups is peaceful. There is a tendency to apply anti-terrorism law to them. Legislation is increasingly restrictive and punitive in the face of protests. Ex: special laws (Citizen Security Law, Counter-Terrorism Law), special courts (National Court), tougher police operations against protest, inappropriate use of containment instruments (handcuffs, batons, rubber bullets) by a misunderstanding 'zeal'. There is no will for serious dialogue with dissidents.
- **OF PRESUMPTION OF GUILT -de facto- OF DETAINEES AND / OR PROCESSED.** Socially very rooted. In social media, even though they use the term “*presumed*”, the wording and tone often convey the perception of guilt, especially in severe cases. Also the police action becomes punishing thus even before the judicial action.
- **IMPUNITY FOR GIVING MORE CREDENCE TO THE POLICE VERSION** (e.g.: "They injured themselves"). Judges and prosecutors either do not heed the complaints, file them, or are weakly instructed and culminate in dismissal. Forensic doctors do not truly listen to people held incommunicado and assist the police version with their official medical care. Due to these obstacles to justice, few victims of torture denounce them and, if they do, some withdraw their complaint shortly after.

¹ This version that we send you is the translation of the original one in Spanish.



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- **OF THE EXISTENCE OF A "PATRIOTIC" POLICE SECTOR**, with an excess of "zeal" that leads to provisional prison and the abusive prosecution of people; making reports with false evidence and arguments that corroborate the police version prior to the trial and has also been documented fabricating evidence (enter 'objects' into backpacks, etc.), in order to punish dissent .
- **CORPORATIVISM AND MUTUAL PROTECTION AGAINST COMPLAINTS** by security forces, the political class, the judicial system, prison officials, union corporatism, etc.
- **OF POLITICAL AND PENITENTIARY DISTRUST WITH THE MEANS OF CONTROL** such as security cameras in spaces prone to ill-treatment, and others. Also, some distrust and government discredit in front of the Human Rights NGOs.
- **FROM TENDING TO AWARDING POLICE MERITS, WITHOUT REGARDING THE SURVEILLANCE OF THE MEANS USED.** In addition, certain competitiveness between police forces makes joint action difficult and a tough profile prevails in the selection, promotion by the police and prison officials.
- **FROM PARD MEASURES TO OFFICIALS CONDEMNED OF TORTURE OR ILL-TREATMENT.** Fact that shields impunity for this type of crime.
- **OF DENIAL OF THE EXISTENCE OF TORTURE IN THE OWN COUNTRY or to affirm that it is residual in 'democracy'.** Public cases cause specific stupefaction and outrage. Media usually approach it with lack of rigor, sensationalism and sometimes morbid; official information without contrast and without taking into account the historical thread that facilitates a reflection on the subject. Newscasts and gatherings with journalists or "experts" distort reality by claiming that in our country, it is not like in others where there is torture. Political will is lacking to eradicate it: they often deny, minimize or limit torture to a specific event and try to silence those who denounce it.
- **OF SOCIAL PRESSURE ON PUBLIC AND COURT POWERS** for quick resolution and punishment of the guilty. It leads to an abuse of provisional prison with the risk of humiliating treatment and the low application of alternative measures (telematic monitoring, community work, etc.). It advocates the stiffening of sentences. At the societal level, restorative justice is not believed to be advantageous over punitive or retributive.
- **TO DIFFICULT THE SURVEILLANCE WORK OF DEDICATED NGOs TO OBSERVE HUMAN RIGHTS.** From hindering access to places of deprivation of liberty to imposing financial bonds to appear as a popular accusation in cases of torture and ill-treatment.
- **LEAVING SOCIAL RESPONSIBILITY regarding torture and human rights.** It is unconsciously delegated to the State and the security forces that provide justice and security.

"REGULATORY, INSTITUTIONAL AND POLITICAL MEASURES FOR THE TOTAL TRANSPARENCY AND STRICT LIABILITY IN ALL GOVERNMENTAL EXERCISE OF POWER"

1. **To harmonize the definition of the crime of torture contained in the current Penal Code** with the definition established in article 1 of the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment and Punishment.
2. **Official annual PUBLICATION of torture cases** that reached the courts: complaints filed archived, judgments, etc.



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3. **Introduce mechanisms of detection and control of racism and / or abuse of power** in the security forces and public officials of all kinds, emphasizing the promotion of excellence in the security forces based on the protection of rights above all corporatism.
4. **Training of the general population** starting with children's educational centres up to university degrees, as well as campaigns in the Media and health centres based on the Istanbul Protocol and the ethical framework it implies, for the prevention and eradication of torture. As well as **campaigns to combat social hoaxes that promote racism and xenophobia** with verified information.
5. **Review the mechanisms for the selection of personnel, promotion and training of security forces and prison officials.** Ensure a more protective profile of rights, mediator, and companion to promote rehabilitation.
6. **Ensure permanent training processes -evaluable- in Human Rights and the prevention and approach to torture, especially in borderline situations,** aimed at professionals from the security forces and prison officials, jurists, health professionals, criminologists, social services, diplomats and journalists, etc.
7. **Review of the processes of election of positions in higher courts** (Constitutional Court, Supreme Court, National Court as long as it exists, Provincial Courts) in order to guarantee their ideological plurality.
8. **Legally regulation of the reduction of the confinement time,** in all cases, to the strictly necessary time or ensuring the **enforcement of the right to the immediate access to trusted doctor and lawyer.** At present, it is not guaranteed in all cases.
9. **Installation of 24-hour active camcorders** in all places prone to ill-treatment in detention centres of all kinds.
10. Secondary prevention of new attacks by **suspending without pay to police officers allegedly involved in torture,** ill-treatment and xenophobia.
11. **Promote access to a process of psychosocial care for torture victims and establish protocols for psychosocial rehabilitation for those officers involved in torture and ill - treatment** prior to their return to work after serving the sentence to avoid repetition.
12. **Empowered to any Court for verification of complaints of torture filed** in collaboration with the National Mechanism for the Prevention of Torture (MNPT) and NGO's, **to ensure whether there was a thorough and impartial investigation process and that the results are published.**
13. **Eliminate the modification of the Citizen Security Law (a.k.a. "Gag Law") and suppress the National Court,** since, for example, the Provincial Courts can judge the same crimes more closely to the place of the crime.
14. **Implement the recommendations that, in the area of Human Rights, have been drafted by Human Rights Safeguards organizations.** It should be noted the multiple recommendations addressed to the Spanish state by the Council of Europe, UN, AI, etc. And those developed by NGO's of the Spanish state, especially the Recommendations of Seville (2010) published by the Coordinator for Prevention and Denunciation of Torture.

With the agreement of the ACAT management team,

Montserrat Fenosa Choclán
Caretaker Vice chairwoman

Barcelona, June 16th 2020