

2. Autores

DOCUMENTACIÓN DE LA TORTURA EN DETENIDOS INCOMUNICADOS EN EL PAIS VASCO DESDE EL 2000 AL 2008: ABORDAJE CIENTÍFICO

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El presenta Dictamen está relacionado
con varios artículos científicos publicados
por revistas internacionales.

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A follow-up investigation on the quality of medical documents from examinations of Basque incommunicado detainees: The role of the medical doctors and national and international authorities in the prevention of ill-treatment and torture

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Abstract

According to the United Nations and the European Committee for the Prevention of Torture (CPT), torture and ill-treatment continues to be a problem during incommunicado detentions in Spain. CPT has visited Spain and published recommendations for improvements of preventive medical examinations. However, no scientific assessment of the impact of such recommendations exists. The objectives of this study were to assess the quality of documents from preventive medical examinations and the prevalence of alleged ill-treatment and compare findings with similar data from a previous study.

Documents issued by state employed doctors describing medical examination of Basques held incommunicado during 2000–2005 were reviewed. The analysis covered allegations of ill-treatment and existence and quality of information essential for medical appraisal of allegations of ill-treatment. The material was collected by a non-governmental organisation. Of 425 documents concerning 118 persons, 85% had no formal structure and the format recommended by CPT was never used. None of 127 documents, concerning 70 persons with allegations of ill-treatment had an overall conclusion on the likelihood of ill-treatment. Twelve to 68% of necessary data were totally missing, and only 13–38% of existing information was sufficient. There was significant variation between the reporting of individual doctors, but in general the quality was unacceptable, although somewhat higher than in the previous study. The prevalence of allegations of ill-treatment was as high as previously. There were more reports of psychological ill-treatment and procedures of forced physical exhaustion, but fewer reports of beatings.

In conclusion, there was no indication that the conditions of incommunicado detainees have improved substantially over the past 15 years and the standard of medical reporting was unacceptable. The Spanish authorities should give clear objectives and guidelines for medical examinations of detainees. An independent forensic specialist with the overall academic responsibility for preventive medical examinations of detainees should be employed to supervise state employed doctors. The present article shows the necessity for harmonization of medical practice in documentation of torture.

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A follow-up study of allegations of ill-treatment/torture in incommunicado detainees in Spain. Failure of international preventive mechanisms

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Abstract

Background: Proper documentation is an important factor in torture prevention, thus making systematic research studies necessary. According to international reports, torture/ill-treatment continues to exist in Spain in relation to Basque people arrested under anti-terrorist legislation (incommunicado detention). To improve the safeguards of these detainees, the European Committee for the Prevention of Torture (CPT) has visited Spain and published recommendations. However, the Spanish Government has not implemented these recommendations. The primary aims of this study were to analyze the methods of torture claimed by Basque incommunicado detainees during 2000-2005 and to compare them with the findings of a previous study (1992-1993), as well as to evaluate the impact of the CPT recommendations. The influence of variables related to police ill-treatment were also studied.

Methods: This retrospective study is based on the testimonies given voluntarily by 112 Basques held incommunicado during 2000-2005. Testimonies were collected by a non-governmental organisation.

Findings: Threats (91%) and beatings (89%) were the most frequent alleged methods, followed by suffocation, deprivation methods, forced body position, undressing and physical exercises (percentage between 49% and 29%). The

frequency of suffocation, electricity, visual input reduced and threats was lower in 2000-2005 than in the 1992-1993 period. Different patterns of torture related to each police force were detected. The group arrested by the Guardia Civil alleged more severe torture methods, while the detainees arrested by Ertzantza alleged less severe ill-treatment. The prevalence of sexual torture was higher for women than for men. The present data are in consonance with the findings described for international organisms after their visits to Spain.

Interpretation: These findings, in addition to other evidence, suggest that torture is still a serious problem in Spain in relation with Basque incommunicado detainees. This fact shows that national and international (mainly based on CPT visits) measures of control/prevention have failed. This study supports the importance of scientific statistical analysis in the documentation of human rights violations and its potential use in order to improve the forensic evaluation of torture victims

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Alleged police ill-treatment of non-political detainees in the Basque Country (Spain). Prevalence and associated factors

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Abstract

Epidemiological studies of ill-treatment and torture are difficult to carry out and are usually based on people arrested for political motives. The object of this prospective study was to document the prevalence of allegations of ill-treatment/torture in a sample of detainees who were arrested for non-political motives in the Basque Country (Spain). The influence of demographic and criminological variables was evaluated. A total of 837 interviews and medical-forensic examinations of 578 detainees were analyzed with a modified version of the protocol established by the Rehabilitation and Research Centre for Torture Victims (IRCT/RCT). Alleged ill-treatment occurred with a frequency of 13.3% in 99 subjects, with few cases being considered as torture in the strict sense. The most frequent methods included: coercion (6.8%), deprivation (6.0%) and physical ill-treatment (4.3%). The variables significantly associated with ill-treatment were national/ethnic identity and the type of offence committed by the detainee. A higher frequency of ill-treatment, together with longer periods of detention were observed among foreign detainees. The results contrast with those reported in a study of political detainees in the same region, in which complex and intensive torture methods were reported to be more habitual. In conclusion, this study underlines the importance of further developing preventative methods in order to reduce the occurrence of violations of human rights during periods of detention.

Lancet.

1995 May 20;345(8960):1307.

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Prevalence of sexual torture in political dissidents.

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Alleged police ill-treatment of non-political detainees in the Basque Country (Spain). Prevalence and associated factors

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Abstract

The use of torture against selected groups of detainees in Spain has been repeatedly denounced. The testimonies of 87 citizens arrested under the 'anti-terrorist legislation' in the Basque Country (Spain) during 1992–1993 were collected by using the Rehabilitation and Research Centre for Torture Victims (RCT/IRCT) protocol. All the detainees were kept in solitary confinement with a mean period of 4 (S.D. = 1.1) days. Torture methods were usually a combination of physical, deprivation and coercion techniques with a high presence of sexual and communication techniques. The group arrested by the military corp 'Guardia Civil' showed a higher prevalence of different methods of physical torture, hearing torture from others and reduction of visual input as compared with those in the group arrested by the force 'Policía Nacional'. The results show also a preference of sexual torture on women with a high prevalence of methods such as forced undressing, verbal humiliations and touching. The study could help international experts to develop a fact-finding mission on human rights in the region.

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Assessment of the quality of medical documents issued in central police stations in Madrid, Spain: the doctor's role in the prevention of ill-treatment.

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Doctors sometimes assess allegations of ill-treatment. Reports from such examinations may be used if the practice of the police is to be appraised: they should therefore be relevant and exhaustive. We assessed, retrospectively, the quality of 318 medical documents concerning 100 persons held in central police stations in Madrid, Spain, from 1991 to 1994. In 71 documents concerning 44 persons the doctors quoted the detainee as alleging ill-treatment. Most of the documents appeared to lack significant information on history of ill-treatment and description of the clinical examination. Of 34 conclusions, ten were unacceptable and the premises were insufficient in 16. These observations point to weaknesses and needs for improvements in the fulfillment of the role of doctors as safeguards of the rights of detainees. Medical examinations should be conducted outside the control of police officers, by a neutral doctor using a checklist/protocol. The quality of the report should fulfill international standards.