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Spain: Thorough and independent investigation into death of Juan Martínez Galdeano

Amnesty International is concerned that Juan Martínez Galdeano died in the custody of the Guardia Civil, one of Spain's law enforcement bodies, as a result of ill-treatment and use of excessive force. In a letter addressed to the authorities on Wednesday, the organization has asked for a full, thorough and independent investigation to be carried out into the events that led to his death.

"Senior officers of the Guardia Civil must send a clear message to their subordinates that torture or ill-treatment against people deprived of their liberty are totally unacceptable and would be subject of severe criminal and disciplinary sanctions," said Nicola Duckworth, Director of the Europe Programme at Amnesty International.

According to information received by Amnesty International, on 24 July 2005, Juan Martínez Galdeano went to the local headquarters of the Guardia Civil to settle a quarrel with a man after their cars collided in Roquetas de Mar (Almeria). Guardia Civil officials said that, when Juan Martínez Galdeano was asked to undergo an alcohol test, he became aggressive. A Guardia Civil officer used a taser and an extensible baton to restrain him. He was arrested for public disorder and for resisting law enforcement officials and had both his hands and his feet handcuffed.

Official sources said that several police officers had to restrain Juan Martínez Galdeano and put him on the ground as he became aggressive again while they tried to transfer to the local detention facility. Eventually he experienced a seizure and died.

The autopsy performed by the Institute of Forensic Medicine of Granada concluded that "the immediate cause of the death" was "an acute respiratory or cardiorespiratory insufficiency". The examination of the body of the victim found marks consistent with reports of ill-treatment and the use of excessive force. As a result, the officers involved in the death of Juan Martínez Galdeano were indicted and suspended from using unauthorized weapons.

"Any investigation into the events that led to the death of Juan Martínez Galdeano must clearly establish whether law enforcement officials involved abided by the principles of proportionality as required by Spanish law," said Nicola Duckworth. "The Spanish authorities must urgently suspend the use of all electro-shock weapons by law-enforcement agencies until the effects of the use of such weapons are fully known."

Amnesty International recognizes the challenges faced by police officers when dealing with uncooperative or unruly suspects. However, it believes that the use of tasers and other electro-shock weapons must be suspended until a rigorous, independent and impartial inquiry has been held into their use and effects.

“The use of electro-shocks as an instrument of compliance or to subdue uncooperative suspects in the absence of a clear and immediate threat to life or serious injury that cannot be contained through lesser means, constitutes an inherently excessive use of force, incompatible with international standards, including those prohibiting cruel, inhuman or degrading treatment”, said Nicola Duckworth

Background

Tasers are electro-shock stun weapons designed to cause instant incapacitation by delivering a high-voltage electro-shock. More than 100 people in the USA and Canada have died since 2001, after being electro-shocked with tasers. Most of those who died were unarmed men who, while displaying disturbed or combative behaviour, did not appear to present a serious threat to the lives or safety of others.

In its letter sent to the Ministry of Interior on 2 February 2005, Amnesty International had raised concerns about the presence and use of electro-shock weapons in Spain. According to the information available, such weapons are imported legally for the exclusive use of security forces. Local police forces which reportedly have these weapons for possible utilization are: local police forces of the Canary Islands, Espartinas (Seville) and Xivert (Castellón). At the time, Amnesty International had also expressed its concerns over the possible use of such weapons by the Guardia Civil as well as by the Special Intervention Unit.

On 22 February 2005 the General Directorate of the Guardia Civil stated that in reply to Amnesty International's letter that such weapons are not officially in use by the Guardia Civil. Moreover, on 26 April 2005, the Ministry of Interior confirmed that: “given the risks that they can cause, the use of these weapons by law enforcement officials has not been considered appropriate”.

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