

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 41/010/2007 (Public)
News Service No: 211
1 November 2007

Spain: Amnesty International welcomes Basque parliament proposal to install CCTV in all police stations and end incommunicado detention

Amnesty International welcomes the recent proposal of the Commission of the Interior of the autonomous Basque parliament, aimed at abolishing incommunicado detention and installing CCTV surveillance in all places of detention. On 25 October the Commission of the Interior of the autonomous Basque parliament voted in favour of the proposal, which must now be approved by the Basque parliament in plenary. If adopted, it will be passed on to the Spanish national parliament for consideration and possible action.

For many years Amnesty International and other international organisations have expressed concern about reports of torture and other ill-treatment perpetrated by members of state security forces in Spain. Amnesty International has repeatedly called on the Spanish government to abrogate Articles 520bis and 527 of the Law of Criminal Procedure governing the incommunicado regime, and to install CCTV surveillance of the custody areas of all police stations in order to protect detainees against the possibility of ill-treatment. This is one of the principal recommendations of a new Amnesty International report on police ill-treatment in Spain, to be published on 14 November.

In light of these concerns, Amnesty International calls on the autonomous Basque parliament and the Spanish national parliament to take swift, positive action on these proposals when they are presented.

Background

Under current law, the investigating judge can order incommunicado detention for persons in custody on terrorism-related charges for a total of up to 13 days, first on police or Civil Guard premises and, after five days, in prison.

In 2002 the UN Committee against Torture expressed “profound concern” at the Spanish incommunicado regime, stating that it facilitated torture and ill-treatment. Amnesty International itself has repeatedly called for the abrogation of Articles 520bis and 527 of the Code of Criminal Procedure, which govern the incommunicado regime. It believes that the current, restricted legal safeguards are inadequate, and has called for the right of access to a lawyer from the outset of detention and the right to talk to the lawyer in private. Amnesty International has also repeatedly called for detainees to have the right to be examined by a doctor of their own choosing, in addition to a state-appointed doctor.

The legislative initiative approved by the Basque Commission of the Interior on 25 October would remove incommunicado detention from Spanish law and create a new article in the Law of Criminal Procedure making it a legal duty for all authorities responsible for places of detention to use CCTV security surveillance in these sites.