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Spain: Rewards for torturers must not be tolerated

"The award of pardons and honours for torturers sends out a clear message - that violations of human rights will not be effectively punished in Spain," Amnesty International warned today. The human rights organization also stated that the continuing failure to prosecute those guilty of crimes during the 1980s "dirty war" against ETA is sending torturers a similar message.

Condemnation from the human rights organization followed the announcement earlier this month of pardons for 11 National Police officers and three Civil Guards who had been convicted of committing torture. They have reportedly had their sentences cut by two thirds. Among those pardoned was a former National Police officer and multiple torturer who was sentenced to 10 months' *inhabilitación* (ban from public employment), for wilfully suppressing the truth in the case of the torture of ETA suspect Ana María Ereño in 1982. Another of the 14 was also involved in a number of murders during the "dirty war" against ETA during the 1980s.

Shortly after the publication of the pardons, a posthumous medal was awarded to Melitón Manzanos, the former head of a political intelligence police unit in San Sebastian (Guipúzcoa) during the Francoist dictatorship. The police chief was responsible for the torture of hundreds of Basques during the Francoist regime and was a known Gestapo collaborator, who helped round up Jews trying to flee across the border from southern France during the Nazi Occupation. He was the first targeted victim of an ETA commando in August 1968. The award is made to victims of terror.

"It makes a mockery of any honours system to award decorations to someone who has so blatantly flouted the basic human right to life and to freedom from torture," said Amnesty International.

This is not the first time that pardons or honours for torturers have been granted or awarded by the Spanish authorities. In 1998 Amnesty International criticized the frequency of pardons for convicted torturers, and alluded to cases in which torturers had even been promoted following conviction. Also in 1998, 10 of the 12 convicted of the kidnapping and illegal detention of French businessman Segundo Marey - part of the "dirty war" - had their sentences almost immediately cut by two thirds while the remainder of their sentences were suspended pending appeal to the Constitutional Court. The appeal to the court is still pending.

In its June 1999 report, "*SPAIN: A briefing on human rights concerns in relation to the Basque peace process*" (AI Index: EUR 41/01/99), Amnesty International stated its belief that there is a climate of impunity in Spain. The human rights organization cited nominal sentences for law enforcement officers convicted of torture or ill-treatment, lax enforcement of sentences, poor standards of forensic medical reporting and the perpetuation of incommunicado detention, as well as the availability of pardons, and even promotions, for those who have committed torture.

Furthermore, Amnesty International is disturbed by recent reports that the National Court prosecutors have requested the closure of almost all investigations that remain open into the crimes of the "dirty war" against ETA in the 1980s.

The Spanish authorities have ratified human rights conventions and are subject to constitutional imperatives to protect the right to life and preclude torture and cruel, inhuman or degrading treatment.

"The Spanish government must put an end to the favourable treatment handed out to those who kill and torture on behalf of the state," said Amnesty International. "Anything less makes a mockery of Spanish law."

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