Incommunicado detention and torture

Assessments using the Istanbul Protocol

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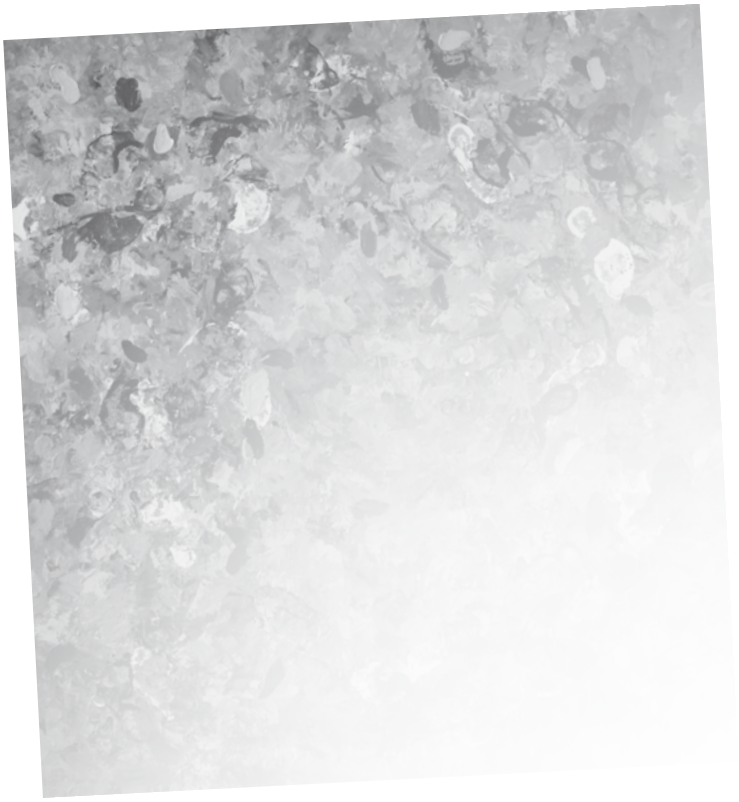

ARGITUZ, Human Rights Associations

Spanish Association of Neuropsychiatry (AEN). Mental Health Professionals

Ekimen Elkartea, Association for Social Problems Study

GAC, Community Action Group
Resource Centre on Mental Health and Human Rights

Jaiki-Hadi, Prebentzio eta Asistentziarako Elkartea. Prevention and Assistance Association

OME, Osasun Mentalaren Elkartea.
Mental Health and Community Psychiatry Association

OSALDE, Asociación por el Derecho a la Salud. Health's Right Association.

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Incomunicado detention and torture. Assessments using the Istanbul Protocol
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ARGITUZ, Human Rights Association

Argituz is a non-profit association for promotion and defense of human rights. Its mission is to contribute, in the Basque Country, to bringing about a situation in which all people have their rights duly respected in accordance with International Human Rights Law. In pursuit of this objective, Argituz's work consists of undertaking human rights culture promotion, dissemination and extension work, with special emphasis on research and documentation of human rights abuse. It will also promote public debate regarding such abuse, based on rigorous evaluation and in the periodical issuing of recommendations.

AEN, Spanish Association of Neuropsychiatry / Mental Health Professionals

The AEN, is the oldest of the mental health professional associations in the Spain. It is a member of the World Psychiatric Association, the World Federation for Mental Health and the World Association for Psychosocial Rehabilitation. Its primary objective is to contribute to the dissemination and advancement of Behavioural Sciences and Mental Health as well as the Mental Health care. AEN's most prominent features are: its independence from any institutional entities, whether public or private; interdisciplinary and multidisciplinary work providing a space for the various professional groups involved in mental health; defending a universal public model of quality and equally assistance, while emphasising teaching and research linked to practice; and social commitment to the defence of health of people.

Ekimen Elkartea. Association for the study of social issues, health promotion and for the defence of the rights of all people

Non-profit grouping of professionals that strives to supply skilled and multidisciplinary services of support, training, consultancy and research, and health development, through the promotion of scientific activities carried out by -preferably young- researchers, and by means of the participatory use of information networks. Ekimena Elkartea supports the creation of instruments and tools for gathering information, scientific studies and research on topics that allow comprehensive and inclusive vision of society. It seeks to sensitize society and people on the need for building a harmonious coexistence, based on both common and different issues, between different cultures and ideologies, as a basis for future social and community development.

GAC, Community Action Group. Resource centre on mental health and Human Rights

Organization established in 1997 as a community of volunteers, linked together around the idea of psychosocial and community work on the field, mental health and social, economic, cultural and political rights of peoples. It aims to be a space and support network for people, groups, institutions and organizations working in the psychosocial and community fields in issues related to work on mental health and human rights, with special emphasis on the Latino community. The values that are the basis of its action and that guide the process of organization and decision making are: universality of knowledge; intercultural knowledge; "networking" as a basic form of respect, support and work; the scientific and academic rigour, research and participatory action; policy and institutional independence in action; transparency; sense of commitment of its members, proactively and flexibility of action.

Jaiki-Hadi, Prebentzio eta Asistentziarako Elkartea. Prevention and Assistance Association.

Jaiki Hadi is a non-profit association dedicated to assisting people who have suffered political violence. It is staffed by health professionals (psychologists, psychiatrists and physicians) and other professionals and also by people who have a firsthand knowledge of the consequences of prolonged stances in prison. Jaiki Hadi was set up in 2008 with the aim of coordinating the efforts of various professionals who provided medical and psychotherapeutic treatment to people who had been victims of repression and torture perpetrated by State Security Forces, or to the relatives of those victims. Jaiki Hadi works with a group of former imprisoned people ("Harrera Taldea") offering comprehensive assistance to people freshly out of prison, seeking solutions to family problems and to the cultural and social challenges that they face.

OME, Osasun Mentalaren Elkartea. Mental Health and Community Psychiatry Association

OME groups multidisciplinary mental health professionals who live or work in the Basque Country and are partners and members of the AEN. It has complete operational autonomy, also in its governing bodies. Founded in 1986, its major activity is the result of their own resources and the efforts and dedication of its members. The revitalization of community life and interest in incorporating new generations of professionals has resulted in their having the following sections: rehabilitation, human rights, history of psychiatry, psychoanalysis, research, children and young people ... it is also the driving force behind the Norte de salud mental journal, and also publishes some monographic works through the OM Editorial.

Osalde, Association for the Right to Health

OSALDE is an association that has just held its 30th anniversary this year, and it is a long-standing agent in the defence of Public Health, maintains a clear commitment with the idea that health and illness are dynamic concepts rooted in social relations and in the culture of the peoples of the world. OSALDE firmly believes that the social factors that determine health are responsible for having a higher or lesser degree of welfare. Osalde aims to achieve a strong accessible and decisive primary care, alongside with quality specialized care. In opposition to the risks of medicalization of everyday life, Osalde advocates a rational drug use and other therapeutic measures, the protection of public health services in opposition to the fragmentation of privatization policies, because health is a right, and not a commodity. Health, solidarity, human development and social cohesion, with quality, equitable, scientifically competent and accessible public health services, can ensure greater individual and social welfare.

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This study is mainly the work of those victims who suffered abuse and torture during incommunicado detention, because they have agreed to recall and share their grief with us, the professionals who have developed this study as a piece of research. Our deepest thanks to them all for accepting to give us their time and to share their personal experiences.

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Summer 2013

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Foreword by the IRCT (International Rehabilitation Council for Torture Victims)

To address the global prevalence of torture and the common denial of the existence of that torture by those responsible, in 1996, several organisations came together and began what would become a three-year process to develop the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol)*. This process involved more than seventy-five health, legal and human rights experts representing over forty organisations, including the International Rehabilitation Council for Torture Victims (IRCT).

The result of this process was the first set of international guidelines for the investigation and documentation of torture and ill-treatment.Its overarching *Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Principles)* were adopted by the United Nations (UN) General Assembly in 2000.The Istanbul Protocol and its Principles have since been applied in international and national courts and endorsed by the UN and other key human rights bodies.

With its partners, the IRCT has been building the capacity of health and legal professionals to understand and to implement the Istanbul Protocol.Together, we have been calling upon states to fulfil their international obligations to investigate and document allegations of torture and ill-treatment in accordance with the Protocol.Most recently, at its annual Council Meeting, on 31 March 2014, the IRCT – representing the voice of the world's largest membership-based organisation in the field of torture rehabilitation – issued The Copenhagen Declaration on Torture and Detention. This Declaration calls upon states to ensure that victims of torture are identified as early as possible in the detention setting and to ensure that all allegations of torture and ill-treatment are investigated, documented, and redressed promptly and transparently.The Declaration also provides a set of recommendations to achieve these aims.

While the Istanbul Protocol has served to educate and encourage states to investigate and document duly complaints of torture and ill-treatment, it also has aided civil society and other independent institutions to monitor state action.Civil society organisations, including those involved in the production of this report, are essential mechanisms to ensure that states fulfil their international obligations to prohibit, prevent, and redress torture and ill-treatment in all contexts.The first step in this process necessarily is the investigation and documentation of torture and ill-treatment, and, through this, recognition of its occurrence, whether by state authorities who have the responsibility to do so or by civil society and independent institutions who act as their conscience.

For these reasons, the IRCT considers this report – examining forty-five cases of detainees held in incommunicado detention in the Basque Country – to be an important contribution to the fight against torture denial and impunity.This report is an outstanding example of how the Istanbul Protocol can be used to expose the practices of torture and ill-treatment and is ground-breaking in its scientific application of the Protocol's standards and principles. The IRCT commends the work of these organisations and the extensive team of health professionals involved. We are proud to be a part of this significant step in shining light upon the practices of torture and ill-treatment, leading to justice and redress for victims, and their rehabilitation.

Victor Madrigal-Borloz
Secretary General IRCT
March 2014

Chapter 0.

Introduction

Over two years ago several mental health and forensic professionals felt concern about what appeared to be bad practices after some arrests. Some were concerned because of the social significance of the facts, others because they saw the results in their healthcare work, whether in primary care or in the field of Mental Health. This led, some years ago, to some professionals procuring training and paying more attention to people whose specific demands was related to having suffered ill-treatment under police custody.

After having developed different individual and group experiences, as well as some simple research on the therapeutic processes that were disseminated in academic (training, seminars, courses, books...), it seemed appropriate to conduct a broader study.

We knew that studies on violence are new and very scarce, especially from the epidemiological point of view, where there is no generally-validated and accepted conceptual model, in a more limited manner, and we also knew that there were insufficient contrasted data on torture. International monitoring bodies have expressed concern about the dichotomy between the State's statements according to which there is no torture in Spain, except in a few rare cases, and the information received from non-governmental sources which reveals repeated cases of torture. The latest Basque Government report states that there are some 5500 torture allegations (before the courts of law or otherwise).

Regardless of the figures, there is increasingly solid evidence showing that torture is a serious problem that has not received the necessary institutional attention. Complaints can not be considered fabrications and judicial inquiries have been poor. Such evidence comes from international human rights monitoring bodies, from statements of higher Spanish and international courts, and from empirical studies carried out by institutions and research groups.

One of the limitations of previous empirical studies is that they had not carried out an individual evaluation of the reliability of the testimonies of torture in each particular case. In this evaluation, health professionals (through a thorough and rigorous medical and psychological evaluation) can provide reliable documentation on the exposure to torture in accordance with internationally-accepted scientific standards.

With this objective in mind, the beginnings of this project were conceived. The ARGITUZ association contacted psychologists, doctors and psychiatrists from different associations (OME, OSALDE and Jaiki-Hadi) to assess the feasibility of a new empirical study using this approach.

Already in the initial meetings, it was considered essential that the research, in order to be relevant, should:

- Involve organizations and scientific areas in the field of health and human rights both locally and internationally.
- Carry out research using internationally-accepted guidelines or forensic tools, validated for the assessment of physical and psychological torture, in line with the professional standards of good practice.
- Conduct a robust and rigorous methodological design (more than usual in this type of studies) to include an internal validation, and scientific monitoring made by external institutions, international experts and a Research Ethics Committee.

- Extend the project to other local and state organizations working in areas of mental health and human rights.

After this initial phase, some professionals of the associations collaborating with the study joined the working Group. In a series of meetings, the methodological design was defined and the working groups were constituted. All together, over 30 renowned health professionals, mostly in the field of mental Health and other different specializations, constituted the team. The incorporation of different multidisciplinary viewpoints, both in the methodological and the analytical approaches, have enriched the study.

The work is compartmentalized into separate levels, with a system of two-member professional teams or "duplas". The interview and initial psychometric examination were performed by a local clinical psychologist or psychiatrist, who teamed up with another psychologist or psychiatrist from another Autonomous Community in Spain, to follow the protocol for each interviewee. All examinations were subsequently checked by another expert psychiatrist. At the same time, another group of doctors sought external documentary evidence (medical reports) related with the arrest. It was further agreed that the International Rehabilitation Council for Torture Victims would examine the methodology of this study. (IRCT is a health-based umbrella organisation comprising of more than 140 independent organisations whose mandate is to support the rehabilitation of torture victims and the prevention of torture worldwide). The Project was also presented to the Research and Ethics Committee of the University the Basque Country (UPV-EHU).

In short, this study is unique because, unlike other studies to date, it has carried out an analysis of credibility and plausibility of the allegations of ill-treatment or torture, based on international forensic standards in the field. It does so with a permanently blind and compartmentalized methodology and with monitoring systems and scientific supervision from external institutions which have an immaculate reputation in terms of professional and scientific qualifications.

Chapter 1.

Incommunicado detention in the Basque Country. Legal framework and background of this research

Benito Morentin, Jon M. Landa,
Xabier Urmeneta.

In 2002 the UN Committee Against Torture (CAT) expressed its concern about "*the dichotomy between the State party statement that there is no place in Spain for torture or ill-treatment, except in isolated cases* [...] *and the information received from non-governmental sources which reveals the persistence of torture and ill-treatment carried out by the State security forces*"[1]. Thereinafter, important contributions have been published on the phenomenon of torture under incommunicado detention that have questioned the official position of the Spanish authorities, according to which all allegations are false and systematically formulated in the framework of a strategy designed by ETA[2].

These contributions are in addition to other reports from international Human Rights monitoring organizations and empirical studies made by institutions and research groups in the Basque Country. There have also been some very significant sentences from higher Spanish courts, from the European Court of Human Rights in Strasbourg and decisions by the United Nations Human Rights Committee[3].

However, despite this evidence and repeated statements, known since years ago, the Government's position has not changed. So in its response to the Committee for the Prevention of Torture of the Council of Europe (CPT) in 2011, the Spanish Government stated: "*Notwithstanding that, we must, once again, remind people of the public and well-known terrorist strategy of systematically reporting having being victims of such crimes because of the importance and impact that such reports have acquired in the media and the plausibility that are sometimes attributed to them by international Human Rights organizations*"[4].

1.1. Legal framework of incommunicado detention

The system of detention used in terrorism cases is the incommunicado detention, as provided by Articles 509, 520bis and 527

[1] UN Committee Against Torture (CAT): Spain. 23/12/02, CAT/c/CR/29/3.

[2] UN Special Rapporteur on the matters of torture and other cruel, inhuman and degrading treatment or punishment, in his Report: E/CN.4/2004/56/Add.2, on 2004 February 6th after his visit to Spain. UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in his Report: A/HRC/10/3/Add.2, on 2008 December 16th. Spanish authorities stated to both Special Rapporteurs that all allegations made by people arrested under incommunicado detention in application of counter-terrorist measures were false and systematically formulated within an ETA-designed strategy which was looking to discredit the Spanish criminal justice system and to disregard evidence obtained during the investigation of terrorist offenses. The Government provided the Rapporteurs with a document apparently found in a search of a safe house used by the "Araba//98" terrorist commando, after their arrest on March 19th 1998.This document instructs on how to report tortures during detention.

[3] Annexes 1 and 2. See also a comprehensive overview of the most relevant reports of both governmental and non-governmental organizations monitoring human rights standards and also the state of the Spanish and ECHR jurisprudence in Landa Gorostiza, JM, "Torture in relation to terrorist group ETA: state of criminal jurisprudence". There is also a commentary on the Supreme Court Sentence (STS) on 2011 November 2nd (case Portu and Sarasola) in JUECES PARA LA DEMOCRACIA 73 (2012), p. 81-104.

[4] Spanish Government answer to CPT ON the Report on its visit dated September 9th to October 1st 2007: CPT/Inf (2011) 12.

of the Spanish Criminal Procedure Code. Within this system of detention the deadlines to take a suspect to court are prolonged, curtailing other rights of detainees that guarantee the physical integrity of the person under arrest: the right to communicate with their families or lawyers or doctors of their choice. Far from shortening the period of five days of incommunicado detention, as was then unanimously demanded by international monitoring bodies, the reform introduced by Law 15/03, dated November 25th 2003, expands this period and further includes the possibility of a prorogation for yet another 8 days in incommunicado prison, after being taken to Court. Thus, this can add up to a total of 13 days of incommunicado detention.[5].

Several international bodies and experts have repeatedly insisted that incommunicado detention should not be permitted in law.[6] The Special Rapporteur on Torture, for example, considered that incommunicado detention creates conditions that facilitate the perpetration of torture and can, in itself, constitute a form of cruel, inhuman or degrading treatment or even torture. He therefore requested that incommunicado detention should be abolished.[7] Recently, the United Nations Human Rights Committee has again reminded the Government of its obligation to adopt the necessary measures, including legislation, to permanently remove incommunicado detention.[8] Finally, from a local perspective, the Ombudsman of the Basque Country (*Ararteko*), in a recent report, published certain recommendations for the improvement and strengthening of the safeguards system in incommunicado detention[9].

1.2. Reports from International Organizations

Torture has been subject to regular scrutiny and observation by specialized Human Rights monitoring agencies like the Council of Europe Committee for the Prevention of Torture (CPT), the Council of Europe Human Rights Commissioner, the UN Committee Against Torture (CAT), the UN Human Rights Committee and, finally, the Special Rapporteur on Torture and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while countering Terrorism.[10] These organs have long since expressed their deep concern about reports of torture and other cruel, inhuman or degrading treatment by police officers in charge of enforcing the law in Spain. They are also concerned about the effective impunity of the perpetrators of such acts. Also, these agencies have expressed concern about the persistence of voids in relation to detainee guarantees and the absence of a prompt and serious and exhaustive investigation of possible tortures. They are also concerned about the inactivity of Courts in the investigation and prosecution of torture-related crimes.

[5] Human Rights Watch, "Setting an Example? Counterterrorism Measures in Spain", Vol. 17 num. 1 (D), 2005 January (available on http://www.hrw.org/sites/default/files/reports/spain0105sp.pdf).

[6] Nigel S. Rodley (2009). *The treatment of Prisoners under International Law*. Oxford University Press. Oxford 3rd edition. Pgs 460ss.
Amnisty Internacional, in its Report: *Torture as prescription. From anti-terrorist laws to repression of the Arab Spring*, in 2011 June "*Spain is the only European Union country that maintains a detention regime with such severe restrictions on the rights of detainees. In addition, reports of alleged torture hardly ever prosper because they are not properly investigated.* "

[7] Theo van Boven, UN Special Rapporteur on the questions of torture and… in his 2004 Report E/CN.4/2004/56/Add.2, after his visit to Spain.

[8] UN Human Rights Committee: CCPR/C/107/D/1945/2010. Opinion adopted in March 2013 condemning Spain for violation of article 7 of the International Covenant on Civil and Political Rights.

[9] Ararteko, Ombudsman of the Basque Country (2008): *Study on the system of guarantees in the field of incommunicado detention and proposals for improvement.* Available on: http://www.ararteko.net/RecursosWeb/DOCUMENTOS/1/5_2093_3.pdf

[10] Annex 1 lists the most important documents published on this issue.

Sometimes these institutions have addressed the reliability of the allegations they have examined and they have concluded that allegations of people under incommunicado detention can not be considered to be fabrications, because they are credible in light of the respective personal circumstances. They have also noted that ample evidence has been obtained, including medical proof, in relation with the stated ill-treatment allegations.[11] The Special Rapporteur on Torture concluded that ill-treatment is a practice that is more than sporadic and incidental, and that the detention system allows for situations of torture or ill-treatment, particularly of detainees under incommunicado detention for terrorist activities.

The UN Human Rights Committee, in its 2008 October's Report CCPR/C/ESP/CO/5/, stated that it "*remarks with concern that cases of torture continue being reported and that the State Party does not seem to have laid out a comprehensive strategy nor taken adequate measures to ensure its definitive eradication.*" The Committee understands that incommunicado detention can lead to abuse and regrets its continuity, despite the recommendations of various international bodies and experts asking for the abolition thereof.[12]

Martin Scheinin (Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while countering Terrorism) after his visit in May 2008 submitted his A/HRC/10/3/Add.2 report in which he stated his "*concern about the allegations of torture and other ill-treatment made by terrorism suspects held under incommunicado detention*". This expert reminded the Government that it had "*the positive obligation to conduct a prompt, independent, impartial and complete investigation whenever there are reasonable reasons to believe that prohibited treatments have been applied and to ensure that victims of torture and ill-treatment have had access to an effective remedy and receive adequate reparation, including compensation.*"[13]

The Special Rapporteur on Torture concluded that ill-treatment is a practice that is more than sporadic and incidental, and that the detention system allows for situations of torture or ill-treatment.

Since the European Convention Against Torture was ratified by Spain in May 2nd 1989, the European Committee for the Prevention of Torture (CPT) has published thirteen reports on Spain so far. On March 25th 2011, the CPT published its Report on its 2007 visit to Spain, and on April 30th 2013, it also published its Report on its 2011 visit to Spain. In both reports, the CPT once again expresses, in a very critical way, its concern about allegations of severe ill-treatment (proved by medical evidence) that they had collected from detainees under incommunicado detention. The latter Report states that "*The delegation received credible and consistent allegations of ill-treatment from 10 of the 11 people that*

[11] Special Rapporteur on torture in /CN.4/2004/56/Add.2 of February 6th 2004, submitted by the Special Rapporteur, Theo van Boven, after his visit to Spain. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 12 April 1991. CPT/Inf (96) 9 [EN] (Part 1) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-1.htm. Accessed January 30, 2007. Amnesty International. Report 2005: *A dangerous new agenda*. AI Index: POL 10/006/2005. Available on: http://www.es.amnesty.org/uploads/tx_useraitypdb/Mas_20alla_20del_20papel.pdf.

[12] Fifth periodic review made by UN Human Rights Committee in October 2008. Report CCPR/C/ESP/CO/5/

[13] Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism, A/HRC/10/3/Add.2 report dated 2008, December 16th.

it had interviewed, who were former detainees under incommunicado detention in operations carried out by the Guardia Civil in the first months of 2011".These allegations of torture included kicks, blows with batons on the head and body, asphyxia ("*la bolsa*"),[14] prolonged exercise and in some cases sexual abuse. In 2013's Report the CPT emphasizes, once again, its recommendations (so far ignored by the Spanish Government) to prevent torture.[15].

Amnesty International is, undoubtedly, the organization that has most often reported on the existence of torture in Spain and also the one that more has made the most emphasis on prevention and eradication mechanisms,[16] although it was not until 2005 that they published their first report.

1.3. Empirical studies

The phenomenon of torture in the Basque Country / Spain has been partially addressed in various scientific publications. In 1985, Petersen and Jacobsen[17] presented the first controlled study of torture victims in the Basque Country, in which they studied a group of former prisoners. Their testimonies were assessed as credible and their health as deficient. The most frequent symptoms were psychological: depression, anxiety, mood swing, reduced ability to sleep, nightmares, impaired concentration and memory. They also published another article in which they described some severe torture cases, in which the victims' lives were endangered, and which left no visible injuries.[18]

In 1994, psychologist JM Biurrun published a study based on the analysis of allegations of torture made by 61 people arrested during 1992. This is a qualitative analysis in which, among other issues, a (non-comprehensive) presentation is made of harm, psychophysical changes and sequels of torture. Among the physical symptoms described, there are cases of pain in traumatized areas, convulsions, vomiting, dizziness, lack of control of sphincters, and among psychological symptomatology there are cases of psychomotor

[14] Translator's note: *la bolsa* (the bag) is a torture technique consisting of dry asphyxia by covering the face and head with a plastic bag during a period of time.

[15] European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). All reports available on: http://www.cpt.coe.int/documents/esp/.htm. In the report made by the CPT after the visit of May 30 to June 13, 2011 (http://www.cpt.coe.int/documents/esp/2013-06-inf-esp.pdf) are made the following recommendations and comments:

Recommendations:
- Rigorous and independent investigation on the methods used by the Guardia Civil;
- The prosecutor / judge should record the allegations in writing and take the necessary measures to ensure that such allegations are properly investigated;
- Measures to ensure that three specific safeguards apply: notification to the family, the possibility of being visited by a doctor of their choice along with the coroner, video surveillance and 24-hour recording of detention areas;
- That detainees are routinely physically brought before the judge before a decision on the extension of the period of custody beyond 72 hours. If necessary, the relevant legislation should be amended (paragraph 20);
- To be allowed to consult a lawyer in private;
- To draw up and sign a coroners' reports and deliver these to the judge, in addition, there should always be a conclusion of the physician in regard to the consistency of the findings with any claims of torture or ill treatment;
- Code of conduct for interviews. Prohibition of blindfolding and using hoods and forced physical exercise or standing for long periods of time;
- Improved registration of. Video and audio recordings should be extended, taking into account the comments in paragraph 26;
- That the Supreme Judicial Council encourages judges to adopt a more proactive approach to the supervisory powers;

Comments:
- Spanish law requires a judge receiving allegations of abuse to open a preliminary investigation or to defer the case to another competent court.

[16] Amnesty International Report 2005: *A dangerous new agenda*. AI Index: POL 10/006/2005. http://www.es.amnesty.org/uploads/tx_useraitypdb/Mas_20alla_20del_20papel.pdf. Amnesty International *Salt in the wound: Effective impunity of police officers in cases of torture and other ill-treatment* (EUR 41/006/2007). Amnesty International Report 2007. *The state of human rights in the world*. AI Index: POL 10/001/2007. http://report2007.amnesty.org/document/172. Amnesty International. *Torture as a recipe. From anti-terrorist laws to repression of the Arab Spring*, June 2011.

[17] Petersen, H.D., Jacobsen, P. Psychical and physical symptoms after torture. A prospective controlled study. Forensic Sci Int. 1985;29:179-89.

[18] Petersen, H.D., Jacobsen, P. Life-threatening torture without visible marks. Scand J Soc Med 1985; 13: 87-88.

disorders, sleep disorders, agoraphobia, etc. The psychological effects of torture on victims were also analysed.[19]

Meana and colleagues analyzed exposure to sexual torture in 64 people held under incommunicado detention between 1992 and 1993, describing a high prevalence thereof, especially among women.[20] Two studies published in 2002 and 2008 described the medical-forensic data and documented the quality of the medical examination reports of Basque incommunicado detainees issued by the Audiencia Nacional. The frequency of abuse / torture allegations on the basis of forensic reports was around 50%. Most documents containing allegations of abuse had some information about the resulting symptoms and / or clinical signs of recent violence in accordance with the history of abuse.[21]

Until June 2008 (when the *Report on Victims of Human Rights Violations derived from Politically Motivated Violence* was published by the Basque Government Human Rights Directorate),[22] there had been no institutional research on this subject. Subsequently, there was an update of the report made in June 2008, entitled *"Torture: a scientific approach."*[23] This same year the *"Report on Civil and Political Rights"* was published by the Basque Institute of Criminology.[24]

In the study *"Torture: a scientific approach"* (2000-2008), a study commissioned by the Basque Government Human Rights Directorate, data from 957 incommunicado detention cases in the period 2000-2008 were analysed together with the 289 judicial complaints from people who had reported being abused or tortured as well as 507 forensic reports. The study considered that "the frequency of ill treatment/torture allegations would add up to 51%" with respect to the number of people placed in incommunicado detention (according to the Spanish Ministry of the Interior, during that period 1231 ETA-related arrests were carried out). Of the 634 people who alleged they had been subjected to ill treatment / torture, 446 (70%) filed a judicial complaint on the basis of such treatment (Table 1). Data extracted from the forensic-medical assessments were also significant: up to 61% of detainees reported ill-treatment or torture to forensic doctors during incommunicado detention. In the other empirical study recently published, the *"Report on Civil and Political Rights"*, the percentage of incommunicado detention detainees who reported violations of rights during their judicial declaration in the Central Court of Instruction was similar. The incidence of people arrested and placed under incommunicado detention in the Basque Country was of 2.6 cases per 100.000 per

[19] J.M. Biurrun. *Las relaciones de tortura.* Iralka editorial. San Sebastian. 1994.

[20] Meana, J.J., Morentin, B., Callado, L.F., Idoyaga, M.I. Prevalence of sexual torture in political dissidents. *The Lancet* 1995; 345: 1307.

[21] Petersen, H.D., Morentin, B., Callado, L.F., Meana, J.J., Hougen, H.P., Idoyaga, M.I. 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. J Forensic Sci. 2002; 47: 293-298. Morentin, B., Petersen, H.D., Callado, L.F., Idoyaga, M.I., Meana, J.J. 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. Forensic Science International 2008; 182:57-65.

[22] Landa, J.M. *Indarkeria politikoaren ondorioz izandako giza eskubideen urraketen biktimak. Víctimas de vulneraciones de derechos humanos derivadas de la violencia de motivación política. Victims of human Rights violations derived from politically motivated violence*, Gobierno Vasco, Vitoria-Gasteiz, 2009, 812 p.p.

[23] See, in also, the study *"Torture: a scientific approach (2000-2008)"* ordered by Dirección de Derechos Humanos del Departamento de Justicia, Empleo y Seguridad Social del Gobierno Vasco en Giza Eskubideen Zuzendaritza/Dirección de Derechos Humanos/Human Rights Board, Giza Eskubideen politika Euskadin. *The Human Right s policy in the Basque Country*, Vitoria-Gasteiz, 2009, p. 142 ss. Available on: http://www2.ohchr.org/english/bodies/cat/docs/ngos/AEDIDH2_Spain43.doc.

[24] De La Cuesta, J.L., Muñagorri, I. (Codir.). *Application of Terrorism Regulations*, Basque Institute of Criminology, University of the Basque Country, Donostia-San Sebastian, 2009 July, pp. 402 and followings (available on:http://www.ivac.ehu.es/p278-content/es/contenidos/informacion/ivckei_libro_online/es_libro/normativa.html.)

year. It was even higher in Gipuzkoa with 3.9 cases. In conclusion, the results on the incidence and extension of the practice of torture in the population analysed were interpreted as worthy of concern[25].

In these two studies demographic, criminological and procedural variables were identified that were associated with the frequency and type of torture allegations. These findings are contrary to the hypothesis that states that torture allegations are false and are the result of generic instructions. The most important data were as follows:

- The frequency of torture allegations is directly proportional to the duration of the incommunicado detention.
- The characterization of differentiated models of ill treatment /torture reference to the police force that carried out the arrest. The Guardia Civil was the police force related to the severest patterns of torture. On one hand, it was the police force that had the highest percentage of ill treatment / torture allegations (Table 1); and on the other hand, it was also the police force that had employed the most serious methods of torture. At the other extreme, the people arrested by the Ertzaintza reported a less severe pattern of physical ill treatment .
- Sexual torture methods varied depending on the detainees' sex. Between 2003 and 2008 the Basque institutions showed a firm commitment against torture, which coincides with the non existence of torture complaints filed against the Ertzaintza. Such data seems to point out the importance of a firm political and institutional commitment against this type of human rights violations.

These findings are contrary to the hypothesis that states that torture allegations are false and are the result of generic instructions.

25 Morentin, Benito/Landa, Jon-Mirena, "La tortura en relación a la aplicación de la normativa antiterrorista: una aproximación estadística multifactorial" in EGUZKILORE 25 (2011), pp. 49

Table 1: Incommunicado detentions that referred torture / ill treatment complaints

Police force that carried out the arrest	People arrested	Percentage of people arrested and placed in incommunicado detention who reported ill treatment / torture allegations	Percentage of people arrested who after reporting ill treatment / torture filed a formal judicial complaint l
Guardia Civil	260	85	80
Policía Nacional	512	58	65
Ertzaintza	181	62	66
French police	4	0	

In the empirical study performed by the Basque Institute of Criminology concluded that there was a lack of a thorough investigation of torture allegations made by detainees as a result of the implementation of the anti-terrorism legislation.

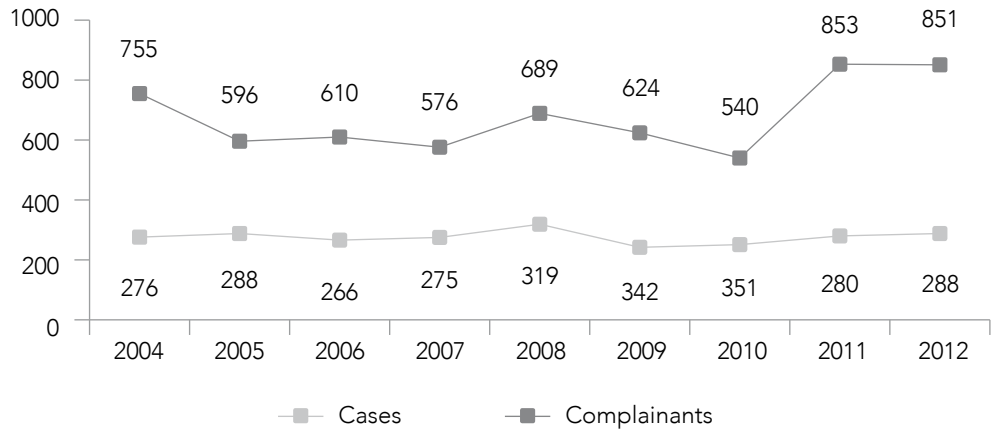
1.4. Reports from national and local NGOs. Official data

Various organizations working within Spain and in the Basque Country have collected information directly on the ground. The *Coordinadora para la Prevención y Denuncia de la Tortura* (CPDT) has included in its annual reports numerous individual cases of torture, including those concerning incommunicado detention. In Spain the number of cases of torture registered by the CPDT between 2004 and 2012 has ranged between 540 and 850, with an annual average of 700 cases (Figure 1).[26]

The statistics of CPDT annual reports show that torture occurs in many areas of the State and that it is, in Spain, a much broader problem than that limited to the Basque Country (according to torture figures from the CPDT, those linked to the "Basque conflict" are about 8% of total cases). Most of the reported cases are linked to migration and to repression of social movements (by police intimidation, abuses during demonstrations, etc.) (See figure 2). Torture regarding incommunicado detention is the most severe form of a much broader phenomenon. The casuistry reflected in the CPDT reports suggests that hundreds of reported cases may not correspond to an alleged strategy of fake allegations agreed upon by all kinds of people in very different contexts.

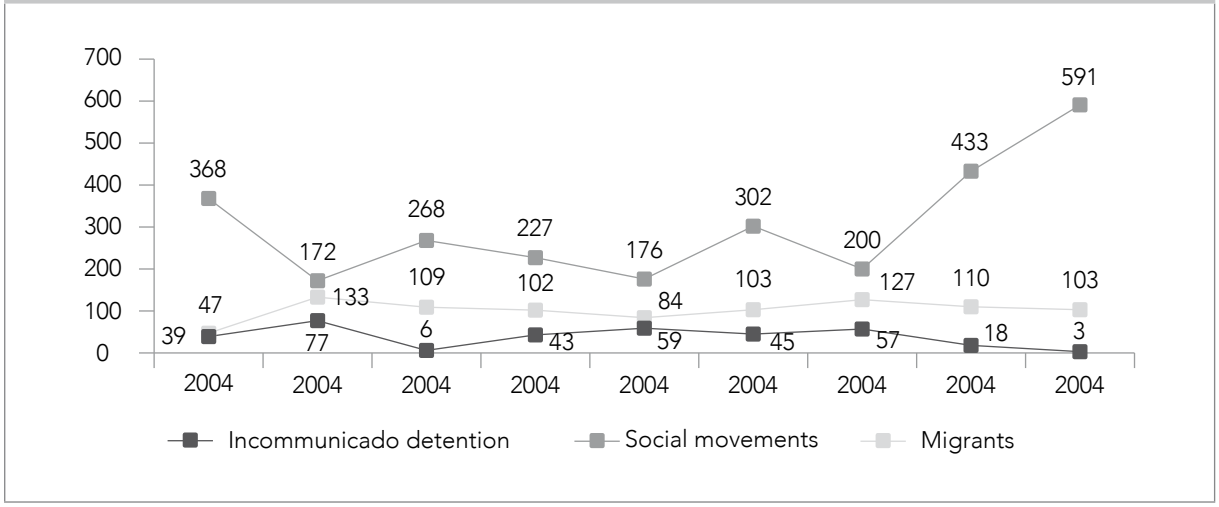
[26] *Coordinadora para la Prevención y Denuncia de la Tortura* (Coordination Group for the Prevention and Denunciation of Torture). The CPDT Annual Reports: *Torture in the Spanish State*, are available in: http://www.prevenciontortura.org/documentos/. For figures, see CPDT (2013): *Report on Torture in the Spanish State in year 2012*, available on: http://www.prevenciontortura.org/wp-content/uploads/2013/05/INFORME-CPT-2012-final.pdf

Figure 1. Evolution of cases and complainants 2004-2012*



* In this figure "case" is understood as each situation in which the intervention of State Security forces has brought about facts of torture, ill-treatment or other Cruel, Inhuman or Degrading Treatment or Punishment. In each "case", one or more people could be affected and allege ill treatment in court or otherwise, and these are the "complainants".

Figure 2. Evolution of torture and ill-treatment complaints according to complainant situation: 2004-2012



Torturaren Aurkako Taldea (TAT) is a Basque NGO that is member of the CPDT and has published annual reports on the phenomenon of torture, mainly on detainees under incommunicado detention.[27] According to data recorded by this association, the number of cases of torture in the Basque Country between 1992 and 2007 has ranged, depending on the political moment, between 40 and 130 per year, with an average close to 90 cases per year.[28]

In another more recent report that analyses the state of torture in Spain during 2012, the *Coordinadora para la Prevención y la Denuncia de la Tortura* (CPDT) pointed out that there is a considerable amount of cases related with the State Security forces or with Penitentiary Institution officials that are not reported to the courts of law or to other public or private entity, especially by groups such as those of migrant people or women prisoners.

Reference to officials reported in these cases, the Policía Nacional was involved in 117 situations[29] which affected 514 people, followed by the Autonomous Community police forces, involved in 49 cases which affected 155 people and the Penitentiary Institution officials, involved in 74 situations with 81 people affected and the Guardia Civil with 19 situations and 61 people affected.

Another approach to torture casefigures in Spain is that expressed on the official statistics from the Attorney General's Office, which show the number of pre-trial proceedings for torture or degrading treatment. During the period 2001 - 2005 the number of torture complaints ranged between 600 and 850 per year. In 2011 number of criminal proceedings initiated by the public prosecution for torture and other crimes against physical persons committed by public police officers were as follows: 46 cases of torture, 231 cases of degrading treatment and 66 cases of practices against personal moral integrity.[30]

[27] See a broad panorama on Arzuaga, Julen, *Oso Latza izan da. Tortura Euskal Herrian*. [*It has been so tough. Torture in the Basque Country*] Euskal Memoria, Donostia-San Sebastian, 2012.

[28] *Torturaren Aurkako Taldea*. Annual Reports available on: www.stoptortura.org and on: http://www.behatokia.info/modules.php?op=modload&name=Downloads&file=index&req=viewsdownload&sid=45

[29] The CPDT uses the term "situation" to refer to the circumstance in which the intervention by agents of the State Security forces generates an action that can be qualified as "torture", "ill treatment" or "inhuman or degrading treatment".

[30] http://www.defensordelpueblo.es/es/Mnp/InformesAnuales/InformeAnual_MNP_2012.pdf. 343
Source: own elaboration based on data presented in Attorney General's Office 2012 Report.

Another source of information is the Spain National Mechanism for the Prevention of Torture (MNP),[31] the activities of wich include prevention as well as receiving and reporting cases. Spain signed the OPCAT 6 years ago and the Ombudsman institution was appointed MNP over two years ago. In the first MNP annual report the absence of any concrete cases or situations of torture and / or ill-treatment detected during the period covered in this report is extremely noteworthy (the report covers 2010, with over 250 'visits' made to detention centres). During 2012 the Ombudsman initiated 35 investigations on complaints of ill-treatment (5 of which out of its own initiative and 30 on demand from the affected parties) and 66 complaints of incorrect behaviour or treatment during actions carried out by the Security Forces,[32] which do not include arrests with incommunicado detention. Such cases also do not appear in the Ombudsman statistics. However, the role of the MNP has been strongly questioned because of its total lack of transparency and participation of civil society in its development and because of the lack of independence of the Ombudsman's Office and consequently of the person designated as Ombundsperson. In Spain the Ombudsman is not an independent figure, because it is elected in parliament and usually belongs to the party in power.[33]

Finally, mention is to be made on the recent "*Informe base de vulneraciones de derechos humanos en el caso vasco (1960-2013)*" carried out by the Basque Government. As refers to torture this report states that there have been 5,500 public allegations (adding the judicial complaints extrajudicial allegations) and that there are an estimated 124 people who were hospitalized after police custody[34].

[31] http://www.defensordelpueblo.es/es/Mnp/Defensor/anuales.html

[32] http://www.defensordelpueblo.es/es/Mnp/InformesAnuales/InformeAnual_MNP_2012.pdf

[33] Coordinadora para la Prevención y Denuncia de la Tortura. www.prevenciontortura.org

[34] Basque Government, Presidency. "Informe-base de vulneraciones de derechos humanos en el caso vasco (1960-2013)". Vitoria-Gasteiz, 2013 June.

1.5. Court sentences

Critical issues identified by official and unofficial agencies that monitor international Human Rights standards have been endorsed by certain recent pronouncements by the courts of law. In the years 2010 - 2013 there has been an accumulation of serious reprimands from the highest courts, such as the *Audiencia Nacional*,[35] the Spanish Supreme Court,[36] the Spanish Constitutional Court,[37] the European Court of Human Rights,[38] the United Nations

[35] In the Audiencia Nacional Sentence dated April 12th 2012 related to the "*Egunkaria* case" expressed a clear statement about the absence of "adequate and efficient" supervision of incommunicado detention, abd recorded reasonable doubts on possible cases of torture and abuse that could have taken place.

[36] Supreme Court Sentence (STS) 483/2011, dated May 30th, which reviewed on appeal that an alleged collaboration with a terrorist organization in 2009 (Audiencia Nacional Sentence of 2010 July 26th). In its section on Legal Grounds it analyzes the steps taken by the Judge and after stressing his special role as guarantor of the rights of the detainee for whom he is responsible in situations of incommunicado detention, it quite literally reproached him for failing to comply properly with that function.

[37] Constitutional Court Sentence (STC 63/2010, dated October 18th) follows the same line by collecting the doctrine of the Strasbourg Court in another case of arrest by terrorism (case Majarenas) in February 2005. The sentence underlines the validity of the "reinforced norm" that is to be applied in terms of the absolute prohibition of torture, rebuking the judiciary who dismissed pre-trial proceedings by omitting to investigate with the available and suitable investigation tools that were available to clarify the facts. In another sentence (STC 131/2012 on events dating back to October 2010, it granted protection to the complainant for violation of the right to an effective protection of the Court in relation to the right not to be subjected to torture or inhuman or degrading treatment and that there was no effective judicial investigation).

[38] Sentence by the European Court of Human Rights (3rd section), dated September 28th 2010: Isasa Argimiro v. Spain. The Court reviews a case of detention for alleged ETA membership, the Court notes that "(...) *the domestic courts rejected evidence which might have contributed to the clarification of the facts. In conclusion, given the absence of a thorough and effective investigation of the defensible arguments regarding the applicant's allegation, which states that he was ill-treated in detention, the Court finds that there has been violation of Article 3 in its procedural part.*" Similarly, see also ECHR (section 3) dated 2011 March 8th: Beristain Ukar v. Spain, which confirms another violation of Article 3 of the Convention in its procedural aspect. Prior to that see Martínez Sala and others v. Spain. ECHR (section 4) on November 2nd 2004. The latest sentence corresponds to the case of the newspaper editor, the Otamendi v. Spain case, ECHR (section 3) of October 16th 2012. On procedural and substantive violation, reference to all such cases see

It seems essential to involve organizations and scientific groups specialising in both health and Human Rights, both locally and internationally.

Committee Against Torture,[39] and the United Nations Human Rights Committee. [40]

These pronouncements have concluded that, in specific cases of police actions against ETA, there is a complete lack of "*efficient and sufficient*" supervision of incommunicado detention, and an absence of an effective judicial investigation of complaints, and they have also recorded the existing doubts on whether the possible cases of torture and ill treatment had indeed taken place.

The latest known decision is that by the United Nations Human Rights Committee. In its opinion adopted in March 2013, the Committee condemned Spain for violation of article 7 of the International Covenant on Civil and Political Rights. In it, the Committee instructs Spain to provide effective reparation, including an impartial, effective and complete investigation of the facts and the prosecution and punishment of all those responsible, as well as full compensation including medical measures.

1.6. Conclusions

The indications that torture is a hidden but active reality have become more and more numerous over recent years. These facts are helping us to get closer to a reality that has had no institutional or academic monitoring. Within this scenario, it seems essential to involve organizations and scientific groups specialising in both health and Human Rights, both locally and internationally, in order to make headway on the research on torture and to assess the social and emotional impact of such practices. This research should be carried out using internationally accepted guidelines and forensic tools for the physical and psychological evaluation of torture, in line with professional standards of good practice. The purpose of this study is to document possible violations of fundamental rights and to contribute to the construction of truth by studying a large and diverse sample of cases, using the most comprehensive methodologies of forensic documentation, data analysis and previous studies.

In this regard, it is considered that the experience gained by professionals who have been involved in this work, could be valuable for the study of the reliability of torture allegations, proposed in the latest report from the Basque Government.[41] The methodology used here (with appropriate adjustments and modifications) could provide a useful basis for that study.

Annex 1. Some of the most important official documents condemning Spain reference to torture related issues

Human Rights Watch

1. Human Rights Watch. February 2006. Spain: the other side of the Canary Islands. *Rights violations of immigrants and asy-*

SANTAMARIA Arinas, René, in LASAGABASTER HERRARTE, Iñaki (Dir.). *European Convention on Human Rights. Systematic Commentary*, Pamplona, 2009, p. 57-59.

[39] UN Committee Against Torture: CAT/C/48/D/453/2011. Decision adopted by CAT on its 48th session dated May 7th to June 1st 2012.

[40] UN Human Rights Committee: CCPR/C/107/D/1945/2010, decision adopted on March2013, which considered violations of article 7 of the International Covenant of Civil and Political Rights by Spain.

[41] Basque Government, Presidency "Informe-base de vulneraciones de derechos humanos en el caso vasco (1960-2013)". Vitoria-Gasteiz, June 2013.

lum seekers: www.hrw.org/legacy/reports/2002/spain/Spain0202.pdf

2. Human Rights Watch. May 2002. Spain and Morocco. Impasse. *Abuses by Spanish and Moroccan authorities against migrant children:* www.hrw.org/legacy/reports/2002/spain/Spain0202.pdf

3. Human Rights Watch. May 2005 Setting an Example? Counterterrorism Measures in Spain: www.hrw.org/en/reports/2005/01/26/sentando-ejemplo

Amnesty International

1. Amnesty International. May 2004. *España: Acabar Con La Doble Injusticia. Víctimas de tortura y malos* tratos *sin reparación*. Ediciones Amnistía Internacional. Legal Deposit: GU-614/2004.

2. Amnesty International. June 2002. *Spain. Crisis of Identity: Race-related torture and ill-treatment by state agents.* www.amnesty.org/es/library/info/. EUR41/001/2002.

3. Amnesty International. October 2006. Failure to protect the rights of migrants - one year onAI Index AI: EUR 41/009/2006: www.amnesty.org/library/Index/ESLEUR410092006

4. Amnesty International. November 2007. *Spain: Adding insult to injury.The effective impunity of police officers in cases of torture and other ill-treatment*: www.amnesty.org/es/library/info/EUR41/006/2007/es

5. Amnesty International. October 2009. *Spain - Adding Insult to Injury: Police Impunity Two Years on*: www.amnesty.org/es/library/info/EUR41/010/2009

6. Amnistía Internacional. Junio 2011. La tortura como receta. De las leyes anti-terroristas a la represión de la primavera árabe. https://doc.es.amnesty. org/ cgi-bin/ai/BRSCGI?CMD=VERDOC&BASE=SIAI&SORT=&DOCR=1&RNG=10&FMT=SIAIWEB3.fmt SEPARADOR=&&INAI=ACT4010011

Reports of the European Committee for the Prevention of Torture

1. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 12 April 1991. CPT/Inf (96) 9 [EN] (Part 1) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-1.htm. Accessed January 30, 2007.

2. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 22 April 1994 CPT/Inf (96) 9 [EN] (Part 2) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-2.htm. Accessed January 30, 2007.

3. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 June 1994 Ref.: CPT/Inf (96) 9 [EN] (Part 3) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-3.htm. Accessed January 30, 2007.

4. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 18 January 1997. Ref.: CPT/Inf (2000) 3 [EN] - Publication Date: 13 April 2000. http://www.cpt.coe.int/documents/

esp/2000-03-inf-eng.htm. Accessed January 30, 2007.

5. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 28 April 1997. Ref.: CPT/Inf (98) 9 [EN] - Publication Date: 19 May 1998. http://www.cpt.coe.int/documents/esp/1998-09-inf-eng.htm. Accessed January 30, 2007.

6. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 November to 4 December 1998. Ref.: CPT/Inf (2000) 5 [EN] - Publication Date: 13 April 2000. http://www.cpt.coe.int/documents/esp/2000-05-inf-eng.htm. Accessed January 30, 2007.

7. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 to 26 July 2001. CPT/Inf (2003) 22. Publication [13/03/2003]. http://www.cpt.coe.int/documents/esp/2003-22-inf-eng.htm. Accessed January 30, 2007.

8. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 September to 1 October 2007. Publication 25 March 2011. http://www.cpt.coe.int/documents/esp/2011-11-inf-eng.htm.

9. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 30 May to 13 June 2011, CPT/Inf(2003)22. Ref.: CPT/Inf (2013) 6 – Published on 2013 April 30th. http://www.cpt.coe.int/documents/esp/2013-06-inf-esp.pdfHuman Rights Commissioner of the Council of Europe, Alvaro Gil-Robles report following his visit to the Spain, 2005 March from 10th to 19th, CommDH (2005)8.

United Nations Human Rights Committee

Concluding Observations of the Human Rights Committee, Spain, 5th periodical exam by UN Human Rights Committee, October 2008. Report: CCPR/C/ESP/CO/5/

Reports of the Committee against Torture (UN):)

1. Committee Against Torture of the United Nations (2002), Conclusions and recommendations of the Committee against Torture: Spain, CAT/C/CR/29/3.

2. Committee Against Torture of the United Nations (2011), Conclusions and recommendations of the Committee against Torture: Spain, CAT/C/ESP/CO/5.

Reports by the UN Special Rapporteur on torture:

1. Civil and political rights, including questions relating to torture and detention. Report by the Special Rapporteur on torture, Theo van Boven. Visit to Spain from 5th to 10th of October: E/CN.4/2004/56/Add.2 Published on 2004-II-06.

2. Civil and Political Rights, Including the Questions of Torture and Detention Torture and other cruel, inhuman or degrading treatment or punishment. Report

of the Special Rapporteur, Manfred Nowak. Reference E/CN.4 /2006/6/Add. Pages 244 and following. Published on 2006-III-21.

3. Torture and other cruel, inhuman or degrading treatment or punishment. Report of the Special Rapporteur, Manfred Nowak, Addendum, Follow-up to the recommendations made by the Special Rapporteur Visits to Azerbaijan, Brazil, Cameroon, Chile, Mexico, Romania, the Russian Federation, Spain, Turkey, Uzbekistan and Venezuela. Reference: E/CN.4/2006/6/ Add.2. Pages 61 and following. Published on 2006-III-21.

4. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Follow-up to the recommendations made by the Special Rapporteur. Visits to Azerbaijan, Cameroon, Chile, China, Colombia, Georgia, Kenya, Mexico, Nepal, Romania, Spain, Turkey, Uzbekistan and Venezuela (Bolivarian Republic of). Reference: A/HRC/4/33/Add.2. Published on 2007-III-15.

   All these reports are available on: ap.ohchr.org/documents/ dpage_e.aspx?m=103

Reports by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering

Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Mission to Spain (2008 May). Reference: A/HRC/10/3/Add.2. Published on 2008-XII-16: www2.ohchr.org /english/issues/terrorism/ Rapporteur/docs/A.HRC.10.3.Add.2AEV.pdf

Annex 2. Significant sentences on torture related issues

1. Sentence by the Audiencia Nacional of 2010 April 12th, on the so-called "*Egunkaria* case".

2. Sentence by the Supreme Court 483/2011, of May 30th, which reviews on appeal an alleged collaboration with a terrorist organization in 2009.

3. Constitutional Court (STC 63/2010, of October 18th).

4. Constitutional Court (STC 131/2012)

5. European Court of Human Rights (3rd section) Sentence dated September 28th 2010. Case Argimiro Isasa v. Spain.

6. ECHR (section 3) Sentence dated 2011 March 8th. Case Beristain Ukar v. Spain .

7. ECHR (section 3) Sentence dated October 16th, 2012. Case Otamendi vs. Spain.

8. United Nations Committee Against Torture. CAT/C/48/D/453/2011. Decision adopted by the Committee at its 48th session, 2012 May 7th to June 1st.

9. United Nations Human Rights Committee. CCPR/C/107/D/1945/2010. Opinion adopted on 2013 March condemning Spain for violation of article 7 of the International Covenant on Civil and Political Rights. Case Achabal Puertas v. Spain.

Chapter 2.

Methodology - Description of the process of research and documentation

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As we have seen in the previous chapter, many national and international organizations have expressed their concern about allegations of torture or ill-treatment made by detainees, especially in the context of incommunicado detention.

The current report is based on three fundamental references: the comments made to Spain by international agencies in the United Nations system, the findings of empirical studies that have analyzed significant cases of persons held under incommunicado detention and sentences issued by the Spanish Constitutional Court and by ECHR at Strasbourg.

These institutions have concluded, coincidentally, and from different approaches, that allegations of detainees under incommunicado detention cannot be considered as fabrications or inventions proceeding from a terrorist strategy. These are, instead, credible and confirmed facts of which proof has been obtained by different authorities in their evaluations and recommendations. There is ample proof, including evidence of medical and psychiatric nature, and it is consistent with the allegations of abuse. These institutions have likewise expressed their deep concern over the inaction of the courts with respect to the investigation of crimes of torture.

2.1. The contribution of this study: objectives

In this context, this study has three objectives:

1. To analyze a large and significant sample of citizens who have been under incommunicado detention and have later alleged ill-treatment or torture (whether reported to the courts of law or not) with tools to assess the credibility of such allegations, and to contrast the veracity of these allegations with standards of good medical practice.

2. In those cases in which experts establish the existence of consistent facts of ill-treatment or torture, to advance in the research of medical and psychosocial consequences thereof.

3. To carry out an analysis of the alleged torture methods, looking into the existence or inexistence of patterns; sustaining such findings on the basis of the interviewees' statements and their consistency with expert opinions and clinical elements and with the impact described in the affected people's statements, analysing the consequences in the short, medium and long term.

To this end, what has been an extremely rigorous methodology from an academic point of view was established to guarantee the independence of judgement of the evaluators and their acting with the utmost scientific rigour, establishing a methodological safeguard system that is far more stringent than the usual systems used for this type of studies. From this methodological viewpoint, the independent character of the assessments, and the blind and independent system of analysis used on the clinical interviews, the qualitative elements of the study, the psychometric exploration carried out therein and the advanced statistical techniques used in the textual analysis are extremely noteworthy. The research team is composed of over 25 highly reputable health profession-

als, the majority in the field of mental health, with different specialties. A large number of non Basque psychiatrists and psychologists have participated in the professional evaluations and they have no relationship with social or political issues related to the Basque Country. There is also the supervision and endorsement of the International Rehabilitation Council for Torture Victims, the maximum worldwide network of institutions on issues concerning torture. This study has also been endorsed by the Research Ethics Committee of the University of the Basque Country (UPV/EHU).

In summary, this study is unique because, unlike all the studies previously carried out, it develops an analysis of credibility and plausibility of the allegations of ill-treatment or torture on the basis of international experts' standards. And it does so with a compartmentalized and permanently blind methodology, complemented with monitoring systems and scientific supervision by external institutions that do not leave space for doubt in terms of its professional and scientific qualifications.

2.2. The Istanbul Protocol: the key instrument in the international documentation of ill-treatment and torture allegations

The central instrument with which to carry out complainants' forensic assessments is the well-known *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, known in popular terms as the *Istanbul Protocol*. This Protocol contains the first set of internationally recognized standards for the examination, investigation and reporting of allegations of torture and ill-treatment. It was developed over three years of work and meetings in different countries, with the collective effort of more than 75 well-known experts in law, health and human rights representing more than 40 different organizations in the field of combating torture including the IRCT.

This study develops an analysis of credibility and plausibility of the allegations of ill-treatment or torture on the basis of international experts' standards.

Since its beginnings in 1999, the Istanbul Protocol has been supported and promoted by the United Nations system that has adopted it as the international standard of reference.[42] The Istanbul Protocol Principles were then included in the resolution on torture adopted unanimously by the General Assembly of the United Nations in December 2000.[43] Subsequently, the Office of the United Nations High Commissioner for Human Rights recommended all governments to pay attention to these principles and strongly encouraged them to use them as a tool for the eradication of torture.[44] These guidelines (the Istanbul Principles) have been recognized by human rights bodies as a benchmark with which to measure the quality and effectiveness of research on torture allegations. For example, the Inter-American Human Rights Commission cited the Istanbul Principles as the minimum requirements for medical reports prepared by health professionals to investigate cases of alleged torture.[45] In a similar way, a decision by the African Commission on Human Rights and Peoples stated that investigations of allegations of torture must

[42] See in http://www.unhchr.ch/ pdf/8istprot.pdf

[43] UN General Assembly Resolution 55/89, Appendix, 2000 December 4th.

[44] HR Commission Resolution 2003/33, 57th meeting, 2003 April 23th [E/CN.4/2003/L.11/Add.4].

[45] Ana, Beatriz y Celia González Perez v. México (Report num. 53/01), Inter-American Commission on HR, 2001 April 4th.

be conducted promptly, impartially and effectively, under the guidance of the Istanbul Protocol.[46]

The Istanbul Protocol is essentially an exhaustive guide for focused interviews, within which the expert is oriented about the matters and issues that should be included in interviews with complainants. It is a complex, painstaking and detailed instrument, which requires several working sessions with the interviewee. The development of a protocol according to standards of good practice is an effort that takes several days during which the expert obtains in-depth knowledge of the interviewee on personal, clinical and social terms (Table 2). This knowledge is basic when the expert develops his evaluation and final decision. The remaining credibility-proving evidence is another factor to take into account (Table 3). The expert, in short, bases his opinion on a set of objective data, which does not have as much to do with the story itself, but has more to do with a textual and non-textual objective analysis of elements (Table 4). Based on all of these items, the expert formulates "credibility levels" that conform to canons and standards preset by the Protocol itself (Table 5).

[46] *Preventing Torture at Home: A Guideline to the Establishment of National Preventive Mechanisms*, 2004 May 1st.

Table 2. Basic aspects of expert interviews using the Istanbul Protocol to maximize credibility analysis

- Interview focused on personal biographical history, with data collation by third-party sources
- Empathy in an open and horizontal setting characterised by listening
- No time pressure on the interviewee
- Analysis of the personality structure
- Coping patterns in adverse situations,
- Consistency between verbal and nonverbal communication
- Coherence in the events described, consistency between the events described and the emotion and resonance with which they are expressed
- Consistency between the events described and the actions taken to confront them

Table 3. Formulations by the experts and bases of the Istanbul protocol

- The interview is designed to establish data and to answer the following questions:
- Is there a correlation between the psychological traces and the report of alleged torture?*(-Clinical relevance)*
- Can we say that the psychological findings are those expected or typical reactions to extreme stress within the cultural and social context of the individual?*(Consistency in the expression of syndromes)*
- Given the time fluctuation in mental disorders related to the trauma, what is the time frame in relation to the events of torture: which point is the individual in within the course to recovery?*(Clinical and functional objective changes before and after the event, and subsequent evolution and prognosis)*
- Which coexisting stressor elements are exercising their influence on the subject (for example, an ongoing persecution, forced migration, exile, and loss of family or social function)? Which is the impact of these factors on the subject? *(Etiologic delimitation and plausibility causal link)*
- Which physical conditions contribute to the clinical characteristics of the interviewee? *(Contributing factors and perpetuators)*
- Do the clinical characteristics indicate the existence of a false allegation of torture? *(Credibility)*

Table 4. Epistemological bases of the expert analysis of credibility in the Istanbul protocol

- Facts:
  - Objective data.
  - Narrative .
  - Statement credibility
- Plausibility of torture as the reason for change (cause-effect relationship).
- Changes in the person after the alleged torture: before and after situation.
- Possible links between these changes and the events described. Rejection of other causes.
- Level of Consistency between the described acts and the emotions with which the facts are described, such as emotional response, symptoms described and evolution, according to the kind of torture applied.
- The person's previous characteristics.
- The expert's experience in similar assessments.
- Cultural framework
- Furthermore, the analysis must be supported in so many tests considered appropriate (physical examinations, other specialists' visits, etc.).

Table 5. Credibility levels

- "Not Consistent" = Not caused by the events described.
- "Consistent with" = Nonspecific symptoms that may have been produced by the events described.
- "Highly Consistent" = the condition could have been caused by the trauma described, and there are few other possible causes.
- "Maximum consistency" = the condition could not have been caused in any way other than that described.

In the Istanbul Protocol torture is defined in terms of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

> *"... torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."*[47]

According to that definition, torture is intentionally infringed severe pain or suffering, whether physical or mental, by or with the support of public police officers (such as police or security forces) or with the consent thereof.

Classification of facts as torture in the present study

The legal or juridical qualification of facts is not the purpose of this study. Everywhere in the world this is something that corresponds to the courts of law. What the experts in this study do is certify the credibility of the allegations and document their consequences. It is important to note, for the purposes of this study, that the discussion on where the limit is between inhuman or degrading treatment and torture is not relevant for this study. Suffice it to say that both torture and inhuman or degrading treatments are explicitly prohibited by the Convention against Torture and other instruments of international law signed by the Spain and both are equally considered in the jurisprudence of the United Nations system.

As the core of the work is the complainants' accounts and the expert opinions on credibility and analysis of consequences, from the initial group only those who stated that they had suffered ill-treatment or torture were selected.

2.3. Sample

Selection method and criteria

There are no official figures on the number of people who have been taken under incommunicado detention in the Basque Country, although, since 1992, the TAT (Torturaren Aurkako Taldea) has developed a registry of detainees. Recently the Base Report on Human Rights violations in the Basque Country (1960-2013) issued by the Basque Government speaks about *"40,000 people arrested of whom, according to data from the Ministry of Interior, ETA-related charges were brought against less than 10,000 of them."*[48]

If incommunicado detention figures are not available, those of persons recognized as victims of torture are simply non existent: this is a phenomenon that has been silenced. Positions are antagonistic, from the official denial of torture to those counting over 10,000 cases. In the "*Euskal Memoria*" publication it was estimated that over the last 50 years

[47] Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Resolution UNGA 39/46 of 1984 December 10th, in vigour since 1987 June 26th.

[48] Lehendakaritza. *Base-Report on HR violations in the Basque Country (1960-2013).* Basque Government, Vitoria-Gasteiz, 2013.

there could be between 9,633 and 11,633 cases of torture: 733 of which between the years 2000 to 2012, 900 in the 1990s; 3,000 in the 1980s and between 5,000 and 7,000 in the previous 2 decades.[49]

In the Base Report of Human Rights violations in the Basque Country (1960-2013) issued by the Basque Government it is said that there are 5,500 public allegations of torture (including both judicial complaints and extrajudicial allegations).[50] In another Basque Government Report, covering the period 2000-2008, there is a quantification of 634 torture complaints, of which 446 were judicial, within a total of 1.231 people arrested in connection with ETA[51] or *abertzale* (Basque nationalist) groups.

Such information is not accessible from Spanish official data. Thus, the participants had to be recruited following a snowball sampling (i.e., some people or institutions leading to others) and starting with cases in the files of Basque civil society organizations that have participated in this study.

As the core of the work is the complainants' accounts and the expert opinions on credibility and analysis of consequences, from the initial group only those who stated that they had suffered ill-treatment or torture were selected. It is not, therefore, a study on a sample of all the detainees held in incommunicado detention.

At present, with the ETA ceasefire, there is no official census unlike in other countries where there has been politically-motivated violence. This would have allowed for a random sampling. In short, it is therefore a purposive sample that has been used for this study.

The sample is composed of 45 Basque people:

a. held under incommunicado detention in application of "anti-terrorist legislation" between January1982and December2010in Spain and.who have reported ill-treatment or torture (whether or not such allegations were presented in Court).

Considering the estimated universe of population estimated to have been tortured over the last few decades, the study was carried out with between 0.5% and 1.8% of total number of tortured people. Given the depth of the work done with each person, this is without douibt an unprecedented study in terms of its complexity and volume of information.

Sources of external validation and triangulation of cases

After the initial selection of cases, an external validation of each case was carried out (table 6).

[49] Julen Arzuaga. Oso latza izan da. Op. cit.

[50] Lehendakaritza, *Base-Report... Op. cit.*

[51] HR Department. *Torture: a scientific approach (2000-2008).* Basque Government, Vitoria-Gasteiz, 2009.

Table 6. Sampling methodology: case validation
• From the archives of the institutions and organizations participating in the study, a selection was made of a group of people who had been arrested in relation to the Basque conflict and placed in incommunicado detention and who had reported ill-treatment or torture. • Neither the reason for the arrest, nor the indictment and/or subsequent conviction were taken into account as selection criteria, although such information was taken into account as variables for further analysis. • The existence of incommunicado detention was verified by an external source (press, legal documentation, or judicial sentence). • After informing the complainants on the objectives of the study, an Informed Consent was sought and obtained (see annex). • Each person was appointed for an interview and psychometric examination in a minimum of two working sessions of, at least, 2 hours per session. • We searched for the necessary evidence, from different and contrasted documentary sources, third parties or institutions that were as close as possible to the facts, and who allowed an assessment of the reliability of the story and the alleged facts. • The interviews were recorded on video / audio as authorized by the interviewees in the informed consent in order to have a file that allowed for contrast by independent researchers and technical supervision by the experts in charge of quality control and the technician from the International Rehabilitation Council for Torture Victims. 62% of forensic interviews were video taped, the rest were taped only in audio, and in both cases with notes being taken by the experts conducting the interview during the session.

Who are the examinees: sociodemographic and political characteristics

Within the sample, though being of convenience, we have tried to present a representation of all profiles using a "Latin square" methodology. This means controlling the most significant variables, as people are incorporated to the project, in order to achieve a final sample balanced by the square key variables. Table 7 shows the demographic profile of the people analysed and Table 8 their political profile.

The sample has a similar percentage of men (57%) and women (42%). These are people who were very young at the time of their arrest. The average age was 25, about 90% were under 30 and about one out of five was under 20. The sample excludes minors, which means the age at which people are arrested is, usually, very early.

Table 7. Sociodemographic characteristics (n = 45)			
Sociodemographic characteristics		N	%
Gender	Male	26	57,77
	Female	19	42,23
Age at the time of arrest (Average 25)	Less than 20	8	17,70
	21-30	31	68,90
	31-40	5	11,10
	41-50	0	0,00
	More than 51	1	2,30
Year of Detention	Before 1990	4	8,90
	1991-1996	3	6,60
	1997-2001	8	17,80
	2002-2007	13	28,90
	2008 or after	17	37,80
Age at the time of the Forensic assessment (Average 35 years)	21-30	18	40,00
	31-40	14	31,10
	41-50	8	17,80
	More than51	5	11,10
Time between arrest and Forensic assessment	Less than 1 year	4	9,0
	Between 1 and 2years	9	20,0
	Between 2 and 5 years	6	13,3
	Between 6 and 10 years	15	33,3
	11 or more years	11	24,4
Educational Level	Basic Education	2	4,40
	Secondary studies – Job training	19	42,30
	University studies	24	53,30
Profession	Unqualified Manual Worker	8	17,80
	Skilled Manual Worker	7	15,60
	Administrative - Commerce – Bar and restaurant sector	7	15,60
	Secondary-FP-University Teacher	7	15,60
	Liberal Profession	4	8,80
	Student	8	17,80
	Unemployed	4	8,80
Marital status	Single	13	28,80
	Cohabitation	22	48,90
	Married	6	13,40
	Separated	4	8,90
Children	Yes	7	15,60
	No	38	84,40

Table 8. Socio-political characteristics (n=45)			
Socio-political characteristics		N	%
Security body responsible for the arrest and interrogation[52]	Guardia Civil	24	53,40
	Policía Nacional	14	31,10
	Ertzaintza	7	15,50
Days under Incommunicado detention	1	2	4,4
	3	14	31,10
	4	2	4,40
	5	24	53,3
	10	3	6,80
Further Measures	Freedom without charges	4	8,9
	Freedom with charges	4	8,90
	Pre-trial imprisonment	37	82,20
Militancy at the time of arrest	Armed group member or collaborator[53]	2	4,40
	Nationalist youth group member [54]	17	37,80
	Member of nationalist political group[55]	19	42,00
	Member of non nationalist social group or non-specified militancy	6	13,30
	No link with activism or militancy	1	2,20

[52] There are many State Security Forces (Cuerpos y Fuerzas de Seguridad del Estado - CFSE) in Spain and their competencies vary from one to another. In addition to the differences in terms of "geographical" competencies (i.e., local, regional and state police) there are several "functional" competencies (judicial police, immigration, border control, etc.). Only four of these police forces are authorised to enforce incommunicado detention, three of which are covered by this study:

- *Policía Nacional* / National Police (Cuerpo Nacional de Policía - CNP): The Spanish Policía Nacional has exclusive competency in inmigration, identification and documentation of citizenship. It is considered a comprehensive police force in urban areas throughout the Spain except in the Basque Country Autonomous Community (CAPV) and Catalonia. It has competencies in counterterrorism.
- *Guardia civil* (GC) Civil Guard: A militarised police force in its structure and internal rules. They have exclusive competency in customs control, control of weapons and explosives, and acts as a comprehensive police force in rural areas throughout Spain except in the Basque Country (CAPV) and Catalonia. It has competencies in counterterrorism.
- *Ertzaintza* (Ertz): The Ertzaintza or Basque Country Police acts as a comprehensive police force in the three provinces of the Autonomous Community of the Basque Country (Araba, Bizkaia and Gipuzkoa), except in the areas of exclusivity of the Policía Nacional (Aliens and identification of citizenship) and the Guardia Civil (Customs). It has competencies in counterterrorism.

[53] Belonging to E.T.A.

[54] Youth groups formed in the *izquierda abertzale* (nationalist left) environment like *Segi, Haika, Jarrai*. See the corresponding annex.

[55] Sympathizer or member of left-wing nationalist parties like *Herri Batasuna, Euskal Herritarrok, Batasuna*.

The majority were members of "abertzale" political associations, parties or unions (42.3%) or youth organizations with public activity (37.8%).

On average, there had been about 10 years between detention and the interview with the experts, the shortest period being 6 months and the longest 23 years. Although we have covered the whole range and there is a sample of people who had been recently arrested (10% less than 1 year before and in 20% between 1 and 2 years before), the majority (60%) had been arrested over 6 years previously. This means that most of what is covered by the expert opinions are impacts of detention in the medium and long term

The majority of the people studied were attending or had completed higher studies at the moment of their arrest (53.3%). They had all kinds of jobs, from labourers to professionals. Most of them were single (28.8%) or had a joint household (50%), and most had no children (84.4%).

In 53.4% of cases, the arrest and interrogation was carried out by the Guardia Civil, the remainder is shared between the Policía Nacional (31.1%) and the *Ertzaintza* (15.5%). Except for two people who went to court within the first 24 hours of confinement, the rest were held under incommunicado detention for 3 days (31.1%) or 5 days (53.3%). There are 3 cases, from the 1980s, with 10 days of incommunicado detention. Most people (82.2%) were sent to pre-trial prison after detention.

Regarding the profile of militancy, the sample also aims to reflect the full spectrum of the arrests. Of all people examined in the expert opinions, the majority were members of "*abertzale*" political associations, parties or unions (42.3%) or youth organizations with public activity (37.8%). There are also 6 people (13.3%) who were members of social, ecologist or cultural movements and not related with the nationalist movement.

Finally there are 3 people considered to be official members of ETA at the moment of their arrest. 1 person (2.2%) had no linkage with any political or social movement whatsoever and was arrested and held under incommunicado because he was a relative of another person.

In short, the typical examinee in the expert opinions is a youth (between 20 and 25 years of age), with high school or university studies, married or in a joint household situation, with no children. He / she is a member of a nationalist political or social group. He /she was arrested by the Guardia Civil because of such activities or because his or her name was "in a list". He / she spent3 or 5 days under incommunicado detention, during which he / she was interrogated, and later transferred to prison to await trial. The forensic assessment is made, on average, between 5 and 10 years after incommunicado detention.

In summary, this is a sample of people in which 80% maintained strong collaborative links with the Basque political independence project through militancy (protests or political actions, social mobilization, solidarity and/or support of political prisoners or their relatives, etc.). They also participated in individual or organized street violence, but had no direct involvement with armed violence.

Some elements to understand the data

Without aiming to come to statistical conclusions, the previous tables shed some light on some of the contexts in which the arrest and interrogation of the interviewees took place.

Gender differences. The average age of the women at the time of their arrests is signifi-

cantly higher than that of the men (28 versus 24 years of age, $p < 0.05$). In fact the 8 detainees below 20 are all men. No differences in the educational levels are appreciated. There are more women that are unskilled manual workers (trade, catering), and a higher rate of separated men (15% versus 0% of women, $p < 0.05$). There are more married women than men (22% versus 0%), which may be an effect of age, but more likely could indicate that the arrest leads to a later separation more for men than for women.

There are no gender differences in the year of arrest, nor in the number of days of confinement, nor in subsequent court actions, nor in the kind of militancy of these people. Within this sample there were (including youth organizations) 3 people employed by the organisations they belonged to, 1 man and 2 women, which is in accordance with the somewhat larger number of women who are active in political movements, as against a larger proportion of men in youth movements (although differences are not statistically significant) and similar figures in civic movements or in non activists.

Differences in terms of the State Security Forces. There are no statistically significant differences in the demographic profile (age at the time of arrest, sex, educational level, profession, marital status or number of children) attending to this factor.

Regarding the socio-political profile:

- Most of the arrests carried out over five years ago correspond to the Guardia Civil. The Policía Nacional and Ertzaintza arrests took place, basically, over the last five years.

- The Guardia Civil arrests include a higher number of members of political, social or trade union organizations, whereas the Policía Nacional and the Ertzaintza arrests affect more people from youth organizations.

- The number of days in solitary confinement remains statistically similar for the 3 police forces.

- In the Ertzaintza's arrests there is a majority of detainees that are later released (usually with charges) in comparison to the other two police corps, who send more people to pre-trial imprisonment.

In summary, this is a convenience sample, which is only representative of itself, covering all security forces implicated in allegations of torture, with very different periods of incommunicado confinement (from 1 single day to 10, in the past), a diversity in the militancy of those arrested (from ETA members or people collaborating with ETA and militants of various groups, through different political militancy in the vicinity of the nationalist left wing, to people with no linkage whatsoeaver to ETA or any other groups), variables of gender, age, socio-cultural level, and arrests going from the early 1980s to the present.

As the credibility rating of the 45 testimonies has been 100%,[56] there should be a follow up of this type of research with a random sample that could offer a higher degree of representation, since the a high degree of consistency in bigger samples could be grounds for the cancellation, in subsequent studies, of the multiple prosecutions for perjury filed by the Audiencia Nacional courts. The existence of accusations of perjury filed by the state could well become grounds for concern since this type of expert reports based on internationally-accepted instruments (like the Istanbul Protocol) are not made in order to support such accusations.

2.4. Instruments

In addition to those methods already mentioned (informed consent, Istanbul Protocol and a semi-structured interview), five clinical scales were also used:

[56] See table 13 in chapter 3.

- Vital Impact Assessment Questionnaire (VIVO).[57] This Questionnaire assesses the impact of traumatic experiences on the identity, emotions and system of beliefs and self-perception, perception of the world and that of others. It includes 116 items grouped into 10 conceptual blocks and 35 subscales. It has been validated based on an international sampling recruited in 13 countries; it has been used with survivors of torture in Spain, Argentina and Uruguay.[58]

- Beck's Depression Inventory (BDI).[59] [60] With 21 items, the BDI is the most widely used scale for quantification of depressive symptoms. BDI evaluates primarily clinical symptoms of melancholy and intrusive thoughts present in depression. BDI is, in this sense, a scale with a heavy cognitive load and very few motor or anxiety symptoms. The 21-item version has no established cut-off points. The average scores for the different severities of depression are: 10.9 (minimal depression or absence thereof), 18.7 (mild depression), 25.4 (moderate depression) to 30 (severe depression).

- Posttraumatic Stress Rating Scale (PCL-C).[61] This scale (with 19 items) sets the diagnostic criteria for Posttraumatic Stress Disorder (PTSD) in DSM-IV. Each item corresponds to a symptom which is evaluated in frequency and intensity on a scale from 1 to 4. There are various cut-off points recommended in literature, considering 44 points indicative of partial forms of PTSD, 51 indicating forms of mild PSTD and 55 denoting forms of complete or severe PTSD.

- Guilt was measured by means of an ad-hoc scale drawn up for this study (Guilt Determinants Scale -EDC-) drawn from the analysis of a pilot sample of interviews. This scale included measures of different subtypes of guilt (guilt for having survived, retrospective guilt, guilt for not having been able to protect oneself, guilt for not having resisted, for not having been able to think, guilt for having disappointed others) measured from 1 (never) to 5 (constantly). The EDC scale was supplemented with the McLernon's forgiveness scale,[62] which assesses positive and negative emotions toward perpetrators, and a semi-structured interview on guilt determinants.

Data analysis

Computer processing of the data was performed with SPSS 19 and Atlas 6.0 statistical software for quantitative and qualitative variables respectively. The specific methodology with which each analysis thesaurus was built up is described in each chapter.

2.5. Working methodology

Professionals' partnership and internal and external audit system

To expedite the work while ensuring reliability and scientific quality, the study is com-

[57] Perez Sales y cols. (2012). *VIVO Questionnaire. A measure of human worldviews and identity in trauma, crisis and loss. Validation and preliminary findings.* Journal of Loss and Trauma. DOI: 10.1080/15325024.2011.616828.

[58] Perez Sales et alt (2013). *Manual del cuestionario VIVO. Instrucciones de uso y baremos de corrección (VIVO questionnaire Manual. Instructions for use and correction scales).* Irredentos Libros. Madrid.

[59] Beck, A.T., Ward C.H., Mendelson M., Mock, J., Erbaugh J. (1961). *An inventory for measuring depression.* Arch gen Psychiatry 4: 561-71

[60] Beck, A.T., Steer, R.A. y Garbin, M.C. (1988). *Psychometric properties of the Beck Depression Inventory: Twenty-five years of evaluation.* Clinical Psychology Review, 8, 77-100.

[61] Weathers, F. W., J. A. Huska, et al. (1991). *The PTSD Checklist-Civilian Version (PCL-C).* Boston: National Center for PTSD.

[62] *Intergroup Forgiveness and Guilt in Northern Ireland: Social Psychological Dimensions of The Troubles.* Hewstone, M.; Cairns, E.; Voci, A.; McLernon, F.; Niens, Ulrike; Noor, M. Collective Guilt: International Perspectives. ed. / N.R. Branscombe; B. Doosje. Cambridge University Press, 2004. p. 193-215

partmentalized into independent levels. This implied an effort of coordination and joint training in order to get all people involved to operate with homogeneous expert criteria.

Table 9. Evaluation methodology: independent analysis and audit systems

First Level

- Psychometric Exploration.

  Extensive clinical interview, following a semi-structured script which included: (a) Renewal of informed consent, (b) Complete Istanbul Protocol, (c) Extension of guilt and/or forgiveness related aspects, (d) Extension of legal aspects and expectations in relation to truth, justice and reparation. The interview was conducted by a clinical psychologist or psychiatrist with experience in interviewing victims of violence and sufficient knowledge on the Basque political context so as to be able to contrast and expand interviewee responses.

Second Level

- Each expert was assigned an external "partner" or external pair. External partners were psychiatrists or clinical psychologists with experience from Madrid, Barcelona, Valencia and other places outside the Basque Country, who acted as a source of verification and contrast. Sometimes the partner would decide to go to the Basque Country and personally attend the interviews. In other cases, the partner worked with recordings and/or transcripts of the testimony and the expert's notes. Both professionals worked as a stable team in the development of the protocol for several months, sharing the responsibility for the final result. The mission of this second expert, the "external partner", is to ensure the scientific validity in the compilation of information (protocols, test administration, etc.), ensure reliability, validate the results and ensure the correct technical elaboration of reports and to make sure what was expressed in the interviews was conveyed faithfully. Both partners had the responsibility of establishing a system of peer agreement in cases of doubt in terms of the qualification of facts.
- In parallel, a second group (composed mainly by forensic doctors) sought external documentary evidences that could be added to the amount of medical or forensic reports obtained from the time of the arrest, or police reports or judicial documents that might provide information about the treatment received during detention, etc. Such findings were complementary to those that had served to make the case file and were collected by a separate group from that which was performing the expert opinion.
- A third group (composed mainly by academics who had no had direct contact with the victims), tabulated and analyzed the psychometric results independently from the team that had performed the expert opinion.

Third Level

- The resulting assessments were individually supervised by an expert psychiatrist, who evaluated all the protocols on a case-by-case basis, validating the results and proposing technical criteria of improvement or contrast. This work was done individually with each dupla team (the interviewer and the external partner), in several feedback sessions, to discuss common technical problems.

Fourth Level

- A forensic expert on behalf of the International Council for the Rehabilitation of Torture Victims (IRCT) held meetings in Madrid and Bilbao and conducted interviews with some of the examinees, individually and in groups. The expert also collated recordings, met with some dupla partners, and analyzed a random sample of medico-legal reports. The expert's finding was that the study's methodology and application of the Istanbul Protocol were consistent and sound.

For the collection of validation data at the second level, an attempt was made to obtain records from all possible external sources (table 10).

Table 10. Methodology: external sources of data contrast
• Documentation presented on the judicial procedure developed as a result of the allegations of torture (in those cases in which there had been legal complaints). • Testimonies of allegations of ill-treatment/torture provided in judicial complaints or in public denunciations or in complaints to Human Rights associations. • Rights violations statements made to Central Instruction Judge. • Forensic assessments issued during the period of incommunicado detention and any other forensic report in relation to the case. • Medical and psychological assessments carried out by health centres, hospitals, or prison professionals, etc., during or after the arrest. As well as any other documentation or medical tests that would provide information on the finding of possible injuries or sequels. • Documentary research by Human Rights organizations, or victims' associations, or public entities. • Possible interviews to potential witnesses of the facts. • Possible interviews to Human Rights organizations, victims' associations and public entities.

Examinees follow-up

When we explained to examinees what the process of our research would be like, this generated fears and some resistance especially because of having to remember and recall traumatic events. There was fear of suffering, fear of re-experiencing the events and fear of mentally breaking down. We guaranteed from the beginning that they would be accompanied throughout the assessment process and that we would work on all symptoms, traumatic emotions and feelings which could reappear in a psychotherapy group. This measure of care and support allowed the interviewees to speak for the first time in most cases, from an emotional narrative, which allowed us to analyze all the symptoms of suffering and to analyze the correlation of the events described with the associated symptoms.

After completing the interviews and psychometric tests, a large group of examinees was gathered in order to work on the traumatic emotions, feelings, images and memories, the recurrent thoughts and important symptoms and on deep existential character that had appeared. Group sessions were conducted and some of the people in the sample have continued going to biweekly group sessions for two years at the time of writing this report.

2.6. Ethical research issues

Data protection

The documentation generated currently exists on paper and in digital format. It has been registered in the Basque Agency for Data Protection (AVPD). All documentation is properly guarded, physically, in the premises of the University of the Basque Country (UPV/EHU).On paper the data are in the Department of Social Psychology and the computer data in the aforementioned files in the AVPD.

Ethics Committee approval

The research has been reviewed and approved by the University of the Basque Country Biomedical Research Ethics Committee. As safeguards for participants, in addition to the informed consent (see appendix), the following was required:

- A detailed and thorough explanation to each person about what the participation in this study involved and about which their commitments and which the research team's commitments were.
- The possibility of choosing how the interviewee wished to be identified: with the name, initials or an alias. This election depended on the degree of knowledge by the personal, family or social environment as well as the desire expressed by participants. But over all, this election was based on the clinical consequences that could be derived from public knowledge of the emotional and physical impact of the facts through this study.
- Interviews were to be held by clinicians with experience in handling critical situations who could handle hypothetical situations of reappearance of traumatic experiences during the interview.
- A copy of the result of the expert assessments and of the resulting global text was to be made available for private use by the interviewee, for legal or testimonial or other purposes.
- Validation and contrast of the fidelity of the collected information with the narrative of the interviewees.
- The interviewees were to be informed of the results in a clinical and therapeutic environment. A therapeutic offer (in individual or group therapy) was to be made available for those who requested it.

We guaranteed from the beginning that they would be accompanied throughout the assessment process and that we would work on all symptoms, traumatic emotions and feelings which could reappear in a psychotherapy group.

Annex I. Informed consent

Good morning / afternoon

My name is ..... and we are working on a project about the MEDICAL AND PSYCHOLOGICAL EVIDENCE OF TORTURE ON PEOPLE HELD UNDER INCOMMUNICADO DETENTION IN THE BASQUE COUNTRY.

Informed Consent

Objective. The aim of the group work that we are proposing you take part in is to make an assessment of the consequences of incommunicado detention, as well as of some characteristics of the treatment received during such detention.

This will require two elements:

- A standard forensic assessment conducted by expert doctors in the physical level, and a psychological evaluation by psychiatrists and psychologists in the psychological level.

  The aim of this assessment is to establish both the facts underlying the experts'

report and their possible physical, emotional and psychosocial consequences. This analysis will be carried out following the so-called Istanbul Protocol, which is the international standard on the subject.

- An assessment of issues related to the impact in the medium and long term of the facts analysed. This will include various specific instruments (questionnaires) on the subject.

As this will be an open conversation, given the character of expert assessment of the report, it is necessary to have supporting documentation. For this purpose, the interview will be audio recorded (with a voice recorder), and it would also be desirable (but not essential) to have a video recording in order to ensure that the statement is collected with fidelity and thoroughness and to facilitate transcription and analysis. This will allow us, subsequently, to prove the veracity of each of the statements contained in the report.

Before starting, I will be very grateful if you sign your Informed Consent so we can carry on with this survey-interview.

Informed consent form

Name .....

Declare that:

- I have been asked to participate in a research project about which I have received adequate information.
- Before providing my consent by signing this document, I have been informed by .....
.....
- The purpose of the study is to research *medical and psychological evidence of torture on people who have been held in incommunicado detention.*
- I have been adequately informed on the characteristics of forensic assessment process and I have been able to make as many questions as I have considered appropriate.
- I have been informed about confidentiality issues and (check the options you agree with, with an X).
  - I consent to having my opinion recorded for the report that is to be made.
  - I have no objection to having my interview recorded in video format.
  - In case you need my report to make it available to other fields such as research or to Human Rights organizations, I consent to having the report used:
    - With my name and surname.
    - Without my name nor surname.

I have been informed that I can withdraw from this study whenever I wish, and that this will imply no disadvantage for me.

I have received guarantees to the effect that this information will not be used for purposes different from those described herein.

Date: .....

Signature of the person

.....

Participant's Signature responsible for the report

.....

Annex II. Organizations mentioned in the report

Izquierda *abertzale* (*abertzale left*: *abertzale* in Basque means, *patriot*). This term is used to make reference to those parties or organizations in the Basque pro-independence left wing.

Jarrai. Founded in 1979, it became one of the main references of Basque youth movement. Its trajectory is part of the process of "nation-building" for the Basque Country, its goals are independence and socialism. Jarrai claims for fundamental collective rights as that of self-determination, territorial integrity and the use of the Basque language.

Haika. This is a youth organization which was the result of the merging of *Jarrai* and *Gazteriak* (the latter was active in the French Basque Country), in the year 2000. The Spanish Supreme Court declared it to be a terrorist organization linked to *Euskadi Ta Askatasuna* (ETA) on January 19, 2007.

Segi (which in Basque means, *Contrinue*). This is a youth organization belonging to the so-called nationalist left. Established in the Basque Country, Navarre and in the French Basque country, it was outlawed in Spain in 2002, as it was considered a continuation of *Haika* and *Jarrai*, and it was attributed links with the terrorist organization ETA, whereas in France remained legal until its disbendment in 2012.

Gestoras Pro Amnistía (in Basque *Amnistiaren Aldeko Batzordeak*, which means pro-Amnesty Committees) was an organization the goals of which were to achieve the release of ETA prisoners and other Basque prisoners and the defence of their rights and support for their families. In Spain it was outlawed in 2001.

LAB, Langile Abertzaleen Batzordeak (which in Basque means: *Nationalist Workers Commission*) is a Basque nationalist trade union, which is part of the nationalist left wing, and considered part of the Basque National Liberation Movement. It was created in the fall of 1974.

Kale borroka (which means *street fighting*) is commonly used to refer to the street violence that has taken place in the Basque Country, Navarre and in the French Basque Country. Those who participate in this street fighting have been considered as "terrorists" and as such are tried in the Audiencia Nacional courts, where such offences are considered as terrorist crimes.

Batasuna («*Unity*» in Basque) was a pro-independence and socialist political grouping of Basque nationalist ideology,. Before it was outlawed in Spain, its political scope also included the Basque Autonomous Community and Navarre. It disbanded in France, where it was still legal, on January 3, 2013.

Chapter 3.

Credibility of torture allegations. Analysis of expert assessments. Means of external verification

Pau Pérez Sales.

The estimation of the credibility of a testimony is the appreciation of the accuracy that the witness or a part of his/her statement inspires to the evaluator, which leads to believe that the events occurred as he/she states. It constitutes, as we saw in the previous chapter, the basis of analysis of the Istanbul Protocol and in its manual the technical elements of the assessment of credibility are detailed. The present chapter presents the results concerning this part.

In order to do this, we have drawn up a matrix with 14 variables that are internal and external indicators in which the experts have based their final credibility analysis, in accordance with what was explained in the previous chapter.

These 45 people made a substantially true and accurate statement of what constituted their incommunicado detention experience.

Table 11. Internal and external indicators for credibility analysis		
	Criterion	Coded
Istanbul Protocol	1. Statement of alleged torture (circumstances, type, methodology, duration, etc.) according to that described in previous reports by Human Rights organizations or International organizations or entities associated with or recognized by United Nations agencies working on preventing or denouncing torture.	1. Maximum consistency 2. Consistent with 3. Consistent 4. Not consistent
	2. Expected or typical psychological reactions to extreme stress, within the cultural and social context of the examinee.	1. Maximum consistency 2. Consistent with 3. Consistent 4. Not consistent
	3. Consistency between the description of facts and the emotions with which these are expressed.	1. Maximum consistency 2. Consistent with 3. Consistent 4. Not consistent
	4. Consistency between verbal and nonverbal communication in the statement of facts.	1. Maximum consistency 2. Consistent with 3. Consistent 4. Not consistent
	5. Medium / long term sequels consistent with the alleged facts.	1.Yes 2. No 3. Not applicable
	6. Main clinical diagnosis at the time of the expert assessment related to the events.	Write code ICD-10
Fuentes de Contraste y Verificación	7. Coincidence of the two experts and the external evaluator on the credibility evaluation (statement - video - audio).	1..Yes 2. No
	8. Facts and reactions independently contrasted with (an)other informant(s) (family, friends or others). Consistent versions from different sources regarding the signs and symptoms before and after the facts and the hypothetical sequels.	1.Yes 2. No 3. Not applicable
	9. Functional changes (work, studies, relationships...) before and after the events described, attributable to such facts.	1. Maximum consistency 2. Consistent with 3. Highly consistent 4. Not consistent
	10. Persistent personality changes, temporally associated to the events described.	1. Maximum consistency 2. Consistent with 3. Highly consistent 4. Not consistent

Fuentes de Contraste y Verificación	11. Tests or medical reports (x-rays, blood test and other tests) which are consistent with the alleged facts.	1.Yes 2. No 3. Not applicable
	12. Previous medical or forensic assessments evidencing sequels or injuries consistent with the facts described.	1. Yes 2. No 3. Not applicable
	13. Court sentence in favour of the examinee recognizing abuse or torture during the arrest that brought about the expert assessment.	1. Yes 2. No
	14. Case described in any Human Rights entity report.	1. Yes, congruent 2. Yes, not congruent 3. No
	15. Final credibility evaluation (according to the Istanbul Protocol and external sources of verification).	1. Maximum consistency 2. Highly consistent 3. Consistent with 4. Not consistent

In this study the psychological reaction, the emotional congruence, the consistency between body language and nonverbal communication are aspects to consider. It is in these aspects where we have obtained a higher degree of consistency. The narrative of an event can be done in many ways, but in order to show a high level of credibility, this must be consistent with the form and the emotional expression with which it is narrated, with the nonverbal communication, which is difficult to manipulate, with the expected psychological reactions after an event like the one the person is describing, and a great consistency with the methods used in a given context.

The following table (number 12) summarizes the data in a simpler manner. The annexes (table 14) show the data for each of the 45 examinees, the evidences regarding credibility or external sources and, finally, the evaluation of plausibility issued by the experts.

In general, it can be seen that the experts have found "consistent with" or "highly consistent" both the statement and the psychological reactions, in congruence with emotions, body language and nonverbal communication. This is the main criterion. Only 22% of cases were checked with relatives or acquaintances and a few cases had medical tests (13.3%) or assessments (13.3%) carried out. For these latter cases, those assessments that the medical team found once the *dupla* (two-member expert team) had closed the forensic assessment were not included in this study. Thus, the total amount of medical assessments obtained (see chapter 5) is higher than the amount here presented.

Only 1 case had a final court sentence recognizing torture and 8 allegations (17.8%) had been previously collected by Human Rights organizations.

In summary, the basis of the credibility assessment has been the psychological/psychiatric evaluation, not so much in terms of a search for sequels (clinical examination, psychometric tests, etc.) but in terms of the examination of consistency of the different areas of exploration (as instructed by the Istanbul Protocol). We added the criterion of agreement between experts who had not previously known each other, as described in Chapter 2.

Table 12. Consistency in the various examined issues								
	Maximum consistency		Highly consistent		Consistent		Not consistent	
Torture allegation	16	35,6%	18	40,0%	11	24,4%	0	,0%
Expected Psychological Reaction	11	24,4%	23	51,1%	11	24,4%	0	,0%
Emotions-facts consistency	11	24,4%	24	53,3%	8	17,8%	2	4,4%
Verbal-Nonverbal Consistency	12	26,7%	21	46,7%	12	26,7%	0	,0%
Functional changes (work. family...)	12	26,7%	19	42,2%	14	31,1%	0	,0%
Persistent personality changes	10	22,2%	20	44,4%	15	33,3%	0	,0%
	Yes		No		Not applicable			
Consistent sequels	41	91,1%	0	,0%	4	8,9%		
Experts agreement	45	100,0%	0	,0%				
Facts contrasted with other informants (family, etc.)	10	22,2%	35	78,8%				
Medical tests or evaluations	6	13,3%	39	86,7%				
Medical assessments	6	13,3%			No	39		
Court sentence in favour of the examinee	1	2,2%			44	97,8%		
Human Rights entity report	8	17,8%	0	0%	38	82,2%		

The final result is presented in the following table 13. About half of the examinees deserve the highest level of credibility in their statements. A third is considered as "Highly consistent" and 15% simply as "Consistent".

Table 13. Final credibility evaluation		
Maximum consistency	24	53,3%
Highly consistent	14	31,1%
Consistent	7	15,6%
Not consistent	0	,0%

In summary, according to forensic experts and applying all safeguards and measures required by the protocol, reinforced by a large group of independent additional sources (including non-Basque professionals and professionals from international organizations), it is to be considered that these 45 people made a substantially true and accurate statement of what constituted their incommunicado detention experience.

Based on this idea (which is the main contribution of this work), in the following chapters there is an analysis of the mechanisms used during interrogations, the medical and psychological and psychiatric impacts, and other additional aspects of the work with the examinees, especially those related to reparation-related aspects.

Annex. Table 14. Each assessment data. Internal and external verification criteria

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Sentence
Examinee	Statement	Expected psych. reaction	Facts & emotions consist.	Verbal & Non-verbal consist.	Sequels consist.	ICD-10 diagnosis	Experts coincidence	Other previous reports	Function. changes	Persist. personal changes	Medic. Tests	Medic. Assess.	Favorable Sentence	HR entities reports	
ILMW01	2	2	1	2	1	33.1 43.1 62.0	1	2	2	2	2	2	2	3	2
ILMW02	1	1	2	2	1	Z65.4	1	1	2	1	1	1	2	1	1
ILMW03	1	1	1	1	1	Z65.4	1	2	1	1	2	2	2	3	1
NLMAP01	1	2	1	1	1	F43.1 F41.9	1	1	1	1	2	2	2	1	1
NLMAP02	1	2	2	2	1	F43.1	1	2	1	1	2	2	2	1	1
NLMAP03	1	1	1	1	1	F43	1	2	2	1	2	2	2	1	1
NLMAP04	1	2	3	2	1	Z65.4	1	2	2	2	2	2	2	1	2
IGEJ01	1	2	2	2	1	F.43.1 F.40.2	1	2	3	3	2	2	2	1	1
IGEJ02	1	2	2	2	1	F62.0	1	2	2	1	2	2	2	3	1
OBIM01	2	2	2	2	1	F43.1 F41.2	1	2	3	3	3	1	1	1	2
OBIM02	3	2	2	2	1	F43.2 F41.1	1	2	3	3	2	2	3	3	3
JZLV03	1	1	1	1	1	F43.1	1	3	2	2	3	3	2	3	1
JZLV04	1	2	2	3	1	F43.1	1	3	3	2	3	2	2	3	1
JZLV05	1	1	2	2	1	F43.1 F42.0	1	2	3	2	2	3	2	3	1

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Sentence
Examinee	Statement	Expected psych. reaction	Facts & emotions consist.	Verbal & Non-verbal consist.	Sequels consist.	ICD-10 diagnosis	Experts coincidence	Other previous reports	Function. changes	Persist. personal changes	Medic. Tests	Medic. Assess.	Favorable Sentence	HR entities reports	
JZLV06	1	1	1	1	1	F43.1 F32.0	1	2	3	1	2	2	2	3	1
JZLV02	1	1	2	2	1	F43.1	1	2	2	3	2	2	2	3	1
MIIA01	2	3	3	3	1	Z65.4	1	1	3	3	2	2	3	2	1
MIIA02	2	2	2	1	1	F43.1	1	2	1	1	1	2	3	2	1
MIIA03	2	2	2	2	1	F43.1	1	2	1	2	1	2	3	2	1
MNEG01	2	2	2	2	1	F43.1	1	2	1	1	2	2	2	2	2
MNEG02	2	3	3	3	1	F43.0	1	2	3	3	2	2	2	2	3
MNEG03	2	3	3	3	1	F43.0	1	1	3	3	1	1	2	2	3
MNEG04	2	3	3	2	1	F43.1	1	1	1	2	2	2	2	2	2
OBAM01	2	1	1	1	1	F43.1	1	1	1	1	2	2	2	3	2
OBAM02	2	3	2	3	1	F43.1 F41.1 F45	1	1	3	3	2	2	2	1	2
JGGL03	3	3	2	2	1	F62	1	3	1	2	3	3	2	3	3
OBAM04	3	2	3	2	1	F33.3 F43.2 F62.0	1	1	2	2	2	1	2	3	3
OBIM06	3	3	4	3	1	F43.1 F32.0	1	1	2	3	2	2	2	3	3
OBIM07	2	3	4	2	1	F32.0	1	2	3	3	2	2	2	3	2

OBIM08	3	3	3	3	1	F43.1 F32.1 F45.8	1	2	3	3	2	2	2	3	3
AMRGL09	2	2	3	-	1	F62 F43.2	1	3	2	3	3	3	2	3	2
MTRGL10	2	2	2	-	1	F43.2 F43.1	1	3	2	2	3	3	2	3	2
BOB11	2	3	2	3	1	F43.1 F32.1	1	2	2	3	2	2	2	3	2
BOB12	2	2	2	3	1	F43.1	1	2	2	3	2	2	2	3	2
OBAM05	2	2	2	2	1	F43.1	1	2	1	2	2	1	2	2	2
OAEM01	3	1	1	1	1	F43.1	1	3	3	2	3	2	2	3	1
OAEM02	3	2	2	1	1	F43.9	1	3	3	3	3	2	2	3	1
OAEM04	3	1	1	1	1	F43.1	1	3	2	2	1	1	2	3	1
OAEM05	3	1	1	1	1	F43.9	1	1	2	2	3	2	2	3	1
OBS01	1	2	2	3	1	Z65.4	1	2	2	2	2	2	2	2	1
OBS02	2	2	1	1	1	F43.2	1	2	2	2	1	2	2	2	1
OBS03	3	2	2	2	1	F42.0	1	2	1	2	2	2	2	2	1
OBS04	3	3	2	3	1	F60.7	1	2	1	2	2	2	2	2	1
OBS05	1	2	2	3	1	F43.2	1	2	2	2	2	2	2	2	1
GTV01	1	2	2	2	2	Z65.4		1	2	2	2	2	2	2	2

Chapter 4.

Mechanisms of physical and psychological torture

Pau Pérez-Sales.

Methodological considerations

This chapter analyzes the frequency and characteristics of torture mechanisms as they are described in the 45 assessments, searching for common elements that could allow us to extract patterns.

The statements and expert opinions regarding to torture methods were introduced into software for qualitative analysis (Atlas-ti 6.0). This work was done in two ways:

a. The software generated a thesaurus[63] with the terms that appear more often in the statements. This initial thesaurus was then grouped into conceptual families. Finally, paragraphs within each statement were collated and sorted into conceptual blocks (inferential methodology).

b. We generated a second Thesaurus from theoretical models of conceptualization of torture methods. Each forensic report was then read paragraph by paragraph to check which ones could fit into the theoretical categories (deductive methodology).

We believe that the intersection of both working models has allowed for the extraction of the maximum possible information from the examinations analyzed and, on the other hand, this guarantees that all the information and analyses are rigorously supported by quotes from the examinees' statements.

We have attempted not to repeat quotes (to avoid tedious reading), but in some cases this was inevitable. Some situations, for example, could be representative of the use of physical force within interrogations with role reversal and a methodology consisting of generating sensory confusion. These cases belong to several categories simultaneously.

In summary, in this chapter we attempt to make an accurate and detailed overview of techniques used under incommunicado detention which have been observed in the expert assessments, in order to establish if there are any common patterns. Some of them are clearly torture, others could be arguable and others are techniques or situations that, nowadays, are consistent with the law in force in Spain, but not in other neighbouring countries. The clearest example is that of coercive interrogation techniques (detailed in certain sections of this chapter), which are illegal and are considered grounds to overturn a conviction in the UK or in Germany, but which are still legal and considered "good investigation practice" in the United States, Russia and Spain. It is not the purpose of this report to debate such issues here.

In short, in this chapter we have attempted:

1. To draw up an overview of the physical and psychological torture methods (knowing that this distinction is more an academic matter than a real concern, because both methods are inseparably related), by using both the inferential and deductive Thesaurus.

2. To analyze the methods, one by one, by means of a meticulous study of the statement collected in the expert assessments.

3. To make the least possible theoretical considerations or judgmental appreciations, and to keep to medical and psychological evidence.

[63] See annex 1.

Mechanisms and types of aggression

1.Basic human needs

1. Physical space: cell and detention conditions

The testimonies depict experiences of detention in several centres of the Guardia Civil, National Police or Ertzaintza over different periods. There is no single type of place of detention nor is there one single pattern of treatment of detainees.

A detailed overview of the techniques used in the cases of incommunicado detention collected in the expert assessments

In the expert assessments, descriptions of the physical space in which people are placed correspond to standard cells, like those in any police station where people ae detained for short periods of time.

Table 15. Conditions of detention
"They put me into a cell with no windows or anything, there was something like this (scaffold), *and a tile bed with a thin mattress or something similar, and a blanket, and a sink and a toilet ..."* (JZLV04)
"When we arrived to Madrid, they put me into a cell of two by three meters; with a mattress in the corner (...) there was a light in the cell that was always on." (MNEG01)
"The cell was elongated, it was two meters for four meters long, they gave me a mat, but I do not remember if I got it from the beginning. I had nothing to cover myself and the light was on all time. The cell was clean" (MTRGL10)
"The cell was grey, with dim lighting, the only light came from a fluorescent light that was inside a grating. In a sort of loft there was a very thin brown mattress with two thin blankets. There was also a toilet and a sink. On the wall there was an emergency buzzer button. When they got me into the cells the feeling I had was of being underground. There was dim lighting, it was very cold, it felt there was nothing around, I was in a hole, I can not explain. I remember very well the feeling that the cell produced in me." (ILMW01)
"I remember the cell, very dark, with a concrete cot with a blanket that I think had [remains of] blood on it, it was very dirty and it was stiff.)" (MIIA03)
"A lot of moisture... we were going through the corridor and then, the Civil Guard that was taking me slowed down, then I rose my head and saw the room that was on the left and it made a strong impact on me, it was like a garage, the ground full of water, the dirty walls, this place was scary, with dim lighting, I believed that the Civil Guard took me there because he wanted me to see it, I felt a chill through my spine ... They put me into a cell. (...) The cell was dark, with dim lighting and a concrete floor. (...) With humidity, with a mattress and a couple of dirty blankets. It stank to high heaven. (...) Finally I even went and lay down, I covered myself, I was cold, after the tripl with the air conditioning on high... at first It made me sick but ... my body itched all over, and then I had all these pimples appearing... " (OBIM08)

"The cell was a little wider than this table. [In reference to the table in the surgery where the interview was being conducted. He stops a few seconds to hold back the tears and goes on...] *It was short, it had something like a mattress, a light in the ceiling, a bulb, a wall of this width, and the same on the other side. Don't you ever sit down! someone told me. but how could I sit there? I have always been very particular on the subject of smells, it is my weak point* " (OBAM01)

"I don't know exactly how it was but it was like a corridor (...) a general one with a small hallway to the cells, on this side six cells and another six on the other. (...) I heard footsteps from far away and when you heard them you knew that they were going to open a cell, and you realise that that is where you are. " (JZLV04)

"Four walls, one with the door, then three walls. At the bottom like a rounded stone parapet, without any protuberances and two blankets. Nothing else" (OBAM04)

"The cell was like a dirty cabin, with a mattress and a blanket. It was really dirty,, you did not expect to be in a hotel, no, but come on! Not in those conditions." (OBAM05)

"I also remember that the cell was dirty and smelt very bad." (ILMW01)

Apparently, the cells meet the requirements of detention space for short stances (approx. 5 m^2 per person) but, in practice, almost all statements agree in describing poor hygienic conditions, with dirt, smells, and with used or stained blankets and mats, which contravenes the rules established by the International Federation of the Red Cross and the recommendations of the European Union.

2. Sleeping and waking rhythm

Most testimonies outlined that they practically did not sleep at all throughout the entire duration of the incommunicado detention. In some cases, the interviewees say that this was because they were prevented from doing so by police officers entering the cell to force them to stay in certain positions, shouting or punishing any attempts to get some sleep. In other cases, there was a sleep disruption in which the person was allowed to fall into an initial sleep to be woken up for new interrogation after a short while.

Table 16. Sleeping and waking rhythm disruptions
• **Actively preventing detainees' sleep.**
"I could hardly sleep, most time (the first three days) they left the lights on and went and opened the hatch, or knocked on the door to wake me up." (ILMW03)
"He reports that he remained all night without sleeping, standing against the wall." (JZLV03)
"They came, knocked on the door (of the cell) and said «whore! You are not allowed to sleep.»" (MIIA03)
"The interrogations were very long, I believe that I did not sleep until I signed, then they turned off the light for a while. I could not even sit down to rest, they did not let me, if they saw that I was sitting I had to get up again " (MTRGL10)
"I had not slept since I had been arrested, one night had passed and that was the second night without sleep, the exhaustion and all." (MNEG03)
"They put me in a cell and started not to allow me to sleep. It was night. I was exhausted from so much stress and travel. I was trying to sleep on a concrete bed, with no mattress or foam, and they began to beat me and turned on the light. I was told to stay standing in front of the hatch when they knocked on the door to be seen, and so was every two or five minutes " (NLMAP03)
• **Detainee's anxiety and hyper-arousal state.**
"They always let me lie down. But I did not know if it was my paranoia or if this was real, but I could not sleep. If it was not the light, it was a little sound. And I do not know if that little sound was any old stupid thing or if it was that they were really not allowing me to sleep. I was not able to sleep for five days." (MNEG03)
"At that time I did not think, I just tried to sleep. I was obsessed with relaxing the stress. I cuddled in a foetal position, and thinking about all that I had said and what I had not said." (NLMAP03)
"You can not sleep, you were thinking all the time and this is worse. I always tried to sleep, though I slept five minutes at the most, until they opened the door; until the next morning there was the interview with the forensic doctor and then the interrogations " (NLMAP04)

It is also necessary to add a strong hyper-arousal of the detainees, who are subjected to conditions that prevent them from rest.

3. Food and fluid intake

In general detainees reported having eaten little or nothing during their time under incommunicado detention. This is because of four factors, as shown in the examinations:

a. Some people state that no food was given to them during the time of arrest as a form of pressure.

b. More frequent are the testimonies that describe, in conjunction with other strategies to cause confusion, that food was provided at erratic times (sometimes a very long period without eating, suddenly two meals very close to each other), unrelated to the physiological rhythms.

c. In other cases the situation of anxiety and psycho-physiological stress made people completely lose their desire to eat.

d. As will be discussed regarding alleged drug use, some people believed (which

has not been documented from a forensic point of view) that the food might be poisoned or could have toxic substances and they preferred not to eat it which they did as a self-protection measure.

Table 17. Food intake
• No food supplies *"I told her [to the doctor] that I had not eaten or drunk anything [in two days]. He offered me a drink of water and I drank a lot of water [from the tap], I was very thirsty. "* (ILMW02) *"They gave me no food. They did offer me some in the last days, when you are told that you were going to testify in front of the judge, they told you to have a shower, eat and drink water, which I refused to do. I wanted to go to Court just the way I was "* (MIIA01) • Food at erratic times *"You try to orient yourself by the visits to the forensic doctor, which were three times a day or by meals ... But they did not provide them in order ... you did get breakfast, lunch and dinner, but between one and another... I think there have been times that one meal was followed by another or...then they skip one... and as a result meals could not be used as an orientation in terms of time elapsed. Moreover, the forensic doctor didn't even come at the same time… or maybe he did, you know ... I don't know either."* (JZLV04) • Detainee's anxiety *"I was without eating or drinking. I vomited all "* (ILMW01) *"In this place I was made to sit on a chair and they told me to eat. I told them I was not hungry, but they told me that I had to eat. They brought me a sandwich and a bottle of water; I ate four bites and drank water. I was not there for long. They asked me what I wanted to eat (I could not swallow and had eaten practiocally nothing, just an apple and a pear). They told me that they were going to bring me soup and a yogurt. I was fed liquid from time to time. I was very weak. "* (ILMW03) *"I did drink water, I tried to eat but I could not. I felt disgusted."* (GTV01) • Believing the food was drugged *"I was not aware of hunger or thirst; I believe that I was not aware of how tired I was either. Even so, I ate the sandwich because I saw that they had just brought it from the cafeteria (...). They brought me food, but I did not eat anything because I feared that It could have "something". You always hear things, right? That they put drugs and such, into the food, right? I did drink water sometimes, but I tried to drink it when I went to the toilet. Very seldom did I drink from a bottle (...). I also remember the food and all that, but I did not eat anything for three days. "* (JGGL03) *"In the cell there was light and they gave me something to eat and drink, but I did not take it, because I did not trust them, nor was I hungry. Furthermore, that way they simply would not be able to reach to those limits they could reach if you were not strong"* (NLMAP4) "He makes reference to not eating or drinking anything in those days; for fear that they could introduce harmful substances. *Only apricots.* (OAEM01)

Water and liquids

Several statements described the difficulty of acceding to water, and the anxiety that this causes in the detained. In general, hunger is better tolerated than thirst. Restricting access to liquids it is necessary to combine exercise and temperature control. On the other hand, some interviewees pointed out the same rumours as with food on the possibility that there could be substances or drugs in the water offered (see Table 18).

Table 18. Liquid intake
• **No liquids supplied to detainees**
"I was very concerned by thirst, my mouth was totally thick. Everything around it was like a kind of scab and I wanted to drink, and when I asked them for a glass of water they threw me a pail of water. (...) «Didn't you want water? Here you have it (...) if you ask me politely then I'll give you a little water»." (OBAM05)
"They gave me no water until I saw the forensic doctor; I do not know if this was after two days, I got no water. I complained to the forensic doctor and he sufficiently amazed to tell them that they had to give me water." (OBIM07)
"I had very cracked lips because my lips were very dry and after going to the forensic doctor, the Guardia Civil officer gave me water, till then they had not allowed me to drink and it looked as if they sold it for information: «If you want to drink water you have to tell us this»." (MIIA01)
• **Believing that there might be drugs in the drink**
"I was thirsty and I saw that they had bottles, because the hood was too big and I could see from under it. I asked them for water, but I got an open bottle and didn't drink, I didn't dare in case it was not water, I told them that I would drink only if they gave me a sealed bottle and I went back without drinking. I have low blood pressure and if I am hot and don't drink, I usually get dizzy very quickly. Then, I didn't drink (...). I only drank when I went to the forensic doctor, I asked him permission to drink water, that made me be even more dizzy and weaker" (OBAM02)

But when drinking had connotations of power and submission, the opposite could happen:

> *"I told them that I was not thirsty, but they forced me to drink, they threatened me about being killed if I did not drink. (...) Then I took it to my lips and it was something so cold that my teeth hurt, I had to put a so weird face, it tasted like* Cola Cao[64] *or cocoa, then they started laughing, scandalously, they were some four or five people. «The lady has been late and it has got cold», you will drink it cold" - they said: «You whore, you are going to drink it!» He grabbed the glass and pushed it at me. I drank what they considered was enough and they took it away, and then once again I was ordered to open my mouth. She was a woman. She told me: «open your mouth, you bitch»."* (OBAM01)

4. Physical exhaustion - forced positions - strenuous exercise[65]

These practices are described in almost all the statements, especially among men. The

[64] Translator's note: *Cola Cao* is a powder cocoa drink.

[65] This corresponds to Istanbul Protocol category "*Torture by position, stretching of limbs, prolonged limitation of motion, awkward postures. Forced exercising*".

goal seems to be multifaceted: the very mental exhaustion itself, the associated pain, the situation of subjugation and the anoxia and numbness that comes with prolonged anaerobic exercise. This anoxia, or lack of oxygen, is enhanced by the concomitant use of the hood. These situations are described, particularly, in relation with four scenarios:

a. *Transfers from the Basque Country to Madrid.* Detainees travel in a vehicle, with two policemen or Guardias Civiles sitting on each side. Detainees are hooded in most cases, and are forced to stay throughout a 4-5 hour-long trip with the head between their legs. During the trip this is accompanied with blows, punches, insults, etc. Interviewees described frequent neck pains[66] as a result of this forced posture. Also on transfers within the police station premises, most of statements report that the detainee had to move, at all times, with his head down, and sometimes having to walk backwards.

b. *During interrogations and while questions were asked.* The goal in this context would be to look for physical and mental exhaustion of the person, lack of oxygen (anoxia), with dullness and general confusion. Exercise (squats, crunches, push-ups or others) is described as performed during hours, to bring the person to the limit of physical fatigue.

c. *During the arrest, but not necessarily with a direct relationship with the interrogation.* Used as a way of causing transitory but severe physical pain, which leaves no marks or sequels.

d. *During their periods in the cell,* some people report that they were forced to remain constantly standing or in absurd positions or placed in a certain position when someone entered the cell. This type of positions involves being permanently alert and therefore without rest. They were a way of obtaining a person's submission and deconstruction through emotional exhaustion by keeping the person constantly in tension and putting him/her under the arbitrary will of another person.

In transfers from the Basque Country to Madrid, detainees are hooded in most cases, and are forced to stay throughout a 4-5 hour-long trip with the head between their legs. During the trip this is accompanied with blows, punches, insults, etc.

[66] This is a persistent back pain in the cervical vertebrae area.

Table 19. Forced positioning
• **During the transfer by car to Madrid**
"They put my head between my legs, I was handcuffed behind my back and they covered me with a hood" (ILMW02)
"I went all trip handcuffed in the back, with my head between the legs, with a jacket over the head and a hood placed." (ILMW03)
"In the car I was between two policemen, handcuffed behind my back and head down not to see, although I could not see anything because I was wearing a hood." (JZLV02)
"He reports that when he got out of detention he was very disoriented, that the journey from the police station in Madrid to the Audiencia Nacional court he was hooded and with his head down, between his legs, and handcuffed from behind." (JZLV02)

"The position ... your ribs hurt you because you were so bent." (JZLV04)

- Forced positioning during interrogation

"The ascensor [lift] *is another method used, which was to get you to squat moving up and down. They had you like this for so long. There were times, when I was squatting down, that they beat me and I lost my balance, but they didn't let me fall and moved me up again. Up-down, beat, question. (...) They took a lot of time doing this and I ended up completely soaked in sweat. (...). Once, they made me sign a sheet of paper to the Court, as I recall, that I had to repeat because I had completely wetted the paper as a result of the sweat dripping from my head and down my hands and arms (...) I was doing push ups, standing, squatting, standing (...), but when I was squatting they struck me in the head and as a result of the blow I fell on the floor, although they always picked me up before I had completely fallen. (...) Physically, I could not go any further. Exercising and enduring blows, I physically could not take it any more."* (ILMW02)

"I had to do push-ups up and down, I had to stand upright and then squat, I could not stand up, I fell against the wall, I was dizzy, stunned." (ILMW03)

"I undressed, I dressed, and I made the exercises I was told (...) they take you to a situation that you are a real dummy, at least I felt that way." (ILMW02)

"I had hardly slept the previous day, always standing, handcuffed tightly... it seemed a very long time to me, from 4 in the morning until 5 in the afternoon." (MTRGL10)

"She reports that he had to do "squats" to the point of exhaustion with her head covered by a woollen garment which hindered her breathing while her trousers and underwear had been pulled down: *And more questions... And if they do not like what you answered, they forced you to do squats, and up and down, and if you got tired you had to stretch your arms out, until you could take no more, and then... a blow. And then the* "bolsa" [*bag*] *again, and again with the* "bolsa" *until you suffocated ... And they got you undressed ... and they tied you to a chair ....And squats and more squats ... And then back to the cell, again. (... So they undressed me again, and made me squat again, and so on until you signed. (...)."* (NLMAP03)

They made me squat, while hitting me on the head, always with the neck tube [woollen garment for the neck] *over the head and occasionally they would pull my trousers and underwear down, to humiliate me. (...) I remember the feeling of the* "bolsa", *of not being able to breathe, doing squats, I fell on the ground twice, although I did not lose consciousness ... I remember it took quite a long time, but explained like this it can seem it was only a moment."* (NLMAP04)

"Squats, down and up, down and up until I fell and they got me up again by hitting me, and once again... when I fell, they caught me and pushed me up against the wall..." (OBAM02)

- Forced posturing during transfers within police stations and between interrogations

"They took me out, I had to bow down, bent forward, and walking backwards to the cell door and there, I do not know whether handcuffed or grasped by them, they took me back." [She gets up and reproduces the posture and movements that she was required to do]. (OBAM02)

"A considerable physical effort. More than physical effort, painful effort, but without hitting me (...) very painful and stressing positions, they are not tiring positions but positions that hurt. All your body is in pain. (...) Four people are making you do this while another four people are screaming and firing questions at you, I remember that perfectly (...) while you are in a position that you're sweating, you have a puddle of sweat on the floor ... I remember being vulnerable on all sides, each one of them would grab you from wherever." (JZLV06)

"That night was eternal for me. I said, «This has to end». I had to be squatting or kneeling, and that pain. I said «my muscles are going to tear» (...) squatting, maintaining my balance, and when I fell they did not let me sit but forced me to be on my knees. But like this, being on your knees, the legs hurt like they are going to burst. If you fall down, they beat you; if you do not stand up they beat you. Then of course, you do not know what to do. If I keep taking it is as if they were hitting me, but if I put my hand out they would hit me. (...). I took it until I really could take no more and when I could no more, I fell on the ground. I really had no more strength. Then a hand would support me". (MNEG03)

"They did not talk, they just shouted. There were two in front and two behind and one in the middle behind me, forcing me to squat and stay on the tips of my toes without reaching out and if you fell, BANG! They punched you. «This is because you fell!», you can not hold yourself upright in that position. (...) I was so exhausted, so beat up, that I was sinking down, their hands couldn't even hold me up, suddenly a voice says: «You bitch, don't lie down, get up!» And I got up fast and thought, «Oh God, I must not fall down, I must not fall down!» She was a woman, several times it was a woman who screamed; suddenly she opened the door and said: «Don't look!»" (OBAM01)

- Forced positioning within the cell

"They put me in a cell and I was warned to get up and face to wall every time they knocked twice on the door with the head bowed and my eyes closed. I also had to stay in that position when they got me into the cell (...) Until they came out and, from outside, they gave me orders to sit or lie down. The first time I was left alone in the cell, I do not remember if I sat or lay down. Soon they came in and knocked twice on the door; I got up and faced the wall. They came and shouted that I should never forget what I had to do, and left. " (ILMW02)

"They said, «When I open the door you already have to be looking at the wall.» [She gets up to explain the position] *Then, when they knocked on the door, you got up as you were told, if they opened I put myself in that position, but sometimes I delayed it a while, because I used to take off my socks and shoes and for doing so I had a lot of fights with them just because of that detail"* (OBAM02)

"They had me standing, handcuffed and facing the wall all the time. (...) [When] *I was left in the cell they said, «At the time we will come to look for you, you will be standing in position» (...) I had to be bent down so that when they arrived I could not see anything.* She reports she had to be in that position constantly so as not to be caught off guard, she tried not to move, or sleep. *I was all the time in position because... of course, I heard footsteps and I always had the feeling that they were coming to my door. So that I never got to sit down, it was all the time like this.)"* (MIIA02)

"A part from the interrogation, when I was in cell, there would be the typical one who would come beating on the door and you always had to be crouching in that position, against the wall, and never had to look." (MNEG03)

"Every time the Guardia Civil officer come to the cell, I had to place myself facing the wall with the back to the door, and every time they took me out of the cell, they pulled a hood over me. (...) Sometimes when you were left in the cell, but while you were there you heard that they took somebody else out, you heard screaming, crying... you were in tension because they walked around and you did not know at what time you were next" (JZLV06)

"I had lain down and when they saw me, they came screaming to tell me to get up. I was not allowed to sit either! It was standing all the time " (OBS03)

"The guy moved out of the cell, I opened my eyes and went to sit down, but he told me not to sit down and to stay standing. I spent the following days like this, without sitting at any time" (MNEG02)

2. Relationship with the environment and sense of orientation

1. Visual manipulation - lighting conditions

In most forensic assessments, especially in all the arrests by the Guardia Civil, the cells had the lights on permanently 24 hours a day. In other cases, related mainly to places of detention of the Policía Nacional, interviewees stated that the cells were kept dimly lit or in semi-darkness.

Some of the forensic assessments contain descriptions of disturbances in the sleeping and waking rhythm and confusion. In some other cases there are perceptual disturbances (see Table 20).

2. Auditory manipulation - noise

Occassionally, two types of noise are described. On one hand the normal sounds of a cell (for example, the fan) wich in this context prevent people from resting. There are also descriptions of other noises caused to create alertness, irritation or to prevent sleep, such as the use of loud music.

Table 20. Visual manipulation. Auditory manipulation

- Visual manipulation

"I spent all day in darkness, dark hours and then light all the time. And I with my head ... going in circles all over the place. What I'm doing here? Whenever I heard noises I had tachycardia, I was really nervous." (MNEG04)

"When I went down to the cell, they took off the hood. I stood there in the dimly-lit room and I remember the first night you were forced to stand in the cell, and eventually you reach a point in which you do not care. (...) The doctor said that I had photophobia as a result of being in the dark without light for five days." (OBIM07)

"Then the night came. The cell (...) had a light that illuminated it all (...) and a fan on the side, two on the roof. The light stayed on continuously for 4 days, as well as the fan, so there was a constant noise." (NLMAP01)

- Sensor-perceptive disorders resulting from visual manipulation

"The cell was clean, but the last few days there came a time when I saw smoke coming out of the wall, and a sound like that of an engine. I do not know what it was, I only saw smoke coming out of the wall into the cell. Later on the lawyer said to us that the same had happened to the others that had been arrested with us, they even saw pictures on the wall." (MTRGL10)

"Always standing. The third day I saw... it was not a textured wall, but it was a bit like this, (he said pointing at the office wall) *it was like a softly textured wall and this made like shadows, the light was on all the time and there were shadows. I spent so much time looking at the wall that I imagined things."* (MNEG02)

- Auditory manipulation

"Everything was perfectly organized, they quickly dragged you out of the cell, the interrogations were long and when they saw that you were tired or that you had said something that had worried you, they got you into the cell so you could continue worrying; they did not let you sleep, with loud music, strong lights. (...) this produced anxiety, (...) you can not do anything about it, with the lights, loud music, and you could not do anything, just turn things around in your head. " (JZLV05)

"The music was very loud, so that we could not hear the cries, I suppose,, because in the moments they turned off the music I heard the other detainees screaming." (MIIA01)

3. Temperature

Various forensic assessments point out the cold and the lack of blankets or clothing and the use of buckets of cold water in the interrogation room or in the cell itself. In two forensic assessments the interviewees speak about an alternance of heat and cold.

The effect of combining all these factor produces, as a result, tiredness, emotional exhaustion and a sense of being lost brought about by constant alertness.

Table 21. Temperature
• Cold. Lack of blankets or clothing
"They gave me a blanket because it was the middle of December, it was cold! The three days that I spent there I was terribly cold. They took my sweatshirt away and left me in a T shirt, it was very cold. They told me that since the sweatshirt had a cord, they could not give it to me." (AMRGL09)
"It was spring and the day was hot, so I was dressed in a tank top, but at night it was cold. They wet my arms and opened the window to let in the cold, I was shivering. " (NLMAP3)
• Use of cold water
"There I was, with the bag on, naked, wet, they were splashing water on me for some time and I felt very cold." (MNEG01)
"It was very cold and they poured cold water all over me." (ILMW02)
• Alternating use of cold and heat
"They did not touch my body directly... always with the rags on, they applied [very hot] *rags then, they got you into a cold shower and you felt like cramps. These showers were given to me by a national policeman, with uniform and everything. (...) My body felt hot, hot, hot ... and suddenly they poured cold water on you. I was disoriented."* (OAEM01)
"During the interrogation it was a contrast from the sweat, the tension, the nerves, along with the shivering of cold showers that they gave you; it was a continuous contrast of heat and cold." (OBAM05)

4. Time handling

Watches are removed from the detainees as from the very beginning of detention. Sometimes time and space between meals are distorted, as well as between interrogations and forensic visits, preventing the detainees from having a time reference. Thus, this contributes to their disorientation and confusion.

The detainees' efforts to structure time are described in several of the assessments.

Table 22. Time handling –confusion and disorientation
"You don't know what time it is or anything. I've never used a watch and after what happened I now always wear a watch, I just can't be without knowing what time it is now. Before, I did not care «I can always ask» (...) The timing issue is amazing, finally you got disoriented and you don't know if things take an hour or a day. I had only spent a day and a half and I thought «I must be on the fourth day or so.»" (JZLV04)
"Yes, it was hard, because you also fall asleep because of the fatigue; you did not know how long you were asleep, you didn't know if it was an hour, two, three... you just don't know. The feeling was that time both in the interrogations and in detention was endless. Such a long time... I don't know, or the sense of «let's see when this ends.» It was a never ending ordeal." (OBIM07)
"I had just arrived but all I wanted was it to pass. I thought «I do not care what they are going to do to me, all I want is to go through this as fast as possible and to finish already.»" (ILMW01)
"When you go to the forensic doctor... he was amazed by what I told him, because he asked me those questions: «How much time do you think has passed? Was it morning or afternoon? What time did I think it was?» And he stood looking to me... and «Are you sure you think...?» Sure I did, the hours of interrogation, I didn't know how long they were, because ...Wow! It was hard enough to spend time counting the tiles on the wall, let alone have any idea of time... when I could. I think that I said it was five o'clock. And he stood there looking at me and said, «Do you really think it is five o'clock?» and I said «yes» and the other was like... «So what day you think it is?» I didn't know, I was very misplaced... I do not know if I had fallen asleep for a while but I didn't know what time or what day it was." (OBS04)
"The time things lasted... I was not aware (...) «You know what day it is today?» [the forensic doctor asked him as he passed by] *I thought it was Thursday, and the forensic doctor said: «Monday, it is 12 am» and I said, «fuck!» I remember that."* (MNEG01)
"With the blinds down, no watch, I didn't know if it was 6 p.m. or 6 a.m. There was only artificial lighting." (JZLV06)

In this context of trying to control the time elapsed as a form of resistance, detainees especially emphasize the effect of the prolongation of incommunicado detention.

Table 23. Time handling –attempts to control time
• Attempts to structure time
"Well, there was a window in the hallway, I didn't see this window but light came trough it and you could go by it a little; but of course, it was late November, it got dark early, then I woke up and did not know if it was eight in the afternoon or three in the morning. " (JZLV02)
"One of them had a stopwatch; I could not see what time it was, but I did see the stopwatch, a big red one. Over time I think, really, what they wanted was that I saw what time it was, so that I realized how slow time goes beyond an hour. They never stopped me from having a look at it. " (NLMAP01)
"I could have stayed there without any problems, my head... what I wanted was to block myself, to say nothing, to hold o, take whatever they had coming and let time pass." (JGGL03)

"I know that with this guy it was by night, because as I listened to the cops, I also noticed the shift changes. And they brought us food at the times they were supposed to be... that is how I could more or less calculate. " (OBS03)

"If you told me that I had spent a month or two there... I would have said that was true, but I had no idea. Then people would tell me, and I rationalized, but... you live by the second, and every second for you is a lifetime. It is another concept, I know, I can not explain it otherwise, the parameters are different; but what time it was? ... I did not know." (OAEM02)

- Prolongation of incommunicado detention

"I thought I had spent a lot of time arrested and I knew that there were still two days left, it was quite a blow because I was done for and I had no strength left for anything." (ILMW01)

"I thought we had spent three days, or that we were on the fourth day; I thought it could last another day and a half; I thought I had spent more days, and when I saw that was not the case, that they had been playing with the meals, and suddenly... another 3 full days. I did not know why, I thought the extension was something extraordinary, special... I don't know... I thought I could stay for over 5 or 6 days in solitary confinement, despite the fact I knew that 5 was the limit. The paper looked like an official paper itself: it had official seals, and if so... geezz... [sighs] *I believed that until then I was taking it all alright, but.... I don't know... if there were three more days...* [sighs] *three days with their interrogations, their transfers ... I began to enter the downturn."* (NLMAP01)

"They extended another 72 hours of solitary confinement. (...) once againthey came to get a DNA test - «you know this is not optional, you can do it the good way or the bad way» (...) Then I did not know how many days I had spent, I tried to be guided by the mealtimes (...) but you saw neither daylight nor slept or anything... I was not clear about what day we were in or anything." (MIIA02)

Combination of factors

The factors described (food, thirst, schedules, sleep...) do not act individually but, in general, as a combination of several factors. The cumulative effect brings about fatigue, emotional exhaustion and breakdown due to an alertness that is maintained for hours.

"We had been travelling that night without sleep, hadn't we? Then you were forced to remain in the cell with a light on, standing with constant monitoring so you could not rest, or sleep, or drink water or anything.... so five days losing your sense of reality. I didn't know whether it was day or night, if the interrogations were in the morning and in the evening, and so..." (IGEJ02)

"For example, when I was taken to the cell... They continually played with the lock click, clack, click, clack! And I thought «Fuck! They are coming for me again» and the 24 hours of the day were like that, and it was that feeling that they were coming for you, or even worse, that maybe they were coming to get the one next to you, though you did not know who he was. It was like this all the time." (OAEM02)

3. The need for safety

1. Fear - panic - uncertainty[67]

"At the time I was attempting to take the shower of blows in each interrogation as

[67] This corresponds in part to the category of physical or psychological threats in the Istanbul Protocol.

well as I could. And so I took it, one by one and in each interrogation I tried to make my best. I passed trough hard times but I did not know that their intention was to scare me, at the time I was not aware of that. I just knew that they were beating me a lot and that the thing was getting worse and that was the way it was. (...) I was a puppet that they were taking me, bringing me, making me do physical exercise (...) and the funny thing was that they were getting me to collaborate, I was so terrified and so afraid with all that they did and told me that I was collaborating: I undressed, I dressed, I did as I was told (...) they take you to a situation in which you become a real dummy, I at least I felt that way. I was an automaton. In the interrogations they saw this and I could not be critical and ended up believing many things or messages that they gave me." (ILMW02)

Fear is one axis of the psychological process of a detainee's control capacity. People describe it as a distressing emotion that takes shape from before the arrest due to the tension of the environment itself, which starts from the outset of detention and virtually does not disappear during every day of incommunicado detention until the release or until the entry into the prison (which in several of the appraisals is described, paradoxically, as a relief).

Fear creates a level of disquiet and blockage that becomes unbearable for some people.

"The worst was fear. (...) It's so surreal that you do not know what to think... what is this? Nobody will believe this. My friends are from the nationalist left and know that torture exists, but you can not imagine that situation, every minute, for five days. It's surreal." (NLMAP02)

It would seem that there is a careful preparation of the process aiming to fulfil multiple objectives. The main one is to intimidate. Fear, first, leads to helplessness and subsequently to delivery, to acting in a complacent way with the interrogator, and thus attempting to stop the threat. On the other hand, fear itself contributes towards maintaining a state of tension that leads to psychological distress and to draining the detainee's strengths.

...fear itself contributes towards maintaining a state of tension that leads to psychological distress and to draining the detainee´s strengths.

"I don't know how much I slept, little in any case; I heard shouts and someone crying. I was terribly scared and completely blocked; I didn't know what to do. I was distressed and they know from the very beginning how to make you feel helpless. So even though they have not beaten you, just the scenario made you cling to anything. You feel like crap." (AMRGL09)

"At one point they said «get naked» and they did not have to take my clothes off because I started taking them off by myself and then... «stop, stop» (...) Finally they never took off my clothes, but feared having them taken away ... all the time, it could not be ... that was intense." (MNEG04)

1.1. The fear process - Creation and development of environments of plausibility

According to the assessments, fear is worked on throughout the whole of the detention. Starting from previous expectations, the conditions under which it occurs, the transfers, the creation of the environment in which people are detained, and especially when they are interrogated, together with constant and increasing threats.

Restlessness and fear before being arrested

Expectations begin before the arrest. The antecedents of known people or references from third parties, as well as the allegations in the press and the reports from civil society organizations, the public and the aggressive character of some of the arrests, the subsequent conversations with acquaintances who have been arrested and the most notorious cases of injury or death under custody have brought about both a "fear of arrest", and fear of "the inevitable", once the arrest takes place.

> *"«Oh, no? So you are a tough guy now, right? Are you going to say what we have done to you here?»*
>
> *I said yes. At that moment I thought, he's going to hit me ... but what they did was worse. He told me: «You know what? I want you to tell everybody, if you tell them, your friends are going to believe you and if I ever arrest a friend of yours, I'll tell him:*
>
> *I did this to your mate so-and-so. So without even hitting him, he will know what's coming and before I put a hand on him, he will be already be broken psychologically.»"* (JZLV03)

Detention

The manner in which the arrest was carried out, in most cases, was late in the morning, breaking in a surprising and violent way, with many police officers and with high doses of aggressiveness that anticipates for the detainee, from the very beginning, both the aggressiveness and violence that lie ahead as well as the situation of helplessness he or she is in.

Transfer

Testimonies indicate that the transfers in a vehicle from the Basque Country to Madrid for the interrogations follow a liturgy of beatings and intimidation. The following characteristics have been described in several of the allegations: head down, head often hooded or covered, with blows and insults or threats of summary execution (see below) and always telling the detainee what is coming upon arrival, thus creating great anxiety and introducing a progressive transition from fear to terror.

Place of detention and interrogation

The narratives of interviewees recreate numerous staging and theatrical situations of extreme violence or death, once they have arrived at the place of detention. The statements suggest the use of recordings of people screaming, close acquaintances' voices (they are supposedly also arrested) or the staging of what appears to be the torture of another person, presumably not a detainee. The person is plunged into a terrifying environment, within which he or she assumes that everything is possible (see Table 24).

Threats, i.e. the advance notice of harm that is going to be brought about if the detainee's actions do not go in the direction desired by the questioner, appear in almost all of the testimonies. Such threats are also described later on, in the sections on punching and kicking, and the use of dry asphyxia and electrodes. The fear caused by such abuses, especially in the sexual field, with threats of mock rape, are also detailed.

Table 24. Fear – Panic – Terror
• Expectations before the arrest
"I did not answer. Until night fell I did not say my first word. I was totally blocked; I was in a daze, and my head had speeded-up, thinking about everything that was going to happen to me. Here everybody knows everything and, well, I was arrested two weeks after the raid in which my people had been arrested. They were not my friends, but I knew some of them. They had already left their testimony in the press and everything. Throughout the transfer I was wondering what was going to happen to me." (AMRGL09)
*"For me at the time, merely to hear the words "*La Salve*" was already very scary."* (IGEJ02)
"I was very afraid of being arrested by the Guardia Civil *because in those days there were detainees who ended up in the hospital and who had reported torture."* (ILMW03)
"When I started watching these strange movements, they generated distress in me and, at first, I was really scared, because I saw it was quite clear. I was alone in the apartment, my roommate was away. I was so scared that I did not go home to sleep, because I did not want to be alone, I was afraid, this was fear for real. " (MNEG04)
"I was scared, really scared, because I knew what was going to happen." (NLMAP03)
"And then they scared me... I was very scared because at the end it reminded me ... I mean all this thing about torture is not new, and I was afraid of being undressed by them, or raped or... I don't know... I imagined myself in a thousand situations..." (OAEM04)
• During detention
"As soon as they opened the door; they put a gun to my head and made me lie on the ground. I hit my chin; I was bleeding a little and they did not let me see anything. (...) They were crushing my back with a knee and the gun was on my head. It seemed that they were going to war and there I was in pyjamas (...) And then they took me downstairs and one of the policemen did tell me «Don't you even talk» and when I went to the entrance and saw all the people who were waiting at the gate and started to scream (...) and I shouted «Aupa peña» [Hi there people!] *Then the policeman started hitting me with his knee on my leg. Then they hid me, put me in the car and that was when the threats began. «If you do something I told you not to do again, I'll beat you to death.» There I was already made to be more aware of the fact that there was not going to be a peaceful arrest."* (MNEG03)
• During the transfer
"They pretended to be turning to the right but continued straight ahead instead. I was very scared. Also during the trip they were threatening me with things like «you're going to try a little of everything; you know what we do with the prisoners, right? It's true. Do you know what the "snuff" movies are, those in which tortures are recorded or how people's limbs are cut off and then killing them? Well, we are going to record one with you». (...) They also threatened to kill me and throw me into a ditch, and then they would say that I had tried to escape. " (ILMW03)
"During the transfer by car, they threatened me with different methods of torture, la bañera [the *bathtub*], *and electrodes, I heard them talking among themselves, you start hearing things which bring about anxiety and a feeling of being sick"* (JZLV06)
"They simulated stopping the car; they stopped the engine and threatened me «You'll see, we'll get you out here... and here we can do whatever we want to you» they said" (OBAM02)

"I'm not going to hit you, but you'll freak out when you get to Madrid. We have all the trip to Madrid and if you start talking to me, maybe I can negotiate with my teammates not to hit you or to hit you less; you will be naked from minute one, they are going to use the plastic bag with you, and do I don't know what to you, you're going to have hell... I'm not going to hit you but I would kill you... so I am going to give you two more minutes to think about it and if you do not speak I'll shut up till Madrid and, you're going to freak out about what we're going to do you. (...)As we were approaching Madrid I was extremely afraid. (...) I wished we would have an accident and not get to Madrid." (OBIM08)

- In the place of detention and interrogation

"During interrogation I hear screams from other people. I do not know who produced them or if it was the policemen themselves, but they were frightening. They said several names. What if it was so-and-so who was saying something about me, that certain person was in the cell and they were torturing him, etc. (I later knew that this person had not been arrested or anything, but they were trying to make a mess of me). This frightened me a lot. (...)Then they brought something sizzling near my ear, some kind of sparks. I was absolutely terrorised with that thing they had placed near my erar. (...) Thn I heard a big jet of water from a tap that was filling something with water. I was really, really scared." (ILMW02)

"For a while, they left you in the cell, but while you were there you heard that they took somebody else out; you heard screams, cries ... you were in tension because they would walk around and you didn't know when you would be next." (JZLV06)

"There was a moment in which I was listening to a girl who had been crying for hours, but there had been no women arrested with us. Then, they played a little also with fear, with recordings, with... with us, no women had been arrested." (MIIA01)

"While they were putting me la bolsa *they drag me to a door, as a halfway, nor in a room nor in the other. There was one person hitting and throwing everything, throwing chairs against the walls, giving thumps to a table, making loads of noise."* (MNEG02)

"It was when they showed me the brass knuckles. They didn't hit me with them, but they pretended they were going to hit me in the stomach." (MNEG03)

"One of them occasionally approached me as if trying to scare me, thumping the floor with his boot." (ILMW01)

"In a moment, they pushed me into the room and there he was the guy of whom I spoke before because I saw that he was untying the laces. (...) He was thrown on the floor, naked and... They were beating him and saying «He is unconscious, call a doctor, he is no longer moving!» and they threw me on top of him. And I... well... I began to cry... as with anxiety; I could not breathe because I felt very scared because... I mean I imagined another kind of interrogation and fuck! That moment was a like a landslide of wow! I couldn't breathe. (...) The other guy was dragged out of the room, by the feet... «Now it's your turn» and they started to take off my coat, sweater and... so, apart from that I was hearing «He is unconscious!» all the time. And they were like nervous, and... That's it, three hooded guys came in and began grabbing my hair, pulling me from side to side of the room, dragging me... Another one of them tried to take off my trousers; they did not in fact pull them down! But there was always the threat of doing so..." (OAEM04)

"It was when these guys came..."the men in black" because in the end they were the ones who threatened me and told me I do not know what. (...) At one point, I also went... Well, I was dying for a pee but with this thing of not asking them for anything… In the hallway I was going with a cop, and another one came over... I did not see him, he moved like this (crouching), *we went to the bathroom and another one came, grabbed me and tried to... get my head into the toilet hole and the other one said «no, no, he is one of those who are cooperating.»"* (OBIM06)

Fear would also have an exemplary, social function, paralysing people and creating foreboding sensations reference to arrests.

The detainee also transmits fear to the environment. Thus, fear also would have an exemplary, social function, paralysing people and creating foreboding sensations reference to arrests.

1.2. Process of fear and imagination: threats and fear of torture versus materialization of pain

Fears are sometimes concrete and specific and are related to the situation and to threats. In other cases fears are nonspecific, in relation to uncertainty and expectations.

Multiple assessments reflect that fear is worse than pain and threats have more devastating psychological effects than the physical pain. Fear leaves more psychiatric sequels than physical pain itself.

> *"Fear, I don't know, it is a very strange thing in fact I think that if they had beaten me, if they had hit me on the head, with the hand, a more humiliating slapping, hard, I don't know, I don't know. (...) At one point I thought, if they had beaten me four times I would have been much more defensive, so I think they know each person and how to get to your weak point."* (GTV01)

> [He explains that the uncertainty of the contact with the wires and waiting for the electric shock broke him psychologically, that this stress was too much to be tolerated]. *"Imagine how I was that I told them crying, shock me now, shock me now. (...) That situation was ... I don't know, you can stand physical harm, but before suffering such harm it is the fear, the anticipation of whether he is going to hit me or not? (...) They also realized this, they saw how I was shaking, crying, screaming, I don't know."* (JZLV03)

> *"After declaring, they continued coming to where the other detainee was; that is, when they came looking for him, I was very sad. And then waiting... I did not know if they were going to come back or not... That restlessness was killing me. It is not like... It was that throughout the confinement, the worst is the fear of what they might do to you because, later, they go and do it... Well, you just take it. I don't know how to say it, to me when they beat me... yes they hurt me a lot and I felt terrible, but it passed, but then what happened was: «What is next?»"* (OBS03)

For this to be effective there must be times when threats do not materialize and others when they do. That is, there must be an escalation in the level of aggressiveness of interrogation that makes these threats credible and there comes a moment when the most exorbitant threats, in the imagination of the detainee, are quite plausible.

Table 25. Threats against the detainees
• Escalation of threats of torture *"As I am telling you about this, I am getting emotional, I remember everything as if I was living through it now; I have recorded images. I was afraid, I had the feeling of being lost in the sense of not knowing what would become of me, everything was uncertain. (...) I felt dizzy, I was alone, literally trembling with fear, and they asked me if I was cold, but I was trembling with fear."* (ILMW01) *"All the time there was the threat of physical torture, and at one moment in the interrogations, the threat was so constant... that when the three policemen who were not hooded in the interrogation were there, I would jump at once, I mean, I was so nervous, because they were threatening me, threatening me... That I felt that it had to end, I asked them to do what they had to do to me, but to stop threatening me once and for all."* (OBIM06) *"From the first day, they threw threats at me «We will rape your girlfriend» Things like that... sexist insults, comments... but unfortunately I knew cases in which that had happened and people had been threatened with their families and it had been a lie, I thought that it was their strategy."* (JZLV06)

Several witnesses described this effect reference to beatings. The use of beatings and extreme violence did not only have the risk of causing marks or injuries, but, above all, from the perspective of the interrogator, it had the risk that people, devoid of fear and knowing what beatings were like, opts for isolating themselves mentally in the interrogation and purely and simply endure the pain. That is the worst scenario for an interrogator, because the battle of physically controlling the pain is often described as easier than controlling the mind against fear, bewilderment and confusion.

> *"Here they will just drive me crazy, because amid the blows, the constant shouting, there was this moment when I said to myself «I just don't want to hear them.» (...) When I answered* [to what they asked me] *in Bilbao they had beaten me, so then I'm not going to talk, I'll close myself up and if they have to beat me to death, then so be it. (...) For me* [thereafter] *I just shut myself in my head, I did not listen, I did not talk to them and I said nothing so as to try to endure the beatings that they were doling out to me."* (MNEG03)

2. Psychological perception of death - asphyxiation

2.1. Dry asphyxiation: use of bags, hoods and other methods of suffocation

In some of the assessments, there are descriptions of dry asphyxiations by blows on the tracheal area or by strangulation.

> *"At that, you got a rap on the Adam's apple which you could not see because you were hooded and you went out of breath for every answer that they did not like."* (AMRGL09)

But no doubt the most common dry asphyxiation method described in the statements is the use of "*la bolsa*" [the bag]. This can range from a plastic trash bag being held by the interrogator, to a bag made of cloth with a cord and a closure.

The bag is used for different purposes on depending on the context and the person:

> *"The use of* la bolsa *is continuous. First, they pull the bag on you without tightening and they go on questioning you while hitting you, and then they begin to tighten and squeeze until you get to the*

asphyxiation point. One, two, ten, twenty, thirty, forty times, a hundred times. (...) Then you enter into a fucking stifling situation and when you can not take it any more, they take away the bag; when you're breathing they throw a bottle or a bucket of water on your face. So when you're trying to breathe, you're choking with water, you start vomiting and when you're recovering, they pull the bag back on your face. And it is like this all the time. All of this while they are screaming at you, asking questions. (...) Apart from the bag, from the suffocation, there were hours and hours in which you're wearing a bag over the head and it was not closed or tight but you have the Guardia Civil´s hand on your neck. (...) Sometimes they tighten their grip, or they let go, or they caress you ... but the hand is always on your neck." (MIIA01)

There are, at least, four identifiable reasons:

1. To prevent the detainee's vision around him, both during transit and during interrogation. It's a safety measure from the perspective of the questioner, and of helplessness and loss of reference and sense of reality from the detainee's perspective.

2. To increase the sense of restlessness and fear of the detainee by not allowing him/her to predict when he or she is going to get hit, or if is there any danger around or to see when people enter or leave the room. During the transfer (e.g. from the cell to the place of questioning) it increases the fear of walking, or of being up against a wall, in front of a beam or in front of some stairs and being pushed or beaten.

3. To cause anoxia in the brain (oxygen supply reduction), increasing the person's confusion and bewilderment and preventing any clarity of thought or any control over the responses given in the interrogation. So, sometimes the bag is left open (when the idea is to prevent vision) and sometimes it is closed (when the aim is to bring about asphyxia). At least two statements collect that interrogators introduced cigarette smoke into the bag. The bag could be combined with strenuous exercise (push-ups or squats) to enhance the effect of drowsiness, confusion, and asphyxia.

4. To achieve a psychological perception of imminent death and the associated terror, and to elicit a primary reaction of terror and anguish. This seems to be the main effect.

Table 26. Dry asphixyation: use of la bolsa
"The interrogations took place with me wearing a cover or a bag or a hood. The bag, which overwhelmed me... they smoked and put the smoke into the bag, they covered my mouth and nose with the hand, until I fell." (OBIM08)
"They put that bag on the hood, it was horrible because the plastic bag and the wool got into my mouth, and I was choking. They closed my mouth, grabbing it with the hands, I lost consciousness. They said «if you puke you'll eat it!» (...). I did not vomit [with the bag], *but I felt nauseous. There was a time when I peed on myself. I was dressed."* (OBAM01)
"When they put me la bolsa, *what I did was to try to push down my jaw to stop them from tightening the bag so much, and later, when they loosened it a bit, to allow for some air in from underneath. But by having the head pushed backwards, I could not. The body, in that situation, tends to escape because you are strong, so there were four people holding my body down. At one point I lost consciousness. When I recovered, I had peed on myself."* (NLMAP03)

"You think that la bolsa *is a thing from the movies, that it doesn't happen in reality. They pull the bag on you and tighten, then you grab out for air and the air in the bag is finished and the bag gets into your mouth. (...) At one point one of them was smoking and he shot the smoke in and all this* (he points to his throat) *got burned."* (JZLV03)

"In one of the first interrogations, the second or third, they pulled the bag on me four times. First, they put it on my head and if they did not like my answer, they pressed till I was breathless. I broke it with the hands or teeth; they told me that if I did it again they would kill me. It was all very hard for me, the feeling of asphyxiation, you suffocate, you can not breathe; it's very, very hard. The use of the bag is brutal." (ILMW03)

"The threats of la bolsa *were constant; they also used it on me. They pulled a bag over my head and tied at the neck and told me that when I could not stand more I just had to touch the wall and they would take it away from me. I was standing. I took it for as long as I could and when I could no more, I raised my arm over to touch the wall, and then they took it off. The bag was put over the hood. (...)When I was groggy, they asked me about my lifestyle, where I went for walks and with whom."* (ILMW02)

"I told them that I could tell them whatever they wanted about me but that this was impossible... Then they began to apply la bolsa *on me again and again. Their behaviour also changed, it became very aggressive, the environment, the screaming, the shoving, the beatings,* la bolsa*; then they started to make me do push-ups, but when I started, they pulled the bag on me again, and I... too much anxiety... I could not breathe with the bag, I felt a horrible anxiety, will they overwhelm me? Or what is going to happen to me?"* (OBS01)

"Until they started to pull la bolsa *on me, it was the worst that I remember. That was most of the time… the anxiety, the nerves, the impotence, you can not do anything. Besides the first two times they did not do it right and I could breathe; and at that, apart from the stress of the moment and that you realised that they are applying* la bolsa *to you and you think about what is next, you have spent one day and three hours, and they have used it twice ...although they had not done it right, you know what is next. (...) They always pressed on my gut and chest as they pulled the bag on me, I was sitting. They made me do squats while they applied the bag, I fell on the floor; they beat me up. I remember the feeling of the bag, of not being able to breathe."* (NLMAP04)

2.2. Wet asphyxiation: la bañera (The bathtub)

The bathtub method consists of having the detainee held by several people, or tied to a table, and inserting his/her head into a container filled with water ("*bañera*" means bathtub) for long enough to cause suffocation and the feeling of imminent death.

> *"They asked me if I knew what* la bañera *was. And I said yes, that it was to put my head into the water. And he told me that now he was going to put me on a table and get the table next to the bathtub, and yes it was hard."* (ILMW02)

La bañera appears as a repeated element in the statements. As with the electrodes, and according to that described above, with respect to the devastating effect of terror and imagination, it works more with the threat and panic that it causes than with the effective and real pain of the torture itself. In most cases, people refer that this technique will not actually get to be carried out, although it is represented with all the scenario (including cries of other victims, background noise of taps running, etc.), looking for the combined effect of terror and anguish:

Table 27. Asphyxiation by using water
"They did not let me, at the end I was in the cell but hearing the through the door, hearing water running... or a container filling. It could be my feeling, I do not know, a container filling, a bathtub... I don't know… something. Then I heard people walking up, heels and voices. I do not know if they were talking, or what, I don't know, I heard also someone being beaten... None of this I could make out, it just sounded like two people screaming and the other crying "ahhh": «You're not cooperating, you know what la bañera *is? Don't you know it? Well, you just have to take a bath.» (...) They were threatening me with the tub... and they left; they were away for five or ten minutes, then they came back with the others. (...) Again threats... they did not touch me at any time, but there were threats about the bathtub, the bag, the family, «Look what you're doing to them.»"* (OBIM06)
"They also threatened me with la bañera. *They asked me if I knew what it was. (...) I heard a big jet of tap water filling something. That scared the hell out of me. They threatened me with things that I was very scared about, and they often fulfilled their threats, but in my case, they did not follow through with the threats of the tub and the press. All these threats took place while they fired questions at me and punched me."* (ILMW02)
"During the transfer, in the car, they threatened me with different methods of torture: la bañera, *electrodes… I listened to them talking among themselves, you start hearing things that scare you to death."* (JZLV06)
"«Look, man, we're filling the tub; you'll see how you will not be able to break the bag, because there is no bag.» «Fuck off! The tap is not working properly, there is hardly any water running and it is taking too long, while it fills let's pull some more bags on him.» (...) It was not what I thought, I was convinced that after la bolsa, *it was the time for* la bañera. *I had no doubt, I believed it deep inside. And I already saw myself with the head in the tub. I did not care if I went to jail, out on the street or anywhere, I just wanted them to stop putting bags on my face."* (MNEG02) *"I remember that I fainted twice, they brought the bucket, and they put my head into the bucket, with the same bag on as if they were making me drown. There were two times that I lost consciousness, until somebody who was from the* Ertzaintza [Basque police] *came and said «careful, don't do that to her, she's going to die!» I do not know if it was because they would know what had happened in the other arrests."* (JGGL03)
"I had not drunk except from the bucket, when they put my head in to drown me, I had a few gulps of water. (...) That was once that they put my head in a bucket of water and then they took it away. I was incredibly thirsty and I even took advantage of the situation to drink some water then." (OBIM07)

In at least one of the interrogation centres the existence of a bathtub and its actual use with some of detainees is described:

> *"It was more or less the same until they got me into the tub. I remember that it was also too hard, way too hard* (when expressing this he lowers the tone of voice). *They made you turn and turn. You did not see anything, your head went to and fro, with lots of turns, you felt displaced. (...) They got me into the room, and then yes, there they allowed me to see the tub* (when recounts this, he breathes deeply). *It was a normal tub with a mattress for support. When you see that, simply watching that, is already way too hard. That torture is strong. It is overwhelming... and then… yes, you think you're dying for real. When you see the whole scene, all the paraphernalia... and besides what you*

"At the police station there was a moment, close to the end, when it was clear that I could not stand any more and I asked them why they didn't shoot me at once".

have heard... yes, yes, and the truth is that there... I think that even they were scared because of my breathing ... like really ... it stopped. They took me by the feet, and down I went (he represents with gestures how they got him in the tub). *(...). They turned you, grabbed your feet and suspended you; you did not make any force, but they threw you in. They then took you out of the tub saying, «Come now, no! Not now, wait a while!» Playing psychologically. Of course, the panic, you were scared to death, to be suspended and have something there... and that is one thing that the whole water issue... sometimes you remember, when you see water or you touch water... It is not something that happens every time you see water... but you have that relationship left. Bathtub-type containers, with water... the trauma that you can not breathe and all... Yes, the truth is that it leaves its marks on you, it affects you a lot. (...). What are you going to think, you see that you can die there. (...) In a moment, with* la bañera, *I thought «this is the end» I was already wishing to die."* (OAEM05)

3. Mock executions[68]

Several expert assessments speak about death threats. At other times mock executions are described (table 28).

[68] This corresponds to Istanbul Protocol category "Death threats and mock executions".

Table 28. Mock executions
"During the interrogation, a Guardia Civil who was standing behind me, started making noise with a gun, he told me that he was going to shoot me in the head, that he would kill me. He asked whether I thought he had bullets or not... He put the gun up to my head and fired twice. Both times there was a click. This interrogation was very hard." (ILMW03)
"With the gun they also hinted that they were going to shoot me. I even remember that I said I did not care, and I asked them just to kill me to end with this now, it was a lot of pressure." (JGGL03)
"They could kill you quietly because I think it was... I mean they lived through that! They beat you because they felt a kind of fanaticism that... That is a part of them, it was as if you found people quite consistent with themselves, unpunished people, all convinced and I believed them... all convinced that they were going to kill us." (OAEM02)
"«Do we kill them here or do we take them there? We can fire four shots at them and say there had been a confrontation and finished, here nobody has seen anything? Well, shoot him!» (...) You feel that the clock has stopped, i.e., I do not know if there are words. I think that you feel nothing; I do not understand much of psychology, but that SHOCK... WHAM!, I don't know." (OAEM5)

"Yes, there was a time half way through a transfer when he got angry again: «But, are you kidding me? Let's stop here, come on, let's stop here on this road, nobody ever comes here! Come on, stop here. Because here, here we will kill you, we dig a hole... Who cares! Nobody is going to miss you, nobody is going to find anyone here, and no one ever comes here!» The car brakes, we get off. «Get the shovel!» They opened the boot, opened my door, I was with the safety belt on and they tried to take me out. «But do you think that...» he screamed. I just could not see him but I imagined, it was a very hard time. «Get the shovel! We'll kill you here!» I felt panic, saying: they will kill me, they are going to kill me! To do so, that they were trying to take me out of the car, with the seat belt on, but moving me... «We're going to kill you!» With the hood on, I felt helpless... (...) and you panic." (OBIM06)

"At the police station there was a moment, close to the end, when it was clear that I could not stand any more and I asked them why they didn't shoot me at once. (...) I remember that they put a gun into my mouth, but I do not know if this is a confused recollection, I don't know what it is." [The interviewee stops the narration, stiffens and looks to one side for a few seconds]. (MIIA03)

"In the car, halfway there, they stopped and said... they said «ok here is where we kill you», between them, «no, not here, people can see us.» To get me a little more scared. (...) They took me out of the car, I felt the asphalt; it was a road. Asphalt and some gravel, then another one of them touched me with the gun and said «this is I don't know what...» and so on. Sometimes I do not know if they were just playing with the gun on my head." (OBIM07)

4. Physical pain

1. Blows, beatings[69]

There are two different ways of using beatings in torture. The most common is a pattern of a few violent blows, usually with the palm of the hand and sometimes on the neck, but managed in a rhythmic way, steadily without stopping. And there is also a second pattern, less common, which is the violent and brutal beatings and extreme pain.

1.1. Low intensity rhythmical and constant blows

These are administrated with the palm of the hand or with violent pushes of the person by throwing him/her against walls or objects without actually hitting them. They are non-marking techniques. And this means, paradoxically, that many detainees do not consider this as torture.

These blows are often constant, they can take hours during which one or more people alternate with the aim of stunning, confusing, stopping the detainee from thinking and causing fear, humiliation and progressive wearing down.

"Then one who said he was the commissioner came in, took off my hood and said «look at my face», he spoke in a quiet tone, a bit like a madman, too quiet for what he was doing, right? He told me «these are my friends», and brought in four large hooded men «Now you are going to start singing[70].» Those were the ones that had struck me when I had the hood on and, of course, without warning or without being able to see, they made you bend down and hit you! And they

[69] This corresponds to the Istanbul Protocol category "Beatings, blows, kicks".

[70] Translator's note: "singing" in this context means "confessing"

waited a little more, the blows were not continuous, there was one blow, then after half a minute, ten seconds, five seconds and you are quite lost because you never knew if the next one was coming now, or in the next second." (OBIM07)

Beatings are predominantly on the face or the back of the head and neck. Several witnesses agree on the use of books, a phone guide or sometimes a rolled up newspaper.

"The blows were hard, as if they were given with something, a book, something hard, and all on the head. Head and neck, cervical areas. (...) I was struck with great fury, it was with great fury. The whole issue of bones kills me off, makes me dizzy, I feel vertigo, so I know it's on the neck and ears, because of the blows." (JGGL03)

In men frequent blows are also described in the genitals.

This type of beatings by the interrogators sometimes take place in groups, in a circle around the detainee or between two rows of policemen, banging or kicking from all sides simultaneously.

"They were bashing me up, that is, I was in a circle among four or five of them and they were hitting me." (JZLV06)

"Upon arrival, they surrounded me, They were very young, with the usual boots, and there it all began, especially kicking me with the boots, one of them kicking me, followed by another, there were half a dozen or more, on one side and on the other, kicking and kicking, that was all the time, without a word, they left you in the cell and you heard them coming back. (When he says this his breathing stutters and he sighs). *(...) I was kicked; I got loads of kicks, especially from the waist downwards. These guys were very young, I had the impression that they had just left the police academy and been taken there. They made me bruises; something appeared in the forensic assessment, on the belly and around it."* (OAEM05).

These group actions multiplied the effect of chaos:

"He told me «You know what the octopus is?» It means that the one in front and the others behind me all hit me in the head pretty hard, with all hands. Bang, bang, bang, bang! And meanwhile everyone was shouting, «you fucking bitch, we will kill you!» It is all very fast, you don't know how long but when it ends, you're like gone... the eyes, the head... That they did to me several times." (OBAM01)

Blows are not isolated actions but, as described, they are kept steadily for most of the days that interrogation lasted, simultaneously with noises or shouts, strenuous physical exercise, *la bolsa*, etc., while making questions.

"I don't remember the order of things. (...) I think it was, first bending and blows on the head, and from then on everything else, electrodes, kicks, slaps, screams... It was not that they pulled the bag on you and that was then followed by the electrodes, there were times when they only screamed and insulted you, or put you within a circle and shoved you around and then they pulled the bag on you (...). At first I remember it was with open arms and legs and if I touched the ground or fell, they punched my head, the blows were sudden and strong, (...) then they threw water at me all the time." (MIIA03)

Sometimes the blows are aimed at directing the detainee's answers during the interrogation:

"There I was, a bit broken and I started answering more or less what they wanted. Each answer that they did not like they slapped me on the Adam's apple. At that, you got a rap you could not see because you were with the hood on and you ran out of breath for each answer that they did not like." (AMRGL09)

The blows (...) are enough to cause in many people an attitude of despair and the will to admit anything whatsoever as long as what they are experiencing stops.

"They struck my ear, my head or pulled my hair if I did not answer, if they thought it was not true or if they thought that I was lying. They hit me with an open hand." (OBAM02)

"Then, the one who had hit me and two others came in. I was sitting on a chair and he stood in front of me and another one was behind, a handsome young guy who really scared me. He got behind me and then it was questions followed by blows. The one in front hit me in the face and the one behind me on the head. (...) It was like that all time, a question followed by a blow, another blow followed by a question. The questions were made by the one in front of me and he would hit me in the face and the one behind would hit me on the head." (IGEJ01)

In this situation of chaos, repeated blows, constant and rhythmical blows associated with "non-correct" responses, together with fear, anxiety and the expectations of increasing violence are enough to cause in many people an attitude of despair and the will to admit anything whatsoever as long as what they are experiencing stops:

"They gave slapped me on the head with an open hand... I was shocked. I was speechless, I could not speak, then they began to remove my clothes and I resisted... two or three of them grabbed me and took off my clothes and eventually started slapping me across the face and on the head and at one point I just let myself go. At first they told me to take off my clothes, I refused, then they began to undress me. At one point I stopped resisting. They stripped me down completely." (OBIM08)

Table 29. Rhytmical blows

- Bewilderment, exhaustion

"I don't know how long this lasted, but in the first interrogation there was mostly screaming and I got two blows in the neck when I tried to lift my head." (MTRGL10)

"The main torture was psychological, because they never gave me as much of a punch, you know, of the banging type, leaving no marks." (NLMAP01)

"When you think about torture it is that they have beaten you up or tried to rape you, right? I did not tell him that they had been threatening me; I told him that they had not stuck me and I told him about the handcuffs." (OBIM06)

"Every time you denied something those behind you would beat you, you never knew when those behind you were going to hit you.

They struck you in the head or, standing up, on your knees and you would fall forward. (...) Usually, there were blows in the head, or on the knees and then threats, against your girlfriend, your brother, parents, friends, and anybody else that could be thinking about you in the street (...) In that interrogation I cried a lot. It was not that they threatened me with something different, I don't know, I didn't even know what day it was, just the accumulation of things... I don't know. They didn't hit me [that day] *or anything and the truth is that I cried a lot."* (JZLV04)

- Use of telephone directories, books or rolled-up newspapers

"During the interrogation there was almost always a woman. I identified two different voices. The same questions, the same cries and blows in the head, perhaps with a thick phone directory. As they hit me on the head, they called me a liar. They gave me as a series of blows, they just hit me ten or fifteen times, and always ended up by saying «and this last one as a gift» and that blow was stronger. Each time they hit me, the neck made a "crack" sound. At first they hit me directly, later they always placed a blanket over my head. Once, they took me out of the cell directly with the blanket over my head, on other times they took it along." (ILMW03)

"At that point they started asking questions and I was shocked, and I kept quiet, and they started hitting me on the head with something rolled up, like a magazine or something like that. (...) They beat me, and went on asking me. (...) I have no bumps, no marks, so I can not prove anything, either with the forensic doctor or with anyone else." (NLMAP03)

"When we arrived to the Civil Government they put me into a room, sat me down and put a rag on my head. And then they hit me on the head with something hard that I could not distinguish; now I know it was the telephone directory because it is written in the writ. They also hit me on the genitals." (OAEM01)

"Then (rasping), *then...* (rasping, again) *the memories that I have are very, very overwhelming, they hit me with the directory, with the directory edgewise* [he does the gesture of the blows with his right hand). *During the interrogation, they spoke to me, they hit me, like a drop of water that keeps on falling, they pounded on you, and pounded on you, until you got a splitting headache. The blows were not really strong, nor were they insignificant, but their cadence BOOM, BOOM, BOOM, all the time."* (OAEM05)

- Blows on the genitals

"With direct blows, they hit me very few times, I guess because the fear of leaving marks, because you realize that they are pounding you and you didn't have as much as a scratch. (...) You are standing naked all the time and and they hit you once on the head and once on the testicles, one in the head, and one in the testicles... Yes, you noted that they hit you in places where no mark are left, because I ended up with swollen testicles and a pounding head, but in the head you really didn't see anything. (...) Questions, blows... It is continuous. The order, let's say that is very similar to what the Ertzainta *had done to me."* (MIIA01)

"They beat you a lot... well, and... there was one thing.... (He stutters) *They grabbed your testicles, a strong guy almost always, and he squeezed and make a pain... it's like... a very acute toothache, that sense of pain I mean, it's a very intense, sharp pain... He pressed hard... it is a sharp and intense pain and they repeated it at all times."* (OAEM02)

- The effect of blows on the interrogated person

""Then I was taken to a large room (...) and there the blows began. I was put up against a wall and suddenly they came from behind and hit me several times on the head. They slapped me on the face, on the back; they threw me to the ground... Yes there... already... they were beating me to death. (...) I initially thought that it would be harder, in the sense that I could take more. But as I saw myself in their hands, hitting me, I fell to the ground and got up and all that... I saw that I could not deal with that, because I was in their hands. I could not face them physically, or psychologically. (...) I think it was an hour, no more. But it was an hour during which they did not stop. And there, they destroyed me." (MNEG03)

1.2. Beatings

This pattern of repeated blows, at times, alternates with very hard and violent blows.

> *"It was more that, the continuing threats and fear of what they will do to you, because in the end they were hitting your face with an open hand and then hitting you on the head. (...) The one on my right began to yell but he hit me very hard once. And he began to say that I had to start talking, that those who had been arrested had already spoken, that the other prisoners had said that I had to sign and, then, he hit me very hard."* (IGEJ01)

A rather more unusual pattern is the one of beatings in the literal sense of the word. In some cases these took place from the beginning but in general there was an escalation in which the early days were dominated by less strong and steady blows and as this strategy did not work the blows grew stronger and more violent, always in the same areas (head, neck, cervical area, back and knees).

> *"He hit me between the jaw and ear with his fist, my face and neck were black, in the right eye I thought I had a retinal detachment, I had an impressively bloodshot eye."* (OBAM01)

Table 30. Beatings
"As the interrogation went on, the blows were still on the head, but they were not with the hands only. They beat me on the head with sticks wrapped with rubber foam or tape. They would ask me if I knew so-and-so that if I knew the others, they asked me if I had placed a car bomb, if I had shot someone. (... When I denied such things, they hit me three or four times with the wrapped sticks. (...) The interrogations were much the same [several policemen in balaclavas] *but with a different degree of intensity: harder, more blows (always in the head), increased stress, greater threats. (...) The blows grew harder and harder. In one of those interrogations, two policemen jumped on chairs and beat me from there. The blows were a scandal. I just knew I was being beaten up. (...) Physically I could not take it anymore. (...) Meanwhile the good cop encouraged me to speak. All of this with continuous blows on my head."* (ILMW02)
"(He reports that he was so tense that he did not feel any pain, blows were on his face, he stood up alone only to fall back down again, after a while he stated that he could no longer get up). *(...). With such blows, I did not care what I had to sign. (...) The ribs, and face, which hurt the most, and the legs... After a while I hurt all over. The legs I did not give much importance to, I attribute this more to fatigue. But that... the punches they had given me in the head hurt a lot. And the ribs... I remember, when I was in prison that I could not even get out of bed, I don't know how I was even able to turn in bed... The act of making any effort with the abdominal muscles, wow! It was impossible, and I coughed... No, no. I remember that it took some effort to get up."* (OBS04)

1.3. Crushing: "Blanket", "Mattress"[71]

Several testimonies described the use of a torture technique consisting in wrapping the person with a blanket or with a mattress, immobilizing him/her. Sometimes several people would kick the detainee, using the blanket to avoid blows that cause tears in the skin leaving marks or wounds. Other testimonies described that interrogators would sit on top or let themselves drop on the immobilized person, crushing him/her. In almost all cases the use of such techniques is combined with other forms of dry (*la bolsa*)

[71] This corresponds to Istanbul Protocol category "Crushing injuries"

or wet (water on the face) asphyxiation in an attempt to increase the effect of choking and the difficulty of breathing.

Table 31. Crushing. Use of blankets or mattresses.
"There were other hard times, when they covered your face with the bag and wrapped you in a blanket, so you could not move; then you, with the bag over the head, and the blanket, and 2 or 3 guys surrounding you who you perceived were large, and one or another of them sealing your nose and mouth shut... the feeling of being overwhelmed was... those were really hard moments." (OBIM07)
"The interrogations consisted of getting you out of the cell, start beating you, with note-books, or books, applying la bolsa, *using a blanket, they wrapped you with a blanket, like that carpet and then climbing on you with some Guardias Civiles putting a bag on your head, until you lost consciousness, and pounding you during the interrogation with questions about things you had to answer and... well, you're losing the notion of time, they made you get into contradictions, they made you incriminate yourself for whatever they wanted."* (IGEJ02)
"I also remember that they rolled me up in a mattress, they lay me on the ground, they sat on top of me and pulled me la bolsa *on me again. With the mattress, in the end, you are immobilized, water gets inside the mattress and you're sweating, then you get the chills or cramping... it is a mixture of heat, cold, being practically unable to breathe... this is what they are doing to you for five days."* (MIIA01)
"They got me down on the floor, I refused to lie down but I finally lay down. They forced me to get my hands in the trouser pockets and rolled me inside a mattress. (...) of foam, it had no fabric or anything on top. They lay me down and twisted me and began kicking at me while I was lying there. (...) In the following interrogation they made me lie down again, re-inserted me into the mattress with hands in the pockets, I thought that they were going to kick me some more. And suddenly, a Guardia Civil knelt by my side, and picked up my head between his knees. Another Guardia Civil got me to open my legs wide, I was face up and they said: «You are about to answer what you have refused to answer so far.» The one kneeling by my head, from above, started to pull a bag over my face. The one sitting on me did not let me move, he was sitting and as I was ensconced within the mattress he was sitting with his legs open and I was helpless. I tried to move but no way, no. (...) They did not get my head into the bag; they just put it on my face. (...) They pressed it hard, until I could no longer stand it and with the teeth, I broke the bag and enlarged the hole with my tongue, much as I could. (...) I could not breathe at all, it was anguish… I was struggling hard" (MNEG02)
"I didn't know where I was or what I was doing there; they took me into a room and started asking me questions again. I don't know if they wanted to involve me in some other story. They rolled me into a blanket with only underwear and tied me to a table leaving my head off the table (...) They pulled the bag on my head. (...) The blanket is what broke me down completely, because I did not expect it. And besides, I peed on myself when I lost consciousness, another reason for humiliation. (...) [since then] *I was broken, this is the truth."* (NLMAP03)

This pattern of constant thumps sometimes alternates with very har and violent blows.

This immobilization effect can be very distressing and some people remember it as follows:

> *"It drove me mad, of course all sorts of things came to my mind. (...) You'll never see me with the blanket up here* (covering the interviewee completely) *I always leave a gap here* (in the mouth) *to breathe. Always, I get such an overwhelming feelin with anything that covers my mouth, there must always be a place for me to breathe."* (MIIA03)

2. Use of electricity[72]

The testimonies indicate that there was a common practice consisting of staging the use of electrodes to provoke terror in the detainees. In this scenario, in some cases, even small electric shocks could be included.

The detainees are threatened with "wires" well in advance, there being either exposed wires or an audible hum or any other noise, or shouts simulating the use of electricity in an adjoining room. The staging with the detainee, always naked and occasionally hooded, consisted of repeatedly wetting the person with water while announcing the use of electric shocks. The "electrodes" were placed on arms, legs, nipples or back, but were preferably placed in the hands of the person. Sometimes a buzzing noise is made and the detainee feels a small shock. In most cases this was not done, the whole thing being a simulation with screams from another person and provoking terror.

[72] This corresponds to Istanbul Protocol category "Electric shocks".

Table 32. Real or mock use of electric shocks.
"It was always the same «We will move on to the next phase, the bag, the cattle prod, the cables...» And all the time they would hit me on the face and head. The one next to me, the one who had been hitting me in the face, was continually saying «You have to speak, if not we are going to pass to the next phase... we're going to use the cables»". (IGEJ01)
"And they began to threaten me also with the electrodes. «We're going to put the electrodes on you.» Then, they approached something sizzling to my ear, like something producing sparks. I was then completely terrorised b what they were using. I did not know if those sparks were really electrodes but it did not seem anything good to me. In the end they attached them to me. On the ears, on the penis and testicles. They were not very strong, but I was terrorised, the fear that caused in me was very big." (ILMW02)
"At first I was continually threatened with the electrodes, later on there were no threats any longer because they applied them to me. They put them on my ear and made a noise. (...) I was naked and they had thrown a lot of water on me, they put them in my hands (I still have some red spots on my hands where they applied them), I had to have them on me all the time behind on the arse and on the ears. I screamed, cried and meanwhile the others encouraged him to crank up the intensity, or told me I was not a "gudari"[7] or bellowed at me to shut up." (ILMW03)

"Well, then... you hear people who have been applied the electrodes; in my case it was all a simulation, they did not actually use them on me. (....) But, yes, they undressed me, splashed water on me, they put wires in my hands and I remember them saying: «Give him, give him some juice.» And this they did not do. And again: «Give him some juice, give him some juice!» (The interviewee describes how the uncertainty of the expected electric shocks broke him psychologically, that tension was too much to bear.) *And all the while I listened, and watched my body with the cables, all naked and wet... I had gone theough pain or suffocation, dizziness, but with the electrodes, I was scared to death."* (JZLV03)

"Then in another cell, they had a table and lay me down on the table and said: «Take out the wires now he will know, pull down his trousers and let him have them on the balls» They did not lower my trousers or anything." (JZLV04)

"They threatened you with the electrodes, they put those tweezers on my testicles and I heard the sound of a device which reminded me of the battery chargers that I have in the workshop. A sound like a small electric generator. They put on the tweezers, tweezers that you can not see well because the hood hardly allows you to see anything and you see they are adapted tweezers. As if it was a metal hair clip with two wires. (...) Then they put the clip on you and give you the cable in the hand and force you to touch yourself with the cable. To see if you can take it. They prod you and «touch you» to see if you can take it. I touched myself and I then realized that there was no current. They were only threatening me. The device had no power. And that is how it is all the time." (MIIA01)

"At one point I was in sweat, it was impressive, and with that sweat they obliged me to wear clothes, and with wet clothes they put the electrodes on my armpits, legs, ass, on my tits... and they even put the clips in my mouth. And they gave me shocks, first softly and then a little stronger. Sure I, was irresponsible, as I had heard the rest screaming, did not want them to hear me screaming." (MIIA03)

"I thought it was an electrode...You hear BZZZZ and the light goes out (...) and then it was harder (...) I was taken to a room where they the electrodes were supposed to be, they put them on my nipples with the wires and I heard batteries; they did not shock me but they did stage the whole thing; they said that the battery was flat, they put the cables on me there (...) for that purpose they splashed some water on me. (...) They put the wires on me there and I panicked... I was shaking... They were holding me up from behind, I could not even stand." (MNEG01)

"Being on the ground, they threatened me with the noise of the electrodes, or what they wanted me to believe were electrodes. I remember very well how afraid I was and the noises I heard in the cell, which were as if they were applying the electrodes to others, and now it was my turn. They put them on my arm and I noticed a puncture." (NLMAP02)

"After 20 minutes they said that they would attach the electrodes on me, they said they would use the bathtub; that they were going to pull the bag on me. I don't know if they were electrodes or not, I heard something like sparks. I was doing squats without trousers, and felt sparks in the thigh and testicles, but don't know what it was, could just have been a cable." (NLMAP04)

"I remember the blows, they beat you in any way... the bathtub... the issue of the electrodes also... they put them in front of you, on the penis, and used a sort of swith, a black thing which rotated giving you shocks. It was constant." (OAEM02)

«This is all full of ice, now you will see» they said. Yes there were ice cubes, because they moved and I heard them. Then they put a sound like that of a dentist, a drill close to my ear, TZZZZZZZ! «This, bitch, is an electrode, we're going to shove it up your pussy, you'll see how that will give you pleasure. Yes there you are going to come» they said." (OBAM01)

"Electrodes, what happened is that I did not much realise, I felt the shock, they made you soak in your own sweat. (...) they put them on my fingers and on the back too. (...) A sort of strong shock." (OBAM05)

"There was another time when they threatened me with electrodes, on the 3rd or 4th day. I was wet, cold and weak after so many days, there was something that made noise and they said «these are the electrodes» quite realistic, you almost believed it. It could have been true, but they did not actually put the electrodes on me." (OBIM07)

"They started with blows, while asking me questions... then they began to threaten me with electrodes, brought them and put them on my limbs, but did not connect them, I was so afraid, such anguish... then, those screams... I said no, please, that I would tell them everything." (OBS02)

"(In the first interrogation they took him next to another detainee. They said it was his friend who was in there. He reports that they began with electrodes to shock the detainee who was at his side.) *And he began to scream a lot, I was desperate, because there was no end to the screaming. That electric noise, and the switch, he did not stop screaming, it was horrible, it was heartbreaking."* (OBS01)

5. Psychological integrity. Self-concept

1. Attacks on sexual and gender identity: molestation, abuse and rape[73]

1.1. Sexual violence on genitals, sexual abuse

In the testimonies this report has collected there are repeated cases of sexual harassment: strong language, teasing, threats. Sometimes by words, others by touching or forcing the detainee to adopt ridiculous and humiliating positions.

Such sexual abuse occurs both with men and women, although with women it acquires special characteristics and specificities. Aspects such as nudity, manhandling, rubbing, and sexist insults and taunts around the physical characteristics of women repeatedly appear in the testimonies. In the statements, women's bodies are especially used for degradation and questioning their identities.

"It was much more than blows, especially exaggerated screams, those were not questions, they were screams, and then touching your body, for me it was hard, if you are touched by someone who you don't want to be touched by, especially in such a small place, where you cannot move and with one of them on each side, I could not move. They played with psychology, from the beginning they tore my bra, I guess they snipped it and ripped it. It was the first thing they did, and you feel unprotected. They started rubbing me, touching my breasts and then my vagina... That's when I felt worse. I could not move my hands, I could not protect myself." (OBAM02)

[73] This corresponds to Istanbul Protocol category: "Forced nudity, sexual violence on genitals and sexual abuse and Rape (partial or complete penetration with genitals or objects)".

"They tried to take my clothes off but took off nothing, although, they did say things like: «Look how fat she is, look that ass, look at how...» They did not get to rape me, but did threaten me with that, they said «we are going to rape you»" (JGGL03)

Although men are also forced to strip and are threatened with rape and even in some occasions going so far as to consummate the rape, abuse of a sexual nature against women contained in the statements show the specific use of gender status with the socio-cultural and political meanings it involves.

Table 33. Sexual abuse
"One of them playing the role of an oversexed pervert or so (aside from being a role there must have been some truth in it because it is difficult to play that role so well for five days), and he commented that he had had his weekend screwed (it was Thursday), *but it was okay because he was going to take advantage of me, and he ended up saying that he was going to rape me. That threat was made from the beginning and he then started touching me. I could not do anything; I was handcuffed behind my back and I was between two policemen and with my head down. I tried to put my shoulder in between to stop him touching me, but I was completely helpless. That he touched me was disgusting. He said he liked to wear the panties from girls like me, he rubbed himself against me and made comments like: «I have been longing to see your ass... I have not seen any ass for three months because I'm so ugly, you're going to piss blood, we will stuff you up the ass, I am sure there is more than one who wants to; if you think about having kids forget it, because after going through our hands you will not be able to...» When they touched me, they said things like: «Oh, you're too skinny! Well you're going to see, because I do not like skinny girls... Well, it looks like you have a nice ass.» This was a constant theme during the first three days. Degrading treatment, it was very humiliating and degrading, especially for me as a woman. And although I knew this was happening during an arrest and although it was very clear that the goal was to break me down, it was still very painful."* (ILMW03)
"Always naked from the waist up" "Always naked from the waist up. (…) All interrogations were always with me naked from the waist up. (...) They would say you were pretty, that you were beautiful, that you're turning me on... I'm going to fuck you right here… that is going to happen even if you are menstruating and you are very filthy, and ... no, not with the fat one, that one is not going to fuck with anyone. Continuously touching my breasts... calling me a filthy, slut." (OBAM05)
"And in La Salve[74] *they stripped me... you start to lose the notion of time, we were naked for hours, like in... I don't know how to describe them, they were like small blocks you walk in and there was a bench for clothes, there I was naked looking at the wall. There, the guards made us pray the Lord's Prayer* [kneeling in front of the wall], *hitting us and taking us out... I remember they took me out naked. (...) In* La Salve *apart from that you saw and listened to the abuse they did to the other companions. (...) Anybody passing by could see us, people who probably were not even part of the police operation."* (IGEJ02)
"While I was putting myself in the positions they had ordered me to, they began to touch me in the genitals and in behind with the hand, and they began to threaten to bring in a broom." (OBS01)

[74] Cuartel de la Guardia Civil en Bilbao.

"At first they told me to strip, I refused, then they began to undress me. At one point I did not resist. They stripped me completely... when the chief interrogator entered, he said: «How do you have her like this? Put her panties on» (...) They allowed me to put my panties on, and later the T shirt that I had. But when totally naked, they touched my entire body, touched my vagina. (...) They rubbed my vagina with the hand, pressing, yes and they did press a few times but not all the times... the breasts, they pinched my breasts and nipples continuously... the ass, pinched my body... yes it hurt me, I knew they were going to do it but... yes, It pissed me off. (...) And while doing that, they pinched my body, before they took off my panties; they said «you will be shaved, right? Because it turns me off, you have a flabby ass, thighs hard; I hope you don't have the period because if not, I can not do this.» They, dressed, put their penis against my ass, hit me, I was afraid all the time... to be sexually abused even more, yes, I felt so bad, humiliated... They recurred to the theme of the vibrator when they touched me, asking me whether I liked it, whether it turned me on, asking me how I fucked, how I loved to be fucked while they touched me." (OBIM08)

"The trip was chaotic, there was one who wondered if I would have sex with him... they would give me 50 kilos[8] *if I told them where the* zulo[9] *was... Well... it was continuous on a sexual level. Well, there was a guy, I do not know if I excited him or what, but he was continuously on about this all time."* (OBS02)

They took off my top clothing. Not the bottom clothing, but they began to threaten with raping me and I don't know what about putting a stick up my ass. (...) Upon entering I began to waver, I remember that one took a stick and «well, so is mine, ha ha ha!» And they are young!" (OBS04)

"I don't remember if they touched me, they did threaten to rape me, yes." (MIIA03)

Threatening with examples of rapes committed against other detainees is something that occurs in both male and female detainees' assessments, differing only in the connotations that accompanied each case:

"Psychologically it was very hard because before arresting us, two young people had been arrested in Bilbo and about A., one of them, the press published her testimony of how she was raped. They asked me «Do you know A.? Have you read what she says?» They said «Well, it's all true and you'll see in Madrid!» All the time there were comments like this and they commented that what had been published was nothing, I was a boy and I was going to experience much more and that they would go over me thoroughly." (JZLV03)

"«We are going to do you what we did to A.» They said. They made continuous threats that marked you from minute one; I think that's why I have that memory. You know what's coming. (...) I felt very afraid, fear and humiliation; feeling like a sexual object... is humiliating." (OBAM02)

Statements also included attacks on motherhood and the reproductive role of women.

"If you are thinking about having kids forget it, because after going through our hands you will not be able to. This was a constant theme during the first three days." (ILMW03)

In the testimonies of women, mention is made of derogatory insults used and the identification of women as *" bitches, sluts"* who must be chastened and punished:

"Slut, bitch… because, look how ugly you are and you have been fucking with I don't know who. You'll see that now we're the ones who are going to fuck you." (OAEM04)

There are also rape threats against relatives (spouse, mother, daughters) in the appraisals

"They took me to a place and said «Slut, get undressed, take off all your clothes, you bitch!» At first I said that I didn't want to, then they started to force me to, and at the end I took them off. At first I didn't take off my panties but they ordered me to take it all off. And I took them off. I heard laughter. «Ok, it's done, we've already seen you, we've seen what we had to see. Now get dressed!»" (OBAM02)

"They screamed, just screaming and everything was «you rotten slut, you fucking bitch» and other things... "pussy"... things that you don't want to remember... that I had never even heard before." (OBAM01)

"You bitch! Confess that you are member of Segi, *because you're a bitch!"* (OAEM04)

There are also rape threats against relatives (spouse, mother, daughters...). For men, the threat of raping their partners, mothers, close friends or female relatives is used as a demonstration of male power, where women's bodies are used as spoils of war and as part of a strategy to show the weakness of the other males.

Table 34. Threats of raping relatives

"They went on about my daughter, that she was a whore, the village whore, they said «We will... not rape her, because that's what she likes, we will...» (...) They referred to her with words that I can not repeat, I told them to leave her, to stop speaking about her, then they hit me even more, the one who hit me, because it was just one of them, he hit me so hard that it hurt a lot: «Mikel, We have to go find this guy's whore of a daughter, we will rape her; well, not rape her: let's put the whole dick in.» I thought it was disgusting of them, but I was sure that they would rape my daughter... then they drove me crazy, they drove me crazy! Thinking about this. (...) [Another one of them said] *«Hey you! Go, go for E., go for her and by the way go and fuck her in front of her mother! All we are going to fuck her, just there, like a fucking bitch on the floor, legs spread, fuck her!»"* (OBAM01)

"They said that they would take me to prison, that my parents would not be allowed to open their business, that they would grab and rape my girlfriend... That really affected me, though I tried to show them that it did not." (JZLV05)

"They said that she was also arrested (the interviewee's mother), *that they would rape her «you'll see, I'll put all of my cock in her mouth.»"* (MNEG02)

"They also beat me on the genitals. I asked them to see what was happening and they answered that I knew full well what was happening." (JZLV03)

"The testicle, which hurt (...) because of the blows from the Guardia Civil (...) I had a testicle, from those blows, in pain for a year and a half." (IGEJ02)

"They threaten you with the electrodes; they put clips on my testicles." (MIIA01)

"They grabbed you by the testicles, a guy would grab them almost always strongly, and he squeezed. (...) It is a sharp and intense pain and they repeated this at all times." (OAEM02)

Special mention is to be made of the testimonies of women who were menstruating while under custody. The very situation of stress and anxiety, the abrupt stopping of contraception intake and the blows implied that many of them had their periods brought forward. This provoked derision and a humiliation that have been described repeatedly by the interviewed women.

Table 35. Derision and humiliation in relation with menstruation
"I had my period; I dared to ask for a sanitary towel and I was given one. I was very dirty, I had my pants full of blood, I was disgusted at myself, when I asked for a second one they said there were no more." (ILMW01)
"They let me go to the interrogation with a blanket, then I had my period, it was not the time but it came anyway and filled all my clothes with blood. We were not allowed to wash or to go to the toilet, or to change clothes, or anything. I got sanitary towels, but the truth is that they did not help much. I was also told that we were all whores, that when we got there we all had the menstruation. (...) [Because of this] *I had to go to the bathroom more regularly. At all times I had to go with men and had to keep the toilet door open."* (JGGL03)
"I remember being with the period when I was arrested (...) he made me undress, grabbing the sanitary towel with the hand and walking around the room. Insulting, pulling my hair, (...) I found it very humiliating." (MNEG01)
"I was with the period, and all the while they would say: «Yuck!» But hey... They let me stay in my panties, which was very "nice" of them. (...) It's humiliating, all the time they are humiliating you: they tell you that you're fat... I remember a detail that one said «Yuck! She even has hairs on her nipples!» And so, they stripped me and touched my breasts constantly. I was a little afraid that such things could go further and would become a regular rape because, on one hand, they were saying all the time: «Yuck! I am not fucking this one, because she has the period!» I thought, «Well... in the end, this is going to save me!» But on the other hand, you know... You think: «Look: I'm an adult, I am 32 years old.» The nakedness you try to take it naturally, but brings about loads of impotence. You can do nothing, you're in their hands and you can not say «Go away! You pig, take your hands off me!» Because you know it will be worse for you, so you just take it." (NLMAP03)
"The interrogations are rising in intensity. (...) Inside, with the bag pulled on, naked, with open arms and legs, squatting all the time. (...) having the period, it dripped down and they laughed." (MNEG01)

1.2. Mock rape

A common practice that is repeatedly documented in the assessments are mock (anal or vaginal) rapes. The person, naked, is placed in a vulnerable position (against the wall or against a cabinet, forced to on all fours). He or she is then threatened with rape by using a broomstick or a rolled up newspaper, lubricants or condoms. Such practices seem to be reserved for members of the interrogation team who were "authorized" to carry this out, while others were dismissed. They are described as "crazy" or "psychotic", allowed by commands and rejected, at least apparently, by some of their peers.

Table 36. Mock rape
"I could not stop weeping, I even cried... It was then they acted out a rape. After spending five days threatening to rape me, I really thought they were going to do it (and they had made me many things to me before that they had threatened me with) (...) In the last interrogation in the room, they made me undress and put me first with hands against the wall and the body pulled back and then one of them said it was better with my hands on the back of a chair. They had long been threatening to rape me and told me the time had come. One of them told me that he was already going to start, because there was a list of twelve to fuck me in the ass. I was kept in that position for a long, long time, I could not stop weeping, I was terrified, shaking, I could not control my body, I fell. My heart was beating at a thousand beats per minute. I shouted at them and told them that I would say whatever they wanted. Meanwhile, one of them scraped my body with a newspaper or something similar. He went through my whole body: between the legs, the ass, etc. Once he touched my breasts directly, wearing latex gloves. After a long time in that situation, they said they were going to be good and they were going to do without. After that I was allowed to sit and I started to feel a great sharp pain between my breasts. I was short of breath and I could not breathe." (ILMW03)
"«Do you know anyone who has been with us at the police station?» «Yes», they ask you who, they tell to you what they did to him. I remember that when I was in prison, in Navalcarnero,[10] *I had been with a guy who had been with the Guardia Civil, and to that they had put a stick up his ass. (...) I said I knew this guy and they asked me if I knew what they had done to him, I told them about the stick. Finally, they made me squat, with the stick... simulating a bit, they did not actually get the stick in but... they put you on knees, the Vaseline... they asked me what I preferred... I don't remember if I told them what they had done with the stick and something else and they told me to choose between those two things and tell them what I wanted for me."* (MIIA01)
"They were also rubbing against me all the time, they were real pigs, and then the threats of rape began. I remember the first time, the first mock rape, I was standing naked and they began with the threats of rape, they said, «Wow! Looking at you from the waist up you're not so bad» (...) While one was saying this to me, another one was very close, and touched me, he was all the time rubbing his body against mine, pinching my nipples, all the while saying and acting out that he was getting a hard on. (...) There were two of them who said «Well, we are leaving, we don't want any of this.» (...) That left three of them. One was laughing, the other was rubbing himself against me and the other one was acting out the rape and went out to look for condoms. He went away and then returned. They manhandled me and the one that had left for condoms got back, threw a blanket on the floor and pushed me and put me on all fours: «Now your vagina is safe because you have the period, we will fuck you up your ass.» I was naked with the bag over my head. (...) I was there on all fours, they put vaseline or I don't know what in my ass and they started to touch me in the back with a broomstick. I know it was a broom because I had seen how they passed the broomstick but also the other end, [so] *it was a broom. Being on all fours they begun to tell me to move as I did when I fucked, «you slut, you bitch!» I do not know what else… They approached the stick to my ass... it slid with the vaseline, then I moved a while and then I lost control, I yelled! (...) I lost control (...) could not, with that I could not go on. (...) Then thy repeated this several times, they also did it with the hand, with a glove, fingers."* (MNEG01)
"The issue of sex was something recurrent. All the time: «How do you fuck? Who fucks with you? Do you do good blowjobs? Suck him; he has been six months without having sex. We're going to fuck you the twelve of us» well, all the time. I wanted to believe that they would not get so far, but you never know. They are not penetrating you, but here

I am, half naked and they are putting things between my legs, sticks at crotch height, and then they tell you to «get down!» So that the stick rubs you against the genitals. These guys are obsessed with sex, and they don't just do it to humiliate girls, because one of the guys who was arrested with me, well, they penetrated him. They put a condom on a stick and penetrated him. It's a constant pattern." (NLMAP03)

1.3. Consummated rape

Rape is defined as forced full sexual access to man or woman, that is, with partial or complete penetration. Among the forty-five cases assessed, three people described being raped. In the three cases, there is a description of what begins as a mock rape and goes on with partial penetration with an object. These are the cases of a young man (anally raped, using fingers) and two women (one of which was vaginally raped with a stick and the other with a metal object).

Table 37. Consummated rape
"The situation was very hard, because they took me, stripped me, they told me that they had set up a trap to see how I would react. At one point they stripped me and began to poke some fingers through my anus, they told me that they were going to poke in a stick. I was there with my eyes closed, crying. It was like a nightmare, I could not control anything. It was a feeling that I was lost and they could do whatever they wanted with me." (JZLV03)
"«Here we go again» he told me, he forced me to get undressed, with the hood, without seeing, hearing many voices of young people laughing at me. I had to take off everything; then he passed what I think it was a stick, a rounded thing, between my legs. «I'm getting you hot!» he said, «Here, this bitch is going to come, we're going to make her come.» I thought, «My God how can he say that!» Until he reached the vagina and pushed... In fact, after that I had a very strong vaginal infection, which I had never had in my life. I bent down until I fell on the ground because it hurt me a lot. I felt so humiliated that I covered myself with my hands. Then they threw me a bucket of cold water. (OBAM01)
"It was always the same, a lot of nudity, lots of touching and once (...) They tried to put something into my vagina. To this day I do not know what it was, I never had a gun, a tube, I don't know what, in the vagina then you don't know what tact it has. It was an object that is sure. (...). They did it so I do not see what it was, they put me in a corner and there (...) I don't know if because in the car I gave them the impression that it affected me when they touch me, being naked, all that... They used that system a lot and they acted as if they were putting on electrodes. (...). All the time with obscene comments. «You whore! You'll see ... Bitch, tell me, or else!»" (OBAM02)

2. Attacks on self-consciousness: political, social and personal identity

2.1. Dignity and Respect: Humiliation, shame and sense of personal value

Attacks on sexuality are attacks on person's identity and sense of dignity and respect. In other cases attacks on identity are carried out through humiliation related with the control of physiological needs, body odour, sweat, dirt and other issues. Teasing emphasizes the character of being "non-human", of being little more than a beast or establishes the unworthiness of the person the aim being not only to establish the inferiority of the person being tortured, but to come to question his/her own worth as a human being.

In the short term, this promotes loss of control and the attitude of helplessness and submission. In the long term, in people with strong identities and high degrees of self-consciousness, memories and images of shame can remain as a mark and are often difficult to delete as they involve a painful sign of impotence, injustice and rage against others.

> "Although 10 years have passed since these facts, I remember the insults, *«Idiot, stupid, slut, bitch, useless twat, martyr, arrogant whore...»* they shouted at me and I felt trapped, I did not react, and I did not respond." (OBAM04)

Table 38. Attacks on self consciousness: humiliation and shame
"I longed to go to the bathroom, and this was a joke because the first time I went there, there was a policeman in front who was laughing at me, at my face, at myself. I had diarrhoea, although I usually do not have diarrhoea. It was humiliating, I felt like crap, not like a person, I felt that I was treated like an animal, they laughed at me, they shouted at me, (...) I felt like a rag, they took me from one side to another." (MTRGL10)
"Once, when we went down, I told a young woman that I wanted to go to the bathroom, she opened a door and in there it smelt even worse, she said, «Take three steps forward and then turn around.» She didn't take the hood off me, although she did take off the handcuffs. «There is the bog, if you want to shit, we ran out of toilet paper yesterday, so you have to clean yourself with your fingers.» When I speak about this the smell comes to me again. (...) I felt as if I had a scab on my lips, a very bad taste, it could be blood, dryness, snot falling, all together, he stood me up and said «Yuck, what a state you have your lips in! Yuck, you smell so bad!» (...). Being told this, that you smell bad... when you feel so vulnerable. (...) As person, they were removing my dignity, taking everything off. (....) In the interrogations they always pulled the bag on me, I did not vomit, but I felt nauseous. There was a time when I peed on myself. I was dressed." (OBAM01)
"From calling you ugly, to say the least, to showing you that you were below them, a shit, constantly, trying to humiliate you and questioning everything about you, as a person over all. (...) Those humiliations were fatal, there is nothing worse than being the silly one. I told them that I did not want to sign and they said they didn't give a shit. It was a feeling that they were in power and in control all the time, no matter what you said, or how you behaved. (...) It was all out physically humiliating while they screamed in your ear: «You are trash! You are rubbish!» Just to be held incommunicado is an outrage, being five days knowing nothing of the outside world is an atrocity. You feel like crap, vulnerable; you're the last shit there. You are between fear... above all fear and helplessness, like an ant among people. You feel that it will never end, that you've lost." (OBIM11)

"I'm remembering that one day they wanted me to sweep. They took me to a room and gave me a broom and told me to sweep. I told them I was not going to sweep, and they replied: «Hey, look! She has become a feminist, hasn't she?» Then, came the good cop and said that they had gone too far, and to left me in alone. There are things which I look at now and they seem surreal... all of that, why?" (NLMAP3)

2.2. Social identity and militancy

In some detainees militancy and social activism are a very important part of their identity. In others, however, it is of little relevance to understand their position in life. Various statements relate how these elements are questioned, especially in the cases of young or insecure people.

Table 39. Questioning social identity and militancy
"«You think you're very smart, you've been using people, you're trash.» (...) and they started to play a little with my self-esteem. (...) «What will people think of you? You've used them all, you do not know how to keep a relationship because you take advantage of everybody, because you are lying to everyone, you think you are a good person and you don't care about visiting a person who has killed people, didn't you question anything? You ... What's up? Don't you care about people's lives? You're in Cadiz ... taking information about people... what did you think? That this information would not be used to kill people? Such information is to kill, you don't know who, you don't know how many, you're just like...» It was like this all the time, the psychological pressure. (...) At one point you did not know what was true, what was false, if it was day or night, when they started with the theme of my sister I collapsed, I felt super-collapsed like a piece of shit, really tiny." (MIIA02)
"And then, the myth of making you believe that you are nothing, that what you did is worthless because «You are idiots! Because those who order you to do this are God knows where...» and... a bit like that." (OAEM04)
"They told me that I had done it for love, how stupid I was... it was because of him that I was there... And the worst of it all is that I believed it! Yes, yes. They knew also that I was studying in university and could have had a different lifestyle, and they questioned why I had chosen that... that they had betrayed all of us... that unlike other young people who were living their lives, we had ruined ours." (OBS03)
"I felt terrible, like a bug. Worse than a beetle. I remember that at first I thought I was alright but then after a few hours, things change a lot. And the feeling that I had for a long time was that of a bug, one of those you crush while walking down the street, "crack". Well, like this, like this. (...) If I had to describe the hard part, of abuse, rather than the blows that hurt, it is the damage they do to you as a person. They get you to feel like a bug. That you are a normal person and suddenly your feelings are not the same. You think you're a cockroach, good for nothing and that they can do with you whatever they want, because it's easy and because it is not that you're predisposed to, but you have no will to say what you want or don't want. It's like you're a dummy and someone guides you along. (...) The blows hurt and leave you marks, but the harassment you have of "I'll kill you", though they never kill you, but the harassment of "I'll kill you, I'll kill you", "I'll rape you" they get you to believe it and say «Well, this is the end, this is as far I've come and I will not stand it any longer.»" (BIM01)

6. Need for affiliation and sense of belonging

1. Loneliness - Isolation[75]

Incommunicado detention in itself implies, by definition, a situation of isolation of the person. One can not speak or communicate with anyone (not even a trusted lawyer or doctor) other than those under whose custody the person is held for interrogation purposes. The time spent alone is sparse, in most cases, considering the succession of moments of pressure or interrogation, but even these very spaces of loneliness sometimes generate anguish.

[75] This does not correspond to any category in the Istanbul Protocol.

Table 40. Loneliness – isolation
"The moments in the cell, after that, were extremely hard because you could not rest, they didn't turn off the light or anything. You were mulling all time over what they had told you, I did not eat. (...) In that context hours in cell became longer than those in the interrogations. (...) They put you in and you began to worry about what they could do to you, being afraid for my family and my partner... and I could not rest. (...) But the scariest thing was to go back to the cell, because I had no distraction there. I used to think about things but that... that was hard, I could not rest, all the time thinking about the threats they had made basically against my family. (...) When I went to the cell... going over all that they had told me and I could not get it out of my head, I could not." (JZLV05)
"On the other hand I knew I was there, alone, in their hands and that they were free to do what they wanted with me and that however much I screamed, or was afraid... no one was going to help me." (ILMW01)
"They left me there (referring to the cell) *quite alone. They did not come for me for a long time. There were moments that even I would have preferred them to come, because you are there, turning everything over and over... But they left me alone. I guess it was because they already had caught me and were waiting to see if I talked about someone else."* (JZLV02)
"The guy went out of the cell, I opened my eyes and went to sit down but he told me not to sit and I stood and spent the following days without sitting down at any time. (...) And of course, I was very tired, very tired, so they had me long time like this with the lights on. There in the cell, I thought loads about people." (MNEG2)

The content analysis shows that threats to relatives are almost even more frequent than direct threats to the detainee.

2. Threats to family and environment[76]

The content analysis shows that threats to relatives are almost even more frequent than direct threats to the detainee. These can be about relatives being arrested, or brought to the place of interrogation and interrogating them to death, or threats about indicting them with charges that carry prison sentences.

[76] This corresponds to the Istanbul Protocol category: "Threats of death, harm to family, further torture, imprisonment".

Table 41. Threats to family
"If they did that, they would ruin my parents, (...) I pictured my parents after this blow, if I was put in prison nobody would bring a salary home, and this was simply out of the question for me at the time, mostly because of guilt (...). They knew where to touch you. They also threatened me with the years I would spend in prison. I will not say it did not affect me, but the subject of my parents affected me much more. Also my brother, what they might be doing to him... They played a lot with that, that he was with the Policía Nacional and the others are not... I could not allow that to happen... probably because he is my little brother, the feeling of protection, surely. And we are sorry about your girlfriend... surely, because she is your girlfriend and you don't want anything to happen to her." (JZLV05)
"They knew that my girlfriend worked in a company that was closely related to the administration and they told me that they could make a big difference in her work situation based on my attitude, they were going to arrest my family... threats were continuous. They told me that my girlfriend was in the cell next door, they showed me some pictures of her, it the treatment that she could have depended on me... whether I was going to spend 40 years in prison... it was five days like this all the time." (MIIA01)
"Different interrogations went on, loads of them; I did not know how many per day but a lot of interrogations, perhaps seven or so. (...)The dynamics were always the same: open-handed blows, all kind of insults, threats against my mother, especially against my mother.(...) A lot of threats, yes, all the time trying to make me see that my mother had also been arrested." (MNEG02)
"They threatened my family; they told me that my mother had committed suicide because she had gone crazy, that my father was sick, and that my girlfriend was a whore." (NLMAP01)
"They began to threaten my family, they were going to bring me the pieces of my mother, because she had jumped out of the window; that they would tell my girlfriend that I had been in bed with somebody else; that she had been arrested; that my little brother was going to be arrested; all the while beating on the table, on the back of my chair, kicking things." (NLMAP01)
"They threatened you and you saw that it could be true. The worst issue was the one about my mother, the mother figure... «Poor mother» and in the end it was true, the fear of what might happen to her was tremendous, and «what your relatives are going through because of you», «whatever happens to them will be your fault» And that was all for me, the feeling of guilt; it really is true that my relatives were going through bad times." (OBAM05)

"They told you that they were bringing your mother, they laughed, and they told you that your brothers were in prison! They played a lot in that aspect... with the family you come from, with the fact you were a woman, with my relations... They knew of my life as much I did and, of course, they knew where to go." (OBS02)

"While tracking a person I guess they knew how, I mean, what weakness we have; at that time my mother was ill and they crushed me with that «we'll go to your mother's, and throw the house out of the window...»" (GTV01)

"I felt those interrogations were tough, they did not physically hit me; all the interrogations consisted of threats against my family, my brother and the person I was dating at the time." (JZLV05)

3. Family environment: emotional manipulation and guilt

Sometimes what appears in some of the cases is the use of personal information relating to the family as a way of questioning a detainee's personal identity. Information is used in two possible directions: on the one hand giving the detainee "delicate" information on the family, questioning family and close friends and seeking to force the questioning of the link and most importantly identity references from the person's emotional point of view. Or alternatively, threatening to divulge the detainee's personal affairs to the family (frequently procuring, for example, to provoke emotions of guilt with regards to the family on sensitive topics for the detainee).

Table 42. Guilt reference to the family
"Threats were continuous and they occasionally asked me questions about my family, like «and how is your mother? Because look what you're doing to your mother, to your parents…»" (IGEJ01)
"The situation... my wife was five months pregnant, with threats from the beginning saying «Your wife has had an abortion, you have lost the child, and your wife is very ill»" (IGEJ02)
"During the interrogations they also told me they were going to arrest my friends. They said they had gone for them; what they were going to go through was my fault... They even told me that Andrea was there, and I heard the cries of a woman. For a moment I thought that it was true." (ILMW03)
"There were many hard times during those days, but for me the most brutal was listening all the time to Xabi, his cries, his weeping, his suffering and this last interrogation." (ILMW03)
"Sure, I reached rock bottom there. At the moment when they talked about my family and suddenly they asked something about college. I would rather talk about college and then I started talking about it." (JZLV02)

"But they were cheating on me, it was not foreseeable. (...) At one point, before pulling on the bag, they told me «We'll show you some pictures.» They took my hood off and the photos were of my friends... At one point they showed a picture of my sister. When I saw that picture I got emotional and began to cry. Then I remember one of them saying: «Now his legs are shaking and he is half crying.» And then they all came and pulled the bag on me." (JZLV03)

"They made me understand that my mother was crazy and that she had committed suicide, and that's why my father was very ill and did not want to know anything about me, because it was my fault, that my brother had gone to the demonstration and somebody had told them about him and they were going to arrest him. That night I had spent the night with Arantxa, a friend, and they said they were going to go to my girlfriend to tell her that I had had sex with Arantxa." (NLMAP01)

"They threatened me and I saw that it could be for real. The worst issue was the one about my mother, the mother figure... «Poor mother» and in the end it was true, the fear of what might happen to her was tremendous, and «what they are going through is your fault», «what will happen to them is your fault» And in the end it was my fault, the feeling of guilt; it really is true that she are going it tough." (OBAM5)

"When you were exhausted from the positions and they showed you a picture of your girlfriend, telling you that she was also arrested. (...) The question is always there, I always thought to myself that she wasn't, and they went and showed you a photo that they had taken of my house, but you always had the doubt." (OBIM11)

7. Need for understanding and environment control – Coercion and interrogation techniques

1. Nonspecific techniques of self-incrimination: physical and emotional exhaustion and confusion

Coercion and interrogation techniques can not be isolated from the set of strategies set employed and detailed in previous sections. As part of a global strategy, in which the set of physical techniques previously detailed cause weakening, physical and emotional exhaustion, confusion and disorientation and induced hopelessness. This situation where the person has little or no control on what he or she says and is not clear in his or her reasoning, is brought about by the interrogation techniques commonly used by police or Guardia Civil investigation units (see below).

The first thing that appears on the assessments is what might be called non-specific elements of an interrogation which procure self-incrimination and are produced by the combination of techniques and mechanisms detailed above (physical space, sleep-wake rhythm, decreased fluid and food intake, strenuous exercise and physical exhaustion, visual, auditory, thermal or timing manipulation, creation of situations of permanent alertness, fear, stress and emotional -guilt, shame, anger- management). This favours a state of disorientation, weakness and confusion on which specific techniques are brought to bear, designed to obtain a confession, a charge or to confirm information.

Table 43. Physical and mental exhaustion
"During the five days at the police station, almost all or much of what happened I have deleted from my mind. I could not place myself in time, I had no idea how long it lasted, or if I had spent hours or days, or if one thing goes before or after another. I am very confused about everything, really. I have erased the memories. Just over time it has all faded away even more, but it so happens that a month after being arrested there were certain things that I remember and I could not believe, not even me. It was like looking from afar and it felt like a dream. But I had other things that I did not remember just one month later. Actually I think that I erased it all because of the nerves." (NLMAP02)
"The moments of interrogation and in the cell did not follow an exact order. An interrogation could last five hours or then even an hour and a half, then they got annoyed and said «Go away, think about it all.» Or they left you for ten minutes in the cell and came back again... it was constant. There were different shifts, so when some went to sleep others came and it did not matter if you had not slept. " (MIIA01)
"That is the kind of reasoning I did while they were hitting me, trying to rationalize all the time, to control, I don't know if I did it well or not, but the goal was exactly that, not to loose my head." (MNEG04)
"I was like in a forest... with a river and trees... all very nice... with animals and well... I said «It is not possible, it is not possible but if I'm in Madrid! Fuck, wake up! But if I'm awake!» and so on. But... how nice it was. In the end, there was a moment that I said, well I have to do something and I pulled off a hair, one that I had longer and I thought let's see how many knots I can do with this hair! And there I was... making knots, one, two, three... Three! (...) Then there were also tiles, very, very, very small tiles. And I started to count them thinking: let's see how far I can get. And… The truth, I got very tired, but I had to count, because... because if they arrived (the policemen)*... I wanted to have a clear head."* (OAEM1)
"There were moments that I didn't want to live through… I wanted to get out of there; they were the longest five days of my life. It seemed that they were never ending. There were times when you felt you were going to go crazy, at some point you were so tired that you had no reflexes, they spoke to me and I looked like a zombie, I could not coordinate." (OBIM08)
"I was preparing what I was going to declare... and all the time it was to repeat what I had to say... and... I took the pill and fell asleep. I also used to leave dinner on the floor and then they came after that. And my cell door was malfunctioning and made lots of noise. And I woke up and dinner was not on the floor, and I realized that they had come, and I don't know if they took me again, because, I mean, I do not remember! But... I dreamt that I was in an interrogation, and of course, maybe it was not a dream and they did take me, but I do not remember that moment." (OBS03)
"There came a time when I did not think any more, and I was not aware of anything; moments of heavy burdens, madness, crazy ideas." (OBIM11)

The law allows for coercive interrogation, the main goal of which is to obtain a confession from the accused, based on the ability of the interrogator to achieve a created situation in which the accused finally confess after overcoming their resistance to self-incrimination.

2. Specific techniques: coercive interrogation

At present, some countries (e.g. the UK) have a legal framework[77] which only allows what is called *cognitive interrogation* based on the establishment of a dialogue with the interrogated person to inquire about evidence without making any accusations. In this type of interrogation the fundamental goal is to get from the other person his or her version of the facts, to identify inconsistencies and to confront him or her with witnesses or with other evidence, building trust and cooperation between the detainee and the interrogator.[78] The partial or complete self-incrimination has a relative judicial value in comparison to other elements of proof, as a way to avoid interrogations that are considered inappropriate from the view point of police ethics.

However, in other countries such as the United States,[79] Russia or Spain, the law allows for the so-called *coercive interrogation*. In this mode of interrogation (taught in Spanish police academies) techniques are used, the main goal of which is to obtain a confession from the accused, based on the ability of the interrogator to achieve a created situation in which the accused finally confess after overcoming their resistance to self-incrimination.

This type of questioning is based on three pillars: (a) considering self-incrimination as the strongest possible proof of guilt (b) stating serious direct accusations from the beginning of the interrogation, assuming that the interrogator has irrefutable evidence, even in the absence thereof, to induce the detainee to admit guilt in potentially less serious events (c) giving misleading information to detainee (for example, that someone has betrayed him) in order to see his or her reaction. In coercive interrogation commendable skills for the interrogator are the use of verbal aggressions, defiance, humiliations and / or true and false accusations (causing on the interrogated the need to speak to defend themselves); deception or use of false evidence (from alleged eyewitnesses to invented photographs or documents); maximization (to exaggerate the responsibility of the interrogated in the facts or their legal seriousness in order to obtain the acceptance of a "minor" indictment); minimization (to justify or "understand" the facts with an empathetic attitude, or by considering them somewhat logical, inevitable or the result of bad luck or the deception of others, without any real responsibility, suggesting that this would lead to an acquittal or relatively marginal sentences); false promises of benefits (to promise better conditions in detention or to evoke contacts with judges, prosecutors ensuring benefits during the trial or pre-trial agreements with minor convictions), etc.

Therefore, there is a broad debate about the limits of police interrogation and where

[77] *Police and Criminal Evidence Act* approved by Parliament in 1984 and later enlarged and corrected. Currently there are several amendments that limit their use in case of terror suspects.

[78] Gudjonsson, G. H. (2003). *The psychology of interrogations and confessions. A handbook*. Wiley.

[79] The classic reference text on police interrogation techniques on which this is based is Inbau F.E., Reid J.E. (1986). *Criminal interrogations and Confessions*. Baltimore. MD. Williams and Wilkins, translated, re-edited and paraphrased in the text of the Spanish police academies. For example, in USA, J.E. Hess (2010). *Interviewing interrogation for law enforcement*. Lexisnexis.

the limit of interrogative pressure should be placed to be ethically acceptable. Especially, since cases of false confessions after coercive interrogations, which appear from time to time in press and academic research in psychology, show that coercive interrogations can produce between 20 and 30% of false self-inculpation of innocent detainees.[80]

In the assessments, numerous elements of coercive interrogation are collected. These techniques can be considered ethically permissible or not but, however, there is no common European policy in this regard and they are legal in the case of Spain.

a) Confusion and daze during interrogation

Over half of the testimonies described the use of repeated and deafening screams in the ears by one or more of the interrogators, or (as we have seen), the use of group beatings alternating with questions. Both are examples of practices that try to stop the person from seeking refuge in him or herself, to distance him or herself from the environment and also to have him or her in a state of daze and confusion that prevents him or her from having excessive control of the answers and responses during interrogation.

> *"They put me against the corner of the room in the same position, with arms even higher and I had in each ear two people yelling, shouting, «Where is the* zulo*? The weapons...» All the time like this, I do not know how long for. (…) I don't know how long it took, but the first interrogation consisted mostly of screams and I got two blows in the neck for trying to lift my head. They shouted directly at my ears and I told them that I knew nothing, «I know nothing.» I repeated."* (MTRGL10)

> *There were many moments within the same interrogation, there were moments of great tension while they screamed a lot, they yelled in my ears, they screamed to the ears, and at other times just because they were farther away from you, they talked in another tone, in a more leisurely tone. That also changes you, tension increases and decreases."* (MNEG02)

b) Breaking silence and not allowing negative answers

In this method of manipulation, the interrogator asks one question after another without allowing the detainee to answer, especially when he or she is trying to give a negative answer. The important thing is to prevent that person from giving negative answers and taking refuge in the answer, without attending to the next question. To stimulate the detainee to look for something that he can say yes to, thus stimulating positive or declarative responses.

Various assessments show how the interrogation starts with inconsequential questions about the environment, and when the person begins to respond they introduce self-incriminating questions without interruption. In other cases when detainee has a non-cooperative attitude or is suspected to be lying, there are alternated questions about what is being investigated with obvious answers *(What is your mother's name?)* with questions that have a known answer *(Where do you work?).*

This would have several functions during interrogation: to force the person to think every answer and to make it impossible for him or her to give negative responses all the time without listening, and to detect a possible tendency to provide false information.

[80] Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2009). Police-Induced Confessions: Risk Factors and Recommendations. *Law and Human Behavior*, *34*(1), 3–38. doi:10.1007/s10979-009-9188-6; Leo, R. a. (2009). False confessions: causes, consequences, and implications. *The Journal of the American Academy of Psychiatry and the Law*, *37*(3), 332–43. Retrieved from http://www.ncbi.nlm.nih.gov/pubmed/19767498

Table 44. Blocking negative answers
"The beatings continued while I was grabbed by some of them and they began to threaten me with arresting my mother. Then the good cop came to me and said «Tell me whatever you want, with the rest we are getting results and with you we are not getting them, so tell me whatever you want, take your time, but tell me something, whatever you want, make it up, but tell me something because I want results.» Then they left me in peace for a while." (ILMW02)
"I was blocked: I didn't want to talk; (...) besides, this is how they begin: with silly questions, without relevance. They start with small things and go on playing with that. (...) And then they change their strategy, and we will go for good, to see if you say anything else. They are measuring you. But, come on, I thought that I didn't know what kind of information they wanted from me, which I did not have." (NLMAP03)
"The first day I stood with my eyes closed. I do not know exactly when I came to open, if they managed to open my eyes at the end of the day or if it was the next day. I don't remember very well. And there, the punishment, in the first session was to stay on my feet, I was standing for hours. They put me against the wall and punished me. «If you don't open your eyes, if you don't talk or don't tell us your name, you will be standing for as long as we like.» (...) Suddenly another one came in, who had not been with me so far and he picked me from the chest, he lifted me, «Christ, man! Open your eyes ... we're going to kill you!» Many of them said that to me while others did not, some did, and the pain is real, you writhed in pain and you got breathless. (...) And it was continuous, the older one didn't beat me so much and he was the one who came after the young one had beaten me and said «Come on Mikel, I just want you to tell us your name.» All of that was just with my name, just with the whole matter of my name." (MNEG03)
"They were more technical interrogations: They made me constantly repeat names; constantly the same questions; they showed me pictures all the time, like two hundred people who I knew by sight, both friends and people I had never met, people who I had seen on TV when they got arrested in France. (...) You get nervous, you are sweating, and your sleep is constantly interrupted... They constantly try to get you to cooperate to get "prizes"; like calling your dad... They want to wear you down psychologically; by not allowing you to think, making you do whatever they want you to do, to repeat what they want you to say; constantly repeating the same names and surnames; and there was no point in doing that for the investigation." (NLMAP01)
"I remember one thing, on the first day. In August of the year that I was arrested, I was sick in bed, I was having tests made and when they asked me if I had any problems or diseases, I said I didn't have any, because I had not hurt myself at all and I was perfectly well, and I told them that nothing had happened to me... (She raises her voice) *They slapped me across the face...! «What do you mean, you've been the whole month of August doing medical tests!» they repeated. I do not know, but I felt scared and it all seemed humiliating to me."* (OBS02)

c) Sedimentation time

Interrogation techniques distinguish between the accused, who are emotional and sensitive to the arguments of an ethical or moral kind, and the rational accused, who follow a calculated strategy to get them out of the experience unscathed, without being affected by content. This is the reason, among others, of having two opposite roles or figures in the interrogation team.

In emotional interviews there is an important use of time in the form of silence (which is allowed by the interviewer, but not allowed to the interviewee) and the alternation of short interrogations (about an hour long), which are very straightforward, with periods of "sedimentation" in which the person is left in isolation to process and to think about everything that has been said.

> *"«You've seen what is going on, now you're going to the cell again to think about it. And in a while, when you have thought about it, we'll bring you back.» They told me that a lot of times."* (MIIA02)

> *"Every time they took me to the cell, they said to my ear that they were going to give time to think about things, that I was silly, and that Ander had already told them many things."* (ILMW03)

> *"Everything was perfectly organized, they took you out from the cell quickly, the interrogations were long and when they saw that you were tired or that they had said something that had worried you, they got you into the cell and left you there to worry about it, not allowing you to sleep, with music, and very strong lighting. (...) I told you that when they were interested they took you to the cell and left you for a while, so you got scratched and you worried yourself."* (JZLV05)

In the rational interrogation, however, confusion is encouraged to lower the defences and person's control on his/her answers:

> *"I do not remember having any time for reflection, you can not reflect, you don't know where you are, or what time it is, or who the other detainees are, or why you are arrested, you are not aware of the situation or anything, it's very difficult to get to think in such times. You start to think when it is over, and you start to analyze and to connect the dots but not during the arrest... no. I was totally disoriented, and then every time you overcame an obstacle you relaxed and waited for the next one."* (JZLV06)

There is no common European policy on coercive interrogations and they are legal in the case of Spain.

> *"There were times when I felt that I was sinking, times when you were coming down and said "I don't care at all", and others when pride came out and you said "By gosh, they are going to beat me to death,, it doesn't matter what I say or do not say." And finally, the others are in the same situation. So, there were times when you said: "I will declare whatever you want and sign whatever you like" and at other times you know that you absolutely right and you say: "These guys are going to fuck my life and put me in prison for life by declaring I don't know nothing about." It was all the time like the angel and devil speaking in my head. There, in that situation, you're not completely aware of things; it is a matter of living the moment, the present, which is coming, and you just want to get out. There were moments when you think: "but is this real or am I dreaming?" It was really surrealistic."* (NLMAP02)

d) Omnipotence and omniscience

These are actions that seek to transmit to the detainee that he/she is facing a force that already knows all about him/her (omniscience) and that has power over almost everything about his/her life, future and environment (omnipotence).

Several situations are repeated:

- Details about the person's life are given, showing the places where he/she lives, communications (phone, mail...) or people with whom the person is related.
- A person who has been following the detainee is revealed to him/her and the aim

is to show the level of control that they have over details of his/her life. This induces the idea that he/she has always been watched and that nowhere will he/she be sure of not being watched.

- The interrogator suddenly raises his hood and defies the baffled detainee.
- The interrogator flaunts his power (real or fictitious) to negotiate with prosecutors or judges.
- The interrogator flaunts impunity (real or fictitious) and takes complete control over the detainee's life and body.

Table 45. Omniscience
•Details of the person's life *"I was scared that they knew so much about me and about my life. And it was not so much that they had that information but the fact that they knew that made me vulnerable. It also implied that while I was detained they were close to my mother, they had her under control and I was afraid of what they might do to her. And then when they asked about my boyfriend, I did not know where he was and with the things they told me, I was thinking about where he would be and what they were doing to him. I was very worried about me and my mother and my boyfriend. With respect to my boyfriend I was afraid of not seeing him again."* (ILMW01) *"The second interrogation was the one which made the most damage made to me; they started telling me my life since I was twelve until the day I was arrested. What they told me was a lot. They knew everything (...) I was left with the feeling that they knew everything that they had seen or had found out before, but they knew it all. And that's when I went downhill. (...) I felt vulnerable, surprised, they knew everything about me."* (MTRGL10) *"Two weeks before, I had problems talking with Zunbeltz on the phone and it was they who had cut my line, because then they told me. «What honey, did you have problems with your phone?» (...) They had a recording of me talking to Ana and they played it on his cellphone and told me, «Look, do you recognize this voice?» and it was me. And I said «yes» and... nothing, they were teasing me. And of course, that made me going crazy. (…) Now when I go down the street and see a weird man, I think: would he be one of them? It is that clear, they knew a lot about Tafalla* (his hometown) *when they brought me dinner they said sure, it was not as a good meal as the Akelamendi* (his village restaurant) *of course... all the time wondering who could that guy be! And I don't know if it was true or that they did it just to drive me crazy but ... the certainly managed to!"(*OBS03) • Surveillance in daily spaces *"«What were you doing with that guy?»* (In reference to her boyfriend who at the time was in prison) *«But you're a nurse!, What were you doing with him?» They were playing at that all the time. (...) Among so many jokes the boss goes and says «The truth, Eva, is that you earn more money than I do, eh?» (...) Later, they reminded me of the last film that I had seen... and I remember a man with a cap in the cinema at 4pm when I went with my roommate, and I groaned, because you can not be such an asshole as to go and keep your cap on inside a cinema. He was the one, and all those things were coming out to the surface during those moments."* (MNEG04)

- Defiance

"I also remember that this was the one who was to my left at one point, he lifted my hood from the left side and lifted his hood to let me see his face. I was shocked, because I was with two strangers and suddenly I saw his face... I don't know; it was an impact! Seeing him, he said, «Look, you bitch, I've been right next to you in your neighbourhood having a drink and you don't even know who I am. I followed you everywhere, slut. » He made me see his face to make me feel worse; I don't know... I felt that he was in control of everything." (OBAM02)

"One who said he was the commissioner, came to take off my hood and said «Look at my face» He spoke in a quiet tone, a little bit like a psycho, too quiet for what he was doing, right? He said «These are my friends» and brought in four large hooded men, «now you're going to start telling us everything.»" (OBIM07)

"The next day I was taken to where that moron was. And he said: «I have already been told that you don't want to see me again but I want you to see the face of your torturer.» (…) I always wore my jersey over my head, he removed the jersey and I saw his face. (...) and I did not see him again." (OBS03)

Influence on Judges and prosecutors.

"«You'll have the rights that we want you to have» they said. That was it, you were in his hands, that was, what they wanted, exactly what they wanted. At the end I signed, I signed what they wanted." (OBAM01)

"I thought I was going to prison, before leaving they told me that I was going to see the Judge and that I could say whatever I wanted, because he would try to rescue me. Thereupon another of them came and said that it was a lie, that the judge would do what they told him. They left me so blocked that when they came to ask me to sign a paper to pass out to my lawyer, I did not believe it and I did not sign, then they took me into another room and a secretary came to tell me that it was true, that I was wrong, that my lawyer was waiting to visit me." (OBS01)

- Impunity

"Especially when they referred to the detainees in Ondarroa, I knew that they had reported fear or severe torture. They began to measure all parts of my body to see how I would take the torture. They laughed at me; they told me that my face and body looked just like those of one from Ondarroa lads, my expression of fear was the same. They said that with that body, I would break, that I would not be able to put up with it not even for two days." (NLMAP01)

e) Deception

The coercive interrogation has its mainstay, which differentiates it from cognitive interrogation, in the strategic use of deception as a way of obtaining information. In the interviews analyzed there were detected:

Table 46. Deception techniques. Types and frequency		
Providing false or misleading information to the detainee on a hypothetical charge or conviction	• False accusations for which there is no evidence. • Suggesting false evidence. • Revealing false witnesses. • Alleged indictments made by others. • Threats with convictions on charges involving twenty or more years in prison.	Very frequent
Maximization • Of facts • Of responsibility in the facts • Of consequences	• To exaggerate the importance of the matter under investigation or its consequences and to do false and extremely serious accusations for the person to subsequently accept self-incrimination of a comparatively lesser crime.	Frequent
Providing false information about the situation in which the detainee's family is	• Existence of first-degree relatives detained and / or interrogated. • Existence of family members (especially couples) tortured in nearby cells (shouts, etc.). • Family suicides. • Known or close people detained and interrogated. • Impact of detention on family.	Frequent
Making false promises	• Promise to call relatives. • Promise of freedom without charges or with misdemeanour charges.	Frequent
Simulations / Staging	• Recordings or screams of other alleged detainees. • Noises / Sounds of alleged torture to detainees in adjoining rooms. • Police posing as false allies. • Police posing as torture victims.	Depending on the period, generally rare or non frequent

Table 47. Deception techniques
• **False or misleading information** *"At the beginning, or so I was told, I was going to be in prison for a long time; I was going to have a sentence of many years... And suddenly, I was out on bail."* (NLMAP01) *"But it doesn't matter, doesn't it? With what we have... it's enough, we have good reasons to believe so. Above all, the one next door has recognized you... Yes, he is telling us everything, he is singing like nobody else is."* (OBIM06) *"«What information can you give us? Because we can talk to the prosecutor so that tomorrow you'll be lucky.» (…)After the second statement, they proposed that I collaborate with them. They said: «You already know that we have caught you.» "* (JZLV02)

"There were threats that if I did not sign they would do that to my girlfriend... They were going to put me in prison, they had agreed on this with the prosecution. They wanted me to accept collaboration (an accusation of collaboration with armed and/or terrorist organization), *though they supposedly knew that I had done more. I refused. (...) They said I was going to go to prison and to sign collaboration, though they knew it was more than that."* (BIM02)

"They play with extending the incommunicado detention, because in principle, there are three days of incommunicado detention and they make you sign the sheet that states it is to be five. They also play with this a lot because two more days there makes a world of difference. (...) They play a lot with lies, then you start to realize after talking to your lawyers that it's a lie what they are doing (...) they say that «if you accept so many accusations of kale borroka, *they would not accuse you of collaborating with ETA» because even if you deny that you've collaborated with ETA, they accuse you, they say that they have evidence that you are an ETA member... then they speak TO you of divisions. (...) They pose as all that they are doing is not their fault that the Judge is the one who has commanded them to do what they are doing. That there is something I have done for the Judge to tell them to arrest me, when later you realize that it's the opposite, in the end they are the ones who ask the Judge for a warrant. They want to keep out all the time. The problem is yours, the problem is of the Audiencia Nacional, they are only doing their job and how are they going to help you and they have nothing to do with it."* (MIIA01)

- Maximization

"Early at night, they came for me, the ones of the quieter shift, and they began to speak of what I was accused of. So far they only spoke about the ETA commando. In this interview one more person appeared. They asked me on specific "kale borroka" *things, but they did nothing else. Until then, they had spoken about explosives courses, trips to* Iparralde (Northern Basque Country, within the France) *to give in material, where the* zulos *were, who had recruited me... Almost half of the incommunicado detention was around these things. Although they knew perfectly well that this was not the information they were looking for, I guess they thought it would cost me less to recognize other charges of lesser degree than to accept that I was an ETA member, thus recognising membership to an armed group. Within that range of offences they were asking me about almost the most serious things, so as to later accuse me of minor sabotage, with gasoline... being a member of* Segi *and participating in street violence. Until then this had not been mentioned at all, they played around with this. They asked me on this* [he raises his hand as setting a high standard] *to make me then recognize this* [lowers the threshold of his hand]. *They asked me about sabotages occurred during the last two years. They made it clear that I would either have to recognize any of the actions, or they were going to put forward the whole package, they calculated that it was going to add up to a sentence of 42 years, that recognizing one action was enough. The whole package was all that we talked about. At court they were going to present a whole package: ETA membership, sabotage, explosive management courses, possession of explosives. I refused, because I did not belong to* Segi *and I had not made any sabotaging."* (NLMAP01)

- Providing false information about the family situation

"I had many doubts that I needed to solve. (...) I thought that my mother would be very ill, if not dead, in hospital [because of his fault], *that my father would be in a bad condition, that my brother would have no way of coming, that my girlfriend... was not coming... and thought that no one would be in Madrid."* (NLMAP01)

"And they began with another kind of pressure, to threaten me with getting my girlfriend and my brother here and they were going to do to them twice what they had done to me. The beatings continued as they grabbed me among some of them and began to threaten me with arresting my mother. (...) When the guy came back again and I told him that I had nothing to state, that there was nothing, they went on beating me up and they would continue with the mother issue. I was told then that my mother had been arrested and was on the road to the reservoir which is near Vitoria. I did not want to believe them, I thought it was a bluff, but the blows continued, I was tired, knackered and finally I hesitated. I begged them to leave my mother alone, she had never done anything. They told me that they were going to practice "the lift" with her in the dam, tied by the feet and dipping her into the water. Meanwhile the good cop encouraged me to speak. And amid continuous blows on the head. There were calls from another group of policemen as if they were talking to those in the reservoir. One of them yelled and everyone fell silent. Everyone started to comment on «How crazy, that's too much!» They sat me in a chair and one of them told me that my mother had died." (ILMW02)

"They showed me photos of my girlfriend (...) it was all by my fault, there were different ways of being in prison that one could be in Langraitz[81] *or it could be in Santa Maria,*[82] *it depended on me. (...) They said that my girlfriend was in the cell next door, they showed me some pictures of her, the treatment that she could have depended entirely on me... whether I was going to spend forty years in prison... five days like this all the time."* (MIIA01)

"I don't know how they made me believe that my sister was a detainee in another room, It seemed true because even the voices looked like hers. And of people close to me... of people very close to me, it was so believable... because you thought that they were being tortured in the cell in front. People of the family who were detained in another room and they made you to believe that this was true." (OBAM05)

"«You don't know how many more have fallen... You don't know if we have arrested your girlfriend, to whom you write so many letters.» At that time I did not know how many more people were detained, I was completely lost. And: «Your sister was crying like a baby. Your mother, your mother seemed to be a good person. What is going happen to you? And your brother also was terrified. We are going to ruin your father's life, because you'll see the fine we're going to issue him with, I don't know for what reason...but we're going to really fuck up his life.»" (JZLV02)

"The next morning they implied to me that they had arrested my friends, they gave me personal information about them and told me that one was crying and the other I don't know what... I did not know if I was the only detainee. (…) It was later, when I entered the prison, when I found out that I was the only one in. They told me that my father was in the police station, that he had gone there and he was having a bout of anxiety, and that everything that was happening was my fault." (AMRGL09)

"At first, the interrogation was very rough. They said they had also arrested my friend, they said that there were some of my friends and I believed then that all of them had been arrested." (MTRGL10)

- Making false promises.

"They constantly tried to obtain your collaboration to get "prizes"; to be able to ring your father…" (NLMAP01)

[81] Prison located close to Vitoria-Gasteiz, in the Basque Country.

[82] Prison situated in Andalucía, one of the farthest away from the Basque Country, 900 kilometres away.

"They told me that if I declared what they wanted, they would let me talk to my mother." (ILMW01)

"They constantly repeated the same questions: «If you answer some of the questions you can call your father. If not, later the others will return, and they will decide what they are going to do with you.»" (NLMAP01)

"Apart from the physical torture there was a lot of psychology, they told me that my izeko (aunt), *when she was arrested, was invited to work for them in exchange for money and that she had accepted, so why I didn't I do the same, they were going to buy a house for me and would pay me 5 million, if I was a an infiltrator, they would let me go in the street and nobody would ever know anything."* (MIIA03)

"They told me that those who were there till then were amateurs, that they were the ones who handled this and who had contact with the prosecutor, they wanted me to help them, to collaborate." (OBS05)

Some of the assessments described forms of deception through performances or staging (mock torture, false forensic doctors or misleading fellow detainees) (Table 48).

Table 48. Mock situations or staging.

- Noises or sounds of torture in adjoining rooms

"During interrogation I heard screams of pain from other people. I don't know who they were or if they were produced by the very policemen themselves, but it was creepy. They said several names. What if it was so-and-so who was saying something about me, that a certain person was in a cell and they were torturing him, etc. (I later knew that this person had not been arrested or anything, but they tried to mess me up). This made me feel very afraid." (ILMW02)

- False forensic doctor

"At one point I was told to be calm that I was going to visit the forensic doctor. They took me to a room and there was a guy with a hood. And I said how strange a forensic doctor with the hood, but hey, as they told me to go to the forensic doctor I thought it was just to hide his identity or a protocol or something. I remember he started to make tests and with all the confidence I told him that I had been beaten and I asked him to look here (pointing to his neck) *because I had taken a lot of beating. Suddenly he said: «Boy, you have complicated everything.» «What do you mean? You are not the forensic doctor…» and he said no, he was a Guardia Civil. And apparently he was doing the police record."* (JZLV03)

- A female police officer comes as a friend and as a defender of the rights and integrity of detained women

"I don't remember if at that point they had started to undress me or if I was already undressed. I heard the voice of the Andalusian woman telling me, «Girl: tell them what they want, because you have 12 guys looking at you, or I do not know how many.» I do not know if I was completely naked, but they had taken off some clothes. (...) She kept trying to convince me to tell them what they wanted to know. Then I realized that she was not there to defend women but that she was participating in it all." (NLMAP03)

- **Contact with alleged detainee who is seen naked and unconscious on the floor:**

"Above all, I told him what had happened that night [when he was left with a person who he believes was unconscious as a result of the beatings and torture], *because it was what impacted me the most, how a naked guy was there lying on the ground... Sure, I didn't know that the guy was a policeman! Then I realized that he was none of our group of arrests... because the lawyer came from the first time... «Do you have pictures? Yes. Show me, show me!»... «But why? No, because I have to know one thing» and he was not in the pictures, that person was not arrested with us. Then I realized that at the beginning, when they told me not to look at him but they had let me see him, this was so that I should look at him, come on! And it was like… fuck! Right? I mean, I had been worrying I don't know for how long, two days there, all the time thinking that this guy that was not breathing... and it was all theatre! "* (OAEM04)

f) Sudden change in interrogation style or interrogator

Several variations of the same model are reflected in the assessments. In short, the goal is to vary between threatening and empathic interrogation models, either with the same person, or with different people.

a) Sudden changes in the same interrogator

Sometimes it is a single interrogator who changes abruptly his style in an alternating way:

> *"I saw a woman, that I assumed was hitting me... yes, because she approached, spoke to me, and then suddenly… boom! A spank or a blow; she spoke to me from behind, close to my ear saying things about me... «You are too young...» Or «Do you know Mikel?» It was a voice tone... like reassuring and then suddenly Bang! She hits you! (...) So, it seems you're fine, and then suddenly you are beaten. I don't know; she would come softly, she would speak softly and then hit me."* (OBS04)

b) Two interrogation teams with opposed styles

More usually, two teams alternate with different approximation styles: aggressive and dialoguing respectively.

> *"It was like two different interrogations... First, I was with a man who asked me many questions about my family, my brothers. (...) There were continually questions about family, my brother, other townspeople. (...) And later when I went into the other room, there was another man. There were so many questions, continually. And then there were continuous threats, that their peers would come, they were going to do everything to me. (....) Maybe it was at that time but one came straight to me, hit me in the face, another two came and the one who told me that he would not do anything to me, stopped them and told me «you know what to expect» in a threatening tone. He said he was leaving and that he would leave me with them overnight. There was a time when he left and told me that he was leaving me with the others. Then, the one who had hit me came in with two others."* (IGEJ01)

Table 49. Opposed and alternating interrogation styles.
"And then from then on, they began the interrogation sessions. Well, in fact they had already started in the car, but there they once again asked questions about small things: «Where do you work? Where do you live?» And once you start to say something, they make more questions, and ask for poof: «Who has recruited you?» If you shut up, they would beat you, and then they start again. (...) They used different techniques. They would also start with the roles of the good and the bad cops. There was one, who was called "the coffee man", who kept saying «Let's see, keep calm... Let's have a coffee and talk.» He was one of the good cops, and this was a constant throughout the five days... In the end I don't remember if I got to take that coffee... And more interrogation sessions, and when he did not like my answers, it got harder. (...) They are taking data from this, that and the other, and collating information. Then, there are things you say when you have no answers even to yourself, and you say, what can I do? They told me that they needed names, because they do not believe that you really don't know, and come on, give us some answers... And then they pull the bag over your head until you suffocate, and give them a name. And then again and again... And you end up end up telling them about friends, giving names of people you don't know... Remaining in silence is a victory over them, and the more you talk, the more you lose; and besides, you say things that you don't know whether they are true." (NLMAP03)
"At first I thought about not saying anything, but I held little; not for them but for me, I was more afraid if I said nothing than saying something. (…)Every time I said something they did not like, they caressed my head, I was very nervous. Later, their tone was at first smooth, and the driver was the only one who spoke to me, just him. (...) But half way or so, all of them started screaming at me «Tell us!» They stopped the car and told me that they were taking me out, to shoot me, and there everything began to increase in intensity. (...) They opened the doors but did not take me out. The rest of the trip, all of them were shouting." (NLMAP04)
"I had the feeling that they knew me, because they played a lot... because I am very sensitive... there was the typical good one, right? Well, «Stay calm, this is going to be over quickly... I do not like to do this but now there is nobody else, so tell me...» (She declares having been given many blows on the head in those first three days, suddenly a person came up in the middle of interrogation, put her against the wall and beat her) *(…) «You bitch! I'll kill you!» He was way out of control, and the purpose of the show was to bring me out, grabbed by some who had told the guy «Be calm, we're talking!» and then he told me «If you look at me again I will bash your face against the wall!»"* (OAEM04)
"Beneath the hood I could see something, when they asked me I saw them passing a paper from one to another (instructions to ask or to do something)*. They would change from not so bad to treating me very, very badly, so I had a hard time, the change was very abrupt. (...) I was under continuous threats which mark you from minute one."* (OBIM06)
"Well, they took turns... three, four... Two, always, sure. And there was one who was WOW, WOW! The one... I think he was a thug. (...) That, that, that HOO! He would give you a regular thrashing... I don't know; there was one who was always directing the interrogations. And later they changed, but that guy... I think he was always the same." (OBS04)
"The really hard interrogation was on the first day. And a game you don't believe until it happens to you, that of the bad cop and good cop, the topic, the good one offers you a cigarette, gives you water and then leaves you with the other one who says "I'm a bastard", you know the way of speaking." (GTV01)
"Then came another one who claimed to be my friend «Don't worry, I'm going to get you out of here, you're a good guy, if I'm also from the Abertzale *Left» And then the other one came back shouting «How can you do this to your girlfriend, how can you do this to your mother!»"* (OBIM11)

At the arrival of the "sadist" all resistance broke, causing terror, wich provokes the desire to say something just to put an end to the situation.

Pre-established roles

There are several roles that appear consistently in the interviews.

1. Several testimonies mention the figure of the "boss", described with an omnipotent attitude, sometimes conversational, sometimes very aggressive.
2. The "sadist", which appears abruptly with a maximum degree of violence and uncontrolled staging, giving the impression that he might even kill if necessary.
3. The "tender one", the person giving affection and tenderness in the midst of the horror, causing absolute confusion.

The team is divided between those using the good style and the bad style. Thus, some testimonies refer how at the arrival of the "sadist" all resistance broke, causing terror which provokes the desire to say something just to put an end to the situation. Others, however, report that they withstood the pain, but it was instead a gesture of tenderness and disconcerting affection which brought them to making self-incriminatory statements.

> *"And they beat me and kicked me... on the head, they also punched me a lot and all that, I remember that I was in a corner and started to not being able to breathe as... I mean, I had never had an anxiety attack but that, the fact that I was not able to breathe and could not, I could not take it anymore, and I got more and more nervous and I think they also got scared and one of them said «Let's see!» And a guy picked me up and as he tried to calm me... that guy came in, trying to be the good with me and I remember him hugging me from behind. And I felt like... I mean, you are doing all this to me and you're hugging me and besides I'm thankful for that embrace not because is you but because I needed someone to hug me in that moment. No more, no less, that was not a hug like the ones my partner gives me, that you feel it, it was more like a hug that you don't feel ... like put on an act... I don't know... But for me it was enough, I mean… at that time I admitted that yes «I'm a member of* Segi*!»"* (OAEM04)

A variant of the previous case is that there are not two alternating teams, but figures that break into the interrogation of one team and play certain pre-established roles to break the existing dynamics (table 50).

Table 50. Pre-established roles
• The Boss *"Then they put all us facing the wall, with the hoods on, with hands cuffed behind the back and looking downwards. And next to me was Amaia. And... the other policeman came, the one who had threatened me and told me that I would soon lose my cockiness, asking me where I thought I was... and all that... then another one came to Amaia and me because we had to be pretty close, of course I could not look at her, and he told us that he liked us, that he was having a good time with us and that if he weren't a cop we could be friends. (...) And I was brought to the good cop, who is the head of the Brigade here. And that one, without being hooded or anything, spoke to me in a chair, both very close and... «Come on, you have to declare this…» «Are you going to help me?» and I refused. Then he went out, then came the others and they went on with the same."* (OBS03) *"Then came the chief, who was not wearing a hood, and they started talking about street violence, ETA, and all these attacks... He gave me two brutal blows which knocked me down... and you're seeing his face and all that... him above me, kneeling, and it was very hard, the guy was like crying hysterically, yelling at me that I would have to face the lot, that I was the one who had carried out the attack... jeez... and the truth is that he was the scariest one... I don't know if it was all theatre, but... when I declared I was also with him, he gave me three options, and I had to choose one… ETA,* Kale Borroka *or* Segi*... and I said* Segi. *(...) The boss came again and broke my head and all. All the while a lot of shit: if had commanded* Kale Borroka *actions... I was already starting to lose control completely... I was getting crazy, I could not take any more, so many blows, the exhaustion... I was left lying on the ground for a time as if to have a rest, and as they returned, they told me «Look you are going to declare this and this!» They showed me some pictures of me coming out of a meeting... and I was lost... and I just wanted to move on, at least to get out alive, right? And I declared everything they wanted... and... I said «yes, yes, yes…» to everything."* (OBS05) • The Sadist *"There were four of them, one says some things, and the other does other things, then they change roles among them. They said «Leave me, I'll kill him!» And the other «Stop talking nonsense, let's talk about it.» «These bastards are the ones who are trying to put bombs under my car, and you want to try to talk to them, let me go, damn it, I'll kill him right here», and the other, then said «Keep calm man, you already know that comes later, first let's get to the point, there's a time for everything, we have four days»".* (OAEM05) *"There was a cop who was the bad cop. (...) He was wilder still. He spoke shouting at you to the ear; he put on a nasty voice, shouting... He said that they were torturers and all that, and well, that I had really messed it all up this time and that I was going to spend the rest of my life in prison."* (OBIM07) *"The man who had ordered me to take off the lenses was young, they called each other, Jon... Mikel.... I remember. «I am the Duke* [referring to a series which was on TV at the time], *and nobody fools around with the Duke, not even God, you disgusting cunt!» I thought «Oh my Goodness, this guy is crazier than the other one, not crazy as in madness, but crazy like a psychopath, normal people don't do that.»" (*OBAM01) *"That phrase was repeated again and again, here and there: «We will kill you!» And I believed them, yes, yes... It was again and again, like their chorus. And knowing what the others had told you and... knowing what they say, I mean, is that it was... it could be true! They could kill you quietly because I think it was... you know, they thrived on that! They beat you because they had a kind of fanaticism that... is part of them, it was as if you felt you had in front of you people that were quite consistent with themselves, who went quite unpunished for everything, convinced of everything, and I believed them... I was convinced that they would kill us."* (OAEM02)

- The Tender oneo

"The worst of those 11 days... I don't know, well... there I also got to see if I remember... when they got us with half a dozen or eight of us... when we were taken to the cell, with a type of guy, a big one who was always the good one, as if he wanted to calm the situation... and he began: «Well C., keep calm, all this will be over.» And that... That was very hard for me; he spoke softly, slowly... «And you with him, and in the theft of this?» And... jeez! And «What were you doing with Julian and Benito and Antonio? One escaped with the bike but... and you, where were you? Because you, you were seen out there.» And I: «No no, I don't know either Julian or anyone else ...» (...) «You know Julian, and Benito: they are in your circles. And Antonio has gone with off Tomás.» (…) Later they were much more brutal. I had been warned about that... the more they hit you the better. Because I'm pretty hard physically but... Fuck! The other way... was psychologically worse..." (OAEM01)

g) Emotional management – empathy – ethical argumentation - guilt

In terms of attacks on personal identity, one of the most common practices described in the assessments was the use of ethical or moral arguments that blamed the person with regards to family and their close environment, appealing, essentially, to the moral damage that was inflicted to others; to the risk that they en up being involved, or describing different types of threats and accusations against them. This is quite common in coercive interrogation sessions.

Another similar strategy is to alternate threats with an appeal to the consequences of ETA terrorism, which is based on emotional worries used by the interrogator and in moments of affection, using the minimization of responsibility and showing what they want to display as sincere concern for the detainee.

Table 51. Emotional management
[Day 2] *"In a moralistic tone, they told me about their families, about my family. Other times they wanted to talk about politics or about themselves, about how we called them, about what we do, about the Basque police... When they wanted to talk about these issues, they employed a more relaxed voice, did not scream and even laughed at what I said. After this interrogation I was defeated. I could not stop crying, I even yelled ... that was when they carried out the mock rape."*
[Day 5]. *"They asked me if I would declare that I had been tortured. I said that I didn't know and they said «Well, anyway, all of you do it.» They also told me that they thought I would go to the street and what I had to do was to get out of «this world in which I had gotten into.», like in a paternalistic way. (...) When we were going up, a woman Guardia Civil told me that the head policeman wanted to see me to tell me something and she got me into a room, like the one I had done the police statement in, but with nothing on the table. He was the one who was in the statement session asking the questions. He talked me about what I had to do, that he understood my ideas but I had to work only in the political arena, not getting into trouble, if not I would go through the same situation again... all with a paternalistic voice. He was the only one speaking."* (ILMW03)

"They started asking me questions the answers of which I questioned myself on, i.e., whether to recognize this as good or not? They would say «Do you go and visit people in prison?» At first I kept quiet. «Yes.» «Yes? And when you go to prison you know that this person is an ETA member, right? Have you ever wondered why they are in prison? Because obviously ETA members kill people» It was like this all the time." (MIIA02)

"He was a man trying to talk to me all the time, an apparently correct man. He gave me cigarettes, trying to talk to me, bringing up themes of conversation, he told me about his life, that ETA had tried several times to kill him, that his father was killed by ETA, he was very hurt, he told me that torture doesn't exist as he understands it, because if you don't avoid certain things then the end justifies the means, so it doesn't exist, I could be quiet, nothing was not going to happen." (OBIM08)

"From there on, they took me to the good cop. (Sighs) *I was taken to an office, they sat me down and I find my albums from home. It was when I knew that they had been searching my house. The cop starts to talk to me like a friend. He told me that he understood nothing about what we were doing, that before 1975 he had been in the University in the demos against fascism. (...) You talked to the guy... in fact at one point I ended up asking him if he did not look under his car, or something... I repeat that this is not a normal situation and there are times when you are quite simply in another galaxy. The guy came to me like the very good cop; that I was wrong, that I had to look at the harm I was doing to my mother. He repeated that I had destroyed my life and that out there they were laughing at me... He used all sorts of tricks and, at one point he went out of the room and left me with a gun on the shelf. Undoubtedly, what can I say, I looked at the gun and... Man, they are not going to be such idiots to leave me with a loaded gun. I pick up the gun and what can I do with it? Nothing, I just sat there. I was thinking about leaving fingerprints and that... I didn't even move! I was there, still, petrified."* (OBS02)

In some cases, there is not much information about the detainee but, in others, there are data obtained through monitoring and research prior to the arrest. This information, especially if it is delicate, is used to question person's identity to increase the sense of omniscience, as outlined above.

Table 52. Use of delicate personal information
"Psychologically they also crush you. Yes, with the family, also with my mother, they made me feel guilty... my mother had committed suicide: they made me feel guilty at that. They had data on my life, and that already began in the car, during the trip. The first day after the search, they already started with that issue. (...) They tried to destroy me psychologically, I think that was the aim of bringing that up, because there was nothing to incriminate me, it was to defeat me, and all that... We all know what families go by in such cases, like in a suicide, and in my mother's case it was her decision, but you think that I could have had something to do with it, though I know I had not, but at that time, being psychologically weak, that topic meant a lot for me. When my mother committed suicide I was 14, and 10 years had gone by, but I had not got over it. They played with this issue that really hurt me. Later, all the grief that I accumulated in those five days came out." (OBAM02)

"«Since you don't know anyone in the village, let's talk about your family.» And they started talking about my older sister. (...) «So then there is Isabel…» There I don't know if they noticed something, that I had become tense or something, because I do not know how long they might have spent with that topic. It was like a machine gun (...) «Your sister has the perfect profile, and if you say you're not one of the two it has to be, and if it is not you, it has to be her.» (...) Then I heard voices and it was people I had close and I even had the sensation of hearing my sister cry. That caused me much anxiety and in the cell I started thinking, «Well, if we're both in my house and they have picked up I don't know what, some pictures, I don't know what my... it is better for my mother that it is only one of the two. My sister is much weaker than me, so I had better take all the consequences.» (...) At that time I already thought «they didn't do anything to my sister.» My goal was to save her and «I will take it.» (...) Then they came again with «your sister» and again and again with my sister. It got to a moment when I said, «It wasn't my sister, it's me. Ah… You see how eventually we have got it out of you? The hard way, because this is not going to come out freely, because we have given you option A and you've chosen option B.» They started telling me things and I said yes to everything. (...) Then I was forced to sign the statement. They gave me a bar of chocolate; I had not eaten in five days." (MIIA02)

"All interrogations were similar. The information that they had given me about my partner and my family was becoming more specific. They even had information about an uncle that I have not seen for years, this surprised me. I didn't know how the hell they got that information, but they knew exactly how that data made me feel and therefore how to use it. It made me feel small, vulnerable and it hurt me... They asked me about my mother and knew that she lived alone, that she had a nice house, why my parents had separated, how my father behaved toward my mother and about my partner. They told me that they knew everything about us and they gave me data about me and my partner, about where we had been and where not. (...)They shouted and insulted me «You are an asshole and a stupid idiot.» And the truth is that then I felt this way. I felt small, very vulnerable. They knew perfectly well which questions hurt me. They named my mother and this really hurt me. My mother has not had an easy life and to hear a person speaking like this about my mother's loneliness and about her in general, made me feel afraid. I thought, «Why do they have to know if my mother lives alone or if the window of my mother's house is like this or like that?» Or that my mother had separated or... I did not understand, I knew that there had to be a specific goal, I thought, they pointing out all these aspects of my mother for a reason and I also thought about how she would be feeling at the time, during my detention. We all have life experiences that have hurt us more or which have scared us more or less and they knew exactly where to touch you." (ILMW01)

"«Look at what jobs your parents have, look at their lifestyle and this is how you are paying them back.» Then they went on about my brothers, the nieces who were very small, about a year old, and they knew that I liked them a lot, they knew where my nieces were, they said they would go for them, they would arrest them... let's go after the whole family one after another." (OBAM05)

"They themselves implied that they had been following me for a year and half. So I didn't understand, if they took a year and a half to follow me, why did they wait? ... Why had they waited so long? Because they knew it all! So yes they played a lot with my personal life, my friends, with whom I had interacted, and this and that. (…) Then they began to tell me that if I would fuck with them, and they asked me if I would fuck with one or another.... and it hurt you, it pissed you off... They repeated to me «Ah! So you went with this guy to Sestao, you parked in a place where parking is not allowed and you even said hello to the local policeman!» That is amazing: in the end, they knew about your life as much as you did." (OBS02)

"They talked a lot about my family, they knew that my husband was working in a bar all day. Then they said that in that bar there were waitresses and that he was a Don Juan, that my son was a homosexual and that he had been fucked by I don't how many, later they went on about my daughter..." (OBAM01)

"The trip to Indautxu[83] *was hard, it was very short but seemed very long to me because they did not stop talking about my girlfriend... She's always been very insecure, and they knew it, which was very easy because we had the phone bugged and they listened to my conversations with her, so they used that information."* (OBIM10)

[83] Translator's note: Policia Nacional Headquarter in Bizkaia, also referred to as the Gordoniz police station.

h) Forced betrayal and prisoner's dilemma

The purpose of the questions is to get the person to incriminate his / her inner circle of acquaintances or friends, bringing about a breakdown of his / her social relations and intense guilt experiences that subsequently favour the misguided attempt to understand the "betrayal" by placing the responsibility on the victim or on the "betrayed" and encouraging submission to the interrogator.

Table 53. Forced betrayal
"The next day I was taken to another interrogation and they told me: «You saw that we have allowed you to sleep well, in silence. You heard that others were not that lucky.» Yes, because at night you could hear footsteps, doors that opened, closed... In the interview I was asked about a friend, to see if I knew him. I told them I didn't. But then, they got a recording of his, they asked him, you know Jon [arrested at the same time] *and he said yes and the police responded that he had said the contrary and you could hear how they gave him a big beating. I heard his screams. (...) It seemed to me that I spoke with them, that I was collaborating with them and besides they were beating the others."* (JZLV02)
"I, in previous years, had been working outside the village, and had less to do with the village people, and they asked me about the young people who were members of the nationalist left in town, and I did not know and said:" I don't know... But they did not believe it, of course... They told me that they needed names, because they do not believe that I really didn't know, and come on ... And then they put the bag over your head until you suffocated, and you give them a name. And then again and again... And you end up telling them about so and so's friend whose name I knew, and I was aware I was placing him in a tight spot, because I don't even know whether he militated or not. Just to tell them something I'm giving them names of people I don't know... And that makes you feel guilty." (NLMAP03)
"They came and I agreed to the police statement. We must have been repeating like a hundred and fifty times what I had to say in the police statement, and they showed me photos. I think they didn't want to say everything they knew. They put pictures of all the people who were moving on something in Gasteiz in front of me, publicly known people, people that appeared in the newspapers, normal people of all kinds. (...) I was taken to sign the statement, there they took off my neck tube scarf [a woollen garment for the neck], *and there was a Guardia Civil and a lawyer. All very proper, very formal, they read me my rights.*

I declared more or less what they had said and told the names of the people in the photos, that I had had meetings with them. I thought I was protecting certain areas such as people in the neighbourhood, but then I had the feeling that I had somehow bargained it all away. That means years in prison for people. I felt I had lost the battle of what I had declared, I felt bad about myself, because of giving names, I felt responsible, guilty of having said those names, that they might suffer torture, though I knew that they already knew those names, and that if they wanted to arrest them they could do so. With the names what I did was to sign with another signature that I normally don't use, and I did this with capital letters... though later it was wroth nothing, but the idea was to tell the judge that I had only declared that under duress." (NLMAP04)

"They showed me some pictures, first of a girl whom I did not know anything about and immediately a photo in which I knew everyone, they made me to name each one in the photo. They were my best friends, my brothers, and they already knew who they were, they forced me to put the names on the people. (...) I was forced to give the name of four people in particular, above all they wanted the involvement of these four people, they were people nearby, and yes it was pretty bad because it meant incriminating them. (...) I felt guilty; it is what I took the worst, and it is the hardest to bear today. They pressed me a lot to do so, they were particularly interested in the incrimination of two of them, and later the two were arrested. One was arrested on the same day as I was, and obviously, the day they arrested the second one my world fell to pieces, I was... I felt responsible. In theory everything is easy, but... besides when you see that it is the same policemen who are arresting him." (OBIM10)

In the prisoner's dilemma the interrogator places the prisoner in opposition to another detainee (usually his or her boyfriend or girlfriend or a close friend) who can not see him/her. Both are asked, presumably, to confess what *the two* have done and both are told that the other one has already declared and has said that the *person interrogated* is responsible for everything.

Therefore several factors come into play: (a) the trust between the two people and the doubts that are sown between them, which in this context can be completely destructive of both the personal and the relational level (b) the practical element: to resort to silence refusing to play the game (at the risk of being allegedly incriminated of God knows that, as declared by the other person), to play the game (accusing the other person as a way of protecting oneself and expect a better deal or a more benign conviction) or to divide responsibilities (i.e., accepting self-incrimination and indicting the other person). .

Table 54. Prisoner's dilemma
"That morning I had three interviews of more than one hour each, and I was transferred in the afternoon. In these interrogations the treatment was as in the previous evening: throughout, they shouted and insulted me like crazy. They had already started telling me that Ane was also detained there. They acted out that she was taken to interrogations, that they had talked to her, that when they are not with me they were with her; and they brought me a paper with a computer text, as if it was a statement by Ane, a self-incrimination, and saying that I was an ETA member. I did not completely believe it, how about a self-incrimination, I did not hear any kind of questions asked to her, but they pretended to take her to the interrogation." (NLMAP01)
"It was not to self-incriminate you but to incriminate. Then one came and told you that your colleague had already compromised you, that he had already signed it was you... and this was continuous." (MTRGL10)

"In one of them, one of my friends had said something against me, well... and against him too. So, in the following interrogation, I was asked about what he had said. These were very hard interrogations; all the time asking questions and beating me up, they asked me things I didn't know about and hit me. We were both in two different rooms and they took turns. Those who were interrogating him came afterwards with me, and then changed over. I heard him scream. I guess he also heard me screaming. I told them that what they were saying was a lie and that he was not telling the truth; then they took us to the same room. They left us touching each other but we could not see each other. At that moment I really didn't know... I said, «It could be.... The voice is his voice, but don't know.» It was him who confirmed to me later, when we went out, and he said it was true that was him. But I, at that moment, I could not believe it completely. They interrogated me in front of him. Jeeezzz... He was just crying, and asked me to declare «Even if it is false, I don't care.» But as I did not give up, the tables were turned, and I don't know how long we were there. It is very hard to see a friend telling you «Accept it!» And arguing between us, because I refused. This, at first, really affected me. But then, really, we talked about it once we were out of there, and he understood, and we have no problems between us. I have no worries about that." (NLMAP02)

i) Absurd orders - submission

There are several situations which are seemingly incomprehensible or absurd and that are reflected in the assessments. For example:

- The person is placed in some kind of situation that breaks the logic of the interrogation, lowers his or her defences to the interrogators and is later proved false. This can disarm the person who is already in a state of overwhelming stress.

  "One of those days, there was a time when a Guardia Civil entered with the hood, he removed it and told me: «Hey Juan, it is true that we have been wrong with you all along, pick up your clothes, pick up your stuff and get out. Your girlfriend is waiting for you.» I got my shoes, I got everything, and when I was about to walk out through the back door: «Where you going, you son of a bitch?" And it all started again, they played with everything." (IGEJ02)

  "They drove me down in the car face up; one was pressing me with his body, another was screaming in my ear, in my face; I was forced to tell jokes in that situation. They stuck my finger in the ear; I was forced to tell the story of the three little pigs, in which the characters were Ane, my girlfriend and me and the wolf, in this case, was the judge. I was forced to tell the story with those characters. I had to say and had to admit that my mother was crazy, to say why she was crazy; I had to say what she did when she was mad at home, all absurdities, and they forced me to say them. To be left alone, I said that she was crazy, and I had to talk about my mother's illness, what she did when she was having a crisis. To me having to talk about my mother's illness at that point is something I did not like, it was hard. They laughed, and at least they did not hit or grab me. Well then, I said to myself. [He lowers his voice] *These were not important things for the investigation, but, well, they were for me.* [He falls silent, thoughtful] *They humiliated me and yelled between questions: «Now you're taking us to the* zulo*? Who recruited you? Names of the members of the commando!»"* (NLMAP01)

- The person receives meaningless orders (like doing math exercises or copying texts in calligraphy). After that he/she is ordered, without interruption, to write self-incriminatory texts or write a statement following a certain structure or script. In the state of confusion and tiredness the person is in,

he/she tends to see the situation as unreal, to want to finish as soon as possible and to obey the given order, even inventing or imagining content.

These are strategies that favour the cancellation of the person and placing him or her in a situation of passivity towards the interrogator.

Table 55. Absurd orders: copying a dictation
"They made me write an absurd text, in which I said that Euskal Herria or the Basque country has 3 provinces, Alava, Bizkaia and Gipuzkoa, and rural sports like the sokatira*. Then they changed to things like: in a village in Alava (Laudio) a group of tourists had arrived,* kale borroka *motherfuckers... and so on. It was clear that I had to write this, and then talking to other detainees after it was all over, I saw they had gone through much the same. It was illogical; it was to torture you more, to tell you that your people stink. (...) They made me write these things in my own handwriting once and then dictated it to me again to write in capital letters, then they forced me to do some very easy sums and so on. (...) In the end, they said that now I had a second job to do, and I insisted that I could not sign that. They threatened with starting all over again if I did not sign it."* (OBAM01)
"They put a little stick in my mouth and took a swab of DNA. They began to say that I had to make a handwriting test, I didn't know if it was part of the statement, so we did the calligraphic test. I was scared while I did it because I was writing a text which I didn't know if it was absurd or if it was going to be used against me... I had to copy their dictations in lowercase and then in capital letters. Felipe and Juan go down the street and... I initially did not know what I was doing, I thought let's see if I am not writing something that can be used as evidence against me, I do not know, apparently it was a handwriting test without any further implications. Then finally we made the statement, during the earlier statements in the interrogations I had not self-incriminated myeself, they asked me if I knew people and I said yes, then they said well, that's it, you've collaborated with these people and you are an ETA member, and I was still denying it. (...) This ended the statement and they put me back into the cell, and the guy who had beaten me came and said, "Bad luck! The boss did not like the statement so you'll have to do it again.»"(OBAM04)
"Absurd phrases absurd texts... before the court-appointed lawyer it was a disaster... They made me write a text, in which I said the Basque Country is made up of I don't know how many provinces, that we are separatists and... Dictations on Euskadi*, mostly on how many inhabitants, provinces, how the landscape is characterized, if the separatist movement is this way or that. (...) After the police statement, they took me to a photographic recognition session. I had to recognize people I knew, they made me make a few additions and subtractions, then write a paragraph under dictation."* (OBIM08)

These are strategies, once again, that favour the cancellation of the person and placing him or her in a position of passivity towards the interrogator. The detainee chooses to let things "elapse" to try to get out as soon as possible, without wanting to understand or control them, thinking that later he/she will find a way to solve the problems that arise, but now all he/she wants is to get it all over with. Thus, these contexts ultimately favour submission.

8. Overview: Temporal sequence and interrogation phases during incommunicado detention

The previous sections included an analysis of the different elements that compose both the setting up of environments such as those of the interrogations. These elements do not work in isolation but in a perfectly orchestrated way.

In the quantitative analysis of data it was pointed out that there are no substantial differences between detention procedures and techniques used by the different security forces. A qualitative analysis of the assessments shows that, although there are specificities of each police force and interrogation team, the analysis of testimonies shows that in general there are more common than uncommon elements in the techniques used by the Guardia Civil, Policía Nacional and Ertzaintza. This is explicitly manifested even in some cases of people who have experienced more than one arrest carried out by different forces:

> *"They put an eyeshield on you like the ones they give you in airliners, I am convinced that they are airline eyeshields, black ones, you see nothing, besides you have to be looking downwards. And in this sense it was very, very... very similar to the first arrest* [by the Ertzaintza], *with the difference that the technique used was different, but there were many things that were very similar like that of a person being behind the cell door who comes in insulting, yelling, and hitting you each time you move; or them knocking on the door as a signal that you have to go back to looking at the ground and crouch; they knock on the door, you have to get up if you're in bed or if you have been allowed to lie in bed, you have to turn around, crouch with your head down. They come from behind, put the hood on you and take you to the interrogation room. That is very similar, the difference I noticed was in the form of torturing, that these* [Guardias Civiles] *hit a lot, they did not bother to make you stand among four of them if just two of them could do the job. (...)The order of things, let's say it is very similar to what the* Ertzaintza *did. (...) They were laughing a lot about the arrest I had had with the Basque police, they laughed at the* Ertzaintza*'s torture methods. (...) They put me in the same postures I had had to adopt when I was at the* (Ertzaintza) *police station, while they laughed. They laughed at the* Ertzainta, *they laughed at their torture methods... It's all very similar. The difference is that some of them have a lot more leeway. My conclusion is that the* Ertzaintza *cannot do everything they want to do. Although I would say that basically, all of them have gone to the same school, they have all had the same training."* (MIIA01)

Accepting small variations, this can be configured as certain "structured type" interrogations that appear - albeit with numerous particularities – in a transversal manner in most assessments.

A. Initiation

In-crescendo pattern: In some cases the beginning is very soft and gentle throughout the first hours or the first day. No charges are brought nor reports on detention causes; and questions of a general nature are made to progressively increase the aggressiveness of the interrogation depending on the person and the team, until the person ends up sooner or later making a self-incrimination or (in a few cases) the detention period is over and the interrogators at some point become convinced of the non participation or marginal participation in the facts of violence investigated or in the organizations on which information is sought.

Table 56. Increasing intensity interrogation pattern
"All interrogations began in a very friendly manner: «Do you want something to drink? A coca-cola? A pizza? I'll bring you whatever you like.» And then it began, that you did this, or did that. Then came the bad guy, who began to threaten me, and my family: they were going to ruin my family." (JZLV05)
"The treatment when I arrived was very correct. As I arrived, they got me into an interrogation room, I had a talk of 15, 20 or 30 minutes, I don't remember, in which they tried to see if I knew why I was there, to see how, telling me that there were different ways of being there... and the visit to the medical examiner. After the forensic doctor's visit, the behaviour changed completely. From then on it was all screaming, beatings, pressures, threats... for four days. Morning, afternoon and night, I can not tell." (MIIA01)
"From there we already went to the first interrogation and there things... well, the one who had been the good cop with me whistled and beat me on the neck. (...) First they stuffed me with both trivial and important questions... from «Who are your friends? What's your uncle name?» I think they wanted to see if I answered the truth, if I answered everything. (...) They made me face both ethical and moral dilemmas... Whether I, as a doctor, would go to Bosnia with the Guardia Civil. (...) Then the journey began. (...) In the car the interrogation began, they already began to question things. (...) They started with general questions, friends... and I got blocked, because I'm terrible with names. I'm bad even with my patients' names. They were playing around with my feelings all the time. In front was one that looked a little older, «Well, you already know what is empathy.» (...) Later [on arrival at the detention centre in Madrid] *things already began to get serious. They put me against the wall. (...) One of them... always with obscenities, «We will ruin you, we're going to have you here for five days to do with you whatever we want.»"* (MNEG04)

Flood pattern: In others, perhaps with more serious charges or more incriminating data, the beginning is very aggressive from the outset, using a very violent physical technique starting from the very moment of detention or transfer. When the interrogation itself properly starts, the interrogators make the most serious charges right from the very beginning. From here onwards the interrogation increases in intensity and progresses through different physical or psychological techniques in the pursuit of whatever "breaks" the person and makes him/her recognise culpability, any doubt of which is never allowed. .

Table 57. Interrogation pattern starting with aggressiveness from the beginning or by flooding
"From the beginning [they asked me] *if I knew so-and-so, if I knew that guy, if I had planted a car bomb, if I had shot someone. (...) They said that I had done all those things, which I flatly denied. Just after denying this, they hit me three or four times with lined sticks. Then they asked me again. When I was groggy, they stopped and asked me about my group of friends, about my family, about where I went out for drinks in the old part of Vitoria, about servers, work issues, politics,* ikastolas[14], gaztetxes[15]*."* (ILMW02)

"When they interrogated you, there were usually four of them. One was in front of you with his face uncovered, another with his face hooded, and the other two with covered faces behind you. (....)The one who was usually uncovered came into the cell, as the boss he brought me a paper; he grabbed my neck and pulled me back: «You... Fuck you, you do not want to sign anything...» He slapped me twice across the face and made me lie on the ground, he was 1.50 tall the son of a bitch, (...) he made me lie on the ground, he stood over me, ha had not interrogated me yet or anything. All because I refused to sign that they had taken away my ID card and my shoelaces..." (JZLV04)

"Then they began the interrogation, and at the beginning I was sitting and all, like, normal, like I am now. One sat in front of me and two behind, the one in front was not hooded , nothing, so he told me: «You have here a list of 50 sabotages in Uribe Kosta, Berango, Getxo... tell me 10 in which you participated and the others I forgive you.» What? I have not done anything. «Well, well, we know each other... we are not fools, come on. Give us at least 10... and everyone is happy.» No, no. «No? All right then ...» (JZLV04)

"«- We have arrested more people, don't you know who else we have arrested? -No. How should I know? If I don't even know why you have arrested me... –How come you don't know? We have arrested your commando - But what commando? (...)I have nothing to do with this... I've never been an ETA member.» The guy went on and on as if it was true that I had been in an ETA commando. They made me do push ups, as I did not answer what they wanted me to say, I spent a long time doing push ups (...) slapping me on the head, and occasionally punching me." (MNEG02)

B. Intermediate sessions

There are different guidelines and pattern types based on the alternation between long and exhausting interrogations (by teams who take turns) and periods of isolation and reflection. A standard session described by detainees includes the following characteristics:

- The space is small, with furniture and objects.
- The person is usually deprived of vision (hood, etc.)
- There is a practically generalised practice of (a) an overall strategy for stunning by anoxia, repeated and rhythmic beatings, deprivation of sleep, shouting, etc. (b) a progression from threats of shooting and beatings to absolute horror.
- Inside the room there are several interrogators (a minimum of two, sometimes up to ten, on average, three or four).
- They act in a coordinated manner. In some testimonies it is said that someone directs the proceedings (not necessarily the one questioning), in others someone passes on papers with instructions or in others someone makes signs indicating changes or actions to take.
- There are testimonies of performances and mock situations, using recordings and other elements that, since they require careful planning and prior preparation logistics, are not usually repeated.
- The most often techniques used in the testimonies include: (a) forced nudity, humiliation and vexations of a sexual nature (b) emotional manipulation and guilt related to the family (c) use of misleading information and in particular the use of maximization (d) forced betrayal.
- There is a selection and progression in the methods used, depending on what is perceived about the person arrested. The technical progression is not uniform, but the person or people responsible for the interrogations analyse which is the person's turning point and improvise decisions,

The interrogations continue until the interrogators believe that it is possible to make the official statement.

adapting the interrogation to the particular fears of the detainee.

- The interrogators have different roles (boss / sadist / empathic friend/ omnipotent interrogator...).
- The interrogations seem to follow specific temporal sequences, adapted to the time of the incommunicado period, i.e. the legal limit that the interrogating team has to carry out the process.

"On the second night, my cockiness was completely lost... there were already two men and two women in the interrogation and a policeman told me that the nonsense was over and the real thing was starting. (...) He took me into another room and there were a few cops there. And... He sat me in a chair, began to hit the chair... and to hit me too, hitting me on my head with a book... blows also on the ears... and he put a bag in my hand and said: «Do you know what we use this for?» And there they started to practice la bolsa *with me."* (OBS03)

"Until in one session he told me, well, to confess... and I said, I declare that I am Ibai and that I study architecture... They took me back to the cell and half hour later, out again, and that was… very hard physically... that was the first time they put a gun on my head, I lay on the floor on my side with his knee on me... it was intense ... I did not think... I was terrified." (OBS05)

"The third or fourth day they were already more aggressive, I do not know why. But both the one coming into the cell with me began to pound me not physically but verbally a little more often, every 15 minutes or so he came and started to give me a splitting headache. (...) They began with my girlfriend, who had suffered an attack of anxiety and that she had to be taken to the hospital. And if I said something they would let her go in peace. And the third or fourth day, before I was taken to a different police station, it was the latest attempt to break me." (MNEG03)

C. Confessions – incriminations – self-incriminations

The interrogations continue until interrogators believe it is possible to make an official statement which (as almost all of the testimonies coincide on this) must be memorized.

Table 58. Memorizing the statement which has to be made before the judge
"They started asking me questions, the same as in the police statement, and I answered the same as in the interrogations. They explained that they were going to take my declaration and that I had to explain all the answers very well to them because they had not been in the interrogation and knew nothing. They took me up and on the way they told me that I can not make them look bad before the authorities; that we still had time, etc. They also warned me not to look at their faces too much, they did not like that. The room in which the police statement was conducted was in the same corridor as the forensic doctor's surgery, it was a small square room." (ILMW03)
"That moment was the worst... with the open window saying that they were going to throw me out and it was going to look like an accident. Then they took me back to the cell and interrogation again. They asked me question after question and explained the answer to me, they made me repeat the answer to each question, and with a series of questions, and I was told: "Well, now you're going to sign a statement, and you had better answer what we have agreed on.»" (MNEG02).
"They went on with the preparation as if they knew about you, and made you repeat the answers they wanted. Some of the things were things that I had said in interrogation and others not. They made you memorize the police statement: «When they ask you this, you answer...» So, until I was ready. And they take you to a gentleman who is introduced to you as a lawyer, with a computer, and he asks you the same questions, and makes you sign, but I did not sign it because although I had stated this, I disagreed. «Are you not going to sign? Come on… You are even going to sign blank papers!» So again they got me to undress, squat, and all that until you go and sign." (NLMAP03)
"They like that a little more, then I started acting it out, they began with the questionnaire, the whole theatre of «Answer, no, no, that will not do... let's see how you said it before.» That is, word by word all that I had said, how they formulated the question and how I had to answer, so many, many hours. It was eternal, eternal because once I had learned... I just had to express everything again in the same way. Sure, they just asked you a question, you talked and they asked you the question again and you say the same but in other words, but no, not so, you did not say that, you say this, this, this and this, very concretely. The question is this and the answer is this. And this went on for a long time." (OBIM06)
"They knew that I was already won over. (...) Then we were preparing the police statement, they told me the questions and answers, which are then repeated in order to learn them. (...) I remember that when we were with that I heard music within my head and sang it, music that I liked. Just remember me singing a La Mala Rodriguez*'s song because her album was about to be released. (...) I now see that and say how crazy you were singing there, I don't know (...) They said what are you doing, are you singing? And I was singing, softly."* (MNEG01)

D. Closing post-statement

Sometimes the interrogation ends with the appearance before the judge and freedom with or without bail, although in this sampling, it is almost always followed by pre-trial imprisonment.

Several detainees reported a final interview with a cordial tone, indicating that everything is over and that there was no choice and providing comfort, contact or collaboration. This last interview is experienced as a final gesture of surrealism.

Table 59. Closing interview
"Except for the last day, when they want to be your friend, or at least that's the feeling I got. I think it's a psychological issue; they have been crushing you for four days and the fifth day... they like to finish off with a good feeling. As if to say, «Hey, they are not so bad.» They say it's you who has forced them to act like that; they say things like «Don't think that I like to do what I'm doing!» I told them I did and that upset them very much and the last day, they want you to eat, to take a shower... the last day they put six of those who had interrogated me in a room to talk with me, to see how I was... I think it is a technique to make you feel that in the end they are people... not so bad people... I did not quite understand... it seems as if they were worried and... it is very strange. A very strange thing." (MIIA01)
"After the police statement the treatment changed completely and they began to be much more kind to me. (...) What I did notice was that change, this madness, this change after the declaration. He came to ask me if I had thought about that. The one who took me from one place to another, who put me against the wall, let's say the good one among the bad cops, he said «I believe you.» He shook my hand, patted me very kindly, sat by my side... You get the feeling that you have to thank him; that you owe him something. That moment was strange, hard to take. I do not know what he told me that for, or why. Suddenly he is very nice, very calm; that unsettles you completely. The rest remained more distant. He said: «I know what you say is true.» He commends you saying that «you've done very well!» And you do not even know why he said you did very well, when you don't know how many days you have been there saying things that made no sense. Suddenly he totally changed the treatment, changed the perception I had of him, of them at that moment. I think it is part of the game, and look as if you owed them something. I do not know... I can not explain... Then I was introduced to a man named Aitor, from the harsh shift, and he told me that if I was set free, he was going to call me to have me collaborate with the police. They treat you as if they've known you for ever, he introduced me to Aitor: "If you want, one day he will call you, and you will tell him what you want." He trusts me, if I ever want to say something to the police, I can talk to Aitor." (NLMAP01)
"On Sunday evening they came in, a woman and a man "to chat "with me. They spoke of theatre, told me that they had gone to see a play to "disconnect". They began to make a victimising speech: that for them these situations were also hard, they spent many hours working in a row, etc. But justifying the torture saying it was the only way they had to get information to avoid us killing them or their companions. It was a very surreal conversation, I was amazed, I tried to remain vigilant just in case. Still and all, it was something that misplaced me completely. I even told the judge that the first three days treatment was brutal but the last one I was properly treated, when in fact I was being humiliated. They asked my opinion about the conflict, they said "oh yes, of course, so you call it like this...", and they asked me about the gaztetxe, about housing in Vitoria, music groups... the conversation was very similar to one you could have with your friends. We also talked about travelling; they had all my photos so we talked about this topic or others in a carefree manner. We must have been talking for a good two hours." (ILMW03)
"After the police statement and after spending some time in the cell, they took me to another interrogation. These policemen were new; I had not been with them before. A table, two chairs and a computer. There were two young men with smiling faces. I was told to sit. One sat in from of me and the other at the corner of the table. I was asked if I wanted to drink something: a coke, a beer (...) they told me to calm down, they did not use the same methods as the previous ones that do not take notes nor use the computer.

> *They showed me that did not have the computer on and I got scared at the mention of new methods. I started shouting that I had already made the statement, I asked what they wanted, and if they wanted to kill me, they could go right ahead. Suddenly the door opened and a hooded man appeared and told one of them to come to the door. I do not know what they said; all I know is that they told me to go. The other two did not agree to let me out, and when I got out one said "Yes, take her, to avoid her beating her head against the wall like the other one.»"* (ILMW01)

Some people are apparently offered the opportunity to collaborate with the police, in the context of rupture and guilt experiences:

> *"They let me sleep all night long; then the interrogations were much quieter: to see if I knew people, they talked about how they saw the political situation, asked my opinion on the armed struggle. Then I was offered a partnership, they were the social front and they were not interested in inside information; they wanted to know what people were talking about in bars... It looked more like a bar conversation. They wrote their phone number in the jersey label. I let them go on with the issue because as long as it was just small talk... and at the same time I thought «when I get out of here, that is the last you will see of me.»"* (NLMAP04)

> "(Police) *«You've made a statement, you have had enough, with the proof we have of you tomorrow you're going to jail, but if you're good we can make a call and you'd be back in the street tomorrow.»"* (OBIM10)

Annex 1. Described techniques frequency according to Istanbul protocol classification in the 45 assessments per year of incommunicado detention

Table 60. Istanbul protocol torture techniques frequency per year of Detention*

	Years							
	2009-2011		2003-2008		2002 or before		Total	
	n	%	n	%	n	%	n	%
Blunt trauma, such as a punches, kicks, slaps…	7	63,6	5	62,5	15	75,0	27	69,2
Positional torture, using suspension, stretching limbs apart, prolonged constraint of movement, forced positioning.	9	81,8	7	87,5	15	75,0	31	79,5
Electric shocks.	1	9,1	0	,0	6	30,0	7	17,9
Asphyxiation, such as wet (water) and dry (hood, bag) methods.	4	36,4	5	62,5	11	55,0	20	51,3
Crush injuries.	1	9,1	0	,0	1	5,0	2	5,1
Forced nudity	4	40,0	6	75,0	5	25,0	15	39,5
Sexual violence.	2	18,2	5	62,5	8	40,0	15	38,5
Rape.	0	,0	3	37,5	0	,0	3	7,7
Conditions of detention, such as small or overcrowded cells, unhygienic conditions, no access to toilet facilities, irregular or contaminated food and water supplies, exposures to extreme temperatures, etc.	5	45,5	4	50,0	11	55,0	20	51,3
Deprivation of normal sensory stimulation, such as sound, light, sense of time, manipulation of brightness of the cell, abuse of physiological needs, restriction of sleep, food, water, isolation, toilet facilities, bathing, motor activities, etc.	11	100,0	8	100,0	20	100,0	39	100,0
Deprivation of an adequate medical care	2	18,2	4	50,0	9	45,0	15	38,5
Humiliation, such as verbal abuse, performance of humiliating acts;	9	81,8	7	87,5	20	100,0	36	92,3
Threats of death, harm to family, further torture, imprisonment,	11	100,0	6	75,0	17	85,0	34	87,2
Mock executions	2	18,2	2	25,0	1	5,0	5	12,8
Psychological techniques to break down the individual, including forced betrayals, accentuating feelings of helplessness, exposure to ambiguous situations or contradictory messages (detailing: violation of religious or other kinds of taboos)	10	90,9	6	75,0	19	95,0	35	89,7
Forced betrayal of someone placing them at risk of harm;	6	54,5	2	25,0	4	20,0	12	30,8
Forcing the victim to witness torture or atrocities being inflicted on others, or records of screaming, music, etc.	6	54,5	5	62,5	14	70,0	25	64,1

* Categories not documented in any of the cases are not included.

Annex 2. Methodology. Search terms thesaurus for selection of testimonies

Table 61. Search terms thesaurus	
Istanbul Protocol category	Specific Technical Proposal Case Euskadi - Terms Thesaurus
Technical splitting of physical attacks (following the scheme adapted to the istanbul protocol)	
Pe - 1- Blunt trauma, such as a punch, kick, slap, whipping, a beating with wires or truncheons or falling down;	Golpe[-S,-Aban] (163+33+17), Pega[-R,-Ban] (42+30), Patadas (30), Hostia[S] (21+20), Puñetazo[S] (20), Tortazos (13), Paliza (8), Colleja
Pe - 2- Positional torture, using suspension, stretching limbs apart, prolonged constraint of movement, forced positioning;	Flexión [-Es] (22), Forzada (134) Posición (40), Postura[S] (40 + 14), Esposad[-O,-A] (31+21-17), Cuclillas (14), Ejercicio (14), Sentadillas (13)
PE-4- Electric shocks	Electrodo[S] (34), Cable[S] (10), Descarga[S] (9)
PE-5- 5- asphyxiation, such as wet (wet towels, water boarding) and dry (hood, bag) methods; drowning, smothering, choking or use of chemicals	*Dry Asphyxiation:* Bolsa (148), Asfixia (32), Respirar (26), Ahogamiento (14) *Wet Asphyxiation:* Bañera (33) + Cubo *Not Included* Antifaz (104), [En]Capucha[Da] (37+16), Pasamontañas (19)
PE-6- Crush injuries, , such as smashing fingers or using a heavy roller to injure the thighs or back	- *No cases with* Aplast* - Manta[s] (33+12) + Colchón
Pe - 11- Forced nudity **Pe - 12**- Sexual violence to genitals, molestation **Pe - 13**- Rape (partial or complete penetration with genital or objects)	Puta (57), Desnud [-A, -Ez] (17+20+11), Abuso (40), Sex* [-O,-Ual,-Uales] (15+13), Viola[-Ción, -R] (17+10), Pecho[-S] (14+12), Intimidad (26), Vejaciones (23), Culo (20), Palo (18), Genitales (17), Testículos (16), Regla (15), Tocamientos (14), Follar (10), Perra (10), Vagina (9), Teta (3), Menstrua[-Ción] (2)
P -14- Pharmacological torture using toxic doses of sedatives, neuroleptics, paralytics, etc.	Fármaco (…), Pastilla ( ), Drog* ( ), Inyec* ( ).
PE-15- Extreme conditions of detention, such as a small or overcrowded cells, unhygienic conditions, no access to toilet facilities, irregular or contaminated food and water supplies, exposures to extreme temperatures, etc.	Celda [-S] (184+30), Calabozo[-S] (141+44), Suelo (99), Cárcel (98), Habitación (76), Baño (73), Ropa (55) Pequeño, Tamaño, Estrecho, Cemento, Nada Antihigiénicas (22), Asco (14), Suc* Alimentos (49), Com [-Er, Ída] (34+23), Beber (24), Sed, Temperaturas (15), Frí [-A, -O] (15+14), Calor, Sudar, Olor Sueño (50), Dormir, Oscuro Reloj (14), Sentido (54), Tiempo Aislamiento (63), Solo, Soledad, Incomunicación (53)

Thesaurus terms have been kept in Spanish to maintain the consistency of their use in this research, because these figures come out of the frequencies observed in the assessments, which are all in Spanish.

Istanbul Protocol category	Specific Technical Proposal Case Euskadi - Terms Thesaurus
PE-16- Deprivation of normal sensory stimulation, such as sound, light, sense of time, isolation, manipulation of brightness of the cell, abuse of physiological needs, restriction of sleep, food, water, toilet facilities, bathing, motor activities, etc.	Luz (109), Privación (42), Sensorial (42) Ruido (30), Sonidos (30), Grita [-R, -Aban, -Os, -Ando] (28+24+108+31), Música (24)
PE-17- Deprivation of access to an adequate medical care	
PE-18- Humiliation, such as verbal abuse, performance of humiliating acts	Humilla [-Ciones, -Nte] (43+10), Rabia (15), Impotencia (13)
PE-19- Threats of death, harm to family, further torture, imprisonment **PE-20-** Mock executions	Miedo (178), Amenaza [-S, -Ban, -Ron, -R] (150+17+24+9), Tensión (62), Muerte (41), Ansiedad (31), Shock (14), Pánico (12), Asustado (8), Terror (8)
PE-22- Psychological techniques to break down the individual, including forced betrayals, accentuating feelings of helplessness, exposure to ambiguous situations or contradictory messages	Desvalimiento (26)
PE-23- Forced harm to others through torture or other abuses, forced destruction of property, forced betrayal of someone placing them at risk of harm	
PE-24- Forcing the victim to witness torture or atrocities being inflicted on others, or records of screaming, music, etc.	

The thesaurus used allows for a wider cultural understanding of the mechanisms used in these types of arrests and provides valuable information for future intervention and treatment of persons subjected to this brutal practice. It also provides essential training for the professionals who, in the future, could address this kind of assistance. As reflected in the Istanbul Protocol, experts need knowledge about the cultural aspects and methods used in each context, for a proper interpretation and assessment of proof.

The thorough work carried out on each and every one of the methods used by the security forces during incommunicado detention is valuable and indicates several conclusions that have been subsequently analyzed. The exhaustive classification of psychological and psychiatric sequels, immediately after incommunicado detention, in the medium and the long run is equally important and unprecedented to date in any other study in this context. This study is consistent with the criteria established in the Istanbul Protocol. Also included is the "VIVO" questionnaire in order to increase in-depth knowledge on the way of perceiving both the world and oneself before and after these traumatic events.

Chapter 5.

Medical consequences

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In this chapter we review the elements that have been documented on medical issues related to ill-treatment. Information is scarce and compartmentalized.

On one hand, testimonies show that during detention the proper procedural safeguards in forensic examinations were not followed. This greatly complicates subsequent documentation of the facts and in itself is a form of ill-treatment that the Istanbul Protocol identifies as a potential method of torture. We will dedicate the first part of this chapter to this issue.

We will then analyze the Forensic statements on the physical impacts of abuse appearing in the 45 assessments. As the allegations are mainly concerned with elements of ill-treatment or tortures which leave few visible physical marks, references are scarce.

All the documentation that could be achieved in each case (forensic reports, injuries reports and others) was analyzed as complementary material. Usually this documentation is also poor, largely due to the difficulties in acceding to primary sources.

1. Forensic medical examinations procedural safeguards

Anti-terrorist legislation allows for incommunicado detention for a period of five days under police custody. Forensic doctors or medical examiners (hereinafter FDs) hired by the Audiencia Nacional examined detainees in central police stations in Madrid on a daily basis, and again in the Audiencia Nacional on the day they are sent to Court. In the provincial police stations medical examinations are carried out normally by the local institutions' FDs.

The Istanbul Protocol provides that when interviewing a person who claims to have been tortured, a number of issues and practical factors should be taken into account. In this chapter on *Procedural safeguards* there is a series of principles that need to be abided by, with respect to detainees, which are those that we will review by focusing on the results of this research.

Methodological considerations

This chapter analyzes, in a qualitative manner, the appreciation that the examinees had on what the FD examinations were like during their incommunicado detention, from the bases set by the Istanbul Protocol for such examinations. For this purpose, we have followed the methodology described in Chapter 3 on mechanisms of physical and psychological torture, looking for commonalities and differences between them. In order to assess the conditions in which these forensic medical examinations were performed and the impact that they may have had on the effectiveness of the investigation of torture allegations, we carried out a search throughout the testimonies looking for the words "doctor" and "forensic".

Findings based on Istanbul Protocol principles

1. Istanbul Protocol: *The detainee should be taken to the forensic medical examination by police officers other than soldiers and police since torture and ill-treatment may have occurred in the custody of these police officers and, therefore, that would place unacceptable coercive pressures on*

the detainee or the physician not to document torture or ill-treatment effectively.

In the following two examples we observe that the routine practice during incommunicado detention is that the police officers in charge of the isolation and interrogations (and alleged torture) were also those who were responsible for the transfer of detainees from the cell or interrogation room to the place where the forensic medical examination is conducted.

The testimonies show that during detention the proper procedural safeguards in forensic examinations were not followed.

Table 62. Police Officers Who Carry Out Interrogations Are Those Responsible For The Transfer Of Detainees To The Forensic Medical Examinations
"Every day, or almost every day, they took me to the medical examiner. I was accompanied by two of the policemen down the hall; they took me to the bathroom to wash my face, and then took me to the doctor. At first they tried to stay inside the doctor's surgery. There was always a discussion for them to leave, and finally they left the room. But I imagined them behind the door and I was afraid to speak. Besides, on two occasions they had told me not to say anything." (NLMAP02)
"Every day the FD came. They took me down the hall, head bowed, as usual, and with eyes closed; and when I was to get in, they made me raise the head, and they stood behind, so I could not see them." (NLMAP03)

2. In numerous testimonies there are interviewees' references to the fact that they had received threats or pressure before the FD's examination, looking for the detainee not to state anything to the FD about the tortures undergone.

Table 63. Threats Or Pressures Made By Policemen Before The Forensic Medical Examination
"Then they pulled me out and took me to the FD. Just before entering, they took off the hood and told me to be careful with what I said." (AMRGL09)
"Before going up the policemen had warned me not to tell him anything, to state that the treatment was correct because otherwise the consequences would be very bad for me, otherwise I was going to be in deep trouble." (ILMW03)
"Every time I went up where she was, they warned me not to say anything. (...) She asked about the treatment and I did not answer." (ILMW03)
"Then the routine began, the FD came in and asked me some questions... at this point, the policewoman was always by my side: «If you say something to the forensic doctor…»" (JZLV04)

"I went to the forensic doctor (...) I told him that my neck hurt. I was afraid and didn't want to tell him what they had done to me, because the Guardias Civiles were behind and they had threatened that if I said anything… Besides, they did not close the door, and could listen to what I said, so I told him that my neck hurt, to see if he could have a look at it." (MNEG01)

"The police officers already had warned me, before entering, not to think about commenting anything on the treatment received." (NLMAP01)

"I did not tell him what was happening, I was afraid to be heard by them and I had also been warned that if I spoke of anything that was not strictly medical, they will end the visit, you can not say anything, only that you're nervous, things like that." (OBIM07)

"I didn't tell him everything, because then all hell would be let loose. I did I tell him, but he didn't go into details, I didn't say anything about the abuses that they were doing to me, or how... I said that I had not been touched, because otherwise later I would have to hear what I had to hear." (OBIM08)

I was told that I could not say anything, if I did, they would be tougher with me, maybe stronger, maybe more often." (OBIM02)

3. Istanbul Protocol: *Each detainee must be examined in private. Police or other law enforcement police officers should never be present in the examination room. […] The presence of police officers, soldiers, prison officers or other law enforcement police officers in the examination room, for whatever reason, should be noted in the physician's official medical report. Their presence during the examination may be grounds for disregarding a negative medical report.*

On numerous occasions there are descriptions which indicate that the interview was not confidential, was not performed out of sight and out of hearing range of the police. Sometimes there are records that the police officers were inside the room, in others that the police officers could see and hear the interview, in others that surgery door was open and the police officers were watching and / or listening to the interview, in others that police officers could hear but not see the interview.

Table 64. The forensic medical examinations are not carried out in private

"We went to see the forensic doctor, and he asked me: «Are you okay?» Of course, with the door open and two Guardias Civiles watching you. Then what you said to the forensic was [he gestures shrugging his shoulders] *Yes…"* (IGEJ02)

"The door was closed but the cops were just outside, we could hear them and they could hear our whole conversation." (ILMW02)

After that night he was taken to Court to be seen by the FD. He refers that the forensic doctor, on this occasion, had a discussion with the Guardia Civil officers telling them not to get into the office because he wanted to carry out the examination with the prisoner in privacy and confidentiality. But the examination was carried out with the office door open." (JZLV03)

They took me down to the forensic doctors, two girls. (...) They looked at me, weighed me, measured me... The policewoman was out there, with the door open, and there was one next to her, listening to what I said." (JZLV04)

"I went to the forensic doctor (...) I told him that my neck hurt. I was afraid and I didn't want to tell him what they had done to me, because the Guardias Civiles were behind and they had warned me that if I said anything… Besides, they did not close the door, and

could listen to everything, so I told him that my neck hurt, to see if he could have a look at it. He asked me if I smoked, and as I said yes, he replied that I could have bronchitis. Then I took the decision to not talk to him." (MNEG01)

"In front of the woman who claimed to be the forensic doctor … He asked me how I was." (OBAM02)

"The visit to the forensic doctor consisted of getting into a room with a tap, table and 3 chairs, and at first the door was open with a hooded Guardia Civil listening to the conversation with the doctor, and that was supposed to be a doctor's surgery." (OBAM02)

"The Guardia Civil was not present but they knew everything, I think there must have been microphones... because the last day I could not explain how they could know what I had told the forensic doctor, I don't understand." (OBIM08)

"I didn't say anything about what was going on, out of fear that the Guardias Civilies were listening at the door." (OBS01)

"With the doctors it was bad, none had the courage to tell them to take the cuffs off you, or to tell them that they could not be there, because... the doctor was asking me things but there were four hooded guys by my side." (BOB11)

4. Istanbul Protocol: *Interviews with people who are still in custody, and possibly even in the hands of the perpetrators of torture will obviously be very different from interviews in the privacy and security of an outside, safe medical facility. The importance of obtaining the person's trust in such situations cannot be stressed enough. However, it is even more important not, even unwittingly, to betray that trust. All precautions should be taken to ensure that detainees do not place themselves in danger.*

   Istanbul Protocol: *Trust is an essential component of eliciting an accurate account of abuse. Earning the trust of someone who has experienced torture or other forms of abuse requires active listening, meticulous communication, courtesy and genuine empathy and honesty. Physicians must have the capacity to create a climate of trust in which disclosure of crucial, though perhaps very painful or shameful, facts can occur.*

Below are numerous examples illustrating the fact that detainees had no trust on the FDs, sometimes due to the idiosyncrasies of incommunicado detention, and in other occasions enhanced by the FDs' non empathic attitudes.

Table 65. Detainee's trust deficit to the forensic doctor's work
She identified herself as LLG, a Audiencia Nacional FD, and showed me an ID with a very old picture, the woman in the photo and the one in front of me did not look very much like each other. That made me feel a little lost, and that woman did not give me a good vibe, but well." (ILMW02)
"The FD was an old gentleman, quite unpleasant who opened his wallet to show me his ID, but I hardly saw it. The FD made a little report on me: age, medical history, heart problems, etc. He asked me if I wanted to be examined by him and I said I did not." (ILMW03)

"I remember that they took me to the FD, who was a woman with a robe, who did not identify herself with any ID, she said: «I am the FD here», she took my blood pressure and asked how I was, I said that I was scared and that I was very afraid, that they were threatening to make me worse things, that they were making me hear screams. She told me it was normal in a situation of detention to be afraid, that I had to be calm that this would end quickly if I did what I had to do." (MIIA02)

"He asked you four routine questions: if you're okay. I told him what they were doing, huh? He knew the slang perfectly: la bolsa; *and he wrote. I do not know what he wrote... «Are you in pain?», he asked me. «Do you want me to take your blood pressure?» I did not understand. I told him I had some sores that were killing me, because of the squats; that I almost choked with the bag... And he wanted to take my blood pressure? It is clear that he was part of all that and knew what was happening, and was not going to help me at all, because by taking my blood pressure would not prove what I was saying."* (NLM-AP03)

The woman's manner of speaking was distant and just got me to distrust her because in such a time in which you are arrested, to ask you questions in that tone. (…) Everything was very fast, I was... she didn't look at me at all, it was not a medical examination, and on each side I had two plainclothes Guardias Civiles... In front, the woman who claimed to be the FD.... She asked me "how are you?" But I did not trust her, I do remember that she said that if I wanted, during incommunicado detention, she could be with me every "x" hours, to do periodic examinations. I said yes, but then she began to ask and talk to me in a manner that made it clear she wanted me to say no." (OBAM02)

"I think that he did not even get up from the chair; he was sitting in a chair in an empty office, because I think there were no stretchers and he only asked how I was... I did not trust him, I did not think he was alien to what was going on there, for me he was just another one of them." (OBAM04)

"It was 10 pm and at 8 am we had to go to the Audiencia Nacional, it was all over. I was taken to the FD, he closed the door and I told him: the report that you are now doing about what I tell you, when will this be read? He told me he would not give it to them, it was eleven at night and the next day, first time in the morning he would present it to the judge. Then I told him the truth. And the very doctor told me to speak in a lower voice as I was telling him about the treatment I had received." (OBIM08)

"Bad. I just... I did not know... I asked him to show me his medical ID, but I did not know if he was a doctor... and... I did not say anything. I asked to see if I could wipe my face... that I felt... Gosh! Very bad, dirty. And I stank... that I thought I was disgusting... that I had sweated so much with all that exercise to exhaustion... I smelled my shirt and I was disgusted... and when I asked him, he answered badly (...) He said something like yes but fast. In addition... he didn't want to be with us and he didn't care, so the first day I said nothing." (OBS03)

I told him how my detention had been; that they had not yet touched me, that they were threatening me, and that I had been detained for an hour. Let's see then what would happen to me. She told me that she could do nothing, if I had no marks or anything she could do nothing." (AMRGL09)

"It helped me that the trusted doctors were there. From the second or third day they could come in, though at first I had confidence, they helped me to orientate in terms of days." (OBAM02)

"The first day I told the FD, but later I did not, because it was pointless. Then with the two trusted doctors I didn't say anything either." (OBIM02)

5. At other times the detainee's impression was that the quality of the FD's work was poor; e.g., the FD ignored information about details which detainee considered important or did not take into account the existence of physical signs.

There are numerous examples illustrating the fact that detainees had no trust on the Forensic Doctors, sometimes due to the idiosyncrasies of incommunicado detention.

Table 66. Forensic doctor's work perceived as deficient
"They took me to a place that looked like some kind of clinic; I think it was a health centre. They got me there and there was a woman who listened to my chest but made no questions, nor looked at my face, nor did she say anything to me." (IGEJ01)
"I did not tell him what was happening and one of the times he passed by the cell I told him that I was very unwell and asked him if he could prescribe me something. He said no, but tell me what is going on, and I told him what they were doing, how they were treating me, every insult, and he said, well, I know about all that. Anything else?" (JGGL03)
"Then they allowed a doctor to come in from outside, it was not the FD. That doctor asked me many more questions; I had to fill in a lot of things." (JZLV04)
"Trusted doctors, left inner thigh haematomas, haematoma in eyes... those reports, e.g. the FD did not even take note about, the trusted doctor did write it all down, there are things that had not been registered." (JZLV06)
"The FD, another cynical man, asked me to see how I was, my answer was… Bad, but in spite of this, the FD wrote down four things, because he also knew what was happening." (OAEM05)
"I was examined by the same FD on two separate days. I had handcuff marks, and I could not feel my fingers. I told him this, that I had not been beaten, that there was no problem... the thing with the handcuffs... and no more. As he was a doctor I didn't tell him about threats, I don't know. The thought of torture is that you are beaten or raped, right? At that... I didn't tell him that they had been threatening me, I didn't tell him; they have not beaten me but I did tell him about the handcuffs. (OBIM06)
"This man... He said yes but in a quick manner. In addition... He didn't want to be with us and he didn't care, so the first day I said nothing." (OBS03)
"Twice I think I saw him, at the beginning and I saw him later when I could not walk... He told me that they were stiff and.... He was an old man. (...) It gave me the impression that he was a fascist... I mean... I don't think I told him anything about the torture... I don't know... I don't remember." (MIIA03)
"I remember her as being quite cold. She asked me "How are you?", and I said I was not well, but I did not say anything else. She measured my blood pressure and little else. I did not say anything because I was afraid, but with my attitude I was trying to show her that I was not well. On one occasion I saw her face and I realised that she knew what was happening." (NLMAP02)
"Later, they left me alone all night and I went to see the FD. I did want to tell her everything, at that time, yes, I made gestures at her, but I don't know if she understood them. When she asked me to see if they were treating me right, I told her "right, but..." but she didn't ask me, right?" (NLMAP04)

6. Istanbul Protocol: *Sufficient time should be allotted to conduct a detailed interview and examination.*

In other testimonies the lack of quality in the medical examination is referred to in terms of the short time spent by the FD in the medical examination.

Table 67. Interview length is considered scarce
"When this farce finished (about 15 minutes), *he told the Guardia Civil that it was over."* (ILMW03)
"The medical examination did not last five minutes, I don't understand why there was such a hurry." (NLMAP01)

7. Istanbul Protocol: *They may be too afraid to allow for the use of their names, fearing reprisals for example.*

On numerous occasions the detainee referred distrust towards the FD or fear to tell the FD something about the ill-treatment or torture he had suffered.

Table 68. Distrust situations
"What happens is that you are in a state of shock. After going through there, by the Guardia Civil, you don't know what to expect, you don't know..." (IGEJ02)
"We returned to the police station. I was terrified; I was scared to death to go on with the interrogations and their methods. I thought «I have told everything to the FD, the judge has known about it; therefore, these guys will now get angry with me.»" (ILMW02)
"I did not even believe the trusted doctor, you end up believing them but it is useless, it did do good in the sense that it meant a little support in those minutes, and that is the closest thing to support you have." (OBIM07)
"The FD behaved very well with me, I was with him two or three times, he had a gaunt face, he was impressed by the physical state we were in. I always also told him that I was fine, I didn't need anything, but he offered me pills. I didn't say anything about what was going on, out of fear, as the Guardias Civiles were listening at the door." (OBS01)
"Then we went to the FD about 10pm, he treated me normally: took my blood pressure and it was still high, looked all around me, asked about the treatment and I said that it was alright and at that point, I didn't really dare tell him anything." (OBIM10)
"With the doctor in the police station it was also bad, I didn't say anything, I said that the treatment was correct, I didn't dare tell him anything because I was afraid, I just told him about a headache, I was with this pain throughout the five days of incommunicado detention." (OBIM01)

8. Istanbul Protocol: *Physicians and interpreters have a duty to maintain confidentiality of information and to disclose information only with the patient's consent.*

In some testimonies it is stated that the police knew the content of the interview with the FD, and that detainee reported having experienced some form of reprisals.

Table 69. Detainee points out reprisals after complaining to the forensic doctor
"After being taken back to the cell, they took me once again to interrogation and a policeman came in all crazy yelling at me what the fuck I had told the FD, telling me that he knew all what I had told the FD, that I would now find out what hell is like." (ILMW02)
"In the hallway he put the hood on me again and I think that another one went to the FD to ask her what I had said. (That's the impression that I have) (…) She asked me if I wanted her to make me a general recognition and I said no. I had the feeling that every time I saw her, the Guardias Civiles went to talk to her afterwards." (ILMW03)
"He listened to my chest, and then talked among themselves (in reference to the FD speaking with the cops) *and they got me out there again and took me to another police station."* (IGEJ01)
"When we said goodbye, they took me to the cell, forty seconds had not passed by when a Guardia Civil came in, took me in a hurry, got me into a room and he knew exactly what I had told the FD." (OBIM08)

9. On at least 4 occasions the detainee is tricked into saying that he will visit the FD, but then, according to detainee's opinion, it was a "fake" FD or an "impostor".

Table 70. Lack of identification by the forensic doctor to the detainee
"Then this guy appeared saying he was the FD, just like there was one in the interrogations who said he was a lawyer, but no one showed me any ID." (JGGL03)
"I remember that they took me to the FD, who was a woman with a robe, but she didn't identify herself with any ID card." (MIIA02)
"The same thing happened with the FD, I remember it was a person sitting in front of a paper, if you said something he wrote it down and you went to the cell. I didn't trust anyone, I didn't know if the doctor was a doctor and if the lawyer was a lawyer." (MTRGL10)
"Then I was taken to another room and, right at the door, I was told that I would be with the doctor. I suppose it was the morning of that day. They opened the door for me, and I saw a man and a woman, they didn't show me any identification whatsoever." (NLMAP01)
"As he didn't identify himself it was not clear to me if he really was a forensic doctor." (OBAM02)

10. On at least 4 occasions the detainee is tricked into saying that he will visit the FD, but then, according to detainee's opinion, it was a "fake" FD or an "impostor".

Table 71. Examples of policemen impersonating forensic doctors
"I was taken back to the forensic doctor, this time it was a uniformed man like the other two policemen, uniformed. I didn't believe he was the forensic doctor and I did not speak to him." (AMRGL09)
"At one point I was told to be calm that I was going to the forensic doctor. They took me to a room and there was a guy with a hood. And I said it was strange to see a FD with the hood, but hey, as I was told I was going to the FD I thought it was just to hide his identity or protocol or I don't know what. I remember they started to make tests on me and with all the confidence I told him that I had been beaten and asked him to have a look at me here (pointing to his neck) *because I had taken a lot of blows. Suddenly he said: boy, you have got it all wrong. What was I getting wrong? He was not a forensic doctor and he told me that he was a Guardia Civil"* (JZLV03)
"They took me to a room where a man appeared with a robe. He said he was not carrying any identification card but that he was the forensic doctor, they stripped me in front of the police to have him look at me but hey, he hardly looked at all, they were looking to see if I had any characteristic marks." (MIIA02)
"They first thing they did was to undress me. (...) A guy comes who claims to be the FD, and without looking at me and says, you're fine, you have nothing. He asked me to get dressed, (...) they put the hood back on me and got me into the cell again." (MNEG02)

11. Istanbul Protocol: *One-off visits, without follow-up to ensure the safety of the interviewees after the visit, may be dangerous. In some cases, one visit without a repeat visit may be worse than no visit at all. Well-meaning investigators may fall into the trap of visiting a prison or police station, without knowing exactly what they are doing. They may obtain an incomplete or false picture of reality. They may inadvertently place prisoners that they may never visit again in danger. They may provide torture perpetrators with an alibi, as they may use the fact that outsiders visited their prison and saw nothing.*

The reality observed in the analyzed testimonies is consistent with this. In general, there is a marked discrepancy between what is described in the forensic medical reports and the statements in the Istanbul Protocol assessments.

12. Istanbul Protocol: *The purpose of the interview needs to be made clear to the person.*

Based on the testimonies from the Istanbul Protocol performed in this work the FD does not explain to the detainee the purpose of the medical examination.

Considerations on the findings

The detainee is in absolute incommunicado detention, only in contact with the police who are carrying out the investigations and interrogations (and the alleged torture), unless the FD makes regular visits, throughout the arrest period. The detainee is with the same policemen before and after the examination. This reality is reflected in OBIM07's description: "*But then you go back down again...*" In his description, the detainee's fear to state the abuse he had suffered is perfectly visible.

To these structural weaknesses one must add the FD's examination's own shortcomings, particularly those in the Audiencia Nacional, as concluded in previous studies and visits

by the CPT to Spain.[84] Data in this chapter are consistent with such findings: not enough time is allotted for the interview, the FD's scarcely proactive attitude which makes it impossible to create a climate of trust, insufficient facilities and resources, absence of explorations or competent medical history, etc.

The main findings of this analysis are as follows:

1. The police officers who are responsible for presenting the detainee to the FD are the members of the same police force that is responsible for the interrogations.
2. The existence of cases of coercive pressure, with explicit threats to the detainee, in the supposition of him/her declaring anything related to torture to the FD.
3. The existence of generalized coercive pressure by the incommunicado detention itself..
4. The existence of cases in which reprisals could have occurred against the detainee for telling the FD anything about torture.

There are cases in which reprisals could have occurred against the detainee for telling the Forensic Doctor anything about torture.

5. The existence of cases of an impostor FD figure: a police officer (?) introduced as FD.
6. Usually examinations are not carried out in private.
7. The FDs almost always fail to obtain the detainee's trust. There are numerous examples in which the FD's attitude is perceived as non empathic, with little or no dedication to the interview, and even with a negligent attitude. The numerous cases in which the detainee is not cooperating in the examination ("*I do not want to be examined*") are a clear confirmation of this fact.
8. The conditions, under which the examinations are made, make it impossible to take precautions so that the detainee is not exposed to any danger. There are numerous testimonies on which the detainee expresses his/her fear to state to the FD what has happened, in some cases even with a FD attitude perceived as active or positive.
9. Confidentiality of information is questioned by some detainees.
10. It is not unusual that the FD does not properly identify him/herself (with a professional license).
11. The FD does not explain to the detainee the purpose of the medical examination.

Therefore, it is concluded that:

1. Forensic medical examinations performed during the incommunicado de-

[84] Petersen H.D., Morentin B., Callado L.F., Meana J.J., Hougen H.P., Idoyaga M.I. 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. J Forensic Sci. 2002; 47: 293-298. Morentin B., Petersen H.D., Callado L.F., Idoyaga M.I., Meana J.J. A follow-up investigation on the quality of medical documents from examinations of Basque incommunicado detainees. The role of medical doctors and national and international authorities in the prevention of ill-treatment and torture. Forensic Science International 2008; 182:57-65. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 12 April 1991. CPT/Inf (96) 9 [EN] (Part 1) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-1.htm. Accessed January 30, 2007. European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 22 April 1994 CPT/Inf (96) 9 [EN] (Part 2) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-2.htm. Accessed January 30, 2007.

tention period present important limitations and severe deficiencies in relation to procedure safeguards and this hinders or even makes it impossible to have an effective documentation of torture allegations.

2. Such deficiencies may be the basis for rejecting a negative medical report in which the detainee does not manifest abuse during examination.[85]

3. That these deficiencies justify the fact that an incomplete or false vision of reality is obtainable from FD reports. This would also provide an alibi to those who torture, who use the fact that doctors have visited the detention centre and "*saw nothing.*"

2. Medical consequences. Impact on physical health forensic reports using Istanbul Protocol

Torture represents a maximum intensity stressor that damages the physical and mainly the psychological health of individual. Different forms of torture cause physiological and / or structural health alterations of the individual, both in the immediate and in the medium-to-long term, after torture. Torture methods have changed over time, and in recent years there has been an evolution towards more sophisticated torture methods, designed to avoid marks on the body surface, that could be detected in a medical examination. As these injuries rarely stand out, they are unspecific and do not differ from those caused by other trauma. This section qualitatively discusses the impact or consequences of torture on a person's physical health, based on the described assessments that have been made following the Istanbul Protocol for this research.

It should be noted that what it is presented here is not the result of a systematic checklist, with which all of the examinees have been questioned for physical symptoms apparatus by apparatus. It is the result of those things that *people stated spontaneously* when asked about their physical condition then and now. It must not be taken, in this sense, as epidemiological data, but as a mere documentary verification and an initial "index" of the type of physical impacts that may arise. The percentages refer to impacts spontaneously stated and are not systematically measured, which means that the figures could be even higher.

Methodological considerations

The methodology described in Chapter 3 on mechanisms of physical and psychological torture was followed, doing a keyword search on the testimonies that might indicate the condition of the detainee by physical symptoms in relation to the alleged torture. The searches that were carried out as follows:

- Exhaustion and positional pains: Including tiredness and exhaustion, body aches.
- Head ailments: Including issues such as headaches, traumatisms and injuries to the face and head.
- Gastrointestinal ailments: Including weight loss, loss of appetite, gastrointestinal problems.
- Dizziness, Tachycardia: Including dizziness and tachycardia and hypertension.
- Musculoskeletal ailments: Including issues such as spinal injuries, rheumatic fever, muscle contracture, broken ribs, stiffness, etc.
- Eye ailments: Including issues such as retinal detachment, conjunctivitis, etc.

[85] In the Sentence of the Constitutional Court STC 131/2012 it is stated that *"it is not a sufficiently conclusive argument that the appellant has declared to the forensic doctor that he did not suffer physical or psychological violence, or that police treatment was correct"* and credibility is given to the complainant's statement that *"he was afraid of the police, under whose custody in incommunicado detention he was to remain when the doctor leaves."*

- Urinal-genital: Including issues such as testicular pain, urinary tract infection, amenorrhea (absence of menstruation for a period of time), difficulty urinating, etc.
- Asphyxia.

Qualitative description of disorders by apparatus

The main physical torture methods referenced in the sample were blows; forced positioning; strenuous exercise and dry asphyxia ("*la bolsa*") (see Table 60). The symptoms reported by interviewees are mainly referred to as consequences of these forms of ill-treatment.

Of all assessments, 40% (n = 18) of individuals described musculoskeletal pains or disorders, during their incommunicado detention period or the days after their statement at the police station. Also, 28.89% (n = 13) referred to exhaustion and positional type pains; followed by 8 people (18%) who reported urinal-genital problems. Equally, 5 people (11.11%) showed skin problems; 4 people (8.89%) hearing disorders and another 4 (8.89%) headaches. Meanwhile, 4.44% (n = 2) reported eye problems, and another 4.44% (n = 2), dizziness and tachycardia and finally another 4.44% (n = 2) gastrointestinal type disorders.

The most frequently reported physical disorders, when torture has just occurred and in later stages, are the symptoms related to the musculoskeletal system. Pain is the dominant symptom: diffuse or localized pain in traumatized areas, in the muscles or spine. A large number of interviewees pointed out having suffered headaches or body aches or skin traumatic injuries or symptoms of spinal lesions (cervical/neck pain, back pain, cervical contractures, muscle tension or stiffness in the back, etc.) in the immediate period or in the long term. Likewise reference is also made to pain with stiffness, fatigue and exhaustion, etc. These types of symptoms are associated with blows, forced posturing and techniques of physical exhaustion. (Table 72).

Table 72. Musculoskeletal disorders
"I was taking Ibuprofen for the neck, by stress I was also forcing muscles, from the positions in the car... the stress you have in your body, it was almost impossible to be all right, the 2nd day I was already getting worse. I had a purple eyelid, the ribs. (...) What remained was the cervical contracture, which is more durable, with the changes in treatment I use to notice, or with awkward postures or even sleeping in a bad position, that I would wake up stiff, and that is what I notice on the top side of the neck." (JZLV06)
"I had a period of much pain in the back, now I have occasionally strong neck pains, it had never happened to me. I went to the doctor and he said that yes I had the cervical vertebrae wrong, before the arrest I had a car accident and had nothing in the cervical vertebrae. I have a cervical sprain as a result of everything they made me, from time to time it hurts." (OBAM01)
"I touched my neck and it creaked because of the muscle tension, like when your back crunches, my neck crunched." (MNEG01)

"I think my neck problems, other than I am predisposed genetically, are related with the blows they gave me there. But, how do you prove it? They hit me so much here, in the neck and in the back of the head. In addition when they were hitting me they said «you know that this has its consequences.» I have to take quite a lot of sick leaves, because I have osteoarthritis, with two cervical injuries, and I also have protrusions; the previous step to the hernia. It's like a bulge in the cervical area. In fact, when I get nervous the first thing that gets me is this (the area around the shoulders and neck) *and the headaches start. (...) So now I'm going to rehab for the neck."* (MIIA03)

"It hurt a little here (points to chest), *because yes, they gave me Thrombocid* (a cream suitable for bruises). *The police who came to the cell the last two days gave me Thrombocid in the chest and back because I had bruises. I had a little pain and even stiffness (...) I touched my chest and it hurt, and in my back too and I also had body aches from exhaustion. The legs and arms for having been stressed, as if they were stiff. (...) I was also prescribed Thrombocid in prison, when I arrived, because I told them that I had been using Thrombocid, in the medical exam they made to you upon reception, and they even gave me pills and Thrombocid."* (MNEG03)

"I was devastated, very tired, I ached all over. Especially in the head, because of the blows. My body ached from stress and posturing, with such stiffness that I almost could not walk... with many pains." (OBIM08)

"The ribs, and face, and the legs which hurt more... I ached all over. I didn't give much importance to the legs, I relate it more to exhaustion... I could not even get out of bed, I don't know how I could even turn in bed... The act of making the effort with the abdominals, wow! It was impossible, and coughing... No, no. I remember, I had to do quite a juggling act to get up." (OBSO4)

"Over time, they told me that I didn't have a closed head fracture but a skull-brain oedema with muscle spasms in the neck. I had the entire head and neck swollen. I left the hospital in a wheelchair with a neck collar and loads of pills. With the collar there were many problems, it took me a long time to find a collar of my size, a standard collar did not embrace all of the swelling." (ILMV02)

"When I went out they assigned me an osteopath, I also suffered from insoles, a mouth ferula, because I was also told that it seems that I have a lot of anxiety and I do a lot of pressure while chewing or closing my mouth which is moving... My arms ached, my head hurt, the stress that I have is so much that I bite too much and all of this (the muscles of the jaw and neck) *is in tension."* (MIIA02)

"They kicked me, loads of kicks, especially from the waist down. These people were very young, it gave me that impression that they must have just left the academy and were brought there. They made me bruises; something appeared in the forensic examination, on the belly and all around it." (OAEM05)

"They found a bruise like a coin of... next to the bellybutton." (OAEM05)

Gastrointestinal effects are also mentioned which included weight loss, loss of appetite, and other gastrointestinal problems such as indigestion, cramps and pains.

Urinal-genital disorders also appear consistent on issues such as testicular pain, vaginal and urinary infections, amenorrhea, urination difficulties and pains, etc. These are especially significant problems reported by women.

Another group of interviewees stated having suffered eye disorders, consisting of retinal detachment, irritation and inflammation, which, in some cases, have led to a subsequent vision loss.

For a month or two I could barely eat, because it was like swallowing stones.

Table 73. Physical impacts – organ involvement
• Gastrointestinal impacts
"For a month or two I could barely eat, because it was like swallowing stones. (...) At the beginning I had indigestions." (ILMW01)
"Physically, I remember that I got into prison and people would say "what happened to you?" I used to weigh 70kg and when I arrived I was 64-65 kg and didn't eat. Physically I was weak and they hurt me, so I had to eat." (JZLV03)
"Then I had problems with cramping and such and it was a similar feeling; pains.... incredible." (OAEM02)
• Urinal-genital
"I was without menstruations (...) for one year. It cut itself." (ILMW01)
"What hurt so much was my vagina, a lot, and it bled, my cellmates told me to say it. Then I went to a doctor, she didn't examine me but I told her what was happening: «This is very serious infection.» It was not normal, in 57 years I've never had an infection and right now after going through the police station." (OBAM01)
"I was a beat scared and told the forensic doctor, because while pissing, I pissed very yellow and it hurt right on the penis gland, and it hurt a lot, burning, a very intense pain; he said: «that is your liver working hard, and as you're not drinking that doesn't help. You will urinate very yellow and with a very strong smell.»" (MNEG02)
• Ophthalmological impacts
"My eyes were very irritated by the hood, by the tears of all the people who would have used it; I tore some the eyes." (MNEG01)
"In the right eye I didn't have a retinal detachment, as the doctor thought at first, but it was... I don't remember, now I still get things which appeared there, I can't see, within the eye there was something black, I have lost a lot of vision." (OBAM01)
"Because of the hood, I got conjunctivitis, and in the handbag I had an antibiotic cream that I put on in the Audiencia Nacional. That hood... must have had loads of shit…" (MENG04)

Likewise, there are also allusions to complaints about pain in the body trunk; rib injuries and aches; stiffness and pains in the chest and abdominal area, as well as fatigue and exhaustion; body aches, etc. While most are a result of beatings, other testimonies relate these symptoms to forced posturing.

In connection with the torture of "*la bolsa*" (table 74) all the cases described the symp-

toms of suffocation, on 5 occasions the detainee referred unconsciousness; and in 3 cases the presence of nausea and / or vomiting; and in 2 urinary incontinence.

Table 74. Symptoms in relation to "la bolsa"
"They put a bag over my head and tied it at the neck and told me that when I could stand no more I had to touch the wall and they will take it away. I was standing on. I held what I could and when could no more, I raised my arm and touched the wall, and they took it off. They put the bag over the hood; I was sweating like an idiot. Meanwhile there were continuous questions, accusations and beatings. They did this to me about eight times in total. Then the same, when I was groggy, questions about my way of living, where I would go for walks and with whom." (ILMW02)
"In one of the first interrogations, the 2nd or 3rd, they pulled the bag on me four times. First, they put it on my head and if they did not like my answer, they pressed till I was breathless. I broke it with the hands or teeth; they told me that if I did that again they would kill me. It was very hard for me, the feeling of asphyxiation, you suffocate, you can not breathe; it's very, very hard. The use of the bag is brutal." (ILMW03)
"I remember that I fainted twice, they brought the bucket, and they put my head into the bucket, with the same bag on as if they were drowning me. I lost consciousness twice." (JGGL03)
"They made me la bolsa, *and the first time I did lose consciousness, it knocked me out, I thought I was dying (...) when they saw that I fell, they took the bag off, left me breathe, let me on a chair and when they saw that I was ok, they pulled the bag on me again."* (MIIA03)
"Then they put me up and they began to squeeze the bag (...) I thought they were getting crazy. And they were telling me: «But we control it, you don't have purple lips yet, we will open the bag when you lips turn blue, there is no danger. As much as you say you... you don't die.»" (MNEG01)
"When they used la bolsa *on me, what I did was to try to lower my jaw to avoid them tightening the bag so much, and later, when they loosened it a bit, to allow some air in underneath. But by having the head backwards, I could not. The body, in that situation, tends to escape because you are strong, so there were four people holding my body. At one point I lost consciousness. When I recovered, I had peed on myself."* (NLMAP03)
"They put that bag on the hood, it was horrible because the plastic of the bag and the wool got into my mouth, and I was choking. They covered my mouth, with the hands grabbing tightly, I lost consciousness. They said «if you puke you'll eat it up!»" (OBAM01)

3. Analisys of the findings in cases with medical reports

Introduction

Medical examination reports are one of the best methods to obtain evidence of torture. Reports accomplished after such examinations must contain: (a) a description of the state of health and any allegations of abuse; (b) medical specialist objective findings based on a comprehensive examination; and (c) the doctor's conclusions about the con-

sistency of the findings with any allegations of torture made.[86]

The Audiencia Nacional (thereinafter the AN) is the special court which assumes the jurisdiction on terrorism and is located in Madrid. Anti-terrorism legislation currently allows incommunicado detention for a period of five days under police custody. Forensic Doctors hired by the AN examined detainees in Madrid central police stations on a daily basis, and again in the AN, the day they are presented to Court. In the provincial police stations medical examinations are usually performed by FD from local institutions. Occasionally detainees' trusted doctors have been allowed to visit them during incommunicado detention.

The aim of this chapter is to asses the clinical information contained in the medical reports relating to ill-treatment or torture allegations and to assess the consistency of the medical findings with the torture methods described.

Material and methods

On examined cases arrangements were done with human rights associations working in the field of torture to obtain the forensic medical reports relating thereto. All the reports obtained were analyzed and are the source of the information in this chapter.

Our medical report analyses contemplated:

- The detainee's degree of cooperation regarding to medical history and physical examination.
- The existence and adequacy of information on ill-treatment allegations.
- The existence and adequacy of information on the subjective state of health.
- The scope of the medical examination.
- Clinical findings that indicate exposure to recent violence..

Results

Of the 45 examined cases, in 12 arrests corresponding to 11 detainees (reports from two different arrests corresponded to one person) medical reports on the examinations carried out in incommunicado detention were obtained. In 10 of the cases these were medical reports written by AN forensic doctors; in 5 cases FD were members of the Basque Institute of Legal Medicine; in 3 cases they were the detainee's trusted doctor (who conducted the medical examination in conjunction with the FD of the AN, while the person was under incommunicado detention); in another 3 cases there were reports of a hospital or clinic where the detainee had been transferred to because of health problems during the incommunicado detention; in one case there was medical reports of the Prison and in another case medical expert opinions.

1. Torture allegations in medical reports

In reports corresponding to 10 arrests, doctors collected allegations of detainees stating that they had been ill-treated. There are data on record about exposure to both physical and psychological ill-treatment in 8 of them; physical abuse in one, and in the tenth the reference is of (unspecified) ill-treatment alleged by the detainee to the Judge at the AN.

The most frequently reported method was that of blows. Nine people described having been beaten during the detention. In 7 cases the blows would have been given by hand, in 3 by foot and in 3 by using of a rolled up magazine or a phone book. Two detainees stated hair pulling. In all cases the traumatized area was the head / face region and in 2

[86] European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 22 April 1994 CPT/Inf (96) 9 [EN] (Part 2) - Publication Date: 5 March 1996. http://www.cpt.coe.int/documents/esp/1996-09-inf-eng-2.htm.

cases also the testicular region. Beatings on other areas of the body were much more infrequent. A tenth detainee stated the use of a certain amount of physical violence at the moment of the arrest.

Antiterrorist legislation currently allows for incommunicado detention for a period of five days under police custody.

Table 75. Description of alleged blows in cases where medical reports are availabe (n=11)	
• *Repeated blows on the head. Some occasional blows of lesser intensity in other parts of the body.*	• *Treading on the back-lumbar region at the moment of arrest. Blows to head with a wound phone book and with an open hand in the face.*
• *Blows to the head by hand. Foot impacts.*	• *Blows on the head with a magazine.*
• *Blows to the head by hand. Hair pulling. Pressure in testicles.*	• *5 or 6 slaps. Blows with the palms open. Punches and kicks on the body.*
• *Blows to the head, face and testicles repeatedly with an open hand.*	• *In the course of arrest his face was crushed down on the floor, beginning to bleed from the chin... and that "has received a blow with the knee on the thigh."*
• *Multiple blows to the head, she believes that by hand, and on the back of the cervical region (neck). Hair pulling.*	
• *Blows with a magazine in the head and, on other days, with a phone book.*	

Physical exhaustion techniques were collected in reports belonging to 6 detainees. The obligation to perform physical exercise is described in 4 reports and the technique of being held forced positions in another 4.

Table 76. Description of allegations on physical exhaustion in cases where medical reports are available (n=11)	
• *Push ups to exhaustion. Staying up.*	• *Obligation to perform push ups.*
• *Forced to spend much time standing up and squatting.*	• *Maintenance of forced posturing during a prolonged period of time.*
• *Obligation to do push ups. Forced into hyperflexion cervical posture.*	• *Obligation to perform push ups (three hundred or more).*

Asphyxia techniques with *la bolsa* are collected in 2 cases and the application of low intensity electric shocks in one.

In reports regarding 8 people's cases there are allegations of ill-treatment / torture with sensory deprivation techniques. The most frequent were being deprived of vision (N = 6), sleep deprivation (N = 4) and screams or noise (N = 3).

Table 77. Description of allegations on sensorial deprivation techniques in cases where medical reports are available (n=11)	
• *Head covered by balaclavas or hoods.*	*Screams in the ear.*
• *Continuous light. No corrective lenses. Hood during transfer.*	• *Deafening noises and screaming directly in the ear (especially in the right ear).*
• *Deprivation of water from the first day. Deprivation of a meal. Deprivation of vision (hood). Sleep deprivation. Constant interrogation. Deficient hygiene.*	• *Sight deprivation (interrogations with hood, no cell light). Sleep deprivation among continuous interrogation, screams, knockings on the door, etc., inability to sleep.*
• *Sight deprivation (hood).*	• *Water sprayed.*
• *Sleep/rest disruption (cell with constant light on, frequent awakenings for interrogation).*	

Seven detainees reported having experienced some form of sexual abuse. In 2 cases collected each of the following modalities were collected: physical violence on the testes, nudity, molestations, threats and harassment.

Table 78. Description of allegations on sexual torture techniques in cases where medical reports are available (n=11)	
• *Pressure on testicles.*	• *Touching of the breasts.*
• *Blows on the testicles repeatedly with an open hand.*	• *Partial forced nudity: "T-shirt and pants down".*
• *Forced nudity. Touching of a sexual nature on breasts. Passing of an object by the body, especially by the inside of the thighs, external genitalia, buttocks (no penetration).*	• *Threats of rape. Molestations.*
	• *Threats of rape (as was done to a friend of hers).*

In assessments of 6 detainees there were threats with insults and humiliations of non-sexual nature.

Table 79. Description of Allegations on (non-sexual) threats in cases where medical reports are available (n=11)	
• *Insults, humiliations and harassment (non-sexual).*	• *Insults, threats.*
• *Death threats. Insults. Humiliation.*	• *Threats of torture: electrodes (with simulated sparks). Humiliation.*
• *Threats and insults.*	• *Insults, denigration and threats.*

Detainees' "lack of cooperation" to provide possible information about the presence or absence of abuse is contained in 5 people's medical reports. In two of them mention is made of the psychological state of the detainee being that of "*panic*" or "*fear of reprisals*"..

Table 80. Description of documents where detainees' lack of cooperation is collected (N=5)
• *In another examination "does not want to answer" is on record. In another examination: "does not want to talk anymore. In panic."* • *Does not tell everything he has gone through because he is in "real" fear. Fear of reprisals.* • *Does not want to answer* • *Does not answer in some* [examinations]. *In one he states "not abused", in another that* [treatment] *has been "good". In the proceedings before the judge he states "until being assisted by a lawyer of his choice, he doesn't want to answer about how what police treatment received was like."* • *He refuses to answer questions concerning the treatment received.*

2. Symptomatology in possible relation to alleged abuse

In reports related by 6 detainees there was some information on the subjective state of physical health with symptoms possibly related with the alleged ill-treatment. The most commonly reported symptoms were neck pain (N = 6), headaches (N = 4) and generalized muscle pain or lower limb pain (N = 3).

Table 81. Analysis of specific symptoms in possible relation with alleged abuses in cases where medical reports are available (n=11)
• *Fatigue, exhaustion. Headache. Neck pain. Burn on scalp.* • *Occasional malaise at neck level. Neck pain.* • *Pain in the right shoulder (because of travelling handcuffed). Refers to being unwell with headache, no appetite. Shows his ribs, says he does not feel comfortable. In recent days generalized fatigue and muscle aches, and in the last hour episode of self-limited dizziness without loss of consciousness with great distress and difficulty for breathing, accompanied by vomiting. Pain in cervical and testicular region.* • *In relation to the alleged abuse: Insomnia, physical and mental fatigue. Pain in Left trapezius, head and legs (before the accident). Tachycardia, epigastric pain. Anorexia. Generalized muscle pain. (Note: Treatment is prescribed: anti-inflammatory / analgesic that he does not take for fear of not controlling the situation). In relation to traffic accident during detention: cervical sprain and sternum contusion.* • *Cranial pain (increased with palpation) in parietal region. Neck pain. Cervical-back pain (probably related to forced posture during transfer). Tinnitus in right ear. Diarrhoea. Menstruation: the bleeding stops after arrest. Insomnia, apathy, anxiety. Decreased appetite.* • *Neck pain (during travel). Pain in scalp by hair pulling. Muscle pain in legs by bending. Headache (treatment: ibuprofen). Asthenic appearance, difficulty for walking. Asphyxia and vomiting (*la bolsa*). Tachycardia.*

The existence of reactive psychological symptoms in possible relation to the alleged ill-treatment is reflected in reports corresponding to 8 detainees, mainly nervousness or anxiety, and physical symptoms in relation to the state of nervousness or anxiety..

Table 82. Analysis of psychological symptoms in possible relation to alleged Abuses in cases where medical reports are available (n=11)
• *Anxiety nervousness that leads to self-harm.* • *Mild anxiety in custody at all visits.* • *Nervousness* • *Episode of self-limited dizziness without loss of consciousness with great anguish, nonspecific dizziness and difficulty in breathing. Probably secondary to anxiety attack.* • *Insomnia, physical and mental fatigue. Tachycardia, epigastric pain. Anorexia. Psychological symptoms: extreme anxiety; nervousness; panic; he cries throughout the forensic examination; fear of not controlling the situation. Scared.* • *Extreme anxiety syndrome (profuse crying, hyperventilation, frightened look). Feelings of humiliation. Rejects anxiolytic treatment. Attitude retracted. Distrust. Insomnia; apathy; anxiety. Decreased appetite.* • *Anxiety (anxiolytic treatment). Great nervousness. Anguish. Emotionalism. Crying easily. Important tremor. Difficulty for the expression and communication of feelings and ideas. Uncommunicative. Frightened. Temporal disorientation. Tachycardia.* *Discreetly nervous. Anorexia. Refer little sleep.*

3. Signs of violence in possible relation with alleged abuse

Reports corresponding to 7 detainees had some information on the presence of signs of trauma. In 6 of them there are descriptions of physical findings of recent exposure to violence in possible relation with alleged abuse. In one of them there are also findings of self-harm, in connection with the detainee's statement. In the seventh case there were traumatic injuries not related to the allegations of abuse. Most physical injuries are mild like erosions and ecchymosis or bruising.

Table 83. Analysis of the presence of signs of violence in possible relation with alleged abuse in cases where medical reports are available (n=11)

- *Traumatic signs regarding alleged abuse: Periorbicular hematoma. Eyelid edema, head and face edema and swelling, retroauricular ecchymosis. Cranioencephalic trauma. Cervical contracture. CT scan: pericranial subgaleal haematomas. Evolution: scalp wound in surrounding scalp alopecia. Self-injury: injuries to wrists.*
- *Several crusted erosions on the anterior left leg and left knee. Cervical contusion, bruising and abrasions on knees.*
- *Mild erythematous marks on the wrists (caused by handcuffs). No examination (does not want one) in the 2 first visits. In the third, fourth and fifth examination "no body surface injuries." In subsequent clinical reports the following is collected: palpation pain in left testis and epididymis, with no increase in size. Neck pain and mild head contusion.*
- *Slight chin erosion 0.1 cm. Circular rashes on both wrists compatible with a set of handcuffs. Pressure pain on the outside of the middle third of the right thigh without physical injury. Wide ecchymotic area in front of the chest that reproduces the print of a hand and fingers which corresponds in the same way in the back of the chest, purple colour. 3 cm rounded ecchymosis, on right popliteal fossa, violet colour.*
- *Trauma signs in relating to traffic accident: palpation pain on sternum area, superficial and deep drilling, and while doing inspiration and expiration movements; these two last symptoms consistent with accident suffered. Traumatic signs regarding alleged abuse: right preauricular area ecchymosis. Several purple bruises on left side of the face (cheek, preauricular). Hematoma of 2x2 cm rounded outer right thigh deep purple. 2x2 cm rounded hematoma in left arm outer zone of yellow-brown-purple colour.*
- *Marks on wrists (from handcuffs). Cervical and upper dorsal contractures. Neck pain on passive and active mobilization. Cervical paraspinal (probably related to forced posturing) and dorsal muscle contractures. Osteopathy treatment by trusted physician. Hematoma 1 cm in the front-lateral outer left knee. 3.5 cm linear abrasion on the post-internal face of the left knee.*
- *Two linear erosions of 4.5 cm and 1 cm in epigastric region.*

On reports in relation to 4 detainees data is collected according to which no corporal examination was performed in one or more of the examinations because of the interviewee's refusal.

4. Conclusions on abuse probability on the basis of information provided by medical reports

The assessment of the conclusions on abuse probability, based on the documentation provided in the forensic medical reports, was

of high physical and clinical consistency in 3 cases; high clinical consistency in one case; and possible clinical and / or physical consistency in 3 cases. The information obtained in another 5 detainees did not provide relevant documentation for a competent assessment of torture allegations (Table 84).

Table 84. Description of cases with forensic medical reports
Tr Dc (Trusted doctor); Pr Dc (Prison Doctor); DF-AN (Forensic Doctor of Audiencia Nacional); FD-IVML (forensic doctor from the Instituto Vasco de Medicina Legal)

Case	Reports	Information collected in Reports				Evaluation of abuse allegation consistency (Project's team opinion)
	Responsible Institution	Abuse allegations	Physical symptoms	Psychological symptoms	Signs of trauma	
ILMW02	DF-AN Hospital Pr Dc Party experts	Physical & psychological	Yes	Yes	Yes	High consistency physical & clinical
ILMW03	DF-AN	Physical	Not indicated	No	Not examined	No relevant data
NLMAP01	FD-IVML	Physical & psychological	Not indicated	Not indicated	Not indicated	No relevant data
NLMAP03	DF-AN	Physical & psychological	Not indicated	Yes	Not indicated	No relevant data
BMI01 UG [A]	FD-IVML Hospital	In Court. Incomplete data	Yes	Yes	Yes	Possible clinical consistency, but not enough data
MIIA01	DF-AN	Physical & psychological	Yes	Yes	Yes	Possible clinical consistency, but not enough data
MNEG03	MFIVML DF-AN	Physical & psychological	Not indicated	Not indicated	Yes	Possible physical consistency.
OBAM01	DF-AN Urgencies Tr Dc	Physical & psychological	Yes	Yes	Yes	High physical & clinical consistency
OBAM02	DF-AN Tr Dc	Physical & psychological	Yes	Yes	Yes	High physical & clinical consistency
OBIM06	FD-IVML DF-AN	No. Does not collaborate	Not indicated	No	Not examined. Normal in 1st report.	No relevant data
OBIM07	DF-AN Tr Dc	Physical & psychological	Yes	Yes	Not examined	High clinical consistency
AMRGL09	FD-IVML DF-AN	No	No	Yes	Yes	No relevant data

In 83% of the cases there were allegations of ill treatment; in 66% psychological symptoms are described; and in 58% the existence of some kind of signs of violence is described in the detainee´s corporal examination.

Discussion

1. Evaluation limits

The assessment of forensic medical documentation has several limitations:

1) Only in 25% of the cases in this project expert assessments were carried out during the incommunicado detention period. They all came from a human rights association working in the field of torture. In the remaining cases reports could not be obtained because the cases were either very old or because there no judicial complaint of torture was initiated by that association. The percentage is relatively low and shows the need for future projects to obtain more reports from primary sources such as the Audiencia Nacional, the courts that heard the investigation of the complaint of torture or the prison's medical reports.

2) On several occasions the lack of collaboration (refusal to answer about police treatment received or to allow physical examination) did not allow the medical examination to be effective. With the data analyzed in this chapter it is not possible to know the reasons why a detainee decides not to cooperate: fear of reprisal? Distrust of the FD figure? Police threats in case of reporting possible abuse? Under this topic CPT experts have stated that the detainees may be too scared to express their complaints or may even have been threatened or intimidated by the police. Given the pressures that a person can undergo under custody, forensic medical examiners should not necessarily accept that these people are being well treated.[87] To quote the testimony of one detainee: *"I was taken back to the forensic doctor, this time there was a man who was uniformed like the other two policemen. I didn't believe he was a forensic doctor and I did not speak.*[88]

[87] European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 12 April 1991. CPT/Inf (96) 9 [EN] (Part 1) - Publication Date: 5 March 1996.

[88] Sentence from the Bizkaia Provincial Audience, 1st Section, 17/02/98.

This issue has also been evaluated in the following sentence: "About this issue of ill-treatment and forensic doctors, the sentence dated 17/02/98 of the Bizkaia Provincial Audience, 1st Section, it is considered as a proven fact that what the detainee stated to the Judicial Commission was later known by police agents who took revenge for that (torturing him specifically for doing so) and threatened the detainee once again. For this reason, the fact of the complainant did not report to forensic doctors the treatment he was given but this does not imply that this treatment was not taking place. At least, this position can not lead us to such an opinion."

In another recent sentence from the Constitutional Court it is stated that *"nor is it a sufficiently conclusive argument that the appellant has stated to the forensic doctor not to have suffered physical or psychological violence, or that police treatment was correct"* and credibility is given to the complainant that "[he] *was afraid of the police, under whose custody he would continue under incommunicado detention once the doctor went away* ".[89]

3) The data contained in the forensic reports was, in general, incomplete or insufficient:
   a) Description of torture methods is not fully detailed.
   b) Description of health state and description of the presence or absence of symptoms and physical or psychological signs in relation with alleged torture is poor.
   c) There are no requests for additional tests that might have been of interest (e.g., determination of muscle enzymes in serum).
   d) There is no assessment of the physical and psychological symptoms or signs of trauma in relation to their production mechanism.
   e) It is possible that referred methods may not leave objective injuries for a forensic medical examination or that due to the nature of many of the alleged ill-treatments it could be difficult to obtain medical evidence.

2. Assessment of the findings of this study

From the analyzed reports it is concluded that there were elements which indicated the possibility of ill-treatment during incommunicado detention: in 83% of cases, allegations of abuse had been collected; certain physical symptoms possibly related to alleged ill-treatment were described in 50%; psychological symptoms were described in 66%; and the existence of any signs of violence on the body examination of the detainee was described in 58% of the cases.

Most of the documents were "in themselves" insufficient as key elements in the assessment of exposure to abuse, but despite this a lot of documents with allegations of abuse contained some information about the resulting symptoms and / or clinical signs of recent violence in accordance with a medical history of ill-treatment. Thus, we find that in general the statements of the detainees are credible, although the premises were often inadequate and even though they were not confirmed by physical signs of violence in all cases.

These results are consistent with the recent report published by the CPT after its visit to Spain in 2011.[90] During the 2011 visit, the CPT delegation examined once again the modalities and safeguards applied to the incommunicado detention regime, in relation to the operations carried out by the Guardia Civil on January 18th and March 1st 2011, which brought about in the arrest of 16 people. The delegation interviewed 11 of these 16 people and was provided with broad access to documents from the Guardia Civil and the Audiencia Nacional regarding these arrests. The delegation received credible and consistent allegations of ill-treatment from 10 of the 11 people with whom they had had interviews.

[89] Sentence from the Constitutional Tribunal (STC 131/2012).

[90] European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT). Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 30 May to 13 June 2011, CPT/Inf(2003)22. Ref.: CPT/Inf (2013) 6 - Publication Date: 2013 April 30th. http://www.cpt.coe.int/documents/esp/2013-06-inf-esp.pdf

Chapter 6.

Psychological and psychiatric consequences as referred to in the Istanbul Protocol

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Introduction

Usually a traumatic event is defined as an extreme human experience which constitutes a serious threat to the physical or psychological integrity of a person and to which the person's response involves fear, hopelessness or intense horror.[91] After having experienced, witnessed or heard of such type of facts there may appear, sometimes, a series of reactions or symptoms beyond the control of the survivor and which create a deep psychological suffering.

Until the arrival of the DSM-III-R (Diagnostic and Statistical Manual of Mental Disorders of the *American Psychiatric Association)* trauma used to be defined as the experience that goes beyond the usual range of experiences. But this concept is relative and dependent on both the environment and the circumstances, as on the own perception that the person has of the act. So, for some people being humiliated in public can be a traumatic event, whereas, in contrast, others who have been victims of atrocities may perceive these as part of the reality in which they live and have not been impacted by them as a traumatic event. So in the DSM-IV and DSM-IV-R the "traumatic event" definition was chosen.

Posttraumatic Stress Disorder (PTSD) is commonly used to assess the impact of traumatic experiences or events. Basically what it denotes is that most people, after a particularly severe traumatic event, will react with three groups of symptoms that are related to:

- The re-experiencing of trauma, such as repetitive thoughts or nightmares.
- Affective anaesthesia as a way to avoid the stimuli that lead to recall or difficulty in expressing emotions.
- Increased state of arousal expressed as hyperactivity, concentration problems, work or school performance problems, and irritability.

[91] American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders* (Revised 4th ed.). Washington, DC.

Table 85. PTSD diagnosis criteria
A. The person has been exposed to a traumatic event in which: - The person experienced, witnessed, or was confronted with one (or more) events characterized by death or threats to their physical safety or to that of others. - The person's response involved fear, hopelessness or intense horror. B. The traumatic event is persistently re-experienced in one (or more) of the following ways: - Great unrest and intrusive symptoms among which images, thoughts or perceptions are included. - Recurring dreams about the event, which produce unrest. - The person acts as or feels that the traumatic event is happening (including a sense of reliving the experience, illusions, hallucinations and dissociative flashback episodes, including those that occur on awakening or when intoxicated). - Intense psychological distress while being exposed to internal or external stimuli that symbolize or resemble an aspect of the traumatic event. - Physiological response on exposure to internal or external stimuli that symbolize or resemble an aspect of the traumatic event. C. Persistent avoidance of stimuli associated with the trauma and numbing of individual's general responsiveness (not present before the trauma), as indicated by three (or more) of the following symptoms: - Efforts to avoid thoughts, feelings or conversations associated with the trauma. - Markedly diminished interest or participation in significant activities. - Feeling of detachment or estrangement from others. - Restricted range of affection (e.g., unable to have feelings of love). - Sensation of a foreshortened future (e.g. does not expect to get a job, to get married, to raise a family or, ultimately, to lead a normal life). D. Persistent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following symptoms: - Difficulty in falling or staying asleep. - Irritability or outbursts of anger. - Difficulty in concentrating. - Hyper-vigilance. - Exaggerated startle response. These alterations should last for over a month and cause clinically significant distress or impairment in social, occupational, or other important areas of the individual's functioning.

The concept of PTSD is an important aid in the context of traumatic impact because it contributes to building international consensus criteria and thus to obtain epidemiological data and planning, and to make visible damages that previously were often occult. This does not mean that does not also imply certain disadvantages, among which the following are included:

- Its use as concept around which a program is pivoting could de-contextualize the experience of survivors, reducing the problem to a set of physical symptoms without addressing the causes that give meaning to these symptoms and the system of values and beliefs about oneself, the others and the world that the traumatic event is putting into crisis.

- The involvement of people after traumatic events can lead to many other clinical situations that have nothing to do with PTSD, and are forgotten after it.

- PTSD is seen as a universal reaction, but experience shows, however, how forms of response to traumatic experiences are strongly influenced by the context and culture.

- The symptoms described are frequent: in several epidemiological studies, about half of people who have experienced a severe traumatic event (accident, torture, sexual assault, natural disaster, etc.) suffer one or more of them during the first few weeks.

That is why in the present study PTSD is not the only factor taken into account in the analysis of the impact of the events, but is supplemented with other scales such as the Beck Depression and Ontological Vital Impact Assessment (VIVO). Also starting from a much broader concept of trauma than simply reducing the psycho-physiological consequences.

From this viewpoint, which is closer to people's experience, a trauma is an experience that represents a threat to the physical or psychological integrity of the person, often associated with extreme emotions and experiences of chaos and confusion during the event, remembrance fragmentation, absurdity, horror, ambivalence, confusion, humiliation, abandonment or loss of control over one's life, which has a unaccountable or unspeakable character, incomprehensible to others, that breaks one or more of the basic assumptions that constitute the security referents of the human being; especially the beliefs of invulnerability and control over one's life; the confidence in others, in their goodness and their predisposition to empathy, confidence in the controllable and predictable nature of the world, all of which question the self and the self in front of world.[92]

For the relatives of tortured people, sequels are also excruciating and enduring.

Traumatic experiences generate:

- Feelings of helplessness, of being at the mercy of chance or of others, of having lost control over one's life.
- A break in one's existence, a rupture of a sense of vital continuity.
- An extreme negative stress.

One of the factors determining the occurrence of PTSD is the severity of the stressor. A stressful event will produce more traumatic effects when it is:

- Sudden.
- Prolonged.
- Repetitive.
- Intentional.

All of which are characteristics that:

- Reduce the person's ability to control the situation and to develop effective coping strategies.
- Question basic assumptions of human beings, such as the belief in people's goodness.

In the context of extreme situations of vulnerability and helplessness (such as incommunicado detention), it determines the terror that comes from not being able to do anything or to escape or to control what is happening. However, the consequences of a traumatic

[92] Perez-Sales, P. (2006). *Trauma, culpa y duelo: hacia una psicoterapia integradora*. Bilbao: Desclée De Brouwer.

event such as torture is associated not only to the emergence of PTSD, but to others like:

- The feeling of alienation: nobody who has lived through it can tell about it.
- The feeling of being judged: others can be seen as silly judges though they never act as such.
- Need to reconstruct what happened and fill in the blanks to find meaning in it all: risk of retrospective clairvoyance.
- Destruction of the basic belief of human goodness: which disallows the person to create bonds and live.
- Guilt: watching as if it was the result of reflexion or responses to unpredictable events.
- Feelings of humiliation and shame: associated to the traumatic event.
- Questioning the basic beliefs about oneself.
- Confronting the absurd, the illogical.
- Isolation: telling about it generates rejection. Radical sense of incomprehension and alienation.
- Breakdown of trust in the world.
- Affective and emotional anaesthesia. Reification.
- Problems arising from looking for meaning in hazards.
- Inability to feel emotions.
- Insecurity. The world is an unpredictable, terrifying place.
- Humiliation: posttraumatic growth denial: we did not learn anything useful.
- Resentment.

Torture has a significant destructive power over the person and its environment and, in addition to the enormous physical and psychological suffering that it generates, that seeks to punish and break resistance and to destroy the integrity of the victim. Torture leads the person to his/her limits between life and death. In the midst of extreme suffering, torturers forced them to "choose" between saving their individual identity (saving oneself by reporting others) or their social identity (standing firm and not incriminating, but running the risk of individual destruction). This supposed election is false, as both "exits" imply an attack to the detainee's identity. Torturers' messages are directed to obtaining this breakdown of identity.

For tortured people's families, the sequels are also deeply painful and enduring: to witness the arrest, the isolation in which the family is, to receive harassment and bullying by having a link to the direct victim who is pursued and punished, or by a secondary traumatisation, etc. This can increase the level of stress, fear, worry, feelings of threat and loss of the sense of safety and security, which affects the family system and the other members of the family. Similarly, torture can also cause a substantial alteration of the quality of life in the family, due to health problems, forced change of address, lost of work and decreased social support.

Although social support has been shown as a variable that regulates victims' psychological well-being in other contexts where there has been political repression,[93] sometimes it is difficult to find it in a society where this serious violation of human rights is not only made invisible, but is sometimes justified. The conditions that enable the systematic application of torture are closely related to an element of legitimacy, which in the case of the Basque Country leads to the justification of all methods in the fight against terrorism, as well as the extension of the category of terrorists to all persons related to the nationalist left, regardless of their connection with the armed organization. This connects

[93] Arnoso, M., & Perez-Sales, P. (2013). Representaciones sociales de la víctima: entre la inocencia y la militancia política. Psicoperspectivas, 12(1), 50-71.

Over a half of the examinees (53%) had at some point criteria for Post Traumatic Stress Disorders

with the social dimension of torture and the extension of its psychosocial consequences over the community of which they are part, thus ensuring responses of fear, inhibition, paralysis, impotence and conformity in society.

1. Psychiatric diagnosis – Istanbul Protocol

The table below shows the summary of psychiatric diagnoses that appear in the protocols, according to psychiatrists and psychologists who have evaluated each of the cases. There are figures of an accumulated prevalence. In other words, what experts have reflected is that if the person has had at any moment in time a psychiatric diagnosis associated to the facts or aggravated thereby. This does not include pre-existing diagnoses or only it included them if there was a clear deterioration after arrest, according to the expert opinion.

Table 86. Psychiatric diagnosis of the 45 examinees – Istanbul protocol

ICD-10 Diagnosis			
F33.1 F32.0 F32.1 F33.3	Depressive disorder – recurrent. Depressive disorder - Mild. Depressive disorder - Moderat. Depressive disorder - Severe (with psychotic symptoms).	6	13.4%
F.40.2	Specific (isolated) phobias.	1	2,2%
F41.1 F41.2 F41.9	Generalized anxiety disorder. Mixed anxiety and depressive disorder. Anxiety disorder, unspecified.	3	6,7%
F43.0	Acute stress reaction.	3	6,7%
F43.1	Post-traumatic stress disorder.	24	53,3%
F43.2	Adjustment disorders.	5	11,1%
F43.9 F45.8	Somatoform disorder, unspecified. Other somatoform disorders.	3	6,7%
F62.0	Enduring personality change after a catastrophic experience.	4	8,9%
Z65.4	Victim of torture. Does not meet criteria for any ICD-10 disorder.	6	13,3%

It can be seen that over a half of the examinees (53%) had at some point criteria for PTSD, 13.4% had a diagnosis of depressive disorder (from mild to very severe), 6.7% an anxiety disorder and a similar percentage for somatoform disorder. The more serious diagnosis associated with traumatic experiences is "Enduring personality change after

a catastrophic experience" which indicates permanent damage, considered irreversible, in the person, with a personality transformation that should be significant and accompanied by a rigid and maladaptive behaviour, which was not present before the pathogenic experience. The World Health Organization considers these are chronic conditions or irreversible consequences of this experience. The diagnosis is essentially based on the presence of previously missing features such as a permanent attitude of distrust or hostility towards the world; social isolation; feelings of emptiness or hopelessness; constant feeling of "being on edge", as if one was constantly threatened or a sense of self-estrangement. 8.9% of the examinees fall into this extreme form of damage.

2. Psychometric assessment

2.1. Post-traumatic stress disorder symptoms

In the case of PTSD the PCL-C checklist described in Chapter 2 was used. In order to assess the absence / presence of this disorder, three cut-points were established, according to scale validation data:[94] [95]

Before seeing the global affectation data, here are the answers item by item.

[94] Ruggiero, K.J., Del Ben, K., Scotti, J.R. y Rabalais, A.E. (2003). *Psychometric properties of the PTSD Checklist-Civilian Version*. Journal of Traumatic Stress, 495-502.

[95] Less than 44 points in the global scale means absence of Post-Traumatic Stress Disorder. Between 45 and 50 points means some symptoms of Post-Traumatic Stress Disorder. Between 51 and 55 points means the possible existence of Post-Traumatic Stress Disorder. More than 55 points implies existence of Post-Traumatic Stress Disorder.

Table 87. PTSD symptomatology by gender: percentages

	Men (%)	Women (%)	Total (%)
Re-experiencing			
Painful memories, thoughts or images	31.6	42.9	36.4
Repeated nightmares..	5.3	14.3	9.1
Behaviour or feeling as if the event was happening all over again.	5.9	7.1	6.5
Avoidance			
Feeling bad about remembering the experience.	52.6	57.1	54.5
Physical reactions recalling the experience.	21.1	42.9	30.3
Avoid talking or remembering the experience	15.8	42.9	27.3
Avoid activities that remind the person of the experience.	5.6	35.7	18.8

Emotional anaesthesia			
Troubles remembering some parts of the experience	31.6	7.1	21.2
Loss of interest in things that used to interest him/her	15.8	35.7	24.2
Feeling distant from people	17.6	42.9	29.0
Emotionally blocked ("numb")	.0	7.1	3.0
Truncated future	26.3	42.9	33.3
Hyper-arousal			
Sleeping problems	31.6	38.5	34.4
Irritable, angry outbursts	10.5	14.3	12.1
Difficulty in concentrating	31.6	38.5	34.4
Hyper-arousal or remaining on guard	42.1	42.9	42.4
Restless or startled	26.3	35.7	30.3
Functioal criteria			
Perceived stress level above 5 (scale 1-10)	33.3	53.8	41.9
Level of daily routines affectation above 5 (scale 1-10)	11.1	53.8	29.0

Table 87 shows the percentage of people who presented each of the symptoms in "regular" or "extreme" levels in the last four weeks. In broad terms it can be seen than the majority of examinees nowadays display frequent PTSD symptoms. To highlight some data, 36% still have painful images; 54% feel bad when remembering. 27% avoid talking about what happened, one in four has lost interest in things that they used to enjoy, one in three feels distant from people or feels that their future has been truncated because of what happened. 34% have sleeping or concentrating troubles, or are just startled by certain stimuli. Having PTSD symptoms does not mean having the full syndrome or being ill in the clinical sense of the term, but it does imply having more or fewer indelible footprints from the days under incommunicado detention, sometimes more present, less in others, but remaining in time, to a lesser or greater degree.

Global average is 40. In all SPTD symptoms, as we will show in the following breakdown, the highest scores are obtained by women; the greatest differences appeared in those symptoms related to avoidance, loss of interest and feeling distant from people.

Table 88. PTSD checklist results by gender			
PTSD – levels	Men (%)	Women (%)	Total (%)
Absence of PTSD	60	42.9	51.7
Symptoms of PTSD	26.7	21.4	24.1
Possible PTSD	6.7	21.4	13.8
PTSD	6.7	14.3	10.3
N	15	14	29

According to the diagnostic criteria for PTSD and based on the previously given scale, 24.1% of interviewees could be diagnosed with PTSD nowadays (13.8% scored as "probable" PTSD and 10.3% rated as "confirmed" PTSD). Again, gender differences are important with 35.7% of affected women as compared to 13.4% of affected men.

However, the data may be misleading since one of the most important variables of posttraumatic stress disorder is not taken into account, which is the passage of time. Below data are presented by the time elapsed since the arrest and subsequent incommunicado detention, and the expert examination.

Table 89. PTSD Checklist Results By Time Since Arrest (%)			
	Less than 2 years	Between 3 and 7 years	More than 8 years
Absence of PTSD	16.7	50.0	64.3
Symptoms of PTSD	5.0	12.5	21.4
Possible PTSD	16.7	25.0	7.1
PTSD	16.7	12.5	7.1
N	6	9	14

The data show, from checklist answers, that:

1) Most people who have been under incommunicado detention have some symptoms of posttraumatic stress (83.4% over the first 2 years, 50% between the third and the seventh years and 35.5% after 8 years).
2) There is a tendency, with the passing of time, for these symptoms to diminish and for many people there is a progressive, albeit slow, symptom control and standardization.
3) But there is a group of people that nurture long-term disorders (from the 16.7% of people with severe PTSD during the first 2 years, there also is 7.1% with the same diagnosis over 8 years after the arrest).

These data are broadly consistent with those obtained in the clinical interviews.

1. Re-experiencing

As has been seen in table 90, the most prevalent re-experiencing symptoms were "painful memories, images and thoughts" about the

Most people who have been under incommunicado detention heve some symptoms of posttraumatic stress disorder (83.4% over the first 2 years and 35.5% after 8 years).

experience (especially among interviewed male in comparison with women) and about a third of those interviewees also expressed having had nightmares or acting or feeling as if the situation experienced were happening again (here also, the percentages are higher in the case of men).

In the interviews, there were descriptions of images, thoughts, flash-backs of the arrest, the torture or the agents who inflicted it. Memories that were recorded and re-emerge in the mind alone while speaking about the experience or having to tell it again; as well as with facts, sights, smells, sounds (screams, doors slamming), dates or times that coincide with the arrest or while knowing of new arrests which remind them of the events. Sometimes this reliving is accompanied by anxiety, tremors, tachycardia, knots in the stomach, etc. Thoughts that reactivate the fears that were experienced during the arrests and torture sessions that often hinder sleep or cause insomnia.

Table 90. Re-experiencing
"I get in bed, close my eyes, and suddenly, the faces of the policemen start to return to me. As I start to talk about my voice I start to tremble and cry. (...) There was a mock arrest in college, I felt a kick in the door, in came hooded men, who stood behind a young girl, and grabbed her (...) and I had a bout of anxiety. It started and it took two hours and a half or so" (MIIA02)
"When a stimulus reminds me what happened (a smell, looks, body shape), it makes me jump, my heart races, I experience again all the emotions provoked in torture. (...) Even today I feel fear when those feelings and emotions come to my head; it still makes a knot in my stomach, I still cry just by the mere memory of what I have lived through and felt." (ILMW01)
"I have a friend, with whom I usually spend time, who used to make do this on me with the nails (scratch) *and it is the only time that this gives me a bad feeling, I don't like that feeling and I relate it a bit with that, the moments of the arrest come back to my mind. From when a police officer told me that he was going to take a knife, that he just never actually introduced the nail. They didn't introduce splinters, or the knife, or... but, when my friend does that, I get a weird feeling and I do usually tell him."* (MNEG02)
. "And then they came closer to your ear and spoke to you in a low voice, I had a time when if someone approached me I hated them speaking to my ear, I was angry, disgusted, you know, as if it made their role more credible, I can not explain with words, I was disgusted and it made me tell my people to not speak me like this because it made me furious" (JZLV5)
"Don't you ever touch me from the neck up, once they made me a biopsy to control nodules that I have and I went out crying hysterically, but there I was lying down, with people around me, they started walking around me and I had an attack, I had a very bad time, I also had the feeling that although they were doing nothing to me, I was suffocating. As if someone puts their hands here (in the mouth), *or someone comes upfrom behind me and does this* (covers her eyes). *(...) They put me, I told you that they started softly but I*

ater they increased the intensity, in fact, nowadays, I'm going to rehab because of my neck, and they put some little electrodes to strengthen the muscle, one electrode was released and I almost had an attack. "Iratxe mesedez etorri" ("Iratxe please come here") *I was crying, "baina zer pasatzen da"* ("But what's the matter?" replied the physiotherapist), *quiet, it didn't hurt me but suddenly I was not here, I was in Madrid at the police station, very bad. (...) Suddenly... I was in the station, not lying on the physiotherapist couch, I was there. (...) Up until a month and a half ago I was not able to see a movie where they put a bag over someone's head because I would just get sick. Nor can I stand seeing anything about torture, nothing. I get upset and sure things come to your mind, (...) You are never going to see me with a blanket around here* (completely covered) *I always have a gap here* (in the mouth) *to breathe. Always. Anything that covers my mouth just completely overwhelms me; there must always be a space for breathing. (...) In bars, I am always next to the door never at the inside end, and if the bar is full of people, this also overwhelms me."* (MIIA3)

"I have nonsensical things, like strange, right? For example, as when I was arrested, I was tied with a bridle, I could not see them. At first I did not realize that it was for that reason but they disgust me and it is a piece of plastic that has nothing. And the other day I was with my daughter and she came to me with one of those and... "hey, don't touch me with that!" And you realize that it is because of that." (IGEJ01)

There were also many nightmares reported related to law enforcement bodies, interrogations and torture. Nightmares are indicators of anguish and leave marks of extreme stress and can mean higher levels of fatigue and irritability during the day. In general, these nightmares eventually die off with time although they can occasionally protract themselves for years.

Table 91. Nightmares
"Lots of nightmares, even now in some dreams the Guardia Civil comes in. More in the first few months." (MNEG04)
I had nightmares about the interrogations, and I was greatly disturbed by noises, I jumped on the bed, and while waking up to find they were not going to... I felt relief. Because in the police station I heard a knock and it was the door and they got you up to go to the interrogations. And in prison, with metal door noises, they make a lot of noise, I jumped, and I realized I was in prison and I was relieved." (OBIM08)
"One or two years ago and now I dream less and I am calmer... I mean... it has prolonged in time a lot; 13, 14 years. (...) At the beginning, nightmares were two or three times a week. Then one or two times a month and it later took longer... Yeah! That feeling of... "I'm dreaming! No shit, it's true!" (…) You woke up and it was like... Yes, I'm dreaming." (OBSO4)

2. Avoidance

Among avoidance symptoms, the majority of examinees expressed feeling bad while remembering the experience and about half stated having had physical reactions while recalling the experience or avoiding to remember or speak about what happened. One third of interviewees referred avoiding activities which related them with the experience.

The feeling of alienation or estrangement from society is very common among people who have suffered a traumatic experience; they feel out of place, like "freaks" and misunderstood.

In testimonies there those attempts to avoid remembering what happened and to avoid talking about the arrest are reflected as a tool to keep on functioning. We have already seen in the previous tables that it is not easy to forget. The images, thoughts, flash-backs and nightmares bring up the memories even if you do not want to remember.

Among the actions carried out were filling free time with different activities in the hope that thus, one can not think about what happened; to avoid telling about it in the hope of forgetting; avoidance of places that remind them of the event, as passing by police stations or agents belonging to the security forces who inflicted torture, etc. However, these thoughts often creep back however much is done to avoid them.

Table 92. Avoidance
"What is here (referring to his head) *forms a block and wants to forget and so there are things I do not remember, right? Because there has been this attempt to want to forget."* (OBAM05)
"Sporting relaxes me a lot, I sleep better, I do things to forget now that I have time, I will do things to stay busy, working some more, apart from being with friends, thet helps, making meals and that, sports (...) in my case, I did want to forget, trying not to think, and focus more on... listening to the radio, reading a book, etc." (OBIM07)
"Just walking with the dog I see a patrol stopping and looking at me. I try to avoid, avoid being seen and avoid having them telling me any nonsense." (NLMAP01)
"Knowing that I could be stopped by the Guardia Civil in a control, I went up and down to work scared. Then I changed the schedule, and I was from 1pm to 8pm, and went down at night, I never went through that area (where the Guardia Civil was), *this has changed over time. Then I came to the conclusion that as I know almost everybody in my village no strange element generates any trouble in me, now I'm calm."* (MNEG04)

Likewise, there is also the need to avoid loneliness, not so much linked to the avoidance of thoughts about the experience ("*turn things over in the mind*" by being alone), but as a form of protection in a state of hyper-arousal (which will be discussed later), perhaps thinking that being with other people is a way of self-protection against a possible re-arrest.

Table 93. Avoiding loneliness
"If nobody could (leave home or accompany him somewhere), *I left it for the next day."* (NLMAP02)
"I don't like to walk alone. During the day it is different, at night I don't like it. Normally I don't go out much, so far I have no need, I try not to... as you enter into your previous routine and monotony you are back in attitude to what it was like before, but not 100% because it is impossible." (JZLV06)

3. Emotional anaesthesia or blockage

Among the symptoms related to emotional anaesthesia or blockage, about half of the people stated having seen his/her future shattered (with equal distribution between men and women) and feeling distant from people (especially women); one third having troubles remembering some parts of the experience (mostly men) or having lost interest in things that used to interest them (especially in the case of women). A minority reported feeling emotionally blocked, which is also mostly reported by women.

In the testimonies, some people express their inability to continue with their daily lives; to develop activities or properly undertake work or studies, among others. Having outstanding trials also prevents the possibility of planning for the future, which leads to trying to live more in the short term.

Table 94. Inability to continue with daily life
"I don't know… I focused on work; I have never again finished anything that I had started. (...) Until the trial date arrived, I was blocked, I stopped studying, working, and caring for people who had to be taken care of." (MNEG01)
"I see it from day to day, and if tomorrow comes tomorrow will tell, I don't see my life, I say this because this is the way I feel. Often, when doing things "Sunday... I will wait till Sunday arrives and let's see", I don't think too much about tomorrow." (OBAM05)
"And then I was unable to make plans. As someone called me and asked me if we were going to wherever next week and I answered wondering about the next week… If I don't know what I will do tomorrow. I was unable to not know what I was going to do the following day." (IGEJ01)

The interviews also showed the perceived distance with people, being themselves emotionally close to others; or having difficulties to externalize and manage emotions; feeling overloaded among large groups of people, out of place and with few things to share, avoiding community meetings or activities, where there were many people. The feeling of alienation or estrangement from society is very common among people who have suffered a traumatic experience; they feel out of place, like "freaks" and misunderstood because of what they have experienced.

Table 95. Feeling distant from people
"And then with people, well, I limit myself a lot, that is, before I was much more open... now maybe someone comes up to me and if I am... but I want to go back to my place, don't know. I am also more insecure in front of many people I sometimes find it difficult to breathe and all." (OAEM04)
"When I left I was called to work, and I was not well, being in a classroom with all the screaming and kids. It's been over a year now and I realize that now I can live like before, but at the beginning I could not make plans with many people nor did I want to, I preferred to be alone or with one or two people." (OBAM02)
"Relations with people were wrong, rare, and very different from what they were before. I hardly spend any time with... I'm with my village's people occasionally, but... I've always had friends out of town and I don't go out with them.... it is that I don't want to go out of my town, don't know why." (OBIM08)
"You can be with a hundred people but being alone, which is what happens to me. I can be with a lot of people but I am in my world, I'm out." (JGGL03)
"I get sick when we are with a lot of people. They were telling me things and I felt like... it's that I have nothing to say. What do I say? Once it happened I don't know what happened in the prison yard... Uncomfortable, I was not bad but uncomfortable. I used to not want to be with many people... if it was with a single person, ok, but if more people were there, it made me nervous. It was a lot of information, and I felt bad. So that year I used to be with my sister. With my sister I had always had a very good relationship. I used to be with my sister and my brother in law, we went to the mountains and I enjoyed doing so. That was a very bad year. I was comfortable only with my sister and my brother in law, when we went to the mountains with the dog." (IGEJ01)

Regarding the problem of remembering parts of the experience, some testimonies stated a sense of unreality, as if it was part of a dream or a nightmare of which they have some scenes deleted; this is also linked to the impossibility of believing that barbarity is possible. One must bear in mind that these difficulties may be due to, on one hand, post-traumatic symptoms of emotional blockage or anaesthesia, although, on the other, it may also be conditioned by time manipulation techniques used as a torture method, as has been described in previous chapters.

Table 96. Difficulties in remembering the experience
"The five days at the police station, I have deleted almost all or much of what happened, more than with everything else. I could not situate myself in time, or how long the situation took, or if it took hours or days, or if one thing goes before or comes after another. I have it all very confused, really. I have very erased memories. Just over time I have forgotten even more, but a month after my arrest there are certain things that I remember and that even I cannot believe. It was like looking at it from afar and feeling like in a dream. But there also were things that I don't remember just after a month. Actually I think that I forgot them because of the stress. (...) It was like a dream, a nightmare. Is it true or am I dreaming? You do not know what is true and what is false." (NLMAP02)

"That of time is crazy; at the end you get disoriented and you don't know if you have been away for an hour or a day... When I got into prison my parents asked me if I needed anything. I said a watch. I had never used a watch and since then I always wear a watch. I can not be without knowing the time. I need to know what time it is and what day it is." (JZLV04)

"They were five days which are difficult to put in order because after a time... the detention, torture, how it was... you had it there, right? I do remember that with the passage of time I had things that were not in order, the first time I put some order was when I left prison and had to go to a psychologist... As I recounted some disjointed facts, somehow I skipped one day, or one fact, in those five days." (IGEJ02)

"If you tell me that I spent a month or two... I would have agreed with you, but I really have no idea. Later, I was told and I rationalized, but, if not... you live by the second, and every second for you is a lifetime. It is another concept, I don't know, I can not explain it otherwise, but the parameters are different, but time... I don't know." (OAEM02)

4. Hyper-arousal

The hyper-arousal symptoms most reported by the interviewees, with a percentage of over half of the sample, were a state of hyper-arousal / being on permanent guard, being followed or being easily startled. Likewise, half of the interviewees stated having sleep problems or difficulties to concentrate (especially women). Finally, just over a third of interviewees reported episodes or outbursts of anger.

In the interviews numerous testimonies were detected that stated these symptoms were caused by the fear to be arrested again. Regarding this state of hyper-arousal, there are descriptions of the need to control the spaces in which they circulate. In public places, on the street, many interviewees recount being aware of the movements of the people around them, their gestures and glances with a high level of distrust. In their homes, although they generally live with a greater sense of security, this need for control translates into being aware of outside sounds, checking for anything weird that could happen, making sure that the door is padlocked, etc., resulting sometimes in daily rituals.

Table 97. Hyper-arousal

"I just go down the street and if I notice that someone is going faster than normal I start to accelerate and when I see that I have a safe distance, I turn a little, not completely, to have a look... there are times when I have run up to the entrance to say "okay, I'm home."(...) I feel insecure (...) I do not trust anybody. At home I'm on familiar ground but being out here is like being easy prey for anyone." (MIIA02)

"Every time I go out, every day, I'm controlling everything: who is by my side, the car, etc." (BOB11)

"I have to check that the door is locked and the key is set; that the door of the room is locked with the key set; I look through the window (...) this really is a fixed ritual. I do it once, unless something happens with sounds (...) I am able to identify any sound (...) with any noise I hear (a car, the entrance door) I have to get up and look, to check it all, to make sure nothing is happening, if not my heart speeds up. (...) I always look at all sides, even when I get into a bar for a coffee I will never turn my back to the door, I need to control my surroundings." (ILMW01)

"I left home, to take a ride out there. And down the street, those early days, I was looking to not be pursued (...) always making sure no one is following me. (...) I was going down the street tense, very tense. After one week I meet the policeman who had arrested me, I didn't expect to meet him like this (...) it made my heart pound. This scares me, scares me a lot." (MNEG02)

"People tried to help but I wasn't right and then I felt observed and uncomfortable. (...) I used to look before entering or leaving home, if they are there, I don't know if it is a defence mechanism or what." (OBAM02)

"All the time looking to see if anyone was coming behind. I didn't like to be touched, and much less from behind; I was scared and jumped. (...) I had like this fear inside. I know that there was no real fear of meeting someone or having somebody doing something to me. It was like if fear was inside me wherever." (NLMAP02)

"Lot of times I think that I'm going to be arrested or I get nervous. I just look at someone and think «How strange he looks...» I get very nervous: «Why is that guy looking at me?»" (IGEJ01)

Associated with this state of hyper-arousal and also with re-experiencing symptoms, many people expressed difficulties in sleeping. These are very common in the first weeks after incommunicado detention and in most cases diminish with the passage of time.

Table 98. Difficulties In Falling Asleep
"At night I started to get scared and every Monday... before the next police operation, well, I woke up. At 1:50 was when they entered my house, so at 1:50, minute up or down, but always at that time, I wake up. Well after I was released... a little time later I went to live with my partner, and that happens every night... Every Monday, I wake up and I have to go to the window and look at the road, and all, and make sure that no one is there, but... I spend a lot of time like this, I can not sleep!" (OAEM04)
"On a normal day I wake up every 2 or 3 hours, it's not something that I mind, but you are asleep and boom! (...) When I got out of prison... I could not sleep at all (...) I had never had insomnia and it is horrible, wanting to sleep and not to. I just went out one day till 2 in the morning. Where have you been? (They ask him). *Running. I went out silently and I looked* (back) *when I came in. Where have you been at 4 in the morning?* (They ask him). *I went out running."* (JZLV04)
"When I was released, I could not sleep, I could hardly sleep, I heard noises, I was aware of everything. At night memories came. I spent several months going to sleep with my partner, I could not sleep alone, I was quite unable." (MTRGL10)
"I've been unable to sleep well for 8 years, until we decided to move house. Because it was the same house. In that house I was ok by day and even in the evening or at night when Josu is in. But when he goes out because he has a date with someone... I have not been able to sleep well for eight years. Then I get upset by noise, loud noises bother me a lot." (OBIM01)

"I can hardly sleep, there is a noise and I wake up. Before… I could fall asleep even if the building opposite my house collapsed; I didn't care." (JZLV04)

"The sleep threshold is here, I wake up with the noise of a fly, with the dog scratching itself, with Aitor turning in bed... I wake up with everything and now that I'm taking pills, I also wake up." (MIIA03)

Although it is a phenomenon that happens to a lesser extent, some people described difficulties controlling impulses, especially those of aggressiveness. They perceived themselves testier than before, more irritable and less tolerant, sometimes failing to control their anger. These situations, in any case, were minor.

Table 99. Anger
"I am often overwhelmed and sometimes I have to grab something in the hand and hurl it against the floor, it is a very intense reaction, without thinking." (BOB11)
"Yes, I become very suspicious and I feel very aggressive... I get angry too easily, I get mad. If someone grabs me from behind to hug me I can react very badly and I can even react giving him a punch." (BOB12)
"Now I get on fire on much more easily than before, I have even managed to have a couple of strong conflicts and fights, but I've never been like this. I was much quieter, now I get out of control when something happens or offends me." (OBSO1)

Finally, there are a number of items in the PTSD checklist that measure the impact on the criterion of functionality. We found that most of the people have a high level of stress and a sense of involvement in their daily routines as a result of the experience of torture, although over time these were decreasing significantly to normal levels, which do not prevent people from living their lives. This is not to deny that there are some cases in which people speak of a significant impairment in their daily routines in spite of the time that has elapsed.

Table 100. Daily routines
"At home my parents were threatened by phone, their mailbox was burned... My parents come to ask me, many years ago, please not to go to their house anymore, because they were afraid. There are images that I have recorded in my head, and today that I am remembering them it huts me, I feel sad... Being told this by your parents… I understand them, right? They just couldn't put up with the situation any longer." (JZLV05)

"I can not trust people with authority, at work. I'm not going to have good relationship with my bosses, it is impossible, I can not, and I get upset. I don't know if it's because I relate it to jail and torture, but I can not cope with them. They make me feel bad." (MIIA03)

"So far I've worked in hostelry, in the family bar (...) with clients who you know more or less (...) now I have to relate to all kinds of people (...) and I could hardly think (...) I get very dizzy, I have to do it but don't know." (ILMW01)

3. Impact on identity and worldview

AIn addition to the clinical viewpoint based on neurobiological symptoms (such as the post-traumatic stress disorder we have just discussed), it is increasingly common to use other approaches to analyze the impact of traumatic events on people's lives. Sometimes extreme situations, such as serious illness or a relative's death, may put in question some *a priori* aspects about life. They do not use to be dramatic changes, but the reassessment or the introduction of confirmative or non-confirmative nuances. But sometimes these adjustments can be highly relevant and decisive in the subsequent adjustment of the individual. For some authors, the degree of difficulty to revise our interpretation of an experience, or in reviewing our basic beliefs and identity to adjust them to the experience, is a reflection of the extent to which this experience has been traumatic.[96]

The concept of identity (defined as the vision that one has of oneself and as the way that one has to understand the world and the events around it) can be considered a subcategory of *a priori* or basic assumptions about the world. The survivors of traumatic experiences faced a major challenge in the search for meaning, to develop a coherent explanation, and to rebuild a new vision of oneself, of the others and of the world which integrates this new experience. Identity is considered a key element in understanding the impact of traumatic experiences and people's coping responses.[97]

1. Global perspective: VIVO questionnaire

One of the questionnaires used in this research is the Questionnaire on Vital-Ontological Impact Assessment (VIVO).[98] This questionnaire tries to measure the vital impact of extreme experiences on identity and on the person's system of assumptions and beliefs. It is composed by 116 items, organized into 10 blocks and 35 conceptual scales. The following is a table that allows a better interpretation of the results for each of the scales.

[96] Dalgleish, T. (2004). *Cognitive theories of posttraumatic stress disorder: The evolution of multi-representational theorizing*. Psychological Bulletin, 130, 228–260

[97] Perez-Sales, P. (2010). *Identity and Trauma in Adolescents Within the Context of Political Violence: A Psychosocial and Communitarian View* Clinical Social Work

[98] The acronym VIVO comes from *Valoración de Impacto Vital Ontológico*. See more on Perez-Sales, P., Eiroa-Orosa, F. J., Olivos, P., Barbero-Val, E., Fernández-Liria, A., & Vergara, M. (2012). *VIVO Questionnaire: A Measure of Human Worldviews and Identity in Trauma, Crisis, and Loss—Validation and Preliminary Findings*. Journal of Loss and Trauma, 17(3), 236–259.

Table 101. Vivo questionnaire interpretation		
Sub-scales	People with high scores ...	People with low scores…
Conceptual block I – Worldview		
Worldview (Positive/Negative)	...seeing the world as an uncertain and grey place, in which it is not possible to enjoy life.	…see the world as a beautiful, friendly and safe place.
Meaning of life (Has / Lacks)	...consider life as meaningless.	...consider that life has a meaning.
Convictions (Help / Do not help)	...consider that they have no convictions or that their ideological or spiritual convictions have not helped them to cope.	...consider that their ideological or spiritual beliefs have helped them to cope.
Conceptual block II – Attitudes towards the world		
Suicide (Option / No option)	...consider suicide as a legitimate option and were able to consider it.	...consider that suicide is not an option.
Fate (Relevant / Not relevant)	...think that fate plays a decisive role in their lives.	…consider that fate doesn't exist.
Ambiguity and uncertainty (Tolerated / Not tolerated)	... badly tolerate ambiguity and uncertainty and seek certainty in their relationship with others and with the circumstances of their lives.	…consider that life implies accepting uncertainty and ambiguity.
Search of logic (Acceptance / Question)	...ask themselves about the logic of facts.	...accept the facts of life as they come.
Conceptual block III: Vision of human being		
To share the experience (Useful / Useless)	...consider that telling and sharing the experience is useless and consider silence or oblivion a better strategy.	...consider, however, that sharing the experience helps them.
Suffering (Useful / Useless)	...consider that all suffering is useless and breaks the person.	...consider that suffering is an opportunity for learning and improvement, and it is possible to be happy even in suffering.
Goodness of human being (Have / Lack)	…consider that, in general, evil triumphs and that people do not often help other people nearby.	...consider that there is a tendency to goodness.
Trust in human being (Has / Lacks)	...tend not to trust others.	…tend to trust others.
Communicability (Possible / Not possible)	...consider that there are no words to express the horror and that in any case it can not be understood.	...consider that there are always words to express the most terrifying situations.

Dreams (Neutral / Suffering)	…state they suffer and that this is expressed in dreams.	...do not usually remember their dreams and do not give them much importance.
Conceptual block IV: Coping		
Ruminations - broodings (Presents / Absents)	...tend to think about the events that happen and cannot stop thinking about them easily.	...can easily stop thinking about what worries them.
Immediate coping- (Active / Blocked)	...consider that they tend to react to threats by blocking up and experiencing fear.	...tend to cope with these situations calmly and directly.
Oblivion (Possible / Not possible)	...consider that events can not be forgotten.	...think they can forget things if they wish.
Conceptual block V: Impact of events – The past		
Guilt (Assume / Do not assume)	…have painful guilt experiences.	...consider that they can assume their past or that it is possible to understand or forgive.
Self-confidence (Maintained / Lost)	...consider that they have lost their ability to face problems and their self-confidence.	...consider that their self-confidence remains intact.
Learning (Possible / Not possible)	...consider that people do not learn from mistakes.	...consider that they have been able to learn or to become stronger from adverse experiences.
Change (Possible / Not possible)	...consider that change is not possible.	...consider that change is part of the human being.
Conceptual block VI: Emotions		
Emotions linked to identity (Positive / Negative)	…associate the traumatic event to experiences of humiliation, indignity or shame.	…associate what has happened to experiences of pride, dignity or resistance.
Immediate control (Maintained / Helplessness)	…associate the traumatic event with experiences of helplessness and loss of control.	…do not associate the traumatic experience with a loss of control.
Feelings (Tolerance / Rejection)	...reject the feelings associated with extreme events.	…tolerate and accept feelings.
Conceptual block VII: Narrating the experience		
Testimony (Significant / Not Significant)	…consider being a witness is irrelevant.	…consider that it provides meaning to life.
To communicate (Relevant / Not relevant)	…consider that there are parts of their experience that they prefer to keep quiet about.	...have tried to express the whole experience.

Sub-scales	People with high scores ...	People with low scores…
Conceptual block VIII: Consequences		
Empathy (Proximity / Insensitivity to others)	…consider that the experience has distanced them from the others and that they are less empathetic to the suffering of others.	...consider that the experience has allowed them to have more empathy to others.
Loving others (Maintained / Decreased)	...consider that they have less capacity to bond and to love.	...consider that this ability is intact.
Chance (Search / Question)	…considered that luck is unfair and fortituous.	...accept that many of the things that happen (including extreme events) depend on luck.
Conceptual block IX: Social support		
Social support (Present / Absent)	…feel that society turned away or did not want to hear.	…felt support and closeness.
Blaming the victim (Present / Absent)	...feel that they were blamed for what happened to them.	...do not believe that society blames them.
Conceptual block X: Identity		
Future and hope (Positive / Negative)	...are pessimistic about the future and with despair.	...have positive expectations and expectations of happiness.
Changes in Identity (Present / Absent)	...consider that this is a turning point in their way of understanding the world.	...consider that their worldview has not changed.
Changing priorities (Present / Absent)	...think they have changed their priorities in life (in a positive or negative manner).	...think life has remained the same.
Victim identity (Present / Absent)	...consider themselves as "victims" and identify as such.	…Do not consider themselves as victims.

Examinees' VIVO questionnaire results can be seen in the following table:

Table 102. Vivo questionnaire results					
	N	Minimum	Maximum	Average	Stand. deviation
Worldview					
Worldview (Positive/Negative)	45	40.29	77.29	54.8	9.42
Meaning of life (Has / Lacks)	45	41.23	71.64	48.6	6.72
Convictions (Help / Do not help)	45	36.94	60.91	50.2	5.13
Attitudes towards the world					
Suicide (Option / No option)	45	40.43	66.92	50.0	7.48
Fate (Relevant / Not relevant)	45	37.18	68.99	46.4	8.31
Ambiguity and uncertainty (Tolerated / Not tolerated)	45	33.24	71.62	49.8	9.71
Search for logic (Acceptance / Question)	45	29.51	65.51	48.6	8.02
Vision of human being					
To share the experience (Useful / Useless)	45	36.66	62.97	46.6	7.57
Suffering (Useful / Useless)	45	32.72	67.60	48.9	8.55
Goodness of human being (Have / Lack)	45	36.13	65.73	51.4	6.60
Trust in human being (Has / Lacks)	45	30.42	66.56	48.6	9.29
Communicability (Possible / Not possible)	45	30.41	59.24	50.8	7.74
Dreams (Neutral / Suffering)	45	35.05	67.05	50.2	8.56
Coping					
Ruminations – broodings (Presents / Absents)	45	40.03	63.64	52.7	5.84
Immediate coping (Active / Blocked)	45	40.25	79.70	55.1	9.51
Oblivion (Possible / Not possible)	45	39.73	69.39	56.0	8.50
Impact of events – The past					
Guilt (Assume / Do not assume)	45	40.84	66.86	51.6	6.99
Self-confidence (Maintained / Lost)	45	37.00	65.94	51.2	6.47
Learning (Possible / Not possible)	45	37.90	71.19	48.6	8.59
Change (Possible / Not possible)	45	37.56	60.53	46.0	5.85
Change (Possible / Not possible)	45	37.35	65.51	51.8	8.19

	N	Minimum	Maximum	Media	Stand. deviation
Emotions					
Emotions linked to identity (Positive / Negative)	45	34.35	65.67	51.0	8.43
Immediate control (Maintained / Helplessness)	45	35.16	61.30	51.1	8.14
Immediate control (Maintained / Helplessness)	45	35.22	63.30	47.9	7.35
Narrate the experience					
Testimony (Significant / Not significant)	45	38.03	69.51	48.1	7.45
To communicate (Relevant / Not relevant)	45	26.21	65.18	47.2	11.7
Consequences					
Empathy (Proximity / Insensitivity to others)	45	36.32	65.49	47.8	6.13
Loving others (Maintained / Decreased)	45	39.64	62.29	46.5	6.32
Chance (Search / Question)	45	27.68	64.68	39.6	9.48
Social support					
Social support (Present / Absent)	45	32.84	67.35	44.8	7.69
Blaming the victim (Present / Absent)	45	37.04	69.56	52.0	8.61
Identity					
Future and hope (Positive / Negative)	45	42.66	70.44	51.9	6.76
Changes in Identity (Present / Absent)	45	31.05	63.74	51.5	8.44
Changing priorities (Present / Absent)	45	32.78	62.25	47.3	8.70
Victim identity (Present / Absent)	45	30.40	77.83	50.0	11,0

Table 102 shows that, taken all together, torture survivors do not differ as a whole with the general population. The table records T punctuations for each subscale, i.e. 50 values are equivalent to the general population.[99] As can be seen in all aspects of the traumatic experience the examinees, taken as a whole, do not differ significantly from the general population. It can be seen in the maximum values column that there are individual cases that have extreme values, superior to 2 standard deviations from the average (worldview, meaning of life, ambiguity and uncertainty, immediate coping, learning, future and hope and identity victim), i.e. such data would suggest that there are different levels of severity.

In order to distinguish these groups a cluster analysis was performed (Cluster Analysis procedure for k = 2 groups. SPSS-X 18.0) introducing traumatic impact subscales as

[99] Values of ±60, ±70, ±80 etc., mean that the person has scored ±1, ±2 or more than ±3 standard deviations in comparison with average punctuations and is therefore respectively leaving 68%, 96% and 99.8% of the sample above or below.

dependent variables, and exploring solutions between 2 and 5 clusters. Optimal classification is obtained with the solution of 2 groups, which correspond to a group of detainees nominated "affected" (n = 15) and to another group nominated "resilient", i.e., those capable of having overcome the trauma which could be generated by what they lived through in incommunicado detention (n = 29). The solution of 3 groups separated only a single case from the rest (a "very severely affected" individual at all levels by the arrest that changed his life), keeping the rest virtually identical and the solution of 4 groups increases the "affected" group to 22, but lowers the affectation levels, by creating a small group of 4 people with "moderate affectation" which is difficult to distinguish from the "resilient" group but because of nuances and this keeps everyone else the same. The resulting groups are, in this solution, conceptually less consistent.

Significant differences appear in averages between the group with "major affectations" and the so-called "resilient" group.

To analyze the exact differences between the two groups and to see which are the exact dimensions of the experience of the survivors distinguished as "resilient" and "affected" people, a comparison was made between both groups, scale by scale:

Table 103. Final cluster centres. Average comparison

	Major affectation (n=15)	Resilient (n=29)	F	Sig
Worldview				
Negative worldview	63.14	50.63	28.591	0.000
Life lacks meaning	51.66	47.07	5.017	0.030
Ideological or religious convictions do not help	51.86	49.48	2.185	0.147
Attitudes towards the world				
Suicide is an acceptable option	52.20	48.96	1.901	0.175
Fate is important in life	48.32	45.55	1.100	0.300
Not tolerating ambiguity and uncertainty	50.05	49.69	0.014	0.907
Search for the logic of facts	44.94	50.61	5.455	0.024
Vision of human being				
Sharing the experience is useless	48.81	45.54	1.889	0.177
Suffering is useless	52.49	47.08	4.244	0.046
It is not possible to believe in the goodness of people	52.51	50.83	0.635	0.430
Loss of confidence in people	53.01	46.47	5.404	0.025
Unable to communicate the horror	53.47	49.44	2.796	0.102
Expression of suffering in dreams	53.45	48.57	3.392	0,073

	Major affectation (n=15)	Resilient (n=29)	F	Sig
Coping				
Tendency to think about what happened - Rumination	55.25	51.52	4.337	.043
Blockage sensation during the events	63.54	50.75	29.882	.000
Unable to forget	57.52	55.36	.634	.430
Impact of the past				
Experiences of guilt	55.39	49.75	7.394	.009
Loss of self-confidence	52.61	50.52	1.033	.315
Unable to learn from the facts.	54.44	45.62	13.420	.001
Unable to change their way of being:	47.36	45.32	1.203	.279
Nonspecific fears	56.93	49.28	10.517	.002
Emotions				
Negative emotions associated with the events	52.52	50.28	.689	.411
Feelings of helplessness	52.59	50.36	.737	.395
Rejection of negative feelings	51.80	46.01	6.983	.012
Narrating the experience				
Giving social testimony is unimportant	47.33	48.58	.273	.604
Communicating what happened is unimportant	39.20	51.40	13.907	.001
Consequences				
Lack of empathy - Insensitivity to other victims	49.05	47.20	.895	.350
Decreased ability to love others	47.94	45.76	1.189	.282
Questioning by chance - why me	38.16	40.44	.564	.457
Identity				
Lack of social support	50.59	41.85	17.690	.000
Feeling that society blames the victim	55.47	50.36	3.698	.061
Negative future - no hope	57.01	49.36	17.498	.000
Changes in identity since the facts	55.69	49.35	6.266	.016
Changing priorities in life	48.25	46.88	.241	,626
Identity – Victim's outlook on the facts	57.18	46.32	12.086	.001

Significant differences appear in averages between the group with "major affectations" and the so-called "resilient", synthesised in that the former have a negative worldview, believe that life is meaningless, have a need of searching for a logic in events, consider suffering as useless, have lost confidence in human beings, tend to think about what happened (rumination), feel blocked during the events, experience guilt, consider that one can not learn from the facts, experience non-specific fears, reject the negative feel-

ings that appear, feel that communicating what happened is not relevant, perceive a lack of social support, lack hope, have experienced changes in identity since the facts happened and have a victim's outlook on the facts.

These elements are all reflected in the forensic assessments.

2. Worldview

The most affected people have a more negative worldview (F = 28.5 p <0.000) in which it is more difficult to find a meaning for live (F = 5.01 p <0.03).

Some interviewees narrate a sense of estrangement and alienation from the society in which they live. Sometimes this estrangement comes from the social environment or even from their own militancy that they maintained before the events.

Table 104. Sense of estrangement from society
"I have the feeling that they were afraid to die, I felt vulnerable but in the end my life these last few years is as if I was afraid to live, I'm not enjoying these last few years, I see nothing... I don't see myself like before." (OBAM04)
"I feel a little strange in society. (...) I feel people are distant, they don't understand the context you have suffered (...) maybe I am the strange one... don't know." (MNEG01)
"With me, in a way, they have achieved this deactivation, because I do go to demonstrations, but I'm already not in the neighbourhood, I'm not doing things every day... Before I was a person who did a lot and now... it's like... I don't want to. And I think it is because of that, not because I am XXX but because I was young, and I moved in... And they know that by arresting me, they have also deactivated other people in the neighbourhood." (OAEM04)
"Before, when dinners were organized in the village I was ok. But now, for example in the Aberri Eguna,[16] *a dinner used to be organised in the village and there was a large number of people, young, old, families... and at one point I did not understand what I was doing there and I had to leave. (...) Previously, as a militant, I had a group, a relationship and you felt part of something. Now, I'm expecting something more, not knowing what to do with my life."* (JZLV02)

The difficulty to find the meaning of things has very important implications for the personal life projects and for future perspectives, as we saw earlier in the section on symptoms of emotional anaesthesia and blocking.

> *"I do not know if it is because it is the factor that they have hurt me, if my thoughts have changed, often people ask me: "don't you have children?" no, nor will I have, for this is a shitty world... And it is a thought derived from that experience, it is a complex of added complements and I think this is derived from that. They annul you, and I find it very hard, I don't tell anyone but it feels very hard."* (OBAM05)

3. Attitudes toward the world

The most affected people have little tendency to search for logic (political, ideological or other kinds of events), (T = 44.94). This is done to a lesser extent by resilient people (F: 5.45, p <0.02). They do not wonder why it had to happen to them, that is, they do not

Some of the interwees narrate a sense of estrangement and alienation from the society in wich they live.

reflect on the role of chance (T = 38.1). Both groups tolerate uncertainty or ambiguity in the same level as the general population.

The damage does not appear to come from the feeling of absurdity or because it is illogical or from questions like "Why me?" or "Why did this have to happen to me?"

Table 105. Search of a logic
"I think about them, they were psychopaths. You wonder about who he is, to how many he has done the same thing, if he has a family and if he goes home quietly, feeling like a hero for doing what he does… I am curious to know who they are and I would like to know their stories. They can not be very normal... that, or they have an unthinkable, insane hate, they may have problems. I can not imagine these people being family people, good to their children and wives." (OBIM07)

4. Relationship with others

For both groups sharing the experience is helpful (T = 48.8 and 45.5). Some people consider sharing the experience as something therapeutic that helps them overcome what happened, not only to normalize some of the reactions as we have seen in previous testimony, but also to feel listened to, understood and supported. In other cases the value of sharing the experience is linked to the knowledge by society of the existence of torture.

Table 106. Sharing the experience
"I think that we've talked about this so often that I've taken that weight off my mind. I'm not saying that it has not affected me, obviously it has, but if I've taken that serious trauma off. We can talk about it, we know what we have lived through and yes, we did have an awful time, they made us feel like shit but hey, we have to go forward and that's that. (...) I know what they have done to me, I know what I have experienced, I know I've been very bad, but it is a step back from my life. And I look forward now." (MNEG03)
"I now believe that I am at the limit of my strength, the situation is as if I had worn and needed a recovery, a healing, that's why I say I think part of this healing is to be able to bring out what's inside, but don't know how, what can I do to improve my life." (OBAM04)

Table 107. Value of telling what happened
"I was lucky, I met Ibai in prison and I could talk to him about how I felt. We talked for hours and that was good for me to overcome some ill feelings I had." (JZLV02)
"People listen to you, at first I couldn't stop telling about it, I went on talking about the event, I thought I had to tell everybody, to get it out, I had the need for people listen to you with their expressions of surprise…." (MNEG01)
"One coming to the ikastola *I spoke with somebody I had never been involved with but who I had known forever, and he said:*
- I want to know if it is true that...
- Yes, it is true
And he asked me about how...
- If you had not told me I would never have believe it
- Well look, that is already something.
I'm glad that those things are worth telling about." (JZLV04)

For some examinees this option is only possible with people who have experienced the same event. The rest of people can not get to understand this experience.

Table 108. Sharing with peers
"I was with somebody else who had been tortured. We didn't know each other at all, but from the beginning we had a lot of confidence. (...) We had a lot of confidence in each other from the start and that helped us. (...) Because telling someone else... you can not imagine. As much as I explain to you what it is like, if you have not been there... you can not explain in words the feeling of fear and panic... I can not describe it. And to share this was very good." (MNEG03)
"You have to be with a person who has passed through the same thing you've passed through, if not, people just don't understand you. I can talk and tell you, and explain, but you will never understand what I've been through. That is what happened to us in prison and that is why you have a lot to do with the people there" (JGGL03)

It used to be said that most affected people generally had greater difficulties than those resilient to put words into action. The problem is not so much the presence of people to whom it is possible to speak with, but the very lack of communication about the traumatic event. That is not the case, and although some people talk about the unspeakable nature of the facts, differences in relation with the general population (T = 53.4) and the resilient group are not significant (F =2.79 ns).

Table 109. The unspeakable character of the facts
"I have not talked very much about it, only with certain people and very seldom. I have decided to bury it in my head, though I try, because I will never get there, I just try to think the least possible about it." (MTRGL10)
"How do you say this? There is no way to explain it, no one will believe it. (...) It is very difficult to put into words all that happened there. I have tried to express it with colleagues and get everything out; but it is true that while you express yourself, it's as if people don't understand, as if you're not able to understand what I'm telling you; that you imagine four slaps and that I don't know how to describe them" (NLMAP02)

5. Attitudes toward society

Both groups (affected and resilient) consider that their testimony is important and generally have not hidden the experience, even though there are people who show their scepticism in that this will have any effect on a society which basically already knew, but is generally passive and wants to hide the subject away. In the next chapter we will see the importance that examinees give to the attitude of society, while thinking about possible reparations.

Table 110. The value of being a witness
"The fact of having been a "special" case means that I have had to be and I am delivering conferences, doing interviews, meeting the UN Rapporteur, with Italian journalists, giving a press conference every time a report is published or there is news about my case. (...) It doesn't help or hurt me, it shakes me, it stirs me a little, stirs a little all the experiences. It reminds me of everything that happened. I think it's a job that I have to do." (ILMW02)
"Luckily I have identified the causes of my psychological problems or I believe I know more or less where they come from and I am lucky and I also defend it and nowadays, since I have been asked to tell my experience and since I know about this ongoing project, for me this is part of my healing, because I need to tell society, to anyone, to the whole world what happened to me, because I couldn't live keeping it inside me." (OBAM04)
"In general I see society ever more indifferent towards everything. During the incommunicado detention period, most people didn't care, I see it on the news, while having dinner and breakfast, and going to work, and life is going on... I think people feel indifferent to the rest. In that sense, I expect nothing from people." (NLMAP01)
"Yes, I do have society in mind, especially lately that it looks the other way on these issues... I am a little disappointed, I hate that with some things it is so democratic, let's say, and not with others... it is very easy to prove that they are doing nothing to you, it is easy for them, but then, they don't even need to prove this. People are now more individualistic, and therefore so am I. I will try to improve my life and my friends' lives and fuck society." (OBIM07)

Those affected have tried to tell to all close people ($T = 39.20$) even far more than the resilient ($F = 13.9$ $p < 0.001$). Although many people try to communicate what happened to their environment, it is not always easy.

Table 111. Difficulties in telling about what happened
"I have not talked about this with the family. My mother wanted to know and I gave her the testimony that I wrote with the TAT psychologist so she could read it; but I cannot, so I cannot, I don't tell them, no, no... I prefer them to read it and not to be present when they read it." (NLMAP01)
"I say I'm okay because I don't want to talk about how I am; now I don't like to open up as I did before, not even with my parents, when they start asking, that is when I run away." (OAEM04)
"I have not talked in depth about this, I find it hard... with friends I have spoken about it, with those I trust a lot, but more in the form of facts, like anecdotes, like getting away from myself, as if in third person." (NLMAP04)

6. Coping with facts

Affected people were very blocked and afraid at the time of the events (T =63.5) and to a much greater extent than resilient ones (F =29.8, p <0.000). This fear is maintained in the affected group (F =010.5, p <0.002) but not in the resilient group.

Table 112. Fear and blockage during facts
"I was afraid of what they could do to me. I also was very nervous, I was blocked, scared and physically hurt and it had started my body aches." (ILMW01)
"Fear was constant; tremors were constant, the main physical feature of that fear. But this was different: it was thinking about the loss of control I thought I was having, creating doubts about me, this downturn, willingness to cry, to shout... being aware that there is nothing you can do; I want this to end and I can not... That was the feeling: being aware of it, that you cannot do this [snaps his fingers] *for it to be over."* (NLMAP01)
"I thought that I could overcome this situation by myself, I knew that fear... I thought I could pass through it by being strong, and not just to prove it to myself but to people seeing that I had paid the minimum for all this; to be strong, to stand and take it, to enjoy everything and everyone, but I've realised that I can not. There are times when fear overcomes me, I look back and... Now I am much more conscious of fear." (MTRGL10)
"They screamed to me, insulted me «you asshole you idiot!!» And the truth is that now I feel like that. I feel very small, very vulnerable." (ILMW01)
"That's what leads me not to be well, because... I mean, I start to think objectively and... What they did to me... well, to me what influenced me the most was fear but then I start thinking «What they did to me... compared to what they did to the others... Why is it so difficult to talk about these things?»" (OBS03)
"The issue of losing control of oneself... That... I not saying that I'm ashamed, but it affected me at the time. (...) Now I say it like this, but I have this little thing. It is pretty hard on me and I didn't like my reaction, it is true, I will not... Today is the day I think about it and sometimes I try to justify it and I am aware of the situation, but I have that opinion about me in that respect." (JZLV05)

In general, interviewees have little tendency to ruminate things, something more in the case of the "affected" (F = 4.33 p <0.04), although some people have not been able to

stop thinking about what happened, about how they reacted and about what they believe that all of this means, about them and the situation.

"They screamed to me, insulted me «you asshole you idiot!!» And the truth is that now I feel like that. I feel very small, very vulnerable."

Table 113. Ruminations
"In that sense I was with the thing of "I've won, they've won, I've beaten them" and I'm still like that. And then with the eternal thing topic of they've won, I've won. And anything... you're taking steps forward and just about anything takes you backwards." (MNEG01)
"I have the knack of thinking so much about it; what happened comes to you and it is rally hard. Sometimes you think it's already gone, already over, and I think that with time I'll stop thinking about it or that I'm not going back to these memories." (IGEJ01)
"They come in and I have not gotten them out of my head." (MTRGL10)
"Now I am calmer, I see things better, and I understand that we react like this in these situations and say, you've done this like that and it's neither good nor bad, you have reacted like this and that's it. Nobody else has been able to react in the other way and that's it. Is not your fault. They spent years doing that and they know where to go and know what they want to achieve and what not." (OBIM06)
"Then you go downhill... because in the end you have taken by force uncertain things that you have not wanted to tell and it means a psychological punishment, because you incriminated people who have done nothing, it was not you or your personality... Later, you end up paying for it." (JZLV06)

Examined people tolerate their current feelings regarding their experience at the police station, but the "affected" people get slightly lower scores ($F = 6.9$ $p < 0.012$).

> *"The physical aspect, it hurts, there are some days that you can not walk, but the psychological aspect is one thing that still today I can not cope with. It's very hard, very hard."* (JGGL03)

Most survivors remain confident in themselves ($F = 1.03$ ns), although there are testimonies showing a significant affectation:

> *"I never thought before that I didn't love myself or that I was not loved. I had no doubt about it, my parents, I had everyone in my head, friends... but I didn't start thinking if people would love me or if I loved myself. (...) I already know that people love me, but I have not recovered that security. If a friend makes a comment to me, it hurts me."* (JZLV03)

7. View of humanity

Affected individuals consider, in a greater proportion, suffering as something useless ($F = 4.2$ $p < 0.04$) and that it does not imply learning ($F = 13.4$ $p < 0.001$). For other people, however, the experience has served to "enrich" them as individuals, to see things that had never seen or to get to know themselves better.

> *"Torture helps you change a little your mind, also to see how far you can get,*

the endurance, the power to control your body a bit... I often think "Could I do this?" Yes, I have. You value much more, don't appreciate material things so much, what do I want so much for? I'm happier without having it. I value having a walk or having a coffee more than having 50 dresses, 40 pairs of shoes or going on vacation every month, that is, I value other things." (JGGL03)

lthough it did not influence belief in the goodness of human beings in any of the two groups, there was indeed a greater loss of confidence in human beings in the group of the most affected (F=5.4 p <0.025). Both groups feel a lot of empathy for other victims (F= 0.89 ns) and in general, with exceptions, they maintain the ability to love others.

"I have become more cold-hearted; I don't know how to say... I used to be more affective now it is hard for me to have physical contact, to show my feelings through physical contact; I used to give hugs and kisses to my friends... Now I can not, it doesn't come out of me." (BOB12)

"I got a great disappointment after coming out of prison; I saw a lot of insensitivity. Everything around me is grotesque and people don't care... I see around me that people continue with their lives as if nothing had happened, it brings me a sense of "etsipena" (despair)... *To see that people are like this, that they are so insensitive to certain things that exist."* (MIIA02)

8. Social support

In general, survivors consider that they have had social support, but while the resilient group believes that this was very important, in the affected group support perception is markedly lower (F= 17.6 p<0.000). There is a large group of people (T= 55.4) who consider that the environment has held them responsible for what happened and that there was little support, or some feeling of emptiness around derived from the classical idea that *"who did nothing fears nothing"*, or " *he was arrested, he must have done something."*

Table 114. Social support
"Everybody knows; everybody identifies you: the ones who have been arrested. Also with the more distant family. It seems that I am the black sheep of the family, which is why all this happened to me." (NLMAP01)
"You feel, above all, that society judges you. The arrest broadcast on TV and the information they gave didn't help that happen. In the final analysis, people will always think that you did do something or that you deserve it, and that's hard." (NLMAP02)
"Some don't understand what you have suffered and the impact that this produces within you. Everyone goes about their business and that hurts." (JZLV03)
"People supported us, even the most distant, neighbours... We have not felt loneliness, not from people who are close, not even from those who are not." (JZLV05)
"It has helped me a lot «to move on», and to have people by my side, to find trusted real friends, not to be afraid to tell them that «I'm not well.»" (OBIM06)

9. Future

Generally, affected people see the future worse, in a much more hopeless manner (F= 17.4 p<0.000). For many, there has been a rupture of social and political projects, of a relationship with their environment, partners or personal difficulties or the realisation that some things are not as they thought they were and this has affected the way they projected the future.

> *"Now I see life from day to day, I do not get many goals, now I am not getting fired from a job and that's it. My goal this year is to not lose my job, and that's how it goes."* (MNEG04)

> *"Now I've started reading again... I have days; sometimes I start and don't even know what I'm reading. In that sense I am unmotivated, I prefer to work and to live a little... I don't know how to commit myself with things, I don't know."* (OBIM06)

10. Changes in identity

Affected individuals also perceive changes in their identity (F= 6.26 p <0.01), i.e. that with incommunicado detention there is a before and an after (a turning point) in the way they define themselves. As a whole, affected people identify themselves with a "victim" identity in greater measure than resistant (resilient) ones, as a part of themselves (F = 12.08 p <0.001).

When specifying which are the changes in identity, some of them refer to a breaking point, a before and an after, that they are not the same person they used to be.

Table 115. Changes in identity
"There is a before and an after experiencing a traumatic event, something changes inside us, we don't relate the same, life values change, things that didn't matter before do now, or vice versa, something within changes." (AMRGL09)
"My life has changed... I do not know. In my thinking and way of acting, yes, completely. I'm not the person I was before. The response capacity that I have now it is not the same, no way!" (OBAM05)
"Honestly if I feel affected, I'm not denying it, yeah I'm emotionally affected... there has been a change in me and I sincerely believe that I'm paying for what has happened." (BOB12)
"I don't know who I am. I'm not the one I was before; even my friends tell me that I've changed." (JZLV03)
"I used to be very cheerful, open and I laughed easily; now I hardly ever laugh and I feel sad." (BOB11)
"I've become more suspicious, perhaps more sensitive (...) insecure, even fearful (...) both with my couple and with close friends." (ILMW01)
"Before I felt another kind of happiness; I was more cheerful (...) by accumulating suffering sadness appears, there is more melancholy, less energy (...) they killed me in a sense." (OAEM01)
"I'm not the same anymore, I've lost the joy, the strength and vitality that I had... what I clearly know... I am not lying; it would be idiotic, but because it marked me so much… It broke my life, I'm not me, I am somebody else, it shaped me so much that I review it almost every day, if not every day. There is no day in these two years and half in which I have not reviewed it, and I think why? It is not only that they have humiliated you, beaten you, there are the words, you feel mistreated, they take away your rights as a person, so

I have it very fresh, there are things like in a cloud, that you remember with a word, but others seem to be passing over now." (OBAM01)

"It hurts me a lot... I'm like this, I finally act like this in situations (...) and it pisses me off, because you try to be the opposite, I try to be a different woman, when you're taking steps in life you imagine that there is a kind of woman you want to look like, you want to become and that you do this with your actions, with your day to day... I've been the opposite of what I want to be, then... Well, that's what remains, for me is what's left." (MNEG01)

11. Changes in militancy

Neither political nor religious beliefs, taken as a whole, were elements considered relevant either by the resilient or the more affected people, when facing arrest. And for many people the detention was also a break in their militancy work. The arrest leads to a breakdown of militant identity as it entails a progressive social demobilization. In addition, the detainee is set as an example for the environment about what can happen to individuals, generating fear in people, silence and more passivity.

The examinees' social support has been important and in general it has not given rise to social isolation, but many people have diminished the level of commitment they had before the arrest.

Table 116. Changes in militancy
"I don't want to have the commitment that I had before, in the end you see that all you've done is worthless, I'm tired, my cartridge went off long ago." (OAEM04)
"I had changed my mind and had seen that for a person who has been tortured to have again a normal life, it is first necessary to heal mentally. And I think that's the first thing that a tortured person needs. On the other hand, being pregnant, having had to give up militancy, I think... I have that excuse... because in the end it is an excuse, maybe... I see that it also impacted me. Yes, I needed time to regain my life back rather than my militancy." (OBSO2)
"I didn't know if it was good or bad for me (to develop political activities on torture victims), *but the truth is that I had no strength, because I've noticed that I needed to heal, without knowing how and from what, and for a while I was just going to pursue that."* (OBAM04)
"I have always felt that these people, besides trashing and stealing a part of your life, a part of what is in your thinking and in your mindsets, in your behaviour, in your daily life... with some personal beliefs you believe in, right? I don't know how anybody can get to fuck you like that; in your behaviour and, well, they have succeeded with me. I've always thought from the moment I entered and got out of prison that for me as a person, while facing social injustice issues, that's over for me; when to stand up, that's no longer for me; I think that they are looking to break a person's ideology, to make the person face it. It's not for fear, I have the feeling of being annulled as a person, of being unable to transform anything; before I didn't think about going there or not, now… I have less capacity, less worth as person, but not fear." (OBAM05)

"The first time I went out, I was aware I had to work, to keep on working on this, we meet former prisoners, right? And, well, some people were working in the village, at the political level, at the social movements' level, trying to revitalize things... The second time I didn't already see it, don't know, I needed some mental hygiene." (IGEJ02)

"Neither have I seen myself committed to anything. I try to go to meetings or to participate in whatever but I'm not very, very involved. (...) In the end you come out with a lot of fear, it will be very hard and then let's see what comes next after this, how I can cope with this matter." (IGEJ01)

12. Posttraumatic growth

However, not all changes are negative. Some people report positive changes in their lives that they relate to the experience of detention and the way they faced it later.

Table 117. Posttraumatic growth

"Until today my life has been normal, I consider myself a person with an overcoming spirit and in these recent years things have gone relatively well for me in different areas. Over time things go on healing, I would rather say that I have quite forgotten them, you give more importance or you look at other things that go on happening to you, then you leave the others back there." (JZLV05)

"I think I've matured, I appreciate every little thing in life more than before. From any material thing to a good friend, now I live relationships otherwise, I don't know how to explain. I like to get deeper into people, to get deeper relations. I also changed, for example, I don't want to use drugs, I want to feel things as they are, neither more excited nor anything, I want them the way they are, without alteration." (OBAM02)

"I value far more other things, and things that were important to me before, now are not so. important" (NLMAP02)

13. Overview

Taken as a whole, these data indicate that torture seriously affected a group of people (about one third) that have, in a greater extension than the rest, an "identity of damage", a more "negative worldview" and with "less future"; people that perceived less support from the environment and, sometimes, the feeling that they were responsible for what happened. They refer in a major measure that were blocked during the events, and that they now have a greater tendency to think about what happened, about fears and about guilt.

To be more specific with the dimensions of the experience which allow for differentiating the "resilient group" from the "severely affected group", a discriminating analysis was performed by introducing the fact of belonging to one or other group as a dependent variable and VIVO scales as independent variables (Table 118). The ultimate goal of the discriminating analysis is to find the lineal combination of independent variables that best differentiate (discriminate) groups. Having found that combination (the discriminating function), this can be used to classify new cases. This is a multivariate analysis technique which allows us to see which of all the

factors analysed in the questionnaire have a real predictive value and the specific weight of each of them while explaining what it is to be "resilient" or "affected".

The resulting function has a canonical correlation of 0.87 with auto-values of 2.54, and the Wilks' Lambda coefficient is 2.28 (4 d.f., p <0.000) indicating that the result is robust and that such a discrimination can be solidly carried out based on the data from both groups. The canonical function reduces to four the variables that predict membership to "affected" or "resilient" groups. The people "severely affected" are those who believe, in a greater measure that they got blocked or failed to respond during the days of the arrest, who consider that the suffering was useless and who perceived less social or environmental support after what had happened. For them, to communicate what happened is not only relevant but they have the need to do so.

These data clearly have important implications in therapeutic terms or regarding reparation measures, and in that sense they agree with the perception of what victims consider measures that would be important to them (see chapter on reparation measures).

Table 118. Canonical discrimination function Standarized coefficients.

	Function
	1
Suffering is useless	0.402
Emotional blockage during events	0.774
Telling what happened is not relevant	-0.699
Lack of social support	0.633

It is not possible to understand the impact of a traumatic event such as torture on individuals without considering things like shame, humiliation and guilt that can be generated.

4. Affective and emotional impact

In the previous sections there has been in-depth discussion on some symptoms and personal and environmental changes which imply a significant involvement on the emotional level. However, it is not possible to understand the impact of a traumatic event such as torture on individuals, without considering feelings like shame, humiliation and guilt that can be generated in some of the people.

The VIVO questionnaire showed that there are intense experiences of guilt, higher in "severely affected" people (F= 7.39 p<0.009). In the assessments this appears repeatedly. Guilt is associated with "what was said" during the interrogation and with reactions during detention.

Table 119. Guilt
"A lot of things that I found extremely miserable, that's what I hate the most now. The time when you were in the cell and heard that they were coming and thought… "Don't come here, don't come here..." They went next door which was where a friend of mine was, and opened the door and I made a sigh of relief". These things over time are those which I get to hate the most, the thing of having felt that way, of having reacted like that." (MNEG01)
"I felt that I had lost the battle because as I have stated, I felt bad about myself, because giving names, I felt responsible, guilty of having said those names, that they might be tortured, though I knew that they already knew those names, that if they wanted to arrest them they could do so." (NLMAP04)
"You feel guilty for having collaborated. I heard how Ibai was beaten and I felt guilty. They didn't hit me but they did hit others and that made me feel bad. The fact that I was detained for three days and the others for five also made me feel bad." (JZLV02)

1. Detainees' guilt experiences

Guilt can be defined as the appearance of a psychological distress associated with thoughts and emotions of a self-incriminating type, regarding the violation of a real or symbolic rule.[100]

In all guilt, there is always the presence of the other person. Without the "other one" there would be no guilt. That "other one" can take many forms:

- Real witnesses of the event who in a true or a symbolic way become accusers.
- Imaginary witnesses of the event (*What would she think if she knew?*).
- The "other one" present in oneself. The accused is also the judge and, as such, guardian of all the collective and cultural determinants. Internalized rules during he early stages of development build up the matrix with which the person thinks and, therefore, judges.

The person feels that he or she has transgressed a rule. This may be explicit or implicit, social or personal, but this breach is always present. What is considered to be a transgression will depend on the culture. Individual freedom may accept or reject it, but it will not be an alien factor to them. The breach of the norm is given by an act. In this sense, to think or to desire are mental acts.

Transgression is painful. That is the difference between being responsible for something (determined by evidence and proof) and feeling guilty of something (determined by emotions). What happened compromises the image that the person has of oneself or that is projected from the self to the others. Table 120 lists the averages of the Determinants of Guilt Scale, created *ad hoc* for this study and based on a trans-theoretical model of guilt.[89] The person valued each subtype of guilt on a scale of 1 (never) to 5 (constantly).

In a global perspective, it can be seen that women tend to feel guiltier than men. In males the main cause of guilt is "*not having resisted more*" (which appears, on the whole, between "sometimes" and "often") and female for "*not having realized*" or not having been "*smarter*" and for failing to protect family members and beloved ones from the environment. Both, in general, are very frequent. This guiltiness decreases with time and in some cases almost disappears. But if

[100] Perez-Sales, P. (2006). *Trauma, culpa y duelo: hacia una psicoterapia integradora.* Bilbao: Desclée De Brouwer.

we consider that on average, interviews were conducted 5-10 years after the arrest, it is surprising to see how extraordinarily strong feelings of guilt still linger on, especially in women. Practically in all areas women still have guilt experiences situated between "sometimes" and "often", showing the profound impact of these emotions in a person's later life.

Table 120. Guilt feelings

	After detention			At the moment of interview		
	Men	Women	Total	Men	Women	Total
Survival guilt. The person considers to have suffered comparatively less than others (for having been released, not having undergone the same treatment...).	2.18	3.36	2.64	1.59	2.18	1.82
Guilt for intuitions (imagined or known). The person believes that he/she should have guessed or known things that he/she really did not know and should have reacted or acted differently.	2.89	3.82	3.24	1.89	2.27	2.03
Guilt for not protecting others. The person believes that he/she should have been able (really or unreality) to protect third parties over whom they feel a certain level of responsibility.	2.56	3.73	3.00	1.56	2.45	1.90
Guilt for not having resisted more. The idea that one should have "resisted more" without having clear what or how they should have resisted more. Unrealistic expectations of actions out of the logical range.	2.89	3.27	3.03	1.72	2.27	1.93
Guilt for forced choices. Guilt about actions or decisions that are framed in situations of "false choices", i.e. situations where the person was forced to choose between choices that were always negative for oneself or for others.	2.71	3.00	2.82	1.53	2.36	1.86
Guilt for failing expectations. Guilt related to the idea of having disappointed others.	1.67	2.73	2.07	1.22	1.82	1.45
Average	**2.54**	**3.32**	**2.84**	**1.58**	**2.23**	**1.83**

1: Never; 2: sometimes; 3: often; 4: very often; 5: constantly.

To deepen this data it makes sense to ask for the percentage of people who feel or have felt each of the types of guilt "very often" or "constantly". This means making a certain distinction between occasional guilt (not incapacitating) and painful guilt (recurrent).

Table 121. Percentage of detainees who feel each of guilt sub-types "very often" Or "constantly"

	After detention (%)			At the moment of interview (%)		
	Men	Women	Total	Men	Women	Total
Survival guilt. The person considers to have suffered comparatively less than others (for having been released, not having undergone the same treatment...).	23.5	45.5	32.1	0	9.1	3.6
Guilt for intuitions (imagined or known). The person believes that he/she should have guessed or known things that he/she really did not know and should have reacted or acted differently.	38.9	63.6	48.3	11.1	27.3	17.2
Guilt for not protecting others. The person believes that he/she should have been able (really or unreality) to protect third parties over whom they feel a certain level of responsibility.	27.8	63.6	41.4	0	45.5*	17.2
Guilt for not having resisted more. The idea that one should have "resisted more" without having clear what or how they should have resisted more. Unrealistic expectations of actions out of the logical range.	38.9	45.5	41.4	5.6	27.3	13.8
Guilt for forced choices. Guilt about actions or decisions that are framed in situations of "false choices", i.e. situations where the person was forced to choose between choices that were always negative for oneself or for others.	29.4	45.5	35.7	0	27.3**	10.7
Guilt for failing expectations. Guilt related to the idea of having disappointed others.	5.6	27.3	13.8	0	0	0
N	18	11	29	18	11	29

* Chi squared (^{2}) = 0.002 ** Chi squared (^{2}) = 0.023

- After the arrest close to a third of the people have experiences of guilt, because they felt that they had not had such bad treatment as others had; that they were released or that they had not gone through situations that others had told them about. The "Guilt for survival" is linked to the idea of *"whoever survived did something to achieve survival."* And the idea of comparative shame. It is an irrational idea, rooted not so much in the few or many things a person could say (by incriminating others) as in the social idea that understands that it is not possible to escape "*unscathed*" or that there must be some explanation for what happened, and that shade of doubt (more on the survivor's imagination than in the environment) is painful. It seems that must be an explanation why things were not worse (if they could have been worse). This type of guilt diminishes rapidly over time to almost disappear as the person perceives that he/she is not challenged by the environment or that such hypothetical questioning is not relevant.
- About half of the examinees immediately after the arrest, and one in five some years later, have significant guilt feelings for not having acted differently at certain times of the arrest.
- In women the guilt for "*failing to protect*" family members or friends is generalized and maintained over the years. In men this appears at the beginning and eventually disappears completely over time.
- About half of both men and women have very frequent experiences of guilt for not having "*resisted more*", this lingers on with women and in men this tends to disappear. The data are almost identical to guilt for decisions taken in the context of "*false choices*" (prisoner's dilemma).
- In all cases, in short, there are intense emotions after the arrest, which progressively disappear to almost disappear in most men (except those related to not knowing how to react better in some respects, i.e., guilt by coping or referred to oneself), while such feelings linger on in about 25% of the women (especially interpersonal type guilt).

The different processes used by people to work on the effects of torture are not exempt of difficulties and in some cases they have required professional intervention.

> *"I started to need psychological help and... well, at the beginning not even my closest people, family, my partner, have understood my panic reactions, fear, and my sensations, I think that even I understood how they didn't understand, and we are all in the process of understanding each other, I am beginning to understand, which is a consequence of the situation experienced by relatives too."* (OBAM04)

> *"At first I felt tiny, more insecure, I could not look at myself naked, there were many things wrong and I had been taking some steps forward and others backward."* (MNEG01)

> *"Obviously now, some problems still linger on, you have traces and when you face other emotional problems that would arise throughout your life, there you have a burden that I imagine is an added problem and you never finish getting rid of it all."* (IGEJ02)

The patriarchal and sexist society we are living in, the role imposed on women, the existing stereotypes about weakness, implies that the torture techniques applied have a very special impact on threats to family and the denigration of women or the subsequent behaviour of others, may be influencing these major feelings of guilt in women.

> *"I felt extremely humiliated because the judge made this comparison: women are weak, what you call fear is not fear. (...) I came out of there knackered, he started*

telling me that I was acting like a victim and that the attitude of the police was justified." (MIIA02)

In relation to guilt types, as we said, guilt for not having imagined or known what could happen is emphasised, with phrases and expressions like *"this would not have happened if I had had my wits about me."*

> *"In the end I always end mulling it over my head and it's no one's fault. Then I also place the blame on me for not having been cleverer."* (MNEG01)

Guilt for failing to protect other people is associated mainly to family and in a lesser extent to peers. Guilt for failing to protect the family has to do with having made the family suffer, which in many cases witnessed the arrest and are in a state of anxiety or fear lacking any kind of news from the relative in incommunicado detention. This is very much present in the narrative of the detainees who think what the family is suffering, that they are thinking about them, wondering how they will be facing their incommunicado detention, if they have been molested or interrogated and when their subsequent exit from the police station is to be.

> *"I feel very responsible for people I love and this was a hard time for me."* (BOB11)

> *"I think so; I had many feelings of guilt. So many, from the moment they entered my house, by seeing my parents suffering, and people around me. When I was imprisoned and they came to visit me I imagined the suffering they would have gone through. The feeling of guilt greatly affected me. It can influence something on you, in a sense it belittles you. Or it makes you think that you have always been creating problems. In a sense like "over these last years if it was not for one reason it was for another." Now I am looking for safety in my world, in order to stay out of trouble with anything or anyone."* (JZLV05)

Guilt for failing to protect peers is related to interrogations the main purpose of which is to achieve other people's incriminations. During such interrogations some people are forced to give friends' names, or names of people with whom they share militancy in the *abertzale* left, or names of those who know. The guilt feeling, in this case, is expressed in the idea of having given that person up to the police, sometimes without really knowing anything about him or her, or as a way of trying to stop interrogations. Guilt comes out of knowing that if the person is arrested for having given his or her name the person will go through the same things that he/she is going through. This is a guilt that persists over time once the person is out of the police station, as the data show, because many people are not even able to recall the names they have said or occasionally they read newspapers or witnessed arrests of people that they are not sure to have mentioned during the incommunicado period, which increases shame further.

> *"I remember when that friend's mother wrote me, I said, I can not answer her, what can I say? And she told me it was not my fault, but in those five days I thought that it was my fault. Today when I see this person and see the bad state he is in and I think that is a result of what happened. That makes me regret a lot of things."* (JZLV03)

> *"I was ashamed to admit that, while everybody else refuses to declare, I had voluntarily asked for declaring without having even been physically tortured."* (OBIM02)

Forced choices are on the basis of the guilt for failing to protect other people because, in all cases, statements have been done under torture, placing the person in a situation where one has no other choice but to give names of known people; whether or not they are related to the facts for which the detainee is being interrogated.

> *"You feel a psychological punishment, because you have incriminated people*

who have done nothing, it was not you nor your personality who did this... later you end up paying for this ... One day you receive a letter from that person, or read in the newspaper, or see a photo... and unconsciously it comes back to you." (JZLV06)

In spite of the harshness of many of the torture techniques described in the chapter on mechanisms, guilt for not having resisted more is also present in the narrative of the examined people. It is a guilt that the examinee understands as unreasonable in accordance with that experienced during incommunicado detention, but despite this, there are people nowadays who still think they should have better endured beatings and psychological torture. This feeling is commonly associated with the feeling of having been defeated, of having fought a "battle" in which they have finally beaten you.

"You see that you have done what they wanted to and that you're going to prison; you feel guilty for not having been able to withstand the situation, you feel that you they have defeated you." (AMRGL09)

This is a guilt that is related to the failure of expectations. As the person *thought* that he should have responded to the situation and has not done so. This significantly affects the person's identity while being associated with a way of being, an "ideal" manner to behave as a person, that was not reflected during the days under incommunicado detention.

"I feel guilty for having allowed myself to be humiliated and for humiliating other people I love, as long as they left me alone. Also I felt guilty for not thinking of my family; for sleeping without thinking about them. You can always do things differently, despite being coerced. (...) I felt strong... but maybe I was not so strong." (NLMAP01)

"I don't entirely agree with how I reacted to my arrests. The issue of losing control of oneself... that... I will not say that

The lack of social recognition also carries resentment against society wich is passive reference to the useless pain experienced.

I'm ashamed, but it affected me at the time. (...) Now I say this, but I have this little thing. I'm pretty hard on myself and I didn't like that reaction of mine, it is true, I will not... Today is the day I still think and I sometimes try to justify it and I am aware of the situation, but I have that opinion about me on this whole matter." (JZLV05)

"You blame yourself for many things, for having signed, for having said things, for having wanted somebody else to be taken out rather than you... Even when they took X on the street that day, I again repeated that "Look! How cool, they have arrested X". (...) I am feeling miserable again... I'm worse than them. You pound yourself because you feel very miserable, you think you are not like this but in the limit you are indeed. That's the worst, really." (MNEG01)

The feeling described in the previous testimony, in which, during the period of incommunicado detention when you hear the police coming into the cells and you don't want to be the next one out, is very common among examined people. Sometimes this creates an important sense of shame for wanting, finally, evil things to happen to somebody else; but at other times the person is able to understand the extreme context in which he/she was in those moments, as a survival logic within the situation.

"I feel guilty, because I heard they were hitting him. They didn't hit me and they hit others and that's why I feel bad. Also

because I was there for three days and others were there for five. Then I went to prison and I was released and some were not, so I also feel guilty. Always trying... You know it's not your fault, but it is inevitable." (JZLV02)

2. Experiences of anger and hate

The most related feelings after torture are those of hate and anger not only against perpetrators, but also against what they symbolize, that is, the State Security Forces, power, etc. In none of the cases does this hate prevent the interviewees from having a normal life, but this is a feeling which is difficult to remove and which reactivates on contact with them.

"I feel a lot of anger and hate towards the Ertzaintza, *although I try to control myself when I see them, but I can not avoid this feeling."* (BOB11)

"The woman told me "Carlos, do not look like this at people, always with that foul face!" and nowadays she also tells me this. When she sees the ertzainas *coming and says, "Don't look at them like that! And take the hands out of the pockets." That is what I am like, always showing the how I am: in a hell of a mood."* (OAEM01)

Anger is mixed with feelings of helplessness and humiliation at what happened. The lack of social recognition also carries resentment against society which is passive reference to the useless pain experienced.

"I felt more anger toward some specific people, for example, towards young people of other ideologies; that was... I got sick every time I looked al them. It was a little sickly, even." (JZLV05)

"What do I feel? Resentment, a lot of resentment. Because... eh, it seems to me that taking a person down to such humiliation, such a... shit… I mean to make you feel like a shit... the scum of the earth. You are fucked up, fucked up, because on a personal level... Fuck! They have denigrated you, have made you feel like shit." (OBSO2)

"Very often when someone comes and speaks about the alleged torture complainant's manual, I feel a blind rage... I reported the torture because I wanted to. If there is such a manual, they must go and say, look, here is the manual; that makes me feel very angry... very angry. (...) The fact that they obviate it and turn blind eyes on it seems wrong to me. But above all the fact that they are already saying that you're lying." (JZLV04)

"Helpless, very angry, because fuck! They play with you as they please and you cannot do anything, you have no rights when in theory you should have them, you can do nothing." (JZLV06)

The feelings of anger, humiliation, shame, guilt, linked to post-traumatic symptoms, intrusive memories, etc., provoke a situation in which the individual, after being under incommunicado detention, lives through a stage of emotional change that can last right up to the present. The changes described point towards developing a greater sensitivity and empathy, but also a greater impulsivity and toughness.

Table 122. Emotional changes
"I cry much more easily, I get excited right away, that is, things that did not thrill me before at all, now... I am much more sensitive." (OAEM04)
"I notice that it's harder for me to express my feelings, harder to cry, laugh, express myself... I'm still expressive, but for good things and for bad things you build this shell; now I see that I am more relaxed, but at the beginning I was with the family, with my partner, they saw I had become much colder. More closed, cold, like with a shield." (JZLV06)
"Well, I see my family supporting me in a way because they've always known me as an energetic, lively, and happy person but now they see me inactive and sad. They look at me as if I was different. (...) In a collateral way, they have suffered the same blows, have felt the helplessness, impunity, and especially in the end I think they are sadder because I no longer transmit to them the joy I used to transmit before. I try and I'm not angry, I still don't smile, the smiles, the laughs, the joyful mood I used to have, right now don't exist." (OBAM04)
"I need to be touched, and I have a lot of physical need of being touched... need of affection. I get anxious about it, in need of it. I now have another need, I need to feel accompanied by them, being with me hours without saying anything, but being there... and "Hello how are you? How was your day?" It's nonsense, but it's what I need now, I have more need for that." (OBAM05)
"I feel I am more sensitive, my feelings are never far below the surface, at any thing I am... and I'm... not in a bad mood... not bad but... before I was more like tetchy but now I am more like... aggressive, I don't know. Yes, I'm calm but like everything to be more on the surface and with the less things on top... I can not avoid it... it just irritates me" (OBIM06)

3. Experiences of understanding and forgiveness

The protocol includes the McLernon forgiveness scale, which in its original version studied, in the population of Northern Ireland, the possibility of meetings between Unionists and Catholic people. In this population of torture survivors, the results are devastating. It's hard to find positive emotions.

People were asked about which emotions arouse in them the police forces that practiced torture, how they feel about them, what kind of behaviour they would have, what thoughts come to mind when they remember them (ignoring images of torture itself) and about the capacity to forgive.

Table 123. McLernon scale results			
		Disagree (%)	Slightly agree or Agree (%)
With regard to the Group that hurt me I feel _____ toward them.	Peaceful	91.2	8.8
	Hostile	12.1	87.9
	Resentful	17.6	82.4
	Compassionate	94.1	5.9
	Without rancour	82.4	17.6
	Embittered	72.7	27.3
	Sympathetic	88.2	11.8
	Disgust	35.3	64.7
In regard to these people I would _____ them.	Avoid	26.5	73.5
	Help	94.1	5.9
	Dialogue with	91.2	8.8
	Injure	51.5	48.5
	Be on good terms with	97.1	2.9
	Punish	11.8	88.2
Remembering them, I think they are _____.	Evil	11.8	88.2
	Negligible	5.9	94.1
	Misunderstood	17.6	82.4
	Worthy of respect	97.1	2.9
Remembering I will _____ them.	Wish well to	93.9	6.1
	Disapprove of	6.1	93.9
	Think favourable of	90.9	9.1
	Condemn	5.9	94.1
N		34	

	Not entirely	Trying to forgive	It is unforgivable
To what extent have you forgiven?	6.3	6.3	87.5
N	34		

Negative emotions continue being dominant, wich is a reflection of the destructive power of a society wich uses torture.

The results, which are overwhelming because of their unanimous character, show the deep wounds left behind by torture, especially when this is subsequently denied, and the difficult and complex work that this situation will entail. Negative emotions continue being dominant, which is a reflection of the destructive power of a society which uses torture. 87% of respondents believe that what has been done to them is unforgivable.

However, there are some positive data, such as the prevalence of non-vengeful feelings despite what happened (51.5%), nearly 18% of people do not hold grudges, and three quarters of the people do not feel bitterness, and a quarter of the interviewees would not avoid the people who tortured them.

4. Depression

One of the questionnaires used to assess the emotional impact of torture has been the BDI (Beck Depression Inventory). We used different cut-off points[101] for measuring the severity of depression at the time of forensic assessment.[102] The data are shown in table 124:

101 Cut-off points: 0-9 = Absence of depression; 10-16 = Mild depression; 17-29 = Moderate depression; 30-63 = Severe depression.

102 Beck, A.T. y Steer, R.A. (1993). Beck Depression Inventory. Manual. San Antonio, TX: The Psychological Corporation.

Table 124. Depression questionnaire results

	Men (%)	Women (%)	Total (%)
Absence of depression	55.6	28.6	43.8
Mild depression	16.7	35.7	25
Moderate depression	22.2	28.6	25
Severe depression	5.6	7.1	6.3
N	18	14	32

Most examinees do not actually suffer from depression, although depression in nearly a third of them was rated as moderate or severe. The average score is 12 and 75% of people score below 19. As was the case with the post-traumatic stress questionnaire, women score worse in the scale, suffering depression more than men, but we do not have sufficient evidence to attribute it exclusively to torture. To see if there is a direct relation with torture, table 125 presents the results disaggregated by the elapsed time from arrest to interview.

Table 125. Depression questionnaire results by time elapsed since detention			
	Less than 2 years	Between 3 & 7 years	Over 8 years
Absence of depression	42.9	55.6	37.5
Mild depression	28.6	33.3	18.8
Moderate depression	28.6	0	37.5
Severe depression	0	11.1	6.3
N	7	9	16

The low number of people in each group prevents us from drawing clear conclusions from such data. For example, although in the table it can be seen that 11% of individuals who have been interviewed between 3 and 7 years after being subjected to torture suffer severe depression, but that figure corresponds to only one person. Viewed as a whole, percentages are definitely high and duplicate the depressive disorder prevalence in the general population. But there are many causes for depression, and it is difficult to establish that there is a direct relationship between torture and depression. It is more likely to have an indirect relation (loss of employment, family difficulties or couple separations, friend group rupture or life project failure). Symptoms barely decrease with time, which again suggest an indirect relationship in the global deterioration of a person's quality of life that torture implies.

These are the scores of some questionnaire items that could be of interest for the purpose of this research.

Table 126. Depression questionnaire main items					
Items	Severity scale (%)				Average
	0 Absent	1 Mild	2 Moderate	3 Severe	
Loss of pleasure	47.1	35.3	14.7	2.9	0.73
Self-criticism	35.3	58.8	5.9	0	0.70
Agitation	35.3	55.9	2.9	5.9	0.79
Loss of interest	50	41.2	8.8	0	0.58
Changes in sleeping patterns	29.4	41.2	14.7	14.7	1.14
Irritability	52.9	35.3	8.8	2.9	0.61
Difficulty in concentration	29.4	47.1	17.6	5.9	1.0
Loss of interest in sex	61.8	17.6	17.6	2.9	0.62
N	34				

The "difficulty in concentration" and "changes in sleep patterns" items concentrate the highest scores and are consistent with the examinees' complaints. "Pessimism" and "agitation" also get relatively high scores compared with other items. The lowest average scores correspond to "suicidal thoughts or wishes" and "feelings of failure".

Finally, a significantly higher score can be appreciated in women ($F= 4.93$ $p<0.03$) in the item corresponding to the "loss of interest in sex". In the chapter on torture methods mention is to be made of the particular importance that was given by women to gender-related issues as a form of humiliation and identity rupture. Although this questionnaire deals more with difficulties in sex linked to anhedonia, such important differences observed may also reflect the difficulties linked to the characteristics of the events experienced.

It must be recalled that in the clinical interviews, 13.4% of examined people had at some point criteria of depressive disorders, which is consistent with the data presented herein. Such a high rate on a depressive symptom questionnaire does not necessarily mean a clinical diagnosis of depression and this must be taken into account. High scores associated with somatoform disorder, persistent transformation of personality and other diagnoses detailed in Table 86 have also been observed.

5. Conclusions

Globally considered, expert assessments indicate that 53.3% of examinees had, at some time, a PTSD, 13.4% a depressive disorder and 6.7% an anxiety disorder of sufficient clinical relevance.

The psychometric analysis of current symptomatology shows high figures of certain symptoms. To highlight some data, 36% of examinees still have painful images; 54% feels bad when remembering. 27% avoid talking about what happened, one in four has lost interest in things that they used to enjoy; one in three feel distant from people or feel that their future has been cut because of what happened. 34% has sleeping or concentrating problems; or overreact when certain stimuli appear. In summary, based on psychometric instruments, 24.1% of interviewees could now be diagnosed with PTSD (13.8% scored as "probable" PTSD and 10.3% rate as "confirmed" PTSD).

The data show that there is a tendency, over the years, for such symptoms to diminish; and in many people there is a progressive, albeit slow, normalization of symptoms; but severe clinical damage is clearly detectable.

There is a more deeply affected group of people. Especially people who (a) perceived the suffering they experienced as useless, meaningless; (b) had feelings of blockage and helplessness during the events; (c) perceived lack of social support, understood from their surrounding environment, but above all from society as a whole; (d) believed that communicating what happened is not only relevant, but also necessary.

From the psychometric viewpoint it is perceived that of the 16.7% of people with severe PTSD during the first 2 years, 7.1% had this diagnosis over 8 years after the arrest. In clinical interviews a similar percentage (8.9%) is diagnosed by experts as having an "*Enduring personality change after catastrophic experience*", which is the most severe form among possible permanent sequels.

Special mention must be made of experiences of guilt, which are very common and many of them persist over the years. In a global overview, it can be seen that women tend to feel even guiltier, if such a thing is possible, than men. In men, the main cause of guilt is for "not having resisted more" (which appears, in general terms, reflected by their positioning somewhere between the "sometimes" and "often" categories of answers in the questionnaire) and in women for

53.3% of examinees had a Post Traumatic Stress Disorder, 13.4% a depressive disorder and 6.7% an anxiety disorder of clinical relevance.

"not realizing" or for "not having been cleverer" and for "failing to protect family and beloved ones" from the environment, both experiences being, in general, very common. About 50% of examinees have experienced guilt "very often" or "constantly" after the arrest. In men they diminish almost to the point of disappearing, except in those cases related to the manner with which they faced the situation. In a quarter of the women the experience of guilt lingers on, especially in those cases related to interpersonal issues.

Torture fulfils two of its main objectives, the rupture of society and the rupture of identity. Reference to the first of such aspects,, the expert assessments have shown that, in some people, after torture there is a withdrawal from previous militancy and a sense of alienation from with respect to the society in which they live. Moreover, unspeakable trauma can lead to greater isolation from family and friends, together with cases in which the examinees' environment blame them for what happened. Torture severely affected the identity and worldview of a group of people (about one third) that have, to a greater extent than the rest, an identity of damage, a more negative worldview with less future; they feel more isolated and, they sometimes consider that they are responsible for what happened.

There are frequent feelings of hatred, anger and humiliation associated with memories; and difficulties to get rid of such emotions; and feelings of sadness and loss, and major difficulties in forgiving or in putting themselves in the other person's place. Along with this vision there are also frequent testimonies of people who attribute great social, political and personal importance to sharing the experience with others, who tolerate their current feelings, who believe that they have grown as people; in short, who have managed to integrate the experience in their lives and are resilient, in the sense of knowing how to overcome the facts; and who have kept their social networks or even started or increased their militancy.

Chapter 7.

Reparation measures

Introduction

Reparation must be understood as the policy designed to encourage a return to society and the recognition of the victims as subjects with rights. Nothing can replace what was lost in a fractured society that is living through a violent conflict, but facing the consequences of such violence and to assuming the responsibility of the State reference to all victims and survivors, independently of their political options, is an essential step towards rebuilding social relationships.

There is an ample and well-known jurisprudence on reparations for victims' under international human rights legislation.[103] The General Assembly of the United Nations approved, in 2005 December, a resolution that is the international reference regarding human rights violations victims' inalienable right to reparation, with no "*statutes of limitation*".[104] This document indicates that reparation shall be linked necessarily to truth and justice, and therefore is explicitly recognized. States are urged to consider five types of reparation measures:

[103] De Greiff (2008): *Handbook of Reparations*. Oxford University Press. Martin Beristain C (2009): *Diálogos sobre la Reparación*. IIDH, Ministerio de Justicia, Quito. Lira E, Loveman B (2005): *Políticas de Reparación*. LOM Ediciones, Santiago de Chile.

[104] General Assembly Resolution 60/147 of 2005 December 16th : *Basic principles and guidelines on the Right to a Remedy and Reparation for victims of gross violations of International Human Rights Law and serious violations of International Humanitarian Law* (http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx). Of special interest are section IV.6 in which it is stated that "*statutes of limitations*" shall not be applied on gross violations of International Humans Rights Law, and section V.8, in which the concept of "*victims*" is defined as "*persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization*". This status of "victim", insofar as reparation measures are concerned, is to be applied independently of the identification, apprehension or prosecution of the perpetrators.

Table 127. Reparation measures – un general assembly recommendations (2005)

- *Restitution measures*: looking to restore the victim's previous situation (restoration of lost rights, employment, properties, etc.).
- *Compensation measures*: understood as an economic compensation for both material and moral damages (fear, humiliation, physical or psychological sequels).
- *Rehabilitation Measures:* understood as medical and psychological care as well as social, legal etc., support to victims.
- *Dignity and Law fulfilment measures:* in relation to the verification of facts, delineation of responsibilities and punishment of those responsible, public knowledge of the truth and measures of restitution of the victims' honour and commemoration.
- *Guarantees of non-repetition*: including the cessation of torture, institutional and legal reforms that ensure changes in the security forces, the promotion human rights, etc.

There is an ample and well-known jurisprudence on reparations for victims under international human rights legislation.

There are numerous studies in the international level about the perception of reparation by torture victims. A large international comparative study conducted 10 years ago with case studies in 30 different countries on reparations for victims of torture[105] showed that in most countries there is a legal loophole in the matter, and that where there is legislation, there is a large discrepancy between the law and its application. The main conclusion is that the survivors of torture and their families (including those from European countries) rarely receive reparations for any kind of torture. Even in those countries in which certain measures have been approved, this has been a monetary compensation devoid of any measures of rehabilitation or guarantees of non-repetition.

In other large international studies on torture survivors' expectations in terms of reparation, carried out with over 200 semi-structured interviews in different countries and contexts,[106] it is concluded that is necessary to specifically ask tortured people everywhere, because there were widely differing views depending on the economic situation of the victim, whether torture was understood by the victim within the framework of a militancy or not, and in this case if the person felt that public recognition of torture itself was part of that struggle. There are all kinds of cases, from those victims who are struggling to achieve recognition and reparation, as a central goal of their life project, to those victims who refused even to talk about that possibility.

In the same line, several studies have shown how financial compensation is valued by victims directly in direct relation to their poverty levels;[107] that victims of torture or prison have a more militant perception than other victims of human rights violations and more especially than their relatives, and that they place more emphasis on non-material issues,[108] including measures in the field of justice or guarantees of non-repetition, which directly depend on the perception that the victim has on the risks of reporting torture and on the level of impunity in the victims' surrounding environment.[109]

In summary, the numerous data accumulated indicate that each context requires listening to those affected and trying to meet their specific needs and peculiar demands and that it is difficult to establish universal measures of reparation.

The most complete example of torture victims reparation measures to date is the proposal emanating from the Chilean govern-

[105] REDRESS (2003). *Reparation for torture. A survey of law and practice in thirty selected countries.* The Redress Trust. London. (http://www.redress.org/downloads/publications/AuditReportText.pdf). Cases' study in Argentina, Bahrain, Brazil, Chile, China, Egypt, Indonesia, India, Iran, Israel, Japan, Kenya, Lebanon, Mexico, Morocco, Nepal, Nigeria, Peru, Philippines, Romania, Russian Federation, Rwanda, Serbia and Montenegro, South Africa, Sri Lanka, Sudan, Switzerland, Turkey, United Kingdom (Scotland), Uzbekistan, Zimbabwe.

[106] REDRESS (2001). *Torture survivors' perceptions of reparation.* The Redress Trust. London

[107] Rettberg, A. (2008). *Reparación en Colombia. ¿Qué quieren las víctimas?.* GTZ/Universidad de los Andes. Bogotá. Perez-Sales, Bacic R., Duran, T. (1999). *Muerte y desaparición forzada en la Araucanía. Una perspectiva étnica.* Ed Lom. Santiago de Chile.

[108] Arnoso, M. (2012). *Terrorismo de Estado en Jujuy (Argentina) (1976.83). Impacto psicosocial y representaciones del pasado, la justicia y la reparación.* Doctoral thesis. Universidad País Vasco.

[109] Navarro-García S., Perez-Sales, P. (2007). *¿Por qué las exhumaciones no conducen a procesos de justicia en Guatemala? Datos y reflexiones desde una perspectiva psicosocial.* Revista CEJIL 203, 90-99.

ment's Report of the National Commission on Political Imprisonment and Torture, popularly known as *Valech Report*.[110] The proposed measures in this report are summarized in the following table:

Reparation measures: examinees' point of view

Possible reparation measures are not part of the Istanbul Protocol, but they were included in the semi-structured interview that accompanies it. A catalogue of potential reparation measures is not provided, but there are some open questions which the interviewees spontaneously answered, which were then subjected to qualitative analysis.[111] There are data available from 30 of the 45 examinees, in which this aspect was included.

Table 129 shows the frequency of the suggested items:

[110] Comisión Nacional sobre Prisión Política y Tortura/National Commission on political imprisonment and torture (2003). *Informe de la Comisión Nacional sobre Prisión Política y Tortura*. Ministerio del Interior. Santiago de Chile pp. 516-531.

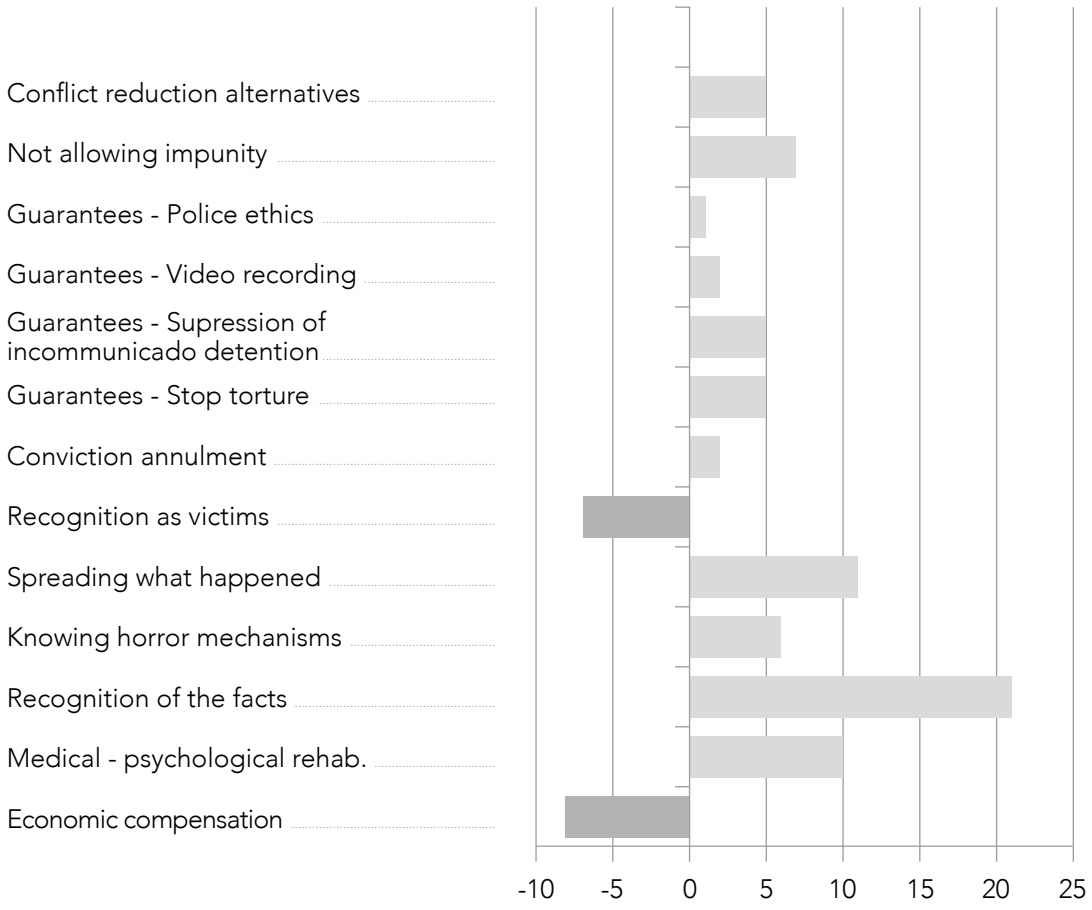
[111] The guiding questions were: 1. – *In your opinion, what do you consider that should be done socially for torture victims?* 2. – *In your case, how do you think that suffering and damage could be alleviated?* 3. – *Do you think that your pain and suffering should have some institutional or social recognition as compensation?* 4. - *In general, how do you think that this reparation should be done for it to be truly effective?*

Table 128. Torture victims reparation measures. Valech report

Individual reparation measures:	Symbolic or collective reparation measures:
1. Legal. Cancellation of criminal trials and records where illegal detention or torture had taken place.	1. Guarantees of non-repetition and prevention measures. Comprehensive proposal for criminal code reforms and ratification of international treaties.
2. Economics. Annuity.	2. Symbolic gestures of recognition and encounter.
3. Health. Medico-psychological rehabilitation program (PRAIS).	3. Memory recognition.
4. Education. Grants and aid for the development or completion of interrupted studies.	4. Measures for disseminating, promoting and educating in human rights.

The Chilean government did not assume the proposed legal, economic and guarantees of non-repetition measures. It did assume measures in terms of health and education and did enact human rights promotion measures as well as some of the other proposed measures.

Table 129. Reparation measures



A. Restitution and compensation measures

None of the examinees made proposals related to measures of restitution. There is no claim of reparation for damages in economic terms or employment or other similar terms, and when they appear it is not part of what interviewees consider important for reparative purposes.

Only two people talk about economic compensation, and even then not referred to them, but to hypothetical third parties.

> *"Compensations… Why not?* [It is not my case, but] *if people could not rebuild their lives and have had problems, there is a cost, in terms of psychologists even loss of employment. A grant assistance regarding all psychological treatments, psychiatric or of whatever kind, is necessary. Like what the State is doing when it promotes contracting certain people in need for certain jobs... All that would be excellent."* (JZLV05)

Other people did not only contemplate this possibility, but when they speak about it or when they are asked about it, they reject it explicitly or consider it irrelevant.

Table 130. Rejection of economic compensation
"I think in the end... compensation... There is not enough money to pay for compensation, so I think that carrying on with the struggle for ideals for my people and the greatest compensation of all will be to respect them (...) the option to decide. (...) I am not thinking about economic compensation at all. (...) Recognizing, eradicating torture, and that the reasons for which we were arrested should not be allowed." (JZLV06)
"Compensation... compensation what for?... There isn't enough money to pay everyone. There isn't enough money to pay six months in prison. Which in my case were six months... but some people spent two years, three years." (MIIA01)
"Come on! I want it to be recognized that we are victims. (...) I don't want to get paid anything." (MIIA02)
"No, I think I've suffered this but... I ask for nothing. I just want to know why they arrested me only because of my militancy, nothing else. Justice... freedom of Euskal Herria, only that; for me I want nothing." (OAE02)
"More than compensation I want them to pay for what they have done, better than compensating people... Well there will be cases, there are cases that yes, people that haven't been able to recover, that cannot move on with their life projects and there are cases in which people need help. There are people who will have been annulled for certain social abilities, even for work, or physical damage, I've been with a woman who had lost her hearing in one ear at the police station. But pay... I do not want to be paid for nothing." (MNEG01)
"I am not looking for economic compensation. That doesn't solve anything, I think it is bullshit. First comes putting an end to the practice of torture and then political and historical recognition... The other things, nothing." (MNEG03)
"Economically, no, that doesn't matter." (OBIM02)
"Compensation no, it only would clean consciences. Recognition, I would say to talk about what happened, talk about the truth, about how people have been tortured for decades and are still being tortured. To stop lying and have them tell what they know. What everybody knows but it's more comfortable to deny or say that we are inventing stories. It is very hard to go through what we have gone through and then to hear that everything is a fabrication. Someday there must be a recognition of our suffering. I just want truth to be told and to create mechanisms for putting an end to torture." (BOB12)

B. Rehabilitation measures

Many people refer, when speaking of reparation, to the psychological harm suffered and the need, as well as the impossibility, of its reparation:

> *"I think it cannot be repaired, this cannot be repaired. Because it is not a machine that has broken a piece which you take away and replace. It is the body, I think that more than anything it is the head, and each person is completely different, each person takes it their own way, there are people who cry, there are people who get it off their chest otherwise, but repairing this is not easy."* (JGGL03)

> *"No way, over time I suppose that it will pass, but I'll never be the same person, I've changed a lot."* (BOB12)

Perhaps that is why they speak of the need for psychological, psychiatric and general medical support for people who have gone through incommunicado detention.

Table 131. Medical and psychological rehabilitation measures
"Putting in place protocols for those who have been tortured, for those who need them. (...) Psychological, medical, physical and psychological aid. It's necessary that you undergo testing because you come out affected, I got out affected." (JZLV02)
"I... people who have had a very hard time; who have trauma... that's very difficult. Eventually the help of a psychologist, to go to a psychologist I think is important, it can help a lot. Then from a well-known friend's viewpoint, you can show your support and love as long as you go and meet him, that's normal. What everybody would do. I see it difficult in the psychological sense to help the victim move on [without professional help]*"* (JZLV04)
"I think that for many people passing through these experiences, psychological treatment is always useful. I think so, undoubtedly, yes. Motivated primarily by this and my spirit of improvement and because in my case I have several behaviours that I would like to change. (...) In fact, I have always recommended going to those friends or to people not so close, who told me about their experiences during detention, without doubt." (JZLV05)
"I think that there is no mechanism which makes you forget, that is unforgettable, you take it with you and that's it, but yes, there are things that help you to go ahead and now there's a lot of psychologal help... A network that I consider very important." (MIIA02)
"In the Basque Country [there should be] *something organized at the institutional level to address this and help in this matter. What assistance? It should be defined... Those of us, who have suffered, must be there, contributing and providing measures."* (OBAM02)
"People don't ask for help when coming out because they don't see it necessary, don't know how to ask for it, or for feeling the anxiety of not being comfortable with themselves, of not knowing what to do, but not because they don't have to do so. (...) Psychological help [allows you] *to transmit it, to take it all out and to share it with others. But here is the crux of the matter, that everyone could... that's where you will have something to say, you know the ways of moving on, otherwise one could end up going crazy; grief exists and I think that this grief is internalized and one doesn't know how to take it out, that is what leads to what we are seeing in terms of cancers... we just have to open doors that we don't want to open."* (OBAM05)
"Psychological help and counselling with experts." (OBIM02)
"I think that emotional support is basic (...) I think it would be necessary that they come, because people tend not to go "I'm fine, nothing is the matter with me", by zones or whatever, that people can come and say "How are you" What happened to you? Do you need help?" (OBIM06)
"For me justice! And as to repair the sequels. (...) To solve the problem insofar as possible, physically or psychologically, to remove those possible sequels." (NLMP01)
"I think that we would sleep much better if at least it were recognized that we have been tortured. It would be helpful to recognise this. For those who need help they should ask for it and receive it. It's something we've always been silent about. Then recognition and support." (ILMW01)

C. Satisfaction measures

Recognition of the facts

This is, unanimously, the most quoted measure. In different ways and with different emphases, most examinees report that the greatest harm they suffer is that they are not only ignored or silenced, but the fact of being pointed out by Government spokesmen or public bodies, even those related to human rights, saying that they have invented the ill-treatment they have suffered, or that this is the consequence of alleged instructions. This creates a double victimization in people which is expressed when most of them say that the main reparation simply consists of having the State recognize what happened so that society, as a whole, will know what happened to them. The damage would thus be validated and the facts would be publicly known.

The main reparation consists of having the State recognize what happened so that society, as a whole, will know what happened to them. The facts would then be publicly known.

Table 132. Recognition of facts
"First, they should recognize that they have been tortured and ill-treated." (AMRLG09)
"First, recognize that they have been tortured, that torture is still going on, that this is not a story from the Franco era." (IGEJ01)
"I think so; I've always said so and I go on saying that to forgive... forgiveness? Forgiveness is not useful to me, it will not repair all that they have done to me, I don't know… Recognition? Saying " this has indeed been done here, and this is a problem" right?" (BOB03)
"There must be a collective recognition that thousands of people have been tortured." (JZLV02)
"Recognition as something real (also by institutions) that society believes us is a huge step; that they get to say "they are violating their rights." For me, that someone could arrive to that thought would be a triumph. I have also suffered and I think we deserve that recognition." (JZLV03)
"It's much more serious, of course, when it is a public institution. (...) I differentiate the fact that it is the same, but there are crazy people, we have to try not to resent them, but allowing them... Because they allowed them, I have seen it in front of the judge: «They have done this and that to me, they stuck a wire onto me» and the judge said: «Come on, how is there going to be wires at police stations.» He should not carry out value judgements if he is impartial. (...) Often when someone appears speaking about «the torture reporting manual» I feel very angry... this is because it is a lie, I have reported torture, not because anyone told me to report it, I have reported it because I wanted to. (...)I feel very angry... very angry (...) the fact that they obviate this and turn a blind eye seems wrong to me. But besides, the fact that they say that you're lying…" (JZLV04)

"I have not thought too much about these things either, but I think that recognition of what is going on, in some way, can come in handy to prove that we have told the truth and this has happened and for it not to happen again, this would be essential . (...) Above all, recognition to people who have been tortured and have told the truth. And recognition of the harm they have been doing ... it happens to me every time I see torture trial, whenever I think of the anger and helplessness that I feel when they say that that it is something that doesn't happen. (JZLV05)

"Firstly to recognize, in the end, the recognition of torture and of all those who have been tortured is necessary. (...) I do not want to see myself as a victim. A victim of a political conflict... but as there are other kinds of victims, as anyone... It's delicate, tricky ... the victims issue, reconciliation... don't know. I have it very recent, I now don't think about reconciliation, I cannot, though my head says yes, my heart says no, not while they don't even recognize [the damages] *that they have done to us."* (JZLV06)

"Come on, to recognize that we are victims. I remember when I was taken to the judge, I felt humiliated, much ignored. They don't listen to you, it is invented, they say, it is a strategy, and with what you have inside to stay listening constantly that we have invented it, that it's a lie, I think it's very hard." (MIIA02)

"To me, all that matter of reparation... Reparation is for cars in garages! Reparation... I do not know, this stuff to me... here it must be clear that we have been part of a movement, which has used political violence; okay, that is a truism. Torture is the same; then, each one must assume their part and then we'll talk about reparations and whatever... and change of gears and chains and whatever, but first we must assume what we have done, but ours is simple: we know what we have done and that's it, but... Those who are under the surface? Hah! But hey, there is also our ethical and political strength? Right? But you... What have you done with this machinery of judges, journalists, politicians who nowadays are still active? When are you going to assume that you are torturers? That's the struggle." (OAE04)

"Recognition... this is super important, (...) recognition of the truth. It's a little hard that there still exists the topic that torture doesn't exist, it's hard. Only the recognition of the fact that we have existed, that it has happened and to do with these people what needs to be done." (MNEG01)

"Apart from having tortured you; they treat you as a liar. This is part of I don't know what manual and what strategies. And people who don't report torture... what are those? Undisciplined ones who don't follow the manual?" (NLMP03)

"I do not like to be told «XXX has been tortured, poor boy.» I do not need that. What I need is that the institutions recognize, at any given time in which we'll be in the resolution of the conflict, to be recognized that here there has been a violence against some people which have been silenced by the institutions themselves, and that has been legally protected. I do think that this recognition is needed because in history, this has to be established. Tomorrow, people have to know that there are citizens in this country who have been tortured." (MNEG03)

"I think that for a person who has suffered ill-treatment and who decides to socialize his/her suffering, reparation is to be heard." (MNEG04)

"At the social level it is to believe that this is true, which is not something we made up and that we say from time to time. I know that there are many people like me who shut up and bear it and take it out to a few people. A social recognition [of truth]. *(…) In general, society doesn't believe that this happens (...) I see it in people of my age, who don't want*

to think about it and will not think about anything... they rely more on the media and the institutions." (MTRGL10)

"Recognition of the suffering of both sides of the conflict." (OBAM04)

"Not me specifically benefiting from recognition but to say «indeed, these people who were actually arrested in this period, we laid our hands on them, they were tortured» or saying whatever the hell they wish." (OBAM01)

"I don't seek recognition; I do want torture to be recognized but not in personal way." (OBIM08)

"What happens in police stations should be known, This would contribute to the most important goal: not to have a single more case more." (NLMP03)

"Right now I'm content with the recognition by Basque society, but I hope someday to seek justice." (NLMP04)

"At least to know what happened. To recognize that victims have suffered and to recognize, at least, that they have suffered torture; because although your family, your friends, your co-workers, your close relations know what you've been through, people don't know. Recognition, recognition that torture has existed and for those who need help, to have it and... A social recognition for people who have been tortured. I believe that this is the most important thing, to recognize to the tortured person that he/she has been tortured. (...) Over the years this could be achieved with a truth commission in which to speak about everything that happened." (ILMW01)

Knowing the mechanisms of horror

There are people who believe that the recognition of the facts is the first step for further investigation which would allow us to know the mechanisms that permitted and protected this strategy and those who designed and covered it.

Table 133. Knowing the mechanisms of horror
"It seems to me that it is more important to know the causes of why these people have been treated that way and to question why people are put in incommunicado detention, tortured and imprisoned. (...) That people realize that this is a totally premeditated thing and that behind it, is a strategy against these people, that… it is a political issue, a political strategy." (AMRLG09)
"To recognize that it is not only some four policemen in a Madrid police station, that is the machine, the system. That there is a judge who sees you shattered and knows perfectly what they did to you at the police station, who is looking in another direction... To recognize that it really is something that the Government is using and from there, what else? I don't know but certainly the recognition that there are many people who have been tortured in police stations." (IGEJ01)
"I think I would be satisfied, not with the recognition of that I have been tortured, or my friends, or that my family has been tortured, but with a recognition that in a given time, in a given era, the State upheld and protected and somehow boosted torture. That there were police forces and judges who protected torture and promoted it." (IGEJ02)

"On a personal level ... it is clear, torture is a very specific practice, so far as I know, yes, I would like to know (although it is never going to happen) how a person can get to do this and to know if that person is well because violence can be used ... so a long time making people suffer and torturing them and humiliating them... I don't know how it can be achieved to a point of being able to live with that, the ones who do this. (...) In a few years, if things change, to have the opportunity or at least to see it on TV, to see a guy who has practiced torture, to see how he could live with that or if he really feels right or when he arrived home with his family what were his feelings. Their task was to crush people who had been arrested and to hit and torture them for five days. Does not he have a small feeling of guilt or something?" (MNEG03)

Spread what happened in society

For some people it is not enough that truth remains collected in books or compilations of testimonies. Damage is social in the sense that the idea it has been introduced in the collective imagination that the tortured people are lying; and this idea which involves having the environment and the whole of society face the truth is a form of damage for which reparation is a priority.

Table 134. Spreading the knowledge of facts in society
"This exists and this should be in the streets, people would have to know. It makes me feel very bad because sometimes it has also been reported, that is, every year a report is published on all arrested and tortured people, and finally it ends always more or less where ever, it doesn't get to everywhere. So I don't know what the formula is or how it should be done to have more credibility [in society]. *There is always the topic: «they are the same old people; we know who they are and that they are making up the whole story because of that.» I think that also internationally we have to work hard but while there is no such involvement by them, it is very difficult. (...) I don't know what the formula is but it has to be in the streets and people have to know. Who doesn't want to see it, is not going to see it, but that shall not be because we haven't disseminated it."* (IGEJ01)
"Somehow, an equating of suffering, right? At the end, society, or many people among which you can move... I'm open-minded and I'm moving on so my ideological environment is plural, you end up accepting that there is a good and bad side, in certain ideological environments and in some of them you find a democratic system but not in others. I think that somehow it would be necessary to put things in their correct places and to tell those who are legitimized by the word "democratic" that they have not been as democratic as they themselves are saying. Somehow, spread the word and say that there has been a situation that was not very democratic. Or that was very undemocratic." (IGEJ02)
"There is a need to raise awareness, this meaning to socialize: That is difficult if you don't have the means to do so and reach out and educate." (JZLV02)
"I do think that someone has to tell people what happened. "History books are written by the winners" but truth has to be told." (JZLV04)

"The best thing would be that from these testimonies and experiences as much people as possible could realize what happened, so they can assess it and know what has happened. Not to forget that we also did our part, with a lot of damage and grief." (JZLV05)

"The issue of tortures has always been denounced, but heard only by those closest to the victims... but finally it is in the circle in which we denounced it where it goes, I think it's always the same environment. Because the rest of the people either don't believe it, or don't want to see it, or don't want to read about it. Getting a little to these people, that these people really get to believe it. If people who are not from our environment would believe what happens, I would be satisfied. That people don't think that when a detainee reports torture this is a protocol. That really pisses me off." (MIIA01)

"Rather than a judicial complaint I would prefer political denunciation (...) to explain what they did to me, to publish the testimony, that people knew, people who know me but who just have not seen that reality before: thus «this is what they have done to XXX and XXX and this is me, whom you have known forever.» It was important that they knew, to make it public and to denounce it. Not so much the judiciary because we all know where these lawsuits go nowadays. It is very difficult to get to anything." (MNEG03)

"For me, what is fundamental, important, is that what is happening is known internationally. (...) A lot of people that have been through what happened and continues to happen and that must not be forgotten. To evidence a reality." (OBAM05)

We are also bringing it to light, not only the tortured, but also relatives who are also victims, blacklisted people, people who are somehow invisible." (OBIM06)

This recognition is the first step for society to reject such practices and not to tolerate them under any excuse of alleged security.

Recognition as a victim

Most interviewees refer that they do not need a social recognition as "victims" in general or as "torture victims" in particular. In this sense, some people express their rejection to mythification that victims have in general (on both sides) and their desire not to be symbols of anything, especially in a context in which it is more important to be able of recognise other people's suffering.

Table 135. Victims' rejection of recognition
"I recognize, for example, the grief that there is in this confrontation existing in Euskal Herria. I think there is grief on both sides (...) some people that have suffered is are ideologically distant from me, and when I see people on the other side who make a living of this... *it makes me sad. Fuck! Living permanently... I don't know, I don't understand, don't understand, I don't think so. (...) Personally, I don't think we should have icons, or that we have to have leaderships. (…) I don't like the idea of «you are even worse.»"* (IGEJ02)
"The best way to help those who have suffered torture is to make it disappear, to pressure institutions into making it disappear. (...) I don't consider myself a victim of anything; I have been tortured but don't consider myself a victim." (JZLV02)

"I think that victims of terrorism are very much taken into account, and that's fine by me, to recognise them... Just as I think the same must be done for victims of GAL. (...) Everyone honours who they want, but they should be entitled. (…) I don't need recognition." (JZLV04)

"The victim's issue... I have no victim complex. Yes, I am a victim to the extent that I have been an element that has suffered on a scale perhaps different to than normal, right? But I'm not going to trivialize. What has happened, has happened, is objective and that's it. I do not feel as subject of reparations and... no, I don't want any of that!" (OAE01)

One person speaks of collective recognition to people who have suffered as victims, although it is not his personal case.

"Well, maybe yes, I would ask... not in an individual level, ok? Because… I feel like just one more piece in a fight. I do not want any kind of leadership. So, what do I ask? I ask for people's recognition... I renounce to a personal recognition in favour of a collective recognition; and among other reasons because there are many people that will never have that recognition on a personal level because they are not here; and they also have to be recognized. From our side we have always been a part that has been very much hidden away... then, I delegate my personal recognition. I am content with the acknowledgment that there have been some people who have fought for some ideals, making... having at no time any personal benefit; that it was a total devotion. So I do ask for recognition for these people." (OAE01)

Annulment of convictions

Two people think that all those sentences that are based on self-incriminations as single evidence should be annulled, when it is proved that there was ill-treatment.

"The recognition that torture has existed and in cases where they have been convicted or... all that settled, all those who have been convicted by a self-incriminating statement or by blaming others, all of that should be annulled." (JZLV02)

"It all seems very dirty to me. Giving evidence, if they actually have evidence to show that people have done what they say they did. With real evidence, not with statements obtained under torture. How many people are in prison only because of the statements that they have made? He, or she or other people... Just for that, for nothing else. How can this be possible?" (MIIA03)

D. Guarantees of non-repetition

There is to be no more torture cases

Many tortured people speak also about preventing any more torture cases from happening as the best reparation measure. To do so, some people suggest that the incommunicado detention regime should be deleted from the legislation, as it is the main factor responsible for torture cases. Other statements refer to 24-hour video-recording with real access to the recordings.

Table 136. Guarantees of non- repetition
• That the Authorities stop ill-treatment and torture *"The question is not to repeat it again. (...)It isn't a matter of recognizing or not recognizing it is a matter of putting an end to it. Here and everywhere. In all places where there is a democratic deficit. (...) Personally I don't care because I am recognized by those people who have to recognize me, I do not need even a pat on the back or anything, what I need is that this stops."* (AMRLG09) *"I do nothing but think about what can come from behind and, in the end, whenever a person is tortured, you are tortured again. So much torture and you read in the newspaper that there has been another arrest... and you read about the tortures... and you are tortured again and again and again... and this has to end, this has to end now."* (MIIA03) *"What the Basque Government does today or whatever and decides to recognise those who have suffered torture… and if tomorrow there is an arrest in France of I don't know what activist and he is tortured, then for me that is worth nothing."* (MNEG03) *"The best reparation is that this is not repeated, whenever there is a detainee under incommunicado detention. In the end it is the same... I don't know what's going on but... Nobody has to live through that, as simple as that."* (NLMP01) *"What I have said before: telling the truth, recognizing the existence of torture and that everyone, institutions, judges, doctors, lawyers struggle to eradicate torture. That would be a triumph and I will feel that it was worthwhile; so that nobody else experiences what I went through."* (BOB12) • Suppression of incommunicado detention *"The only measure I see that would be the easiest way to prove if there is torture or if there is no torture is to remove incommunicado detention. No incommunicado detention, because the very isolation itself is already torture, not knowing where you are or if anybody knows about you, or what they can do to you, or what time it is, or what day it is, or how many days are left... that is in itself is torture... The best way to help us who have suffered torture is to make it disappear, to urge institutions to get rid of the incommunicado detention."* (JZLV02) *"In the end, to remove the incommunicado detention I think is essential. And later also the five days of detention, that if there is no incommunicado detention, then that is another situation, right? But five days are five days... five days that are not ilke those that we know now from 8:00 to 22:00. Five days are five days, that is, 24 hours, 24 hours, 24 hours... it is hard. When we talk of days it is to get up at eight if you get up early and finish at ten at night. But no, the second day you say, «but how many days have I been here?»"* (MIIA01) *"Ending with incommunicado detention, obviously. I'm not saying to put in cameras, what there must not be is a period of impunity as it exists there. Is such helplessness, Christ! Then denounce and socialize what happened there... the problem is the incommunicado detention, everything is there, it shouldn't exist, it has no other meaning than to torture, that it certainly has. (…) Why does it exist if not to torture detainees? Why hold them under incommunicado detention for 5 days? Why not let him see a doctor? Why not see a lawyer? What's going on there? Clearly, it is incommunicado detention which brings impunity.* (MNEG01) *"Detention conditions that guarantee this does not happen. Forensic doctors. Recordings. (...) While people are held under incommunicado detention what's happening will always happen. What can be done? I don't know... When it happens there you are completely.... since you are caught, they put a hood on you and get you into a car, the world is over and you just don't matter."*(OBAM05)

"Simply the fact that there exists incommunicado detention allows them to do anything. You have no lawyer, you cannot call home... with I don't know how many cops who are rabid to do anything to you and who enjoy complete impunity." (OBIM06)

- Video-recording

"Yes, certain things could be done, what happens is you have to play with the will. Now the Ertzaintza *applies a protocol. (...) But the problem is that there are zones of impunity, I mean, if they record only while you are in the cell... you can be walking around in the cell, but if I go away, or during the transfer, they hit you a lot... you must realize that when you are detainee there are many spaces of impunity."* (JZLV05)

"There must be cameras, arrests must be clean, trusted forensic doctors must be available, not just any fascist doctor who tells you that you have stiffness when you can not walk. But someone who recognizes what is happening to you. And above all, political parties should not allow this, never ever." (MIIA03)

"To have trials, in those trials those people have to pay, and have to stop doing that, and have to record from minute 0 when you are arrested and taken into the car, you have to be recorded, these are your rights, nothing else. (...) If you have to be arrested, by their laws, 3 days or 2 or the hours that are, under arrest in the police station you have to be recorded, from minute 0, everything!." (OBAM01)

"They have it so easy to prove that they did nothing to us. If they don't do so is because they have something to hide. Finally, in our trial, they put the incommunicado videos, of a single aisle, pixelated from the body up, that you could see nothing, just could see me getting out of a door, walking down the hall and getting into another. When they were asked why they didn't record everything one said it was for privacy. Nobody believes this, and another one said that they had misunderstood the judge. It's a bit like they are laughing at you. They take it like a little joke, and then came one Guardia Civil saying that the treatment was correct and you feel angry. All I see is that in Europe they pressure the Spanish government (...) then the only solution is to require them to record everything." (OBIM07)

"I think they should put the necessary measures: both video and audio recording at all times of the arrest, put an end to incommunicado detention; incommunicado detention as such to me makes no sense, whatever you want to state you can declare it before the judge without having to be five days under incommunicado detention, so they are looking for other purposes. And while you're a detainee, during the period of detention everything should be recorded, so that the detention affects the least possible both the detainee and his/her relatives; it is not necessary to go at four in the morning, breaking down the door, with submachine-guns. To record both in video and in audio the whole detention period at all sites where they could take you and to have at all times a record of where you are. In my case (…) the van was used like that, a space, a legal loophole where "we can do to you whatever we want" and they played with that." (NLMP01)

- That police itself rejects those practices

"Doing a protocol for something that they need? I don't know, I mean, they need police statements, as evidences for incarceration, to obtain information... I see that the will of the police forces is very important, a will not to torture. That plus the issue of protocols and 24-hour-a-day recording; it must be reflected. That this is supervised by people who have the will not to make a law for facewashing, but a law to eradicate torture." (JZLV05)

Not allowing impunity

For some people it is necessary to go beyond the clarification of the facts. They believe that the best reparation would be to have no impunity for those responsible.

The end of torture is associated with a clear attitude of rejection by society.

Table 137. Impunity
"These people are untouchable. So, they know they're untouchable. A government can not touch these people because finally they are their instrument. If these people were to pay for something that they did, it would be amazing. It would be amazing if they could see that they are not unpunished. (...). They are untouchable and know it and that is what leads to these situations. (...) I just prefer them to be suspended, but to be really suspended, not that you realize that in the end they do what they want. That a follow-up is made over all that. (...) Sentences are derisory, right? but even if they are ridiculous, they must be served." (MIIA01)
"That they stop torturing, and take steps; they already know what they are. That some political parties, who claim to be against torture and then forget about it, to stop being hypocrites, to implement the protocols and to arrest, judge and imprison the torturers and those who have allowed torture and that's it. With that I will feel more than rewarded." (MIIA03)
"I don't trust Spanish justice, I don't believe that it will change things around, it seems impossible. (...) Legal steps should be taken against those who torture to extract information... in all police forces they should look for those who have practiced torture and replace them. Forensic doctors, judges, lawyers who have done nothing and have seen tortures; this should have legal effects for them." (OBAM02)
"We must demand responsibilities." (JZLV02)
"More than compensation I want them to pay for what they have done, more than compensation to people... To recognize the truth and to make them pay." (MNEG01)
"Just letting people who have been tortured express themselves. You know that finally you go to the Audiencia Nacional and you know that the judge who is taking your statement is an accomplice of the Guardia Civil commander that was in the police station, that he has relations with them. He is not surprised by what you are telling him. (...) Justice, the minimum is that there is justice" (NLMP02)
"I believe that torturers have always been a team and they will know who have tortured over the years, but I think that little or nothing will be done to them. Thus, they could be rewarded and promoted in rank." (AIL01)

Changes in society – Social rejection of torture

The end of torture is associated with a clear attitude of rejection by society.

Table 138. Social rejection of torture
"You go to the USA and will see that thanks to that (to torture) *they have found Bin Laden, I don't know since they killed him without trial... if he was a good person or a bastard, but everybody is happy because they killed him. Society accepts this. (...) I think society tends to do that, propelled by them, by television. (...) Then they say that the end doesn't justify the means, it is said by a lot of those who call themselves democrats, if that's so... I am not saying if they are democratic or not, but what are they doing?* (JZLV04)
"I think it's clear that nowadays torture is here, but people prefer to look away. At the social level, many people have applied the existence of the armed struggles to justify torture; for much of society it is like this: «these have been tortured because this one is an ETA member or whatever.» People are not aware of the fact that you can be or not be a member: it can happen to you. (...) You try to make people aware of this and it makes no difference... It's not the people's fault, but it is their responsibility, to put an end to what the State is doing, and yes, it is a little like everybody's issue. That is different from when I am arrested and tortured, I report the torture and my people around me support me, or that there are people of different ideologies saying «look, in the end I don't share this guy's ideology or those ideas, but I want to denounce this.» So that, in the end it should be everybody's commitment. Politicians, also the people on the street, because it seems that this is a taboo issue, people cannot be tortured in Madrid with a hood over their heads, it seems that is a lie and people know that this is happening, it is something systematic." (NLMP02)
"I think it's important for society to say «enough is enough, we are here and we will not consent to this», but if they want it will go on happening. This crime has a name and a surname, it follows a political strategy, tactics for each moment. Politicians in power must say «this is enough», but we are still far from that. If this society one day could say «that's enough, we're tired, no more», it would be a big step forward." (NLMP04)

Offering alternative solutions to the conflict that created violence

While there are people talking about post-conflict and reconciliation, for the majority, the conflict remains even in a similar situation, understanding that although the years pass there are still no democratic ways through which to channel the aspirations for independence of a sector of Basque society. Violence (they understand) will eventually emerge, sooner or later, on both sides if political avenues are not sought to channel such generated problems. Definitely democratic options that delegitimize any use of violence must be offered.

Table 139. Solutions to the Basque conflict
"Finally, you have taken a political choice because you thought about certain things, you wanted to open new ways. Not to get where you want because the right to impose a law for victims is not in our hands «for sure you're getting out of here, this is Euskal Herria and we put the border here.» I'm not going to impose, but I have the right to vote for this in a hypothetical case... Such avenues could be opened ensuring a little of everything, this would bring an end to this and to all the other things. First, we need to solve the problem from which all of this came, then the rest. We are "collateral damage", although it is hard to speak like this." (JZLV04)
"I've taken part a struggle for ideals, for my people and a major reparation would be to respect the decision... the option to decide, and we all have the same rights to decide different policies and to build our country. I don't think about economic compensation at all. (...) Recognizing it, eradicating it, and making the reasons for which we've been arrested known." (JZLV06)
"If they took this step, that would be a sign that we are solving the political conflict." (MNEG03)
"The end of the conflict in Euskal Herria." (OBAM04)
"You can not repair, I think, I think that my grief cannot be repaired and I think my grief would heal if the reasons for my arrest disappeared, right? That the political conflict is resolved and there is no torture, no arrests or... I think that in that way I personally would feel relieved, until then I can not think about anything." (OBIM08)

Chapter 8.

General conclusions of the Study: Evidence, reflections and recommendations

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Introduction

There is serious concern about the existence of the phenomenon of torture in Spain, and there are objective reasons for being seriously concerned. It is not a phenomenon that occurs in all cases, but the allegations of torture (whether before the judge, in the press or in human rights organizations) are recurring, not only by people detained under the incommunicado detention regime like those in the present study, but also by other groups such as migrant people and other vulnerable sectors of the population.

But when people talk about this issue, there are two conflicting versions. On one hand, the usual Government position has been to deny its existence. Against this, from social and institutional, national and international entities, it is categorically stated that torture of detainees held in incommunicado detention not only exists but has also been commonplace for a long time and there is abundant evidence that it has not been eradicated nowadays.

Government statements (in newspaper libraries it is easy to see that these have been made by representatives of all the political parties that have been in the Government) consider that virtually all allegations of torture are false. It is said from the institutions that the detainees are looking for the loss of prestige of the State Security Forces and political benefits to achieve the attention of human rights organizations, and to convert the "perpetrators" into alleged victims. They allude to reasons of State and they base their arguments in the understanding that investigating torture is tantamount to being an innocent accomplice of terrorism.

In front of these positions, the main international organizations (United Nations through its Special Rapporteur on torture and the Committee against Torture [CAT]; the Council of Europe through its Committee for the Prevention of Torture [CPT]; Amnesty International, etc.) have expressed their deep concern over the human rights situation in Spain, mainly reference to detainees held under incommunicado detention. Furthermore, it is necessary to take into account that several sentences issued by the European Court of Human Rights (ECHR) have condemned Spain for failing to investigate allegations of torture. These institutions have concluded that the allegations of Basque detainees under incommunicado detention can not be considered as simple fabrications but that they are credible, and they have managed to obtain ample evidence, including evidence of a medical nature, consistent with the allegations of ill-treatment.[112]

However, until June 2008 (the date in which the report on *Victims of Human Rights Infringements resulting from Politically Motivated Violence* was published by the Human Rights Department of the Basque Government), there had been no institutional research on this matter, and we even can say that the general trend has been that of not investigating this issue. Subsequently, an update of the referred report was issued: *"Torture: a scientific approach"* and the *"Report on Civil and Political Rights"* of the Basque Institute

[112] See review and references on chapter 1.

There are more than enough reasons to contribute to having civil society know about this matter by means of an objective, academic and non-partisan study.

of Criminology was also published. More recently the *Ararteko* institution (Basque Country Ombudsman) has submitted a report titled *"Study on the system of guarantees in the field of incommunicado detention and proposals for improvement."*[113]

The content of these reports, in general, is consistent with the data and statements offered by international organizations and the UN system, indicating that whereas the practice of torture can not be considered systematic in Spain, under incommunicado detention the evidence suggests that we are facing a problem of human rights violations of a considerable incidence and extension, that can not be attributed to "bad practices" of any single person, but that it is a problem that clearly resonates and spreads through the usual practices of State Security Forces and especially of certain specialized operating units. Therefore, we believe there are more than enough reasons to contribute to having civil society know about this matter by means of an objective, academic and non-partisan study.

Objectives and methodology of the study

In the scenario described, it seems essential to involve civil society, their social organizations and academic spaces in the field of health and human rights to advance multidisciplinary research (with a different approach and using broader mechanisms and more appropriate means) in order to carry out a thorough analysis about the reliability of torture and ill-treatment allegations, as well as to assess the social and emotional impact of this practice. All of this is to be done by using internationally accepted guides, scales and instruments for a forensic evaluation of torture, both from a physical and psychological point of view, in line with international standards of good practice and by contributing to the construction of a truth which serves to ensure the protection of fundamental rights which have been or may have been violated. This is precisely what has led us, the people who underwrite this work, to participate in it: as members of civil society organizations involved in psychiaty, human rights, social research working groups and support groups for the victims of torture, it seemed important to contribute to clarify the phenomenon of torture, in our environment, by following a scientific approach.

The origin of this project was conceived with this objective in mind. Some key and relevant methodological issues, detailed at length in the chapter on methodology, have been as follows, in short:

- Creation of an interdisciplinary team of professionals working in mental health issues with extensive training in issues related to violence, trauma and human rights. The diversity of profiles has enriched the research.
- Audio and video recording of the interviews which allows for a better contrast of the expert assessments by external evaluators and allows subsequent viewings in which to deal with issues that could have gone unnoticed during the interviews.
- The "*dupla*" system using two-person teams with professionals from outside the Basque Country complementing the profile of the person conducting the interview, has allowed for the creation of solid and well-founded assessments.
- The existence of a single external evaluator along with the monitoring and endorse-

[113] Ibid.

ment of the International Rehabilitation Council for Torture Victims has substantially increased the quality of the expert assessments.

- The use of psychometric scales that include measurements independent to those of the assessments themselves and which are externally evaluated.
- The introduction of strict criteria of reliability in the examination of the facts, with a conservative approach in the analysis of credibility and the requirement of data triangulation, with external collating sources, documental evidences, witnesses and others.

In summary, this study is unique because, unlike all existing studies until today, it develops an analysis of credibility and plausibility of the ill-treatment of torture allegations, on the basis of international standards for the expert assessment subjects; and it does so with a compartmentalized and permanently blind methodology, and by using monitoring systems and scientific supervision by external institutions, which are beyond any shadow of doubt in their professional and scientific qualifications.

Sample characteristics and context in which the arrests take place

Although the study is based on a convenience sample, it covers all the security forces implicated in allegations of torture, as well as different periods of incommunicado detention (from one only day to 10, in the past), different years (from the 80s to present), divergent militancy (from "liberated"[114] ETA members, through various political militancies in the vicinity of the *esker abertzalea* -Basque nationalist left-, to those with no political allegiance or records of violence), as well as other important variables such as gender and age. The sample of 45 forensic assessments is an important achievement, with no precedents in research on torture in Spain. The sample is not equally distributed throughout the years of detentions, 65% of the people assessed are concentrated in arrests taking place as from the year 2002. This is due to reasons of accessibility to the sample of people itself and to the action by the State in that it intensified its struggle against what it denominated "the environment of ETA", among others, by the following means:

1) Large raids. From February 2003 to July 2005 the Spanish police, with the assistance of the French police forces, carried out seven big operations There were a total of 116 arrests in which incommunicado detention was applied. Most of them reported that they suffered ill-treatment, and coercive interrogations during these days. About half of these people were subsequently released (with or without bail) and the rest went into custody to await trial. After a period of 1 to 3 years in prison, two out of three were acquitted without charges.

2) Arrests for membership in youth organizations. Political and judicial authorities over the past few years have followed a policy of banning all those political parties or organizations -especially youth organizations- which did not explicitly condemn ETA violence.[115] This is a controversial position, even in legal circles,[116] but this has led to the progressive banning of the organizations which many of the examinees belonged to and therefore to the arrest and interrogation of

[114] Translator's note: *Liberados/liberatu* ("the liberated") members are those known by police to work full-time for ETA in secrecy.

[115] Organic Law 6/2002, dated June 27th on Political Parties, is the current legal support for that position.

[116] In October 2007, the Supreme Court established in the first trial that acquitted three young men who had been in preventive custody for about three years, that in order to be condemned as collaborator it «*a mere predisposition is not enough*», but that «*the contribution is to be objectively relevant*».

their members. Most of the people arrested and held under incommunicado detention did not even participate in armed actions (and our sample is a true reflection of this as is borne out by the assessments and the contrast with external data for each case presented in the appropriate sections). Moreover, in the assessments many of them clearly distanced themselves from violence. For many of these detainee,s with whom we have worked, it is hard to assimilate an experience of detention, ill-treatment or torture, and sometimes imprisonment (from their logic, which is not that of the State), when they consider they did not have had any relation whatsoever with the structure of ETA.

3) The concept of *Kale Borroka*. The so-called "street fighting" has been a traditional way of expressing discontent that started under Franco and continues in all its forms and expressions associated with all sorts of social movements. This is understood as the throwing of stones and "Molotov cocktails" against vehicles or street equipment, forming barricades, writing graffitis on government buildings, etc. The Audiencia Nacional established in 2005 that these actions were due to an ETA-designed strategy within its terrorist struggle and therefore decided to consider them as "terrorist actions" and "membership to an armed band". In this framework the Audiencia Nacional decreed incommunicado detention, and for sentences of at least four years of imprisonment. There are no reliable data, but it is estimated that about 1000 youths have been arrested over the past 20 years in relation with such actions.

Looking back over time to distinguish the various characteristics of the arrests carried out in the Basque Country, and which were also reflected in the assessments, we can talk about two periods. One is set in the first decade after the Constitution, up until about 1988, in which arrests were widespread and indiscriminate, and there was a constant use of torture, as it was used as a screening method for deciding a detainee's future. The percentage of detainees released free of charges, many of them even without even previously going to Court, sometimes reached 80-85% of cases.

The arrests were carried out mainly by the *Guardia Civil* with basically physical torture methods (as borne out in the assessments of our study corresponding to the period), sometimes with brutal intensity.[117] During these years the Anti-Terrorism Law (LAT) was in force, according to which the detainee could remain in incommunicado detention for up to 10 days. Following the repeal of the LAT, this period is reduced to a maximum of five days. As reflected in open judicial proceedings against police officers in the early 80s, those techniques left physical marks, overt evidence of the methods used during incommunicado detention and they facilitated the identification of the authors. Therefore, after this first decade it is seen in the testimonies that the security forces are gradually replacing these methods by others which are equally effective but more difficult to demonstrate.

In the assessment it is shown that in recent years, despite the testimonies there is evidence that physical methods are still used, there has been a tendency to use techniques that do not leave marks such as environmental manipulation, interrogations with techniques of psychological pressure, the use of physical exercise to the point of exhaustion and anoxia, asphyxia by using *la bolsa* (the bag), humiliation through nudity or harassment, etc. These psychological techniques have now clearly taken precedence (and in our study clearly they are a clear majority), looking for the detainee's

[117] Joxeba Arregui's death during an interrogation and the international impact of the case are perhaps the clearest exponent found in libraries and reports of that period.

The assessments show a significant level of credibility, coherence and are conclusive evidence of interrogations in wich coercion techniques improper of a democratic State are used.

identity by means of questioning and psychological breakdowns.

Credibility of the stated facts

The most important finding of this study, which is the main object of this research, is the degree of credibility obtained in the assessments. According to the experts, with respect to the 45 assessments carried out, 15.6% obtained a "consistent" degree of credibility; 31.1% reached the "highly consistent" level; and 53.3% qualified as of "Maximum consistency". That is why our results confirm the findings of the various reports issued by international organizations when they say that *"the allegations are credible and consistent"* (CPT report on its visit to Spain in June 2011) or that *"the allegations of Basques who underwent incommunicado detention can not be considered to be fabrications, but are credible in the light of the personal circumstances"* (Special Rapporteur on torture). The assessments show a significant level of credibility, coherence and are conclusive evidence of interrogations in which coercion techniques improper of a democratic State are used.

The decision of the Human Rights Committee of the United Nations in its 2013 opinion obliges Spain to provide an effective remedy, including an impartial, effective and complete investigation of torture allegations. This study shows the suitability of the Istanbul Protocol as a tool for this purpose established in 1985 and as a standard of reference for the reasons we have described in the chapter on methodology. It shows the usefulness of using psychometric scales, although the exclusive use of scales measuring Post-Traumatic Stress Disorder does not allow us to cover the range of impacts that can be brought about by torture; in order to cover such a range of impacts it would be necessary to include additional scales designed to measure impact on identity, on self-consciousness, on one's view of the world, on that of others and on the breakdown of social networks, etc.

Difficulties in documenting torture

In spite of the level of credibility achieved in the present study, there are serious difficulties in documenting torture. Incommunicado detention facilitates the commission of acts of torture and ill-treatment and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture. In this type of detention, there are serious deficiencies in relation to the guarantees and safeguards of detainees' rights. Within the European Union there is no other country that carries out detentions with such severe restrictions. International and local monitoring agencies have repeatedly called for the abolition of incommunicado detention in order to prevent torture. On the other hand, certain judicial sentences have referred to the absence of *"sufficient and efficient"* control during incommunicado detention.

Monitoring agencies have also expressed deep concern about the inactivity of the courts in the investigation and prosecution of crimes of torture, which proves the absence of any prompt, independent, impartial and full investigation of complaints. Another element that has hindered the knowledge on the reality of human rights violations during incommunicado detention is that of the deficiencies in the forensic investigation, of which mention has been made in several empirical studies and reports by human rights

monitoring agencies, and this is analyzed in our chapter on medical impacts.

To the evidentiary difficulties arising from the existence of an exceptional legislation against terrorism, it is necessary to add the refinement of the current interrogation techniques and ill-treatment or torture also hampers the objective verification of the existence of torture. In this sense, it must be remembered that due to the nature of many of the frequently alleged forms of ill-treatment, it may be difficult or impossible to obtain medical evidence of their use.

Methods of torture and ill-treatment

In the chapter in which the methods reflected in the assessments were discussed, an exhaustive and detailed analysis -based on quotes- is made of over thirty techniques of personality and identity breakdown that facilitate self-incrimination by the person subjected to such methods and which constitute the current scenario (as from the collected data).

Although with variations in examinees, an interrogation "type structure" can be observed. The beginning is characterized by two types of patterns. An "in-crescendo pattern", in which no specific allegations are made and in which the aggressiveness of interrogation and methods of pressure will gradually increase in intensity until the person ends up incriminate him or herself. And the "flood pattern" type, which is very aggressive from the very first moment of detention, apparently with serious charges or much incriminating information, creating from this start an unsustainable tension, and procuring the resignation of the person to any form of defence on what is happening until someone is incriminated or some sort of guilt is recognised.

In the intermediate sessions there are different guidelines based, as a fixed type pattern, on the alternation between long and gruelling interrogation by teams who take turns and periods of isolation and reflection. In a typical session described by detainees, the person is usually deprived of vision. Several police officers participate in the interrogations, usually applying anoxia stunning strategies; repeated and rhythmic strokes; deprivation of sleep; shouting, etc. Technical progression is not uniform; the people responsible for the interrogations analyze which is the breaking point of each person and make ad hoc decisions, adapting the interrogation to the detainee's particular fears.

Interrogations come one after another until the interrogators consider that it is already possible to make the official statement which must be memorized (almost all the testimonies coincide on this). The interrogation ends with the appearance before the judge and release with or without bail or, almost always in this sample, with imprisonment. Several detainees reported a final interview with an affectionate tone, indicating that everything is over and that there was no other choice and offering comfort, contact or collaboration.

The amplitude of psychological techniques and their combination, leads us to consider the existence of experts who have offered relevant training to security forces and reaffirm the conviction that the interviewee's statements have not been invented. Among the techniques detected are, in addition to beatings, auditory and visual manipulation, extreme temperature changes, manipulation of time, emotional exhaustion, physical exhaustion, fear, anxiety and terror, intimidation, aggressiveness, perception of imminent death (through asphyxiation or mock executions), threats to the environment and to beloved people, attacks on sexual and gender identity, attacks on personal and social identity, dehumanization and reification of the person, and sophisticated interrogation in stages based on different forms of strategic deception and forced betrayal.

Examinees' profiles and the narrated torture techniques point in two directions. The first one, already described, is that there is a decrease in the use of physical torture techniques (at least in the most extreme forms that leave marks) leading to psychological techniques of destruction of personal identity. The second thing, that remains unchanged over time, is the objective of the arrest. In this case (as we indicated) raids are not as massive as in the 80s, but it is possible to observe that most interrogations consist of incriminations of people in the detainees' immediate circles, pointing out pictures and lists of names. The study clearly shows how people are arrested and interrogated, and how these people come from across the whole social spectrum, independently of their sympathies or membership to organisations. The study also shows how there is a discrepancy between the police-legal logic, social perception and the detainees' own perception. This does not seem to be, as one might think a priori, a selective torture applied to certain key elements of the ETA political or military structure to allow access to relevant information in the fight against terrorism. On the contrary, it seems to cover a broad spectrum of people moving around the nationalist left whom they arrest in order to reproduce the *detention-incrimination-detention* system. The use of self-incrimination techniques through the physical and emotional exhaustion, confusion and forced betrayal techniques or the prisoner's dilemma has a significant correlation with the psychological impact. His alleged police effectiveness endorses its continued use, ignoring or minimizing the consequences. The psychological damage, as it appears in some testimony, not only is not, from this logic, a problem, but allows the extension as an oil slick, of fear and demobilization among the nationalist left people.

As highlighted in the Istanbul Protocol, *"Torture is a profound concern of the world community. Its purpose is to destroy deliberately not only the physical and emotional well-being of individuals but also, in some instances, the dignity and will of entire communities. It concerns all members of the human family because it impugns the very meaning of our existence and our hopes for a brighter future."* In other words, torture is abhorrent not only for what it does to the tortured, but for what it converts the torturer into and the system that consents to this practice. The Istanbul Protocol states: *"Perpetrators often attempt to justify their acts of torture and ill-treatment by the need to gather information. Such conceptualizations obscure the purpose of torture and its intended consequences. [...] By dehumanizing and breaking the will of their victims, torturers set horrific examples for those who later come into contact with the victim. In this way, torture can break or damage the will and coherence of entire communities."*

Physical Impact

In connection with the medical impacts these were assessed in three different sections:

- The procedural safeguards of forensic medical examinations by the qualitative analysis thereof as referred to by the interviewees.
- Ill-treatment physical impacts appearing in the 45 assessments.
- Documentation that could be achieved in each case (forensic reports, and other records of injuries).

The analysis of the evidence (as it was detailed in the chapter on medical impacts and in line with what had already been described in previous scientific reports and studies) showed that during the arrest the proper procedural safeguards in forensic examinations had not been fulfilled. This greatly complicates the subsequent documentation of the facts and could justify that by reading the reports obtained an incomplete or false view of reality is derived from them. We also must alert about the possibility of drawing from such deficient reports the false conclu-

sion that ill-treatment does not exist because it is not reflected in the reports. As the Istanbul Protocol itself warns: "(professionals) *may obtain an incomplete or false picture of reality. They may inadvertently place prisoners that they may never visit again in danger. They may provide an alibi to the perpetrators of torture, who may use the fact that outsiders (...) saw nothing* ".

Based on the statements by the interviewees, the main points of concern were the existence of cases of threats before the forensic examination warning the detainee not to tell anything about the ill-treatment suffered; cases of subsequent reprisals; lack of privacy in the examinations; detainees' lack of trust or fear to reveal ill-treatment to de forensic doctor; and lack of professional identification of the forensic doctor.

The qualitative analysis of the 45 assessments showed that pain is the dominant symptom. A large number of people highlighted having suffered headaches or body-aches or traumatic skin lesions or symptoms in the spinal column, pain related to stiffness, fatigue, exhaustion, etc. In connection with the torture of *la bolsa* (the bag) in all described cases there were symptoms of choking and sometimes loss of consciousness, nausea and / or vomiting or urinary incontinence. Since the allegations are mainly concerned with elements of abuse that leave few visible physical marks, references to objective injuries are rare.

As supplementary material, all medical documentation that could be achieved in each case was analyzed (forensic reports, injuries' records and other reports). This documentation was poor, largely because of the difficulty of access to primary sources. From the documents available, in 83% of cases allegations of ill-treatment had been collected, in 50% physical symptoms possibly related to the alleged ill-treatment were described, in 66% psychological symptoms were described, and in 58% there were descriptions of signs of violence on examining the body. Most of the documents were "in themselves" insufficient as key elements for the assessment of exposure to ill-treatment.

Torture leads people to extreme situations in wich the individual is confronted to his personal and social identity.

Psychological impact

Torture has a significantly destructive power; it leads people to extreme situations in which the individual is confronted to his personal and social identity. The psychological impact data on examinees endorse this: Psychiatric diagnoses associated with or aggravated by the facts show that 53% of examinees had presented PTSD criteria at any given time, 13.4% depressive disorders, 6.7% anxiety disorders and a similar percentage of somatoform disorders; 8.9% present an enduring personality change.

If we do not look at the longitudinal diagnoses, but at the current situation, and taking into account that on average 10 years have passed between the arrest and expert assessments, it is quite shocking to see that currently 24.1% of interviewees could be diagnosed with PTSD using as criteria the psychometric scales applied. And even without the full PTSD syndrome, partial symptoms that do not fade are maintained by many people: 36% of examinees still have painful images, 54% feel bad when recalling the events, 27% avoid to talk about what happened, one in four has lost interest in things that they used to enjoy, one in three feel distant from people or feel that their future has been truncated as a result of what happened, and 34% have difficulty in sleeping or concentrating.

Almost a third of examinees now have moderate or severe symptoms of sadness or depression.

In addition to psychiatric diagnoses, other psychological impacts were observed as a result of torture, mainly those having to do with the adjustments of the *a priori* concepts about life, that is, the search for meaning to what has happened, the development of a coherent explanation and the reconstruction of a new self-consciousness, of the others and of the world, which makes it possible to integrate the experience they have gone through. Just over a third of the examinees have serious difficulties in doing so.

Some of the symptoms of the most affected people are (from this perspective that is more focused on identity) having a more negative view of the world; considering that life is meaningless; loss of confidence in humanity; a tendency to think about what happened; a feeling of blockage during the events; rejection of the negative feelings that they have; a perceived lack of social support and an absence of hope; the rupture of social and political projects and of the relationship with the environment. All aspects mentioned are signs of significant damage in the identity. Four are the statistically best harm predictors (as highlighted in the chapter on the impacts): the blockage feeling during the events, the perceived lack of social support (mainly from society), the feeling that what they experienced was useless and the perception that reporting the events is not only relevant, but necessary. Damage in identity can lead to permanent and irreversible damage to the person such as a diagnosis of enduring personality change. Such a diagnosis is based on the presence of features that were previously absent, such as an attitude of permanent distrust or hostility towards the world, social isolation, feelings of emptiness or hopelessness, a constant feeling of "being on edge", as if the person was constantly threatened or a sense of self-estrangement. One in twelve examinees entered in this category, which is the one with the most serious impact and damage considered as long-term or permanent.

One must add to symptoms, psychiatric diagnoses and identity changes the highly destructive guilt feelings, some of which are feelings of guilt by forced elections that took place in 10% of the sample. Men often feel guilty for not having resisted more and women for not realizing what the situation was and for not protecting relatives and beloved people. The emotions of guilt are higher in women and are also less likely to decrease over time than in men. As an example, guilt for not protecting others disappears in the case of men with the passage of time, whereas it stays intact in 45% of women.

Our results are consistent with the Petersen and Jacobsen report (1985) which showed that the most common symptoms after torture were of a psychological nature, including depression, anxiety, emotional liability, reduced ability to sleep, nightmares, and concentration and memory deterioration.

There is significant congruence between the methods of torture narrated and the impacts. This is a further guarantee of the credibility of testimonies and the veracity of the assessments. Such consistency is not only given to those obvious issues (nightmares, fear, etc.), but also to more subtle issues such as the score on feelings of blockage during the events on the VIVO scale, which allows us to discriminate which people have been the most affected, and which counts in many narratives correlate to the same people during the torture sessions. It also allows us to distinguish the use of psychological techniques of guilt and forced betrayal during interrogations and the high scores on the questionnaire of guilt in relation to guilt for not protecting others, or forced choice.

Reparation

Although it was not established as a priority, during the interviews people were asked

about the measures they thought necessary as reparation.

For tortured people, the main and most urgent reparation measure would be the recognition of the facts: that torture exists; and to be able to put an end to it, so that nobody else will suffer what they have suffered and some are still suffering. It is a well-known fact that, in many cases, more damaging than the traumatic experience itself are the social denial, the emptiness, the non-validation, the denial of the damage. For many examinees this was even worse with the explicit accusation of lying made by the political establishment (institutional representatives), by governmental or non-governmental victim assistance agencies, some judicial authorities (such as representatives of the legal coexistence environment), or the media (as exponents of the implicit social ethos). Or the underlying idea (which is protective for many people who chose to look the other way from a calculated equidistance) that " *they must have done something.*" If for many people, the experience of the detention meant something they never imagined would happen to them, feeling the acquiescence of society, the loneliness derived from it, together with the incomprehension of society, have been the most traumatic and harmful of experiences; giving names to things and saying the unspeakable is the first reparative measure and the most unanimously demanded and required by torture victims. To undo the great deception according to which torture has never existed.

In a more social sense, in the examinees' opinion, a moral sanction of those responsible, and unambiguous institutional attitudes displaying determination not to allow ongoing torture to exist, as a matter of Raison d'Etat. Recognition to other people, especially family members, who have also suffered in many cases the impact of this violence is also pointed out.

It is clear from the data of this study that among the reparation measures the psychosocial care and the rehabilitation package and individual, family or community support should not be neglected. This requires a broad, comprehensive and deep approach because we are before a society which is paying a high price in human and psychological terms because of violence. Individual damage can not be separated from a social perspective, because of the political nature of such human rights violations. The importance of context and the institutional responses should likewise not be ignored; for all these reasons, these rehabilitation measures should transcend psychiatric-clinical approaches and should have a more in-depth human and social view that provides significance and develops experiences. This report provides guidance in this regard, especially in the extensive chapters on mechanisms and impacts. This must be carried out with an interdisciplinary approach and coordination, by mental health professionals, but also by politicians, judges and social agents. We should all work together to create an honest policy of reparation and rebuild our society.

Data impact on resentment and feelings of hatred, on the difficulty to forgive. And this should certainly promote a detailed reflection. It indicates profound social harm, polarized damage, and perception of injustice. It is not possible to understand these feelings if we do not attend to what we have analyzed about the social denial of the damage and the emptiness that many victims have experienced. But also the perception that the roots of the conflict are latent; that political solutions or avenues have not been found and that forms of expression of concerns and feelings persist for generations. Reparation and rehabilitation undoubtedly have to attend to the causes of the conflict without interpreting the current situation in terms of winners and losers, but by building new inclusive social spaces in which everything can be discussed, debated and in which there are democratic avenues through which majorities can express themselves without resorting to violence. The majority of Basque society has unanimously rejected violence.

Guarantees of non-repetition are also part of the right to reparation. We understand, and it has been said, that the incommunicado detention, as it is applied, allows for the ill-treatment of detainees. We understand that legislative changes should be generated for the implementation of new administrative and legal procedures, and security forces protocols; there should also be institutional changes and the implementation of monitoring and control mechanisms of detention processes with sufficiently prepared and trained professionals in the field of human rights, in accordance with international human rights law. In this respect it is remarkable that the National Mechanism for the Prevention of Torture (MNP), currently assigned to the Spanish Ombundsman institution, has never specifically investigated this matter, even though cases of ill-treatment under incommunicado detention are, without doubt, the most important, urgent and internationally known issue related to the prevention of torture in Spain. This is a new mechanism in process of structurisation: and its development should be closely monitored.

We hope that this study will contribute to start building a collective memory, reconstructing the past to generate an inclusive memory, solidarity and guarantees of non-repetition. The basic aspects of dealing with victims should be, first, to do no further harm, to prevent re-victimization, promoting protection and safe spaces, avoiding secondary victimization, forms of stigmatization or lack of respect for the victims in their grief and providing a different space for relationship, based on collaboration and support. All of the realities should be promoted, creating a psychosocial space in which to accompany victims and in which none of them should feel marginalized or isolated. A space must also be promoted, in which it is allowed to talk about what happened, legitimizing grief, respecting differences and recognizing not only individual but also collective rights, as steps in the transition toward a long-awaited peace.

We hope that this study will contribute to start building a collective memory, solidarity and guarantees

Recommendations

1. To the State

1.1. *Human Rights Policy.* Spain should implement a policy based on international human rights and humanitarian law to prevent, eradicate and punish torture and all related human rights violations. In this sense an effective implementation of the National Human Rights Plan, approved by the Spanish parliament should be encouraged, together with a more in-depth focus on torture issues.

1.2. *Incommunicado detention - I.* Fulfilment of the recommendations of the Human Rights Committee of the UN and other international organizations regarding an amendment of the Law of Criminal Procedure for the removal of incommunicado detention, because it leads to torture and hinders the victim's possibilities of defence and reparation. We believe that as the United Nations Rapporteur on the question of torture said in his report, incommunicado detention could in itself constitute a form of cruel, inhuman or degrading treatment.

1.3. *Incommunicado detention - II.* Until incommunicado detention is derogated, the minimum recommendations of international organizations must be applied:

1.3.1. To inform relatives about the place of detention when it takes place.

1.3.2. Every interrogation should begin with the identification of the people present; it must be expressly prohibited to blindfold or hood the detainee.

1.3.3. To guarantee the right to be effectively assisted by a lawyer and to meet him/her in private.

1.3.4. To record in video all interrogation sessions including the identification of all those present with relevant safety guarantees and that such records are accessible and public for subsequent claims or complaint procedures.

1.3.5. To guarantee the right to be examined jointly by a doctor of their choice and by the forensic doctor appointed by the authorities.

1.4. *Statistical system of verifiable information.* The effective enforcement of the commitment with to create a proper data system regarding the legal status of the processes of ill-treatment or torture that may take place is of particular relevance. The State should, likewise, consolidate a system that unifies information on cases of torture known by the institutions related to documentation, investigation and punishment of such facts. The system must include variables to identify these human rights violations as well as risk factors which attack the integrity of sectors of the population conditions of vulnerability.

1.5. *Effective investigation.* An official investigation with people representing all sectors of society should be conducted on allegations of torture in the context of incommunicado detention.

2. To legislative and judicial institutions

2.1. *Consideration of facts as "ill-treatment" or "torture".* Judicial authorities must investigate the facts of psychological torture beyond their occurrence in the context of physical torture or as impacts arising from the commission of other human rights violations. The data show that the association between physical pain and torture is not only wrong but tends to cause confusion. This study shows how the main breakdown resulting from ill-treatment and torture is not that associated with physical pain but that related to psychological techniques.

2.2. *On the so-called coercive interrogation.* Torture methods here analyzed point to the use of intensive psychological techniques together with other physical torture techniques that usually do not leave marks (as forced postures or strenuous exercise), as forms of obtaining incriminations. That is why in-depth discussion should be opened about "*coercive interrogation*" techniques, taking into account expert opinions not only from the legislative environment, but also from the police, the medical-psychological field and others on the limitation of such practices. Many of the practices documented in this report, which are legal in the Spain, are illegal in other European countries where there is a higher level of safeguards against false confessions. It is important to open the debate and to advance in depth on both the rights of the citizenry and on the protection of the Security forces against complaints and errors. The results of this discussion must be incorporated into the practice of the State Security Forces.

3. *To investigate* repeated allegations of ill-treatment and torture under incommunicado detention that the present study and other previous studies reflect by using the best available scientific methodology.

3.1. *Institutional analysis and recommendations.* To propose legislative amendments considered appropriate by this institution

as well as criteria to respond to the points raised in this study and on the data it could eventually collect by its own means. *To investigate the deficits in the documentation of abuse and torture* by the medical-legal staff of public institutions.

3.2. *To investigate the deficits in the documentation of abuse and torture* by the medical-legal staff of public institutions.

3.2. *To promote the use of the Istanbul Protocol* as a standardized evaluation instrument for ill-treatment and torture in both the health and judicial system.

3.4. T*o promote human rights training and improvement in the development of ethical codes* within the State Security Forces.

4. Regarding torture documentation

4.1. *Future Research.* The methodology followed in this project (with the appropriate adjustments and modifications) could serve as a starting point or pilot project for other studies on the reliability of allegations of torture such as, for example, that suggested in the Basque Government's latest report. According to our experience, its organization should include:

1. Staff responsible for collecting documental information.[118]
2. Psychologists with clinical training as well as training in the Istanbul Protocol interviewing and psychometric tests which should include not only measuring PTSD but complementary scales designed to measure the impact on the identity, self-consciousness, vision of the world and of others, the breakdown of the social networks, etc., like those used here.
3. Forensic assessment with an evaluation of the existing medical documentation.
4. Jurists' assessments on the contrasting of data and historical context documentary sources.
5. Multidisciplinary joint assessment using Istanbul Protocol criteria as guidelines.

4.2. *Case documentation.* the creation of teams (or the provision of training for existing teams) is recommended, together with the promotion of pertinent regulations to provide opportunities to all those who wish to be examined by an expert forensic doctor following Istanbul Protocol standards, regardless of the period in which they have been tortured.

4.3. *Gender.* More in-depth gender studies to analyze the mechanisms of torture used and their psychosocial impacts by sex and gender of detainees is recommended, so as to allow for psychosocial reparation measures adapted to the needs and differential symptoms which can be present in women who have gone through processes of incommunicado detention and torture.

5. Regarding the Justice System

5.1. Administrative sanctions and / or criminal penalties by the State. No road to reconciliation will be possible if it is not accompanied by an effective exercise of

[118] The following external sources of data contrast are proposed: a) documentation on the judicial records and proceedings related to allegations of torture in those cases in which there was a legal complaint; b) testimony of the allegations of ill-treatment or torture incorporated to judicial complaints or to public denunciation or allegations by human rights associations; c) human rights violations statements made before the Central First-instance Judge; d) medical forensic reports issued during the incommunicado period and any others in relation to these cases; e) medical and psychological reports from health centres, hospitals, prisons, etc., during or after arrest, and any other documentation or medical tests that would provide information on potential injuries or sequels; f) documentary research by human rights organizations, victims' organizations, public entities, etc.; g) interview assessment of potential eyewitnesses, or of human rights organizations, victims' organizations, public entities, etc.

Justice, not only in regard to repairing the damage suffered by the victims, but also in relation to the punishment of the perpetrators and a consequent ending of impunity, within the guarantees of non-repetition. It would be recommendable that internal enquiry processes are initiated at the request of the administration itself and of the control and supervision organs of the State Security Forces and that the Prosecutor's office acts in cases where sufficient evidence is obtained on inadmissible actions that are against the law.

5.2. Legal action. The documents emerging from this research have the status of legal-forensic documents. This research opens, therefore, among others, the possibility that examinees may consider to undertake, individually, legal action against the alleged perpetrators of human rights violations or to report the ineffective investigation of such facts by the appropriate authorities.

6. Reparation measures

6.1. The State shall guarantee the right to reparation for victims of torture, without any kind of discrimination. For the people examined in this research the recognition of truth and guarantees of non-repetition are the main measures to be taken, above any others.

6.2. Symbolic reparation measures should be promoted and carried out. The study shows the need for a previous specific process to define what type of symbolic measures would be more relevant for victims, due to the various existing sensibilities on the matter.

6.3. Although the study shows that this is not a priority for victims, the feasibility of measures of economic compensation are to be taken into account, in accordance with the seriousness of the offense and the harm inflicted. This involves:

For the people examined in this research, the recognition of truth and guarantees of non-repetition are the two main measures to be implemented.

(a) criteria for determining the compensation for the crimes of torture and ill-treatment in criminal proceedings that take into account the seriousness of the offense and the harm (including physical, psychological, moral, material harm and loss of income and opportunities, and the costs of legal and medical assistance) and the time elapsed since the commission of the offense until the time of compensation; (b) ensuring that the victim receives compensation as from the first condemning sentence, pending final decisions and budget allocations thereto.

7. Regarding victim care: measures of medical and psychological rehabilitation.

7.1. Specific mechanisms should be developed for victims' psychological counselling by establishing a specific centre which develops protocols, provides technical support and supervision to primary care and mental health teams and provides specific individual or group assistance in especially complex cases.

7.2. All process of truth seeking and research of what happened, clarification should be linked to measures of care and psychosocial support to prevent re-traumatisation.

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