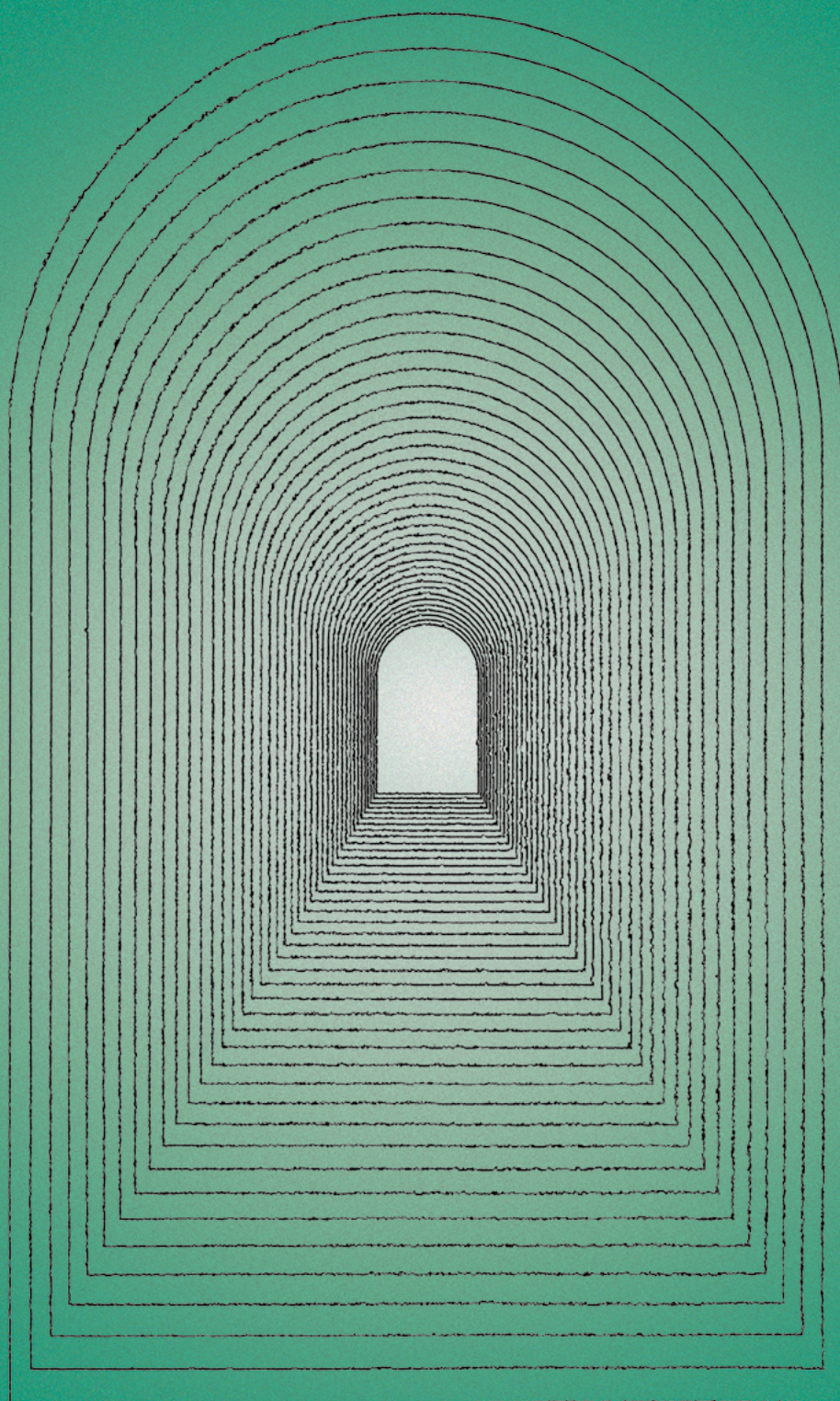


Report on
Institutional
Violence

2025

Irīdia_



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Executive summary

2025 Report on Institutional Violence:

CLAIMS

That institutional violence, racism and discrimination by police forces, prison officials and private security guards remains an ongoing problem in Catalonia.

Some of the data you will find in this report:

266 people have requested SAIDAVI assistance to receive information and file complaints for alleged human rights violations, the most since 2019.

94 of the people who have sought assistance from the Service have suffered institutional violence at the hands of police forces, prison officials or private security officers. That is almost two per week.

Irídia has litigated in **53** cases in 2025. Of these:

In 21 cases (39.6%) racism was a contributing factor, in 2 cases LGBT-phobic discrimination, and in 1 case, discrimination on the grounds of gender

In 28 cases, no internal police investigation was conducted. Of the 19 cases in which internal mechanisms were activated, there were 12 instances in which this was only done after a court ordered it.

In 21, the Public Prosecutor's Office had no involvement. It opposed the investigation in 19 cases, and in 13 cases it took a proactive role in the investigation or bringing the indictment.

In 36 of the 53 cases (representing 67.9%), the case was prematurely dismissed, was brought as a misdemeanour, or the private criminal complaint was initially rejected without any further investigation.

In 24 of the 36 cases where proceedings were prematurely dismissed, higher courts reviewed the decisions and ordered the examining courts to conduct an effective investigation.

CONCLUSION

That the current existing institutional mechanisms to prevent discrimination, ill-treatment and torture are failing.

Most complaints do not advance or are prematurely dismissed if the affected persons have no support or representation, leading to revictimisation and fostering impunity

Without structural reforms, institutional violence will continue to exist, eroding trust in institutions and undermining the rule of law.

RECOMMENDATION

Implement mechanisms to prevent stops based on racial or ethnic profiling; improve transparency in police forces, both regarding the use of force and its consequences; conduct oversight on private security companies contracted by public administrations; improve judicial and internal police mechanisms to prevent and eradicate torture; and repeal legislation that permits discriminatory behaviours or restricts rights.



Photography: Víctor Serri

10 years fighting institutional violence

2025 marked the 10th anniversary of Irídia, a project that began from the desire to ensure that people who suffer human rights violations are able to access justice in the context of institutional violence, and to foster implementation of effective mechanisms for the eradication of torture and cruel, inhuman or degrading treatment.

This anniversary is not a symbolic commemoration but rather an opportunity to highlight what used to seem like a fantasy: to be able to offer a free and specialised institutional violence care and reporting service (SAIDAVI). Civil society has played a crucial role in guaranteeing this service over the past decade. During this time, the Service has become an essential tool. It will continue to be one, especially given that our time is marked by an increase in repressive practices, the rise of the far right and the strengthening of a brand of authoritarianism that challenges the international human rights framework.

Irídia was created in a context that was closely linked to the repression of protests and human rights violations in prisons. Likewise, the organisation's scope has expanded over the years in order to meet the needs of other groups that suffer institutional violence, especially concerning the use of force by security forces and entities and other bodies that maintain order in public areas.

This growth has been possible thanks to the consolidation of an interdisciplinary team that, during these **10 years**, has drawn on the talents of **73 staff members**, who have helped build a specialised, comprehensive and free of charge service. It also would not have been possible without the **2,567 members**, who turn the impossible into reality: support a free-of-charge specialised service to respond to situations of institutional violence.

Over these 10 years, hundreds of people and organisations have turned to the Service to report violations that occurred at protests, in prisons, police stations, immigration detention centres or in public spaces. They have found in SAIDAVI the necessary support to report racist police conduct, ill-treatment and torture, assaults on journalists, false statements by police officers, and abuses by private security guards.

Since 2016, the SAIDAVI has assisted a total of **801 people affected** by institutional violence. Irídia has ensured that these people and organisations have psychological and legal support, while tailoring assistance to their needs and

The desire to ensure that people who suffer human rights violations are able to access justice in the context of institutional violence, and to foster implementation of effective mechanisms for the eradication of torture and cruel, inhuman or degrading treatment.

to their individual and collective life dynamics. Advocacy and communication initiatives have been launched, and legal representation has been provided in **87 strategic litigation cases**, with the aim of guaranteeing the right to justice and individual redress, whilst working collectively to promote structural change.

Irídia has worked from the outset with a dual mission: to provide a service that should be part of the public system of safeguards, while at the same time, contributing to the eradication of torture and of cruel, inhuman or degrading treatment. These unacceptable practices cannot be understood as just an individual responsibility, but rather as part of a culture of impunity.

In line with this structural approach, in 2022 Irídia decided to expand the reach of its strategic litigation. Instead of limiting itself to SAIDAVI cases, the organisation started bringing cross-cutting litigation across the various Irídia work areas. Cases have been brought regarding memory and the fight against impunity for torture during the Franco era and the Spanish transition to democracy; for rights violations at the border and in connection with migration policies; and for spying and police infiltration aimed at social movements. This adds new vigour to the efforts to create judicial precedents that contribute to wide-ranging transformations in institutions and to legal rules.

This report, after 10 years of Irídia, aims to be an expression of gratitude and a show of commitment. On the one hand, it offers **appreciation and thanks** to everyone who has trusted Irídia to report situations of institutional violence; to the people who have been part of the professional team that has sustained the entity during these 10 years; to the allied entities, social movements and defenders of human rights who have made it possible to collaborate as a network; and to all of the people and organisations who have helped make the project economically sustainable.

On the other hand, this report also **shows a commitment** to keep defending human rights with the same persistence, rigour and collective engagement for many years to come after this first decade. The challenges continue - and that is especially true now - but so does the determination to keep working towards a society free from torture and institutional violence.

This report also shows a commitment to keep defending human rights with the same persistence, rigour and collective engagement for many years to come after this first decade.

01

1. Irídia's Institutional Violence Care and Reporting Service

The Institutional Violence Care and Reporting Service (SAIDAVI) is a **free service from Irídia** that offers legal and psychosocial assistance to people who have suffered torture or ill-treatment, primarily in the greater Barcelona metropolitan area, at the hands of police and security forces, prison officials or private security guards acting in an official capacity.

The service's main goal is to **guarantee support to affected persons**, while simultaneously promoting structural changes to prevent violations from recurring and combat impunity. To do so, the SAIDAVI uses a **comprehensive service methodology**: it offers psychological and legal help to the affected person, with tailoring to their specific circumstances and needs.

Joint psychological and legal service from the outset is a key component of the service. It makes lawyers and therapists available at the same time to provide a safe space where affected persons can feel heard and not questioned. Service recipients can also receive the information they need to decide how to proceed following their experience. Additionally, the dual legal and psychological approach can help reduce the feelings of powerlessness and isolation by offering tools to address lingering trauma, recover the sense of control over one's life and decide on next steps based on personal needs and emotional rhythms.

It makes lawyers and therapists available at the same time to provide a safe space where affected persons can feel heard and not questioned. Service recipients can also receive the information they need to decide how to proceed following their experience.

When service users decide to file a criminal complaint, they are assisted in drafting it and are guided on finding legal counsel from the public legal aid service (except in cases of strategic litigation, where Irídia assumes representation). They are also given guidance on the general course of the proceeding and what to expect, in order to **prevent re-victimisation**.

On the other hand, and after being authorised, various bodies can be informed of the case with the goal of **driving structural changes** or raising awareness among the public, making it general knowledge that these violations have occurred and that they must be countered.

The comprehensive service methodology also includes support at the group level. In 2023, a **mutual support group** was created for people affected by institutional violence. The group has been a success and welcomed new members

in 2025. This space makes it possible to share experiences, generate collective response strategies and foster a solidarity and support network among people who have had similar experiences.

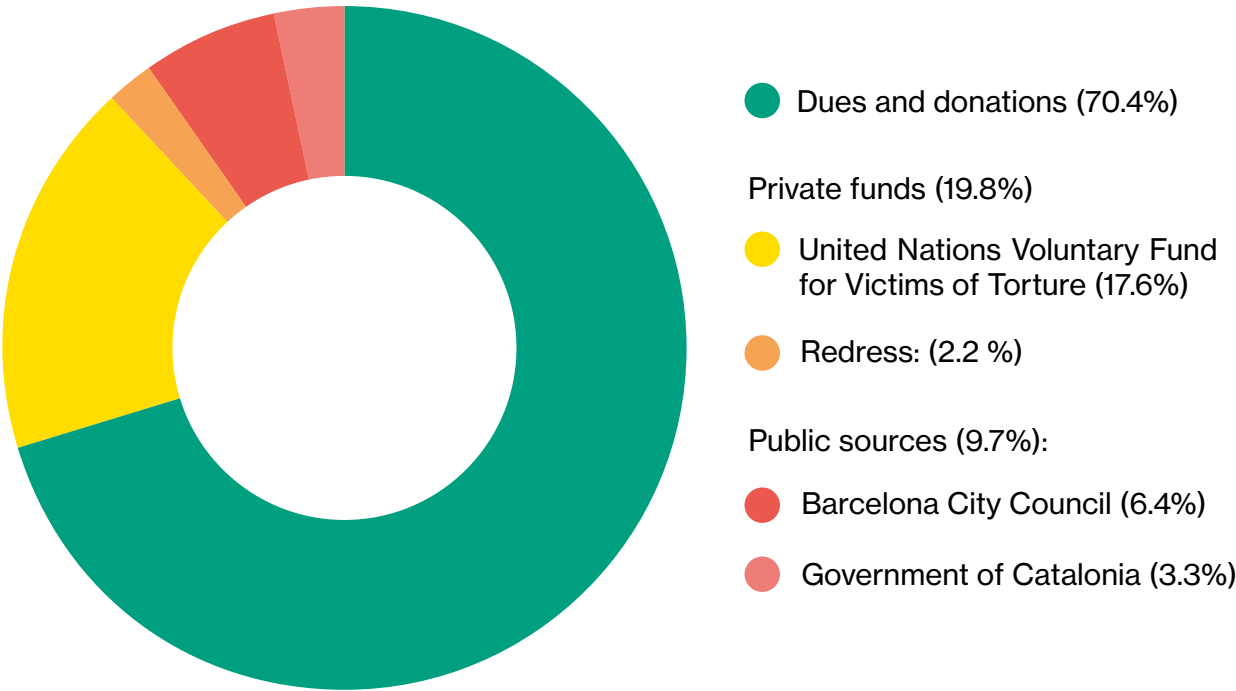
In 2025, the SAIDAVI team comprised **6 lawyers, 3 psychologists and 1 administrative coordinator**. Staff from Iridia’s incident response, communication and sustainability areas have also contributed, making the comprehensive care even more capable.

Accessibility is a fundamental principle of SAIDAVI, and thus access to the service is free of charge. This involves a significant amount of human and economic resources, and is only possible thanks to the Iridia member base.

In 2025, the total cost of the service was **€272,028** and more than two thirds of this sum was covered by membership dues and donations from individuals. The remaining cost was covered by private funds - including from the United Nations Voluntary Fund for Victims of Torture (**17.6%** of the budget) - and public sources (**6.4%** from the Barcelona City Council and **3.3%** from the Government of Catalonia).

Breakdown of service finances (2025)

Source: Prepared by the authors using internal data



These figures do not include expenses for litigation in other areas, such as the fight for justice for victims of torture during the Franco era and Spain’s transition to democracy, cyber espionage cases or those challenging impunity at the southern border.

1.1. People served by the SAIDAVI in 2025

In 2025, 266 people came to the SAIDAVI to obtain information and report alleged human rights abuses. This is the second largest number of service seekers recorded since the service was launched in 2016. It is surpassed only by the 277 who contacted the SAIDAVI in 2019.

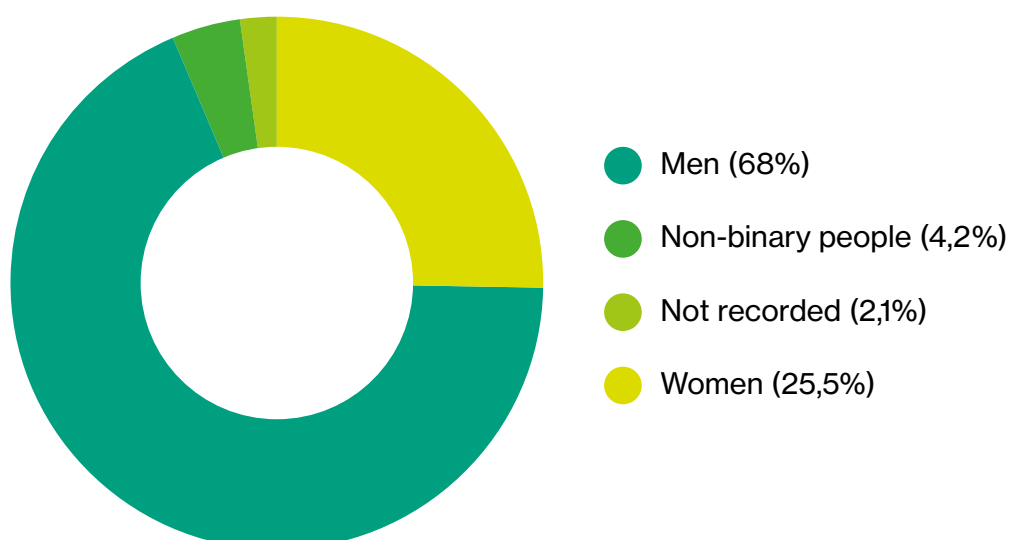
In total, 94 of the people who sought help from the service had suffered institutional violence inflicted by police officers, prison officials or private security guards. Of these 94, 47 received legal advice and psychosocial counselling from Iridia staff. In the remaining cases - mostly because the affected person did not require in-person service - guidance was provided over the phone or email when necessary. Service seekers were also referred to other entities when appropriate.

In the 47 cases handled by the Service, an initial legal and psychosocial interview was conducted, with a follow-up conversation later. Legal and psychosocial advising was provided. Additionally, in the cases of people in custody, visits were made to prisons and the Barcelona Immigration Detention Centre (CIE).

The profiles of the 47 people who received services were as follows: 12 were women, 32 were men, 2 were non-binary people and in one case the person did not want to specify their gender. As for ages, 4 service recipients were minors at the time of the incident; 23 were between the ages of 18 and 34; 10 were between 35 and 49; 3 were between 50 and 62; and, lastly, there were 7 people whose age was not recorded.

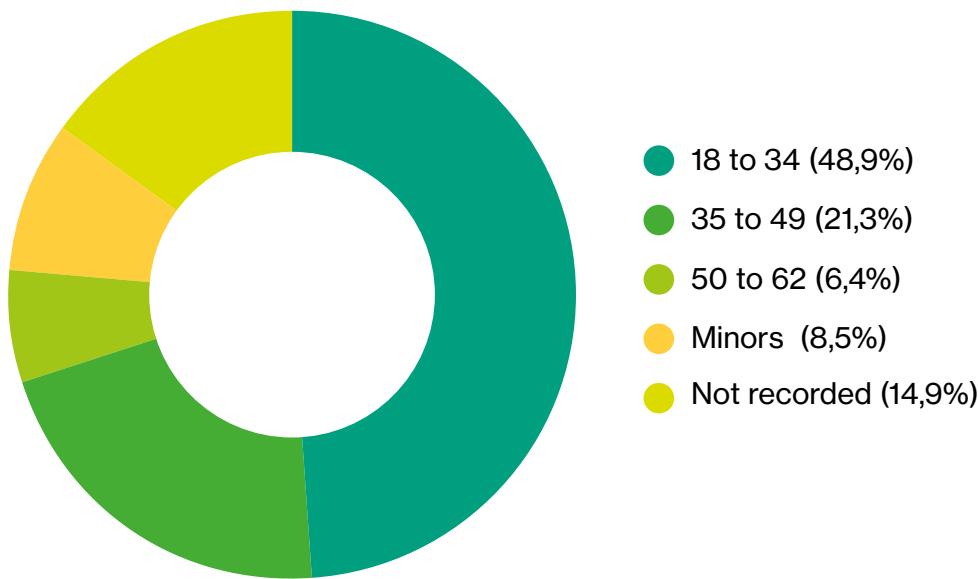
Cases opened by gender of recipient

Source: prepared by authors using SAIDAVI database



Cases opened by recipient age

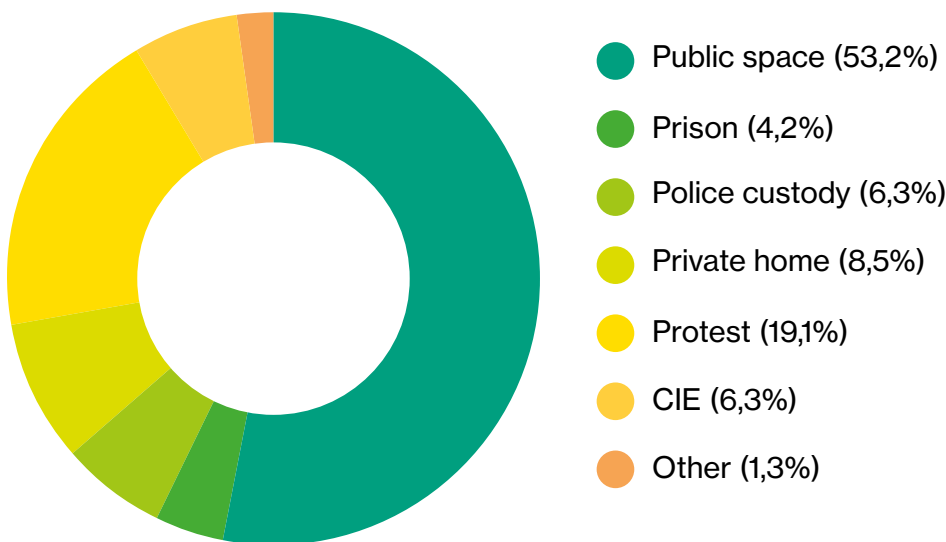
Source: prepared by authors using SAIDAVI database



Lastly, of the 47 cases, 25 involved actions by police or private security services in public spaces; 2 were for incidents in prison; 3 were cases in which the person was in police custody; 4 were incidents in private homes; 9 were at protests (among which the case of a journalist who was on assignment at the time of the assault is especially notable); 3 cases of people held at the Barcelona CIE; and one case in a context that does not fit any of the above.

Cases opened by context of the underling events

Source: prepared by authors using SAIDAVI database



From these cases, a discriminatory element with racial bias on the part of police was identified in initial intake in at least 16 instances. Such an incident is defined according to the recommendations of the European Commission against Racism and Intolerance. In all these cases, the people involved belonged to a racial minority group and clearly perceived that police conduct was based on racial bias. Additionally, in 6 of these cases, the gratuitousness of officer behaviour and the level of violence used strengthened this belief. In 4 cases, openly racist insults or expressions were used and, lastly in 1 case the incident began following a stop based on racial profiling.

One of the most significant achievements of 2025 is that the SAIDAVI provided assistance to a total of 23 people who had been injured by officers of the Catalan regional police force, the Mossos d'Esquadra, during protests against Israel's genocide in Gaza.

Photography: Borja Lozano



1.2. Violations of rights, obstacles and known problems

The Service has identified several especially noteworthy aspects of rights violations and obstacles or difficulties that the people affected must face after suffering institutional violence.

Racial and ethnic profiling as a “jumping-off point” to violence

Current law prohibits requests for identification based on racial or ethnic profile. **Article 16 of Spanish Organic Act 4/2015**, of 30 March, on the Protection of Public Safety (the provision that allows police to demand identification) also places limits on identification requests in line with the principles of proportionality, equal treatment and non-discrimination. That is, **no police identification actions may be the result of discrimination for reason of birth, nationality, or racial or ethnic origin.**

Despite the fact that legal rules on equal treatment and non-discrimination as well as laws that regulate police functions prohibit identification requests based on ethnic profiling, police officers systematically identify people based on racial or ethnic profile¹. In some cases, these requests for identification happen at the same time as other improper practices, such as irregular reports or abuses of power. Some of them are even committed by off-duty officers.

There are **vulnerable groups** that also have a higher probability of enduring over-surveillance and abuse. Non-white young people travelling by scooter are often the subject of stops by various security services. Officers then insist that the riders prove ownership of the vehicle by presenting an invoice, a demand that is rarely made of young people who pass as white. People who have contacted the Service this year have faced impoundments of the vehicle without written records, citations for contempt of authority when they request an explanation, and even arrest.

Likewise, the Service has handled cases stemming from incidents on public transit involving **ticket checks** by private security

The consequences of these discriminatory practices also include the criminalisation of certain groups, arrests and the associated criminal history records that can hinder a later regularisation of administrative status and accordingly make people legally vulnerable.

¹ Irídia and Rights International Spain, Police Racism in Spain: A Qualitative Analysis of Racial Bias in Police Stops, Identifications, and Searches, 2024, https://iridia.cat/wp-content/uploads/2025/02/Informe_racisme_policial-CAT-corregit.pdf

personnel who exclusively target people of colour and, in 4 cases, went so far as to use physical and verbal violence.

The consequences of these discriminatory practices also include the **criminalisation of certain groups**, arrests and the associated criminal history records that can hinder a later regularisation of administrative status and accordingly make people legally vulnerable. Additionally, the administrative uncertainty and vulnerability that affect many of the people who suffer institutional violence leads to under-reporting and bolsters impunity.

Violence during protests

The fourth quarter of 2025 saw **public protests** against Israel's genocide in Gaza. These protests met with a disproportionate police response - both in regard to the number of officers as well as the use of force - and by the broad and indiscriminate use of oleoresin capsicum (OC) spray, widely known as **pepper spray**. This substance causes a burning sensation and irritation of the skin, eyes and respiratory tract, and it can cause lasting injuries.

Notably, in several cases handled by the Service, this disproportionate use of force has led to injuries requiring medical treatment. Specifically, 8 Service users presented **serious injuries**, such as broken bones or injuries to the genitals, which in some cases required surgical interventions. Additionally, 5 of the eight people suffered offences to their **human dignity**.

Beyond the physical injuries, **the rights of these people to protest and go on strike** were also affected. In the case of journalists, the **right to freedom of information** was also violated.

Insufficient medical care and documentation

The Istanbul Protocol² is the United Nations manual that sets out the international standards for investigating, documenting and preventing torture and other forms of ill-treatment. While not a binding legal instrument, it is an essential reference for states and the professional staff concerned. The Protocol includes specific guidelines on medical care and documentation regarding people who have been arrested or are being held in custody. It establishes, among other things, that medical examinations must be conducted while respecting the conditions of security, privacy and confidentiality, without the use of physical restraining devices.

Of the people who have received psychosocial or legal support in 2025, 10 received **medical care** while they were in custody. Of these 10, 9 underwent examinations **while police were present** and 4 received care while still **in handcuffs**. This compromises the patient's privacy and confidentiality, both of which are key elements of proper medical evaluation in the case of torture or ill-treatment.

Another critical element is the quality and content of medical reports. Among the Service's case portfolio, 29 reports prepared by emergency medical services have been reviewed. This figure includes people in custody as well as those who sought care on their own. Of these cases, 13 do not include that the patient related having been abused by police officers or private security guards, even

² Office of the United Nations High Commissioner for Human Rights, Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, rev. ed., 2022, <https://www.ohchr.org/en/instruments-mechanisms/instruments/istanbul-protocol>

though this information was part of their statement. In some cases, medical staff refused to record this information in the clinical report, even when the patient explicitly requested it.

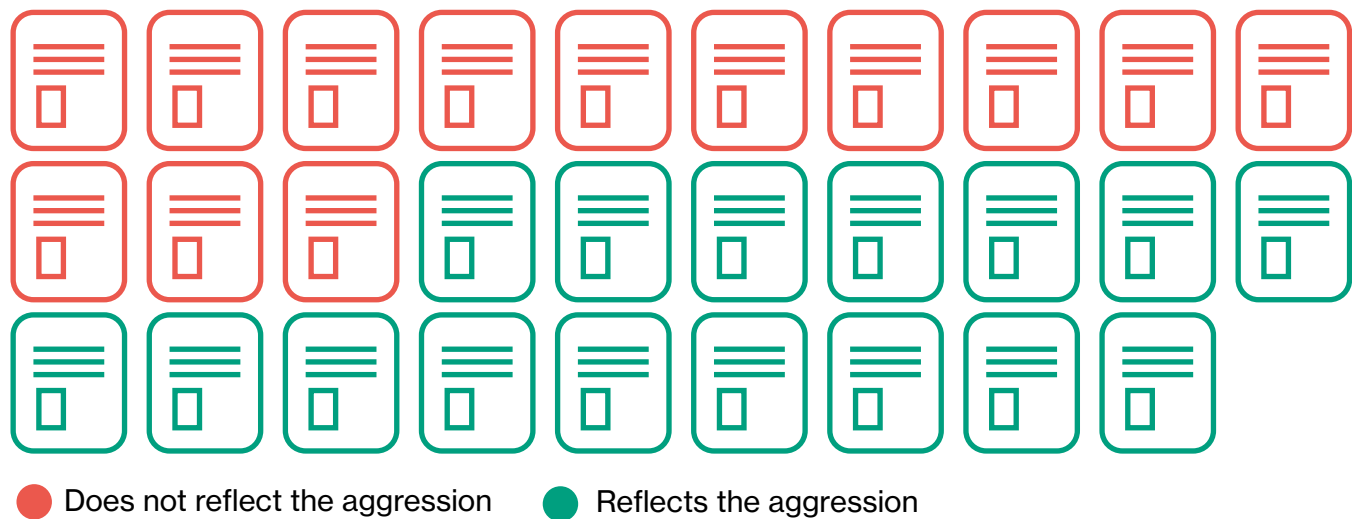
Conditions of healthcare delivery in cases of institutional violence

Source: prepared by authors using SAIDAVI database



Gaps in emergency medical reports in institutional violence cases

Source: prepared by authors using SAIDAVI database



If the person later decides to make a complaint, these reporting gaps have **direct and serious consequences** in the proceedings, since they significantly impede investigation into the facts, can harm the victim’s credibility and make it harder to confirm evidence of ill-treatment.

These shortcomings in care and documentation are heightened in the cases of people in custody, such as people in prisons or being held at a CIE. For these inmates, healthcare is provided by private companies that draft reports which often do not include a proper recounting of the patient’s statement or even basic required data. On top of that, these reports are not available to their subjects after they leave custody.

Provision of healthcare and associated documentation are fundamental tools for protecting rights. **Healthcare staff**

These shortcomings in care and documentation are heightened in the cases of people in custody, such as people in prisons or being held at a CIE.

have a duty to **prevent, detect and eradicate torture and ill-treatment**. Their responsibility extends to listening to the patient's story, faithfully recording it and ensuring adequate care. When someone suffers institutional violence, the psychological impacts often include a significant break in their trust in the institutions which are supposed to protect them, as well as a loss of the feeling of security and acknowledgement as an individual with rights. This experience can cause feelings of helplessness, fear, mistrust and doubts about one's own story.

In this context, healthcare takes on a key role that goes beyond clinical intervention: **when the medical staff provides respectful, appropriate and independent treatment, they can create an initial space for validation, healing and symbolic restoration of rights**.

Challenges to filing complaints

When people decide to file a complaint after being ill-treated, they are not always able to do so because of the obstacles or difficulties they encounter. Of the 47 people aided by the Service, 5 had previously gone to a police station (which may have been an office of the same service concerned or a different one) where the **officers refused to take their complaint**.

This practice prevents exercise of the right to due process and enables impunity if the person does not know that they can turn to the duty courts or the Service. It likewise increases **the feeling of helplessness and vulnerability** and can reactivate or intensify the initial traumatic impact by confirming the perception that institutions not only fail to offer protection, but also deny or cover up the harm they cause.

Plea bargains, impunity for ill-treatment and the Immigration and Settlement Act

In addition to the aforementioned difficulties, there is one more obstacle that specifically affects people with an irregular immigration status: **plea bargains** made in proceedings known as **fast-track trials**.

These proceedings are characterised by their short processing times and by the lack of investigation into the incident. This **blocks** the defendant from exercising their **rights as a victim of ill-treatment** at the hands of the officers who have accused them of a crime. When these proceedings are handled without the proper guarantees, the rights to legal representation and access to justice are affected.

It is the responsibility of **the lawyers appointed to defend** the interests of these people to exercise their clients' rights as victims and object to conducting the case according to expedited procedures. Doing so makes it possible to, among other things, ask questions of the forensic physician (so as to make a record of the injuries) or conduct other essential investigative functions such as taking a statement as victim from the person in custody, hearing witness statements, or finding and reviewing security camera footage. In the case of **migrant persons**, a criminal proceeding can also put an end to any hopes of regularisation of status and eventual citizenship.

A representative example of these situations is the case detailed in sub-section 3.1, in the section discussing notable cases.

02

2. Strategic litigation

The people who have suffered institutional violence and come to the Iridia Care and Reporting Service tell us they fervently wish that what happened to them does not happen to anyone else. Therefore, Iridia conducts strategic litigation not just as a tool to obtain justice and redress for the people affected, but also to produce meaningful guarantees that violations will not happen again while contributing to social transformation.

Strategic litigation consists of filing suits over human rights violations with the goal of achieving an impact that goes beyond resolution of the individual case. This methodology aims to promote structural changes in society, prevent violations from happening again, establish mechanisms for oversight and accountability, ensure proper redress and hold the state to its duty and responsibility to prevent torture.

Iridia tailors the grounds of the suit and its scope fit the needs of the affected person throughout the proceeding. Based on the person's circumstances (with a view to the legal, social and political context), the strategic objectives of the case are defined and redefined, as are the decisions about how to talk about the case publicly and seek to influence political or legal affairs.

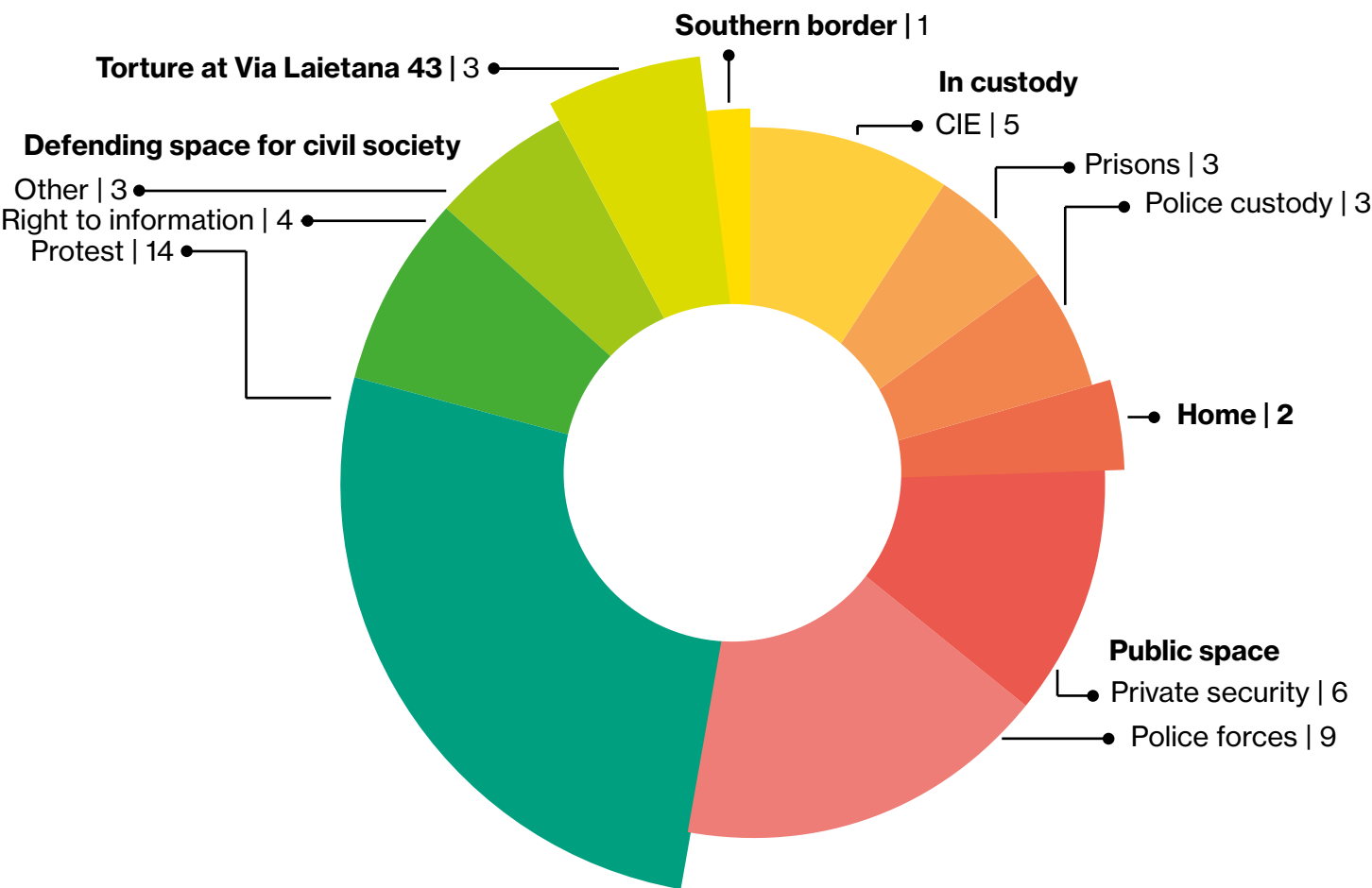
Thus, cases brought by Iridia centre the needs, rhythms and voice of the people affected while taking a comprehensive approach to ensure they can exercise their right to truth, justice and redress.

2.1.. Irídia's cases

In 2025, Irídia was a party to a total of **53 cases**, providing legal counsel to the person concerned in a private prosecution, a popular action or both. Below are the cases grouped by context:

Irídia cases during 2025 by context

Source: prepared by authors using SAIDAVI database

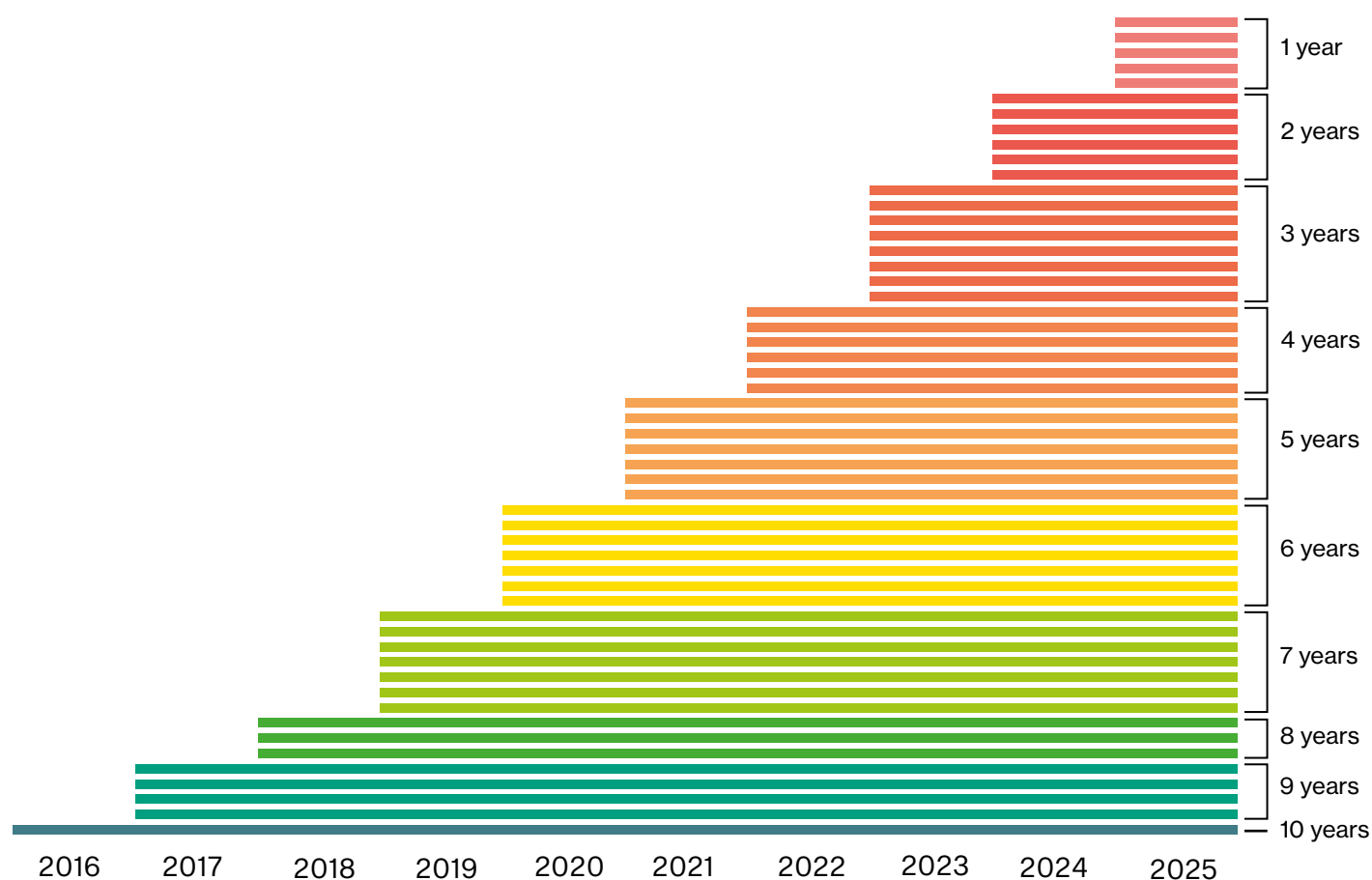


In 2025, 4 cases were closed and 5 new cases were taken on. Those are described below:

- 1 case for ill-treatment at the Barcelona CIE
- 1 case for ill-treatment in a public area by private security guards
- 3 cases defending space for civil society

Year of filing and duration of Irídia cases

Source: prepared by authors using SAIDAVI database



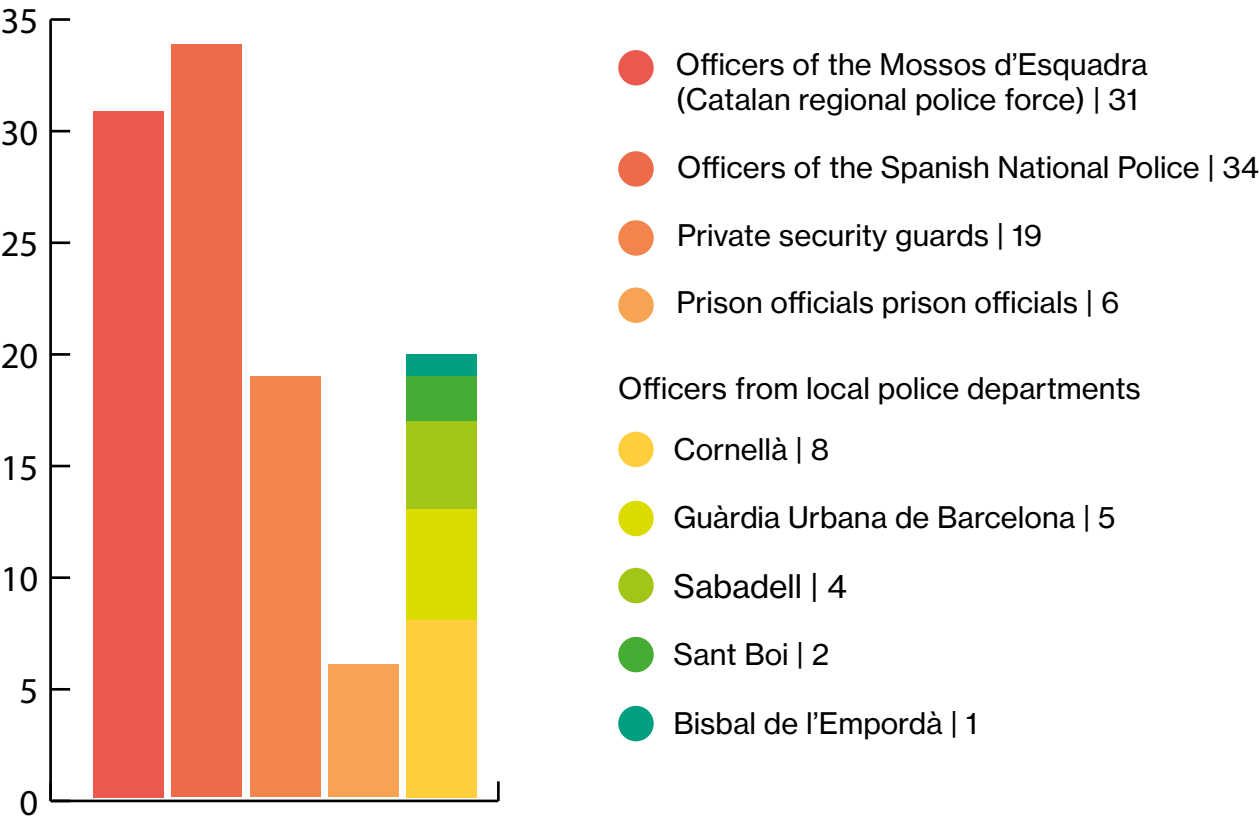
The remaining cases were filed in previous years where proceedings have continued in 2025:

Notably, racism was identified as a component in 21 of the 53 cases, whether manifested through an express utterance, the way in which the police action was carried out or because the incident took place in a context of institutional racism. This represents 39.6% of cases. Furthermore, 2 cases have a component of LGBTI-phobia and 1 has a component of gender discrimination.

Of the 53 cases, 47 have been brought as criminal proceedings, while 6 have been brought as injury compensation claims against the Government of Catalonia or the Spanish Government.

Distribution of charged officers by type

Source: prepared by authors using SAIDAVI database



As for the perpetrators involved in the criminal cases, a total of **110** officers or officials are implicated in the proceedings. They are distributed as follows:

In 2025, the Provincial Court of Barcelona confirmed that the amnesty law applied to the 46 officers investigated for police actions against crowds in connection with the Catalan independence referendum in 2017, as well as to **17 officers brought up on charges for police violence** for actions during other protests related to the Catalan independence efforts, the Procés. Iridia has lodged an appeal before the Spanish Supreme Court against these rulings, as part of our representation of five people who were affected. The cases involve 19 officers.

Also in 2025 but with the opposite result, the Provincial Court revoked the amnesty granted to a Mossos d'Esquadra officer investigated for ill-treatment during protests in 2019, as well as that granted to 5 Mossos d'Esquadra officers investigated for mutilating the testicle of a protester in 2018.

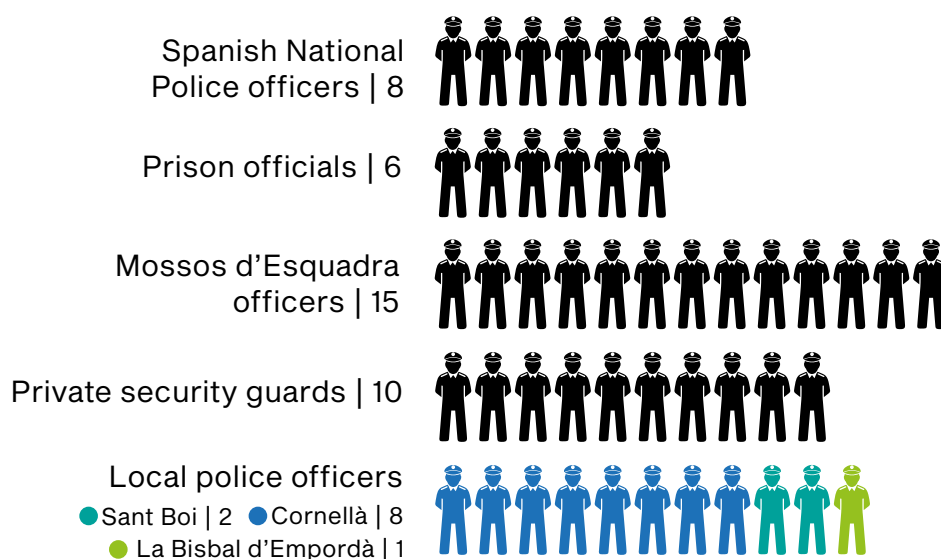
In 2025, the Provincial Court of Barcelona confirmed that the amnesty law applied to the 46 officers investigated.

Taking the above into account, the 110 defendants are distributed as follows according to their statuses in the proceedings:

Officers or officials who are defendants in a criminal proceeding

Source: prepared by authors using SAIDAVI database

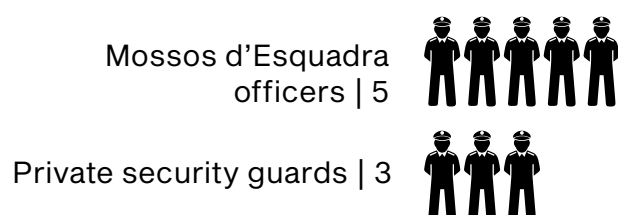
Officers investigated: 50



Accused or target of a pending indictment: 33



Convicted: 8



Amnesties being appealed: 19 Spanish National Police officers



Below is a breakdown of the types of offences for which the defendants have been charged:

Type of offence at issue in Irídia’s cases*

Source: prepared by authors using SAIDAVI database



*Most cases concern more than one of these offences.

2.2. Notable advances

Some of the most notable advances of 2025 in our strategic litigation are highlighted below:

Officer separated from the corps for assaulting a journalist

In 2025, the Mossos d'Esquadra officer who injured the journalist Jesús Rodríguez in 2016 was suspended from duty without pay for two years, in compliance with a judgment handed down in 2024.

Justice done in two cases

Two convictions were also secured in 2025:

- A private security guard with the company Securitas Seguridad España, S.A. was found guilty of an offence of causing bodily injuries and sentenced to 9 months in prison. Kim was baselessly assaulted in the Joanic metro station with extreme violence. He suffered a serious injury to his leg that required surgery. The guilty verdict was secured after holding a second trial in a different court, after the violation of human rights was confirmed in an initial acquittal.
- Two private security guards employed by Prosegur and Iman were found guilty of two misdemeanours of causing bodily injuries for the 2021 assault of a woman who wanted to return some trousers to the Zara store. The assault took place after a shop employee falsely accused her of theft due to racial profiling.

Amnesties for inhuman treatment have been blocked in three judicial proceedings.

In 2025, the Provincial Court of Barcelona revoked amnesty for 10 defendant officers, after sustained legal efforts.

- In one of the cases, Iridia secured a judgment in which the Provincial Court of Barcelona handed down its first ruling on Act 1/2024, of 10 June, on Amnesty, and did so in line with international human rights law. In that case, the court revoked the amnesty granted to a Mossos d'Esquadra officer under investigation for ill-treatment allegedly committed during the 2019 protests.
- In the two other cases, amnesty was denied to five Mossos d'Esquadra officers and four Spanish National Police officers in a bodily injuries case centring on a major organ.

An expert report finds that a taser was improperly used in the case concerning the death of Antonio in Badalona

In 2025, Iridia provided an expert report analysing the taser electric shock device by Mossos d'Esquadra officers in an operation that led to the death of Antonio in Badalona.

The expert report was prepared by the Omega Research Foundation and concluded that the weapon was misused. Specifically, the report pointed out shortcomings in the operator's response to a mental health crisis and deficient guidelines on using the device, compared to international standards. It also concluded that the principle of gradual increase of means was not followed and at least the fifth and sixth taser shocks were unjustifiable because they did not comply with the principles of necessity, reasonableness and proportionality.

Four affected people have made statements before the investigating court

The victim's statement is an essential step in countering impunity and, when properly handled, it can function as a moment of healing: for the first time, the person who has reported wrongdoing can be heard by the institutions of justice.

This achievement involves statements from four people who had reported ill-treatment that, respectively, took place at the southern border in 2022, in public spaces in 2024 and 2025, and at the CIE in 2025.

Statement from Blanca Serra before the Prosecutor's Office for Memory

For the first time in Spain, the specialised unit within the Ministry of Human Rights and Democratic Memory has opened a pre-prosecution investigation for torture committed during the Franco era and transition to democracy.

The case concerns the complaint filed by Blanca Serra, seeking redress for herself and her late sister Eva, with legal support from Iridia and the backing of Òmnium Cultural and the World Organisation Against Torture. The Barcelona Provincial Prosecutor's Office took the complaint and opened proceedings. Within the framework of the investigation, Blanca Serra made a statement as victim-witness at the Barcelona courthouse, the Ciutat de la Justícia, where she was able to give an exhaustive account of events. This is a historic development, because until now no one who had been tortured under the Franco regime at the infamous police headquarters at Via Laietana, 43, had been able to make a statement before the justice system about what they endured.

Four constitutional challenge appeals have been filed before the Spanish Constitutional Court

Iridia has lodged 4 constitutional challenge appeals before the Spanish Constitutional Court for violations of fundamental rights relating to impunity for ill-treatment and torture. All the appeals denounce violations of the state's duty to conduct effective investigations of reports of torture and ill-treatment and provide redress to the persons affected..

Irídia has brought a suit against Spain before the European Court of Human Rights (ECHR)

- The Carles Vallejo Case: for the lack of investigation in his private action for torture endured at the Via Laietana, 43, police headquarters during the Franco era, after the Democratic Memory Act went into effect. More than 7,000 signatures in support were submitted with the complaint filed at the ECHR, along with a letter demanding justice signed by more than 100 people who suffered under the dictatorship.
- 2020 torture case at the CIE: after taking essential investigative actions, Criminal Investigation Court No. 6 of Barcelona ruled that the proceedings be prematurely dismissed, instead of bringing the suspect officers to trial.

Irídia has participated as an expert witness in a proceeding before the ECHR

Irídia has been admitted as a third party (*amicus curiae*) before the ECHR in a case filed by a lawyer against Poland concerning spying with the Pegasus software. Participation as an expert was carried out in a European coalition with other specialised entities, such as Data Rights, Homo Digitalis and the Hungarian Civil Liberties Union.

2.3. Failure to perform duty to investigate and block of access to justice

The judicial system is a key mechanism for guaranteeing fundamental rights in any democratic state governed by the rule of law. Such a state has the obligation to defend the right not to be subjected to torture nor other cruel, inhuman and degrading treatment. **The prohibition on torture is absolute:** it must be enforced at all times, in all places and under all circumstances. An essential procedural obligation arises from this firm legal rule: that of conducting an exhaustive and effective criminal investigation of allegations of torture.

The Statute on Victims of Crime³ establishes guidelines on guaranteeing a close and respectful judicial process, as well as providing appropriate support. The most important aspects include: **the right of victims** to be treated with respect and dignity; to receive information; to participate actively in the process; to benefit from protection and reparation; and to have access to legal, psychological and social support.

When the victims⁴ of institutional violence do not have access to an appropriate judicial process, the result is often impunity. In the long term, **impunity solidifies the mental and social effects of institutional violence, blocks survivors' mechanisms to address these effects, and hinders grief and remembrance processes** necessary to heal after being harmed. Impunity in these cases is a moral stain for society and the rule of law, in addition to being a human rights violation.

A state in which reports of torture or ill-treatment at the hands of security forces or against prison officials are not investigated or punished foments a justified **distrust** towards that state's institutions. It likewise **makes the state less democratic** and causes it to lose legitimacy internally and globally. The only way of putting the total prohibition on torture into practice is to improve the efficacy of prevention and prosecution mechanisms, provide redress to victims and establish measures to prevent similar incidents in the future. At present, the **main external mechanism** for oversight and accountability that has sufficient legal capacity to achieve these objectives in cases of torture or ill-treatment is the judicial system.

However, Irídia has documented **significant shortcomings** in the performance of the main actors in the judicial system when adjudicating cases of torture or ill-treatment.

3 Law 4/2015, of 27 April, on the Statute of the Victim of Crime

4 The term "victim" is used to emphasize the violation of human rights, understanding the person as a subject of rights. It is used with the understanding that it does not define the entirety of the person's experience or identity and may not reflect their capacity for resilience or recovery. It is precisely when a person's rights are neither recognized nor protected that they are left in a situation of immobility and confined within this category.

Shortcomings at criminal investigation courts

Irídia has documented that criminal investigation courts (known locally as juzgados de instrucción/jutjats d'instrucció) fail to follow the constitutional doctrine of effective investigation of complaints for torture and ill-treatment. Investigating courts tend to discontinue proceedings prematurely when they receive a complaint for torture or ill-treatment, even when there is solid evidence. A discontinuation is ordered without taking the minimum evidence required by constitutional doctrine: victim statement, forensic examination, statements from witnesses and identification of alleged perpetrators. Of the 53 active cases, there have been numerous instances of courts acting in ways inconsistent with an exhaustive investigation:

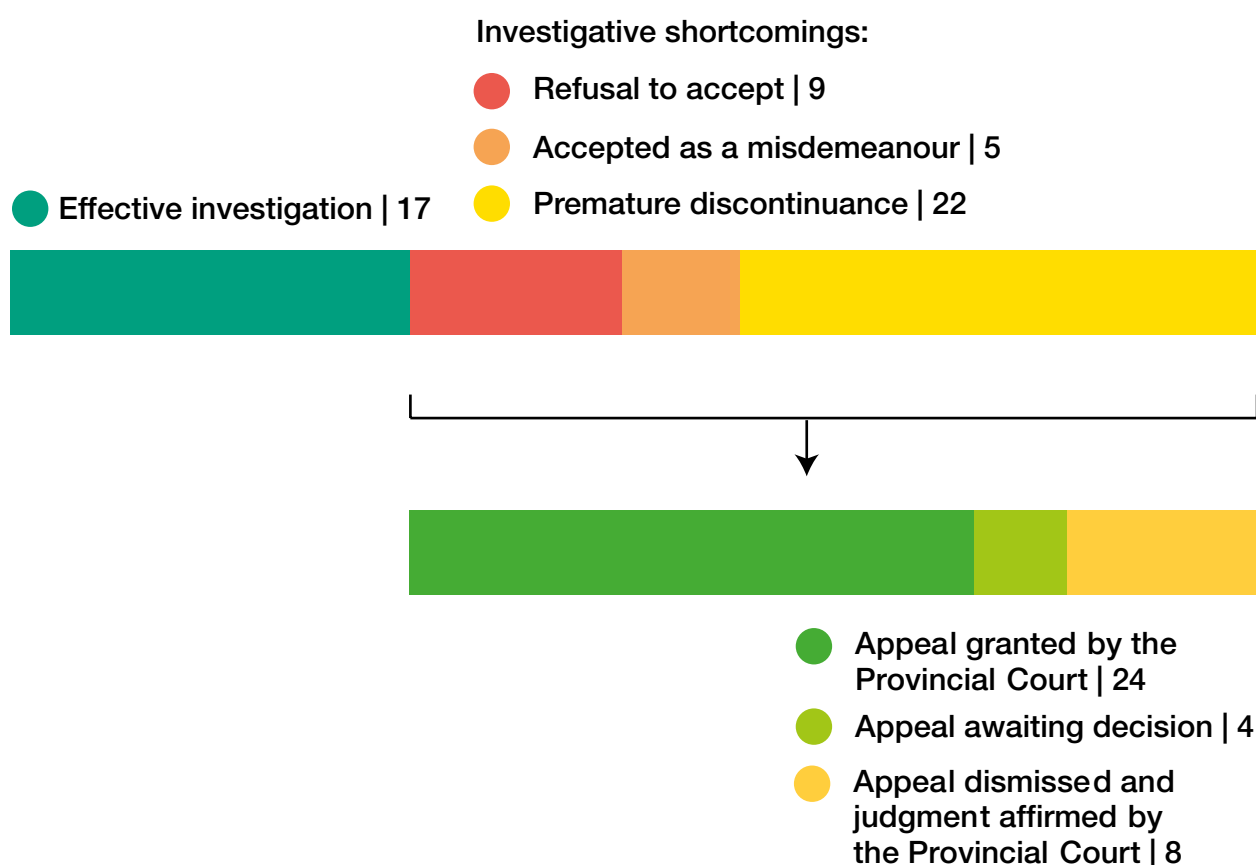
- Straightforward refusal to accept the private prosecution: 9 cases
- Acceptance of the complaint, but charging the offence as a misdemeanour: 5 cases
- Premature dismissal without performing essential procedures: 22 cases

Put another way, in 36 of the 53 cases (**67.9%**), at some point the case was prematurely dismissed, was processed as a misdemeanour, or the private prosecution was not given leave to proceed without taking all reasonable, available, effective and pertinent investigative steps.

In the large majority of cases - 24 of 36 - higher courts have reversed the decision and ordered the investigating court to conduct a proper investigation. In 8 cases, the lower court's decision was confirmed on appeal and in the 4 remaining cases the appeal has yet to be ruled upon.

Cases in which there has been a lack of exhaustive investigation

Source: prepared by authors using SAIDAVI database



Even in the majority of cases where the higher court confirms the obligation to investigate, the investigative courts continue to close proceedings before carrying out an effective investigation. This causes **serious delays**, leads to an overburdening of victims and of the justice system itself and can go so far as to result in impunity.

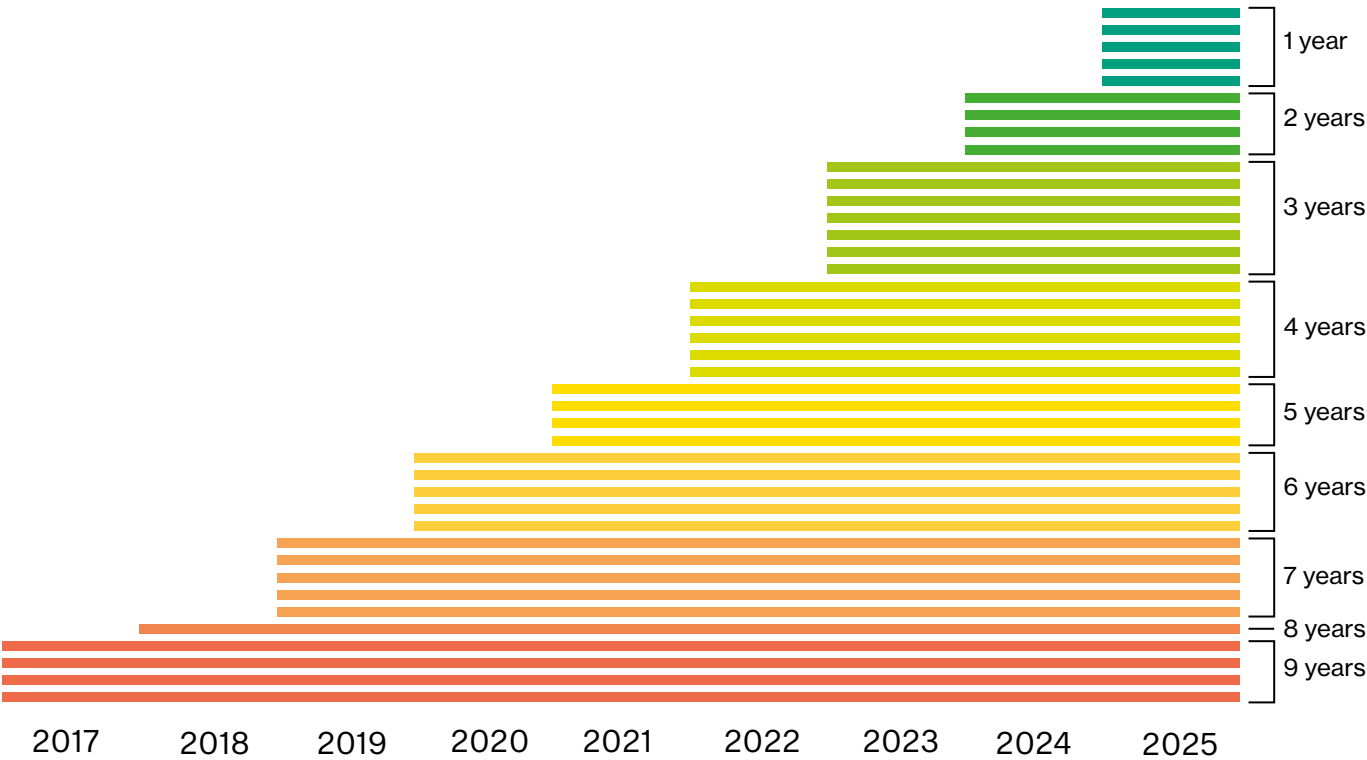
Delays and excessive length of proceedings

The length of proceedings is a clear obstacle. The volume of cases in the justice system has grown considerably in the past decade and caused excessive delays that worsen secondary victimisation.⁵ Irídia has identified disproportionate delays in institutional violence cases, partially due to the courts' generally overwhelming case load, but also because of obstacles specific to these cases.

Of the 41 proceedings that are currently in the investigation phase or are awaiting judgment, 4 were initiated 8 years prior to this writing in 2025, 1 was initiated 7 years ago, 5 were brought 6 years ago and a further 5 cases were brought 5 years prior; 4 were opened 4 years ago, 6 were brought three years ago and 7 were filed 2 years ago; 4 cases were brought 1 year ago and 5 more cases were filed in 2025.

Duration of the investigation phase of Irídia's cases

Source: prepared by authors using SAIDAVI database



5 Report to Parliament 2023 by the Catalan Ombudsperson (Síndica de Greuges de Catalunya), March 2024. pp. 322–323 on the Administration of Justice in Catalonia.

Put another way, **the investigation phase of Iridia's cases has an average duration of 3.29 years, when the initial duration provided for by law is 1 year.** As of this writing, the implementation of efficiency reforms in the judicial system⁶, far from improving the situation, has led to further obstacles and delays at criminal investigation courts.

Dereliction of duty by the Public Prosecutor's Office

Another essential player in the legal system is the Public Prosecutor's Office. Its mission is to advance the processes of justice in defence of legality, the rights of citizens, and the public interest as protected by law. Likewise, its mandate includes a key function: protecting the rights of victims, especially when they are vulnerable.

With this in mind, the figures collected by Iridia on the public prosecutor's role are alarming.

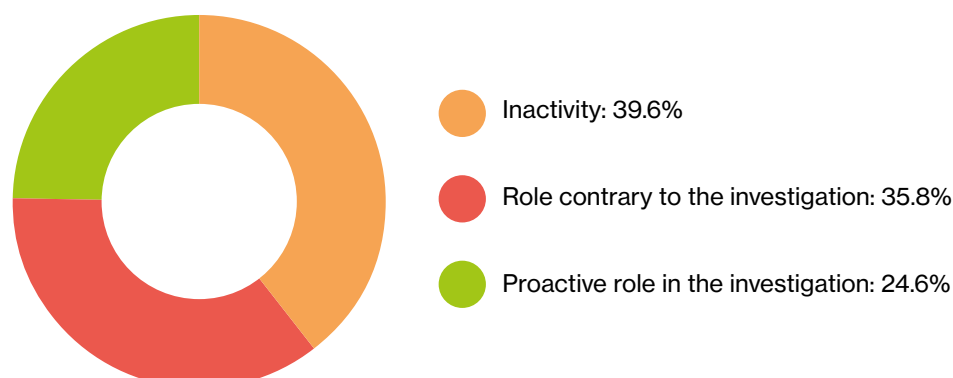
Of the 53 cases, the public prosecutor has had a **proactive role** in the investigation or indictment in just 13 cases. "Proactive" involvement means, for example, appearing at questionings, joining the private prosecution's motions, making filings to support the investigation, or even going so far as to submit an indictment in time for trial without having taken any action during the investigative phase.

In the 40 other cases, the public prosecutor **has not exercised its role** of promoting an exhaustive investigation. Among these cases, the Public Prosecutor's Office has taken a hostile posture towards the investigation in 19 cases. This has manifested by objecting to the filing of a public action; requesting the discontinuance of proceedings without performing necessary procedures; requesting that a private prosecution not be accepted; supporting the acquittal of the defendant despite the existence of convincing evidence; requesting amnesty in cases of ill-treatment; or requesting proceedings aimed at subjecting the victim to criminal action. In the 21 other cases, the Public Prosecutor's Office has been entirely inactive.

In no case has the Public Prosecutor's Office requested victim protection measures nor inquired about their needs. In fact, in some cases, they have strayed far from their role as protectors of the victim and the general interest through revictimising conduct, such as questioning the victim's story and becoming a key driver of impunity.

Role of the Public Prosecutor in Iridia's cases

Source: prepared by authors using SAIDAVI database



Shortcomings from legal aid lawyers and a need for specialisation

For years Iridia has documented shortcomings in the legal assistance provided in institutional violence cases by lawyers from the public legal aid service. Significantly, there is a lack of specialised training, the high proportion of people in custody for every representation, the lack of privacy in initial visits with persons in custody, and restrictions on free legal aid in misdemeanour proceedings. As a response to these shortcomings, Iridia proposes the creation of a special category within the legal aid rota for lawyers specialised in institutional violence.

Having a lawyer to ensure due process is a fundamental right set out in the Spanish Constitution.⁷ The right to due process is also included in states' international obligation to prevent and effectively investigate reports of torture or actions against human dignity or physical well-being by officers or officials of the state.

The purpose of the right to counsel is to ensure that the principles of equality of the parties and the right to challenge evidence and allegations are effectively realised. Doing so shifts the burden to judicial bodies to avoid imbalances between the respective procedural positions or limitations on legal representation that may lead to unfair proceedings.

Shortcomings in application of the Istanbul Protocol

Further **shortcomings** in adherence to the Istanbul Protocol by the Catalonia Institute for Legal Medicine and Forensic Sciences (**IMLCF**, by its Catalan initials) were also identified in 2025. The **Istanbul Protocol** is an **essential tool** for thoroughly recording the affected person's version of events; determining where and how injuries occurred; evaluating emotional effects; and establishing consistency and coherence in the person's story that is necessary for it to be considered true. In Catalonia, the **IMLCF** is the body responsible for carrying out these examinations and preparing the corresponding reports.

However, the **criminal investigation courts** remain **unaware** of this mechanism. An **illustrative example** is the case of a minor victim of an assault by two officers from the Sant Boi de Llobregat local police department, an attack during which the officers made racist remarks. Iridia requested a forensic medical exam conducted according to the Istanbul Protocol at the beginning of the case in 2024, since the complaint was for an offence of torture and/or against human dignity. However, four filings had to be made with the investigating court, providing an exhaustive description of this mechanism and why it was necessary in this case. Among other concerns, it had to be explained to the court that the Protocol includes a specific section addressing minors. Then, following a denial from the investigating court, a second instance appeal had to be filed with the Provincial Court of Barcelona. The higher court found for Iridia on appeal and ordered the lower court to grant the drafting of the report. Due to these obstacles, the Istanbul Protocol was not activated until January 2026.

In cases where the court formally instructs the **IMLCF** to proceed with the relevant forensic examination, **there are instances when the examination is not conducted** according to the standards of the Istanbul Protocol.

In 2025, courts hearing 4 cases ordered that a forensic medical report be conducted according to the Istanbul Protocol. In 2 of these cases, the report was not conducted according to standard. In just 1 case did the **IMLCFC** prepare a report compliant with the Istanbul Protocol standards. In the fourth case, notice of the report's completion is pending as of this writing.

An especially grave concern is the case of an inmate at the Brians prison who made a complaint for torture. The investigating court hearing the case prematurely dismissed the matter without following the Istanbul Protocol. The Provincial Court of Barcelona ordered that the case be reopened with an exemplary ruling - which was also highlighted in the 2024 annual report - in which the judgment made the explicit instruction of: **"The lower court shall draw up a forensic and psychological report of the complainant in accordance with the Istanbul Protocol"**.

Despite this unmistakeably clear order, in 2025 the **IMLCFC** issued a "psychological evaluation report" that, far from hewing to the standards of the Istanbul Protocol, does not include any description of the psychological symptoms that developed following the events, does not evaluate the compatibility of the evaluation and the facts reported in the complaint, and does not make any analysis of consistency in the narrative. This report led the investigating court to again discontinue the proceedings, thus letting the acts go unpunished. A ruling on the second instance appeal is pending.

An especially grave concern is the case of an inmate at the Brians prison who made a complaint for torture. The investigating court hearing the case prematurely dismissed the matter without following the Istanbul Protocol

Insufficient internal oversight mechanisms

Lastly, existing internal oversight mechanisms are **insufficient** for guaranteeing accountability and an effective investigation.

It is striking that police forces' internal affairs departments rarely open investigations on their own initiative. In most cases, they only intervene when ordered to do so by a court that is hearing a criminal matter initiated by a complaint from the victim.

Of the 53 active cases in 2025, no internal investigation was carried out in 28; no information is available in 6 cases; and some sort of investigation was conducted according to internal mechanisms in 19.

Of the 19 internal investigations carried out, only 7 were started on the department's own initiative, while the other 12 were conducted following a court order in a criminal proceeding. In only 3 cases were the possible perpetrators identified with a conclusion that the officers may have acted improperly.

Another worrying aspect is that in 15 cases the internal investigation centred on criminalising the complainant's conduct instead of conducting a thorough inquiry and analysing the officers involved.

It is also important to consider who carries out these internal investigations. In many cases, the record shows that internal investigations are conducted by the supervisor of the reported officer's unit or, in the cases of prisons and the CIE, by management of the centre where the events took place. This is a worrying state of affairs because the person investigating incidents is also connected to them as someone who is ultimately responsible for these acts. This makes an impartial investigation almost impossible.

At the Mossos d'Esquadra, for instance, 7 of the internal investigations were conducted by Internal Affairs, while 2 were carried out by the same unit to which the investigated officers belonged. In only 2 proceedings were temporary remedies granted in respect of the officers.

At local police departments, there are records of only 1 internal investigation, which was conducted by the same unit the investigated officers were affiliated with.

Within the Spanish National Police, only 1 internal investigation was carried out, also by the same unit which the investigated officers belonged to.

As for the CIE, the 5 internal investigations were all carried out by management of the Centre, and only after receiving a court order or a complaint from an inmate.

In prisons, there are records of only 1 investigation carried out by the prison management following a court order and 1 investigation opened by the Secretariat for Means of Punishment on its own initiative.

As concerns private security, there are records of only 1 internal investigation conducted by the company. In this case, temporary remedies were granted in respect of the agent.

This section closes with a word on the role of supervisor in police and security forces, because it is a figure that should have key duties in detecting and reporting irregular conduct on the part of the police force. Despite these important responsibilities, there is no record in any of the cases investigated of a supervisor informing Internal Affairs of an incident. Once the case was brought to court, supervisors also did not help identify the perpetrators of the facts reported in the complaint.

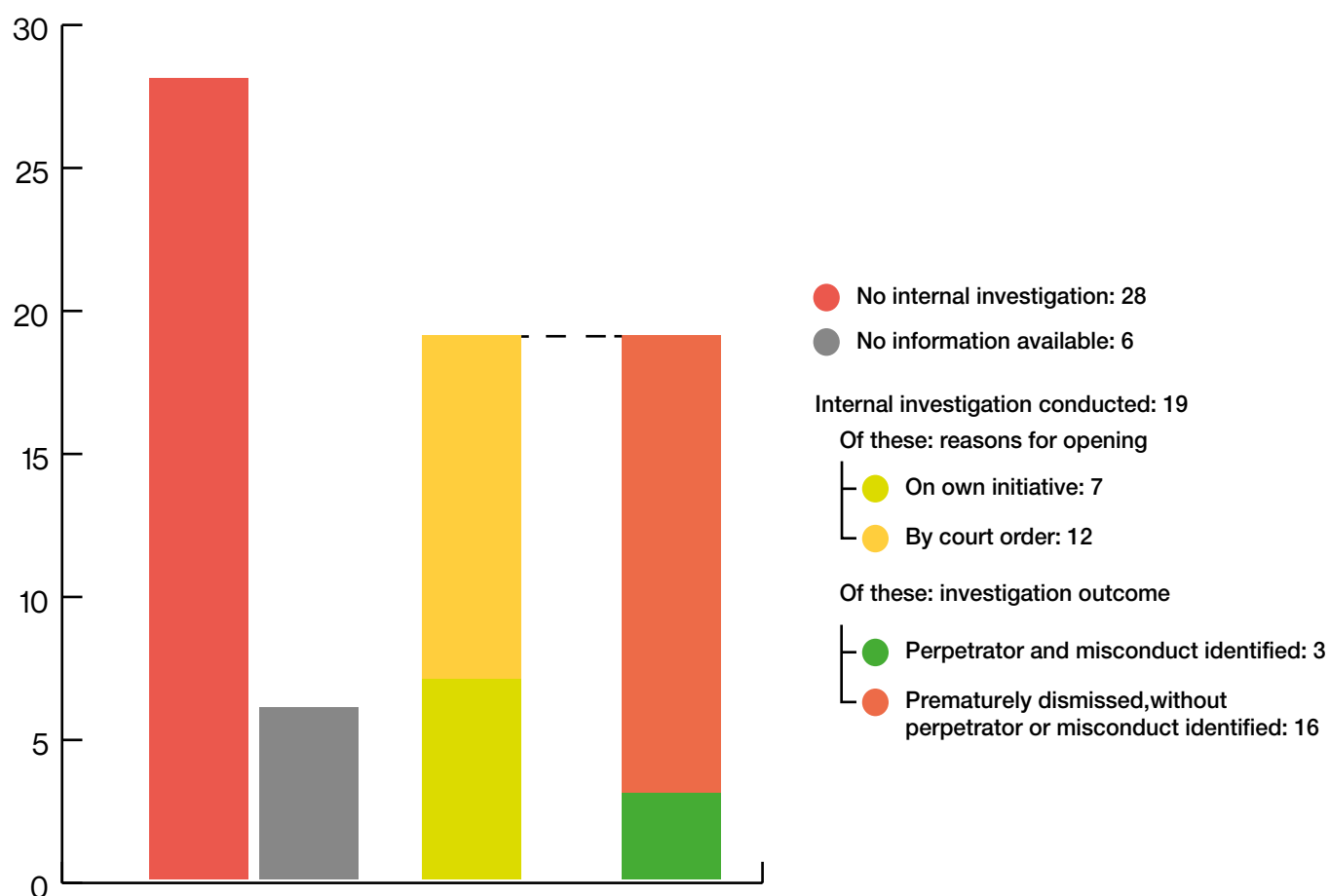
the role of supervisor in police and security forces, because it is a figure that should have key duties in detecting and reporting irregular conduct on the part of the police force.



Photography: Álvaro Minguito

Shortcomings in internal police oversight mechanisms

Source: prepared by authors using SAIDAVI database



03

3. The different faces of institutional violence

The following section discusses several manifestations of institutional violence that were especially important in 2025 and that point to the need for public policies committed to the defence of human rights, as well as urgent structural reforms.

Institutional violence this year has been linked to police racism and the Immigration and Settlement Act; to the ongoing ill-treatment perpetrated by various actors, including the Spanish National Police in the Immigration Detention Centre (CIE) of Barcelona; and to local police officers and private security personnel operating in public spaces. Also notable is the indiscriminate use of pepper spray by the Mossos d'Esquadra during protests and, lastly, granting amnesty for conduct that is considered inhuman or degrading treatment.

These **six troubling dynamics** not only cast doubt on institutional respect for human rights, but also reveal the serious gaps in the oversight and accountability mechanisms at the institutions concerned, as well as in measures to ensure justice and redress for victims.

3.1 Police racism, the Immigration and Settlement Act, and unfair judicial proceedings

The Service worryingly notes the intake of cases in connection with incidents in the recently concluded Pla Daga (Plan Dagger) and the ongoing Pla Kanpai (Plan Kanpai) police actions. At issue are operations that are based entirely on a framework that criminalises social problems, while presenting them as safety plans to reduce crime. Likewise, in the cases the Service has handled, the roll-out of these plans has shown clear **racist bias** that comes to the fore in moments of institutional violence.

Far from being successful safety policies, these are police actions that violate human rights, are rooted in patterns of discrimination and revictimise people who are already in situations of heightened vulnerability because of their status under the Immigration and Settlement Act.

On **17 September**, G. was at her home taking care of her five-month-old nephew and waiting for her brother-in-law (the baby's father) to come pick him up. At around 4:00 PM, he rang from the street call box, and she opened the door for him. Upon noticing that he was not coming up the stairs and hearing loud cries from the building lobby, she ran downstairs to see what was happening. Upon arriving, she saw him lying face-down on the ground, with two Mossos d'Esquadra police officers hitting him as he cried out in fear.

While feeling afraid and deeply disoriented and powerless in the face of this gratuitous violence, G. asked several times what was going on and why they were treating her brother-in-law that way. She tried to approach while she explained to the officers that an infant was upstairs and that he - the baby's father - had come to pick him up.

Far from answering her or attempting to calm her, the **hit her and threw her against the wall**. One of the officers grabbed her by the arms and placed his body and face just centimetres away from her. G., intimidated by this physical proximity, asked him to move back. He responded by saying: "**Yeah, I'm touching you, report me**". That increased the feeling of **defencelessness and humiliation**. Meanwhile, the baby was alone and crying in the home. G. asked them to let her go so she could tend to the infant, which they refused.

It was then that she heard them refer to her brother-in-law as "Moroccan man" and understood that they were victims of a police error as part of an operation based on **racial profiling**. The inability to trust the authorities and the racial stigma made her feel even more vulnerable and unfairly treated as a migrant family. As the treatment became increasingly disrespectful, she felt overwhelmed by the situation and by the discrimination implicit in the police actions.

G. and her brother-in-law were both **arrested** and taken into police custody. The officers called the infant's mother to inform her of the situation and told her that the child would remain under the supervision of police officers stationed in the home until she arrived, even though they did not have a warrant to enter the home.

G.'s main worry was not being able to pick up her three daughters from school because her husband was at work and could not come get them either.

G. and her brother-in-law remained at the police station until the following day, when they were brought before a court and both **arraigned on charges of resisting and assaulting an officer**. Additionally, two officers stated that they had been injured by G. and her brother-in-law and made a claim for indemnities.

The public legal aid lawyer assigned to defend them did not inform either of them that they could report the police's conduct. He advised that they **plead guilty** to obtain a more lenient sentence and be released immediately, **without informing them** that they could also be released if they pleaded not guilty. He also did not inform them that accepting the charges would make it harder for them to report the police behaviour later and obtain an effective investigation of the facts.

Faced with this situation, and in a setting that **lacked procedural guarantees**, both G. and her brother-in-law pleaded guilty without the opportunity to explain to the judge what they had been through. They left the courthouse with an enforceable judgment which found them guilty of assaulting an officer and a misdemeanour offence of causing bodily injuries. The sentence was **four months' imprisonment**, a fine of **€100** and indemnity payments to the officers in the amounts of **€150 and €294**.

The frustration and powerless caused by the treatment and the lack of information about the judicial proceeding caused them significant emotional distress and they felt completely **trapped and defenceless** in a system that did not give them a proper chance to answer the charges levied against them. The lack of an opportunity to explain their version of events and report the ill-treatment increased their feelings of fear and insecurity, and was key to accepting a plea bargain that was clearly contrary to their interests.

The four-month prison sentence was suspended for two years because they had no criminal history. However, the guilty verdict automatically triggered a **block on regularising** their administrative status, something which profoundly affected the life of G. and her family. Because of these events, they will remain in “irregular” status with all the attendant precariousness and limitations of rights. This is despite them having spent three years in Catalonia and working hard to support themselves, with three minor children in school and no prior incidents with law enforcement.

G.’s case is a prime example of the consequences of **institutional racism**, how it affects the most vulnerable, and how it becomes part of security plans that stigmatise and criminalise migrant persons. Her case also illustrates the operations of a justice system that accommodates impunity for ill-treatment and an immigration system that turns access to full citizenship into an obstacle course that is often impossible to navigate.

As of now, G. has filed an **application for dismissal** against the judgment since the sentence was handed down in an unfair proceeding, in violation of the right to due process. She has also filed a **complaint** with the Barcelona Bar Association for the ineffective assistance provided by her lawyer from the legal aid service. She has also filed complaints with the Government of Catalonia’s Office for Non-discrimination and the Mossos d’Esquadra Internal Affairs department for being identified via racial profiling in a way that led to the subsequent institutional violence.

3.2 Ongoing ill-treatment at the Barcelona Immigration Detention Centre

The Service has handled cases of ill-treatment at the Barcelona Immigration Detention Centre (CIE, by its Catalan initials) every year during the past decade. 2025 was no exception, and this persistence shows that the **CIE is human rights-free zone**. Firstly, the purpose of the centre is to keep people in custody for strictly administrative violations in connection with public policy on border control. **Secondly, and no less importantly, the CIE lacks any real and effective mechanism of preventing torture.**

In recent years, Irídia has identified multiple **structural obstacles** in the process of reporting ill-treatment at the Barcelona CIE. These roadblocks prevent inmates from

accessing justice in an equality of conditions with the rest of the population. One of the main difficulties is the practical impossibility of formally appointing lawyers and party agents at court (the latter, known locally as *procuradores/procuradors*, play an essential role in making and receiving filings in judicial matters). CIE inmates cannot execute the documents required to appoint a party agent at court or sign powers of attorney before a notary while they are in custody.

This situation is exacerbated by the conduct of the on-call courts for incidents, which conduct intake for matters related to the CIE, including reports of ill-treatment. On numerous occasions, these judges have deemed themselves as lacking jurisdiction or did not grant urgent measures aimed at securing evidence.

On **1 April 2025**, E.H., an inmate at the Barcelona CIE, requested a change of cell via the appropriate form. The following day, when National Police officers appeared at his cell to make the transfer, E.H. told them that it was no longer necessary because he had resolved the conflict with his cellmates and preferred to stay where he was. The officers tried to pressure him into accepting the change, but E.H. refused.

This situation led to an argument during which the officers handcuffed E.H., removed him from the cell and forcibly brought him to the centre's control room. Once there, the argument between E.H. and the officers continued until one of the officers started to **strike his chest** and threw him to the ground. On the ground, **handcuffed and facedown**, the officers **punched** E.H. further. They also pressed down on top of him as they **insulted** him and screamed at him just centimetres from his ear. With the intention of humiliating him, they said things to him like "You're worthless" and "You're going to sleep on the ground".

Immediately thereafter, they placed him in the solitary confinement cell and left him in isolation until the following day. **Isolation as a form of punishment** heightened the feeling of defenceless and the mental and social impacts of the assault. It also caused him uncertainty and fear about what would eventually happen.

E.H. suffered physical injuries as a result of the assault, which were documented by the CIE health service. However, he was denied access to the medical reports, and these could not be obtained until the opening of judicial proceedings. Psychologically, the events left a traumatic impact on him, which was made worse by the subsequent isolation as a punishment and having to continue living with the same officers against whom he had filed a complaint as he remained in custody. Even though the centre administration and the court were informed, no steps were taken to avoid this situation. This aggravated the feeling of unfairness and being at risk, and worsened the psychological impact and feelings of re-victimisation.

For the first time in such a case, arrangements were made for the investigating court to take a statement from the complainant. However, he was added to a deportation flight that was scheduled to leave before the date of the statement to the court. Still, it was possible for a forensic physician to visit him and prepare a report on the physical and psychological impacts of the assault.

Likewise, and thanks to the speed in filing the complaint, access was granted to the security camera footage, an essential piece of evidence that made it possible to identify the officers involved. This is an important achievement because, due to the short storage time of the images and the lack of urgency in processing, recordings were fully or partially deleted in the rest of Irídia's cases before the judge granted the order. The inmate was also deported before it was possible to take a statement from them as victim-witness.

These proceedings represent a significant advance compared to previous practices and should serve as a precedent for breaking the pattern of structural shortcomings in access to justice for people being held at the CIE.

Once the essential proceedings had been completed, the **investigative court**, completely disregarding the complaint for an offence of torture (which was based on E.H.'s statement at the time of filing and corroborated by the security camera footage and the forensic medical report) decided to process the case as a **misdemeanour**. Iridia has filed an appeal with the Provincial Court of Barcelona against this decision. At the time of drafting this report, no decision on the appeal has been handed down.

3.3 Violence and lack of control on the part of private security officers in public spaces

In recent years, **private security firms** have taken on a growing role in providing security in public spaces. The presence of private security guards is common in numerous settings. They are mostly deployed to public transport, but patrols are also frequent in other **public spaces**, especially in nightlife areas. On many occasions, these guards use force in the exercise of their duties.

The Public Administration's outsourcing of security services, often with the goal of reducing costs, causes a variety of problems from a human rights perspective. Among these are the difficulty of establishing effective public oversight methods, opacity surrounding the process of awarding bids to these companies, and the lack of specific training for employees on human rights and the principles that should govern use of force.

In this context, Iridia has spent years supporting people who have been victims of violence inflicted by private security personnel assigned to perform public safety tasks. This is an especially worrying state of affairs because the prohibition on torture and ill-treatment is absolute. It applies to public officials as much as it does to other people who perform public safety functions, even if instigated by or with the consent or acquiescence of authorities and Public Administration.

Therefore, it is essential that the Administration ensure effective mechanisms are in place to conduct **monitoring, oversight and punishment** of possible cases of misconduct by private actors in the exercise of public safety functions. This responsibility also includes ensuring **transparency** into how their conduct is regulated, into **tendering conditions** applicable to these companies, and the **protocols** that govern the use of force.

In the early hours of **16 February 2025**, outside of a nightclub on Tuset street in Barcelona, a group of four boys witnessed the assault of two young people by private security guards. When the four boys admonished the guards for their conduct, the guards - including those from the club and from another private security company that,

as recorded elsewhere, was operating in public space - brought them to a point near Avinguda Diagonal and assaulted them extremely violently.

Six security guards repeatedly **struck** the four boys, punching them (mainly in the face) and hitting them with **retractable batons** in the **upper chest and face**. They also used **pepper spray** in the face of one of the boys. All four suffered serious injuries and intense pain. One of them partially lost consciousness until Mossos d'Esquadra officers intervened at the scene. Part of the assault was recorded on video, even though one of the guards tried to stop the recording.

The assault caused **serious injuries**, some of which required surgical intervention, and have left visible effects long after the initial injury. The assault has also caused **deep psychological and social impacts** and created a strong sense of not being safe, to the point that the victims have changed their daily habits.

An action has been brought before **the courts** and the investigation remains with the investigating court, with proceedings under way to clarify the facts and determine the associated liabilities. It is expected that the investigation will be long and complex because there are several suspects and multiple victims and witnesses. Additionally, it will be necessary to conduct an exhaustive analysis of the use of force and of regulated weapons - such as retractable batons and pepper spray - by the security guards.

This matter comes in a context of other Lridia cases concerning institutional violence committed by private security guards on public transport. This one is especially concerning because of the **degree of violence** used and because, although it is being investigated by a court, **there is no record any temporary remedy or sanction** being imposed on the officers by the private security companies nor by the Administration's Directorate General for Security, which has jurisdiction over private security companies.

There is also no record of the Directorate General for Security adopting measures to clarify the reason that some of these guards were on duty in public space, beyond controlling access to nightlife establishments, nor is there evidence of measures being put in place to prevent these events from happening again.

3.4. Local police: institutional violence and lack of effective oversight

Íridia has spent years handling cases of police violence inflicted by officers with **local police forces**. Racist discrimination is a feature in a significant portion of these cases. Officer remarks and behaviour make it clear that discrimination is an inherent part of these police interventions.

Likewise, it is notable that most local police departments do **not have specific protocols** on the use of force nor do they have internal regulations governing police conduct beyond the general regulatory framework established by Spanish national legislation (namely, the Organic Act on Security Forces and Entities). This vacuum hinders oversight, supervision and accountability mechanisms.

Oversight and supervision are, in the first instance, the responsibility of the direct supervisor in the force and, at the highest level, the mayor as the senior member of the municipal administration. **This institutional arrangement shows that there is a direct link between the oversight mechanisms, the police force and its top political leader. This makes it extremely difficult to maintain outside oversight or even minimally independent checks.**

In some cases, there are agreements with the Mossos d'Esquadra Catalan regional police to make its Internal Affairs Commission the body in charge of investigations, but there is no legal rule requiring it. This means that there is no independent, specialised body with the appropriate subject matter expertise to monitor and evaluate the conduct of local police officers, a fact which compromises the guarantees of independence, transparency and accountability in the investigation and oversight of possible irregularities.

The case of **I.B.** captures many of the elements discussed here as emblematic of violence by local police. In the early morning of **24 October 2022**, I.B. was leaving a nightclub in Cornellà de Llobregat with a friend when several officers from the Cornellà de Llobregat local force stopped them and requested identification. Upon asking why, one of the officers replied: **"Fucking Muslim, you're not from around here? Fuck you, I'm going to split your head open"**. Immediately thereafter, he and the other officers hit I.B. in the mouth and caused, among other injuries, the loss of a tooth.

When the other officers saw that I.B. was trying to record the incident, they took his phone, continued the assault and deleted the video, which he was later able to recover. At the same time, other officers restrained his friend to prevent him from recording the behaviour. The officers left the scene with I.B. injured on the ground.

The incident took place **in the presence of the patrol commander**, who took no action at any time to stop the assault, the racist insults, or the illegal seizure of I.B.'s phone.

In addition to the injuries and mental impacts I.B. suffered as a result of the assault, his emotional well-being remains affected three years later because of the lack of justice

caused by the slow pace of the court proceedings. His condition is also affected by the **lack of accountability** or reparations from the **Cornellà City Council** as responsible administration.

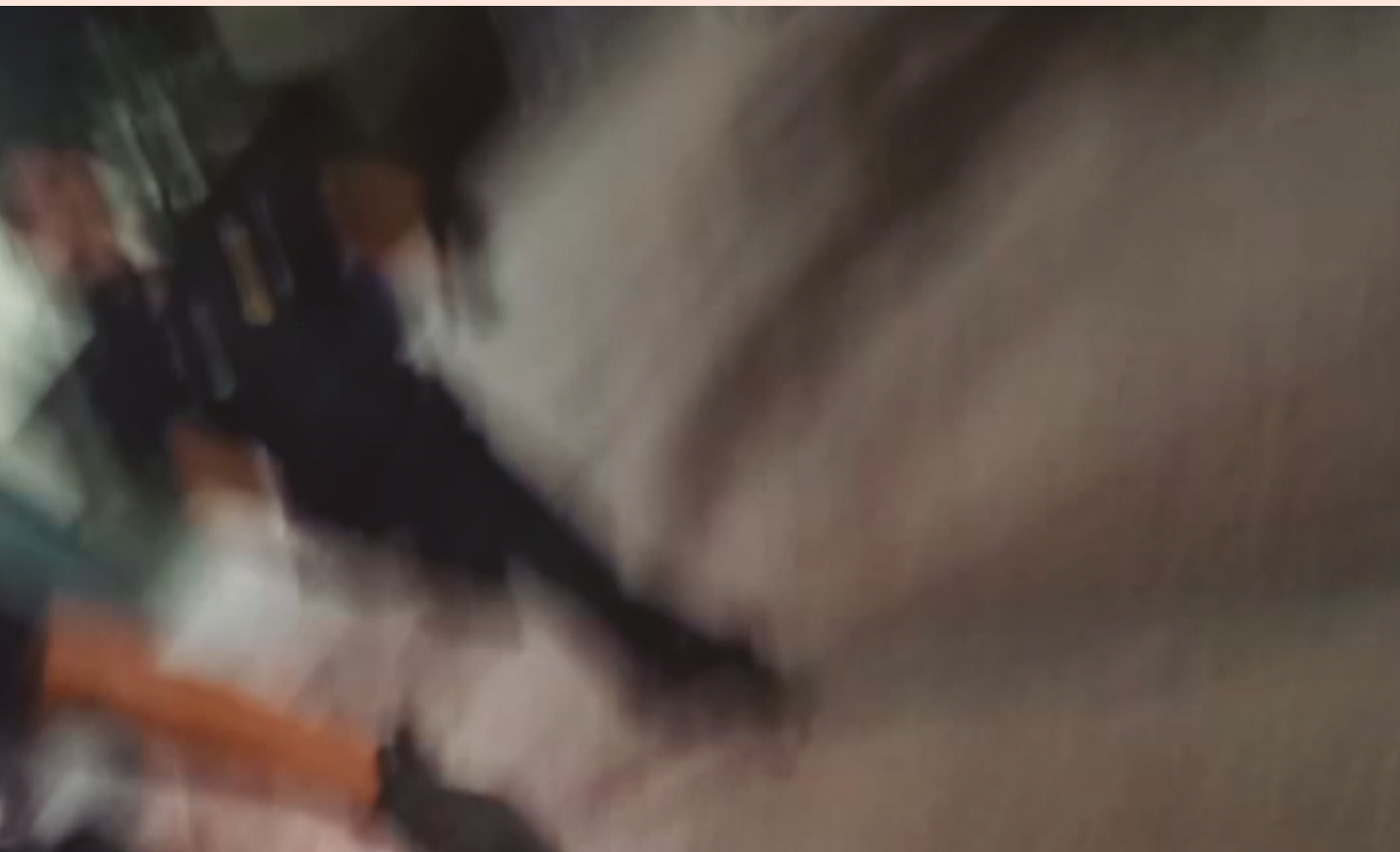
The acts have been investigated by **Criminal Investigation Court No. 4** of Cornellà de Llobregat. As part of this investigation, I.B. was able to give a statement to the court and give an account of the incident and the personal and psychological impacts he suffered. This appearance was an early, important step in his search for justice.

As for oversight on police conduct, the court subpoenaed the Cornellà de Llobregat City Council for its use of force protocols. The council stated that they did not have any, a fact which highlights the **structural difficulties** in conducting oversight on police actions. The response from the council came months after the subpoena, which significantly delayed the proceedings.

Likewise, the Cornellà city council has never, at any time, shown any interest in I.B.'s condition, nor put provisional disciplinary measures in place against the officers involved, nor take any steps to ensure that such acts do not happen again.

Regrettably, a response of this nature from the administration is not unique to this case. Rather, it is the response that most victims meet with in cases of violence inflicted by local police forces.

In 2025, it was confirmed that, after three years, the reported officers will stand trial. Despite the slow pace of the proceedings (which is an obstacle to effective reparation), the path through court underscores the importance of **the complaint** as a tool for **combating impunity** in cases of police ill-treatment or racism.



Captura vídeo agressió policial

3.5 Tear gas used against a public demonstration

In October 2025, officers of the Mossos d'Esquadra used Oleoresin Capsicum (OC), widely known as **pepper spray**, in various demonstrations and protests against the Israeli genocide in Palestine, including on the 15 October protest that was part of a **general strike**.

Within this context, a **non-violent action** was carried out at Sants station to speak out against Israeli teams' continued participation in sporting events, despite the ongoing genocide. The players of the Israeli team Hapoel Jerusalem were staying at the Sants station hotel for a match against Baxi Manresa. To prevent the players from departing the hotel to attend the match, approximately 100 people took a seat on the station ramp. The hotel was hundreds of metres from where the people were peacefully sitting, and there was a police cordon blocking their way.

Although none of the participants acted even remotely violently, nor tried to break the police cordon at any time, several officers of the Mobile Brigade **fired pepper spray** at the protesters. They did so with no prior warning, made multiple sprays, did so less than a metre from their targets and fired **directly at faces and heads**. At the same time, in the rear, some officers began grabbing protesters by the waist to remove them and using police batons to strike some people who approached.

The gas cloud affected some of the people assembled for the protest, pedestrians who were in the station environs, demonstrators who were appearing for the afternoon part of the action, and even some of the officers involved.

As a consequence of the police actions, **approximately 40 people** required treatment from the medical staff deployed to the area. Most received care for eye irritations and temporary loss of vision. In some cases, effects included skin **injuries**, breathing spasms, respiratory difficulties, eye irritations, migraines and a sense of fatigue that lasted several weeks.

The events were recorded by observers from the Plataforma Som Defensors organisation, who also saw how the **unit commander** later chastised the officers involved for using pepper spray.

Several organisations⁸ decided to launch a campaign to denounce these actions and, with legal coordination from Iridia, Alerta Solidària, the CGT, La Intersindical and the IAC, brought a joint private prosecution against the officers for various offences, including causing bodily injuries and offences against individual rights. In total, there were six injured parties in the private prosecution, including a photojournalist who was covering the events (represented by Iridia) who was affected by the gas and had to cease her work at the event.

Two days later, the substitute judge at Criminal Investigation **Court No. 6** in Barcelona

⁸ The organizations that promoted the initiative were the following: Alerta Solidària; CGT Catalunya; Coalition Prou Complicitat amb Israel (CPCI); Catalan Housing Trade Union Confederation (COSHAC); Coordinadora Obrera Sindical (COS); IAC; Iridia – Centre for the Defence of Human Rights; La Intersindical; Plataforma Antirepressiva de Barcelona (PAB); and Sindicat de Llogateres de Catalunya.

rejected the private prosecution without performing any investigation. Notice of the rejection of the case was received in early January and an appeal was lodged before the Provincial Court on the part of the injured parties bringing the private prosecution. At the time this report was drafted, the second instance appeal had been accepted for consideration and a judgment from the higher court was pending.

Irídia independently filed a request on 16 October for access to the Mossos d'Esquadra Protocol on the use of tear gas and pepper spray (**PIT 13**), in line with the 2022 request of the Catalan Parliament for transparency and accountability on police actions. The Catalan Ministry of the Interior responded by providing a document containing technical information about pepper spray but, as of this writing, it has not released any protocol to the public, stating that it is "under review". Irídia has turned to the Commission on Guaranteeing Access to Public Information to ensure the effective implementation of citizens' right to access information of public interest and to realise the aims of Parliament's action of December 2022.

3.6 Cruel, inhuman and degrading treatment cannot be amnestied

Organic Act 1/2024, of 10 June, on **Amnesty** to Achieve Institutional Political and Social Normalisation in Catalonia went into effect the day after it was enacted. Its aim was to grant amnesty for certain acts defined as criminal, administrative or fiscal offences committed between 1 November 2011 and 13 November 2023 during the *procés*, the Catalan independence efforts.

This law did **not apply equally** to all beneficiaries, as it varied depending on the person and their alleged actions. Specifically, in matters regarding ill-treatment committed by the Spanish national security forces and entities, the evidence shows that courts apply the amnesty law automatically, resulting in impunity for these actions.

In 2025, the Provincial Court of Barcelona confirmed on appeal that amnesty can be applied to officers under investigation or indictment for offences that constitute cruel, inhuman and degrading treatment. This application of amnesty cuts against the **doctrine of the European Court of Human Rights**, which establishes that offences qualifying as torture or inhuman and degrading treatment cannot be amnestied under any circumstances. At the time this report was completed, some of the rulings for amnesty had been appealed before the Supreme Court and the Constitutional Court, with judgments pending.

Likewise, in 2025 Irídia was able to break the dominant interpretation of the Amnesty Act as granting amnesty automatically, establishing an **essential precedent** for applying international human rights law in Spanish courts.

This was the case of **T.S.**, who was assaulted in Barcelona during the protests and demonstrations in response to the 2019 Supreme Court judgment upholding the guilty verdicts of Catalan politicians involved in the independence movement. The events at

issue in **T.S.**'s case occurred in a general context of demonstrations in the city, but in an area far from where the main protests and crowds had gathered. Therefore, there was no specific situation that would justify the use of force or foam projectiles.

After more than five years of investigation before an examining court, no identification could be made of the specific Mossos d'Esquadra officers who fired as many as two **foam** projectiles into T.S.'s back and then assaulted him when he took refuge in a doorway following his injuries. At that point, the case continued against the **commander of the operation**, as the person responsible for the conduct of his subordinates, to whom he gave authorisation and whose actions he did not block.

Just when an indictment was filed against the Mossos d'Esquadra officer for causing bodily injuries and an offence against human dignity, **Criminal Investigation Court No. 4 of Barcelona** ordered the discontinuance of the case on the grounds that the amnesty law applied. This came following a proposal from the Public Prosecutor's Office which was joined by the attorney for the Government of Catalonia, which was representing the officer.

After waiting for justice for more than five years, the closure of the court proceedings had a significant negative impact on T.S. It led to re-victimisation, feelings of impunity, distrust of institutions and an intensification of the psychological impacts of the assault and its consequences.

In 2025, Irídia lodged a second instance appeal against this decision and the **Provincial Court of Barcelona** handed down a ruling revoking the application of the Amnesty Act. This ruling makes it possible to continue the criminal proceedings and bring the internal supervisor and operation commander to trial.

Additionally, the appellate court's ruling has important implications beyond this particular case. It cites doctrine from the Spanish Constitutional Court and the European Court of Human Rights, and serves as a poignant **reminder of the State's obligation** to conduct a thorough and effective investigation when presented with evidence of torture or inhuman or degrading treatment, as well as to bring the people responsible to trial. In this vein, the ruling declared that **amnesty cannot be applied automatically**. There must be a trial to determine whether the acts constitute cruel, inhuman and degrading treatment, and the ruling further recalled that such conduct cannot be amnestied.



Video capture of pepper spray use

04

4. Good practices

Pre-prosecution investigation conducted by the Specialised Section for Human Rights and Democratic Memory at the Barcelona Provincial Prosecutor's Office

Throughout 2025, the **Specialised Section for Human Rights and Democratic Memory at the Barcelona Provincial Prosecutor's Office**, a special purpose division created by the Democratic Memory Act, has conducted a pre-prosecution investigation based on the complaint filed by Blanca Serra i Puig on 20 November 2024. She received legal counsel from Iridia and support from Òmnium Cultural and the World Organization against Torture (OMCT).

The complaint was filed on behalf of herself and her late sister, Eva Serra i Puig, who died on 3 July 2018. The sisters were members of political organisations and became targets of repression. The grounds for the complaint are the torture to which they were subjected in February 1977, July 1980, December 1981 and March 1982 at the police station at Via Laietana, 43 in Barcelona, as well as the General Directorate for Security in Madrid.

This is the first investigation into torture committed at Via Laietana, 43 during the Franco era and the transition to democracy. The police station at that address was notorious for being the centre of the repressive apparatus in Barcelona. This investigation is also the first case brought by the specialised division of the prosecutor's office. At the time this report was drafted, there are records of only two events in the case directly involving Blanca Serra i Puig. The first was her statement as a victim, a development which should be considered a historic milestone. The second event was a medical evaluation by the Catalan Institute for Legal Medicine and Forensic Sciences (**IMLCF**) with the aim of contrasting and validating findings prepared by the Sira Centre according to the Istanbul Protocol and filed by Iridia with the complaint.

Although both of these pre-prosecution actions are good institutional practice, there should be an evaluation at the end of the case of whether all essential steps were taken to clarify the facts and identify the people responsible. There should also be an assessment on whether the Public Prosecutor's Office should bring an action, if there is probable cause of criminal acts.

Good practice in access to justice and the assistance of counsel for complainants in institutional violence cases

Criminal Investigation Court No. 7 in Barcelona, in one of the cases handled by the Service, sent an email to the complainants informing them of their rights in the proceedings as victims and advised them of the steps taken up to that point in the investigative phase. This message made it easier for the complainants to request an attorney and party agent at court from the legal aid rolls. In the same message, the court also requested the Catalan Institute for Legal Medicine and Forensic Sciences to provide the court with a date and time to summon and examine the complainant.

This is a good practice, because it is not typical for courts to do this in such a case. It likewise protects complainants right to access justice while taking their needs into consideration

Important precedent holding the Istanbul Protocol as an essential step

Section 9 of the Provincial Court of Barcelona has granted the reopening of a criminal proceeding regarding actions that may constitute torture and/or ill-treatment, finding that the investigation was not effective or sufficient because the Istanbul Protocol was not followed. The Court, in a detailed and illuminating ruling, holds that the Istanbul Protocol is the ideal tool for assessing torture and mistreatment that does not leave physical injuries because the protocol provides for exhaustive mechanisms for evaluating emotional and psychological impact on victims.

Steps towards bringing the IMLCFC's manual for evaluating torture and mistreatment in line with the Istanbul Protocol standards

The **Catalonia Institute for Legal Medicine and Forensic Sciences (IMLCFC)** has created a working group coordinated by the forensic physician Elena Cano, from the Unit on Forensic Evaluation of Human Trafficking Victims, to draw up a proposal to revise the IMLCFC protocol for evaluating torture and ill-treatment, with special consideration of the Istanbul Protocol.

This is an essential measure. The current version of the manual has been in force since 2016 and does not comply with the international standards of the Istanbul Protocol, which was last updated in 2022. Forensic doctors were also not properly following the manual during their examinations.

Improvements in training for judges by the Administration of Justice on standards for human rights and prevention of torture

The **Centre for Judicial Studies and Specialised Instruction** (CEJFE) has introduced improvements to its 2026 curriculum. It adds training for judges in relation to handling vulnerable groups in criminal proceedings, including people who have suffered physical or mental ill-treatment during their time in custody.

Likewise, human rights training has been added for the general employment corps in the judiciary and the administration of justice. Lastly, a reference to and brief explanation of the Minnesota Protocol has been included in all basic instruction courses - including the module on human rights - for prison personnel.

Implementation of two measures in prisons to secure evidence and ensure mental and legal support when a complaint for ill-treatment is made

A more agile proceeding was established in 2025 on securing **custody of images** from security cameras from the Unit for Communications and External Relations (UCRE) at the Secretariat for Punitive Measures, Reintegration and Victim Services.

Additionally, **outside psychologists will now be allowed** into prisons, after two years of requests from human rights organisations. Unfortunately, this measure does not go far enough because the psychologists will not be allowed to enter by themselves and must be accompanied by the lawyer appearing in the case. That said, authorisation of this psychological support is a significant change because it will make it possible to record the psychosocial impacts of institutional violence in prison settings.

05

5. Recommendations

Below is a series of recommendations grouped by topic. **Abbreviations for jurisdictions:**

EST = State · **CAT** = Catalonia · **LOC** = local/municipal

Racism and discrimination

- 1
LOC
CAT
EST
 Create and implement a system of forms to be used in stops, identifications and searches of persons by police that will record: the officers involved, the clear and reasoned grounds for the intervention, the outcome of the intervention, and the racial or ethnic status of the affected person as perceived by the officer and the affected person's perception of their racial or ethnic status, in accordance with the principles of informed consent and confidentiality. A copy of the forms shall be provided to the affected person and the competent oversight body.

- 2
LOC
CAT
EST
 Once the forms are incorporated into police stops, conduct an external audit - to be carried out by experts in the field and with the participation of human rights and anti-racism organisations - to conduct regional and local analysis of the results and introduce necessary changes if there is evidence of disproportionate interventions based on racial or ethnic profile.

- 3
EST
 Amend the Immigration and Settlement Act to eliminate Foreigner Confinement Centres (CIEs) and put an end to medium-term custody measures as a provisional remedy in cases of expulsion or penalty.

While CIEs remain in existence, approve legislation to regulate judicial oversight of CIEs as concerns procedures, timelines and means of appealing decisions in order to guarantee due process for inmates.

Address the grave deficiencies in healthcare for inmates at the Barcelona CIE (such as the lack of 24-hour medical care and the lack of digital clinical histories). The Ministry of the Interior currently outsources CIE healthcare to a private company. It should be managed by the public healthcare system and, in the case of the CIE at the Barcelona Free Trade Area, by the Catalan Health Service, so as to ensure the right to health in conditions equal to the rest of the population.

- 4
EST
 Repeal the “Rules of operation during repatriations and transfer of detainees by air or sea” which permit forced sedation as well as the use of restraint belts and straitjackets to deport people.

- 5** **(EST)** Eliminate the additional provision of Organic Act 4/2015, of 30 March, on Protecting Public Safety, regarding summary and collective expulsions, known as “speed-run expulsions”, which are contrary to international law.

Use of force

By police forces

- 6** **(LOC)** **(CAT)** **(EST)** Publish disaggregated data on judicial or internal disciplinary proceedings brought against police officers for allegedly committing offences against human dignity or of torture, offences against sexual freedom and indemnity, causing bodily injury and/or illegal restraint. Disaggregated data should also be published on the number and type of reports, complaints, convictions, and penalties against officers.
-
- 7** **(LOC)** **(CAT)** **(EST)** Publish the use of force protocols for all police forces, in the degree of detail necessary so that the public may carefully study and understand them. In Catalonia specifically, make the Internal Protocol on Use of Pepper Spray and Tear gas publicly available and maintain public access to all other internal protocols and instructions.
-
- 8** **(LOC)** **(CAT)** Draw up a report on police weapons and tools used by the various local police departments in Catalonia. Include date and process of procurement, protocol for use and oversight bodies. Publish and harmonise internal guidelines or protocols to ensure compliance with international human rights standards and instructions of the respective manufacturers.
-
- 9** **(CAT)** Place cameras in all marked public safety sedans, detainee transport vehicles belonging to the Mobile Brigade and Regional Area of Operational Resources, and prison vans. Ensure that the camera focuses on the area where the persons in custody are located and that they activate automatically when someone sits there. Also ensure that the recordings are transmitted via a closed internal system which the officers do not have access to, and that recordings are stored for the legally defined period of time.
-
- 10** **(EST)** Prohibit the use of rubber bullets and all types of foam projectiles by all police and security forces. Conduct an impact evaluation and activate redress measures for the persons affected.
-
- 11** **(CAT)** In the case of the Mossos d'Esquadra, while the use of foam projectiles remains at least partially permitted, modify the protocol for use of 40 mm launchers and their projectiles such that the SIR-X is eliminated as a permissible munition.
-
- 12** **(CAT)** Remove OC gas sprayers as a tool from the Mobile Brigade and the Regional Area of Operational Resources, and from any other police forces that may currently possess them. Prohibit any chemical irritant from being used in situations of passive resistance, in closed or unventilated areas, or when no way out can be ensured.

- 13**   Modify Guideline 4/2018 of the Mossos d'Esquadra Corps on the use of taser pistols (Conducted Energy Devices, CDE) and its transposition to local police forces via Resolution INT/2789/2018, in order to comply with guarantees of human rights protections set out in international rules and the recommendations from the commission created by the Parliament of Catalonia and the Catalan Ombudsman's office. Specifically: limit the maximum number of discharges, restrict use to situations of risk of grave bodily injury, and prohibit use against people experiencing mental health crises (state of agitation) and against minors.
-

- 14**    Guarantee 360° identification on the uniforms of all state, regional and local police officers with duties focused on ensuring public order (especially anti-riot officers). There should be an easy-to-recall identification number that is visible on the front and back of visible garments and on the sides of the helmet. Establish mechanisms to make sure this identification is visible in all situations and on all vests, and mete out appropriate punishments in the case of non-compliance.

By private security guards

- 15**  Open an investigation into companies or persons who extrajudicially remove people who live in a home without proper authorisation, which creates potential situations of coercion or threats.
-

- 16**  Conduct an audit on the compliance plans of private security companies hired by the public administration or that perform their functions in public space of nightlife areas in Catalonia. The audit should extend to the operations of internal investigations conducted by the Directorate General for Security Administration in response to complaints of misconduct and/or potentially criminal acts. There should also be figures on how many penalty proceedings end in imposition of a punishment and for which infractions.
-

- 17**   Publicise and review requests and usage guidelines on less-lethal weapons by private security personnel, with the objective of assessing the need for this and ensuring that they are used in full compliance with international human rights norms.

By prison personnel

- 18**   Establish a specific mechanism for processing complaints with the prisons inspection service for offences against human dignity, torture, offences against sexual freedom and indemnity, and/or bodily injuries inflicted by public officials or with their consent or acquiescence. The mechanism should be accessible to imprisoned persons, their families, and human rights organisations, with sufficient guarantees and promptness in preserving evidence.
-

- 19**   Reform the Prison Regulation to update the prison system: eliminate isolation as the basic living arrangement in first-degree prisons (the most restrictive level of imprisonment in Spain) and prohibit isolation as a punishment for longer than 15 days. Incorporate new international regulations on physical restraint devices in the prison and medical settings, with the eventual goal of reaching a zero-restraints model.

- 20**  Repeal the recent amendment to Legislative Decree 1/1997 in the section which recognises prison staff and directors engaged in maintaining interior order and rehabilitation as agents of authority.

Political repression

Hacking and cyber espionage

- 21**  Amend Organic Act 2/1986, on security and police forces, and other laws that regulate regional police forces, such that it incorporates an express prohibition on “intelligence officers” with false identities from duties aimed at preventing criminal acts outside the instances of organised crime and antiterrorism set out in Article 282 bis of the Spanish Criminal Procedure Act.

- 22**  Reform Act 9/1968, of 5 April, on Official Secrets; Act 11/2002, of 6 May, Regulating the National Intelligence Centre (CNI), and Act 2/2002, of 6 May, Regulating Prior Judicial Oversight of the CNI, to put a judicial framework in place over intelligence operations that respects the principles of legality, legitimate purpose, necessity, proportionality, competent authority, due process, notification of user, transparency, public oversight, security, certification and technical suitability.

- 23**   Implement a prohibition on purchase and use of invasive espionage methodologies or techniques using spyware programs such as Pegasus, Candiru or similar. This prohibition should apply to all police forces and the CNI, while following the minimum safeguards stipulated by the Venice Commission in its report of 13 December 2024 on regulation of spyware in accordance with the rule of law and human rights. Immediately cease any operation using these methodologies or systems.

- 24**  Declassify reserved information regarding the use of Pegasus and police hacks in order to conduct an independent, effective and exhaustive investigation of all cases of espionage and police hacks in Spain, so that the true scale can be known.

Regressive legislation

- 25**  Repeal the precepts of Organic Act 4/2015, of 30 March, on Protecting Public Safety, that restrict freedom of expression and assembly. Specifically, remove:
- the minor violation of “lack of respect” for officers (Art. 37.4), and limit contempt and resistance (Art. 36.6) to a minor infraction based on objectively definable criteria;
 - the offences for publishing images of members of security forces (Art. 36.23);
 - the presumption of truthfulness afforded to statements made by agents of authority (Art. 52) in the articles that directly affect fundamental rights.

- 26** **EST** Establish clear and detailed criteria on personal searches (“stop and search” actions) in public rights of way (Art. 20) and develop a specific protocol for searches of trans and other gender non-conforming persons. Guarantee protection of spontaneous protests without prior notice.

- 27** **EST** Amend Organic Act 10/1995, of 23 November, on the Criminal Code, in relation to matters that limit freedom of expression and freedom of assembly. In particular:
- Repeal articles 490 and 491 (calumnies and injuries to the Crown), Article 525 (offences against religious sentiments) and Article 578 (glorification of terrorism) so as to avoid punishing expression that does not represent a defence of hatred, discrimination or violence;
 - Modify articles 570 and 573 to prevent the right to assembly, civil disobedience and non-violent struggle from being considered as terrorism or organised crime, and adapt the definition of these to the international standards established by Directive (EU) 2017/541.

Effective and exhaustive investigations

Legal and forensic medicine

- 28** **CAT** Establish a common protocol for all Urgent Care Centres (CUAP) in Catalonia on providing service to persons in custody, in line with the standards of the Istanbul Protocol. Include instruction on preventing and documenting torture and ill-treatment in the training programmes for CUAP healthcare personnel.

- 29** **CAT** Create, at the Catalan Institute for Legal Medicine and Forensic Sciences, a specific unit for offences of torture and ill-treatment, as already exists for human trafficking victims.

- 30** **CAT**
EST Guarantee that, in cases of deaths in custody (in prisons, lock-ups or police offices), the autopsy is conducted in accordance with the Minnesota Protocol (2016) on investigating potentially unlawful deaths. Ensure that management at prisons and lock-ups receive specific training on how to apply the Protocol's guidelines, including communication with families.

Lawyers

- 30** **CAT**
EST Create a special category of lawyers in the legal aid service focusing on institutional violence, with specialised staff equipped to handle cases of death, torture, attacks on human dignity, bodily injury, assaults or attacks on sexual liberty, unlawful restraint, discrimination and/or excessive use of force allegedly committed by law enforcement or private security personnel acting in an official capacity or with their consent or acquiescence.

- 31** **CAT**
EST Introduce continuing education programmes on detecting and preventing torture and ill-treatment, including the psychological component in professional practice, the Istanbul Protocol and other international guidelines and recommendations.

32 (CAT)
(EST)

Expand assistance of counsel from legal aid lawyers and for persons being held in custody (such as in prisons) by assigning lawyers from the criminal rota whose role is to protect fundamental rights, especially in cases of return to harsher prison conditions or when isolation measures are adopted.

Internal affairs units

33 (LOC)
(CAT)
(EST)

Review mechanisms and operations of internal affairs units at security forces and entities. It is essential that they are staffed by people with appropriate training in human rights and that they have a suitable degree of autonomy and a secure position in the organisation. Fulfilment of these conditions will let them perform their jobs independently and thoroughly.

Public Prosecutor's Office

34 (CAT)
(EST)

Create a prosecutor's office specialised in institutional violence, reporting to the Spanish Attorney General's Office. Its goal should be to supervise and investigate human rights violations committed by law enforcement or private security personnel acting in an official capacity while providing active support for the rights of victims or families in cases of death, torture, human dignity, bodily injury, attacks on sexual freedom, unlawful restraint, discrimination and/or excessive use of force).

35 (EST)

Promulgate, from the Spanish Attorney General's Office, instructions to prosecutors with clear indications to proactively assume protection of victims who report torture or ill-treatment.

36 (EST)

Guarantee an effective and exhaustive investigation by the Prosecutor's Office for Democratic Memory and Human Rights of the complaints for crimes from the Franco era, including all essential procedures to clarify the facts and perpetrators: identify perpetrators and their supervisors, issue summons to make statements, identification of structures and operations of the systematic component, statements from witnesses, expert evaluations, official letters to historic archives and police, government and judicial bodies, secure access to police and court files and preservation of scenes of crimes (Via Laietana, 43), among other actions. Once the investigation has been finalised, if it concludes that there are indications of criminality, the necessary measures for the Public Prosecutor's Office to bring cases should be adopted.

37 (EST)

Include data on the items listed below in the Attorney General Office's Annual Report (in the chapter on "Matters warranting special consideration" or in the criminal area of the regional and local offices of the Public Prosecutor's Office):

- officers investigated, indicted and convicted for offences of causing bodily injuries, torture, offences against human dignity, sexual assault, homicide and other matters of concern committed by agents of the State in the exercise of their duties;
- comparative data broken down among the number of complaints brought by victims and the number of investigations and/or indictments initiated by the Public Prosecutor's Office;
- disaggregated data on requests for the aggravating factor of discrimination in connection with these offences.

Judges

38 (CAT)
(EST)

Incorporate initial and ongoing education plans for judges on evaluating evidence and proof, the importance of the “Manual for effective investigation and documentation of torture” (July 2022 revision) and the Méndez Principles on effective interviews. Include training aimed at fomenting a culture of impartiality and jurisprudential standards of the Spanish Constitutional Court, the European Court of Human Rights and other international bodies regarding investigation and trial of cases involving death, bodily injury, torture, physical attacks or attacks on human dignity, attacks on sexual freedom, illegal restraint, discrimination and/or excessive use of force allegedly committed by law enforcement personnel, at their instigation or with their consent or acquiescence.

39 (EST)

Establish a study group within the Judiciary to prepare a Good Practices Guide for investigating these complaints. The guide should be based on Constitutional Court case law addressing effective investigation, essential procedures and assessment of evidence and evaluating proof, as well as recommendations on the role of the judicial police and internal affairs departments.

40 (EST)

Proceed with the utmost urgency in proceedings initiated by complaints for ill-treatment in CIEs. The competent court should request urgent measures to secure evidence, keeping in mind that victims or witnesses will most likely be deported. Include, where applicable, a block on deportation.

Independent mechanism

41 (CAT)
(EST)

Use legislation to create an independent and external oversight mechanism for the police, while respecting state and regional areas of jurisdiction. This mechanism should have the capacity, budget, independence and discretion to study on its own initiative any conduct or practice by law enforcement or private security personnel acting in an official capacity in any case (or suspicion) of death, bodily injury, torture, sexual assault, discrimination, excessive use of force or other circumstances that the mechanism may deem of interest.

42 (CAT)

Guarantee that the acquisition, use and regulation of weapons and police tools are evaluated by the Interior Commission of the Parliament of Catalonia while the creation of the independent mechanism is pending.

Appropriate redress

43 (EST)

Amend Act 4/2015, of 27 April, the Victims of Crime Statute, such that it specifically includes redress for victims of death, torture, attacks on human dignity, assaults or attacks on sexual freedom, bodily injury, excessive use of force, discrimination and/or illegal restraint on the part of law enforcement personnel; and that it shall be required to bring cases at the expense of the state.

44

CAT

Process the Democratic Memory Act of Catalonia with the utmost urgency, including:

- the creation of an Experts Commission, with institutional, independent, extrajudicial and temporary status and having full powers to investigate and access existing documentation and research. The commission shall prepare a report on grave human rights violations and violations of international humanitarian law in the time period covered by the Act;
- the creation of an office of services to victims and subjects of repression, with the capacity to provide consultation, guidance and support in research on missing family members, access to archives or case files, legal and mental support and guidance, and information on options for reparation.

45

EST

Modify or repeal the Amnesty Act of 1977 to definitively guarantee the right to due process for all persons who suffered grave human rights violations during the dictatorship and Transition.

46

CAT

EST

Decommission the Prefectura Superior de Policia de Barcelona at Via Laietana, 43 as an operational police facility. Transfer the building to the Government of Catalonia and other Catalan institutions. Once transferred, convoke a participatory process with organisations dedicated to memory, human rights, victims groups and subjects of repression to define the use and make-up of the future centre for memory.

Legal definition of torture as a crime

47

EST

Modify Article 131 of Organic Act 10/1995, of 23 November, on the Criminal Code, so that the offence of torture has no statute of limitations period, as the United Nations Committee for the Prevention of Torture has recommended on numerous occasions. Likewise, modify Article 174.1 of the Code to include intimidation and coercion as one of the purposes of the crime of torture, and expressly include as perpetrator “another person acting in an official capacity, at their instigation or with their consent or acquiescence”, to make the definition match that of the United Nations Convention against Torture.



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