

HELP SERVICE FOR VICTIMS OF POLICE BRUTALITY ON 1 OCTOBER

FINAL REPORT

BCN

October 2017

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Ajuntament de
Barcelona



**Direcció de serveis de drets de ciutadania i diversitat
Ajuntament de Barcelona
October 2017**

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1. ANTECEDENTS AND JUSTIFICATION

In July 2016, Barcelona City Council approved Barcelona City of Rights, a framework programme for human-rights-based policies in the city. Among the main themes to be developed, three priorities were established. These consisted of: rejecting hate speech and discrimination; promoting citizen rights and full citizenship; and rejecting institutional violence.

Civil liberties - the right to demonstrate, the right of association and the right of free speech - all have a common denominator: they are considered instrumental rights that are used to defend other rights. Another shared feature is that these rights are generally exercised in the street or public places. The authorities have to protect these rights and ensure the necessary conditions so that citizens can exercise these rights. At the same time, the authorities have to ensure that these rights are respected and that the authorities themselves do not jeopardise these rights by behaving in such a way that could be considered institutional violence.

To implement the third priority, during the months of the programme's application, work was carried out with organisations and groups that share this objective. This

provided support for the following organisations: Irídia Centre for Human Rights; SIRECOVI, the warning system for cases of institutional violence; SOS Racism and others. At the same time, projects based on prevention and training were also carried out with citizens in general and with the authorities.

At the same time, the Barcelona City of Rights programme establishes the OND Office for Non-Discrimination as one of the municipal mechanisms to ensure human rights. Founded in 1998, this Office has extensive experience providing assistance to people affected by discrimination and whose rights have been violated.

For this reason, as a result of the serious nature of the initial information concerning police brutality and abuse on 1 October, Barcelona City Council was able to react quickly and set up an ad-hoc service.

On 16 October, a first preliminary report was presented. The final version of this report collates the data and results of the service provided from 3 to 20 October, the period in which the special service operated.

2. OBJECTIVES

The Help service for victims of police brutality on 1 October has three objectives:

To provide quality legal and psychosocial assistance to people who directly experienced police brutality or abuse and who are, therefore, victims of institutional violence. This assistance can be provided either to individuals or to a group.

To independently collate the testimonials of affected persons with a view to creating a report on the violation of human rights.

To choose the most relevant cases to instigate private prosecution proceedings through strategic litigation with the aim of achieving favourable outcomes that establish a precedent to prevent this type of event from occurring again.

3. SERVICE DESCRIPTION

The Help service for victims of police brutality on 1 October was established to provide the following types of assistance:

- Legal consultation and assessment for the victims and family members of police brutality.
- Psychosocial assistance and support for the victims and family members of police brutality.
- Community support via group workshops in polling stations and neighbourhoods where police repression occurred, providing psychosocial support and/or legal consultation.

The service:

- took place from 2 to 20 October;
- involved collaboration with various organisations;
- consisted of three communication channels to manage cases: telephone, email and in-situ visit;
- had standard opening hours;
- was completely free.

The Help service for victims of police brutality on 1 October offered comprehensive legal and psychosocial support to everyone who contacted the service via an initial psychological-legal interview.

The OND staff organised and monitored the interview times and dates, which were scheduled by phone or by email. If interviews were arranged by phone, the interested person was asked to provide authorisation for registering the personal details they agreed to facilitate. Furthermore, when people went to the Help service location, the OND staff implemented the initial phase of receiving people and noting down the reason for their visit. Subsequently, the victim was interviewed in an interview room, where they were of-

fered legal and psychosocial assistance by a team consisting of a lawyer, a psychologist from Irídia and a psychologist or social worker from OND. During the interview, psychosocial support and containment strategies were used, and victims were offered follow-up support if necessary, as we can see below.

The first assessment visit, which lasted between one and one and a half hours, aimed to obtain basic and necessary information about the victim's experience of the police brutality to enable a subsequent evaluation to be made and determine the psychological and legal assistance required for each case. This information grouped together different aspects, such as: type of police brutality; physical and psychological effects of the police brutality; context in which it occurred; identification of person or persons responsible; specific location of the affected person; instruments used; medical reports; images, videos and photos; and eye-witness statements of the events that can be used as legal evidence of the police brutality and the injuries inflicted.

The interviews consisted of providing psychosocial support to identify symptoms related with trauma, taking into account the type of impact and injury experienced with the aim of strengthening prevention and obtaining information to make the relevant referrals to specialised services if deemed necessary. Furthermore, the affected persons were given coping and empowerment strategies to promote self-confidence and a feeling of strength. Taking into account that the legal process involves coming into renewed contact with the traumatic experience, which can lead a person to relive their trauma and come under high stress, emotional support was provided. This enabled the person to construct a strengthening narrative and prevent them from relapsing into repeated trauma. For those cases in which the media intervened, or in which harassment by the media was detected, increased symptoms of stress and anxiety

ty were noted. In these cases, increased support and emotional endurance strategies were needed.

Legal assistance consisted of providing an assessment on the legal channels for reporting the violation of rights and the brutality inflicted by the police on 1 October. Support was provided for people making a statement before the Duty Court of Barcelona who had not already made a statement about the police brutality experienced and who wanted to do so, or for people who had made incomplete statements. Furthermore, in most cases, the people had already made a statement to the Catalan Police on 1 October or in the following days. In these cases, the legal assistance provided consisted of consultation and support for the collation of evidence for legal proceedings. Evidence of the occurrences consisted mainly of photos of injuries, videos and photos of police brutality, medical reports on psychological effects, medical reports on physical injuries, eye witness reports, identification numbers of police officers that engaged in brutality or additions to eye witness accounts made. Therefore, collecting evidence proved one of the largest, most important tasks, both for individual cases and in order to make this evidence available to the Magistrate's Court responsible for investigating the events.

After the first interview, the lawyers re-contacted those people who required some type of follow-up. Further legal support was given based on individual situations.

Psychosocial support was required exclusively in eleven cases and, therefore, no lawyer was present at the first interview.

However, after the first interview, the team of psychologists, with prior agreement from the affected person, evaluated and implemented the following interventions as part of a follow-up process:

- follow-up phone call to evaluate the person's symptoms and provide support;
- second assessment interview if deemed necessary. The second interview was conducted by the same psychologist who conducted the first assessment interview. At this interview, the psychologist decided whether they should offer further visits, refer the individual to other public services, make a follow-up phone call or rule that no further follow up was considered necessary.
- For those cases that were considered strategic in terms of litigation, more frequent individual visits were conducted and support was offered throughout the legal process.

All the interviews conducted were designed jointly with the person to adapt them to the person's needs and ensure that comprehensive support was provided.

The OND legal service decided if the case was only to be registered for the service report accompanied with the standard legal report or if a complementary report was filed recommending that Barcelona City Council bring a case and act as a prosecutor, thus exercising the function of strategic litigation.

The victim was asked if they wanted to sign an authorisation enabling Irídia and Barcelona City Council to jointly process their data. The victim was also asked if they wanted to sign a document on data protection for the "Registre Sirecovi", whose function is to process statements on institutional violence received by the Observatory of the Penal System and Human Rights (OSPDH) of the University of Barcelona.

Furthermore, following requests by affected persons and organised groups, community intervention group sessions were

organised in some schools. Promoted by Irídia and Fil a l'Agulla, these sessions lasted for two hours and used a methodology based on mutual and group support offering psychosocial support and/or legal consultation. At the same time, a group psychosocial initiative also took place at the OND headquarters, with a workshop on Stress Management Techniques.

In this way, group sessions aimed to provide psychological guidelines to identify the reactions, emotions and impact of people who suffered repression, help strengthen community strategies of empowerment and provide information about how and when to ask for professional help.

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4. QUANTITATIVE ANALYSIS OF CASES AND INTERVENTIONS CONDUCTED

A total number of 294 people used the service. Of these people:

- 49 people received in-situ legal and psychological support;
- 11 people received psychological support only;
- 5 people received legal support only;
- 171 people participated in group workshops and received psychosocial support and/or legal consultation;

- 41 people contacted the service to provide information and/or audiovisual material;
- 17 people contacted the service to request information.

Therefore, 65 people were interviewed.

The following people received help. It is clear that the highest number of people sought help on 4 and 5 October, which shows that the service was well advertised during the first days it was running.

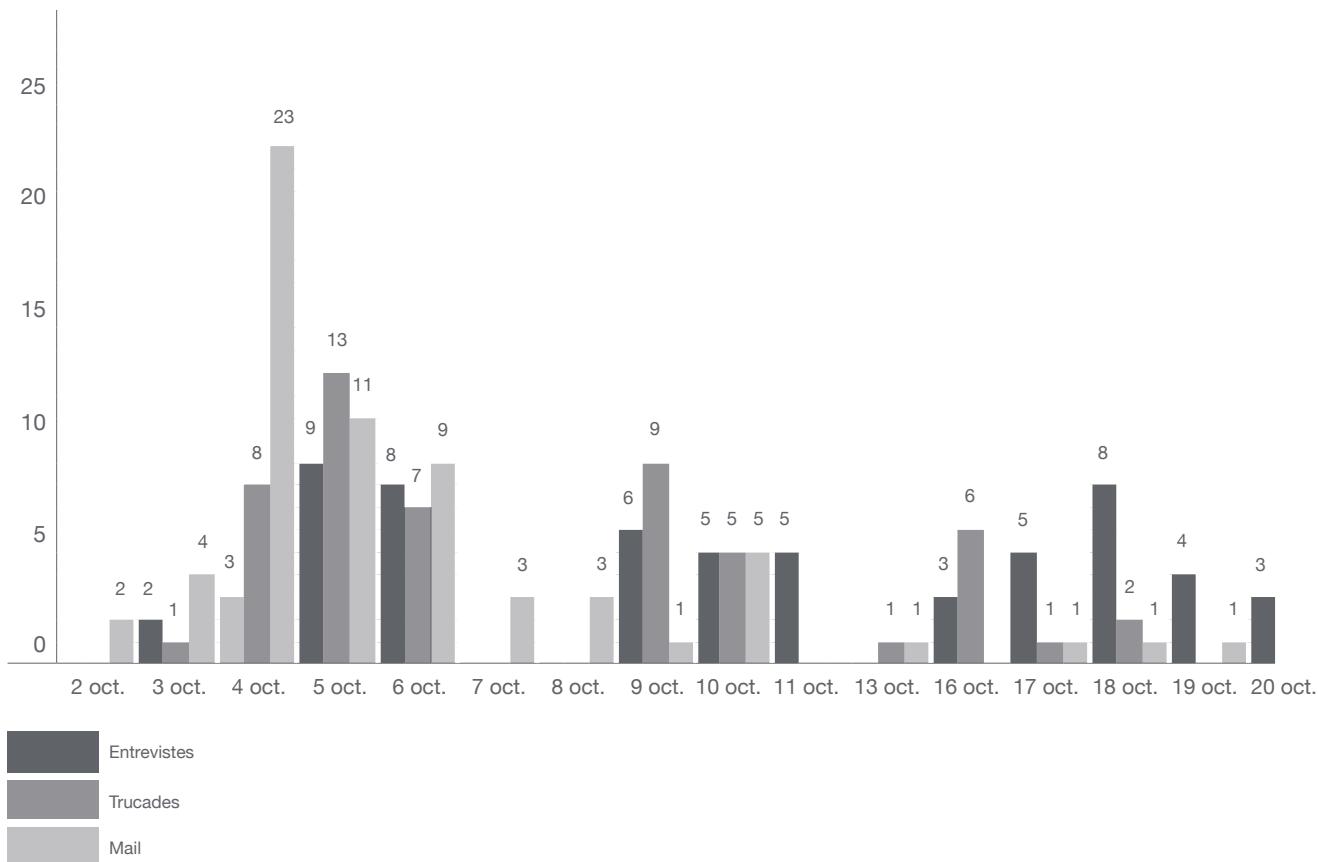
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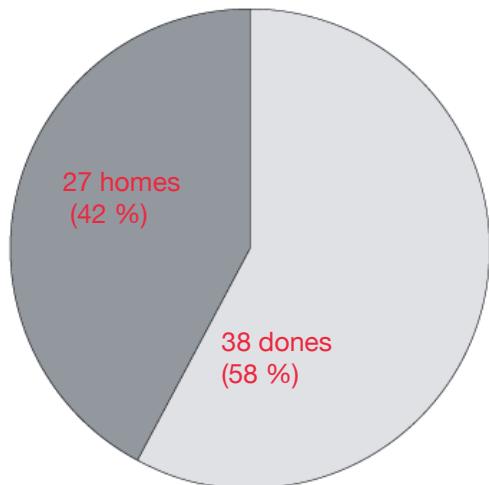
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Persones ateses per dia (octubre 2017)



Persones ateses per sexe



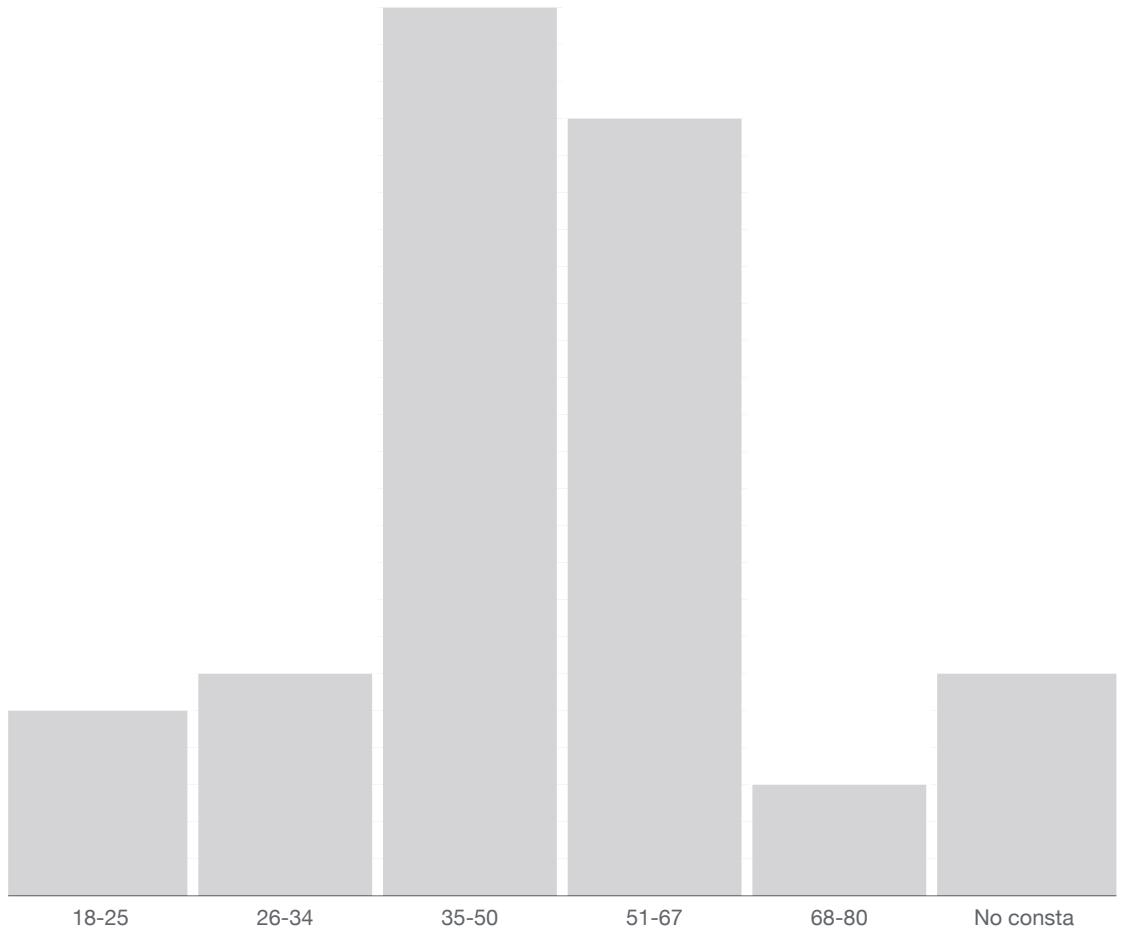
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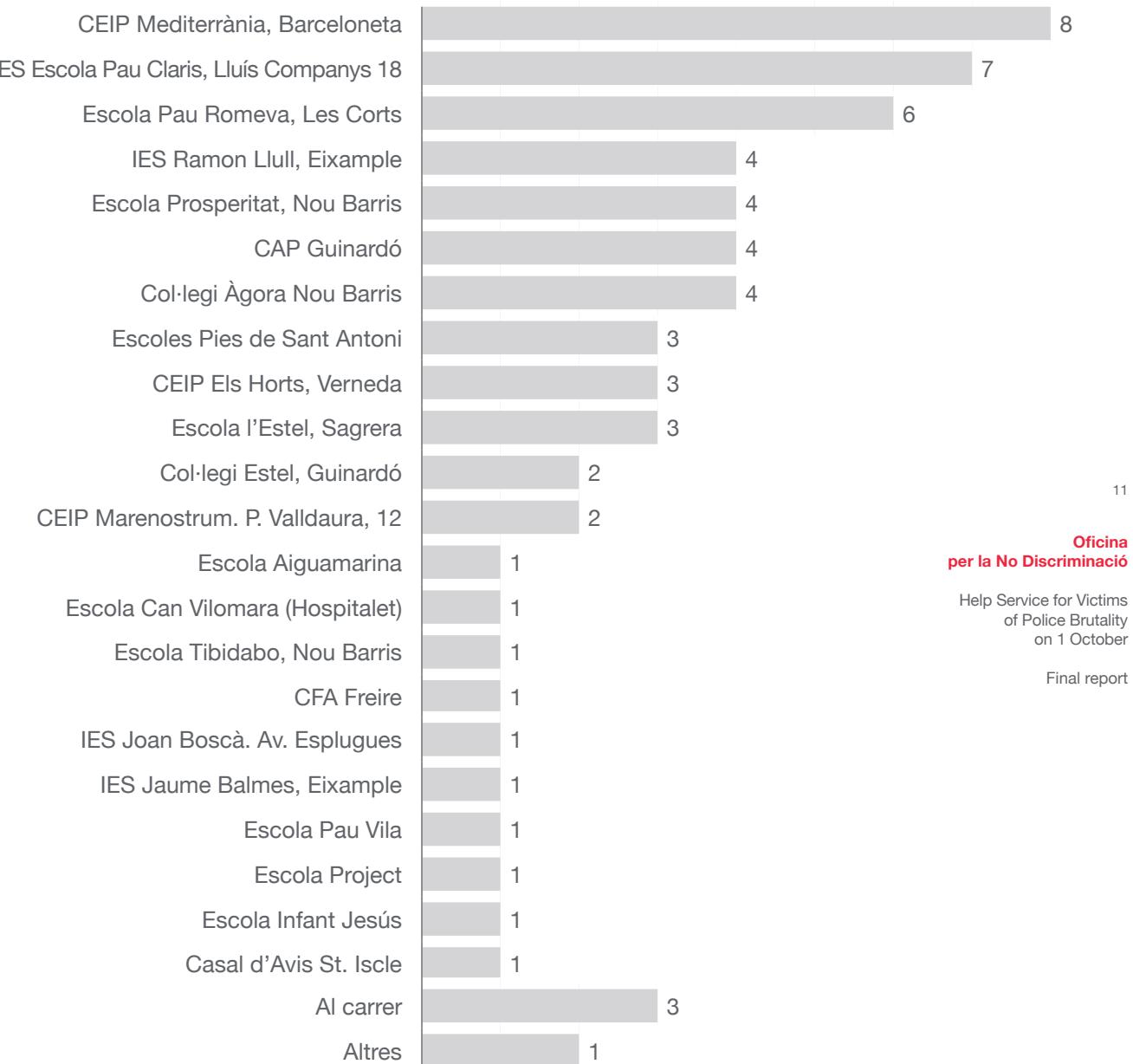
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Persones ateses per grups d'edat



Casos per centres electorals



5. QUALITATIVE ANALYSIS OF CASES AND INTERVENTIONS

During the days on which the service was active (from 2 to 20 October), we dealt with 65 cases: 61 cases were in-situ visits and 4 were phone calls.

With the exception of one case, the rest were people who had been at various polling stations in Barcelona when police officers from the Spanish National Police intervened on 1 October 2017. Of these, most were direct victims who had experienced some form of aggression by Spanish National Riot Police, although some people were also indirect victims, i.e. people who witnessed brutality by the National Spanish Police towards other people who, in some cases, were family members.

As can be observed in the pictures, the situations described by the people who visited the service in-situ consisted mainly of people being beaten with police truncheons, being kicked —particularly in delicate areas of the body such as the face, eyes and head— and, in some cases, being pushed forcefully onto the ground or down steps, resulting in injuries of varying seriousness. Especially serious was the humiliating and violent behaviour inflicted on some people, consisting of repeatedly being pushed by various officers, being insulted, being pulled by the hair or by the face, and two cases of sexual harassment highlighted by two women who visited the Service.

Injuries ranging in seriousness were noted. One of the people had a very serious injury to their eye, which was the result of a rubber bullet being fired by a Spanish police officer. The injury required emergency surgery to reconstruct the eye, and the victim is still waiting to find out whether they will regain their sight. Another victim received a leg injury after being shot with a rubber bullet. Another fifteen cases consist of less serious injuries that required sutures (stitches) or tape (steri-strips) and/or injuries such as fractures and sprains. A total of 33 persons visited the Service with light physical in-

juries, consisting mainly of bruises and cuts as a result of being hit with police truncheons, pulled by the hair, dragged along the ground, kicked, punched or pushed.

It is important to add that in all the documented cases, and independently of there being physical injuries, notable psychological effects were detected. Generally, feelings of profound indignation, distrust of the authorities and the police, and incomprehension of the events on 1 October were noted. The lack of public and social recognition by the Spanish state authorities represents a painful silencing for people affected by the police brutality and repression, which has led some to experience repeated trauma. For this reason, the public and social recognition by Barcelona City Council in offering this service has played a significant and positive role.

Symptoms of anxiety and heightened stress were registered, caused by direct violence inflicted on people as well as their witnessing scenes of violence. First, we detected changes in the person's everyday life, which has led to difficulties in sleeping and eating. In some cases, people have been unable to fulfil their obligations due to difficulties in concentrating. Sociability has also been affected in some cases, and we have observed that some people have become socially isolated, irritable and moody. Feelings of anger, helplessness, fear and sadness have been detected, which have produced feelings of generalised distrust towards institutions and people. This distrust generates a state of hypervigilance that can lead people to be in a state of alert in police presence, when they hear sirens or are in other situations that remind them of the traumatic incidents. Additionally, invasive thoughts, flashbacks and dreams about the traumatic events have been detected on many occasions. Inability to talk about the incidents experienced on 1 October is also prevalent, as well as dissociative amnesia at times.

From the accounts given by interviewees, we have pinpointed behavioural conduct by Spanish National Police officers from the day the incidents occurred. In particular, the people that we interviewed who were at the Escola Pia de Sant Antoni or CAP Guinardó on 1 October told us that when the Spanish National riot police appeared they immediately surrounded the people who were near the polling station doors. This meant that people were blocked in between the line of police in front of them and the school wall behind them. This is a similar situation to that experienced in CEIP Àgora in Nou Barris. The interviewees concur in their accounts that, in the moments prior to the police intervention, they did not hear any officers tell them to leave. Practically everyone we interviewed reiterated this fact. In the case of Pia de Sant Antoni School, the people who explained that once the police officers had positioned themselves in front of the people, and without prior warning, they began to punch people in the face and ribs to then force them out through the line of police, pushing and hitting them. In the case of CAP Guinardó, one person who we interviewed told us how one of the police officers pressed the open palm of his hand into the individual's face, making them feel like they were suffocating, to remove them, which caused them to fall on the ground. The technique of handling or pulling people by the face has also been noted by people from other polling stations.

A similar situation occurred in IES Pau Claris. Those people who were on the stairs inside the school were blocked by a row of police officers who positioned themselves at the door, making it impossible for people to leave. In this case, various interviewees stated that the police officers' treatment of the women was especially degrading and that they pulled women by the hair and pushed them down stairs. The same behaviour was repeated throughout schools in the city.

From all the interviews, it is apparent that women and old people were victims of es-

pecially degrading treatment compared with the treatment of middle-aged men.

At the same time, we were told about situations of an abusive and unjustified use of police truncheons. First, police officers used truncheons to hit people that had already been pushed to the ground and who were, therefore, completely defenceless, according to accounts given by different people. In two cases, people explained that the police did nothing to help them get up from the ground and, when they tried to rise, the police hit them again with their truncheon. Second, we have received a range of accounts that we have been able to corroborate with video images stating that the police agents used their truncheons to hit using a vertical movement and aiming at the upper parts of the body. In some cases, they aimed at the person's head, which infringes rules on the use of police truncheons.

Equally important, according to the spoken accounts and images we have obtained from the people interviewed, police officers used rubber bullets when they were at IES Ramon Llull and Pia de Sant Antoni schools. There is pictorial evidence showing the Spanish National riot police shooting directly—not towards the ground as a rebound shot—at a short distance from the citizens in a non-violent context.

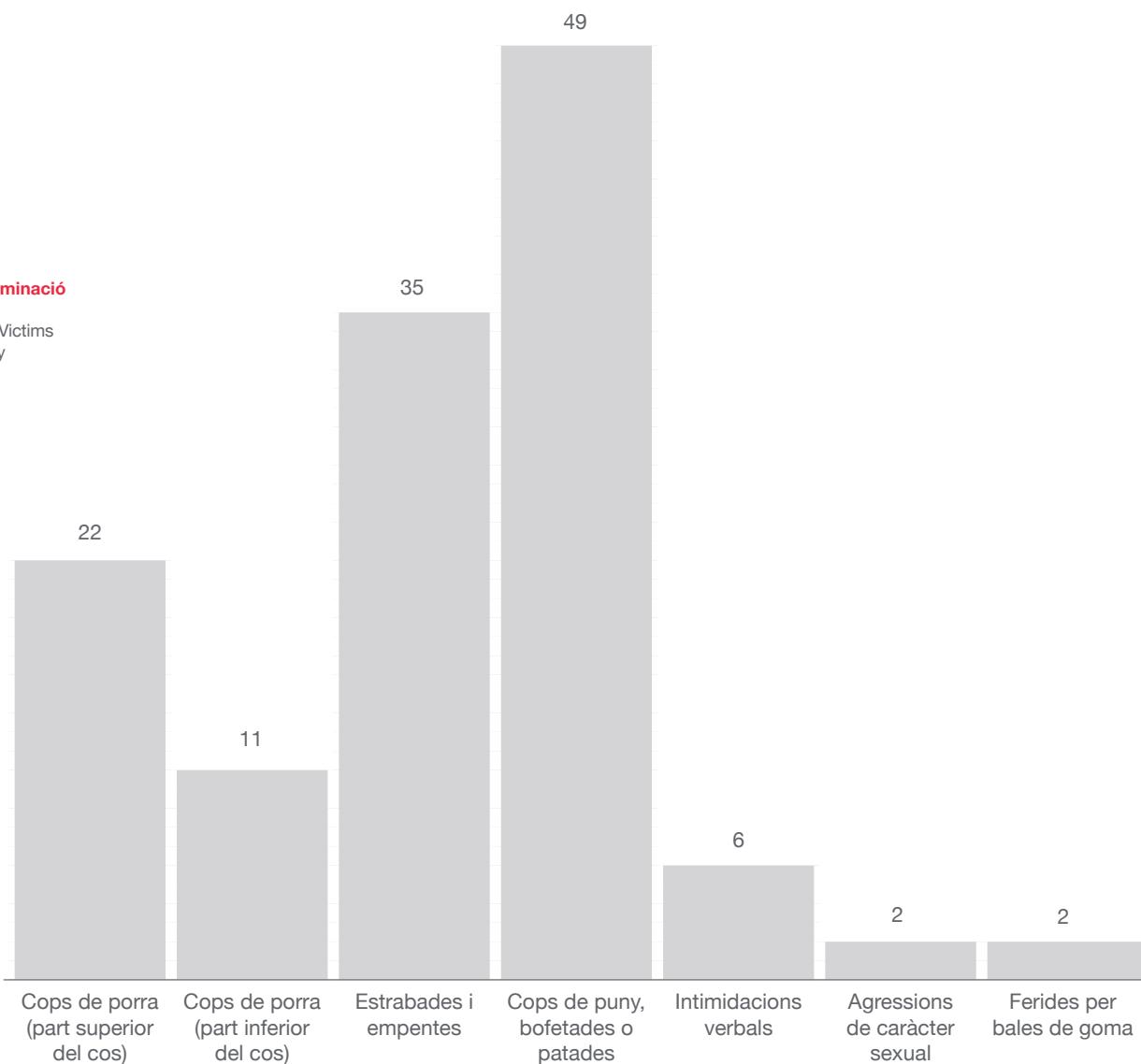
Last, it is important to note that all the interviewees share a common denominator: the absolute pacifistic attitude of the people concentrated at the polling stations. All accounts indicate that no violent incidents were instigated by voters. Nor did they provoke the Spanish National Police in any way.

Below we present indicators of the qualitative analysis of cases attended to by the Service. Of the 65 people who visited the Service, the following situations of police brutality were reported. In many cases, more than one act of police aggression was inflicted on a victim:

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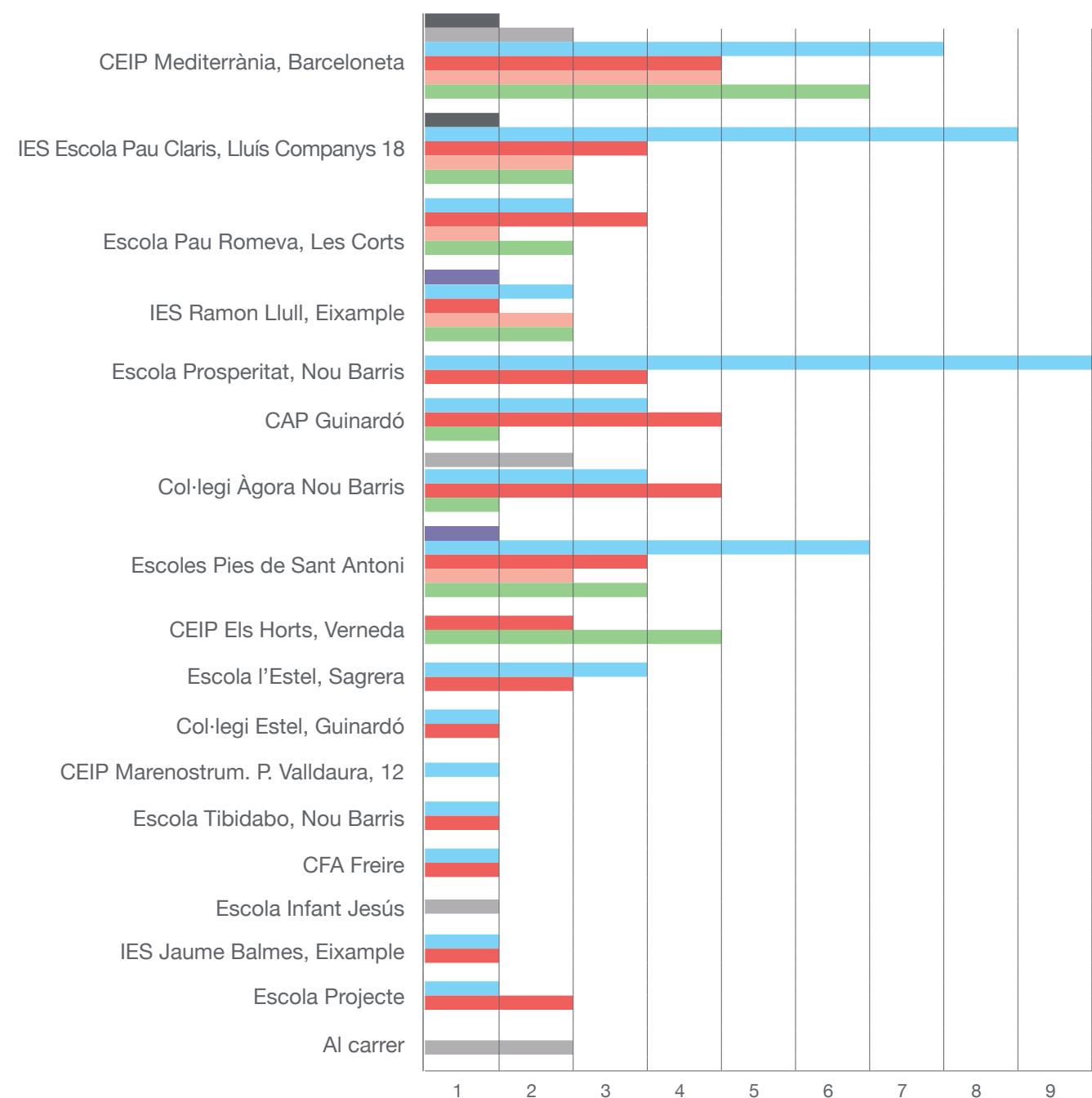
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If we disaggregate this data into individual polling stations, we can formulate the following graph:

Tipologia d'agressió per col·legi electoral



	Ferides per bales de goma
	Agressions de caràcter sexual
	Intimidacions verbals
	Cops de puny, bufetades o patades
	Estrabades i empentes
	Cops de porra (part inferior cos)
	Cops de porra (part superior cos)

6. GROUP WORKSHOPS

The community initiative group workshops were carried out in response to requests received from schools and neighbourhoods in the city, where police violence had the greatest impact. They were organised by Irídia, Centre for the defence of human rights and Fil a l'Agulla.

The design of the community initiative was based on the following objectives:

- 1) To strengthen neighbourhood, association and community networks via mutual and group support
- 2) To offer people psychosocial support strategies to:
 - Identify the reactions, emotions and impact that have occurred as a result of the current context of repression
 - Identify and strengthen empowerment strategies
 - Know when to ask for professional help: criteria and network resources
 - Manage family, school and child-based environments with regard to the impact of the events on 1 October

The methodology used consisted of creating an open, people-orientated and trusting atmosphere to bring about trust, awareness and mutual recognition. The effects and impact on mental and psychosocial health in a context of repression were also addressed. Furthermore, stress management techniques were exchanged. In one school, a participant shared breathing and relaxation exercises with the whole group. The workshops produced an exchange of coping strategies, to generate positivity, learning and personal development in reaction to a sense of helplessness experienced because of the repression experienced on 1-O.

Some workshops included the provision of information and legal consultation to resolve legal queries.

It is important to note the following with regard to the results obtained:

- Emotional and psychosocial support services were established in polling stations affected by police brutality.
- Of these services, Nou Barris (Àgora and El Turó schools) is an example of a sustainable experience: based on a first workshop, a mutual support group was established. Taking place every week, it offers people support and promotes the exchange of coping strategies.
- The experience of the workshops has enabled local residents based near polling stations affected by police brutality to do the following: express themselves emotionally, exchange resources, establish emotional bonds of trust, connect with community culture that strengthens support networks, enable comparisons and increased analysis of what is happening and promote a culture of care and mutual support. The participants shared their experiences and emotions, which helped diminish feelings of isolation as a result of the experience, associated with feelings of shame and/or a feeling of being alone in association with the events. This has also enabled people to feel an increased sense of empowerment, allowing them to feel more in control of their own lives.

Furthermore, the participants from different polling stations where the workshops took place have highlighted how useful the workshops are:

- Identifying their own symptoms has helped to a) increase and take control over their own lives; b) put words to experiences in order to make sense of them, even though this is one of the biggest challenges faced by most people; c) understand the reactions of individuals during 1-O often associated with feelings of guilt; d) normalise

reactions and activate coping mechanisms.

- Sharing in a group-community context has generated collective feelings that have allowed people to stop feeling isolated. It has helped them strengthen their feelings of belonging to a community of people who were affected by the events.
- Listening to the experiences of other people who were at the same polling station has enabled people to increase their perspective on their own experience and construct a collective narrative, as well as engage in exchanges to make them stronger.
- Benefiting from bonds of solidarity, mutual respect and having people to listen. Increasing self-confidence and emotional resilience in reaction to the repression experienced and the uncertainty of the days that followed.
- Providing information on psychological criteria, which can lead to recommendations for specialised attention and expected recovery times.

In relation to the impact of the incidents, it is worth noting associated symptoms such as stress, anxiety, guilt and fear, as well as significant and generalised feelings of exhaustion. Uncertainty, feelings of helplessness and vulnerability after experiencing disproportionate force, as well as feelings of injustice, are recurring topics at the workshops. At the same time, it is important to note that people are con-

cerned about the effect of the events on children and how to manage children's emotional response to the situation. To combat this, psychological and educational tools geared towards crisis management for children and teenagers have been provided.

As far as coping and strengthening mechanisms are concerned, there has been a general need for people to explain and share what they went through and to put words to their experiences. This strengthens social support among local residents in the neighbourhood and associations, and it has become one of the main positive forces to help participants recover. Other recurring themes during the workshops include: accepting and normalising emotions and reactions experienced; needing to disconnect from politics at certain times; doing sport; using humour on occasions; looking after oneself; and, in general, having a respectful attitude towards relationships and personal space (especially around people who think differently); and having self-respect and respect towards others.

The network created prior to and after 1-O is working as a protective element that helps strengthen people's morale. In general, we can see neighbourhood empowerment at work. A sense of solidarity was experienced during 1-O, and a resolute, caring and protective capacity of the community has emerged in response to the repression.

Below are some statistics about the workshops:

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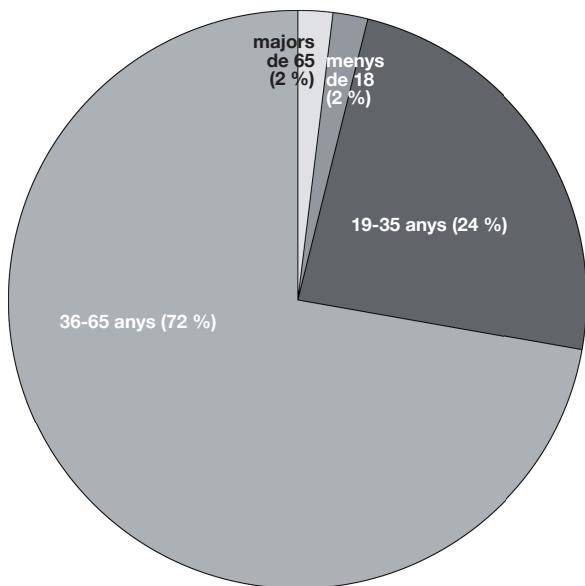
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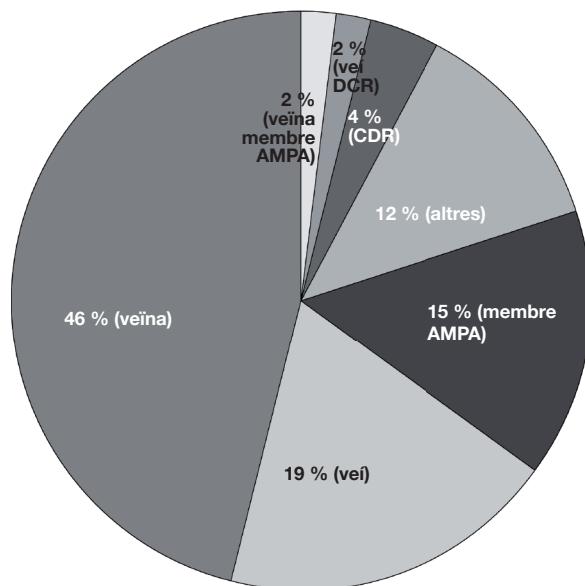
Polling stations and places affected by events on 1 October	Organisation running the workshop	Number of participants	Number of women	Number of men	Type of workshop	Date workshop was conducted	District
Ceil Agora	Iridia	40	30	10	Psycho-social	2 October and 11 October	Nou Barris
IES Pau Claris	Iridia	20	15	5	Psycho-social and legal	11 October	Ciutat Vella
Escola Ausies March	Iridia	17	10	7	Psycho-social	12 October	Les Corts
Ceil Escola Mediterrània	Filalagulla	40	30	10	Psycho-social and legal consultation	6 October	Ciutat Vella
Espai Germanetes	Filalagulla	15	10	5	Psycho-social	7 October	Eixample
Espai La Lira	Iridia	15	13	2	Psycho-social	9 October	Sant Andreu
Escola El Turo	Iridia	7	5	2	Psycho-social	11 October	Nou Barris
Escola Ramon Llull/ Encants/les Jaume Balmes	Filalagulla	17	15	2	Psycho-social	26 October	Eixample
TOTAL	8 workshops	171	128	43			

The following information about the profiles of people who attended the workshops has been obtained based on questionnaires given out over the last five:

In general, the age range of people attending the workshops is from 36 to 65.



People attending the workshops are generally local residents who live near the polling stations where the workshops are conducted.



The usefulness of the workshops was rated 9.17 out of 10 and overall satisfaction, 9.15. It is also important to note that 9 out of 10 participants stated that the workshop provided them with additional coping strategies for this type of situation and enabled them to find out where to go to request further help if necessary.

7. CONCLUSIONS

Based on the analysis of individual cases of people that sought help from the Service, as well as the extensive graphic documentation and eye witness accounts we have had access to through our collaboration with the Irídia centre, we have drawn the following conclusions.

1. Even though the actions of the Spanish National Police and the Civil Guard on 1 October were instigated because of on executive judicial orders to stop people from voting at the referendum, these actions amounted to an excessive use of force. Based on the victims' accounts, it appears that the actions of the police were conducted to generate panic among the community. They also sought to produce a destabilising effect, among both people that were concentrated at polling stations and their surroundings and people who had not yet gone to the polling stations but who were informed of the police repression via the media. The excessive and disproportionate use of force is evident when we look at examples of violent acts by police officers who subsequently left the polling station without even going inside to seize the ballot box. It can also be seen in examples of police using truncheons, pushing, punching and kicking people who were on the ground and people who wanted to leave the scene. Likewise, it is also clear in examples of police behaving violently towards people who were not blocking the entrance or exit to the polling stations.
2. Especially concerning is the police firing rubber bullets and the use of riot police against peaceful protesters who were exercising fundamental rights. Two people interviewed stated that they had been injured when they were shot by rubber bullets. Of particular concern is the case of a man who was shot in the eye with a rubber bullet and who had to undergo surgery. It is important to note that although rubber bullets are prohibited in Catalonia, the Spanish National Police and Civil Guard do not have to comply with this prohibition. Despite this, however, using rubber bullets must still adhere to established protocols. It is crucial that the judge investigating the police actions on 1 October be able to determine whether the police adhered to the legal requirements, such as: giving a verbal warning before shooting; maintaining a safety distance; aiming at the ground to produce a rebound shot; not shooting directly at people, and so on.
3. The accounts of the events experienced on 1 October could be interpreted as a violation of human rights and, therefore, a violation of both national and international law. The following human rights have been violated: freedom of speech, physical and moral integrity and the right to peacefully congregate and protest; rights established in the Spanish Constitution as international instruments for the protection of human rights.
4. The accounts given by people who visited the Service also represent an infringement of internal law and the jurisprudence that interprets it, which establishes that the actions of police officers must be governed by "principles of congruence, opportunity and proportionality", as stated in section c) of article 5.4 of the Organic Law 2/86 on Law Enforcement Forces dated 13 March 1986, section 19: "arms should only be used in situations when there is a reasonably serious risk to their life, their person or other people, or in circumstances that represent a serious risk to the safety of citizens and in adherence to the principals referred to in the previous section." The response to the mandate of the article 104 CE is inspired by the highlighted lines of the "Police Declaration" made by the Council of Europe on 08/05/1979, and by the "Code of conduct for law enforcement officials", approved by the

United Nations General Assembly on 17 December 1979.

5. A social and community-based network has been effectively activated to provide coping strategies and collective support mechanisms following the repression. In this vein, mutual support groups have sprung up in different neighbourhoods, some of which have requested support or community involvement from the Service, although others have not. These groups have been especially active in polling stations that were subjected to police intervention.
6. Significant psychological effects have been noted in the victims, regardless of whether they suffered physical injuries. These effects consist of a profound sense of indignation, distrust of the authorities and police force and incomprehension of the events experienced on 1 October. The lack of public and social recognition by the Spanish state authorities represents a painful silencing for people who experienced police brutality and repression, which has led some people to undergo repeated trauma. For this reason, both the support and recognition received by victims

who sought help from the Service and the initiation of legal proceedings at the relevant Court to investigate the events have been important.

7. In view of the situations described, Barcelona City Council is studying what measures to implement beyond providing victims with legal and psychosocial support. To do this, they are considering the possibility of initiating prosecution proceedings for especially serious cases, either because of the injuries sustained or because of the way in which the events transpired. The Irída Centre is considering instigating private prosecution proceedings for 6 cases, in which they will represent the victims' interests. Lastly, it is important to note that the magistrate's court number 7 in Barcelona is the competent legal body to investigate the circumstances pertaining to the police actions and indicate what circumstances represent an excessive use of force. Therefore the fact that the Court has grouped together incidents at each of the polling stations affected by the aforementioned police brutality into separate elements may help unify the criteria for police investigative proceedings.