

were not always sufficient, especially when undertaking documentation in the context of legal proceedings.

If we are to work effectively towards achieving the WHO 2030 target to end torture and ill-treatment of children or to support litigation, advocacy, representation and care for children and young people who have survived such experiences, we must have the right tools to do so. Children and young people are fundamentally different from adults and the guidelines require a different framework to reflect this.

## Academic publishing can help in court cases.

Luis Maria de los Santos Castillo\*

Dear Editor,

I am writing to inform your readers of the outcome of a case, which was the focus of an article published in the *Torture Journal* when the case was in its preliminary stages.<sup>1</sup>

We must first revisit the events on the 30<sup>th</sup> November 2007. The Andalusian activist, Agustín Toranzo, together with another colleague, was forcibly extracted from an underground tunnel where he had chained himself to an object inside the tunnel during a protest. He was protesting against the eviction from a building that would be demolished to build luxury homes, located on Calle Antonia Sáenz in the city of Seville, called “Centro Social Ocupado y Autogestionado” or “Casas Viejas” (autonomous social centre).

On the following day, mounting public interest in the event led to a press conference taking place. In the presence of various media representatives, Toranzo detailed the torture techniques employed by the police to extract them from the tunnel. These techniques included the systematic

\*) Lawyer specialising in human rights and partner of the legal cooperative Derechos Al Sur  
correspondence to: luisanca75@gmail.com

<sup>1</sup> See Pérez-Sales, P., Fernández-Liria, A., Parras, M., & Engst, G. (2010). Transitory Ischemia as a form of white torture: a case description in Spain. *Torture Journal*, 20(2), 104–107. <https://doi.org/4.2010-05> [pii]

generation of ischemia in their arms, which consisted of cutting off blood circulation to the activists' wrists using ropes and forcing them to close their hands. The police then wrapped their hands with packing tape, increasing rope-induced ischemia, and preventing the movement of their hands. The tape was in place for approximately fifteen minutes—a critical time period in the induction of complete ischemia in the palms of the hands and fingers.

For one of the activists, the pain became unbearable, and he freed himself from the chains. Toranzo remained in spite of the torture. The police waited ten minutes and, once the pain ceased, began to repeat the entire procedure again. Once Toranzo's hand was strapped, the police then tied his hand to his right foot. The activist resisted the pain of this second ischemia for twenty minutes before finally abandoning the resistance. In total, torture by the generation of ischemia was applied to him for over an hour.

Following these actions, he also expressed his assessment of the treatment he had received, including the following expressions that later became controversial:

*"We couldn't get them to stop the psychological and physical abuse"; "now I am going to talk about the tortures we were subjected to so that we would get out of the tubes (...) the physical tortures were carried out exclusively by national police (...) they were quite refined in the sense that they did not leave any physical traces and they produced a lot of pain (...) They tied a rope to my waist, took it out of the tunnel and between the three of them they started to pull it with the same intention".*

When recounting the intense pain caused by the tying of his hand to his ankles, he said, *"this torture is also carried out by two national police officers who appear in the press photographs with the white coveralls of*

*Emasesa"*. He added, *"...when you are being tortured you think of everything (...) we have been in danger"*.

Due to these statements, Agustín Toranzo was convicted as an "author of a crime of slander". He was issued with a fine, with a daily quota payment of ten euros, 53 euros in case of non-payment, and was ordered to compensate police officers for damages caused to the value of 1,200 euros. The main argument of the judgement was based on the fact that the police officers' actions did not contain all the elements necessary for the criminal offence provided for in article 174 of the Spanish Criminal Code (torture).

The Seville Criminal Court No. 13 and the Third Section of the Provincial Court considered that Toranzo's statements included the specific allegation that such a crime had been committed, but the courts concluded that no such crime had been inflicted by agents of the authority.

However, the issue was successfully escalated to the European level, and a lawsuit was filed in 2013 for violation of the right to freedom of expression. This resulted in the Kingdom of Spain being convicted for violating Article 10 of the European Convention on Human Rights, and ordered to pay more than 8,000 euros in compensation, moral damages and costs, in recognition of the disproportionate actions of the Spanish police and, most importantly, the ineffectiveness and narrowness of Spain's Criminal Code when defining the criminal type of torture. Indeed, the criminal type of torture defined in the Spanish Criminal Code does not conform to the definitions recommended by the UN Committee against Torture, which is much more extensive than Spain's, which therefore needs to be adapted in order to meet international standards.

The visibility provided to this case through the publication of the aforementioned scientific article in the *Torture Journal*, and its contribution as a form of expert evidence in the Spanish courts, as well as in the ECHR, have helped to ensure that the denunciation of torture does not go unpunished in an EU member state. When a state that is supposed to be democratic and under the rule of law fails to criminalise these behaviours, it discourages political criticism, and makes torture and ill-treatment invisible.

For all this, I thank the journal on behalf of Agustín Toranzo, and the collective that represents his interest in the present cause, for the progress that this demonstrates in the defence of human rights in Andalusia and Southern Europe. This case reaffirms the importance of documenting torture and recognising academic publishing and its power in promoting justice for victims of torture.

## Disappearing refugees inside the United States.

Gerald Gray, MSW, MPH\*

Dear Editor,

I have been working as a psychotherapist and social worker with refugee survivors of torture since 1990. I am now involved at the Texas-Mexico border, drawn there by the torture of refugee families and their children who are disappeared under the U.S. Administration's phrase, "family separation." In the El Paso Sector, I collaborate with several clinical, legal, and investigative journalism organizations.

We've read of the thousands of children and parents disappeared from one another at the border under that official phrase "family separation." The administration itself has stated that:

*"The total number of children separated from a parent or guardian by immigration authorities is unknown.... HHS (Department of Health and Human Services) has thus far identified 2,737 children in its care at that time who were separated from their parents. However, thousands of children may have been separated...."* (Office of the Inspector General, 2019 January).

In June 2018, NBC News quotes the former acting head of Immigration Customs Enforcement as saying, "some migrant family separations are permanent. You could be creating thousands of immigrant orphans

\*) Institute for Redress & Recovery, Santa Clara University School of Law, Santa Clara, California  
Correspondence to: [ggraycal@gmail.com](mailto:ggraycal@gmail.com)