

A PSYCHOSOCIAL DYNAMIC CONDUCTIVE TO TORTURE AND ILL-TREATMENT:

JUDICIAL CORRUPTION. THE SPANISH CASE

The power that resides in the judges, in modern democratic societies, tends to remain outside of adequately functioning independent control systems.

The consequences for citizens that an uncontrolled judiciary can have are devastating. If judges feel unpunished against the norms established by the rule of law, it is the rule of law itself that is devastated.

In Spain, when speaking of the Judicial Power, we are referring to a state power that is not subject to the democratic principle. Its members are not elected by citizens. Something especially serious, since it is the State Power that controls and directs the coercive apparatus of the State. That Power is exercised on a lifetime basis by a small group of non-democratically elected citizens.

It has become an uncontrolled power.

The control systems are exercised by themselves, a community closed to the rest in many aspects and regularly governed by a severe corporatism promoted by hierarchical and functional dependence on those who are climbing the judicial organization chart.

This functional organization has led to arbitrariness and, later, to the corruption. Corruption that seeks to be maintained, by those who encourage it, through intimidation and the imposition of silence.

The consequences for the rule of law are devastating. The solution of the conflicts produced between the citizens, or between these and the public administrations, is in charge of a small group of citizens, strongly connected to each other, which, in practice, is also considered as IRRESPONSIBLE. In other words, they are situated on the margin or, even, above the Law.

On many occasions in Spain and through the victims who suffer it, we check how the control mechanisms of that Power are not working. They have become complicit in their corruption.

When **judicial corruption** appears in the life of a citizen, it tends to destroy it in one of the cruelest ways. The process begins with amazement at the discovery that the one who should watch over the Fundamental Rights and their fulfillment, is the one who is violating them, taking advantage of their power, to do so. This generates a first powerlessness and a feeling of disbelief that often paralyzes victims. Subsequently, it generates rejection and social isolation: when a judge passes sentence or acts against a citizen, society does not ask whether this is the result of corruption by the judge. The citizen is separated, ignored, criticized and deprived of all dignity by those around him: family, friends, coworkers ... everyone looks the other way. The feeling of loneliness is absolute and, in most cases, the ability to reverse the situation is very small due to the savage corporatism that exists among the judges.

This type of torture that violates **judicial corruption** means that on many occasions' victims are not even able to realize that they are being victims of torture. And yet it is one of the cruelest tortures that can exist under the rule of law.

From this Association of Victims, we try to help victims when they approach us, even though our very limited resources. On many occasions, they are not even aware that they are being subjected to torture. In the meantime, their lives are destroyed by Judges who, in the exercise of their office and jurisdiction, violate the Law for their own benefit or for the benefit of third parties.

There is no worse torture than the one inflicted on a citizen for whom he has to ensure and monitor compliance with the Law. Especially in nations that live in democracy, subject to the rule of law and that also feel proud and cry out its commitment to the Fundamental Rights of the human being to the four winds.

In addition, the mainstream media, fearful of possible retaliation by the judges, are silent on the issue, despite knowing it perfectly. Politicians, beneficiaries of this corruption when they are in power, allow silence while they are in power and when they hope to return to it. A large part of the mainstream media survives on government contracts or grants. Silence is guaranteed.

In order to better understand what we are talking about; we present below a paradigmatic case as an example. We understand that there is no better way to understand a complicated issue, such as verifying that judges in Spain, a



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supposed consolidated democracy around the rule of law, systematically allow judges in the exercise of their jurisdiction to torture its citizens and then go unpunished.

THE CASE: TORTURE INFLICTED AGAINST A CITIZEN
BY A SERIES OF JUDGES
AS A RETALIATION
FOR HAVING DENOUNCED A FELLOW JUDGE

37 different judges in Spain, in different Courts -most of them high Courts-, have systematically avoided and denied making investigations on criminal charges - fully documented and proved- against a series of criminals that have destroy the life, family, business and assets of a citizen.

It's a case that, in its origin, involves a Judge.

The citizen denounced a Judge who, in the exercise of her office and jurisdiction, was discovered having sexual relations in a public place with a lawyer who, at the same time, represented a client before her Court. In addition, the citizen denounced that the same Judge for years, in her judicial resolutions, had been systematically favoring the clients of her lover. The complaints were denied without an effective investigation, despite the documentary evidence provided.

Subsequently, a fierce retaliation was unleashed against the citizen, supported by more than 37 judges from many different Courts, who denied each and every one of his complaints on the basis of falsehoods and omissions.

These complaints affected not only the citizen himself, but also the Financial Markets -as the citizen was the majority shareholder of a company listed on an Organized Stock Market-, affected market abuses and money laundering.

All the complaints were denied and ignored.

The consequence has been the complete ruin of the citizen and the handing over of his assets to the judge's lover's client, on the basis of repeated breaches of national and European Union law.

As explained, this savage and criminal robbery had the cooperation and support of a whole series of judges, who allowed the crimes to go unpunished. Prevarication, false documentation, false affirmations, money laundering, crimes

against the proper functioning of the Securities Markets, market abuse, lies and cover-ups by public officials... everything was allowed, despite the alleged criminal actions being denounced and proven. The different judges who intervened in the various proceedings came to demonstrate that the Law was not an obstacle for them.

The fellow judges ignored every single claim, denied any investigation, refused all claims and gave their help to the criminal reprisal promoted by her fellow Judge, her lover and the client of the lover.

By denying and ignoring the claims, the 37 judges were becoming conscient torturers, supporting the severe reprisal they decided to give the citizen.

The consequences have been the total destruction of the life and family of the citizen. They have provoked and permitted the total loss of the assets of the citizen and also, authorizing the illicit assault of a Public Company with the use of false documents in a clear case of money laundering and crimes against the proper functioning of the Securities Markets.

They actively cooperated in order to ensure that the client of their fellow judge's lover could keep the assets of the complainant, free of any suspicion, despite the serious irregularities and crimes that had been committed. By acting that way they ensured that both the life and the life of the complainant's family were completely destroyed. In his personal, professional and social field. They have allowed and cooperated in the public stoning of the citizen.

The complainant has now lost everything. He lives in a situation similar to incarceration in a small apartment paid by his siblings, without economic resources, without being able to find a job or even cooperate in the maintenance of his six children, all of them below 18 years old.

It is a clear case of psychological torture and revenge, carried out by, at least and for the moment, 37 different judges. Sadly, everything seems to indicate that new judges will continue to appear in this case denying any investigation.

Not even one Court of Justice in Spain has agreed to investigate the facts. A clear case of torture and corporatism among judges, against a citizen.



Like this case there are many others.

We know of a case in which multiple evidentiary indications point to an Attorney General in a Spanish Autonomous Community who, for years, led a criminal organization that carried out more than 1,100 murders on request. The evidentiary documentation is extensive and multiple complaints were filed before the Courts. None was investigated either by the Prosecutor's Office or by the Judges.

We know cases of people imprisoned without evidence or with evidence proving their innocence. Sometimes for criticizing judicial decisions publicly.

We know cases of citizens convicted of reporting fraud and corruption by large corporations or union organizations, with strong ties to the judiciary.

We know of cases of children separated from their parents and handed over to the guardianship of the State without evidentiary basis. We are also aware of cases of judges who refuse to investigate cases of child abuse because there are authorities involved.

We are aware of cases in which judges have benefited large corporations against the Law and against consumers. Even after the Court of Justice of the European Union has ruled for the benefit of consumers.

There are multitude of cases.

CONCLUSION

This is bad news, but the worst is realizing that in most cases, judges who violate the Law in their decisions go unpunished. They act with impunity.

They act to cover colleagues' criminal actions, interests or desires, as in the case exposed. Other times they do it to favor unions against workers or large

companies such as banks, water treatment companies or the like, against consumers. Also, to favor criminals.

They act and are like Doctor Mengele: they consider the exercise of torture against citizens as an integral part of their work. And everything seems to indicate that they could end in the same way that Doctor Mengele ended: free. Of course, as Dr. Mengele, they don't think they are torturers.

Everything seems to indicate that judges in Spain have the ability to torture citizens and go unpunished, without anyone daring to tell them anything. It is a fact, as the Case complaint proves, that by corporatism they protect themselves, avoid investigating the crimes of some of their colleagues and are willing to commit crimes or allow others to commit them, with the sole purpose of leaving unpunished the criminal behavior of a fellow judge, a big corporation or a criminal friend.

This criminal action by a group of judges is affecting the civilian population and it is also clear that it is systematic and organized. **They are crimes against humanity** committed in a member country of the European Union, with full and complete impunity.

It affects civil society since it attacks human dignity, breaks the rules of the rule of law and also affects a whole group of citizens. In the Case we provided, not only the complainant and his family. Also, the hundreds of shareholders of the listed company and its employees. In other cases, all type of civilians.

It is systematic since it is a whole set of judges who carry it out, in a whole different set of Courts. Most of them, High Courts.

This, that we come to denounce, is happening in Spain to a good number of citizens and we consider it a relevant psychosocial dynamic, conducive to torture and ill-treatment.

RECOMMENDED NORMATIVE AND POLICY MEASURES FOR PREVENTION

The judges feel unpunished. They act against the Law every time they have an interest in doing so. They know that their fellow judges will not persecute them,



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they will not investigate them, much less condemn them. Official statistics themselves say that only 1.3% of complaints against judges are investigated.

The only way we think could lead to solving this structural problem in the judiciary in Spain would be the **launch of trials with the People's Court**. In such a way that they were not judges, who judged judges. That they were citizens, independently selected, who dictated the verdicts in view of the evidence.

In Spain there is the legal figure of the People's Court, but judges are excluded from it. In such a way that only judges judge judges.

If five or ten judges were convicted, dispossessed of their property and sent to prison, judicial corruption would surely disappear immediately.