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Spain: Place human rights at the core of peace talks in Basque Country

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Respect for human rights is vital for a sustainable peace in Spain and the Basque Country, Amnesty International said following the announcement of talks between the Spanish government and the armed Basque group Euskadi Ta Askatasuna (ETA).

"In order to be lasting, the peace process must be firmly based on tackling the human rights issues in the Basque Country and in Spain. Human rights must be respected unconditionally and applied irrespective of political considerations and not used as bargaining counters," said Amnesty International's Europe and Central Asia Programme Director.

Amnesty International has addressed the Spanish Prime Minister, José Luis Rodríguez Zapatero, on a series of human rights concerns that the organization believes are vital for the future of the peace process. Amnesty International calls on ETA to put an end to ongoing human rights abuses.

"ETA must ensure that the end of human rights abuses is complete and irreversible, including the end of harassment, threats and other violent or intimidating acts," Nicola Duckworth said.

Amnesty International believes that the truth needs to be established on all the human rights violations and abuses committed in the past. These should include allegations of killings/extra-judicial executions of people believed to be members of ETA by members of the illegal group entitled Grupos Antiterroristas de Liberación, (GAL) and the possible collusion by the State, as well as other human rights violations including torture and ill-treatment. ETA should provide to whatever mechanism that might be established to deal with the past with all the information available to establish the truth of the abuses committed in the past.

"Victims of terrorist acts and the victims of human rights violations committed by the State have equal right to truth, justice and reparation, as laid down in international human rights law and standards. Perpetrators of serious human rights violations and abuses, must be brought to justice," Nicola Duckworth said.

"The rights of victims are never negotiable and cannot depend on the beginning or ending of ceasefires or on the particular circumstances of a peace process."

Amnesty International warns against the temptation to resort to amnesties or clemency measures that would undermine the rights of victims to truth, justice and reparation.

"Amnesties or pardons for those who, as part of ETA, committed serious human rights abuses or for human rights violations committed by state officials should not be adopted without legal proceedings having first taken place and a clear verdict of guilt or innocence being reached," Nicola Duckworth said.

Amnesty International welcomed in 1999 the adoption of the Law on Solidarity with the Victims of Terrorism as a positive step. However, victims of human rights violations committed by the State, including torture and ill-treatment should have the same level of legal protection.

"While the victims of terrorist acts have legal avenues to justice, truth, remedies and reparations, the victims of human rights violations committed by the State do not have the same level of recognition and legal protection," Nicola Duckworth said.

One of the organization's main and long-standing concerns which directly affects the Basque Country, but is clearly not exclusive to it, is the climate of impunity for serious human rights violations due to the lack of independent, impartial and thorough investigations of *all* allegations of such violations, particularly allegations of unlawful killings and torture and ill-treatment by law enforcement officers, and the lack of effective prosecutions of perpetrators of human rights violations. It is in this context that Amnesty International has called for the establishment of an independent mechanism for police accountability that "would guarantee the independent, impartial, thorough and effective investigation of all allegations of human rights violations by law enforcement agencies and that those responsible were brought to justice".

In the context of the peace process, Amnesty International renews its call on the Spanish government to review and amend laws and practices that violate human rights and bring Spanish legislation and practices in line with international standards. Amnesty International also calls on the Spanish government to:

- abrogate the legislation permitting extended incommunicado detention following arrest;
- guarantee prompt and effective access to a lawyer of choice for all detainees;
- guarantee the right of inmates to serve their sentences close to their families, by reversing the long-standing penitentiary policy of dispersal of inmates suspected or convicted for terrorism throughout the Spanish territory;
- remove any ambiguity from the Law on Political Parties that makes it possible for political parties which peacefully advocate changes to constitutional principles or laws to be banned, in contravention of international human rights obligations.

Background

On 22 March 2006, ETA announced a permanent ceasefire stating that the aim of their decision was "to drive a democratic process in the Basque country . . . in which our rights as a people are recognized." The declaration of the ceasefire came 10 months after the lower chamber of the Spanish parliament authorized the government to open processes of dialogue with the armed Basque group if it "abandoned violence".

ETA has been responsible for the deaths of more than 800 people, including police officers and soldiers, during their campaign for independence for almost four decades. While it has not carried out a fatal attack for more than three years, during 2005 it claimed responsibility for 24 attacks on business and tourist interests that caused minor injuries and damage to property.

Amnesty International has consistently and unreservedly condemned the human rights abuses committed by ETA and has categorically refuted any arguments or objectives which attempt to justify grave abuses of fundamental human rights, and systematically called on ETA to put a definitive and immediate end to its campaign of killings of civilians, kidnappings, hostage-taking and other human rights abuses.

For decades, Amnesty International has documented serious human rights violations in the Basque

Country, including unlawful killings, extra-judicial executions, torture and ill-treatment. Amnesty International has systematically called on Spain, among other human rights concerns, to end the incommunicado regime and to ensure that those responsible for torture and ill-treatment are brought to justice.

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