

# AMNESTY INTERNATIONAL

## Public Statement

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### Spain: Human rights cannot wait

Amnesty International is concerned about the lack of concrete improvements for human rights since the approval by parliament on 17 May 2005 of a process of dialogue between the Spanish State and those “who abandon violence”, and the announcement of a “permanent ceasefire” by the armed Basque group Euskadi Ta Askatasuna (ETA) on 22 March 2006.

Human rights should be an integral part of the agenda. To date, public and ongoing discussion about the peace process has failed to adequately address the centrality of respect for human rights for any durable peace. If a fresh start is to be effective, it must be rooted in a commitment by all sides to protection of human rights for all. Human rights must not be used as bargaining counters.

The different parties to the process need to work towards the creation of a climate in which the rights to life, liberty and security of person and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment are respected.

Respect for human rights is a precondition for establishing such a process, a guide to implementing an effective process, and the backdrop for any guarantee of a durable peace. Amnesty International is concerned that barriers to this process include a continuation of human rights abuses as well as the maintenance of certain provisions in the legal framework, which lead to human rights violations.

Following the announcement of the permanent ceasefire, Amnesty International called in July on Prime Minister Rodríguez Zapatero to address a number of human rights concerns the resolution of which, the organization believes, is vital to ensure a lasting and sustainable peace process. Among other things, Amnesty International called for the abrogation of incommunicado detention; for the immediate access by a detainee to effective legal assistance; for the right of inmates to serve their sentences close to their families, by revising and reversing the penitentiary policy of the dispersal of detained or imprisoned persons suspected of terrorism; and for the removal of any ambiguity in the Law of Political Parties that could infringe the rights to freedom of thought, expression, association or assembly.

Amnesty International also urged ETA to address alleged ongoing human rights abuses, including harassment, threats, economic extortion and other violent or intimidating acts against civilians, and called on ETA to ensure the end of human rights abuses was complete and irreversible.

Amnesty International also considers it essential that -- as one of the guarantees of non-repetition -- the truth is established and justice delivered for *all* the human rights violations and abuses committed in the past. The Spanish government has an obligation to guarantee the rights of victims of all human rights violations and abuses to truth, justice and reparation.

## **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, as a result of the climate of violence, during 2006 Amnesty International has received reports of human rights abuses, including harassment, threats, economic extortion and other violent or intimidating acts.

Amnesty International has consistently and unreservedly condemned the human rights abuses committed by ETA; has categorically refuted any arguments or objectives which attempt to justify grave abuses of fundamental human rights; and has 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 Spain including unlawful killings, allegations of extra-judicial executions of people believed to be members of ETA by members of the illegal group entitled Antiterrorist Liberation Groups [*Grupos Antiterroristas de Liberación*, GAL], and the possible collusion by the state, as well as other human rights violations including torture and other ill-treatment. Amnesty International has consistently 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.