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## **Human rights vital for the peace of Spain and the Basque Country**

Future peace in the Basque Country depends on resolving certain human rights concerns that for years have soured relations between the Basque Country and the Spanish authorities, a new Amnesty International report says.

“But all sides should keep in mind that human rights should not be used as bargaining counters by different sides in the process,” said Gillian Fleming, speaking for the organization’s International Secretariat.

“To be effective, human rights must be respected unconditionally and applied irrespective of political considerations.”

The report, launched today in Vitoria, Álava, points to a number of human rights concerns relating to the Basque Country:

continued serious allegations of torture during *incommunicado* detention: a number of serious allegations of torture have been made by Basque detainees held in *incommunicado* detention in the last two years.

the role of *incommunicado* detention in facilitating torture: it is beyond question that *incommunicado* detention facilitates torture and ill-treatment -- this is a proven fact not only in Spain but in many other countries. Spain has been urged by the (UN) Human Rights Committee to abandon the practice.

the role of the judicial process in perpetuating impunity: the pattern of nominal sentences for law enforcement officers convicted of torture or ill-treatment, the availability of pardons, lax enforcing of sentences, discrepancies in standards of forensic medical reporting as well as the continued practice of *incommunicado* detention are all contributory factors in the failure to eradicate torture and ill-treatment. The length of the judicial process is often so great that by the time a trial opens, accused officers may not be tried because the period during which prosecution could be brought has lapsed.

The Amnesty International report focuses attention on the long delays in the judicial process affecting suspected members of the *Grupos Antiterroristas de Liberación* (GAL), involved in the dirty war.

The report also expresses serious concern about the human rights abuses committed over the years by the Basque armed group *Euskadi Ta Askatasuna* (ETA) in particular and the acts of violence that have persisted in the Basque Country and Navarre since the declaration by ETA of an “indefinite cessation of actions” in September 1998.

“ETA should put an immediate and definitive end to killings, kidnappings and hostage-takings. Groups such as *Jarrai* should immediately halt their violent and intimidatory acts against political

representatives, companies, newspapers, judicial figures, law enforcement officers and others since the cease-fire declaration by ETA,” Amnesty International said.

Other main recommendations include:

Revoking Articles 520 bis and Article 527 of the Code of Criminal Procedure, which extend the period of incommunicado detention to five days and allow detainees access only to officially-appointed lawyers subject to special restrictions.

Ensuring that detainees are not hooded or blindfolded and introducing the video recording of interrogations -- as a means of protecting both detainees and law enforcement officers who may be falsely accused of torture or ill-treatment.

Ensuring that the verdicts reached by the courts are clear as regards guilt or innocence, that sentences are commensurate with the gravity of the crimes committed and that no amnesty laws or other measures are introduced which would perpetuate impunity.

Amnesty International stresses the need for the Spanish authorities to ensure the prompt and fair implementation of current compensation plans for victims of “terrorist acts” over the last 30 years. The organization also calls on the authorities to review all cases involving convictions of public officials for torture or serious injury and ill-treatment, to ensure that those victims too receive fair compensation.

Welcoming the moves so far taken by the Spanish authorities to transfer individual prisoners close to their homes, the organization also calls for the transfer of all (not only Basque) prisoners, wherever possible, and as long as the individual requests it, to prisons in the region where they have family and social ties.

“It is the moral duty of each and every party involved in the peace process to move unilaterally and unconditionally to respect human rights, without waiting for others to do so first,” the organization concludes.

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**For further information, to request copies of the report or to arrange an interview with the author of the report -- in Spanish, French or English -- please phone Amnesty International, Spanish Section, on + 34 91 310 1277**

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