



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 16 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Social Rights Democracy Privacy
No Racism Peace No War Civil Rights
Self-Determination of Peoples No Torture
Human Rights Rights of Migrants

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ELDH is concerned about the future of the peace process in the Basque Country

ELDH has observed attentively developments in the Basque Country during recent years. One priority in this context was the trials of Basques who were suspected of supporting terrorist activities, as well as reported human rights violations. Several lawyers of ELDH member associations had the opportunity to observe trials, and to participate in conferences and personal talks. One important basis for the judgment of the situation in Basque Country was the 2009 report of the UN Special Rapporteur Prof. Martin Scheinin confirming the conclusions and judgments of ELDH.

On the basis of its own observations and judgments ELDH has repeatedly spoken out for a peaceful solution of the conflict in the Basque Country, in particular for the right to self determination of the Basque People and respect for their human rights. ELDH has also repeatedly protested against state oppression of the Basque independence movement which it deemed to be excessive. ELDH has been guided in its judgment by the conviction that the right to self-determination which is mentioned in the UN Charter and is enshrined as a right in international law in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights includes in the case of the Basques the right to autonomy and eventually to the formation of an independent state. Hence a democratically governed state should establish the necessary framework so that the political desire for autonomy can be expressed, and has the chance by democratic means to find the necessary political support.

For this reason ELDH regards the foundation of the political party SORTU as opening up a real chance for transition to a peaceful and democratic solution of the conflicts in the Basque Country. This new party SORTU has on the occasion of its obligatory registration with the Spanish Interior Ministry presented its statute in which - without ambiguity – it clearly rejects the use of violence for the fulfillment of its political aims. In this context it refers explicitly to the violence committed by the ETA organization. It also clearly expresses its intention not to allow any continuation of those parties illegalized and banned by the Spanish Supreme Court.

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ELDH is deeply concerned that the request of Spanish Government to the state prosecutor to prepare an application to the Supreme Court for the banning of SORTU indicates that the Spanish Government rejects any political solution of the Basque conflict.

ELDH expects and demands that the Spanish Government and the Spanish Public Prosecutor will carry out the legal scrutiny of SORTU only according to criteria that derive from the Spanish Constitution, the Spanish Party law as well as European and international treaties which have been ratified by Spain; and not according to political criteria and the compliance of SORTU with the Government's view on the question of autonomy and secession.

ELDH appeals to the European Union if necessary to remind the Spanish Government to fulfill their obligations under the European Treaty of Lisbon and the Charter of Fundamental Rights of the European Union, in particular concerning civil and political rights.