



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

Duesseldorf / London, June 2011

ELDH: Appeal for the unbanning of SORTU

In its statement issued on 24th February this year, ELDH stated that it “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 fulfilment 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.”

Only a few weeks later SORTU was banned by the Spanish Supreme court. Although the founders of SORTU appealed to the Spanish Constitutional Court, it was not possible to get a decision in time before the local and regional elections. Therefore in order to give Basque politicians the possibility to participate in the elections in Spain on 22nd May 2011, Bildu, a coalition of pro-independence parties was founded. Shortly afterwards this coalition was also banned by the Supreme Court. However in this case the Spanish Constitutional Court ruled that the banning was illegal. The final ruling declared that there was not sufficient evidence to prove that Bildu is the heir to Herri Batasuna (“Unity of the People”) which was banned in 2003, and therefore according to Article 23 of the Spanish Constitution Bildu has the right to participate in the local elections. Following the decision of the Constitutional Court all 254 candidates on Bildu’s electoral list were allowed to stand for election on 22nd May.

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The very reasons that allowed the Spanish Constitutional Court to unban Bildu should apply to SORTU as well. On the occasion of its obligatory registration with the Spanish Interior Ministry SORTU presented its statute in which - without ambiguity - it clearly rejects the use of violence for the fulfilment 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 the parties which were banned by the Spanish Supreme Court.

The Spanish Government gives the impression that its request for the banning of SORTU was guided by political and tactical and not by legal arguments. Even in the Spanish Supreme Court, when it decided upon the request to ban SORTU, 7 out of 9 judges dissented. In their unanimous opinion these 7 judges considered it possible that the new Basque left-wing party has decided to break away from the armed Basque group ETA and that the armed group has accepted the "new political criteria". The unanimous opinion also states that there are no "substantial similarities" between the new party Sortu and Herri Batasuna.

The unbanning of SORTU, will be a crucial step towards consolidating the peace process in Basque Country. Only by legalizing SORTU, will the door be opened for Basque citizens in Spain to participate in the Spanish democratic process.

Therefore ELDH appeals to the Spanish Constitutional Court to give the peace process a chance by an early decision.

ELDH appeals to the Spanish Government and the Spanish political parties not to endanger the necessary independence of the highest Spanish Court by political pressure.

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