



**EJDM** Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

**ELDH** European Association of Lawyers for Democracy and World Human Rights

**EJDH** Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

**EJDH** Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

**EGDU** Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

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Professor Bill Bowring, President (London)  
Professeure Monique CHEMILLIER- GENDREAU, Présidente d'honneur (Paris)  
Thomas SCHMIDT (Rechtsanwalt) Secretary General (Duesseldorf)

## Report on the ELDH Human Rights Mission to Basque Country

25<sup>th</sup> till 28<sup>th</sup> March 2010, Donostia

ELDH Participants: Professor Bill Bowring (ELDH President), Thomas Schmidt (ELDH General Secretary)

Organizer: BEHATOKIA, Iratxe Urizar

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This report is the result of a four days visit to the Basque Country. Due to the excellent preparation and organization, including detailed documentation, by Behatokia - Basque Observatory of Human Rights<sup>1</sup> and in particular by Iratxe Urizar, who also translated for us, it was possible to have seven meetings with defendants, defenders in the anti-terror law prosecutions, motivated by Judge Baltasar Garzón, especially the mass prosecutions known as the 18/98 cases. We also met a representative of *Etzerat* (the Basque prisoners' relatives' and friends organisation) and to participate in a conference concerning the *Udalbiltza* case. This report can only give a short impression of the information gathered. Severe human rights violations (including torture and arbitrary detention) for people who are active in the cause of Basque independence were confirmed by all people that we met.

## Background

The root cause of the attack on all manifestations of Basque culture and political expression was aptly summarised by the UN Special Rapporteur "on the promotion and protection of human rights and fundamental freedoms while countering terrorism", Martin Scheinin, in the report dated 16 December 2008 of his Mission to Spain (Human Rights Council, A/HRC/10/3/add.2). Scheinin was concerned that articles 572-579 of the Spanish Penal Code "do not fully respect the requirement of legality". Thus, Article 574, which punishes "any other crime" committed with the aims of subverting constitutional order or altering public peace "runs the risk of being applied to crimes that do not comprise or have sufficient relation to the intentional element of causing deadly or otherwise serious bodily injury." The "vaguely defined" crime of "collaboration with terrorist organisations" in Article 576 "... runs the risk of being extended to include behaviour that does not relate to any kind of violent activity." This is what has happened.

Judge Baltasar Garzón, the examining magistrate of the *Juzgado Central de Instrucción No. 5* of the *Audiencia Nacional de España* (National Court of Spain) has been a driving force in the prosecution of Basques and their organisations and publications. In July 1998 he presided in the case against *Orain SA*, the Basque company that published the newspaper *Egin* and owned the radio station *Egin Irratia*. Garzón ordered the closure of both and sent company officers to prison, due to their alleged links with ETA. These charges were later dropped for lack of evidence, and the journalists were released. Many years later Garzón imprisoned them again under the allegation of being part of ETA in a "broader" sense.

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<sup>1</sup> <http://www.behatokia.info/index.php?newlang=eng>

*Egin* was allowed to reopen years later by the *Audiencia Nacional*, after all charges were found to be without foundation; by that time the machinery was inoperable and the paper never re-appeared. In October 2002 Garzón suspended the operations of the *Batasuna* party for three years, alleging direct connections with ETA. In February 2008 he also ordered the ban of two Basque nationalist parties, which had filled the political space of *Batasuna*, *EHA*K and *EAE-ANV*, on the same grounds.

**25<sup>th</sup> March 2010**

Bill Bowring was interviewed by the Basque Newspaper *Berria*

**26<sup>th</sup> March 2010**



It is forbidden now to put pictures of the imprisoned persons outside at the house. Therefore families put this kind of poster outside. Etxera means, "bring them home".

**9:30h Meeting with Benat Zarrabeitia, representative of Etxerat (the Basque prisoners' relatives' and friends organisation; the name means "bring them home")**



Beñat Zarrabeitia, representative of Etxerat (Basque prisoners' relatives' and friends Organisation, the name means "bring them home") together with Iratxe Urizar (ELDH member, BEHATOKIA)

He reported on the situation in Spanish prisons.

### **Number of prisoners**

There are around 750 prisoners in 88 prisons in Spain and France about 50 prisons in Spain with about 600 prisoners; and 150 prisoners in France. This number includes pretrial prisoners in special high security prisons and in normal prisons. There are about 200 pretrial detentions in Spain.

### **Isolation**

In some prisons the Basque political prisoners are kept isolated, while in others they are kept together with ordinary prisoners. Prisoners are transferred to isolation cells for different reasons: for example for “bad” behavior, but also as “special prisoners”. This is the decision of the prison administration or of the government. There is only one judge who is in charge of all prisons concerning these questions.

### **Duration of imprisonment<sup>2</sup>**

The maximum sentence is 40 years in theory (even if the verdict may be more than a hundred year) but in practice it is less. There are initiatives for prisoners who received very high sentences like “Freedom for Gatzia” in favour of Jose Marie Sagardui “Gatzia” who is imprisoned in the Jaen (in Andalucia, southern Spain) prison.

In general prisoners have to serve the sentence to which they have been sentenced. Under certain conditions the duration of the sentence may be reduced. When a prisoner studies in prison or behaves “well”, the time of the sentence may be reduced. Previously, it was the real sentence which was reduced. Since 2006 the interpretation of the law has changed. The time is taken of the hypothetical sentence, for example which may arrive to 400 years. So there may be no reduction of the sentence because the hypothetical sentence is higher than the real sentence.

### **Place of imprisonment and consequences for relatives and defenders**

For the relatives and also for the defence lawyers it is usually a long way (average distance 750 km one way) to travel from the Basque Country to the prison which may be situated in any part of Spain. One objective for this is the isolation of the prisoners. The long trip to the prison is also dangerous, as it is done by car, and is also expensive. During the last 25 years 21 prisoners died in prisons, and 16 relatives have died on the road. The costs for all families per year mount up to 17 Mio EURO, 2.500 EURO per month for one family. It also makes it difficult for the defence lawyers to arrive in time in case of complaints of the defendant.

### **Different kinds of imprisonment and of conditions**

In the prisons there are different security grades depending on the prisoner:

- first degree: dangerous prisoners, including about 60% of Basque political prisoners (very limited conditions, isolation, communications tapped<sup>3</sup>);
- second degree, normal life in prisons, no participation in prison activities, all communication tapped;
- third degree, some privileges, sleeping at home at the week-end<sup>4</sup>.

The new prisons are the worst ones, because there the isolation is the worst.

In Spain the prison is chosen by the “prison institution”. It may but must not be related to the place of the crime. The authorities try to send the prisoners to many different prisons, in order to separate them, and inside the prisons, to different blocks.

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<sup>2</sup> New interpretation of the Spanish High Court after its 28th February 2006 sentence. With the old Criminal Code, the maximum amount of years a person could spend in prison was 30 years (after the Criminal Code was renewed, now the maximum amount and the amount in fact for Basque prisoners is 40 years). Although the maximum was 30 years, after the application of benefits or reductions, that sentence could be less in practice, because these were years taken off to this maximum of 30 years. But in 2006, the Spanish High Court said that the reductions should be applied to the real sentence (say for example 300 years sentence). Then, if you apply the reduction to 300 years, the prisoner end up being 30 years (the maximum) in prison, whereas when he/she went to prison, they would thought that had to be in prison for 15 years.

<sup>3</sup> All the communications with Basque prisoners in Spanish jails are tapped: letters and visits. Also all communications with the doctor therapists for those prisoners with psychiatric illnesses.

<sup>4</sup> There are no Basque prisoners in third degree classification.

Most prisoners in France who came from Spain are sentenced for crimes committed in France, often for carrying a gun. When they return, usually they are arrested at the boarder and may be prosecuted for crimes committed in Spain.

The prison conditions in France: the prisons are very old, very military. In France no vis-a-vis visits like in Spain - you are with your partner or with your closest family (brothers, sisters or parents) in a room - are possible; but only at a table without a window.

In some UK prison conditions are more relaxed. Belmarsh is very tough.

### **Longtime prisoners**

Some of the long time prisoners in Spain are

- “Gatza” Jose Marie Sagardui is 30 years in prison
- Jon Agirre is in prison for 29 years
- And others

### **Illness in prison**

Many of the long time prisoners are ill. The conditions don't allow improvement. Medical assistance and diagnostic services in the prisons are very bad. Some prisoners have died due to these conditions

7 prisoners are kept in “soft prisons” with house arrest because they are very ill.

5 prisoners with severe illness are kept under special conditions in prison. 150 prisoners suffer different kinds of illnesses.

The last step is the criminalisation of solidarity. It is now forbidden to display pictures of the prisoners; previously many portraits of prisoners were displayed on the streets and in cafes and restaurants. Hundreds are no longer allowed to have “vis-a-vis visits”, because relatives refuse to be subjected to deep body searches.

### **Violence in prisons**

There is much violence inside the prisons, by other prisoners, or by prison guards.

**10:30h Alfonso Zenon (Bilbao), Lawyer who works at the Audiencia Nacional and Patxi Gomez, defendant**



Alfonso Zenon (Bilbao), Lawyer who works at the Audiencia Nacional and Patxi Gomez, defendant

Alfonso Zenon gives a report on interference with the defense in political cases. Suspects may be kept for up to 5 days in “incommunicado detention” which means that the detainee cannot communicate with anyone other than his or her captors and perhaps his co-detainees. The families may not be informed about his or her place of detention. During the incommunicado detention uninterrupted video surveillance is obligatory<sup>5</sup>. In certain cases, during the incommunicado detention the Audiencia Nacional did not recognize the lawyers chosen by the families of the defendants but only lawyers chosen by the state<sup>6</sup>. Even after the end of the incommunicado detention, when the ordinary pretrial detention continues in one case, it takes a month until the responsible judge accepts a request signed by the defendant for a particular lawyer.

The main problem is the secrecy of the proceedings. Lawyers have no access to the files. When the secrecy has ended the file is opened. But the lawyers are not allowed to take copies, only notes and photographs.

In 80 % of the cases the only proof is a police confession. Only in the remaining 20% is there any other kind of corroborating evidence.

**The case of Orkatz Gallastegi.** (Alfonso Zenon, see above, was the lawyer) He was arrested in 2006, on suspicion of belonging to a terrorist group. He was kept incommunicado and was given only a State lawyer. During this time he was in three different police stations. He had to sign three statements and confessions in front of the police. In these confessions he stated that he took part in some actions and that he gave information to an ETA member about a judge who was later killed. At the trial in the Audiencia Nacional the only evidence was these confessions. In the past these kind of confessions were not accepted by the Audiencia Nacional when there was no other evidence. Now these confessions are accepted, although there is no other evidence. Orkatz Gallastegi was sentenced to 26 years. His complaint to the High Court had no success. The High Court accepted this kind of evidence. But out of five judges, two dissented. But the plenary of the High Court composed of 15 judges also decided that the confession in front of the police is sufficient. The Constitutional Court did not accept the complaint addressed to it. The lawyer is preparing a complaint to the UN Committee against Torture. There seems to be no chance in the ECtHR in Strasbourg. The ETA member concerned was acquitted, because he did not make a confession and the confession of Orkatz Gallastegi was not sufficient as far as the ETA member was concerned.

**The Case of Patxi Gomez** (present at our meeting): 53 years old. He was imprisoned for membership of ETA, for killing and for the possession of explosives. He was sentenced to 48 years. At that time the maximum sentence was 30 years. In Juli 2002 because he had served 2/3 of his sentence he was released on licence. When the prosecution filed a complaint the Audiencia Nacional decided to return him to prison. He completed his sentence in June 2006. In May 2006 the new doctrine was applied. Instead of release in June 2006, he had to serve another 12 years (1/3 of the sentence of 48 years). The prison only told him this on the day of his release and kept him in prison. His lawyer was informed. In 2009 he had served already 20 years and 5 days. He was released a second time based on the new Criminal Code, because there the maximum is 20 years. 29 April 2009 he was released. The prosecution filed again a complaint to the High Court, saying that the maximum is 30 years. There was an arrest warrant. He had to serve another 10 years. This is a political interpretation of the law. They have filed a complaint at the Constitutional Court.

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<sup>5</sup> Video surveillance: it is what the so-called Garzon Protocol says but it is not used, the police stations don't use video taping systems. No tapes have been shown to defence lawyers ever.

<sup>6</sup> During the incommunicado detention, the lawyer is always the one chosen by the State, never one that have been chosen by the family or detainee.



**12:00h 18/98 case - Joxemi Zumalabe piece. Meeting with the defendants, Fernando Olalde and Sabino Ormazabal, economist, journalist**



Fernando Olalde and Sabino Ormazabal (Joxemi Zumalabe piece)

The *Joxemi Zumalabe* Foundation (foundation for all Basque cultural events, coordination, financing, named after an organizer of Basque cultural events) was founded in 1995. One aim was the creation of free radio stations. Another aim was the preparation of a conference with the different social movements. Themes at this conference were: civil disobedience, territorial organisation, communication media and social movements. The first conference took place in 1999. At that time ETA had announced a ceasefire.

Jose Maria Aznar, the Prime Minister until 2004, announced that ETA had simply developed a new strategy. Even if the conflict was no longer violent, according to him, this would make no difference. Joxemi Zumalabe was accused to be responsible for this new strategy. There were 12 arrests. All bank accounts were frozen. Afterwards the bank accounts were opened again. The foundation was working during the trial. Both defendants were accused. They served pretrial detention for 8 months. The duration of the case was sixteen months. A second arrest was ordered for 5 days, to hear the court decision. After the trial the foundation was better known than before.

In protest, several hundred people “accused” themselves of committing the same “crime”. At the beginning of 2005 the 19/98 + platform was created. The foundation was working for the defence and no longer for their original aims. This took all their energy and all their money. After the trial the platform disappeared. Now it is difficult to carry on. In 2007 the defendants were condemned by the Audiencia Nacional to 9 years for collaboration with ETA. Afterwards the foundation members were acquitted by the High Court in April 2009, because the Court held that their work was legitimate and because of the lack of evidence of any crimes as well as lack of guilt.

**13:00h *Jarrai-Haika-Segi* (Basque Youth Organisations) case. With Asier Iñigo, defendant, former spokesperson**

(Segi means “keep going”).



Asier Iñigo, defendant, former spokesperson of Jarrai-Haika-Segi (Basque Youth Organisation)

Asier Iñigo was released from prison 3 months ago. He was imprisoned for 6 years, as a political prisoner, based on membership of a terrorist group. The High Court declared that *Jarrai-Haika* was a terrorist organisation. First members of the executive board members of the group were accused. For the state the offence was not that they were an armed group but that the group was criticising the state. Therefore the state invented a link between the group and ETA.

The legal consequences in Spain for young people from the Basque Country who are active in politics are very similar to the consequences for those who participate in an armed action. At the time when Asier Iñigo was a political militant he was displaying out banners etc.. This was very normal for young people. Now the young people are doing this secretly, which is reminiscent of the Franco period. The consequences for the young activists are similar to of the penalties for violent crimes. The state is not really worried about violent actions but about any form of political opposition. The state will try to criminalise any action.

Asier Iñigo had to serve his sentence in the following prisons: Alcala Meco in Madrid, in Valencia, Martutene in Donostia - San Sebastian. He was kept in First Degree of isolation, which means 4 hours cell, 4 hours to the patio to speak to others. There was one other political prisoners. His family lived 1200 km (both ways) away from Valencia. They visited him once a month.

He received much political support. His family received 1200 letters of solidarity. More of a hundred of the group were arrested. In the end more than a hundred members of the group were imprisoned. The cases are still going on.

**16:00h Egunkaria case.**

**Iñaki Uria, defendant, former member of the direction board of the newspaper**

(Now he is working for a TV station)



Iñaki Uria, defendant, former member of the direction board of Egunkaria

**Egunkaria** ("The daily") was for thirteen years the only fully Basque language newspaper in circulation. It sold around 14.000 copies a day (with estimated 40.000 readers) in the Spanish and in the French Basque Country before it was closed. It was partly funded with a £5m subsidy from the Basque regional government, led in 2003 by moderate, anti-ETA Basque nationalists.

Now the *Egunkaria* website informs only about the case

[http://egunkaria.info/international/?page\\_id=48](http://egunkaria.info/international/?page_id=48)

Investigation against different companies started in 2001. The police did not find anything. The police suspected the newspaper of financing ETA. They closed down the newspaper. More then 200 workers were concerned. All bank accounts were blocked. Then the prosecutor changed his strategy. The editors were accused of being ETA members/leaders. No evidence could be found. There are two cases now, one concerning the finances, one concerning the ETA membership. Now the only accusations are made by two private victims organisations (Guardia Civil, and a right wing association).

The Trials :

In the beginning there were 7 defendants. In the ETA Membership case there are now only 5 defendants. In the financial case there are still 5 defendants.

[http://egunkaria.info/international/?page\\_id=40](http://egunkaria.info/international/?page_id=40)

The board of editors was arrested 20<sup>th</sup> February 2003 at 1 a.m. The police came to the houses with machine guns. The houses were searched. The editors were taken to Madrid for interrogation. They were also tortured. In the case of Iñaki Uria this meant: non-stop exercises, non-stop push-ups, holding hands up non stop. While he was doing exercises he was questioned. Afterwards he needed a physiotherapy for 5 months. He had only slight traces of the torture. They were putting a plastic bag over his head, putting a gun at his head. He filed 5 complaints for torture. Complaints were closed. The Government put a complaint on them for false accusation.



The trial started in December 2009 and finished in February 2010 concerning the membership in a terrorist group. The trial concerning the financial questions is not yet finished. The defence lawyers asked for 70 witnesses, the court admitted only 17. The expert witnesses were from Guardia Civil among them those who committed the torture. So the court changed the witnesses. The defendants gave their statement. The officer of the Guardia Civil gave first gave evidence as a witness, afterwards the same officer gave evidence as an “expert witness” on ETA. This was a gross procedural violation.

On Monday 12 April 2010 five directors –Joan Mari Torrealdai, Iñaki Uria, Txema Auzmendi, Martxelo Otamendi and Xabier Oleaga–, of the *Egunkaria* were acquitted in a 3 to 2 majority ruling by the *Audiencia Nacional* in Madrid.

The judgment of 12 April was scathing: "The provisional or temporary closure of *Egunkaria* was not directly covered by the constitution, nor was there any special legal norm that expressly authorised it... It has not been proved that any of the financing came from an illicit source... The mistaken vision that anything to do with the Basque language and all culture in that language must be being promoted or controlled by ETA leads to a mistaken interpretation of the facts." The judges added that it was clear from the newspaper's editorial line that it did not follow ETA's instructions.

#### **17:00h *Udalbiltza* case, Lander Etxebarria**

UDALBILTZA is the Basque Assembly of Town Halls and Municipal Representatives. It was first created on September 18, 1999 (after the cease-fire which was declared by ETA), at the Euskalduna Palace in Bilbo, by almost two thousand municipal representatives from the seven Basque provinces.

<http://www.udalbiltza.net/en/atariko/en>

Due to the end of the cease-fire in 2000 and due to internal conflicts of *Udalbiltza* with the conservative and social democrat majority, it was recreated later by the left parties EH and AB. The original *Udalbiltza* still exists under the name *Udalbide* (they also use the name *Udalbiltza*).

On 29 April 2003, the Spanish Police, following Judge Garzón's orders, arrested eight members of *Udalbiltza*. Meanwhile 22 activists of *Udalbiltza* are waiting for their trial to start. They are accused of being “an instrument for ETA”.

#### **26<sup>th</sup> March 2010**

#### **13:00h: Batasuna case. Karmelo Landa, defendant (former MEP for *Batasuna*), Urko Aiartza, Jone Goirezelaia Ordorika defenders.**

“Batasuna” means “unity”. Karmelo Landa was imprisoned for 2 years in three different prisons. He was released a few weeks ago on bail. He must not leave the country and not develop any activity concerning *Batasuna*. The case was mentioned in the report of 2010 of the Working Group for Arbitrary Detention of United Nations which stated that Landa's arrest was arbitrary by categories I,II, and III, that he was arrested for his political activities, for exercising the right to freedom of expression, and not for criminal activities.

Karmelo Landa who denounced his arrest did not have a response of the court, two years later. The Spanish Judge Baltasar Garzón opened 3 investigations. The first one was based on his activity as a MEP, because he has spoken about Rojo who was tortured. His extradition from Belgium to Spain was considered by the Belgium Constitutional Court. Garzon lost the extradition case, in which Karmelo Landa participated as a witness.

Afterwards Garzon opened a case against Karmelo referring to his activities in Brussels. Since then Garzon opened a further 3 cases against Karmelo. The Constitutional Court released them. Previously he was condemned to 7 years. Meanwhile he has spent already 2 years in prison. There is another case against him, in which he is accused among 52 people for being a member of ETA. During his imprisonment visiting members of the UN Human Rights Committee in Geneva were only allowed to meet him in a public room. In the newspaper “Publico” his conversation with one of the visitors was quoted literally. The UN Working Group prepared a lot of questions to the Spanish Government. The Government denied what had happened on the way from the Alkala prison to the second prison. The Spanish government demanded that the UN Working Group stop the investigation. The UN asked the Spanish Government to release Karmelo Landa, to pay reparation, to inform the media, and to change the criminal law article that allows that kind of punishment. The Spanish Government did not follow any of these recommendations.

Other politicians from Basque Country are in the same situation. The most scandalous case is that of Arnaldo Ortegi. He was also imprisoned for political reasons. Also the former president of the trade Union LAB Oliver Sconti, (third largest labour union) was arrested. They are still in prison waiting for their trial.

The government wants to stop the democratic process. The most important thing is: to ask for the release of Arnaldo. The government wants to change the law to prevent *Batasuna* from avoiding the banning by founding a new legal party. It will be important to oppose to these new measures.

The colleagues from Behatokia will let us know, when the dates for the hearings of important trials are fixed, so that observers from ELDH can participate. Unfortunately everytime the court publishes the dates at a very late stage.

**27<sup>th</sup> and 28<sup>th</sup> March 2010**

**CONSEU and *Udalbiltza* International Conference –**

**Self-Determination and Diversity – The collective rights of the peoples in the framework of Human Rights**

CONSEU is the Conference of European Stateless Nations – see <http://www.ciemen.org/objec-conseu.htm#programaang>.

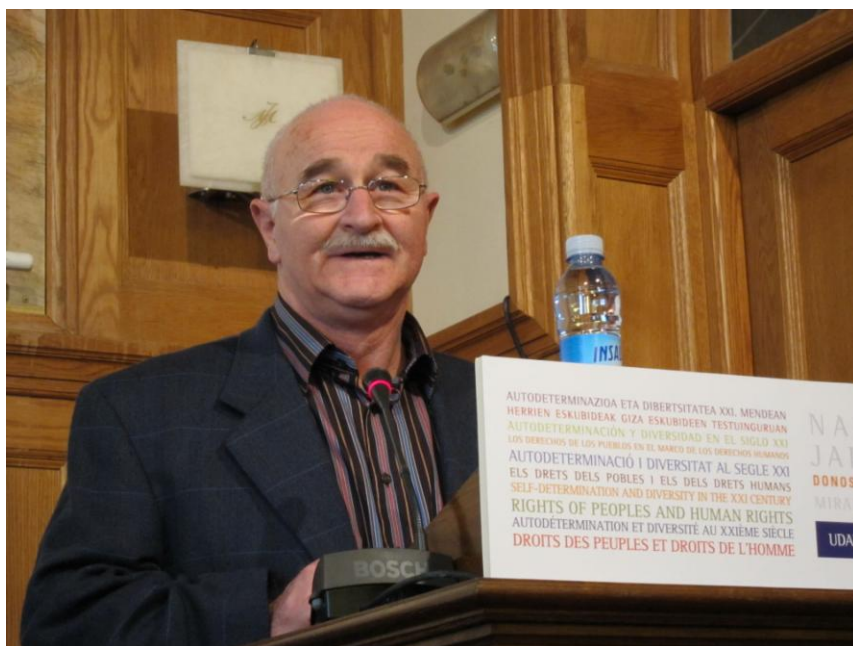
The main themes of the conference were:

- Contribution of the Peoples' Collective Rights to the Development of Human Rights: Difficulties, criminalization, and repression against its exercise
- Processes towards the materialization of the Peoples's Collective Rights: Study Cases
- Institutionalisation Processes in Stateless Nations & Plurinational Societies: Case Studies.

Among the speakers were: Loren Arkotxa (President of Udalbiltza), Aureli Argemi (Ciemen), Julen Zabalo, August Gil Matamala (Catalan Association for the defense of Human Rights), Bill Bowring (ELDH), Yann Choucq (France), Laura Vilagra (Catalonia), Pep Cruanyes, Rizgar Wan (KNK), Kathleen Funchion (Sin Fein), Maribi Ugartebaro (Udalbiltza)

Bill Bowring

made a presentation “The right to self-determination – for the Basques, Irish, Kurds and Palestinians”,



Loren Arkotxa , former president of Udalbiltza



Prof. Bill Bowring, ELDH President, Julen Arzuaga, BEHATOKIA



Rizgar Wan (KNK)





Kathleen Funchion, Sin Fein



Basque Artist

At the end of the conference the participants agreed on a “Manifesto of solidarity with the members of Udalbiltza processes by the Spanish National Court” (see attached declaration).

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**MANIFESTO OF SOLIDARITY WITH THE MEMBERS OF UDALBILTZA  
PROCESSED BY THE SPANISH NATIONAL COURT**

The "Assembly of Town councils and Elected representatives of Euskal Herria, UDALBILTZA" the first national institution of the Basque people, was founded in Bilbao on 18 September 1999 by the will of over 1,700 elected representatives of the seven Basque provinces in order to affirm the existence of the Basque people - Euskal Herria as a nation, contribute to its institutional structure, boosting the national construction of Euskal Herria, and enhancing collaboration among Basque town councils in areas such as language, culture, sport, environment, economic development and social welfare.

On 29 April 2003, the Spanish State authorities ordered the execution of a police operation, led by the Central Examining Court No. 5 of the National Court, which culminated in the arrest of a number of elected representatives that were part of the institution and several workers. This operation cut a rich democratic history of shared projects among municipalities throughout Euskal Herria. Subsequently, it ordered the prosecution of a total of 22 people, local elected representatives and employees of the institution. Soon, all these people, as well as the institution itself UDALBILTZA was accused with charges of terrorism. State prosecutor is demanding imprisonments between 10 and 23 years for aall of them, and the outlawing of the institution.

**As per the above facts, we the undersigned declare publicly as follows:**

1. We express our deep concern about the prosecution of these elected representatives and municipal workers and the serious jail time requested by the prosecutors. This concern is based on two remarks:

First, there is no attribution of any individual criminal activity, and the charges are based only on activities that fall within the normal development of municipal powers.

Secondly, the Human Rights Committee of the United Nations in its report of October 2008 (CCPR /C/ESP/CO/5/2008-10-27) shows its concern about the potentially overbroad reach of the definitions of terrorism in domestic law and urged the kingdom of Spain to the amendment of Articles 572 to 580 of the Criminal Code to limit its application to offenses that are undeniably of terrorist nature.

2. Declare the right that any elected representative has, to create, promote, develop and fund national institutions of Euskal Herria, as in any other nation in the world, and state that such right should be respected by the Spanish state or any other state considered democratic.

3. Due to the above, we state and request publicly, the prosecutors to drop any charge against UDALBILTZA and their members in the summary of the National Court and the case to be stopped.

4. To express our solidarity with the prosecuted persons (mayors, councilors and workers) in the trial against UDALBILTZA.