**Proposal for the Creation of an Expert Panel on Torture and State Impunity during the Basque Conflict**

**Introduction**
The systematic use of torture against a specific group during the Basque conflict, along with mechanisms of impunity designed to protect the perpetrators, constitutes one of the most severe human rights violations in this context. This proposal aims to establish an independent Expert Panel to analyze the systematic practice of torture and its underlying impunity mechanisms under international law. The analysis will delve into aspects such as political and institutional cover-ups, the lack of judicial investigation, the inaction of forensic experts, and pardons, decorations, and promotions granted to perpetrators.

The analysis will rely on previously collected testimonies and documentation, as well as key national and international reports. Its purpose is to determine the legal consequences of these acts and provide recommendations contributing to truth, justice, reparation, and non-repetition.

**General Objective**

To analyze the practice of torture and state impunity during the Basque conflict under international law, drawing on:

* Testimonies and documentation compiled by Basque institutions and human rights organizations.
* Key national and international reports, such as:
	+ The European Committee for the Prevention of Torture (CPT) of the Council of Europe.
	+ The UN Special Rapporteur on Torture.
	+ The UN Committee Against Torture (CAT).
	+ Periodic United Nations reports on human rights in Spain.
	+ Reports from the Spanish Ombudsman, especially those addressing allegations of torture and inhuman or degrading treatment.
	+ Judicial rulings at national, European, and international levels related to cases of torture and the actions of the Spanish judicial system.

**Specific Objectives**

1. **Identify and analyze** the systematic nature of torture against a specific group in the context of the conflict.
2. **Study state impunity mechanisms** that enabled and perpetuated these practices:
	* Political and institutional cover-ups.
	* Lack of judicial investigation.
	* Role of forensic experts in documenting torture.
	* Pardons, decorations, and promotions of perpetrators.
3. Evaluate these practices in light of Spain’s international obligations.
4. Determine the legal consequences of the findings, including potential state and individual responsibilities.

**Methodology**

**Documentary Review**

* Analyze testimonies previously collected by Basque institutions and NGOs.
* Review reports from international and national bodies, such as the CPT, UN Special Rapporteur, CAT, the United Nations, and the Ombudsman.
* Study national and European court rulings on torture cases during the Basque conflict.

**Interviews and Hearings**

* Conduct interviews with victims, families, lawyers, forensic experts, judges, and human rights experts.
* Hold public or private hearings to gather new testimonies and perspectives.

**Technical Support and Systematization**

* Systematize all relevant documentation, including detailed summaries of reports, rulings, and testimonies.
* Translate key documents into the Panel’s official languages (Spanish, Basque, and English) to ensure accessibility.

**Legal Analysis**

* Assess torture practices and impunity mechanisms under international law frameworks, including:
	+ The Convention against Torture.
	+ The European Convention on Human Rights (Article 3).
	+ Jurisprudence of the European Court of Human Rights (ECHR).
* Conduct comparative case studies in other international contexts.

**Investigation of Impunity Mechanisms**

* Study pardons, decorations, and promotions granted to torture perpetrators.
* Analyze patterns of judicial inaction regarding torture allegations.
* Examine the role of forensic experts in documenting injuries and their compliance with the Istanbul Protocol.

**Creation of an International Promoters’ Group for the Panel**

To ensure the Panel’s international legitimacy and support, an International Promoters’ Group will be established. This group will launch the initiative, propose expert members for the Panel, and secure institutional support for its success.

**Composition of the International Promoters’ Group**:

* European Lawyers for Democracy and Human Rights (ELDH).
* International Association of Democratic Lawyers (IADL).
* World Organization Against Torture (OMCT).
* Behatokia.
* Other international organizations committed to justice and truth regarding violations during the Basque conflict.

**Functions of the Promoters’ Group**:

1. **Launch the initiative**: Define the mission, vision, and international objectives of the Panel.
2. **Select experts**: Propose Panel members, ensuring their independence and expertise in human rights, torture, impunity, and armed conflict.
3. **Secure institutional support**: Obtain political and institutional backing for the Panel’s operations.
4. **Coordinate internationally**: Facilitate communication between the Panel and international human rights organizations, courts, and experts.
5. **Raise funds**: Ensure financial resources for the Panel’s activities.

**Secretariat for the Panel**

A technical and administrative Secretariat will support the Panel’s activities.

**Functions**:

1. **Administrative Management**:
	* Coordinate the Panel’s meeting schedule.
	* Organize interviews and public or private hearings.
	* Oversee event logistics.
2. **Technical Support**:
	* Systematize relevant documentation, preparing clear and detailed summaries.
	* Translate key documents into the Panel’s official languages.
	* Ensure the secure and accessible archiving of documentation.
3. **Monitoring and Evaluation**:
	* Track adherence to the timeline.
	* Maintain detailed records of deliberations and agreements.
4. **Final Report Support**:
	* Coordinate the drafting and dissemination of the final report.
	* Oversee translation and organize the public presentation event.

**Expected Outcomes**

1. A final report documenting and analyzing torture and impunity mechanisms.
2. Identification of legal responsibilities and recommendations for truth, justice, reparation, and non-repetition.
3. Proposals for litigation and legal advocacy.
4. Contributions to the historical memory of the Basque conflict.

This Expert Panel, supported by an International Promoters’ Group, will significantly advance justice and reparations for victims while highlighting human rights violations during the Basque conflict.