

EXTERNAL

AI Index: EUR 41/01/97

UA 69/97 Torture / Fear for safety / Medical concern

14 March 1997

SPAIN Fernando Elejalde Tapia

At 8am on 11 March 1997, two members of the armed Basque group *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, murdered Javier Gómez Elósegui, the psychologist in the Basque prison of Martutene, in San Sebastian. Fernando Elejalde Tapia, who fired the fatal shot, was taken into custody by three officers of the *Cuerpo Nacional de Policía* (National Police) after a short chase. He was taken to the police station for interrogation and held under the antiterrorist legislation which allows extended incommunicado detention for up to five days.

At 3pm on 13 March, the police took Fernando Elejalde to hospital. It was noted that he had a fractured ear drum, four broken vertebrae in his back, bruising all over his body, blackened eyes, a kidney malfunction and was in a state of semi-consciousness. He is currently being held in the Nuestra Señora de Aránzazu hospital in San Sebastian.

Amnesty International is concerned that these injuries were the result of torture while under interrogation and is calling for the fullest judicial investigation, with the results being made public as soon as possible. It is also concerned that Fernando Elejalde might be subjected to further ill-treatment once he is released from hospital and returned to police custody.

BACKGROUND INFORMATION

ETA has been conducting a violent campaign of murder by firearms and bombs against civilians and military personnel. In the first three months of 1997 seven people have died as a result of ETA action which is more than the total for the entire previous year. ETA also continues to hold two hostages: one of them a prison officer, José Antonio Ortega Lara, the other a Basque lawyer and son of a wealthy industrialist, Cosme Delclaux.

Amnesty International has repeatedly condemned abuses by armed opposition groups, such as deliberate and arbitrary killings and hostage-taking, as a contravention of international humanitarian law.

It also condemns the continued use of torture and ill-treatment of detainees in Spain (see *Spain: Comments by Amnesty International on the government's Fourth Periodic Report to the Human Rights Committee*, AI Index: EUR 41/07/96). In March 1996 the Committee expressed concern at the numerous reports it had received of ill-treatment, and even torture, and the maintenance of special legislation allowing incommunicado detention for up to five days of persons suspected of belonging to "armed groups".

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish, English or your own language:

- expressing grave concern at the possible use of torture on Fernando Elejalde Tapia during interrogation;
- requesting the fullest judicial investigation, with the results being made public;
- calling on the Minister of the Interior to take the necessary action to ensure that the physical integrity of Fernando Elejalde is respected while he is in custody and that he receives all necessary medical treatment.

In your appeals, you should condemn abuses by armed opposition groups.

APPEALS TO:

1. Minister of the Interior

Excmo Sr D Jaime Mayor

Ministro del Interior

Ministerio del Interior

Paseo de la Castellana 5

28071 MADRID, Spain

Fax: +34 1 537 1941; 537 1003

Telegrams: Ministro del Interior, Madrid, Spain

Salutation: Sr. Ministro / Dear Minister

COPIES TO: diplomatic representatives of Spain accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 April 1997.