

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 41/011/2002 (Public)
News Service No: 160
12 September 2002

Embargo Date: 12 September 2002 10:00 GMT

Spain: The right to peaceful protest must be upheld in Basque Country

Ahead of Saturday's demonstration in support of the suspended political grouping Batasuna in Bilbao, Amnesty International urged the Spanish and Basque authorities to ensure that fundamental rights to freedom of expression and peaceful protest are not undermined by recent legal moves that appear to prohibit such protests.

On 2 September, following the suspension of Batasuna*, an investigating judge issued a court order that appeared to widen the scope for the prohibition of "any gathering or demonstration", either by groups or by individuals, held with reference to Batasuna or its suspension. The judge stated that the order suspending Batasuna's activities included those that were either directly or indirectly driven or inspired by Batasuna, or its members or leaders. Any symbols, logos, posters, placards, announcements, etc., referring to Batasuna, were also prohibited.

A further court decision of 6 September reportedly stated that demonstrations by other parties or individuals were not covered by the prohibition on demonstrations by the Basque nationalist grouping. The precise scope of the various measures nevertheless remains unclear and the Basque Government has come under attack for allowing a peaceful demonstration to go ahead last weekend.

Amnesty International recognizes the right of the Spanish and Basque governments to ensure the safety of all persons within their jurisdiction. It has also repeatedly and unequivocally condemned ETA's continuing campaign of killings of civilians, as well as the numerous acts of politically motivated intimidation or of life-threatening "street violence" that have been committed through the years.

"However ETA's abuses must not be used to justify undermining fundamental freedoms. When faced with grave human rights abuses it becomes all more important to uphold such freedoms," Amnesty International said.

The organization is concerned that the court order of 2 September could be interpreted as an order prohibiting any peaceful protest against the various current moves to make Batasuna illegal. If this is the case, fundamental rights to peaceful protest and to freedom of expression would unquestionably be violated.

"The Spanish and Basque authorities should clarify this point and ensure that such internationally

recognized rights will continue to be protected," Amnesty International urged.

Background

On 26 August an investigating judge attached to the National Court ordered the suspension for three years, extendable to five years, of the political and economic activities of Batasuna, on the grounds that it formed an important and intrinsic part of the structure of ETA. At the same time the Spanish Parliament formally requested the Spanish Government to apply to the Supreme Court to make Batasuna illegal. The Attorney General separately submitted a request to the Supreme Court for the dissolution of Batasuna.

The Batasuna coalition, formerly known as Herri Batasuna and subsequently as Euskal Herritarrok, was formed in 1978 and since then has operated as a legal parliamentary party. The order to suspend Batasuna follows the entering into force earlier this summer of the revised law on political parties (*Ley Orgánica de Partidos Políticos*). According to the law's Article 9, a political party will be declared illegal if it fails to respect democratic principles and constitutional values; if it systematically harms, promotes, defends, excuses or attacks fundamental rights and freedoms, such as the right to life and integrity and dignity of the individual; if it foments, condones or legitimizes violence, or complements and supports the actions of "terrorist organizations".**

Shortly after the order suspending Batasuna was issued, Amnesty International was informed that the Bilbao office of a Basque group which works against torture, *Torturaren Aurkako Taldea* (TAT), was closed by Basque autonomist police. The police also closed the office of a group run by the relatives of Basque prisoners (*Etxerat!!*).

*Batasuna is a parliamentary coalition of political parties widely regarded as the political expression of the armed Basque group Euskadi Ta Askatasuna (ETA).

** Concern about certain aspects of the Law on Parties was expressed by the Spanish Section of Amnesty International in May 2002 ("Comentarios de la sección española de Amnistía Internacional al proyecto de ley orgánica de partidos políticos"). In particular, AI stated that the ambiguity of some wording in the law could lead to the outlawing of parties with similar political goals to those of armed groups, but which did not advocate or use violence.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>