

05 October 2000

## **SPAIN: ETA'S KILLING CAMPAIGN AND ACTS OF "STREET VIOLENCE"**

Amnesty International is deeply concerned about the new wave of killings and attempted killings perpetrated by the Basque armed group *Euskadi Ta Askatasuna* (ETA) since January 2000 and directed in the main at civilian targets. Members of Amnesty International are appealing to ETA's designated representatives to bring to the armed group's attention the concerns that have been repeatedly expressed by Amnesty International, as well as its concerns about intimidatory and life-threatening acts of "street violence" or "urban struggle" ("*kale borroka*") by radical Basque nationalist groups. This organization urges ETA to put an immediate and unconditional end to its campaign of killings of civilians. It also appeals to those groups that are close to or sympathetic to ETA, and engaged in "street violence", to cease their death threats and all actions which could endanger the lives of civilians. It should, as always, be stressed that Amnesty International's appeals are purely humanitarian in nature and carry no connotation of recognition. Nor do they imply any judgment about the character of the conflict in question. Its statements of condemnation are directed exclusively at the abuses committed, and not at any organization, group or individual as such.

### **GENERAL BACKGROUND**

In November 1999 the Basque armed group *Euskadi Ta Askatasuna* (ETA) ended its "indefinite cessation of actions" or cease-fire, which it had declared just over a year before, in September 1998. It then embarked on a new campaign of killings throughout Spain, targeted at a wide range of different people. These actions have breached the most minimal standards of human rights and international humanitarian law. Amnesty International takes no position on the desirability of cease-fires in general, or on the political motivations for any decision to call or end them. Its sole concern is that armed political groups in general respect these fundamental standards.

Throughout past years Amnesty International has repeatedly and unreservedly condemned human rights abuses committed by ETA and other armed groups. Since 1968 ETA has killed over 780 people in Spain and committed serious human rights abuses against many others, including abductions and hostage-taking. In the months leading up to the cease-fire the group deliberately targeted political representatives, particularly councillors and allies of the ruling centre-right Popular Party (PP) and several such councillors were killed. On these occasions Amnesty International reiterated its unreserved condemnation of the human rights abuses and breaches of international humanitarian law committed, stating that the Basque armed group flouted humanitarian principles in no less abominable a way than human rights violations committed by governments when they carry out torture, abductions and extrajudicial executions.

Amnesty International welcomed the halt to the killings, hostage-takings and other human rights abuses that followed the cease-fire initiative, but expressed concern about the continuing and increasing acts of politically-motivated “street violence” or “urban struggle” (often referred to by the Basque term “*kale borroka*”) which took place in the three provinces of the Basque Country and Navarre throughout the period of the “indefinite cessation of actions”. Committed by groups or individuals close in sympathy to ETA, these acts of violence have taken the form of arson and firebomb bomb attacks on the homes or offices of representatives of political parties, journalists and others. Death threats have been made against a wide range of persons, including journalists, judicial figures and law enforcement officers. Individuals have been threatened either directly or by street posters bearing their names crossed with bull’s-eyes and some of these threats have been followed by fatal attacks by ETA. In addition, ETA has continued to send letters to companies demanding payment of a “revolutionary tax”<sup>1</sup>. In a report entitled “*Street violence 1999*”,<sup>2</sup> the Interior Ministry documented a total of 390 acts of “street violence”, particularly in the Basque provinces of Vizcaya and Guipúzcoa.

### **RESUMPTION OF ETA’S CAMPAIGN OF KILLINGS**

In January 2000 ETA’s campaign of killings resumed and to date 13 people have been murdered in different parts of the country - mainly in the Basque Country but also in Madrid, Andalucía and Barcelona. ETA has traditionally targeted military or police officers and since the new ETA offensive began, five military or police officers have died, including some whose deaths involved injuries to civilians or were incurred because the officers were at that moment engaged in the protection of civilians.

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<sup>1</sup>In August 2000 ETA was reported to have sent threatening letters to wives and children of industrialists or businessmen who had refused to pay the “revolutionary tax”.

<sup>2</sup>“*Violencia callejera en 1999*”, *Ministerio del Interior, Oficina de Relaciones Informativas y Sociales*

However, the majority of the targets have been civilian. **Fernando Buesa Blanco** was killed, with his Basque autonomist police (*Ertzaintza*) bodyguard, **Jorge Diez Elorza**, in a car bomb explosion in the Basque capital of Vitoria. In May the journalist **José Luis López de Lacalle**, also a founder of the Ermua Forum<sup>3</sup>, and former political prisoner under General Franco, was shot dead in Andoain (Guipúzcoa). In June **Jesús María Pedrosa Urquiza**, a member both of the PP and a nationalist trade union, was murdered by an ETA gunman in Durango (Vizcaya). In July **José María Martín Carpena**, a PP councillor, was killed for “strictly political” motives (according to an ETA statement) in Málaga and later in July **Juan María Jáuregui**, a Socialist and former governor of the Basque province of Guipúzcoa, who had returned to his home town from Chile for a holiday, was also shot dead for “strictly political” motives in Tolosa.<sup>4</sup> In August **José María Korta Uranga**, the president of Adegí, an employers’ organization in Guipúzcoa, was killed in a car bomb explosion at Zumaia. José María Korta had reportedly asked the members of Adegí not to pay the “revolutionary tax”.<sup>5</sup> At the end of August 29-year-old PP councillor **Manuel Indiano Azaustre**, died at Zumárraga (Guipúzcoa), in the shop where he sold bread, newspapers and confectionery, after he had been shot several times in the chest and stomach. All PP councillors were advised to accept police bodyguards. Manuel Indiano was one of those who had decided to forgo police protection because it was not “in keeping with selling bread and sweets”. After his death the PP in the Basque Country ruled that all PP councillors there must accept police or other bodyguards or face expulsion from the party. In September, a PP councillor, **José Luis Ruiz Casado**, who was not escorted, was shot dead in Sant Adrià de Besòs (Barcelona). José Luis Ruiz was the 10th PP councillor to be killed by ETA in 19 attacks on politicians belonging to that party.

Apart from the murders that have taken place since January, several have been attempted - on journalists, political representatives, industrialists and others - and about 26 people have been injured. These include the nine injured when a car exploded in the centre of Madrid in July, and the 11 injured, again as the result of a car bomb explosion, in Madrid in August. Two of the injured were children. The latest attempted killing was of **José Ramón Recalde**, an academic and former Socialist justice and education minister in the Basque government and well-known member of the historic Basque left-wing opposition to Franco. José Recalde apparently survived because he turned his head at the moment that he was being fired upon. The bullet lodged in his jaw, partly destroying his mouth. Although he survived the attack there were reports that the injuries could make it difficult for him to speak or eat. The attempted killing came a day after the arrest of 20 members of the Basque nationalist coalition party *Herri Batasuna* (HB), a legal political party which is also generally seen as the political expression of ETA.<sup>6</sup> The HB leaders were suspected of collaborating with or belonging to ETA and to *Ekin*, an organization linked to

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<sup>3</sup>The Ermua Forum is a peace movement which was founded in 1997 in response to the kidnapping and abduction of  
PP councillor Miguel Ángel Blanco.

<sup>4</sup>Juan María Jáuregui was one of those who testified against General Enrique Galindo, a main defendant in the  
judicial proceedings for the abduction, torture and murder of ETA members José Antonio Lasa and José Ignacio  
Zabala in 1983, sentenced in April 2000 to 71 years’ imprisonment.

<sup>5</sup>More than 40 industrialists have been killed by ETA since 1976.

<sup>6</sup> HB also goes by the electoral name of *Euskal Herritarrok*.

ETA and allegedly involved in fomenting the “*kale borroka*”. Eighteen of the 20 were imprisoned following the police operation, termed *Operación Lobo Negro* (Black Wolf).

### **“KALE BORROKA”**

The year 2000 has seen an escalation in politically-motivated “street violence” - or “urban struggle”- aimed at creating an atmosphere of intimidation and fear and at affecting the attitude and behaviour of councillors, teachers and professors, journalists, transport workers and others. Many of these acts, which are systematic and deliberate, and potentially life-threatening, are attributed to groups directly linked to ETA. By August 2000 the total number of acts of violence were reported to have already exceeded the total number (390) recorded for 1999. During recent weeks train stations and cars have been attacked and burned and in one week in August up to 18 buses were set alight, some while passengers were inside. According to one report about such an incident, at least one woman was injured by broken glass while escaping from the flames.

There have also been a number of attacks with home-made bombs, petrol bombs and other explosive devices on private homes. In July the home of **Consuelo Ordóñez**, sister of Gregorio Ordóñez, a PP councillor killed by ETA in 1995, was attacked with seven incendiary devices. In August the country home of **Juan José Gaztañatorre**, a PP councillor in Durango, and colleague of ETA victim Jesús María Pedrosa, was attacked for the second time this year and a home-made bomb exploded in the home of a Civil Guard officer, while his 17-year-old son was present. The home of **Mikel Azurmendi**, anthropology professor, Ermua Forum member and reportedly a former ETA member was also attacked with a home-made bomb in August. In some cases death threats have reportedly been made, either by individuals or by members of the above-mentioned groups, and have subsequently been carried out by ETA. The bookshop owned by the wife of José Ramón Recalde, María Teresa Castells, has been the target of several attacks.

### **PREVIOUS AMNESTY INTERNATIONAL ACTIONS**

Over the years Amnesty International has repeatedly and unreservedly condemned ETA’s human rights abuses. In June 1999, during the cease-fire period, Amnesty International published a document entitled “*SPAIN: A briefing on human rights concerns in relation to the Basque peace process*” (AI Index: EUR 41/01/99). While much of the document expressed its continuing concerns about torture, ill-treatment and effective impunity in Spain, it also called upon ETA to put an immediate and definitive end to killings, kidnappings and hostage-takings and, in addition, to put an immediate end to the numerous intimidatory acts which had been made against political representatives, companies, newspapers, judicial figures and law enforcement officers since the declaration of the cease-fire.

In November 1999, following ETA’s announcement that it had decided to “reactivate the armed struggle” Amnesty International reiterated its condemnation of past abuses committed by the armed group and stated that while it had no position on cease-fires in general, it was profoundly concerned at the potential threat to human rights posed by the declaration (AI Index: EUR 41/05/99). The organization continued: “As we have done repeatedly before, we call on ETA to respect human rights, whether or not a peace process exists.

“We also urge the Spanish authorities to refrain from responding to ETA’s statements or actions with any acts in violation of Spain’s national and international obligations”. Amnesty

International concluded that “Human rights are never negotiable and cannot depend on the beginning or end of cease-fires or on the particular circumstances of a peace process.”

In June 2000, in the wake of the fatal shooting of Jesús María Pedrosa, Amnesty International once again urged ETA to put an immediate end to its campaign of deliberate killings of civilians (AI Index: EUR 41/007/2000). It expressed its continuing concern not only about the intentional killings and attacks carried out by ETA against specific individuals or categories of civilians but also about the “*kale borroka*” attacks. It referred to the June 1999 report in which it had called on groups reportedly involved in the “urban struggle” campaign to end all action that could endanger or threaten life, liberty and security of person.

In the light of the recent escalation in ETA killings Amnesty International will continue to press ETA to bring an immediate end to them and to those actions of the “*kale borroka*” which pose a danger to the life and liberty of the civilian population.

## INTERNATIONAL STANDARDS

This organization has called on ETA, as on armed political groups elsewhere, to respect fundamental standards of human rights and international humanitarian law. These standards are quoted for purposes of reference and in support of the longstanding conviction of the members of Amnesty International that armed groups should recognize and respect such principles. **It should be stressed, however, that to refer to the standards of international humanitarian law is not to make any statement or value judgment whatsoever as to whether an armed conflict exists in Spain.**

The Universal Declaration of Human Rights (Article 3) and the International Covenant on Civil and Political Rights (Articles 6.1 and 9.1) both set out as a fundamental principle the right to life, liberty and security of person. In addition, Article 3 common to the Geneva Conventions of 12 August 1949 states the following:

### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed “hors de combat” by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

In addition, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June, 1977, Part II: Humane treatment, Article 4, states:

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

(a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) collective punishments;

(c) taking of hostages;

(d) acts of terrorism;

(e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) slavery and the slave trade in all their forms;

(g) pillage;

(h) threats to commit any of the foregoing acts.

In a recent appearance before Spain's National Court ETA's former "number one", Francisco Mugica Garmendia ("Pakito") was reported to have told the court: "As an ETA activist, I would like to say that ETA, in its actions, takes special care not to incur civilian victims, although unfortunately this happens".<sup>7</sup> In the view of Amnesty International such a statement is patently unfounded, given the deliberate targeting and killing of a large number of civilians in recent months and years. The organization has now decided to approach several of ETA's specifically designated representatives to urge upon them the imperatives of fundamental international human rights and humanitarian standards.

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<sup>7</sup> "Como militante de ETA, quisiera decir que ETA, en sus acciones, pone un cuidado especial en que no haya víctimas civiles, aunque desgraciadamente eso ocurre ..." Francisco Mugica quoted in *El Mundo* of 22 September 2000.

