

SPAIN Protected witness "1964/S" and other witnesses involved in official investigation into past human rights violations

On the morning of 9 November 1996, cleaners found a handcuffed man calling for help on a stretch of open ground near the southern coastal town of San Fernando (Cadiz). The man, whose identity is confidential, is a protected witness in the investigation into the kidnapping, torture and murder in 1983 of two members of the armed Basque group *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, by members of the Spanish security forces (see below).

The witness, known only as "1964/S", had given evidence to the judge the previous week. His testimony reportedly implicated members of the Civil Guard, formerly stationed in the Basque country, in the crimes.

"1964/S" claims that on the evening of 8 November armed men kidnapped him at gunpoint from a petrol station and then took him to an area of beach. His mouth was taped, he was handcuffed and severely beaten. He was repeatedly burned with cigarettes and sodomized with a blunt instrument on at least three occasions. Finally, a copy of the order from the judge, requesting that he be granted the status of a protected witness, was forced into his mouth.

Reports of the subsequent medical examination in the local hospital have confirmed the existence of injuries consistent with these allegations, including 22 cigarette burns and signs of anal damage.

"1964/S", who is reportedly a retired naval intelligence officer, claimed to have identified certain equipment used by his abductors, such as special latex gloves and handcuffs, to be official issue. He has made a statement to the local police and the duty magistrate.

The apparent failure of the Spanish authorities to protect "1964/S" has greatly heightened Amnesty International's concern for his safety and the safety of others involved in the ongoing investigations into human rights violations carried out in the 1980s (see below). In the 18 months since the inquiry was opened there have been reports of verbal threats and, in some cases, physical assaults against witnesses, jurists and lawyers involved in the inquiry.

BACKGROUND INFORMATION

Judicial inquiries at the highest level, including the Supreme Court and the National Court, are being carried out into the involvement of the government and of the security forces in a "dirty war" against supposed members of ETA.

Between 1983 and 1987 a secret organization, the so-called *Grupos Antiterroristas de Liberación* (GAL), Anti-Terrorist Liberation Groups, murdered 27 people, including 10 people with no connections with ETA. In some cases people were kidnapped. The GAL was reportedly composed of security officers and contract gunmen and it is believed to have had links with the highest ministerial levels in Spain, including a former Minister of the Interior, commanding officers of the security forces and members of regional government.

One of the cases under investigation concerns the kidnapping, torture and murder of two ETA members, José Antonio Lasa and José Ignacio Zabala. Their corpses were found in southern Spain in March 1995. They had been abducted from Bayonne, France, in 1983. Both corpses showed signs of extensive beatings and torture,

including loss of finger and toe nails. They were killed by blows to the skull followed by shots in the back of the head. Numerous Civil Guard officers, who were stationed at Intxaurreondo barracks in the Basque country, including Civil Guard General Enrique Rodríguez Galindo, the Governor of the province, Julen Elgorriaga, and the Secretary of State for Security, Rafael Vera, have been indicted in the judicial investigations into these murders.

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

- expressing grave concern at the apparent failure to protect important witnesses in this crucial judicial investigation;
- emphasizing that this is an ongoing investigation in which witnesses, both past and those yet to be heard, must be adequately protected. Any further failure could compromise the investigation and result in persons responsible for serious crimes not being brought to justice;
- urging the Minister of the Interior to assign the necessary qualified personnel to guard such witnesses;
- urging the Minister of Justice to devote the necessary funds to pay the expenses of the protection operations;
- urging both Ministers to undertake the fullest possible investigation into the allegations of abduction and torture made by "1964/S" and to take the necessary steps to bring those responsible to justice.

APPEALS TO:

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Telegrams: Ministro del Interior, Madrid, Spain

Salutation: Sr. Ministro / Dear Minister

2. Minister of Justice

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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 26 December 1996.