

EXECUTIVE SUMMARY

Persecuting torture and degrading or inhuman behaviour inflicted upon people deprived of liberty is undoubtedly a basic requirement for any defence of Human Rights. Prisoners convicted for terrorist attacks should never suffer torture or ill-treatment in prison, not even when these terrorists have committed humiliating and vexatious acts towards their victims considered as blameworthy as those used by Governments that don't respect Human Rights.

Anybody who is sincerely against all forms of terrorism could never deny the universal right of any suspect to a fair trial and to be treated with dignity and respect, while he/she remains in police custody or, if convicted, in the prison where he/she is sentenced. The consequence of this moral, legal and political requirement is that all reports should be thoroughly investigated, without prejudice to the seriousness of the crimes the victim has been previously accused of or the sentence of the complainant. Nevertheless, the mere report on alleged ill-treatment without any supporting evidence, should not be accepted as an automatic imputation that forces the accused (police forces, magistrates, forensic doctors, prison officers, etc) to prove their innocence, often reversing the burden of proof.

However, there is a tendency in certain circles to give more credibility to the supposedly tortured than to the evidence against these reports submitted by the institutions accused of torture, particularly if the report comes from groups which are supposedly confronting the oppression of tyrannical governments.

Paradoxically, this is the case of torture reports submitted by the members of the terrorist group ETA against the Spanish and French authorities, which are accused alike of ignoring the rights of the Basque people. ETA intends to represent the Basque Country with exclusive and murderous pretensions by threatening half its non-nationalist population.

Basta Ya is morally, legally and politically against torture and degrading or inhuman behaviour that could be inflicted upon prisoners or suspects accused of belonging to ETA or to any other group. However, we feel it's our obligation to attract the attention of authorities and organisations to whom this dossier is addressed to (see above) and in particular to the United Nations Special Reporter on Torture. We believe that the reports issued up to this date seem to be leaning favourably towards the terrorists and are not sufficiently contrasted with the information that questions these reports, issued by official sources and civil organisms, including the associations of victims of terrorism. We intend to offer a more balanced and objective version and vision on the tortures that have been reported by ETA and those who support them.

We have had access to the draft of the annual report issued by the United Nations Special Reporter on Torture. We think it is incomplete and insufficiently receptive to the information submitted by the Spanish Administration, the Judicature, the press and the union associations and civic groups which are involved in this matter. Your Annual Report is absolutely worthy of our respect, as it is for so many other organisations around the world that are fully committed to the defence of Human Rights. Therefore,

we are especially interested in offering you a different version of the facts as opposed to those you describe. In our opinion, they have driven you to incorrect conclusions could have serious consequences for the ETA victims as well as contributing to the moral legitimacy of the terrorist group. This situation is obviously completely unacceptable for us and incompatible with the principles of democracy and the Rule of Law anywhere in the world. We want to draw your attention to the fact that ETA, and not the Government, is the main source of systematic and deliberate violation of Human Rights in the Basque Country and the rest of Spain.

We hope that this dossier will be useful for you. If you need any more information on the subject please do not hesitate to contact us.

On “INICIATIVA CIUDADANA ;BASTA YA!”:

Civil Network founded in the Basque Country in 1999 aimed to demand the dissolution of ETA with no political compensation, actively support the victims of terrorism and divulge and defend the constitutive principles of the Rule of Law. Basta Ya is specialised in citizen mobilisations and reporting political violence. In the year 2000 they received the European Parliament’s Sajarov Prize for Human Rights and Freedom of Expression.