

## **2. THE DISPERSAL OF ETA PRISONERS**

### **2.1- HISTORY**

ETA usually bundles together its strategic proposals for the independence of the Basque Country, which sustain murder and violence against persons and property (839 murders and over 10,000 acts of violence and destruction), with tactical campaigns designed to keep society constantly in a state of mobilization. Both mainstays of its tactical campaigns have gravitated towards its prisoners and torture. When an ETA militant falls into the hands of the police, it is unbecoming to say that he or she has cracked under interrogation and that he or she has told on their comrades in arms. The grass roots supporters who idealize ETA militants would not understand and so in order for the idea of the heroic militant dedicated to the cause to live on, there is a need to say that he or she has been tortured until (s)he can no longer endure and only then did (s)he cave in to the police. Torture was a systematic practice during the Franco era and continued, albeit on a more isolated basis, until the mid 1980's and was tied to sections of the police involved in groups such as the GAL (Grupos Antiterroristas de Liberación or Anti-terrorist Liberation Groups) which practised state terrorism. In 1987, the socialist José María Jáuregui was charged with uncovering the GAL conspiracy when he was the Spanish Central Government delegate in the province of Guipuzcoa. Finally, those making up the GAL, as well as those that encouraged and covered up for it, were put on trial and convicted in 1997. It can be safely said that torture has disappeared from Spanish police stations and jails since 1987 save for the odd exception. Indeed, ETA paid Jáuregui back for his investigation by murdering him in July, 2000.

The other method for keeping the grass roots supporters that ETA uses riled up is by waging a campaign on behalf of its prisoners. A lot of money and effort have been waged on them. ETA has been paying a fixed amount of money for personal expenses to each prisoner which has been drastically cut back since 2002 thanks to the obstacles that the police and judiciary have put in the way of the terrorists. Likewise, ETA has, through its political network, promoted pro-prisoner associations in order to organize individual and collective visits and to call for all of them to be released. One of these associations which was the most senior and which emerged in the beginning of the 1970's, Gestoras Pro-Amnistia (Pro-amnesty agents) was outlawed in December, 2001 after it was proven that they were an extension of ETA. ETA's policy towards its prisoners alternated between demanding for their immediate release (Presoak kalera, i.e. prisoners out) and calling for the prisoners to be regrouped in jails near the Basque Country or in jails in the Basque Country itself (Euskal Presoak Euskal Herrira, i.e. Basque Prisoners to the Basque Country). ETA and their henchmen -- nowadays they are bereft of legal political representation since the courts have shown that its different organizations (HB [Herri Batasuna or National Unity], EH [Euskal Herritarrok or We People from the Basque Country], Batasuna [Unity], etc.) formed a part of ETA and were thus outlawed -maintain that the policy of keeping the terrorists dispersed in Spanish prisons is not only a policy that is cruel for the prisoners' families but it is also a

policy of political genocide since they count the road accidents that 13 people from the prisoners' families have suffered as state murders.

Thus, for ETA and its henchmen, the bad thing about the dispersal, or at least what they wish to depict as bad, is the distance that the prisoners are away from their birthplace. However, this has not been, nor is it an obstacle to visits. It is more of a question of visiting active ETA members in France rather than visiting prisoners. For these visits, the families receive no financial aid unlike what occurs with visits to prisoners in Spain. Indeed, the distances are hardly small because, once France put an end to the so-called French sanctuary, the members of the terrorist band had to hide out in places far away from the Spanish border. However, the distances that the prisoners found themselves posed no problem in the past. In 1987, there were 435 ETA prisoners in Spanish jails. 73% were kept in jail near Madrid: Herrera de la Mancha and Alcalá-Meco. The rest were scattered about in 13 centres. Why did ETA fail to complain that the distance was an act of cruelty for the families? The answer is because most of the prisoners were bunched together. That was the only thing that interested ETA because as long as they were together, they would be subject to ETA's tyranny, euphemistically disguised as the need to carry on the struggle. In 1989, when the Spanish state started the policy of dispersing prisoners in order to break up the links that ETA was able to create, thereby allowing each prisoner to decide for himself about his future by condemning the armed struggle and agreeing to terms for reintegration into society, ETA began to rail against such a dispersal since it was being seriously harmed by the policy. Between 1989 and 1995, 112 ETA prisoners opted to reintegrate themselves back into society after declaring their break with the terrorist group.

The years 1983-90 were no easy times for ETA which saw more of their terrorist cells fall than they could set back up. That is why ETA needed for its militants to close ranks and not find a personal way out. The murder of the former ETA militant, Yoyes, took place in 1986 and served as a warning to active ETA militants as well to prisoners. In an internal communiqué that responded to the policy of dispersal, ETA warned that the prisoners were to subject themselves to the decisions adopted by the assemblies or else *“they would be placing themselves outside the group with all the resulting consequences”*. The threat could not be more forthright. At the same time, ETA declared prison officials to be military targets which in layman's terms meant that they could become potential victims of its gunmen. ETA was to murder six prison officials. In collective visits to prisoners organized by “Gestoras Pro-Amnistía” and suchlike organizations, the prisoners' families openly wrote down the license plate numbers of the cars of prison officials in a bid to both intimidate them and to pass information on to ETA. When ETA declared its truce in 1998, and unlike what happened in previous attempts to negotiate with the Spanish government, ETA came out with a programme of maximal goals contemplating independence but washing their hands entirely of the prisoners despite the fact that the Government was sounding them out in the matter by attempting to reach an agreement. However, for ETA in 1998, the prisoners were a low priority item when it was aspiring to nothing less than independence.

This was the case even after it had been plugging so hard for the prisoners. In 1996, ETA kidnapped the prison official José Antonio Ortega Lara. Ortega Lara was abducted to pressure the Spanish government and to gain the objective of bringing ETA prisoners to jails that were closer to their hometowns. This was a demand that, from the very onset of the truce and under the banner of Euskal Presoak Euskal Herrira (Basque

prisoners to the Basque Country), was present in every act of protest conducted by political circles close to ETA. According to their supporters, it was a non-political and purely humanitarian question. However, the subhuman conditions that the prison official was subjected to during his long captivity unmasked ETA's true character and its "humanitarian" claims since he was cooped up for 532 days in solitary confinement in a squalid, closed and humid space under the floor in an industrial factory, unable to enjoy the company of anyone whatsoever, unable to get the least amount of exercise or get a breath of fresh air or even see natural light. Nationalist terrorism denied its victims elementary rights which its own prisoners enjoyed. That is why the liberation of Ortega Lara by the Civil Guards was a serious setback for the terrorists and brought them great discredit. Nevertheless, and in order to cover up for their failure and to regain their credibility in Basque nationalist circles, the terrorist group decided to stoop even lower in the same line of particularly odious acts of violence as evidenced by the kidnap and murder of the young Ermua councilman Miguel Angel Blanco which took place shortly afterwards.

ETA kidnapped Miguel Angel Blanco in the name of its prisoners. It demanded that its 500 militants be brought closer to the Basque Country within 48 hours or else it would murder Blanco. The end result is well-known: ETA murdered Miguel Angel Blanco and unleashed, without realizing it, the greatest mobilization of rejection ever seen in the Basque Country and throughout the rest of Spain. Basque nationalism came to fear being overwhelmed by it all and instead of working on finishing off an ETA that was at rock bottom, it was to make a secret pact with ETA. In August 1998, the PNV (Basque Nationalist Party), EA (Eusko Alkartasuna or Basque Solidarity), and ETA signed a secret pact that declared the Statute of Gernika to be dead, and stated that the political interests of the three organizations had a common goal and committed the PNV and EA to exclude the "constitutionalist" (i.e. those supporting the 1978 Spanish constitution) parties from Basque politics, as they were literally deemed to be "*forces whose objective is the destruction of Euskal Herria (the Basque Country) and the construction of Spain*". In exchange for that, ETA was to declare an indefinite ceasefire. In accordance with this agreed-to script, ETA declared a halt to its assassination campaign on September 16, 1998 which it later reversed on November 28, 1999. Throughout that period of time, the terrorist group continued to commit extortion and kept open "other fronts of struggle", particularly the "kale borroka" (street struggle) front or low-intensity terrorism. Above all, it took advantage of the period to reorganize its rankled ranks and regain part of the "prestige" it had lost. The increase in street violence, i.e. *kale borroka*, aimed exclusively at "constitutionalist" supporters, was met passively by the Basque Government, which allowed ETA to keep up the pressure and, moreover, to select young recruits to form new commando cells with activists that had no police records.

The pact between PNV-EA and ETA -which ETA itself saw fit to leak to the press with supporting documents despite the denial of PNV and EA about its existence- came to fruition in the Lizarra agreements which were nothing but a commitment to advance towards de facto independence by substituting the powers of the Spanish state with a local authority that would gradually be established from town to town until a constituent assembly would declare independence for the Basque Country. The Lizarra agreement nonsense did not last very long since ETA and its henchmen demanded that the PNV, EA and other signers such as IU (Izquierda Unida or United Left) should adopt more and more radical steps at an ever quicker pace which they were unable to do. The net result was that ETA went back to doing the only thing it knows how to do: murder.

However, after the signing of the Lizarra accords, the PNV also began to demand an end to the policy of dispersal of prisoners even though it had unambiguously supported such a policy in the period immediately before that when the Ajuria Enea Pact was in force, a pact signed in 1988 by the PP (Partido Popular or People's Party), PSOE (Partido Socialista Obrero Español or Spanish Socialist Workers' Party), PNV and EA in order to put up a common front against terrorism with the conviction that terrorists should not gain any political advantage in exchange for a cessation of violence and that ETA could be defeated by military means. The journalist Santiago González pointed out in his book *Palabra de Vasco* (the Basque's word of honour) that the spokesman for the PNV until recently, Joseba Egibar, received members of ETA prisoners' families that gathered before the PNV's headquarters in Bilbao -Sabin Etxea- with the cry "Presoak Euskal Herrira" (Prisoners to the Basque Country) together with cries of "Presoak Dinamarkara" (Prisoners to Denmark) echoed by 100 members of EGI, the PNV's youth group which accompanied him.

In conclusion, one can say that ETA has been constantly using its prisoners. When it is in its interest, it calls for the right of prisoners to serve their sentences in full which means 1) that it looks down on the social integration of its prisoners and wishes to keep the body of prisoners away from any temptation of leaving the terrorist group and 2) in showing that the prisoners and members of their families suffer -hence all of the literature about extermination jails and incessant denunciations of mistreatment-, i.e. that their own people are suffering, ETA feels legitimized to make others suffer in their strategy which they call socializing the suffering, that is, they have extended terrorist attacks to society as a whole and not just to the police, members of the military -their usual victims- but also to journalists, teachers and professors, judges, and ordinary people who are not just opposed to ETA and its henchmen but also to so-called democratic Basque nationalism. That is to say, ETA considers itself legitimized to attack -thereby unleashing its violent young people to carry out such a persecution- those it considers members of the pro-Spanish community. This strategy of socializing the suffering was approved as the "Oldartzen" (Basque for "attacking, confronting") tendency within the ETA-Batasuna conglomerate in 1995. The second weighty argument is the fact that throughout the time during which the truce that ETA declared in 1998 was in effect, their prisoners disappeared on the radar screen of their demands. The Spanish government was ready to sit down and negotiate with ETA about the fate of their prisoners. It even moved some prisoners held in the Canary Islands over to the Iberian Peninsula and brought a few closer to their hometowns. However, at that moment, ETA was only interested in negotiating independence. Throughout the time that the year-long truce lasted, there was no talk about prisoners. Not even ETA's satellite organizations talked about the matter. In ETA's November 23, 1999 communiqué which put an end to the truce, the prisoners are not mentioned a single time. The prisoners went back to being a part of ETA's strategy as soon as it started the new cycle of violence.

## **2.2.- DOCTRINE**

In the 2000 report drawn up by the Commissioner for Human Rights, Álvaro Gil-Robles

says: “As for serving out the sentences in penitentiary centres in the Basque Country close to the detainee's home town, this measure is not contemplated in the (Spanish) Constitution nor in prison-related legislation as a right. It is rather an objective of the penitentiary policy to favour reintegration of the convict back into society. The Constitutional Court has ruled on it on various occasions and up to this moment the European Court of Human Rights has not made any interpretation contrary to this. However, and based on the fact that this cause is not in the origin of any violation of rights contemplated in the European Convention on Human Rights (articles 5, 6, 7), I believe that, as far as it is possible and on condition that this might truly help the process of reintegration into society, the serving out of sentences in centres that might offer more facilities to attain this objective should be promoted and, in this sense, the proximity of the members of the family of the prisoner and his/her place of origin can and must be an element to be taken into account by the competent authorities”.

With respect to this, the president of the Basque Institute of Criminology, Antonio Beristain<sup>1</sup>, points out in the article “International society and the Basque prisons”, which is included in the book *Enough is Enough, in opposition to an obligatory nationalism*, that no democratic country proclaims the social reintegration of those condemned to be the only objective. No country grants the right to serve out one's sentence in a centre that is closest to the prisoner's usual place of residence. Beristain recalls that the goal of penitentiary institutions is twofold: reintegration into society of those condemned and their custody. Such a custody is likewise carried out as security within the detention centres, a circumstance that makes it undesirable for 500 like-minded delinquents to be held in the same centre. Beristain also points out that although the German *Länder* have autonomous control over prison matters, it is the courts that may determine which institution might be best suited for each detainee. Although it is usually the case that the prisoner is incarcerated in the *Land* where he or she resides, there is nothing that could impede him from being transferred to any other detention centre within the Federal Republic. On December 9, 1992, the European Commission of Human Rights ruled in favour of the British Home Office which had refused to transfer a prisoner condemned for terrorist offences to a detention centre that was closer to his family on ground of security and discipline.

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<sup>1</sup> In the words of Dr, Heinrich Jescheck, President of the International Association of Penal Law and Emeritus director of the Max Planck Institute of Foreign and International Penal Law in Freiburg, “*the basic elements of Professor Beristain's scientific study, which allow for them to be characterized as unlike that of any other work written about penal law or criminology, are a deep, incisive look into Penal Law and the theory of criminal offence from the core demands of Christian ethics as well as a passionate zeal for reform supported, to a large degree, by his religious experience. Another thing which could be said about him is his objectivity in presenting the different problems, especially that dealing with treating the positions of others, the forcefulness of backing up his own opinions, ample documentation, and his taking into consideration results coming from other branches of knowledge which, in this particular case, is from the empirical social sciences*”

## **2.3.- LAWS**

### **2.3.1- PRISON REGULATIONS:**

Article 4. Rights of the detainees.

1. Penitentiary policy will be carried out with respect for the personality of those held and their legitimate rights and interests regardless of the sentence in which no discrimination of any kind on grounds of race, gender, creed, opinion, nationality or any other personal or social condition or circumstance shall be allowed to prevail.

2. Consequently, the inmates shall have the following rights:

a) The right for the prison administration to look after their lives, their integrity and health and may not, under any circumstance, be subjected to torture, mistreatment whether through word or deed nor may they be an object of unnecessary strictness in applying the regulations.

b) The right to preserve their dignity as well as their privacy without jeopardizing measures demanded by an orderly prison life. In this sense, they have the right to be addressed with their own name and that their condition is reserved with respect to third parties.

c) The right to the exercise of civil, political, social, economical and cultural rights except when they are incompatible with the object of their detention or the serving of their sentence.

d) The right of prisoners to penitentiary treatment and measures programmed for them with the goal of assuring the successful outcome thereof.

e) The right to have contact with the outside world as foreseen by legislation.

f) The right to a remunerated job within that which is allowed by the prison administration.

g) The right to have access to and take advantage of public grants that might be forthcoming to them.

h) The right to prison benefits as foreseen in legislation.

i) The right to participate in activities of the detention centre.

j) The right to formulate petitions and present complaints before prison and judicial authorities, the ombudsman and the Attorney General's office as well as to contact competent authorities and to use the means of defence of their legitimate rights and interests as stipulated in chapter V of Title II of this Regulation.

k) The right to receive personal and updated information of the situation of their legal proceedings and their penitentiary status.

### **2.3.2.- GENERAL PENITENTIARY ORGANIC LAW**

**Article 12.** 1. The location of prison centres shall be determined by the penitentiary administration within the territorial areas which may be designated. In any case, there shall be an attempt for each one to have a sufficient number of those in order to meet penitentiary needs and in order to prevent the prisoners from losing their social roots.

### **2.4.- DETENTION PRACTICES IN NEARBY COUNTRIES**

Neither does France have a law that stipulates that prisoners have to serve their sentence near their hometowns. In the case directly concerning ETA, France keeps the prisoners as dispersed as possible in order to avoid close-knit groups from consolidating. Moreover, the prisoners are not kept at the same place on a permanent basis for fear of possible escapes since ETA members have already tried to do so many times, sometimes successfully. Below is a news item taken from the newspaper *El Diario Vasco* on February 9, 2004. One should be aware that with ETA's cells being constantly broken up by the police, the terrorist group, which badly needs cadres, is trying to seek them out among its old militants in exile or in jail and that is why it makes plans to spring them from jail.

#### **2.4.1- France rotates former ETA leaders in its jails in order to prevent escapes**

*'Susper' is serving two months in penitentiary isolation in reprisal for his escape from the Bayonne police station. "The goal is to prevent them from organizing or preparing for an escape".*

FERNANDO ITURRIBARRIA/DV. PARÍS

The General Office of the French Penitentiary Administration, which comes under the Ministry of Justice, has established a jail rotation system for those ETA prisoners that pose a high risk of escape by former leaders of the organization. The presumed ex-head of the military operations wing, Ibon Fernandez Iradi, alias Super, spent his second month serving a sentence of solitary confinement in reprisal for his escape from the Bayonne police station.

The latest examples of the jail change policy are the transfers, which took place at the end of January, of Julen Atxurra Egurrola, alias Pototo, ex-head of logistic operations, and of Jesus Maria Puy Lekunberri, ex-leader of illegal commando cells. Both were evacuated from the French maximum security prison of Moulin-Yzeure after their cells and visitors were subjected to a rigorous search, backed up by sniffer dogs in bid to find explosive substances.

The extraordinary measures of control on visits in the visitor's area took place on the weekend of January 3 and 4 by order of the French Attorney General's office. The transfers of Poroto to Rouen (Normandy) and of Txuma (i.e. Jesus Maria) to Strasbourg (Alsace) were decided in Paris by the General Office of the French Penitentiary Administration. *"If there was an escape plan, he wouldn't tell him because there are things you don't tell"*, declared Richard Bauer, the prison warden at Moulins, to this newspaper,

The prison officer, who has been running this penitentiary for a year and a half, recalls that the ETA leaders are usually sentenced in France to long periods of time and once they are released, they are extradited to Spain where they run the risk of continuing to remain jailed for a long time for other reasons.

*"They're people who have particular reasons for wanting to escape because their prospects of getting out are quite remote"*.

*"Although the combined action of the Spanish and French police is especially effective at neutralizing terrorism, ETA still exists"*, observes Bauer. *"That's to say, those dangerous prisoners are apt to get logistic support from accomplices on the outside"*, he says without revealing concrete facts that would back up his suspicions.

### **With a bank robber**

In this context, the Moulins warden states that *"we are therefore obliged to take this potentially dangerous possibility into account when dealing with the Basque terrorist prison population"*. Such a preventative policy is especially translated into *"regular rotations so as not to give them any chance to get organized and to draw up well-structured escape plans"*, Richard Bauer says in conclusion.

The only ETA prisoner that has managed to escape from a French jail is Ismael Berasategi Escudero, who escaped from the La Santé prison in Paris in August, 2002 when he was substituted by his brother Joxean during a visit at the visitors' area. After he was rearrested a year ago in the southeast of France, he was held in solitary confinement for four months.

The same thing happened to Susper, who, at the end of 2002, escaped from the Bayonne police station through a ventilation duct in a cell designed for intoxicated prisoners. Since he was jailed two months ago, he has been isolated from the rest of the prisoners at the Fleury-Mérogis prison (on the outskirts of Paris). The measure, which lasts for an extendible three month period, was adopted by the prison warden on account of his escape.

The alleged ex-head of the recruitment network and collection of funds shares the jail section with other "especially watched" prisoners such as Yvan Colonna, the presumed murderer of the prefect of Corsica, Claude Erignac or the bank robber Antonio Ferrara who had a spectacular escape with the help of accomplices armed to the teeth with explosives and military weapons. Like them, he is being held in solitary confinement for 22 hours a days in a cell.

*El Diario Vasco, February 9, 2004*

## **2.4.2- ETA had detailed escape plans to spring its prisoners from Spanish and French jails**

*The information, encrypted on a CD, was found in the possession of Gorka Palacios*

*ETA planned a spectacular move to show up the French and Spanish authorities and stiffen the morale of its gunmen. A CD, found in the possession of the ring leader Gorka Palacios, contained escape plans for members of the terrorist group being held. As soon as they became aware of this, prison administrations in both countries adopted urgent measures. The ETA ringleaders being held in France were transferred to other prisons while in Spain there was a rigorous search of the cells of ETA prisoners.*

**J. M. Zuloaga / R. L. Vargas - Madrid.-**

When specialized agents managed to decode the CD, they were met with a surprise. ETA was working on a series of escape plans for its prisoners which, in the case of France, were more elaborated. As for our country, names of those prisoners who needed to be sprung from jails were listed. The reaction came at once. The French penitentiary administration transferred the main ETA ringleaders to other prisons and the cells they had been occupying were carefully searched. The measure affected at José Javier Arizcuren, *Kantauri*; Julián Achurra, *Pototo*; Ismael Berasategi, who had escaped once himself; Jon Bienzobas, *Karakulo*; Francisco Javier García Gaztelu, *Txapote*; Belén González Peñalba; Ignacio Gracia Arregui, *Iñaki de Rentería*; Jesús María Puy Lecumberri, *Txuma*; Ainhoa Múgica and Julia Moreno Mancuso, *Bombi*.

### **Truck bomb**

The escape plans for some of these individuals were drawn up with some detail which shows that there had been an information gathering effort made by prisoners and, presumably, of those who had come to visit them. Among these plans there was one that was to free several prisoners from the La Santé prison in Paris. The gunmen were to blow up the wall of the prison with a truck bomb in order to gain access to the inside of the prison. According to the sources mentioned, one of the detainee in the recent operation against the “logistics wing” of the terrorist group, Luis Enrique Garate, was in charge of preparing this escape attempt. In Spain, the penitentiary authorities proceeded to conduct an overall search of the cells occupied by prisoners of the terrorist group although, according to antiterrorist sources consulted, but nothing suspicious was found.

The intention of the terrorist group, which finds itself in one of the worst moments in its history, was, according to the sources cited, to show an operational level that it does not have and, while they were at it, to boost the morale of their militants and of the organizations involved with them. They also wanted to show up the prison authorities in France and Spain.

The information on the escape plans was on one of the CDs found in the possession of the head of “military operations”, Gorka Palacios, detained last December near Pau. The content of the CD could not be decoded until just a few days ago. Up to now, the only

ETA member that has been able to escape was Ismael Berasategui who escaped from La Santé prison after being replaced by his brother José Antonio who has a striking resemblance to him. Both took advantage of one of the visits to which prisoners have a right.

*La Razón*, February 16, 2004

### **2.4.3- ETA calls for the third degree of imprisonment for its prisoners**

#### **L D (Agencies)**

The leadership of ETA has, for the first time in its history, called for the third degree of imprisonment and a conditional release for a group of nearly 100 prisoners through its usual lawyers. The measure comes after several terrorist prisoners made their discontent to the ETA leadership known since they have been unable to take advantage of the prison benefits which in many cases would allow them to leave jail during the weekends. Faced with the danger of a division between the ETA prisoners that could deepen still further and dissidence which could grow more evident, ETA has given in to the demands of imprisoned terrorists.

Sources from those involved in the antiterrorist struggle told *Europa Press*, that with this decision, ETA is trying to pamper its prisoners, reduce pressure from said group, and probe the new judge of Penitentiary Custody of the National Tribunal, Javier Gómez Bermúdez. This measure, according to sources consulted, is not an individual initiative taken up by the prisoners themselves but is, instead, a measure adopted by the terrorist group itself which hitherto had rejected the idea of its prisoners asking to be classified as third degree detention prisoners and who were directly calling for their conditional release.

This rejection was in answer to the assumption that such a reclassification implied the acceptance that ETA prisoners were not political prisoners as they define them but were common prisoners that can gradually work their way up the penitentiary detention degrees as they accept and abide by the re-education measures. In order to reach the third degree detention status, ETA prisoners, like any other prisoner, have to fulfil a series of requisites such as active repentance, to explicitly ask for forgiveness from the victims, and accept civil responsibility arising from their crimes in case they are sentenced for it. At the same time, the precepts for the Penitentiary Custody judge to grant a prisoner conditional release are that he or she should be classified as being a third degree detainee, to have three fourths of their sentence served, or in exceptional cases two thirds, and, finally, there should be a favourable prognosis of reintegration into society.

Among the prisoners included on the list are terrorists with blood-stained records such as María Inmaculada Noble Goicoechea, *Ana*, sentenced for the attack on Juan Bravo Street in Madrid, which took the lives of five Civil Guardsmen, and the murder of the military officer Ricardo Sáenz de Ynestrillas and the soldier Francisco Casillas. There is also Carlos Torrecilla, sentenced for more than two crimes, among which the murders of the vice-commissioner Ortiz de Urbina and of the retired general Luis de Azcarraga

are the most noteworthy, or the ETA gunman Antonio Troitiño, sentenced to 2,232 years for the attack on the Plaza de la República Dominicana, in Madrid, which took the lives of twelve Civil Guards.

### **Symptom of weakness**

The Minister of Justice, José María Michavila, considers the decision of the ETA prisoners who are applying for penitentiary benefits to be a sign that the terrorist group is “weaker than ever” and recalled that the State has legal mechanisms to guarantee that sentences are served to their full extent. José María Michavila made these statements at the Ministry of Justice after meeting with the prosecutor of the International Penal Court, Luis Moreno Ocampo in answer to a question by journalists about such a decision.

Michavila commented that it is “*plainly evident*” the State with rule of law, the law itself, and Justice, together with police efficiency and international collaboration have managed to make the terrorist group “*weaker than ever*” and that the decision taken by ETA is yet “*another example*” of its weakness.

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