

3.- THE PRISON OFFICERS

3.1.- The everyday situation

When prison officers are interviewed, the first thing that they agree on is that none of them wants to deal with ETA prisoners. There are several reasons, the main and most obvious one is that the mere fact of being a prison officer turns them into being an objective of the terrorist group, i.e., they are potential victims of a bomb attack or a shot through the back of the head. Moreover, it is also a question of dealing with troublesome prisoners. While the rest of the internees know that they have to stick to the regulations, the ETA prisoners, in their conviction that they are a part of a plot wrought by the Spanish state to wipe them from face of the earth as members of an oppressed people, may refuse to do simple things such as going into their cell when it is time to go into the cell. If there are attempts to force them in, that does not mean that violence is used but quite simply they are limited to grabbing them to get them inside. They resist, they kick, they bite but then they make denunciations of mistreatment although the only ones who are injured are the prison officers themselves. There have been many such cases which have later been dismissed.

The ETA members in jail make use of their criminal record and their forming a part of a group in order not only to intimidate prison officers with whom they have immediate contact but also those in positions of higher authority in the prison. At every given moment, they try to establish a correlation of forces that favour their interests. The outcome is that on many occasions they gain privileges that the rest of the internees cannot aspire to. If a lawyer or a family member comes to visit after visiting hours, they visit the prisoner as if they had come during established visiting hours. They usually oppose searches after visits. They have been able to take advantage of cells designed solely and exclusively for group meetings or to have lunches and dinners in them but not live in them. There have been cases in which a prisoner has had his own television set. In order to enjoy their privileges and to keep up the pressure on prison officers, ETA people have many organizations charged with hyping violations of their rights in the media and on the internet, violations that they consider to be a proven fact rather than an alleged charge even though they have no proof other than their own biased testimonies.

Three prisoner officers, interviewed by the magazine *Hasta Aquí* (Up to Here) (#8, January-February 2002), responded this way to the following question, **Do you believe that the group as such pressures the prisoners into not calling for social reintegration measures?**

Joaquín: It is not that we believe it, it is something that we can see before our very eyes. More than the group of prisoners, it's the people on the outside, namely the Gestoras [pro-Amnistía] people and groups of that ilk. They belonged to an organized group when they were outside, and inside, they're still members of it and so they have a

kind of military discipline instilled in them. If the group says "you don't have to accept the third degree of custody", they don't accept it and whoever does accept it is automatically expelled from the group. There have been cases in which some [prisoners] have realized their folly or that they have grown tired of being in prison and have decided to comply with the rules of the penitentiary system and, as a result, they are automatically expelled from the group.

And to the question: Can someone go from the second to third degree of custody without accepting penitentiary norms?

***Joaquín:** No, to be in third degree custody, you have to comply with certain requirements that no ETA prisoner, for now, would abide by. Moreover, people that say "those who have served three quarters of their sentence should be released" are dead wrong since not only is the time served an important factor but there are other requisites such as the certainty that he or she will not go out and commit a crime again. In fact, as the Law says word for word, there should be a "guarantee that he will live an honourable life". And ETA people are so convinced that they are committing no crimes that if they do get out, they'll go back to taking part in attacks. In the street, people talk very glibly, even the Counsellor of Justice does so, he must know something about the penitentiary law. A prisoner's parent can talk about it ... I think it's logical that they would take up for their son, but for someone in a position of responsibility to do so, someone who ought to know the law ...*

***Carlos:** I mean, inside they still belong to the same group for which they've gone to prison and they haven't renounced anything.*

***Lourdes:** And even then, the administration, which is very generous, sometimes grants third degrees of custody a few days before their conditional release so that the inmate is not forced to renounce the group. There are many ETA prisoners that are granted third degree custody without fulfilling the conditions as provided for by the law because the Board of Prisoner Treatment has noted that there are those who are alienated from the group although they will not come out and say it because one problem that exists is that they have to make sense of all the time that they have spent in prison and, on the other hand, when they are out, whether they receive a homecoming reception or not when they do get back to their home towns is not only important to them but also to their children. Many put up with it although they are at the margins of the ETA group as they await that day and so they won't have to offer another explanation to their children and people on the outside.*

When representatives from different international organizations visit the jails, ETA prisoners find a way to convince them that a kind of genocide is being waged against them (how many of them know that ETA members like Juana Chaos order champagne, and boast about it, to celebrate every time ETA commits a murder? In what kind of extermination jails do they allow champagne, and especially on such occasions?) and they write rivers of ink since they are aware of the enormous international repercussions that their false denunciations will have. It should be pointed out that up to the latest legal reform in 2003, prisoners sentenced to thousands of years in prison could commute their sentences by merely taking advantage of the right to study as contemplated by Prison Regulations. As ETA tries to push for a correlation of forces in every field, it has managed to gain privileges even in the field of academic studies

thanks to the complicity of professors who are ideologically inclined and to professors who have given in to the intimidation forced on them as we can see in section 2.5. As for the prison officers, no member of a fact-finding party from the EU or the UN has shown any interest in them, indeed it is more to the contrary, as they have always held the poor ETA prisoners to be the victims. Who has ever asked to see why they take their cars out of the parking lot every time family members of ETA prisoners pay a visit?

They are also ignorant of the fact that the minister of the Interior had to arm them when they are outside of the prison so that they could defend themselves in case they are attacked because there were not enough armed escorts to go around for them. The ETA underworld knows how to use every trick in the book to make themselves look like victims. One of the main ways is warping the principle of innocence: The ones accused by them have to prove their innocence and not the other way around as is the case in a land where there is rule of law in which burden of proof falls on the accuser.

3.2.- The Prison officers: ETA's victims

3.2.1.- Kidnapping of the prison officer José Antonio Ortega Lara: The prison officer José Ortega Lara was held by the terrorist group for 532 days.



3.2.2.- Pictures of the kidnappers and the place where he was held

3.2.3.- The facts

ETA kidnapped the prison officer Ortega Lara on January 17, 1996 and forced him to live in a hole (in Basque *zulo*) incommunicado for 532 days. Four individuals took turns to watch over the place periodically and to give him food through a very small window. It was his only contact with human beings even though there was very little that was human about those particular ones. The fan that was supposed to ventilate the tiny cell did not work. Ortega Lara was isolated from the work, that is to say, he was unable to see anything except the four walls of an unhealthy, windowless cell that measured five square metres, just enough for a mattress and a tiny camp table. He could touch both walls by stretching his arms. Ortega Lara could hear no noise coming from the outside. In addition to physical torture, the terrorists added psychological torture by holding him incommunicado and made him lose the notion of time with the added cruelty of the terrorists constantly making him wait for a death to which he knew he had been condemned since ETA was not asking for a cash ransom but, instead, was calling for the ETA prisoners to be transferred to prisons closer to the Basque Country, something to which the State could not give in. It is the height of cynicism that the terrorist group should denounce prison conditions for its own prisoners when it held a man captive in conditions worthy of a concentration camp which only demonstrated once again the totalitarian character of a political ideology that thinks nothing of somebody who thinks differently. Ortega Lara was finally freed by the Civil Guard on July 1, 1997. One proof of how little they cared whether Ortega Lara lived or died is the fact that the kidnapers, once they were detained, refused to divulge the location of the very complex system of gaining access to the hole where a life was being held. In the moment of his liberation, Ortega weighed 23 kilos less. It was the longest ETA kidnapping and it was surely the cruelest one. When he emerged from the cell, Ortega Lara was completely disoriented and dizzy. He declared that he had resigned to die in that squalid *zulo* (hole).

3.2.4.- Petition of Amnesty International for Ortega Lara's release:

SPAIN: AMNESTY INTERNATIONAL CALLS ON ETA TO RELEASE JOSE ANTONIO ORTEGA LARA

José Antonio Ortega Lara, a 37-year-old prison officer who was abducted in the northern Spanish city of Burgos on the evening of 17 January, should be released immediately, Amnesty International said today.

Concerns for Ortega Laras safety were raised when he failed to return home from his place of work, Logroño prison. His abandoned car was recovered the following morning in a local industrial estate.

Euskadi Ta Askatasuna (ETA), the armed Basque group, claimed responsibility for Ortega Laras kidnapping in a statement published in the Basque newspaper *Egin* on 1 February. ETAs statement called for the Spanish authorities to abandon their strategy of repression of Basque prisoners, saying that in return it would be prepared to make an equivalent gesture. It further stated that prison officers would cease to be the object of their actions.

The strategy referred to in ETAs statement is the policy of dispersal of Basque prisoners in penal institutions throughout Spain. ETA prisoners undertook a lengthy hunger-strike before Christmas against dispersal, calling for the state to cease treating them as hostages and for all their rights to be respected -human as well as political- putting an end to the punishment which dispersal caused to the family and friends of prisoners.

The issue of dispersal of prisoners is not within Amnesty Internationals mandate and consequently the organization takes no position on it. However, Amnesty International urges Ortega Lara immediate and unconditional release.

We unreservedly condemn abuses by armed political groups such as kidnapping, deliberate and arbitrary killings and hostage-taking which contravene international humanitarian standards, Amnesty International said.

Ortega Lara is the second person currently to be held as a hostage by ETA. José María Aldaya Etxeburua, a Basque businessman, has been held since 8 May 1995. In a statement issued on 25 May ETA claimed that the reason for its action in kidnapping him was his refusal to pay the economic assistance requested to carry forward their fight for the liberty of the Basque people (*Euskal Herria*)...we wish to send a new warning as well to those businessmen who are in this position.

In a statement issued on 26 May 1995 Amnesty International urged Aldaya Etxeburua's immediate and unconditional release, condemning the practice of hostage-taking.

3.3.- Murdered prison officers

ETA murdered the prison officier Máximo Casado Carrera in Vitoria, a card-carrying member of the Comisiones Obreras (Workers' Commissions) trade union. He had received threats during the kidnapping of José Antonio Ortega Lara who was also a prison officer. The terrorist put a limpet bomb underneath his car parked inside a garage which went off when he started the engine to go to work at the prison in Nanclares de Oca (Alava). Casado Carrera's body was blown to bits as a result of the detonation which also damaged three cars parked next to the car of the murdered officer. The bomb used was quite powerful and contained nearly two kilos of explosives.

Máximo Casado, forty-four, was married and had two children, a 10 year-old girl and a 18 year-old boy. The murdered officer was born in Santa Elena de Jamuz, in the province of León, and had been working fifteen years at the prison in Nanclares de Oca (Alava) where he began as a teacher.

The prison officer at the Nanclares prison, according to his neighbours, had been suffering from constant harassment by pro-terrorist groups over the last few months. His mailbox was burnt and painted over as were the columns of his house. He was insulted and called "a jailer", his car was scratched up by running keys across it and he received early morning telephone calls.

The sixth prison officer murdered since 1983.

Máximo Casado Carrera, the prison officer at Nanclares prison in Vitoria, was ETA's sixth murder victim linked to prison institutions and as this document is being written, the 16th victim that has lost his life in terrorist attacks since the end of ETA's ceasefire. Since 1983 and up to today's attack, five prison officers have been murdered in the 20 attacks that the terrorists have perpetrated against members of this group and they have provoked the death of a prison officer's mother who opened a package bomb meant for her son as well as two prisoners and a civilian.

ETA's latest attack against people working in prison institutions was committed on March 11, 1997 when the Martutene (San Sebastian) prison psychologist from San Sebastian, Francisco Javier Gómez Elósegui, was murdered. The terrorists used the method of shooting the victim through the back of the head against prison officers on four occasions (three of them in San Sebastian and another in Puerto de Santa María), while the rest of the victims were murdered by package bombs, the most deadly of which cut short the lives of four people on June 28, 1991 at the Sevilla-1 penitentiary .

Gatherings to express popular revulsion throughout Spain

Political institutions, trade unions and universities expressed their revulsion at this murder of ETA's with various kinds of demonstrations. The disdain for popular opinion shown by the terrorist group was readily apparent in these reactions after 100,000 citizens had called upon the terrorists twenty-four hours beforehand to give up violence once and for all in a Bilbao demonstration. In numerous cities, there were gatherings of citizens in front of representative institutions to express their condemnation of terrorism.

The top leaders of every political party, with the exception of EH, and several thousand Basques heeded the call for demonstrations held in the three Basque provinces to express their revulsion for Máximo Casado's murder. Over 85,000 people demonstrated a day afterwards by marching through downtown Vitoria to cry for freedom and to show their revulsion for ETA's murder of the prison official. The demonstration ended with a word of thanks given by Conchi Jaular, Máximo Casado's widow. The banner that opened the demonstration was carried by Máximo Casado's widow, children, and in-laws as well as by the top representatives of the Comisiones Obreras trade union, José María Fidalgo and the UGT (Unión General de Trabajadores or General Workers' Union) trade union; Cándido Méndez and his work colleagues. Marching behind them were trade union representatives from every prison in Spain and also from the Ertzaintza (Basque police) sector.

Digest of articles from various newspapers

3.4.- Other Situations:

3.4.1.- A Penitentiary Custody judge decides in favour of prison officers concealing

their identity from ETA prisoners

He deemed it possible that the terrorist group could use personal information to intimidate or stage attacks against them.

Madrid, January 15, 2004 (COLPISA, C. Calvar).

The chief judge of Penitentiary Custody, Javier Gómez Bermúdez, declared that it was legitimate for prison officers to protect their identity from ETA prisoners since the terrorist group could use their personal information to “*intimidate*” them or “*compromises their security*”. In the decision, the magistrate struck down a complaint from a former member of the “*comando Madrid*” cell group; José Ignacio de Juana Chaos, who intended to identify a prison officer where he was serving sentence. The judge recalled that ETA “*had already killed and abducted several officers from Penitentiary Institutions*”.

The incident came about because the ETA member had sent the magistrate's officer a written document in which he complained that he had not been given the identification number of “*a prison officer named Agustin*” with whom he had had an altercation even though the Penitentiary Custody court at El Puerto de Santa María and Court number 3 in Madrid had ordered such information to be divulged.

After hearing the penitentiary centre and the prosecutor -who supported the prisoner's complaint- the judge determined that it “*was not necessary*” for the employee to be identified by this badge number so that the internee “*can exercise his right to complaint, denunciation or any other act appertaining to him*”.

The judge explained that, on account of controls existent in the jails, the identity of the prison officer -for the purpose of providing the effective judicial protection or to gain an eventual sanction- “*can be obtained by the prisoner providing the day, time, and place (module, patio, dining room, etc.) where the incident that provoked the claim took place*”.

The magistrate insisted that the register stating when, where, and who undertook a given service as well as the authority and means of investigation at the court's disposal “*allowed for a clear identification of every officer related to a concrete fact or incident*” without necessarily putting them at risk.

Multiple murderer

Gómez Bermúdez recalls that the prisoner who made the claim is “*a multiple murderer integrated in a terrorist-type criminal organization*” that “*has killed and abducted several prison officers*” such as Máximo Casado Carrera who was murdered in Vitoria in October, 2000 with a limpet bomb attached to his vehicle or José Antonio Ortega Lara who was held 532 days inside a hole by ETA until he was freed by the Civil Guard.

This is why he considered that acceding to the ETA member's petition would provide him “*information about the identity of prison officers that could serve to intimidate them and compromise their security*”.

In relation to the decisions issued by the El Puerto de Santa María Penitentiary Custody Court or Court no. 3 in Madrid, which had backed up the prisoner's contention, he pointed out that “*they had used up their efficiency in this concrete case for which they were issued without their being able to prolong the effects in a period of time beyond the supposed concrete case for which they were issued*”. That is to say, as De Juana Chaos' case was thrown out, the decisions of the judges that had ordered the identity of the prison officer with whom he had had the altercation had become moot without it being necessary to annul them.

3.4.2.- The ETA prisoners: Temperature gauge of the Basque "conflict".

Aitor Loyola. *Arbil Magazine*, nº 43

Bringing ETA's prisoners closer to home and regrouping them in prisons in the Basque Country and Navarre are two of the historical demands of the so-called MLNV (Movimiento de Liberación Nacional Vasco or Basque National Liberation Movement) and is its main mobilizing lever. On the other hand, the policy of dispersal of ETA prisoners started by the socialist government and currently maintained by the Partido Popular (People's Party) continues as before. Below we shall see some aspects regarding the true situation of the ETA prisoners and their role in the so-called Basque “conflict”.

Introduction.

The recent escape attempt by the ETA member Igor Solana from the Nanclares de Oca prison in Alava has brought to the fore in today's current events some circumstances regarding the situation of the prisoners of this terrorist group in Spanish prisons.

On the other hand, the topic also came to light on the occasion when the former Supreme Court justice and member of the State council José Luis Manzanares made some remarks on the TV programme “El Primer Café” on the Spanish channel Antena 3 in which he stated: “*judicial repression against terrorism is not serious in Spain*”. He likewise questioned the true application of conditional release and the granting of third degree of penitentiary custody to ETA prisoners, a fact that affects both the Court of Penitentiary Custody and the Administration itself.

It is not an unknown topic nor is it hardly dealt with in the Spanish media. As far back as November 27, 200, the Madrid newspapers *La Razón* dedicated two exclusive pages to the subject resulting in the Madrid prosecutors denouncing the fact that ETA prisoners enjoyed, in their opinion, privileges and impunity in the jails. In reference to the situation in the Madrid prisons, the prosecutors deemed the proposal to create a Penitentiary Custody Court within the National Court to be suitable, one that would be specialized in affairs concerning prisoners belonging to armed gangs. It would mean the unification of judicial criteria that would be applicable to matters such as obtaining extraordinary repayments even though it may have incurred multiple disciplinary proceedings (which, as they have admittedly not been informed, implies a substantial shortening of the real length of their sentence), aspects related to communication (face to face meetings, telephone calls), etc. In said article, it is stated that, in the end, the body of prison officers finds itself demoralized.

Denunciation from a trade union representing prison officers

Delving deep into this subject matter, issue #86 dated January 2001, of the journal pertaining to the largest union representing prison officers, ACAIP (Agrupación Cuerpo de Ayudantes de Instituciones Penitenciarias or Association for the Corps of Penitentiary Institution Auxiliaries), has made its own version regarding this problematic area known

In an article published on pages 27-29 of its journal, the situation of an inability to apply rules in many penitentiary centres is denounced, a situation that has allowed ETA prisoners to enjoy privileges that in many aspects go beyond prison regulations.

The article gives several concrete examples of these presumed faults: one ETA prisoner per cell in contrast to most inmates who generally have to share their cell with another inmate, internees classified in article 10 or first degree of imprisonment (solitary confinement) serving their time in ordinary ways without hardly any limitations on schedules nor any kind of restrictions, a direct line to the wardens or assistant wardens to find a solution for “their things”, the lack of support from the General Prison Office that these prison officers suffer from regarding denunciations of tortures and, finally, the scant participation of prison staff specialized in writing up reports that illustrate - beforehand- many of the comprehensive rulings handed down by judges in face of the pretensions of ETA prisoners.

Thus, we may wonder whether it is a question of privileged treatment of this kind of prisoners or, to the contrary, whether this strange and odd situation -strange and odd to most citizen- is the net result of exceptional circumstances which have come together.

To begin with, we can reliably state that it is doubtlessly a complex situation that has got out of hand for various reasons: concrete judicial practices (there is no unanimity in many of the decisions adopted by various judicial bodies), the multifarious reality of prison life in which “each prison is a world”, and, finally, actions and pressure brought to bear by groups supporting ETA prisoners.

The policy of "dispersal" of ETA prisoners.

Inmates belonging to the ETA terrorist group (who number some 450 in Spanish prisons) are the object of extraordinary attention by a group of organizations of the so-called MLNV (Basque National Liberation Movement).

That is how it has always been but this especially scrutinized attention came into evidence after the policy of “dispersal” of these prisoners by the socialist government went into effect, the goal of which was to try to control the so-called “jail front” of ETA, to break up the unity of its integral members and to favour individual “reintegration” of some of its former members. An attack aimed directly at ETA's heart could not go unanswered. That is why the organizations making up the self-styled MLNV gradually and laboriously and with an admirable perseverance came up with a long-term strategy in response which could be summed up in several slogans: unconditional support for the prisoners, use of EVERY means at their disposal, non-stop mobilization, pressure.

Without wading deep into an analysis of this antiterrorist policy, we can conclude that it is, to a large extent, a spent policy nowadays: the unity of the members of the self-styled “group of Basque political prisoners” is evident and there have hardly been any people who have left the organization over the last few years. In order to make this appraisal, one needs to get to know about the real situation of ETA prisoners and the support work (which could also be understood as a question of obvious “pressure” with the ultimate objective of maintaining discipline among the “militants” that are imprisoned and to stave off desertions) which has been maintained over all these years.

The real situation of ETA prisoners

In the first place, ETA prisoners can count on considerable support from their lawyers which allows them to “squeeze” the prison regulations. Various law firms are wholly committed to the prisoners' cause with abundant resources at their disposal: Ione Gorizelaia in Bilbao, Iñigo Iruin in San Sebastian, Txemi Gorostiza in Pamplona, etc. Other lawyers, on a secondary level, belong to penitentiary staff that serve all prisoners as well as some prisoner-support associations (e.g. Salhaketa or “denunciation” in Basque) that also make the effects of their persistent judicial work felt within the walls of the prison and the offices of the Courts of Penitentiary Custody and Provincial Courts with notable efficiency. Thus, they undertake an exhaustive followup of origin, elaboration and content of each and every one of the judicial rulings of the different judicial authorities. These followups are personally delivered and subtle (and sometimes not so subtle) pressure is brought to bear on the judicial officials and judges. This constant work allows them to glean every single favourable aspect from prison regulations by taking advantage of the material contradictions and regulatory shortcomings, something that is not always possible for the rest of the inmates since they do not have access to such support that is as dedicated as it is specialized.

On the other hand, there are, in many prisons, “informal” channels of communication between representatives of the “body of Basque political prisoners” as they call themselves and the administration in some penitentiary centres. The warden, assistant warden, an educator with some credibility are the people that, on behalf of the administrative staff of the prison, talk to representatives of the “body of prisoners” about matters of common interest in order to reach a “statu quo” that makes for a liveable everyday routine. This is a reality that bears fruit: one ETA prisoner per cell, extraordinary telephone calls, additional extraordinary communication with the outside world, laundry with soap and softeners for members of the terrorist group in the centre's own laundry service, purchases of food on the outside, private residential spaces formulated as occupational workshops, etc. In making up this real-life prison regime, rulings issued by the judges from the Penitentiary Custody Courts and Provincial Court, in response to a complaint, have a profound influence by authorizing, for example, possession of a personal computer in their cell, face to face communications (in a room without bars or glass barriers) with their usual partner even if they have no children in common, transfers to other centres so that they can maintain relations with their partners who are also imprisoned, oral communications with messages for ETA, extraordinary permissions for various causes, etc.

Thus, when those “actors” intervene, reality overwhelms what is foreseen by regulations which on occasions leads to the restrictive nature of a prison regime, to which many of the prisoners should adhere, being somewhat watered down

Another aspect to take into consideration which offers another important glimpse into the real situation of these prisoners is that dealing with mobilizations that they themselves carry out within various penitentiary centres. The sophisticated reasoning varies. In each centre a different strategy is maintained according to the situation at hand, the degree of exhaustion of the ETA members, the space “won”, and the faithful carrying out of orders received: hunger strikes, fasts, putting up bills and banners, denunciations, passive resistance to determined orders, refusals to enter a cell or to leave a particular area, etc. In practising this game of “push and pull”, a particular model of lifestyle comes about in each penitentiary centre in which many factors play their part such as the leadership style of those in command, the willingness of the ETA prisoners, their outside support, lawyer action, judicial rulings, and transfers of the prisoners themselves to other penitentiary centres.

Support groups acting on behalf of ETA prisoners

We have mentioned support lent by lawyers linked to groups within the self-styled MLNV for these ETA prisoners. Let us now take a look into these aspects.

On every weekend, thousands of people leave the Basque Country to go to many Spanish prisons in buses and vans in order to visit members of their family or friends who are imprisoned. These trips are doubtlessly an occasion for indoctrination, cohesion, and mobilization for those thousands of family members affected by the physical separation from their children, parents, brothers and sisters, aunts and uncles, etc.

It is not in vain that the Gestoras Pro-Amnistía, followed by Senideak (literally “relatives” in Basque) have sought for many years to bring closer together relatives and friends of nearly half a thousand members of the terrorist group (that is, if we add those imprisoned in Spain to those held in French prisons). The way that they follow the orders given to them is something that speaks volumes for them. In view of that, the work done by these family members and friends of the ETA prisoners is a fundamental factor in maintaining their morale and firmness of convictions. The symbolic expression of their importance is manifest in the numerous demonstrations held in support for the prisoners: at the head of such demonstrations bearing the banner slogan, alongside distinguished members of Herri Batasuna, there are files of family members marching and holding up poster-sized pictures of the ETA prisoners.

Another very concrete aspect which illustrates their real situation is the economic support lent to them by ETA circles which comes in the form of grants for the numerous trips made by family members and the money which reaches the prisoners themselves through them (somewhere between 120 and 240 euros, according to the state of ETA's finances) . This allows ETA prisoners to improve the material aspects of their lives, concretely by allowing them to purchase books, musical equipment, computers, special food (prawns for birthdays and other festive celebrations, macrobiotic food, food complements), clothes, incense, sports equipment, etc.

The women have also taken up the struggle with a feminist slant in the world of nationalism and have certainly adapted it to modern times. The “amatxo” (Mommy) has been the mainstay figure in transmitting nationalist thought in the Basque household. Heiresses of an arguable Basque matriarchy that ran the farm household and domestic and family life, they have taken up where the young radicals have left off. Every weekend,

hundreds of women, wives, sisters or simply girlfriends march through the streets and highways to lend affective and political support to their prisoners. There have been quite a few relationships between couples that have started in the prisons: first through the bars in the visitors' area and then face-to-face encounters until finally their relationship is established. All of this is generally within the framework of a kind of union that has extended throughout society: de facto couples, with or without kids, emancipated from the oppressive Church values, liberated from the patriarchal and male chauvinist model. The role of the women in maintaining the prisoners' morale has been decisive.

At the local level, support platforms are periodically held in support of certain prisoners in particular, support emanating from the radical Basque nationalist organizations in the town or neighbourhood where the prisoner had been living until detained. They try to pull in other groups to go along: parishes, neighbourhood associations, dance and sports groups, Basque nationalist parties with a presence in this precinct or neighbourhood, Basque nationalist trade unions, environmentalist groups, etc. They then organize all kinds of mobilizations, collect funds, present motions in town council meetings, etc. They extend their influence as they organize all these mobilizations while overseeing the social life in the area where everything is taking place.

The enormous amount of mail sent by pro-ETA people and groups, the publications and all kinds of books that they continuously receive, visits from professors from the University of the Basque Country, the attendance of lawyers, even like-minded doctors and opticians all of this makes up an extraordinary social fabric of unconditional support for ETA prisoners who can truly feel like they are “*protagonists that have sacrificed themselves for the national liberation struggle*” and are “*the best that Euskadi (the Basque Country) has*”.

The role that ETA prisoners play

The prisoners have traditionally played a fundamental role in the organization: both in decision-making and in determining particular tactics concerning themselves.

It is significant that their situation has always been given high prominence in determining the objectives and priorities of the terrorist organization which is reflected in their discussion documents and internal memos, public communiqués, etc.

Their role also has symbolic and organizational importance as evidenced by, for example, the inclusion of ETA prisoners on the Herri Batasuna party's election slate during various elections.

It is no coincidence that during the so-called “truce” that the spokespersons that ETA made public were very important members of the terrorist group who were in prison which provided some clues about the true will for dialogue shown by the terrorist organization at that point in time.

Nevertheless, analysts who are ETA experts have been noticing that as the current terrorist offensive has taken a nasty turn for the worse, the prisoners have lost some leeway in decision-making within the organization which is reflected in less attention being given to them by the terrorist group in their communiqués issued over the last few months.

Basta Ya Citizens' Initiative Group

It is surely a consequence of internal movement with ETA circles which seems to indicate a redistribution of forces arising from a new tactical phase that the so-called MLNV is going through and it seems to be centred around the gradual assumption of responsibilities by the “young cubs” in the movement: members of the Haika (“arise” in Basque) youth movement. It shows a clear radicalisation of the MLNV as evidenced by the overwhelming victory of the “bateginez” (uniting) tendency within the internal discussion process of “Batasuna” (Unity). In contrast, the minority tendency called “Aralar” only managed to get 10% support. In this sense, police action undertaken against ETA over the last year has undoubtedly allowed us to confirm that several members of Haika have joined the terrorist group, that they have become a part of the Leninist control apparatus of the movement which has evolved into the outlawed political party EKIN (action) and, finally, that these “young cubs” have displaced some of the historical militants (moderate or burnt out). This all confirms the radicalisation process that we were talking about.

Some reflections

This article aims, first of all, at highlighting the complex reality that judicial and prison officials have to live through as they are caught in a vice between the disconcerting decisions that they have the responsibility to make and pressure from ETA's terrorism.

In every social circle, some kind of coherence between written and unwritten norms is a prime necessity. In the world of penitentiaries, regulations are very details but unwritten norms are also fundamental. These material and factual contradictions are fertile ground for judicial demands brought by lawyers on behalf of ETA's prisoner, many of which are won due to a lack of support from the central prison administration for their management teams. Thus, what should be forthcoming is a dedication of the right staff and material resources in order to cover legal needs that come about in certain penitentiary centres.

For ETA, the current situation can be defined in an awful manner: it's war! Indeed, in a war, as they themselves assure us, the use of any means is justified. It is evidently not a question of responding of the same means from the point of view of a land where there is rule of law, but as for the “judicial confrontations” and other fronts opened up by terrorism, every possible and legitimate means must be used if a democratic state does have really the will to fight and achieve victory.

Another aspect that may be studied is that dealing with certain legal reforms with regard to access that prisoners have to the third degree of detention, conditional release, and commuting of sentences by doing labour, whichever the case may be. Moreover, this desirable legal reform could be extended to other areas in order to prevent many Spanish prisons from turning into a “loophole” for their organization which allows for ETA prisoners to have easy and quick communication with their organization which doubtlessly moves through numerous people who, with one motive or another, visit them.

We may conclude that the current judicial and penitentiary system suffers from considerable breakdowns that lessen the efficiency of objectives staked out by the antiterrorist policy of democratic government for reasons analysed in this article. Such deficiencies will have to be made right in the name of simple coherence if the will to win does indeed exist.

3.5.- The privileges of ETA prisoners in their academic studies: a digest of articles:

3.5.1.- *El País Universidad*, February 19, 2003:

Gotzone Mora, a professor at the University of the Basque Country and spokeswoman for platform *Profesores para la Libertad* (Professors for Freedom), which is made up by educators at the public Basque university, yesterday defended the legal changes passed by the Council of Ministers because what the new measures do “*is assure the right of ETA prisoners to an education while saying no to privileges*”. “*It will go a long way towards lowering the tension at the University of the Basque Country and will truly provide the right to an education but with the ETA prisoners having to study*”, she sustained.

In statements made to various news agencies, Mora termed statements made by Xabier Arzalluz, the president of the PNV on Sunday as “*undignified*” and “*an invitation to violence*” in which the PNV leader urged the University of the Basque Country to “*raise Cain*” against the reform. Moreover, Mora considered the words of Manuel Montero, the rector of the University of the Basque Country, as “*profoundly unfortunate*” because in her opinion “*evidence is being denied: namely that there are privileges for the prisoners*”.

3.5.2.- *El Correo Gallego*, 29 de diciembre de 2003:

Most of the ETA prisoners that were enrolled at the University of the Basque Country have preferred not to move to the Open University (UNED). Only 48 out of 260 that had been previously enrolled at the University of the Basque Country have done so, i.e, 18.46 per cent.

The prisoners from the ETA terrorist group who studied at the University of the Basque Country should have enrolled starting this course at the UNED Open University if they wanted to carry on pursuing their higher studies after the reform stemming from the General Penitentiary Act that the Executive Administrations made at the end of the last school term.

The decision for undertaking this legal modification was taken after denunciations were made by a group of professors from the University of the Basque Country were brought to the attention of the Spanish Prime Minister, José Maria Aznar, who was given an explanation of how the terrorist inmates were pursuing their studies at said University.

These advantages centred around the difficulty that educators had in making sure that the examinations were actually taken by the inmates and around the fact that most of the enrolments were in department where there were many professors in tune with their political ideology. The privileges, according to the professors' denunciation, resulted in an unusually high number of people passing with extraordinary grades or marks.

The Spanish Government analysed the denunciations and after checking after the facts, it modified the General Penitentiary Act so that all of the prisoners in Spanish jails who wanted to study at the University with the General Prison Administration authority had signed an agreement, i.e. the UNED Open University.

The reform went into effect this academic term and after allowing for a period of time and an extension thereof for the students' records to be transferred, only 48 ETA members serving prison sentences have taken up this option.

3.5.3.- *El Mundo*, May 11, 2003:

ETA's «bright» students

THEY ENROLL en masse at the open university set up in the Basque Country that is tailored to the needs of ETA members. They have managed to get brilliant academic records. For the first time CRONICA publishes the grades of those special students and traces back how the intrigue works for them.

ILDEFONSO OLMEDO

In chronicles written after his detention at a shopping centre where he had gone to buy a bicycle, the gunman Valentín Lasarte was portrayed as bloody, ruthless psychopath. One chronicle was entitled “*the master of shooting people through the back of the back*”. It was also never said that he was an excellent student. The proof was that he had enrolled in Psychology and had disastrous results. He failed to pass a single subject. It all changed not long after he got into prison, but not all at once. Even after five months behind bars, towards the middle of August 1996, the distinguished member of the Donosti terrorist cell and bartender at the “Bar Lasarte” in the Old Part of San Sebastian where he helped his father at the bar, he spent most up his time glued to the TV. Unlike other prisoners in the group, he showed no interest in his education.

Now, Lasarte is on his way towards becoming a future psychologist. Like Julia Moreno Macuso, *Bombi*, detained in France, and some other companions of his, Lasarte is studying Psychology through correspondence at the University of the Basque Country. And with results that are more than astounding in comparison with his past record. Out of the 14 subjects that he has already passed, he has an A (9 in Ethology) and B's in subjects such as Human Development Model (8), Socioaffective Development (7) or Psychology of the Personality (8). He is not a unique case. At the University of the Basque Country, smart ETA members abound. And they are finishing up a coat of arms, one with an axe and serpent (ETA's symbols) on it, one which even shines with “cum laude” academic records.

Múgica Garmendia, Francisco: A (9). González Peñalva, Belén: B (7.6). Arakama Mendía, Iñaki: A (9). Altuna Epelde, Asier: B (8). Galarraga Arrona, José Antonio: B (7,008). Etxebarria Iztueta, Mikel: B (8,513). Having finished up up his academic studies with a “cum laude” while serving a sentence for collaboration with an armed group and possession of explosives, Julen Zabalo Bilbao is now a professor of Sociology at the University of the Basque Country. His doctoral dissertation, directed

by the vice-counsellor of Education of the Basque Government, Ander Gurruchaga, was entitled “The Basque Nation and National Territory” and was defended at the Palma de Mallorca penal institution.

During his imprisonment which stretched to 11 years, one of the most noteworthy tutors that visited him was to become a future member of HB's “National Board” (Governing Body), Txoli Mateos, was also to become his wife. She now teaches as a sociologist at the School of Journalism in Leioa, one of the academic majors where most ETA members are enrolled (25) and has a department nicknamed Terrorism I.

As if they had nothing better to do than knuckle down and work hard, tens of ETA prisoners have achieved -without any tutors to come and visit them, oftentimes not having to sit examinations as they only have to hand in papers to understanding professors- brilliant school records and academic degrees. Enrolled *en masse* at an open university tailored-made to their needs in 1988 by the University of the Basque Country in collaboration with the associate centre of the UNED open university in Bergara where Herri Batasuna was founded by the then mayor José Luis Elkoro, and being beneficiaries of free tuition and grants from the Basque Government, ETA inmates abound in majors such as History, Sociology, Journalism, Education or Psychology. There are also others in more technical fields such as Architecture, Fine Arts, Computer Science, Physical Education and various branches of engineering (Mining, Electronics, and data transmission).

Very few enrolled at UNED.

Every university is, in theory, a bricks-and-mortar institution or an important part of it is, and this one is tailored to the needs of the prisoners. That explains why only 10 inmates from ETA or ETA circles, out of a total that today tops 300, choose it over what the vast majority of the rest of the Spanish prisoners choose along with those citizens who wish to undertake university studies but are unable to attend classes: the UNED open university on account of its hard-won fame for thoroughness and control over the entire evaluation process.

The story goes way back (it formally started in 1988) and is rife with suspicion. It has now reached its end. Faced with denunciations of presumed favourable treatment of ETA inmates (suspiciously high grades, nearly no one having to take tests, etc. , etc.) which were presented by professors from the University of the Basque Country itself (several hundred grouped in the civil platform called professors for freedom), the Spanish Government has just reformed Article 56 of the 1979 General Penitentiary Act which reads: “*Universities that have no agreement with the penitentiary administration shall not be permitted to engage in teaching in an official capacity*”. This came to mean, in fact, the end of the prisoner section at the University of the Basque Country since only the UNED open university or the Universitat Oberta de Catalunya have signed an agreement with Penitentiary institutions.

Last week, Xabier Arzalluz and on Thursday, a Basque nationalist group of professors and tenured professors who deny the obvious called for the Basque university community to use civil disobedience against the measure. “*Either they raise Cain from within the University of the Basque Country or they've had it with me*”, said the PNV leader at a rally. Meanwhile, Valentín Lasarte will try, from his cell in Ocaña (Toledo),

to get them to pass him in two subjects in the third year of his psychology major with high marks in which he has enrolled this year. Like the rest of the ETA prisoners, he has free tuition (independent of what grades he receives unlike what happens at UNED), an annual grant for books from the Basque Government (174.30 euros per person) plus photocopies and whatever learning material that the University of the Basque Country sends him through the Bergara centre.

43,000 EUROS.

These allocations are maintained even if the prisoner has escaped which was the case of Belén González Peñalva (with a lengthy record of attacks and kidnappings to her credit) who escaped in 1998. Then she only had a three-year teacher's degree and now has a Bachelor of Arts degree in Political Science from the University of the Basque Country. According to what the Basque counsellor for Education, Anjeles Iztueta (EA) admitted in reply to a question put by the PP parliamentarian Iñaki Ortega, the ETA member now being held in France received a total of 1,013 euros for the acquisition of learning material between the years 1996 and 2001 -including the time when she was evading justice-. Just in the 2001-2002 school year, the Ibarretxe government allocated over 43,000 euros so that Basque prisoners would not go without books or photocopies of class notes.

Sometimes not even financial aid is the most important question. In 1995, the University of the Basque Country approved a privileged regime for a historical member of ETA, Eugenio Etxebeste Arizcuren, alias *Antxon*, who then was confined to exile in the Dominican Republic. *Antxon* decided to enrol in Biological sciences and the Basque university provided a special telephone line so that he could contact his tutor. Apparently, the group's ideologist only managed to pass a single subject, Mathematics they say. His tutor, Arantza Urkaregi, today a councilwoman for Batasuna in Bilbao, tried to meet with him on at least two occasions on the Caribbean island and she was one of the 60 professors who, last Thursday, demanded that the rector of the University of the Basque Country should respond vigorously to Spanish government in defence of the Basque prisoners.

Valentín Lasarte, who, as we learnt in one of his trials, went out and bought himself a pistol because his own terrorist group had refused to provide him with one, has already topped Etxebeste himself who soon quit his fleeting flurry of studying at the University of the Basque Country. Ever since April, 2000 (the Penitentiary Institution Administration prohibited visits from professors from the University of the Basque Country after a long succession of anomalies), Lasarte has not had any direct contact with his tutors (professors that offer this service from each school or department although they are almost always the same ones). If he served his sentence in one of the French prisons together with other ETA members (and other groups), his visitor over the last few years must have been a Galician that had settled down in the Basque Country who went over to the Basque nationalist cause as evidenced by his changing the first letter in his surname from an original "J" to an "X" in order to make it more Basque. This man went from department to department asking professors to pass on tests to ETA prisoners in France which he would deliver himself personally.

Besides the resulting high marks, the whole evaluation process lacked, in the best of cases, an air of transparency. With the Bergara centre always acting as an intermediary,

for which the University of the Basque Country paid over 11 million pesetas (some 6,611 euros), the examinations went through a great many hands back and forth from the jail. The professor for a given subject at a given moment prepared it, placed it in a closed envelope (not sealed with wax as in the case of the UNED open university) and handed it to the person in his department or university schools that took care of prisoner affairs. Said person would then send it on to a secretary at the Bergara centre who in turn would send it by mail to the prison where the teacher at the centre would make sure it got to the prisoner. Nobody at the University of the Basque Country invigilated the examination taking place and once it was finished, it was placed inside an envelope and started to wind its way back. All in all, it took about a month from one postal service to another, from hand to hand.

“I never was sure who did give the grade”, said a member of the teaching staff who never gave way despite being visited by friends of the prisoners so that he would substitute examinations for papers, a more generalized practice. His point of view is shared by many other professors at the University of the Basque Country: it should be the UNED open university, given its experience, means and suitable structure, that should deal unbiasedly with prisoners, including ETA ones. That is because the University of the Basque Country, as this teaching source claims, fell into a trap in 1988 when, with the excuse of reintegrating the ETA prisoners in society with eminent demise of ETA, agreed to deal favourably with the group of prisoners. *“Those of us who are facing this rotten situations and denouncing what fear and complicity have silenced for many years, we are in fact touching ETA's raw nerve, its prisoners, called in this myth they have of Euskal Herria (the Basque Country), to be the future leaders of the country. The academic degrees have not been given out for nothing...”*

“Permanent rinsing”

Months ago, when Fernando Savater, a former professor at the University of the Basque Country was asked by Gaceta Universitaria about the excellent marked obtained by ETA prisoners at said university, he answered ironically: *“in view of the academic degrees they have been awarded, it makes one feel like advising the minister (of education) that one solution for student failure at school is to lock them up”*. He also averred that *“what is going on at this university is a case of permanent rinsing”*.

There is also the fact that around some fifty professors and students are protected by armed escorts to and from class. Even two bombs have been placed on the centre campus in Leioa. ETA prisoners without students sail through when they take university access tests for people over 25 (last year, 31 out of the 33 that took the exam passed, 19 of whom got top marks).

There is also the case when, tomorrow, the University of the Basque Country will have a new professor. He is in jail awaiting trial for being, according to Judge Garzón, the designer of the financial apparatus of ETA. His name is Joseba Garmendia, a councilman for Batasuna, who was released from jail in January to take up post of applied economics at the University of the Basque for which there was no competitive examination or process. in contrast to his competitors and will take possession of his credentials at the Madrid office of Judge Garzon. Afterwards, he will go back to jail in Aranjuez and will await trial there. He will lose his post only if he is convicted.

3.5.4.- La Gaceta Universitaria, February 19, 2004

The scandal uncovered by Gaceta Universitaria

The University of the Basque Country has more students in jail than the UNED open university

In contrast with UNED students, those enrolled in correspondence courses offered by the University of the Basque Country do not have to be transferred to a penitentiary centre to sit an examination.

The number of inmates in Spanish jails that study through the University of the Basque Country outnumber those doing so through the UNED (Universidad Nacional de Educación a Distancia) open university. According to the latest information put up on the web site of the Ministry of the Interior on training and education in penitentiary centres, 236 prisoners pursued their studies through the University of the Basque County while 232 do so through UNED.

The University of the Basque Country is one of the few universities that offer university courses through correspondence.

According to Juan José Álvarez, director of the associate centre of Bergara (Guipuzcoa), this is due to the fact that *“those students who enrol at the University of the Basque Country do not have to travel to take their examinations which in the UNED system they have to move to those penitentiary centres which have been prepared for examinations to take place. This moving around can bring about an alteration in the prisoner's life to which not every inmate is ready to submit”*.

Whatever the reasons might be, one thing that is certain is that the University of the Basque County is one of the few Spanish universities that offer the possibility of an education where those who are enrolled do not have to show up for class.

“Practicums may be substituted by papers”

When a prisoner enrolls in some academic major with practicums at the University of the Basque Country, there is no way that the student can fulfil this requirement since the institution does not have the suitable means to make it possible. This can give way to conflicts with external students since occasionally inmates are exempted from practicums in exchange for doing some papers. However, professor Juan José Álvarez does not consider this to be a comparative since *“the same thing can be done with external students, according to their individual situation”*

The same goes for class attendance which is impossible in the case of prisoners and required of the students in some subjects at the University of the Basque Country. *“No regulation at any public university”*, Álvarez explains, *“includes this requirement although it is true that every professor may take it positively into account when evaluating a student. In any case, it should be pointed out that data transmission practicums are counting more and more, which goes for external students and prisoners”*.

Agreement with the UNED open university

In order to go ahead with it, they can count on support from the UNED centre directed by Álvarez, who is also a tenured professor at the Basque institution. The accord was made official in 1988 through an Agreement in which the Bergara centre committed itself to handling the administrative paper work of tuition, scholarships, and giving out examinations for the University of the Basque Country. The accord is not without its polemical side owing to suspicions of corruption arising from the evaluation system used for ETA prisoners enrolled at the public Basque institution which was uncovered by *Gaceta Universitaria* (see issue #395 dated March 4, 2002) and now investigated by the Spanish government.

UNED has no academic contract with prisoner students from the University of the Basque Country

For Álvarez this makes calling into question work that has been going on over the last 26 years and *“on no account does it include an academic contract with the prisoner. The UNED open university has its own tutor programme for its prisoners who are enrolled and we took it upon ourselves to handle theirs until the Penitentiary Institution Administration banned the University of the Basque Country tutor programmes in 2002. Up to then, we were the one charged with getting lists of professors to volunteer to go to penitentiary centres to give classes to the prisoners enrolled at their university and conveying the answer from the Penitentiary Institution Administration which always went through some sort of selection process”*.

The direction of the associate centre in Bergara assures that they also have nothing to do with the examinations. *“Our mission is to pick them up in envelopes that are prepared and sealed by professors, take them to the Penitentiary Institution Administration so that they can distribute them at the various penitentiary centres and send them back once they are done so that they can be corrected at the University of the Basque Country. Throughout this process, the security measures taken are the ones demanded by the Penitentiary Institution Administration and the ones charged with invigilating the examinations are the ones designated in each prison”*. In answer to accusations of lending support to a corrupt system, Alvarez points out that *“when everything is proven, we shall [be able to] defend ourselves”*.

3.5.5.- *El Mundo*, July 29, 2003:

TERRORISM AND THE UNIVERSITY

Many ETA prisoners are passed without having to sit examinations after allowing them to hand in papers instead. It all points to academic disciplines pertaining to departments controlled by professors sympathetic to the radical Basque nationalist cause. 44% of ETA prisoners study at the University of the Basque Country

JOSEAN IZARRA

VITORIA.- Nearly half of the ETA prisoners jailed in Spanish prisons are enrolled in university courses given by the University of the Basque Country. What is more, many of them pass the course without taking any examination.

Prominent ETA leaders, collaborators and even gunmen with blood on their hands pursue their studies from their prisons, directed by professors from school departments forming a part of the institution preside by Manuel Montero.

According to university sources, 195 ETA members have taken advantage of an agreement signed by the University of the Basque Country and the Bergara centre of the UNED open university which makes the University of the Basque Country the only academic institution in an autonomous region to offer a service specifically for inmates.

The 44.3% of the 440 ETA prisoners jailed were enrolled in the last academic term. This elevated percentage -in the University access bridge course or in different academic majors- contrasts sharply with the rest of the university inmates who, in the best cases, do not go much beyond 2 % with illiteracy rates hovering around 10%.

Nevertheless, the amazing academic qualification of the Basque prisoner group eludes the usual system used by inmates that turn to the UNED open university. Not a single one of the over 200 ETA members has enrolled through UNED. Instead, every single one of them is directed, tutored and supported by professors from the University of the Basque Country.

This privileged treatment is not only an affront to the rest of the inmates, it is also an affront to the students at the University of the Basque Country itself. The debate opened at the university institution is not about the right of prisoners to academic instruction but, instead, about the procedure through which these prisoners are pursuing their studies. The debate has been rehashed over and over and has forced the rector of the university, under pressure from pro-Batasuna trade union organizations, to come out in defence of the current situation of the ETA prisoners.

Some educators recall the 1995 decision made by the University of the Basque Country to set up a special phone line between the ETA leader Eugenio Etxebeste *Antxon* and his tutor at the School of Biological Sciences so that Etxebeste could continue with his studies from the Dominican Republic. The University of the Basque Country maintains an accord with the Bergara centre of the UNED open university, signed in December, 1988 and extended from year to year. In exchange for financial compensation, the latter commits itself to perform “*the functions of administrative paperwork and support for the instruction of the students at the University of the Basque Country held at centres run by the Penitentiary Institutions*”.

Lasat April 8, the Minister of the Interior informed the rector of the University of the Basque Country his intention of suspending the direct role of the tutors which was taking place in December and April during each school term and that he was suspending travel of professors from the University of the Basque Country to prison institutions. The decision of the Penitentiary Institutions Administrations included substituting these one-on-one tutor sessions with written consultations and even the authorization of face-to-face contacts when concrete justifications are provided.

According to what EL MUNDO has been able to learn, the ETA prisoner group has opted to enrol in half a dozen university schools made up by departments controlled by professors who are ideologically in tune with radical Basque nationalism. In addition to the approximately thirty ETA inmates who, over the last school term, took the

University access bridge course, the ETA prisoners have opted for university majors such as History, Philosophy, Journalism, Law, Labour Relations, Political Science and Sociology.

“The choice of their studies is no coincidence. They make up groups in each jail and they select the same majors in which they know that they professors will have no problem in passing them without requiring anything”, claimed a Basque professor who requested that his/her name not be given out for reasons of his/her personal safety.

According to various educators, there is a generalized practice that consists of passing ETA inmate students after having them hand in papers during the academic term. *“Whether you give an examination or not is an indication of where you stand politically and it can result in nasty things happening to you”*, points out another professor at the Ibaeta campus in Guipuzcoa who knows from first-hand experience about “visits” made to professors' offices in order to make the prisoners' academic careers easier while they are behind bars.

3.5.6- *El Correo Gallego*, December 6, 2003:

The PNV makes a deal with Batasuna so that ETA prisoners can back to their studies.

The PNV makes a deal with Batasuna so that ETA prisoners can go back to their studies at the University of the Basque Country and can have financial support for their studies. The Batasuna MP that made the deal with the PNV concerning the University Act has been prosecuted for making threats against a dean.

Madrid. EUROPA PRESS

The MP for the *Sozialista Abertzaleak* (Basque nationalist socialists), formerly Batasuna, who made the deal with the PNV concerning the Universities of the Basque Country Act, Aritz Zubimendi, has been prosecuted for making threats against a dean at the University of the Basque Country. Zubimendi is the Batasuna representative on the Education Commission in which the report on this Act of parliament was drawn up with over 50 amendments from the Basque nationalist coalition were included, according to statements made to Europa Press made by the spokesman for the Partido Popular parliamentary group on these matters, Iñaki Ortega, who specified that the SA amendments that were accepted numbered more than 50 and not 32 as Zubimendi claimed.

Among the amendments agreed to by the PNV and Batasuna is the one that opens up the possibility of ETA prisoners being able to study at the University of the Basque Country and that the Basque Government will facilitate scholarships and necessary financial aid so that they can pursue them. Another one of the amendments that were accepted contemplates paying Basque-speaking professors more than Spanish-speaking ones.

The prosecution of Aritz Zubimendi took place at the beginning of September when the Prosecutor's Office from the High Country of the Basque Country called for 15

months of imprisonment and ineligibility of the SA parliamentarian from holding a parliamentary seat for four years on account of causing public disorder and making threats.

According to the denunciation that the University of the Basque Country presented to the High Court of Justice of the Basque Country, competent in this matter, the incidents took place on May 9, 2002 at the Law School in San Sebastian where elections were being held at a faculty senate meeting. A group of radical youths stormed into the place where ballot boxes were placed and prevented the students from exercising their right to vote.

The dean of the Law School, Francisco Javier Ezquiaga, who presides over the electoral board, asked the youths to disperse and when he tried to prevent them from throwing a can of paint over the ballot boxes, several people stopped him from making his way over there, one of whom of Aritz Zubimendi.

The dean ordered security to dislodge the premises and as they were doing so, the SA parliamentarian went over to the dean, thrust her finger into his chest and told him that she has taking note of who gave the order to dislodge, adding that he had better take care because one day he could be hit with an umbrella and that one of these days when he leaves the School, something might happen to him.

After these incidents, the rector received a letter in which he was urged to leave the Law School accompanied by the phrase “Gora Euskadi ta Askatasuna” (Long live the ETA) was emblazoned on it. A few days later, the dean was surrounded at the bar on campus by a good number of people that hurled insults at him.

The object of prosecution for these incidents, the parliamentarian Aritz Zubimendi, is the representative for Sozialista Abertzaleak (SA) on the commission handling the Universities Act in which the SA had made a deal with the PNV that allows ETA prisoners to study at the Basque University in spite of the fact that General Penitentiary Act was recently modified in order to prevent inmates from the terrorist group from having privileges at this university. Moreover, said Act includes having the Basque government financing their studies.

Article 8 of this Act includes in point two the following: *“The Government, in order to prevent anyone from being excluded from gaining access to the Basque University System for financial reasons, deprivation of freedom, health problems, being handicapped, or any other type of circumstances, shall promote equal opportunity policies by offering scholarships, financial aids, and financial credits by developing a policy aimed at overcoming social, financial and geographical barriers”*.

Another amendment included in point three of the same article points out that these policies shall be pursued *“by using regulatory accords of a public or private nature of university level bids at which these financial aids are aimed”*.

According to information to which Europe Press has been able to gain access, the latest budget put together by the University of the Basque Country allocated an expenditure of 488,015 euros for inmate students, an amount reflected in the overall budget of the University and which does not even include expenses that other departments have regarding these students nor the cost of materials which are subsidized by the Basque

Government.

Coordination with universities in the French Basque Country and Navarre

According to Iñaki Ortega's explanations, the text in the Universities Act also paves the way for Basque-speaking professors to be paid more than Spanish-speaking ones. In article 33, it reads that teaching and research staff, public servants and contracted employees, will be given paid complements in accordance with criteria that might be considered appropriate, among which include language skills.

The spokesman for University matters for the Partido Popular also highlights the SA's amendment which is present in the text in which it is agreed to “*promote and develop accords with universities in Navarre and the North Basque Country insofar as they so desire and particularly regarding the right to free circulation of students*” and that “*standardized mechanisms for the admission thereof into the Basque university system*”.

The lehendakari's broken promise

Iñaki Ortega considers that the Universities Act deal done between the SA and the three-party coalition government has meant that the lehendakari (Basque president) has broken his word about making no deals with Batasuna as long as that coalition refuses to condemn violence.

The Basque Partido Popular leader also recalls Josu Jon Imaz's statements in which he assured that they would not make any deals on “*relevant questions*” with the SA. Ortega wonders “*whether higher education is relevant or not for the PNV*”.

In his opinion, “*Batasuna has become the Political Group in the Basque Parliament that decides which laws are passed and which ones are not*”. “*The price that the Basque Government has to pay is its having to include over 50 amendments that aim to radicalize the Act*”, he argues and he closes by saying that “*once again, Anjeles Izutueta has gone ahead of the Basque Government in making deals with Batasuna, thereby radicalizing the Government's policies*”.

3.5.7 El Mundo, September 21, 2003:

The Arrasate (Mondragón) City Council has passed a resolution to pay for scholarship grants for 10 ETA prisoners with blood on their hands. Ortega Lara's abductor included

EUROPA PRESS

Madrid- The Arrasate (Mondragón) City Council passed a resolution on September 15 to pay for invoices of books corresponding to the 2002-2003 academic term for 10 ETA prisoners with blood on their hands who hail from this locality. The said invoices are all of the same amount, 120 euros each, without specification for which books and without V.A.T.

The invoices were sent to the City Council by the co-ordinator for the Studies Programme For Inmates at the University of the Basque Country, accompanied by a letter in which she asks that once the request for the payment thereof is approved that they “*kindly*” send a cheque for the total amount “*as in previous academic terms*”.

However, in relation to what the City Council had been sending, only five of the ETA prisoners that figure as being enrolled in some academic major while the other five are not enrolled at the University of the Basque Country. In spite of this anomaly, it is the University of the Basque Country that sends the invoices the Arrasate City Council.

Inmate students with blood-stained records

Of these prisoners, some have rather bloody records such as Jesús Mari Zabarte Arregui, who had been a butcher in his town and when he was detained by the Civil Guard, he was the leader of the “Donosti” terrorist cell in which had taken part in over twenty attacks and was accused of nine murders.

In this statement to the Civil Guard, he explained that, after participating in a machine-gunning of several national policemen that were having lunch at a bar in Renteria in which four were killed and two were wounded, the ambulance that was carrying one of them to the hospital was stopped whereupon his group finished the victim off.

Invoices without V.A.T.

Zabarte Arregui is not on any list as being enrolled in any academic major but the University of the Basque Country does send an invoice, without VAT, from a bookshop in Arrasate for a total of 120 euros. Neither is Jon Agirre Agiriano, who has a record of murdering a 13 year-old boy who was killed when a bomb aimed at a Civil Guard and placed under his car went off, enrolled at the University but his invoice is exactly the same as before.

On this list of beneficiaries of the book scholarship grant approved by the Arrasate City Council, there is also the man who kidnapped Ortega Lara and Julio Iglesias Zamora. Here too there is no evidence of any concrete studies on his part.

Josu Arkauz Arana, alias *Josu de Mondragón*, who also fails to appear as a student enrolled at the University of the Basque Country, was sentenced for, among other crimes, having sent a letter bomb to the then Minister of Justice, Enrique Múgica and for having maimed a policeman's neighbour, the policeman having been a recipient of a letter bomb that Josu Arkauz Arana had sent him.

Gabriel Urizar Murgoitio, who was convicted of the murder of a mechanic at a bar, is the fifth one on this list who fails to show up on the enrolment lists of the University of the Basque Country.

The five ETA members that are enrolled

The other five who are enrolled are: Amaia Arrieta González, in Psychology, accused of recruiting various people for ETA; Jose Ignacio Gaztañaga Bidaurreta, in Geography y History, convicted of murdering a national policeman ; Aratz Gómez Larrañaga, on

Journalism, convicted of attempted theft of a license plate making machine; Fermín Sanpedro Larrañaga, in Computer Science, accused of gathering information on the ferries that sail out of Santander, and Enrique Letona Biteri, enrolled in philology.

The latter is in prison and sentence to over 200 years for the murder of six people, one of who was in a late stage of pregnancy.

3.6.-ETA'S LAWYERS

3.6.1.-Introduction:

There is a firm and generalised conviction that the lawyers that defend ETA prisoners act as couriers for this terrorist group and thus aid in its cohesion. It should not be forgotten that during the first few years that the prison dispersal policy was in force it was the lawyers who, on behalf of their clients, claimed the right of convicts to serve their full prison sentences meaning that they chose not to take advantage of the reinsertion policy. Under Rule of Law, however, convictions are of little worth if not substantiated by actions. At the beginning of 1993 the lawyers Txemi Gorostiza and Arantxa Zulueta were caught speaking with ETA member De Juana Chaos about perpetrating attacks against prison officials but since this information was obtained illegally, no action could be taken. This incident highlights two facts: 1) that ETA used lawyers, as was suspected, to deliver orders and 2) that Rule of Law prevailed by putting the confidentiality of the lawyer-client relationship over and above the fight against terrorism; and this despite the fact that prison official José Ramón Domínguez was killed in a terrorist attack a mere 10 days after the lawyer by the name of Matanzas spoke out in favour of perpetrating attacks against prison officials. In May of 2003, the French police arrested lawyer Unai Larrea for having allegedly delivered written instructions from ETA to an inmate and member of the terrorist group. He has currently been indicted for conspiracy to commit terrorism. One month later the lawyer Itziar Larrea was arrested for having allegedly delivered correspondence to ETA convicts.

During the course of ETA's history, lawyers who supposedly were simply defending their clients have been found to be involved in a number of different affairs. In November 1990 the lawyer José María Elosua was imprisoned for having allegedly acted as the intermediary in the kidnapping of Emiliano Revilla. The lawyer Álvaro Reizabal was sentenced in 1993 to three years imprisonment for having mediated in the collection of ETA extortion money. The lawyer Carlos Trenor was imprisoned in October 2000 for his alleged participation as the party responsible for the ETA-EKIN plot; a case with which the lawyer Txema Matanzas was also associated. Xavier Alegria, member of the illegal Batasuna party, accused the lawyer Jon Enparantza of forming part of ETA's political network in a statement made on 23 February 2003 to the Civil Guard. In March 2003 Txema Matanzas was called by Judge Garzón to testify because his name had appeared in the police reports on the inmate solidarity organisation known as Askatasuna, made illegal in February 2002. Prior to that, in 2001, Judge Garzón filed an accusation against three lawyers -Txema Matanzas, Ainhoa Baglietto and Julen Arzuaga- for membership in the armed terrorist organisation for

allegedly forming part of the illegal inmate support organisation known as Gestoras Pro-Amnistía. As part of another initiative carried out in November 2003 against Gestoras Pro-Amnistía, determined by judicial decision as being part of ETA, the lawyers Arantza Zulueta, Zigor Reizabal and Aitor Ibero were arrested. As part of this operation, the offices of 11 lawyers were searched: Aitor Ibero, Ainhoa Baglietto, Ainhoa Erkizia, Zigor Reizabal, Jon Enparantza, Unai Errea, Julen Arzuaga, Joseba Agudo, Iñigo Elkoro, Amaia Izko and Juan Carlos Loldi. Court case 18/98 against ETA-EKIN, initiated by Judge Baltasar Garzón in 1998 and which includes action taken against Gestoras Pro-Amnistía and Askatasuna, is still open and all indications point to a hearing to commence in November 2004.

3.6.2.- Selection of press articles:

3.6.2.1.-On parole under police surveillance

The first instance of an ETA lawyer being indicted for collaborating with terrorists

EFE

PARIS.- The lawyer Unai Errea, one of the habitual defenders of members of ETA arrested in France, was indicted for conspiracy to commit terrorism and was released under judicial control according to informed sources. Sources went on to say that Paris anti-terrorist Judge Laurence Le Vert also indicted Errea for having delivered documents to a prisoner acting under the protection of his status as a lawyer. This is the first time that a lawyer defending ETA suspects has been indicted for alleged collaboration with the terrorist group.

Errea, whose law office is located in San Sebastian, was arrested on Monday at the Paris courthouse suspected of having delivered “documents” written in the Basque language to an ETA member being held in the La Santé prison in Paris on the 13th of this month. The prisoner in question was the alleged ETA activist Josetxo Otegi Eraso, arrested in Pau (Atlantic Pyrenees) in December 2002 according to the Askatasuna organisation in a communiqué in which the lawyers who normally defend ETA inmates spoke out against Errea’s arrest.

The lawyer was arrested on Monday after having defended the alleged ETA member Gaxuxa Arrambide in her appearance before an anti-terrorist judge for indictment and subsequently before the Freedom and Arrest Judge who ordered the imprisonment of the young woman. The lawyer was arrested in the presence of representatives of the Public Prosecutor’s Office and the Paris Lawyers’ Association. Upon arrest, Errea was frisked and his mobile phone and documents unrelated to the defence of his clients were seized. He was then taken into custody by Officers of the National Anti-terrorist Division (DNAT) until his arraignment today.

Another lawyer and defender of ETA members and a colleague of Errea, Jon Enparantza, was arrested in the year 2000 at the Paris Courthouse but for an ordinary offence. He was accused of being responsible for damaging the door to one of the rooms of the Paris Correctional Court. Enparantza was sentenced in February 2002 to make

payment in the sum of 1,500 euro for having, according to the prosecutor, kicked in the door of the defendant's cubicle during a hearing of alleged ETA members on 9 October 2000 at the Correctional Court. The lawyer filed an appeal and the case will be heard by the Paris Appellate Court on 3 June.

El Mundo, 22 May 2003

3.6.2.2.-A lawyer and defender of ETA inmates arrested in Paris for alleged links to the terrorist group

EFE

The Basque-Spanish lawyer **Itziar Larraz**, habitual defender of alleged ETA members arrested in France, was arrested herself on Thursday according to court sources. Said sources were not able to provide further details on the circumstances of Larraz's arrest taking place less than one month after the arrest of another habitual lawyer of alleged ETA members, Unai Errea.

According to the Askatasuna organisation Larraz, who is a member of the San Sebastian Lawyers' Association, was arrested by the French judicial police around noontime as she was leaving the Fleury-Mérogis prison on the outskirts of Paris subsequent to her visit to alleged ETA members being held there. Errea, who was also visiting clients at that same prison, was witness to the arrest and he allegedly learned that she was accused of having delivered correspondence to terrorist group inmates according to an Askatasuna communiqué.

This organisation, fruit of the merging of Gestoras pro Amnistía and the coordinating body for ETA inmate support committees, "vigorously" denounced the arrest, requested information regarding Larraz's situation and called for her "immediate" release. Unai Errea, arrested on 19 May in Paris after having accompanied an alleged ETA member before an anti-terrorist judge, was charged two days later with conspiracy to commit terrorism and was subsequently released under judicial control. Errea was charged with allegedly having delivered documents to an ETA inmate member acting under the protection of his status as a lawyer. This was the first time that a lawyer of ETA members was indicted in France for alleged collaboration with the terrorist group.

El Mundo, 13 June 2003

3.6.2.3.-The lawyer Txema Matanzas refuses to testify before Garzón after having insisted that he is not a member of ETA.

Arriaga, spokesperson for Gestoras, insists that he has nothing to do with Askatasuna

EFE – Madrid

The lawyer José María Matanzas refused yesterday to testify before National Court Judge Baltasar Garzón after insisting that he is not a member of ETA. The same statement was made by the spokesperson for Gestoras pro Amnistía Jesús Felipe Arriaga who claimed to have nothing to do with Askatasuna. According to court sources the judge, who did not adopt any precautionary measures concerning Matanzas and

Arriaga, summoned them for a statement because their names appeared last month in police reports that led to the arrest of five of the alleged leaders of Askatasuna, successor of Gestoras Pro Amnistía, whose activities were suspended by the Judge in February of last year and in November 2001 respectively.

Both were summoned to testify on 17 February but failed to appear on that occasion due to a formal defect in the summons according to allegations made yesterday before the Judge. Antton Ollokiegi did, however, respond to that first summons. Mr. Ollokiegi seems to have been linked to an act, organised by the platform Bai Euskal Herriari on 4 January at the Joxean Gaska sports centre in San Sebastian, that put the finishing touches on a demonstration by Askatasuna. During this act ten individuals with ties to ETA but with no pending criminal charges filed against them were on stage proclaiming their will to participate in the “national construction process” and exhibiting the EHNA, the “Basque Identification Card” implemented through the Assembly of Basque Municipalities (Udalbiltza).

Diario de Noticias, 4 March 2003

3.6.2.4.-Garzón investigates three lawyers of Gestoras

Yesterday Judge Garzón ordered the seizure of the computers of three lawyers of Gestoras Pro Amnistía before taking a statement from 12 of the 13 people arrested last Wednesday with ties to this organisation the purpose of which is to provide economic support under a legal guise to ETA prison inmates.

Juan Mayoral/CANOA

At midday on Friday and subsequent to consultations with the Lawyers' Association, several police officers proceeded to the headquarters of Gestoras in Bilbao and Hernani (Guipúzcoa) and confiscated computers belonging to **Arantza Zulueta**, **Zigor Reizabal** and **Aitor Íbero**. The first habitually defends ETA members arrested in Vizcaya. She was investigated years ago following recordings made at the Soto del Real prison that showed that both she as well as another lawyer, **Txemi Gorostiza**, spoke with ETA member **Iñaki de Juana Chaos** about perpetrating terrorist attacks against prison officials. The National Court acquitted both of them, however, ruling that lawyer-client conversations are a private affair and therefore inviolable. The judgement was thus based on the right to defence and professional secrecy.

Zigor Reizabal, who has been defending ETA prisoners at the National Court for a little over a year, is the son of lawyer **Álvaro Reizabal** who stood trial in his day for an alleged link to the collection network of the so called revolutionary tax. For several years he has been the legal representative, along with other colleagues, of ETA members captured in Guipúzcoa.

For that reason the commencement of the interrogation of those in custody was delayed until 14:00 after one of them, **Gaizka Larrinaga**, was released given that he had no ties with Gestoras Pro Amnistía. Once the incommunication order was lifted the first three to proceed to the Judges chambers were **Julen Larrinaga**, brother of the detainee who was released, **Jon Imanol Beaskoa** and **Jagoba Terrones**. They were defended by four lawyers from gestoras: **Arantza Zulueta**, **Ainhoa Baglietto**, **Iker Urbina** and **Amaya**

Izko. Court sources informed **CANOA** that Garzón had “a wealth of evidence” including documents (those seized from the three lawyers and others), police reports and telephone conversation recordings indicating that the twelve detainees are members of ETA.

Canoa, 3 November 2003

3.6.2.5.- Eleven lawyers file for legal protection against the search of their offices

DIARIO DE NOTICIAS – Pamplona

On Thursday a total of eleven lawyers filed two identical petitions for legal protection to the Lawyers’ Associations of Gipuzkoa and Navarra following searches of their offices by National Police Force officers on Wednesday in an operation that resulted in the arrest of thirteen members of Gestoras Pro Amnistía. According to the denouncement made by this group in a communiqué, the offices of the eleven lawyers remain closed and the latter do not know the amount of material seized. Gestoras denounced the action as being “incomprehensible and illegal.”

In Gipuzkoa the offices of the following lawyers were searched: Aitor Ibero, Ainhoa Baglietto, Ainhoa Erkizia, Zigor Reizabal, Jon Enparantza, Unai Errea, Julen Arzuaga, Josega Agudo, Iñigo Elkoro and Juan Carlos Loldi. Amaia Izko was the only lawyer from Navarra who was unable to enter her office subsequent to the searches ordered by the National Court Judge Baltasar Garzón and yesterday she reiterated her complaint before the Lawyers’ Association. Gestoras explained that to date the Lawyers’ Association of Gipuzkoa had contacted Garzón requesting that he “remedy this situation and allow the lawyers to proceed with their professional activity.”

Diario de Noticias, 3 November 2003

3.6.2.6.-Garzón charges 14 member of Gestoras with being members of ETA

Three lawyers were among those charged

National Court Judge Baltasar Garzón has filed charges against 14 members of Gestoras Pro Amnistía, including the lawyers Txema Matanzas, Ainhoa Baglietto and Juan Arzuaga, for membership in the terrorist group ETA. In this suit (declared secret and which includes an investigation of Gestoras pro Amnistía’s relationship with ETA), three lawyers of Gestoras pro Amnistía figure among the accused: Txema Matanzas who has already been indicted in relation with the “Ekin case”, Ainhoa Baglietto, a habitual defender of ETA prisoners before the National Court and the lawyer Julen Arzuaga. Also among the accused is Mikel Korta, indicted for the “Xaki case” – ETA’s international operation and ex convicts such as Mikel Sarasketa. The rest of the new suspects in this case are: Jorge Luis Arredondo Basterretxea, Joseba Iñaki Reta Frutos, Joseba Gotzon Amaro López, José María Olabarrieta Olabarrieta, Aitor Angel Jugo Alvarez, Maitane Mendez Bastida, Jesús Felipe Arriaga Ibarra, Fernando María Lejarza Eguren and Jorge Chocarro Zoco.

The Judge took the decision to file these new accusations based on police reports and action taken in this operation and will set a date to take a statement from the accused

once he has examined the documentation seized from Gestoras headquarters. In the order of commitment to prison issued to the 11 members of Gestoras, Garzón affirmed that the lawyers of this organisation obtained “*important information for the internal security of ETA*” from the records of criminal proceedings in which its members are involved “*going far beyond the right to defence as will be shown in this case*”. He went on to state that the implementation by Gestoras of the terrorist group’s guidelines is possible “*because of the presence of ETA-EKIN members in its administrative structure*” who also participate in the “*recruitment of members for ETA’s operational structure*”. “*Following orders from the terrorist organisation*” Gestoras, through EKIN delegates who go by the name of “ADIDAS”, are mostly in charge of providing economic support for ETA convicts in order to guarantee internal cohesion and submission to the discipline of the terrorist group.

In this sense Garzón pointed out that Juan María Olano, for whom an international arrest warrant for extradition and imprisonment has been issued in connection with this case, is one of those mainly responsible on the national level “*of the integrated ETA-KAS-EKIN structure that goes by the name of Gestoras Pro Amnistía*” along with Julen Celarain, one of the 11 members of this organisation now in prison. He also announced that “*an investigation is under way on all sources of funding for Gestoras and its organisations as well as the movement of funds (...) towards other structures that participate with or have ties to the same criminal network (HB, AEK, and publishing companies)*”.

Terra/EFE, 22 November 2001