

DECLARATION on the Basque peace process: Respect prisoners' rights

The political conflict in the Basque Country has evolved positively last years. On October 2011, a International Conference for the Resolution of the Conflict in the Basque Country took place in Donostia-San Sebastian and international agents leaded by the former Secretary General of the UN, Mr. Kofi Annan, proposed a process of dialogue and negotiation. ETA's later declaration of a definitive cessation of its armed activity created a unique opportunity to address the causes related to the lack of the respect to the right to decide of the Basque people.

Despite the fact that Basque parties, institutions and civil society have been engaged in a process towards the peaceful resolution of the conflict for years and despite the fact that ETA declared more than two years ago the definitive cessation of its armed activities and recently has started to unilaterally put its weaponry beyond operational use, the violation of Basque citizens' rights continues.

Exceptional measures are counter-productive to create the conditions for achieving a just and lasting peace. The application of a series of laws of exception hollow out universal principles of law, basic guarantees and fundamental rights of detainees and those who are under trial. Fundamental rights of Human Rights organisations; lawyers and prisoners are right now under attack in the Basque Country.

Specially, the situation of the prisoners is one of the main outstanding issues to be addressed and has been crucial in several peace processes. The Spanish and French states haven't made the slightest positive change in their prison policies towards Basque prisoners although continuous calls of Basque society and international actors. It is time to build a future based on human rights and justice.

We demand, therefore, from the Spanish and French authorities the following initial legal measures to consolidate the peace process and fulfil Human Right international requirements:

- The end of the policy of dispersion, arbitrary measure applied to Basque prisoners and their transfer to prisons close to their families. The dispersion policy is against the International Covenant on Economic, Social and Cultural Rights - ICESCR and the International Covenant on Civil and Political Rights - ICCPR, as well as against UN's "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment".
- The release of those prisoners who can be eligible for parole under the existing legal framework in Spain and France.
- The immediate release of seriously ill prisoners who according to current legislation should be set free in order to receive adequate treatment for their illnesses. All persons deprived of their liberty shall be treated with respect for the dignity of the human person. (art. 10 International Covenant on Civil and Political Rights - ICCPR) and allow them to have the highest attainable standard of physical and mental health (art. 12 ICESCR).
- The immediate release of Arnaldo Otegi and all the imprisoned for their mere opinion or political activity, developed in political parties, youth organizations, and social movements or in the media. The dismissal of the processes related to these issues, as well as, the removal of all the European arrest warrants that may have been issued for actions of the same type.

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