



**EJDM** Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

**ELDH** European Association of Lawyers for Democracy and World Human Rights

**EJDH** Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

**EJDH** Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

**EGDU** Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

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February 2008

## **ELDH Declaration**

### **The Democracy in Spain and the banning of Basque political Parties**

ELDH notes with great concern the news that on the demand of the Spanish Government, the Audencia National of Spain has banned two more Basque political parties. These are the EAE-ANV (Basque Nationalist Action) and EHAK-PCTV (Communist Party of the Basque Homeland), which are both actively in favour of the autonomy of the Basque Country. The Audencia National argued that these parties are in fact instruments or successors of Batasuna, the political party which was suspended in 2003, and is still awaiting a hearing.

This decision provokes the question to what extent the Government and the Court propose to allow to Basques any democratic participation in the political life of Spain. ELDH doubts that this banning of political parties will be of any use at all in order to stop the attacks by ETA. In fact, it is much more likely that these decisions will take away the basis for political change by democratic means

At the 18/98 trials in Madrid which led to the conviction of 47 political activists, social workers, businessmen, journalists and lawyers as "members of a terrorist organisation", observers from ELDH came to the conclusion that the notion of "support" of a terrorist organisation, which cannot be verified by juridical means, and which was grossly over-extended in order to condemn the defendants. This strategy has been continued with the banning of ANV and PCTV; they have been accused of financing the activities of the already suspended Batasuna.

Instead of criminalizing the national liberation movement of the Basques (as it has been described many times in the 18/98 trials) the Spanish Government should permit freedom of expression and of organisation in the democratic debate. This includes also the right to support autonomy for the Basque Country.

ELDH will continue to follow the consequences of the banning of the political parties in Basque country with the utmost attention.

ELDH will establish a commission which will focus on the conformity of the condemnation of Basque politicians, and of the banning of political parties, with European and international law.

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