

Spanish government moves to ban Basque separatist party

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13 May 2002

Spain is presently debating reforms of the *Ley de Partidos* (the law governing political parties), which will infringe on the democratic rights of free association and free speech. The ruling right wing People's Party (PP) drew up the draft law. Its immediate aim is to ban Herri Batasuna, the political arm of the separatist Basque organisation, ETA. But the reforms will give powers to the ruling elite to ban any political party that "helps or defends the use of violence, includes in its membership or electoral lists anyone who's been sentenced on terrorist charges, does not respect democratic principles and constitutional values, aims to deteriorate or destroy the regime of freedoms or attempts to incapacitate or destroy the democratic system."

Some of the reasons a party could be banned include "encouraging or facilitating hate, violence and social confrontation as the method of achieving political objectives".

People with previous legal sentences will be prevented from forming a new party, raising constitutional problems and infringing Article 25 of the Spanish constitution referring to the principles of social legality and rehabilitation.

A mere 50 deputies, or 50 senators, or the government of the day, or the public prosecutor can submit the demand for a political party to be banned.

Prime Minister José María Aznar has dismissed any criticism of the reform and refuses to introduce any modifications, arguing that it was agreed "to the last comma" in a discussion with the Socialist Party (PSOE) spokesman in Congress, Jesus Caldera on March 21. He said the government should be taken on trust and that its good will and moral convictions in the fight against terrorism should be enough of a guarantee. He threatened to put himself at the head of a list of more than 300 MPs from his party (referring to its overall majority in Parliament) and demand the illegalisation of Batasuna. And "let's see who can follow that."

As one of the most vociferous supporters of President Bush's "war against terrorism", Aznar's immediate target is

undoubtedly ETA. His preferred option has always been to wipe out the organisation and he has pursued this aim actively ever since he took power. Back in 1998, he rejected the cease fire called unilaterally by ETA to facilitate negotiations with the government. However, since September 11, Aznar has made this his life's mission. Now he is intent on cutting off ETA's political voice too.

In collaboration with the French government, Spain has carried out innumerable police and military actions against ETA and Herri Batasuna in the shape of searches, detentions, prosecutions, closing down newspapers and imprisoning its members. On May 6, four alleged members of ETA were arrested in Spain and the alleged number three in the organisation's leadership was jailed in France. The previous week two prominent ETA members allegedly responsible for education and logistics were arrested in France, while in Spain 11 members of Herri Batasuna were arrested in the Basque region on the order of Magistrate Baltasar Garzón along with the organisation's solicitor Ramón Zabala. On March 25, the Civil Guard in Guipúzcoa arrested 11 alleged members of the Donosti branch, suspected of assassinating the only PSOE councillor in Orio, Juan Priede, and two Basque police officers. A few days before more than a dozen youth, allegedly linked to Segi were arrested. Segi is the youth organisation set up after Jarrai and Haika had been dismantled and made illegal by Garzón. More than 20 arrests had taken place during January and February by both the French and Spanish police. Over 50 have been arrested since September 2001.

The separatists' response to these attacks has been the intensification of its terror campaign. Out of a total of 85 outrages since it ended its self-imposed cease fire at the end of December 1999, 40 people have been assassinated including military and police officers, politicians, company directors and journalists. Many more innocent people have been wounded or maimed.

However, even if the new law were exclusively directed towards ETA, it would constitute an attack on democratic rights. The answer to national grievances of the Basque or

any other nationalities can only be a democratic one and not support for state repression.

While the reforms are the PP's baby, the Socialist Party (PSOE) has acted as midwife. The PP government, even with its overall majority, could not have proceeded without the PSOE blessings, particularly since it is already in trouble over its unilateral imposition of other changes to education and labour. With only minimal objections over who should call for the dissolution and banning of a party and who should give the final decision, the PSOE ratified the reforms in principle and agreed for the new law to go forward for debate after just two hours of discussion.

It has been left to academics and legal representatives—there are reports that the law is splitting the judiciary—to raise the broader implications of the proposed measures.

The new law as proposed by the PP and seconded by the PSOE is a charter for the suppression of democratic rights. Several university professors, experts in constitutional law, have argued that the vagueness of the proposed amendment's wording changes the premises for declaring a party illegal from being "supporters of terrorism" to advocating any "radical alternatives to the liberal-democratic system".

For example, article 8.3b of the draft law, which speaks of penalising "social confrontation as a method for the achievement of political objectives", could be extended to any party or trade union advocating the class struggle.

There are also concerns about how documents and communications of a party would be assessed and evaluated in the drive to justify its dissolution.

Moreover, in order to prevent a banned party from setting up again under a different name, the law will be made retrospective. Additionally, a party will not be allowed to dissolve itself if the process for its illegalisation has begun. The application of the law to a party that has changed its name before or after the draft becoming law "would be a restriction over democratic rights" and as such "is radically forbidden by the Constitution", according to academics. The wording of the law could harbour motives purely ideological, that is, could be applied to attitudes and not actions.

This could become a devastating weapon in the hands of the PP, with nothing to prevent it from using a previous party name or programme, say from the 1930s, as the reason for it being made illegal today. Without even waiting for the new law to be passed by parliament, the PP and PSOE are already proceeding against Herri Batasuna in the Basque region. They are dismantling municipal councils that contain any Herri Batasuna councillors, preparing legislation to change the law for local elections and replace municipal

councils with *gestoras* (agencies) to run councils where too many councillors are either hit by violence or forced to leave their posts. They are considering changes to the penal code to facilitate persecution of those responsible for threatening councillors. And they will propose reforms to the Basque electoral law to prevent Herri Batasuna from obtaining financial grants from Basque government bodies. They will also propose the dismissal of Herri Batasuna councillors from any type of municipal responsibility.

What unites Aznar and Bush in the "war against terrorism" is their utilisation of an external threat as the excuse for the suppression of basic democratic and social rights at home. Aznar has visited Bush twice in the last five months. On April 26, Bush, Aznar and four advisers held four hours of discussions at Camp David. Bush thanked Aznar for his efforts against Al Qaeda—more than 20 people supposedly connected with the organisation have been arrested in Spain since September 11—and stated that he is prepared to assist him in his fight against ETA "in anything he asks". Aznar said he was grateful for US help with intelligence and the inclusion of 21 individuals and several Basque radical organisations in Bush's anti terrorist list.

Bush hopes that as it presently holds the presidency of the EU, Spain can further the interests of the US in Europe. Among the issues discussed at Camp David were the present negotiations with Russia over reduction of arms, as well as the Middle East conflict, the Sahara conflict and Gibraltar. Bush also thinks Aznar can be of some help in implementing the US agenda for Latin America. Both parties agreed on the need to continue working for the "democratic normalisation" in Venezuela, the "achievement of peace" in Colombia and to ensure that the reforms recommended by the International Monetary Fund are carried out in Argentina.

The US also sees the potential of Spain as a military springboard for its operations in Europe, the Caspian Sea and the Middle East. Bush chose Spain as the first stop in his first European tour and his first trip across the Atlantic since coming to office. There are two US military bases in Spain, one of which is about to undergo major expansion. Spain is also seeking a contract worth \$17.5 million for the expansion of the port of Cadiz as the main repair centre for the US sixth fleet.



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