

Spain to outlaw Basque nationalist party

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Spain's judiciary and the right-wing People's Party (PP) government of Jose Maria Aznar are pressing ahead with outlawing the Herri Batasuna (People's Unity) party.

Batasuna was formed in 1982 to press for greater independence for the Basque region. It has operated under several names since, but it is widely believed to be the political and electoral arm of the separatist organisation ETA (Basque Fatherland and Freedom). ETA wants a separate Basque state comprising four northern Spanish provinces and three provinces in southwest France. The officially recognised region of the Basque country, one of Spain's 17 semi-autonomous regions, is made up of Alava, Vizcaya and Guipuzcoa. ETA also considers the region of Navarre to be Basque. In France it claims the provinces of Labourd, Soule and Basse Navarre.

For the past 30 years ETA has killed more than 800 people, mainly members of the Spanish police and local and national politicians, in pursuit of its goal of a separate state. More recently, as the government made clear it would not negotiate with ETA, the organisation has begun targeting tourist areas. Aznar is utilising widespread revulsion at the separatist's terror attacks to justify its ban on Batasuna, which is accused of supporting and aiding ETA's campaign.

If the move is successful it will mark a significant attack on the civil liberties of the Spanish people as a whole and set a precedent for the suppression of political opposition. The banning motion is being sought under a reformed Ley de Partidos (Parties Law) approved last June by both houses of the Spanish parliament. The law severely curtails the democratic rights of free association and free speech. It extends powers to the ruling elite to not only ban any party deemed to be encouraging "hatred and violence", but also those who encourage "social confrontation" or which "challenge the legitimacy of democratic

institutions" and "promote a culture of civil confrontation".

The process for banning Batasuna indefinitely under the new law began on August 26 when parliament authorised the Supreme Court to initiate the procedure by 295 votes to 10, with 29 abstentions. The PSOE (Socialist Party) supported the move overwhelmingly, with many of the smaller Basque parties and other regionally based parties either abstaining or voting against.

On August 29, State Attorney General Jesus Cardenal agreed the case against Batasuna and, following unanimous approval council of lawyers of the Supreme Court, presented the banning motion before the Supreme Court. A court case against Batasuna is likely to last six months.

While the civil and governmental institutions were being mobilised for a definite ban on Batasuna on August 26 Spanish magistrate Baltasar Garzón ordered the immediate cessation of all Batasuna activities. This included the closure of all the organisation's offices, web sites, various companies and even 70 taverns allegedly used to finance ETA's activities. Batasuna's finances and possessions are to be claimed by the Spanish state.

Garzón, who achieved international prominence as the magistrate that sought extradition proceedings against former Chilean dictator General Pinochet, said that Batasuna were guilty of committing crimes against humanity.

Citing his personal four-year investigation into the group, Garzón said that ETA had been involved in 3,391 terrorist attacks, in which 2,367 people were injured and 836 died. He also included 3,761 acts of street violence attributed to youth organisations with links to ETA.

Arguing that Batasuna and ETA were one and the same organisation, Garzón ruled that the former's

entire political operation be shut down for at least three years and banned the party from holding meetings or demonstrations. The court also ordered electricity, water and telephone lines to Batasuna's premises to be cut off.

To prevent Batasuna reappearing under a different name, the judge's order instructs the police to bring to the court any documentation relating to all previous names used by the organisation.

Sixty towns and villages stand to lose their Batasuna mayors. However, hundreds of elected Batasuna officials will remain in their posts as individuals but unable to speak in the name of their party or act as a parliamentary group. The measure will leave between 10 and 18 percent of Basque voters politically disenfranchised.

Batasuna has the right to appeal against the ban in the Constitutional Court. It had attempted to pre-empt Garzón's order by moving much of its operations north into the French Basque region. Efforts to close down the party's web site (www.batasuna.org) is also proving more difficult as it is registered through an Australian company, but served from a California firm, which bounces on another in Virginia and is administered from Bayone, France.

While Garzón's suspension effectively satisfies the government's aim of preventing Batasuna operating as a political party for the time being, Prime Minister Aznar has said that he wants the party banned for good and described the government measures as his contribution to the global "war against terrorism". Garzón also justified his order on the basis of the September 11 attacks.

Not surprisingly, Aznar's offensive has the full support of the Bush administration. Richard Boucher, spokesman for the US State Department, endorsed the ban on Batasuna stating: "We understand that this action is not directed against a legitimate political activity or against freedom of expression but against the proven links that Batasuna maintains with the terrorist gang ETA."

Others have expressed their fear that such draconian moves by the government and judiciary could backfire and become a focus for opposition. Spain's *El Pais* newspaper warned, "[T]he outlawing of Batasuna will contribute to making life round ETA more difficult but will not put an end to this organisation."

"It is better to have Batasuna as a minority party than to make new martyrs of its members," cautioned the British *Guardian* in its editorial, August 28, whilst the *Independent*, August 27, stated that the lesson from Northern Ireland was, "Banning parties doesn't end violence; coaxing them towards a political settlement does. Sooner or later Spain will have to come to terms with what Batasuna represents."



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