

Motion nr. 3

Name of the person introducing the motion: Lorena López de Lacalle Arizti

On behalf of the party: Eusko Alkartasuna

Title: Altsasu Case

Taking into account that:

- In March 2015 the Spanish Congress approved the modification of the Spanish criminal code, Organic Law 2/2015, which led to an extremely wide definition of the criminal acts to be considered as public disorder and terrorist acts under new article 573 of the Spanish Criminal Code.
- "Public disorder" could be sanctioned in Spain with 15 to 20 years of imprisonment.
- Nine young people aged between 19 and 24 years old were arrested in Altsasu in October 2016 after a brawl outside a pub with two plainclothes « Guardia Civil » officers and were accused of terrorist and hate offenses. Three were kept two years in preventive imprisonment. After their trial in June 2018 in the « Audiencia Nacional », a special Court created by the francoist regime, seven were sentenced to 9 to 13 years of imprisonment. The charges on terrorist acts were dismissed by the Court but they received exceptionally harsh sentences under the « public disorder » new criminal code definition.
- The Altsasu Municipality, the Parliament of Navarre and the Basque Parliament have expressed their commitment to peace and coexistence but they have denounced the disproportionate criminal sanctions of the sentence and support the accused and their families.
- Civil society has been very active in supporting the young people and their families, demanding to put an end to the exceptional criminal and imprisonment measures and rejecting the spirit of revenge expressed by the Spanish judiciary.
- During the same period other similar cases have taken place in Spain but have been considered as cases of misconduct and have been tried as minor offenses.
- Five United Nations Human Rights Rapporteurs have denounced the Spanish criminal code's infringement of the principle of proportionality and the violation of civil and democratic rights in Spain.
- Only in 2018 the European Court of Human Rights has condemned 8 times to Spain for the violation of fundamental rights.
- Article 3.2 of the European Treaties states that : «The Union shall offer its citizens an area of freedom, security and justice without internal frontiers ».

The European Free Alliance,

- Condemns the use made by Partido Popular and Ciudadanos of the Altsasu case to keep criminalizing basque society.
- Calls on the Spanish Authorities to abide by the principle of separation of powers, and fulfil all the conditions of a democratic State.
- Calls on the Spanish Government to put an end to the exceptional criminal and imprisonment measures.
- Calls on the European Parliament, on the European Commission and on the European Council to enact article 7 of the Treaty to Spain for persistently breaching the EU's founding values as outlined in article 2.
- Calls on the Spanish Government to immediately release the Altsasu young people unjustly incarcerated.

The European Free Alliance will address the present motion to all the above mentioned relevant parties.