



# **POLITICAL PRISONERS**

**Intersecting Struggles from Palestine, Colombia, and Spain**

by **Addameer Prisoner Support and Human Rights Association**



# **POLITICAL PRISONERS**

**~~Intersecting Struggles from Palestine, Colombia, and Spain~~**

by **Addameer Prisoner Support and Human Rights Association**

• December 2021 •



All Copyrights are Reserved to Addameer Prisoner Support and  
Human Rights Association ©

**Ramallah December 2021**

# Contents

<b>About this booklet</b>	<b>03</b>
<b>Context</b>	<b>04</b>
Palestine	04
Colombia	05
Spain	07
<b>Category 1. Present cases (2021)</b>	<b>09</b>
<b>Category 2. Cases from the past (2005 / 2015)</b>	<b>17</b>
<b>Category 3. Social and Cultural cases</b>	<b>24</b>
<b>Category 4. Cases of Human Rights Defenders</b>	<b>33</b>
<b>Category 5. Cases of Political Figures</b>	<b>44</b>
<b>Category 6. Cases of families</b>	<b>56</b>
<b>Booklet team</b>	<b>65</b>
<b>Booklet Partners</b>	<b>67</b>



## About this booklet

**Political prisoners** represent a **category and phenomenon of individuals subject to incarceration due to their dissent to state—or occupying—powers**. Thus, the phenomenon is global and transnational, and though differences abound in socio-political contexts, oppressive structures, and/or degree and scope of repression, prisons continue to be a primary site of violence inflicted by state (or occupying) powers to extend control over populations and repress acts of resistance.

This booklet seeks to highlight the phenomenon of political prisoners in three national contexts: Palestine, Colombia, and Spain. More broadly, the booklet aims to become a tool between countries to bring civilians together with regards to politically motivated incarceration, torture and ill-treatment, the criminalization of political dissent, hacking fair trial guarantees, among other prisoners' and human rights violations, and, most importantly, the acute human costs born by political prisoners and their families.

To this end, different political prisoners' cases from each country is presented in accordance to different categories: **(i)** present and **(ii)** past cases, **(iii)** social and cultural workers, **(iv)** human rights defenders, **(v)** political leaders, and **(vi)** family members of political prisoners. Yet, prior to setting points of comparison, the booklet will begin with the political, social, and economic situation of each country, noting differences in context, degrees of severity, and their consequences.

# CONTEXT · PALESTINE



The onset of the Israeli occupation of Palestine in 1948 laid the foundations for a colonial system of oppression ever-evolving in response to the Palestinian rejection of the occupation and its practices on the ground. As Palestinians increased the pace of national action, the incarceration of hundreds of Palestinian freedom fighters escalated in return.

Palestinians were incarcerated in prisons established after 1967, or former British colonial prisons at the time, as a retaliatory punitive measure and a deterrent against all forms of resistance, as well as the plethora of physical and psychological torture techniques exercised against Palestinian detainees to conquer their bodies and break their spirit to coerce their acceptance of the new reality under occupation.

Colonial prisons were established to exercise control over indigenous populations that reject colonization through individual and collective national resistance efforts. Israeli occupation prisons—some of which are reappropriated British colonial prisons and institutions—embody these aims and serve to collectively punish the Palestinian people. Thus regardless of the territorial designation, torture and punitive measures do not differ among the occupation prisons as they target, at their core, the occupied people to maintain power and extend control.

Understanding the nature and ambitions of a colonial, apartheid regime allows us to understand its system of oppression based on the persecution of indigenous populations. Since its establishment, Israeli colonization has aimed not only to subjugate the indigenous population, but also to erase Palestinian existence through massacres, forced displacement, the construction of settlements on the ruins of demolished Palestinian houses, along with all other race-based colonial practices.

In the face of this struggle, prisons became core sites of violence, ranging from torture to murder in some cases. These prisons continue to employ violence and punitive measures under a complex, methodological oppressive system that is constantly evolving and adapting new tactics of oppression against Palestinian prisoners. Arrests, abuse, and torture are oppressive tools practiced against any and all who dare to reject and resist Israeli occupation.

## CONTEXT ·

### COLOMBIA



Political violence perpetrated against those who historically have entered into open dispute and/or conflict with the State, aims at the total or partial destruction of others who are different, critical, democratic and rebellious.

These people suffer the injustice of power, the denial of their political status as political prisoners of the state, and the Colombian penitentiary system characterized by the failure to respect and guarantee the human rights of the detainees who are forced to endure torture, ill-treatment, isolation, false accusations, food deprivation and abject living conditions.

In the 1960's, under a directive from the United States, Colombia adopted the doctrine of fighting 'against insurgents.' This involved the creation of paramilitary groups and the application of open warfare against: (1) communities in areas where the guerrillas were present and exercised influence; (2) politically organized people with ideas contrary to the status quo, mobilized in defense of their rights; (3) the Revolutionary Armed Forces of Colombia People's Army (span. FARC-EP), the National Liberation Army (span. ELN), and the Popular Liberation Army (span. EPL).<sup>1</sup>

This strategy remains unchanged until today. By setting up mechanisms and illegal practices, the Colombian state brought the paramilitary movement to life and continued to promote it for over 61 years. The military structure, aims, and existence of the paramilitary organization hindered the creation and the promotion of democratic processes led by local communities and civil society. For all these reasons, the construction of a strong and inclusive democracy in the country is fraught with difficulties. Between 2002 and 2021, around 1,759 people were killed for their work related to human rights and peace. Approximately 70% of the mentioned cases were documented between 2017 and 2021.<sup>2</sup> In a country where impunity for such murders reaches 94%, the establishment of peace processes in Colombia clearly has a long way to go.

<sup>1</sup> The mentioned armed groups emerged as a reaction to the exclusive political system that prevented any other political forces from taking public office, and the political persecution unleashed in the country.

<sup>2</sup> Following the signing of the Peace Agreements (2016) between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) after three years of negotiations and civil conflict.

In 2020, the FARC announced that there remained 400 former FARC combatants imprisoned in Colombia, which constitutes a breach of the Peace Agreement in 2016 (Law 1820, 2016).

The main argument used by members of the security forces to justify the armed and systematic attack on civilians is their declared fight against insurgency. In particular these attacks take place in rural regions or regions with disputes according to the different interests involved. During 1990, different national associations<sup>3</sup> and international human rights bodies noted the persistence of this doctrine as the official principle used by state security forces. In this sense, security forces have used this doctrine to identify as enemies, not only members of illegal armed groups, but also civilians. Through this practice, civil society at large is stigmatized as an enemy of the state, an ally of illegal armed groups, and an unarmed pillar of subversion. Generally, this stigmatization is to be found among the people living in areas under the control of these paramilitary groups.

<sup>3</sup> Such as the Office of the Ombudsman and the General Procurator of the Nation.

## CONTEXT ·

### SPAIN

Spain is classified as a parliamentary monarchy, also known as a democratic constitutional monarchy, established during Spain's transition to democracy, following the death of the dictator Francisco Franco in 1975.



The Transition signified the end of decades of an authoritarian regime towards the establishing of a democratic system, with a significant turning point through the drafting and approval of the Spanish Constitution of 1978. The 1978 Constitution, binding to this day, establishes the separation of state powers and the pillars of the Spanish democratic system based on principles of justice and equality. Even so, different state structures and institutions remain entrenched by the legacy of Franco's dictatorship, most notably the judiciary system. The National High Court—where most of the cases presented in this publication have been tried—is a direct heir of the Francoist Court of Public Order.

In recent years, the same judicial and penal system has undergone a tightening of the legislative framework, leading to a more restrictive and politicized interpretation of the laws inscribed in the Spanish Constitution. In 2015, the Spanish parliament approved an amendment to the Penal Code that included the new Spanish Public Security Law (*'Gag Rule'*), a controversial law that allows the application of administrative sanctions criminalizing freedom of expression and the press, and which limits freedom of association and assembly. Since the entry of the law, the Spanish socio-political context has witnessed greater repression of the rights and freedoms of Spanish civil society, disguised under excessively broad and vague legislation.

Between 2019 and 2020, the [Institutional Violence Response and Reporting Service](#) (span. SAIDAVI) received 463 requests for action for alleged human rights violations, including 344 cases of persons in situations of institutional violence. Due to the lack of adequate mechanisms to denounce situations of institutional violence and fear of reprisals, the areas of detainment—police stations, prisons, CIEs<sup>4</sup>—are sites of repeated and frequent violations of human rights.

<sup>4</sup> CIE stands for Detention Centers of Migrants.

In 2020, the [European Court of Human Rights \(ECHR\)](#) condemned the Spanish state on different occasions for its failure to properly investigate allegations of cases related to the prohibition on torture.<sup>5</sup> The inactivity of the Spanish Public Prosecutor's Office, ineffective investigation by the courts, and the disproportionate use of force by the state's security forces (the Civil Guard and the National Police), call into question the impartiality and independence of the Spanish judicial system, while exposing its politicization and arbitrariness.

The lack of independence and politicization of the Spanish judicial system, and, consequently, the disputed separation of powers in the country have led to increased persecution of social movements, activists, artists, and Spanish civil society. This has led to a new wave of arrests. Exceptional criminal measures in the Spanish socio-political context have become the norm, causing the repression and criminalization of political dissidence and citizen protest to rise. At the same time, abuses against the weakest sectors of society are silenced and perpetrated with impunity.

<sup>5</sup> Article 3, *European Convention on Human Rights* (ECHR). In addition, the ECHR has condemned the Spanish State or the cover-up of investigations of torture practices; in some cases under the instruction of the current Minister of Interior, Fernando Grande-Marlaska.

**CATEGORY 1. Present cases (2021)**

**Amal Nakhleh · PALESTINE**

**Pablo Hasél · SPAIN**

**Juliana Andrea Higuera · COLOMBIA**

*“I don’t understand why I am in prison; how is it possible that the occupation can detain me, a 17-year-old, without charges or trial for this long”*



**Name:** Amal Mu’amar Nakhleh

**Age:** 17 years old (17)

**Profession:** High School student

**Date of arrest:** (1) 2 Nov 2020 and (2) 21 January 2021

**Place of arrest:** Al-Jalazon Palestinian Refugee Camp, Ramallah · Occupied Palestinian Territory

**Allegations:** ‘Secret Material’

**Sentence:** -

**Prison:** Meggido prison

**Duration:** 11 months, *ongoing*

**Context: The Israeli occupation and apartheid regime’s systematic targeting of Palestinian children, administrative detention, and deliberate medical neglect.**

Palestinian children are not afforded the protection they are entitled to under many international conventions and treaties, in particular the Convention on the Rights of the Child (CRC), which Israel ratified in October 1991. As of November 2021, the number of Palestinian child prisoners reached 160, including four in administrative detention. Moreover, Israeli military judicial procedures for juveniles still lack the proper protections entrenched under the CRC. Most children report being subjected to ill-treatment and having forced confessions extracted from them during interrogations; this includes slapping, beating, kicking, violent pushing, and routine verbal abuse. Child prisoners are also punished with hefty fines.

The detention of Palestinian children in harsh conditions in Israeli prisons and detention centers subjects them to different forms of psychological and physical torture, including policies of intimidation and severe punishments that prevent them from living and growing up in dignity and good health. In addition, the loss of trust and protection by being pulled away from family disrupts the character formation process and alienates children from their families and society.

**RIGHTS:** CHILD RIGHTS (Right to Life, Health, Education and Family Life) ·

**VIOLATIONS:** ARBITRARY DETENTION · INTERROGATION · MEDICAL NEGLIGENCE · FORCIBLE TRANSFER · COLLECTIVE PUNISHMENT ·

## AMAL NAKHLEH · PALESTINE

### Legal status: Detained indefinitely without charge or trial under Administrative Detention\*

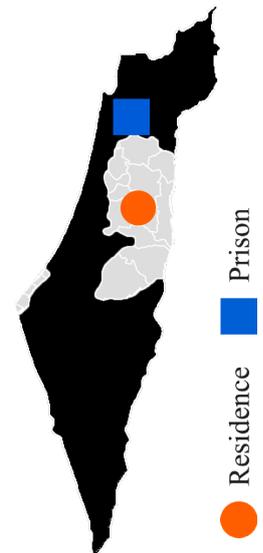
\*AD is a procedure that allows IOF to hold prisoners indefinitely on secret information without charging or allowing them to stand trial

On 21 January 2021, Israeli Occupation Forces (IOF) arrested Palestinian child Amal Nakhleh from his home in Al-Jalazon refugee camp during a dawn raid.

Immediately after his arrest and upon the military prosecutor's request, Ofer Israeli military court extended Amal's detention for an additional 72 hours to issue an administrative detention order against him on 24 January 2021. Despite Amal's young age and serious chronic health condition, Ofer military court confirmed the administrative detention order for the entire duration of six months. Military Judge, Shamon Ashuel, claimed that the secret information against Amal indicates a threat to the region's security, hence justifying his arbitrary detention without charge.

Amal suffers from a rare disease called *Myasthenia gravis*,<sup>6</sup> which requires special medical care, including regular medication and constant monitoring of the symptoms. In 2020, Amal underwent surgery to remove a cancerous mass in his chest, and he still suffers from severe headaches and shortness of breath as a consequence of the surgery. More worryingly, the Israeli occupation has shown their failure to ensure the protection of Palestinian prisoners and detainees during the spread of Covid-19, as they continue to subject them to harsh living conditions that do not align with the bare minimum of adequate living standards.

Eight months later, on 19 September 2021, the Israeli military commander issued a renewal of Amal's administrative detention order, which was confirmed in its entire duration of 4 months by Ofer military court a month later, on 26 October 2021. During the military court confirmation hearing, Amal was allowed to speak, where he emphasized his worries regarding his physical and psychological health, particularly his medical condition, for which he requested monitoring by his personal doctor. Amal further mentioned his worries regarding



<sup>6</sup> Myasthenia gravis is a neuromuscular disorder that causes weakness in the skeletal muscles, which are the muscles your body uses for movement. It occurs when communication between nerve cells and muscles becomes impaired. This impairment prevents crucial muscle contractions from occurring, resulting in muscle weakness, including in the muscles used for breathing and swallowing.

his future and expressed his wishes to continue his current high school studies and later be able to enroll in university. Despite his pleas, the Ofer military court judge confirmed the extension of his detention alleging that Amal posed a “*serious threat to the state’s security*,” based on secret evidence that could not be disclosed. Paradoxically, the military court stated that the military prosecution did not submit any new evidence but that the decision relied on “*secret information*” submitted in prior sessions.

The confirmation represents the second renewal, and third term, of his administrative detention order since his arrest on 21 January 2021. Amal will not be released until 18 January 2022, marking an entire year spent under detention with no charge or trial, based on “*secret evidence*” withheld by the Israeli military prosecution and court. The decision to renew Amal’s administrative detention order further points to the complicity of the Israeli military judicial system in the Israeli occupation and apartheid regime.

*“A political prisoner for denouncing the wretched practices of the regime in his tweets and songs”*



**Name:** Pablo Rivadulla (Pablo Hasél)

**Age:** 33 years old (33)

**Profession:** Musician (rapper)

**Date of arrest:** 16 February 2021

**Place of arrest:** University of Lleida, Catalonia

**Allegations:** Crimes of glorification of terrorism, Libel and Slander Against the Crown and State Institutions

**Sentence:** 2 years, 1 month and 15 days

**Prison:** Ponent prison (Lleida, Catalonia)

**Duration:** 3 years, ongoing

### **Context: No Freedom of Expression, Censorship and Criminalization of Musicians Questioning the Regime.**

The right to freedom of expression is recognized in Article 20 of the Spanish Constitution. Every year Freemuse releases a report on the 'State of Artistic Freedom' throughout the world.<sup>7</sup> In both the 2018 and 2019 reports, Spain was the country with the most artists 'sentenced to prison' in the world, leading the list with a total of 14 artists. Among them are: Josep Miquel Arenas Beltrán (Valtonyc), Pablo Rivadulla (Pablo Hasél), and the rap group, La Insurgencia.

The Platform in Defense of Freedom of Information (PDLI) prepared a legal report highlighting the need to align the Spanish Penal Code with international standards of freedom of expression.<sup>8</sup> Notably, Article 578 of the Penal Code, which prohibits the 'glorification of terrorism' and the 'humiliation of victims of terrorist crimes' is incompatible with freedom of expression. Moreover, the ambiguous definition of crimes covered by the law, and the lack of transparency in judicial processes falls far below international human rights standards. Amnesty International stated that *"the counter-terrorism law continues to be used to undermine fundamental freedoms in the name of strengthening national security."*

**RIGHTS:** FREEDOM OF EXPRESSION · FREEDOM OF OPINION · CYBER-ACTIVISM ·

**VIOLATIONS:** JUDICIAL HARASSMENT · SMEAR CAMPAIGN · INTIMIDATION ·

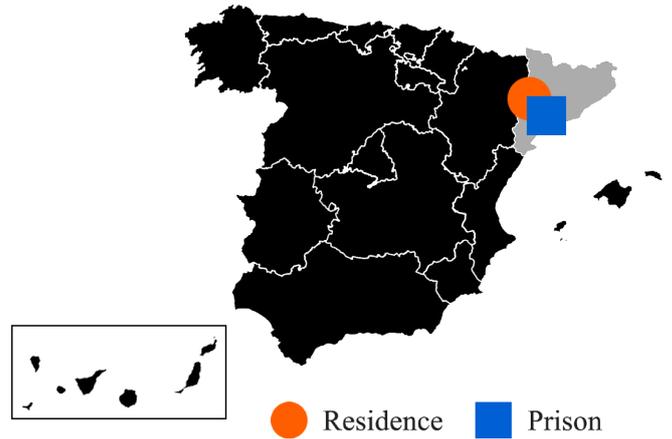
<sup>7</sup> Freemuse is an independent international organization advocating for freedom of artistic expression and cultural diversity. The 2019 report includes in-depth analysis of more than 711 violations of artistic freedom in 93 countries.

<sup>8</sup> Platform in Defense of Freedom of Information, Legal report on the adequacy to International standards on freedom of expression of certain precepts in the Spanish Penal Code (PDLI, 2020). Available in: <https://libertadinformacion.cc/>

## PABLO HASÉL · SPAIN

Legal status: **sentenced in prison**

*“I won’t put up any physical resistance.  
It will be even more evident that armed  
bodies come looking for you, to kidnap and  
put you in prison for expressing what we  
feel in songs””*



Pablo Rivadulla is a Catalan musician who began his career as an artist and rap composer in 2005 under the name ‘Hasél.’ He is currently known as Pablo Hasél. With over 50 singles, his controversial style has been subject to censorship on more than one occasion. Hasél’s music strongly condemns the regime, corruption, and political and judicial repression in Spain.

In 2018, the National High Court convicted Pablo Rivadulla on the grounds of 64 tweets and the lyrics of one of his songs. Two years later, the Supreme Court approved the conviction and decided for his imprisonment in January 2021. The artist was sentenced to nine months and one day in prison, along with several fines. He was accused of the crimes of insulting the monarchy and glorifying terrorism.<sup>9</sup> However, due to the artist’s refusal to pay the imposed fines, the National High Court decided to extend his sentence to a total of two years, one month and fifteen days in jail. This is the musician’s fourth conviction.

After the decree of imprisonment and the arrest warrant were issued, on Sunday 5 January 2021, Hasél was arrested at the University of Lleida, in his hometown, where he had barricaded himself with a dozen of other supporters. Dozens of police and about twenty police vans were mobilized to dismantle the barricades, physically remove the demonstrators, and arrest the artist. Pablo Hasél was taken to the Ponent prison, where he has been imprisoned for the past 10 months.

The case of Pablo Hasél set a dangerous precedent since the Spanish Transition, as he was the first musician in the country to be imprisoned for the lyrics of his songs. Today, Pablo Hasél is not the only musician sentenced to prison for his raps and songs, but he is the only one serving time. The others, despite having been sentenced, have not entered prison either because they are in exile, or because their judicial proceedings are still underway. A large number of jurists and lawyers in Spain expressed their disapproval of the arrest and accusations against the rapper, noting the serious violation of his freedom of expression.

<sup>9</sup> The accusation of ‘glorification of terrorism’ refers to excessively broad and vague terms included in the Spanish Penal Code, often used for ideological persecution and to limit freedom of expression.



**Name:** Juliana Andrea Higuera Quintero

**Age:** 22 years old (22)

**Profession:** Law student at Pedagogical and Technology University of Colombia (span. UPTC)

**Date of arrest:** 22 November 2021

**Place of arrest:** Family house in Paipa (Boyacá)

**Allegations:** Conspiracy to Commit a Crime, Belonging and Ideologue to the Radical Group 'First Line,' and Manufacture, Transport, Traffic, and Launch of dangerous substances

**Sentence:** -

**Prison:** Home detention

**Duration:** 1 month, ongoing (3 days pretrial detention)

***“They cannot charge us, for being different”***

**Context: Protests and mobilizations of Defending Freedom Everyone’s Business Campaign.**

The COVID-19 pandemic has exacerbated poverty and economic inequality in Colombia, as the government continues to refuse to provide a basic income to the poorest families in the country.<sup>10</sup> Compounding upon such poverty and inequality, the country saw a new wave of paramilitary violence against civil society.<sup>11</sup>

In 2021 the government of Iván Duque tried to carry out a tax reform that mainly affected the popular sectors. As the government failed to implement the reform, millions of people were already protesting in the streets, in a popular movement in Colombia lasting over three months, and primarily led by youth. Demonstrations were severely repressed by state security forces, paramilitary groups, and groups of civilians against demonstrators, including through the use of live ammunition. According to CDLAT,<sup>12</sup> Security Forces’ arbitrary and widespread use of violence led to the killings of 87 civilians; 1,905 people were injured; and a total of 3,365 of civilians who were arbitrarily detained. In the following months, the National Public Prosecutor’s Office initiated measures criminalizing civilians and human rights defenders who took part in the protests. As a result, around 33 people have been imprisoned. The criminalization of popular protest shows how the Colombian state leverages ‘national security’ to criminalize the right to protest.

**RIGHTS:** FREEDOM OF ASSOCIATION & EXPRESSION · WOMEN RIGHTS ·

**VIOLATIONS:** ARBITRARY DETENTION · POLICE AND JUDICIAL SET-UP · REPRISALS ·

<sup>10</sup> Currently, more than 21 millions of Colombians survive on USD 82 per month; another 7.4 million live on USD 32.

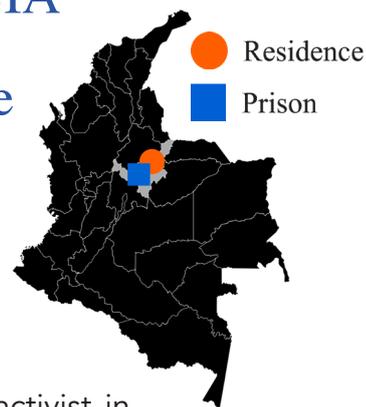
<sup>11</sup> According to Indepaz there have been 179 massacres in Colombia (20-21). Available at: <http://www.indepaz.org.co/>

<sup>12</sup> Defending Freedom: Everyone’s Business Campaign (span. CDLAT), ‘The Risk of Defending the Right to Protest’ report, (July 2021). Available at: <https://defenderlalibertad.com/>

## JULIANA ANDREA HIGUERA · COLOMBIA

Legal status: Home detention, without sentence

*“The only thing I want to tell you, **don’t leave us alone**. This violation of Human Rights is for having participated in the National Strike; for mobilizing and fighting for a dignified life”*



Juliana Andrea Higuera Quintero is a young feminist, student, and activist in different human rights committees at UPTC, where she studies. Since 2018, she has been a victim of political and psychological violence due to her participation in student movements. Her participation in different spaces made her a recognized activist, feminist, and human rights defender.<sup>13</sup>

During the National Strike,<sup>14</sup> she played an active role in a large number of activist committees and networks. Juliana Andrea was present at different sites where civil authorities and the National Police met. As part of the dialogue process, she denounced some of the interlocutors for their constant harassment and acts of violence based on her status as a feminist human rights defender.

On 22 November 2021, police carried out a campaign of arrests and home raids against seven young human rights defenders. The targeted youth had engaged in the social mobilizations in Paipa: Juliana Andrea was one of them. The victims were brought before the Second Municipal Criminal Court of Paipa on charges of conspiracy to commit a crime, belonging to the radical group, ‘First Line,’ and the manufacture, transport, traffic, and launch of dangerous substances. Juliana Andrea was also charged for being an ‘ideologue’ and leader of Primera Línea. These accusations were based on a single testimony extracted during a prison interrogation and telephone interceptions, commonly used for manipulation against demonstrators.<sup>15</sup> Juliana’s defense warned that the Prosecutor’s Office added nine testimonies, seven of which come from National Police agents, who Juliana Andrea publicly denounced during the dialogue process.

Although her defense was able to obtain a house detention pending a judicial decision, Juliana Andrea is locked in her house next to her young daughter and family for a month.

<sup>13</sup> Juliana Andrea participated in the meetings and brigades for the peace of Catatumbo, North of Santander, the Violete Network - Feminist Network of Boyacá and the National Feminist Meetings.

<sup>14</sup> The National Strike refers to the eruption of mass protests in Colombia against increased taxes, corruption, and health care reforms. The movement on the streets lasts for three months, from April to July 2021.

<sup>15</sup> Telephone interceptions are considered an illegal practice according to the law in Colombia.

**CATEGORY 2. Cases from the past (05-15)**

**Alfonso Fernández · SPAIN**

**Nael Barghouthi · PALESTINE**

**Armando Arroyante · COLOMBIA**

*“Prison is one of the methods the state has to protect itself. My testimony is necessary to make society a bit better, for whatever comes in the future”*



**Name:** Alfonso Fernández (Alfon)

**Age:** 30 years old (21)

**Profession:** Social Worker

**Date of arrest:** 14 November 2012

**Place of arrest:** On the street in Vallecas, Madrid

**Allegations:** Possession of weapons and explosive devices

**Sentence:** 4 years

**Prison:** IV Navalcarnero prison (Madrid)

**Duration:** 7 years, case closed (56 days under FIES-5 Regime in pretrial detention)

### **Context: European General Strike, better known as 14N.**

For the first time in the history of the European Union, a general strike was simultaneously called on 14 November 2012 in different European states, united in a common demand for the defense of labor and social rights.<sup>16</sup> The strike arose in response to austerity measures resulting from the 2008-2012 economic crisis that aggravated the economic situation. Under the slogans, *“They leave us without a future. There are culprits. There are solutions,”* the new generations began organizing themselves through platforms and student groups.

In an extremely tense and critical political environment, the Spanish civilian population joined the General Strike with mobilizations taking place in different cities across the country: among them Madrid, where the largest march in Spain was held. The UGT and CCOO<sup>17</sup> labor unions reported that strike participants constituted 76.7%, or 9,185,383 workers. Despite the peaceful demonstrations of thousands of people protesting against the government’s economic policies, the security forces attacked the demonstrators on several occasions, attempting to break up the concentrations in different parts of the city. That day, in Madrid, 115 people were arrested and 60 were injured.

**RIGHTS:** FREEDOM OF ASSOCIATION & EXPRESSION (Protest and Assembly) ·

**VIOLATIONS:** SURVEILLANCE · POLICE AND JUDICIAL SET-UP · ARBITRARY DETENTION · DISPROPORTIONATE ACTIONS · COLLECTIVE PUNISHMENT ·

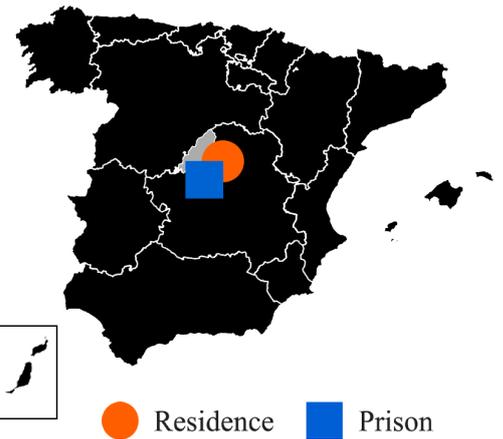
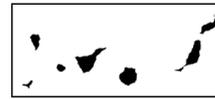
<sup>16</sup> The European General strike, also known as Iberian strike, took place in Cyprus, Italy, Malta, Portugal, and Spain; with mobilizations of support in France, Greece and Belgium.

<sup>17</sup> UGT is the General Union of Workers, and CC.OO is the Trade Union Confederation of Workers’ Commissions.

## ALFONSO FERNÁNDEZ · SPAIN

Legal status: **released in March 2019, after serving sentence**

Alfon was born in the working class neighborhood of Vallecas, and grew up exposed to police abuse, criminalization, and injustice charactering his neighborhood.



His upbringing drew him to militant environments from a very young age. As a militant of different social groups and movements in Vallecas, Alfon decided to exercise his right to strike, on 14 November 2012, in protest of great injustices and challenges of workers of his generation. On the street that day, he was arrested and taken to the Moratalaz police station,<sup>18</sup> where he was subjected to interrogation for two consecutive days. Two days after his arrest, the 22-year-old was brought before a judge, and sentenced to prison. Alfon spent 56 days in prison under the FIES-5 regime for Armed Groups, a mechanism that is applied in dangerous cases related to terrorism. The application of this regime in Alfon's case was arbitrary and unjustified; since the time of its application, no incriminating evidence had yet to be analyzed. In January 2013, after two months in prison, he was provisionally released pending trial, which took place two years later, in June 2015, under irregular conditions.

***“I consider myself a political prisoner, because I believe that when we enter prison for ideological reasons, it is either our ideas or the acts that reflect our ideas. It is important that we also set an example in some things and don't fall into certain prison dynamics that the Institution itself is interested in. There is a phrase that always appears in the environment of militancy and social movements: the State prefers you drugged rather than organized”***

Alfon was sentenced to four years in prison for possession of explosives. Despite his denial of the charges and the absence of evidence against him, Alfon's trial became a confrontation of his word against that of the police. As a result, Alfon was sentenced solely on the unreliable testimony of three police officers,, as the only existing evidence at his trial. On the same day of his sentence, the Madrid Provincial Court issued an order for his immediate admission to prison, without giving Alfon the opportunity to voluntarily surrender, as was usual. Three years and ten months later, in March 2019, Alfonso Fernández was finally released, having been in prison from the age of 21 to 27 years.

<sup>18</sup> Moratalaz is where the Central of Information Brigade is located, the direct heir of the Structures and Methods of Francoism.

*“The occupation’s attempts to kill our humanity will only increase our humanity”*



**Name:** Nael Barghouthi

**Age:** 64 years old (57)

**Profession:** -

**Date of arrest:** (1) 1978 and (2) 18 June 2014

**Place of arrest:** Kobar, Ramallah

**Allegations:** ‘Secret Material’

**Sentence:** Life sentence

**Prison:** Eshel prison

**Duration:** 42 years (36 years prior to release, 6 years following pre-arrest), ongoing

### **Context: Israeli Occupation’s systematic targeting of former prisoners, and continued renegeing on Oslo Accords.**

The *Oslo Accords*<sup>19</sup> stipulated, among other things, the release of all Palestinian political prisoners held in Israeli occupation prisons for alleged offenses occurring before the signing of the accords on 13 September 1993.<sup>20</sup> Nevertheless, to this date, the Israeli occupation continues to incarcerate over a hundred Palestinian prisoners detained prior to the Accords. In addition, Israeli occupation authorities continue to systematically target former prisoners, including those released in prisoner exchange deals, disregarding any and all conditions accorded to these deals. During the October 2011, ‘Wafa Al Ahrar’ prisoner exchange release; 172 Palestinian prisoners detained prior to the *Oslo Accords* were released.

Israeli military order 1651 allows the so-called goodwill gesture of prisoner exchange deals to be clearly undermined by legal loopholes permitting the re-arrest of Palestinian prisoners and the reinstatement of their original sentences based on “secret evidence.” As of November 2021, there remain: **25** Palestinian prisoners incarcerated before the *Oslo Accords*, **499** Palestinian prisoners serving a sentence above 20 years, **544** Palestinian prisoners serving life sentences, and **104** Palestinian Prisoners who have served over 20 years in Israeli prisons.

**RIGHTS:** RIGHT TO LIFE · FREEDOM OF ASSOCIATION · SELF-DETERMINATION ·

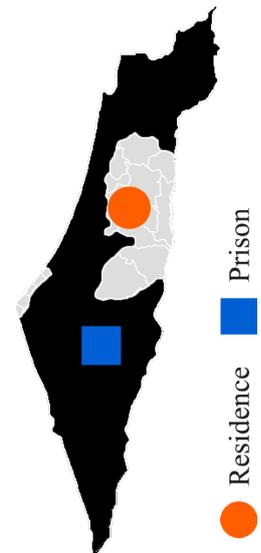
**VIOLATIONS:** RAID · REPRISALS · FORCIBLE TRANSFER · COLLECTIVE PUNISHMENT

<sup>19</sup> In 1993, Israel and the Palestine Liberation Organization signed the Declaration of Principles in the White House. Though it was supposed to be a significant step towards peace, Israel merely used it to justify the further expansion of illegal settlements in the territories it occupied in 1967.

# NAEL BARGHOUTHI · PALESTINE

Legal status: *serving sentence, ongoing*

On 21 November 2021, Nael Barghouthi entered his 42nd year in Israeli occupation prisons: Nael is the longest serving Palestinian political prisoner, and the longest serving political prisoner in the world.<sup>21</sup> From the town of Kobar, in Ramallah, Nael was arrested in 1978, prior to the *Oslo Accords*, by Israeli Occupation Forces (IOF) in retaliation for his participation in attacks against the Israeli military.



He was sentenced to life imprisonment and an additional 18 years, for which he spent 34 consecutive years in prison. On 18 October 2011, Nael was released, at 53 years of age, along with over 1,000 fellow Palestinian prisoners as part of the *Wafa Al Ahrar* prisoner exchange deal. Following his release, he married Aman Nafeh, a former Palestinian prisoner as well.

On 18 June 2014, less than three years after his release, the IOF stormed his house in the early hours of dawn and arrested Nael, sentencing him to 30 months in prison. His arrest coincided with the arrests of dozens of former prisoners who had been released in the prisoner deal, in a wave of collective, retaliatory, and arbitrary arrests by the Israeli occupation. The sentence expired on 16 December 2016, yet despite his family's struggle for his release, Nael was transferred between Israeli prisons and denied release pending an appeal submitted by the Israeli military prosecutor.

On 22 February 2017, following the Israeli military prosecutor's appeal, Ofer military court reinstated Nael Barghouthi's previous life sentence and 18 years, in direct contravention of the terms of the prisoner release agreement. The reinstatement of the sentence came according to Israeli military order 1651 which allows former prisoners to have their original sentences reinstated by a military committee on the basis of '*secret evidence*,' to which both the Palestinian prisoner and their lawyers are denied access. This mirrors the Israeli occupation's systematic practice of indefinite administrative detention of Palestinians, without charge or trial, or the presenting of evidence in court.

<sup>20</sup> For more information, read Addameer's factsheet, "Political Prisoners Detained Prior to the Oslo Agreements," (13 September 2012). Available at: <https://www.addameer.org/publications/political-prisoners-detained-prior-oslo-agreements>

<sup>21</sup> According to the Guinness World Records, since 2009. Available at: <https://www.guinnessworldrecords.com/world-records/longest-serving-political-prisoner>

*“The Colombian state intends to erase the political crime...*



*... they are treating us as terrorists”*

**Name:** Armando Arroyante Ruiz

**Age:** 53 years old (36)

**Profession:** Social leader in the Oriente Antioqueño, former Municipal Councilman of San Carlos

**Date of arrest:** 30 December 2005

**Place of arrest:** Medellín, Colombia

**Allegations:** Rebellion, Conspiracy to Commit a Crime, Kidnapping, and Murder

**Sentence:** 40 years of imprisonment

**Prison:** La Tramacúa prison, Valledupar (Cesar)

**Duration:** 16 years, ongoing (3 days pretrial detention)

**Context: The creation and organization of insurgent groups in Colombia**

**since the 60s.** The existence of these groups is related to: (1) the need to bring to the public sphere the voices of the sectors that have historically been denied to participate in politics as transformative subjects; (2) the state’s refusal to open real spaces for participation and political influence as alternatives and opposition processes; and (3) the politicide committed against social movements and its diverse expressions.

Colombian guerrillas, founded under the national *right of rebellion*,<sup>22</sup> argue that the struggle they lead is fair, necessary and political. The causes of their armed uprising have been the fight against inequality, authoritarianism, the national development model causing impoverishment of peasant communities, the defense of territory and natural resources, along with institutionalized policies that favor elites. For eight years, the Colombian government built the narrative of the internal enemy, which has been used to blame the guerrillas for poverty, inequity and low social investment in the country. Various Colombian governments have not only tried to legally erase the category of the political crime, but have also structured a public discourse pointing to insurgent groups, denying the state’s responsibility. For this reason, insurgent groups in Colombia, along with a number of human rights organizations, have endeavored to push for the recognition of the persistence of the conflict, the existence of political crime, and respect for the rights of political and war prisoners.

**RIGHTS:** ENVIRONMENTAL RIGHTS · MINORITY RIGHTS · LAND RIGHTS ·

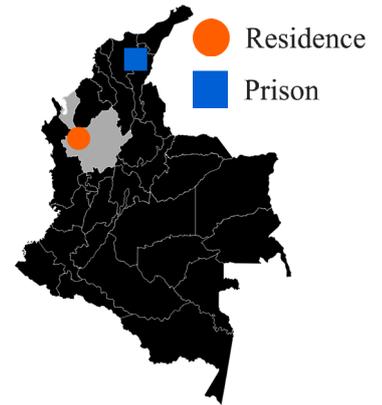
**VIOLATIONS:** SURVEILLANCE · ATTEMPTED KILLING · TORTURE · SMEAR CAMPAIGN  
· FORCIBLE TRANSFER

<sup>22</sup> ‘Right of rebellion’ enshrined to the [Constitutional Act](#) (1793) and to the [Universal Declaration for Peoples Rights](#) (1973).

## ARMANDO ARROYANTE · COLOMBIA

Legal status: Sentenced, serving time in prison

*“When States no longer have the tools to persuade they use the tools to repress. We are living in a moment where the State no longer has tools available to help and dialogue, to solve social problems, but has the military boot”*



Armando Arroyave, a peasant from the lands of Eastern Antioquia,<sup>23</sup> became a well-known leader in defense of human rights and his land during the 1980s and 90s. The focus of his work targeted a campaign against the imposition of hydroelectric power in the rivers in the region.

Armando's leadership led him to be the Oriente's Representative in the Municipal Council of San Carlos by popular demand. In his four years, he worked to make visible the state's systematic negligence of peasant communities and guarantee their basic rights, as well as the huge persecutions of all of them. This persecution escalated in threats and three murder attempts against him. The lack of accountability for the 1998 Villanueva Massacre, committed by the far-right paramilitary, led many of the local communities to join the armed struggle so as to protect their communities. In other cases, the critical situation forced others into exile, as was the case of the family of Armando who have been exiled for 25 years. Following the third and last murder attempt against him and after having led in a large number of peaceful initiatives, Armando decided to join the National Liberation Army (span. ELN).

Armando Arroyave joined different territorial-based guerrillas located in his region. Most of these guerrillas were made up by the victims of the state and guerrillas' development model, based on the forced transfer of the peasant population.<sup>24</sup> On 30 September 2005, Armando Arroyave was arrested at his parents' place in the west of Medellín. Since then, Armando has been behind bars, sentenced to 40 years in prison. In his 16 years in prison, Armando bore witness to how the system has changed, which is no longer based on physical torture, but has evolved to psychological torture aimed at destroying prisoners' dignity. This is particularly illuminated by the frequent transfer of prisoners; Armando has been transferred 11 times to different prisons in the country.<sup>25</sup>

<sup>23</sup> Eastern Antioquia is a region where the Colombian State has been using, since the 70s, for the extraction of electrical energy. As a result, civic movements began to develop in defense of the territory, due to the threat to the peasant population.

<sup>24</sup> ELN groups are territorial guerrillas, in which each territory was organized by the living communities who assumed the dynamics to form a guerrilla front for the struggle, the defense, and the particular social problems within the territory. The historical roots of most of ELN's guerrillas were based on the social demands of each territory.

<sup>25</sup> Often the policy of transfer is placed as a punishment for prisoners for undertaking organizational processes inside the prisons, as well as a form of State retaliation to promote negotiations with the ELN.

## CATEGORY 3. Social and Cultural Cases

Shatha Hasan · PALESTINE

Miguel Ángel Beltrán · COLOMBIA

Jokin Unamuno · SPAIN



**Name:** Shatha Hasan

**Age:** 23 years old (21)

**Profession:** Sociology graduate, Birzeit University 2021

**Date of arrest:** 12 December 2019

**Place of arrest:** Ramallah · Occupied Palestinian Territory

**Allegations:** 'Secret Material'

**Sentence:** -

**Prison:** Hasharon prison

**Duration:** 5 months in Administrative Detention, case closed

**Context: The Israeli occupation and apartheid regime's criminalization of Palestinian university students and use of military detention to repress student union activities.**

The Israeli occupation authorities target their repressive policies against Palestinian university students by arresting, assaulting, and imprisoning them on charges related to their legitimate student and union activities, which serve Israel's ultimate goal of maintaining its occupation and apartheid regime over the Palestinian people. Beyond physical assault, many students have been further subject to torture and ill-treatment during their detention and interrogation.

Even though student and union activity is legitimate and protected around the world, Israeli occupation authorities work to ban student groups working in universities, prosecute their members, and charge them with allegations relating to their work, and try them before military courts that lack any semblance of justice and even the most basic of fair trial standards. The military judge plays a significant complementary role with the military prosecution. The security-based justification shifts attention, deter, and eliminates any political, union, or social activity university students practice. However, in their role representing the voices of youth, student unions are essential elements of a democratic society. In particular, Palestinian youth and student unions have contributed to mobilizing popular resistance and transnational solidarity against Israel's apartheid regime and towards social change.

*“I asked her if she felt cold, with a hand gesture and glimmer of a smile, we understood how bitterly cold she was”* · Tasnem Hasan, Shatha's sister

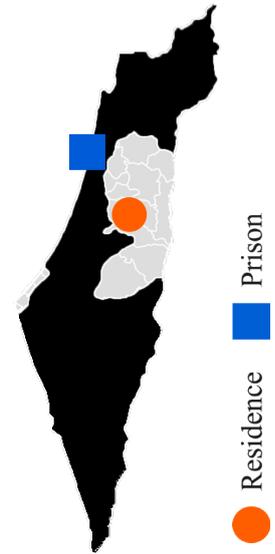
**RIGHTS:** RIGHT TO EDUCATION, FREEDOM OF EXPRESSION & ASSOCIATION ·

**VIOLATIONS:** ARBITRARY DETENTION · INTERROGATION · FORCIBLE TRANSFER · COLLECTIVE PUNISHMENT ·

# SHATHA HASAN · PALESTINE

Legal status: **released on 21 May 2020**

*“My parents were activists when they were students at Birzeit University and they were arrested because of this. Today, we are exposed to the same experience after more than 30 years. I didn’t believe that I will be in detention because of these human activities”*



Shatha Hasan was a fourth-year student at Birzeit University when on 12 December 2019, at approximately 2am, the Israeli Occupation Forces (IOF) raided Shatha Hasan’s home. Shatha was searched and handcuffed before being taken into a waiting military jeep without an arrest warrant. She was directly taken to Binyamin military camp and later transferred to Ofer Prison. While at Ofer Prison, Shatha was confined to a windowless cell without bathroom facilities, including a toilet, and was taken to an investigation room and questioned about her student activity. Later, Shatha was transferred to Hasharon Prison, where she was subjected to poor detention conditions and placed in a cell next to Israeli civil prisoners who constantly verbally harassed her.

On 15 December 2019, Shatha attended a military court hearing, and the assigned military judge approved a 72-hour detention extension to consider an administrative detention order against her. On 18 December 2019, the Israeli military commander issued a three-month administrative detention order until 11 March 2020, without Shatha’s lawyer having sight of and the opportunity to test the secret evidence used as a basis for her detention. During the confirmation hearing for Shatha’s administrative detention order, the military judge claimed that Shatha had been an active student unionist at the Birzeit University Islamic Bloc and allegedly connected to financial matters related to the Islamic Resistance Movement–Hamas. The claim was further asserted by highlighting the inseparability of organizational and military activities of “unlawful associations.”<sup>26</sup>

*“I received the news of Israel arresting my brothers when I was in jail. This action is very hard and painful; it is harsher if I was outside prison”*

<sup>26</sup> The judge claim used the Israeli High Court verdict 6404/08, which determines “there is no difference or division between military and organizational activities.” On such grounds, the judge confirmed the sentence for the entire interment period.

Once Shatha served her term, the Israeli military commander renewed her administrative detention order for another three months until June 2020. On 16 March 2020, a confirmation hearing was held before a military court concerning the renewed extension order. Shatha's lawyer was only permitted to attend the first half of the session and was excluded from the second half while Shatha did not participate in the session herself. Therefore, Shatha's lawyer could not address the information nor defend her case fully; however, he emphasized Shatha's good character and lack of criminal record.

The military judge justified Shatha's continued arbitrary detention based on the disclosed secret information, which allegedly gave rise to Shatha's threat posed by her student activity. Shatha was released after a total of five months of arbitrary detention on 21 May 2020. In Shatha's case, the Israeli occupation failed to charge her based on the suspicions directed at her. Shatha Hasan, chairwoman of the student council conference at Birzeit University, providing a model of a strong Palestinian woman and aiming to defend the rights of her fellow students, was placed under administrative detention without charge or trial, clearly violating the fundamental human right to freedom of association and union.

After a month of Shatha's detention, an IOF special squad raided her family home in Deir as-Sudan. They arrested her brother Abdulmajid, leaving the family to deal with the involuntary absence of two beloved family members. Moreover, the Hasan family has a bitter history of detention, in which Shatha's father spent around ten years of incarceration—mostly arbitrary administrative detention. Her mother also went through the experience of detention and interrogation.

*“We shared our childhood, the university yard, our student activities  
and then, the jail walls”*



**Name:** Miguel Ángel Beltrán Villegas

**Age:** 57 years old (51/45)

**Profession:** University Professor of Sociology, Doctorate in Latin American Studies and Political Sociology

**Date of arrest:** (1) October 1987, (2) 22 May 2009, (3) 30 July 2015

**Place of arrest:** Bogotá (Colombia) and Mexico

**Allegations:** Rebellion and Being a Member of a Guerrilla Group

**Sentence:** 3 years of imprisonment

**Prison:** La Modelo and La Picota prisons (Bogotá)

**Duration:** case closed, 3 years

*Thanks to the struggle and the perseverance...*

*...of all of you, the hope remains alive; the hope that the justice will be done for those of us who have been victims of judicial set-ups"*

**Context: Strong mobilization between the late 70's and early 80's against anti-democratic regimes, restricted democracies and military dictatorships.**

Revolutionary movements—both armed and unarmed—in Colombia during the 1970's and 80's led to the emergence of civic movements of human rights, peasant mobilizations, insurgent groups and collective protests, and critical knowledge-production. Such knowledge production was especially diffused in universities, which became a meeting place for intellectuals. For that reason, university professors and students became targets of the Colombian State and paramilitary groups.

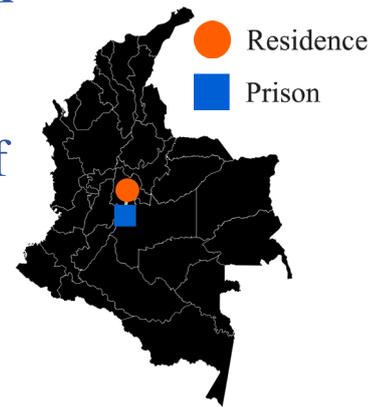
The ideas of change of academics began to be articulated in the ideologies of political parties, such as the UP and organizations such as the Colombian Communist Party (span. JUCO), which have both been subjected to arbitrary arrest, forced disappearances, murders and massacres, among others.

**RIGHTS:** RIGHT TO EDUCATION, FREEDOM OF EXPRESSION & ASSOCIATION

**VIOLATIONS:** ARBITRARY DETENTION · TORTURE · JUDICIAL SET-UP · SURVEILLANCE · TRAVEL BANS ·

# MIGUEL ÁNGEL BELTRÁN · COLOMBIA

Legal status: Released, and practicing as a Professor of Sociology at public universities of Colombia



*“Amidst these acts of the Colombian justice system, I have already been arbitrarily deprived of my freedom for more than 700 days. Accused on the basis of evidence that long ago revealed its illegal, but they continue to be used to silence critical thinking and opposition”*

In 1987, in response to the the murder of the political leader of the leftist association UP, Jaime Pardo Leal, various testimonies and sectors met in Colombia.<sup>27</sup> State forces responded with violence, arresting and torturing, among others, Prof. Miguel Ángel Beltrán (then a student) under the accusation of being a member of a guerrilla group. After his first arrest, Beltrán gained his freedom, despite continuous surveillance and threats against him.

His academic background led him to take the challenge of building an identity through his work, education, and critical thinking in order to contribute to public education and social transformation. Due to continual persecution, Miguel Ángel Beltrán was forced to leave to Mexico where he spent part of his academic life; in 2007 he returned to Colombia. Years later, due to suspicions of his surveillance, Prof. Beltrán decided to travel again to Mexico in 2009, where he was subsequently arrested and immediately deported under allegations of being a member of the FARC. Prof. Beltrán spent three years in prison, during which he was subject to harassment campaigns by the state and public media.

After three years in prison, the Supreme Court of Justice ruled for Miguel Ángel Beltrán’s release. Nevertheless, he continues to be subject to harassment to this day: he has been stopped in different airports and by Colombian Public Forces. Nowadays, Prof. Miguel Ángel Beltrán continues to work in public universities, accessible to everyone in Colombia.

*“Every time I saw a uniform, an uncontrollable fear invaded my whole body; I wanted to be accompanied all the time, and avoided walking in the streets after seven o’clock at night (...) Violence had fulfilled its role”*

<sup>27</sup> Jaime Pardo Leal (1941 - 1987) was a Colombian lawyer and politician for the political party Patriotic Union (UP), for which was a candidate in the 1986 presidential elections.



**Name:** Jokin Unamuno

**Age:** 27 years old (22)

**Profession:** -

**Date of arrest:** (1) 15 October, and (2) 14 November 2016

**Place of arrest:** Alsasua, Navarra

**Allegations:** Terrorism, Insults, Public Disorders, and Threats

**Sentence:** 8 years and 6 months of imprisonment

**Prison:** Soto del Real, Estremera (Madrid), and Zaballa (Álava)

**Duration:** 5 years (pretrial detention: 17 months before trial and 3 years until sentence), *ongoing*

### **Context: Criminalization of Social Movements and Protests against the presence of the State Security Forces (span. FSE) in the Euskadi<sup>28</sup> and Navarre.**

Alsasua is a town located in Navarra in northeastern Spain, known for being politically active. The town's landmark 'Ospa Eguna,' an annual protest parade between late August and early September, aims to demand the removal of the FSE from the autonomous communities of the Euskadi and Navarre.<sup>29</sup> Since 2010, these activities have been subject to political and legal persecution and have also been criminalized on different occasions.

Alsasua is marked by constant protests against militarization. In 1995, Euskadi alone had a deployment of over 4,896 police and Civil Guard officers. In 2011, Euskadi was still the European region with the greatest ratio of police per inhabitant, with a total of 15,000 State Security Forces. Currently, Euskadi and Navarre have 10 police officers per 1,000 inhabitants, a ratio that directly contradicts the recommendations of the European Union for normal coexistence in society.<sup>30</sup> This police deployment is a legacy of the anti-ETA structures introduced by the Spanish government.<sup>31</sup> Despite the reduction of the FSE's presence in recent years, the Spanish government has yet to implement a plan of withdrawal or 'demilitarization' of the area. The unwillingness to proceed with the reduction of the national police forces results in an unnecessary contention among the people of Euskadi and Navarre. Today, the heavy police presence continues to be a critical issue and a regular topic in political debates, illustrating post-conflict and repressive conditions in both communities.

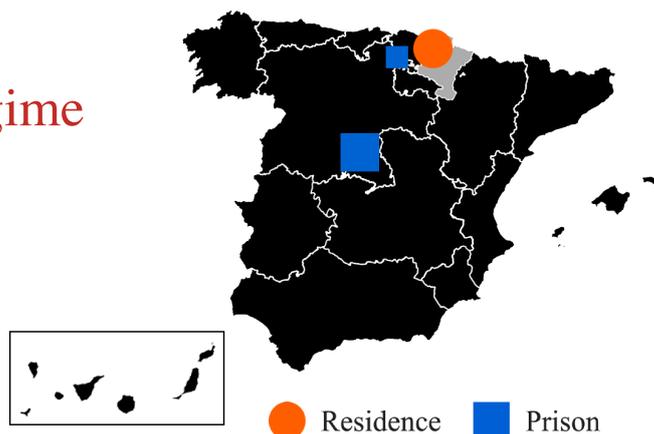
**RIGHTS:** FREEDOM OF ASSOCIATION & EXPRESSION · MINORITY RIGHTS ·

**VIOLATIONS:** POLICE AND JUDICIAL SET-UP · DISPROPORTIONATE ACTIONS · FORCIBLE TRANSFER · COLLECTIVE PUNISHMENT

## JOKIN UNAMUNO · SPAIN

Legal status: **in a Semi-open Regime since July 2020**

*“Analyzing the whole process with perspective, we see it as an achievement of the work, solidarity and commitment of the people; **the people who have taken us out from behind the walls**”*



In the early morning of 5 October 2016, a fight took place at the Koxka bar, in the town of Alsasua. Two off duty Civil Guards, dressed in civilian clothes, and their girlfriends sustained injuries. Jokin and another young man were arrested at the scene and released three days after testifying before the Iruña Court, as is routine for such incidents. A month later, in a police operation, Jokin and seven other youths were arrested for the same incident from different places. The eight youths were immediately transferred to Madrid, and charged under anti-terrorism laws for allegedly organizing a premeditated attack in the town with the aim of ousting the FSE.

What started off as a drunken brawl resulted in an appearance before the National Court in Madrid, on charges of terrorism and links to the ETA.<sup>32</sup> The Prosecutor's Office requested a total of 375 years of imprisonment among the eight youths. Jokin, Adur and Ohian were imprisoned in pre-trial detention without bail, put in special units for conflictive detainees, and submitted under the FIES-3 Regime for armed groups.<sup>33</sup> The three young men were imprisoned in Soto del Real, 370 km away from their families.<sup>34</sup>

<sup>28</sup> Euskadi means Basque Country in Basque language. From now on, the Basque Country will be referred as Euskadi.

<sup>29</sup> The Spanish State Security Forces operating in the area are: the Civil Guard, the National Police, and the Regional Police of Navarre and the Baque Country (Ertzaintza) in the relevant case.

<sup>30</sup> The recommendations of the European Union establish normal coexistence between security forces and inhabitants of an area as 1 or 2 policemen per 1,000 inhabitants.

<sup>31</sup> ETA ('Euskadi Ta Askatasuna' which means 'Basque Country and freedom'), was founded in 1959 at the end of the Franco dictatorship. It was an armed and clandestine Basque organization, with a nationalist, socialist, and revolutionary ideology, whose goal was the creation of an independent Basque State.

<sup>32</sup> The Prosecution presented those charges without taking into account that, when the armed group declared a permanent ceasefire of all armes activities (2011), the majority of the people accused were under 18.

<sup>33</sup> The application of that Regime, described by many prisoners as 'the prison within the prison', permitted unrestricted interception of their communications (analyzed and verified by the High National Court), as well as solitary confinement for three of them, and being subject to a constant rotation of modules.

<sup>34</sup> In recent years, Spanish human rights organizations reported that over 16 people died on the road traveling long distances to visit their relatives in prison.

Despite the huge amount of local support in Alsasua demanding a direct assault trial for the 8 defendants locally in Navarra, the appropriate response measure; the eight Alsasuarras were tried before the National High Court on charges of terrorism, insults, public disorder and threats of violence. In April 2018, the court sentenced the defendants to prison terms ranging from two to thirteen years. Although the charges of terrorism were dismissed, the convictions were disproportionate and unjust. The sentence was passed as a collective responsibility and was formulated on the hypothesis of what might have happened. The trial highlights the inability of the prosecution to identify the specific facts particular to each of the defendants. Months later, in September 2018, they were finally transferred to prisons in Zaballa and Pamplona, closer to the town of Alsasua.

In October 2019, the Supreme Court partially upheld an appeal reducing the sentences by one year and six months to nine years and six months. The final sentence included the payment of a large financial sum to the Civil Guards and their families. In July 2020, the young men were given the “third degree” regime (day release), after having served half of their sentence. Months later, due to irregularities inside the prison due to the Covid-19 pandemic, Jokin was moved to a semi-open regime, allowing him to leave the prison completely while wearing electronic control bracelets.<sup>35</sup>

***“We must talk more about prisons in order to dismantle the penitentiary system, created to destroy the individual. Prison is the most opaque and repressive State institution”***

After having exhausted all possible legal solutions within the Spanish context, the families of the eight youths took their cases to the European Court of Human Rights (ECHR).<sup>36</sup> The two appeals denounced the violation of the right to a fair trial and an impartial judge, as well as the refusal to allow testimonial, documentary and expert evidence presented by the defense during the judicial process. The cases highlight the criminalization and persecution of the people of Alsasua, with the new generation being especially targeted. While awaiting, the people from Alsasua are aware that this will not repair the injustice they have experienced, but it may well help to avoid the repetition of other judicial processes of this type. Grassroots organization has been vital in advocating for this case. For example, grassroots organizers established a special clock in the center of the town counting the days, kilometers and costs, to remind people that the process won't be over until 2025.

<sup>35</sup> Nowadays, all the defendants are under semi-open regime, with great limitations of movement, such as spending more than eight hours at home.

<sup>36</sup> Grouped in Altsasu Gurasoak (families of the defendants).

**CATEGORY 4. Cases of HR Defenders**

**Luz Mery López · COLOMBIA**

**Jordi Cuixart · SPAIN**

**Shatha Odeh · PALESTINE**



*“Losing your freedom is a hard thing, it cannot be repaired”*

**Name:** Luz Mery López López

**Age:** 53 years old (44)

**Profession:** President of Community Action Boards (span. JAC) of Anorí and Member of the Peasant Association of North Antioquia (span. ASCNA)

**Date of arrest:** 13 July 2012

**Place of arrest:** Anorí park, Antioquia

**Allegations:** Rebellion, Conspiracy to Commit a Crime, Aggravated Murder of a Protected Person, and Terrorism

**Sentence:** Acquittal

**Prison:** Pedregal prison (Medellín)

**Duration:** case closed, 32 months in pretrial detention

**Context: Defense of the human rights of peasant communities, against the militarization of territories by the State and the Paramilitary Groups.**

Human right defender and/or social movement leaders in Colombia face continual physical security risks, as was confirmed in a sentence passed by the Permanent Peoples’ Tribunal and presented internationally in June 2021.<sup>37</sup>

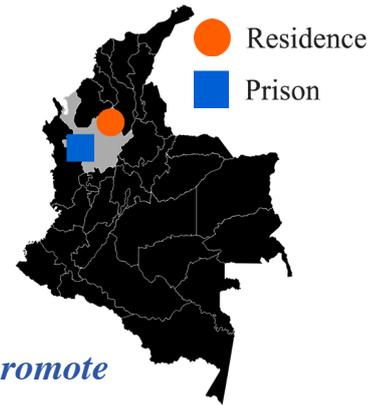
In 2011, the ASCNA was founded in response to the increase of political violence and the number of the attacks against the ‘Patriotic March’ movement. During 2012, different leaders of the ASCNA publicly reported the persecution carried out by different Battalions against the peasants living in and around the Anorí villages as well as members of the association.<sup>38</sup> The battalions accused the residents in the area of being guerrillas or collaborators of the FARC, only based on the fact that they were living in an area under the influence of the FARC, because of their affiliation to the Association, or for denouncing the militarization of the territory and the serious violations of human rights perpetrated by state forces and paramilitary groups. In 2012, the ASCNA noted a rise in the activities of the paramilitary group ‘Autodefensas Unidas de Colombia.’ Although the presence of this paramilitary group was used as justification for police operations against the ASCNA, during the same period, no action was carried out against the paramilitary. ASCNA continued its work reporting the atrocities committed by the National Army, including extrajudicial executions, and the increase in mining-energy schemes in the area, which were installed at the same time as the increased wave of repression by the State and paramilitaries.

**RIGHTS:** CIVIL AND POLITICAL RIGHTS (Elections - Good Governance) · FREEDOM OF EXPRESSION & ASSOCIATION (Protest & Assembly) · LAND & MINORITY RIGHTS

**VIOLATIONS:** PERSECUTION · POLICE AND JUDICIAL SET-UP · REPRISALS

# LUZ MERY LÓPEZ · COLOMBIA

Legal status: acquittal, immediately released after her trial on 5 February 2013



*“The defense of human rights is possible because organizations such as ASCNA have become a place in the midst of socio-political violence to organize and accompany the peasant population; to promote alternatives for change and to prevent the criminality of the State and the paramilitaries from going unpunished”*

For years, Luz Mery's family was subjected to the constant transfer and relocation of their home. At 20 years, Luz Mery began joining the Community Action Board (span. JAC) as the secretary, later assuming the presidency in 2004, following the campaign against the former president who, threatened by paramilitaries, was forced to flee the territory. In 2008, Luz Mery was also forced to leave following threats from the FARC guerrillas. As a result, she had to continue leading the JAC as President from another territory of Anorí.

In 2011, Luz Mery helped found the Peasant Association of North Antioquia (span. ASCNA). On 11 June 2011, Luz Mery was arrested in a park in Anorí, while on her way to a doctor's appointment with her youngest daughter. She was then transferred to the police station where they read the charges for which she had been arrested: rebellion, conspiracy to commit a crime, aggravated murder of a protected person, and terrorism. In addition, the human rights defender was accused of belonging to the 36th Front of the FARC. Mery explained that, at that time, she didn't know what the charges she was accused of meant.

On the same day of her arrest, she was transferred by helicopter to Medellín. That night she was brought before the Guarantees Judge. Luz Mery pled not guilty, denying all the charges against her. After the hearing, she was immediately transferred to Pedregal Prison in Medellín, and designated a “dangerous offender.” As such, she was interned in a high-security unit. After two days of being held in a tiny cell, suffering from harsh living conditions and ill-treatment, she was relocated to another unit where she remained for another eight months.

<sup>37</sup> The Permanent Peoples' Tribunal (span. TPP) is a court of opinion that represents an ethical call to States and societies (2021).

<sup>38</sup> Visit the Peasant Association of Northern Antioquia's (span. ASCNA) website. Available at: <http://ascna.blogspot.com/p/justificacion.html>

During Luz Mery's imprisonment, an investigation, led by the ASCNA and civil society, was conducted to document and prove her innocence. Although Luz Mery was notified of her release on 2 February 2013, she was detained for three additional days in prison, until 5 February 2013.

In the nine years since her detention, Luz Mery has not abandoned her struggle or her commitment to the ASCNA, with whom she continues to fight for the defense and promotion of the human rights of the Colombian peasant population.



**Name:** Jordi Cuixart

**Age:** 46 years old (42)

**Profession:** Businessman and President of Òmnium Cultural (19 December 2015 - today)

**Date of arrest:** 16 October 2017

**Place of arrest:** From his house, Barcelona

**Allegations:** Crimes of Rebellion and Sedition

**Sentence:** 9 years imprisonment and disqualification

**Prison:** Soto del Real (Madrid), Lledoners (Catalonia)

**Duration:** 4 years (2 years in pretrial detention)

*“We must not forget that the goal of repression is the division of those who fight”*

**Context:** Over the last ten years, the Catalan civil society has vindicated and demanded its right to self-determination through massive actions, to put the issue on the political agenda and send a message to the world.<sup>39</sup> This clamor was followed by a political call.

After 18 attempts to reach an agreement with the Spanish Government on an agreed self-determination referendum, the Government of Catalonia organized a referendum on its political future on 1 October 2017. Despite the precedents of Quebec or Scotland, it received the frontal opposition of the State, as well as the prohibition of the Spanish Constitutional Court, which declared its holding illegal.

Following the approval of the Referendum Act in the Parliament of Catalonia, which was subsequently declared illegal by the Spanish Constitutional Court, mass numbers of supporters mobilized to occupy polling stations two days before the Referendum, fearing that the ballot papers and boxes would be seized. On voting day, the repression and police brutality left shameful images that went around the world.<sup>40</sup> Despite this hostile climate, with cyber attacks, police violence<sup>41</sup> and the seizure of dozens of ballot boxes and thousands of ballots, at the end of 1 October 2017, more than 2.3 million Catalan citizens (30% of the population) were counted, 43% of the census, with a result favorable to independence (90%).

<sup>39</sup> There was everything: mass gatherings in the main cities of the Catalan territory, a human chain along the entire Catalan coast from north to south, long marches through the territory, demonstrations of hundreds of thousands of people in the city of Barcelona, etc.

<sup>40</sup> The confiscation of ballot boxes full of votes, the closure of polling stations, police charges outside polling stations against people who were protecting the centers or voting, Internet cuts in the voting centers, etc.

<sup>41</sup> More than 10,000 agents of the Spanish police forces (National Police and Civil Guard) were displaced for weeks in Catalonia to try to stop the referendum, and acted throughout the day with violence that left 1,066 injured.

Since the referendum, popular mobilization organized in the Catalan territory is subjected to threats, repression, and persecution by the Spanish government through the arbitrary detention of activists, social leaders, and civil society actors; and through the intervention of the catalan public institutions. At present, hundreds of citizens continue to suffer judicial persecution, pending trial for events related to the referendum or to one of the many peaceful demonstrations organized since then to denounce human rights violations. This shows the disproportionate restrictions, limitations and obstacles to exercising the rights to freedom of peaceful association and freedom of expression, rights that are constitutionally guaranteed—and generally respected—in Spain.

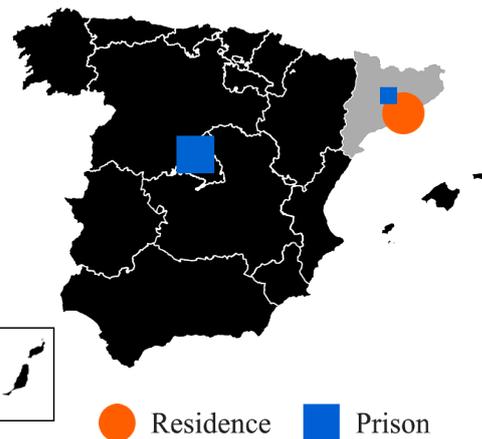
**RIGHTS:** FREEDOM OF EXPRESSION & ASSOCIATION (Assembly and Protest) ·  
MINORITY RIGHTS · SELF-DETERMINATION

**VIOLATIONS:** DISPROPORTIONATE ACTIONS · JUDICIAL HARASSMENT · REPRISALS  
· PERSECUTION · SMEAR CAMPAIGN

## JORDI CUIXART · SPAIN

Legal status: **released for conditional pardon (23 June 2021), pending the decision of the ECHR**

On 16 October 2017, Jordi Cuixart was imprisoned in preventive detention and without bail, as requested by the Prosecutor's office.



Jordi Cuixart was arrested two weeks after the referendum, accused of being one of the on the 'pillars of the seditious movement,' for having "promoted" the demonstrations on 20 September 2017.<sup>42</sup> There are numerous graphic proofs that show Cuixart's contribution to the peaceful nature that the demonstrations had. Despite the aforementioned, the human rights defender entered prison on 16 October 2017, facing a penalty of up to 25 years in prison, for the crimes of 'rebellion' and 'sedition,' for the fact of defending rights of demonstration, freedom of expression, and self-determination.

During the two years he spent in pre-trial detention, the Supreme Court rejected, on more than three occasions, the request for his release on bail, on the grounds of the alleged risk of repetition of criminal conduct, ignoring the request for his immediate release made by the UN.<sup>43</sup> Two years after his arrest (on 14 October 2019), and after a trial of 52 weeks, he was found guilty of 'sedition' and sentenced to nine years in prison. During the trial, a large part of his defense focused on denouncing the violation of fundamental rights, and accusing the Government of Spain of being guilty of said repression and violation. Jordi Cuixart was convicted by the Spanish Supreme Court, along with another social leader, Jordi Sánchez, and seven political leaders: Oriol Junqueras, Carme Forcadell, Raül Romeva, Dolors Bassa, Jordi Turull, Joaquim Forn, and Josep Rull.<sup>44</sup>

After exhausting all possible legal solutions within Spain, Cuixart and his legal team filed an appeal to the European Court of Human Rights (ECHR) in June 2021, to claim the acknowledgement of the damages, the reparation of the violated rights and, above all, the guarantees of non-repetition.

<sup>42</sup> Demonstrations in front of the headquarters of the Ministry of Economy of Catalonia during a police raid by the Civil Guard; which is under investigation and intervention by the Spanish Government.

<sup>43</sup> Request by the UN Working Group on Arbitrary Detention in May 2019.

<sup>44</sup> Jordi Cuixart trial took place in a court that had no jurisdiction over him, because the Spanish Supreme Court can only judge political representatives. However, on 14 October 2019, the Supreme Court sentenced twelve Catalan political prisoners to a total of 100 years in prison among them.

The Government of Spain granted him a partial pardon in July 2021, releasing him after three years and eight months in prison. Cuixart alleged to the court that he has not requested any pardon, since he does not regret anything and that his priority was not getting out of jail, but rather the democratic resolution of the political conflict between Catalonia and Spain, as well as the defense of human rights. This pardon was the result of pressure for international organizations and human rights organizations, citizen mobilizations and international media coverage.

The European Council recognized Jordi Cuixart as a human rights defender and, at the same time, considered that he suffered “reprisals and intimidation,” a unique case in the European Union. Organizations such as Amnesty International, the World Organization Against Torture, Front Line Defenders, the International Commission of Jurists, and International PEN Club also spoke out repeatedly about his situation, demanding his freedom and denouncing the violation of the rights to freedom of expression and peaceful demonstration. As a political prisoner, Jordi Cuixart transformed his time behind bars into a tool for the struggle for human rights.

*“From the moment you recognize yourself as a political prisoner, fear vanishes; you discover that, in a certain way, your destiny no longer belongs to you because now you are part of a collective cause.*

*It is necessary to visualize, with all the force, that we can muster; **that we -political prisoners- are not the proclamation of any defeat, but a useful step towards victory”***



*“My detention demonstrates the occupation’s aim to disable the services provided by Palestinian civil society”*

**Name:** Shatha Odeh

**Age:** 60 years old (60)

**Profession:** Director of the Health Work Committees (HWC), Chair-woman of the Palestinian Non-Governmental Organizations Network (PNGO)

**Date of arrest:** 7 July 2021

**Place of arrest:** Ein Misbah, Ramallah · Occupied Palestinian Territory

**Allegations:** Holding a position in an “unlawful organization” (HWC) under Israeli military orders; Participating in an event affiliated with an “unlawful organization” under Israeli military orders; Receiving and bringing funds illegally into the occupied West Bank; and Fraudulent use of documents.

**Sentence:** -

**Prison:** Ofer and Damon prison

**Duration:** 5 months under Admin. Detention, *ongoing*

**Context: Recent escalations of attacks by the Israeli Occupation against Palestinian civil society and human rights defenders.**

The Health Work Committees (HWC) is a Palestinian NGO that promotes health services for Palestinians, focusing on marginalized communities, especially in Area C, and women’s health. The HWC has been instrumental in organizing healthcare services, including sexual and reproductive health and mental health services, for over 400,000 Palestinians across the West Bank. The organization has been on the frontline of the COVID-19 pandemic response through community-based services, hospital services, mobile clinics, and community outreach programs.

In recent years, the IOF has attacked the offices of the HWC on four different occasions.<sup>45</sup> The ongoing judicial harassment, part of a series of systemic attacks against HWC staffers, offices, and private property, has included the detention of the organization’s accountant on 8 March 2021, Tayseer Abu Shabak, and the Spanish-Palestinian project coordinator, Juani Rishmawi, on 13 April 2021. The closing of HWC offices and arbitrary detention of HWC staff during a global pandemic further illustrate the Israeli occupation’s blatant disregard towards

<sup>45</sup> Al-Haq, ‘Israel’s attack on the Palestinian Health Work Committees is part of its systematic targeting of Palestinian Civil Society’, available at: <https://www.alhaq.org/advocacy/18527.html>

its legal obligation to protect occupied Palestinians' right to health and constitutes a collective punishment against the Palestinian people.

The work of Palestinian civil society organizations (CSOs) has been supported by the UN, an international states and NGOs for decades, and their tireless efforts have drawn the world's attention to Israeli crimes. The Israeli occupation's systematic campaign targeting Palestinian CSOs has included repeated office raids, defamation, attacks on funding, incitement to racial hatred, hate speech, violence, and death threats against staff members, with the ultimate goal of creating a coercive environment and shrinking the civil space in which their work is possible. It is an attempt to silence, discredit and obstruct the work of Palestinian human rights defenders and CSOs and isolate them from the international arena.

*“Civil society serves to reinforce the steadfastness and resilience of the Palestinian people. But their prisons shall not break us, nor will their oppressive policies affect our path to our rightful struggle”<sup>46</sup>*

**RIGHTS:** RIGHT TO HEALTH · RIGHT TO UNION · FREEDOM OF ASSOCIATION ·

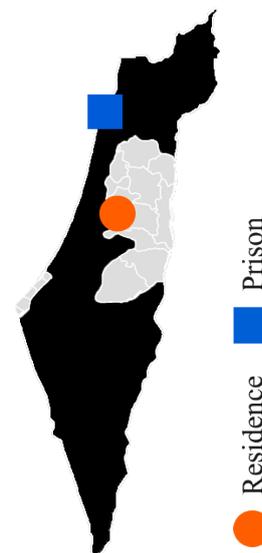
**VIOLATIONS:** RAID · ARBITRARY DETENTION · INTERROGATION · FORCIBLE TRANSFER · SMEAR CAMPAIGN · COLLECTIVE PUNISHMENT ·

<sup>46</sup> Shatha Odeh, 'A letter to all my friends and internationals in solidarity' (Damoun prison, 23 September 2021).

## SHATHA ODEH · PALESTINE

### Legal status: in prison awaiting military trial

On 7 July 2021, the Israeli Occupation Forces (IOF) launched a night raid on Shatha Odeh's home in Ramallah, deploying gas grenades and terrorizing her family. Approximately 15 soldiers broke into the house and separated the whole family in one room while taking Shatha aside. Despite the lack of an arrest warrant or a confiscation order, IOF forcibly arrested Shatha and confiscated her mobile phone, the keys of her organization's car, and the vehicle itself. Within the next 24 hours, Shatha was taken to Ofer Military Camp, deprived of sleep, and interrogated for hours on end until she was transferred to Hasharon Prison and Detention Center.



Since Shatha's arrest on 7 July 2021, her detention was extended three times by the Israeli military court on 8 July, 14 July, and until her third hearing on 26 July 2021, when the military prosecutor laid out the charges against her. In seeking to build a case against Shatha, the Israeli military prosecutor expands the courts' subject-matter jurisdiction by including allegations of fraudulent activity as security-related offenses falling under the military judicial system's mandate. The breadth of the claims brought against Shatha—covering an array of infractions violating arbitrary Israeli military orders and referencing the Jordanian Penal Code—is a paradoxical effect of Shatha's trial as a civilian in a military court. The criminalization of mere membership in or affiliation with organizations deemed "unlawful" allows Israeli military authorities to collectively punish civil society actors and detain individuals without proving, or even alleging any actual individual culpability for activities or resistance against the ongoing Israeli occupation.

For almost two weeks, Shatha was not allowed to have underclothing or clothing to change despite requests and clothing brought to the prison by her lawyer. Her detention and interrogation conditions in Hasharon Prison were poor, cruel, and inhumane; the harsh transportation and interrogation from Hasharon to Ofer Military Camp lasts 20 hours, while detainees remain shackled by their wrists and feet. In Hasharon,<sup>47</sup> Shatha was held in a room with two metal beds and plastic mattresses, where she was forced to use the jacket she wore on the day of her arrest as a cover. She was consistently monitored by a surveillance camera, infringing on her privacy and compounding the psychological punishment. Shatha is currently held in Damon Prison.

<sup>47</sup> Hasharon Detention Center is considered a temporary prison and not where prisoners spend their sentences. The IPS keep prisoners in this prison only until investigation is done and the list of indictments is provided.

**CATEGORY 5. Cases of Political Figures**

**Carme Forcadell · SPAIN**

**Khalida Jarrar · PALESTINE**

**David Ravelo Crespo · COLOMBIA**

*“My crime was simply to fulfill my duties as President of the Parliament in allowing a debate that had been requested by a majority in the Chamber”*



**Name:** Carme Forcadell

**Age:** 66 years old (62)

**Profession:** Former Speaker of the Catalan Parliament (26 October 2015 - 27 October 2017)

**Date of arrest:** (1) 9 November 2017 released on bail, and (2) 23 of March 2018

**Place of arrest:** From her work, Barcelona

**Allegations:** Rebellion, sedition, and criminal conspiracy

**Sentence:** 11 years and 6 months in jail, and 11 years and 6 months of disqualification from public office

**Prison:** Soto del Real (Madrid), and Wad-Ras (Bcn) prison

**Duration:** 4 years (1 year and 7 months in pretrial detention)

*“The solution is not to suppress debate, but to allow democratic, free and informed citizens to be heard”<sup>48</sup>*

**Context: Wave of protest mobilizations and police repression due to the Referendum on the Independence of Catalonia.**

Over the last ten years there has been increasing debate regarding independence in Catalonia due to the constant repression exercised by the Spanish government and the State Security Forces. The refusal to provide space for discussion of this issue, derived from the desire to undermine the right to self-determination of the Catalan people, which was considered a threat to the unity of Spain. In spite of the continuing judicial constraint and police repression, on 6 September, the Parliament of Catalonia held a debate on the Referendum on the Independence of Catalonia and the Referendum Act was passed, calling for the celebration of a Referendum on the 1 October. This resolution set in motion the organization of the popular referendum carried out in the face of the warnings from the Spanish Constitutional Court. One day after it was passed the Constitutional Court suspended the Referendum Act considering it a breach of the Constitution.

The approval and immediate suspension of the Law, led to the investigation of different public institutions within the Catalan territory by the Spanish government and also gave rise

<sup>48</sup> Carme Forcadell, Defending Freedom in Catalonia. The New York Times, 30 Jan 2017. Available in: <https://www.nytimes.com/2017/01/30/opinion/defending-freedom-in-catalonia.html>

to a series of mass demonstrations against repression, and political and judicial intervention, appealing for their right to vote and decide. Despite the brutal police repression, on 1 October 2017 the Referendum on the Independence of Catalonia took place. Consequently, on 27 October Catalonia's Parliament declared the creation of the Catalan Republic.<sup>49</sup> Minutes later, the Spanish President announced the application of Article 155 of the Spanish Constitution, suspending the autonomy of the Catalan territory for seven months, dissolving the Catalan Parliament and calling elections for December 2017. For the first time since the creation of the Spanish Constitution of 1978, Article 155 was applied as a mechanism of intervention and control of the Catalan territory, in order to adopt the "necessary measures" and force the autonomous community in question (Catalonia) to comply with the constitutional obligations.

**RIGHTS:** CIVIL AND POLITICAL RIGHTS (Elections - Good Governance) · MINORITY RIGHTS · SELF-DETERMINATION

**VIOLATIONS:** DISPROPORTIONATE ACTIONS · JUDICIAL HARASSMENT · REPRISALS · SMEAR CAMPAIGN ·

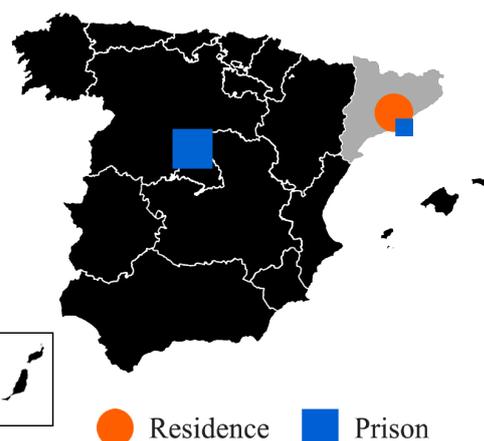
<sup>49</sup> The declaration was binding for 56 seconds, due to the act of the Catalan Parliament of freezing such a decision to open a new space for the debate and dialogue with the Spanish Government.

## CARME FORCADELL · SPAIN

Legal status: **released for conditional pardon (23 June 2021), pending the decision of the ECHR**

In 2017 Carme Forcadell, President of the Parliament of Catalonia since 2015, was responsible for supervising parliamentary

proceedings during a time of particular political turmoil. On 6 September 2017, Carme Forcadell agreed to allow the debate on the sovereignty in the Parliament of Catalonia, following the request of the majority of the members of the chamber. The day ended with the approval of the Referendum Act which provided the territory with the organizational powers to carry out the Referendum on the Independence of Catalonia, planned for the first of October of the same year. The following day, the Spanish Constitutional Court suspended the law, declaring it illegal and unconstitutional.



In addition to the continued police repression, the Spanish government launched an investigation and intervention into a large number of Departments from 'Generalitat of Catalonia.' After the celebration of the Referendum on October 1, the Parliament Speaker Carme Forcadell continued to operate as the Leader of the Catalan Parliament until the 27 of October 2017, when the Spanish Government suspended and dissolved the Parliament of Catalonia after the declaration of the Catalan Republic, by applying the Article 115 of the Spanish Constitution.

***“What is happening in Catalonia is a judicial assault by Spain on Catalonia democracy and freedom of speech, an assault that violates the principle of the separation of powers that is the foundation of the rule of law in this country”***

Carme Forcadell, under judicial investigation, was arrested and sentenced to pre-trial detention on 9 November 2017 and later released on bail of 125,000 euros (\$141,862). Charged with rebellion, sedition, and criminal organization for her important role in the drawing up the Referendum Act and the declaration of the Catalan Republic on 27 of

October, her case was reactivated months later, on 23 of March 2018, when she was again taken to custody, this time without bail. At that time, the State Prosecutor's Office, charging her with sedition, asked for a 17 years' imprisonment and 17 years' absolute disqualification from holding office.

On 14 of October 2019, after a year and six month in prison, Carme Forcadell's trial took place along with eight Catalan political leaders. Spanish state prosecutors held the former Speaker of the Parliament responsible for the Catalan legislature's approval of the laws and resolutions for holding the Referendum which went ahead despite the Constitutional Court's warnings and prohibitions. Her calls to the public to participate in the October 1 Referendum were considered during the trial. In her defense, the former Parliament Speaker declared that she had played no part in the actual organization of the Referendum or in any violent action. She added that all she had done was to permit the debate on the issue of Independence in Parliament, and in so doing, was merely carrying out her job and responsibilities. Forcadell was sentenced to eleven years and six months in prison for sedition and banned from holding public office for the same period.

Carme Forcadell was the first person to bring her case before the European Court of Human Rights for the disproportionate time in pre-trial detention, following appeals brought before the Supreme Court and the Constitutional Court in Spain. On 22 June 2021, the Spanish Government granted her a pardon, releasing her without charges, after spending three years and three months in prison. The pardon was only issued following pressure from the Council of Europe to release the nine Catalan political prisoners and to stop the persecution of the first of October. However, the pardon granted was partial and only commuted the prison sentence.

***“We will not open our doors to censorship. We are committed to preserving the right of free expression for all deputies, no matter what they think and how they vote. This government (Spain) is unable to resolve political challenges through politics, it is using a politicized court system to silence dissent and democratic debate”***

*“I belong to my people, who are under occupation. Whatever I’ve done in the past and I will do in the future is for them”*



**Name:** Khalida Jarrar

**Age:** 58 years old (56)

**Profession:** Palestinian Legislative Council Member (PLC)

**Date of arrest:** (1) 2 April 2015, (2) 2 July 2017, (3) June 2018, and (4) 31 October 2019

**Place of arrest:** Al-Bireh, Ramallah · Occupied Palestinian Territory

**Allegations:** Assuming a political role in an “unlawful organization” (the [Popular Front for the Liberation of Palestine](#), PFLP) under Israeli military orders

**Sentence:** 24-month prison term; 12 months suspended for 5 years from the day of her release, a fine of 4,000 shekels (\$1,270)

**Prison:** Damon prison

**Duration:** case closed, 1 year and 11 months (1 year and 5 months of detention before the official judgement)

**Context: The Israeli Occupation’s ongoing efforts to suppress the Palestinian exercise of political sovereignty and self-determination.**

The Israeli Occupation has prosecuted members of the PLC since 2006, arbitrarily incarcerating them after putting them on trial before military courts that lack guarantees to a fair trial. The Israeli Occupation also revoked several Jerusalemite PLC members’ residencies and forcibly deported them to the remainder of the West Bank, depriving them of access to Jerusalem. The Occupation has also prevented several PLC members from traveling outside the occupied Palestinian territory. Currently, eight Palestinian parliamentarians are held in Israeli detention.

*“I will continue my work for the freedom of my people and against injustice around the world”*

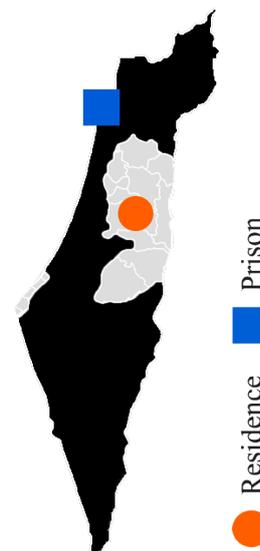
**RIGHTS:** CIVIL AND POLITICAL RIGHTS (Elections - Good Governance) · RIGHT TO UNION (Protest and Assembly) · FREEDOM OF EXPRESSION & OPINION

**VIOLATIONS:** RAID · INTERROGATION · FORCIBLE TRANSFER · TRAVEL BANS · COLLECTIVE PUNISHMENT

## KHALIDA JARRAR · PALESTINE

Legal status: released on 26 September 2021

Khalida Jarrar is a Palestinian feminist, leftist and parliamentarian, a Palestinian national leader and prominent representative of the Popular Front for the liberation of Palestine.



On 31 October 2019, Khalida Jarrar was re-arrested from her home, just eight months after her release from administrative detention without trial or charge. The Israeli Occupation Forces (IOF) stormed her home in Al-Bireh at 9am, taking her directly to Ofer Military Camp for interrogation. After interrogation, Khalida was taken by *bosta*<sup>50</sup> to Hasharon Prison and Detention Center under harsh conditions. She was transferred to and spent three days in Al-Moscobiyyeh interrogation center, where Khalida underwent several interrogation sessions before being transferred to Hasharon, then Damon Prison, where she was held until the end of her sentence.

On 27 November 2019, the Israeli military prosecutor submitted an indictment against Khalida that included charges of assuming a position with the Popular Front for the Liberation of Palestine (PFLP). Notably, this allegation previously levelled against Khalida in 2015, when she was imprisoned for 15 months and then administratively detained in 2017 for 20 months.<sup>51</sup> All such detentions and arrests constitute a flagrant violation of international law and contradict the internationally established legal principle and prohibition of trying a person for the same act several times (also known as double jeopardy).

Almost a year and a half later, on 1 March 2021, Ofer military court issued its verdict of imprisonment for 24 months against Khalida. The ruling came after the military prosecution amended the indictment to categorically state that Jarrar's activity was limited to her political role and work related to the Palestinian National Authority, confirming that she had no ties to any military, organizational or financial work. The military prosecution acknowledged that these amendments to the charges came due to the difficulty of exhausting the procedures in the file, referring to the circumstances of the interrogation of the central witnesses in the file.

<sup>50</sup> *Bosta* is the prisoners' transport vehicle cells which consists of metal, narrow double seats with disproportionate measurements that force the prisoners into an angled seating position for lack of appropriate space. Palestinian prisoners face degrading conditions during transport as well as physical strain.

<sup>51</sup> Khalida Jarrar was arrested on 2 July 2017 under administrative detention for 6 months, which was renewed three times in December 2017 for 6 months, in June 2018 for 4 months, and in October 2018 for 4 months to be released on 28 February 2019. Khalida was also arrested on 2 April 2015.

The military court's decision is part of a systematic policy of targeting Palestinian political leaders to prevent any political action against the occupation. The military judiciary is used to impose control and deprive the Palestinian people of their political and civil rights, especially their fundamental right to self-determination.

On 11 July 2021, Khalida's youngest daughter, Suha Jarrar, was tragically and unexpectedly found dead in her apartment in Ramallah. Several communications were submitted to the Israeli Prison Service (IPS) for Khalida's temporary humanitarian release to attend her daughter's funeral. Nonetheless, the IPS firmly denied the requests, using justifications that mark Khalida as a "security threat" due to her "[negative] leadership role" in and out of prison and making her ineligible for humanitarian considerations.<sup>52</sup> The denial of Khalida Jarrar's release to mourn the sudden death of her daughter and participate in burial rights stands in stark violation of protected human dignity and family rights under international law.<sup>53</sup>

Throughout Khalida's work as a Palestinian civil society leader, the former General Director of Addameer, a Palestinian Legislative Council (PLC) member, and a participant in the formulation of Palestine's application to the ICC, she has been systematically harassed and targeted by the Israeli regime. Furthermore, Khalida was issued a travel ban in 1998, which was only lifted once in 2010 to receive medical treatment.

***"This doesn't happen except in Palestine.***

***All I wanted was to bid my daughter a final farewell, with a kiss on her forehead and to tell her I love her as much as I love Palestine. My daughter, forgive me for not attending the celebration of your life, that I was not beside you during this heartbreaking and final moment. My heart was reached the heights of the sky yearning to see you, to caress and plant a kiss on your forehead through the small window of my prison cell.***

***Suha, my precious. They have stripped me from bidding you a final goodbye kiss, so I bid you farewell with a flower. Your absence is searingly painful, excruciatingly painful.***

***But I remain steadfast and strong, like the mountains of beloved Palestine***<sup>54</sup>

<sup>52</sup> Despite the sentence relating to her political activities, the IPS characterized Khalida Jarrar as a "security inmate", thus falling under a category prohibited from temporary humanitarian release. Her classification as a "security inmate" automatically sets her under more stringent rules and allows for greater violations and restrictions on her basic rights.

<sup>53</sup> Addameer, 'Israel prison service denies humanitarian release appeal for political prisoner Khalida Jarrar to attend her youngest daughter's funeral' (13 July 2021). Available at: <http://addameer.org/index.php/news/4453>

<sup>54</sup> Extract from the letter of Khalida Jarrar from Damon Prison (Haifa, Occupied Palestine), after the IPS denial of Khalida to attend her youngest daughter funeral on 13 July 2021.



**Name:** David Ravelo Crespo

**Age:** -

**Profession:** Former council-man of Patriotic Union (span. UP), member of the Regional Corporation for the Defense of Human Rights (span. CREDHOS), and Movement of Victims of State - Sponsored Crimes (span. MOVICE)

**Date of arrest:** (1) 18 July 1993, and (2) 14 February 2010

**Place of arrest:** Palace of Justice, Barrancabermeja

**Allegations:** Aggravated Homicide

**Sentence:** 18 years and 3 months of imprisonment

**Prison:** La Picota prison, Bogotá

**Duration:** case closed, 7 years (27 months in pretrial detention in 1993)

*“As a political prisoner, a prisoner of conscience, and for thinking and expressing an opinion, different from the establishment, I have been persecuted, stigmatized, criminalized and victimized. Most of my life I have been devoted to the struggle against inequality and social inequalities”*

**Context:** Creation of the political party Patriotic Union (UP) and paramilitary repression against alternative proposals for change.

Over decades, paramilitaries brutally attacked all alternative political proposals, effectively leading to their extermination. UP militants have been victims of paramilitary attacks for decades because of their ideologies, proposals for change, and the growth of the left between 1986 and 1988, which saw the highest results of votes, turning the party into the third largest political force in Colombia.<sup>55</sup>

In that period, the human rights situation in Colombia was abysmal.<sup>56</sup> One of the most affected regions by institutional violence was the Magdalena Medio, in particular in Barrancabermeja, which was an active center of the UP party. As a result, the organization CREDHOS was founded in 1987 to denounce the humanitarian crisis in the area and the responsibility of military and paramilitaries' violence against civil society, political leaders, and human rights defenders. Between 1990 and 2003—which bore witness to some of the most intense

<sup>55</sup> According to the National Center for Historical Memory (span. CNMH) actions of paramilitary groups became a genocide that has left more than 6,500 victims (2016). Available at: <https://centrodememoriahistorica.gov.co/>

<sup>56</sup> According to the Inter-American Commission on Human Rights (span. CIDH) (1993): 10,314 political killings, 1,161 disappearances, and 16,439 detentions. Available at: <https://www.oas.org/en/iachr/>

years of political, social and armed conflict—labor and peasant movements, as well as organizations in Barrancabermeja, documented the grave human rights situation in the area, and the dispossession of land for the implementation of large mega-projects.

With the presidency Álvaro Uribe Vélez (2002-2019), a policy for “democratic security” was developed, which increased the number of extrajudicial executions, arbitrary detention, organization raids, criminalization and threats over the region of Magdalena Medio. The region has had its land expropriated by national and international landowners, businessmen and politicians, along with paramilitary groups and state military forces.

*“Accuse me of not being quiet, because my voice will always ring out.*

*Accuse me of reporting the violations of rights.*

*Accuse me of being an instigator, because I am a Human Rights Defender.*

*Accuse me of being a communist, because of defending an ideal.*

*Accuse me of being naïve, because I believe in peace.*

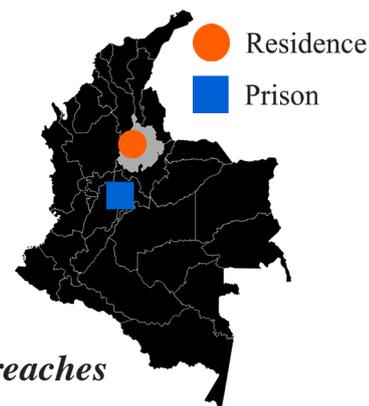
*Accuse me of being alive, because I refused to be killed”*

**RIGHTS:** CIVIL AND POLITICAL RIGHTS (Elections - Good Governance) · FREEDOM OF ASSOCIATION · LAND RIGHTS

**VIOLATIONS:** POLICE AND JUDICIAL SET-UP · THREATS & INTIMIDATION · SMEAR CAMPAIGN

## DAVID RAVELO · COLOMBIA

Legal status: released on parole on 20 June 2017



*“During all these years of imprisonment, I not only resist the injustice which I’m going through, but also as the days, months, and years go by, it brings inexorably with it the time and until it reaches oblivion. That’s what I refuse, I refuse to be erased with the passage of time”*

David Ravelo participated in the foundation of the political party UP and, years later, in the organization of CREDHOS to confront the serious humanitarian crisis in the region caused by paramilitary violence. In 1990, David Ravelo started in politics with a UP candidacy for the Assembly of Santander, where he was named secretary of the treasury of Barrancabermeja, and, years later, hairman for the municipal assessment. On 18 June 1993, he was arrested following a meeting he coordinated with CREDHOS, and accused of being affiliated with the ‘Nueva Granada’ Battalion. After 27 months of imprisonment, his detention was revealed to be the product of a judicial set-up, and he was acquitted.

In 1997, Ravelo became the Councilman of Barrancabermeja while the area was the epicenter of state and paramilitary groups’ ‘anti-insurgency’ doctrine. By 2000 the whole area was controlled by paramilitary groups, who, due to the absence of the Public Forces, caused the murder, disappearance, and displacement of thousands of people. Although the family of Ravelo were victims of this exile, David Ravelo decided to stay in the region despite the risks against his life to continue advocating for the defense of urban and rural communities in Barrancabermeja.

In 2007, David Ravelo, witness of massacres and injustices, uncovered a plot between then-Colombian president and a paramilitary group, leading to a conspiracy campaign against him. The conspiracy campaign accused him of murder, and named him as a clandestine political leader of the FARC between 1990 to 1992. The case was assigned to the Antiterrorism Prosecutor 22, William Gildardo Pacheco, and investigator Jairo Salazar, both of whom, years later, were found responsible for serious human rights violations. During the trial, obvious contradictions by the witnesses presented by the Prosecution arose: in one case the defense showed that one of the defendants was only nine years old at the time of the accusations.

On 14 September 2010, David Ravelo was arrested and sent to La Picota prison. During the two years of his judicial process, a great number of irregularities took place. On 5 December 2012, David was sentenced to 18 years and 3 months of imprisonment. Ravelo's defense submitted several appeals to the High Court of Santander and the High Court of Bucaramanga, both of which were declared inadmissible. After seven years in prison, he was released on parole under the Amnesty Law,<sup>57</sup> and his case was brought to the court of the Special Jurisdiction for Peace (span. JEP). On 13 May 2020, the JEP confirmed the rejection of Ravelo's request for special justice to review his case.

Today, David Ravelo Crespo continues with his commitment to work on the defense of his land and for the human rights of the population in Barrancabermeja.

<sup>57</sup> Amnesty Law n. 1829, adopted on 30 December 2016 part of the Peace Agreements.

**CATEGORY 6. Cases of families**

**The Barghouti Family · PALESTINE**

**The Miner Villanueva Family · SPAIN**



**Name: BARGHOUTHY FAMILY**

- Widad Barghouthi (mother): 63 years old (**61**)
- Qassam Barghouthi (son): 27 years old (**25**)

**Profession:**

- Widad: Media Professor at Birzeit University
- Qassam: Employee at the Palestine Museum

**Date of arrest:**

- Widad: 1 September 2019
- Qassam: 26 September 2019

**Place of arrest:** Kobar Village, Ramallah ·  
Occupied Palestinian Territory

**Allegations:** Incitement on social media and military activities against the occupation

**Sentence:** 16 days detention, house arrest in Area C in the West Bank, 40,000 shekels fine (\$12,500), and a ban on the use of social media platforms until the end of court proceedings (Widad); and no sentence yet (Qassam)

**Prison:** Hasharon Prison and Detention Center (Widad), and Nafha Prison (Qassam)

**Duration:** 16 days, *case closed* (Widad); and 2 years and 3 months, *ongoing* (Qassam)

**Context: Arbitrary arrest of Palestinians on charge of incitement on social media platforms.**

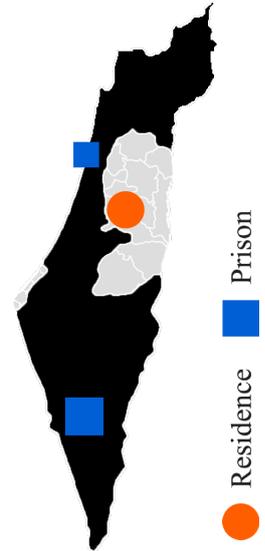
In many cases where Palestinians were arrested for incitement on social media, the military prosecutor catalogues a detainee's social media posts, detailing the likes, shares and comments, as well the identity of commentators and followers, in an effort to embellish the charges before the court. This aims to present the detainee as a social figure with the means to influence their community and incite against the "state of Israel", when the reality does not exceed an expression of personal views that do not amount to incitement. The military prosecution based the list of charges against Dr. Barghouthi on incitement on social media platforms; referencing posts she shared on her personal Facebook account where she expressed solidarity and support of the Palestinian popular resistance, as well shared posts and pictures of Palestinian martyrs. The military prosecution deemed these pictures and posts as acts of incitement, detailing the number of likes on each post. While Barghouthi exercised her right to freedom of speech, the prosecution portrayed these posts as acts of incitement.

**RIGHTS:** RIGHT TO LIFE & FAMILY · RIGHT TO HEALTH · FREEDOM OF EXPRESSION · FREEDOM OF OPINION (Freedom of Speech) ·

**VIOLATIONS:** ARBITRARY DETENTION · INTERROGATION · TORTURE · FORCIBLE TRANSFER · COLLECTIVE PUNISHMENT ·

## BARGHOUTHI FAMILY · PALESTINE

Legal status: **Widad** was released on 26 September 2019. **Qassam** has been in prison since 26 September 2019, awaiting military trial



On 1 September 2019, the Israeli Occupation Forces (IOF) arrested Dr. Widad Barghouthi from her house in Kobar village near Ramallah during a night raid, hours after the arrest of her son Karmel Barghouthi and a week following the arrest of her other son, prisoner Qassam Barghouthi. Dr. Widad's arrest aimed to pressure a forced confession from her detained son Qassam.

Immediately upon his arrest, Qassam was banned from meeting with his lawyer for more than 30 days. During Qassam's arrest, the IOF beat him incessantly and used trained military dogs to brutally attack him. The dogs aggressively bit Qassam's leg and genitals, resulting in serious injuries. He was taken to the hospital, where his wounds were stitched before directly transferring him to Al-Mascobiyya interrogation center.<sup>58</sup> Qassam spent 80 days in interrogation. He was subjected to extreme physical and psychological torture, including beatings all over his body that targeted injuries sustained during his arrest, the arresting of his family members, and forcing him to watch their harsh interrogations.

Dr. Widad was transferred to Ofer prison blindfolded with her hands and feet bound. She was strip-searched and held for hours in a cell with only one cement chair. That day, Dr. Widad was interrogated twice, during which she was forced into a stress position on a chair with her hand bound behind her back as a female interrogator screamed at her. The military prosecutor requested to extend Dr. Widad's detention for five days under the pretext of further interrogation and the submitting of a list of charges. However, the military judge ordered her release on an 8,000 shekels (\$2,500) bail and a third-person guarantee of 2,000 shekels (\$625). In response, the military prosecutor requested to postpone Dr. Widad's release for 72 hours to appeal the ruling, which the military judge approved.

On 5 September 2021, the military prosecutor did not file an appeal, but instead submitted a list of charges against Dr. Widad, indicating ill-intention and misuse of the court's decision.

<sup>58</sup> Addameer, "The Systematic Use of Torture and Ill-treatment at Israeli Interrogation Centers", 23 Jan 2021. Available at: <https://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>

The military judge ordered the release of Dr. Widad on the same conditions, but postponed her release to 9 September. Later, the military prosecutor based the list of charges on incitement on social media, referencing posts from Dr. Widad's personal Facebook account where she exercised her freedom of expression, speech, and opinion. On 14 September 2019, the military judge ordered Dr. Widad's conditional release on 16 September to house arrest in Area C in the West Bank, the payment of a 40,000 shekels fine (\$12,500), and a ban on social media platforms until the end of court proceedings.

**\* Israeli occupation forces demolished the house of Widad and Qassam Barghouthi in the early morning hours of May 11, 2020.<sup>59</sup>**

<sup>59</sup> Birzeit University, 'Israeli occupation demolishes Widad Barghouthi home, continues to violate Palestinian's academic freedom,' 12 May 2020. Available at: <https://www.birzeit.edu/en/news/israeli-occupation-demolishes-widad-barghouthi-home-continues-violate-palestinians-academic>

*“None of the family members was convicted, but we -the families- have suffered a collective punishment”*



**Name:** Elías Miner, MINER - VILLANUEVA FAMILY

**Age:** 52 years old (15/33)

**Date of arrest:**

- Kepa Miner (father) and Fermina Villanueva (mother): 15 July 1984
- Imanol Miner (brother): 14 May 2002

**Place of arrest:** Kepa Miner and Fermina Villanueva were arrested from the family house in a police operation in the Basque Country; and Imanol Miner in a police operation in Madrid

**Allegations:**

- Kepa Miner: Collaboration with an armed organization (ETA) and accomplice in an attack
- Imanol Miner: Member of an ETA commando

**Sentence:**

- Kepa Miner: 25 years of imprisonment
- Imanol Miner: 30 years of imprisonment

**Prisons:** Madrid, Herrera de la Mancha, Cartagena, Sevilla, Granada, Cáceres, Palencia, and Santander

**Duration:** 34 years, ongoing (15 years for Kepa and 19 years for Imanol)

**Context: Persecution and arbitrary criminalization in Euskadi, in the context of the fight against the armed organization ETA.**

Ten years after the cessation of armed activity by the armed organization ETA in 2011, there continues to be a long path to achieve final and lasting peace and coexistence within the Spanish territory. In 2021, the absence of any agreement that recognizes the suffering and all the victims of all the violence, indicates the failure of the Spanish government to implement a reparation and peace plan. After 40 years of dictatorship, the political conflict between Euskadi and the Spanish and French states gave rise to a cycle of violence that has lasted for ten decades and has had a direct impact on the populations of Euskadi and Navarre, as well as in the rest of Spain.<sup>60</sup> The consequences of the conflict are clearly evident, as they

<sup>60</sup> The 10 decades of conflict are calculated from the beginning of the Spanish Civil War (1936 - 1939) onwards.

have caused decades of suffering, with hundreds of deaths from repression, torture, and imprisonment.

In recent years, the Spanish government has made efforts to deactivate the exceptional penitentiary policy applied to Basque political prisoners, but this is still insufficient. This policy, in force for more than 30 years, included measures to disperse and isolate Basque prisoners convicted of terrorist offences. In 1989, when this policy was implemented, the transfer of large groups of prisoners to prisons in the Balearic Islands, the Canary Islands and Ceuta and Melilla (North Africa) was carefully documented. For decades, Basque prisoners have been imprisoned in solitary confinement (1st degree)<sup>61</sup> accompanied by the imposition of the FIES regime,<sup>62</sup> with no time limit on their sentences. The punitive justice of these regimes is evidence of the policy used against all of them, and reflects the exceptionality imposed as revenge for the crime committed, over and above the harsh and long prison sentences. The political prisoners in Euskadi are a direct consequence of these practices of persecution.<sup>63</sup>

*“We have been working for years to socialize our struggle, which is a collective struggle that includes all of us. That is why we believe it is important to meet and share, to organize ourselves in collective groups to create awareness, to transfer and spread our experience and to work from the collective and to expand it in society. This is part of a people’s movement, the best way to continue is collectively. A collective struggle is difficult, but we know that individual struggle is impossible”*

**RIGHTS:** RIGHT TO A FAMILY LIFE · MINORITY RIGHTS · SELF-DETERMINATION

**VIOLATIONS:** DISPROPORTIONATE ACTIONS · REPRISALS · INTIMIDATION · COLLECTIVE PUNISHMENT ·

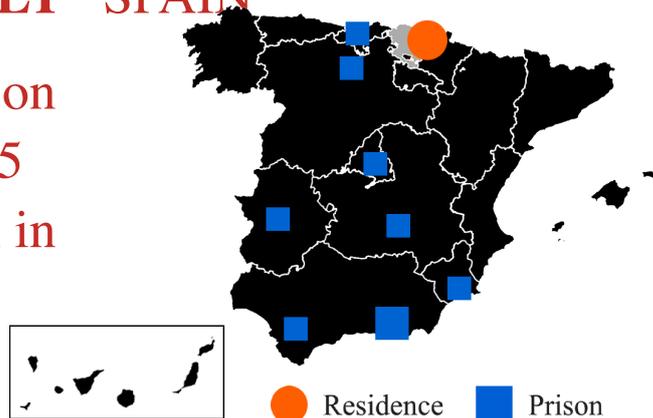
<sup>61</sup> First Degree or Close Regime (Article 100 of the Spanish Penitentiary Organic Law) applies to dangerous or high-risk inmates placed in isolation units; it is focused on security and restricted movements.

<sup>62</sup> FIES Regime: exhaustive and continuous control due to the imposition of intervention, severe limitations and restrictions on communications with the outside world.

<sup>63</sup> Nowadays there are still 195 Basque prisoners for offences of political nature: 78 of these are in prisons between the Basque Country and Navarre, 21 of them in France, and the rest are still dispersed in peripheral prisons, for distances between 150 and over 500km.

## MINER VILLANUEVA FAMILY · SPAIN

Legal status: **Kepa** was released on parole for illness in 1999, after 15 years in prison. **Imanol** has been in prison for 19 years since 2002



Elias Miner, the eldest of five siblings, was only

15 years old when a police operation at his home in Hernani (Gipuzkoa, Euskadi) ended with the arrest of his parents, on 15 June 1984.<sup>64</sup> At that time, three ETA commandos were sheltering in the family home, along with three of their five children. At around 5am the Civil Guard launched a military raid on the Miner family's house, entering with extreme force and violence.

When the Civil Guard broke down the door and entered the house, Elías was in his bedroom with his younger brother and sister, and they were all caught in the crossfire between the Civil Guards and the three militants, who were sheltering in another room further down the corridor. After a series of shootings and attacks inside the family house, the three of them managed to get out of the house. In the street, Elías was threatened by the Civil Guards who demanded information and his cooperation at gunpoint. As a result of the violent raid of the Civil Guards, two of the ETA militants were killed, and the third group member was arrested. In the same operation, Elías' parents were arrested and the Miner's house was completely burned down.

Thanks to outside support after the raid, the five children of the Miner family were able to move quickly into another house on their own, without their parents. His mother was released six months later, but not his father, Kepa Miner, who was sentenced to 25 years in prison for collaborating with a guerrilla organization and being an accessory to murder. In 1999, after 15 years behind bars, Kepa was released on parole due to a serious bronchial illness, aggravated by the conditions he suffered during the 15 years of imprisonment. In April 2004, Kepa Miner died as a result of his deteriorated state of health.

<sup>64</sup> Colonel Enrique Rodríguez Galindo was in charge of the police operation in the Miner family's house, who later was the head of the Civil Guard barrack in Intxaurreondo. Years after, Enrique Rodríguez Galindo was sentenced to 75 years in prison by the Spanish High National Court and the Supreme Court in 2002, for being part of the GAL group and for the kidnapping and the murder of José Antonio Lasa and José Antonio Zabala.

In the last years of his life, Kepa Miner saw history repeat itself. The family's youngest son, Imanol Miner Villanueva, was arrested, imprisoned and convicted in 2002 in Madrid. During the same period of time, Elias was also arrested, interrogated and released weeks later. Imanol was 8 years old when he witnessed the Civil Guards storming his house, shooting and killing indiscriminately and finally burning down his house. Currently Imanol has been in prison for 19 years, serving a sentence of 30 years.<sup>65</sup>

Consequently, for over 34 years, Elías and the Miner family have suffered the challenges of the policy of dispersal and separation of Basque prisoners from their families, beginning 1989. During Kepa's 15 years of imprisonment, the head of the family was transferred more than seven times,<sup>66</sup> and spent more than seven years in Granada (1,000 km from his home). Imanol spent most of his sentence in a prison in Granada (southern Spain). In the summer of 2021 he was transferred, first to Palencia and then to a prison in Santander.<sup>67</sup> At present, after serving three quarters of his sentence, Imanol should enjoy the third degree regime that is denied to him by the imposition of the exceptional regime of the penitentiary law, imposed unanimously on all Basque political prisoners.<sup>68</sup>

The more than 1,000 km between Imanol and Elías have, for years, created physical, financial, and psychological difficulties as a condition of life for the families of Basque prisoners. After Imanol's transfer to a prison closer to his family, Elías has been painfully aware of the huge difference in the time and effort required to visit his father and brother at the other extreme of Spanish territory. For the past 34 years, a prison visit to his family members involved an entire weekend of traveling, with over 2,000 km back and forth, in exchange for a short period of 40 minutes' communication with his relative, with a glass panel in between.

***“In spite of the kilometers, at home we fought to go to visit him, but we organized ourselves and alternated between family, friends, and acquaintances. The support has been incredible. In recent years, people from different places and of all ages, even people who didn't know us, have contacted us and asked to visit Imanol.***

***The solidarity of the people has been enormous. It is basic to involve society, because it is a responsibility and a collective social work”***

<sup>65</sup> Under an indictment that calls for more than 730 years through four different trials.

<sup>66</sup> Kepa Miner was imprisoned in Madrid, Herrera de la Mancha, Cartagena, Sevilla, Granada, Cáceres and Madrid.

<sup>67</sup> Imanol Miner is currently in El Dueso prison in Santander, 170 km away from his family house, awaiting transfer to a prison in the Basque Country.

<sup>68</sup> Third degree or Open Regim (Article 100, 102 and 104 of the Spanish Penitentiary Organic Law), falls within the concept of 'Probation' in the rest of Europe; it allows the prisoner to work outside of prison and spend the weekends at home.



## Booklet Team

*“For oppressed people, it is very important to know that they are not alone.  
Do not let anyone tell you that what you do is insignificant,”*

Desmond Tutu RIP <sup>69</sup>

• **Addameer, Prisoner Support and Human Rights Association** (1992, Ramallah - Palestine) is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. The association was established in 1992 by a group of activists interested in human rights. Since then, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns. This work is sustained both by its monitoring and follow-up of legal procedures, as well as the action and implementation of solidarity and awareness campaigns. Addameers believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law, and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.<sup>70</sup>

• **Paz con Dignidad** (1995, Madrid - Spain) is a non-governmental, non-profit organization that has been working since 1995 in the field of international solidarity, human rights, cooperation, research, education and communication, to influence social awareness and contribute to the creation of fair and supportive international relations that promote equitable development with peace and dignity at the global level. Paz con Dignidad supports social transformation processes and vindication of rights in El Salvador, Nicaragua, Guatemala, Colombia, Senegal and Palestine. In Palestine it began its work in 2002 and currently its lines of action are comprehensive protection from the legal point of view, documentation of human rights violations and international advocacy; and the promotion of the right to health as well as support on denouncing Israeli policies of apartheid and occupation and their consequences for the Palestinian people. In Spain, it is part of the movement of solidarity with Palestine and is active in communication, awareness raising and public and political advocacy.<sup>71</sup>

<sup>69</sup> The South Africa's Archbishop Desmond Tutu was considered a 'thorn in the side of the apartheid government.' This booklet is also dedicated to him after his death on 26 December 2021 at the age of 90; for his activism for racial justice and against apartheid. In 1984 he was awarded with the Nobel Peace Prize for his efforts to bring about the end of white minority rule in South Africa.

<sup>70</sup> Visit Addameer's website, available at: <http://addameer.org/>

<sup>71</sup> Visit Paz con Dignidad's website, available at: <https://www.pazcondignidad.org/>

• **SoDePaz - Solidarity for Development and Peace** - is a secular and independent organization that has been working in solidarity with the peoples of the South for more than 34 years. In development cooperation it works on renewable energy issues in Cuba, food sovereignty and water in Guatemala and Haiti and food sovereignty and human rights in Colombia. In Palestine, its work focuses on defending human rights through supporting its local partner Addameer. SDP also works on the right to health of the Palestinian people through the Health Work Committees, as well as supports Palestinian and international movements and campaigns denouncing Israeli occupation and apartheid. In Spain it is active in the fight against climate change, the promotion of fair trade, and organizing solidarity tourism trips.<sup>72</sup>

• **Corporación Jurídica Libertad - 'Liberty Legal Corporation,' CJL (1993, Medellín - Colombia)** is a non-governmental organization created in 1993, dedicated to the defense and promotion of human rights (Civil and Political rights, Economic, Social, Cultural and Environmental Rights, and Peoples' Rights) in the departments of Antioquia and Chocó in Colombia. CJL accompanies communities, social organizations and individuals in the promotion and defense of human and peoples' rights, in the delegitimization of authoritarian practices, in the training of political subjects, and in the transformation of social relations and unjust political and economic policies prevailing in Colombia. The organization aims to contribute to peace building through social justice, a libertarian society and respect for human dignity and self-determination of peoples.<sup>73</sup>

<sup>72</sup> Visit SoDePaz's website, available at: <https://sodepaz.org/>

<sup>73</sup> Visit Corporación Jurídica Libertad's website, available at: <https://cjlibertad.org/>

## Booklet Partners

- **Etixerat** (2002, Euskal Herria) is an association that brings together families, relatives and friends of prisoners, deportees and political refugees from the Basque Country. The association was created in 2002, thanks to the work, the desire and the solidarity of civil society (family and friends). The Basque political prisoners have counted by thousands. There have been times when the number of prisoners has risen over 700. At present, the group of Basque prisoners and political prisoners numbers 194 members, still in prisons in between the Spanish and the French States. The main Etixerat's aims are offering assistance and support to the families of prisoners, to request visits, to denounce the numerous human rights violations suffered by prisoners and their families, and organize buses and vans for those individuals and families who, otherwise, would not be able to travel to the prisons. Basque prisoners' rights are violated collectively, but also individually, and these violations are objectionable and must be denounced.<sup>74</sup>

- **Írídia - Human Rights Defense Center** (2018, Catalonia - Spain) is an association that works in Catalonia to defend human rights, primarily civil and political, condemns institutional violence and promotes changes in public policies. Its main objective is to raise standards of human rights protection in relation to institutional violence, racism and migration, historical memory, deprivation of liberty and the right to protest by promoting and defending human rights using a methodology based on a combination of strategic litigation, psychosocial intervention, transformative communication, and political advocacy from an intersectional feminist approach. Írídia wants to contribute as a useful, rigorous, and independent tool in the state and international Catalan network of social organizations and movements in defense of human rights.<sup>75</sup>

- **Madres Contra La Represión - 'Mothers Against Repression'** (Madrid - Spain) is a women's community created in Madrid in response to the murder of Carlos Palomino by a fascist soldier, when the young man was on his way to a protest. 'Madres Contra La Represión' arose from the reaction and the need to accompany Carlos' mother and family during the judicial process, as well as to protect their sons and daughters who, like Carlos, organized themselves to protest and show their dissatisfaction against the system. The organization defines itself as against oppression, against fascism, against the system, and with class consciousness. It aims

<sup>75</sup> Visit Írídia's website, available at: <https://iridia.cat/en/>

<sup>74</sup> Visit Etixerat's website, available at: <https://www.etxerat.eus/index.php/es/>

to fight and support the youth from the working class who are struggling and oppressed; because the anger and the courage of a mother is the greatest force it exists. On the street, they have been fighting for years with the determination to stand with those who fight; because those who fight, never do it alone. In addition, the collective promotes and assists in the creation and support of platforms for the release of detainees, such as the one created to support the case of Alfon (case number 4 of this publication).<sup>76</sup>

- **Òmnium Cultural** (1961, Catalonia - Spain) is a non-profit organization for civil rights and freedom of the Catalan people. Founded at the height of the 40-year Franco dictatorship on 11 July 1961, Òmnium Cultural launched to combat the censorship and persecution of Catalan culture and to fill the gap left by the Catalan political and civil institutions that were forbidden by the dictatorship. Currently, it is one of the main non-governmental organizations in Spain and a relevant cultural association in Europe. It has been, and continues to be, a pillar for the promotion of Catalan language and culture, as well as a key defender of civil and human rights. One of Òmnium's goals is to find broad consensus to favor social cohesion, with an increasing involvement at both the European and worldwide levels. Òmnium works to promote the Catalan language, social cohesion, education and culture, with the aim of building an active, critical, inclusive and civic society. Since 2010, it is the entity responsible for and promoter of the most massive peaceful mobilizations in Europe.<sup>77</sup>

- **Altsasu Gurasoak** (2016, Alsasua - Navarra, Spain) is a self-organized group formed by the mothers and the fathers of the youth group convicted for a dispute around a bar in the early hours of the morning, on 15th October 2016 in Alsasua. The group became a tool of pressure and justice for the defense of the rights of the eight youth. Since 2016, relatives of the eight youth rose up for their children against the lies and persecution, and managed to spread their outrage by turning it into a constant mobilization throughout the Basque Country (Euskal Herria) and different parts of Spain. Thus, from 2016 to the present, the task of relatives has been key to the resolution of the case, currently under review by the European Court of Human Rights (ECHR).<sup>78</sup>

- **Altsasukoak Aske!** (2016, Spain) is a popular platform of solidarity and support for the eight young people arrested and sentenced in the case of Alsasua (2016). The platform is a

<sup>76</sup> Visit Madres Contra la Represión's Facebook page, available at: <https://www.facebook.com/Madres-Contra-la-Represi%C3%B3n-131934193650514/>

<sup>77</sup> Visit Òmnium's website, available at: <https://www.omnium.cat/en/>

<sup>78</sup> Visit Altsasu Gurasoak's Facebook page, available at: <https://www.facebook.com/Altsasu-Gurasoak-1821453531464389/>

network created by civil society as a meeting point to allow the collaboration and adherence of everyone to contribute and participate in the claim and demand for justice in the case.

- **Fundación Lazos de Dignidad - 'Bonds Dignity Foundation,' FLD (2007, Colombia)** is a non-governmental and non-profit organization dedicated to the defense, the promotion and the education on human rights. Based in Colombia, the organization is made up of people with different professions and trades, united by the humanist sense, the principle of solidarity, the critical approach to human rights, the commitment to contribute to build a more just world, and a society in dignity. FLD emerged in 2007, in a context of heightened forms of state repression and abuse of imprisonment in Colombia. For this reason, it focuses its work on comprehensive accompaniment and support for vulnerable populations because of political persecution, especially peasant and student leaders; victims of State crimes, political prisoners and, recently, peace signatories in the process of reincorporation.<sup>79</sup>

- **Corporación Equipo Jurídico Pueblos - 'Corporation Legal Team Peoples', CJP (2008, Colombia)** is a Colombian organization formally established on 7 March 2013. However, its history dates back much further in 2008. EJP's mission is the promotion, the protection, and the enforceability of Human Rights and Peoples' Rights; in particular in communities and social organizations that take critical positions on the management of the public affairs and defend their territories or their community life projects. It defends political prisoners and represents victims of State crimes. In addition, EJP accompanies political detainees' families, imprisoned people, relatives of victims of serious human rights violations. This assistance is provided in a comprehensive manner; thus, it is not only legal, but also involves psychosocial and political organizational accompaniment.<sup>80</sup>

<sup>79</sup> Visit Fundación Lazos de Dignidad's website, available at: <https://lazosdedignidad.org/>

<sup>80</sup> Visit Equipo Pueblos's website, available at: <https://equipopueblos.com/>



**ADDAMEER Prisoner Support and Human Rights Association** is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons in Human Rights. Established in 1992 by a group of activists interested in human rights, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer enjoys the support of a volunteer body called "**Addama'er**," which believes in Addameer's goals and participates in the activities held by the association. They also work in supporting its message.

Addameer is an executive member of the [Palestinian Non-Governmental Organization Network](#) (PNGO), the [Palestinian Human Rights Organizations Council](#) (PHROC), [World Organization Against Torture](#) (OMCT), the [International Coalition against torture](#) and many other regional and international coalitions.

### **Addameer's Vision:**

Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law, and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

### **Addameer's Goals:**

- Put an end to torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners and work on abolish the death penalty;
- Put an end to arbitrary detentions and arrests and guarantee fair, impartial and public trials;
- Support political prisoners and their families by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf;
- Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground;
- Raise awareness of human rights and rule of law issues in the local community;
- Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression;
- Lobby for international support and solidarity for Palestinians' legitimate rights.

1<sup>st</sup> Floor, Sebat Building, Mousa Tawasheh Street / Rafidein Square, Al Masyoun · Ramallah

**Tel.** +972-2960446 / **Fax** +972-2960447

P.O. Box 17338 Jerusalem

info@addameer.ps

**www.Addameer.org**