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CONCLUSIONS OF THE 4TH SOCIAL FORUM HELD IN DONOSTIA ON MARCH 10, 2017

We advocate promoting and reaching a sufficient and transversal consensus to reach a comprehensive solution to the issues related to the reintegration of persons imprisoned for politically motivated crimes committed within the framework of the thus termed Basque conflict.

A consensus that would be constructed firstly at social, political and institutional level in the Basque Autonomous Community and in the Autonomous Community of Navarre and that would eventually count on the participation of these prisoners.

In the framework of the necessary reconciliation in Basque and Navarre society, we understand that this consensus should lead to agreeing on, drawing up, and implementing a roadmap for the return of persons imprisoned for politically motivated crimes. This road map should take into consideration the specific situation of women, both in prison as in reintegration programmes. The road map should be a guide for action for all the parts involved.

The Permanent Social Forum proposes that this consensus, which, as we said, should be built among Basque institutions, civil society and the prisoners themselves, be based on the following principles:

1.- Abolition of those penitentiary policy measures that breach fundamental human rights, contravene humanitarian treatment of prisoners and are contrary to international standards. In our view, this is an urgent first step, implying:

- The immediate release by the competent authorities of prisoners suffering serious or incurable diseases and those of advanced age.
- The policy of keeping these prisoners at long distances from their families and social environment must end, by transferring them to prisons close to their homes, thus reinforcing the ties that bind them and contribute to their reintegration. Therefore, it is fitting to demand of the competent authorities that prisoners' requests demanding transfer to prisons in the Basque or Navarre Autonomous Communities be accepted.
- Prisoners have the right to know, with full certainty, the foreseeable duration of their sentences. Consequently, we consider essential the ending of all measures aimed at delaying the release of those who have effectively served their sentences. In particular, those articles of Organic Law 7/2014, (November 12th) that overrule the principle of equivalence of the effects of sentences given in other member states of the European Union (Framework Decision 675/2008/JHA) should be changed. At present, Law 7/2014 prevents sentences imposed and fully served in the French State from being taken into account in the Spanish State.
- Prisoners serving long-term sentences, equivalent in fact to life imprisonment should have the right to have those sentences reviewed so as to ensure a reasonable and feasible date of release. Accordingly, regulations that cut off expectations of such a possibility should be repealed because of their inhuman nature. It is crucial to put an end to the systematic application of solitary confinement and Grade One regime classification to Basque persons imprisoned for politically motivated crimes.
- The rights of imprisoned persons to privacy and family life should be safeguarded by guaranteeing that communications take place in appropriate and decent conditions. In order to ensure this, we advocate for the removal of restrictions on persons with a right to visits, as well as of the indiscriminate control over oral and written communications and of the obstacles to the use of Euskara, the Basque language. Likewise, we believe that a closer relationship between these prisoners and their daughters and sons should be made possible, with special attention to the cases of mothers who have their small children in prison with them.
- It should be made possible to exercise the right to education and study without restrictions, taking the necessary steps to eliminate current obstacles.



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2- The application of laws of exceptional nature to Basque persons imprisoned for politically motivated crimes must be brought to an end, as a previous step to the development of a transitional justice. It is desirable that rules and regulations adapt to social reality, and, thus, we consider absolutely necessary the return to the previously existing standard legislation. This should be brought about by the following steps:

- Ending the policy of systematic refusal to changes in classification levels, paroles and prison leaves to these Basque prisoners.
- Repeal of the rules of an exceptional nature contained in Organic Law LO 7/2003 (June 30th) that introduced changes for the full and effective serving of sentences, changes regarding the requirements for adjustment of sentences, prison leaves, classification in third degree, and paroles. LO 7/2003's rules make the re-educational and social integration aims of imprisonment actually impossible. Until it is repealed, its retroactive application must be rejected.
- In view of the above, prisoners who have already served two thirds or three quarters of their sentences should be immediately released.
- The repeal of revisable permanent imprisonment, approved by Organic Law 1/2005 (March 30th).
- Legislative reforms should be undertaken to return to the ordinary Prison Supervision Courts the power to hear and decide appeals regarding the serving of sentences, resolving over changes these may undergo as prescribed by rules and regulations. The judges heading those Courts are responsible for the safeguard of prisoners' rights, correcting abuses and breaches that may occur in the implementation of the precepts of penitentiary regulations. These competences are currently in the hands of the Central Prison Supervision Court of the National Court. Likewise, appeals that could be filed against those decisions should be heard by the Provincial Courts concerned.

3.- Devolution to the Basque Autonomous Community and the Foral Community of Navarre of jurisdiction over prisons, in order to comply with what the Statute of Gernika and the Territorial Laws of Navarre state. Simultaneously, we propose the drafting of a plan for the early and individualized reintegration of prisoners, a plan that will have the backing of the consensus of Basque institutions, and the participation of social actors as well as of the prisoners themselves. To ensure this, it will be necessary to facilitate the relationship and exchange of views among the prisoners, Basque citizens and the competent institutions.

We propose the following bases for this plan:

- 1) The acknowledgement of a political scene in which Basque society is moving from a stage of violence and confrontation to another of peace, coexistence and reconciliation that requires the involvement of all parties.
- 2) Respect for the rights of all victims to justice, memory, recognition and reparation.
- (3) Ensuring that these prisoners may exercise their rights to reintegration, participation and contribution to the peace, normalization and reconciliation process through the implementation of third degree regimes, early paroles and other measures to facilitate their quick reintegration.
- 4) The involvement of persons imprisoned for politically motivated crimes themselves in the framework of the Basque peace, normalisation and reconciliation process, deepening in the paths of individualised rejection of the use of violence, of their unequivocal commitment to peaceful and democratic means, and unambiguous recognition of the damage caused, as sign of an explicit disposition to repair it.

For its part, the Social Forum, in coordination with the International Contact Group and with its facilitation, is ready to set up the necessary frameworks for political and social agents to attempt to reach the basic consensus that will pave the way for a feasible road map that may be implemented within a not very long term.

Donostia on March 10, 2017