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# Udalbiltza - MEPs raise concerns with Commission

## An EFA press release

Twelve Members of the European Parliament have tabled a written Parliamentary Question to both the European Commission and Council, regarding the court case against the Basque civic movement Udalbiltza which draws together local and municipal representatives. The case begins tomorrow (Thursday) in the Spanish National Court.

In their question, the MEPs ask whether the Commission shares the concern of the UN and others about the implications for fundamental rights of such action and of the potential misuse of other laws which could criminalise the legitimate activity of democratically elected representatives.

The full question reads:

*"On the 18th of September 1999, 1,778 local elected representatives of the Basque Country formed Udalbiltza, a crossborder assembly of Basque local elected representatives with the aim of promoting municipal policies. On the 29th April 2003, the Central Instruction Court no. 5 of the Spanish High Court arrested 8 members of Udalbiltza and closed its headquarters. As a consequence 22 local elected representatives of the Basque Country are being prosecuted.*

*The Parliament of the Basque Autonomous Community (BAC) in a resolution adopted in December 2008 stated that "it is necessary and legitimate to work in favour of the objectives adopted by Udalbiltza". They also considered that "this work can not be considered a crime. Criminalising local elected representatives and mayors for implementing this work is an initiative against democracy". The Parliament of the BAC asks the Spanish Government to "withdraw the accusation of the state public prosecutor" against Udalbiltza members.*

*The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, in his report regarding Spain has warned that "counter-terrorism measures should not be used to limit the rights of NGOs, the media or political parties". In relation to the files that are being instructed in the Spanish High Court, the risk of a "slippery slope, i.e. the gradual broadening of the notion of terrorism to acts that do not amount to, and do not have sufficient connection to, acts of serious violence against members of the general population" (A/HCR/10/3/Add.1). He added that "when that behaviour starts there is a risk of overriding many rights" (europa press, May 14th 2008)*

*The UN Committee for Human Rights in its Report for the 5th period on Spain has stated that "the definition of terrorism in Penal Code articles 572 to 580 has a potentially excessive reach that could violate several Human Rights" (CCPR/C/ESP/CO/5/ october 27th 2008).*

*What is the opinion of the European Commission regarding these UN reports? Does the European Commission share the concern of the UN?*

*Does the European Commission share the concern expressed by the Parliament of the Basque Autonomous Community regarding the case against Udalbiltza?*

*What action does the European Commission intend to take in order to guarantee that the fundamental rights of prosecuted members of Udalbiltza are respected?"*

List of MEPs signing the question

- Frieda Brepoels MEP
- Bart Staes MEP
- Eva-Britt Svensson MEP
- Bairbre de Brún MEP
- Raul Romeva MEP
- Francois Alfonsi MEP
- Jill Evans MEP
- Tatjana Zdanoka MEP
- Oriol Junqueras MEP
- Ian Hudghton MEP
- Jose Bove MEP
- Jiri Mastalka MEP

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**Responsible MEPs**

Jill Evans

Member

Ian Hudghton

Member

**Contact person**

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