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U.S. Department of State

Spain Country Report on Human Rights Practices for 1998

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SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. Jose Maria Aznar of the Popular Party was elected President in 1996. The Government respects the constitutional provisions for an independent judiciary in practice.

Spain has three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, Catalonia, and the Basque Country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private initiative, although a number of public sector enterprises remain in key areas. The economy grew at a 3.9 percent annual rate in the second quarter, and overall growth for the year was expected to be around 3.8 percent. The unemployment rate dropped from 21 percent in 1997 to just under 19 percent at the end of the second quarter.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality and lengthy pretrial detention. The Government investigates allegations of human rights abuses by the security forces and punishes those found guilty of such abuses, although investigations are often lengthy and punishments can be light. Societal violence

against women, instances of trafficking in women and forced prostitution, discrimination against women, Muslims, and Roma, and incidents of racism and rightwing youth violence were also problems.

Throughout the year there were significant judicial proceedings relating to the involvement of the former Gonzalez Administration in the Antiterrorist Liberation Groups (GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the Basque Fatherland and Freedom (ETA) terrorist group, the ostensible target of the GAL. In July former Interior Minister Jose Barrionuevo and former Secretary of State for Security Raphael Vera were convicted of the December 1983 abduction of French citizen Segundo Marey, the first action claimed by the GAL. They were sentenced to 10 yearsâ imprisonment each, but were released in December pending appeal. In October, in response to a Spanish warrant, the United Kingdom arrested former Chilean dictator Augusto Pinochet on charges of genocide, terrorism, and torture.

The principal source of abuses continued to be the protracted campaign of terrorism waged by ETA, which committed killings and other abuses before it declared a unilateral cease-fire in September.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by government forces.

However, there was one questionable death in custody during the year, and an investigation was opened into a number of prison inmate deaths under suspicious circumstances in 1997 and 1996 (see Section 1.c.).

In July national policemen Manuel and Andres Pavon were acquitted of homicide charges stemming from the June 1997 shooting of a 16-year-old boy. The jury determined that an "imminent danger" existed and that therefore the officers acted in self-defense. There were no developments in the case of a Moroccan boy who allegedly was shot in the back by a Civil Guard officer in March 1997.

In April national police officer Antonio Barrionuevo was found guilty of the 1996 killing of Manuel Abreu Silva, a Portuguese citizen. Barrionuevo was sentenced to 10 yearsâ imprisonment, but the sentence was suspended pending his appeal. Abreu had reproached an inebriated Barrionuevo for pointing his firearm at two passersby who criticized him for urinating in the street, and confiscated his weapon. After he returned it to Barrionuevo, the policeman fired a shot, mortally wounding Abreu in the back of the head.

Courts continue to investigate the "dirty war" against terrorism, during which death squads known as the Antiterrorist Liberation Groups, or GAL, allegedly carried out bombings, extrajudicial killings, and kidnappings during the 1980's. The first GAL case concluded in July with the conviction by the Supreme Court of all 12 defendants in the 1983 abduction of French citizen Segundo Marey. Former Interior Minister Jose Barrionuevo, former Secretary of State for Security Rafael Vera, and former civil governor of Vizcaya province (one of three provinces in the Basque Country) Julian Sancristobal were sentenced to 10 yearsâ imprisonment each for illegal detention and misappropriation of public funds. They were not convicted of membership in an armed band as the prosecution requested. Former high-ranking officials given lesser sentences included a former secretary general of the Socialist Party (PSE-EE) in Vizcaya, a former chief of National Intelligence Agency (CESID) squad in Bilbao, and the

former police chief of Bilbao. The Government commuted Barrionuevo's and Vera's sentences in December. Shortly before Christmas, Barrionuevo and Vera were accorded conditional release, a form of detention under which the prisoner only has to report to the prison Monday through Thursday and is free to go home on the weekends. Shortly after Christmas, the Supreme Court suspended the sentences pending Barrionuevo's and Vera's appeals. They are out of prison but still are banned from access to any government job for 5 years. At year's end, none of those convicted in the Segundo Marey case was in jail. Many of the pending GAL cases, unlike the Segundo Marey case, involve alleged killings by the GAL.

Virtually no progress was made in resolving the mid-1980's cases of alleged killings by the security forces of Roman Onaederra, Mikel Zabaltza, Robert Caplanne, and a tramp and two drug addicts.

A Moroccan immigrant was killed in November by unknown persons, presumably for racist reasons (see Section 5).

ETA continued to commit abuses, including deliberate and arbitrary killings. At the time it declared a unilateral cease-fire in September, ETA had killed six persons since the beginning of the year. ETA's primary targets continued to be Popular Party (PP) town councilmen. According to the Ministry of Interior, ETA has killed 807 persons since 1960.

On January 9, an ETA car bomb killed Jose Ignacio Iruretagoyuena, a PP councilman in Zarauz, Guipuzcoa. On January 30, two ETA gunmen shot and killed at close range Alberto Jimenez Becerril, Seville city councilman and second deputy mayor (PP) and his wife, Ascencion Garcia Ortiz, as they were returning home after dining at a nearby restaurant. On May 6, ETA killed Tomas Caballero, a member of the Pamplona City Council and the Union of the Navarrese People political party, which has close ties to the PP. The killing was thought to be motivated by his harsh comments accusing Herri Batsuna, ETA's political wing, of murder and inciting murder in the wake of Iruretagoyuena's killing. On May 8, in Vitoria, the Basque regional capital, ETA shot and killed Alfonso Parada Ulloa, a retired Civil Guard sub-lieutenant. His death provoked a demonstration of an estimated 35,000 persons, the largest demonstration in memory in the Basque administrative capital. On June 25, ETA killed Manuel Zamarreno, a Renteria (Guipuzcoa) councilman (PP), with a bomb placed on a motorcycle parked in front of his home. ETA was also responsible for nonlethal violence that caused extensive property damage (see Section 1.c.).

The Government intensified efforts to dismantle ETA and its related organizations and bring perpetrators of terrorism to justice. Foreign policy efforts centered on continuing coordination with French authorities and strengthening extradition agreements with Latin American countries, particularly Mexico.

Internal efforts to combat ETA focused on intense police activity and the closure of the pro-ETA newspaper Egin in July pending a judicial investigation into alleged subordination of the newspaper's editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy. Judge Baltazar Garzon of the National High Court noted a pattern of ETA victims having been demonized by Egin prior to their killings. He identified 11 such cases. Egin's editor, Xavier Salutregi, subsequently was charged with violation of the ban on collaboration with an armed band: the investigation continued at year's end. Following police raids in February and March, Interior Minister Mayor Oreja expressed his confidence that both the Araba and the Vizcaya ETA commands had been completely dismantled. The Ministry of the Interior, the PP leadership, and the Ertzainza (Basque police) coordinated the implementation of a plan to improve police protection of PP officials in the Basque region.

In April suspected ETA member Fernando Elejalde Tapia was sentenced by the National High Court to 37 years' imprisonment for the 1997 murder of Francisco Javier Gomez Elosegui, a prison official in San Sebastian.

In May ETA member Valentin Lasarte was sentenced to 82 years' imprisonment for his participation in the 1996 murder of Fernando Mugica Herzog, an attorney and the brother of former Justice Minister Enrique Mugica. However, the sentence does not prolong Lasarte's incarceration since his previous convictions already condemned him to more than 25 years' imprisonment, the maximum permitted by law.

In June two former ETA leaders, Ignacio Arakama Mendia and Jesus Arkautz Arana, were sentenced for their participation in killings carried out in the 1980's. Extradited by the Dominican Republic in the summer of 1997, Arakama was sentenced to 26 years and 8 months' imprisonment for the 1985 murder of Ricardo Tejero Magro, then director of the Central Bank. Arkautz was found guilty of supplying the grenades used in an attack on the Civil Guard Barracks in Mungia, Basque Autonomous Region, which caused the deaths of five persons.

On September 16, ETA announced an indefinite cease-fire and issued a lengthy statement of political objectives. Among these was an independent Basque state. The Government announced in November that it would seek direct negotiations with ETA to make the cease-fire permanent. These negotiations had not yet begun by year's end. The Government's agenda for these talks includes relief for ETA prisoners and exiles but not political issues such as self-determination and sovereignty.

The pro-ETA Herri Batasuna/Euskal Herritarrok (HB/EH) Party stated on November 14 that ETA would not enter into talks until the Government issued a Spanish version of the "Downing Street Declaration" in which it recognized that the future of the Basque country should be decided solely by Basques. The Government responded that it would not issue such a statement. Since ETA's cease-fire declaration, the Basques held regional elections, and the parties that represent Basque nationalism (the Basque Nationalist Party, or PNV, Euskal Alkartasuna, or EA, and HB/EH) retained their majority. Among those gaining seats were the Popular Party, which went from 11 seats to 16, making it the second largest party in the legislature, and HB/EH, which went from 11 seats to 14.

Several organizations are dedicated to the needs and concerns of victims of terrorism, among them the Association of Terrorism Victims (AVT). This organization was founded in 1981 and currently serves 1,300 families by providing legal and psychological counseling, publishing a monthly magazine, and carrying out various other activities. Government funding is limited to \$39,000 (Ptas 6 million) provided annually by the Ministry of Defense. In 1997 the Association donated \$640,000 (Ptas 97 million) to aid victims of terrorism and their families.

Following intense AVT advocacy for the victims of ETA's 1987 attack on a Barcelona shopping center, which resulted in 21 deaths, 12 victims were awarded a total of \$700,000 (Ptas 106 million). Another 29 claimants awaited a decision on whether their claims were filed after the deadline and are therefore inadmissible. The damages were awarded in accordance with the Supreme Court's 1997 ruling which found the police negligent for not evacuating shoppers despite a warning from ETA an hour before the explosion.

Despite the Attorney General's publicly expressed doubts regarding Spanish courts' jurisdiction in cases involving the disappearance of 600 Spaniards under Chilean and Argentinian dictatorships in the 1970's and 1980's, the investigation continues. Following the arrest of former Chilean dictator Augusto Pinochet in the United Kingdom in October in response to a Spanish warrant, the Spanish National High

Court requested General Pinochet's extradition to answer charges that he violated international covenants on genocide, terrorism, and torture. Initially, the British High Court ruled that General Pinochet enjoyed sovereign immunity from prosecution. However, on appeal the British Law Lords overturned the ruling on Pinochet's immunity in a 3 to 2 decision in November. Extradition proceedings began in December. However, the Law Lords set aside their decision in December when Pinochet's lawyers contended that one of the judges who ruled against Pinochet failed to disclose his substantial links to Amnesty International, which was represented in the case. A rehearing of the appeal was to begin in January 1999.

b. Disappearance

Twelve former government officials, including the former Interior Minister, were convicted in July of the 1983 kidnaping of French citizen Segundo Marey, mistaken for a terrorist (see Section 1.a.).

There were no reports of ETA kidnapings during the year.

Four ETA members were convicted in June of the kidnaping of Jose Antonio Ortega Lara, a prison official from Burgos. Ortega was abducted on January 17, 1996, and spent a total of 532 days in captivity, making him the longest held ETA hostage. His kidnaping was designed to pressure the Government into rescinding its policy of dispersing ETA prisoners throughout the country.

Since 1970 ETA has kidnaped 76 persons. It is estimated that ETA obtained more than \$33 million from the kidnapings. Since 1982 only five hostages were set free due to successful police intervention, and nine were killed in the process of negotiation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates these allegations and also permits outside parties to investigate them.

Amnesty International (AI) expressed concerns during the year about continuing reports of illegal detention, torture, and mistreatment by law enforcement officers. AI particularly stressed its longstanding concern at the way in which detainees may be detained incommunicado for up to 5 days, with accompanying restrictions on the right of access to lawyers of their choice, a system which, in AI's view as well as that of organizations such as the U.N. Human Rights Committee, and the U.N. Committee Against Torture, facilitates mistreatment and torture.

Amnesty International expressed concern during the year over the growing tendency toward assaults on persons of non-European ethnic origin by different police forces, including the local or municipal police. AI made a formal inquiry to the national and local authorities on the initiatives that were being undertaken, or planned, to incorporate human rights into the training programs of magistrates, police, and other law enforcement officers (also see Section 5).

Press reports on November 24 stated that two members of the local police in Melilla were charged with raping a Moroccan girl. One of the police officers was detained in jail and the other posted bail. The press reports that the officer who remained in prison has a well-established record of civilian abuse, but that this is the first time that he actually has served any time in jail.

In July a Barcelona court sentenced national policeman Luis Rubio Mazon to 9 years' imprisonment and

payment of \$13,000 in damages for the 1997 rape of a detainee in his custody. The court also the liability of the State.

There was no apparent progress in the complaint filed against police officers for allegedly beating motorist Ivan Gonzalez in September 1997 or in the case of four policemen charged with the rape of a Brazilian tourist in March 1996. Nor did police make any arrests in connection with the beating of a protected GAL witness in November 1996.

In June 10 Civil Guards were convicted of torturing 2 detainees in the Colmenar Viejo barracks in 1994, given sentences ranging from 2 to 8 months, and banned from public sector employment for a 6-year period. Since sentences of a year or less normally are not served, none of the officers was incarcerated. The officers were found guilty of threatening, punching, and kicking two of the plaintiffs and subjecting them to humiliating unclothed body searches. The vagueness of a third plaintiff's testimony prevented the jury from determining the veracity of his accusations. The prosecutor announced his intention to seek stiffer sentences on appeal to the Supreme Court.

The press reported that on November 23, six members of the Civil Guard were brought to trial for allegedly having tortured in 1992 three persons suspected of being members of ETA. The defense in this case argued that the wounds the defendants exhibited actually were inflicted simply because they resisted arrest and not for any other reasons.

Amnesty International received reports that a sergeant of the Civil Guard convicted in 1997 for the illegal detention and torture of ETA member Kepa Urrea 6 years earlier and sentenced to 4 years in prison and a 6-year ban on serving again in the police force was selected for a promotional course, despite one of the conditions for acceptance being that a candidate should not have been convicted of a deliberate criminal act. Civil Guard officials argued that because the conviction was not yet definitive, pending appeal to the Supreme Court, a presumption of innocence should apply until that time. In a parliamentary answer in March, the Government reportedly recognized the "gravity and reprehensibility" of the crime committed and stated that, if the conviction were confirmed, appropriate action still could be taken against the sergeant. However, AI is concerned that such haste to reward an officer immediately after conviction (without awaiting the outcome of the appeal) may reflect the authorities' lack of seriousness in seeking justice in Kepa Urrea's torture case.

In February three national policemen were convicted of torturing two detainees at Bilbao police headquarters in 1984. The jury determined that following their arrest for placing an explosive device in a bank, the two men were subjected throughout the interrogation to repeated blows to the back, neck, testicles, legs, and ears, threats of castration, and the application of electrodes.

Amnesty International raised with national and local authorities the issue of whether lengthy delays in torture-related trials and the effective impunity of law enforcement officers is being addressed as a component of the professional training of magistrates, police, and other law enforcement officers. The Amnesty International delegation was assured that national and local government ministers and representatives believe human rights are an essential component of professional training and as such would seek to address such issues.

The Police and the press continue to report significant ETA youth criminal activity, including the use of Molotov cocktails to set fire to homes, businesses, cars, and political party offices in a continuing campaign of intimidation. During the year, damage by Jarrai, the youth wing of ETA, was expected to amount to millions of dollars. In the year's most dramatic incident, a July scuffle between San Sebastian police and hooded vandals resulted in over 20 persons being injured, including a security guard who

suffered first and second degree burns. In August 50 hooded vandals firebombed the apartment building in which the family of a Getxo (Vizcaya province) PP town counsellor resided, leaving 8 families homeless. Police were only able to find and arrest one of the arsonists.

A 1998 report by the Attorney General states that the number of individuals who suffered personal property damage as a result of attacks by ETA sympathizers decreased from a total of 125 in 1997 to 69 as of August 1998. Among the civilian population, 47 persons were injured in these attacks during the year.

Prison conditions generally meet minimum international standards. In May the European Committee for the Prevention of Torture released a report on its April 1997 inspection of facilities in which illegal aliens are detained. The delegation expressed its concern over instances of severe overcrowding, inadequate supervisory control over low-level officials accused of abusing prisoners, inadequate recordkeeping and recourse to appeal for inmates detained in solitary confinement, and insufficient food for some detainees. Of particular concern to the Committee was the use of excessive force by officials during expulsion procedures, including the frequent practice of binding and gagging deportees with adhesive tape.

In response to the Committee's report, the Government took steps to reduce overcrowding and improve the food supply in the cited facilities. However, the Government's official response did not address the Committee's concerns regarding the specific practice of binding and gagging deportees with adhesive tape or announce any modifications in its solitary confinement policy or procedures, which the Ministry of the Interior deemed sufficiently transparent. The Government maintains that the mandatory notification of a supervisory judge of a detainee's solitary confinement prevents the arbitrary imposition of this security measure. The report denies that a detainee's opportunity to appeal is limited.

The Public Defender initiated 10 new investigations into allegations of mistreatment and torture in prisons in 1997. In his 1998 report, he noted the rise of drug addiction and AIDS in the prison population and the need for implementing better rehabilitation programs. He also expressed concern over overcrowding.

On December 4, the press reported that the opposition requested the parliamentary appearance of Minister of the Interior, Jaime Mayor Oreja, to explain the death in detention of a 24-year-old Nigerian woman, Julienne Danielle, who was 7 monthsâ pregnant and killed herself in a dungeon-like prison cell of the Civil Guard in the Spanish enclave of Ceuta. The woman apparently had been detained for having illegally crossed the border into Spanish territory and was being held until her legal situation was investigated. When the woman was picked up by the Civil Guard, she had lacerations on her feet and apparently was treated for her wounds in a hospital that later released her to be taken to the camping grounds for immigrants located in the area where she was found. However, due to bad weather the Civil Guard argues that it was not able to take the woman there and instead had to commit her to the Civil Guard prison quarters. The woman was found dead in her cell the next day. She apparently hung herself.

In March the General Council of Judicial Power announced the opening of an investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997. The investigating committee promised to scrutinize in particular eight inmate deaths ostensibly caused by mismanagement and negligence, including the failure by prison officials to give prompt medical attention to a prisoner who suffered from chronic heart problems and the suicide of an inmate whose treatment for drug addiction was interrupted by his transfer to a prison lacking drug counseling facilities. Another death under investigation is that of a San Sebastian inmate whose official cause of death is listed as a barbiturate overdose despite the presence of lesions on the back, neck, and thighs of his body and the refusal of the doctors who conducted the autopsy to certify a drug overdose as the cause of death.

Basque activists continued to demand that all imprisoned ETA members be held in prisons in the region or the adjacent autonomous region, Navarre. A legal brief criticizing the dispersion of ETA prisoners, presented by Basque nationalist party member and president of the Basque Parliament's Human Rights Commission Jose Antonio Rubalcaba, was declared inadmissible by the European Commission of Human Rights. Basque nationalists claimed that political pressures motivated the court's decision. Following ETA's declaration of a cease-fire in September, the Government announced in December that it would move 21 ETA prisoners to prisons in or near the Basque Country.

The Government permits prison visits by human rights monitors, including the European Committee for the Prevention of Torture.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the authorities respect these provisions in practice.

A suspect may not be held more than 72 hours without a hearing except in cases involving terrorism. The Penal Code permits holding a suspected terrorist an additional 2 days without a hearing and the possibility of incommunicado detention for such persons, provided that a judge authorizes such action.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

The Constitution prohibits exile, and the Government respects this provision in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The judicial structure consists of territorial, provincial, regional, and municipal courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the trial. However, it cannot issue a new ruling. A National High Court handles cases involving crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The entire Penal Code was revised in 1996. Changes included the restructuring of the criminal justice system, the introduction of modern offenses and white-collar crimes, an increase in the penalties for fraud offenses, a rise in the legal age at which an individual may be tried for a criminal offense from 16 to 18 years of age, the establishment of other new offenses (including domestic violence and sexual harassment), and an authorization for judges to fine individuals with reference to their wealth. The new code also allows judges more flexibility in sentencing. It eliminates the long-standing tradition of granting credit toward early release for time served for good behavior. The maximum penalty for any one offense under the new code is 25 years, and the maximum time that a person can serve continuously is 30 years, regardless of the cumulative total of sentences. Judges may now deport foreigners whose sentences are 6 years or less.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. The

law calls for an expeditious judicial hearing following arrest. However, the AVT and others have protested delays in the judicial process. By law, suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. A nine-person jury system was established in 1995, and the first jury cases were tried in 1996.

In practice pretrial custody is usually less than 1 year; however, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial. At present, some 24 percent of the prison population is awaiting trial.

Following conviction, defendants may appeal to the next higher court. Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to Amnesty International, custodial sentences of less than 1 year and a day customarily are not served in such cases. In January the European Court of Human Rights issued its judgment in the December 1997 trial of Tejedor Garcia vs. Spain. The plaintiff, a National Police officer at the time of the incident, was detained in 1989 after he struck and arrested two foreign nationals while off-duty and drunk. He later was suspended from duty for 6 months and ordered to pay a fine and compensation to the victims. Tejedor brought the case to the Court claiming that Article 6.1 of the European Convention on Human Rights (right to a fair trial) was violated since he was prosecuted after the expiration of the provisional discharge order made by the investigating judge. The Court was unable to determine the date that the Public Prosecutor's office received the judge's order and therefore dismissed the charges against the Government.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

In March National Intelligence Agency (CESID) wiretaps were discovered at the Vitoria headquarters of the political party Herri Batsuna (HB), which, although a legal political party, generally is regarded as the political arm of the Basque terrorist group ETA. The scandal forced the provincial CESID directors in Vizcaya, Alava, and Pamplona to resign and compelled the Minister of Defense to develop a plan to establish greater judicial oversight of CESID operations. The investigation continues.

There were no developments in the case of a judicial investigation into allegations of wiretapping by CESID of private telephone conversations of the King, various ministers, and other prominent figures between 1980 and 1991.

There were also no developments in the investigations of linkages of the CESID to GAL crimes, although the investigations of GAL crimes in general proceeded unabated (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these provisions in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are aired freely and widely reflected in the media.

Throughout the year, the pro-ETA political party Herri Batsuna repeatedly denounced the December 1997 conviction of 23 members of its National Committee for collaboration in an armed band as a violation of its members' freedom of speech. Each of the convicted HB officials was sentenced to 7 years' imprisonment and a \$3,500 fine (Ptas 500,000) in connection with their decision to distribute a videotape made by ETA during HB's 1996 election campaign.

The Government closed the Basque daily newspaper Egin and a radio station affiliated with Egin in July for terrorist-related activities (see Section 1.a.). Charges of aiding terrorists were brought against the editor, Xabier Salutrigi; the investigation continued at year's end (see Section 1.a.).

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government treats various religions in different ways. Catholicism is the predominant religion and enjoys the closest official relationship as well as the most benefits. Jews, Muslims, and Protestants (the latter a confederation of many faiths) also have official status but enjoy fewer privileges. These religions have bilateral agreements with the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but have no special agreements with the Government. Religions not officially recognized, such as the Church of Scientology, are treated as cultural associations. There are over 15,000 Jews and 300,000 Muslims in the country, although most of the latter are transient and dispersed. Religion courses are offered in public schools but are not mandatory.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within and outside the country, to emigrate, and to repatriate. The Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR) in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Minister of the Interior makes the final decision. The applications admitted for processing are examined by an interagency committee called the Interministerial Committee for Asylum and Refuge (CIAR). The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the

CIAR in each case must be approved by the Minister of the Interior.

The UNHCR advises the authorities throughout the process. In addition, applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as the country. From outside, anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the frontier or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply from within the country, this normally takes 2 months, but in the case of persons who apply at a port of en