



FRANS TIMMERMANS
VICE-PRESIDENT OF THE EUROPEAN COMMISSION
Rue de la Loi 200
1049 Brussels
Belgium

Dear Mr. TIMMERMANS,

On the night of the 15th October, during the annual fair of Alsasua (Navarre – Spanish State), after a fight in a bar, nine youths between the ages of 19 and 24 were arrested as alleged attackers of two police officers, who were out of duty, and two other people. The investigation of the events initially corresponded to the Provincial Court of Navarre but the National High Court (in Madrid and competent for terrorism and other especially grave crimes) described the events as terrorism and took over the investigation. Of those arrested, seven were imprisoned. Three of them are currently still in prison, 400km away from their homes and in a special imprisonment regime known as FIES, in which their rights are significantly restricted.

Following a request from their parents, 52 MEPs belonging to 5 European parliamentary groups and from 15 Member States signed a declaration (in Annexe) requesting that the principles of proportionality, justice, and equity prevail and, therefore, the penal definition of terrorism is eliminated in this case. This also means the investigation must return to the Court of first instance nº 3 of Pamplona so the 9 detainees are judged there in accordance to ordinary law.

Yesterday, 4th of July, the **petition of the prosecutor** was announced. He is requesting a total of 375 years of imprisonment: **62 years for a young man, 50 years for 6 young men, and 12 years and a half for a young woman** (the ninth detainee is a minor and the prosecutor has not announced his petition yet). That means 12 and a half years of imprisonment are being asked for each of the four injuries, when one of the policemen was hospitalized for two days (after suffering an ankle fracture) and the other three were slightly injured and discharged on the same day.

In our opinion, **this request of the prosecutor is totally disproportionate, meaningless and is clearly undemocratic.** We insist that these crimes should not be considered terrorist offences, nor be judged in a special court and, on the contrary, should be judged under ordinary law and in a court of the territory where the events took place.

It must be noted also that:

- The **Provincial Court of Navarre** in its act of the 23rd March 2017 estimates that there are no "*indications of committing an alleged terrorist crime*" and considers that the cause must be opened in an ordinary Court.
- The **Parliament of Navarre** passed a declaration on the 21st November 2016 stating, "*The Parliament of Navarre, respecting judicial decision, shows its disagreement with the criminal category of terrorism for the events being investigated, which could entail disproportionate sentences for the defendants. For this reason, the Parliament of Navarre requests the Central*



European Parliament

Court nº 3 of the National High Court, as well as the Provincial Court of Navarre and the State's Prosecutor to reconsider the case, in order to return the jurisdiction to Court of first instance nº 3 of Pamplona – Iruñea. We consider this Court to be competent to continue investigating these events."

- **International organizations like the United Nations** have repeatedly questioned the different definitions and the excessive scope of the concept of terrorism used by the Spanish penal system. For example, the United Nations Special Rapporteur on Human Rights and Terrorism, Martin Scheinin and the Human Rights Committee of the United Nations in 2008. The modification in the definition of the crime of terrorism, through Organic Law 2/2015 (30th March 2015) has been criticised by five different United Nations Special Rapporteurs. The Parliament of Navarre demanded in its resolution of the 16th February 2017 the modification of this definition of terrorism in the Spanish Criminal Code.
- **194 jurists and professors** have signed a manifesto analysing the case from a juristic perspective and have concluded that these events must not be defined as terrorism and an Ordinary Court must investigate this cause.
- On the 22nd March 2017, **74 members of the Spanish Parliament and 14 members of the Senate** signed a declaration in which they also request these events to not be defined as terrorism and to return the cause to an Ordinary Court in Navarre. In addition, **83 Mayors of the Basque Country, including the Mayors of the four Basque capitals** (San Sebastian, Bilbao, Vitoria and Pamplona) supported the same declaration.
- In the Spanish State, there are many examples of attacks on police officers in similar situations that were judged in ordinary courts and in accordance to the ordinary penal code, not as terrorism. Oppositely, in this case the sentences requested are completely disproportionate compared to the gravity of the injuries.

As members of the European Parliament of 4 parties sustaining the Government of Navarre, we would like to draw your attention to this case and request you intervention to defend the rights of all European citizens. The Charter of Fundamental Rights of the EU must prevail, especially articles 20, 47 and 49.3 that lays down that *"The severity of penalties must not be disproportionate to the criminal offence"*.

Sincerely yours,

Marina ALBIOL GUZMÁN

Xabier BENITO ZILUAGA

Izaskun BILBAO BARANDIKA

Josu JUARISTI ABAUNZ

ANNEXE: Signatures: 2017/07/05

Marina ALBIOL GUZMAN (GUE/NGL)

Martina ANDERSON (GUE/NGL)

Xabier BENITO ZILUAGA (GUE/NGL)

Izaskun BILBAO BARANDIKA (ALDE)

Malin BJORK (GUE/NGL)

José BOVÉ (GREENS/EFA)

Lynn BOYLAN (GUE/NGL)

Matt CARTHY (GUE/NGL)

Nikolaos CHOUNTIS (GUE/NGL)

Javier COUSO PERMUY (GUE/NGL)

Karima DELLI (GREENS/EFA)

Fabio DE MASI (GUE/NGL)

Mark DEMESMAEKER (ECR)

Stefan ECK (GUE/NGL)

Cornelia ERNST (GUE/NGL)

Jill EVANS (GREENS/EFA)

Ana GOMES (S & D)

Eleonora FORENZA (GUE/NGL)

Tania GONZÁLEZ PEÑAS (GUE/NGL)

Maria HEUBUCH (GREENS/EFA)

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Rina Ronja KARI (GUE/NGL)

Katerina KONECNA (GUE/NGL)

Stelios KOULOGLOU (GUE/NGL)

Kostadinka KUNEVA (GUE/NGL)

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Neoklis SYLICIOTIS (GUE/NGL)

Josep-Maria TERRICABRAS NOGUERAS (GREENS/EFA)

Estefanía TORRES MARTINEZ (GUE/NGL)

Ramon TREMOSA i BALCELLS (ALDE)

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Angela VALLINA DE LA NOVAL (GUE/NGL)

Marie-Christine VERGIAT (GUE/NGL)

Tatjana ZDANOKA (GREENS/EFA)

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