

**COMMENTARIES BY THE BASQUE OBSERVATORY
OF HUMAN RIGHTS - BEHATOKIA ON THE LIST OF
ISSUES RAISED BY THE CAT REGARDING THE 6TH
PERIODIC REPORT FOR SPAIN**

APRIL 2015

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Introduction

Unfortunately we must refer to the report submitted by this Observatory in the year 2009 on the occasion of the 5th periodic report to the Kingdom of Spain, as all issues raised in that report continue to remain in force. On the one hand, while it is true that the number of allegations of torture received at our association has dropped in the last few years, it has been so, not so much as a consequence of a decrease in the use of incommunicado detention, but due to a decline in the number of detentions in general. However, incommunicado detention is still in use, as are the circumstances widely criticized by this Committee and other international bodies: interrogations continue to fail to be recorded, and, in the instances where police stations do have cameras, they only register detainees going in and out of their cells. This going in and out of cells has never been accounted for and no argument to explain them has ever been provided. It is also not a general rule for the detainees to have access to a physician of their choice (this decision is left to the discretion of the examining judge), and detainees are still denied the right to appoint a lawyer of their choice, least of all to confer in private with them.

Thus, if our previous report focused on the measures and infringements still in place, on this occasion this Observatory will provide real examples of cases from the current period 2009-2015. We have incorporated excerpts from testimonies of torture, from questions asked by examining judges, which we consider to be inappropriate, and from actions taken by forensic doctors of the Audiencia Nacional, which did not help to shed light on what happened during the incommunicado detention.

During this period, international reports of great relevance regarding the question of torture have been produced: shortly after CAT's report was published, in 2011 the CPT¹ paid a visit to the Spanish State, and the European Court of Human Rights issued several opinions condemning Spain on account of its lack of investigation. One of the cases at issue, Beatriz Etxebarria's case², has been included in this report, as she was arrested in 2011. We will try to explain what has happened over the period from 2009 to 2015, in a very succinct manner, following the list of issues raised by the Committee. To that end, a table has been drawn up covering the total amount of cases. Down below we explain the most significant elements or operations, addressing different issues that should be highlighted.

Assessment of the table

We will do a year to year examination, and will feature the questions that are particularly noteworthy regarding the issues raised by the Committee.

¹ Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 May to 13 June 2011 CPT/Inf (2013) 6 <http://www.cpt.coe.int/documents/esp/2013-06-inf-eng.pdf>.

² European Court of Human Rights: Case of Etxebarria Caballero v. Spain. Application no. 74016/12: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-146771#%7B%22itemid%22:%5B%22001-146771%22%5D%7D>.

TABLE WITH NUMBERS 2009-2015 PERIOD

	Number of incommunicado detentions	Report tortures	Torture complaints on the court	Gender of the detainee	Prevention measures taken	Police body in charge of the arrests: Guardia Civil, Policía Nacional, Ertzaintza	Court room (Juzgado Central de Instrucción) of the Audiencia Nacional who orders the arrests
2009	88	44	37	Female: 13 Male: 31	11	- GC: 15 incommunicado and 3 report tortures - PN: 68 incommunicado detention and 40 report tortures - E: 5 incommunicado detention and 1 report tortures	Fernando Grande-Marlaska (JCI nº3) Baltasar Garzón (JCI nº5) Eloy Velasco (JCI nº6)
2010	78	63	47	Female: 16 Male: 47	9	- GC: 32 incommunicado detention and 26 report tortures - PN: 32 incommunicado detention and 23 report tortures - E: 14 incommunicado detention and 14 report tortures	Ismael Moreno (JCI nº2) Fernando Grande-Marlaska (JCI nº3) Fernando Andreu (JCI nº4) Pablo Ruz (JCI nº5) Eloy Velasco (JCI nº6)
2011	20	13 (+ 4 that don't report tortures but report they've been threaten with tortures)	4	Female: 2 Male: 11	0	- GC: 15 - PN: 4 - E: 1	Fernando Grande-Marlaska (JCI nº3)
2012	4	2	2	Female: 0 Male: 2	0	- GC: 2 - PN: 1 - E: 1	Javier Gómez Bermúdez (JCI nº3) Pablo Ruz (JCI nº5) Eloy Velasco (JCI nº6)
2013	2	2	0	Female: 0 Male: 2	0	- GC: 2 - PN: 0 - E: 0	Ismael Moreno (JCI nº2)
2014	2	1	1	Female: 0 Male: 1	0	- GC: 2 - PN: 0 - E: 0	Pablo Ruz (JCI nº5) Eloy Velasco (JCI nº6)
2015	0	0	0	Female: 0 Male: 0	0	- GC: 0 - PN: 0 - E: 0	

Year 2009

1 March 2009:

The Ertzaintza, the Basque regional police force, did not use incommunicado detention up until the year 2003 (when a protocol to prevent torture and ill-treatment was adopted), and hadn't received any allegations of torture so far. However, on this date, and following an election that brought change to the regional Government, Investigation (Juez Central de Instruccion, based in the Audiencia Nacional, Madrid) Judge Eloy Velasco ordered the arrest of Manex Castro, who was held incommunicado. After the incommunicado detention was lifted, Castro filed a complaint of torture. He claimed that recording devices had been used during his detention, and so his lawyer lodged a brief in March 2009 to request a copy of the recording made at the Ertzaintza station, but Judge Eloy Velasco dismissed the request: *"It is not appropriate to release the requested footage, which is not included in this lawsuit, as there is no external objective evidence of torture of any kind, and at this stage of the procedure we do have the obligation to protect the confidentiality of the judicial investigation and the identity of the specific Ertzaintza officers that appear in the recording"*.

24 November 2009:

Judge Grande-Marlaska of the Audiencia Nacional ordered a macro-raid, which had 34 people arrested across the Basque Country. All of them were related to the youth movement, and accused of being members of Segi, a banned youth organization. After being held incommunicado for 4 to 5 days, 31 were sent to prison, and only 3 released.

Two youths that had not been arrested but knew that an arrest warrant had been issued against them, sent a brief to the court expressing their willingness to testify before the judge and their intention to go to the Audiencia Nacional with their lawyers, to that end. **They were arrested at the court's doorstep, and held incommunicado.** Of the 36 youths arrested, 26 reported having been subjected to ill-treatment by the Guardia Civil and the National Police, and 27 filed a complaint. During the oral hearing, in a ruling without precedents, all of them were acquitted, as the judge considered that their testimony had not been voluntary:

Excerpts from ruling 26/2014 of 14 May 2014, First Section of the Criminal Chamber of the Audiencia Nacional

*(...) The scale of the process, originally an investigation against tens of people, which brought about the simultaneous detention of 32 of them, allows for a comparison of numbers, which offers valuable information to speculate **about the freedom to testify and about incommunicado detention** in this particular case. 8 of the 36 prosecuted were arrested abroad, appeared before the judge and all of them exercised their constitutional rights not to testify against themselves and not to plead guilty (100%). In view of this conclusive fact regarding the respect for guarantees to protect the freedom to testify in court, it should be noted that 22 defendants –out of the 28 arrested in the early hours of 24.12.2009– testified in police premises in a way that was directly or indirectly*

detrimental to themselves (78.57%, including the four defendants tried in a separate lawsuit the figure rises to 81.26%, in which case we would have 26 testifying out of 32). The contrast is very revealing, to such an extent that it is not easy to account for the difference. Additionally, 5 defendants refused to testify before the police, and, even so, they reported that they had been subjected to torture and degrading treatment. Of the 26 that testified during their police detention, including those that were tried separately, 18 retracted before the judge, still under incommunicado detention. Only 8 confirmed their testimony at this time, during the same space of limitation and suspension of the right of defense, but all of them did, subsequently, rectify and report torture.

P. 2.1. Ms. **Ainara Bakedano Cuaresma**. (Excerpt from the ruling on Ms. Bakedano, arrested at the doorsteps of the Audiencia Nacional, when she was voluntarily going to testify before Judge Fernando Grande-Marlaska)

(...) 2.1.1. *Interrogation of the accused*. Testified before the police at 3.20h of 3.12.2009, assisted by duty lawyer 63.853 (p. 11.163). According to the report, the accused was arrested on 2.12.2009 on Calle Génova, n. 12, at about 12.34 h., in a police operation launched to locate individuals involved in the proceedings that gave rise to this trial. By a decision of that day, the Central Examining Judge n. 3 ratified the incommunicado detention of the accused under the custody of the Central Unity of the Guardia Civil, justified by the need to "ensure decisive elements of incrimination that cannot be altered by a fictitious will to quieten the administration of justice" and in order to achieve "the fullest investigation of the facts". The day before her arrest, Ms. Bakedano had submitted a brief regarding the cause in case, stating her willingness to appear before court, and requesting to be summoned. She also expressed that she wanted to exercise her right not to declare before any other authority but the judge, and indicated that "all testimony that she might give in police premises, whatever its content, should be taken as given against her will" (p. 11.118, brief signed together with her lawyer). On the same date, 1.12.2009, the judge passed a decision confirming the arrest warrants and responding to the brief in the following terms: "Be informed that the only possibility for your willingness to submit yourself to the course of justice to be regarded as genuine is for you to appear personal and physically at this court during the Audiencia's working hours" (p. 11.120). She was arrested when she was approaching the building of the tribunal. Ms. Bakedano testified before the judge with the duty lawyer that had been present during the police proceedings, and indicated that she had been forced to learn her deposition, under pressure, and that she had been choked on several occasions with a plastic bag in a practice known as "la bolsa". Asked to ratify the statement of her testimony, she said that she was very excited and that she did not want to respond (p. 11.195). Before testifying before the judge, the forensic doctor reported that her "state of mind was a bit labile (...) she relates that she has hardly slept, as she was testifying until late and that (...) she has suffered ill-treatment consisting of: "la bolsa", blows to the head with an open hand and insults... and that she got excited and had a kind of anxiety attack. She also explains that her neck and her back hurt due to the posture (with her head bowed)" (p. 11.358). During the trial, the accused broke, close to crying, when she recalled the treatment she had received in police premises. As the expert witnesses pointed out, this reaction is

indicative of vulnerability, characteristic of past trauma and of an imprint on the emotional status of the subject when recalling the event. If we consider the abovementioned indicators of willfulness, the police interrogation, regardless of its inability as evidence, has to be considered null and void. It turns out that the accused recanted her statement to the police, she said that it had been obtained under physical and psychological pressure, as she had already indicated to the forensic doctor; prior to her arrest she had expressed, in writing, her decision not to testify before the police –expression of free will that was ignored--; the interrogation ended at 3.57 h in the morning and hours later, in the course of the morning, she appeared before court, without any precautionary measures being taken so as to ensure that the accused could regain the necessary peace of mind and balanced judgement, according to art. 393 of the Criminal Procedure Act, in order to exercise her rights in an autonomous manner, as, although the incommunicado detention had been formally lifted at the beginning of the interrogation, the same regime was still in place (assistance of the duty lawyer and suspension of the right to confer in private with them).

Year 2010:

14 April 2010:

The Guardia Civil arrested 10 people by order of Judge Fernando Grande-Marlaska with the Audiencia Nacional, on charges of "collaboration with or membership of an armed band". There were 3 lawyers among the detainees, who were arrested at their law offices, and held incommunicado for 5 days. After being taken before the judge under incommunicado regime, five were sent to prison, and the other five, released. After the incommunicado regime was lifted, six of them reported tortures. After the arrest, a document drafted by the Guardia Civil was found in the home of one of the detainees, explaining the way in which the arrest had to be conducted. The document covers the following elements, explicitly:³

Distribution of interrogation teams. "The three lawyers and Erramun Landa are to be transferred in a police van" and "the remaining detainees will be transferred to Madrid by the corresponding Guardia Civil station, bearing in mind that they are to receive an excellent treatment during their transfer"; that in the holding cells of the police station, they are to receive an excellent treatment; that "the dealings with the lawyers and with Erramun Landa must be excellent at all time, from their detention, through their transfer and arrival to Madrid"; that "the handling of the detainees should aim at extorting from them a statement ratifying the existing judicial indictments".

3 August 2010:

The Ertzaintza arrested in Hernani G.A. and Aitziber Ezkerra by order of Judge Grande-Marlaska, on charges of "collaboration with an armed band". After spending three days incommunicado,

³ Annex I: Document belonging to the Guardia Civil, about which no satisfactory explanation has been provided, found in the home of one of the detainees.

both reported having been subjected to ill-treatment, but only Aitziber filed a legal complaint, where we can observe the functioning of the National Mechanism for the Prevention of Torture (the detainee was not aware of this mechanism):

After the incommunicado regime was lifted, Aitziber told her lawyers how, while she was held incommunicado, she was visited by three men of Spanish nationality, which showed her some credentials (from the National Mechanism for the Prevention of Torture), but she did not know for sure where they were coming from. She was asked if she wanted to talk to them, and she said yes. With the door of their meeting room open, Aitziber was not certain whether their conversation was confidential, but she was told not to worry, as if the police officers were close they "would be heard". Aitziber told the three men about the treatment she was receiving, how she was being forced to stay in awkward positions and how that was causing her pain (due to her illness), how she was being continually subjected to illegal interrogations, to what they asked whether it was not rather that she was taken out of her cell to eat or to be taken to hospital, and that the officers were then taking the opportunity to ask her some questions. Aitziber found outrageous the high-handed and appeasing attitude with what they were handling what she was reporting. She was telling them about how she was being treated and they asked her about the sink water or where she slept. Their questions sounded improvised, not following any questionnaire. They took notes only sporadically. She ended up thinking they might be police officers.

14 September 2010:

The Guardia Civil arrested 9 Basque citizens by order of Judge Fernando Grande Marlaska with the Audiencia Nacional, on charges of "membership of the organization EKIN". The 9 detainees were held incommunicado for 4 to 5 days, and after being taken before the judge under incommunicado regime, all 9 were sent to prison. We heard their testimonies after the incommunicado regime was lifted. The tortures with sexist connotations referred by the 4 women detainees merit special attention. These other elements are also noteworthy:⁴

1. Some of the detainees, while their homes were being searched, notified the court secretary their intention to only testify before the judge, stating that were they to testify in police premises, that would at any rate be against their will. Even so, all of them did testify before the police.
2. One of the detainees (Eneko Compains), during one of the visits by the forensic doctor, requested a writ of habeas corpus. The forensic doctor took this request to Judge Fernando Grande-Marlaska, who refused it arguing that there was no evidence of torture, so ignoring the forensic doctors' reports.
3. One of the duty lawyers that assisted the detainees filed a complaint before the judge, since, to his knowledge, it was clear that the testimonies given before the Guardia Civil were not voluntary.

⁴ Annex II: Excerpts from testimonies of the detainees who reported to have been subjected to torture during their incommunicado detention.

He found suspicious to see how the detainees were responding automatically without giving any thought to the questions asked by the Guardia Civil, even more so considering their responses were self-incriminatory. He also filed a complaint due to the fact that he had not had the chance to confer with the detainees, a fact that infringes the right to the defense that applies to all detainees. Judge Grande-Marlaska, however, ruled that were this to be so, he should have filed his complaint during the police testimony and not in court

5 September 2010: Armed organization ETA announces a cease-fire in a video sent to the BBC.

29 September 2010:

The Guardia Civil arrested 3 Basque citizens by order of Judge Ismael Moreno with the Audiencia Nacional, on charges of "membership of an armed band". One of them is held incommunicado for three days and later released without charge and without being brought before the judge. The other two detainees were held incommunicado for 5 days, and after being taken before the judge under incommunicado regime, all three were sent to prison. All of them reported torture at the hands of the Guardia Civil.

22 October 2010:

The National Police arrested 14 Basque youths by order of Judge Fernando Grande-Marlaska with the Audiencia Nacional, on charges of "membership of the youth organization SEGI". All 14 were held incommunicado for 4 to 5 days, and after being taken before the judge under incommunicado regime, one of the detainees was released on bail, and the remaining 13 sent to prison. After their incommunicado regime was lifted all 14 reported torture at the hands of the National Police.

15 December 2010:

On December 15 the National Police arrested 2 Basque lawyers working for the rights of Basque political prisoners, by order of Judge Fernando Grande-Marlaska with the Audiencia Nacional, on charges of "giving legal advice to members of the organization SEGI". Both are held incommunicado. A few hours later, in the early hours of 16 December, six more Basque citizens were arrested and held incommunicado by order of the same judge, on charges of "membership of the youth organization SEGI".

All 8 detainees were held incommunicado for 5 days, and after being taken before the judge under incommunicado regime, the 6 youths were sent to prison, and the 2 lawyers released on bail. After the incommunicado regime was lifted, those imprisoned reported having been

tortured (4 filed an official complaint). The 2 lawyers were not subjected to ill-treatment, but did hear how the other detainees were being tortured.

2011

10 January 2011: Complete cessation of ETA's armed activity.

18 January 2011:

The Guardia Civil arrested in Navarre 6 Basque citizens by order of Judge Fernando Grande-Marlaska with the Audiencia Nacional, on charges of "membership of the organization EKIN". All 6 were held incommunicado for 4 to 5 days, and after being taken before the judge under incommunicado regime, five were sent to prison, and one was released. When the incommunicado regime was lifted all 6 reported torture at the hands of the Guardia Civil.

Another police operation took place at the same time, by the National Police, against 4 Basque citizens, by order of the same judge, and on charges of "membership of the organization Askatasuna". All 4 detainees were held incommunicado for 4 days, and after being taken before the judge under incommunicado regime, 3 were sent to prison, and 1 was released. All of them reported having been subjected to threats and pressure by the National Police officers, but none of them filed a formal complaint.

January 2011: Jon Patxi Arratibel: In his testimony to the police, the detainee used the first and last letters of his first surname (A and L) to conceal a cry for help, by signing "Aznugal", which in his tongue, Basque, means "help", "laguntza", written backwards. (For clarification, Mr. Arratibel, in his testimony before the judge of the Audiencia Nacional, informed Judge Fernando Grande-Marlaska about that fact, as judge Marlaska is Basque and knows the Basque language).

1 March 2011:

The Guardia Civil arrested 4 Basque citizens by order of Judge Fernando Grande-Marlaska with the Audiencia Nacional, on charges of "membership of an armed band".

All 4 were held incommunicado for 5 days. One of them was taken to hospital on two occasions, during the incommunicado period, for "attempts to inflict self-harm". The judge decided to depose him on the 4th day of the incommunicado period, and sent him to prison incommunicado, until the remaining detainees testified on the 5th day. All of them were sent to prison and all reported torture at the hands of the Guardia Civil. They mostly reported that they

had been threatened and pressured with their partners, which were also under arrest. One of the female detainees reported being raped with a broomstick.⁵

2012

All the proceedings and examples brought forward in this report, reveal a systematic failure in the obligation to investigate allegations of torture in a prompt and efficient manner. Two specific cases where this is especially noteworthy are explained below. We are referring to the allegations of torture filed in 2012 by Iñaki Igerategi and Inaxio Otaño, on the one hand, and to Tomas Medina's complaint (arrested in 2014, and therefore included in the reference for that year), on the other.

Iñaki Igerategi Lizarribar case⁶:

He was arrested on **21 February 2012**, in Tolosa (Gipuzkoa), by the Guardia Civil by order of Judge Eloy Velasco from the Central Examining Court n. 6. He remained 3 days incommunicado. Even though he reported that he had been interrogated blindfolded and without a lawyer being present, and that the officers had threatened to harm his family, the judge did not launch any investigation into the facts. Igerategi's defense filed a complaint on 27 February 2012 before the duty court of Donostia.

Enquiries carried out as of 31 March 2015:

- Deposition taken from the injured party, 13 November 2012
- Court statement made on 23 February 2012.
- Statement to the police.

On 31 March not even the forensic medical reports have not yet been obtained, even though it has been more than 3 years since the complaint was filed.

Inaxio Otaño Lavaca's case

He was arrested on **21 February 2012**, in Andoain (Gipuzkoa), by the Guardia Civil, by order of Judge Eloy Velasco with the Audiencia Nacional. After spending three days incommunicado, in his court statement he related what had happened. The judge did not launch any investigation into the facts, but warned the detainee that he could be prosecuted for filing a false report. Otaño's defense filed a complaint for torture on 27 February 2012 before the duty court of Donostia, Gipuzkoa, Basque Country.

Enquiries carried out as of 31 March 2015:

- Deposition taken from the claimant/injured party, 13 February 2014.

⁵ Annexes III and IV: Order of dismissal of the allegations of torture, and forensic medical reports. From these documents, we can derive the questions that were asked to the detainee.

⁶ Annex V: Iñaki Igerategi's court statement. Statement made at the Audiencia Nacional, after being held incommunicado at the Guardia Civil station.

- Emergency Room report from Hospital Universitario in Burgos, of 21 February 2012, 12h14
- Forensic medical report IVML-Araba (JINº1-Gasteiz, Exhorto 64/12) of 21/02/2012

As of 31 March, even the forensic medical reports of the medical examinations given at the Guardia Civil station in Madrid have not yet been obtained, even though it has been more than 3 years since the complaint was filed.

2013

As explained at the beginning of this document, the prison policy applied to Basque prisoners is still in place and it has even been tightened with regard to the right to liberty. A ruling by the Grand Chamber of the European Court of Human Rights has been necessary for the Spanish Government to drop a law reform aimed at hindering Basque prisoners' right to regain their freedom, many of whom have already served more than twenty years in prison. One of the most striking policy is the **dispersal of prisoners**, implemented since 1987, by which Basque prisoners serve their terms far from their place of origin (although there is no reason for that, as there are prisons close to and in the Basque Country). It entails a huge economic and personal burden for the families.⁷

As of 31 March, of the 352 members of the Basque prisoners' collective, only four are in Basque prisons (two of them due to their serious, chronic and incurable illnesses, and two more just temporarily). **Everyone else is at an average distance of 750 km from the Basque Country.** The situation of prisoners isolated or incarcerated all alone is particularly noteworthy: That is the case of Basque lawyer Jon Enparantza, held all alone in the prison of Segovia; Asier Ormazabal, isolated in Teruel, and lawyer Arantza Zulueta, isolated in the prison of Puerto de Santa María (more than 1.000 km away from the Basque Country). Special attention must also be paid to the situation of **Basque prisoner Ibon Iparragirre**, who, despite suffering from a serious and incurable illness (advanced stage AIDS, which has led to some other illnesses as well), is in the prison of Alcalá-Meco, Madrid. Some other sick prisoners are in home arrest subjected to restrictive measures (there are five prisoners in home arrest under remote monitoring and strict restrictive measures).

With regard to prisoners with serious, chronic or incurable illnesses, and their right to early release and not to be kept in prison in their condition, as that is considered to be a cruel and degrading treatment, in the year **2013 Basque prisoner Angel Figueroa** passed away (his grandmother had died in 1997 in a car accident on her way to visit him at a prison far from the Basque Country), after being kept at his home for four years with very severe restrictions. In **February 2014, Arkaitz Bellon** died in the prison of Puerto de Santa María, Andalusia, only three months short of his release, after serving more than thirteen years (he had been sentenced

⁷ European Court of Human Rights, judgment on the case of Inés del Río v. Spain: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-127680#%7B%22itemid%22:%5B%22001-127680%22%5D%7D>. The judgment implied the annulment of the Parot doctrine.

for a crime of "kale borroka", a type of crime that Special Rapporteur Martin Scheinin referred to when he spoke of lengthy sentences for crimes characterized as terrorism, although it was not clear that they were, indeed, terrorist acts). On **January 2015 Josu Uribetxeberria** passed away. He had been released in 2012, due to the terminal cancer he suffered, causing great media stir.

2014

One more instance of the lack of a prompt and efficient investigation:

Tomás Madina Etxebarria was arrested on 10 June 2014 by order of Examining Judge Eloy Velasco with the Audiencia Nacional. After being held incommunicado for three days at a Guardia Civil station, in the statement he made to the judge when he was taken to court on 12 June, he claimed that he had been subjected to pressure and threatened with torture. Although the judge ordered to take his testimony, it was not until November 2014 (five months later) that the proceeding to investigate the allegations was initiated. As of 31 March 2015, nine months after Madina's arrest, no procedure has been conducted.

2015

Regarding the issues mentioned in Article 11, the Committee requested information about the criminalization and indictment of the persons that filed allegations of torture and of the defenders of their rights. Throughout the period 2009-2015 several police operations were carried out resulting in the arrest and indictment of numerous lawyers, physicians and family members of the prisoners, and some of them were sent to prison.

Besides police operations from 14 April 2010 (three lawyers arrested, held incommunicado and sent to prison) and 15 December 2010 (two lawyers arrested, held incommunicado and charges against them later dropped) outlined earlier in this report, there are other more recent cases:

12 January 2015

By order of Judge Eloy Velasco with the Audiencia Nacional, 16 people were arrested in the Basque Country, 12 of them lawyers working in the defense of Basque prisoners. The police operation had been leaked to the press, and so, the lawyers had filed a brief stating their willingness to go wherever they were convened. Likewise, they had requested to become a party to the cause. It so happens that three of the detainees were arrested by the Guardia Civil at their hotel in Madrid, when they had gone for work, precisely at the Audiencia Nacional. All twelve lawyers were released, but with certain restrictions on their professional activity. It was a matter of great outrage, and even the Spanish Bar Association wrote to the Audiencia Nacional to express its concern over this operation.

25 March 2015

Once again, it was Judge Eloy Velasco with the Central Examining Court of the Audiencia Nacional, who ordered the Guardia Civil to arrest four people: **Oihana Barrios, Fernando Arburua, Izaskun Abaigar and Nagore López de Luzuriaga**. In this case, the detainees were two physicians working with the collective of Basque prisoners (we have already referred to the several prisoners with serious illnesses), a psychologist (we cannot forget the trauma of torture victims, which requires specific therapies. The arrested psychologist took part in the research project "Incomunicado Detention and Torture", which implemented the Istanbul Protocol to 45 Basque citizens that had been held incomunicado. According to this research, the implementation of the protocol showed that all claims seemed to be reliable). The fourth detainee was a member of the association Eberat, which brings together and gives support to the families of the prisoners:

These two police operations, apart from being mass-media events (in the case of psychologist Nagore López de Luzuriaga, the press informed in their headlines that in her home search the police had seized a "Manual on How to Create a Terrorist", ignoring the fact that it is a Czech documentary, as the Judge Eloy Velasco said on his indictment paper), have caused considerable unrest amongst the groups and associations that defend the rights of prisoners and work against torture, as all four detainees are persons of recognized standing, who have been working in the field for many years.

ANNEX I

**Dossier found in the house of one person
arrested during Operation Halboka of April 2010;
report by the Guardia Civil explaining how
interrogations are to be conducted and further
details regarding detentions**

DISTRIBUCIÓN H-ALBOKA

1.- Instrucción: VK y MK.

2.- Equipo de Diligencias.- Trenado (Fuentes), Ángel (OAO) y Peke (OAO).

3.- Equipo Estudio Documentación.- Del estudio de la documentación incautada a Arantxa ZULUETA, Jon EMPARANTZA, Iker SARRIEGUI y Nahia ZURIARRAIN se encargará la OAO.

Solamente se bajaría a Madrid para estudio la documentación incautada en los registros de los domicilios y despachos de los abogados, el estudio de la documentación incautada al resto de detenidos correspondería a las Comandancias.

4.- Custodia calabozos.- De la coordinación de todos los turnos de custodia se encargará Mister (Fuentes).

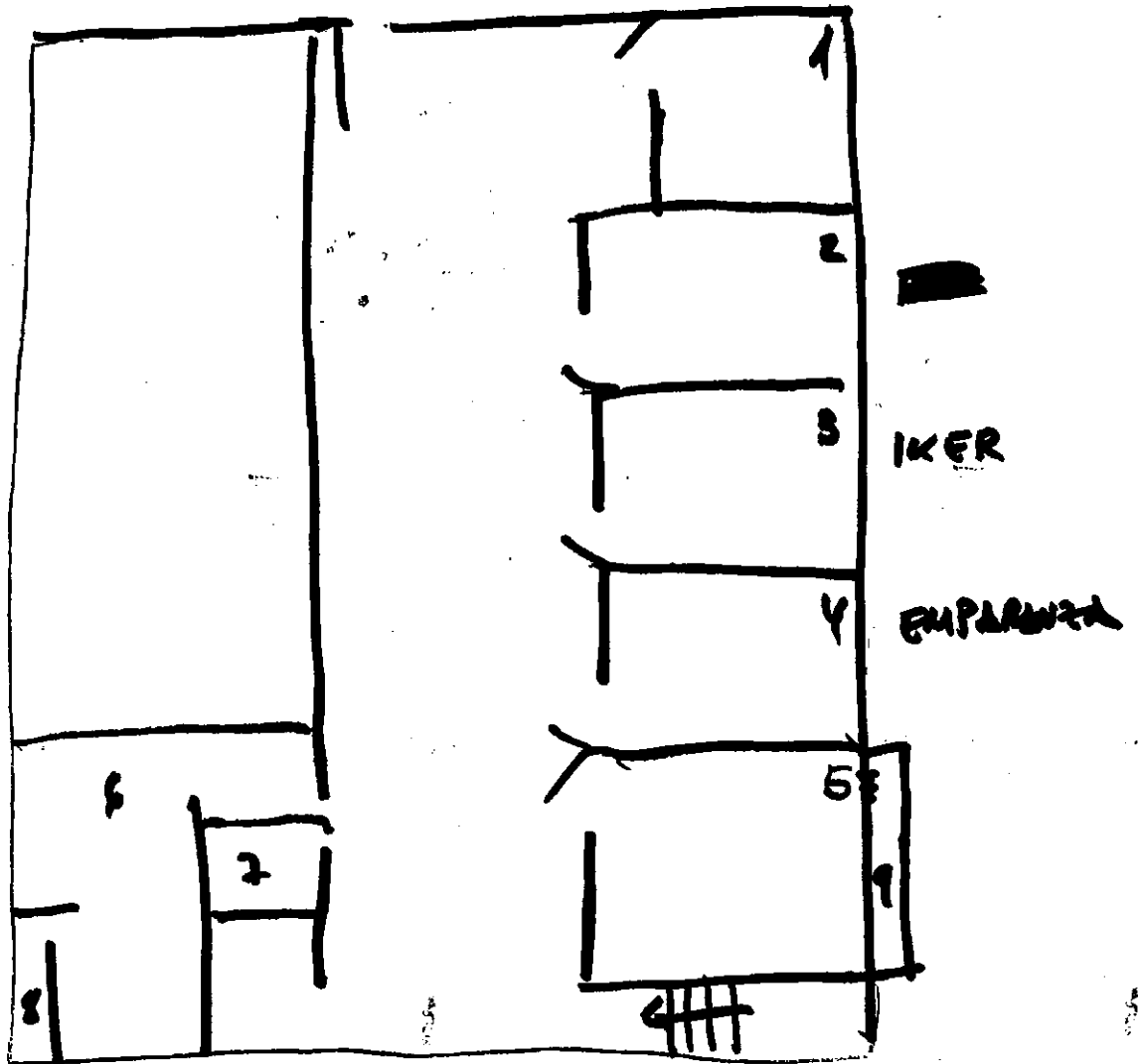
4.1.- De la Jefatura de Información (DGGC): Txarli, Emilio, Kike, Luis y Tino.
Arkaitz, Periko, Ramón, Román y Jesús (10).

En estas dependencias estarían los detenidos: David PLA, Asier ECHAVE, Juan María JAUREGUI, Saioa AGUIRRE, José AIZPURUA, José Luis GALLASTEGUI y Nahia ZURIARRAIN.

4.2.- De la Comandancia de Tres Cantos: Salva, Aurelio y Claudio.
Jaime, Mata y Maki. (6).

En estas dependencias estarían los detenidos: Jon EMPARANTZA, Arantxa ZULUETA, Iker SARRIEGUI y Erramun LANDA.

5.- Equipo de IC,s: GK, Porrón (Fuentes) y Gustavo (OAO). En este equipo se integrará también un Oficial de Elaboración de UCE 1 y tanto Guipúzcoa como Vizcaya aportaran un Oficial.



La función es centralizar todos los IC,s que se van confeccionando así como integrar todos los datos que vayan surgiendo de interés para la investigación, incluyendo los datos que vayan saliendo del estudio de la documentación.

6.- Equipos de interrogatorios: ZK, Roger, Papito, Gorca y Dani (*Nahia*)
BK, Mancera, JJ y Acuña (*Abogados + Landa*)
EK, Lalo, Portela Eco y Bespín (*David*)
JK, Killer, Gitano y Lozano (*Pitxas*)

En el caso que no se detenga a David PLA, ese Equipo de interrogatorio reforzaría al resto de Equipos o Comandancias.

7.- Coordinación Comandancias: GK (Guipúzcoa), ZK (Vizcaya) y AK.

La coordinación durante la realización de las detenciones y registros correría a cargo de GK y ZK. Una vez hayan finalizado los registros y se hayan trasladados todos los detenidos a Madrid, se quedará AK en zona a cargo de la coordinación con las Comandancias, centrándose principalmente en impulsar el estudio de la documentación así como gestiones posteriores que puedan ir surgiendo.

CRONOLOGÍA H-ALBOKA

1.- Detención de David PLÁ (TK + EK).

Se producirá en las inmediaciones de la oficina del INEM del Antiguo (San Sebastián). Este detenido se trasladará inmediatamente a Madrid.

2.- Detención del resto de Objetivos.

Una vez se ha producido la detención de David PLÁ por parte de CNI nos determinaran la ubicación de Arantxa ZULUETA, Jon EMPARANTZA, Iker SARRIEGUI y Nahia ZURIARRAIN. En el caso que se encuentren estos cuatro objetivos en España, se produciría su detención. Para ello es necesario que tanto Vizcaya como Guipúzcoa dispongan de dos células de detención en las Comandancias en predisposición de efectuar la detención en cualquier momento. Para coordinar la ubicación de estos objetivos con CNI, tanto GK como ZK estarán en contacto con el responsable del CNI del País Vasco.

Antes de trasladar los detenidos a dependencias de las Comandancias, es necesario que los detenidos pasen reconocimiento médico.

Asimismo, también se dispondrá de una célula mixta entre Información (un oficial) y GAR que dispondrá de los autos necesarios para el desalojo y precinto de los despachos de abogados y de los domicilios de Arantza ZULUETA, Nahia ZURIARRAIN y Jon EMPARANTZA (solamente la borda), la cual deberá estar en disposición de actuar desde el momento que se produzca la detención de los abogados.

La detención del resto de objetivos se irá efectuando conforme tengamos los mandamientos de entrada y registro, de tal manera que la detención y el registro se realizan de manera consecutiva evitando la entrada en calabozos.

3.- Entradas y registros.

Para los registros de los despachos de abogados de Arantxa ZULUETA (Vizcaya) y Jon EMPARANTZA (Guipúzcoa) se contaría con personal del J.C.I. número TRES, por lo que sería necesario desplazarlos a zona. El traslado del agente judicial que se haga cargo del registro de Arantxa ZULUETA correría a cargo de FK, mientras que el del agente judicial que se haga cargo del registro de Jon EMPARANTZA correría a cargo de XK.

El despacho de abogados de Jon EMPARANTZA es el mismo que el de Iker SARRIEGUI, por lo que el Equipo de Registro que realice este despacho será el encargado de registrar también el domicilio de Jon EMPARANTZA. De Iker SARRIEGUI no se registrará el domicilio ya que es en Hendaya por lo que una vez finalizado el registro del despacho de abogados, se trasladará a Intxaurreondo para su traslado a Madrid en furgón policial.

El despacho de abogados de Arantxa ZULUETA es el mismo que el de Nahia ZURIARRAIN, por lo que el Equipo de Registro que realice este despacho será el encargado de registrar también tanto el domicilio tanto de Arantxa ZULUETA como de Nahia ZURIARRAIN.

Hay que recordar que para los despachos de abogados es necesario contar con un Abogado designado por el Decano del Colegio de Abogados.

El resto de registros los irán realizando las Comandancias dependiendo de la disponibilidad de los Secretarios Judiciales territoriales.

Todo el material que se incaute a los tres abogados (Arantxa ZULUETA, Jon EMPARANTZA e Iker SARRIEGUI) y Nahia ZURIARRAIN se deberá precintar y trasladar a las dependencias de UCE 1.

4.- Traslado a Madrid.

Por parte de UCE 1 se trasladaran a Madrid: David PLA, José AIZPURUA y Nahia ZURIARRAIN.

Los tres abogados y Erramun LANDA serán trasladados a Madrid con furgón policial.

El resto de detenidos serán trasladados a Madrid por parte de las Comandancias respectivas teniendo en cuenta que el trato durante el traslado debe ser exquisito.

5.- Novedades.

5.1.- Internas.- Todas las novedades internas correrán a cargo de UCE 1 excepto la primera novedad de la detención que la darán las Comandancias respectivas.

5.2.- Judiciales.- Todas las novedades judiciales, tanto a la Audiencia Nacional como a los Juzgados Territoriales, correrá a carga de UCE 1.

REUNIÓN COMANDANCIAS GUIPÚZCOA Y VIZCAYA

En la reunión que se mantenga con las Comandancias de Guipúzcoa y Vizcaya se deberán tratar los siguientes puntos:

- Las Comandancias deberán controlar entre las 09:00 y las 13:00 horas a los siguientes objetivos: Asier ECHAVE (Guipúzcoa), José AIZPURUA (Guipúzcoa), Juan JAUREGUI (Guipúzcoa), Saioa AGUIRRE (Vizcaya), José GALLASTEGUI (Vizcaya) y Erramun LANDA (Vizcaya).
- Las comandancias deberán disponer de dos células de detención para efectuar las detenciones de los abogados.
- Los detenidos deberán ser custodiados en los calabozos de las Comandancias hasta la llegada de los autos para las entradas y registros. Recogida de los efectos personales de los detenidos. TRATO EXQUISITO.
- El trato con los abogados (Arantxa, Jon e Iker) y con Erramun LANDA será EXQUISITO en todo momento, desde su detención, traslado y llegada a Madrid.
- Para los registros de Jon EMPARANTZA e Iker SARRIEGUI se montará un único equipo de registro que primeramente registrará el despacho de abogados de ambos y posteriormente registrará los dos domicilios de Jon EMPARANTZA. En relación con Iker SARRIEGUI, desde el momento que se finalice el registro del despacho de abogados, se trasladará a Intxaurreondo para su salida en furgón policial hacia Madrid.
- Para los registros de Arantxa ZULUETA y Nahia ZURIARRAIN se montará un único equipo de registro que primeramente registrará el despacho de abogados de ambas y posteriormente los domicilios de Arantxa ZULUETA y Nahia ZURIARRAIN.
- El traslado a Madrid de los detenidos Arantxa ZULUETA, Jon EMPARANTZA, Iker SARRIEGUI y Erramun LANDA se hará con FURGÓN POLICIAL.
- Hay que tener en cuenta que los detenidos deberán pasar reconocimiento médico forense antes de ingresar en los calabozos de las respectivas Comandancias y también con anterioridad al traslado a Madrid.
- El estudio de la documentación incautada en todos los registros, excepto los de los abogados y el de Nahia ZURIARRAIN, es responsabilidad de las Comandancias. Para comunicar aspectos de interés para la investigación se lo deberán comunicar al Oficial

de Fuentes responsable de IC,s. Por parte de las Comandancias se deben confeccionar las actas lo más detalladas posibles para evitar de esta manera tener que precintar/desprecintar documentación.

- Toda la documentación incautada en los registros de los abogados, deberá ir precintada y trasladada a las dependencias de UCE 1 en Madrid. Por parte de UCE 3 se dispondrá de 3 equipos de clonado; dos de ellos para el material informático que afecte a los abogados y un tercero para el registro de Juan JAUREGUI.
- El tratamiento con los detenidos deberá perseguir el obtener una manifestación que ratifique las imputaciones judiciales que existen.
- Por parte de las Comandancias no se instruirá ningún tipo de diligencia.
- Por parte de las Comandancias no se dará cuenta a ninguna autoridad judicial territorial de las actuaciones que se realicen. Las comandancias solamente se encargarán de agilizar las gestiones con las secretarías judiciales territoriales y los Decanos del Colegio de Abogados.
- Todas las novedades judiciales correrán a cargo de UCE 1.
- Todas las novedades internas correrán a cargo de UCE 1..
- Por parte de las Comandancias se deberá confeccionar los IC,s correspondientes que deberán ser centralizados por el Oficial de Fuentes responsable de IC,s.

* Diben 3 Documentos; (2 SS y 1 Billo).

- Todos a S.S.

* Trabajos en un coche. Monobluven.

- A la recepc. (Peinado). // al coches.

* Se confiere de lo de

* VES. - Procura. CILLI. (

• Coches e registros. Se pautan. y a la Coman.

¿Quién esq. máxima Abogado?

¿Plato? Sin muestra qual.

• Hora Mañana.

David PLA	UCE 1 (TK + EK)	No se realiza registro en España.	UCE 1 (EK, Lalo, Eco y Bospin)	Jefatura	EK, Lalo, Portela, Eco y Bospin.
Jon EMPARRANTA AGUIRE (340588)	Guipúzcoa	Domicilio (borda)	AK + TK + KK + OAO + UCE 3 + Guipúzcoa. Material precintado a Madrid. Camino Anzer de L. Guevas nº 54, SS.	Tres Cantos	
		Domicilio	AK + TK + KK + OAO + UCE 3 + Guipúzcoa. Material precintado a Madrid. c/ Oribelena 4, Rte. Loma CM. SS.		
		Despacho	AK + TK + KK + OAO + UCE 3 + Guipúzcoa. Material precintado a Madrid. c/ Antzivila 7 bajo Alami		
		Domicilio	FK + LK + OAO + UCE 3 + Vizcaya. Material precintado a Madrid.		
Arantza ZULUETA	Vizcaya	Despacho	FK + LK + OAO + UCE 3 + Vizcaya. Material precintado a Madrid.	Tres Cantos	BK, Mancera, JJ y Acuña
		Domicilio	No se realiza registro en España.		
Iker SARRIEGI AGUIRE (4.4. N. L. 6787)	Guipúzcoa	Despacho	AK + TK + KK + OAO + UCE 3 + Guipúzcoa. Material precintado a Madrid.	Tres Cantos	
		Domicilio	Guipúzcoa (clonadora propia)		
		Domicilio	Vizcaya		
		Domicilio	Guipúzcoa + UCE 3		
Aster ECHAVE Erramun LANDA	Guipúzcoa Vizcaya	Domicilio	Vizcaya (clonadora propia)	Jefatura	Guipúzcoa
		Domicilio	Guipúzcoa + UCE 3	Tres Cantos	BK, Mancera, JJ y Acuña
Juan JUAREGUI Saioa AGUIRRE	Guipúzcoa Vizcaya	Domicilio	Guipúzcoa + UCE 3	Jefatura	Guipúzcoa
		Domicilio	Vizcaya (clonadora propia)	Jefatura	Vizcaya
José AIZPURUA	Guipúzcoa	Domicilio	Guipúzcoa + JK	Jefatura	JK, Killer, Gitano y Lozano
José GALLASTEGUI	Vizcaya	Domicilio	Vizcaya	Jefatura	Vizcaya
Nahia ZURIARRAIN	Vizcaya	Domicilio	FK + LK + OAO + UCE 3 + Vizcaya. Material precintado a Madrid.	Jefatura	ZK, Roger, Papito, Gorika y Dani
		Despacho	FK + LK + OAO + UCE 3 + Vizcaya. Material precintado a Madrid.		

10 GAR

OF

2 GAR
CRISP.
AK
EK

12

1 SS.

15

Restonda Gabrieta
FRONTUL

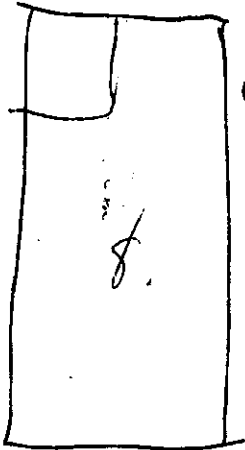
4 S.S.
2 vrel.



EK
2 SS.



GAR.
VK
Securiz.
2 CMI.



GAR
JK
CMI.
2 OAO.
3 vrel.

Regalo (prioridad).

- Zonas comunes.

- Ker (3)

- Jan. (4)

Despacho

* 1º (3 GR)

↳ Buscar zona por todo.

- Copia + 3 (2 report + 1 video) } dejar, dejar

- 6 GAR + EK + AK

* 2º (GR + Furgoneta).

- VK, PAV + Cochera | GAR.

- Furgoneta | 2 cas 3 + VK
2 cas 1

Cochera

- Se estrenan.
7 pintado

Iker A3 Negro SS9347BC

Jan WOLSWOOD KARANAU AZUL 6729 BKB

Despacho

- En 1 code => Paredes + Iker a Juzgado de SS. (reconocimiento).

Casa familiar

Borda

Asignad GAR (Ab + 3 GC).

Trapes

- copia => Dar a Juzgado de S.S.

Junes: Reunión plater, Txarli, Lakitz, Salva y Jone
- alvaro de calabazas.
- alvar rellenar los calabazas.
↳ alvar y rean los calabazas.

C. Reana
C. Repta

REGISTROS

GUIPÚZCOA:

	Jon EMPARANZA AGUIRRE	Domicilio particular Despacho de Abogados	Secretarios Audiencia Nacional
	Iker SARRIEGUI ECHAVE	Despacho de Abogados	Secretarios Audiencia Nacional
2	Asier ECHAVE AZCUE	Domicilio particular	Secretarios Audiencia Nacional
1	Juan M ^a JAUREGUI ZALAKAIN	Domicilio particular	Secretarios Audiencia Nacional
3	Jose Domingo ALZBURU ALZBURU	Domicilio particular	Secretarios Juzgado San Sebastian (ex parte) <i>Jos. Duran</i>

VIZCAYA:

	Aranitza ZULUETA AMUCHÁTEGUI	Domicilio particular Despacho de Abogados	Secretarios Audiencia Nacional
	Naia ZURRIARAIN	Domicilio particular Despacho de Abogados	Secretarios Audiencia Nacional
	Jose Luis GARCIA BASTO GARCIA	Domicilio particular	Secretarios Juzgado Guernica (ex parte)
	Enio AGUIRRE	Domicilio particular	Secretarios Juzgado Durango (ex parte)
	Ernesto BARDA MENDI BARDA	Domicilio particular	Secretarios Juzgado Bilbao (ex parte)

TELEFONOS DE INTERÉS

GUPÚZCOA:

• JUZGADOS TERRITORIALES:

San Sebastián	San Sebastián	CUATRO	8 AL 14 ABRIL	688/67 30 62	688/67 30 63	943/00 07 05	943/00 07 20
Usurbil		CINCO	15 AL 21 ABRIL				
Hernani							

• COLEGIO DE ABOGADOS DE SAN SEBASTIÁN (GUPÚZCOA):

- Teléfono: 943/44 01 18
- FAX: 943/42 06 20
- Móvil Tlf particular Decano del Colegio ABOGADOS 670496868

• GUARDIA CIVIL:

Arifin

Opel Ashir

Nummer: 0196 GCW

Edler atul

ANNEX II

**Excerpts from testimonials by the people
arrested during the police operation ordered by
Judge Grande-Marlaska with the Audiencia
Nacional in September 2010**

Police operation against Ekin, September 2010

Excerpt from testimonies by incommunicado detainees:

Eneko Compains Silva:

"During the search I asked the court clerk to please put on record that I did not want to make any statement at the police station, and that I would only testify before the judge. She told me that the record was already closed but that she would take note of that in the next search. The Guardia Civil officers did not like that at all. "What the hell are you doing? Go on like that and you'll see! In Madrid it will be of no use to you! Now, you don't believe that you will not be testifying in Madrid, do you? You are on the wrong track, Eneko!". The clerk wrote down what I had asked her on the record of the second search and so I did sign that record; the others I didn't, because I was unable to follow the search, since it was carried out by 10 Guardia Civil officers all at once, and at times I was not present".

"Then they put me in the car to take me to Madrid. That is when hell began. It lasted for four days. When I got in the car they blindfolded me and as soon as I sat the officer to my right said: "We have five days, did you hear? Five days to do to you whatever we want to, got it? And, by the way, we have been told what you told the court clerk. Forget about it, because it is going to be completely useless to you, understood? You will testify just like anyone else, no one resists the Guardia Civil!". He made me crouch down, and did all the trip sitting on my back".

"The second time they took me to the forensic doctor, I decided to report what had happened. I told him about the beatings, the threats, the plastic bag, and he wrote it all down. He asked me whether I had been beaten five times or ten times, and I told him that "one hundred times maybe". He asked me if I was eating, drinking and sleeping, and I said no. I wanted to speak softly because I knew the Guardia Civil officers were behind the door but he spoke loudly, as if nothing was wrong. At the end, I told him I wanted to request a writ of habeas corpus. Initially he was distrustful and told me that he had to inform the Guardia Civil officers about that. I told him that that was impossible, and I insisted that he put that on record, and so did he in the end".

Rosa Iriarte Laset:

"I was put in a car. The threats, the questioning and the yelling started as soon as we left Iruñea. They gave me the testimony of torture of Ainara Gorostiaga (former prisoner from Iruñea) and made me read it out time and again. I got very excited. They threatened to do to me the same atrocities they did to her. Then they took off my glasses and blindfolded me. I spent the whole trip with their yelling, threats and continuous beatings and questioning. The questions were

asked by the two behind me at once, each one screaming to one ear, while the one at the front passenger seat from time to time decided whether my answer was right or not. I was very excited and scared. When they noticed I was falling asleep they made me go through the multiplication table. After a while, they began to put a plastic bag over my head. At the beginning they didn't tighten it fully but then they began to tighten it more and more. I felt like I was choking.

"I don't know how many sessions they did to me, but each press-up, each asphyxiation and the pain of the blows were building up on me. When they had the bag on my head, I often felt like I was going to pass out. I did nothing to defend myself, I was broken. In those occasions they said: "What are you doing?", "If you try to pass out, you'll see!", "So, you want to pass out and be taken to hospital, right? Don't worry, you'll be taken to hospital, but to the morgue, bitch!". It was all very frightening to me, as I knew they were capable of killing me".

"They took me to the judge. There the duty lawyer came up to me and told me: "Rosa, I'm the duty lawyer that was there during your statement to the police. You asked about me, I was the one behind you". I did not answer, I didn't know if I should believe him or not. Then, we walked into the judge's chambers. I didn't testify. I reported lightly the ill-treatment and torture I had suffered at the hands of the Guardia Civil and I recanted my testimony to the police, because it had been given under torture. Marlaska and the prosecutor asked me questions. From the very beginning I had made it very clear that I didn't want to testify, but they insisted, trying to make me say something. They did not succeed".

Joxe Aldasoro Jauregi:

The questioning began: the ones asking the questions were the ones that had driven me in the car. Since I was holding my ground I was ordered to do squats: while I was handcuffed and standing up, I had to bend my knees and touch my back and up again. They told me that I was going to do 150. When they asked a question and didn't like my answer they made me go faster. "You've done 80 so far, you are still a long way off, so, don't twist, don't stop, and when we hit 150, we start all over again". Before hitting the 150 they put a bag over my head. I did some squats with the bag over my head, and one of the times I was standing they tightened the bag at neck level. I could not breathe and I was choking. They loosened the bag and with it over my head they let me catch my breath. Then more questions again, and as I kept silent or they didn't like my answers, back to the squats. Two of them "helped me", holding me by my armpits, so as I did the squats faster, "Don't fall, you bastard, you aren't that tired yet!", with the plastic bag stuck to my mouth and then loosening it again. ~~With whom I had met, where, when... most questions~~ during that first session were of that kind. When I recovered a bit from it all, there came the questions again, the bag, the plastic stuck to my eyes, I was sweating, choking, extremely thirsty... When I began to answer what they wanted to hear, they stop tightening the bag, but they kept it over my head at all times".

Sandra Barrenetxea Díez:

"It all started in the other car. There were two of them at the front and two more at the rear, with me. I was blindfolded. They began to threaten me and to remind me things of my previous detention. The two sitting at the rear started to beat me, to push me, to yell at me and to insult me. I didn't say a word, not even my name, and they got more and more violent. They began to touch me, uttering sexist comments... They lifted my T-shirt and removed my bra. They took my trousers and pants down to my ankles by force, and they tore my trousers. The one at the front forced my legs open, while the others were yelling at me, threatening me and hitting me on the head. At one point, they let me free and I was able to put my clothes back in order. They put a plastic bag over my head on two occasions and they placed a gun in my right hand, saying it was "orphan". Every so often, they let me alone for me to calm down, but they would start again before long. They were constantly humiliating me and making fun of me".

"In Madrid I saw another physician, 'Monje' he said. I reported the treatment I was receiving, every time I was taken to him, but he had a shameful attitude, questioning everything I told him. He did write it down, but sometimes I had to urge him to do so. He didn't ask me anything, he did not examine me, I had to insist to have my blood pressure taken, to which he asked "for what?". I asked him to check my neck, because it hurt so much, so after feeling it a little bit he told me that I didn't have anything but that, in any case, given that I wasn't eating I couldn't take anti-inflammatories. I told him that my period was late and he said that I shouldn't worry if it was just a few days. I told him I couldn't sleep due to the floodlight and he said "well, that's the way it's got to be"... He told me the time and the day, and sometimes he asked me too, but if I got it wrong (sometimes with a discrepancy of 12 hours) he didn't note it down. He didn't do any check-up, or tests or anything on me. The only thing he would ask was "how are you?" and "have you been bothered?", but then when I answered, he put it into question".

"At the Audiencia Nacional I asked to be seen by the forensic doctor, and there came Mr. Monje. I told him that I had asked to see him to make sure that the report got to the court, but since it was the same physician, I didn't tell him anything else.

I sat across from Marlaska and he started to explain my rights. I told him I was not going to testify but that I wanted to put on record that I had been subjected to ill-treatment at the Guardia Civil station. After I said that, he began to ask me questions. When he was done, I gave my testimony of torture and when I was finished, he said to me: "The events you have just recounted are indisputably serious, as this kind of behavior is totally unacceptable... Nevertheless, you have not been forced to make any statement to the police, despite the treatment received". I told him I had the right not to testify, and he told me: "Yes, but then, that

treatment was not aimed at forcing you to testify". I told him that I didn't know, that they hadn't told me. "But you weren't made to learn your statement by heart". I told him no. "Your account was very well arranged in terms of time, as if you had managed to follow up each day as they went by. How did you manage?". I told him that when I saw the doctor he told me the day and the time, and that if he didn't, I asked him. "But, did he tell you, or did you ask him?". "Both", I answered to him".

Ugaitz Elizaran Aguilar:

I got to the police station on Tuesday evening. It was not long before I was taken from my cell to the interrogation. That was the harshest interrogation, and the one when they broke me. All that ensued was a consequence of what they did to me during that interrogation, of the fear, the weakness and despair I felt after that. They put me on a corner and made me do sit-ups. They knew from the searches that I couldn't even stand on my feet, and they made me get up and down on my tiptoes again and again. They would grab me by the arms, pushing me down and pulling me up, until I was totally exhausted. I was sick and dizzy and was falling to the sides all the time, and they would yell at me "don't you dare fall", "don't be stupid", and things like that. While I was doing the sit-ups they shook a bag around my ear to see if I could guess what it was. Then, they put it in front of me for me to see it from under my blindfold. They put the bag crumpled into a ball against my face, against my nose and against my mouth, without making me choke but as a threat. Then, they put it over my head, and pull it down over my forehead. That made me more and more nervous and scared. The last step was to pull the bag down to my neck, while they had me doing these exercises. All of a sudden, they sat me down and put a big wet towel around my neck. They grabbed me from the arms and keep on pulling down the bag; if they didn't put anything on the bag, I could grasp some air, but with the damp cloth on, they manage to close the bag totally.

All at once, they did the "morcilla" to me. They threw me to the floor, on top of a piece of foam rubber with the arms stuck to my body, and they wrapped me with that foam rubber and tied me up with sealing tape. They only left my head out, with the damp cloth on my neck, and even when I was lying on the floor they kept on doing the "bolsa" to me. From time to time, I don't know how, I "managed" to raise a hand to my neck and to remove, open, or tear it. It is very harsh when you feel like you are suffocating, because you believe you are going to pass out, and you even wish for it. But you see that it all goes on and on and that you don't pass out. The little strength I had left was precisely in hope that I would eventually pass out: "next step I pass out for sure, I cannot take it anymore". You have real hope, until you lose it. I'd say that that was the end of that, but for me there were some more steps left. I lost my mind 3 or 4 times, I don't know if I did lose consciousness.

"Our next trip was to see the forensic doctor. Asked about the treatment I was receiving, I told him that as long as my lawyer wasn't present, I wouldn't be saying anything. I asked him to take my blood pressure and he told me it was normal, which I found unbelievable. That was repeated every day. He advised me to eat and, since I told him that I felt sick to my stomach, he advised me to drink plenty of water. And to try to get some rest. That first time he saw the marks on my arms, which I hadn't seen when he had taken my pressure (in Gasteiz, the other supposed physician hadn't seen the marks). The doctor told me that most probably they had been caused during my arrest, and he wrote that down on his report. Four small bruises on the inner side of the biceps, from grabbing me tightly with their fingerprints".

"When they took me to the judge's chambers, he asked me if I wanted to testify and if I was going to answer his questions. It was him who had ordered my incommunicado detention, so the first thing I told him was that as long as the incommunicado regime was not lifted and I could speak to my lawyer I was not going to answer to any questions, and that my will was not to sign anything as long as I was held incommunicado, and that as I had told the court clerk, all I had signed while at the hands of the Guardia Civil had been done under coercion, threats and unbearable tortures. I told him that at that point I was not going to go into further details, but even so I gave him a brief summary.

The judge looked at me as if he didn't care and told me that even so he was going to ask me some questions, for the record, and that if on hearing them I wanted to answer, change my mind or add something, I would later have the chance to do it again. I didn't answer his questions. Then he asked me if I wanted to add anything, and at that time those still in the hands of the Guardia Civil came to my mind. I told him that for the past days I had heard the other detainees, that I heard them screaming during the interrogations, and how they took them from the cells and back weeping, and that they were told the same things they had told me when I was taken to the my cell (that they should take some rest), and that I could also hear them throwing up. That no doubt they too had received a treatment similar to mine and that although some, like me, had been taken to the Audiencia, I had reasons to believe that others were still there. I was convinced that their treatment would not be no different, and that they were being tortured, and that he had to put an end to that situation".

Egoitz Garmendia Vera:

"At first I thought "don't worry, they won't let you die, they will take the bag off of your head", but I felt I was choking, and there they were, jumping on top of me with a hand over my

nose. At some point I saw a white light, and the next thing I can remember is that the bag was gone from over my head. I think I lost consciousness. This situation was repeated over and over again: they had me wrapped in a blanket, lying on a mattress, sweating, and every time I tried to grasp some air they poured water on me, so increasing the feeling of suffocation. When the interrogation was over they soaked me from head to toe, and I remained with my clothes soaking wet. When they took me to my cell they got me naked and they wrapped me in a blanket, for me to get warm. That happened once and again. They told me that they had as many bags as they wanted, that they didn't care if I died there, that they still had plenty of time. They spat in my face every time they removed the bag".

During the incommunicado period the forensic doctor would come to see me twice a day. I told him about how I was being treated and wrote down some things. The first day I noticed a wound on my neck and on another day I showed him the wound I had in my lips, but I don't know if he paid much attention... I felt like he couldn't care less. He would only take my pressure and my pulse.

When I was taken to the judge, he showed me the statement I had made to the police, and I told him that all I had said in that statement had been said under torture. I told him about the torture I had suffered, in detail, and I denied everything. The duty lawyer asked me if I was going to answer his questions, and I told him that he could ask them and that I would decide whether to answer or not. He asked me about the torture, if I had told the doctor about it, how it all went... and then he asked about the statement to the police, if I had been made to learn it by heart, if I had telepathy with the other detainees, if I had had the chance to see him, if I had been able to read what I had testified or to see the papers... In view of that, he said that he hadn't been allowed to carry out his duty of defense, he totally challenged my statement to the police, as it looked like I had learnt it in advance and, also because I had used the exact same words as Rosa and Urko, and he asked how it was possible for three persons, which were held incommunicado, to give identical answers, without a moment's reflection, automatically.

Aniaiz Ariznabarreta Ibarluzea:

"Before long they came back for me. They arranged the interrogation just like the second one, but this time they had me standing up. They said my privileges were over, that "you have fooled us and now you are going to pay" and they took my trousers and pants down (first, they ordered me to do so, but I refused). Then they began to ask me questions, to beat me, to insult me, and to yell at me, all at once. In one of the pushes I pulled up my pants, and when they noticed: "What do you think, that this is a fashion show?!", and they pulled them down again.

Then they began to humiliate me: I had my period, and they laughed at the sanitary system I was using, at my body, at my boobs. They pulled up my T-shirt, and one touched my boob as he were honking the horn, while the others were laughing. They threatened to put a stick up my ass (that threat was constant, both at the car and during the interrogations), they were obsessed with it. They ordered me to get on all fours, but I didn't. Then they began to argue what my worth could be as a woman, what use I could possibly have. The one to my left said that he was clear what he would do to me, and told me to open my hand and to hold his penis. That I put out my hand, and I said no. He held it open and placed a tube in my hand (from under the blindfold I could see that it was a metal tube lined with rubber). When he let go of my hand, he turned around, grabbed my hips and made as if he were screwing me in the ass. The others were laughing their heads off. Later on they asked if I was tired, and if I wanted to sleep. I said yes, and so he took my hand and said that we were going to sleep together, and that we were going to enjoy it very much. He grabbed me from my arm and said, "today we are going to sleep together".

Erika Bilbao Barcena:

"The sensation of suffocation is unbearable and I am about to lose consciousness. They take the bag off of my head, they shake me, and they release my hands. I have trouble breathing, but I am still alive. I think that they took the bag off, because they too got pretty nervous. But when they see I can breathe they beat me and yell at me. I'm dizzy, I am at a loss and I am done for. Then they yell at me that it has only just began, and they place my hands on a hard tube. They tell me to feel it thoroughly, and they threaten to shove it up my butt, and up all the holes in my body. I hear laughter, it sounds like laughter of pleasure. There were a lot of people around me, touching me. They grab me again, I don't know what they are about to do, they start placing something over my head, they tie my hands behind my back, and put another bag over my head. I choke again... Then I broke, I can't take it anymore, and weeping, as I can, I admit all their allegations. Even so, the blowing and yelling didn't stop, they tell me over and over again that it's too late and that I'm lost. Crying, I say yes again, that things were as they were saying. I felt like I was going to have a nervous breakdown. All of a sudden, they took off my handcuffs and took me to my cell. I was weeping and Garmendia tells me that we have many days ahead of us and that, until they come back for me, I think through what I am going to do. I ask them to go to the toilet, and he takes me. I throw up, and that would be a constant, from that moment on.

ANNEX III

Order of dismissal of the allegations of torture filed by Beatriz Etxeberria, whereby the case was closed. The case was subsequently taken to the Strasbourg Court, which ruled against Spain

**JUZGADO DE INSTRUCCIÓN Nº 1
INSTRUKZIOKO 1 ZK.KO EPAITEGIA
BILBAO (BIZKAIA)**

BUENOS AIRES 6, 2ª planta - C.P./PK: 48001
Tel.: 94-4016458 Fax: 94-4016631

Diligenc. previas / Aurretziazko eginbideak 864/11

ILTRE. COLEGIO DE PROCURADORES
DE LOS TRIBUNALES DE VIZCAYA

Procedimiento origen/Jatorriko prozedura: /
N.I.C./IZO: 48.04.1-11/013174
Atestado n°/Atestatu zk.: DENUNCIA ESCRITA
Hecho denunciado/Salatutako egitea: Torturas/Torturak .

- 1 JUN 2011

Procurador/Prokuradorea: IDOLA GUTIERREZ ARISTYBARRETA
Abogado/Abokatua: ANA ITUÑO PEREZ
Representado/Ordezkatua: BEATRIZ ETXEBARRIA CABALLERO

BIZKAIKO AUZITEGIETAKO
PROKURADOREEN ELKARRO OSPETSUA

KOMANDA
ESCRITA

PROVIDENCIA

MAGISTRADO-JUEZ QUE LA DICTA: D/Dª ANA ISABEL GASCA LOPEZ
Lugar: BILBAO (BIZKAIA)
Fecha: dieciocho de mayo de dos mil once

Dada cuenta, por recibido en este juzgado el anterior exhorto debidamente cumplimentado por el Juzgado Central de Instrucción nº 3 de Madrid, únase a los autos de su razón a los oportunos efectos, teniéndose por aportado lo interesado por este juzgado, y queden las presentes actuaciones en la mesa de la proveyente a fin de dictar la resolución que proceda.

Lo acuerda y firma S.Sª. Doy fe.

Firma del Juez

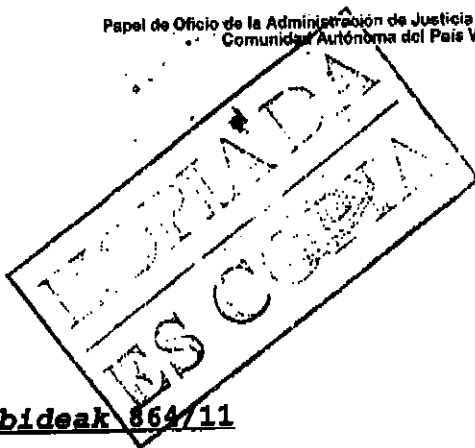
Firma del Secretario

PASAN exhortos befitzen
saur justizia dende.

EPEMUGA EKINA 6

**JUZGADO DE INSTRUCCIÓN Nº 1
INSTRUKZIOKO 1 ZK.KO EPAITEGIA
BILBAO (BIZKAIA)**

BUENOS AIRES 6, 2ª planta - C.P./PK: 48001
Tel.: 94-4016438 Fax: 94-4016631



Diligenc. previas / Aurretxiazko eginbideak 864/11

Procedimiento origen/Jatorriko prozedura: /
N.I.G./IZO: 48.04.1-11/013174
Atestado n°/Atestatu zk.: DENUNCIA ESCRITA
Hecho denunciado/Salatutako egitateak: Torturas/Torturak .

Procurador/Prokuradoreak: IDOLA GUTIERREZ ARETXABAISTA
Abogado/Abokatuak: ANE ITUIÑO PEREZ
Representado/Ordezkatua: BEATRIZ ETXEBARRIA CABALLERO

ILTRE. COLEGIO DE PROCURADORES
DE LOS TRIBUNALES DE BIZKAIA

- 1 JUN 2011

BIZKAIKO AUZITEGIETAKO
PROKURADOREEN ELKARGO OSPETSU

AUTO

JUEZ QUE LO DICTA: MAGISTRADO-JUEZ D/Dª ANA ISABEL GASCA
LOPEZ

Lugar: BILBAO (BIZKAIA)

Fecha: veintiséis de mayo de dos mil once

HECHOS

ÚNICO.- En las presentes diligencias previas nº 864/11 se han practicado las diligencias encaminadas a determinar la naturaleza y circunstancias de los hechos objeto de las mismas..

FUNDAMENTOS DE DERECHO

PRIMERO.- Dispone el artículo 779.1.1ª de la Ley de Enjuiciamiento Criminal (LECr), que practicadas sin demora las diligencias pertinentes, si resultare que los hechos no son constitutivos de infracción penal o que no aparece suficientemente justificada la perpetración del delito, el Juez acordará el sobresamiento que corresponda.

SEGUNDO.- Aun cuando por la Sra. Beatriz Etxebarria Caballero se expusieran en su denuncia hechos que pudieran constituir un delito de torturas por parte de los agentes que intervinieron en su detención, traslado y custodia en calabozos a partir del día 21 de marzo de 2.011, ningún indicio mínimamente objetivable avala tales manifestaciones, por lo que ante la ausencia de indicios suficientes de

infracción penal, procede acordar el sobreseimiento provisional de las presentes actuaciones conforme al artículo 641.1 de la Lecrim.

Por la denunciante se refiere que desde su detención y registro domiciliario hasta su traslado a la comisaría fue objeto de un trato irregular al afirmar que le sujetaron con fuerza de los brazos, o la cogieron del pelo para llevarla hasta el salón. Afirma así mismo que durante su conducción a Madrid uno de los agentes le dio la opción de hablar desde el principio o no, y le colocó una bolsa sobre las manos, refiriendo haber sido objeto de golpes y collejas durante el camino, amenazas, y manifestando que le hicieron "la bolsa" en dos ocasiones. Refiere que una vez en calabozos fue desnudada y le fueron mojadas las manos y el cuerpo, poniéndole la bolsa en tres ocasiones y amenazándola con hacerle la bañera. Sostiene que la colocaron a cuatro patas sobre un taburete y le pusieron vaselina en el ano y en la vagina introduciéndole un objeto parcialmente, y tras propinarle golpes la zarandearon, siendo trasladada al día siguiente hasta una sala donde fue objeto de golpes en la cabeza y amenazas. Posteriormente sostiene que volvió a ser desnudada y conminada con una violación, manifestando que la sucesión de interrogatorios fue constante hasta que prestó declaración policial bajo presión e indicaciones policiales.

Sin embargo, del examen de los informes forenses emitidos por la clínica de Bilbao y la de Madrid, no se observa indicio objetivable alguno que avale tal versión de los hechos.

El primer reconocimiento forense practicado en Bilbao describe una serie de erosiones, en la zona de los brazos y muñecas que el propio médico informa resultan coherentes con maniobras de detención, reducción y sujeción con esposas. Durante su detención en Madrid, la denunciante fue examinada hasta en siete ocasiones por el forense. En ninguna de ellas se objetivó lesión física o psíquica alguna salvo las expresadas erosiones que se atenuaron en las sucesivas visitas. E incluso pese a afirmar la denunciante en su segunda asistencia al médico forense en Madrid, que había sido objeto de un intento de penetración con el palo de una escoba, manifestando en esa misma exploración que en realidad de vaselina en sus genitales y afirmando sin embargo en su denuncia que sí llegaron a introducirle en parte algún objeto, que en esta ocasión ya no identifica, no quiso, según se expone en el dictamen, descubrir, ni sus piernas, ni sus genitales, hecho que, de ser cierto lo expuesto por su parte, hubiera permitido con una sencilla exploración al forense constatar indicios de tales afirmaciones, cuando menos de la lubricación genital descrita. En las sucesivas exploraciones y pese a que en alguna de ellas refiere maltrato policial sin especial detalle, salvo su mención a la

recepción de collejas, no sólo no se objetiva lesión visible alguna, sino que su estado, en todo momento, es consciente, orientado en tiempo y espacio, tranquilo y dotado de un discurso coherente, lo que tan siquiera permite apreciar indicios de una alteración psíquica que pudiera estimarse coherente con los graves hechos denunciados. También destaca que, pese a sostener en su denuncia que durante el traslado a Madrid le hicieron la bolsa hasta en dos ocasiones, en su primer reconocimiento por el forense de la Audiencia Nacional se negara a ser explorada y afirmara que no había sufrido maltrato alguno durante la conducción salvo el hecho de ser conminada con la causación de algún daño a su familia y con "manosearle".

En definitiva, el relato contenido en la denuncia, ante las contradicciones expuestas y el resultado de las diligencias practicadas, resulta notoriamente insuficiente para valorar indicios de hechos de tal gravedad como los denunciados, especialmente cuando la denunciante, detenida por el cuerpo policial contra el que dirige su denuncia por su vinculación con ETA, asocia a tales hechos la declaración autoinculpatoria e inculpativa de terceros que prestara en sede policial, en presencia de abogado, lo que permite apreciar la posibilidad de un ánimo meramente espurio o interés procesal en sus manifestaciones. Así mismo, el reiterado traslado de la denunciante ante la Clínica Forense para asegurar su examen, hasta en ocho ocasiones en cuatro días, sin constatación de evidencia alguna de maltrato físico o psíquico, siendo las únicas lesiones compatibles con un acto de detención policial, privan a la denunciante credibilidad suficiente que justifique la prosecución de las presentes actuaciones.

Procede, por tanto, ante la ausencia de diligencias que puedan conducir a un mayor esclarecimiento de los hechos, acordar el sobreseimiento provisional de las actuaciones por aplicación del art. 641.1 de la Lecrim.

PARTE DISPOSITIVA

Se acuerda el sobreseimiento PROVISIONAL de las presentes diligencias previas.

Procédase al archivo PROVISIONAL de las actuaciones.

Notifíquese esta resolución al Ministerio Fiscal y a las partes personadas .

MODO IMPUGNACIÓN: Hay dos opciones.

PRIMERA: Mediante recurso de reforma y apelación (artículo 766.1 LECr).

Al interponer la reforma puede interponer subsidiariamente la apelación, por si no se admitiera aquélla (artículo 766.2 LECr).

PLAZO: Para la reforma **TRES DÍAS** (artículo 211 LECr).
Para la apelación, si se interpone por separado **CINCO DÍAS** siguientes a la notificación del auto desestimando la reforma (artículo 766.3).

SEGUNDA: Mediante recurso directo de apelación, sin previa reforma (artículo 766.2 in fine LECr).

PLAZO: en el término de **CINCO DÍAS** desde la notificación del auto recurrido (artículo 766.3).

FORMA (COMÚN A LAS DOS OPCIONES): Mediante escrito presentado en este Juzgado, con firma de Letrado (artículo 221 LECr).

EFFECTOS (COMÚN A LAS DOS OPCIONES):
Los recursos de reforma y de apelación no suspenderán el curso del procedimiento (artículo 766 LECr).

Lo acuerda y firma S.S^a. Doy fe.

Firma del/de la Juez

Firma del/de la Secretario

ANNEX IV

**Forensic medical reports about Beatriz
Etxeberria; during her Incomunicado
detention**

D.O.A. U/I/I

an los particulares del tenor literal siguiente:

**JUZGADO CENTRAL DE INSTRUCCIÓN N.º 3
AUDIENCIA NACIONAL
MADRID**



PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 1 de marzo del 2011.

Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la Secretario Judicial, comparece el Médico Forense D. **JUAN-MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

Que siendo aproximadamente las 21.30 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, de 33 años de edad, con el siguiente Resultado:

Manifiesta que ha sido detenida sobre las 4 horas de hoy en su domicilio de forma violenta. Sabe que está incomunicada. Que ha realizado un registro en su domicilio en presencia de Secretario Judicial y que ha sido conducida a reconocimiento médico forense en Bilbao a las 14 horas y posteriormente conducida a Madrid. Que no ha sufrido maltrato físico pero durante la conducción le han dicho que iban a "hacer daño a su familia" y a "manoscarle". No ha querido tomar alimento sólo agua.

No alergias conocidas, fuma unos 15 cigarrillos/día, no bebedora ni consumidora de otras drogas.

A.M.: Hace seis meses, revisión por cardiólogo por presentar crisis vasovagales. Sin tratamiento. FUR 5 de febrero irregulares.

Preguntada, si quiere ser reconocida, manifiesta que no. Si me muestra los brazos, presentando en su cara lateral externa un área redondeada de unos 6x4 cm de coloración rojiza, dice que le han sujetado de los brazos en la detención y durante el registro. En lado radial de ambas muñecas presenta una marca eritematosa por colocación de esposas y una cicatriz antigua lineal en dorso del 1º metacarpiano por cirugía de tendinitis.

Resto no quiere se explorada.

Se observa normocoloreada, está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

Leído el presente, se afirma, ratifica y firma con SS y doy fe.

**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 2 de marzo del 2011.

Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la Secretario Judicial, comparece el Médico Forense **D. JUAN-MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

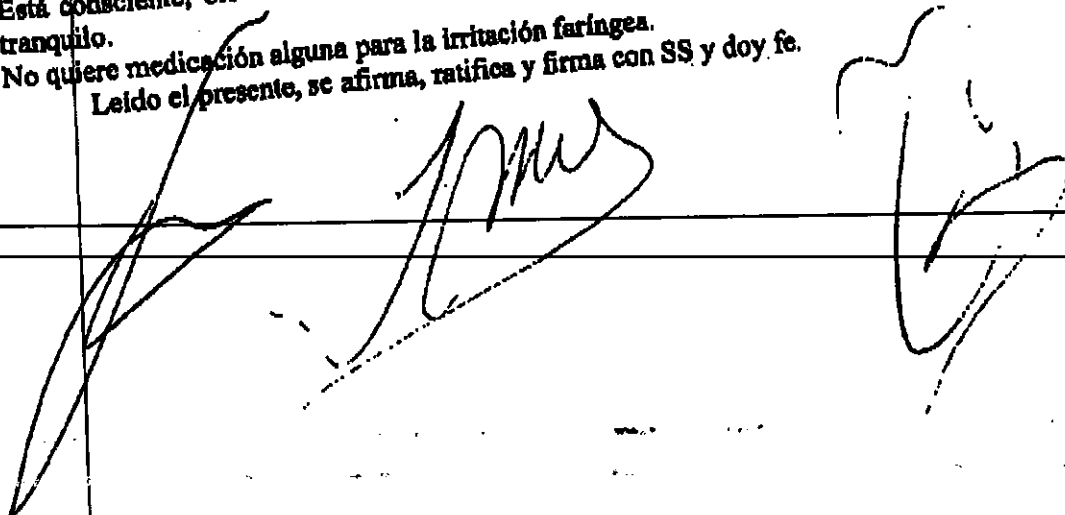
Que siendo aproximadamente las 10.10 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

Manifiesta que tiene malestar en la garganta, que no ha querido desayunar y tampoco quiso cenar, que ha dormido a ratos por la situación, ya que está preocupada. Que ha sufrido maltrato físico, que le intentaron introducir un palo de escoba por la vagina, sin llegar a la penetración, que le colocaron una bolsa de plástico en la cabeza (no sabe el color pues dice, que llevaba un antifaz), que no llegó a perder el conocimiento y también le echaron agua en el cuerpo para aplicarle electrodos, pero que no lo hicieron (sabe que eran electrodos por que se lo dijeron).

Preguntada, si quiere ser reconocida, manifiesta que sí.
Normocoloreada, pupilas isocóricas y normoreactivas, no puntos dolorosos en senda de pares craneales. Saburra lingual, sequedad labial, irritación de faringe izquierda, no adenopatías. Las áreas rojizas en brazos presentan una coloración más tenue. TA 110/60, 88p.m. auscultación C-P normal.

No se descubre partes íntimas ni extremidades inferiores.
Está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

No quiere medicación alguna para la irritación faríngea.
Leído el presente, se afirma, ratifica y firma con SS y doy fe.



**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 2 de marzo del 2011.

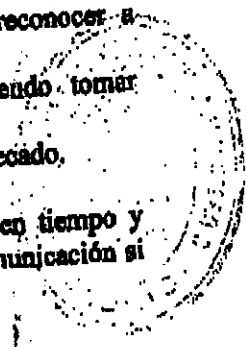
Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la Secretario Judicial, comparece el Médico Forense **D. JUAN-MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

Que siendo aproximadamente las 19.20 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

Manifiesta que continúa con molestias en garganta, no queriendo tomar medicación. Que no ha sufrido maltrato físico. Ha tomado jamón pero obligada. Sí ha bebido agua. Ha orinado y no ha defecado.

Preguntada, si quiere ser reconocida, manifiesta que no. Se observa normocoloreada, sequedad labial; está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes (pregunta cuando termina la incomunicación si antes o después de pasar por el juzgado), porte tranquilo.

Leído en presente, se afirma, ratifica y firma con SS y doy fe.



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**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 3 de marzo del 2011.

Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la **Secretario Judicial**, comparece el Médico Forense **D. JUAN-MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

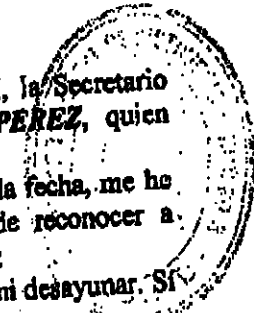
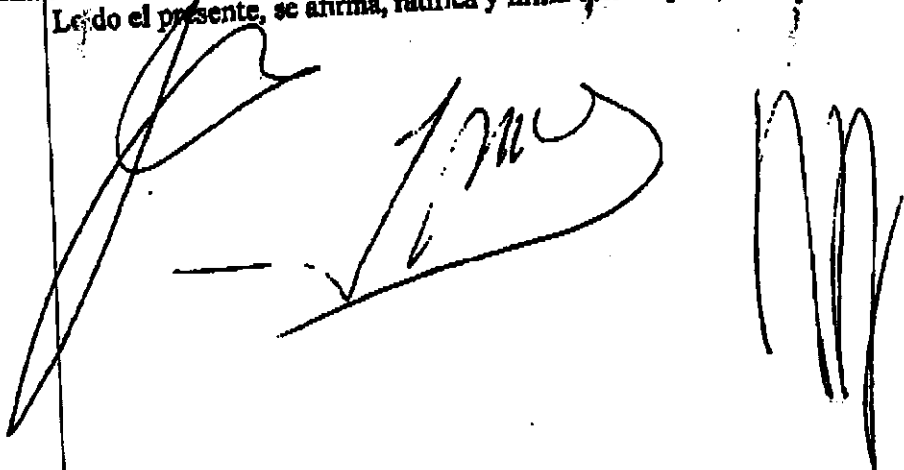
Que siendo aproximadamente las 9.50 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

Manifiesta que está marreada, a dormido a ratos, no quiso cenar ni desayunar. **SIN** orina.

Que no ha sufrido maltrato físico ni psíquico.

Preguntada, si quiere ser reconocida, manifiesta que no, sólo la tensión arterial. Se observa normocoloreada, sequedad labial; TA 100/60, no arritmias; está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

Leído el presente, se afirma, ratifica y firma con SS y doy fe.



**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 3 de marzo del 2011.

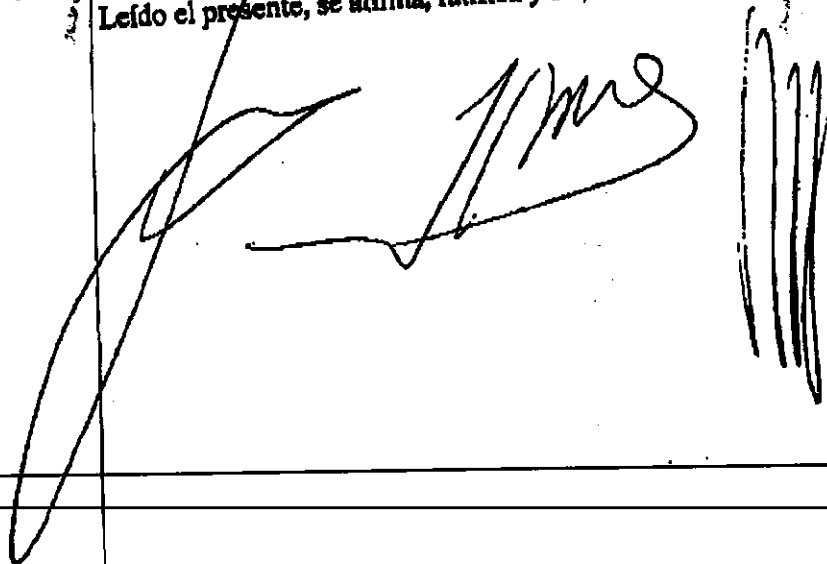
Ante el Ilmo. Magistrado-Juez central de Instrucción y de mi, la Secretario Judicial, comparece el Médico Forense **D. JUAN- MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

Que siendo aproximadamente las 19.05 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

Refiere que está bien, ha tomado un poco de sándwich de jamón y queso, agua y un poco de zumo. Que ha declarado con abogado de oficio hace un rato. Que esta mañana le han amenazado en relación a su familia (tiene padre, madre y un hermano de 36 años), cuando la han interrogado.

Preguntada, si quiere ser reconocida, manifiesta que no. Se observa normocoloreada, está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

Leído el presente, se afirma, ratifica y firma con SS y doy fe.

The block contains several handwritten signatures in black ink. On the right side, there is a circular official stamp, partially obscured by the text and signatures. The stamp appears to contain the name of the official and possibly the date or location, but the text is illegible due to the quality of the scan and the overlapping signatures.

**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 4 de marzo del 2011.

Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la Secretario Judicial, comparece el Médico Forense **D. JUAN- MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

Que siendo aproximadamente las 9.50 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

Refiere que está bien, si ah dormido, cenó un sándwich mixto y ha bebido agua, no ha querido desayunar.

Que no ha sufrido maltrato físico ni psíquico.

Preguntada, si quiere ser reconocida, manifiesta que no.

Se observa normocoloreada, está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

Leído el presente, se afirma, ratifica y firma con SS y doy fe.



Two handwritten signatures in black ink. The signature on the left is more fluid and cursive, while the one on the right is more vertical and stylized.

**JUZGADO CENTRAL DE INSTRUCCIÓN Nº 3
AUDIENCIA NACIONAL
MADRID**

PROCEDIMIENTO: D.P. 41/2011

INFORME MEDICO-FORENSE

Madrid a 4 de marzo del 2011.

Ante el Ilmo. Magistrado-Juez central de Instrucción y de mí, la Secretario Judicial, comparece el Médico Forense D. **JUAN-MIGUEL MONGE PEREZ**, quien Juramentado en Legal Forma dijo:

Que siendo aproximadamente las 19.05 horas del día de la fecha, me he personado en dependencias de la D.G.G.C. en Madrid, al objeto de reconocer a **BEATRIZ ETXEBARRIA CABALLERO**, con el siguiente Resultado:

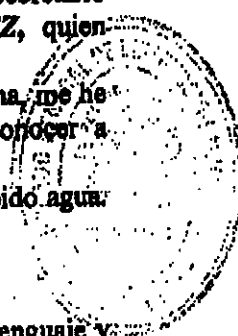
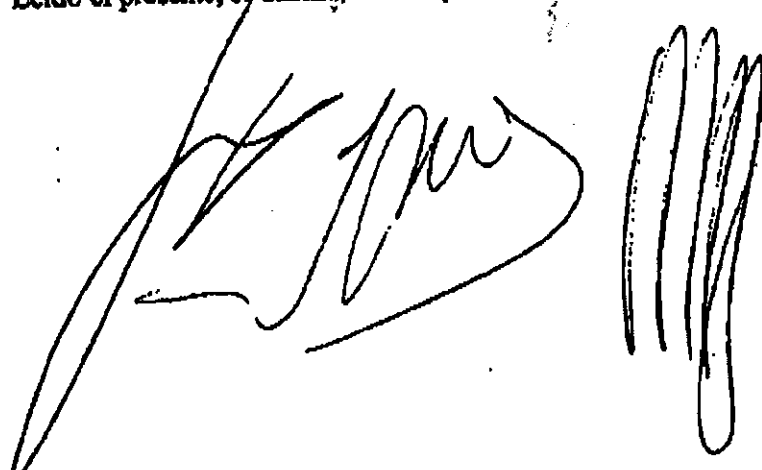
Refiere que está bien, ha tomado un poco de tortilla de patata y ha bebido agua. Que le ha bajado la regla y le facilitan medidas higiénicas apropiadas.

Que hace un rato le han propinado alguna colleja.

Preguntada, si quiere ser reconocida, manifiesta que no.

Se observa normocoloreada, está consciente, orientada en tiempo y espacio, lenguaje y discurso coherentes, porte tranquilo.

Leído el presente, se afirma, ratifica y firma con SS y doy fe.



No autográficamente fotocopiado original
relacionada con su original al que
y para que conste y un cumplimiento
manuscrito, expido el presente que firmo en
Madrid, a 31 de Mayo de 2011

Jeste [signature]

ANNEX V

**Deposition in court by detainee Iñaki Igerategi,
arrested in 2012, whose allegations of torture
have not yet made any progress**



**JUZGADO CENTRAL DE INSTRUCCION Nº 6
MADRID
C/ GENOVA Nº 22**

Tfno: 913970177/913973366

Fax: 913105581

MIG: 28079 27 2 2012 0000523

GUB11

DILIGENCIAS PREVIAS 22/12

DECLARACIÓN DE IMPUTADO

Nombre y apellidos: IÑAKI IGUERATEGUI LIZARRIBAR
Documento Nacional de Identidad: 72.443.244-Y

Naturaleza :

Fecha de Nacimiento : 13 de Agosto de 1969

Hijo de :

Domicilio : calle Aingurasutegi número 6-4º derecha de Andoain (Gulpúzcoa).

Teléfono :

En Madrid, a veintitrés de Febrero de dos mil doce.

Ante el Ilmo. Sr. Magistrado-Juez del Juzgado Central de Instrucción número Seis y de mí, el Secretario Judicial, comparece la persona arriba identificada asistida del Letrado DOÑA ATXARTE SALVADOR NAVARRO con carnet profesional número 6.158 del Ilustre Colegio de Vizcaya, quien previamente informado de sus derechos a guardar silencio, a responder únicamente a las preguntas que desee y a no declararse culpable, manifiesta lo siguiente a presencia del Ministerio Fiscal, asiste igualmente el intérprete del idioma euskera ANA CALVO GONZALEZ con Documento Nacional de Identidad 44172931-M.

Que con carácter previo designa a la Letrada DOÑA ATXARTE SALVADOR NAVARRO con carnet profesional número 6.158 del Ilustre Colegio de Vizcaya, ratificando el escrito que en este acto presenta de designación de otros letrados para que ostenten su representación en el procedimiento.

Se le informa de la imputación que contra él se formula consistente en **PERTENENCIA A BANDA ARMADA**

A instancias del Magistrado manifiesta: que se afirma y ratifica en las declaraciones presentadas en la Guardia Civil.

Que ha colaborado con ETA puntualmente pero no ha pertenecido a ella sino que los únicos compromisos adquiridos han sido puntuales de colaboración en funciones de lo que le pidieran.

Que esos compromisos los adquirió con una chica que no recuerda el nombre pero está en su declaración ante la Guardia Civil y que reconoció fotográficamente, cuando se le indicó el nombre de Oiana Garmendia manifiesta que no conoce el nombre.

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Su relacion ha sido el buzoneo de cartas para exigir el impuesto revolucionario. Que efectivamente le dijeron que repartiera la zona en que buzoneara de San Sebastián para abajo porque habia otra persona pero no sabe si esa persona era Otaño. Que ya no quiere continuar declarando.

A Instancias de la defensa manifiesta: preguntado si le han realizado interrogatorio delante de abogados, manifiesta que si que ha declarado con Abogado de Oficio nunca con Abogado de confianza. Que le han preguntado aparte antes de declarar con Abogado de oficio en un cuarto con los ojos tapados y sin abogado. Que le presionaron en relación con sus hijas y con su mujer dandole detalles de haberles seguido, diciendole que tuviera muy claro que el declarante colaboraba y que si no les daba lo que querian que irian a por su esposa, por lo que ha declarado parte voluntariamente y parte presionado, bueno toda la declaración presionado. No siendo cierto aparte de las citas con Thierry que estuviera recogiendo información.

Por el imputado se manifiesta que no quiere continuar declarando.

Que el Fiscal quiere protestar ante la actitud de la Letrada pues el declarante interrumpe su declaración para mirar las instrucciones de su Letrada la cual le gesticula con su cabeza diciendo que no ante ciertas preguntas.

Por la Letrada discrepa no habiendo interrumpido la declaración y siendo el gesto del declarante el normal después de haber sido detenido siendo natural que solicite asesoramiento letrado pues no lo ha tenido y continua sin tenerlo.

Leída la presente declaración, la firma el declarante por estar de acuerdo con su contenido, en unión de las personas presentes en este acto, de lo que yo, el Secretario, doy fe.

Handwritten signatures and scribbles, including a large circular mark on the left and several illegible signatures in the center and right.

Diligencia. he solicitado yo el recubrido por mi parte conbar que en la meridional noche se hizo verificación de lo mencionado de la intermedia Arre Calvo Comodor

quien en ese momento se encontraba en calaberos
habiendo manifestado el consentimiento, no obstante,
su deseo de declarar un intermite. Igualmente para
mejor servir que por lo referido al fin del acto
he solicitado la incorporacion de documentacion
relativa a su situacion familiar y laboral del p.

