

BY AIRMAIL

Minister of Interior Spain
His Excellency Jorge Fernández Díaz
Paseo de la Castellana, 5
28046 – MADRID, **SPAIN**

Amsterdam, 16 January 2015

Re: ARREST OF 12 BASQUE LAWYERS IN SPAIN

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned about the recent arrest of twelve of our colleagues. We have reason to believe their arrest is connected to their legitimate activities as attorneys.

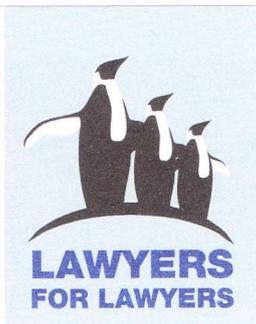
According to our information, on 12 January 2015, at 07h00 in the morning, 16 people, among them 12 lawyers (names below) were arrested by the police in the northern Basque Country, Madrid and Navarra, after a judge of the Audiencia Nacional ordered their arrest. Furthermore, their official premises were searched. They are suspected of 'tax evasion' and 'membership of a terroristic organization'. The lawyers were released two days after the arrests.

The names of the arrested lawyers are as follows:

1. Arantxa Aparicio
2. Aiert Larrarte
3. Onintza Ostolaza
4. Ainhoa Baglietto
5. Atxarte Salvador
6. Kepa Manzisidor
7. Jaione Karrera
8. Ane Ituiño
9. Amaia Izko
10. Haizea Ziluaga
11. Eukene Jauregi
12. Alfonso Zenon

Lawyers for Lawyers – as well as various other organizations - fears that the arrests of these lawyers serve to curb their legitimate activities as attorneys. According to our sources, the 12 lawyers that were arrested together represent 500 political prisoners that stand trial in the Audiencia Nacional. By arresting these lawyers the Spanish state not only prevented them from exercising their professional duties but also denied their clients the right to be represented by a lawyer of their choice. Furthermore, a trial at the Audiencia Nacional, the same court that ordered the arrest of the lawyers, against thirty-five suspected members of Batasuna (the banned political wing of the ETA) was due to start the day after the arrests. Four of the arrested lawyers were representing suspects in this case. This trial was suspended until further notice.

As a member of the United Nations Assembly, Spain is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to Articles 16 and 18 of the Principles in particular which state that:



16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, by arresting these lawyers the Spanish state also denied their clients the right to be represented by a lawyer of their choice, as stated under the European Convention of Human Rights Art. 6, Para 3, c: *Everyone charged with a criminal offence has the following minimum rights: [...] to defend himself in person or through legal assistance of his own choosing [...].*

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- To drop all charges against the lawyers mentioned above, and assure that any actions against them are taken in conformity with the Principles cited above and other international legal obligations binding upon Spain.
- Guarantee in all circumstances that all lawyers in Spain are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals, including disciplinary measures on improper grounds.

We thank you for your attention to this very important matter and look forward to hearing from you at your earliest convenience. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,
Lawyers for Lawyers

Adrie van de Streek
Executive Director

A Letter regarding the same subject was sent to:

- The Minister of Justice of Spain, His Excellency Rafael Catalá

Copies of this letter were sent to:

- Drs. C. van Rij, Ambassador of the Kingdom of the Netherlands to the Kingdom of Spain
- Mr Javier Vallaure, Ambassador of the Kingdom of Spain to the Kingdom of the Netherlands