

Dispatches from Basque Country

Part 1: Torture and Terrorism

By Malia Politzer

The police detained Aitor Mokoroa on a Sunday in 2002. It was a cool day in early September in San Sebastian, a Basque city on the northern coast of Spain, and the sky was a dismal grey, threatening rain. Aitor had just gotten back from a weeklong hike with some friends in the Pyrenees Mountains the night before. Tall and athletic, with a stocky build, messy brown hair, and a mischievous glint in his dark brown eyes, the gregarious 21-year-old was generally considered to be a “good kid” by his neighbors and family; he was studying in college, had a wide circle of friends and a part-time job working as a student-coordinator at an NGO that worked with poor youth. Native to San Sebastian, Aitor had grown up amidst violence: Long considered a stronghold of ETA (Euskadi Ta Askatasuna, Basque Fatherland and Liberty), a Basque separatist group and terrorist organization seeking independence from Spain, the city has been the site of numerous bombings, kidnappings and murders since the founding of ETA in 1959. The occasional sounds of bombs and gunfire were a part of his childhood. So too were stories of abuse by police, and torture. Keenly aware of the risks that came with political activism in Basque Country, Aitor actively avoided politics, only occasionally attending rallies with friends, and generally preferred to spend his free time with friends and family, or out in nature, hiking.

He hadn’t bothered to take a cell phone with him on his trip, and returned home late at night, going to sleep directly after eating dinner, because he’d felt ill, so he hadn’t heard about the riots that had engulfed San Sebastián over the past week — violent protests in response to the illegalization of Batasuna, a Basque independence political party. He didn’t know about the burned out cars, or the vandalized shops, windows broken by angry protestors, or about his friend’s role in setting an empty bus on fire, nor did he know that that same friend was now languishing in jail on terrorism charges. So when he pulled into his friend’s driveway the following afternoon, opening the garage door with a spare key to return a tent he’d borrowed for his trip, he was caught off-guard. The two police

officers, both in street clothes, had been waiting outside the house for someone like Aitor to come since his friend’s arrest, and he’d scarcely had time to put away the hiking equipment before the officers rushed him, pistols out, and ordered him to freeze. He was cuffed, and roughly shoved into the back seat of the officers’ car, where he would remain for the next few hours, while more officers arrived to search the garage. The police gave Aitor no reason for why he was being detained. Nor would he get the opportunity to call a lawyer, or his parents to tell them that he’d been taken. No one would know anything about what happened to Aitor for five days.

He was surprised again when the two of the officers slid into the backseat next to him, one on either side. One put a sack over his head, blinding him, and shoved him down, forcing his head between his legs. Aitor felt the car pull away from the curb, and was gripped with an icy fear: Until that point, he’d maintained hope he might be released. The officers ignored his questions about why he was being detained, and where they were going. After driving for about half-an-hour in uncomfortable silence, one of the officers said, “We’ve crossed into Navarra. Now we are in Spain. Let’s stop the bullshit.”

Then, the beatings began.

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Three years earlier, a young man named Akil (named changed at his request) was taken into custody by the Spanish police for his association with a group called HAIKA, a pro-independence youth group claiming to want to unify Basque youth living in Spain with those in France. Although the organization was legal when he was detained, it would soon be declared a part of the youth wing of ETA. Akil would be held incommunicado for 10 days, during which he claims to have been beaten and choked. Under torture, he would name several other members of his group, who would later

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be detained by the police. Eventually, he would be released without being charged, though he would eventually serve time for distributing ETA propaganda. Several of the people he named while under torture, however, would end up in prison, as confirmed members of ETA.

Shaped by decades of grappling with ETA, one of Europe's longest-standing and most violent terrorist organization, Spain was one of the few Western countries to have evolved anti-terrorism legislation pre-dating 9/11, which has long been considered among the most sophisticated and well developed in Western Europe. Thanks to Spain's persistent ongoing anti-terrorist strategies, ETA declared a permanent ceasefire in 2011. Then, last January, ETA surrendered some of their arms — a token gesture meant to instill confidence that they are serious about giving up violence, though they have yet to formally disarm or disband. After 40 years of continuous violence, death, and destruction, ETA's reign of terror appears to be over.

But even while Spain's official anti-terrorism policies have garnered praise for their effectiveness, their byproducts — the erosion of the civil liberties and the brutal treatment used by police and the *Guardia Civil* against terrorist suspects — are facing increasing international scrutiny. Over the past decade, The Coordinator for the Prevention of Torture, a Madrid-based NGO, has documented thousands of complaints of torture by the Spanish police, only a few hundred of which have been investigated. Also controversial is the use of "incommunicado" detention, during which terrorist suspects are held in police custody, without access to legal council of their own choosing, or an independent doctor, leaving them vulnerable to abuse.

Now, Spain's anti-terrorism policies are poised to expand. Earlier this month, in the wake of the Charlie Hebdo killings in France, the Spanish parliament passed several sweeping changes to Spain's anti-terrorism laws, raising concerns amongst human rights groups about their potential impact on civil liberties — particularly the right to peaceful protest. The Citizen's Security Bill, nicknamed the *ley mordanza* (gag law) by opponents, imposes €30,000 (about US\$34,000) fines on people who take footage of police officers (a tactic frequently used by protestors to prevent and/or prove the excessive use of force by police, but which advocates of the bill say endangers the police and their families), and up to €600,000 (about US\$682,000) on individuals participating in demonstrations outside parliament buildings or other key installations, such as occupying banks, or impeding evictions — a tactic frequently used in recent years by Spanish activists seeking to delay foreclosures. Those insulting police officers could be fined up to €600, and burning a national flag could cost the perpetrator a maximum fine of €30,000. Advocates for the new law claim that it is necessary to maintain public order and protect government bodies in an age of terrorism, while opponents insist that it is an attempt to shut down lawful citizen protests against anti-austerity measures.

The new legislation will also alter the penal code to

expand the definition of terrorism to include acts that "disrupt public order," or "intend to challenge the constitution," or "[make] resistance" against public authorities, as well as "recklessness," including unwittingly supporting a terrorist enterprise. This effectively transforms acts that would previously have been considered civil disobedience or, at worst, misdemeanors into acts of terrorism against the state.

While some of this legislation is new to most of Spain, aspects of laws have been active in Basque Country for quite some time. "Pais Vasco is where they test anti-terrorism policies. The difference is now they are expanding them, and extending them to the entire country," explains Amaia Izko, a lawyer with 20 years experience defending terrorist suspects in Basque Country. Izko believes that the new expanded law will lead to more civil rights abuses by Spanish police, based on the cases she's seen in the north of Spain. "'Civil liberties' have a different meaning here. You can be put in jail for several years on suspicion of terrorism even before seeing a judge or being convicted. Terrorism suspects in Spain have no real rights."

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When the police led Aitor to the backseat of their car, he feared torture, but he didn't expect the violence to start so soon. The car ride to Madrid took five hours. During that time, the police officers in the back seat forced Aitor to sit with his head between his knees, while they punched him in his side, the small of his back, his ribs, and his kidneys, demanding he tell them what he was doing at his friend's house, and what he was looking for in the garage. By the time they reached Madrid, Aitor had trouble walking. The police half-dragged him to a small, cramped cell, furnished with little more than a yellow foam mattress on the floor and a dirty blanket, where the painful interrogations continued for hours. The officers believed that he and his friends were members of ETA; after searching his car, they'd found a letter that he had written to a friend jailed on terrorism charges. They [believed] [were certain?] the letter was proof of his ETA affiliation, and they meant to extract a confession from him. When he didn't answer the officers with the 'right' answers, he says that they sexually abused him, punching and squeezing his testicles, and threatening to attach electrodes to them, and electrocute him. Then they left him alone in his cell, where he was kept awake by the horrific screams of other detainees. "The worst part of the interrogations isn't the pain, but the fear," he remembered. "You are entirely at their mercy, and they can do anything to you, and you *know* they can do anything to you, and there's nothing you can do about it. That fear wears you down. It turns you into an animal. After a few days, I didn't feel human anymore. I felt like meat."

In Spain, under the penal code, the police are permitted to hold and question people suspected of terrorism *incommunicado* for up to 13 days with the permission of a judge. During that time, the detained has no right to any

outside communication, even to let family members know that they've been arrested. Although they are allotted a state-assigned lawyer, and a visit from a state-assigned doctor, Aitor says he never saw either during the duration of his detention, though he'd requested both. At any time, the police may take him to an officially designated officer, called a *coordinador*, make a written "declaration", a statement that becomes a legal document signed by the detainee. These statements are presented to the judge at the end of the suspects' detention, and often spell the difference between freedom and incarceration. This may happen as many times as the police deem fit during detention.



Aitor with his two children.
Photo provided by Aitor.

The use of incommunicado detention is one of the more controversial techniques used by Spanish law enforcement, drawing frequent criticism by organizations such as Amnesty International and Human Rights Watch for the potential for abuse. Although detainees have the right to a state-appointed lawyer, they are not permitted to meet with them confidentially, and lawyers are unable to intervene or to provide legal assistance to the detainee during interrogations, which human rights advocates say render legal aid useless, as such statements can later be used against the defendant in court.

Between beatings, Aitor says that the police dictated to him exactly what he was to say during his declaration: That he and his friend were part of ETA, and that he'd gone to his friend's garage to remove critical evidence that would have proven his friend's guilt. After hours of beatings and sleep deprivation, Aitor told the police that he'd say whatever they wanted him to. But when was brought before another police officer to make a formal declaration, he told the truth instead: That he came to his friend's house to return a tent, and that, while he knew people from childhood who had joined ETA who were now in prison, and had written letters to them during their incarceration, he had no personal or political connection to the organization.

Aitor would soon realize the consequences of his truthfulness. "If I'd said what the police wanted me to, I'd probably be in jail now. But it was also bad, because after I signed the statement, I went back into police custody, and they were angry. Things got much worse."

He was taken to an interrogation room, where they shoved a bag over his head, and he was ordered to strip. He refused, so they forcibly undressed him. "That's when I really realized how serious my situation was. I was com-

pletely at their mercy, and they could do anything to me."

He stood there, trembling, naked and blind, while he said one of the men ordered him to bend over, hit his testicles, complimented him on his ass, and calmly threatened to rape him with a stick — a threat Aitor, who knew people who'd claimed to have been raped in custody, took seriously. At one point, he said that one of the officers put a plastic bag over his head and began to suffocate him, stopping only after Aitor had already begun to black out. "I was crying, begging them to stop. When you are tortured like that, you just want it to end. Looking back, I see that I was very lucky," he said. "The first time they brought me to declare, I had the strength to tell the truth. They'd beaten me and scared me, but I was still strong. If I'd had to make a second declaration after the torture and the fear, I'd have said anything they asked me to. They could have done it, too. When you're in their custody, they can make you do as many declarations as they want."

When Aitor was finally brought before the judge five days later, he complained of his treatment with the police, however the judge didn't believe him. "He said it was something I must have heard on the street." Finally, Aitor was released without being charged. As the police escorted him out of the courtroom, he says the officers issued a warning: Don't talk to people about what happened, or we'll arrest you again — and it will be much worse for you. Despite their threats, he made an official complaint against torture, and tried to get back to his normal life. Then, eight months later, he began to notice men following him that had the stiff bearing of plain-clothed police officers. "I was afraid they were going to detain me again," he said. "So I ran." He fled to France, where he continues to live today. He wouldn't even cross the Spanish border to visit his parents, who lived less than 20 minutes from his new home, for 10 years. "I was too scared. I have no doubt that they meant what they said. I still have nightmares about it. I know I couldn't handle it again."

* * *

Spain has consistently rejected allegations of torture as an ETA strategy to discredit the Spanish criminal justice system and evidence obtained while investigating terrorist suspects, a claim that is somewhat supported by a document that was found in an ETA safe house in 1998, instructing members on how to report torture during detention. "It is known that the complaints of torture lodged systematically by detainees held under incommunicado detention — due to their alleged involvement in a terrorist band — have always been a tactic used by these individuals which have been proven to be false and unsupported in most cases," Juan Antonio Pulgserver Martinez, the Vice Secretary General of the Ministry of the Interior wrote in a 2011 report responding to concerns raised by the European Committee for the Prevention of Terrorism. "Lodging ill-treatment complaints is a strategy used systematically by ETA's members in order to achieve media repercussions and make secret identities of Security For-

es' officers fighting terrorism to be revealed."¹

Nominally, Spain draws a hard line against torture: The government has ratified all of the United Nations treaties against torture, and is one of the countries that has been the most active in holding foreign governments' accountable for their use of torture. Judge Balthazar Garzón, an investigating magistrate at the National Court in Madrid, became famous in 1998 when he issued an international warrant for the arrest of the former Chilean President Augusto Pinochet for the alleged deaths and torture of Spanish citizens. More recently, Garzón opened an investigation of former officials in the Bush administration in the United States due to their role in allowing the torture of detainees at the detention facility in Guantanamo Bay.

Despite Spain's active global stance against torture, the country's track record on investigating domestic allegations of torture against Spanish police and military has been weak. The Coordinator for the Prevention of Torture, a Madrid-based NGO, Spain has collected 6,621 complaints of torture and ill-treatment committed by Spanish police. Of these, only 722 have been investigated.² The European Union Commissioner on Human Rights has also condemned the Spanish government on six separate occasions — the most recent of which was last October — for its negligence in investigating allegations of torture by police.³

The European Committee Against Torture has also regularly voiced concern over the ill-treatment of detainees held *incommunicado* in various reports throughout the years. According to one report after a week-long visit in 2011, "the delegation received credible and consistent allegations of ill-treatment from 10 of the 11 persons interviewed who had been held under *incommunicado* detention in operations conducted by the Guardia Civil in the first few months of 2011," including "kicks and blows with truncheons to the head and body," and in several cases, claims that "a plastic bag was placed over their heads, inducing in them a sensation of being asphyxiated." The committee report also noted that one person claimed to have been threatened sexually after being forced to strip, and that several of the people they interviewed claimed to have heard screams from a companion in an adjacent room. "From the information gathered, it appeared that the aim of the alleged ill-treatment was to get the detained

person concerned to sign a declaration (i.e. a confession) before the end of the *incommunicado* detention and to have the declaration confirmed before the court hearing," the report concluded.⁴

Another report by the CPT notes that of 16 people claiming to have been tortured while in *incommunicado* custody before the Audiencia Nacional, (the Spanish judicial body that handles terrorism cases), only two cases resulted in investigations, and that was only *after* the victims had filed complaints a second time in ordinary courts. "The CPT recommends, once again, that whenever persons brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge record the allegations in writing, order immediately a forensic medical examination, and take necessary steps to ensure that the allegations are properly investigated," the CPT wrote in a 2007 report.⁵

Izko, the Basque public defender, believes that the use of torture is much more common and systematic than politicians are willing to admit. "I've worked for 20 years with terrorism suspects who have been held *incommunicado*, and I've literally seen hundreds of torture cases," she said. "I've seen people with marks and bruises all over their bodies, others who have been put in the hospital. I've filed complaints on their behalf, but their torturers have never been condemned. I defended one young man who ended up in the hospital with broken ribs and a bruised lung, neck purple with marks. The police said it happened when he tried to escape, and they threw him to the floor to stop him. How could being thrown to the floor produce choke marks? But the judge accepted it. Really, I believe that the Spanish state has decided that in order to fight against terrorism, torture is necessary. And the political reaction to torture — whether from politicians, police, or judge — is to maintain it, hide it, silence it, and pretend that it doesn't exist."

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For years, the Spanish government launched an unsuccessful campaign against ETA. During General Franco's regime, terrorist insurgency was confronted with indiscriminate repression and military force, including blanket "states of exception" — the suspension of all civil liber-

1 Response of the Spanish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its Visit to Spain from 31 May to 13 June 2011. <http://www.cpt.coe.int/documents/esp/2013-07-inf-eng.pdf>

2 La Tortura en el Estado Español: Recopilación de las denuncias por torturas, violencia institucional, brutalidad policial y malos tratos inhumanos, crueles o degradantes recogidas durante 2013 en el Estado español. *Coordinadora para la Prevención de la Tortura*. <http://www.prevenciontortura.org/wp-content/uploads/2014/05/Informe-20131.pdf>

3 "European Court of Human Rights Calls on Spain to Strengthen Safeguards against Torture." October 7, 2014. *Open Society Justice Initiative*. <http://www.opensocietyfoundations.org/press-releases/european-court-human-rights-calls-spain-strengthen-safeguards-against-torture>

4 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. <http://www.cpt.coe.int/documents/esp/2013-06-inf-eng.pdf>

5 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 19 September to 1 October 2007. <http://www.cpt.coe.int/documents/esp/2011-11-inf-eng.pdf>

ties — during which Spanish security forces could detain people without charges, and hold them for as long as they desired, tap their phones and read their private mails — a strategy that continued through Spain's transition to democracy. Over the next 20 years, various administrations would try an assortment of anti-strategies, all unsuccessful — ranging from attempting to re-integrate former ETA members back into society on the condition of giving up their arms, to setting up an illegal, secretly funded paramilitary organization, the so-called *Grupos Antiterroristas de Liberación (GAL)*, which tracked, kidnapped, beat and even executed key members of the organization. Then, in the late 1990's, Balthazar Garzón, a judicial magistrate, initiated a new strategy that would signal the beginning of the end of Europe's longest-lasting terrorist organization.

Garzón's new strategy would begin three years before Aitor's detention, with the arrest of two journalists on terrorism charges. It was 1998, the first of many raids that would continue over the next decade by Spanish police on non-for-profit organizations, youth groups, and media organizations openly supportive of Basque Independence. The move was part of a new, aggressive strategy to cut off all support — financial, political, and social — to ETA, in an attempt to shut it down once and for all. For ETA, this move would signal the beginning of the end.

The motto of Garzón's new strategy is "everything is ETA." According to his autobiography, Garzón believed that simply dismantling the military wing of the terrorist organization would not be sufficient: He wanted to gut it entirely, cutting off its financial and political support, which occasionally meant going after organizations that were sympathetic to ETA's cause, even if they had not participated directly in violence. His efforts would radially change Spain's counterterrorism policies, by broadening the definitions of terrorism to include "groups and organizations that further the goals of ETA."

Egin, a daily newspaper in Pais Vasco that frequently published editorials criticizing the Spanish governments treatment of prisoners, and occasionally published statements that ETA issued to the media, was his first target. Founded in 1977, with the motto "The voice of the voiceless" the Spanish-language daily had a distribution of 50,000 throughout Basque Country, and was intensely nationalistic.

Teresa Toda vividly remembers the day *Egin* was forcibly shut down. A slim, petite woman with short-cropped hair, and perfect, unaccented English, Toda had been working for the paper for nearly 15 years, where she'd started as a general reporter in Madrid before working her way up to Assistant Editor in the main office, outside of Bilbao. They came early in the morning on the 19th of January in 1998, before any of the staff had arrived. They took the computers, shut down the machinery, and detained all

of the journalists who were onsite — most of whom would later be released on high bail. She and the editor-and-chief were charged with terrorism.

The most powerful evidence against Teresa was testimonials by investigators or police claiming that she and the editor-and-chief had been placed at the paper by ETA, and had been meeting with members of ETA — the latter which served as proof of their affiliation with the terrorist organization. In her defense, she said that she never denied meeting with ETA leaders, but that she met with them only for journalistic reasons. "We were conducting interviews. The interviews were published later in the paper. But they'd set their focus on closing down *Egin*, and that's the explanation they'd dreamed up to do it." It worked. The prosecution argued that the paper was publishing propaganda dictated by ETA, used to gain sympathy amongst the Basque population.

In 2007, nine years after her arrest, she and the editor-in-chief were convicted on terrorism charges. Both served their full sentences — Toda was in jail for six years, and the editor-in-chief eight. Later, in 2009, the Supreme Court would rule that the closure of the paper had been illegal, though the sentences of the journalists would remain. The damage was already done, however. After being closed for 11 years, *Egin* would have neither the personnel nor resources to reopen.

The judicial summary against *Egin* and several other magazines and their employees became known as macro-trial 18/98, and provided a precedent that would fundamentally change Spain's anti-terrorism strategy. The summary asserted that ETA was actually "split" into different factions — the military front, the political front, the youth front, and the communication front. Additionally, it claimed that all of the organizations were ultimately controlled by the same source, had the same goals, and were integral to the survival of ETA, and therefore should also be considered part of the "terrorist apparatus." Thus defendants could be tried on terrorism charges not because of their militant participation in an ETA commando, or because they were directly engaged in kidnappings, extortions, or violent attacks, but simply because their activities for other organizations were considered part of the "ETA network."

Garzón justified this new, broader definition of ETA by arguing, "before its organization was purely politics; even though its methods were violent, it sought changes, according to its sovereign projections over a part of Spanish territory." Thus, "every organization in the Basque National Liberation Movement is a part of ETA. ETA is who carries the armed struggle out, but other political and social organizations complete this activity." By redefining the military wing of ETA as a political organization, many of the people who had previously been considered outside of ETA became "members" of ETA under law.⁶

6 Terwindt, Carolijn. Pg 216 "Ethnographies of Contentious Criminalization: Expansion, Ambivalence, Marginalization." Published thesis submitted to Columbia Law School, Columbia University, 2012.

“The problem with [Garzón’s] approach, is it made it impossible to peacefully support independence. By his definition, if you wanted independence, then you were a terrorist,” said Teresa.

The legal precedent set by this summary, eventually finalized in 2007, would open the door for the closure of nearly a dozen other organizations over the next 10 years, including the Basque language newspaper *Egunkaria*, their radio station, the investigative magazine *Ardi Beltza*, the political parties *Herri Batasuna* and *Batasuna*, the social organization *Gestoras pro Amnistia*, and the youth organizations *KAS*, *Jarrai*, *Haika* and *Segi*. In addition, many of the organizations’ directors and key organizers would be jailed, and more than 90 members tried on terrorism charges based on their participation, in one way or another, to organizations considered critical to the support of the “ETA structure.” Due to the number of organizations closed, and the new powers it gave law enforcement to arrest people who were not directly involved in violence, or directly affiliated with ETA, the macro-summary 18/98 was extremely controversial, provoking numerous protests across Basque Country, and criticism by Basque political parties, trade unions, and social organizations.

Did this new understanding of terrorism lead to a violation of civil liberties? Or to the imprisonment of people who would more accurately be defined as political dissidents rather than terrorists? These questions remain hotly debated by Spanish civil libertarians and lawyers even today. However, opponents and critics agree on the critical role the summary played in empowering authorities to take steps that would eventually lead to the end of ETA, once and for all. However excessive, the policy worked.

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Although Aitor would never be arrested by the police again, the precedent set by the 18/98 macro-summary would have a deep and lasting impact on his life.

Aitor’s initial transition to life in the French Basque region was smooth. Because he knew others who had fled to France, he had a natural support network of friends who offered him support, from offering a couch to sleep on in their living room when he arrived, to help finding a job. Within a matter of months, he had his own apartment and a settled routine. His girlfriend, Nahikari, was able to visit often, splitting her time between studying chemistry in San Sebastián and living with Aitor. They began talking about marriage, and starting a family.

But their plans would come to a sudden halt one morning in November 2007. Nahikari home with her parents, when she got a frantic call from a friend warning her to leave immediately. Minutes later, half-a-dozen police officers stormed into her parents’ home to arrest Nahikari on



Aitor, Nahikari, and their two children. Photo provided by Aitor.

the grounds of her alleged participation in SEGI. They’d stayed for nearly five hours, searching every room in the house, taking out drawers and ripping apart beds, and finally left around dawn with number of items — T-shirts, posters, and a CD — linking her to SEGI, one of the youth groups that had become illegal in the wake of 19/89.

A few days later, Nahikari’s father drove her to Madrid. She wanted to go directly before the magistrate, so she wouldn’t go into police custody — a strategy that Izko says that people wanted for questioning by the police in Basque country regularly use in order to avoid being brought into custody and tortured. She got as far as the door leading to the magistrate, when the police arrested her and took her into custody anyway. Unlike Aitor, Nahikari was not tortured, although a number of the women who’d been detained in the same raid claimed they were hooded, sexually abused, and threatened with rape.⁷

Nahikari would later learn that she was just one of 40 people to be detained in a series of raids that took place over the course of about six weeks, in a coordinated effort to round up alleged members of SEGI. Spain’s penal code allows for the “preventative custody” of terrorism suspects — meaning they can be held in jail for up to four years, without being tried. While some of the people detained for their alleged participation in SEGI were allowed to await trial at home, Nahikari would be put in Soto de Real prison in Madrid, then later moved to another jail in Avila, where she would serve a total of 18 months without being tried or convicted of any crime.

Eventually, Nahikari was permitted to leave on a bail of €10,000 (US\$11,372), which her parents paid for by taking out a mortgage on their home. Her lawyer told them that the case against her wasn’t strong, and it was unlikely that she would be sentenced. “They didn’t have any evidence connecting her to violence — just some SEGI T-shirts they found at her house and a cd, and a tes-

⁷ Because Nahikari is currently in prison, and prohibited from receiving visitors or calls from people other than family or legal council, I was unable to interview her, and had to rely on the testimonies of her lawyer, friends, and Aitor.

timony from someone who'd been detained saying that she was a part of SEGI," Aitor explained.

In Spain, it can take years for the magistrate to issue a judgment on a terrorism case; in the case of EGIN, a judgment wasn't issued until nine years after the initial arrests. Both in their mid-20s, Nahikari and Aitor felt like their lives had been put on hold. "We had not idea when we'd hear about the judgment. We didn't know if she'd be put in jail or not, if she'd be able to finish university." Finally, after hearing nothing more about her case two years after her release, they decided to get married.

"I didn't want to wait anymore. We were apart for nearly two years, and it was very difficult for us," he explained. "The chances of her going to jail seemed so slim. We decided it was better to live the life we had, to get married and start a family, rather than to live in indefinite limbo." They had their first child, and then their second. And then, finally in 2011, four years after Nahikari's release, the judgment came: Nahikari and 19 others were sentenced to six years of jail for their association with SEGI.

The sentence was a surprise for everyone. "I've thought about this a lot — why one person is sentenced and another isn't, and I still don't understand it," said Maddi Uriarte, who works for an SARE, an NGO based out of San Sebastián gives support to the families of prisoners. "The evidence collected against individuals might be identical, but one person will be sent to jail, and the other will go free. It seems so arbitrary."

The summary convicting Nahikari and 14 others provides no details outlining the specifics of any individual crimes committed by the accused, beyond their general participation in SEGI. The judgment, which is 11 pages long, defines SEGI as an "organization dedicated to street violence, such as dumping and burning of containers and buses, road closures, cut railways, fighting and throwing things at members of the Basque Autonomous Police, throwing things against government buildings, etc., and making threats against the population until their detention in October/November/December 2007."⁸ The judgment cites no specific evidence against any particular person, saying only "in the homes of the defendants a number of effects and documents related to SEGI, like media used in the actions of "kale borroka" (street violence).

Even more baffling, according to the judgment, the defendants had been a part of SEGI since "at least 2005." However, in the next sentence, the judgment clearly states that SEGI was not officially declared illegal until 2007, mere weeks before the police detained alleged members and raided their homes.

I recently spoke with a young woman over the phone

who was arrested in the same series of raids as Nahikari for her alleged participation in Segi. However, unlike Nahikari, this woman was allowed to go free. Because of fears of reprisal, she requested I not write her name. "Sometimes I feel really guilty, that I'm not in jail when so many of my friends are," she said. "I don't know why I'm free and they aren't. Nahikari didn't do anything that I didn't do. Yet she's in prison, and I'm free. She didn't get to finish college, and I did. Why? It's like a lottery."

Nahikari has been in jail for nearly three-and-a-half years, and has another two before her sentence is complete. In Spain, mothers are permitted to bring children under the age of three with them to prison. Because Nahikari was still breastfeeding when she was convicted, she was able to bring her then seven-month-old daughter, Oihana, with her to jail. Her son, already three-years-old, had to remain behind with Aitor.

"It's been a difficult time," Aitor admitted. "You're used to operating like a unit — and suddenly half of your family is gone." Because Nahikari was placed in a prison in Valencia seven hours away, they are able to visit her only one or two times a month. The last year has been the worst for Nahikari, because her daughter Oihana turned three, and had to return with Aitor to France. Although Aitor would never wish his experience on anyone else, he takes comfort in knowing that his family is not alone: Nahikari was one of dozens sentenced to jail for her participation in Segi. Nearly 50 more are still awaiting their sentences, and may soon join her in jail.

"We try to make things as normal as we can for the children," Aitor says. "It helps that there are so many others like us. We know this isn't personal — we're Basque. It's just the way things are." □



Nahikari and her daughter, Oihana, who are both in jail.
Photo provided by Aitor.

8 Tribunal Supremo *Sala de lo Penal* Sentencia N: 1016/2011. Recurso Casacion N: 2652/2010. Date: 30/09/2011. Audiencia Nacional.

ROBBIE COREY-BOULET (MAR 2014-2016) W. AFRICA

Robbie will divide his time between Côte d'Ivoire, Cameroon and Liberia, researching LGBTI activism and homophobia in West Africa. As a journalist in Southeast Asia and West Africa, most recently with the Associated Press in Dakar, Senegal, he has written about anti-gay legislation in Liberia, sexual violence against transgender sex workers in Abidjan and acts of torture committed by the Republican Forces of Côte d'Ivoire. Robbie's work has been published by World Policy Journal, Guernica, Asia Literary Review and TheAtlantic.com, among other publications. Proficient in French, he holds a bachelor's degree in Urban Studies and Economics from Brown University (2007) and a master's degree from Columbia University's Graduate School of Journalism (2008).

SCOTT ERICH (MAY 2015-2017) OMAN

Scott will be examining culture and rapid development in the Sultanate of Oman, a country with an increasing regional and international profile. Scott is already deeply familiar with Oman having traveled there, studied indigenous Modern South Arabian languages, researched the country's maritime history, and worked at the Sultan Qaboos Center in Washington, DC. More recently, Scott has been work at the University of Chicago's Department of Near Eastern Languages and Civilizations. Scott completed a certificate in Arabic Language and Cultures at the University of Chicago, and holds a bachelor's degree from Gettysburg College, where he was awarded the Nicholas Prize in Religious studies for his ethnographic work on visitation rituals to shrines in southern Oman. He will travel with his wife, Emily, a social worker and environmentalist.

ALLYN GAESTEL (JAN 2015-2017) NIGERIA

Based in Lagos, Nigeria, Allyn will explore one of Africa's most complex and compelling countries through the lens of women's health. She is a freelance journalist who covers inequality and the human repercussions of politics. Her 2011 reports exposing power structures and human rights abuses in medicine in India in The Los Angeles Review of Books and The Atlantic were reprinted in the *New York Times Op Talk* and in an advocacy guide by the White Ribbon Alliance, a leading women's health advocacy group. In 2013, she revealed the deadly underground abortion market in Nigeria under a grant from the Pulitzer Center on Crisis Reporting. Her writing has appeared in *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *The Guardian*, *Reuters*, *The Atlantic*, *CNN*, *Al Jazeera*, *France 24*, among other outlets.

JONATHAN GUYER (APR 2015-2017) EGYPT

From Cairo, Jonathan will focus on the intersection of art, mass media, and satire in Egypt and North Africa, examining connections between cultural currents and political change across the region. He has been living and working in Egypt since 2012, where he is senior edi-

tor of the Cairo Review of Global Affairs, a policy journal published by the American University in Cairo. Managing the journal's digital strategy, Jonathan edits the *Cairo Review's* blog and books section. From 2012 to 2013, he was a Fulbright fellow researching political cartoons in Egypt. He previously served as a program associate for the New America Foundation's Middle East Task Force in Washington, DC, and as assistant editor of Foreign Policy's Middle East Channel. A frequent analyst on Public Radio International, he has contributed to *Guernica*, *The New Yorker*, *The Paris Review Daily*, *The Guardian*, *Salon*, and others. His research on Egyptian satire has been cited by the Associated Press, *CNN*, *The Economist*, *New Statesman*, *Reuters*, and *TIME*, as well a variety of international news outlets. A cartoonist himself, he blogs about Arabic comics and caricature at oumcartoon.tumblr.com. Indeed, Jonathan has been in high demand by the media in the wake of the terrorist killings of cartoonists in Paris at the Charlie Hebdo newspaper.

MALIA POLITZER (2013 - 2015 JUN) SPAIN

Malia is investigating Europe's primary migration corridor from North Africa to Spain. Formerly a writer for *Mint*, an Indian business and economics news daily paper, Malia wrote on a variety of social issues including disability issues, internal migration, gender, social entrepreneurship and development trends. As a fellow at the *Village Voice*, she wrote primarily about immigration. She has won multiple awards for her reporting and published articles in the *Wall Street Journal Asia*, *Far Eastern Economic Review*, *Foreign Policy Magazine*, *Reason Magazine*, and Migration Policy Institute's monthly magazine *The Source*. She has also reported from China, the US-Mexico border and South Korea, and speaks fluent Spanish, conversational Mandarin, and is working on learning Hindi. Malia holds an M.S. in multimedia and investigative journalism from Columbia University Graduate School of Journalism, where she was a Stabile Fellow, and a B.A. in Liberal Arts from Hampshire College

JESSICA REILLY (JUN 2015-2017)
MEXICO, CENTRAL AMERICA AND THE CARIBBEAN

Jessica and her partner Josh Moman will conduct a seafaring Fellowship, exploring adaption to sea level rise in Mexico, Central America and the Caribbean. Sailing the Pacific coast of Central America, crossing the Panama canal into the Caribbean, Jessica will focus on how communities actually experience the effects of sea level rise — storm surge, inundation and erosion — and how these changes tear at the social fabric. She will bring her background in science and technology to the effort, including mapping experience which she will apply to gather data and build maps showing vulnerability to sea level rise for each country. By harnessing wind and sun to travel, Jessica hopes to access remote locations, share the ocean-bound experience of local communities, and listen to and document stories of climate adaptation at the shores of Latin America and the Caribbean with words, images, and video.

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