

**Question for written answer E-5910/2010
to the Commission**

Rule 117

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Subject: The case of Udalbiltza

On 18 September 1999, 1 778 local elected representatives of the Basque Country formed Udalbiltza, a cross-border assembly of Basque local elected representatives with the aim of promoting municipal policies. On 29 April 2003, the Spanish High Court arrested eight Udalbiltza members and closed its headquarters. Consequently 22 representatives of the Basque Country are being prosecuted.

The Parliament of the Basque Autonomous Community (BAC) said that 'it is necessary and legitimate to work in favour of the objectives adopted by Udalbiltza'. Also, 'this work cannot be considered a crime. Criminalising local elected representatives and mayors for implementing this work is an initiative against democracy' (see resolution of December 2008). The Parliament asked the Spanish Government to 'withdraw the accusation of the state public prosecutor' against Udalbiltza.

The UN Special Rapporteur on the promotion of human rights, Martin Scheinin, has warned that 'counter-terrorism measures should not be used to limit the rights of NGOs, the media or political parties'. In relation to the files being instructed in the Spanish High Court, the risk of a 'slippery slope, i.e. the gradual broadening of the notion of terrorism to acts that do not amount to, and do not have sufficient connection to, acts of serious violence against members of the general population' (Spain report A/HCR/10/3/Add.1).

The UN Committee for Human Rights, in its report for the fifth period, stated that 'the definition of terrorism in Penal Code articles 572 to 580 has a potentially excessive reach that could violate several human rights' (CCPR/C/ESP/CO/5/ 27 October 2008).

1. What is the opinion of the Commission regarding these UN reports? Does the Commission share the concern of the UN?
2. Does the Commission share the concern expressed by the BAC Parliament regarding the case against Udalbiltza?
3. What action does the Commission intend to take in order to guarantee that the fundamental rights of prosecuted members of Udalbiltza are respected?