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EUROPESE DEMOKRATISCHE ADVOKATEN
EUROPEAN DEMOCRATIC LAWYERS

Amsterdam, 19th of April 2008

The Association of *European Democratic Lawyers* has come to know of the start of the oral proceedings of the case 33/01 against the organizations *Gestoras pro Amnistía* and *Askatasuna*, which denounce publicly human rights violations and work in solidarity with prisoners and victims of these violations. In this upcoming trial, 27 persons are accused, amongst them the lawyer Julen Arzuaga, representative of *Eskubideak* in our association.

For some years now, the EDL has repeatedly shown its concern in relation to the proceedings in front of the *Audiencia Nacional*, like the summary 18/98, where the application of a series of laws of exception hollow out universal principles of law, basic guarantees and fundamental rights of detainees and those who are under trial. The extensive interpretation of terrorist activities and the application of these laws of exception have given way to the violation of fundamental rights, the right to a defence and the presumption of innocence.

In this context, we are compelled to show our concern for the conditions in which the proceedings of the case 33/01 have taken place. Amongst others, the entrance and search of lawyer's offices without the due guarantees to the professional secrecy and confidentiality of communications with the clients, the undue delay of the trial and the abuse of precautionary measures to the maximum of 4 years confinement and the legal interruption of the activities of the associations.

For all the above mentioned reasons:

- We denounce the violation of the right to defence and to professional secrecy.
- We demand the abolition of exceptional courts like the *Audiencia Nacional*.
- We reject the criminalisation of the exercise of the right to a defence with the aim of limiting this right.
- We reject the arbitrary and inadmissible extension of the concept of terrorism to include public and democratic activities that fall under the right of expression and the right to a free political and social engagement.

The EDL will follow closely the trial 33/01 and if necessary will denounce and make public any violation of the right to a trial with all legal guarantees and the exercise of the right to a defence.