

In Good Faith (07/02/2007)

Ignacio De Juana Chaos has spent the last twenty years in jail. Reduced according to the penitentiary rules put in place by the previous government, he had been condemned to an 18-year sentence for the crimes he committed. However he remains in jail on remand, pending the final resolution of the case which has been opened against him because of two articles published in the newspaper Gara. The High Court [Audiencia Nacional] judged that in those articles, De Juana Chaos committed the crime of making terrorist threats and condemned him to 12 and a half years in jail. De Juana Chaos has decided to go on hunger strike in protest against that ruling and is prepared to take his protest to the ultimate conclusion [his death].

The State of Law [estado de derecho] - that phrase that has been repeated so many times you would think it was an advertising campaign - does not permit the death sentence nor life imprisonment. Likewise, there is no room for euthanasia. I will allow myself to be guided by good faith and will therefore presuppose that the State of Law has not stopped trusting in its own laws and still does not want to impose the death sentence or life imprisonment. Guided by that same good faith, I will assume that there is no political intention to make euthanasia legal. I will suppose, again guided by good faith, that the content of De Juana Chaos's articles is sufficiently explicit and unambiguous as to keep a man in jail, despite the risk that he may die there. I would like to believe that in the State of Law freedom of expression exists and that in this case, just as in the Egunkaria case or in the case of the actor Pepe Rubianes (to cite just two examples), there is sufficient evidence to try those involved. If that were not so, everyone would be protesting long and loud like they do when freedom of expression is denied in other countries, such as Morocco, Cuba or Turkey. Good faith obliges me to believe that in the State of Law, justice is equal for everyone, that political pressure has no part to play and that judicial independence really does exist; that when the Minister of Justice Lopez Aguilar announces, in reference to the De Juana case, that "the government will construct new punishments and sanctions to avoid such releases", those words have no influence on the judicial sentence.

Actions speak louder than words, they say. Well, David Fernández in his book 'Crónicas del 6 y otros detalles de la cloaca policial', informs us of the following events: the ex-Civil Guard General and the man responsible for the horrors of Intaxaurrondo, Enrique Rodríguez Galindo, was condemned to 75 years in jail for the assassination of Lasa and Zabala but served just over four years, claiming health problems. Julen Elorriaga was also released for health reasons: condemned to almost 80 years in jail, he served just 3% of his sentence. After conning the whole of Spain, De la Rosa is able to enjoy a generous house arrest because of depression. Rafael Vera, condemned to 10 years in jail for the GAL-led kidnap of Segundo Marey, spent just eight years in jail for the same reason ...

David, in his book, talks mainly about torture and torturers; about how the justice system seems to see different degrees of severity based not on the crime but the perpetrator of the crime; about how the media machine works so as to criminalize certain forms of dissidence and not others; of how the police create the evidence necessary to implicate people according to their political interests; of how the government does not want to know about the reports put together by the United Nations' special investigators on torture or even hear about organisations like

Amnesty International, who have claimed that in this [Spain's] State of Law, torturing does take place.

But now, on top of all that, it turns out that the attorney's office from the Audiencia Nacional has asked for the Egunkaria case to be dropped because, they allege, there is no proof. It turns out that, in November 2004, a court in Strasbourg condemned the Spanish state for "not investigating" the tortures denounced some twelve years earlier by 17 supporters of Catalan independence - it was necessary to silence discordant voices during the Olympic Games. It turns out that, in November 2005, Zapatero pardoned four policemen from Vigo who had been suspended and sentenced to 2-4 years for beating, insulting and humiliating the Senegalese citizen, Mamadou Kane. It turns out that Aznar had done the same in December 2000: 14 policemen convicted for torture were pardoned. One of them was a reoffender. It turns out ...
... that I do not know what to think.

Too often the State of Law has dark spots which make me doubt. It smells of hypocrisy. And too much hypocrisy can make you lose that good faith.