

(Declaration presented before Court no. 3 of Tolosa (Gipuzkoa, Basque Country) on 28-10-03 providing further details of my testimony relating to my complaint of tortures originally lodged on 25-03-03 with the duty magistrate's court of the Provincial Court of Madrid)

THURSDAY, February 20, 2003

When I arrived at the cell where I spent the first three days of the five that I was in the Spanish Civil Guard premises I discovered that there was another detainee in the same cell. I did not have a cell to myself at any time during the first three days out of the five that I spent in the Spanish Civil Guard premises. During those first three days in custody I was not allowed to lie down on the hard bed in the cell at any time, so I stood throughout the first three days. I was only allowed to sit, but not to sleep, for periods of about twenty minutes every four or five hours.

On about four or five occasions, in the cell each time, they made me remain for long periods of time bending down from my waist with my head on a level with my knees as if I was continuously touching my toes. From time to time they would look through the spy hole in the door to check whether I was keeping that position. Fermin Lazkano, my cellmate during the first three days, would be able to corroborate this complaint relating to bending down in the cell, because he witnessed this practice with his own eyes.

VISIT TO THE COURT-APPOINTED DOCTOR

The first time I was with the court-appointed doctor was on Thursday, February 21, 2003, shortly after being taken to my cell for the first time as soon as we arrived after the car journey from Andoain, where the headquarters of the EGUNKARIA newspaper are located. Throughout the car journey I was handcuffed and on my head there was a kind of stocking that prevented me from seeing and stopped any light penetrating. The stocking came down only as far as the bridge of my nose and did not reach my nostrils. The doctor asked me about the conditions of the journey and I told him about the handcuffs and the stocking on my head. He made notes on a sheet of white paper that had no logo. The walk from the cell to the room where we saw the doctor every day was always with a stocking on one's head with one's head bowed as if looking at the floor and, on occasions, with one's coat covering one's head.

INTERROGATIONS

That same Thursday a couple of hours after the visit to the court-appointed doctor the civil guards came in, they put the stocking on my head and took me with my head bowed to a room which I was unable to see at any time. At least three or four officers would participate in the interrogations. The first thing they told me when the interrogations were about to start was that the journey was going to last five days and if I did not cooperate with them, it would be worse for me. This was more or less what they told me regarding the conditions of the interrogations: "This journey lasts five days, if you give us the information we want, you'll only have one bad day and you'll be able to rest

quietly the other four days, if you give it to us on the second day, you'll have two bad days and rest during the remaining three days, if you cooperate on the third day, you'll have a bad time the first three days, but the other two days will be quiet, if you cooperate on the fourth day, you'll have a bad time the first four days and you'll only have a quiet time on the fifth day. But we want you to know that absolutely everyone talks here, so the sooner you start talking, the better it will be for you and for us." They also warned me that the interrogation sessions would get harder as they days went by. That was the warning they gave me as soon as the first interrogation began. In the interrogations on the Thursday when I said I was not going to answer some of the officers' questions, they made me do numerous squats by bending my knees while keeping my back straight. When I became exhausted as a result of these squats they let me stop just before I was about to fall on the floor. After about a minute's rest, they made me resume the squats. They also made me stand for a long time with my arms raised and would not let me lower them under any circumstances. They also made we squat for long periods of time. The officers threatened me constantly with phrases like: "You're going to spend the rest of your life in jail, you're going to pay for this all alone, ... you've been denounced, don't be an idiot and give us the information we want... this judge isn't like Garzón who starts a case and doesn't finish it, this judge is going to punish you..."

During all the interrogations I claimed the right that we information professionals have to invoke professional secrecy, which protects us from revealing information about our sources and about the process in preparing a piece of professional work in any of its different forms (interview, feature, report...). Every time I invoked this right the officers reacted by insulting me, the Spanish Constitution, the system of freedoms and guarantees, the Spanish National High Court, Judge Garzon... with phrases like "we don't give a fuck about the bloody Constitution, the judges, liberties, democracy, the Spanish National High Court..." This tone was constant throughout the interrogations whenever I invoked the journalists' right to professional secrecy. The interrogations on the Thursday were about my relationship with different members of the EGUNKARIA newspaper staff, which I was Chief Editor of from June 1993 until the precautionary closing down of it in February, 2003.

After the Thursday interrogations they took me back to my cell in the same way that I had been brought from there, as described above, and I remained standing in my cell until Friday morning without being able to lie down or sleep.

FRIDAY, February 21, 2003

VISIT TO THE COURT-APPOINTED DOCTOR

After they had brought us our breakfast consisting of a glass of milk and two fairy cakes I was taken in the same way in which all the transfers were made to the room where the doctor received us. A couple of metres before going into the doctor's room they would take the stocking off our heads and for a few moments I could see one of the officers who had taken part with his face uncovered in the searches conducted at the paper's Andoain headquarters. I would definitely be able to identify this officer by sight. The doctor would always

ask me about my situation, and whether I wanted him to take my blood pressure and questions of that nature. I told the doctor about the conditions in which the interrogations had been conducted on the Thursday night, the knee bends, the threats, etc. I also complained to the doctor that I did not have my own cell and that they would not let me lie down or sleep all the time I was in the cell. The doctor made a note on a sheet of white paper that had no logo.

After the visit to the court-appointed doctor they took me to my cell in the same way that all the transfers were made. I spent all day Friday in the cell standing very close to the wall at all times and was allowed to sit on the bed in the cell for periods of about twenty minutes every four or five hours.

INTERROGATIONS

After the second sandwich of the day I was taken once again to the interrogation room. Right from the start I realised that the officers had kept their word and that the second day was in fact harder than the first. The exercises continued with the knee bends interspersed with the squatting positions. On this day when they made me squat they also made me hold both my arms up; in some sessions both arms at the same time and in others, one at a time. Sometimes I had to raise and lower one arm while squatting quickly in response to specific key words they gave me like “friki”, or colours like “green” or “yellow”. The term “friki” was one of the words that the officers used most, especially the one who had given himself the nickname of “Torque.” This is what he said:

Officer: Do you know my name?

Me: No, I don't.

Officer: They call me Torque. Do you know why?

Me: No.

Officer: Well, start thinking about why that could be.

I think I would be able to make out the voice of the officer who had given himself the nickname of “Torque.”

In one of the sessions that same Friday they made me strip to the waist and lower my trousers and underpants to my knees. They took advantage of this to touch my testicles with something soft (like a cushion or something similar) and then they rubbed a piece of what seemed like rolled up plastic around my buttocks. This touching and rubbing was humiliating and intimidating rather than painful, because they did not hurt at any moment. During the Friday interrogations I did countless sessions of knee bends and squatting until on more than one occasion I was on the point of passing out. Every time I fell forwards due to the exhaustion caused by the knee bends and squatting, my hands touched a wall a few centimetres away in the corner of the room where the interrogations took place. At the same time when the officers asked me “What area belongs to Spain?” they made me answer “From Irun to Algeciras and from Finisterre to Cabo de Gata.” This question and answer session about the area belonging to Spain was repeated countless times during the Friday interrogations. Quite a large portion of the Friday interrogations were about how ETA's “Zutabe” publications and communiqués reached the editorial office and

everything relating to the newspaper interviews I had conducted with ETA. The more I claimed professional secrecy, the worse the interrogations became.

After the Friday interrogations they took me to my cell in the manner described above and I remained standing in my cell until the Saturday morning without being allowed to lie down or sleep.

SATURDAY, February 22, 2003.

VISIT TO THE COURT-APPOINTED DOCTOR

After breakfast on the Saturday I was taken in the customary way that the transfers were conducted to the doctor's room. In the meeting I had with the doctor I informed him about everything that had happened to me during the Friday interrogations and also about the fact that I was prohibited from lying down or sleeping on the bed in the cell. I also spoke to the doctor in the following terms: "Look, sir, this situation and the treatment I am being given are unacceptable, so I request you to transmit my plea to the judge to be moved to the cells of the Spanish National High Court and for the Judge to keep me there until such time as he deems appropriate to summon me to testify. If the judge hasn't got me out of here by tomorrow morning, Sunday, I am going to smash my head right in front of you against that pillar you have next to you." As I was telling him this, I pointed to a square metal pillar which was not very big and painted in the same green as the doctor's room and very close to where he would normally sit.

When the visit to the doctor was over I was taken to my cell in the customary way. I had only been in my cell twenty minutes when to my surprise a group of officers burst into my cell, put the stocking on my head, half dragged me out of the cell and made me lie on the floor a few metres away. One of the officers in a furious voice said into my ear so that no one in the cells area could hear him: "If you tell the doctor again what we are doing to you, you bastard, we'll shoot you."

After this threat they put me back in the cell and made me stand the whole day.

INTERROGATIONS

The Saturday interrogation sessions were the toughest of the three days that I had been subjected to them. The knee bends and squats were harder and more intensive than on the previous days and they forced me to do them to the point of exhaustion. When I was standing they placed a metal object against my left temple. The object made a sound similar to the "click" that pistols make in films. Immediately afterwards they made me touch a pistol with my hand.

The Saturday interrogations were exclusively about how ETA's "Zutabe" publications and communiqués reached our editorial office and everything about

the interviews with ETA published in the newspaper. Just as in the Friday interrogation the more I invoked professional secrecy, the tougher became the interrogations.

They made me strip completely and do physical exercises in the nude, like the so-called “press-ups on the floor” or “push-ups”. I did these exercises naked and fell to the floor every time I was unable to go on doing them because of the exhaustion. They made me crawl around the floor of the interrogation room naked.

I was the butt of homophobic humiliation and indignity. This is what they told me: “We’ve talked to your friends and they’ve told us which your favourite position for sexual intercourse is, so get into that position now.” The officers made me lie naked on the floor in a specific sexual position that they indicated to me giving me to understand that the information had been obtained after they had spoken to my friends. They kept me in that position for about half a minute.

At that moment they threatened to circulate photos relating to my private life on the Internet.

They put a piece of plastic material over my head twice at different moments during the interrogations. They put the plastic over one’s head; they tighten it around one’s neck but without strangling. The plastic is strong and pliable so that it fits the features of one’s face as if it were a mask, and gives one the feeling of suffocating when one tries to shout or breathe in hard, because the plastic material gets into one’s nostrils and mouth causing a suction effect which seals off any means of breathing. The sensation is of immediate suffocation.

Between the two sessions with the plastic I asked my interrogators to put an end to that situation by shooting me.

Because of the tortures I agreed to give the officers information on the interviews with ETA, and the moment I did so their attitude changed radically.

After the Saturday interrogations the officers proceeded to prepare me for the statement; in other words, they made me learn by heart the answers that I was meant to give to the questions they were going to ask me when I made my statement. This learning process took about two hours in which all I had to do was learn by heart the answers to the questions that they asked me. They warned me that while I was making my statement I had to repeat everything I was learning by heart word for word. They told me I would be making my statement in the presence of a duty lawyer. I asked the officers to let me be with the duty lawyer in order to prepare the police statement and they told me that was not possible, because the duty lawyer ran the risk of my seeing him, memorising what he looked like and denouncing him to ETA. When I insisted on the right to assistance from the duty lawyer, they responded: “Do you want to go back to the interrogation sessions?” Faced with the panic I felt regarding the possibility of suffering the tortures described above, I gave up insisting on my request for a private meeting with the duty lawyer. When the officers could see

that I had learnt the responses, they took me for the first time to another cell, different from the one I had been sharing with Fermin Lazkano between the Thursday afternoon and that moment in the early hours between Saturday and Sunday morning. In that cell I was alone for the first time and they allowed me, also for the first time, to sleep for about an hour.

POLICE STATEMENT WITH THE DUTY LAWYER

Once this time had elapsed they took me from the cell to a room where there was a table with a laptop computer and two officers who were the ones who proceeded to take the police statement. While I was making my statement it was the only time that I was allowed to see the Civil Guard officers, who were in mufti, face to face. At the beginning of my statement one of the officers showed me the lawyer's professional identification card while covering the photo that such cards usually carry with his finger. To the question as to whether the statement was being taken in the presence of the duty lawyer, the voice of a man positioned behind me, responded affirmatively. That was the sum total of the help I had from the duty lawyer. I neither saw him, nor could I speak to him. When the police statement had been taken, I was taken back to my new cell, where I stayed until the Monday afternoon when I was taken to the Spanish National High Court.

SUNDAY AND MONDAY, February 23 and 24, 2003.

VISIT TO THE COURT-APPOINTED DOCTOR

After breakfast on the Sunday they took me in the customary way to the doctor's room. In the meeting with the doctor, the doctor asked how I was. I answered, "I'm fine, sir," giving him to understand that I was not prepared to tell him all about the tortures on the Saturday and run the risk of the officers finding out immediately, which is what happened when I spoke to him about the Friday tortures. That was the only reason why I did not tell the doctor on the Sunday morning all about the tortures I had suffered during the Saturday.

Apart from some voice uttering a homophobic remark outside the new cell I was not bothered at all during the Sunday and Monday.

Throughout the interrogations there were constant insults directed against both me like "bastard", "fucking Basque", etc. and against the Basque authorities like for instance, Ms Miren Azkarate, the Minister for Culture of the Government of the Autonomous Community of the Basque Country, with remarks like "that tart Azkarate who gives you grants, ... she must be part of ETA"

