OSCE Human Dimension Implementation Meeting
Warsaw, Monday 23 September 2019

Working Session 11

Rule of Law II : Protection of Human Rights and Fighting Terrorism

SPAIN: The abuse of human rights in the fight against terrorism

Recommendations

Human Rights Without Frontiers recommends that the Spanish authorities
repeal the law on incommunicado detention;
cease holding detainees without formal charges;
make much more extensive use of alternatives to prison detention;
cease using the FIES classification for non-dangerous inmates;
abolish the secreto de sumario;
cease using pre-trial detention as a means of punishment;
respect the presumption of innocence;
respect the special diligence obligation;

and comply with the recommendations of the United Nations and the Council of Europe.

Human Rights Without Frontiers also recommends that
The OSCE/ODIHR approach the Venice Commission with a view to addressing jointly the incompatibility of misapplication of the FIES detention regime in Spain with human rights law and the human rights infringements of other unlawful aspects of pre-trial detention there more generally.