

## ***Human Rights Without Frontiers Int'l***

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### **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.