

collaboration.

**EIR:** What is your personal opinion of the payment of ransom in kidnapping cases?

**Barrionuevo:** There is no special law concerning kidnappings. There is a debate motivated by an attitude of ours on the question of ransom payments. Until now, the majority of kidnappings in Spain have been carried out by armed terrorist groups, and almost always, with one exception, in order to collect money to finance their own organizations. There have also been some cases of kidnappings by common criminals also with the aim of collecting money and enriching themselves.

We fear that this practice of kidnappings for money will spread, criminals considering it less risky and more lucrative than other criminal activities. Given this fear, looking ahead, we think that the government and police should have special abilities to impede ransom payments.

We carried out, from the Interior Ministry, a public opinion poll of sorts on this issue. The results were uneven, because while an important percentage of the population thinks this is the approach that should be taken, there was also a not-insignificant percentage that thinks that the humanitarian concerns of the family must be respected, that the family wants to do everything possible to save the life of the kidnapped person, and that it is not just for the police to impede these family actions. The criteria also vary according to the areas of Spain. In the Basque region, the majority sentiment—more than 50 percent—is that the police should not impede attempts by the family to save the life of the kidnap victim. In the rest of Spain, the majority thinks that the police should impede these attempts, but it is not a conclusive majority. A notable percentage of the population, above 30 percent, considers that humanitarian motivations should be respected.

There is not at the moment a law that grants extraordinary facilities to the police or judges to impede those contacts by the family with the kidnapers. It is another matter under discussion now.

---

## Interview: Spain's Justice Minister

---

### 'Terrorism within a country is that nation's problem'

*Spanish Justice Minister Joaquín Ledesma, born in 1939, was a well-known lawyer, magistrate, and professor of constitutional and administrative law before joining the government. The following interview was conducted in Madrid on April 25.*

**EIR:** A rather open controversy has arisen between your ministry and that of José Barrionuevo, minister of the interior, concerning payment of ransoms, freezing of bank accounts of a kidnap victims, the use of intermediaries in kidnap cases, the access to legal advice by terrorists detained, and recently, your proposal for a law of habeas corpus modeled on British law. We would appreciate your explaining the political and philosophical roots of the differences above, which strike us has quite profound.

**Ledesma:** There are no profound differences, nor are there essential philosophical differences. In one of the cases you cited, that of legal assistance for detainees, we have arrived by common agreement at a shared solution, and the same will occur with the habeas corpus and anti-terrorist legislation. It is quite logical that in the search for these common solutions, each ministry uses the dimension closest to the function it daily exercises. Since the Justice Ministry is to give juridical advice to other ministries, it tends to concentrate on those aspects which protect the fundamental rights of citizens.

As for the Department of the Interior, here as elsewhere, its task is to maintain order and public security, and quite obviously these concepts come to the fore. But even though each department works with the concepts closest at hand, there is no doubt that we arrive in the final analysis at an agreement.

Fortunately, in my country at this point, the ministries do not make policies. There is not an Interior policy and a Justice policy. There is a government policy, and this government is led by a president, who decides on political orientations which are shared and carried out by all without differences and certainly without the slightest hostility.

**EIR:** Which reforms do you propose to combat terrorism? What do you think about the proposal of Xavier Arzallus, president of the Basque Nationalist Party (PNV), to create an international commission on terrorism in the Basque including Brian Jenkins, Peter Janke, and Professor Leauté of the Eurogroup?

**Ledesma:** I think that the current Spanish legislation is sufficient to combat terrorism, and I think that the European position on that coincides with mine. I do insist that the current Spanish legislation is adequate.

We are simply studying the possibility of including some solutions applied by other countries, like Italy, notably, disincentives to criminals through favored treatment for collaborating in the fight against terrorism. Such reforms are being studied by various ministries and I cannot say what the result will be.

As for the proposal of Arzallus, without in any way calling into question international cooperation as laid down in international treaties, the investigation of terrorism in one's own national territory is a quite different question: This is a police and judicial activity which must remain entirely in the hands of the police and judiciary of one's own country.