

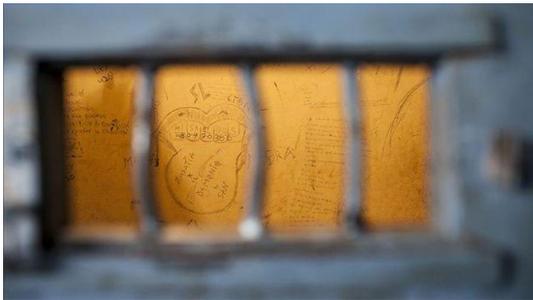


JUSTICIA Y PAZ

COMISIÓN GENERAL DE ESPAÑA

Rafael de Riego, 16, 3º dcha. • 28045 Madrid
Tel. (+34) 91 506 18 28
Correo-e: juspax@juspax-es.org
<http://www.juspax-es.org>

About the approval of the "revisable permanent prison" sentence by the Congress



Last January 22 the Spanish Congress approved a reform of the Penal Code project that includes —among other features— the implementation of a new "revisable permanent prison" sentence.

On this basis, the Spanish Commission for Justice and Peace wants to emphasize what we already claimed about this sentence in our September 27, 2012 release on this prison sentence, referred to the law project:

1. **Life imprisonment is a cruel and inhuman sentence** because it imposes terrible suffering in human beings, it separates them from society for good, it submits them to such isolation that their status as a relational being is destroyed, and it deeply and irreversibly attacks the mental, physical, spiritual health and the moral dignity. Moreover, life imprisonment scorns both the human beings' status always perfectible and the chance of forgiveness. We must not look away from the possibility of the interior transformation, as consequence of a free process and of proper support, of someone that committed severe crimes towards the contrition, the reparation of the damage done as much as possible, the social reintegration and the openness to love.

2. Therefore, life imprisonment is **unconstitutional**, since it violates the prohibition for inhuman or degrading sentences (art. 15 of the Constitution) and the requirement for the sentences to be focused on the convict's social reintegration (art. 25.2 Const.), a basic principle of humanity and social justice. Life conviction means to officially refuse reintegration. The reintroduction of this sentence is a serious back step in the necessary evolution towards a penal justice system fairer, more respectful with human dignity, focused on achieving the convicts' social reintegration.

3. The fact that it is "**revisable**" —that it can be softened under certain circumstances— does not clear its cruelty nor its inhumanity, since it does not certainly prevent convicts from being imprisoned for life. Freedom will only be attained after a decision made on the convict's personality, **which will easily (and inevitably) turn into an arbitrary judgment**. The decision to set someone free will no longer be made on the truth of a past event (committed crime), but on the hypothesis of future reoffending, on a subjective judgment of the convict's morality or

on a political response to either victims' or public opinion's claims. People behavior is impossible to foresee —since freedom takes part in it— and therefore, any future behavior hypothesis lacks objective, scientific basis.

4. In any case, it is **a shame and a socially unnecessary suffering**, since its legal provision and imposition will not have more crime-preventing effects than the imposition of serious, determined-duration prison sentences, like the ones the current legislation stipulates, reaching the top of forty years of imprisonment. In fact, better prevention is obtained by tackling deep and seriously the numerous factors that foster crime-committing, as well as making their punishments more probable, but not more severe, because it does not lead to any solution.

5. Finally, we would like to highlight that, according to the Church's Social Doctrine, prison sentences "must be oriented to convicts' **reintegration** and the promotion of a **reconciling justice** capable of **restoring relationships** of harmonious coexistence broken by criminal actions" and must never "deprive the convict from the **possibility of redemption** for good" (Church's Social Doctrine Compendium, points 403 and 405).

Spanish Commission for Justice and Peace

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