

LUIS FERNÁNDEZ URDIALES: SPAIN

My name is Luis Fernández Urdiales. I was born 58 years ago in Barcelona, I am Catalán and a supporter of Barcelona FC. I have always been arrested for theft and robbery. I have had four major sentences but I have been arrested for several more. I have already served prison sentences of 20 months, one of two years, one of 14 years and now I am finishing one of 14 years. Nowadays, I am doing a bakery course while I am in third degree¹. I have only got eight more months of this sentence to serve.

In my opinion there are three types of delinquents. First there is the kind of delinquent that does it because they are sick: drug addicts, alcoholics, game addicts, etc. The second kind are those ones that like to have a good life, good clothes, the latest gadgets in the market, good food...and finally “the ones that are fucking fed up”, people that don’t have anything to survive on or live in a decent way and who the system doesn’t care about; people who don’t receive any kind of help from the system or the government. In these cases, these people don’t care about the system and they commit crimes.

I have always committed crimes when my personal situation has been chaotic and I didn’t have any other sort of way out. Normally I have been working all the time. The proof is that I have 18 years of contributions to the National Social System. But the thing is I was losing my job and I saw that they were going to evict me from my house, leaving me and my family (wife and three kids) on the street without any food. On top of that the government thought that I didn’t take care of my family, but how I was to suppose do it if I didn’t have the money or resources? I didn’t have any kind of help.

I don’t consider myself to be a delinquent. Simply that for economic reasons I have had to do it. Steal or die of hunger - me and my family. Always before I committed a crime I have tried to do the right thing, I have exhausted all possibilities. In the end it wasn’t a dilemma because I didn’t have any other option. If you have two options you can choose, but if you

¹ In Spain, there are three degrees, grades or categories of prisoner status. The third degree regime denotes an open regime [Ed comment]

only have one, you definitely can't. In the end, it was the system that pushed me to commit crimes.

I have managed to reintegrate with my family and friends. The rest haven't done anything to help me. The support of my family has been essential. It is very important to know that they are there for you, to see them on [prison] visits even if it's cold or hot out there. If it wasn't for my family I wouldn't have been as strong as I am now. I probably wouldn't have my head and mind clear enough. They don't like what I have done, but they understand that when I did it, it was for a reason.

Two or three friends have also helped me; they have been instrumental when I have to leave the jail. That is a crucial moment because you don't have any support after you have been in prison, and then after a month and a half, or two, and you need a bed, breakfast, food, shower and clean clothes – in these moments, when I have opened the fridge and seen that there was nothing in it, not even milk or eggs for me and my family, I have felt tempted again. But I have been strong because I have some people helping. I have been managing but that it is not the solution, because these people (friends) can help me for one month, but not *every* month. They simply don't have enough for everybody. They don't have the capacity to help for longer!

People that are *supposed* to help don't help. Actually it seems that they don't like that I get help from others. In fact, I think that the system would like to see me commit crimes again.

First of all, the system doesn't give you financial assistance or family support of any kind, even knowing the effort that it takes to give up crime. For example, a person that goes to jail because he/she steals to survive, then he/she serves time in prison and goes out. When he/she goes out of prison nobody gives them money to live on. In that moment what is this person to do? He/she needs to sleep, eat, dress, etc. Imagine that this person finds a job on the first day out. But in any job they don't pay you on the first day; usually they pay you the last day of the month. So in that month out of the jail and working, what does he/she do to live? Live from the air that he/she can breathe? This is not a minor problem. There are a lot of people that leave jail but they cannot get a month's wages. People need to eat. The

system should give you tools, recommendations and something to survive on for a month - even if this is not a sum of money to spend. There should be ways to reintegrate a person into the system.

The penitentiary system doesn't seek to reintegrate a person in the system, really. They really want to burn you, mark you and squeeze you. They made me suffer, me and my family. They mark you if you like to obtain a permit to gain third degree or parole.

One of the big problems in prison is the favoritism. Two people in the same situation...one yes and the other no. There is a penitentiary regulation. I don't understand why, if I qualify, they don't give me the things that are fair, that are right. It is in the law!! Why do they give it to someone else because he has a certain name and they don't give it to me? Was it because he had status, power and a bank account?

In the penitentiary regulation it is very clear how you can obtain third degree and parole. One of the conditions is that you previously had had those benefits. If you don't do what they want you to do or tell you to do, then you don't have benefits. I don't understand why they try to change me. I am asking that they help me to change my life if it is twisted, but don't try to change the criteria with regard to the allocation of benefits! Sometimes they force you to accept things that go against moral and good behaviour. For example, in some courses they force you to pray even if you don't believe or they force you to attend an alcoholic and drugs program even if you don't consume either of those. My problem is that when I am out of jail, around day 20 of release, I don't have anything to eat or anything to feed my family. The prison officer forces you to do these courses and if you decide not to do it they invent anything to deny you permit.

Another problem is the requirements they ask of you. I do not understand how they have been demanding employment as a criteria to get third degree or parole in a country with five million unemployed. Well, they don't require it of all of the prisoners, in that there is also favoritism. Another similar joke is when the Judge sentences you to civil liability. On the one hand you cannot derive any penitentiary benefits or parole until you have paid and on the other hand, you cannot pay if you don't go out to work to get money to pay your fine.

Besides prison workers don't do their job in a good way. It is true that prisons are overcrowded, but it is their fault because they don't do their job in a good way. For example I had a problem and I asked to see the teacher, the lawyer or anyone. It took them over ten months to call back so now I don't have a problem...I have five!!!

You can see abuses every day. A judge should come and make a sentence. This is well known. For a reason, the criminal code and prison rules exist. But dogs don't bite each other. One day I can protect you and the other you protect me - that's their deal. At least now this is going to be known and heard outside, even if it is through this journal.

I have to recognize that there are honest people too. Not everyone is like that. There are some that come to work but they have to face those who refuse to change. These few people find that they have to fight against their own co-workers. And of course that creates conflict and many times the good people have to change and keep quiet or they face being fired. Others have had to resign from the job in order to keep their values because they cannot fight against the prison rules - even if they are unfair. They came to work cleanly but they didn't allow them so they had to quit. Luckily there are still a few of these good people working and thanks to them we (the prisoners) don't create riots and do bad things. Those are the ones that make you think of not doing silly things. Between all the dirt and rot some flowers still grow.

At the end of the day, the prison system is a business. Do you know a car mechanic that doesn't want cars to break down? Or a cobbler that doesn't want shoes to fix? If the prison officers and the system wanted to eradicate violence, they could. It would be cheaper! According to the government, each prisoner costs 90 Euros to maintain per day. For a parolee or third degree prisoner - they don't give them anything, not even a quarter of that money.

After 11 years and four months of behaving, of making sacrifices, with goals in mind: do my time, get a job and enjoy my family and reintegrate into society...the prison officers haven't helped me at all. Everything that I have achieved, I have done it through my own efforts, through my own family's sacrifices and through the help of one or two friends. If it weren't

for these people I would be lost, everything would be lost. Still anyone can explode at any time, because people inside here are fed up of the injustice and abuse.

That could be fixed by people who are honest with themselves. The Penal Code and laws are the same for everybody, even for those who commit abuses. No one is exempt from the law. What is happening? Is that I have to detain these people? Do I have to apply the law by my hand? Because if I have to I'm not going to pick a book.

