

2003 World Press Freedom Review

The war on terrorism had a severe impact on Spanish local media in 2003. Starting with the closure of the Basque newspaper *Euskaldunon Egunkaria* and finishing at year end with the arrest of an Al-Jazeera reporter, allegedly for his connections with al-Qaeda, it seemed that the Spanish authorities were determined to sever a connection between terrorism and the media. However, it often appeared that the media were chosen because they were an easier target than the terrorists themselves and no consideration appears to have been given to the implications for freedom of the press in Spain.

In late February, there was a heated debate over the closure of *Euskaldunon Egunkaria*, the Basque daily based in the northern Spanish town of Andoain. The paper was closed on 20 February on the order of the courts that claimed it had links with the armed separatist group ETA. On the day of closure, hundreds of Civil Guard police officers raided the paper's offices and the homes of its senior staff throughout the Basque region of northern Spain.

Prior to the closure, Spanish National Radio 1 reported that a report from the Civil Guard had concluded that terrorist group ETA finances the newspaper and uses it to launder money obtained from extortion and kidnapping. Authorities also accuse the newspaper of assisting ETA by issuing coded messages in its pages, alerting operatives to the capture of one of their commando groups.

Editor-in-chief Marcelo Otamendi and nine executives of the Egunkaria S.A. company, which publishes the daily, were arrested during the raids on charges of supporting ETA. Police also seized documents and computer equipment and shut down the daily's Web site before boarding up the offices. The remaining staff published a 16-page edition under the name *Egunkaria* that covered the raid. The Basque-language headline read, "Closed but not silenced." "Closing a newspaper is a drastic measure, and it is incumbent that the Spanish government justify its actions by making the evidence against Euskaldunon Egunkaria public," said CPJ acting director Joel Simon.

On 22 February, tens of thousands of protestors, including three ministers from the Basque regional government, marched in the northern city of San Sebastian, to oppose the newspaper's closure.

Also in February, IFJ called for charges to be dropped against two Spanish journalists facing a court case in Gibraltar on 4 March. The demand came after their arrest with 12 other journalists when covering a protest by environmentalists. José Martín, an editor with the private station Tele 5, and Virgillo Moreno, a photo-journalist with another private channel, Antena 3. The journalists were among a group of reporters and photographers arrested at sea with a number of activists and held for 10 hours on 20 January.

According to IFJ, the journalists were travelling in launches trying to film protests over the use of the dock by an oil tanker which had been taking part in dumping activities which protesters say is responsible for oil spills in the region. "These journalists are being victimised for doing their job," said Aidan White, IFJ General Secretary. "It is scandalous that they are being brought to court for following a story and for highlighting a matter of serious public concern."

Martín and Moreno will face judicial authorities over incidents surrounding their arrest, but IFJ said the court action was unjustified and only further penalizes journalists who have "suffered enough." The IFJ says that the original arrests -- of journalists from the Spanish *El Mundo* and *El País* newspapers and the state-run TV *Española*, Canal Sur network and the private Antena3 and Tele5 -- were provocative and insensitive.

During early March there were allegations of ill-treatment from a Spanish journalist. Journalist Martxelo Otamendi Eiguren, managing editor of the Basque-language newspaper *Euskaldunon Egunkaria*, who was held for five days during a police operation against the paper's management, alleged he was both psychologically and physically ill-

treated while in police custody.

Otamendi claimed that he had twice had a plastic bag placed over his head until he was nearly suffocated and spent much of the time naked and forced to crouch. He added that he could hear the screams of his colleagues, notably author Juan Mari Torrealdai, as their interrogators beat them.

"We urge you to open an inquiry into these allegations of ill-treatment in custody by the managing editor of *Egunkaria* and to keep us informed of the condition of former managing editor Pedro Zubiria, who tried to commit suicide in custody," RSF Secretary-General Robert Ménard said in a letter to Spanish Interior Minister Angel Acebes.

On 7 March, the WiPC of International PEN highlighted its concerns that since 11 September 2001, the Spanish government policies of tackling the struggle against ETA terrorism has become increasingly confused with a policy of suppressing certain democratic institutions promoting Basque culture.

In May, RSF urged the Spanish authorities not to prosecute the Basque public radio and television network Euskal Telebista ("ETB") for broadcasting a videotape of three presumed members of the Basque terrorist organisation ETA reading a statement. ETB Director General Andoni Ortuzar was summoned for questioning on 21 May by the State Prosecutor's Office, which will decide whether or not to prosecute the broadcaster.

The videotape broadcast by ETB on 15 May showed three masked ETA members saying ETA did not envisage "any tactical truce" and demanding guarantees of "respect for the will of the Basques." They called on voters to cast a spoiled ballot in the 25 May municipal elections to protest the Spanish judicial authorities' outlawing of a pro-independence party allied with ETA. They also showed an ETA bulletin which, according to the Basque pro-independence newspaper *Gara*, said ETA would continue to attack the Spanish "war media."

In July, there was further bad news for the *Euskaldunon Egunkaria* newspaper when a court ordered a six-month extension to the "preventive measures" that have kept the newspaper closed since February. RSF responded to the decision with a letter to the Spanish authorities, "We reiterate our opposition to the closure, even if it is provisional, of the newspaper *Euskaldunon Egunkaria* while the courts have not yet reached a decision on the substance of this case."

In September, there were concerns over the arrest of an Al-Jazeera television journalist. On 5 September, Tayseer Alouni, an Al-Jazeera reporter who had worked as a war correspondent in Kabul for the Qatar-based satellite network, was arrested by anti-terrorist police at his home in Alfacar, Spain and placed under police custody in Madrid. He had been told to present all reports and activities undertaken whilst working in Afghanistan and Iraq and could be held for a substantial period of time

Judge Baltasar Garzón issued an arrest warrant for Alouni based on both his supposed links to the Spanish cell of al Qaeda, and, in particular, due to his links with Osama Bin Laden. Garzón accused Alouni of manipulating his stance as a journalist so as to obscure his work for the terrorist organisation. Alouni had previously covered the US invasions of Afghanistan and Iraq.

"Over the past year there has been an expression of irritation by western, particularly American, officials over the work of some Arab media and Al-Jazeera in particular," said Aidan White, IFJ General Secretary. "Its offices have been attacked by the military in Afghanistan and twice in Iraq. With this latest arrest it all begins to look like developing into an international witch-hunt."