



## **2005 World Press Freedom Review**

A European Union member and signatory to the European Convention on Human Rights, Spain is a modern democratic country, with a lively media environment. However, there are difficulties for the media when reporting on certain taboo subjects; one of these subjects is terrorism.

Indeed, the year was dominated by disputes between the media and government over this subject. In September, journalist Tayssir Alluni was sentenced to seven years' imprisonment for aiding Al-Qaeda, while the latter part of the year was spent in disagreement over the government's sensitivity towards home grown terrorism.

One of the most confusing media cases of the year was the one involving Al-Jazeera journalist Tayssir Alluni who was prosecuted in Spain. First arrested in September 2003, Alluni was accused of collaborating with the terrorist group Al-Qaeda by acting as the group's financial courier during his time in Afghanistan.

The prosecution of Alluni has caused considerable problems for press freedom organisations, who have found it difficult to discover the truth of the assertions and contra-assertions. Indeed, Alluni's case is symptomatic of many other cases where specific allegations are made, but because of their nature, it is extremely difficult to test the evidence.

Alluni has consistently denied the charges and said he was only practicing his profession. The journalist is well known for being the first journalist to secure an interview with Al-Qaeda head, Osama bin-Laden, in the aftermath of the September 11 attacks in the United States.

During September, Alluni sought to appeal his house arrest. He also sought to travel to Syria for the funeral of his mother. Speaking about the funeral, Alluni's wife Fatima said, "I have received a fax of Tayssir's mother's death certificate, which I have given to our attorney and I am going to appeal tomorrow in Madrid against my husband's imprisonment." However, the attempt to gain the authority's approval for the funeral led to the journalist being detained after fears were expressed that he might try and abscond the country.

In September, Alluni, who is a naturalised Spaniard, was given a seven-year jail sentence by the Spanish court for his involvement with Al-Qaeda. His sentencing sparked off protests from some journalists' groups complaining that the journalist was innocent.

During early November, a High Court Judge confirmed the validity of a Spanish warrant for the arrest of three US soldiers who were apparently involved in the 2003 death of Jose Couso who died in the Palestine Hotel, along with a Ukrainian journalist, when an American tank shelled the hotel. Many commentators felt that by upholding the validity of the warrant, the court was rejecting the appeal of the Spanish government, which had argued that the case lacked jurisdiction.

Speaking about the case, Judge Padraz said, "I can't think of any other alternative." He went on to say that without the soldiers' testimonies the High Court would have to shelve the case. Commenting on the original decision to issue the warrants, IFJ General Secretary, Aidan White said, "This [the original court] decision is a victory for those campaigning for justice and the truth behind the killings of media staff... There must be an end to the arrogant disregard by the United States authorities of the outrage felt by many in journalism over the sense that these deaths have not been fully explained and that the responsible authorities have not been made accountable."

In May, IPI issued a resolution, passed at its Annual General Assembly, held in Nairobi, concerning the legal case of Jose Luis Gutierrez and Rosa Maria Lopez. The resolution called on the Spanish government to retract a law under which the journalists were convicted of "insulting" the late King of Morocco. The resolution said, "Along with leading world judicial bodies like the European Court of Human Rights, the Human Rights Commission of the Organisation of American States and the U.S. Supreme Court, the IPI membership believes that heads of state and other public officials must accept a greater degree of criticism than a private citizen and also accept that the news media may investigate and criticise their activities."

On 14 November, ARTICLE 19 issued a press release calling on the Spanish courts to follow international human rights standards regarding the Basque-language newspaper Euskaldunon Egunkaria. The newspaper has been prevented from publishing due to its alleged links with the banned terrorist group ETA.

In December 2004, Iñaki Uria, Joan Mari Torrealdai, Txema Auzmendi, Xabier Alegria, Pello Zubiria, Xabier Oleaga and Martxelo Otamendi were accused of forming an 'illegal association' at the time of Euskaldunon Egunkaria's establishment, and for "being members of, or collaborating with, ETA." Five of the detainees allege that they were subjected to torture while in police custody. The press release reminded the courts "...of Spain's responsibility under international law to defend and promote the right of freedom of expression, resulting from its ratification of the International Covenant on Civil and Political Rights and the European Convention on Human Rights." ARTICLE 19 also

called on the "Spanish government to provide satisfactory justification for the extreme measures it has taken in respect of Euskaldunon Egunkaria."

In December, the World Press Freedom Committee (WPFC) wrote to the Spanish authorities expressing its concerns about a report from the Catalan Audiovisual Committee (CAC) accusing it of using an "arbitrary mandate in an attempt to censor and silence the opinions of a whole radio network." The letter came after the CAC's decision to revoke the broadcasting licence of the COPE network for apparently failing to follow its Constitution and said that it failed to meet journalistic and editorial duties, calling its opinions "most grave accusations," "insulting" and "public humiliations."

In its letter, the WPFC said, "[W]e find it unjustifiable that a state entity, bestowed with censoring powers typical of painful autocratic regimes of the past, be the arbiter of the behaviour of a media outlet. COPE or any other media outlet in Spain has every right to express their opinions in an atmosphere of liberty enshrined in the Spanish Constitution." The WPFC urged the Catalan legal system to dismiss the CAC's calls for the revocation of the broadcaster's licence.