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## Spanish prosecutors drop all charges against Basque newspaper, Egunkaria

(Tuesday, 19 December 2006) - by Edu Lartzainguren

"There is not a single piece of proof to connect Egunkaria with ETA", were the words of Miguel Angel Carballo prosecutor at the Spanish Audiencia Nacional, the tribunal that ordered in 2003 the closure of the only Basque language daily newspaper. The prosecutors made their conclusions last Thursday, and have recommended that no trial should be conducted against Egunkaria's board of directors.

Seven of those arrested in 2003 reported having been tortured by the Guardia Civil, among them the director of the newspaper, Martxelo Otamendi. The daily has been closed since, its assets seized and sold off, and 180 workers lost their jobs.

"The prosecutor thinks that there is not enough evidence to go ahead with the case, and no basis to prove that ETA hid behind a legal newspaper", says Carballo. He adds that after four years of investigation he has found out that "in its 13 year lifetime Egunkaria did not publish a single article, or editorial, in which a desire to bring support to ETA was to be seen."

As a result the prosecutor is demanding that the Audiencia Nacional's first criminal court drop the case and lift all charges taken against the accused.

Egunkaria was closed on February 20th 2003. In the middle of the night, the Spanish Guardia Civil broke into the houses of ten members and ex-members of the newspaper's board. They were taken to Egunkaria's premises in Andoain, 16 kilometres from Donostia-San Sebastian. The Guardia Civil closed the newsroom, and took the arrested to Madrid. They were held incommunicado for several days. Seven of the arrested reported that they were subjected to several types of torture. They said they were beaten and forced to do physical exercise until exhaustion.

The director of the newspaper, Otamendi, told the judges that the police placed a gun against his temple, and simulated his execution. His head was wrapped in plastic bags several times to suffocate him. Another of the arrested, Pello Zubiria, had to be taken to hospital, because he could not withstand the treatment and tried to commit suicide.

They were all freed in the following days, except for Inaki Uria and Xabier Alegria. Mr Uria spent 17 months in prison, Mr Alegria almost two years. All had to pay bail, amounting to 700,000 euros.

The operation was ordered by judge Juan del Olmo, from the Audiencia Nacional.

"As it has not been proved that Egunkaria helped finance ETA or laundered its money; as it has been seen that neither Egunkaria, nor the accused, have ever helped ETA or justified terrorist actions [...]: it is unfair to proceed with the trial," concluded prosecutor Carballo.

The defendants in the Egunkaria case were happy with the prosecutor's demand, but cautioned against any euphoria. In spite of the recommendations the tribunal might well go ahead with the case. "You have to realize that this step is not definitive," said Joan Mari Torrealdei, former member of Egunkaria's board and one of the prosecuted. Torrealdei explains that here are still two private parties that are asking for the trial to proceed. "The prosecutor can't close the case, only the Audiencia Nacional can do that, and we do not have much confidence."

Mr Torrealdei continued, "The case against us was politically motivated by the Government of Jose Maria Aznar, as were many others in Euskal Herria". (Eurolang 2006)

Berria newspaper (in Euskara) <http://www.berria.info/azala.php>