

MIDAS: Press release

The Spanish National Criminal Court has acquitted the five defendants in the Egunkaria case

Tuesday, 13 April 2010

The Spanish National Criminal Court has acquitted the five defendants in the closing down case of *Egunkaria* daily newspaper –Joan Mari Torrealdai, Iñaki Uria, Txema Auzmendi, Martxelo Otamendi and Xabier Oleaga–, arguing that there is no proof against them. According to the verdict, the defendants did not commit any crime and they had not had any links with the armed organisation ETA. Besides, the Court concluded that the decision to close the newspaper down was an infringement of the Spanish Constitution and that other measures could have been taken in order to preserve the right to freedom of speech. *Egunkaria* was closed down by the Spanish Police in 2003.

On the other hand, in connection with the torture complaints made by the defendants, the Spanish Court said that the defendants' testimonies and the reports written by the doctors of the Court are compatible. Nevertheless, it added the following: "During the incommunicado period, there was insufficient and effective control of the incommunicado conditions". The Court returned the verdict yesterday, at 12.50 p.m.

Two associations representing the Private Prosecution –Dignity and Justice and the Association of Victims of Terrorism (AVT) – had asked for prison sentences of 12-14 years, and a 15-year-ban on holding public office or other position, as well as a ban on standing in political elections, for each of the defendants, considering that they had been linked with ETA. On the contrary, the Public Prosecutor, Miguel Ángel Carballo, and the defence team requested the acquittal of all the defendants. In the end, the panel of judges did not find any proof against them. The panel was formed by the judges Javier Gomez Bermudez, Ramon Saez Valcarcel and Manuela Fernandez. The defendants will be expressing their opinion about the verdict today, at a press conference called in Andoain (Gipuzkoa), in the Martin Ugalde Culture Park, starting at 11.30 a.m.

However, yesterday's verdict is not the end the *Egunkaria* Case. On the one hand, the associations Dignity and Justice and AVT can appeal against the verdict to the Spanish Supreme Court. On the other hand, the financial court case of *Egunkaria* is still open and eight people –including former members of the Board of Directors and members of staff– are awaiting trial.

The European Association of Daily Newspapers in Minority and Regional Languages (Midas) actively tried to intervene against the closing down of their Basque member newspaper *Egunkaria*. In the last years Midas made the case of *Egunkaria* internationally public publishing articles in almost all EU member states, drafting petitions to the European Parliament, the European Commission and the Council of

Europe and doing awareness raising on the web. Midas President Toni Ebner made a clear statement this morning: “The law and justice have finally been restored in the Spanish side of the Basque country. The violations of the Human Rights and freedom of press by the Spanish police will remain, however, as a memorial. The Spanish authorities should now express their apologies for torture and oppression of the freedom of the press.”

List of the acquitted defendants and their former positions:

Joan Mari Torrealdai: Chairman of Egunkaria’s Board of Directors.

Txema Auzmendi: Secretary of the Egunkaria Board of Directors.

Iñaki Uria: Chief Executive of *Egunkaria*.

Martxelo Otamendi: Editor-in-chief of *Egunkaria* .

Xabier Oleaga: Former deputy editor-in-chief of *Egunkaria*.