



History of the first newspaper in “eusquera”: *Esukaldunon Egunkaria*

Euskaldunon Egunkaria (thereafter *Egunkaria*) was the only newspaper published in “eusquera”, a language considered as one of the oldest of Europe. Since the 80s, the Basques had already a radio (Euskadi Irratia) and a TV station (Euskal Telebista 1) in “eusquera”, installed by the Basque government. But there was no newspaper in “eusquera” until 6 December 1990, date of inception of *Egunkaria*¹. *Egunkaria* is born out of the necessity to allot the Basque society a newspaper which, besides informing the Basques in “eusquera”, would contribute to the linguistic standardization of this language. Thousands of Basques contributed financially to create something which had until then been only a dream.

Since its inception in 1990 until the closure ordered by the *Audiencia Nacional* in 2003, *Egunkaria* had never been subject of a judicial action and even less of a condemnation. It was a newspaper for all Basques interested to read every morning a paper edited entirely in Basque. Distributed in the whole Basque territory (Spain and France), it was a daily in which all political, union, economic and social interests of the country were voiced. Nevertheless, on 20 February 2003, the judge of the *Audiencia Nacional* decided to close the daily arguing presumed links with ETA.

A case without legal grounds

The main accusations supported by the Spanish Civil Guard and endorsed by the judge in charge of the case are based on two fundamental elements:

1. Financing of the newspaper by ETA and
2. Control by ETA of the newspaper, via appointing Board members of its trust.

¹ Except the courageous experience of the paper EGUNA, published during 6 months during the Spanish civil war, from January to June 1937.

1. Financing of ETA. After six years of inquiry (two years before and four after the closure), neither the magistrate nor the Spanish Civil Guard, author of the accusation, could demonstrate that ETA had financed the daily *Egunkaria*. More so, in the judicial order of 600 pages, the judge «forgot» the question of financing and thus omits to mention one of the principal reasons invoked to justify the closure of the newspaper.

2. Control by ETA. The judge accused the directors of the newspaper to be members and collaborators of ETA. Though, after seven years of inquiry, neither the judge nor the Spanish Civil Guard could demonstrate that the appointment of the directors was made by ETA and that the persons chosen were persons trusted by ETA. The prosecutor was only able to show a document found with one of the members of ETA during a police operation in which the organization expresses its interest for the nominations of the directors of the Board. Thus, the document, as rightly stated by the prosecutor of the case in the report †† requesting the provisional closure of the case, does not show that ETA controlled the newspaper or had direct or indirect influence in its operation and even less that it appointed the directors.²

Indignation of the Basque society

The closure of *Egunkaria*, despite its “provisional” nature, became de facto “final” when after one year, the judge ordered the liquidation of the assets and liabilities of the publisher. Thus, the judge did not wait for the verdict of a tribunal affirming the culpability of the directors of the newspaper. One year after the closure and much before the holding of the trial (which at the date of this writing, march 2008 has still not been held), the judge liquidated definitely the publishing firm, rendering the recuperation of the newspaper impossible.

The Basque society reacted immediately in an impressive and surprising manner launching a campaign of protest against the closure of *Egunkaria* and created channels of solidarity with the accused. Two days after the closure, the streets of Donostia (San Sebastian) lived under the slogan “Egunkaria aurrera” (Egunkaria ahead), the biggest popular demonstration which ever took place in that city. The closure of the unique newspaper in “euskera” had been interpreted by the political, social, unionist and cultural majority as a direct attack on the Basque society. The anger of the citizens rose even more when the medias published the accusations of pertaining to or collaborating with ETA, called for by the judge against the detainees. In fact, given the popularity and the social prestige of the accused, nobody in the Basque Country believed such accusations. The mobilizations lasted for months during which popular initiatives arose in protest against the closure of the newspaper and the detention of some of the directors.

Today (March 2008), twelve accused persons are still awaiting the date of the trial although the Prosecutor ordered the provisional classification of the case and not the holding of the trial. To date, the accused are in “provisional” liberty on bail, and after having suffered five days of interrogation in *incomunicado* detention; one of them spent 18 months and two others 8 months in detention called “provisional”, i.e. detention pending trial.

International interest

² Ordinary indictment No. 44/04 of the Central Court of First Instance No. 6, Court Record No. 21/05, First Section, Criminal Division, Spanish National Court.

Many international human rights organizations protested against the closure of the newspaper: Pen Club, Amnesty International, Reporters Without Borders-International, etc. International media (*TIME Magazine*, *The Guardian*, *The Independent*, *Le Monde*, *The Washington Post*, RAI, BBC, etc.) echoed with their publicization of the case and sent reporters to interview the detainees on bail. Even today, five years after the closure of the newspaper, journalists of the international media continue to go to the Basque Country, in order to report on the closure of the newspaper and the situation of freedom of the press in the Basque Country.

Besides the closure of *Egunkaria* and the arrest of its directors, the issue of torture committed by the Spanish Civil Guard on five of the ten detainees during the closure operation was too much for a great number of citizens and prompted numerous European medias to deal with the issue of the closure of the newspaper. Journalists could not believe that in 2003, in the 21st century, in a European country, journalists and directors of a newspaper were tortured. Thus, denunciations of torture made such an echo that the United Nations Special Rapporteur³ on torture, after meeting with some of the tortured directors, released a very severe report on the practice of torture of the Basque detainees.

Awaiting trial

Although the actual date for the trial has yet to be announced, it could well take place in a matter of a few months. The trial is scheduled to be held at the Spanish National Criminal Court, which is in fact the court specially set up to try crimes of terrorism. 12 *Egunkaria* members will be standing trial, and the penalties being sought by the popular prosecution are outrageous: 280 years in prison and fines amounting to 234 million euros. The popular prosecution is accusing the 12 defendants of belonging to the armed organisation ETA.

Bearing in mind the judgments that this special court has been handing down recently, the 12 defendants run a very great risk of being sent to prison.

More information: www.egunkaria.info

Martxelo Otamendi: motamendi@berria.info

³ For more details, see the report of the UN Special Rapporteur on torture, introduced at the 60th session of the Commission on Human Rights in February 2004 (E/CN.4/2004/56/Add.2).