

German PEN

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Dear Friends,

We have recently learnt that on November 12, on Writers-In-Prison Day in fact, the Spanish judge Baltasar Garzón is to receive the German PEN Centre's Hermann-Kesten prize.

We were very concerned to hear the news, and would therefore like to express our point of view.

We understand that Judge Garzón has been nominated to receive the prize because he has been involved in matters very close to the hearts of the PEN community members. The reasons you give include: the Anna Politkowskaja case, the Hrant Dink case, the killing of Natalja Estemirowa, the Augusto Pinochet affair, the Guantanamo affair, his action in connection with the Franco era and against ETA.

Unfortunately, you failed to mention other cases pursued by Judge Garzon in a way that was very personal and sought great prominence, as in the cases you referred to. These cases include the closing down of the newspaper Egin (1998), the closing down of the Egin radio station (1998), and the trial against the Egin journalists (2005).

In 2003, Judge Del Olmo closed down the newspaper Egunkaria, and the last years the Basque society has expressed his solidarity with the two closed newspapers in very different ways. The trial against five Egunkaria journalists, which is expected to take place before the end of 2009.

Please see the letter written from prison by Teresa Toda, Egin's Deputy Editor, and member of the Board of the Basque PEN center at:

http://www.euskalpen.org/default.cfm?atala=albistea_erakutsi&hizkuntza=2&id=128

For further information about the time when the Chief Editor of Egin was arrested for the second time, please see:

http://www.euskalpen.org/default.cfm?atala=albistea_erakutsi&hizkuntza=2&id=130

For the latest information about Egunkaria, please see:

http://www.euskalpen.org/default.cfm?atala=albistea_erakutsi&hizkuntza=2&id=140

The International PEN knows these media cases very well, because since 2005 they have received wide coverage in all its **Caselists**. Page 77 of the latest Caselist (January-June 2009) has the following text:

On 19 December 2007 the sentences were announced against over 60 people accused on charges of terrorism for their alleged support and activities for Euskadi Ta Askatasuna (ETA) a Basque armed separatist group, which concluded with 47 convictions of between two and twenty years in prison.

Among them are a number of journalists and writers, including those working for the Basque newspaper 'Egin'. The trial started in November 2005, lasted sixteen months, and took place in Madrid, 400 or 500 km away from the homes of the accused. During that time the accused were required to attend the court hearings, even if they were not involved in the case that was on trial on a specific day. Throughout that time, the accused had practically no way to earn a living, since they had to be in Madrid. The trial itself was based on an 8-year inquiry carried out by Baltasar Garzon, a leading member of Spain's anti-terrorism group. The convictions relate to a number of different cases that were brought together for trial in one court. (The Egunkaria case, see below, was originally among this group, but was subsequently to be tried separately). Garzon concluded that ETA was formed not only of armed cells, but also through a network of political, financial and media groups. Some of the defendants were detained following the sentencings, and others freed pending appeal. There are concerns that some of those convictions may be in breach of international standards safeguarding the right to freedom of expression and association. Amnesty International has stated that it believes that there may be prisoners of conscience among this group, and as of December 2007, was still researching the legal documentation that led to the decision. The cases listed below are those that have been brought to the International PEN's attention as possibly being among those wrongly convicted. It is seeking clarification of the charges to enable it to hold an informed opinion on these concerns.

All the Egunkaria journalists are Honorary Members of the English PEN Centre. Likewise, the Catalan PEN Centre has also conducted many successful initiatives to denounce the closing down of Egunkaria and defend the rights of journalists.

During the 74th Congress held in Bled in 2005 a resolution in favour of the above-mentioned media was passed and forwarded to the Spanish Prime Minister Jose Luis Rodriguez Zapatero and to the heads of the Audiencia Nacional (Spanish National Criminal Court) where Judge Garzon works. The resolution can be read in full at:

http://www.euskalpen.org/default.cfm?atala=albistea_erakutsi&hizkuntza=0&id=11

Finally, we should like to point out that at the request of the International PEN we have recently prepared a report to present at the 8th Session of the Working Group of the UPR in May 2010, because the International PEN is an NGO with special Consultative Status with ECOSOC, the UN Economic and Social Council. This report will be a contribution to the Universal Periodic Review Process, and the main subject it will be covering will be the closing down of the media Egin (and Egunkaria), on the instructions of Judge Baltasar Garzon.

It goes without saying that we will be happy to provide any explanations you may need and clarify any doubts you may have.

We trust you will take all this into consideration, and send you our warmest regards.

Laura Mintegi

Euskal PEN – Basque PEN (president)