



Basque Writing 30

NEW FACES OF PERSECUTION



In 1921, following the end of WWI, a group of writers founded PEN International so that the events that had taken place in the previous years could never happen again. They advocated for mutual understanding and respect, and committed to work towards ending all kinds of hate. **They claimed that all conflict should be resolved via dialogue**, putting violence aside.

In these last one hundred years, however, little progress has been made when it comes to respect for words. **Words are violently censored in both peace and wartime**, while the persecution of freedoms of opinion has adopted new forms in formal democracies. Governments pass new laws (i.e. The Spanish Gag Law), close down media, persecute writers and journalists and employ financial suffocation to destroy diversity of opinion.

Thus, we have decided to bring the new faces of persecution to this Basque Writing. First of all, **Maddalen Subijana** will inform us about the most important cases related to the lack of freedom of speech reported and taken to PEN International by Basque PEN. Then, we will

have the opportunity to read profound reflections on the topic by one of the victims of such persecution, ARGIA magazine's **Axier Lopez**. The third article, which has been written by **Carles Torner**, the former PEN International Executive Director (2014-2021), focuses on the conflict between Russia and Ukraine. For its part, **Laura Huerga**, the current President of PEN Catalá and an expert on the Spanish Gag Law, addresses topics related to power and censorship in her article. **Martxelo Otamendi** is the former editor-in-chief of Basque newspapers Egunkaria and Berria, and as someone who has endured brutal physical police abuse himself, has contributed to this issue with two interviews. In the first, he interviewed **Itziar Ituño**, an actor who has had contracts canceled as a consequence of attending a protest. In the second one, the interviewee is **Iñigo Santxo**, an attorney who has defended several people and collectives during politically motivated trials. All in all, the articles in this Basque Writing will demonstrate that multiple methods are employed to silence dissenting opinions.

Laura Mintegi
Euskal PEN





Persecuted pens in 21st Century Basque Society

Fighting violations of freedom of speech and supporting writers facing imprisonment, persecution or exile has been a central goal of PEN since its creation, and it is still an essential issue for all PEN centers around the world. Furthermore, PEN has a permanent Committee called the WiPC (Writers in Prison Committee), purposely created in 1960 to defend imprisoned writers' rights. This committee's main task is to find persecuted writer's cases, examine them, and defend their rights. The list of cases also takes the temperature, since it helps us to measure the decline of freedom of speech on a global scale. Below, we will present some of the most remarkable cases that have been decried by the Basque PEN center in the 21st century:

[Egunkaria](#), the only newspaper entirely written in Basque, was shut down by order of the Spanish National High Court in February 2003, arguing that the paper was funded by ETA. Five of the detainees were imprisoned after having been disappeared for five days. Some of them reported suffering torture and abuse. In its final judgement in 2010, the Spanish National High Court ruled that there had been to reason to shut the newspaper down. The Egunkaria case got as far as PEN International, and consequently, the editor-in-chief of the paper, Martxelo Otamendi, was invited to be part of the 2004 WiPC Annual Meeting. Unfortunately, Egunkaria was not the only Basque media operation closed down by the Spanish authorities: five years earlier, in 1998, the Basque paper [Egin](#) shared the same fate. The editor-in-chief Xabier Salutregi and the associate editor Teresa Toda spent six and eight years in prison, respectively, and were therefore part of PEN International's case list for several years.

Basque writer and historian [Iñaki Egaña](#) was arrested at New York's JFK Airport and banned from entering the country in March 2006. Consequently, he was not able to carry out the research he had intended to do on American politician Jesus Galindez. Although the reason of the detention was never specified, Egaña was asked several questions about his work, which mainly consists of historiographical research and articles on Basque citizens who collaborated with US intelligence services.

When the ETA member [Iñaki de Juana](#) was about to complete his prison sentence, he was sent to trial once again for the publication of two articles. The public prosecutor asked for a 96-year sentence. Here is the press release issued by Basque PEN in that regard: "The members of Basque PEN do not accept the unacceptable, that is, imprisoning people for the crime of opinion. And if the two articles are not the reason for incarcerating mister Juana Chaos, we ask the prosecution to clarify the real reasons behind the case, to express their arguments, to justify their decisions." That case also reached PEN International's case list.

[Basque musicians](#) have also faced censorship due to their lyrics. After the end of Franco's dictatorship, the first lawsuit over song lyrics was against the Basque band Negu Gorriak.

That case was filed in 2002, as a result of a song about a general in the Spanish military police (Guardia Civil) called Rodriguez Galindo: the lyrics made reference to information published by several journalists linking general Galindo to a drug trafficking case. The rock band Sociedad Alcohólica has also had conflicts with the justice system. The members of the band were tried in 2007 accused of defense of terrorism and affront to victims. In spite of the accusation, they were absolved, the same way the members of Negu Gorriak had been acquitted a few years earlier. The bands Berri Txarrak and Su ta Gar and the songwriter Fermin Muguruza have also reported having had concerts censored for political reasons.

For its part, the case of writer and bertsolari (Basque verse improviser) [Xabier Silveira](#) has a religious connotation: he was fined by the District Attorney's Office of Gipuzkoa for writing an article called "Me cago en la Virgen" (Fuck the Virgen Mary), published in the Basque newspaper Gara. Although Spain is supposedly a secular country, he was penalized for "insulting the Virgen Mary and acting in opposition to Christian beliefs."

In 2008, the newspaper [Gara](#) revealed that the Spanish National Police had illegally tapped their



telephone conversations. They found out about the wiretapping when they asked their telephone company to change a land line. The police, however, denied the accusations.

The paper [El Correo](#) also faced persecution back in 2009. In this case, ETA placed a bomb in the headquarters of the newspaper to express their rejection of El Correo's editorial line. Basque PEN and other associations and public figures denounced the event as a clear attack on freedom of the press.

[Asel Luzarraga](#) is a Basque writer and former member of Basque PEN's board of directors. His case started in Chile in 2009, when he was accused of having planted an explosive in front of the Ministry of Justice in Temuco. He spent several months in prison on that charge. Basque PEN took charge of the case and managed to create a strong social movement with the support of several writers. The members of the association were certain that Luzarraga was innocent and the arrest had been motivated by his political activism, since he had long fought for the Mapuche people's rights and had published a few articles condemning their situation.

The [radio station Euskalerria](#) operated without a license from 1987 to 2015. It was the only radio station broadcasting entirely in Basque in the territory of Navarre and, in 1997, they decided to submit a request for a license. However, although they met all the requirements to obtain the license, the Government of Navarre vetoed the station repeatedly, until finally granting them the license in 2015. However, the Government of Navarre has not limited its *modus operandi* to radio stations, since [EITB](#) (Basque Radio-Television) has had its public signal obstructed more than once in the region.

The website [Apurto.org](#) was shut down by the Spanish National High Court in 2011. Four people in charge of the website were arrested allegedly for being part of the political party Askatasuna's propaganda apparatus. One of those people spent 18 months in jail. Some years later, in 2013, the judge decided to close the case. In the last decades, websites such as

Topatu.info, Gaztesarea, Burlata.herria and Ateak have also endured politically-motivated legal proceedings.

Some [graphic designers](#) who have been victims of censorship and persecution have also been included on this list, because they include words as well as images in their work. The first two cases that come to mind are related to humor. In the first case, the graphic comedians Josetxu Rodriguez and Javier Ripa and the columnist Nicola Lococo were prosecuted for putting together a photomontage of the Spanish king. The second case concerned the satiric Basque magazine H28, which faced censorship at the 2016 Navarre Comic Fair; on that occasion, the organizers of the fair censured one image linking the ultra-catholic group Opus Dei to pederasty and another connecting the Spanish military police (Guardia Civil) to torture.

The case of the journalist [Pablo González](#) is the most recent one. On February 28, 2022 he was arrested by the Polish secret services in the city of Przemyśl, near the Ukrainian border, as he was reporting on the migration crisis in that country. He was accused by the Polish justice system of having cooperated with the Russian intelligence services, although no evidence has yet been released to support that claim. Meanwhile, Pablo Gonzalez remains in prison awaiting trial. As the European Federation of Journalists stated in a press release: "It is unacceptable for an EU member state to detain a journalist in such an arbitrary manner. Not only are Pablo González's fundamental rights as a citizen and as a journalist being violated, but so is the freedom of the press and the public's right to know." Many other associations and citizens are also decrying his situation.



Maddalen Subijana
Translator, Basque PEN



Freedom of mudsling?

In Palestine, those who don't want the massacre to be reported from the front line give orders to kill hundreds of journalists. **A Basque journalist has been held in prison without trial for more than two years** just for reporting about the war in an operation carried out by Ukraine through its proxy Poland. And here, in the Basque Country, **in a land where a newspaper was shut down in the name of freedom of speech**, journalism is drowning in mud.

The Spanish Gag Law, which violates numerous freedoms and rights, has been in force for more than 3,300 days now. This perverse law, which has received unprecedented opposition from both national and international spheres, **remains as strong as when it was conceived in 2015**, even though those who wished to repeal it are now leading the government. Curiously, as soon as all those authorities – be it in uniformed, robed, or tie-wearing form – reached positions of power, they decided that abolishing a law that conferred even greater power on them was no longer a priority.

However, that is not our main obstacle for delivering independent and honest journalism in this part of the Basque Country: the main obstacle are the oligarchs entrenched in the power structures. The power of those sectors over citizens' votes has become more apparent in the last few years. **The influence they have on judges and the police**, for instance, has become undeniable. By the way, it is well worth remembering that **those are the only sectors that still openly support the Gag Law, in addition to the far right**. But it has been in the area of media where we have discovered the harshest reality of covert power. As a result of some much discussed scandals where it was very clumsily disclosed that **the interests of media moguls prevail over journalistic ethics**, it is now evident that certain media have the power to establish

“which topics are discussed by the citizens.” Because of those people, our job, which should be closely related to freedom of speech and information, has now become synonymous with propaganda, political hooliganism, arrogance, and prefabricated debate in many people's eyes.

To those big TV broadcasters and newspapers we must add the multitude of pseudo-media channels that have emerged over the course of the last few decades. Most of them are digital sites mainly funded by foundations that obtain their income from right-wing political parties and by advertising for certain public institutions managed by political parties. **Those sites are disinformation machines designed to create and spread partial, misleading, and even false news** with the sole objective of covering their political opponents in mud. Unfortunately, the corrupt practice of those verbal snippers ends up dirtying everyone's hands, and as a consequence, we are facing one of the biggest paradoxes of our generation: **in these times when we need journalism more than ever, journalistic practice is dirtier than ever.**

That is why it is essential to both demand and practice independent, critical, and transformative journalism, a journalistic practice that will inevitably **require adopting a critical position towards the dominant media perpetuating the status quo.**



Axier Lopez
Journalist, ARGIA magazine



Connecting the dots in a web of Distrust

The suppression of theatre occurs in myriad ways: **contracts are terminated, tours are canceled due to unexpected budget cuts**, and it always seems to target works that offer a critical perspective on the present (or simply on aspects of the human condition that can be interpreted in light of the present).



An official version of the country's history is also created, magnifying the glorious imperial past as well as **labelling all conflicts of more recent years as caused by "terrorism."** Institutional advertising and sponsorship, conveniently directed by city councils and regional governments, **call into question the planned programming of literary festivals or street theatre.** A climate of control is created that even affects the programming of libraries and universities. Well-directed social media campaigns affect performances by **singers, poets, comedians, and continually challenge the best investigative journalism.**

The elements mentioned above are part of the report *Russia's Strident Stifling of Free Speech* (2012-2018) [[https://www.pen-](https://www.pen-international.org/research/russias-strident-stifling-of-free-speech)

[international.org/research/russias-strident-stifling-of-free-speech](https://www.pen-international.org/research/russias-strident-stifling-of-free-speech)], which PEN International and Moscow PEN presented in 2018. A steady stream of repressive acts had created the climate that has allowed the imprisonment and exile of writers as well as aggression against Ukraine since 2014. Contrary to those who imagine that it is Western Europe that has great influence on the East, for years now, **far-right movements in Europe have been learning and applying Putin's successful repressive practices on freedom of speech.**

Each contract with unfair terms, every loss of advertising, every cancellation of a cultural event weaves a web of distrust that seeks to pervert the very notion of critical thinking and mere respect for facts. **Cancelling a play, a journalist's investigative work, or an artist's performance is part of a broader strategy:** distrust of the present and **rewriting of the past are in tune with the disappearance of the future as a liveable horizon.** Postmodern forms of fascism can be drawn by connecting the dots of small repressive actions.



Carles Torner
Executive Director of
PEN international (2014-2021)



Elkarrizketak



Journalist **Martxelo Otamendi**, former director of the *Euskaldunon Egunkaria* and *Berria* newspapers, has experienced the harassment up close. He asked the actress **Itziar Ituño** and the lawyer **Iñigo Santxo** about the harassment.

How would you assess Itziar Ituño's case from a legal point of view?

It is a flagrant violation of rights: she has been discriminated against for her ideas. It is unacceptable to limit her freedom of speech using employment contracts. Before signing the contract, the company knew very well who Itziar Ituño was. Since she is an outgoing person and has always expressed her ideas openly, we all know what her views are.

Do you know of any similar cases?

Yes, I do. There is a case in which an international soft drink brand removed an ad featuring a Basque actor for a very similar reason, another actor also faced repercussions for appearing in the TV series *Altsasu*, the well-known cases concerning Pirritx and company, Fermin Muguruza, Anje Duhalde some years ago...

Is it possible to take legal action in these kinds of cases?

Of course it is, especially if a contract is involved. But, of course, not everyone is not willing to take that rocky road.

Would it be possible to introduce regulations to guarantee freedom of speech in such cases?

There is already regulation on this matter, for instance, we have the EU Charter of Fundamental Rights, the Spanish Statute of Worker's Rights... Ituño did not commit a crime, she simply made a statement to condemn a violation of human rights. She took a stance and that should be respected.

And what means do we have to protect those rights?

The Spanish right-wing does have some associations and platforms to defend their rights; this is the case of Dignidad y Justicia, among others. They receive huge financial support and therefore have the capacity to hire attorneys and are constantly filing lawsuits because they have an organized judicial lobby behind them. The left has nothing comparable to that, and that is why citizens that have endured violations of their rights have not received any support or organized services: they have been left alone in their fight. There is a clear lack of balance.

Do you think the left should organize its own judicial lobby?

Not necessarily a lobby, but at least a structure that could provide judicial support so that victims are not left on their own. These legal proceedings entail such an enormous cost that it is almost impossible for an individual to cover them on their own.

Iñigo Santxo
Lawyer





I won't stop being myself; they can't shut me down



Itziar Ituño
Actress

The Basque actor Itziar Ituño has endured harassment campaigns for expressing herself in occasions when she felt it was necessary to speak up. The last campaign was instigated by her participation in a demonstration held in Bilbao last January in support of Basque political prisoners. One of the consequences for the actor was that a car dealership decided to terminate the advertising contract they had signed some time before.

How many harassment campaigns have you faced in your career?

There have been four in total. The first one took place while I was working on the television series Money Heist, but it did not have any work-related consequences. The second campaign started after I took part in a demonstration in favor of Basque political prisoners' rights in Bilbao and resulted in a car dealership terminating the advertising contract we had. The third campaign also originated from that demonstration, and consequently, the airline IBERIA

decided to remove my image from their publicity.

And the fourth one?

The fourth one happened quite recently. I was at an award ceremony and I decided to make the most of the spotlight to express my support for Fermin Muguruza, as he was enduring a harassment campaign himself. To do that, I decided to sing one of his songs – Sarri Sarri, to be precise – and that was when I started facing attacks again.

Have you suffered any work-related consequences after that last campaign?

I was about to sign a contract with the largest Spanish private TV broadcaster, but they dropped the deal. It was a last-minute decision. I was told that it was decided that, in the end, my character would be 10 years younger and, therefore, they would find someone else.

Do you think that was somehow linked to the campaign?

I have strong suspicions that it was directly linked to that last campaign.

How is it being a celebrity and simultaneously trying to preserve your own self, your convictions?

We face individual punishment for supporting collective rights. That is common to everyone who has a public presence. It is hard, because, why should I shut up?

Surely, you must have been asked by a variety of groups to support their causes.

Sure, many times. But I am the one who decides which fights to get involved in.

You have received great support from both Basque and foreign people, haven't you?

Yes, I have. I am extremely grateful to those who have supported me, extremely grateful. And, to be honest, I am pleasantly surprised by how many positive messages I have received from people outside our country. I assume that, very likely, many of those people condemned the harassment that I was enduring because they had learned about the termination of my contract with the car dealership.

Will you continue expressing your opinion in public whenever you feel it is necessary in spite of the boycotts?

Yes, until the day I die.



Silent censorship, a real shreat (just?)

Every generation has its questions about how to understand freedom of speech and, **what's even more complicated, how censorship operates in day-to-day life** at a time of utmost confusion and demagoguery on what it means to freely express oneself. We need to understand the scope of this issue while honoring the need to consider power relationships, imbalances, and inequities.

Censorship today isn't only banning specific books or works of art; it is applied in other ways. Laws like the **Gag Law and the Criminal Code reform of 2015 open the door to an intolerable censorship and repression** by the state, a major major backslide on human rights. These are laws against which we must speak out and persist with ingenuity, despite being worn down by so many years of condemnation and mobilization.

What I refer to as **quiet censorship** is equally disconcerting. This kind of ideological persecution manifests itself with real consequences of retaliation but does not have the same visibility and is thus not the subject of a clear outcry from civil society. We might consider quiet censorship as anything from a **dearth of funding for foundations and associations dedicated to defending free speech** and human rights to small budget cuts that accumulate over time and are unlikely to appear in the media. We have to ask ourselves what writers and artists are invited to festivals, who is on the judges panel, which institutions receive direct funding, and understand whether the criteria used to make these decisions are formulated from a perspective of

diversity or ideological uniformity, with "neutrality" being a form of uniformity.

Quiet censorship is a structural practice, a self-serving operation in favor of the powers that be and a way to manage an agency or institution to be of use to that power without appreciating the medium and long-term dangers. Rescinding advertising contracts or requiring people to sign clauses that limit sharing one's own opinion in public are grave human rights violations and, more specifically, violations of free speech. **The case of Itziar Ituño is an extremely difficult example** that needs to be given visibility, as she lost a variety of contracts due to her participation in protests for Basque prisoners. **Restricting the issues we are allowed to stand up strategic form of censorship impacting everyone else.** chilling effects of punishments for politically active citizens **are a warning to everyone.** Solidarity and exposure are essential to keeping us from losing ground on historic human rights gains.



Laura Huerga
President of the Catalan PEN