

# Moroccan monarch's marijuana report lands Spanish journalist in court

José Luis Gutiérrez, a Spanish journalist has allegedly been a target of Spanish judicial harassment for more than a decade for reporting on a hashish case involving a vehicle linked to the Moroccan monarchy.

The Coordinating Committee of Press Freedom Organizations (CCPFO) has unanimously approved a resolution supporting the case of Spanish journalist José Luis Gutiérrez, who has been the target of judicial harassment for more than a decade in Spain's courts.

In 1996, Gutiérrez was charged with violating Moroccan King Hassan II's "right to maintain his honour," after his now defunct newspaper, *Diario 16*, published a story about the seizure of five tons of hashish inside a truck belonging to the Moroccan Royal Crown. Even though the story quoted police sources and was proven accurate, the defendant was found guilty and sentenced by four Spanish courts.

## 'Astonishing decision'

In April, Gutiérrez finally took his case to the European Court of Human Rights (ECHR) after exhausting all legal recourses in Spain, including the country's top court, the Constitutional Tribunal, which, as the resolution says, "returned an astonishing decision" in the case.

"The magistrates not only challenged the truthfulness of the information, which was confirmed both by the police report and the ruling of a lower court, but they also called the article 'insidious' because the information was 'minimally researched'," reads the resolution.

The two laws that were used against Gutiérrez, inherited or adapted from the Franco dictatorship, place the burden of proving truth or falsity upon the defendant. Also, by these laws not only the author of the article is incriminated but also the editor-in-chief and the publishing company as well, in what is known as the "cascade effect."

## A target

José Luis Gutiérrez, a Spanish journalist has allegedly been a target of Spanish judicial harassment for more than a decade for reporting on a hashish case involving a vehicle linked to the Moroccan monarchy. Seven of the nine members of the CCPFO also co-signed an "amicus curiae" brief, which has been sent to the ECHR with regard to Gutiérrez's case. The brief, written by World Press Freedom Committee legal counsel Kevin M. Goldberg, urges the Court to eliminate the two laws used to indict and sentence Gutiérrez and calls for Spain "to accept that an open, flourishing democracy

necessarily requires a free press with the ability to report the actions of officials and leaders and express editorial opinions even if critical."

The signatories of the brief are Committee to Protect Journalists, International Association of Broadcasting, International Federation of the Periodical Press, International Press Institute, Inter-American Press Association, World Association of Newspapers and World Press Freedom Committee.

Likewise, the CCPFO resolution considers the sentence against Gutiérrez "an assault on Article 19 of the UN Universal Declaration of Human Rights," calls this case "a very dangerous precedent allowing journalists in democratic countries to be silenced by the leaders of autocratic governments" and "views this lengthy assault on his fundamental rights a form of judicial harassment unworthy of a member of the European Union."

## **Call for end to harassment**

Finally, the CCPFO resolution urges "the European Court of Human Rights to declare the case null and void, to reinstate Gutiérrez's good name, to order the Spanish State to eliminate the two laws that were used to indict and sentence him, and to order the Spanish State to financially compensate him after more than a decade of unjust judicial harassment."

The CCPFO - an alliance of nine of the world's most prestigious press freedom organizations - cooperates on projects and protests, jointly sponsors a Fund Against Censorship to financially support the legal defense of journalists under judicial harassment, and analyzes and issues opinions about information on press freedom trends and threats. Since 1981 the group has met twice a year, with rotating hosts, to exchange information and coordinate activities.

The CCPFO comprises the following organizations: Committee to Protect Journalists (CPJ), Commonwealth Press Union (CPU); Inter American Press Association (IAPA); International Association of Broadcasting (IAB); International Federation of the Periodical Press (FIPP); International Press Institute (IPI); North American Broadcasters Association (NABA); World Association of Newspapers (WAN), and World Press Freedom Committee (WPFC).

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