

Supplementary Human Dimension Meeting Vienna, 21-22 November 2019

SESSION II
22 November 2019 10:30 – 12:30

The Right to Freedom of Peaceful Assembly in the Age of New Technologies and “Assemblies Online”: Opportunities and challenges

Intervention of the Catalan National Assembly (Civil Society Organization)

Thank you, Mr. Moderator,

My name is Jordi Vilanova, and I speak on behalf of the Catalan National Assembly, a grass-roots organization defending the right to self-determination of the Catalan people.

I'd like to talk about challenges and threats to the right to freedom of peaceful assembly of the Catalan people by the use of to the use of new technologies in a repressive way by Spanish authorities, and to urge the OSCE to turn its attention to this critical situation, particularly taking into account our introducer's comment that even those states that consider themselves full democracies violate those rights.

During the last two years a large number of public and private web pages and domains have received a seizure warrant, which is contrary to the European legislation on open internet and electronic communication networks and services. Electronic communications have been violated as well. For example, on September 2017, the ANC website was blocked on orders of the Spanish Guardia Civil in a clear attempt to censor civil society. The Catalan National Assembly did not receive any court order or notification, but rather the Spanish Guardia Civil acted under a general and discretionary court order, giving it excessive powers of censorship. This happened similarly with more than 140 other websites.

Other Catalan pro-independence initiatives' websites, such as <http://webdelsi.cat/> ('the Yes website') or empaperem.cat, are still blocked to date. No reason whatsoever has ever been given. The Guardia Civil acts as such as a political police with carte blanche to censor civil

society at its discretion. The Catalan National Assembly filed a complaint against the Guardia Civil in 2017, but no judgment has been passed at this date.

A month ago, on Monday 18th of October, the Spanish government shut down the website of a social activism platform by the name of Tsunami Democràtic. This movement arose to protest the harsh sentences imposed on nine Catalan social and political leaders, with terms summing a total of 100 years. To articulate the protests, Tsunami Democràtic developed a mobile app to inform and coordinate participants.

On Wednesday, 30th of October, the Spanish paramilitary Guardia Civil issued an order for software development platform GitHub, where the app was hosted, to immediately take down the Tsunami Democratic repository. The only other countries that have officially requested an app to be taken down from GitHub are Russia and China. Following the release of this information, the European Commission urged Spain to "find the balance" between freedom of expression and security.

Two weeks ago, on Tuesday the 5th of November, the Spanish government passed a decree-law to shut down websites and social media over "public order threats". This decree, passed without the vote of the parliament, not only aims to digitally shut down the Catalan independence movement, but will also enable censorship of political activism elsewhere in Spain in, and I quote from the decree, "exceptional scenarios that may affect public order, public security, and national security," and again I mention the introducer's point that "national security" cannot be an excuse to restrict civil rights.

Online tools have become increasingly instrumental in political activism everywhere in the organization of protests and assembly, either via Twitter or through private messaging apps such as Whatsapp or Telegram. In such a restrictive scenario where these are being censored, human rights institutions must strive to protect the right to peaceful assembly wherever the possibilities allow for it to exist.

Concerning communication and information, I also wish to cite the recently published Report to the Permanent Council, which talks of many journalists having been obstructed, brutalized or detained while trying to inform the public about gatherings in countries such as Azerbaijan, Russia, Turkey, Kazakhstan, and Spain and Poland.

For all these reasons, the Catalan National Assembly calls on Spanish authorities to respect, protect and promote the freedom of peaceful assembly of the Catalan minority, and for OSCE experts to visit Catalonia and report on the situation there.