

43rd Session of the United Nations Human Rights Council Geneva, 4 March 2020

Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ms. Fionnuala Ní Aoláin

Intervention of the Catalan National Assembly (Civil Society Organization)

In 2015, Spain reformed the Criminal Code and the Law on the Protection of Public Security—the so called “gag law”—to criminalize the glorification of terrorism through public messages and to limit protests with new administrative fines. These laws have been used to grant additional powers to Spanish authorities to undermine international human rights standards.

Social media users, journalists, lawyers, activists and musicians have been prosecuted under Article 578 of the Criminal Code, rap singers and bands have also been convicted with sentences of up to two years and one day for the lyrics of their songs or the tweets they had posted. The Catalan pro-independence movement has been one of the main victims of the use of counterterrorism legislation in a way that violates fundamental rights.

On September 23, 2019 the Spanish paramilitary Guardia Civil forcefully entered the homes of nine Catalan activists, who were then transported to Madrid and kept under severe conditions, some up to two months in solitary confinement. They were denied their prisoner’s rights, such as the contact with their lawyers or a phone call, and were abused and psychologically tortured.

Audiencia Nacional judge Manuel García Castellón recognized these facts and announced their release in late November of 2019, only to imprison them again hours later since “they now had access to the information and rights they had lacked upon arrest”. The charge was of alleged terrorism, which was filtered to the media and broadcast as factual information. When the charges were eventually dropped, no apology or reparation was provided.

These cases raise many questions about the Spanish justice system. For all these reasons, the AIDL calls on the Spanish authorities to respect, protect and promote the fundamental rights of Catalan pro-independence activists.