



**Pegasus Submission:  
The Response of the Spanish  
Government to Communication  
AL ESP 8/2022 Regarding the  
use of Spyware to Surveil  
Catalan Officials**



UNREPRESENTED  
NATIONS & PEOPLES  
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To the attention of: United Nations Special Rapporteurs

Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Ms. Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Prof. Nicolas Levrat, Special Rapporteur on minority issues.

**Subject: The Response of The Spanish Government to Communication AL ESP 8/2022 Regarding the use of Spyware to Surveil Catalan Officials**

Dear UN Special Rapporteurs,

This submission, presented jointly by the Assemblea Nacional Catalana (ANC) and the Unrepresented Nations and Peoples Organisation (UNPO), contends that the Spanish government has not adequately addressed the concerns raised in Communication AL ESP 8/2022. In October 2022, following a previous submission from the ANC and UNPO, three UN Special Rapporteurs issued Communication AL ESP 8/2022 to the Kingdom of Spain, expressing serious concern regarding the alleged use of Pegasus and Candiru Spyware against at least 65 members of the Catalan minority between 2017 and 2020.<sup>1</sup> The targets, documented in the April 2022 CatalanGate report by Citizen Lab, included every Catalan president since 2010, every Catalan MEP supporting independence, legislators, lawyers, and civil society leaders including members of the ANC and Òmnium Cultural.<sup>2</sup> The UN Rapporteurs asked Spain six specific questions regarding the scale of the surveillance, the involvement of Spanish authorities, compatibility with international human rights law, and plans for victim remedy and non-repetition. Spain responded formally on 22 December 2022, asserting that all surveillance activities had been conducted in accordance with domestic law and that existing oversight mechanisms provided adequate safeguards.<sup>3</sup>

Developments since 2022 indicate that the accountability gap has widened, leaving victims without effective remedy and permitting serious allegations of unlawful surveillance to remain unresolved. These developments raise continuing concerns regarding the rights protected by

<sup>1</sup> UN Special Rapporteurs, Communication AL ESP 8/2022, 28 April 2022.

<sup>2</sup> John Scott-Railton et al. (CitizenLab), "CatalanGate: Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru," The CitizenLab Report No. 155, University of Toronto, April 2022. Available at: <https://citizenlab.ca/research/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>

<sup>3</sup> La Misión Permanente de España, Respuesta de España a AL ESP 8/2022, 22 December 2022.

Articles 17, 19, 22 and 27 of the International Covenant on Civil and Political Rights (ICCPR), Articles 8, 10 and 11 of the European Convention on Human Rights (ECHR), and the broader obligation of states to ensure effective remedies for human rights violations. They also raise serious questions regarding the protection of minority communities and the increasingly shrinking space for civil society actors advocating for democratic political change. To illustrate this, this submission draws on the original 2022 ANC/UNPO submission, updated victim profiles based on court proceedings, and the ANC's July follow-up letter to the Special Rapporteurs.<sup>4</sup> It will address (1) the background of the case, (2) new evidence, (3) subsequent judicial proceedings, (4) Spain's response and failures, (5) legal frameworks and violations, and (6) relevant requests to the Special Rapporteurs.

## 1. Background: Pegasus and Catalan Gate

Pegasus and Candiru are highly invasive forms of mercenary spyware developed respectively by the Israeli companies NSO Group and Candiru. Pegasus, marketed exclusively to state authorities for intelligence and law-enforcement purposes, enables complete remote access to targeted devices, including encrypted communications, stored files, microphones, cameras and geolocation data. The software is capable of infecting a device without any action or knowledge on the part of the target.

The extraordinary intrusiveness of spyware technology distinguishes it from conventional forms of surveillance. As numerous international bodies have recognised following the exposure of state-sanctioned spyware use, spyware effectively grants the operator total access to an individual's digital life, thereby implicating a broad range of human rights simultaneously. The European Parliament's PEGA Committee concluded in its final report (2023) that the deployment of Pegasus and equivalent spyware technologies may severely interfere with the rights to privacy, freedom of expression, freedom of association, political participation and access to effective remedy. The Committee further warned that the use of such technologies against political actors and civil society representatives poses a direct threat to democratic governance itself.<sup>5</sup>

Although technical attribution in spyware cases is inherently difficult, the operational model of Pegasus substantially narrows the range of possible perpetrators. NSO Group has consistently maintained that Pegasus is licensed exclusively to state actors for counterterrorism and law enforcement purposes. Consequently, where forensic evidence establishes Pegasus infection against political actors and no credible alternative explanation is provided, a strong presumption of state involvement arises. In the present context, Spain's partial acknowledgment that the CNI conducted surveillance against certain Catalan actors further reinforces this inference.

The April 2022 CatalanGate report represented the first comprehensive forensic documentation of large-scale spyware use against the Catalan independence movement. Conducted by the Citizen Lab, the investigation identified at least sixty-five individuals who had been targeted or infected with Pegasus and Candiru spyware between 2017 and 2020. The targets included

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<sup>4</sup> ANC & UNPO, Submission to UN Special Rapporteurs, 28 April 2022 ; ANC, Follow-up Letter to Special Rapporteurs, July 2024.

<sup>5</sup> European Parliament, Investigation of the use of Pegasus and equivalent surveillance spyware, P9\_TA(2023)0244, 2019-2024.

elected officials, Members of the European Parliament, lawyers, journalists, academics, and leaders of prominent Catalan civil society organisations.

The scope and composition of the targets strongly indicated that the surveillance operation was neither random nor linked to ordinary criminal investigations. Rather, the victims were connected through their involvement in the Catalan independence movement and associated political or cultural advocacy. Among those targeted were every Catalan President since 2010, independence-supporting MEPs, and senior figures within the ANC and Òmnium Cultural. The report further established that many infections occurred during moments of heightened political significance, including electoral campaigns, negotiations between Catalan and Spanish authorities, judicial proceedings concerning independence leaders, and strategic political organising. Despite the clear connections of the victims, the Barcelona Court of Instruction Number 32, which had previously opened an investigation regarding the hacking of phones belonging to Ernest Maragall and Roger Torrent, rejected the accumulation of various lawsuits related to the Pegasus spyware.<sup>6</sup> It was determined that these cases would be investigated separately by different courts, effectively declining the request to consolidate them into a single, large judicial case.<sup>7,8</sup>

Subsequent forensic investigations have strengthened the credibility of the original findings. The infections affecting ANC-linked victims have now been corroborated through four separate mechanisms: Citizen Lab, Amnesty International, Evidentia (as evidence to the court), and the Mossos d'Esquadra (Catalan Police Force). The convergence of these independent investigations substantially diminishes any possibility that the documented infections resulted from error or misidentification.

The Rapporteurs' October 2022 communication expressed grave concern about a coordinated, state-level surveillance programme targeting members of a national minority, and asked Spain to address six specific requests within 60 days. Spain responded on 22 December 2022 asserting full legal compliance, citing an Ombudsman's review and claiming that its constitutional framework provided adequate safeguards.

## 2. New Evidence Confirms the Concerns Raised in AL ESP 8/2022

The developments that have emerged since the publication of the CatalanGate investigation provide significant additional evidence supporting the concerns expressed by the Special Rapporteurs in 2022. While Spain's response to Communication AL ESP 8/2022 relied largely upon assurances of legality and references to domestic oversight mechanisms, subsequent

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<sup>6</sup> El País, May 2022

<https://elpais.com/espana/catalunya/2022-05-30/el-juez-de-barcelona-archiva-de-forma-provisional-la-causa-por-el-espionaje-con-pegasus-a-torrent-y-maragall.html>

<sup>7</sup> El Punt Avui, June 2022 "La justícia rebutja fer de l'espionatge amb Pegasus una gran causa catalana", <https://www.elpuntavui.cat/politica/article/2151780-la-justicia-rebutja-fer-de-l-espionatge-amb-pegasus-una-gran-causa-catalana.html>

<sup>8</sup> Mayte Piulachs and C. Rocamora "MEP Solé presents new Catalangate complaint as lawyers denounce judicial log-jam. While National Audience is moving fast to investigate espionage on Spanish PM, Catalangate cases advance slowly in Barcelona", El Nacional, June 2022. Available at: [https://www.elnacional.cat/en/politics/mep-jordi-sole-presents-new-complaint-over-catalangate\\_772386\\_102.html](https://www.elnacional.cat/en/politics/mep-jordi-sole-presents-new-complaint-over-catalangate_772386_102.html)

judicial proceedings have revealed information that was not previously available to victims, courts, or international monitoring bodies.

## 2.1. ANC Victims

- I. The case of **Elisenda Paluzie**, former President of the ANC, has been substantially clarified by official admissions made in December 2025. The Spanish government has itself confirmed that surveillance was conducted against Paluzie as of July 2019. Esperanza Casteleiro, the current Director of the CNI, testified before Investigating Court No. 23 in Barcelona on the same day that the declassified documents were provided to the complainants.<sup>9</sup> The stated justification was Paluzie's leadership of the ANC and her engagement in activities supporting Catalan independence.<sup>10</sup> This confirmation is significant because it establishes that the surveillance was directed at legitimate political and civil society activity rather than any criminal conduct.
- II. **Jordi Sànchez**, former President of the ANC and subsequently a political prisoner,<sup>11</sup> was also confirmed to have been a target of CNI surveillance by its current Director, Esperanza Casteleiro. This confirmation followed the Council of Ministers' authorisation of the partial declassification of his file and was made during her testimony before Investigating Court No. 23 in Barcelona. The stated justification cited his activities within the Consell per la República (CxR) movement and his involvement in developing an independence roadmap.<sup>12</sup> Forensic analysis establishes that infections of Sànchez's devices occurred in 2015 and 2017, when he was serving as President of the ANC, and therefore before he became the subject of judicial investigation in relation to the 1 October referendum and several years before any known judicial authorisation. The existence of confirmed infections prior to any documented legal authority raises grave concerns about unlawful surveillance conducted without judicial oversight. Furthermore, in both cases, Paluzie and Sànchez, the authorisations do not reference spyware such as Pegasus, which provides vastly more intrusive access than telephone interception.
- III. In the case of **Sònia Urpí**, who was a member of the board of the ANC in 2020, the CNI has denied conducting any surveillance activity, despite the forensic evidence provided by four different sources—Mossos d'Esquadra, Amnesty International, Citizen Lab and Evidentia—all of which concluded that her mobile phone had also been infected.<sup>13</sup> The proceedings are currently at risk of provisional dismissal before the scope of

<sup>9</sup> Diari Ara "The director of the CNI confirms that the Supreme Court authorized spying on the former presidents of the ANC Jordi Sànchez and Elisenda Paluzie", December 2025. Available at:

[https://en.ara.cat/politics/the-director-of-the-cni-confirms-that-the-supreme-court-authorized-spying-former-anc-presidents-jordi-sanchez-and-elisenda-paluzie\\_1\\_5579583.html](https://en.ara.cat/politics/the-director-of-the-cni-confirms-that-the-supreme-court-authorized-spying-former-anc-presidents-jordi-sanchez-and-elisenda-paluzie_1_5579583.html)

<sup>10</sup> Ibid.

<sup>11</sup> Amnesty International, "Spain's conviction for sedition of Jordi Sànchez and Jordi Cuixart threatens rights to freedom of expression and peaceful assembly" 19 November 2019. Available at:

<https://www.amnesty.org/en/latest/press-release/2019/11/spain-conviction-for-sedition-of-jordi-sanchez-and-jordi-cuixart-threatens-rights-to-freedom-of-expression-and-peaceful-assembly/>

<sup>12</sup> Ibid.

<sup>13</sup> TV3 "La directora del CNI admet que van espitar els expresidents de l'ANC Sànchez i Paluzie", December 2025.

Available at:

<https://www.3cat.cat/3catinfo/la-directora-del-cni-admet-que-van-espitar-els-expresidents-de-lanc-sanchez-i-paluzie/noticia/3383286/>

involvement by the Guardia Civil and National Police has been adequately investigated. The defence is contesting the proposed closure of the case on the basis that investigative measures directed at those agencies have not been carried out. This situation exemplifies a broader pattern in which cases are being archived prematurely, before the full range of potential state actors has been examined.

IV. The cases of **Arià Bayè** and **Jordi Domingo Ceperuelo** have been provisionally closed.

Jordi Domingo, a local ANC activist, discovered that he had been targeted with Pegasus spyware in the context of a major WhatsApp security vulnerability identified in 2019. As part of its investigation into the breach, WhatsApp collaborated with The Citizen Lab. Together, they traced the exploit logs and identified approximately 1,400 WhatsApp users worldwide who had been actively targeted during a multi-week period in 2019; these individuals were subsequently notified by Meta. Although Domingo was notified by Meta in 2020 that he had been targeted, the investigating judge dismissed his case because the Catalan police were unable to obtain forensic evidence confirming the infection of his device.

Arià Bayè, a member of the ANC board, was also identified as a target of Pegasus spyware in the 2022 Citizen Lab report. However, because his device was an Android phone, the forensic analysis could identify only suspicious SMS messages associated with Pegasus and could not conclusively establish that the device had been infected. Consequently, his case was also dismissed by the investigating judge.

## 2.2. *Òmnium Cultural*

The spyware attacks affecting members of Òmnium Cultural further demonstrate the targeting of Catalan civil society structures beyond formal political institutions. Pegasus spyware attacks were identified on the devices of former vice-president Marcel Mauri, international and legal officer Elena Jiménez, and journalist Txell Bonet during 2018, 2019 and 2020.<sup>14</sup>

Court of Instruction No. 21 in Barcelona provisionally shelved proceedings concerning these attacks four years after the complaint was filed. The court justified the decision on the allegation of victims failing to hand over their phones for investigation. Òmnium disputes this and contends that investigative measures were not properly carried out.<sup>15</sup> The organisation has filed an appeal with the Barcelona Court of Appeal seeking the reopening of the case.<sup>16</sup> On 22 April 2026, the Court of Appeal ordered the reopening of the proceedings and directed that a

<sup>14</sup> Jordi Martín, “El jutge arxiva la causa per espionatge amb Pegasus a dirigents d’Òmnium, que recorreran,” El Nacional, 26 February 2026. Available at: [https://www.elnacional.cat/ca/politica/jutge-arxiva-causa-espionatge-pegasus-dirigents-omnium-recorreran\\_159974\\_3\\_102.html](https://www.elnacional.cat/ca/politica/jutge-arxiva-causa-espionatge-pegasus-dirigents-omnium-recorreran_159974_3_102.html)

<sup>15</sup> Gerard Mira, “Òmnium acusa el jutge d’arxivar la seva querella per ‘Catalangate’ per raons polítiques,” El Mon, 26 February 2026. Available at: <https://elmon.cat/politica/tribunals/omnium-acusa-jutge-arxivar-querella-catalangate-raons-politiques-1125212/>

<sup>16</sup> Laia Bruguera, “Arxiven la causa per espionatge amb Pegasus a membres d’Òmnium” El Punt Avui, 26 February 2026. Available at: <https://www.elpuntavui.cat/societat/article/5-societat/2623327-omnium-recorre-l-arxivament-de-la-causa-per-l-espionatge-amb-pegasus.html>

request be made to the Council of Ministers for the declassification of documents concerning the actions carried out by the National Intelligence Centre (CNI) in relation to the complainants' telephones.<sup>17</sup>

### **2.3. ERC Politicians (Aragonès, Riba, Jové, Solé, Sagrera)**

Confirmed Pegasus infections between 2019 and 2020 have been documented against former President of Catalonia Pere Aragonès, former President of the Parliament of Catalonia Roger Torrent, former Minister and MEP Ernest Maragall, Member of the European Parliament (MEP) Diana Riba, Member of Parliament and senior official Josep Maria Jové, former Minister and MEP Jordi Solé, and senior official Oriol Sagrera.

The first cases of espionage against Catalan politicians, involving Ernest Maragall and Roger Torrent, were discovered in the context of a major security vulnerability in WhatsApp in 2019. In July 2020, Maragall and Torrent filed the first criminal complaint in Spain concerning the use of Pegasus spyware. The case, which had remained stalled for years before Investigating Court No. 32 in Barcelona, has recently been reopened.

In May 2022, the investigating judge ordered the provisional dismissal of the case, arguing that the investigation could not progress unless the Government of Israel responded to a formal request for mutual legal assistance seeking information from NSO Group's headquarters.<sup>18</sup> In June 2026, however, the Barcelona Provincial Court ordered Investigating Court No. 32 to immediately resume the investigation. The Provincial Court strongly criticised the lower court judge for an "unjustified delay", noting that the appeal lodged by the political leaders had remained unprocessed for nearly two years.<sup>19</sup>

Former CNI Director Paz Esteban is the subject of investigation in three separate criminal proceedings arising from ERC cases. She initially refused to testify, invoking her obligations under Spain's Official Secrets Act. Following the declassification of certain documents, the CNI acknowledged that the interception of President Aragonès' communications between 2019 and 2020 had been authorised by the Supreme Court and asserted that the surveillance had been justified by allegations that he had been clandestinely coordinating the activities of the Committees for the Defence of the Republic (CDR).

Following her testimony, Aragonès publicly accused the CNI of providing false information and argued that the declassified document had been so heavily redacted that it was impossible to verify the alleged judicial authorisation. His technical experts have maintained that his mobile

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<sup>17</sup> L'Audiència de Barcelona veu indicis de delictes en l'espionatge a Òmnium amb Pegasus i reobre la causa, Vilaweb, May 2026.

<sup>18</sup> Mayte Piulachs, "Judge suspends first Catalan espionage case; lawyer demands reopening and widening", El Nacional, May 2022. Available at:

[https://www.elnacional.cat/en/politics/judge-closes-torrent-maragall-pegasus-spyware-catalonia\\_765453\\_102.html](https://www.elnacional.cat/en/politics/judge-closes-torrent-maragall-pegasus-spyware-catalonia_765453_102.html)

<sup>19</sup> Oriol Solé Altimira "El juez tarda dos años en tramitar el recurso contra el cierre del primer espionaje con Pegasus a diputados de ERC", El Diario.es, June 2026. Available at:

[https://www.eldiario.es/catalunya/juez-tarda-anos-tramitar-recurso-cierre-primer-espionaje-pegasus-diputados-erc\\_1\\_13309428.amp.html](https://www.eldiario.es/catalunya/juez-tarda-anos-tramitar-recurso-cierre-primer-espionaje-pegasus-diputados-erc_1_13309428.amp.html)

phone was infected with Pegasus on occasions falling outside the period for which judicial authorisation had reportedly been granted.<sup>20</sup>

Esteban also appeared before Investigating Court No. 20 in Barcelona in September 2025. She denied that the intelligence services had spied on ERC parliamentarians Josep Maria Jové and Diana Riba and refused to provide further information regarding the use of Pegasus, again invoking her duty not to disclose classified information.<sup>21</sup>

In the case of former MEP Jordi Solé, the Barcelona Provincial Court, in February 2024, ordered the investigating judge to open a targeted criminal investigation into former CNI Director Paz Esteban.<sup>22</sup> This became the third separate criminal proceeding against her relating to Pegasus surveillance. Following an earlier refusal in 2024, in July 2025 the investigating judge of Investigating Court No. 24 submitted a new formal request to the Council of Ministers seeking authorisation for Esteban to testify regarding the surveillance of Jordi Solé.<sup>23,24</sup>

Also in July 2025, the investigating judge indicted former CNI Director Paz Esteban and the Luxembourg-based subsidiary of NSO Group, OSY Technologies S.à r.l., together with the members of its board of directors.<sup>25</sup> They were subsequently indicted also in the case of MEP Riba and MP Jové in October 2025.<sup>26</sup> In December 2025, Esteban appeared as a suspect before Investigating Court No. 24 in Barcelona for the fourth time and denied that the CNI had spied on former MEP Jordi Solé in 2020.<sup>27</sup>

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<sup>20</sup> Mireia Esteve et al. “Tensió en la declaració de l'exdirectora del CNI Paz Esteban per l'espionatge de Pere Aragonès, January 2024. Available at: [Tensió en la declaració de l'exdirectora del CNI Paz Esteban per l'espionatge de Pere Aragonès](#)

<sup>21</sup> Mayte Piulachs, “L'exdirectora del CNI es nega a aclarir per segon cop al jutjat l'espionatge amb Pegasus,” El Nacional, 29 September 2025. Available at: [https://www.elnacional.cat/ca/politica/exdirectora-cni-es-nega-aclarir-jutge-espionatge-pegasus-segona-imputacio\\_1492016\\_102.html](https://www.elnacional.cat/ca/politica/exdirectora-cni-es-nega-aclarir-jutge-espionatge-pegasus-segona-imputacio_1492016_102.html)

<sup>22</sup> Diari Ara “The Barcelona Court orders an investigation into the former director of the CNI for spying on former MEP Jordi Solé with Pegasus”, February 2024. Available at: [https://en.ara.cat/politics/the-barcelona-court-orders-an-investigation-into-the-former-director-of-the-cni-for-spying-fo-rmer-mep-jordi-sole-with-pegasus\\_25\\_5285613.html](https://en.ara.cat/politics/the-barcelona-court-orders-an-investigation-into-the-former-director-of-the-cni-for-spying-fo-rmer-mep-jordi-sole-with-pegasus_25_5285613.html)

<sup>23</sup> Mayte Piulachs, “El govern espanyol nega que hagi espia l'advocat de Junqueras i Jordi Solé”, October 2024. Available at: [https://www.elnacional.cat/ca/politica/govern-espanyol-nega-cni-hagi-espia-advocat-junqueras-jordi-sole-erc-pegasus-aclareixi\\_1300447\\_102.html](https://www.elnacional.cat/ca/politica/govern-espanyol-nega-cni-hagi-espia-advocat-junqueras-jordi-sole-erc-pegasus-aclareixi_1300447_102.html)

<sup>24</sup> Mayte Piulachs, “Una jutgessa demana al govern espanyol que autoritzi Paz Esteban a declarar sobre l'espionatge amb Pegasus,” El Nacional, 9 July 2025. Available at: [https://www.elnacional.cat/ca/politica/jutgessa-demana-govern-espanyol-autoritzi-paz-esteban-declarar-sobre-espionatge-pegasus\\_1449021\\_102.html](https://www.elnacional.cat/ca/politica/jutgessa-demana-govern-espanyol-autoritzi-paz-esteban-declarar-sobre-espionatge-pegasus_1449021_102.html)

<sup>25</sup> J.G Albalat, El Periodico de Catalunya, July 2025. “[La exdirectora del CNI, imputada por cuarta vez por el espionaje con Pegasus](#)”.

<sup>26</sup> Pedro Ruiz “Imputan a tres directivos de NSO por el espionaje a dos dirigentes de Esquerra”, La Vanguardia, October 2025. Available at: <https://www.lavanguardia.com/politica/20251001/11115626/imputan-tres-directivos-nso-espionaje-dos-dirigentes-esquerra.html>

<sup>27</sup> Mayte Piulachs, “La directora del CNI i la seva antecessora neguen al jutjat haver espia l'advocat d'ERC” El Nacional, 18 December 2025. Available at: [https://www.elnacional.cat/ca/politica/directora-cni-seva-antecessora-neguen-jutjat-haver-espia-advocat-erc\\_1527991\\_102.html](https://www.elnacional.cat/ca/politica/directora-cni-seva-antecessora-neguen-jutjat-haver-espia-advocat-erc_1527991_102.html)

The case concerning Oriol Sagrera is currently being investigated by Investigating Court No. 13 in Barcelona, and no significant developments have been made public.

#### **2.4. Josep Costa, Albano-Dante Fachín and President Torra**

Josep Costa, Albano-Dante Fachín and President Torra form a unique, distinct bloc within the legal battle in the CatalanGate case due to their independent political status and their shared legal strategy and representation. Quim Torra was targeted while he was serving as President of Catalonia in 2020, Josep Costa, a lawyer, while serving as Vice-president of the Catalan Parliament and representing legally the exile independence leaders in 2019 and 2020, and Albano-Dante Fachín, an active political commentator and former MP, was also targeted in 2019 and 2020. Josep Costa has been acting as the lawyer in these three cases.

Their legal strategy was different as they opted initially for judicial review proceedings before the administrative courts instead of the criminal courts. Hence, Costa and Torra lodged an administrative appeal before the Supreme Court in May 2022.<sup>28</sup> In June 2022, the Supreme Court rejected the appeal on grounds of competence and sent it to the National Court (Audiencia Nacional).<sup>29</sup> In late 2022, the National Court bounced the cases regarding Torra and Costa back to the Supreme Court.<sup>30</sup> In August 2023, the Supreme Court dismissed the cases and affirmed that the CNI did not spy on them.<sup>31</sup> In September 2023, they appealed before the Constitutional Court.<sup>32</sup> In February 2025, Quim Torra and Josep Costa filed a formal joint complaint against the Spanish State at the European Court of Human Rights (ECHR / TEDH). They argued that the cyber-espionage directly violated their right to privacy and dynamic democratic representation. By May 2025, however, the Court rejected the case on the grounds of non-exhaustion of domestic remedies, notwithstanding the systemic obstacles to effective domestic remedy documented throughout this submission. The Constitutional Court had previously dismissed their appeal for constitutional protection but another appeal was still pending. Once this appeal was dismissed, they filed again a complaint before the ECHR (Application No. 24710/25) which was declared inadmissible on 11 September 2025 by a

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<sup>28</sup> Nura Portella “Torra y Costa formalizan su recurso ante el Supremo por el CatalanGate” El Nacional, May 2022. Available at:

[https://www.elnacional.cat/es/politica/torra-costa-formalizan-recurso-supremo-catalangate\\_758973\\_102.html](https://www.elnacional.cat/es/politica/torra-costa-formalizan-recurso-supremo-catalangate_758973_102.html)

<sup>29</sup> Europa Press “El Supremo envía a la Audiencia Nacional el recurso de Torra y Costa por las presuntas escuchas con Pegasus”, June 2022. Available at:

<https://www.europapress.es/nacional/noticia-supremo-envia-audiencia-nacional-recurso-torra-costa-presuntas-escuchas-pegasus-20220617122705.html>

<sup>30</sup> Europa Press “La AN devuelve al Supremo la causa sobre el presunto espionaje del gobierno con Pegasus a Torra y Costa”, November 2022. Available at:

<https://www.europapress.es/nacional/noticia-an-devuelve-supremo-causa-presunto-espionaje-gobierno-pegasus-torra-costa-20221114143135.html>

<sup>31</sup> Marta Sánchez Iranzo “el Supremo concluye que el CNI no espío con Pegasus a Torra y Costa”, El Nacional, August 2023. Available at:

[https://www.elnacional.cat/es/politica/supremo-concluye-cni-no-espio-pegasus-quim-torra-josep-costa\\_1077921\\_102.html](https://www.elnacional.cat/es/politica/supremo-concluye-cni-no-espio-pegasus-quim-torra-josep-costa_1077921_102.html)

<sup>32</sup> Agencia Catalana de Notícies, “Torra i Costa recorren al TC l’espionatge dels seus mòbils amb Pegasus”, September 2023. Available at: <https://www.acn.cat/new/a2911bdc-87da-4d28-a39c-2ef6df1b43d4/texts>

single-judge on the grounds of not disclosing any appearance of a violation of the rights and freedoms set out in the Convention.<sup>33,34</sup>

To keep the case alive, in November 2024, Josep Costa and Albano-Dante Fachín filed a criminal complaint before the courts in Barcelona against the Spanish authorities and NSO Group in connection with confirmed Pegasus infections.<sup>35</sup> In December 2024, Costa's case was assigned to the Court of Instruction No. 32 in Barcelona, and Fachín's to the Court of Instruction No. 1 in Santa Coloma de Farners.<sup>36</sup> In March 2026, the instructing judge in Court 32 dismissed the case on the allegation of the victim failing to hand over his phone for investigation as the Citizen Lab report was not considered a valid proof of the espionage.<sup>37</sup>

## 2.5. Tech Entrepreneurs (Sentinel Alliance)

A further group of targets includes tech entrepreneur Jordi Baylina and his associates, whose devices were infected with both Candiru and Pegasus spyware. The legal action, coordinated by the victims' association Sentinel Alliance, is notable for being the first to explicitly request a judicial investigation into the use of Candiru, a highly intrusive spyware that the Spanish Government has not publicly acknowledged acquiring or deploying to date.<sup>38</sup>

In February 2026, Court of Instruction No. 2 of Barcelona issued the first-ever indictments of members of the Guardia Civil in connection with the CatalanGate surveillance programme, charging Félix Vicente Azón and María Gámez.<sup>39</sup> In April 2026, the entrepreneurs appeared before the court to ratify their complaint. During these proceedings, the Public Prosecutor's

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<sup>33</sup> Josep Nualart Casulleras, "El TEDH també rebutja la demanda de Torra i Costa contra Espanya per l'espionatge amb Pegasus", Vilaweb, February 2025. Available at:

<https://www.vilaweb.cat/noticies/el-tedh-tambe-rebutja-la-demanda-de-torra-i-costa-contra-espanya-per-lespionatge-amb-pegasus/>

<sup>34</sup> Antonaeta Roussi, "Catalan opposition regroups after spyware case thrown out by human rights court", Politico, November 2025. Available at:

<https://www.politico.eu/article/catalonia-josep-costa-citizen-defenseless-after-human-rights-court-tosses-spyware-case/>

<sup>35</sup> Josep Nualart Casulleras, "Josep Costa i Albano-Dante Fachin denuncien les autoritats espanyoles i NSO per haver-los espiat amb Pegasus", VilaWeb, 21 November 2024. Available at:

<https://www.vilaweb.cat/noticies/josep-costa-i-albano-dante-fachin-denuncien-les-autoritats-espanyoles-i-nso-per-haver-los-espiat-amb-pegasus/>

<sup>36</sup> "Obren investigacions per l'espionatge contra Josep Costa i Albano-Dante Fachin," VilaWeb, 2 December 2024. Available at:

<https://www.vilaweb.cat/noticies/nova-causa-contra-espanya-i-els-creadors-de-pegasus-per-lespionatge-contra-lindependentisme/>

<sup>37</sup> Quico Sallés "El jutge arxiva el cas d'espionatge a Josep Costa amb Pegasus i qüestiona Citizen Lab", El Món, March 2026. Available at:

<https://elmon.cat/politica/tribunals/el-jutge-arxiva-el-cas-despionatge-a-josep-costa-amb-pegasus-i-questiona-citizen-labs-1133332/>

<sup>38</sup> Catalan News, "Court investigates Pegasus manufacturers and former Civil Guard and intelligence officials", September 2025. Available at:

<https://www.catalannews.com/society-science/item/court-investigates-pegasus-manufacturers-and-former-civil-guard-and-cni-officials>

<sup>39</sup> Mayte Piulachs, "La justícia imputa per primer cop la Guàrdia Civil per l'espionatge il·legal a catalans amb Pegasus i Candiru," El Nacional, 9 February 2026. Available at:

[https://www.elnacional.cat/ca/politica/justicia-imputa-primer-cop-guardia-civil-espionatge-illegal-catalans-pegasus-candiru\\_1549517\\_102.html](https://www.elnacional.cat/ca/politica/justicia-imputa-primer-cop-guardia-civil-espionatge-illegal-catalans-pegasus-candiru_1549517_102.html)

Office repeatedly challenged both the documented dates of infection and the evidence pointing to the involvement of the Guardia Civil.<sup>40</sup>

In June 2026, the Supreme Court declined to investigate Azón, who had served as Director General of the Civil Guard between 2018 and 2020, on the grounds that he had been appointed a justice of the Supreme Court in 2025.<sup>41</sup>

At present, the Catalan police are conducting a forensic analysis of the complainants' devices pursuant to a judicial order.

## 2.6 President Mas

Artur Mas, President of the Government of Catalonia from 2010 to 2015, was the first confirmed victim of Pegasus spyware in Spain. A forensic report published by the University of Toronto's Citizen Lab revealed that former Catalan President Artur Mas was targeted with Pegasus spyware between 2015 and 2020, suffering at least 32 separate infections, beginning while he was still in office.<sup>42</sup>

The complaint filed by former President Artur Mas regarding the Pegasus surveillance remains entangled in a complex jurisdictional dispute and judicial deadlock between different Spanish courts. Mas initially filed his criminal complaint before the courts of Barcelona. He alleged that the surveillance formed part of a "state operation" aimed at undermining the Catalan pro-independence movement, known as *Operation Catalonia*. The complaint was filed directly against former Minister of the Interior Jorge Fernández Díaz, former Secretary-General of the People's Party (PP) María Dolores de Cospedal, former Secretary of State for Security Francisco Martínez, and former police commissioners, including José Manuel Villarejo. It also targets NSO Group, the Israeli company that developed the Pegasus spyware.<sup>43</sup>

Initially, a Barcelona judge dismissed the complaint. However, the Barcelona Court of Appeal overturned that decision, holding that the alleged surveillance extended beyond an interference with personal privacy and had implications for political stability and democratic processes. It therefore concluded that the investigation fell within the jurisdiction of the National Court (*Audiencia Nacional*).<sup>44</sup>

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<sup>40</sup> Josep Nualart Casulleras, "Un fiscal massa neguitós amb la querella contra la Guàrdia Civil per l'espionatge amb Pegasus," VilaWeb, 15 April 2026. Available at: <https://www.vilaweb.cat/noticies/un-fiscal-neguitos-amb-la-querella-contra-la-guardia-civil-per-lespionatge-amb-pegasus/>

<sup>41</sup> Quico Sallés, "Cop de porta del Suprem a imputar a un dels seus magistrats pel cas Pegasus", El Món, June 2026. Available at: [El Suprem rebutja investigar Félix Azón pel cas Pegasus](#)

<sup>42</sup> El Diario.es, "Artur Mas fue el primer espiado con Pegasus en España cuando era presidente en 2015, según Citizen Lab", May 2025. Available at: [https://www.eldiario.es/catalunya/artur-primer-espiado-pegasus-espana-president-citizen-lab\\_1\\_12270015.html](https://www.eldiario.es/catalunya/artur-primer-espiado-pegasus-espana-president-citizen-lab_1_12270015.html)

<sup>43</sup> Toni Muñoz "Artur Mas se querella contra Cospedal y Fernández Díaz por la Operación Catalunya y el espionaje Pegasus", May 2025. Available at: <https://www.lavanguardia.com/politica/20250514/10680911/artur-querella-cospedal-fernandez-diaz-operacion-catalunya-espionaje-pegasus.html>

<sup>44</sup> J.G Albalat, "El jutge de Barcelona inadmet la querella d'Artur Mas per l'operació Catalunya per falta de competència", July 2025. Available at: <https://www.elperiodico.cat/politica/20250709/jutge-querella-artur-mas-operacio-catalunya-pegasus-119523148>

The National Court subsequently dismissed the case, considering that the complaint was based on "mere suspicions" derived from media reports, leaving the proceedings at a judicial impasse.<sup>45</sup>

The National Court then ordered that the case file be returned to the courts of Barcelona. Mas's lawyer, Jordi Pina, has denounced a jurisdictional vacuum in which no Barcelona court has been willing to assume responsibility for investigating who ordered the surveillance of the former President.<sup>46</sup>

## **2.7 CUP members**

Among the 65 victims of the CatalanGate spyware operation identified by Citizen Lab were also members of the Candidatura d'Unitat Popular (CUP): Albert Botran, a member of the Spanish Parliament; David Fernàndez, a former member of the Parliament of Catalonia; and Carles Riera, a member of the Parliament of Catalonia.

In March 2026, Investigating Court No. 32 of Barcelona requested that the Spanish Government declassify the CNI's classified documents relating to the surveillance of these three politicians. The court also issued a European Investigation Order (EIO) to Luxembourg, where NSO Group's European headquarters are located, requesting the company's banking records in order to identify its Spanish clients and determine which entities in Spain had made payments to the company.<sup>47</sup>

## **2.8 Lawyers Boye and Van den Eynde**

Gonzalo Boye is the lawyer defending several members of the Catalan government in exile, including President Carles Puigdemont. According to Citizen Lab, between January and May 2020, he was the victim of at least 18 attacks with Pegasus.<sup>48</sup>

On 3 May 2022, Boye filed a criminal complaint before the Madrid investigating courts against NSO Group, its subsidiaries and senior executives, as well as against any other persons who might ultimately be identified as responsible for the surveillance. The complaint was initially assigned to the Madrid Investigating Court No. 29 for preliminary examination.

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<sup>45</sup> Vilaweb, "L'Audiència espanyola arxiva la querella d'Artur Mas per l'espionatge amb Pegasus al·legant manca de competència", February 2026. Available at:

<https://www.vilaweb.cat/noticies/audiencia-espanyola-querella-artur-mas-espionatge-pegasus/>

<sup>46</sup> Mayte Piulachs, "L'advocat de Mas, "indignat" perquè cap jutge de Barcelona vol investigar qui va ordenar espia-lo", June 2026. Available at:

[https://www.elnacional.cat/ca/politica/advocat-mas-indignat-perque-cap-jutge-barcelona-vol-investigat-qui-va-ordena-r-espia-lo\\_1649261\\_102.html](https://www.elnacional.cat/ca/politica/advocat-mas-indignat-perque-cap-jutge-barcelona-vol-investigat-qui-va-ordena-r-espia-lo_1649261_102.html)

<sup>47</sup> Diari Ara, "El jutge exigeix la desclassificació de l'espionatge amb Pegasus a Riera, Botran i Fernàndez", March 2026. Available at:

[https://www.ara.cat/politica/proces/cup-exigeix-desclassificacio-l-espionatge-pegasus-riera-botran-fernandez\\_25\\_56\\_83482.html](https://www.ara.cat/politica/proces/cup-exigeix-desclassificacio-l-espionatge-pegasus-riera-botran-fernandez_25_56_83482.html)

<sup>48</sup> Marta Lasalas, "Boye initiates Catalangate legal offensive aimed at those responsible for Pegasus", May 2022.

Available at: [https://www.elnacional.cat/en/politics/boye-catalangate-legal-offensive-pegasus\\_751530\\_102.html](https://www.elnacional.cat/en/politics/boye-catalangate-legal-offensive-pegasus_751530_102.html)

In June 2023, the judges dismissed his request for NSO and the companies associated with Pegasus (Q Cyber Technologies Ltd, Osy Technologies SARL, Niv Karmi, Shalev Hulio and Omri Lavie) to be joined as defendants in the proceedings being investigated by Investigating Court No. 29 of Madrid. In a submission, Boye argues that this decision demonstrates the judges' "animosity" towards him, to the point that they accuse him of "belonging to a political party". The judges even go so far as to describe him as an "accused person", when Boye is in fact the complainant and an alleged victim of the spyware surveillance.<sup>49</sup>

In June 2023, the investigating court dismissed the case, relying in part on Boye's refusal to surrender his mobile phones for forensic examination. Boye argued that, as a practising lawyer, his devices contained confidential information protected by legal professional privilege, including communications with clients, and that providing the devices to the authorities could jeopardise attorney-client confidentiality.

On 14 October 2024, the Provincial Court of Madrid (Section Five) upheld Boye's appeal and ordered the investigation to be reopened. The court considered that the refusal to hand over the devices, in light of the confidentiality obligations arising from his profession, could not in itself justify terminating the proceedings and found it necessary to pursue alternative means of investigation. In particular, the Provincial Court considered it necessary to hear as witnesses the experts who prepared the Citizen Lab report documenting the CatalanGate spyware operation and directed the investigating court to seek information from NSO Group and related companies regarding any agreements for the use of Pegasus in Spain.<sup>50</sup> Following this decision, the investigating court resumed the investigation, ordered further evidentiary measures, and has now summoned the Citizen Lab experts to testify.<sup>51</sup>

Andreu Van den Eynde is the lawyer representing several ERC politicians, including its main leader, Oriol Junqueras, during the proceedings before the Supreme Court concerning the Catalan self-determination referendum of 1 October 2017.

The forensic analysis of Van den Eynde's mobile phone indicated that his device was infected on 14 May 2020 (during the Covid-19 lockdown), at a time when he was remotely coordinating different legal strategies for multiple clients, both private and court-appointed, including clients linked to ERC, and holding meetings with other lawyers to coordinate defence strategies, particularly those concerning various political leaders connected to the Catalan pro-independence movement.<sup>52</sup>

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<sup>49</sup> Quico Sallés, "Boye, víctima de les dues vares de mesurar dels jutges amb el cas Pegasus", El Món, June 2023. Available at: <https://elmon.cat/politica/tribunals/boye-victima-discriminacio-jutges-pegasus-678145/>

<sup>50</sup> El Periódico de Catalunya "La Audiencia Provincial de Madrid ordena reabrir la investigación sobre el espionaje a Gonzalo Boye", October 2024. Available at: <https://www.elperiodico.com/es/politica/20241014/audiencia-provincial-madrid-ordena-reabrir-investigacion-espionaje-gonzalo-boye-pegasus-109319581>

<sup>51</sup> Josep Nualart Casulleras, "Citizen Lab declarará finalmente en la causa per l'espionatge a Gonzalo Boye", Vilaweb, July 2026. Available at:

<https://www.vilaweb.cat/noticies/citizen-lab-declarara-finalment-en-la-causa-per-lespionatge-a-gonzalo-boye/>

<sup>52</sup> Irídia, "Report on Institutional Violence", 2024. Available at:

[https://iridia.cat/wp-content/uploads/2025/05/InformeSAIDAVI2024\\_ENGL\\_FINAL.pdf](https://iridia.cat/wp-content/uploads/2025/05/InformeSAIDAVI2024_ENGL_FINAL.pdf)

In March 2025, the Barcelona Provincial Court ordered the Investigating Court No. 24 in Barcelona to indict the Luxembourg-based subsidiary of NSO Group, OSY Technologies S.à r.l., and the members of its board of directors in connection with the alleged espionage of Van den Eynde.<sup>53</sup>

In December 2025, during their testimony as persons under investigation before Investigating Court No. 24 in Barcelona, both Paz Esteban and her successor, Esperanza Casteleiro, denied any responsibility for, or knowledge of, the surveillance of Van den Eynde.<sup>54</sup>

### 3. Subsequent Judicial Proceedings

#### 3.1. Denial of Effective Remedy Through Fragmented Proceedings

Rather than consolidating the proceedings into a coherent investigation capable of addressing the systemic nature of the surveillance programme, the Spanish judicial response has been characterised by fragmentation across multiple investigative courts with overlapping factual matrices. This dispersion has significantly impeded evidentiary coordination, delayed international cooperation requests, and generated inconsistent procedural outcomes.

Individual proceedings are being conducted simultaneously before multiple Courts of Instruction in Barcelona, with no mechanism for coordinating findings or consolidating evidence.<sup>55</sup> When Audiencia Nacional declined jurisdiction on a Pegasus case, it referred matters to territorial courts. Consequently, these proceedings, such as ATSJ CAT 492/2025 in Santa Coloma de Farners, bounced between territorial courts due to jurisdictional dispute, causing further delay to the possibility of remedy.<sup>56</sup> This structural dispersion is not merely a procedural inefficiency; it operates in practice to prevent any court from gaining a comprehensive picture of the surveillance programme as a whole, and thereby forecloses the possibility of accountability proportionate to the scale of the violations. This then leads to the impossibility of seeking remedy via the ECHR, as seen in the case of Costa and Torra.

#### 3.2. The European Investigation Order Failure

A particularly serious dimension of the judicial dysfunction concerns the systematic failure to process European Investigation Orders (EIOs) directed at obtaining evidence held in other EU member states. Multiple proceedings have been closed or stalled without the relevant EIOs ever having been executed. In cases where orders were formally agreed, they remained unprocessed

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<sup>53</sup> Sergi Llanas, “Imputados tres directivos de la empresa propietaria de Pegasus por espionaje al abogado del ‘procés’, Andreu Van den Eynde”, El País, March 2025. Available at: <https://elpais.com/espana/catalunya/2025-03-03/imputados-tres-directivos-de-la-empresa-propietaria-de-pegasus-or-espionaje-al-abogado-del-proces-andreu-van-den-eynde.html>

<sup>54</sup> Toni Muñoz, “La exdirectora del CNI niega el espionaje al abogado de Junqueras”, La Vanguardia, December 2025. Available at: <https://www.lavanguardia.com/politica/20251218/11377619/exdirectora-cni-niega-espionaje-abogado-junqueras.html>

<sup>55</sup> Audiencia Nacional, Auto No. 177/2025 (AAN 1822/2025), 11 March 2025.

<sup>56</sup> Tribunal Superior de Justicia. Sala de lo Civil y Penal Barcelona, AUTO núm. 28, May 15 2025 (ATSJ CAT 492/2025).

for periods of months or years.<sup>57</sup> In other instances, EIOs failed due to procedural errors on the part of Spanish courts or a failure to respond to requests from judicial authorities in Luxembourg and elsewhere.<sup>58</sup> As documented by Irídia in March 2026, this pattern of EIO failure constitutes widespread judicial obstruction that has materially prevented victims from accessing available evidence and obtaining effective remedy. The failure cannot be attributed to isolated administrative error; its consistency across multiple proceedings and jurisdictions indicates a structural failure in the Spanish judicial system's engagement with international cooperation mechanisms.

### **3.3. Judicial Progress**

Notwithstanding the foregoing, two concrete steps of significance have occurred. In March 2025, executives of NSO Group were formally indicted. As previously mentioned, in February 2026, members of the Guardia Civil were indicted for the first time in connection with the surveillance programme. It is notable, however, that both developments were achieved through civil society litigation rather than through any state-initiated investigation or prosecution. The Spanish state has not itself brought proceedings against any individual or entity in connection with CatalanGate.

The December 2025 CNI testimony and partial declassification of documents ordered in the context of the Aragonès proceedings represent a procedural step of some significance. However, as the proceedings before Court of Instruction No. 24 illustrate, partial disclosure in the absence of a comprehensive declassification framework serves principally to highlight the limits of accountability rather than to advance it. The judge's December 2025 ruling and the defence response on 12 December are the most recent developments.

## **4. Spain's Response and Failures**

### **4.1. Assessment of Spain's Response to Special Rapporteurs**

A comparison between Communication AL ESP 8/2022 and Spain's subsequent response demonstrates substantial deficiencies in both substance and procedure. Although Spain asserted that all surveillance activities complied with domestic law, its response failed adequately to address several of the principal concerns raised by the Special Rapporteurs and omitted critical information necessary for effective international scrutiny.<sup>59</sup>

- 1) Spain addressed only eighteen of the sixty-five documented cases identified in the CatalanGate investigation and provided no explanation concerning the remaining forty-seven victims. The response therefore failed to engage with the evident scale and systematic nature of the surveillance operation. The omission is particularly significant

<sup>57</sup> Irídia, "Irídia denounces widespread judicial obstruction in Pegasus spyware investigations due to failure to execute European Investigation Orders," 25 March 2026, available at:

<https://iridia.cat/en/iridia-denounces-widespread-judicial-obstruction-in-pegasus-spyware-investigations-due-to-failure-to-execute-european-investigation-orders/>

<sup>58</sup> Ibid.

<sup>59</sup> La Misión Permanente de España, Respuesta de España a AL ESP 8/2022, 22 December 2022.

given that the targets collectively represented a distinct political and cultural minority movement rather than isolated individuals.

- 2) Investigations cited were neither independent nor comprehensive. Spain relied primarily upon findings produced by the Ombudsman and internal CNI oversight structures. However, these reviews depended extensively upon information supplied by the intelligence services themselves and did not involve comprehensive forensic examination of all documented cases. Nor did they examine the broader pattern of targeting identified by Citizen Lab. As such, the mechanisms invoked by Spain cannot be characterised as independent, impartial or effective investigations within the meaning of international human rights jurisprudence.
- 3) Spain did not address request 3 and restated its position that all acts complied with legal requirements.
- 4) Spain did not address request 4.
- 5) Spain substituted domestic constitutional arguments for engagement with international human rights law. No reference was made to ICCPR Article 27, the ECHR, or the Framework Convention for the Protection of National Minorities, which were specifically cited by the Rapporteurs.
- 6) Spain failed to propose any framework for victim reparation or guarantees of non-repetition. No comprehensive review mechanism was established for affected individuals, no compensation scheme was introduced, and no legislative reforms were adopted to strengthen oversight of intelligence operations.

#### **4.2. Compliance with PEGA Committee Regulations**

The European Parliament's PEGA Committee, in its resolution of May 2023, set out five specific recommendations addressed to Spain arising from the CatalanGate investigation. Spain's compliance with each recommendation has been materially deficient.<sup>60</sup>

##### **a) Conduct a full, fair and effective investigation**

No government-led investigation has been initiated into the surveillance programme. State authorities have consistently refused to disclose the relevant judicial authorisations or to provide substantive information to investigating courts, invoking national security grounds to resist accountability. The forty-seven victims whose cases were not acknowledged in Spain's response to the Special Rapporteurs have received no information whatsoever. No court proceedings have been instituted by the state; all progress in holding perpetrators to account has been achieved through civil society litigation.

##### **b) Provide adequate access for the persons targeted to the judicial authorisation issued by the Supreme Court to the CNI to target 18 persons**

<sup>60</sup> European Parliament, Investigation of the use of Pegasus and equivalent surveillance spyware, P9\_TA(2023)0244, 2019-2024.

Victims and their legal representatives have been granted access only to heavily redacted documents. The Supreme Court judge responsible for oversight of the CNI (Pablo Lucas) stated that he cannot provide any information whatsoever about his rulings or actions to any investigating court.<sup>61</sup> In the Aragonès case, the investigating judge pressed the Spanish government to declassify relevant documents, to which the Council of Ministers responded only partially in January 2024 by declassifying the fact that the CNI had carried out activities affecting Aragonès' right to communications secrecy, and releasing a limited subset of judicial orders. The Council refused any further declassification. This was appealed by Generalitat, and the Supreme Court ultimately upheld the government's decision to withhold the remaining documents.<sup>62</sup> His case, as well as the aforementioned case of Jordi Sànchez, present a further dimension of this failure; the confirmed infections of their devices predate documented judicial authorisation, for which no explanation or justification has been presented.

**c) Cooperate with the courts to ensure that individuals targeted with spyware have access to real and meaningful legal remedy**

Rather than cooperating with investigating courts to facilitate victim access to remedy, Spanish state authorities have actively impeded proceedings. The prosecution has in several instances adopted positions adverse to victims, including challenging the documented dates of infection and questioning evidence of state involvement. No government cooperation with the courts has been forthcoming.

**d) Start the reform of the legal framework of the CNI, as announced in May 2022**

Spain announced in May 2022 that it would reform the legal framework governing the CNI. No such reform has been enacted. The legal framework that permitted the documented surveillance, and the oversight mechanisms that failed to prevent it, remain unchanged.

**e) Invite Europol, which could contribute with technical expertise, to join the investigations**

The PEGA Committee recommended that Spain invite Europol to join the investigations given the technical complexity of the forensic evidence. Spain took no action on this recommendation.

**4.3. Additional Failure: Spain's 2025 UPR Omission**

Spain's national presentation report submitted for its 2025 Universal Periodic Review (A/HRC/60/8) made no reference to CatalanGate, the surveillance of Catalan political and civil society actors, or the proceedings arising therefrom. This omission is inconsistent with Spain's obligations under the UPR process to provide accurate and comprehensive information on the human rights situation within its territory and to engage with concerns raised by treaty bodies

<sup>61</sup> María Peral, "The judge who oversees the CNI will not tell the investigator in the 'Pegasus case' whether he authorized spying on Pere Aragonès," *El Español*, 21 October 2023. Available at: [https://www.elespanol.com/espana/tribunales/20231021/juez-control-a-cni-no-dira-instructor-caso-pegasus-autorizo-espiar-pere-aragones/803420052\\_0.html](https://www.elespanol.com/espana/tribunales/20231021/juez-control-a-cni-no-dira-instructor-caso-pegasus-autorizo-espiar-pere-aragones/803420052_0.html)

<sup>62</sup> "El Supremo avala que el Gobierno no desclasificara toda la información que pedía el juez sobre el espionaje a Aragonès," *Iustel*, 20 October 2025. Available at: [https://www.iustel.com/diario\\_del\\_derecho/noticia.asp?ref\\_iustel=1259576](https://www.iustel.com/diario_del_derecho/noticia.asp?ref_iustel=1259576)

and Special Procedures. The failure to mention proceedings that have been the subject of UN Special Rapporteur communications, European Parliament resolutions, and four years of domestic litigation represents a significant gap in Spain's engagement with international accountability mechanisms.<sup>63</sup>

## 5. Legal Framework and Violations

### 5.1. A Right to Privacy (ICCPR Article 17; ECHR Article 8)

The forensic evidence now confirmed by four independent methods establishes that the surveillance occurred. The CNI's own December 2025 admissions confirm that at least two ANC victims were surveilled with judicial authorisation, but that authorisations were granted for their political activity in support of Catalan independence, not for any criminal conduct. Under ICCPR Article 17, interference with privacy must be both lawful and not arbitrary. Targeting individuals for their political beliefs fails the non-arbitrariness test. The Human Rights Committee has consistently clarified that even measures authorised under domestic law may nevertheless violate Article 17 where they are unreasonable, disproportionate or incompatible with the Covenant's purposes.

Similarly, under ECHR Article 8, interference must be "necessary in a democratic society," and surveilling democratic political activity plainly does not meet this standard. The use of spyware capable of unrestricted access to private communications, microphones, cameras and encrypted materials represents one of the most intrusive forms of surveillance currently available. The European Court of Human Rights has repeatedly emphasised that secret surveillance regimes require particularly robust safeguards precisely because of their inherent potential for abuse. In the present case, the absence of transparency, effective oversight and accessible remedies substantially aggravates the incompatibility of the measures with Article 8 ECHR.

### 5.2. Freedom of Opinion, Expression and Assembly (ICCPR Articles 19, 22; ECHR Articles 10, 11)

The surveillance programme had a documented chilling effect on Catalan civil society. As the EU Parliament's PEGA Committee found, the use of spyware "severely affects the right to peaceful assembly, freedom of expression and public participation," such that "democracy itself is at stake."<sup>64</sup> The ANC notes that the attacks generally targeted individuals at moments of heightened political activity, such as elections and legal proceedings, which compounds the chilling effect on legitimate and democratic civic participation.

### 5.3. Minority Rights (ICCPR Article 27; Framework convention for the Protection of National Minorities)

The targeting pattern documented in CatalanGate cannot plausibly be understood as incidental or individually motivated. The victims included successive Catalan presidents,

<sup>63</sup> Spain, UPR Presentation Report, A/HRC/60/8, 2025.

<sup>64</sup> European Parliament, Investigation of the use of Pegasus and equivalent surveillance spyware, P9\_TA (2023)0244, 2019-2024.

pro-independence Members of the European Parliament, civil society organisations central to Catalan cultural life, and lawyers representing independence leaders, constituting ethnic profiling prohibited under international human rights standards. The coherence of this pattern demonstrates surveillance directed not merely at isolated individuals, but at the institutional and political infrastructure of a national minority movement. Spain's response to AL ESP 8/2022 made no reference to international minority-protecting instruments or even recognised the disproportionate targeting of minorities. Likewise, the UPR 2025 omission of the issue compounds Spain's dismissal of the importance of minority protection.

#### **5.4. Domestic Legality (Spanish Law, Art. 588 Law 13/2015)**

According to Spanish legislation (Art. 588 Law 13/2015), this kind of espionage is only permitted in cases of pre-trial proceedings and following the principles of exceptionality, necessity and proportionality.<sup>65</sup> The CNI's own justifications that Paluzie was surveilled for her "public statements" and roadmaps, and Sánchez for videoconferences on pro-independence strategy do not meet these criteria.<sup>66</sup>

#### **5.5. Independence of Lawyers**

The confirmed surveillance of lawyer Andreu Van den Eynde, who was actively representing Oriol Junqueras and Raül Romeva in ongoing proceedings at the time of his infection, constitutes a violation of legal professional privilege and the right to a fair trial under ECHR Article 6.<sup>67</sup> Furthermore, the CNI's December 2025 denial of any surveillance activity, notwithstanding the existence of forensic evidence before the court, compounds the seriousness of the violation.<sup>68</sup> Confidential communication between lawyers and their clients is a fundamental component of the administration of justice. As Pegasus grants access not only to communications but also to legal strategies, draft submissions, privileged documents, contact networks, and confidential exchanges with multiple clients, surveillance of a lawyer therefore risks compromising the rights of numerous individuals simultaneously and may provide state authorities with access to defence preparations in ongoing proceedings. Furthermore, the surveillance of legal representatives in politically sensitive cases engages not only the right to privacy, but also broader guarantees relating to fair trial rights, access to justice, and the independence of the legal profession. The same applies to the lawyer of President Puigdemont, Gonzalo Boye.

### **Conclusion & Requests to the Special Rapporteurs**

The evidence presented in this submission demonstrates that, in the four years since Communication AL ESP 8/2022, Spain has failed to provide an adequate response to the concerns raised by the Special Rapporteurs and has failed to implement the recommendations

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<sup>65</sup> Ibid.

<sup>66</sup> ANC press release, "The Spanish Intelligence Centre (CNI) admits to spying on two former ANC presidents with authorisation from the Supreme Court," December 2025.

<sup>67</sup> Mayte Piulachs, "La directora del CNI i la seva antecessora neguen al jutjat haver espiaat l'advocat d'ERC," El Nacional, 18 December 2025. Available at:

[https://www.elnacional.cat/ca/politica/directora-cni-seva-antecessora-neguen-jutjat-haver-espiaat-advocat-erc\\_1527991\\_102.html](https://www.elnacional.cat/ca/politica/directora-cni-seva-antecessora-neguen-jutjat-haver-espiaat-advocat-erc_1527991_102.html)

<sup>68</sup> Ibid.

of the European Parliament's PEGA Committee. The surveillance programme documented in CatalanGate has been confirmed by four independent forensic mechanisms. Official admissions have established that at least two ANC victims were surveilled by the CNI for their political activity in support of Catalan independence rather than for any criminal conduct. Judicial proceedings across multiple courts have been characterised by systemic fragmentation, the obstruction of international cooperation mechanisms, premature archival of cases, and the invocation of official secrecy to shield intelligence officials from accountability.

The forty-seven victims whose cases were not acknowledged in Spain's original response remain without information, remedy, or any prospect of non-repetition. The legal framework governing intelligence surveillance has not been reformed. No state-instigated proceedings have been brought. The only concrete progress toward accountability has been achieved exclusively through civil society litigation, in the face of institutional resistance.

In light of the foregoing, UNPO and the ANC respectfully request the following actions:

**A. Issue a joint public statement**

Calling on Spain to cease obstruction of judicial proceedings, comply with five PEGA Committee recommendations, and provide immediate information to the 47 victims whose cases remain unacknowledged, in accordance with Spain's obligations under the ICCPR and ECHR.

**B. Issue a follow-up Joint Allegation Letter to Spain**

Specifically requesting Spain to:

- a. Provide a comprehensive account of all sixty-five cases documented in the CatalanGate investigation, including the basis for surveillance in each case;
- b. Disclose the full, unredacted judicial authorisations relied upon to justify CNI surveillance of targets;
- c. Explain the forensic evidence of device infections predating the judicial authorisations in the case of Jordi Sànchez and Pere Aragonès;
- d. Through the Council of Ministers, respond to the July 2025 request of the Court of Instruction No. 24 and authorise former CNI Director Paz Esteban to provide substantive testimony before the investigating courts by lifting any secrecy restrictions relied upon to prevent such testimony;
- e. Take immediate steps to cooperate with investigating courts, including through the effective processing of outstanding European Investigation Orders;
- f. Introduce the legislative reforms to the CNI's legal framework announced in 2022 and not yet enacted;
- g. Provide a reparation framework for victims, including access to information, acknowledgement of violations, and guarantees of non-repetition.

**C. Engage with Spain's 2025 UPR outcome**

Draw the Human Rights Council's attention to Spain's failure to address CatalanGate in its UPR presentation (A/HRC/60/8), and request that the Council include the issue in its follow-up review and recommendations to Spain.

**D. Request a country visit**

Consider requesting a country visit to Spain to assess, on the basis of direct engagement with victims, legal representatives, and civil society organisations, the adequacy of the domestic response to the CatalanGate surveillance programme and the prospects for effective remedy.

**E. Any other appropriate action**

Take any other action considered appropriate to secure effective remedy for the victims of the CatalanGate surveillance programme and to ensure meaningful guarantees of non-repetition.

We would like to thank you for your time, and we remain at your disposal for any further information.

Sincerely,  
Assemblea Nacional Catalana  
Unrepresented Nations and Peoples Organisation