

Working Session 11, Rule of Law II, including protection of human rights and fighting terrorism

Intervention of the Catalan National Assembly (civil society organization)

Thank you Mr Moderator.

This morning, in different towns in Catalonia up to 10 activists have been arrested under the Anti-terrorist law accused of supposedly planning violent actions ahead of the sentence of the Catalan trial. Apparently, some of the proofs are cooking pots and firework material used in town festivals. It all looks as a scaremongering operation to criminalize independentism, and demobilise the protests against the verdict of the trial of the Catalan political prisoners expected in mid-October. This is just the latest example of a pattern of practice in Spain to use counter-terrorism laws to repress those exercising freedom of speech and opinion.

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.

As a consequence, freedom of expression in Spain has come under pressure. 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 to sentences up to two years and one day in prison for the lyrics of their songs or tweets they had posted. The rap singer **Valtonyc**, sentenced to three years and a half for the lyrics of his songs about the Spanish monarchy, is currently in exile in Belgium, where a court refused Spain’s request to extradite him.

There are cases where terrorism offences have been used in an even more striking way. The Catalan pro independence movement has been one of the main victims of this use of counterterrorism legislation in a way that violates fundamental rights. In 2018 the young pro independence activist **Adrià Carrasco** was accused of terrorism for participating in non violent protests where toll station barriers were lifted. On April 10 2018, at 7 in the morning, a large police law-enforcement deployment – accompanied by the media- rang at the family home of Adrià Carrasco in the town Esplugues de Llobregat. Police officers attempted to arrest him and to search the premises, but he managed to escape jumping from the window. He is currently in exile in Belgium.

The same day in April 2018, Spanish Police officers knocked at the door of **Tamara Carrasco’s** home, another young Catalan pro independence activist, in order to search the place. The officers confiscated various materials, such as a

whistle, before arresting her on charges of sedition, rebellion and belonging to a terrorist organization. On the basis of these charges, Tamara Carrasco was transferred to Madrid. There, she was placed at the disposal of the National Court, a special court that acts as a heir of the Francoist “Public Order Court” and is used to oversee cases of terrorism. Forty-eight hours after her arrest, Judge Diego de Egea – a judge from the Military Juridical Corps– dictated a ban on leaving her municipality. Now the case has been transferred to an ordinary judge in Barcelona, and the charges of terrorism have been dismissed but her case is still pending. **It will happen probably the same in a few months or years with the activists arrested today, but at what cost for their lives?**

These cases are raising a lot of questions about the Spanish justice system. Spain is a state party to a number of binding treaties that guarantee the right to freedom of expression, association and assembly. These treaties include the International Covenant on Civil and Political Rights and the European Convention on Human Rights. For all these reasons, the Catalan National Assembly calls on Spanish authorities to respect, protect and promote these fundamental rights.