

PROXY OBSERVER

SEÑALAMOS A LOS CULPABLES DE LA VIOLENCIA

Spot Report: Spanish Gag Law, Political Repression and the Right to Protest Under Threat

Prepared for:

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Reference: [#25E](#) [#CPenalCongreso](#) (25 de enero 2015)

INTRODUCTION:

As the countdown towards the introduction of Spain's most repressive piece of legislation since the dictatorship of General Franco continues, Spanish social movements are intensifying their opposition to the *Ley Mordaza* (gag law).

As this report is being compiled, the Spanish media are confirming what many activists already know: the right to protest in Spain is being seriously curtailed by the government. So says the **OSCE**.

As with all our reports, the purpose of this Spot Report is to inform the OSCE / ODIHR of the latest pro-democracy protest to take place in Madrid, under the shadow of the *Ley Mordaza* (gag law) and other legal restrictions being introduced by the government.

LOCATION & DATE OF PROTEST:

January 25th is the date Greece went to the polls, resulting in a near majority government for **Syriza**. Meanwhile in Spain, thousands of citizens across **20 cities** took to the streets in protest against attempts by the Spanish government to limit their constitutional rights.

This report, however, is a brief summary of the events which took place in Madrid, as this is where *Proxy Observer* is based. Nevertheless, it should be borne in mind by the OSCE / ODIHR that the anti-repression protest being outlined in this report was state-wide.

MEDIA IMPACT:

Conveniently for the Spanish government, the media impact of this massive event was relatively modest precisely because of the general elections in Greece. The Greek elections meant that this nationwide protest and the huge turnout, received little air time.

Even so, at least four major television channels sent TV crews to record the event, including: *Europa Press*, *EFE*, Madrid-based *Tele-K* and the less well known *NR Channel*.

BACKGROUND TO THE PROTEST

As outlined elsewhere in this report, Spain's conservative government is pushing through a gamut of repressive legislation at breakneck speed. The inconsistency of the government's arguments with regard to the "need" for a citizen security law, are plain for all to see.

Crime rates in Spain are one of the lowest in Europe, with 2015 figures confirming the downward trend. Spain has more prisons than hospitals and many are **half empty**.

With this in mind the government appears to want to fill up empty prisons with a new category of prisoners, namely political activists who have organised protests, or like *Proxy Observer*, circulated photographs of **police abuse**.

Another possible reason for introducing repressive gag laws would be to put an end to social protests. With unemployment in Spain *still* going up, a faltering economy, deflation, and corruption on overdrive, Spain's tired regime needs a handy made-to-measure law which criminalises all forms of democratic dissent, even when those actions are protected by the constitution.

PROTEST ORGANISERS:

As the OSCE is aware, protest organisers in Spain will soon risk going to prison or being fined huge quantities under the *Ley Mordaza*, if the protest they organise turns violent. Even if, the organisers are not present at the protest.

As a result of the *Ley Mordaza*, it is even possible that protest groups will go underground, meanwhile we will report as fully as we can without endangering our own liberty or that of other activists involved in social movements.

This particular protest was organised by a group the OSCE / ODIHR is familiar with, namely **@Marchas22M**, the group which organised the *Marchas de la Dignidad* (Dignity Marches) earlier this year.

The other group which helped organise this protest was **@Coordinadora25S**. It may interest the OSCE to know that this group is organising a **protest** later this month (February 28th) calling for an end to the Spanish police state. We will of course, monitor this protest and send a report.

THE EVENT:

Like other events organised by this group the response was good, with support from many groups including: *Equo, Madrid Rio, Madres Contra la Represión, Solfónica, Yayflautas*, striking *Coca Cola* workers, *CGT, Plataforma de Afectados por Hepatitis C, Free Alfon, Partido Humanista, C.C.O.O* (Trade Union), *P.C.E* (communists), anarchists and Spanish republicans.

The meeting point for this anti-repression march, was Madrid's *Puerta del Sol*. People started gathering there at mid-day, and we soon made our way towards an area near the Spanish parliament building known as *Plaza de las Cortes*.

The organisers provided their own security in the form of protest stewards, proving once again their good intentions. The government Delegation in Madrid was also fully informed of the route and the date / time of the protest.

As the **photographs and videos** of this event demonstrate, there was little interference from the authorities during the march, with an adequate number of police officers and a feeling that we were generally safe from violence.

EXPLODING BANGERS:

During the event, loud bangs could be heard coming from the back of the march. There were a total of four such large bangs, which were probably caused by someone throwing bangers. These bangs and the thick white smoke they cause often have an unsettling effect on protestors.

Bangers are also known to provoke a reaction from Spanish riot police (antidisturbios), but the situation remained calm, as peaceful protestors have every right to expect. Spanish police often over-react at the slightest thing, but on this occasion everyone kept their nerve.

POLICE BLOCK THE ROUTE:

As the protest march reached the *Plaza de las Cortes*, protestors were suddenly forced to stop. Spanish police had physically blocked our way without explaining why. The route, which had been previously agreed by all parties, was now blocked by **hooded** police officers carrying illegal weapons.

Despite the unprofessional attitude of Spanish police, the march organisers got to work immediately, setting up a small wooden stage in front of the barriers set up by the police.

This process took no more than ten minutes. Once the stage and loud speakers were up, a representative of *Madrid Rio* read out a manifesto calling on the government to end the repression and allow citizens to exercise their legal right to peaceful protest.

POLICE PRESENCE:

For this protest Spanish police appear to have adopted a very unorthodox method of monitoring, with UIP officers darting in and out of bushes trying to avoid photographers along the route.

UIP Puma units rarely get it right, adopting either heavy handed repressive techniques, or almost comical monitoring methods. At times it felt like we were being followed by red Indians through the desert in a low-budget cowboy film.

The UIP's obsession with not being identified is being taken to extremes, with hooded officers refusing to comply with the rules on ID numbers, or jumping behind trees at the sight of a camera.

INJURIES and ARRESTS

No arrests or injuries were reported during or after the protest.

SECRET POLICE & INFILTRATORS:

It's possible that secret police and infiltrators were present at this protest, but the organisers' security cordon and watchful protest stewards ensured that there were no incidents.

THE AUTHORITIES

Under Spain's new gag law (*Ley Mordaza*) the right to protest is seriously restricted, as the OSCE themselves rightly observed in their latest report. Those undemocratic restrictions were also evident at this protest.

Despite previously notifying the authorities of the protest with a week's notice, the Madrid delegation gave the UIP the order to halt the march and prevent protestors from reaching the agreed location.

No justification was given for this decision, and we can only conclude that it is a reflection of the authoritarian nature of Spain's government. This peaceful and well controlled protest posed no threat to public order or national security.

REPORT CONCLUSIONS:

Our conclusion from having observed this protest, is that while Spanish authorities push forward with laws that will strip citizens of all their legal rights, the authorities themselves rarely comply with the law or with the nation's constitution.

According to the constitution, the duty of police officers is to ensure that citizens can exercise their legal rights in safety, while public order is maintained. However, the absence of police ID numbers and the covering of officers' faces, seriously undermines citizens' rights as guaranteed by the constitution.

It is unacceptable in a so-called democratic country that a perfectly legal and peaceful protest should be brought to a sudden halt by masked UIP officers without justification. Such police actions encourage public panic and disorder and restrict the right to protest.

RECOMMENDATIONS

We recommend the OSCE / ODIHR use the photographic evidence provided in our reports to take up the issue of masked police officers with Madrid and the EU.

We suggest the OSCE reminds Spanish authorities of the importance of consulting organisers on the protest route, and abiding by any decision.

We urge the OSCE / ODIHR to promote at European level the idea of a significant financial sanction against individual police officers who refuse to properly identify themselves at protests.

We ask the OSCE / ODIHR to closely monitor Spain's gag law and the legal consequences for those like ourselves, who wish to inform the international community of police abuse.

We recommend the OSCE / ODIHR continues to compile and publish reports relating to Human Rights abuses in Spain, and to ensure these reports reach the *United Nations Security Council*.

We urge the OSCE / ODIHR to contact Madrid urgently to clarify how the new *Ley Mordaza* will be enforced during protests, and whether this enforcement will involve the use of violence against unarmed citizens.

Finally, we ask the OSCE / ODIHR to clarify with the Spanish *Ministry of Interior* whether it intends to take criminal action against *Proxy Observer* once the legal restrictions on the circulation of images of UIP officers come into law.

Report date: 12/February/2015

RELEVANT VIDEOS & PHOTOGRAPHS:

VIDEO summary of the anti-repression protest

<https://www.youtube.com/watch?v=UhUmAysED0Y>

Masked antidisturbios (UIP) officers

<http://goo.gl/yNY2eC>

Details of all the cities where this protest took place

<http://goo.gl/J9I99Q>

Photographs and background information on this protest

<http://proxyobserver.weebly.com/represion.html>

For more reports on past and future protests

<http://proxyobserver.weebly.com/informes.html>