

Statement on police infiltration in social movements in recent years in Spain

16 February 2023, Barcelona.

88 organisations declare their support for the five activists bringing legal action over the infiltration of social and labour movements by a police officer from the Spanish National Police Corps in Barcelona. The undercover officer used intimate, sexual relationships, to create and consolidate a bond of trust with those movements. His actions were endorsed and backed up by the rest of the police structure. The police officer's activity was documented from May 2020 to October 2022, thanks to an investigation conducted by the newspaper, La Directa.

On 31 January 2023, five of the activists, human rights defenders and union rights affected by the police operation, started criminal proceeding against the police officer for: systematic sexual abuse, torture and offences against moral integrity, the crime of discovery and disclosure of secrets, and constraining their civic rights, including a breach of freedom of association. Criminal charges, which have also been filed against the police officer's superiors, count on the legal support of Irídia - Centre for the Defence of Human Rights and the CGT (General Confederation of Labour Union).

In light of the seriousness of these violations, the organisations and collectives undersigned state that:

1. In this case, the **police operation reveals clear gender discrimination** that serves a dual purpose. Firstly, to obtain information and to manipulate civil society and the organisation of different social movements in Barcelona. Secondly, to punish women involved in such collectives and struggles.

2. Using intimate, sexual relationships for the purpose of state espionage stems from **sexism in the police and the institutional violence** that currently exists in Spain. In this case, sexual violence is institutional violence because the acts were perpetrated by a police officer in the exercise of his duties, which were authorised, endorsed and permitted by the institutional structure to which he belongs.

3. Such **police operations are unnecessary and unjustifiable in any democracy, and they undermine the rule of law**, as they promote the use of tactics aimed at persecuting political dissent; and human rights defenders, as well as reducing the space for civil society and its ability to organise.

4. Although we know that state surveillance is currently a reality in Spain (through the use of programmes such as Pegasus and the discovery of two other infiltrated police officer, uncovered by La Directa on 7 June 2022 and 13 February 2023), this case represents a **significant escalation because of the extent to which individual and collective rights are affected and the impact it has on the people directly affected and on the movements themselves.**

5. This is not an isolated case. Although this kind of infiltration should be considered an **exceptional resource, subject to very strict and specific conditions**, the infiltration of police officers into social and political movements is a practice that has also been used in other countries. Particularly noteworthy is the precedent set in the United Kingdom, where, in 2021, the Investigatory Powers Tribunal concluded that the deployment of Mark Kennedy, an undercover officer who

had had relations with several women, one of them lasting more than six years, **violated five fundamental human rights**: the prohibition on torture and/or inhuman and degrading treatment, the right to a private and family life, freedom of expression, freedom of association and assembly, and the prohibition on discrimination, in this case on grounds of sex.

6. These events show that **all citizens and associations are at risk of becoming victims of these arbitrary and abusive violations**. In this way, the use of such operations intimidates and has a chilling effect on citizens, significantly restricting civil society's political space. As in the UK, **this case should generate public debate on the limits and control of policing in a state governed by the rule of law and democracy**.

The undersigned organisations note that the Spanish state has crossed a lines in terms of the violation of fundamental rights, exploiting intimate and sexual relationships to monitor political dissident. It is essential to expose, name, and challenge this type of police strategy, integrated into a state policy, as well as the specific gender-based violence it entails, in order to demand truth, justice, reparation and, above all, prevent these events from happening again.

It is important to remember that international law establishes a duty on state to investigate effectively and thoroughly in order to comply with their obligations to the victim and, also, to society, in their obligation to prevent future violations, as take action in the face of the most serious human rights abuses.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association noted, in his follow-up mission to the UK in 2017, that such operations can cause profound and irreparable harm, both *“to the survivors and to the well-being of the general population with respect to the free exercise of the rights to freedom of peaceful assembly and of association, given the increased levels of mistrust”* resulting from the public awareness of the case. He noted that in these cases *“the harm can only be partially remedied through a process of real and transparent accountability for those affected, as well as reparation.”*

In view of the above, the **88 undersigned organisations** call on Spain to:

1. Take responsibility in the light of the seriousness of the case and respond with consequences for the perpetrators, punishing these offences with appropriate penalties, which take into account the gravity of the offences; and to comply with its duty to produce a public explanation of the facts.

2. Fulfil its obligation to conduct a **thorough, effective and independent investigation**, with the objective of disclosing the extent of the operation, and to take the necessary measures to ensure effective reparations for the affected persons and movements.

3. Immediately **cease any further police operations of a similar nature** and set up the necessary safeguards to ensure that they are not repeated.

Organizations supporting the statement

1. Abolish Frontex
2. Alianza por la Justicia Global
3. Alianza por un mejor Darién - AMEDAR from Panamá
4. Alternativa de Reivindicación Comunitaria y Ambientalista de Honduras (ARCAH)
5. Associació Catalana per a la Defensa dels Drets Humans (ACDDH)
6. Big Brother Watch
7. Bürgerrechte & Polizei / CILIP
8. Calala Fondo Mujeres
9. Campaign Against Arms Trade
10. Campaña Defender la Libertad: Asunto de todxs
11. Campaña Popular Palestina contra el Muro de Apartheid - Stop the Wall
12. Centre Delàs d'Estudis per la Pau
13. Centro de Atención en Derechos Humanos a la Mujer y el Menor Indígena (CADHMMI) from México
14. Centro de Estudios Legales y Sociales CELS
15. Centro Regional Indígena en Derechos Humanos "Ñuu-Savi" (CERIDH) from México
16. CGT, Confederació General del Trabajo
17. **CIVICUS** (4.000 members)
18. **Civil Liberties Union for Europe - Liberties** (19 members)
19. Coalición de la Defensa de la Tierra Palestina Unión Palestina Campesina
20. Colectivo Insurrección Visual from México
21. Colectivo Reexistencia Creativa from México
22. Colombianas y Colombianos por la Paz
23. Comisión Multisectorial from Uruguay
24. Comité de Defensa de los Derechos del Pueblo de Oaxaca (CODEPO) from México
25. Comité de Defensa de los Derechos Humanos de la Mujer (CODEM) from México
26. Comité de Justicia por Keyla Patricia Martínez from Honduras
27. Comité Permanente por la Defensa de los Derechos Humanos (DPDH)
28. Comité Universitario de Solidaridad con el Pueblo Palestino (CUSPPA)
29. Confederación Sindical Única de Trabajadores Campesinos (CSUTCB) from Bolivia
30. CooperAcció
31. Corriente Revolucionaria Bolívar y Zamora - CRBZ from Venezuela
32. **Defender a Quien Defiende** (9 members)
33. Derechos Humanos y Derecho Internacional Humanitario from Colombia
34. Digital Freedom Fund
35. Digitalcourage from Germany
36. End Deportations Belfast
37. **EuroMed Rights** (60 members)
38. **European Civic Forum** (49 members)
39. European Group For Studying Deviance and Social Control
40. FACQ Berlin
41. Fair Trials
42. Federación de Mujeres del CUSCO - Micaela Bastidas Puiucagua from Perú
43. Frente de Organizaciones Sociales de Chiapas (OPEZ - FOSICH)
44. Frente de Pueblos en Defensa del Mejoramiento Barrial de la Ciudad de México - Centro Cultural Las Jarillas

45. Front Line Defenders
46. Fundación Comité de Solidaridad con los Presos Políticos (CSPP) from Colombia
47. Gentium
48. Granada Visible
49. Grupo FIST Mujeres Migrantes Internacionalistas Solidarias en Zurich
50. Institut de Drets Humans de Catalunya (IDHC)
51. Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ)
52. Instituto Mexicano de Desarrollo Comunitario (IMDEC) from México
53. Irídia - Centre per la Defensa dels Drets Humans
54. **LaFede.cat - Organitzacions per a la Justícia Global** (124 members)
55. Movimiento Alfa y Omega from Perú
56. Movimiento Cultural Campesino Los Arangues from Venezuela
57. Movimiento de Favelas de Rio Janeiro
58. Movimiento Internacional de la Economía de los Trabajadores from Venezuela
59. Novact - Institut Internacional per l'Acció Noviolenta
60. Observatori DESC
61. Observatorio de Derechos Humanos Capítulo EU
62. Observatorio de Derechos Humanos Capítulo Suiza
63. Observatorio de Derechos Humanos de los Pueblos (DHP)
64. Observatorio de la violencia policial from Chile
65. Observatorio de Paz de Colombia
66. Observatorio para el Cierre de la Escuela de las Américas from Chile
67. ObsPol Observatoire des violences policières
68. **OMCT - Organización Mundial Contra la Tortura** (200 members)
69. Patronato Pro Defensa y Conservación del Patrimonio Cultural y Natural de Oaxaca (PRO - OAX)
70. Police Spies Out of Lives
71. Programa Compañeros de A.C. de Ciudad Juárez Chihuahua México
72. Radio Lora Zurich
73. Red de Colectivas La Araña Feminista from Venezuela
74. Red de Integración Orgánica - Rio - Por la Defensa de la Madre Tierra y los Derechos Humanos de Guatemala
75. **Red Global contra la Violencia Policial** (20 members)
76. Red por la Defensa de la Infancia Mapuche
77. SOA Watch - Observatorio por el Cierre de las Escuelas de las Américas
78. Soldepaz - Pachakuti
79. StateWatch
80. Stop Represión Granada
81. Stop Wapenhandel (Dutch campaign against arms trade)
82. Sur Occidente Colombiano Antonieta Mércury de Colombia
83. Temblores
84. The Campaign Opposing Police Surveillance
85. The Network for Police Monitoring
86. The Undercover Research Group
87. Transnational Institute, The Netherlands
88. Unión de Organizaciones Sociales Interculturales del Sur de Pichincha (UOSISP) from Ecuador