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Barcelona, July 22nd 2022

Ms Dolors Feliu
President of the Catalan National Assembly
Catalan National Assembly
Marina 315 Barcelona

Mr Jeroen Lenaers
Member of the European Parliament
Group of the European People's Party
60 rue Wiertz / Wiertzstraat 60. B-1047 - Bruxelles/Brussels

Dear Mr Lenaers,

My name is Dolors Feliu, and I am addressing you as the president of the Catalan National Assembly, the biggest civil society organization aimed at defending the right to self-determination of the Catalan people. The purpose of this letter/email is to express our concerns on the use of Pegasus spyware against Catalan leaders and activists and the lack of accountability of Spanish authorities.

Since 2017, in order to repress our democratic and peaceful movement, the Spanish authorities have not hesitated to use lawfare and police brutality, as denounced by international organizations such as the [United Nations](#) Working Group on Arbitrary Detention or the Committee on Legal Affairs and Human Rights of the [Council of Europe's](#) Parliamentary Assembly. Last April, it was revealed that illegal state espionage using Pegasus has been widely used as tool to spy upon the Catalan pro-independence movement. Not only have Catalan civil and political leaders been spied on, but among the victims there were also their relatives and even lawyers, as well as journalists.

Catalangate is the biggest case of State espionage in the history of the European Union, using Pegasus spyware uncovered by [CitizenLab](#) and reported by the [New Yorker](#), revealing that the Catalan pro-independence movement has been the object of surveillance at least since 2015 with 65 confirmed hacks, [including 5 members of our organization](#).

Organizations such as [Amnesty International](#) and the [European Association of Lawyers for Democracy](#) have warned of the breach of human rights such as the right to confidentiality and professional secrecy that these hacks represent. The uncontrolled use of Pegasus by Spanish authorities against Catalan citizens – residing in Spain as well as in other member States – has a potentially negative effect on the standards of rule of law in the entire European Union.

Not only has Spain had the greatest number of confirmed cases, but Spanish authorities have shown no will to undertake any sort of accountability. After the scandal was revealed, there has been a refusal by Spain's biggest parties to create a parliamentary committee of inquiry on this topic, while the Ministry of Defence publicly admitted [the department had authorized espionage on Catalan leaders](#).

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The lack of accountability is not only a political decision, as the Spanish legal framework on espionage fosters arbitrariness. State espionage in Spain depends on the decision of a single judge applying the Official Secrets Act, which was passed in 1968 during the Franco dictatorship prior to the establishment of democracy. The legal framework fosters arbitrariness and offers no mechanisms to control or restrain this kind of activity.

The arbitrariness of the Spanish Official Secrets Act has been denounced by the Catalan Ombudsman, who requested the law be changed to adapt it to the European standards recommended by the Venice Commission and the European Court of Human Rights. Without the Spanish judiciary watching over its citizens' rights, state espionage causes a chilling effect on the exercise of freedom of expression and freedom of assembly, and above all endangering the rights of the Catalan national minority.

For all these reasons, numerous international organizations such as those mentioned above urge the European Union to act against the indiscriminate and arbitrary surveillance of Catalan citizens.

We are aware of the fact that the European Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware is planning to visit different member states accused of spying on its citizens. In this sense, we are surprised and alarmed to see how [Spain has not been included so far in the fact-finding mission's list](#), which includes Poland, Hungary, Israel and the US.

We cannot avoid asking some obvious questions on this matter. How is it possible that the EU member using spyware most extensively is not a priority for this inquiry, worthy of a fact-finding mission? How is it possible that EU institutions are not pressing Spain to change its legal framework on state espionage?

We believe that double standards are harmful to European rule of law and democratic principle. If spying in Spain goes unexplained while it is punished in other countries, how can the equality of the rights of European citizens be guaranteed? The arbitrariness of the Spanish authorities is spreading into EU institutions, and its effects may erode the basic principles of the Union.

Considering your position as a member of the European Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, we wish to highlight your role in defending not only the rights of Catalan citizens but also the neutrality of European institutions and their relevance in defending the rule of law across the continent. For all these reasons, please consider extending the fact-finding visits to Spain, precisely to investigate first-hand the biggest scandal of espionage in Europe using Pegasus.

Should you need any further information or clarification on the case please do not hesitate to contact us.

Best regards,



Dolors Feliu
President

Catalan National Assembly

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