

Amnesty International warns that the Democratic Tsunami mobilizations are not terrorism

The National Court's investigation into terrorism offenses restricts the right to protest, freedom of expression and information, and criminalizes civil disobedience.

<https://www.amnistiacatalunya.org/en-que-treballem/noticies-dactualitat/noticies-dactualitat/articulo/amnistia-internacional-adverteix-que-les-mobilitzacions-de-tsunami-democratic-no-son-terrorisme/>

May 22, 2024

In response to the summons letters received by several people investigated in the Democratic Tsunami case to testify by videoconference before the National Court (Audiencia Nacional) today in a court in Barcelona, Amnesty International has stated: ***"The terrorism charges against the people investigated in the Democratic Tsunami case restrict their freedom of expression and unduly penalize civil disobedience"***.

The organization demands the immediate withdrawal of the charges of "terrorism" for all of them because the facts investigated by the National Court do not reach the threshold established by international standards to be considered terrorists. Instead, the filing of these charges against participants in civil disobedience actions may constitute an undue limitation of their rights to freedom of expression and assembly, and generate a deterrent and demobilizing effect. In fact, Amnesty International has seen first-hand the testimony of people whose activism, their professional practice and their personal lives have been affected as a result of being investigated by the National Court.

Amnesty International urges the Prosecutor's Office to continue to request that these events are not investigated as "terrorism" crimes. In addition, and precisely because of the excessively broad and imprecise definition of terrorism that currently exists in Spain, Congress must make sure that in the current Criminal Code reform only those crimes that fit the United Nations definition of terrorism are classified as such.

The organization recalls that, according to the UN Special Rapporteur on counter-terrorism and human rights, for an act to be considered terrorist it must meet three cumulative characteristics: intention to cause death, serious injury or taking hostages; purpose of frightening or intimidating the population or forcing a government or an international organization to perform an act or to refrain from doing it; and to commit crimes as defined in international conventions and protocols (or that contain all the necessary elements to constitute a serious crime as defined

in the law). This is something that does not happen in the activities carried out by the "Democratic Tsunami".

Additional information

Tsunami Democràtic (TD) is a movement created by Catalan civil society with the aim of organizing and coordinating the public response to the October 2019 Supreme Court ruling against the Catalan independence political and social leaders. This initiative was launched on the Internet on September 2, 2019 with the publication of a manifesto that presented the goals of the movement and its fundamental principles: civil disobedience and non-violent struggle.

Among the facts investigated by the National Court are some that were already the subject of investigations in ordinary jurisdictions, such as the closures of the AP-7 highway between November 11 and 12, 2019, which were investigated by regular first level courts in Girona and Figueres, respectively. In the vast majority of cases, they ended up closed.

On the other hand, the Supreme Court agreed in February, against the opinion of the Prosecutor's Office, to declare its jurisdiction to investigate Carles Puigdemont and Ruben Wagensberg, MPs elected to the Parliament of Catalonia after the elections of May 12, for crimes of terrorism in relation to the facts investigated in the Democratic Tsunami case. The Supreme Court claims that the acts the Democratic Tsunami are accused of can be considered serious crimes against freedom [illegal detentions], physical integrity [injuries], attacks [against authority], document falsifications [forgery of boarding passes at the airport], and against heritage [damage to urban/public furniture], committed with a terrorist aim. For Amnesty International, this decision once again highlights the vague and excessively broad definition of terrorism crimes in the Spanish Criminal Code, and therefore calls for its urgent reform and adaptation to be in line with international standards.