

MEPs calling for the release of rapper Pablo Hasel and the protection of artistic freedom in Spain

- Whereas the Spanish rapper Pablo Hasel has been imprisoned because of 64 tweets; whereas Hasel has been sentenced to nine months of prison and EUR 30,000 fine, under the charges of “glorification of terrorism”, aggravating recidivism for "insults and slanders against the Crown and the use of the picture of the King" and for "insults and slanders against state institutions".
- Whereas also in Spain, the rapper Valtonyc has been sentenced under similar charges and is currently living in Belgium; whereas César Strawberry, singer of the Def con Dos music band, was also convicted for "glorification of terrorism" for a series of tweets; whereas the rapper Nyto Rukeli, a member of the La Insurgencia band, was sentenced likewise for the letters in his songs.
- Whereas on 2015, four UN Rapporteurs¹ criticised the reforms of the Spanish Criminal Code and the Law on the Protection of Public Security (commonly referred as the gag law) because they would undermine the rights of assembly and expression in Spain.
- Whereas the European Court of Human Rights has condemned Spain three times (2011, 2016 and 2018) of crimes relating to defamations of public officials, two of which specifically related to the crime of insults to the Crown, in violation of Article 10 of the European Convention on Human Rights.
- Whereas in July 2019, Freemuse, PEN Català and PEN International submitted a joint report² outlining serious concerns relating to the rights to freedom of expression, information and peaceful assembly in Spain since its last Universal Periodic Review (UPR) in 2015; whereas the report found that the 2015 Law on the Protection of Public Security and the reformed Criminal Code are unduly restricting expression in the name of national security.
- Whereas the United Nations’ Universal Periodic Review (UPR) of Spain took place in Geneva on 22 January 2020; whereas many UN member states raised major concerns about the situation for freedom of expression, information and assembly in Spain; whereas these included Ghana, Iceland, Egypt, Belgium, Canada, Colombia, Costa Rica, Islamic Republic of Iran, Germany, Mexico, Italy, Switzerland, Czechia, Russian Federation, United States of America, Luxembourg and the Maldives; whereas Spain compromised on derogating the crime “insults against the Crown”:

1 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15597&LangID=E>
2 <https://freemuse.org/news/spain-statement-on-the-universal-periodic-review/>

- Whereas Freemuse called to drop the charges against Pablo Hasel, calling on Spanish authorities to comply with the international obligation to respect freedom of artistic expression under Article 19 of the ICCPR.

- Whereas Amnesty International has launched a campaign denouncing Pablo Hasel unfair and disproportionate imprisonment, and calling for the reform of Spanish Criminal Code.

We the undersigning Members of the European Parliament,

1. Consider that applying criminal law against artists is not only stigmatizing but also can have severe consequences such as a criminal record, imprisonment and disqualification, which are disturbingly disproportionate.

2. Call the Spanish authorities to release Pablo Hasel and to drop all his charges; calls the Spanish authorities to drop the charges of all other Spanish artists sentenced under the crime of “glorification of terrorism” and “insults to the Crown”.

3. Urge the Spanish government to reform the Criminal code under international human rights standards; urges the Spanish government to reform the Law on the Protection of Public Security (gag law).

4. Call the Spanish government to create a framework to protect freedom of artistic expression and the artists.

5. Welcome the Spanish government announcement to reform the Criminal Code, specifically the crimes of insulting the Crown or outrage of the Spanish flag, and those relating to the glorification of terrorism.