

URGENT ACTION

PUPPETEERS ACCUSED OF GLORIFYING TERRORISM

Alfonso Lázaro de la Fuente and Raúl García Pérez were arrested by police on 5 February after performing a puppet show in a public event in Madrid. They were released on 10 February but are facing charges that include “glorifying terrorism”. If found guilty they could spend up to four years in prison.

Alfonso Lázaro de la Fuente and Raúl García Pérez, puppeteers with the company Puppets from Below (Títeres Desde Abajo), were arrested by Spanish police on 5 February at 5pm after performing as part of a public event organized by the city council for Madrid’s Carnival celebrations. The puppet show entitled “The Witch and Mister Cristobal” (*La Bruja y Don Cristobal*) was attended by a large audience that included children, and reportedly included scenes in which a nun was stabbed, a judge hanged, and police and a pregnant woman beaten up. During the show, one of the puppets displayed a banner bearing the slogan “Gora Alka-ETA”. The slogan was a play on one used by the armed group, ETA (Euskadi Ta Askatasuna) – “Long live ETA” (*Gora ETA*) – with an added reference to “Alka” (understood to signify Al-Qaeda). Some members of the public took offense, complained, asked for the show to be stopped and called the police.

Alfonso Lázaro de la Fuente and Raúl García Pérez were brought before the Second Chamber of the Central Investigative Court in Madrid on 6 February. They were accused of glorifying terrorism (article 578 of the Criminal Code) and incitement to hatred or violence (article 510 of the Criminal Code) and the judge granted the public prosecutor’s request to remand them in custody pending trial. On 10 February the prosecutor of the National High Court (*Audiencia Nacional*) requested their release. Despite their release on 10 February, the criminal charges are still pending and they must comply with a number of restrictive measures, including a prohibition on leaving the country, a requirement to report daily to a court or police station and the confiscation of the offending material.

The criminal charges brought against Alfonso Lázaro de la Fuente and Raúl García Pérez stem from the peaceful exercise of their right to freedom of expression in the context of an artistic performance. Spain’s Criminal Code contains vague and overly broad definitions of the criminal offences related to “terrorism”, including as a result of amendments introduced in 2015, which can result in disproportionate restrictions on human rights, including the right to freedom of expression.

Please write immediately in Spanish, English or your own language:

- Urging the Spanish authorities to drop the charges against Alfonso Lázaro de la Fuente and Raúl García Pérez as they stem solely from their peaceful exercise of the right to freedom of expression;
- Urging them, in the meantime, to drop or significantly lessen the restrictions imposed related to these charges and ensure that any such restriction is strictly necessary and proportional as required under international law;
- Calling on them to repeal or amend the Criminal Code articles which impose disproportionate restrictions to human rights, including the right to freedom of expression, in line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 25 MARCH 2016 TO:

General Prosecutor of the State
 Consuelo Madrigal Martínez – Pereda
 Fiscalía General del Estado
 C/ Fortuny, 4
 28071 Madrid, Spain
 Fax: +34 913 352 295
 Email: fge.secretaria.fiscalgeneral@fiscal.es
Salutation: Dear Ms / Estimada Señora

And copies to:
Minister of Justice
 Mr Rafael Catalá Polo
 Ministerio de Justicia
 C/ San Bernardo, 45
 28071 Madrid, Spain
 Fax: +34 913 902 000

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

PUPPETEERS ACCUSED OF GLORIFYING TERRORISM

ADDITIONAL INFORMATION

Article 578 of the Spanish Criminal Code designates glorifying or justifying terrorism as an offence that carries a penalty of between one and three years in prison and a fine. The sentences can be increased if the acts of the individuals are deemed to be “aggravated” because they are “likely to give rise to a serious disruption to public order or a serious feeling of public insecurity or fear” (*resulten idóneos para alterar gravemente la paz pública o crear un grave sentimiento de inseguridad o temor a la sociedad*). Article 510 of the Criminal Code carries a penalty of between one and four years in prison and a fine.

Amnesty International has warned in the past that the Criminal Code amendments in relation to terrorism can have a negative impact on the exercise of human rights. The ambiguity of some of the articles does not comply with the principle of legality and might open the door for such articles to be used for suppressing the rights to freedom of expression, association and peaceful assembly.

Reforms to the Spanish Criminal Code in 2015 expanded the range of crimes defined as “terrorism” using vague language and overly broad categories of offences. The definition of terrorism was also expanded to include “resistance” against public authorities and “recklessly”, including unwittingly, supporting a terrorist enterprise.

The UN Special Rapporteur on Freedom of Opinion and Expression and other international human rights bodies have specified that the criminalisation of speech relating to terrorism or acts of terrorism should be restricted to instances of intentional incitement to terrorism, understood as a direct call to engage in terrorism.

Name: Alfonso Lázaro de la Fuente and Raúl García Pérez

Gender m/f: m

UA: 35/16 Index: EUR 41/3428/2016 Issue Date: 12 February 2016