



Ref: CommHR/NM/jp 036-2017

Mr Juan Ignacio ZOIDO ÁLVAREZ
Minister of the Interior of Spain

Strasbourg, 4 October 2017

Dear Minister,

I am writing to you to share my concerns regarding allegations of disproportionate use of force by law enforcement authorities in Catalonia on 1 October 2017.

I am closely following the developments in Catalonia and have received reports about disproportionate use of force against peaceful demonstrators and persons engaged in passive resistance to police action, on the streets and in and around places where such persons intended to vote. It has also been reported that persons were, in certain cases, subjected to disproportionate and/or unnecessary use of force by the police within such places, while being prevented from leaving the premises.

In addition, I understand that law enforcement officials have made use of anti-riot weapons, including rubber bullets. Non-governmental organisations monitoring the situation in Catalonia, including Amnesty International, have reported cases of improper use of rubber bullets, allegedly resulting in injuries in some cases. In the report following my visit to Spain in 2013, I stressed the fact that the use of such weapons presents a clear danger for the safety of demonstrators, as evidenced by past fatal occurrences. I also reiterated the view of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that the criteria for the use of projectile-firing weapons by police officers should at least correspond to those governing the use of firearms, and that the use of such weapons must be thoroughly regulated and monitored.

I fully acknowledge the difficulty for police officers to do their work in the tense context that currently prevails in Catalonia. However, I stress that it is of the utmost importance to ensure that law enforcement officials receive clear instructions on the need to exercise restraint and on the proportionate use of force, including anti-riot weapons, in line notably with the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the case-law of the European Court of Human Rights.

Moreover, I urge you to ensure, in co-operation with other authorities in charge of law enforcement, that swift, independent and effective investigations are carried out into all allegations of police misconduct and disproportionate use of force during the events of 1 October 2017 in Catalonia. This is of fundamental importance, both for deterring any further police misconduct but also to prevent any escalation of tensions and violence. In addition, ensuring accountability for any misconduct is essential to preserve public confidence in the work of law enforcement officials.

In this context, I would also like to draw your attention to the recommendation I addressed to your authorities in my 2013 report as regards the establishment of an independent police complaints mechanism. Finding that existing mechanisms for dealing with cases of police misconduct were not sufficient to ensure adequate sanctioning of all instances of abuse by law enforcement officials and effective redress for victims of abuse, I invited your authorities to consider establishing an independent complaints mechanism covering all law enforcement officials, either by enlarging the competencies of the national Ombudsman or by setting up a new body. The Council of Europe can provide useful guidance and examples from other member states in this domain. On this occasion, I would once again urge you to examine this possibility.

I look forward to receiving your response and to continuing a constructive dialogue.

Yours sincerely,

A handwritten signature in blue ink, reading "Nils Muižnieks", followed by a horizontal line.

Nils Muižnieks