

Spanish government prepares new National Security Law

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Spain's Popular Party (PP) government is stepping up its police-state measures. A draft Organic Law of National Security, drawn up by the Ministry of the Presidency, the Ministry of Defence and the Ministry of Interior, has been passed by the Council of Ministers and is awaiting final approval in parliament.

Government sources stated that the objective of the new law is to strengthen the coordination between ministries in the face of an emergency situation and that it will consolidate the National Security Strategy passed in May last year.

The draft law declares that the "State may mobilise public and private resources to address crisis situations that put national security at risk" but does not specify how this would be done. Material resources such as vehicles and buildings can already be temporarily seized in a "Civil Protection" emergency or disaster, but not for cases of risk to national security.

The draft law introduces a new category of what constitutes a national crisis, allowing the prime minister, without approval by parliament, to declare a crisis in the "interests of National Security" and the suspension of basic rights and public freedom.

Deputy Prime Minister Soraya Saenz de Santamaria said that the government will prepare an inventory of resources in public or private hands that are of interest to national security and that can be mobilised in a crisis. "The first thing to do in order to meet a catastrophe is knowing what you have, where it is and [to be able to use it] with due compensation," she declared. Although Saenz denied that the law was linked to the *Charlie Hebdo* shootings in Paris, the government took advantage of the hysteria to rush through the law after two years of back-door discussions.

During the drafting of the new law, in July 2013, a

National Security Council (CSN) was created, assuming the functions of the Government Commission for Crisis Situations and sitting at the apex of the National Security System. It is led by the prime minister and includes the deputy prime minister, the foreign minister, the ministers of defence and of interior, the Treasury, the secretary of state for security, the chief of staff of defence and the director of the National Intelligence Centre (CNI). The theme of the first meeting after the Paris events was Plan Estratégico Nacional de Lucha contra la Radicalización Violenta (National Strategic Plan to Fight Violent Radicalisation).

The strategic plan lists 12 risks to Spain's security: armed conflicts, terrorism, cyber threats, organised crime, economic and financial instability, energy vulnerability, irregular migratory flows, weapons of mass destruction, espionage, natural emergencies and catastrophes, vulnerability in the maritime space and critical infrastructure, and essential services.

The new law has all the hallmarks of that introduced by the leader of the fascist regime, Francisco Franco, in 1969. It was only repealed in 2007 by the Socialist Party (PSOE) government as a sop for its refusal to carry out proper government-backed investigations into Franco's crimes.

It is an indictment of the Spanish ruling class that the precedent for this law was one passed and used by the fascist regime to suppress the rise in working class militancy. Between 1970 and 1979, it was used against striking workers on the Madrid and Barcelona metros, railways and buses and in the shipyards, postal and fire services and the electricity system.

Franco's law began in these chauvinistic terms: "The defence of the nation is an honourable and foremost duty of all Spaniards and it is for the latter to contribute

their efforts and sacrifice of their individual and collective interests to the extent that it [the nation] requires it.”

It included not only the seizure of property, but also the forceful seizure of people.

The PP government is organising the forces of the state to be used, not against jihadists or any other so-called terrorists, but for domestic repression under conditions of social unrest. The new law comes in the wake of other recent anti-working class legislation, passed with the agreement of the PSOE opposition or through the PP parliamentary majority.

The Citizens Security Law, popularly known as the Gag Law, introduced fines of up to €600,000 for demonstrations not previously notified to the authorities, or anyone reporting on them, re-tweeting or posting a “like” on Facebook. Anyone videotaping the police during demonstrations faces a fine of up to €30,000.

The PP government used the *Charlie Hebdo* attacks to introduce new amendments to the Gag Law and the Criminal Procedure Code, with the agreement of the PSOE, under the guise of a new “anti-terrorist pact” between both parties.

One amendment provides for “imprisonment of between one to eight years for those who on a daily or regular basis access in online communication or acquire or are in possession of documents which target, or because of their content, result in inciting others to decide to join a terrorist organisation or group.”

Other amendments include imprisonment for those who have shown interest in committing terrorist acts; for those who have received military training by a terrorist organisation; for whoever establishes contact with a terrorist organisation; for whoever moves to a foreign territory controlled by a terrorist organisation with the aim of collaborating with them; and for the praising or justification through any public means of terrorist crimes.

The *Charlie Hebdo* attack has also been used to reintroduce life imprisonment and allow the Interior Ministry to compile an airline passenger database. The Ministry of Defence is increasing its expenditure this year by nearly 2 percent, with military units receiving special crowd control training by the military police, including in the use of anti-riot equipment.



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