



No case to answer for Spain in conviction of rapper Pablo Hasél

In its decision in the case of [Rivadulla Duró v. Spain](#) (application no. 27925/21) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned Mr Rivadulla Duró's – a rapper also known as "Pablo Hasél" – conviction and custodial sentence on charges of public praise or justification of terrorism, insult and slander against the Crown, and insult and slander against State institutions, for the content of several social-media posts and a song about King Emeritus Juan Carlos I of Spain.

In finding Mr Rivadulla Duró guilty, the national courts had taken into account the European Court's case-law and had balanced the interests involved, including his right to freedom of expression. The convictions and the sentences imposed had not been disproportionate. Overall, the application was rejected as manifestly ill-founded.

The Court was satisfied that the rejection of Mr Rivadulla Duró's *amparo* appeal had been in accordance with the Convention.

Principal facts

The applicant, Pablo Rivadulla Duró, also known by his stage name "Pablo Hasél", is a Spanish national who was born in 1988 and lives in Madrid. He is a rapper.

In the period from 2014-16, Mr Rivadulla Duró published a series of posts on a social-media website (Twitter) showing support for and admiration of GRAPO ("Antifascist Resistance Groups October First"), a proscribed organisation. The applicant wrote multiple posts glorifying terrorist actions.

He published another series of tweets about King Emeritus Juan Carlos I of Spain, referring to him as, among other things, a "Bourbon mafioso", and a "thief", accusing the Royal family of atrocities, and calling for them to be removed from monarchy in Spain.

In another set of tweets, Mr Rivadulla Duró was critical of the police and security forces, whom he accused of brutality and murder.

Separately, in 2016 the applicant posted a video with the title "Pablo Hasel ... Juan Carlos el Bobón" (*Bobón* meaning "idiot" but sounding close to "Borbón", the Spanish for the royal house of Bourbon) in which the King Emeritus was accused of squandering public money, among other things. Mr Rivadulla Duró also released a rap song called "Juan Carlos el Bobón".

In March 2018, the *Audiencia Nacional* convicted Mr Rivadulla Duró of public praise or justification of terrorism, sentencing him to two years' imprisonment and a fine of 13,500 euros (EUR), finding that he had called for violent action against King Emeritus Juan Carlos and senior parliamentarians and government officials, and had praised members of known terrorist organisations. He was also convicted of insult and slander against the Crown and misuse of the King's image and of insult and slander against State institutions, for which he received fines of EUR 10,800 and EUR 13,500 respectively.

On appeal, the *Audencia Nacional* reduced the sentence for justification of terrorism to nine months' imprisonment and a fine of EUR 5,040.

An appeal of points of law by Mr Rivadulla Duró was dismissed by the Supreme Court in May 2020, while an *amparo* appeal he lodged was found inadmissible by the *Audiencia Nacional* in November 2020.

Mr Rivadulla Duró was imprisoned in 2021 as his conviction had broken the terms of his previous suspended sentence for another offence.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 25 May 2021.

Relying on 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 13 (right to an effective remedy), and 18 (limitation on the restriction of use of rights), Mr Rivadulla Duró complained of a breach of his freedom of expression in the national court decisions, which had been linked to his ideological freedom, and alleged that the purpose of the punishment had been to silence him.

The decision was given by a Committee of three judges, composed as follows:

Mārtiņš Mits (Latvia), *President*,
María Elósegui (Spain),
Kateřina Šimáčková (the Czech Republic),

and also Martina Keller, *Deputy Registrar*.

Decision of the Court

Articles 9 and 10

The Court reiterated that freedom of expression was one of the foundations of a democratic society.

As regards the **conviction for public praise or justification of terrorism**, the Court declared that part of the application inadmissible in line with its clear case law (it referred to [Jorge López v. Spain](#), no. 54140/21). The Spanish courts had found that Mr Rivadulla Duró's comments and songs had been incitement to support terrorism, a finding which the European Court agreed with. These statements had been available to a wide audience and had had the capacity to lead to harmful consequences.

The Spanish courts' assessment had been reasonable and proportionate. They had examined Mr Rivadulla Duró's case in the light of the European Court's relevant case-law, and the reason for their judgments – combating public praise or justification of terrorism – appear to have been “relevant” and “sufficient” to justify the interference with Mr Rivadulla Duró's rights. Concerning the custodial sentence handed down, the Court noted that had it not been for Mr Rivadulla Duró's prior conviction, he would not have served time for the offence in question.

Concerning the **conviction for slander against the Head of State and the State institutions**, the Court noted that Mr Rivadulla Duró had made the relevant statements in his capacity as an artist, including repeated accusations of torture, murder, Nazism, and so forth. The Court considered that the *Audiencia Nacional* had carefully considered the case in the light of the Court's case-law and had weighed up the various interests involved, before finding him guilty. That conviction could not be considered disproportionate.

As a result of the above findings, the Court rejected the complaints under these Articles as manifestly ill-founded.

Articles 13 and 18

The Court noted that the conditions for admitting an *amparo* appeal were stricter than other appeals, and that it was acceptable for the national courts to refer to the relevant legislative provisions only if no fundamental question had been raised, as was the case here. As no arguable

breach of Mr Rivadulla Duró's rights under Article 13 had been established, he could not rely on Article 18.

The Court therefore held that the complaints under these Articles were manifestly ill-founded and rejected them.

The decision is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.