

20 November 2012

To: Mariano Rajoy, Prime Minister of Spain

Cc: Soraya Sáenz de Santamaria, Deputy Prime Minister of Spain

Cc: Alberto Ruiz-Gallardón, Minister of Justice

Cc: José Luis Ayllón, Secretary of State for Relations with the Parliament

Dear Prime Minister,

We the undersigned are writing to express our concern that the non-governmental organisation Access Info Europe has been required by the Spanish Supreme Court to pay €3000 to the Spanish government after losing a court challenge over the failure of the Ministry of Justice to answer a 2007 request for information on the measures taken by Spain to combat corruption in line with the UN Convention against Corruption.

We are shocked and disturbed that the Spanish government would not have responded to a request by a civil society organisation for such information and by the failure of the legal system and the Spanish courts to recognise the fundamental right of access to information, a right which has been recognised by the European Court of Human Rights, the Inter-American Court of Human Rights and the UN Human Rights Committee.

We note that Article 13 of the UN Convention against Corruption, which was ratified by Spain on 19 June 2006, requires that states take measures to guarantee "effective access to information" in order to promote the active participation of civil society in the prevention of and the fight against corruption. We believe that such participation by civil society is impossible without access to the kind of information requested by Access Info Europe.

We therefore call on you to forgive the costs which the court has required Access Info Europe to pay as a sign of your commitment to transparency and out of recognition of the importance of civil society engagement in the fight against corruption.

We also call on you to release the requested information about the measures which Spain is taking to implement the UN Convention against Corruption (a copy the original request is attached).

Yours sincerely