



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 22 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
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Self-Determination of Peoples Democracy
Human Rights Rights of Migrants

Bologna, Donostia, Düsseldorf, Vienna, 30 November 2023

Time to end the lawfare against Catalan pro independence movement

The European Association of Lawyers for Democracy and World Human Rights (ELDH), with members in 22 European countries, is greatly concerned about new developments and actions taken by the Spanish judiciary (the Audiencia Nacional) which is working against the spirit of the Amnesty Bill which is being debated in the Spanish Parliament (Congreso de los Diputados).

ELDH continues its support for the Amnesty Bill which was presented to the Spanish Parliament as an important step that would make it possible to resolve the existing political conflicts through dialogue, and democratic and parliamentary processes, rather than through the judicial system.

On 14 October 2019, between 9 and 13 years imprisonment were imposed by the Spanish Supreme Court on nine Catalan politicians (including Catalan government ministers and the Speaker of the Catalan Parliament) and civil society leaders already in custody for a long period. The former ELDH Co-President, Professor Bill Bowring, and other members of the ELDH Executive Committee observed several hearings of the trial.

Following the trial which ELDH considered to be politically biased, the Court handed out sentences for the crimes of sedition, embezzlement of public funds, and disobedience, in the context of the 1 October 2017 referendum on Catalan independence. ELDH recalls that the referendum was a non-violent act of civil disobedience (considered illegal by the Spanish authorities), organised peacefully to allow the voices of the citizens of Catalonia to be heard.

In autumn 2019, a Telegram channel and a web page, "Tsunami Democràtic" were set up. This platform, promoting strictly non-violent protest, was a response to the above-mentioned judicial process and sentences.

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Amongst other initiatives, Tsunami Democràtic convened a non-violent protest at Barcelona airport against the Court's ruling. The massive turn out at the airport caused the suspension of some flights. Further demonstrations were called which involved the blocking of the major motorway near the Spanish French border.

The Audiencia Nacional opened an investigation into the origin of these protests in 2019, but only in November 2023 did the Audiencia announce that there would be charges of terrorism. This occurred exactly when highly sensitive negotiations were taking place for a proposed Amnesty Bill and the formation of a new government. In January 2024 Audiencia Nacional judge, Manuel García-Castellón stated he was investigating former Catalan president Carles Puigdemont, Secretary General Marta Rovira of the pro-independence political party Esquerra Republicana (ERC), Member of the Catalan Parliament Ruben Wagensberg and nine others for terrorism over their alleged links to the organization of the protests and Tsunami Democràtic.

This goes against the position of the state public prosecutor who sees no indication of terrorism.

The Amnesty Law was presented precisely to create an environment in which pro independence politicians would not be under threat, and a political solution to bring an end to the deepening of the political conflict could be found. The Amnesty Law would cover those sentenced or pending trial including those in exile. ELDH has supported the Amnesty campaign in favour of such a Law, so as to promote the conditions for a more positive debate on the democratic solution of the political conflict.

ELDH is gravely concerned that, in the context of the parliamentary debate on the Amnesty Bill, the Audiencia Nacional has declared the peaceful and non-violent mobilisations of the Tsunami Democràtic in 2019 were acts of terrorism, and that its alleged promoters be charged with this offence. A maneuver which coincides with the parliamentary debate on the amnesty and is clearly designed to circumvent and undermine the aims and contents of the Bill. The systematic judicialisation of political conflicts and persecution of pro-independence politicians and activists in Spain through the courts rather than allowing for dialogue to resolve sensitive political issues is unacceptable.

ELDH will continue to follow the developments regarding the judicialisation of politics in Spain and will continue to support the resolution of political conflicts through democratic processes, rather than through the judicial system.