



**TO THE CRIMINAL CHAMBER OF THE SUPREME COURT<sup>1</sup>**

**THE PUBLIC PROSECUTOR**, in Special Proceedings 3/20907/2017, having complied with the notifications provided for under arts. 649 et seq. of the Criminal Procedure Act, submitted a provisional findings brief, filing an accusation against the following defendants for the criminal acts described below:

1. Oriol Junqueras i Vies, Vice-President of the Catalan Government and Minister for Economy and Finance of the Government of Catalonia<sup>2</sup>;

2. Joaquim Forn i Chiariello, Minister for Home Affairs;

3. Jordi Turull i Negre, Minister for the Presidency;

4. Raül Romeva i Rueda, Minister for Foreign Affairs, Institutional Relations and Transparency;

5. Josep Rull i Andreu, Minister for Territory and Sustainability;

---

<sup>1</sup> Translator's Note: For consistency and to make it easier for the reader to follow the text, proper names have been corrected and left as documented in Catalan or in the corresponding original language (names of persons and ministers, documents, political parties or institutions, ministries, companies, schools, slogans, towns, streets, etc.).

<sup>2</sup> Translator's Note: The original in Spanish refers to the Government of Catalonia by various names (*Generalitat; Generalidad; Generalidad de Cataluña; Gobierno de Cataluña; Gobierno de la Generalitat; Gobierno de la Generalidad, Administración autonómica catalana, Administración Pública autonómica*). For clarity and consistency, we have left the official translation only: Government of Catalonia.



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

6. Dolors Bassa i Coll, Minister for Labour, Social Affairs and Families.
7. Meritxell Borràs i Solé, Minister for Governance, Public Administrations and Housing;
8. Carles Mundó i Blanch, Minister for Justice;
9. Santiago Vila i Vicente, Minister for Business and Knowledge;
10. Jordi Sànchez i Picanyol, President of the Catalan National Assembly (ANC);
11. Jordi Cuixart i Navarro, President of Òmnium Cultural (OC);
12. Carme Forcadell i Lluís, President of the Parliament of Catalonia and the Parliamentary Committee since October 2015, and President of the ANC from April 2011 to May 2015;
13. Lluís Maria Corominas i Díaz, MP of the Government of Catalonia, first Vice-President of the Parliamentary Committee until July 2017 and President of the parliamentary group Junts pel Sí;
14. Lluís Guinó i Subirós, MP of the Government of Catalonia and first Vice-President of the Parliamentary Committee in substitution of the above;
15. Anna Simó i Castelló, MP of the Government of Catalonia and first Secretary of the Parliamentary Committee;

OFFICE OF  
THE PUBLIC  
PROSECUTOR  
OF THE  
SUPREME  
COURT



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

16. Joan Josep Nuet i Pujals, MP of the Government of Catalonia and third Secretary of the Parliamentary Committee;

17. Ramona Barrufet i Santacana, MP of the Government of Catalonia and fourth Secretary of the Parliamentary Committee;

18. Mireia Boya Busquet, MP of the Government of Catalonia and President of the parliamentary group CUP.

All of them, of legal age and with no criminal record, held the above positions on the dates when the events were committed.

- ONE -

In the manner and by making the contributions described below, the defendants directed, promoted and/or actively participated in the execution of a strategy (which they called *el procés*) that was perfectly planned, concerted and organised to undermine the constitutional order with a view to achieving the independence of the Autonomous Community of Catalonia as a new State in the form of a Republic, thus seceding from the Kingdom of Spain.

**The designed strategy was based on the combined actions of the Catalan self-governing institutions (Parliament and Government of Catalonia), those of the pro-independence political groups with**



parliamentary representation (JUNTS PEL SÍ and CUP), and those of the civil society pro-independence organisations (Catalan National Assembly–ANC, Òmnium Cultural–OC and Association of Municipalities for Independence–AMI), whose senior leaders (the defendants ORIOL JUNQUERAS I VIES, in his capacity as Vice-President of the Government of Catalonia and Leader of Esquerra Republicana de Catalunya (ERC); CARME FORCADELL I LLUÍS, firstly as President of the ANC and later as President of the Parliament; JORDI SÀNCHEZ I PICANYOL and JORDI CUIXART I NAVARRO, Presidents of the Catalan National Assembly and of Òmnium Cultural, respectively, together with other fugitive defendants, agreed, as its leading promoters, to put it into practice through the combined and synchronised action of three basic pillars:

1) **the parliamentarian pillar**, whose focus was the actions of the Parliamentary Committee of Catalonia, the function of which was to allow the processing and facilitate the adoption of resolutions, laws and regulations that were openly unconstitutional, providing regulatory cover for the new State to replace the current democratically established legal order;

2) **the executive pillar**, describing the actions of the Government of Catalonia, whose essential mission was **to call and hold an illegal self-determination referendum that would provide international legitimacy for its project of territorial secession, as well as the creation and development of parallel State structures that could replace the**



**legally established State bodies** in all areas (Treasury, Social Security, Judiciary, etc.), including overseas action outside the national territory, which resulted in the opening of embassies in some countries, and in the execution beyond our borders of numerous activities aimed at preparing, financing and legitimising the holding of the referendum, to reinforce the image of Catalonia as a State and to ensure international recognition for the independence process;

3) **The social pillar**, in which the aforementioned pro-independence organisations (especially ANC and Òmnium Cultural) played a crucial role by using **popular mobilisation as an instrument of pressure to force the State to capitulate against the emergence of that new republic.**

In summary, the plan they had devised mainly involved **casting aside the application of the constitutionally and statutorily established legal order, and preventing compliance with the administrative and judicial resolutions issued under the latter, in order to achieve the ultimate goal (with their own laws and their own State structures) of declaring the independence of that part of the national territory and forcing the State to accept the separation of the aforementioned territory**, a goal that they were on the verge of achieving through the criminal acts that they had undertaken, thus placing the constitutional order in grave danger.

With the collaboration of the remaining defendants, through the various roles and levels of liability described below, and of other fugitive



defendants against whom this accusation is not directed, the promoters and participants of the secessionist plan put said plan into practice in 2015, by **taking into consideration the use of all the means necessary to achieve their objective, including (in full knowledge that the State would not accept this situation) the violence necessary to ensure the intended criminal outcome, and by utilising both intimidation in the form of civil unrest deployed through large-scale citizen mobilisations that were instigated and promoted by them, and the Mossos d'Esquadra as an armed police force composed of approximately 17,000 troops, which would comply exclusively with its instructions (as very well it did) and which, if necessary, would coercively protect its criminal aims, thus diverting it from the fulfilment of its genuine function of safeguarding and preserving the constitutional order.**

**A) Background and preparations for the secession process.**

1. On 19 December 2012, Artur Mas i Gavarró, then candidate for the presidency of the Government of Catalonia and leader of the political party *Convergència i Unió* (CIU), signed with the defendant Oriol Junqueras i Vies, leader of the political party *Esquerra Republicana de Catalunya* (ERC), the *Agreement for the National Transition and to Guarantee the Stability of the Government of Catalonia*, in which, over 19 pages, they agreed the main aspects of a deal for what was to be the X (10<sup>th</sup>) Legislature, including an agreement for the holding of an independence referendum in 2014.



2. Subsequently, and precisely as a result of the agreement between the two political forces, the Parliament of Catalonia (in **Resolution 5/X of 23 January 2013**) approved a Declaration of sovereignty and on the people of Catalonia's right to decide. This Resolution established that, *In accordance with the majority will democratically expressed by the people of Catalonia, the Parliament of Catalonia agrees to initiate the process to enforce the exercise of the right to decide so that the citizens of Catalonia may decide their collective political future, adding that, The people of Catalonia have, for reasons of democratic legitimacy, the character of a sovereign political and legal subject.*

After the Spanish Government had challenged this Resolution of the Catalan Parliament, the Constitutional Court (in **Constitutional Court Judgment 42/2014, of 25 March**) stated that: *The recognition that the people of Catalonia have the status of a sovereign subject, which our Constitution does not contemplate for the nationalities and regions that form the State, is incompatible with Art. 2 of the Spanish Constitution, since it entails conferring to the partial subject of the nation that holds the said quality the power to break, by its own will, that which the Constitution declares to be its very foundation in the aforementioned constitutional principle: "the indissoluble unity of the Spanish Nation".* For this reason, it finally declared that the proclamation of the people of Catalonia's status as a sovereign political and legal subject was unconstitutional and invalid as a matter of law.



The ruling also stated that the so-called *right to decide of the citizens of Catalonia* referred to in the Resolution could not be understood to be a manifestation of a right to self-determination not recognised in the Constitution, nor an attribution of sovereignty not recognised in it, but rather as a political aspiration that can only be reached through a process that respects constitutional legality.

It also resolved that: *The unconditional primacy of the Constitution requires that any decision of the authority should remain, without exception, subject to the Constitution, without there being, for the public authority, room for manoeuvre within the Constitution or scope for immunity against it. In this way the democratic principle is also protected, since the guarantee of the integrity of the Constitution must be seen, in turn, to be a preservation of the respect that must be given to the will of the people, in terms of its constituent power, which is the source of all legal-political legitimacy.* Likewise, it emphasized that *the State comprised of autonomous regions is based on the fundamental principle established in our Constitution that national sovereignty resides in the Spanish people (Article 1.2 Spanish Constitution), and therefore it is not the result of a pact between historical territorial instances that preserve rights that emerged prior to the Constitution and are superior to it, but rather a regulation of the constituent power that is imposed with general binding force throughout its territory, without overlooking past historical situations.*

Finally, it pointed out that *this Court has declared that autonomy*





*is not sovereignty [Constitutional Court Judgment 247/2007, Point of Law 4 a)]. From this it can be inferred that within the framework of the Constitution, an Autonomous Community cannot unilaterally call a self-determination referendum to decide on its integration within Spain. This conclusion is the same as that made by the Supreme Court of Canada in the pronouncement of 20 August 1998, in which it rejected a parallel between a unilateral secession project by one of its provinces, on the one hand, and both its Constitution and the postulates of international law, on the other.*

3. Three weeks after the approval of Resolution 5/X, specifically on 12 February 2013, Decree 113/2013 of the Ministry of the Presidency of the Government of Catalonia was approved, creating the *Advisory Council for the National Transition*.

Between July 2013 and July 2014 (after Constitutional Court Judgement No. 42/2014, of 25 March, had already been published), the *National Transition Advisory Council* prepared and delivered 18 reports to the Government of Catalonia, which were consolidated in the so-called ***White Paper on the National Transition of Catalonia*** (a text that provides a step-by-step description of the entire process that was to be followed until independence was achieved). On 29 September 2014, the then President of the Government of Catalonia, in an act that took place at its institutional headquarters, presented this complete report, which analysed the different aspects that should be taken into account for the process of Catalonia's transition towards an independent



country, a process that the pro-independence political forces promoted from that point forward.

The *Paper* proclaimed the legitimacy of Catalonia's self-determination process, and contemplated different procedures for the creation of the new State, depending on whether independence could be achieved through a collaboration framework negotiated with the Spanish Government, or whether, on the contrary, instruments of opposition to independence could be deployed by the State. That is, independence was not the consequence of an absence of negotiation with the State, but rather the objective that should be achieved at any cost, firstly, through an agreement but, failing that, by unilaterally forcing the Spanish Government to assume a *de facto* situation that had been deliberately created.

In both cases, there was the key factor of popular mobilisation to force the State to accept the proclamation of Catalonia as an independent Republic. In this regard, the *White Paper* expressly stated that: ***The support of mobilised civil society could also be a decisive factor for this objective [to force negotiations with the State]. If this pressure to negotiate were not successful, the alternative that would remain for the Government of Catalonia to enforce the popular will expressed in favour of the creation of an independent State would be to declare independence unilaterally.*** Along with this, the report also recognised that an effective unilateral declaration of independence required the availability of State structures that would allow the



effective exercise of the government of the territory.

The *White Paper* stated: *The declaration or unilateral proclamation of independence, in this context, involves the desire to immediately disengage from the institutions of the Spanish State and its legal system, such that the authority of its institutions and the connection to that State are no longer recognised. The only authority in Catalonia from that point is that of the Government of Catalonia, and the only applicable legal order is that which emanates from the will of its institutions (including international law that is recognised internally). Proclaiming this desire does not necessarily mean, however, that this [independence] is really effective, and even less so that it is immediately and automatically effective. It is possible that, at least for a time, there will be a conflict between the two orders, such that the authorities and the regulations of each will struggle to prevail and obtain control. For this reason, the effectiveness of a unilateral proclamation of independence is largely conditional upon the existence of State structures with the capacity to exercise the functions of government throughout the territory and to obtain social acceptance of its exercise.*

4. On the same dates on which the *White Paper for the National Transition of Catalonia* was published by the President of the Government of Catalonia, specifically on 26 September 2014, in application of the existing political agreement, the Parliament approved Catalan Law 10/2014, on non-referendum popular consultations and other forms of citizen participation, and the Government of Catalonia



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

passed Ministry of the Presidency of the Government of Catalonia Decree No. 129/2014, of 27 September, calling the non-referendum consultation on the political future of Catalonia.

Both the Law on popular consultations and the Decree calling the popular consultation were provisionally suspended two days after their promulgation, by virtue of the respective orders of the Constitutional Court dated 29 September, with the suspension order being communicated to the President of the Government of Catalonia. Despite this, the suspension of these regulations was not obeyed by the pro-independence forces, and six weeks later, on 9 November 2014, a general consultation was carried out in Catalonia, which presented its inhabitants with two specific questions: a) "Do you want Catalonia to be a State?", and b) "If yes, do you want Catalonia to be an independent State?".

The Constitutional Court, in its **judgments 31/2015 and 32/2015, of 25 February**, finally declared the initially suspended regulations as unconstitutional and invalid as a matter of law. Specifically: a) Article 3.3 of aforementioned Law 10/2014, that is, the possibility that these popular consultations called by the Government of Catalonia could have a general or sectoral nature, and b) Decree 129/2014, on the calling of the popular non-referendum consultation on the political future of Catalonia.

5. On 24 February 2015, Decree No. 16/2015 of the Governing Council of the Government of Catalonia was published, creating the

OFFICE OF  
THE PUBLIC  
PROSECUTOR  
OF THE  
SUPREME  
COURT



*Commissioner for the National Transition.* It established that the Commissioner for the National Transition (working within the Ministry of the Presidency) was responsible for *the functions inherent to the promotion, coordination and implementation of measures for the completion of the National Transition process and the monitoring of State structures, in accordance with the guidelines set by the Government and under the senior direction of the head of the ministry.*

At the same time (and once again according to the definitions in the *White Paper*) an *Executive Plan for the Preparation of State Structures* was published on the website of the Government of Catalonia, and another one called the *Strategic Infrastructures Plan*, both included within the so-called *10 Strategic Projects for Government Action and for the National Transition*. These plans were in line with the missions entrusted to the Government of Catalonia in Catalan Parliament Law No. 3/2015, of 11 March, on fiscal, financial and administrative measures (*Official Gazette of the Government of Catalonia* (DOGC) of 13 March 2015).

After both regulations were provisionally suspended (Law 3/2015 and Decree 16/2015) by the Constitutional Court's respective orders following the challenge by the Spanish Government, **Constitutional Court Judgment 128/2016, of 7 July**, declared unconstitutional and consequently invalid as a matter of law, not only several principles of Law 3/2015, but also its Twenty-Second, Twenty-Fourth and Twenty-Sixth Additional Provisions. Subsequently, **Constitutional Court**



**Judgment 52/2017, of 10 May**, declared the unconstitutionality and invalidity as a matter of law of the already suspended Decree 16/2015, as well as (and this is how it was described) “the so-called *Executive Plan for the Preparation of State Structures and Strategic Infrastructures Plan*, announced on the website *govern.cat*, through the website of the Government of Catalonia (*gencat.cat*), within the document *10 Strategic Projects for Government Action and for the 2015 National Transition*.”

6. Although the Constitutional Court had progressively declared the unconstitutionality and invalidity as a matter of law of the entire legal framework mentioned above, the defendants undertook to give new impetus to the process to achieve independence by violating the mandates emanating from the maximum interpreter of the Constitution.

Thus, **on 30 March 2015, a conspiracy for illegal action was formalised through the approval of an independence process road map** by the political parties *Convergència Democràtica de Catalunya* (represented by Josep Rull i Andreu) and *Esquerra Republicana de Catalunya* (represented by Marta Rovira i Vergés), with the pro-independence organisations *Òmnium Cultural* (represented by the deceased Muriel Casals i Couturier), the *Catalan National Assembly* (represented by its then president, Carme Forcadell i Lluís) and the *Association of Municipalities for Independence* (represented by its vice-president, Josep Maria Roigé i Rafel).

In the pre-agreement it was established that the elections that



were to be held on 27 September 2015 would have the character of a plebiscite, such that voting for the pro-independence candidacies would entail a favourable pronouncement regarding the independence of Catalonia and regarding the immediate initiation of a national transition process that would lead to the proclamation of the Catalan Republic within a maximum period of 18 months, with the creation and implementation of the necessary structures of the new State and with the preparation of a draft constitutional text within 10 months, which must be submitted to a binding referendum which, if affirmative, would allow the proclamation of independence. This agreement laid bare the intervention of the aforementioned political groups and civil society organisations in the definition and execution of the political strategy to achieve the Catalan Republic that has been implemented since then.

7. On 12 April 2015, the Catalan National Assembly approved its own road map in which it guaranteed that it would oversee compliance with the resolutions of the Parliament of Catalonia regarding the development of the process, with special attention paid *to the laws of disengagement, to the calling and holding of a binding referendum in the established terms, and the immediate proclamation of independence in the event of a YES vote.* Regarding the Executive Power, it stated that it was necessary to work in coordination with the Government to obtain maximum international support regarding the right to self-determination and the recognition of the new Catalan State. It also expressly indicated that, given the possibility that the Government of Catalonia could be "intervened politically and legally by the Spanish



State and/or some illegal pro-independence party," *the citizen body itself emerges as the political agent that drives the independence process.*

8. In the same vein, in the document *Enfocats* (seized at the address of JOSEP MARIA JOVÉ I LLADÓ, then Secretary General of the Vice-presidency of the Government of Catalonia and right-arm man of ORIOL JUNQUERAS, as a result of the judicially authorised search on 20/9/2017 by Investigating Magistrate's Court No. 13 of Barcelona), which contained an exhaustive guide on the process to be implemented, it was indicated that the moment for independence will come *when there is a clear determination by citizens to support it and to be actively involved and with international complicity; we must begin conservatively by gradually increasing the level of conflict depending on the response of the State, under the leadership and with the coordination of all the agents involved and without any doubts regarding actions and dates.*

In short, the independence plan clearly considered the alternative of the unilateral route and the call to citizens to oppose the State's response, such that neither the legal regulations in force nor the judicial resolutions could be complied with and/or enforced in the face of the wide-scale opposition deployed.

9. In the elections held on 27 September 2015, the electoral group *Junts pel Sí*, which comprised the political parties *Convergència Democràtica de Catalunya* and *Esquerra Republicana de Catalunya*, obtained the majority of votes. The aforementioned coalition obtained





JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

62 MPs, and the CUP (Candidatura d'Unitat Popular) 10 MPs, of a total of 135 MPs in the Parliament of Catalonia.

From that moment, the purpose of the legislature was to obtain independence, for which purpose the use of social mobilisation was established as an essential tool that would fundamentally be channelled through the organisations ANC and OC. This was so that, in the event of a possible reaction of the State, if the Government of Catalonia were *intervened politically and legally by the Spanish State and/or an illegal pro-independence party*, in those scenarios, as indicated by the ANC road map, **citizen mobilisation would become the main driver of the independence process**. As such, social mobilisation thus acquired an extraordinarily significant dimension in the implementation of the entire process, since it would ultimately become the most decisive and effective instrument of coercion to bend the will of the State.

But it was in November 2015 (the beginning of the XI (11<sup>th</sup>) Legislature) when the process of territorial secession and the creation of an independent State was accelerated by the approval by the Parliament of Catalonia of **Resolution I/XI of 9 November, the starting point of the sustained attack on the democratically and constitutionally established legal order that was planned and organised by the defendants**.

OFFICE OF  
THE PUBLIC  
PROSECUTOR  
OF THE  
SUPREME  
COURT



## B) Actions of the Parliamentary Committee.

The Parliamentary Committee, formed of 7 members, was composed of the defendant Carme Forcadell i Lluís, as President, from the pro-independence group *Junts pel Sí* (ERC); Lluís Maria Corominas i Díaz, as First Vice-President and member of *Junts pel Sí* (CDC), until his replacement on 25 July 2017 by Lluís Guinó i Subirós of the same group (CDC); Anna Simó i Castelló, as First Secretary, from the pro-independence group *Junts pel Sí* (ERC); Joan Josep Nuet i Pujals, as Third Secretary, from *Catalunya Sí que es Pot* (EUiA) and Ramona Barrufet i Santacana, as Fourth Secretary, from the pro-independence group *Junts pel Sí* (CDC). In addition, José María Espejo Saavedra (Ciudadanos), as Second Vice-President, and David Pérez Ibáñez (PSC), as Second Secretary, were members of the Committee.

Among its functions, the Parliamentary Committee has, according to Art. 37.3 of the Regulation of the Parliament of Catalonia, that of assessing documents of a parliamentary nature, and deciding whether or not they are given leave to proceed.

The defendant members of the Parliamentary Committee, although fully aware that they were failing to comply with their duty to reject and halt any actions contrary to the constitutional order, despite the multiple warnings and requests made by the Constitutional Court to refrain from pursuing initiatives of that nature, and ignoring the repeated decisions issued by that body declaring the invalidity as a matter of law and unconstitutionality thereof, voted systematically in



favour of admitting them, thereby allowing the parliamentary resolutions and the legal regulations to be processed, **all of which aimed to create the legal framework that would enable the construction of the Catalan Republic, in the full knowledge that they were openly unconstitutional**, thereby giving apparent legal backing to the process of independence designed and desired by all the defendants.

1. The first initiative given leave to proceed, with the favourable vote of the defendants Forcadell, Corominas, Simó, Barrufet and Nuet, allowed the approval of **Resolution 1/XI**, of 9 November 2015, for the commencement of a process to create an independent Catalan State. It contained a sixth section that stated *this Parliament and the process of democratic disengagement will not be subordinate to the decisions of the institutions of the Spanish State, in particular the Constitutional Court*, and expressly proclaimed that *the democratic mandate obtained in the latest elections of 27th September [...] is committed to commencing a non-subordinate constituent process, while announcing the beginning of a process to create an independent Catalan state in the form of a republic [...]*.

Once the aforementioned resolution was challenged before the Constitutional Court, **Constitutional Court Judgment 259/15, of 2 December**, declared it unconstitutional and, therefore, invalid as a matter of law by pointing out that the Parliament of Catalonia claimed a sovereignty that is greater than that deriving from the autonomy recognised by the Constitution for the nationalities that make up the



Spanish Nation, and stressed that the autonomous Parliament could not be wielded as a source of legal and political legitimacy, to the point that it grants itself the power to violate the constitutional order that gave it its very authority.

2. After being granted leave to proceed by the Parliamentary Committee, with the favourable vote of the defendants mentioned in the previous section, on 20 January 2016, the Parliament of Catalonia approved its **Resolution 5/XI**, for the creation of a *Constituent Process Commission*. One of the conclusions of the Commission stated that the exercise of this right to decide was only possible through disengagement. And another established that in the constituent process three distinct phases should be considered: an initial participatory phase, in which reflection and debate should be sought over a broad sector of society; a second phase of disengagement, in which it was planned that the disengagement laws would be enacted, as well as the application of a unilateral democratic mechanism that would serve to activate the calling of constituent elections and the formation of a Constituent Assembly that would produce a draft constitution; and a third and final phase, in which the approval of the new Constitution would be submitted to a referendum.

The aforementioned Commission was created on 28 January 2016.

**Constitutional Court Order 141/16, of 19 July**, rejected the constitutionality of this activity by the Commission and warned the



members of the Parliamentary Committee by indicating in Point of Law 7: *the authorities involved and their agents, especially the Parliamentary Committee, under their responsibility, [are reminded]*<sup>3</sup> *of their duty to prevent or halt any initiative that involves ignoring or circumventing the stated mandate.*

3. One week after Constitutional Court Order 141/2016, on 27/7/2016, the President of the Parliament, Carme Forcadell, in violation of the mandate of the Constitutional Court, accepted that the conclusions of the *Constituent Process Commission* could be debated, and proposed to the Plenary a vote in which the conclusions would be approved, giving rise to **Resolution 263/XI of 27 July.**

The Constitutional Court, through an Order of 1/8/16, suspended its effectiveness, and **Constitutional Court Order 170/2016, of 6 October**, declared the invalidity as a matter of law of this Resolution by personally notifying the decision to the President of the Catalan Parliament, to the other members of the Parliamentary Committee and to the Secretary General of the Parliament, as well as to the President and other members of the Governing Council of the Government of Catalonia, with a warning to abstain from carrying out any actions aimed at implementing Resolution 263/XI, and of their duty to prevent or halt any initiative, whether legal or material, that directly or indirectly involved ignoring or avoiding the invalidation of the said resolution,

---

<sup>3</sup> Translator's Note: The text in brackets has been added so that the quotes functions according to the rules of English grammar.



warning them of the possible liabilities, including criminal, which they could incur in the event of non-compliance with the order of this Court. It also proceeded to request witness statements from the Public Prosecutor, who filed a criminal complaint against Carme Forcadell for the crime of disobedience with the High Court of Justice of Catalonia, giving rise to the commencement of Preliminary Proceedings 1/2016 of the aforementioned Court.

4. Despite all the pronouncements issued by the Constitutional Court, and while Parliament of Catalonia Resolution No. 263/XI was suspended on 4 October 2016, the Parliamentary Committee, in breach of the order of the Constitutional Court, admitted two proposals, respectively, relating to: a) a binding referendum on the independence of Catalonia, and b) the commencement of a constituent process.

After the plenary debate, both proposals were voted and approved, giving rise to **Resolution 306/XI of 4 October**, with the following content:

a) Regarding the referendum, Resolution 306/XI proclaimed the right to self-determination of Catalonia and urged the Government of the Autonomous Community to proceed with the organisation of this new consultation. At the same time, the Parliament itself created a *Monitoring Committee for the holding of the referendum*.

b) Regarding the Constituent Process, the same Resolution urged the Government of Catalonia to: i) create an Advisory Council; ii)



establish a constituent process schedule; iii) provide the necessary resources; and iv) protect the debating and decisions that may arise from said process.

The five defendant members of the Parliamentary Committee (Forcadell, Corominas, Simó, Barrufet and Nuet) positioned themselves in favour of granting the proposals leave to proceed, as on previous occasions.

**Constitutional Court Order 24/2017, of 14 February**, declared the invalidity as a matter of law of the Resolution, and notification was made to the President of the Parliament of Catalonia, the other members of the Parliamentary Committee and the Secretary General of the Parliament, as well as to the President and other members of the Governing Council of the Government of Catalonia—with a warning to abstain from carrying out any actions intended to implement any annulled sections of Resolution 306/XI—of their duty to prevent or halt any initiative, whether legal or material, that directly or indirectly involved ignoring or avoiding the invalidation of those sections of said resolution, warning them of the possible liabilities, including criminal, that they could incur in the event of non-compliance with the orders of the Court.

It also ordered witness statements to be gathered from the Public Prosecutor, who proceeded to file a second criminal complaint on 23/2/17 against Forcadell, Corominas, Simó and Barrufet for the crime of disobedience, which was joined to the aforementioned Proceedings



1/2016. Once given leave to proceed, the Investigating Magistrate of the High Court of Justice of Catalonia also summoned Nuet as a suspect, as he had also voted in favour of admitting it.

5. Three days after the previous order was published in the *Official State Gazette* (BOE), the five defendant members of the Parliamentary Committee voted again in favour of admitting the Budget Act, leading to the approval of **Law 4/17, of 28 March, on the budget**, which contained an **Additional Provision 40** establishing a budget line item for the holding of the 1 October referendum approved by Resolution 306/XI.

The aforementioned legal regulation was appealed again by the Spanish Government, and **Constitutional Court Judgment 90/2017, of July 5**, declared the invalidity as a matter of law of the provisions that approved the use of budget items for the holding of the referendum.

6. After the substitution of the defendant Corominas by the defendant Lluís Guinó as the First Vice-President of the Parliamentary Committee at the end of July 2017, the Draft Bill on the Self-Determination Referendum was registered in the Parliament on 31/7/2017, in which, after proclaiming the people of Catalonia as a sovereign political subject (Article 1) and establishing the hierarchical superiority of that Law with respect to any other regulation that might conflict with it (Article 3.2), the citizens of Catalonia were summoned to decide on the political future of Catalonia through a referendum that would contain the question *Do you want Catalonia to be an independent*





*State in the form of a republic?* (Art. 4.1 and 4.2).

In addition, Art. 4.4 contained an important provision, in which it was unavoidably established that: *If the count of validly cast votes includes more yes votes than no votes, the result will entail the independence of Catalonia. To this end, the Parliament of Catalonia, within two days following the proclamation of the official results by the Electoral Committee, will hold an ordinary session to issue the formal declaration of the independence of Catalonia, clarify its effects and initiate the constituent process.* In Art. 9, the date of 1 October 2017 was set for the holding of the referendum, and a new electoral administration for Catalonia was created, consisting of: a) the Electoral Committee of Catalonia, as the senior body formed of five members appointed by the Parliament of Catalonia; b) the electoral committees of the counties of Barcelona, Tarragona, Lleida and Girona; c) the polling stations and; d) the electoral administration of the Government of Catalonia.

7. Almost a month later, on 28/8/17, the Draft Bill on the legal and foundational transition of the Republic was registered in Parliament which, in the event that the result of the referendum favoured independence, provided for the establishment of Catalonia as an independent Republic.

The aforementioned Draft Bill on the legal and foundational transition of the Republic, not only created the Republic of Catalonia and attributed its sovereignty to the people of Catalonia, but also



incorporated a detailed regulation on: a) territory (Article 6), b) nationality (articles 7 to 9), c) succession of legislations and administrations (Title II); d) rights and duties of citizens (Title III); e) institutional system (Title IV), contemplating, among others, the Parliament, the Presidency of the Republic, the government and the administration, the electoral committee of Catalonia and the electoral census or the local government; f) the judiciary and the justice department (Title V); g) finances (Title VI); and h) the constituent process (Title VII).

8. The Draft Bill on the referendum was submitted as a Bill on 6/9/17 by the MPs Marta Rovira (spokesperson for Junts pel Sí) and Anna Gabriel (spokesperson for the CUP), both fugitives from justice.

Meanwhile, the Draft Bill on the legal and foundational transition of the republic was submitted as a Bill on 7/9/2017 by the defendants Lluís Corominas (President of the parliamentary group Junts pel Sí), Mireia Boya (President of the parliamentary group of the CUP), the fugitive Marta Rovira (spokesperson for Junts pel Sí) and by a further 3 MPs of the CUP.

Even when the reports of the senior counsel of the Parliament of Catalonia and its secretary general stated that granting both Bills leave to proceed was contrary to the decisions of the Constitutional Court indicated above, and violated the requests expressly made to the Parliamentary Committee to prevent or halt any initiative that would ignore or avoid the invalidation of the parliamentary resolutions that



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

these new Bills implemented, the Parliamentary Committee of Catalonia included these Bills in the respective agenda, and allowed the legislative initiative to proceed.

The Parliamentary Committee granted them leave to proceed under the urgent procedure and rejected the request for reconsideration of both Bills, with the favourable vote of the defendants Carme Forcadell, Lluís Guinó, Anna Simó, Ramona Barrufet and Joan Josep Nuet regarding the Bill on the referendum, and of the first four defendants with respect to the Bill on the legal transition, with the defendant Nuet abstaining on this occasion.

Both Bills were processed in a single reading. The Plenary Session of the Parliament, after a significant number of the MPs present left the session following a debate in which they drew attention to the illegality of the proposed decisions, approved both Bills as Law 19/2017, of 6 September, on the self-determination referendum (*Official Gazette of the Government of Catalonia* (DOGC) of 6 September 2017), and Law 20/2017, of 8 September, on the legal and foundational transition of the Republic (*Official Gazette of the Government of Catalonia* (DOGC) of 8 September 2017).

9. Both the Committee's decisions to grant leave to proceed and the Plenary's resolutions, which included debating and voting on both Bills on the Agenda of 6 and 7 September 2017 (therefore bypassing essential steps of the legislative process), were declared invalid as a matter of law by two **Constitutional Court Orders of 19/9/2017**, in

OFFICE OF  
THE PUBLIC  
PROSECUTOR  
OF THE  
SUPREME  
COURT



which it was agreed to obtain witness statements from the Public Prosecutor against the members of the Parliamentary Committee that had granted them leave to proceed. Once again, the Public Prosecutor filed a criminal complaint against the members of the Committee before the High Court of Justice of Catalonia for the crime of disobedience, a complaint that was once again joined with the aforementioned Preliminary Proceedings 1/2016.

**Law 19/17, of 6 September, on the referendum** was suspended by a Court Order of the Constitutional Court on 7/9/17, which was notified personally to the Parliamentary Committee, the members of the Catalan Government and the Electoral Committee, warning them of their duty to prevent or halt these initiatives, until **Constitutional Court Judgment 114/2017, of 17 October**, declared it invalid as a matter of law. **Law 20/17, of 8 September, on the legal and foundational transition of the Republic** was suspended by a Court Order of the Constitutional Court on 12/9/17, which was personally notified to the members of the Parliamentary Committee, the Catalan Government and the Electoral Committee, warning them of their duty to prevent or halt these initiatives, until **Constitutional Court Judgment 124/2017, of 8 November**, declared it invalid as a matter of law.

10. The defendant members of the Parliamentary Committee (Forcadell, Guinó, Simó and Barrufet) also agreed to include the proposal of the Electoral Committee that was approved by **Resolution 807/XI of 7/9/17** in the agenda, with a vote against by Nuet.



Through a Court Order of the Constitutional Court dated 7/9/17, Resolution 807/XI was suspended, and this was personally notified to the members of the Parliamentary Committee, the Catalan Government and the Electoral Committee, warning them once again of their duty to prevent or halt these initiatives, until **Constitutional Court Judgment 120/2017, of 31 October**, declared the indicated Resolution invalid as a matter of law.

11. Despite the multiple decisions issued by the Constitutional Court, having ignored all of them and once the referendum had been held on 1 October, the Parliament of Catalonia still carried out the following activities in order to make effective the proclamation of independence:

On 4 October 2017, the parliamentary groups *Junts pel Sí* and *CUP-CC* submitted a request for President Puigdemont to appear before Parliament, in order to present the results of the referendum. The Parliamentary Committee met on the same date of 4 October. The Senior Counsel and the Secretary General sent a written warning that this meant applying regulations suspended by the Constitutional Court. The Committee resolved, with the favourable vote of its members Forcadell, Guinó, Simó and Barrufet, to grant the application leave to proceed and subsequently to reject the request for reconsideration. By means of **Constitutional Court Order of 5/10/2017**, the appeal for judicial protection against the said Resolutions was admitted, their effectiveness was provisionally suspended and the members of the



Parliamentary Committee were notified, warning them once again of their duty to prevent or halt any initiative that entails avoiding the suspension.

Two days later, on 6 October, by means of a letter signed by the Vice-President of the Government of Catalonia Oriol Junqueras, his spokesman, Jordi Turull, and the Minister for Foreign Affairs, Raül Romeva, the Government of the Autonomous Community of Catalonia informed the Parliament of its scrutiny of the referendum result, stating that the *Yes* vote had won, with *90.18%* of the votes cast.

In this way, taking into account that the outcome of the referendum was a "YES" vote and since it had already been officially published in the *Official Gazette of the Government of Catalonia* (DOGC) dated 8/9/2017, **Law 20/2017, on the legal and foundational transition of the Republic, entered into force as the supreme law of the new State (Article 3) in accordance with the provisions of its Third Final Provision, thereby culminating in the elimination of constitutional and statutory legality from the territory of Catalonia.**

On 10 October 2017, the President of the Government of Catalonia appeared before the Plenary Session of the Parliament and, after giving an account of the result of the vote, declared that he would obey the mandate of the people of Catalonia to convert it into an independent State in the form of a Republic, but added that the Government of Catalonia and he, as its President, proposed the suspension of the effects of the declaration of independence in order to



reach an agreed solution.

Immediately after that act, the MPs of the parliamentary groups *Junts pel Sí* and the *Cup-CC*, in a solemn ceremony that took place outside the Chamber, signed a declaration of independence. In it they agreed to: i) create the Catalan Republic, as an independent and sovereign State; ii) order the entry into force of the Law on the legal and foundational transition of the Republic; iii) start a constituent process; iv) declare their willingness to begin negotiations with the Spanish State, on an equal footing; v) communicate to the international community and the authorities of the European Union the creation of the Catalan Republic and the proposal of negotiations with the Spanish State, appealing to States and international organisations to recognise the Catalan Republic as an independent and sovereign state; vi) urge the Government of Catalonia to adopt the necessary measures to make possible the full effectiveness of this declaration of independence and the provisions of the Law on the legal and foundational transition of the Republic; and vii) call on each and every citizen to build a State that translates collective aspirations into action and conduct.

12. On 27 October (after Constitutional Court Judgment 114/2017, of 17 October, *Official State Gazette* 24/10, which declared Law 19/2017 on the referendum to be invalid), the defendants Lluís Corominas (President of the parliamentary group *Junts pel Sí*) and Mireia Boya (President of the parliamentary group CUP), together with the two MPs Marta Rovira and Anna Gabriel (spokespersons for the



parliamentary groups of Junts pel Sí and CUP, respectively) submitted two resolution proposals to the Parliamentary Committee for their vote by the Plenary: the first had as its aim the declaration of independence of Catalonia and, the second, the commencement of a constituent process for the new Republic.

The proposals were processed with the same support on the Committee as those mentioned on the last occasion (a vote against by Nuet and a favourable vote by the remaining defendants), and were subsequently voted on by 82 of the 135 Members of Parliament, since the rest of the parliamentarians left the chamber to draw attention to the illegality of the proposals.

The first of the approved proposals contained two parts. A first point which declared: i) the creation of the Catalan Republic, as an independent and sovereign State; ii) the entry into force of the Law on the legal and foundational transition of the Republic; iii) the commencement of a constituent process; iv) a willingness to begin negotiations with the Spanish State, on an equal footing; v) communication to the international community and the authorities of the European Union of the creation of the Catalan Republic and the proposal to negotiate with the Spanish State, appealing to States and international organisations to recognise the Catalan Republic as an independent and sovereign State; vi) a call to the Government of Catalonia to adopt the necessary measures to make possible the full effectiveness of this declaration of independence and of the provisions





of the Law on the legal and foundational transition of the Republic; and vii) a call to each and every one of the citizens to build a State that translates collective aspirations into action and conduct. All of the foregoing was performed on the basis of the mandate of the people of Catalonia as expressed in the self-determination referendum on 1 October, declaring that Catalonia would become an independent State in the form of a Republic.

It was also agreed to publish all the declarations and resolutions in the *Official Gazette of the Government of Catalonia*.

The second of the approved resolutions declared the commencement of a constituent process, urging the Government of Catalonia to: 1) immediately activate all the resources to make effective the constituent process, which was to culminate in the drafting and approval of a constitution of the Republic by the Parliament; 2) create, within fifteen days, the Advisory Council for the constituent process; 3) call, disseminate and execute the decision-making phase of the constituent process, collecting the proposals and submitting them to citizen consultation; and 4) call constituent elections once all the phases of the constituent process have been completed. In the same way, it agreed to create, within a period of fifteen days, the Parliamentary Committee for the monitoring of the constituent process.

The vote (at the request of the Catalan MP of the group Junts Pel Sí, Roger Torrent i Ramió, current President of the Parliament) was carried out by ballot box and with secret voting for the participating



parliamentarians, **with the declaration of independence being approved with 70 votes in favour, 10 against and 2 abstentions.**

### **C) Actions of the Government of Catalonia.**

At the same time, the defendant members of the Catalan Government, in execution of the agreed plan and fully aware of the obvious illegality of their actions, adopted the necessary executive decisions to guarantee the holding of the referendum and thus favour attaining independence through the creation of a new State:

1. After multiple meetings held during 2015 and 2016, always in a confidential manner, in which members of the Government of Catalonia, as well as senior officials of the Catalan regional administration and certain high-profile personalities from the pro-independence movement participated in a debate on aspects related to the independence process and the construction of a State of their own, the promoters of this process came to the firm conclusion that the Spanish State would never bilaterally negotiate the holding of a referendum on self-determination, and they therefore decided to call it unilaterally. These meetings were attended by the defendants Oriol Junqueras, Jordi Turull, Josep Rull and Raül Romeva, as well as other fugitive defendants, and on occasion the defendants Jordi Sànchez, Jordi Cuixart, Carles Mundó, Lluís Maria Corominas and the defendant Carme Forcadell.

The same choice for unilateralism had been reflected in the



conclusions of the Constituent Process Commission (BOPC No. 90, of 20 July 2016, point 4.40), in a patent violation of the mandates of Constitutional Court Judgment 259/2015, which had literally declared: *At present, there is no room for the recognition of the right to decide of the Catalan people within the Spanish constitutional and legal framework. The only possible way to exercise this right is through the disengagement and activation of a constituent process itself.*

**Under the cover of apparently less conflictive terms in the political discourse such as "unilateralism" and "disengagement", in reality what was openly and ostensibly emerging was a patent, manifest and externalised insurrection against the established legal order, that was perfectly organised by the established authority of the Autonomous Community, completely outside normal legal channels, in order to avoid the application of existing laws and prevent compliance with the Constitutional Court's decisions,** which had suspended and annulled all the political decisions of the so-called constituent process, personally requesting, in addition, that each and every one of the members of the Catalan Government and the Parliamentary Committee abstain from processing, encouraging or promoting any action aimed at implementing an unconstitutional constituent process.

2. On the afternoon of 9 June 2017, after an extraordinary meeting of the Governing Council held that morning, the President and Vice-President of the Government of Catalonia—the fugitive defendant Carles Puigdemont and the defendant Oriol Junqueras—presented in



the Els Tarongers courtyard of the building known as the Palau de la Generalitat, the question that would be put forward in the referendum and set the date of 1 October for the holding thereof. The question that had been agreed upon at the meeting of the Governing Council that morning was as follows: *Do you want Catalonia to be an independent State in the form of a republic?*

They were accompanied and supported by all the members of their Government, the President of the Parliament, the related members of the Parliamentary Committee and by several parliamentarians belonging to Junts pel Sí and the CUP.

Almost a month later, on 4/7/2017, the Draft Bill on the self-determination referendum was publicly presented at two separate events that took place in the hall of Parliament and at the Teatre Nacional de Catalunya. The first of these took place with the intervention of the defendant Turull, as well as two other fugitive defendants, and the presence of other MPs, among them the defendant Corominas; the second, with the intervention of the defendants Junqueras and Turull, as well as two other fugitive defendants, and the presence of the defendant Forcadell and other MPs.

3. Since the Catalan regional police (dependent organically and functionally on the Ministry of Home Affairs of the Government of Catalonia) could have hindered this project had they complied with the current constitutional laws, in mid-July, Jordi Jané was replaced by the defendant Joaquim Forn i Chiariello at the helm of the Ministry, thus pre-



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

emptively ensuring that the aforementioned Ministry would be led by a Minister who would support the referendum without reservations. A few days later, due to the course taken by events, the then Director General of the Police of the Government of Catalonia, Albert Batlle, also resigned.

On the same dates, the Minister for Education, Meritxell Ruiz i Isern, and the Minister for the Presidency, Neus Munté i Fernández, were replaced, precisely because both were aware of the personal liabilities that could arise in the event of continuing a unilaterally and manifestly criminal act, with the defendant Jordi Turull and the defendant Clara Ponsatí moving to occupy their posts.

Previously, on 4 July, the then Minister for Business and Knowledge, Jordi Baiget, had been replaced due to a loss of confidence, as a result of the fact that in an interview the minister considered it irresponsible to hold a unilateral referendum and expressed fear of the repercussions that participating in a unilateral way could have for him.

4. In the month of July 2017, the Government of Catalonia approved Decrees 108/17, of 17 July, and 110/17, of 18 July, which restructured the powers of the different ministries, such that the complete control and administration of the electoral processes came to depend entirely on the Vice-presidency of the Government of Catalonia, led by the defendant ORIOL JUNQUERAS.

**Thus, the entire preparation and execution of the referendum**



**activity was controlled by the Secretary General of the Vice-presidency of the Government of Catalonia, JOSEP MARIA JOVÉ I LLADÓ, the right-hand man of defendant JUNQUERAS and general coordinator of all the planning and organisation of the referendum that they intended to hold.**

5. On 6 September 2017, after the approval by the Parliament of Catalonia of Law 19/2017, on the self-determination referendum, **all the members of the Government of Catalonia (President, Vice-President and 12 ministers), once again ignoring the requirements of the Constitutional Court and with full knowledge of the illegality of the initiative, signed Decree 139/2017, calling for the referendum,** which in a single article established that: *In accordance with the provisions of Article 9 of Law 19/2017, of 6 September, on the self-determination referendum, published in the Official Gazette of the Government of Catalonia (DOGC) No. 7449, on 6 September, at the proposal of all the members of the Catalan Government, a call for a Self-Determination Referendum for Catalonia is issued, which will take place on 1 October 2017, in accordance with Law 19/2017, of 6 September, on the self-determination referendum.*

The Plenary Session of the Constitutional Court, by the Order of 7 September 2017, agreed to admit the appeal filed by the Government of Spain against the regional provision, suspending its application and any action that might be caused by it; the Court Order itself was personally notified to the members of the Catalan Government, warning



them of their duty to prevent or halt these initiatives; through **Constitutional Court Judgment 122/2017, of 31 October**, the unconstitutionality and invalidity of the aforementioned regulation was declared.

6. On the same date, 6 September 2017, the Ministry of the Vice-presidency and of the Economy and Finance of the Government of Catalonia, led by the defendant Oriol Junqueras i Vies, approved **Decree 140/2017, of 6 September, on supplementary regulations** to hold the self-determination referendum of Catalonia which, as Article 1 of this text indicated, had as its aim *to establish the supplementary regulations that should govern the process for the holding of the self-determination referendum*, bringing together the provisions deemed necessary regarding the electoral committee, census, institutional campaign, voting procedure, vote scrutiny, international observation, labour administration or involvement of the participants.

The Decree was signed by the President of the Government of Catalonia, as well as by the Vice-President of the Catalan Government and Minister for Economy and Finance, defendant Oriol Junqueras.

The Plenary Session of the Constitutional Court, by means of an Order dated 7 September 2017, agreed to admit the appeal filed by the Government of Spain against the regional provision, suspending its application and any action that might have caused it; the Court Order itself was personally notified to the members of the Catalan Government and to numerous authorities, at the same time as they



were warned of their duty to prevent or halt these initiatives; subsequently, **Constitutional Court Judgment 121/2017, of 31 October**, was issued, declaring its unconstitutionality and invalidity as a matter of law.

Considering that the action of the Government of Catalonia was absolutely illegal, the Public Prosecutor of the High Court of Catalonia filed a criminal complaint before the High Court of Justice of the aforementioned Autonomous Community against all the members of the Catalan Government for the crimes of disobedience, prevarication and embezzlement of public funds, which was joined to Preliminary Proceedings 3/2017, which were being led by the Court.

**7. In the days and weeks leading up to the referendum, several of the defendants, among them ORIOL JUNQUERAS, JORDI TURULL, RAÛL ROMEVA, JOAQUIM FORN, JOSEP RULL, DOLORS BASSA, CARME FORCADELL, JORDI SÀNCHEZ and JORDI CUIXART, fully aware of the illegality of the secession process that they had been promoting, of the patent illegality of the referendum initiative, and of the very high probability that violent incidents would take place, such as those that had occurred on 20 September, made repeated and continuous public appeals (through interviews, at public events and through social media networks) for citizens to mobilise in order to vote, to protect the polling stations and to prevent the forces of public order from fulfilling their mission of closing the centres and seizing the electoral material.**

At the request of the Presidency of the Government of Catalonia,





on the morning of 28 September, the Security Council of the Autonomous Community met to address the referendum issue, without reaching any agreement regarding the antagonistic positions of the representatives of the Spanish State and of the Government of Catalonia. The aforementioned meeting was attended, on behalf of the Spanish Government, by the Secretary of State for Security, the Government Delegate in the Autonomous Community, the Technical Secretary General of the Spanish Ministry of the Interior and the Director of the Secretary of State Coordination Office, among others.

**On the afternoon of the same day, the senior officers of the Mossos d'Esquadra police force met with the President of the Government of Catalonia, its Vice-President Oriol Junqueras i Vies and the Minister for Home Affairs, Joaquim Forn i Chiariello. At this meeting they informed the members of the Catalan Government that, due to the large number of groups mobilised at that time (among them 42 Referendum Defence Committees, students, firemen, etc.), and the violent incidents that had occurred previously, it was highly probable that an escalation of violence would take place, with important outbreaks of confrontation, such that security could only be guaranteed by suspending the vote on 1 October. Despite this, the decision of the members of the Catalan Government was to continue with the referendum, giving instructions to the Mossos d'Esquadra commissioners to facilitate its execution despite its manifest illegality, and to align their actions with the goal of complying with that objective.**



Indeed, on 1 October, the referendum was held (despite the prohibition agreed judicially by the High Court of Justice of Catalonia) with the inaction and passivity of the Mossos d'Esquadra, and in several places throughout the Catalan territory confrontations took place between the population and the security forces of the State, and in some cases attacks on the members of these forces. Thus, **the Mossos d'Esquadra commissioners placed the political guidelines received from the Government of Catalonia above compliance with the law and the judicial mandate that prohibited the holding of the referendum.** This is confirmed in the Report of the General Information Office of the Mossos d'Esquadra, issued in Sabadell on 28 September 2017, as in said document, in addition to advising the President of the Government of Catalonia, his Vice-President, Oriol Junqueras i Vies, and Home Affairs Minister Joaquim Forn i Chiariello of the scenarios of unavoidable violence that holding what they termed the self-determination referendum would entail, they assumed that "on 1 October 2017 the referendum on self-determination of Catalonia must be held".

8. In view of the serious breach of legality that had taken place, on 11 October 2017, the President of the Spanish Government sent a written request to the President of Catalonia demanding that he comply with his constitutional obligations, and that he communicate whether any authority of the Government of Catalonia had declared the independence of Catalonia.

Since the President of the Government of Catalonia did not



respond to the aforementioned requirement in the terms that had been set, the President of the Spanish Government sent him a second request on 16 October demanding that he comply with the law and proceed to restore institutional normality and loyalty.

On 19 October, since his previous requests to exempt certain persons from criminal charges (i.e. Jordi Cuixart i Navarro (president of the organisation *Òmnium Cultural*), Jordi Sànchez i Picanyol (president of the pro-independence group *Catalan National Assembly*) and Josep Lluís Trapero (commissioner of the Mossos d'Esquadra)) and to hold a meeting between both governments to explore future agreements had been ignored, the President of the Government of Catalonia informed the President of the Spanish Government that the Parliament of Catalonia would proceed to vote on the declaration of independence.

The situation led to an extraordinary meeting of the Council of Ministers on 21 October which, after the deadlines had passed for the presidency of the Government of Catalonia to comply with its constitutional duties, resulted in the activation of the procedure established in Article 155 of the Constitution and the proposal to the Spanish Senate of a series of measures to restore constitutional legality.

On 27 October, the Catalan Parliament, making the previously established road map a reality, declared the independence of Catalonia and its emergence as a new State in the form of a Republic, with the favourable vote of 70 MPs. **This declaration of independence was not merely symbolic, since the authorities of the Government of Catalonia**



had prepared (for immediate approval) a whole package of regulations that would implement the new legal framework of the Republic, deploy the administrative structures necessary for the operation of the new State, and establish a plan to guarantee that the Mossos d'Esquadra would ensure the security of all infrastructures and the effective control of the entire territory of the Autonomous Community.

Faced with the total dismantling of constitutional law, and taking into account the serious risk that this entailed for the territorial integrity of the State, the Plenary of the Spanish Senate, stating, *The extraordinary seriousness of the breach of the constitutional obligations and the undertaking of actions seriously contrary to the general interest on the part of the Institutions of the Government of Catalonia*, issued a Resolution on 27 October 2017, approving the necessary measures to guarantee compliance with constitutional obligations and protection of the general interest by the Government of Catalonia, measures that were included in the Resolution adopted by the Council of Ministers of 21 October 2017, with particular modifications that are detailed in said Agreement (*Official State Gazette (BOE)*, 27 October 2017). The adopted Agreement provided for the immediate dismissal of the Government of Catalonia, the dissolution of the regional Legislative Chamber and the call for regional elections for the formation of a new Parliament.



**D) The provision by the Government of Catalonia of public funds for the organisation and holding of the illegal referendum.**

In the months prior to holding the illegal referendum, since the Government of Catalonia had already decided to hold it with or without the consent of the State, the preparations began, with public funds being earmarked in order to pay the expenses that its execution entailed (electoral materials, advertising campaigns, computer applications, premises for the vote count, etc.), **including the financing of activities that were carried out abroad, such as the action of the Diplocat service to internationalise the conflict and obtain recognition in supranational bodies, institutional advertising campaigns or campaigns aimed at obtaining the vote of Catalans located in other countries.**

All of this preparatory activity for the organisation of the referendum has been and continues to be investigated by Investigating Magistrate's Court No. 13 of Barcelona in Proceedings 5/2018 (previously Preliminary Proceedings 118/2017). The actions ordered by the aforementioned judicial body, consisting of the arrest of certain implicated parties and searches performed at different public institutions, homes, offices and premises, carried out on 19 and 20 September 2017, and executed by the Judicial Police Unit of Zone VII of the Civil Guard<sup>4</sup> aimed to seek and discover the illicit activities undertaken to hold the referendum, in both its logistical and economic aspects, and to seize the electoral material that was to be used for such

---

<sup>4</sup> *Guardia Civil*, in Spanish.



purposes.

The preparations and expenses made a mockery of the state control of the Government of Catalonia's finances, established under the provisions of Additional Provision 1 of Organic Law 2/2002, of 27 April, on budgetary stability and financial stability, and Art. 22.3 of Royal Decree-Law 17/2014, regulating the *Regional Liquidity Fund* (FLA).

In application of the powers attributed under the aforementioned regulations, in view of the events that were taking place in the Autonomous Community of Catalonia and the detection of very severe risks to financial sustainability, the Delegated Government Commission for Economic Affairs was required to adopt different measures to reinforce the instruments for controlling Catalonia's finances, which were intensified while the breaches by the authorities of that Autonomous Community continued to worsen, culminating in the adoption of the Senate Resolution of 27 October 2017 for the application of Art. 155 of the Spanish Constitution.

In 2015, when the public debt of the Government of Catalonia was classified by private agencies as a speculative investment or "junk bond" and the non-payment of debts to pharmacies and other basic service providers was made public, by means of the **Resolution of 20 November 2015** of the Delegated Government Commission for Economic Affairs, published by Order PRE/2454/2015 of 20 November (*Official State Gazette* (BOE) of 21 November 2015), periodic reporting obligations were imposed on the entire Catalan public sector, as well as restrictions



both on the payment of invoices through the FLA and the applications that should be given to the monthly resources assigned to the Autonomous Community by way of funding. Thus, among other measures, it was decided that the funds received by the Autonomous Community on a monthly basis with recourse to funds subject to tax settlement should be earmarked for specific and essential public services (family, health, education, etc.). An FLA payment system was also imposed whereby the corresponding amounts would be paid directly to the creditors for expenses of fundamental and priority public services (security, civil protection, etc.) upon receipt of the invoices. This resolution, currently in force, was not contested and, as a result, the periodic reporting and certification obligations were complied with, although only formally, until September 2017.

In view of the Constitutional Court's annulment of resolutions and regulations approved by the Parliament of Catalonia, as well as of certain budgetary items of Law 4/2017, of 28 March, on *budgets of the Government of Catalonia*, earmarked for the holding of the referendum, taking into account the increase in the risk premium of the Autonomous Community and its relationship with the stated will of several political leaders (now defendants in these proceedings) regarding the referendum process, the Delegated Government Commission for Economic Affairs adopted a Second **Resolution of 21 July 2017**, published by Order PARA/686/2017 of 21 July (*Official State Gazette* (BOE) of 22 July 2017). In this Resolution, the controls were intensified by increasing the regularity of the certifications required by inspectors



of the various ministries and economic-financial representatives (comptrollers, Director General for Budgets, Director General for Financial Policy, Insurance and the Treasury). This involved imposing on them the obligation to verify in each certification that they had not initiated or processed "any budget modifications or expense records or payments that could have been destined to carrying out the activities related to the call for a referendum declared illegal by Constitutional Court Judgment 90/2017 of 5 July". In addition to other information obligations, the General Comptroller of the Autonomous Community had to send a final certificate every Wednesday to the Ministry of Finance through the General Secretariat of Autonomous and Local Financing, attaching individual certificates, as well as informing of any query addressed to the comptroller or any advisory or consultation body whose purpose was to define procedures that would allow the financing of the referendum project.

In this context, all the ministries of the Government of Catalonia were subject to a limited budget, which entails limiting the scope of the budget items consigned to the budget's expenditure statements and, consequently, the legal impossibility of assuming commitments in amounts greater than the respective amounts. In all of them, the execution of public expenditure involved a process regulated fundamentally under Art. 46 of Decree Law 3/2002, which laid down four distinct phases: the *authorisation of the expenditure* charged to a specific budget item and subject to the limits of its application, with this phase corresponding to the approval of the opening of the case file; the





*provision*, corresponding to the award and formalisation of the works, services or supplies contract and which formalises the reservation of the credit for a specific amount; the *obligation* or operation to record in the accounts the receivables payable by the Government of Catalonia because, after delivery of the good or provision of the service, the service subject to the *provision* has been satisfactorily demonstrated; and finally, the *order of payment* from the Treasury of the *Government of Catalonia*. The *authorisation of the expenditure*, the *provision* and the *obligation* are actions attributed to the senior bodies of each ministry with jurisdiction depending on the amount and the budget item committed (Article 47 DL 3/2002). However, the *order of payment* is not attributed to the manager of the budget item but rather to the Minister for the Economy and Finance (Article 48 DL 3/2002), as the "payment authorising officer" in each case.

On 25 July 2017, the Catalan Government decided to file a contentious-administrative appeal against the Resolution of 21 July 2017, requesting its suspension, while at the same time it resolved to turn over all the powers related to compliance with the appealed Resolution to the ministers of each of the ministries, except for those specifically related to the comptroller function, which were assumed by and centred on the Comptroller General. In virtue of this, the weekly certificates required in the Resolution of 21 July 2017 were signed by each Minister, by the Vice-President and Minister for the Economy and Finance, Oriol Junqueras, or by the Comptroller General, depending on the case. The aim was to keep the respectively concerned officials



separate from the criminal liabilities that might arise and, at the same time, to focus all the liability on the members of the Government of Catalonia and on the Comptroller General. Both of these parties issued the required certificates until September.

In September 2017, the Comptroller General of the Government of Catalonia stopped sending information to the Ministry of Finance, communicating that the Vice-President and Minister for Economy and Finance, Oriol Junqueras, had ceased to assume the obligation to submit accounting information, and as their senior manager, had also released the comptrollers concerned from doing so. In these circumstances, faced with the serious violation of the principles of Organic Law 2/2002 and the breach of the remaining economic-financial obligations assumed by the Government of Catalonia, by means of the **Resolution of 15 September 2017**, published in Order HFP/878/2017 of 15 September (*Official State Gazette* (BOE) of 16 September 2017), the Delegated Government Commission for Economic Affairs increased the already established and breached controls and set up a payment management mechanism for the payment of certain budget items directly to the creditors of the Government of Catalonia, only upon receipt of the invoice communicated by the Comptroller General. In addition to this, all the debt operations of the Autonomous Community, including "short-term" operations, were subject to prior authorisation by the Council of Ministers. Among many other measures, it was provided that "all the contracting and comptroller bodies that supervise the administrative actions linked to the delivery of goods or services to



the Autonomous Community of Catalonia or its public sector entities should issue a “liability declaration” stating that the said goods or services are not related to the financing of illegal activities, and that the said liability declaration must be delivered to the successful bidder and to the Spanish Ministry of Finance. It was also provided that the Government of Catalonia could not effect the actual payment by means of services contracted with credit institutions without an accompanying certificate from the comptroller that would make it possible to verify that the payment was not related to the financing of illegal activities or activities prohibited by the Courts of any kind.

Through a Resolution of the Government of Catalonia dated 7/9/2017 (at the proposal of the Vice-President, Oriol Junqueras, and of the Minister for the Presidency, Jordi Turull, and the Minister for Foreign Affairs, Institutional Relations and Transparency, Raül Romeva) the various ministries were authorised to carry out the actions and enter the contracts necessary for the holding of the referendum.

The Resolution in question literally stated the following: *The Government, as the electoral administration, in order to ensure the proper preparation of the electoral process, assumes directly and in a collegiate manner the orders to the ministries or competent units, including among others, the hiring, the approval of the expense, and the political-administrative actions necessary to make effective the holding of the referendum.*

*Specifically, and by way of example, the following is authorised:*



- *The preparation, printing, provisioning and distribution of the necessary electoral material (ballot boxes, voting papers, envelopes, minutes of the committees, operating manual of the polling stations, accreditations, credentials, etc.).*

- *The preparation of the electoral census, its formal communication and processing, if necessary, to the citizens, and its printing for use on the day of voting in accordance with data protection regulations.*

- *Communication to Catalans with voting rights residing abroad of the mechanism through which they can exercise the right to vote.*

- *The development of an informational website and the acquisition of domain name reservations and hosting services, as well as the use of existing ones.*

- *Commissioning, hiring and design of institutional communication campaigns, as well as those related to the collaborators of the electoral administration.*

- *Definition of the census sections and polling stations, appointment and formal communication of the members of the polling stations.*

- *Use of the spaces owned or entitled to be used by the Government of Catalonia, and dependent bodies and entities.*



- *The creation of a registry of collaborators of the electoral administration.*

- *Use, in general, of the human, material and technological resources necessary to guarantee the adequate organisation and development of the referendum for self-determination in Catalonia, as well as those already available.*

***The designated decisions and actions will be taken collectively by the members of the Government, and assumed jointly and severally.***

As previously indicated, Decrees 139 and 140/2017, of 6 September, approved by the Government of Catalonia, had agreed to call the referendum for 1 October, and also approved the supplementary regulations for holding it, whose entry into force was immediately suspended by the Constitutional Court.

In accordance with this common agreement, various ministries, **with the prior agreement of all members of the Government, without exception**, enacted a series of expenses to organise the referendum and the independence declaration process, while at the same time circumventing the controls established to guarantee the budgetary stability and financial sustainability of the Autonomous Community of Catalonia.

The Government of Catalonia also filed a contentious-administrative appeal against the Agreement of the Delegated Government Commission for Economic Affairs of 15 September 2017, an



appeal that was dismissed by the Third Chamber of the Supreme Court in Judgment 1510/2018, of 17 October.

On 27 October 2017, Royal Decree 944/2017, of 27 October, came into force, which designated the bodies and authorities responsible for compliance with the measures aimed at the Government and the Administration of the Government of Catalonia, and authorised by a Resolution of the Plenary Session of the Senate of 27 October 2017, pursuant to Art. 155 of the Spanish Constitution. By virtue of the powers established therein, the Delegated Government Commission for Economic Affairs issued the Resolution of 21 December 2017, effective until 2 June 2018, adopting new control measures and different determinations. Paragraph 7 of this Resolution rendered null and void the previous Resolution of 15 September 2017.

There is evidence of the allocation and disposal of public funds and resources to finance the activities related to the preparation and execution of the illegal self-determination referendum, in very significant amounts (over 250,000 euros) and in the aspects mentioned below:

1. In the **logistics of the referendum**, the actions of the Centre for Telecommunications and Information Technology (CTTI) were essential. This public body with its own legal personality was created by Law 13/1993, of 28 December. The Centre is part of the Ministry of the Presidency, led by defendant Jordi Turull i Negre, and one of its functions is the coordination, supervision and control of the execution of



telecommunications systems and services able to meet the needs of the Administration of the Government of Catalonia in this matter (articles 1 and 2 of the Law).

In order to favour the execution of the illegal consultation, various **websites, applications, platforms and computer programs** were created, which were used to carry out the illegal referendum on 1 October, giving digital support to the dissemination of information, registration, publicity, counting of votes and specific operation of the referendum, whose control was finally and actually exercised by Minister Turull.

Many of these pages were created in duplicate, with new ones being opened as soon as the State Security Forces had closed others. These included the following:

- The website *referendum.cat*, which was launched on 6 September 2017 and immediately after the referendum was called by Decree 139/2017 (also the domain *referendum.eu*).

Under the *referendum.cat* domain, the application called *Cridas* (Calls) was created; whose URL was <https://connectat.voluntariat.gencat.cat/crida/66>. The application was used to recruit up to 47,498 volunteers to meet the needs of the referendum regarding the creation of the 2,706 polling stations.

- Also, under the *referendum.cat* domain several links were activated referring to the referendum, such as a page dedicated to how



the right to vote should be exercised and another one aimed at the registration of Catalans abroad ([registrecatalans.exteriorsgencat.cat](http://registrecatalans.exteriorsgencat.cat)), since this registration was required to vote.

No evidence has yet been gathered regarding the amount of public funds allocated to this activity.

2. For the **organisation of the premises in which the voting would take place**, one of the fugitive defendants and defendant Junqueras, from the Presidency and Vice-presidency of the Government of Catalonia, sent a letter to all the mayors of Catalonia on 6 September 2017 that demanded the handing over of all the voting centres usually used in other electoral processes.

Two other fugitive defendants were also employed in this work, making efforts to find premises where the polling stations could be installed.

Given that many of the voting centres were located in Primary Care Centres (CAP) or other health facilities, on 22 September 2017, one of the fugitive defendants, in order to ensure that the handing over of these voting centres would be exclusively subject to his personal decision, ordered the dismissal of the representatives of the Government of Catalonia at the 29 health consortiums and public health bodies of Catalonia, and was appointed chairman and manager on all their governing councils, reflecting the position he already held in the Barcelona Health Consortium. He also announced that the dismissal





would be reversed once the Referendum had finished.

Also, on 29 September 2017, another of the fugitive defendants, as well as the Minister for Labour, Social Affairs and Families, the defendant Dolors Bassa, in order to ensure the availability of the polling stations that were allocated to holding the referendum, proceeded in a similar manner to the actions of the Health Minister on 22 September, such that between 29 September and 1 October they both assumed the management of and decision-making regarding schools and social centres that had depended on their respective ministries.

In this way, the public premises and centres were assigned by a collective and joint decision of all the members of the Catalan Government to a purpose that had been declared illegal in numerous decisions of the Constitutional Court and in the judicial proceedings brought in the High Court of Justice of Catalonia which, by means of a Court Order of 27 September 2017, resolved to prohibit the holding of the aforementioned referendum and order the security forces (Mossos d'Esquadra, Civil Guard, National Police and Local Police) to seize the material, close the schools and prevent the vote.

The premises were occupied by citizens prior to 1 October, in order to prevent their closure, finally being used as polling stations or electoral colleges on the aforementioned date.

Several venues that the Government of Catalonia had opened and used in different cities outside our borders were also used as voting



centres abroad.

The economic expense of the use for one day of the more than 2,259 premises set out as polling stations has been valued by SEGIPSA experts at **900,906.70 euros**.

**3. Institutional advertising related to the referendum.** With a view to publicising the illegal referendum and encouraging participation in it, the following campaigns and actions were also promoted from the Ministry of the Presidency and financed with public funds, led by the defendant Jordi Turull:

**A. The international campaign for the referendum.** The Ministry of the Presidency awarded File PR/2017/0006 to HAVAS MEDIA GROUP, which includes a contract for the insertion into the press of a conference on the Catalan referendum in various international media. The total amount of the award was 127,810.57 euros (including VAT). The obligations assumed in connection with the payment of the expenses of this campaign were recognised in the Electronic Procurement File Manager on 14 February and 21 February 2017, and were paid to HAVAS MEDIA GROUP by bank transfer on 31 May 2017 in the amount of **110,263.51 euros**, charged to budget item DD04 D/2260003000/1210/0000. In the certificates issued by the Comptroller General and forwarded to the Spanish Ministry of Finance, in compliance with the budgetary obligations established in the months of June and July 2017, no warning was made about the nature and illegality of this payment.



**B. The campaign "Registration of Residents Abroad"** was developed by the Ministry of the Presidency between the months of February and May 2017 through announcements encouraging registration, which was essential for voting, in which the question *yes or no?* appeared on a map of Catalonia. The contracts linked to this campaign were concluded with:

- ESTUDI DADA SL (File PR/2017/130), which issued an invoice for **10,829 euros** (including VAT) for creating the advert.
- UTE KARDUMEN-NOTHINGAD COMUNICACIÓ (File PR/2016/432), which issued an invoice for **97,332.63 euros**, for disseminating the advertisement on the Internet.
- FOCUS MEDIA S.L. (File PR/2016/426, which corresponds to a framework contract for a much higher amount), which issued an invoice for **158,344.41 euros**.

The provision of the services referred to in these invoices are fully certified and the obligation to pay them recognised, insofar as the invoices were certified as "compliant", although at least part of their amount was not paid due to the existence of Preliminary Proceedings 118/2017 led by the Investigating Magistrate's Court No. 13 of Barcelona. The three companies are claiming their payment.

- Teresa Guix Requejo, a self-employed person who usually works for the Government of Catalonia, received payment for various jobs, and, in particular, the sum of **2,700 euros** for creating the page



*pactepelreferendum.cat*, necessary to register with the registry.

**For this item a total of 2,700 euros were paid and an expenditure of 10,829 + 97,332.63 + 158,334.41 = 266,496.04 euros was committed.**

**C. The CIVISME campaign**—also promoted from the Ministry of the Presidency at the end of August 2017 to strengthen civility, promote the values of democracy, social welfare, and the culture of peace and solidarity—focused on the "TRAIN TRACK" advert, in which a pair of train tracks are shown splitting in two different directions.

The contract relating to the dissemination of this advertisement was processed in File PR/2017/1992 through the award procedure derived from the Framework Agreement for management services and advertising insertion. It was successively awarded to the company CARAT and then to FOCUS, with both of them withdrawing when they realised that it was propaganda for the illegal referendum.

The Ministry of the Presidency, led by Jordi Turull, then entrusted the campaign to the Corporació Catalana de Mitjans Audiovisuals (CCMA), a body of the Government of Catalonia funded in 2017 with 371 million euros, in charge of a budget item approved by the Catalan Parliament, whose mission is to produce and disseminate audiovisual products, ensuring the normalisation of Catalan language and culture. The order was made through Jaume Mestre Anguera, head of institutional dissemination at the Ministry of the Presidency. The campaign was commissioned as a political campaign and therefore



subject to a higher rate than the institutional campaigns.

The CCMA broadcast the advertisements on the TV channels, radio stations and digital media it manages, generating two invoices for the Ministry of the Presidency, dated 14 September and 5 October 2017, for the respective amounts of **93,179.56 euros** (excluding VAT) and **184,624.85 euros** (excluding VAT). The corresponding expense plus the applicable VAT was committed, with both invoices being included in the "immediate supply of VAT information" platform of the Spanish Ministry of Finance on 18 September and 6 October 2017, respectively, although they have not been paid and the CCMA has made an out-of-court claim for their amount and also intends to do so in the courts. In any case, the public treasury was harmed as a result of the expense arising from the dissemination of the campaign or its cost, assumed by the CCMA, which issued those adverts instead of others that would have earned it the corresponding revenues.

4. The expenses related to the **supply of ballot papers, the electoral census and summonses to persons running the polling stations**, carried out by Unipost SA, for a total amount of **979,661.96 euros**, were divided, for their concealment, between five ministries (those led by the defendants Oriol Junqueras (Vice-presidency), Jordi Turull (Presidency), Dolors Bassa (Labour), and two others led by two of the rebel defendants). The agreement between the Government of Catalonia and Unipost provided for the distribution of 56,000 certified letters with appointment of positions at polling stations, and 5,346,734



census cards.

Of this material, 1,811 certified letters with acknowledgement of receipt were seized on 19 September by the Civil Guard at the Unipost headquarters in Manresa, and on the same day 43,429 envelopes with electoral documentation were seized at the headquarters in Terrassa, which did not arrive for distribution as planned. These invoices are not recorded as paid, since the Government of Catalonia rejected the payment when they were submitted for collection, but the expense was committed and agreed.

5. For **referendum posters**, the Ministry of the Presidency, pretending that the request was made through Òmnium Cultural, entrusted the creation of posters, brochures and leaflets containing referendum propaganda to 3 companies: Artyplan, Marc Martí and Global Solutions. The total amount of the ordered material amounts to **38,431.20** euros, whose payment must be made by the Government of Catalonia.

On 15 September 2017, the Organic Body of the Judicial Police of the Civil Guard of Barcelona undertook a search at the company *Marc Martí*, located at 110 Pallars Street and 94 Pujades Street in Barcelona, and seized 87,516 advertising posters for the referendum measuring different sizes.

On 16 September, the same police unit searched the facilities of the company *Zukoy 5 SL*, located at 42 Alarcón Street in Sant Adrià de



Besos (Barcelona) and seized 11 poster-printing templates relating to the referendum and 570 posters.

Also on that same date, 507,000 leaflets and 750,000 brochures for the referendum were seized from the company *Buzoneo Directo SL*, located at 85 Poblet Street in Moncada i Reixach (Barcelona).

On 18 September, the same unit seized 113,000 leaflets for the referendum from the headquarters of the company *Encuadernaciones Rovira SL*, located on 92 Bernat Metge Street in Sabadell (Barcelona).

On 24 September 2017, the aforementioned police unit seized 400,000 leaflets, 26,000 brochures and 30,000 posters, all referring to the referendum, from the company *Disnet Sistemas de Distribución SA*, located at 15 Can Camps Street, on the Can Roquet Industrial Estate in Sabadell. This material that had been deposited by ARTYPLAN at the aforementioned company for later distribution.

**6. Overseas actions undertaken by the Government of Catalonia in favour of the rebellion process.** In compliance with the objectives defined in the ROAD MAP of March 2015, and in parallel with the events described, the Government of Catalonia deployed budgets, general policies and specific actions to provide an international impact that would serve as a lever for the process of independence being embarked upon. In designing the assumed strategy, the achievement of support in sectors of public opinion in other countries and the internationalisation of the conflict acquired enormous significance in order to force an



international mediation with the intervention of the European Union.

For this purpose, in February 2016, the Ministry of *Foreign Affairs, Institutional Relations and Transparency* was created (a name challenged by the Spanish Government and which, after **Constitutional Court Judgment 77/2017, of 21 June**, was renamed *Ministry of Transparency and Foreign and Institutional Relations and Affairs*), led by the defendant RAÜL ROMEVA. In 2017, its budget was increased by a decision of the Parliament by 107%, rising to a total of 35 million euros. This Ministry, under the direction of the aforementioned defendant, undertook, among several others, the following actions:

**A. Delegations of the Government of Catalonia abroad (which functioned as authorised embassies).**

In 2016, the Catalan Government announced that by the end of 2017 the delegations would increase from 5 to 17, and indeed, in addition to several European countries, they were opened in the EU and in the USA. The defendant ROMEVA defended the increase of the budget allocation from 3 to 6.5 million euros in 2017 in the Catalan Parliament because it was necessary "to prepare the constituent process of the Catalan Republic". In line with this objective, of the 35 million allocated, 23 corresponded to personnel and operating expenses, and 12 million euros were allocated to specific actions, including the actions of the Catalan Presidency abroad, which absorbed 2.3 million euros. In addition, actions were carried out to facilitate the voting of Catalans abroad and diplomatic or lobbying activities aimed at generating an





international image favourable to the independence process, which continued to be carried out even after the Constitutional Court banned the allocation of any budget line for these purposes in its Judgment 90/2017 of 5 July. Thus, on 21 September, at an event organised for the Committee of the Regions by the group "European Alliance", the representative of the Catalan Government to the EU delivered a speech on the alleged repression being suffered by Catalonia, accusing Spain of operating outside the parameters of European democracy, and appealing to the mediation of the European Commission.

**B. The international image campaign of the Government of Catalonia.**

The Public Diplomacy Council of Catalonia (Diplocat), regulated by Decree 149/2012, according to Art. 1 of its Statutes is "a consortium entity, endowed with its own legal personality, subject to public legislation", whose objectives (in accordance with its Art. 2) include "supporting the public diplomacy strategy of the Government of Catalonia."

Under the guise of a public-private consortium, Diplocat works in complete liaison with the Government of Catalonia (which holds more than a 90% stake), approves and modifies its budgets, and may decide at its own initiative to dissolve the consortium (Article 27). As a body of the Government of Catalonia, it is run with public funds provided by the Catalan Government, which is responsible for all local expenses, personnel and services necessary for its operation, and is subject to the



financial control of the Comptroller General of the Government of Catalonia.

In this context, Diplocat had been acting as a kind of parallel diplomatic corps to that of the Spanish State, and as a privileged lobbying tool was responsible for disseminating the independence message and aims in various countries. In the first months of 2017, it hosted two international forums on the subject in Barcelona and rolled out a programme of international visitors and observers with the aforementioned objective, although many of these observers had been Catalan activists. This work has materialised in third countries through contracts with local institutions.

In particular, on 15 August 2017, the Delegation of the Government of Catalonia in the USA, for and on behalf of the Government of Catalonia, signed a contract with the consultancy *SGR Government Relations and Lobbying*, registered in the FARA registry of the US Justice Department, under which, after paying **60,000 euros** for three extendable months, it undertook to facilitate meetings with the media, chambers of commerce, organisations and officials of the legislative and executive powers in order to perform "political activities" of dissemination. Among them, recorded in the FARA is the apparent availability of journalists at the press release made by the President of the Government of Catalonia after the events of 20 September, referring them to the real-time information line on the situation in Catalonia created for this purpose by the newspaper *The Washington Post*. Along



with letters of support for the referendum, other documents indicate that the lobby worked for the Government of Catalonia and offered the possibility of putting Catalan officials in contact with interested parties. The then President of the Government of Catalonia, and today defendant on charges of rebellion, appeared in several North American media outlets and on 22 September 2017 published in *The Washington Post* an article titled "Excuse me, Spain. Catalonia will vote on independence, whether you like it or not"<sup>5</sup>, and was interviewed on 28 September by *The New York Times*.

These actions, as well as the initiatives of Òmnium Cultural that created the website [www.letcatalansvote.org/es](http://www.letcatalansvote.org/es), were decisive in achieving the participation of persons of varying degrees of notoriety in the international arena, and to continue the protests in the face of the judicial closure of the websites of the referendum and other judicial proceedings.

### **C. International websites.**

The judicial closure of the first websites created to inform the voters of the manner and location of the vote was compensated, with clear contempt for the orders of Investigating Magistrate's Court No. 13 and the Magistrate of the Supreme Court, through cloning the web pages and serving the information from different domains. The members of the Catalan Government uploaded that information from

---

<sup>5</sup> Translator's Note: Translator's own translation of the title appearing in Spanish in the original text.



the institutional websites of their respective ministries and through their social media networks during the days prior to the referendum.

To hinder the intervention of the judicial authorities, some of the cloned pages were hosted in third countries. Among other domains, the following have been identified: [referendum.ws](#), corresponding to Global Domains International Inc.; [referendum.cat](#), [ref1oct.cat](#), [ref1oct.eu](#) and [referendeum.ws](#), corresponding to Google, Inc.; and [@ref1oct](https://twitter.com/ref1oct), corresponding to Twitter, Inc., all hosted on US servers, as well as the domain [ref1oct.eu](#), corresponding to Eurid VZW, located in Belgium. In total, more than 140 pages were identified, some of them hosted in different countries on the Asian continent or in Russia.

Both the delegations of the Catalan Government abroad and Diplocat, under the direction of defendant Romeva, had an extremely significant impact on the date of 1 October. The overseas delegations promoted the voting of Catalans living outside of Catalonia in a twofold process: the first phase was of an electronic nature, and the second phase consisted of citizens having to register with the Catalan Government's registry of Catalan citizens abroad, which automatically referred them to a link where they had to enter their personal details, and this in turn allowed them to access a website where the ballot paper could be downloaded. Once printed and filled out, it was to be sent to the corresponding overseas delegation that safeguarded the votes until the moment of their scrutiny at the delegation itself on 1 October. This



system led the High Court of Justice to order the blocking of Amazon's cloud service where the overseas census operated, in order to prevent its use, despite which a good part of the votes were issued. The final results abroad offered by the Government of Catalonia included, therefore, 4,252 favourable votes, 55 votes against independence and 23 blank votes.

**D. The recruitment and financing of international experts and observers.**

Diplocat, under the direction of the defendant Raül Romeva, in his capacity as minister at the Ministry of Foreign Affairs, Institutional Relations and Transparency, hired a series of alleged "experts", whose mission would be to analyse the political context of Catalonia between 4 September and 8 October, from the perspective of the secessionist project and the need for the referendum. With the presence and intervention of the so-called international experts, attempts were made to give an appearance of normalcy to the vote and, at the same time, to offer to the world a partial account of its circumstances and illegality.

Thus, 30 MPs and MEPs from Slovenia, Belgium, Denmark, Estonia, Finland, Germany, Greece, Iceland, Ireland, Latvia, Macedonia, Monaco, Sweden and the United Kingdom, including one from EH-Bildu and another from Alternative Galega de Esquerdas, were invited. Diplocat organised their meetings with the President of the Government of Catalonia, the President of the Catalan Parliament and the minister in question, but did not meet with spokespersons of organisations



opposed to the referendum. Diplocat was also responsible for taking them on a tour of the voting centres on 1 October. The expenses for travel, lodging and accommodation of these observers amounted to **40,591.22 euros**, an amount that was paid by the Delegation of the Government of Catalonia to the European Union and charged to a Diners Club card owned by Patronat Catalunya Món–Diplocat, with a further **2,750 euros** (excluding VAT) remaining pending. ALBERT ROYO I MARINÉ, representative of Diplocat, signed a liability declaration for these expenses indicating that they had not been used for any action that was illegal or contrary to the decisions of the Courts.

International observers were also hired to legitimise the referendum. Under the direction of New Zealander Helena Catt, a specialist on these issues, a group of 12 international experts was appointed. All of them were professionals in the field of electoral consultations, with 8 of them acting as investigators and 4 as administrative support. All travelled to Catalonia on those dates and on certain occasions from the month of June. Each one signed an individual contract with Diplocat for their fees. In addition, their travel, accommodation and rental expenses were assumed, since part of the work was carried out in Barcelona. These expenses were paid by Diplocat from a budget item, amounting to a total of **114,592.50 euros** in fees, and a further **62,712 euros** in lodging, travel and other expenses.

These amounts are recorded in different invoices issued between the months of July and November 2017, which were paid between the



months of July 2017 and January 2018.

The aforementioned Delegation also contracted a team from The Hague Centre for Strategic Studies, an organisation directed by Paul Sinning with headquarters in The Hague (the Netherlands), to work as international observers in the supervision of the referendum. To avoid the contract that was signed being rejected, it was stated therein that the aforementioned organisation would provide an advisory service to improve the multidimensional overseas actions of the Government of Catalonia within the European Union. The payment of the services provided was ordered by Amadeu Altafaj, at that time Director of the aforementioned Delegation of the Government of Catalonia, by means of two bank transfers from the aforementioned agency's account in the BBVA office in Brussels, carried out on 21/9/2017 and 9/10/2017, for the respective amount of **58,250 euros** and **61,450 euros**, with the payment of another **47,365 euros** having been committed, which was to be paid in November 2017.

Likewise, on 5 September 2017, Diplocat and MN2S MANAGEMENT LIMITED arranged with WIM KOK, a Dutch politician who served as Prime Minister of the Netherlands in the '90s, the presence on 1 October of another group of "experts" at the same elections, whose fees, flights and accommodation amounted to **54,030 euros** excluding VAT, paid by Diplocat to MN2S through a Caixabank bank account, although later MN2S returned the sum, aware of the illegality of what had taken place.



**E) Actions of the pro-independence civil society organisations  
(Catalan National Assembly–ANC and Òmnium Cultural–OC).**

1. On 30 March 2015, the pro-independence political parties extended their concerted action to other pro-independence groups and bodies with ample capacity for the mobilisation of civil society. To this end, a road map of the independence process was signed by the pro-independence political parties, with the entities *Òmnium Cultural* (represented by the deceased Muriel Casals i Couturier), the *Catalan National Assembly* (represented by its then president, Carme Forcadell i Lluís) and the *Association of Municipalities for Independence* (represented by its vice-president, Josep Maria Roigé i Rafel), whose plan of action has already been described.

The pre-agreement contemplated holding elections on 27 September 2015, with the character of a plebiscite, and that if the elections favoured independence (measured in the electoral support of the pro-independence parties), all the signatories committed to a process of national transition which would lead to the proclamation of the Catalan Republic within a maximum term of 18 months.

2. On 12 April 2015, the pro-independence organisation *Catalan National Assembly* drew up a document setting out its specific course of action for the years 2015 to 2018, in which it listed as strategic





objectives maintaining the singleness of purpose of the pro-independence parties and organisations, as well as the entire social base of the independence movement, while it should be noted that in the same document the *ANC* expressed that, given the possibility that the Government of Catalonia could be intervened by the Spanish State or that it could proceed to outlaw certain pro-independence parties, civil society would have to be emphasized as the political agent that would drive the independence process.

3. After the elections held on 27 September 2015, and given that the objective of the legislature was to complete the secession process initiated in the previous legislature within 18 months, to execute this strategy, in which pro-independence parties and organisations agreed to share the momentum and the implementation of the process, the pro-independence civil society associations took on the responsibility of promoting a wider social acceptance of the secessionist initiatives, as well as favouring the public belief that the proclamation of the Republic was perfectly viable, and seeking, finally, an intense mobilisation of civil society that would bend the will of the State so that it would acquiesce to the independence of Catalonia as a *fait accompli*.

The calls aimed at encouraging the support of civil society for the independence process and the social impact of the mobilisation of hundreds of thousands of citizens became an indispensable tool for achieving the objective of becoming an independent State. Some of these calls were prior to the presidency of defendants Sánchez and



Cuixart, such as the *Diada* of 11 September 2013, organised by the ANC, which, with the slogan *Via Catalana cap a la Independència* (Catalan Road towards Independence), managed to form a human chain measuring 400 kilometres, in support of the referendum that took place on 9 November 2014. The *Diada* of 11 September 2014 took place in the same conditions, which projected support from civil society that sought to warn the State that the referendum was unstoppable.

On the date of 11 September 2015, with the slogan *Via Lliure a la República Catalana* (Open Road to the Catalan Republic), the defendant Jordi Sànchez, in the presence of defendant Cuixart and other pro-independence political leaders, and a crowd of hundreds of thousands of citizens, said that "We have decided that we are leaving. And we will do it as fast as we can, with the legitimacy of the streets and the mandate of the ballot box". And at the following year's *Diada* (2016), under the slogan *A punt* ("almost", in an undisputed reference to the secessionist decision), before the approximately 400,000 protesters that the organisers had placed in Barcelona, the defendant Jordi Sànchez demanded determination to bring out the ballot boxes in 2017 and, together with defendant Jordi Cuixart, appealed to pro-independence unity and encouraged the President of the Parliament of Catalonia to show disobedience if the Constitutional Court sanctioned her by allowing the parliamentary vote that would open the door to calling the unilateral referendum.

In another demonstration called by the ANC on 13 November of



that same year, which was attended by the main pro-independence political leaders, the defendant Jordi Sànchez, displaying zero recognition of the role of the Judiciary, warned that Catalonia would not remain indifferent to the arrest warrants or to the trials of its elected officials, adding that the moment of truth was approaching. At the same time, the defendant Jordi Cuixart, who was accompanying the current candidate in his outbursts, claimed that permanent mobilisation had begun.

On the occasion of the procedure followed in the High Court of Justice of Catalonia to hold the referendum on 9 November 2014, the three pro-independence organisations—the *ANC*, *Òmnium Cultural* and the *AMI*—announced demonstrations against the holding of the trial, whose commencement was scheduled for 6 February 2017. In these appeals, it was stated that the citizens had the opportunity to demonstrate that they were willing to make personal sacrifices in order to stand with the prosecuted President and the rest of the defendants, adding that celebratory demonstrations had ended. In developing these initiatives, the *ANC* called a demonstration on 6 February, which called for the Spanish justice system to abandon its jurisdiction over Catalonia.

On 11 June 2017, a new mass gathering was held, in which a manifesto was read urging the participation and mobilisation of all independence supporters. The defendant Jordi Cuixart assured that the independence organisations were the guarantors that the referendum that was to be held would be binding, because it would have



consequences the day after its conclusion. At the same time, the defendant Jordi Sànchez issued a warning to the Government of Spain, declaring that the only way to prevent the referendum was to act improperly, because the will of the people was to move forward and not back down.

The *Diada* of 11 September 2017, which took place immediately after the approval and suspension of the referendum law, was called by these organisations under the slogan *Referèndum és Democràcia* (Referendum is Democracy), with the President of the Government of Catalonia, the majority of the ministers and the president of the Parliament, Carme Forcadell, all participating in this mobilisation. In the public speeches, Jordi Sànchez roused the crowd by saying that the streets had won again and thanked the politicians who had not failed regarding the referendum law and the disengagement law, proclaiming that they owed obedience only to the Catalan Government.

The proximity of the referendum brought ever closer the moment of secession promoted in the *White Paper*, the road map and the *Enfocat* documents, since within that decisive time span mass citizen mobilisations would emerge, which would in turn become highly important in achieving absolute disengagement with the State. Disobedience and parallel legislation were no longer enough. It was necessary to oppose (with all the means at its disposal, including violence in extreme cases) compliance with the judicial orders aimed at preventing the referendum that had been declared unconstitutional and



on which the declaration of independence depended.

**In the advertised framework of disengagement with the State, which irreversibly translated into opting for the unilateral route, the stellar appearance of the leaders of the popular movements at the base of the independence process was brought into play, who began to play a highly significant role in the rebel plan which stifled the actions of the Mossos with their mass mobilisations.**

4. Under this strategy of increasing and permanent mobilisation, on 20 September 2017, defendants Jordi Sànchez and Jordi Cuixart summoned citizens to appear before the headquarters of the Ministry of the Vice-presidency and of the Economy and Finance of the Government of Catalonia, located at numbers 19-21 on Rambla de Catalunya in Barcelona. The reason for this was that the agents of the Judicial Police Unit of the Civil Guard of Barcelona, by order of Investigating Magistrate's Court No. 13 of that city, had made a series of arrests and had begun the enforcement of the judicial decision to search the facilities of the ministry in order to find elements and data that would make it possible to determine liabilities in relation to the calling of the referendum scheduled for 1 October and to prevent the holding thereof.

The announcements not only publicised the fact that the Civil Guard was undertaking actions to prevent the referendum, but also divulged the place where the judicial search had taken place, summoned the citizens to defend the Catalan institutions, demanded



that the Civil Guard free the people who had been arrested, and encouraged Catalans to mobilise, stating that they could not arrest them all or that the police were wrong and had declared war on those who wanted to vote.

**After the violent events that took place in front of the Ministry of the Vice-presidency and of the Economy and Finance of the Government of Catalonia on 20 September 2017, both defendants represented and accepted the violent confrontations that could take place during the mobilisations by inciting the supporters of secession to mobilise in the streets and to oppose the State Security Forces deployed to prevent the holding of the referendum, and their appeals were made with the knowledge that the mobilisations would again lead to violent acts; this is even more evident considering the importance that the voting had for that sector of the population, and the fact that more than 6,000 agents of other Autonomous Communities had been mobilised to prevent the illegal actions of the former.**

**5. Later, defendants Jordi Sànchez and Jordi Cuixart, before the vote on 1 October was held, being aware of the serious confrontations that could result from citizen mobilisation (not only because of what had taken place on 20 September, but due to the existence of a significant police presence that was under obligation to enforce the court order to prevent the holding of the vote), and in execution of the initially designed plan, took advantage of their leadership roles to promote a collective mobilisation encouraging all Catalans to go to the**



**different polling stations and to prevent the police forces from doing their job.** Aside from their constant presence in the media, they resorted to various Twitter messages, in which they instigated citizens to occupy the polling stations before the time scheduled for the intervention of law enforcement officials, and they also requested them to prevent police officers from proceeding with their closure. They also encouraged citizens to vote *en masse*, despite the ban, and then to protect the counting of votes against actions that could be undertaken by the State Security Forces.

**F) The incidents of 20 September and subsequent days.**

During 19 and 20 September, the Judicial Police Units of the Civil Guard carried out certain actions aimed at dismantling the preparation, logistics, infrastructure, financing and organisation of the self-determination referendum, within the framework of the preliminary proceedings of Investigating Magistrate's Court No. 13 of Barcelona, which in pro-independence circles was perceived as an attack against the *procés* and against its secessionist plan, and therefore in order to protect the holding of the referendum the promoters and drivers of the process decided to resort to the mobilisation of civil society as an element of pressure, as well as the execution of acts of force, intimidation and violence, seriously hindering the exercise of the jurisdictional function and causing, among other incidents, the following:



1. On 20 September 2017, agents of the Judicial Police Unit of the Civil Guard of Barcelona, by order of Investigating Magistrate's Court No. 13 of that city, made several arrests and searches, including the search of the facilities of the Ministry of the Vice-presidency and of the Economy and Finance, located at 19-21 Rambla de Catalunya in Barcelona, with the purpose of finding elements and data that would make it possible to determine liabilities deriving from the preparation and calling of the referendum scheduled for 1 October and prevent its holding.

**Following the agreed upon and planned strategy of citizen mobilisation, when it was discovered that the search was taking place, in order to prevent the execution of judicial decisions, defendants Jordi Sànchez and Jordi Cuixart summoned the population from the early hours of the morning on Twitter accounts—both those belonging to the associations they presided and their own—to appear before the headquarters of the aforementioned Ministry. The announcements not only publicised the fact that the Civil Guard was undertaking actions to prevent the referendum, but rather also divulged the place where the judicial search had taken place, summoned the citizens to defend the Catalan institutions, demanded that the Civil Guard free the people who had been arrested, and encouraged Catalans to mobilise, stating that they could not arrest them all or that the police were wrong and had declared war on those who wanted to vote.**

Based on that incendiary call, what happened was far from the





peaceful action formally claimed in certain messages, since the real actions were far removed from such empty statements lacking in effective content.

The agents of the Civil Guard, members of the Judicial Commission, arrived at the Ministry at around 8:00 am on 20 September 2017, parking their vehicles at the entrance. Over the next few minutes the number of people began to increase, and cut off the street, to the extent that at 10:30 am on that morning the protesters had completely surrounded the building, subjecting the Judicial Commission to their will.

Under the sole protection of the two Mossos d'Esquadra agents responsible for the ordinary daily surveillance of building access, who did not receive any reinforcement during the day except for the arrival of mediation agents, despite having requested on up to five occasions the presence of specialised units, the events took place under the siege of up to 60,000 demonstrators, with the large crowd of people hitting, and almost knocking down, the very entrance of the building in a tense and hostile environment.

The security perimeter that the Judicial Commission requested was not established, such that, in order to pass through the thousands of demonstrators gathered, there was no other access than a narrow human corridor that only allowed passage in single file, which was not a police controlled line but rather formed by the volunteers of the convening body itself (the Catalan National Assembly).



The mobilisation prevented the Civil Guard from introducing the detainees into the building (who should have been present at the police search as provided by the procedural laws) or from complying with the judicial order in normal conditions. Likewise, the Judicial Commission (formed of the Counsel of the Justice Department of Investigating Magistrate's Court No. 13 and ten civil guards in investigative tasks) was deprived of its freedom of movement because the entry or exit of the agents was prevented to the building during the long hours that the incidents lasted.

The crowd, from the start of the morning, surrounded the Civil Guard vehicles, three Nissan Patrol cars with official badges and licence plates [REDACTED], and four camouflaged vehicles

[REDACTED]  
[REDACTED], that ended up smashed to pieces and destroyed, inside and outside. The weapons that were inside the police cars were left in the hands of the vandalism deployed. Objects were thrown at the agents, without there being any police control to prevent the crowd from invading the building at any time; it was also not safe for the members of the Judicial Commission to leave the building in the conditions described.

After almost sixteen hours of siege, at around 12 midnight that night it was possible to prepare an exit so that the Counsel of the Justice Department of the Investigating Magistrate's Court could leave the



premises in safety, through the theatre located in the adjoining building, a place to which they had access from the roof of the buildings, jumping from a wall of about a meter and a half high. The rest of the Civil Guard agents were able to leave when the demonstration had already been dissolved, specifically in two shifts, one at 4 am on 21 September, and the other at 7 am on the same date.

**Although the serious incidents that were taking place were reported to the Mossos d'Esquadra commissioner responsible for that area, Teresa Laplana, and to the chief police officer of the Corps, Commissioner Josep Lluís Trapero, and despite the repeated requests for police reinforcements that were made by agents of the Judicial Commission in order to control the situation and avoid greater evils, no specialised units were sent, nor was any measure taken to protect those who were complying with the judicial mandate.** The actions of both police officers are being investigated in Summary Proceedings 7/2018 (previously Preliminary Proceedings 82/2017) of Investigating Magistrate's Court No. 3 of the National Court.

**During the riots, the defendant Jordi Sànchez (who paradoxically was in constant telephone contact throughout the day with the Commissioner of the Mossos d'Esquadra, Josep Lluís Trapero) became the liaison of the mobilisation with the acting police agents and imposed conditions on the effective development of their functions, including denying the Civil Guard agents the possibility of introducing the detainees into the building, unless the agents of the Judicial**



Commission undertook to lead them on foot among the crowd, and refused to allow the agents of the Guard Civil to take possession of the police vehicles if they did not approach the place where they were stationed by foot, with both situations representing a huge risk to the physical safety of the acting agents.

From the arrival of defendant Jordi Cuixart, on several occasions both of them [he and Jordi Sànchez]<sup>6</sup> addressed the crowd to direct its actions. Thus, on the afternoon of 20 September, Jordi Cuixart addressed the assembled citizens and demanded the release of all the detainees. Despite calling for a peaceful mobilisation, he also appealed to the determination shown in the Spanish Civil War (using the expression *no pasaran!* (they shall not pass!)), and challenged the State to seize the material that had been prepared for the referendum and that they had hidden in certain places, ending his speech by saying, *today we are tens of thousands here, tomorrow we will be hundreds of thousands wherever we are required... do not have any doubt that we will win our freedom.*

After this intervention, defendant Jordi Sànchez took the floor, thanking those present who had placed their trust in the pro-independence organisations. He recalled that these organisations had promised to take to the streets to defend the institutions when necessary and that they were there. He proclaimed that this was the day and that the time had come to take to the streets to defend dignity,

---

<sup>6</sup> Translator's Note: Text added for clarity.



**institutions and the referendum, so that neither Rajoy, nor the Constitutional Court, nor all the State Security Forces could stop them.**

And he stated that he had met with Carles Puigdemont and that the president had assured him that there would be a referendum. He ended up asking that no one go home yet, because they had a "long and intense night" ahead of them, and that they had to work because they were the dream of a new country.

**At about 11:40 pm, both defendants, Jordi Sànchez and Jordi Cuixart, climbed onto one of the official cars of the Civil Guard, and once again addressed the crowd:** Jordi Cuixart claimed to speak on behalf of the pro-independence organisations, as well as the PDeCat, ERC and the CUP-CC. He proclaimed that all had been called on to fight for their freedom and said that, from that altar (in clear reference to the vandalised police vehicle), Jordi Sànchez and he wanted to summon all the attendees to a permanent mobilisation in defence of the detainees, summoning them to a demonstration that would take place at 12 noon the next day next to the High Court of Justice of Catalonia. Jordi Sànchez once again harangued the crowd by saying that neither the Constitutional Court, nor Rajoy, nor the Civil Guard, nor anyone else could prevent it and, after asking those assembled to disband the mobilisation that day, he asked them to attend the demonstration on the following day in front of the High Court of Justice of Catalonia.

**These acts, which involved the destruction of police vehicles, the limitation of the movements of the Judicial Commission (who had to**



remain sequestered inside the official rooms of the Ministry of the Vice-presidency and of the Economy and Finance against their will for several hours, despite having completed their investigative work), prevention of the detainees from achieving the access necessary to conduct the related search, and the siege of the location with insults and the throwing of objects at some of the agents, with the protesters shaking the doors of the building, which the agents had to support from within to prevent them from caving in, were known, encouraged and acquiesced to by defendants Sánchez and Cuixart, who despite exercising control over the events that were happening did not call for the disbanding of the mobilisation but rather maintained it for 24 hours, then calling on the permanent demonstration to appear to demand the freedom of the prisoners the following day before the High Court of Justice of Catalonia.

Furthermore, these acts were known by the remaining defendants, some of whom appeared at the venue during the day, such as the defendants Oriol Junqueras, Carme Forcadell and Mireia Boya, who far from urging its disbanding encouraged the public to maintain their attitude and gave their full support to the concentration of people.

2. Other similar events took place on the occasion of the different searches and detentions agreed by Investigating Magistrate's Court No. 13 of Barcelona, cited above.

Through the website with domain name **cridademocracia.cat**, and specifically on the URL [www.cridademocracia.cat/whatsapp/](http://www.cridademocracia.cat/whatsapp/), the ANC



and OC offered the option of joining a WhatsApp group from which invites were sent to the mobilisation, and the option of being regularly informed through alerts and called to events in case of need.

Before 20 September, there were incidents in which the citizens aggressively and hostilely harangued the State Security Forces, particularly at the barracks and hotels where some agents were housed.

In particular, in the search of the Unipost headquarters in Terrassa, at 90 Mare de Déu dels Àngels Street, on the afternoon of 19 September, when the Judicial Commission was about to proceed to carry out the judicially agreed search, 300 people prevented it, blocking their entrance to the company, and they were only able to access it a few hours later when removed by members of the ARRO groups of the Mossos d'Esquadra. Inside, 43,429 envelopes with the logo of the Government of Catalonia and for use in the referendum were seized.

At 8:55 am on 20 September, Òmnium Cultural, via WhatsApp, called for a demonstration, not only at the headquarters of the Ministry of the Vice-presidency and of the Economy and Finance, but also at the Ministries of Foreign Affairs, Welfare and Family, and Governance.

In the search of the home of Josep Maria Jové, located at [REDACTED], there were about 400 people who prevented the departure of the police vehicle by sitting in front of it for about 15 minutes, papering it with stickers. The *Enfocats* document (a true guide to the development of the *procés*) and the Moleskine agenda



(containing handwritten notes on the secret meetings mentioned in section C.1 of this conclusion) were confiscated during the aforementioned search.

In the search of the headquarters of the Ministry of Foreign Affairs, Institutional Relations and Transparency, located at 14 Via Laietana, there were about 200 people who, in view of their hostile attitude, forced the Civil Guard to remove the Counsel of the Justice Department from the building in a camouflaged car subjected to insults and the throwing of objects by protesters. When the detainee Xavier Puig Farré was taken from the building, to be transferred to another official vehicle, the assembled people managed to grab the detainee by different parts of his body and clothing, with the intention of removing him from the control of said agents, resulting in numerous struggles. When the detainee was introduced into the official vehicle, the violence increased, with the crowd heading towards the official vehicle, shaking and hitting it, producing numerous dents, breaking the glass in the right front window and the windshield wipers (front and rear), with the intervening agents even going so far as to fear for their physical safety.

In the search at the warehouses corresponding to [REDACTED] (Barcelona), at the end of the search at about 2:06 pm, outside the warehouses around 200/250 people had congregated and were shouting insults against the Civil Guards and pro-referendum slogans. The intimidating attitude of the protesters caused the Counsel of the





Justice Department to request a blanket to hide his face and thus be able to leave the place in a camouflaged vehicle. Eight vans with the confiscated material attempted to leave the place by driving in the opposite direction, with only the vehicle that was transferring the detainee managing to do so, while the rest of the vehicles were intercepted by people who threw themselves to the ground, risking being run over. Drink cans full of liquid and stones were thrown at the vehicles, which broke the right mirror of one of the vehicles. In the aforementioned warehouses, 10 million ballots for the referendum were seized.

In the search in [REDACTED] at the home of Joan Ignasi Sànchez Santín, 5 Mossos d'Esquadra were injured by the crowd. For three hours, once the search had finished, some 100 people blocked the exit of the search's Judicial Commission and confronted the police.

Likewise, hostile incidents were recorded during the searches made in Berga; and the siege of the barracks of the Civil Guard in Manresa and Reus.

**3. On 21 September, the defendants Jordi Sànchez and Jordi Cuixart called for a permanent demonstration in front of the High Court of Justice, where some 20,000 people gathered, during which calls were made to the population to vote on 1 October. Thus, defendants Jordi Sànchez and Carme Forcadell addressed a speech to the demonstrators, demanding the release of the detainees and urging them to vote in the referendum. The defendant Forn was present and**



**boasted about his support over Twitter. Similarly, the defendant Turull wrote on Twitter: "We will vote and win!!! The State has the sewers, the Constitutional Court, the prosecutors".**

At the headquarters of the Civil Guard in Travessera de Gràcia, where the detainees were being held, 300 people gathered and cut off traffic.

That same day, hostile crowds gathered in front of the barracks of the Civil Guard and National Police of Manresa, and the barracks of Sant Andreu de la Barca were surrounded.

In the City of Justice, when the detainees were arraigned before the courts, some 2,000 people gathered, among them the defendants Forcadell, Romeva, Junqueras and the fugitives Comín, Rovira and Gabriel.

On 22 September, demonstrations were held in front of the Civil Guard barracks in Canovelles, Vilanova and Ripoll, and the National Identification Document (DNI) offices of the National Police of Barcelona were covered in stickers/posters.

On 24 September, in Igualada an incendiary device was thrown at the Civil Guard barracks, causing a fire that was successfully put out.

On 25 September, at around 11:20 pm, the Badalona city police<sup>7</sup>

---

<sup>7</sup> *Guàrdia Urbana*, in Catalan.



proceeded, in compliance with the Instructions of the Senior Public Prosecutor's Office of Catalonia, to identify five people who had hung posters in favour of the referendum in the aforementioned town, confiscating 45 posters carried in a vehicle. Moments later, the defendant Cuixart, the mayor of the town and other persons attended the location in person. After a verbal discussion and while a group of people insulted the agents, the defendant Cuixart, by putting his hands on the bonnet of the police vehicle, prevented it from returning to the police station, and then immediately (together with the mayor) removed from the vehicle the seized posters, and delivered them to the individuals who were putting them up.

**G) The events that occurred on 1 October.**

**1. After the violent incidents that occurred in the different searches carried out on 19 and 20 September, the aforementioned members of the Government, defendants Junqueras, Turull, Rull, Romeva, Bassa and Forn, as well as the defendant Sànchez, Cuixart and Forcadell, through the media and social media networks, called on citizens to participate on the day of the referendum, although aware of the illegality of the act and that this could lead to outbreaks of violence if they tried to prevent the enforcement of the judicial mandate by the forces of public order.**

**By doing so, they encouraged and sought direct confrontation**



between crowds of citizens and the security forces, and therefore not only supported the action of harassment, intimidation and violence but, from a position of power, gave explicit and open support to the strategy to prevent the action of the State and the judicial bodies by bringing the population into confrontation with the security forces that were complying with a judicial order, despite being aware that this entailed a high degree of probability of the use of violence and conflict.

1.1. The defendant **Oriol Junqueras**, on different occasions during the days and weeks prior to 1 October, made several public appeals for the citizens to attend the vote *en masse*:

- On 29 June, in an interview with the *Financial Times*, he said that the struggle for independence will not end until it is reached... *we will try... try... try.*

- In the act of presenting the proposed referendum law, held on 4 July at the Teatre Nacional de Catalunya, he said that the referendum would be held with the full opposition of the State, and that he wants to be an example for European democracies.

- On 17 July, in an interview with the newspaper *Público*, he said that on 1 October the polls will be filled and they will be full of votes.

- On 10 September, in an interview with *La Sexta*, he showed his absolute support for the referendum.



- On 15 September, in an interview with Cadena Ser, he stated that no court could prohibit the right to vote.

- On 21 September, he called on citizens to mobilise as on 20/9 to defend their civil rights (*El Mundo* publication).

- On 27 September, he published a message on Twitter with a link so that citizens would know where to vote, and addressed students telling them that they were essential to implementing the Republic, adding that, *it was a question of democracy, civil and social rights and that the country was proud of everyone.*

- On 29 and 30 September, he declared on Antena 3 that the citizens of Catalonia could vote that Sunday, and that the Government of Catalonia had solutions to carry out the recount.

- According to information published by *ABC* on 1 October, the previous day he declared that, *if the Catalans go out en masse to vote, they will vote and so be it.*

After 1 October, at a press conference held on 3 October, he celebrated the exceptional citizen response of that day as a lesson in civics; on 20 October, he publicly stated that we have a mandate and we are going to comply, that it was necessary to declare independence as soon as possible and that the declaration of independence that citizens had made should be implemented; on 26 October he said that the republic had to be built, and that there was a democratic mandate to establish it.



1.2. The defendant **Raül Romeva**, in charge of the Government of Catalonia's foreign strategy to legitimise the international referendum and the *procés*, stated on 28/9/2017 that, *if the referendum won, independence would be declared within 48 hours of the vote count becoming official*. He tried to convince people of the legitimacy of the referendum, minimised the logistical difficulties to hold it and warned the European institutions that they would lose credibility if they did not support the referendum. He accused the State of violating the Treaty of the Union on respect for freedom and the rule of law. And said that despite Article 155 of the Spanish Constitution the Government of Catalonia would not back down and that if the JORDIs were imprisoned they would be political prisoners.

On 9/10/2017, he argued that there was no alternative to the proclamation of independence, denied the risk of social upheaval even among families because, in his opinion, the division was between democrats and non-democrats, since 80% of the Catalan population wanted to vote.

1.3. The defendant **Carme Forcadell** also made several public appeals for the population to vote:

- A few days before she said, *there was no plan B, because the only plan that was contemplated was to vote on 1 October and she showed her absolute certainty that this would be the case*.

- On 20 September she appeared on Rambla de Catalunya, next to



the headquarters of the Ministry of the Vice-Presidency and of the Economy and Finance, to support the tumultuous siege that was taking place, and sent a message by Twitter saying that: *At the door of the Ministry of Economy, defending our institutions, we are not afraid, on 1 October we will vote.*

- In the late afternoon on the same day in the town of Sabadell she presided over a gathering in defence of the institutions, sending via Twitter a message in which she said, *the best answer is to put out the ballot boxes on 1 October.*

- On 21 September, in the rally called before the High Court of Justice of Catalonia to pressure the judiciary and achieve freedom for the detainees, before some 20,000 people, she said in an angry tone: *Today, we are here, to defend the democratic rights and liberties of our country [...] Today, we are here, to demand the freedom of detainees and detainees [...] Today, we are here, to say very loud and clear, very loud and very clear: that we have no fear [...] I ask you to vote on 1 October! [...] We will vote, we will vote and we will vote.*

- The following day, along with the defendants Junqueras, Romeva and others, she took part in the rally in front of the Palace of Justice where some 2,000 people had gathered.

- She also declared a few days later that *the Mossos did not accept the control of the State that had been ordered by the Prosecutor's Office, and that in the face of State interference, they would be on the side of*



*the Mossos to defend their powers.*

- She also received a delegation of thirty observers who would monitor the proper holding of the referendum and after the event had words of thanks for the mayors and Mossos d'Esquadra for having made it possible.

1.4. The defendant **Joaquim Forn** said that *in the face of the Spanish Government's discourse of fear, we say: we will vote on 1 October*. He maintained that the referendum was going to be held and that the Mossos d'Esquadra who were under his command would guarantee that they could vote with freedom and security, adding on 27/9/2017 that *the Police and the Civil Guard came to Catalonia to alter the order, and that all these arrivals of police from other places in Spain, as if they were going to war, did not wash with them*. He also said that the Mossos d'Esquadra would act as jurisdictional police in Catalonia and that it would be them and not the State that would plan their actions, and that coexistence and proportionality would preside over their actions; he stated that he saw no problems in holding the referendum because it was an act of freedom of expression. In an interview granted on 11/10/2017 to the newspaper *Vilaweb*, he stated in a threatening tone that *if the new political reality is accepted, there will be no collision with the police*. In statements dated 13/10/2017, he said that *the declaration of independence is approved. They will not make us change our mind. We will not budge from the path we have started*.

1.5. The defendant **Jordi Turull** sent different messages through





Twitter for support and mobilisation in relation to the referendum:

- On 21 September in the town of Granollers he campaigned for the referendum and wrote on Twitter: *The State has the sewers, the Constitutional Court, the prosecutors; Catalonia has people and democracy; we will vote and win.*

- On 22 September he proclaimed that *the referendum is in the hands of the people.*

- On 24 September he said that *on 1 October independence is in play.*

1.6. The defendant **Josep Rull** on 21/09/2017 boasted of having prevented a ship from docking to house members of the Police in the bay of Palamós and added that *the bullish police presence in the port is damaging exports.* In an interview on 27 September 2017, he said that: *The Spanish Government has gone beyond the red lines of the suspension of rights outside of democracy. The police deployment to prevent the referendum is disproportionate. We are determined to make voting on 1 October possible with all guarantees, although the tension is very high the most important guarantee is the mobilisation of the people and participation of citizens. The guarantees will come from the citizens themselves, by making these ballot boxes their own. My goal is a Republic.* On 30/9/2017, over Twitter he said, *I went to the Lanaspà school in Terrassa to thank the commitment of the people who spent the night there. Now there is a crowd. Pride of a country.*



1.7. The defendant **Dolors Bassa**, on 29/9/2017, withdrew jurisdiction over voting centres from civil servants of the Ministry of Labour, Social Affairs and Families, which she ran; she developed a group of volunteers to participate in the referendum on 1 October, which corresponded to the development of the 8th point of the Resolution of 7/9/2017, which expressed solidarity with the collective actions of the Government of Catalonia in relation to the preparation and holding of the referendum; encouraged and promoted participation and social mobilisation; and invited the workers of the Government of Catalonia to participate in the strike on 3 October, giving instructions to the unions to inform their members that all those who were performing during working hours would have the time to exercise their right to vote on 1 October.

1.8. The defendants **Jordi Sànchez** and **Jordi Cuixart**, on 22/09/2017, in various audiovisual and written media, and through social media networks, called for permanent mobilisation against the State.

Thus, defendant **Jordi Cuixart** made several calls to mobilisation in order to vote on 1 October:

- On 27 September, he declared that *if the yes vote won, the republic would have to be proclaimed, and if what we are accused of is sedition for calling for permanent mobilisation, Mr Prosecutor, they are right, permanent mobilisation, everyone onto the streets (El País*



newspaper).

- On 29 September, he added *long live the Catalan democratic revolution, mobilise to defend the referendum, starting this afternoon, everyone to the schools*, kicking off the "Escoles obertes" day so that the population could occupy the voting centres on the days leading up to 1 October.

- Throughout the month of September, through his own Twitter account and that of Òmnium Cultural, whose presidency he held, he sent several messages urging people to defend the vote on 1 October: *The State will not prevent us from voting. Democracy has no price. No fine will hijack the will of the people of Catalonia; Let all of Catalonia see it, let the whole world see it, this is a referendum ballot for self-determination; The Constitutional Court in Catalonia does not have legitimacy. The preparations are still under way; The Mossos will continue to be the integral police force of Catalonia, on 1 October they will guarantee security; We will march on until 1 October to create a republic of free citizens; Ballot boxes or tricorne hats, the people or an airlift. Long live the Catalan democratic revolution. Mobilise to defend the referendum. From this afternoon everyone to the schools.*

- He also called for the protection of schools and ballot boxes; after the referendum he stated that the declaration of independence had been made by the people voting on 1 October.

The defendant Jordi Sànchez, on different occasions, also called



for mobilisation in favour of the referendum:

- On 21 September, in the rally called by the ANC and Òmnium Cultural in front of the High Court of Justice of Catalonia to pressure the judiciary and seek the detainees' freedom, before some 20,000 people, he said in an angry tone that *the people in the streets are our real strength and the guarantee that on 1 October we will vote, because we're not going to take a step back.*

- Throughout the month of September, through his own Twitter account and that of the ANC, whose presidency he held, he sent several messages urging people to vote on 1 October: *The referendum is not sold, democracy is priceless, or any person persecuted and fined for voting, will have our full support; The legitimacy of the Constitutional Court and the other powers of the State have plummeted in Catalonia. We will vote on 1 October as normal!; Everything we have done makes sense if on 1 October we fill the ballot boxes with yes votes; We will vote on 1 October. Nobody will prevent it. Let the people of Catalonia vote and speak; For our dignity and for that of our children we will vote and win.*

- On 30 September, he called people to occupy the schools from 5 o'clock on the morning of the voting day.

In short, the aforementioned defendants encouraged the citizen mobilisations so that citizens would attend *en masse* to vote and prevent the removal of ballot boxes, and thus force the State to act through the



use of force to ensure the Law was complied with. Thus, on 4 September, a rebel defendant wrote: *If the State directly attacks the essential elements of the referendum, such as ballot boxes, polling stations or electoral coordinators, we will have to react, we will mobilise citizens so that this does not happen... and the polling stations can be opened normally.* Another of the rebel defendants stated in the newspaper *Ara* that, *The State will have to repress the 1 October referendum and the people will not stay at home.*

**As a result of the appeal, prior to 6 am on 1 October, and in many cases throughout the weekend, an organised mass of people, summoned for that purpose by the defendant, occupied the polling stations, locking themselves inside in order to offer resistance to the action that had been agreed by court order.**

2. In Preliminary Proceedings 3/2017, followed before the High Court of Justice of Catalonia, a decision was issued on 27 September 2017 by which the Investigating Magistrate of the case ordered all the Security Forces to prevent the opening of the polling stations, seize the electoral material and prevent the referendum from taking place, as they considered it contrary to the law. The operative part of the aforementioned court order required the following:

- Prevent until 1 October the use of public buildings or premises (or those in which any public service is provided) for the holding of the referendum. On that date, their opening will be prevented, proceeding in this case to close all those that may have been opened.



- Requisition of all material related to the referendum that, as the case may be, may have been in a position to be introduced, or may have been found within the said premises or buildings, including the computers that form the object or instrument of the crimes that are being investigated.

- Prevent the activity and/or opening of public establishments that are used as logistics and/or counting infrastructure: processing centres, reception, counting or management of votes.

For this purpose, numerous National Police and Civil Guard agents, approximately 6,000 agents, travelled to Catalonia to reinforce the regional police in compliance with the judicial order and to avoid the attack on legality that was taking place. Most of them stayed in authorised boats, which were moored in the port of Barcelona, in view of the impossibility of doing so in other ports. The defendant JOSEP RULL, in his capacity as Minister for Territory, had arbitrarily prohibited a ship with police officers from docking in the port of Palamós.

**Since the holding of the referendum of 1 October was an essential piece in the independence declaration process, because it was an essential procedure to legitimise the aforementioned declaration according to Law 19/2017 on the self-determination referendum approved and published three weeks before, the defendants decided to continue with the strategy of not complying with the judicial mandate, breaking the law, and holding the**



**aforementioned event at all costs, using the civilian population to do so.**

**The decision was adopted despite not only the violence experienced on 20 September in the search of the headquarters of the Vice-presidency of the Government of Catalonia, and in other searches, but also despite the remaining incidents reported, some previously and others later; and very tellingly with the information received in the meeting that the defendants Junqueras and Forn, together with another of the rebels, held on the afternoon of 28 September with the police commissioners of the Mossos d'Esquadra, in which they advised them to suspend the vote in line with the content of the report prepared by the General Information Office which, under the title "Possible scenarios in holding the self-determination referendum on 1 October", clearly warned that holding the referendum on 1 October could lead to clashes and an escalation of violence.**

**The aforementioned defendants, following the plan originally devised, refused, despite the warning from their police officers, to halt the event and put an end to the illegal process that carried the risk of violence on the streets, thus accepting that the strategy of citizen mobilisation in favour of independence should encourage citizens to occupy the polling stations *en masse* and to confront the security forces, and that the day could end, as in fact happened, not only with riotous and mass altercations involving acts of resistance and disorder,**



**but also with acts of violence and aggression against the security forces that were trying to comply with the judicial order.**

3. The competent judicial authorities (firstly the Public Prosecutor of the High Court of Catalonia, and later the Magistrate of the High Court of Justice of Catalonia) assigned the coordination of the different acting police bodies to the Colonel of the Civil Guard, Diego Pérez de los Cobos, who worked for the Secretary of State for Security. After several meetings between the police commissioners of the different Corps (Mossos d'Esquadra, Civil Guard and National Police Corps), including the meeting of the Autonomous Community Security Committee that took place on the morning of 28/9, it was agreed that the Mossos d'Esquadra Corps would be in charge of adopting the necessary measures to comply with the judicial order and avoid the holding of the referendum, a task in which it would be backed by the State Security Forces in the event their assistance was required.

**To this end, on 29/9 the commissioner of the Mossos d'Esquadra, who had already received from his political authorities (in a meeting held on the afternoon of 28/9 in the Palau de la Generalitat) an indication that the referendum should be held in any case, drafted and distributed a document titled "Guidelines for Action to comply with the orders given by the Supreme Court of Justice of Catalonia in the framework of Preliminary Proceedings 3/2017", in which, while arguing the need to act in accordance with the principles of congruence, timeliness and proportionality, instructions were given**





**which, in reality, completely neutralised compliance with the judicial order issued by the Supreme Court of Justice of Catalonia.**

**Thus, the police operation of the Mossos d'Esquadra was merely formal or apparent in terms of compliance with the judicial order,** such that, although in the days leading up to the holding of the referendum on 1 October they assumed responsibility for visiting all the polling stations to remove the material that could be found and to require those responsible not to use the centre on the day of voting, the truth is that the agents who attended each polling station informed them that on 1 October a pair of police officers would attend and they would proceed to close it, but adding that this was provided they were not prevented by a crowd of people who endangered the public order, and at the same time they reported that they would check on compliance with the order at 6:00 am on the day of the referendum.

**Inexplicably the guidelines for action dictated by the Prefecture of the Mossos d'Esquadra were publicly disclosed, which served as a basis to allow (from digital platforms and backed by the defendants Sànchez and Cuixart and with the full support of the defendant members of the Government of Catalonia mentioned above and Carme Forcadell) citizens to be repeatedly urged to come to the polling stations on the eve of or from 5:00 am on 1 October.**

**The CME unit mobilised some 7,000 agents, when on normal election days around 12,000 were mobilised. The police forces were distributed inefficiently** because they distributed the agents available,



not in the sense of being able to guarantee the closure of the large polling stations, but in the sense of guaranteeing the presence of at least two agents at each of the 2,259 existing polling stations, many of which (it has been estimated that some 297) did not even open their doors on the morning of 1 October, which *de facto* removed almost 600 of the deployed agents from the streets, as they had not received instructions to move to other more troublesome places.

**The foreseen action guidelines were manifestly dilatory and tolerant of the voting, in addition to deliberately violating the resolutions reached at the previous coordination meetings held with the judicial authorities.** When a patrol car verified that voting was taking place at a venue, if it concluded that it lacked the capacity to fulfil the judicial mandate, it was required to communicate it to the Regional Command Office of the Mossos d'Esquadra. In the event that this office could not provide an adequate response to the situation, the office was supposed to inform the Regional Coordination Centre, also belonging to the Mossos d'Esquadra, so that a mediation group would be sent to assess whether they could agree on a solution with those gathered at the polling station (it should be noted that at that time there were 8 mediation agents throughout Catalonia and they acted in pairs). If the intervention of the mediation group was unable to resolve the problem, the Regional Coordination Centre would assess whether it was convenient to send reinforcement to the local police at the location where the events took place. And if after the intervention of the local police the situation was not corrected, it was to be communicated once



again to the Regional Coordination Centre, which in turn would inform the Mossos d'Esquadra's Central Coordination Centre, so that it could assess whether it was necessary to request the reinforcement of the State Security Forces.

**In practice, in almost all cases the pair of Mossos d'Esquadra agents remained absolutely passive and did not intervene at the venues,** thus facilitating the holding of the voting, and if in exceptional cases they requested instructions or reinforcements from the Regional Command Offices in order to close the polling stations, and seize the ballot boxes and the electoral material, in no case were these instructions issued to them, nor were reinforcements sent, which made it impossible to comply with the judicial order. Only in some cases were ballot boxes and ballots seized, once the voting had ended and the vote count had been completed.

At some **polling stations, it was even the Mossos d'Esquadra's own personnel that confronted the State Security Forces to prevent them from closing the venue.** There is also evidence of the existence of **Mossos d'Esquadra units that monitored the movements of the National Police and Civil Guard Units and their departure from the places where they were congregated and warned of their arrival at the polling stations.** In the internal communications maintained by the Mossos d'Esquadra for this purpose, between the final hours of 30 September and 12 midnight on 1 October, in which they referred to the units of the National Police Force and the Civil Guard as *scuts* and



*banderís*, respectively, **priority instructions were transmitted by the Prefecture of the Mossos d'Esquadra to send information on movements made by the units of the National Police Force and the Civil Guard throughout the day.**

In summary, **the help and collaboration of the Mossos d'Esquadra was decisive for the holding of the referendum and the occurrence of the serious events that finally took place, because far from fulfilling the judicial mandate to which they were inexcusably bound by legal obligation, they opted to be subject to the directives of the political leaders of the Government of Catalonia, making available to them and their illegal secessionist purposes all the coercive power of an armed and very large police force (approximately 17,000 members).**

4. When it was definitively ascertained that the Mossos d'Esquadra were clearly violating the judicial order, the Civil Guard and the National Police seconded to the area were instructed to move to the most important polling stations, and numerous situations of tension, confrontation and violence took place in the presence of the resistant and stubborn attitude of the hundreds of people who had occupied them order to protect the venues, avoid the seizure of the ballot boxes and electoral material and prevent the police forces from proceeding to their closure. However, the National Police and Civil Guard Units managed to close more than 200 polling stations on the morning of 1 October.



As a result of this mobilisation, thousands of citizens resisted the work of members of the security forces which (in addition to the injuries suffered by some citizens resulting from the legitimate use of police force) materialised in numerous acts of violence which caused injuries to different agents and caused damage to their equipment.

A) With respect to agents of the Civil Guard:

- A crowd of approximately 350 people, which prevented access to the polling station located in the El Palau secondary school in Sant Andreu de la Barca (Barcelona), ended up carrying out an attack on the agents who intervened, including the agent with TIP No. [REDACTED]

- A crowd of some 300 people resisted the police action deployed at the Joventut de Callús public school (Barcelona), which culminated in the attack on the agent [REDACTED], resulting in trauma to the area of the testicles upon receiving a kick from a member of the crowd.

- A crowd of 150 people opposed the agents who attended the polling station located in the El Pi Gros primary school, in Sant Cebrià de Vallalta (Barcelona), ended with injuries caused to five police officers with TIP No. [REDACTED]

- Approximately 100 people resisted the agents who appeared at the Casal d'Avis polling station in the municipality of Sant Iscle de Vallalta (Barcelona), resulting in the injury of the police officer with TIP No.



██████████

- 200 more people confronted the agents who accessed the polling station set up in the San Miguel public school in the municipality of Castellgalí (Barcelona) with pushes and kicks and by spitting on them. A Mosso d'Esquadra agent addressed the agent with TIP No. ██████████ by recriminating his action.

- Around 300 people prevented the access of the agents present at the polling station located in the primary healthcare centre of Sant Andreu de la Barca (Barcelona), with the police agents suffering, among them the agent with TIP No. ██████████, attacks consisting of kicks and punches, in addition to multiple insults.

- Up to 200 people gathered to oppose the police intervention at the polling station located in the Casal de les Cotxeres de Dosrius (Barcelona), causing bruises to four Civil Guard officers with TIP No. ██████████

- About 50 people resisted the agents who visited the polling station located in the Town Hall of Fonollosa (Barcelona), causing injuries through a kick given to the agent with TIP No. ██████████

- More than 700 people confronted the agents at the polling station at the Quercus secondary school in Vilatorrada (Barcelona). At this venue, the assigned Mossos d'Esquadra tried to prevent the work of the Civil Guard agents, at the front of whom was the agent with TIP No. ██████████



██████████, who was assaulted with a chair that was thrown by the agent with TIP No. ██████████

- Up to 150 people gathered at the Castell School polling station in the town of Dosrius (Barcelona), where as a result of the shoving and blows they received, four agents with TIP No. ██████████ were injured.

- Some 100 people blocked the access of the Civil Guard agents, under the command of the agent with TIP No. ██████████, to the polling station located in the multi-purpose Josep Torras Cao "La Fàbrica" centre in Sant Martí de Seseuioles (Barcelona), with deployed agents being pushed, kicked and attacked.

- More than 400 people blocked the access of the Civil Guard agents, under the command of the agent with TIP No. ██████████, at the polling station in the Juncadell secondary school in Sant Joan de Vilatorrada (Barcelona), kicking pushing and forcing the agents to retreat in the face of the serious resistance.

- Up to 200 people gathered in front of the agents who acted at the La Roureda primary school, in the municipality of Sant Esteve de Sesrovires (Barcelona), preventing access by the agents by pushing and kicking them. The agent with TIP No. ██████████ was in charge. One of the officers received a brutal kick in the back of the head (TIP No. ██████████), resulting in a total of 10 Civil Guard agents injured. There was even an



attempt to run over an agent with a motorcycle.

- A crowd also tried to prevent the agents from acting, under the command of the agent with TIP No. R67502P, at the Municipal Exhibition Hall of Sant Carles de la Ràpita (Tarragona). One of them, the agent with TIP No. [REDACTED], was hit by a coin in the right eye. In this attack, damage amounting to 17,242.73 euros was caused to vehicles and police equipment, as a result of the throwing of stones, blows and kicking.

- The opposition of around 150 people who were gathered in the Manuel Castellví i Feliu public school, in the town of Vilabella (Tarragona), led to pushes and blows, in the course of which one of the agents with TIP [REDACTED] fractured the phalanx of a finger.

- Around 500 people gathered in opposition to the police action, under the command of the agent with TIP No. [REDACTED], in the sports hall of the town of Roquetas (Tarragona). In the end, the agents who intervened were chased by a large crowd of people.

- Up to 300 people were able to gather in front of the agents who attended the polling station set up in the Antoni Ballester secondary school, in the town of Mont-Roig del Camp (Tarragona), where three Civil Guard agents with TIP [REDACTED] were injured by pushes and kicks. The police patrol was chased off and insulted by the demonstrators when it departed.

- Agent of the Civil Guard [REDACTED] also received a blow to the





forehead with a set of keys, and the agents [REDACTED] also suffered injuries, due to the opposition of some 50 individuals at the polling station located in the Town Hall, in the town of Les Garrigues (Girona).

- Some 80 people entered a struggle with the agents deployed at the polling station located on the premises of the Town Hall of Esponellà (Girona), resulting in injuries to the agents with TIP [REDACTED]

B) With regard to the agents of the National Police Force, the following attacks have been identified:

Nineteen officials injured in the city of Barcelona, specifically:

- Agent no. [REDACTED], at the polling station set up on Jaume Balmes Street.
- Agents [REDACTED] at the Escuela Mediterraneo.
- Agents [REDACTED] at the Estel primary school.
- Agents [REDACTED], at the Joan Fuster secondary school.
- Agents [REDACTED]  
[REDACTED], at the Ramon Llull primary school.



- Agent [REDACTED], at the secondary school on Pau Claris Street.

- Agents [REDACTED], at the polling station in Escola Pia Sant Antoni.

Eleven agents injured in the city of Tarragona, specifically:

- Agent [REDACTED], at the polling station located in the CAMPCLAR community centre.

- Agents [REDACTED], at the Torreforta secondary school.

- Agents [REDACTED], at the Comte de Rius secondary school.

- Agents [REDACTED], at the Tarragona secondary school.

Nine agents injured in the city of Girona:

- Agents [REDACTED], in the Verd primary school.

- Agent [REDACTED], at the Dalmau Carles primary school.

- Agents [REDACTED], in the middle of the street.



Twenty-four civil servants injured in the city of Lleida, specifically:

- Agents [REDACTED], at the polling station set up in the Official School of Languages.

- Agents [REDACTED]  
[REDACTED], at the CAPPONT primary healthcare centre.

- Agents [REDACTED], in La Caparrella.

- Agents [REDACTED], at the Juan Carlos I adult education centre.

- Agent [REDACTED], at a rally that took place in the vicinity of the Provincial Police Station of the National Police Force located at 36 Prat de la Riba Avenue, where he was hit by a rock that had been thrown at him.

**In summary, 93 members of the National Police Force and the Civil Guard were found with injuries of various kinds in the clashes that took place at the polling stations. In the course of the clashes, according to data provided by the Government of Catalonia, numerous citizens were also injured, with a figure close to one thousand being put forward that was manipulated to exaggerate the police repression, since it has been proven that in a high percentage of cases the medical attention they received was exclusively as a result of dizziness and anxiety attacks, and not injuries caused by police officers.**



Only four people were admitted to hospitals, two of them slightly injured and two others seriously injured. Of these last two, one had been hit by a rubber ball in the eye, received after assaulting a police officer by throwing a metal fence, for which he is being investigated in a judicial proceeding; the other suffered a heart attack at the Juan Carlos I adult education centre in the city of Lleida, a fact that was detected by the head of the police unit assigned to that polling station to fulfil the judicial mandate, who gave him first aid and called an ambulance, which urgently transferred him to the Vall d'Hebrón hospital in Barcelona. All this without prejudice to the results of the proceedings brought before the judicial bodies of the territory for complaints of citizens allegedly injured by police action.

The violent and aggressive confrontation between the police and the mass of people gathered at the various polling stations, who acted as a human wall and engaged in various actions—which included acts of aggression that caused injuries; the throwing of objects, metal fences and stones; insults; an intimidatingly large presence; and serious resistance to the fulfilment of the function entrusted to the police services, was decisive in the Civil Guard and the National Police Force units being unable to perform their duties, thus enabling the holding (although without any legal guarantee) of the voting as a preliminary step to subsequently declaring independence.

According to the data provided by the Government of Catalonia (data that lack any reliability taking into account the serious



irregularities detected in the development of the voting, such as lack of voter accreditation and monitoring of the votes, irregular preparation of the electoral roll, absence of electoral control bodies, creation of the polling stations, absence of chain of custody of the polls and in the counting of votes, etc.), the total number of voters amounted to 2,286,217 people, out of a total of 5,500,000 people with the right to vote and which approximately formed the entire electoral census of Catalonia on that date, with 2,044,058 votes in favour of the YES vote, a figure that represents only 37% of the electoral census and just over a quarter (27%) of the total population of Catalonia on those dates.

5. The media group Mediapro opened a communication centre in Barcelona under the name of the International Press and Broadcasting Center (IPBC), aimed at allowing the international press to follow the referendum. These facilities functioned as a *de facto* alternative to a logistics centre of the Government of Catalonia, such that institutional activities were undertaken on the premises which public institutions routinely undertake in electoral situations such as this. The leaders of the Government of Catalonia installed themselves there to carry out propaganda and electoral actions, including the press conference prior to the referendum in which the defendants, Ministers Turull and Romeva, and Vice-President Junqueras, presented the ballot boxes. Institutional interventions also took place there on the afternoon of 1 October.



The IPBC allowed leading international newspapers to give live information on the referendum in real time. This happened, among others, with the German newspapers *Bild* and *Der Spiegel*, the Italian *La Repubblica*, the Argentine *Clarín*, the French *Le Monde* and *Le Figaro*, the British television network the BBC and the British newspaper *The Guardian*, as well as the newspaper *The Washington Post* and the CNN news network.

**Due to the information manipulation regarding the reality of what was taking place on those days, the NGO *Reporters Without Borders* issued a report on 28 September in which it denounced the pressure that different authorities of the Government of Catalonia, especially through its international communication manager, were exerting on the media present to cover the referendum.** Among other practices, it reported that biased information was being transmitted, the viewing of certain videos was being suggested, or a specific approach was being requested through a WhatsApp group of international journalists who were to publish this information in their countries. The report pointed out that the pressure on the media was not limited to that moment, but had been rolled out over the preceding days, with the communication managers of the Government of Catalonia being very active abroad, especially the press correspondents in Brussels. Journalists from different countries who did not respect their intentions were subjected to harassment campaigns, both on a personal level and on social media.



After 1 October, pressure was intensified on the international press to force the dissemination of the independence story in media of different countries. *Reporters Without Borders* updated the aforementioned report and approved on 13 October a new document in which, under the title *Respect for media in Catalonia*, it reported the complaints of national and international journalists regarding cyberbullying campaigns orchestrated by Catalan institutions due to their reports containing different perspectives or approaches.

For its part, the delegations of the Government of Catalonia abroad continued to hold propaganda events with the aim of gaining international support, in coordination with the authorities of Catalonia. Thus, the delegate of the Government of Catalonia before the European Union, Amadeu Altafaj, after leaving the Spanish delegation of which he formed part the previous day, appeared on 10 October before the European Committee of the Regions (which was holding its 125th Plenary Session) in defence of the *procés*. Diplocat made public a document entitled *Catalonia's process towards self-determination*, which is centred on the story of the alleged repressive actions of the State and the alleged support of Catalan society.

6. After 1 October, the constant acts of harassment of the Civil Guard and the National Police continued through demonstrations in front of the Civil Guard barracks, and *escraches* in front of the hotels where they were staying, forcing them to leave them. There were also acts of harassment such as cutting off railroads and roads, raising



barricades or the gathering of riotous concentrations of people before the Government Delegation of Catalonia.

On 3 October, the Government of Catalonia supported the general strike called by Taula per la Democràcia, with the support of the organisations ANC and OC. The defendant Bassa, in order to ensure the success of the strike, issued an Order on 29/9/17 which established in its Art. 4 that the "parties must publicise the strike so that the public knows about it"; later, through a letter from the Ministry of Labour, Social Affairs and Family, he indicated that "the Government accedes" to the call for a strike. On the day of the strike, 116 roads and railroads were cut off, and it should be noted that about 100 people cut off the AP-7 in both directions, and that some 400 people cut off the AP-7 to the south of Barcelona, with the resulting chaos in terms of traffic.

One month later, on 8 November, another general strike was held, called by Intersindical-CSC (specifically by Carlos Sastre, who in the 1980s had been condemned for the murder of businessman Bultó, when he belonged to the terrorist organisation Terra Lliure), a call that was supported by the ANC and OC. During the strike, 77 main thoroughfares were cut off, among them the AP-7 and the A-2.

**7. Faced with this generalised uprising, peppered with acts of force, aggression and violence, which was being undertaken in order to achieve the secession of that autonomous territory, and considering the magnitude and seriousness of the attack on the constitutional order that had taken place, on 3 October, two days after the vote, HRH**





**the King of Spain, Felipe VI, in the legitimate exercise of his role as Head of State and supreme guarantor of the constitutional order, addressed a message to the Nation in which, detecting the breach of the democratic principles of a country governed by the Rule of Law, the deep division and fractures that were taking place in Catalan society, and the enormous risk that had been created for the economic and social stability of Catalonia and all of Spain, demanded from the authorised State powers that they guarantee the constitutional order and the normal functioning of the institutions, the enforcement of the Rule of Law and the self-government of Catalonia, based on the Constitution and its Statute of Autonomy; and described the behaviour of the authorities of Catalonia as inadmissible disloyalty, urging the powers of the State to fulfil their responsibilities and ensure peaceful democratic coexistence.**

- TWO -

The facts described above constitute the following crimes:

A. A crime of rebellion under arts. 472.1, 5 and 7, 473.1 first subsection (main promoters and/or leaders) and 2 (illegal diversion of public funds), and 478 of the Criminal Code.

B. A crime of rebellion under arts. 472.1, 5 and 7, 473.1 first subsection (main promoters and/or leaders), and 478 of the Criminal Code.



C. A crime of rebellion under arts. 472.1, 5 and 7, 473.1 second subsection and 2 (illegal diversion of public funds), and 478 of the Criminal Code.

D. A crime of embezzlement of public funds, of Article 432. 1 and 3 b) second paragraph in relation to Article 252 of the Criminal Code.

E. A continued crime of serious disobedience committed by a public authority as found in Art. 410.1 in relation to Art. 74 of the Criminal Code.

- THREE -

The following defendants are liable as authors of the crimes:

- The defendant ORIOL JUNQUERAS I VIES, of the crime of rebellion under section A.

- The defendants CARMÉ FORCADELL I LLUÍS, JORDI SÀNCHEZ I PICANYOL and JORDI CUIXART I NAVARRO, of the crime of rebellion under section B.

- The defendants JOAQUIM FORN I CHIARIELLO, JORDI TURULL I NEGRE, RAÛL ROMEVA I RUEDA, JOSEP RULL I ANDREU and DOLORS BASSA I COLL, of the crime of rebellion under section C.

- The defendants Meritxell Borràs i Solé, Carles Mundó i Blanch,



JUSTICE  
ADMINISTRATION

and Santiago Vila i Vicente, of the crime of embezzlement of public funds under section D.

- The defendants Lluís Maria Corominas i Díaz, Lluís Guinó i Subirós, Anna Simó i Castelló, Ramona Barrufet i Santacana, Joan Josep Nuet i Pujals, Mireia Boya Busquet, Meritxell Borràs i Solé, Carles Mundó i Blanch, Santiago Vila i Vicente, of the continued crime of serious disobedience under section E.

- FOUR -

There are no circumstances modifying the criminal liability.

- FIVE -

The following penalties must be imposed:

Oriol Junqueras i Vies: 25 years in prison and 25 years of absolute disqualification for the crime of rebellion under section A).

Jordi Sànchez i Picanyol: 17 years in prison and 17 years of absolute disqualification for the crime of rebellion under section B).

Jordi Cuixart i Navarro: 17 years in prison and 17 years of absolute disqualification for the crime of rebellion under section B).



Carme Forcadell i Lluís: 17 years in prison and 17 years of absolute disqualification for the crime of rebellion under section B).

Jordi Turull i Negre: 16 years in prison and 16 years of absolute disqualification for the crime of rebellion under section C).

Raül Romeva i Rueda: 16 years in prison and 16 years of absolute disqualification for the crime of rebellion under section C).

Joaquim Forn i Chiariello: 16 years in prison and 16 years of absolute disqualification for the crime of rebellion under section C).

Josep Rull i Andreu: 16 years in prison and 16 years of absolute disqualification for the crime of rebellion under section C).

Dolors Bassa i Coll: 16 years in prison and 16 years of absolute disqualification for the crime of rebellion under section C).

Carles Mundó i Blanch: 7 years in prison and 16 years of absolute disqualification for the crime of embezzlement under section D); a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Meritxell Borràs i Solé: 7 years in prison and 16 years of absolute



disqualification for the crime of embezzlement under section D); a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Santiago Vila i Vicente: 7 years in prison and 16 years of absolute disqualification for the crime of embezzlement under section D); a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Mireia Boya Busquet: a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Lluís Maria Corominas i Díaz: a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under



section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Lluís Guinó i Subirós: a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Anna Simó i Castelló: a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Ramona Barrufet i Santacana: a fine of 10 months (with a daily fee of 100 euros) and a special disqualification from public employment or office for one year and eight months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

Joan Josep Nuet i Pujals: a fine of 8 months (with a daily fee of 100 euros) and a special disqualification from public employment or office



JUSTICE  
ADMINISTRATION

**Special Proceedings 3/20907/2017**  
**Office of the Secretary No. 4**

for one year and four months for the crime of disobedience under section E) (specifically for the exercise of elected public positions and functions of government and/or administration whether local, provincial, autonomous, state or supranational).

It is requested that the defendants be ordered to pay costs.

In Madrid, on 2 November 2018.

THE PUBLIC PROSECUTORS OF THE CHAMBER  
OF THE SUPREME COURT

Signed: Javier Zaragoza Aguado

Signed: Consuelo Madrigal Martinez-Pereda

Signed: Jaime Moreno Verdejo

Signed: Fidel Cadena Serrano