



Press release 23.04.2019

Assessments of Trial 1-0 (Week 10)

International Trial Watch attended the hearing sessions held in the tenth week (three morning and afternoon sessions) and 3 observers were present, as follows:

- * Daniel Turp, President of the Research Institute on Self-Determination of Peoples and National Independence (IRAI is its French acronym), Canada /Quebec.
- * Stéfanie Tougas, Vice president of the Research Institute on Self-Determination of Peoples and National Independence (IRAI is its French acronym), Canada /Quebec
- * Anthony Beauséjour, Member of the Board of the Research Institute on Self-Determination of Peoples and National Independence (IRAI is its French acronym), Canada /Quebec

Assessments:

From the very beginning of this trial, International Trial Watch has positively valued the fact that the defendants are allowed to sit next to their respective counsels. Naturally defence counsels are law experts but the defendants have direct valuable knowledge of the facts being prosecuted in this trial.

- Nonetheless, we noticed that:
 1. Prosecutors are basing their charges on the depositions of dozens of *Guardias Civiles* and National Police officers involved in the facts occurred in Catalonia between September and October 2017. Throughout these past weeks, their account of the facts -as the platform has already denounced- has been identical and it could be based on their superiors' depositions (despite the explicit provision in Article 704 LECr (*Criminal Procedure Act*) prohibiting contaminated evidence). This has been the case this week with a *Guardia Civil* Chief Superintendent (Professional Identification number - TIP N29100C) who was prosecuted with charges of torture, convicted in first instance and later acquitted by the Supreme Court (two judges of such Supreme Court are

currently members of the panel of judges at the same court). However, such witness omitted to say that finally the European Court of Human Rights handed down a ruling against the Spanish State for violation of article 3, Convention on Human Rights prohibiting torture. Thus, a whole chain of subsequent prosecution witnesses' depositions are evidence contaminated at source by officers involved in such dark episodes.

2. This week confirms once again the tendency shown by presiding judge, Justice Marchena, from the very beginning of this trial to allow lengthy subjective explanations by the prosecution witnesses, in particular when they are narrating facts involving demonstrators' actions and yet he keeps on limiting cross-examinations by the defence counsels when they attempt to question on contradictions in their testimonies and the understanding of what legitimate right to meet and the right to demonstrate are, or else what can be considered proportionate police acts. Just by way of example, this week one of the defence counsels was asking National Police officer holder of Professional ID. number TIP 119763, whether he saw how police officers were chasing and beating demonstrators. Presiding Judge Marchena did not allow to continue with this line of questioning alleging that counsel was not supposed to ask the witness about what counsel believed the witness should have seen. A very twisted argument and not at all a convincing one, even less so bearing in mind that the Presiding Judge does not allow either direct comparison of witness evidence with video evidence. Thus practically all doors are closed on making emerge any contradictions by direct comparison in these dozens of officers orchestrated depositions.
3. From the point of a view of the right to a fair trial, it is very concerning indeed the fact that the parties continue to be unaware of the full trial schedule and not even of the order for witness depositions, which prevents defence counsels from preparing examinations of witnesses and therefore it undermines the right to defence.

Contact people

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