



Press release 27.05.2019

Assessments of Trial 1-0 (Week 15)

International Trial Watch attended all court sessions throughout week number fifteen of the trial and one member of the platform accompanied two British observers, as follows:

- Hywel Williams, MP at the House of Commons, United Kingdom and head of All Party Parliamentary Group (APPG) in Catalonia.
- Christopher Bambery, member of the All Party Parliamentary Group (APPG) in Catalonia.

FOCAL POINTS

1. Prosecution submitted experts evidence aimed at calculating the monetary value of the premises used for the referendum, with a view to quantify the amount which, according to prosecution's thesis, the defendants embezzled. Defence counsels submitted their experts evidence too, in order to counteract both in substance and form, prosecution's experts evidence. The Court welcomed both prosecution experts and both defence experts to share with the Court the findings of their respective reports. The Court permitted discussions amongst experts from both sides which allowed confrontation of both versions of the story. Nonetheless, the report drafted by prosecution's experts and confirmed before the Court, had been prepared for Court number 13, despite the fact that Chief Justice had already announced that only evidence directly provided for this cause and before this court would be taken into account as such evidence.
2. During Prosecution examination of the two defence experts, i.e. John Paul Lederach and Jesús Castañar, prosecutors showed a manifestly poor democratic perception of respect for the exercise of fundamental rights, such as the right to meet and to demonstrate, and the right to freedom of expression. Just by way of example, one of the questions put forward by prosecution to experts concerned the fact of making statements in public or tweeting, encouraging people to participate in peaceful demonstrations, hinting that such statements could eventually be interpreted as calls for violence.
3. Finally, it is worth mentioning, although it is not strictly part of the trial, the fact that the Supreme Court refused to suspend MP's currently in pre-trial detention who were voted as such in the past elections for the Parliament and the Senate held in Spain on April 28th, thus respecting the scope of Parliament Regulations.

On the contrary, the Parliament Bureau in an decision rather falling within the judiciary sphere, suspended them invoking a norm the Supreme Court itself had declined to apply (article 384 bis LECrim- Criminal Procedural Act) and which is not even applicable, as per Constitutional Court case law. Therefore, it was not the Judiciary who suspended the elected MPs in their function, out of a "forced" interpretation of the Criminal Procedural Law, but rather the Parliament Bureau itself, a totally unusual situation for a democratic rule of law.

Observers this week:

- Alexandre Faro, lawyer and member of the International Federation for Human Rights and Euro-Mediterranean Human Rights, France.
- Dominique Nogales, lawyer and chair person of the French League for Human Rights and member of Euro-Mediterranean Human Rights, France.
- Claire Dujardin, lawyer specialized in Criminal Law and member of the European Democratic Lawyers, France.
- Mireille Jourdan, lawyer at law firm Thetis, Belgium.

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