

Ramallah, 16 June 2019

Addameer Prisoners' Support and Human Rights Association participated with a team of international human rights observers in the proceedings of the trial in the case of the "Catalan referendum", case No. 3/20907/2017, before the Spanish Supreme Court in Madrid, at the invitation of International Trial Watch. Addameer's participation was by its lawyer, Sahar Francis.

The court began with all the procedures for the referendum for independence on October 2017. There are 12 defendants at the Spanish Supreme Court, and 9 of them are prisoners until the end of the procedures. Some were detained since October 2017 and some since March 2018, and 3 of them were released with bail. Of the detainees are the President of the Catalan Parliament, members of Parliament and the Government, and representatives of civil society.

Some of the charges they face in front of the state prosecutor are some of the most serious crimes in Spanish penal law: rebellion, sedition, some counts included embezzlement, disobedience and illegal organization. The charges can result in between 7 to 74 years imprisonment. In regards to the court hearings we make note that:

Since the trial is at the Spanish Supreme Court, it means that there will be no right for the accused to appeal if convicted, not relating to human rights violations in front of the constitutional court. Contrary to the principles of a fair trial, the right to appeal is a fundamental right of any accused.

The charges against the accused relate to acts that fall within the list of fundamental political and civil rights of everyone, including the right to express opinion, the right to demonstrate, the right to peaceful assembly, the right to form associations, and the right to engage in any political activity.

During the hearing of the witnesses by the prosecution, the prosecution has more than once directed questions and the chief judge has not intervened and prevented such questions. Furthermore, sometimes the prosecution would interfere with the formulation of defense questions, raising some questions about the objectivity and impartiality of the Court.

The fact that the public hearing openly broadcast in public TV, raises the suspicion that a large part of the witnesses, especially the police and security, will listen to each other's statements and coordinate their statements accordingly.

From access to the documents of the case it is clear that some information and documents from the investigation stage with the defendants were not submitted to the defense lawyers and remained secret, which of course seriously affects the preparation of the defense.

The experience of the Addameer Prisoners' Support and Human Rights Association in the defending Palestinian political prisoners for more than 25 years before the military courts of the occupation state indicates that some of these practices are very similar to those of the military prosecution of the occupation such. For example, the definition of crimes and the use of classified materials, which was affirmed by most international human rights conventions, especially the International Covenant on Civil and Political Rights, which is binding on the Spanish state, as a serious violations for the fair trial standards.