



Press release 06.05.2019

Assessments of Trial 1-0 (Week 12)

- 1) **INTERNATIONAL TRIAL WATCH (ITW) Catalan Referendum Case** did not send any observers to attend the trial sessions at the Supreme Court last week, week 12.
- 2) ITW makes a call on citizenship for donations in order to ensure the platform ultimate goal, i.e. to provide international and national experts from the academia and social organizations to fulfil their observation mandate at the trial sessions held at the Supreme Court.
- 3) Therefore, the considerations below are exclusively the product of the ITW Platform itself.

Description/list of witnesses who appeared on Monday April 29th and Tuesday April 30th.

On Monday April 29th, all witnesses were defence witnesses save for Mr. Lluís Llach who was also proposed by private prosecution. The session was short. Two citizens who witnessed the demonstration before the Catalan Ministry of Economy and the Treasurer (*Consejería de Economía y Hacienda*) on September 20th deposed, followed by two European Parliament members and two international experts in elections processes, MPs in Germany and Quebec Parliaments, respectively.

On Tuesday April 30th, depositions were heard from defence witnesses who were present in October 1st 2017 voting at different polling stations in Catalonia.

FOCAL POINTS

1. On Monday April 29th, particularly noticeable were the issues brought about by interpreters of foreign witnesses. In particular, the interpreter of Mr. Ivo Vajgi, European MP and Slovenian Minister of Foreign Affairs, experienced some problems and it was hard for her to interpret some of the answers given by the witness. Counsel Mr. Van den Eynde requested the Court to give further consideration to interpreting related issues and to find an alternative method to enable proper conduction of

witness examinations. The Court did nothing about it.

2. On Tuesday April 30th , depositions were heard from defence witnesses who were present on October 1st 2017, voting at different polling stations in Catalonia. Story of the facts as presented by these witnesses was completely the opposite to the account of same facts as given by National Police and Guardia Civil forces. All witnesses confirmed that, neither the Civil Guards nor the National Police forces, gave any prior warning to the citizens at polling stations about police charges which were about to occur. Riot police forces did not show court orders entitling them to carry out such actions, even though some citizens at the polling stations specifically asked to see them.
3. The testimony heard from people gathering on October 1st 2017 at the polling stations has been very impacting, because of the spontaneous, rigorous and thus credible account given by the witnesses. This was sharply in contrast with the cliché and not at all spontaneous rendering of the facts given by the National Police and Guardia Civil forces which sounded like a cut and paste version of their hierarchically superiors' version.
4. During cross-examinations and in particular the Public Prosecutor's and the State Attorney's, the persisting question raised to the citizens was whether before going to the polling stations to vote they were aware of the constitutional ban imposed on the referendum by the Supreme Court of Justice of Catalonia. The aim of such question is to place the citizens before the choice of abiding by a court order and exercising a fundamental right. And yet such a choice does is a fake premise in the citizens' mind: at the end of the day, citizens are not at the receiving end of court orders and thus participating in a referendum is not an illegal, criminal action. On October 1st, the citizens participated in the referendum and gathered at the polling stations, exercising their fundamental rights.
5. Once again, ITW wishes to underscore the long duration of this trial and coupled with it the pre-trial detention period. This whole set of circumstances is severely undermining the political prisoners' physical condition and getting them exhausted, thus contravening the Council of Europe Recommendations regarding such pre-trial detention which is intended to be an exceptional measure. This prolonged pre-trial detention period, entailing a kind of anticipated conviction, hinders the right to defence and is causing psycho-physical disorders which could be alleviated with preliminary injunction not entailing imprisonment, as recommended in the above mentioned Council of Europe Recommendations.

Observers this week:

- David Soto, member of ESCULCA- Observatory in the defence of rights and freedoms- La Coruña.
- Cristina Servan, member of the Association Pro Human Rights (APDHA) in Andalucía.

Contact people

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