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Statement on the Judgement of the Spanish Supreme Court on the Catalan Referendum Case

The AED was part of the dozens of international organizations monitoring the **Trial on the Catalan Referendum Case** in Madrid. In a statement this February we warned of the lack of procedural guarantees and the danger of violating human rights if there were a conviction.

On Monday, the 14th of October, the Spanish Supreme Court issued an unprecedented ruling in Europe, condemning the Catalan political and social leaders to a total of 100 years in prison. In this sentence, peaceful demonstrations or peaceful resistance represented the crime of sedition ("*public uprising and tumultuary*"). This sentence clearly restricts the exercise of freedom of expression, the right to peaceful assembly, as well as public political participation.

The Court dropped the State Prosecutor's charges of rebellion, but issued severe sentences for the crimes of sedition, embezzlement of public funds, and disobedience, in the context of the Referendum on the Independence of Catalonia, on the 1st of October 2017.

The AED recalls that the referendum was a non-violent act of civil disobedience, organized peacefully to allow the voices of many Catalans to be heard. The only violence on the 1st October was perpetrated by the Spanish Police, in actions of disproportionate violence.

AED considers:

- These have been political proceedings, putting people on trial for their political ideas.
- The prison sentences imposed represent a historical error, which, far from solving the problem, worsens it.
- The powers of the Spanish Kingdom have done nothing to resolve this situation, which should have been solved politically through dialogue, and not through the involvement of the judicial power and therefore with the intervention of the State Prosecutor's Office, directly appointed by the Spanish Government.
- Far from providing any solution, the verdict against the political prisoners shifts the conflict to the European arena and the international courts of Justice, which will not solve the problem either. If the international community, particularly the European Union, does not play an active role in

helping resolving the conflict, an international call for dialogue and a peaceful and democratic solution is needed.

AED condemns the violation of Human Rights (civil and political rights listed and recognized by Treaties and Conventions dully signed by the Kingdom of Spain), the violation of criminal and procedural principles, as well as the criminal law principles of fragmentation, proportionality and last resort, by the criminal proceedings and its sentence of last 14th of October 2019.

The grave violation of the above mentioned rights and principles in this sentence and its logic, renders it impossible to analyse from a strictly legal point of view. Any earnest attempt at interpreting this sentence based on technical and legal concepts, such as sedition, uprising, violence or fundamental right becomes partially unsuccessful. The reason is because it is an ideological resolution aimed at replacing the political solution that is needed in the conflict in Catalonia.

AED asks the executive powers of both the Spanish and Catalan governments to seek through dialogue and compromise to end the criminal response to the underlying political problem, to put an end to the repression by police, to free the prisoners and bid the safe return of the exiles and, instead, finally seek to start a negotiation to find a political solution to the conflict based on dialogue and respect.

Berlin, on the 23rd of November 2019

LINK: <http://www.aeud.org/2019/11/statement-on-the-judgement-of-the-spanish-supreme-court-on-the-catalan-referendum-case/>

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