

MEPs and MPs report on the trial of the Catalan social and political leaders

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Abstract

This report is the outcome of an observation mission to the trial of Catalan social and political leaders facing grave charges of rebellion, disobedience and embezzlement of public funds. They face prison sentences of up to 25 years for having organised or supported the Catalan self-determination referendum on the 1st of October 2017.

The delegation was composed of eight Members of the European Parliament (MEPs) and six Members of national Parliaments (MPs) and carried out within the framework of an initiative of the EU-Catalonia Dialogue Platform.

The purpose of the visit was to receive first-hand information on the ongoing trial currently taking place in Madrid. This report will provide some conclusions and recommendations.

1. Background to the delegation

On Tuesday 12 February, the trial of the twelve Catalan social and political leaders began in Madrid.

Since the events in Catalonia of September and October 2017, some international observers and NGOs have pointed at failures to respect human rights in Spain. Restrictions in the field of freedom of assembly have notably been highlighted, as well as infringements to the right of information and abuse of pre-trial detention. Moreover, [Spanish authorities were reluctant to allow international observers to attend the trial](#), which could imply a lack of willingness to allow a high-level of transparency.

Therefore, eight MEPs from four different political groups and six MPs from four countries decided to attend the trial on the 28th of February 2019. The purpose of the delegation was to observe whether the right to a fair trial for the defendants was being guaranteed.

These are the members of the delegation and the agenda followed during their visit to Madrid:

Members of the delegation			
Name	Group	Party	Country
José Bové	Greens-EFA	Europe Ecologie	France
Mark Demesmaeker	ECR	Nieuw-Vlaamse Alliantie	Flanders
María Lidia Senra	GUE/NGL	Alternativa Galega de Esquerda en Europa	Galicia
Jordi Solé	Greens-EFA	Esquerra Republicana de Catalunya (ERC)	Catalonia
Indrek Tarand	Greens-EFA	Sõltumatu	Estonia
Josep-Maria Terricabras	Greens-EFA	ERC	Catalonia
Ramon Tremosa	ALDE	Junts per Catalunya	Catalonia
Marie-Pierre Vieu	GUE/NGL	Front de Gauche	France

Magni Arge	MP - Tjóðveldi	Denmark
Pelle Dragsted	MP - Enhedslisten	Denmark
Peter Luykx	MP - Nieuw-Vlaamse Alliantie	Flanders
Gilles Simeoni	MP - Inseme per a Corsica	France
Aurora Madaula	MP - Junts per Catalunya	Catalonia
Paul Molac	MP - Libertés et Territoires	France

Agenda		
Day	Activity	Assistance
27.02.2019 20.00-22.00h	Meeting with relatives and lawyers of the Catalan leaders	Diana Riba , wife of Raül Romeva Jordi Pina , Lawyer for Jordi Turull, Josep Rull and Jordi Sánchez Blanca Bragulat , wife of Jordi Turull Andreu Van den Eynde , Lawyer for Oriol Junqueras and Raül Romeva Laura Masvidal , wife of Joaquim Forn
28.02.2019 9.30-12.30h	Attending the trial	Íñigo Urkullu Renteria - President of the Basque government
12.45-12.55h	Press Statement	
28.02.2019 13.00-14.30h	Meeting with international observers	Jelle Klaas , civil rights lawyer and Director of litigation Management of NJCM (Dutch Section of the International Commission of Jurists) Mathieu Crettenand , Vice-rector of the University of Geneva and Ph. D. in Communications. Adrià Font , Catalan Association for defence of human rights Xavi Muñoz , Catalan Association for defence of human rights
28.02.2019	Meeting with MPs from ERC and PDeCAT	Laura Castel , ERC Senator Jordi Martí , ERC Senator

2. Conclusions

After having attended the trial and having met international observers from citizens' associations, associations for the defence of human rights, academics, and associations of lawyers, we the undersigned conclude:

- The trial of the twelve Catalan social and political leaders taking place in Madrid has a clearly and undeniably political dimension that might predefine the outcome of this legal procedure.
- According to the Spanish Supreme Court, only facts brought to the Court will be taken into account. Nevertheless, we observed that the defendants had to account to the prosecutor for political acts. This process of judicialization of political opinions conflicts with all the instruments implemented by international laws protecting and safeguarding Human and

Fundamental rights as notably highlighted by the International Covenant on Civil and Political Rights.

- The conditions under which the prisoners are detained are a matter of concern. It has been reported that a very difficult schedule has been imposed upon the defendants, which only makes even more difficult a trial that is already highly pressured due to the excessive sentences demanded by the Prosecutor and the so-called “popular accusation” by far-right party Vox.
- As reported by International Trial Watch, we observed that the prosecutor is repeatedly interrupting defence lawyers as they question witnesses proposed by other parties on new issues. The law does not provide for this limitation. This way to proceed could be an indication of the lack of objective impartiality on the part of the Court (according to European Court for Human Rights - CEDH, article 6). Moreover, the trial has not been allowed to be conducted in the mother tongue of the defendants, and the Prosecutor repeatedly prevented defence lawyers from providing proofs relating to elements of the trial. This goes against the right to a defence.
- Jordi Sánchez and Jordi Cuixart (NGO leaders) spent more than four hundred and fifty days in prison before the beginning of the trial. The allegations brought against them were in connection to the promotion of a peaceful demonstration in Catalonia, and thus having an impact on the free exercise of fundamental rights, such as the right to expression or demonstration.
- We express our concerns that, despite the fact that Spain has adopted legislation to ensure judicial independence and impartiality, in compliance with Council of Europe standards, problems remain in the way these standards are applied, leaving space for political influence over judiciaries and fuelling public perceptions of interference in the judicial process and bias among individual judges.

3. Recommendations

In a very sincere attempt to support the resolution of the Catalan crisis and find a political solution, as Members of the European Parliament and Members of national Parliaments, we the undersigned hereby, declare the following:

- We demand that the dignity and the fundamental rights of the defendants, especially the right to a defence, will be fully respected during the whole judicial procedure.

- We urge the Spanish authorities to end the pre-trial detention and release the defendants that have already spent more than fourteen months in prison in most cases. We call for the complete exoneration of the social and political leaders who have done nothing other than support the Catalan people's right to self-determination.
- Whatever the outcome of the trial, it will not solve the political conflict between Catalonia and the Spanish institutions. For this reason, we reaffirm the need to start a sincere dialogue fully respecting fundamental rights and international law, including the right to self-determination.