

Spanish judiciary accuses former Catalan President Puigdemont of “mobilising the masses”

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The German government must “immediately” declare that it has no intention of extraditing Carles Puigdemont to Spain. This is the demand being made by Wolfgang Schomburg, the German lawyer for the former Catalan president, according to the daily *Süddeutsche Zeitung*.

Puigdemont is currently being detained in a prison in the German town of Neumünster after police arrested him last Sunday on a tip from Spanish intelligence. A district judge ruled on Monday that Puigdemont would remain in detention pending extradition until the Schleswig District Court of Appeals decides whether to permit his transfer to Spain. This could take up to 60 days.

If the court gives the judicial go-ahead for the transfer, the political decision on Puigdemont’s extradition will be in the hands of the German government. Puigdemont can be handed over to the Spanish judiciary only if Justice Minister Katarina Barley, a member of the Social Democratic Party (SPD), grants her approval. If she declared her opposition now, there would be no basis for Puigdemont’s continued detention.

On the other hand, if the court rules the extradition to be unlawful, the government cannot overrule the decision.

Schomburg justified his demand by saying that the European arrest warrant issued by Spain has no legal standing. It was imprecise, unsustainable and adventurous, he argued.

The 70-year-old Schomburg is considered an expert on international criminal law. He served as a federal judge in Karlsruhe and as a judge at the International Criminal Tribunal for the Former Yugoslavia in the

Hague and the International Tribunal for Rwanda in Tanzania.

If the German government extradites Puigdemont to Spain on the basis of the 69-page indictment against him, it will set a precedent for the suppression of all forms of protest and opposition to the powers-that-be. Europe would effectively become a police state.

The main charge leveled against Puigdemont and 24 others is rebellion. According to Spanish law, such a charge must involve a *violent* uprising against the state power. But there is no evidence of this from the separatist leadership around Puigdemont. They came to power through democratic elections, always opposed the use of violence, and relied on parliamentary decisions and mass protests.

Since the presiding Spanish judge, Pablo Llarena, has found no evidence that Puigdemont and his colleagues called for acts of violence, in spite of a months-long investigation, he has accused them of deploying “the power of the masses” to achieve their goals. According to a report by the *Frankfurter Allgemeine Zeitung* (FAZ), which apparently had access to the indictment, Llarena “spoke of ‘a criminal plan’ with the goal of Catalan independence.” This included “creating the basis for their own state and mobilising the masses.”

On 1 October, 2017, the day of the referendum on Catalan independence, the “violent fanaticism” of the separatists became clear, according to the FAZ. As evidence, the indictment cites pages of testimony from police officers injured as they sought to violently prevent the vote from going ahead. By contrast, the approximately 1,000 civilians injured by the police are mentioned only in passing.

The other charges also bear the hallmarks of a police

state. Puigdemont is accused of corruption because as president he ordered the holding of a referendum, which, of course, cost money. However, he is not accused of personal enrichment.

Although it is obvious that Puigdemont is being persecuted for political reasons and not due to criminal offences, all indications thus far suggest that the German government will agree to his extradition. German government spokesman Stefan Seibert said that Puigdemont's arrest was justified because it was carried out on the basis of German law and regulations related to the European arrest warrant. Spain is a democratic, constitutional state, he claimed.

It is also significant that Puigdemont is the only one of the six politicians named in international arrest warrants by Llarena who is currently in custody. Three ministers currently living in Brussels and former education minister Carla Ponsati, who is in Scotland, remain free.

If the issue at stake was merely Catalan independence, the German government would probably seek to mediate and reach a compromise. Puigdemont is neither a revolutionary nor a left-winger. His party is a member of the liberal group in the European Parliament and his only prominent visitor to the prison in Neumünster thus far has been the right-wing European Parliament deputy Bernd Lucke, who co-founded the Alternative for Germany.

The German government is refusing to relent and standing by the Spanish government because it too, like Judge Llarena, fears "the power of the masses." Under conditions where social tensions in Europe are rising, hundreds of thousands of retirees are taking to the streets in Spain, the conflict between the government and railway workers in France is escalating, Italy is falling into instability and public-sector workers in Germany are striking, Berlin is backing the authoritarian actions of Spanish Prime Minister Mariano Rajoy's government.

Many demonstrators in Catalonia justifiably recall the alliance between Hitler and Franco in the brutal suppression of the Spanish revolution and the Gestapo's detention of Catalan President Lluís Companys, who was subsequently extradited to Madrid to be tortured and executed.

While 51 percent of Germans oppose extraditing Puigdemont and only 35 percent support doing so,

according to a poll, there is hardly any opposition to the government in political circles, including in the opposition camp.

Among the most strident supporters of the Spanish judiciary is the Green Party politician Jürgen Trittin, who was environment minister for seven years and is considered a representative of the party's "left wing." He told the *Mitteldeutsche Zeitung* that there is a "procedure according to the rule of law," that Spain has "an independent and brave judiciary," and that if "a European arrest warrant is presented," one can't "just shut one's eyes."

To the extent there is any criticism of the German government's stance, it is not directed against Madrid's undemocratic actions. Rather, it is driven by the fear that the conflict could escalate out of control.

This is the view of the *New York Times*, a mouthpiece for the US Democratic Party. It endorsed the stance taken by the Spanish government. "The Spanish government is fully within its rights to defend its unity and its constitution," it wrote, adding, "And European states are right to give the Catalan secessionists no support."

The *Times* went on to advise that Berlin "would do well to tell Madrid that treating the ill-conceived Catalan independence drive as treason gives the movement a moral authority it does not warrant." It continued, "A conciliatory gesture toward Catalonia would do far more to defuse a confrontation that has gone too far."

The German government has yet to give any indication that it will take such advice to heart. Berlin is lining up behind the Spanish government because it is seeking to establish an all-embracing police state at the German and European level. Along with the militarisation of Europe, this is one of the central goals agreed upon by the conservative parties and the SPD in the coalition agreement of the recently-installed German government.



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