

German state prosecutor calls for extradition of former Catalan president Carles Puigdemont

Ulrich Rippert
4 April 2018

The state prosecutor in the German state of Schleswig-Holstein has applied for detention pending extradition for former Catalan president Carles Puigdemont. The prosecutor deemed Spain's extradition request to be valid and added that Puigdemont posed a flight risk.

A "careful review" of the European arrest warrant issued by the Spanish judiciary resulted in the finding that a valid extradition request has been presented, declared the prosecutor's office. An "orderly extradition procedure" is to be expected, it continued.

The Schleswig-Holstein state prosecutor argued that the accusation of rebellion levelled against Puigdemont by the Spanish judiciary contains "in essence the accusation of carrying out the referendum on Catalan independence from Spain, which was illegal under the constitution, even though violent clashes were to be expected." The accusation of rebellion finds its counterpart in Germany in sections 81 and 82 of the Criminal Code (high treason), the prosecutor's office continued. A word-for-word correspondence between the German and Spanish provisions is not legally required, it added.

With this decision, the state prosecutor in Schleswig-Holstein is giving its backing to the Spanish government and adopting Madrid's arguments. The District Court of Appeals in Schleswig must now determine whether Puigdemont's transfer to Spain is permissible. The court has 60 days to issue a ruling. However, it is anticipated that the decision will be reached in a few days.

If the court follows the argumentation of the state prosecutor and rules Puigdemont's extradition to be permissible, the final political decision will be in the hands of the German government. Puigdemont can only be handed over to the Spanish judiciary if Justice Minister Katarina Barley (Social Democrats, SPD) grants her approval.

Many indicators suggest that the government's decision has already been made.

If the Justice Minister spoke out now in favour of Puigdemont, there would no longer be any grounds for his detention. In addition, the state prosecutor is bound by

directives. One must therefore assume that state prosecutor Wolfgang Zepter only reached his decision after consulting with Schleswig-Holstein's Justice Minister Sabine Sütterlin-Waack, who, as a former Christian Democratic Union deputy in the federal parliament, would have consulted with Chancellor Angela Merkel and federal Justice Minister Barley.

If the German government extradites Puigdemont to Spain on the basis of the 69-page indictment, it will not be a judicial decision, as Barley and her government colleagues have repeatedly claimed, but a political decision to move in the direction of a police state. It would set a precedent for the persecution of all forms of protest and resistance to the powers that be.

In legal terms, the European arrest warrant with which the Spanish government is seeking Puigdemont's extradition is very weak. It is imprecise, unsustainable and adventurous, declared Wolfgang Schomburg, the German lawyer for the former Catalan president.

The main charge levelled 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 found no evidence that Puigdemont and his colleagues called for acts of violence, in spite of a months-long investigation, he accused them of deploying "the power of the masses" to achieve their goals. According to a report from the *Frankfurter Allgemeine Zeitung*, which apparently had access to the indictment, Llarena "spoke of 'criminal plan' with the goal of Catalan independence." This included "creating the basis for their own state and mobilising the masses."

If the "mobilisation of the masses" is defined as a criminal offence, and the German government approves a European arrest warrant on this basis and extradites Puigdemont, this will mark a major step in the direction of the abolition of democratic rights and establishment of a European police state. Strikes,

mass demonstrations and protests of all kinds could in the future be outlawed on this basis, and their organisers judicially persecuted and criminalised.

The only crime Puigdemont is guilty of is campaigning for the separation of Catalonia from Spain. In the case of Yugoslavia and the Soviet Union, the European powers and US imperialism pursued the same goal, the separation of entire regions and states, with ruthless violence. By contrast, the Catalan separatists have relied on peaceful and democratic means: elections, parliamentary motions, and demonstrations.

The real reason for the judicial witch-hunt of Puigdemont is the desire to criminalise all opposition. This includes intimidating and suppressing all forms of opposition and protest.

It is no mere coincidence that the criminalisation of resistance and the introduction of police-state measures in Europe take place simultaneously with the largest strike movement to date against Macron's labour market reforms in France and increased warning strikes as part of collective bargaining talks in Germany.

The social and economic crisis in Spain is especially acute. As Amazon workers took strike action last week, pensioners also organised mass protests to demand decent pensions and improved social welfare benefits.

Catalan, Basque and Spanish workers all confront the same horrendous social crisis. Almost 3.5 million people in Spain are unemployed. Millions more have only temporary and poorly-paid jobs. Oxfam Intercom identified Spain as the country in the EU with the third highest growth of social inequality since 2007. According to the report, the richest 1 percent own one quarter of Spain's wealth. The wealth of the three richest Spaniards is equal to that of the poorest 30 percent of the population, i.e., of more than 14 million people.

More than 10 million people live below the official poverty line. This is a poverty rate of 22.3 percent, the third highest in the EU. Nine million families live on less than €684 per month, and 1 million live on less than €342. Close to 30 percent of Spaniards living in poverty reside in accommodation without electricity, with no secure water supply, mould on the walls and floor, and in a dirty environment.

Under these conditions, resistance is growing to the hated government of Mariano Rajoy, whose Popular Party traces its roots directly to Franco's fascists—the rulers of Spain from 1936 to 1975. As in the past, far-right governments are working to erect police states based on terror to brutally suppress all forms of opposition across Europe.

As the social and political crises deepen, heralding new class battles, sections of the petty bourgeoisie who previously described themselves as “liberal” are shifting sharply to the right and calling for police state repression. Typical of this trend is an open letter from the editor-in-chief of Spanish daily *El Pais*, Jose I. Torreblanca. He wrote under the headline “Why Germany should extradite Carles Puigdemont” that the former

Catalan president has committed “serious criminal offences,” violated Spain's constitution, “betrayed our democracy,” and “endangered social peace.”

This was followed by effusive praise for the Rajoy government, which, while not perfect, “is the best for 40 years.” The constitution of 1978 guarantees all Spaniards social and political rights, he continued, and has ensured a “life in peace and prosperity.” This peace was not disrupted by the social and political attacks from the government, but rather by the Catalan separatists.

The separatists' attack on democracy must be resisted, he added. The Spanish judiciary may well not be perfect, but it is subordinated to the European Court of Human Rights, claimed Torreblanca. As a result, he concluded that the German government must extradite Puigdemont.

Germany's Green Party argues along similar lines. There is a “procedure according to the rule of law,” Spain has “an independent and brave judiciary,” and if “a European arrest warrant is presented” one can't “just shut one's eyes,” stated Jürgen Trittin, who is considered a representative of the party's “left” wing.

The Left Party fears that Puigdemont's extradition could provoke bitter social struggles in Catalonia and Germany and is therefore offering its services as a mediator. Left Party representatives visited Puigdemont in prison over the Easter weekend, and on Tuesday, Left Party European policy spokesperson Andrej Hunko told *Deutschlandfunk*, “I think that here it is necessary to get around the negotiating table with international mediation.” Only in this way could the frustrations provoked by an extradition be prevented from turning violent, he added.

The *World Socialist Web Site* and Socialist Equality Party (SGP) condemned Puigdemont's arrest from the outset and demands his immediate release. We wrote, “His targeting by the German authorities is a warning. The only way to prevent the establishment of a police state, and a relapse into militarism and war, is through the development of a socialist movement to unite the European and international working class in the struggle against social inequality, dictatorship and war.”



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact