

# Catalan nationalist Ponsatí appears in Scottish court to oppose extradition

Steve James  
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The extradition case of former Catalan Education Minister, Clara Ponsatí, comes to court today in Edinburgh, Scotland for a preliminary hearing.

Ponsatí is currently the director of the School of Economics and Finance at the University of St. Andrews, Scotland. She had temporarily relinquished her position with the university last year after being appointed Education Minister last July, a post which she held until shortly after the Catalan independence referendum in October. The 61-year-old academic is one of 25 Catalan leaders targeted by Spanish Prime Minister Mariano Rajoy's Popular Party (PP) government—supported by the Socialist Party (PP) and Citizens—in its brutal efforts to behead the political movement seeking independence of Catalonia from Spain.

The Rajoy administration's resort to dictatorial measures, arresting the entire Catalan nationalist leadership or chasing them across Europe with spies and arrest warrants, is ultimately aimed at silencing all political dissent and intimidating the Spanish working class.

Ponsatí, along with most of her Catalan associates, is charged by the Spanish courts with sedition, violent rebellion and misappropriation of public funds during the process that led to the declaration of Catalan independence last October, for which she faces up to 30 years in jail.

Ponsatí presented herself for arrest March 28 under a European Arrest Warrant (EAW) issued by Spain, but was immediately released on bail. The Catalan politician's position is likely to be strengthened by the unexpected rejection in the regional court of Schleswig-Holstein, Germany of two of the most serious charges (sedition and rebellion) against deposed Catalan president, Carles Puigdemont, who was arrested as he travelled through the country on March 25.

Nevertheless, Ponsatí remains in great peril over the outcome of extradition proceedings in Scotland, which could drag on for months. Speaking on Monday, Ponsatí's lawyer, Aamer Anwar, declared that, "We have concerns that if she was imprisoned in Madrid, Spain could not and would not guarantee Clara's safety and she faces a real threat to her

life whether it be from the authorities or fellow prisoners."

The 52-page arrest warrant issued by the Spanish government holds Ponsatí personally responsible for the wellbeing of 6,000 police and military officers during the referendum on Catalan independence that took place on October 1. Despite the extremely volatile situation at the time, overwhelmingly the result of the PP government's repressive actions, all the warrant can come up with is a few isolated examples of officers being "hit on the forehead with keys" and being subject to "pushing kicking and spitting." It cites police vehicles being damaged... to the tune of €17,242!

In fact, the PP government ignored the pleas of Catalan politicians to take part in dialogue and despatched thousands of police to Catalonia from Spain to shut down polling stations, seize ballot boxes and attack voters. Images broadcast globally showed hundreds injured by police baton charges and rubber bullets. Despite brutal repression, 90 percent of the 2,315 polling stations organized for the referendum remained open.

The legal team organising Ponsatí's defence, headed by Anwar, intend to expose the measures deployed against Ponsatí and her colleagues. Anwar told the media, "This case gives the possibility of putting another nation's judiciary on trial in a UK court, and holding that nation to account." He asked "Is the judiciary independent or is it tied into Francoism?"

He continued, "I do think that the Spanish have not thought this through, in terms of the repercussions, in the same way as they did not think about the repercussions of sending in armed police, in the same way as a dictator thinks."

Legal analysts suggest the basis of Ponsatí's defence could be that firstly, there is no crime of sedition in Scotland, so there is no "dual criminality," which is normally required for extradition proceedings. However, the European Arrest Warrant Framework Decision removes this requirement for 32 offences if the alleged crime carries a punishment of more than three years in jail. Significantly, there is no "dual criminality" requirement for persons charged with

participating in a criminal organisation, one of the charges levelled by the Rajoy government against the former Catalan ministers. Secondly, the Ponsatí's legal team can make a case that the entire case against her is politically motivated.

Ponsatí's plight has generated broad sympathy in Scotland. A crowd funding campaign for her legal defence raised £150,000 in a few hours and has gone on to raise over £230,000. Demonstrations have been held in her defence in Glasgow, Edinburgh and St. Andrews, and more are planned.

St. Andrews University students, besides holding their own demonstration, have called on students across Scotland to defend Ponsatí. One said, "This is not about Catalan independence, it is about freedom of speech and democracy." Speaking for Ponsatí's employer, St. Andrews University, Principal Professor Sally Mapstone commented, "In the current circumstances, we believe there are legitimate arguments that Clara is being targeted for standing up for her political beliefs."

The Scottish media also acknowledged that the charges against Ponsatí constitute a politically-motivated frameup. Political commentator for the *Herald*, Iain MacWhirter, described the targeting of Ponsatí as "blatant political persecution". He attacked the hypocrisy of both the British government and the silence of the leading opposition parties, in England and Scotland, over the affair, "...this is not about the rights and wrongs of Catalan independence but about an abuse of elementary civil rights: the right of all elected politicians to be immune from unlawful arrest by an authoritarian regime."

MacWhirter criticised the Scottish government, which beyond initial comments, and despite the broad outrage, has been silent. The Scottish National Party (SNP) administration of First Minister Nicola Sturgeon claims that it is bound to uphold the Extradition Act 2003 and has no role in the determination of European Arrest Warrants. However, the SNP's real concern is to maintain amicable relations with the European Union, which backs the Rajoy government and not jeopardise its aim of developing Scotland as a European investment platform through whatever emerges from the Brexit crisis.

One of the most explicit comments came from former SNP Justice Secretary Kenny MacAskill, in office between 2007 and 2014. Writing in the *Herald* on March 27, MacAskill insisted, "The First Minister is correct that European Arrest Warrants and extradition aren't for government ministers but police, prosecutors and ultimately the courts."

He continued, "The SNP has rightly praised the system and warned of post-Brexit difficulties that could arise. Police

Scotland simply receives the [EAW] documentation and thereafter seeks to implement it."

For MacAskill and the SNP, the Ponsatí case is essentially a misuse of an otherwise healthy and more or less correctly functioning EAW system. Another pro-SNP commentator, Lesley Riddoch, noted "between 2010 and 2015, the UK extradited 796 criminals back here for trial using European Arrest Warrants and 6,514 foreign criminals were removed from the UK to face trial elsewhere." "So," Riddoch continued, "the EAW works—but it's a flawed system."

None of the commentators have noted, however, prior to the Catalan nationalists, the most high profile victim of the EAW system was, and remains, Julian Assange, founder of WikiLeaks.

Assange is still incarcerated in the Ecuadorian embassy in London, where he sought refuge from an EAW used to seek his arrest on a concocted case in Sweden. Assange, a trenchant defender of internet freedom and democratic rights, has been silenced for a fortnight following the Ecuadorian government's decision to cut off his internet access and all his communications with the outside world.

One of the last tweets Assange made before his internet access was closed down exposed the chilling parallels between the German government's arrest of Carles Puigdemont and the fate of his predecessor, Lluís Companys, arrested by the Gestapo in 1940, at the request of Spain. Companys was extradited to Spain, tortured and executed by Franco's fascist regime.

Defence of both Julian Assange and the Catalan nationalist leadership from the inquisitorial hands of the burgeoning police and surveillance states in Britain, Spain, the EU and the US are matters of the greatest importance for the entire European and international working class.



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