

UN calls on Spain to free jailed Catalan nationalist politicians

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The United Nations (UN) Working Group on Arbitrary Detention (WGAD) has called for the “immediate release” of four Catalan political prisoners currently in detention waiting for a verdict in the show trial mounted by the Spanish government, 20 months after they were incarcerated.

The UN WGAD investigates arbitrary detentions that are alleged to be in breach of the Universal Declaration of Human Rights. However, it has no powers to enforce its decisions. In 2016, it found that the conditions under which WikiLeaks founder Julian Assange sought refuge in the Ecuadorian embassy in London amounted to “arbitrary detention.”

Its report is a devastating exposure of Madrid’s show trial of Catalan nationalist politicians after its brutal crackdown on the 2017 Catalan independence referendum. The Catalan nationalist parties are pro-austerity parties, tacitly backing NATO wars and the EU, advancing a demand for Catalan secession that is reactionary and divides workers on the Iberian peninsula. But Madrid’s crackdown is an attack on basic democratic rights and a threat to legalise all opposition, including workers’ strikes and protests, to the state. This is unprecedented since the fall in 1978 of the Spanish fascist regime set up by Francisco Franco.

The report considers the detention of Joaquim Forn, Raül Romeva, Josep Rull, and Dolors Bassa, all former regional ministers of the Catalan government, as “arbitrary” for violating articles of the Universal Declaration of Human Rights. Among others, these articles regulate the rights to a fair trial, the presumption of innocence, and freedom of expression or political participation. In its report, it calls upon Madrid to undertake an independent and comprehensive investigation on the violation of the detainees’ rights.

The former regional ministers are among the 12 Catalan officials who were tried at the Supreme Court’s show

trial, and are now awaiting a verdict. Nine of the defendants, charged with rebellion related to the 2017 independence referendum, face up to 25 years in prison. The three other defendants face lesser charges of disobedience and misuse of public funds.

It comes months after the WGAD published a first report on the cases of Jordi Sànchez, leader of the Catalan National Assembly, and Jordi Cuixart, president of Òmnium Cultural, as well as Oriol Junqueras, Catalonia’s vice regional premier in 2017.

The latest report concluded stating that their detention was “arbitrary” as it “aimed at suppressing political group members in order to silence their claims in favour of self-determination.” It also said the jailed politicians’ actions around the September 20-21 demonstrations in 2017, one of the core arguments of the accusation against the Catalan leaders at the trial, “were not violent and nor did they incite violence.”

Spain’s acting Socialist Party (PSOE) government has reacted frantically to the reports. In response to the first, in May, it accused the body of “impartiality” and a lack of “independence,” and called for the removal of two of the five experts composing the WGAD. To the recent report, acting Justice Minister Dolores Delgado dismissed the report outright, saying that the reports “contain distorted information on the reality” in Catalonia.

The PSOE government in alliance with Podemos has overseen the show trial that concluded last month. The verdict is expected before November. The PSOE government’s reaction to international criticism to the crackdown on the Catalan nationalists follows the same line as its predecessor, the right-wing Popular Party (PP). It shows that the Spanish ruling class as a whole backs the campaign against the Catalan nationalists.

The pseudo-left Podemos party also supports this policy. Its leader, Pablo Iglesias, currently in talks with the PSOE to form a coalition government after April’s

general elections, promised “loyalty in state questions,” such as the Catalan issue. A member of its leadership told daily *El País* that in the talks with the PSOE, “We do not have red lines. We understand, due to the share of votes, that the government leadership in the Catalan question must be led by PSOE. We are going to be loyal.”

If the crackdown on the Catalan nationalists enjoys near-unanimous support in the political establishment, it is because, amid mounting social anger after a decade of EU austerity, the Catalan issue has become the vehicle through which the ruling class is seeking to attack democratic rights and rehabilitate authoritarian forms of rule and fascist politics.

After four months and the testimony from 422 witnesses on the events leading up to the unilateral independence referendum on October 2017 and the Catalan parliament’s subsequent declaration of independence, the case has revealed that the prosecution has no evidence to show the accused instigated violence to achieve independence.

Since the beginning, the case has been a fraud. The judicial panel is presided by Justice Manuel Marchena and is composed of six other justices, most of them having close ties with the PP.

Lacking any concrete evidence, the prosecution has resorted to falsifications to back up accusations of “use of violence” required by the charges of rebellion and sedition. Several police officers and civil guards claimed they saw “hatred reflected in the eyes” of demonstrators. One went so far as to say that “in the years of struggle against drug trafficking” he had not felt “as much fear” as he had felt before those eyes. Unsurprisingly, presiding Judge Marchena refused to allow the defence to show videos that would have challenged the narrative of the police officers.

The prosecutors also tried to demonstrate that the nationalists used the *Mossos d’Esquadra* regional police to back up their secessionist aims. They were accused of foot-dragging on referendum day, and failing to do their part to enforce a court order to stop the vote, thereby forcing the unleashing of mass violence that led to more than a thousand injured by national police and civil guards.

One of the trial’s surprises was the assertion by former Catalan police chief Josep Lluís Trapero that he was ready and willing to arrest separatist politicians after the regional parliament approved any unilateral independence declaration.

Coinciding with the end of the trial, repression against

the Catalan nationalists has only intensified. The PSOE-controlled Prosecutors Office is now prosecuting several top officials of Catalan public television TV3 and Catalunya Ràdio, Catalonia’s main public radio station, charged with belonging to a criminal organisation.

The Prosecutors Office has also asked this week that regional Catalan Premier Quim Torra be barred from public office for a year and eight months and face a €30,000 fine for refusing to take down yellow ribbons on government buildings before April’s Spanish elections. These ribbons have come to symbolise support for jailed and exiled Catalan-nationalist leaders.

Madrid also enjoys the full backing of the European Union (EU), which has recently appointed Spanish Foreign Minister Josep Borrell as High Representative of the Union for Foreign Affairs and Security Policy. Borrell, a Catalan, is a rabid anti-secessionist. The PSOE named him after he participated in demonstrations against Catalan nationalism called by *Sociedad Civil Catalana* (Catalan Civil Society), a group tied to the far right.

The European Parliament has also de-facto supported barring Puigdemont, Junqueras and former regional minister in exile Toni Comin from taking their seats, as Madrid has not recognised them as members of the EU body after elections in May. All were elected. However, Madrid has barred them from pledging allegiance to the Spanish constitution, a necessary requirement to be recognised as a Member of the European Parliament.

The European Court of Human Rights also recently rejected by a unanimous vote a case brought by Catalan separatist politicians alleging violations of their freedom of expression and assembly over the 2017 independence referendum. It defended the Spanish Constitutional Court’s suspension of a plenary session of the Catalan parliament, arguing it “pursued legitimate goals” such as “maintaining public safety, defending public order and protecting the rights and freedoms of others.”



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