

## **REPORT BY THE GROUP OF ACADEMICS AND PROFESSIONALS ON THE MONITORING OF THE REFERENDUM**

The Group of Academics and Professionals who have monitored the referendum wish to express two major initial ideas:

- First of all, we wish to emphasise that the referendum called for October 1 has been carried out. It started effectively at the scheduled time and, despite incidents, it progressed throughout the day until its completion, often in very harsh conditions. The civic and democratic sense of the citizens in defence of their rights must be underlined, despite the police repression, and the fact that an attitude of peaceful resistance was maintained at all times.
- Secondly, we must express our dismay at the disproportion in the use of force by the Spanish police and the Guardia Civil against people who were committing no crime and who wanted to exercise their right of political participation, without altering public order. The images that everyone has been able to see are not befitting in the context of democracy and rule of law, recall past times.

### **1. Prior incidents**

The incidents prior to the celebration of the referendum as a result of the actions by the state attempting to prevent it are notorious and have been described in many cases as serious violations of civil and fundamental rights. These include searches of the premises of news media and private homes, sometimes without having or displaying the appropriate warrant, the confiscation of election material (ballots, envelopes, census cards), the arrest of members of the Government's Electoral Administration (senior officials and technical personnel), some of them forced to declare while handcuffed, the prohibition of meetings—called under the aegis of the right to free speech—in Catalonia and elsewhere, the violation of secrecy of correspondence, as well as wiretapping or bugging, hacking or suspension of websites and other information available on social networks.

To all the above, we must add the criminal complaint against the members of the Electoral Commission of Catalonia, as well as the coercive fines imposed for the first time ever by the Constitutional Court. The persecution of these persons ultimately entailed their resignation and generated the criticisms of the loss of the guarantees the entity provides by those who caused it. However, the Electoral Commission completed a large part of the functions involved (validation of the electoral material, accreditation of international observers, accreditation of organisations interested in participating in the referendum and accreditation of proxies and auditors, among others).

### **2. Unfolding of the day**

As stated above, the referendum on self-determination was held. Many people had spent the night at schools and other polling stations to protect the voting. Voting began at 8 AM. However, it could not begin simultaneously at all polling places, mainly due to computer issues that prevented online consultation of the census. According to the data available, these problems were due jamming with inhibitors, which may have generated some anomalies in the issuance of votes that were to be

reviewed at the time of the final scrutiny. It also appears that full ballot boxes were withdrawn and that a significant number of people were not able to vote.

2,162 polling stations opened, out of a total of 2,315 scheduled. Between 8 p.m. and 9 p.m., the Spanish police and the Guardia Civil appeared at a large number of polling places to prevent the vote and, in a clearly selective way, at those where the President of the Generalitat, the Speaker of Parliament and the Vice President of the Government were to vote.

The Mossos d'Esquadra—the Catalan police—closed about 160 polling places, without any damage or injury. In view of the fact that other polling places were full of people, they understood that the application of the principles of proportionality and non-alteration of public order did not allow for the closure of the rest of voting places by force.

The Spanish police intervened at many polling stations, ignoring the agreements adopted by the Security Board of Catalonia, in a clearly disproportionate manner ordered in the warrant issued by the judge of the Superior Court of Justice in Catalonia (TSJC), which specifically demanded that police actions be produced “without affecting the normal civic concurrence of the citizens”.

These interventions took place in a violent manner, causing numerous cases of personal and material damage, closing approximately 90 polling stations. The baton charges were extremely forceful in many places and caused many injuries. The final balance, at 10 p.m., was 761 injured (610 people attended to at hospitals, two of them very serious).

### **3. Considerations on respect for fundamental rights**

The Spanish police acting to comply with the TSJC's interlocutory order to prevent the conclusion of the referendum meant that voting was prevented or hampered, leading to a flagrant violation of a series of rights recognized by the Spanish Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights and International Declarations of Human Rights.

The violation of the rights relating to freedom of speech, freedom of assembly, and the physical integrity of people were particularly significant.

This action also supposes a violation of the values of the European Union as expressed in article 2 of the Treaty of the European Union which states “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”

The grave violation of these values may lead to the activation of the protection procedure established by article 7 of the same Treaty by the European institutions and the member states. In this context, in view of the gravity of the events that took place today in Catalonia, we understand that European bodies cannot stand aside and must adopt the agreements and take the necessary measures to protect the values the European Union is based upon.

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