

A Blow to the Rule of Law

The undersigned, members of the legal profession, DENOUNCE that the imprisoning of Messrs. Jordi Sánchez and Jordi Cuixart, presidents of ANC (Assemblea Nacional Catalana) and Òmnium Cultural, respectively, is devoid of any legal basis and results instead from an ideologically biased abuse of the Law, evidencing among other worrying circumstances a serious breach of the principle of separation of powers in the Spanish state, a blatantly partisan stand by the Spanish Attorney General, as well as an infringement of fundamental rights and a violation of the right to be tried by a legally predetermined judge, all of it in a context of pervasive disregard for the rule of law.

The provisional incarceration of ANC and Òmnium presidents results from a ruling of the Central Criminal Court (Juzgado Central de Instrucción) nº 3 in Madrid, charging them with sedition. With regard to this ruling, **we must STATE:**

1. According to current Spanish criminal law, **the facts** resulting in this incrimination **cannot possibly be qualified as seditious**, but rather as the free exercise of the right of public manifestation, as stated in article 21 of the Spanish Constitution, which the ruling clearly transgresses.

2. **The Audiencia Nacional** (of which the Central Criminal Court nº 3 in Madrid is a component) **is not the competent court** on the matter, which should instead be under the jurisdiction of a criminal court in Catalonia. This clearly infringes upon article 24 of the Spanish Constitution, which states the right of defendants to be tried in a court predetermined by law.

3. **The conditions established** by both the Spanish Code of Criminal Procedure (LECrim) and constitutional jurisprudence **for pretrial detention are not fulfilled in the present case**, again in a clear breach of article 17 of the Spanish Constitution. The lack of motivation of the ruling is particularly egregious: the court has not proven that a flight risk exists, nor shown by which means would the defendants destroy evidence, nor that there is a threat of reiterated crime, given that the facts under scrutiny simply reflected the voluntary mobilization of thousands of people.

Thus we cannot but conclude that the imprisonment of Messrs. Sánchez and Cuixart turns them into **POLITICAL PRISONERS** and places the Spanish state at the dismal level of countries routinely infringing upon civil rights for political reasons, or disregarding the principle of legality, with the result of their being excluded from membership in the European Union. All this adds upon and aggravates the numerous legal irregularities prior and following the October 1 referendum.

Therefore, as jurists, we DEMAND full respect for the rights of Messrs. Jordi Sánchez and Jordi Cuixart, the encroachment of which concerns us all and calls into question the rule of law in the Spanish state. Hence **WE DEMAND THEIR IMMEDIATE FREEDOM.**

If you agree with the above, please support this Manifesto-Denounce with your signature, following [instructions here](#).