

Barcelona, December 29, 2017

The present complaint, carried out by *Col·lectiu Praga*¹, is signed by 628 Jurists to demonstrate to the various International Mechanisms for the Protection of Human Rights, in particular the United Nations system, Human Rights Violations, recognized in Declarations, Pacts, Treaties and International Resolutions, which took place on the occasion of the celebration on October 1, 2017 of the referendum on self-determination in Catalonia, convened under the protection of Catalan Law 19/2017, of 6 September, of the referendum of self-governing.

This complaint is not intended to make an exhaustive account of the events, nor to denounce all the infringements of rights that occurred, but to expose the major clash between the tenants of Democracy and the Law of the Spanish State.

In this regard, we consider that there is sufficient evidence--some of which is presented in this document—to support an independent and comprehensive investigation into the Violation of Human Rights that took place in Spain on October 1, 2017, especially the Rights to freedom of opinion and expression, and the right to freedom of peaceful assembly and association, of the Right to the Physical Integrity, the Right to have a fair and public hearing by an independent and impartial tribunal in the determination of the rights and obligations and of criminal charges against anyone, recognized and protected by international law.

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I.-INFRINGEMENT OF RIGHTS OF FREEDOM OF OPINION AND EXPRESSION, ASSEMBLY AND DEMONSTRATION

On the occasion of the referendum vote on 1 October 2017, there was an escalation of violations against the rights to freedom of opinion and expression, of peaceful assembly and demonstration by the Spanish state authorities acting in Catalonia. It should be noted that the call for self-governance referendum and its promotion ceased to be a crime in Spain since the establishment of the Organic Law 2/2005². Furthermore, the actions carried out in support of the referendum reiterate a legitimate right recognized by the Spanish Constitution. (the right of Free Speech, Assembly, and Demonstration, art. 20 and 21 of the Spanish Constitution 1978, hereinafter called CE).

By way of example, these are some facts which we denounce as possible infringement of the rights to freedom of opinion and expression, the rights if peaceful assembly and demonstration:

A. Performances before October 1, 2017 (1-0)

• On 13 July 2017, the *Guardia Civil* (National Police) entered the National Theatre of Catalonia (Barcelona) to gather information on the organization of an act of the electoral coalition (majority in the current Parliament of Catalonia) who were in the process of presenting a proposal for the call for a referendum regarding the independence of Catalonia. In our view, this action by the *Guardia Civil* sought to restrict the right to Freedom of Opinion and Speech.

² https://www.boe.es/boe/dias/2005/06/23/pdfs/A21846-21846.pdf

- **On September 12, 2017**, the Administrative Court No. 3 of Madrid forbade provisionally³ an act on the Right to Decide of the people of Catalonia, organized by the group "Madrid for the Right to Decide" and that was going to be held in a location granted by the City Council of Madrid.
- On September 15, 2017, the local police in Vitoria, suspended a debate on the Catalonian referendum by a Court Order.
- During the month of September, The National Police and other police staff seized placards and posters during the weeks preceding the carrying out of the referendum which contained as slogans words as "Democracy", "Hello Europe" or "Hello Republic" and required the identification of many People without indicating any reason.
- **On September 16, 2017,** the Local Police of Prat de Llobregat (Barcelona) proceeded to identify five members of the political party *Esquerra Republicana de Catalunya,* (hereafter called ERC) and proceeded to remove the banner that they had hung in favor of Catalan Independence.
- **-On September 28, 2017**, a young man in Reus, Tarragona, was thrown to the ground and arrested by the Police for hanging banners and posters for the Catalonian independence.
- **-During the month of September,** The National Postal Service (*Correos*), a company of Public Spanish ownership, blocked the delivery of various postcards and magazines without justification some days before the carrying out the 1-0 Referendum. They withheld from delivery 60,000 copies of the magazine of *Cultural Òmnium*, published by a Catalan pro-independence association, which were being sent to members of their association.
- -Please read footnotes below of the records made by newspapers *El Vallenc, Vilaweb, El Punt Avui* and *The National*, regarding intimidation its journalists and the influence on the published information⁴.

³Administrative Court n°3 of Madrid issued an Order for cancelling the performance https://www.scribd.com/document/358715787/Auto-Suspension-Acto-Matadero-Madrid

⁴ See, for instance, http://rtve.es/noticias/20170909/guardia-civil-registra-local-valls-busca-material-para-consulta-ilegal-del-1-octubre/1611460.shtml

- -During the month of September, more than 140 websites and dozens of social media sites were shut down, and access to websites abroad were blocked through the coercion of private Internet providers. In addition, several individuals were investigated by the Spanish police with home searches and subsequently prosecuted for cloning referendum websites.
- On September 27, without any notification, the National Police
 (*Guardia Civil*) proceeded to block the web pages of the Parliamentary
 Political Party "CUP" (pro-independent party), and the entities
 Òmnium, *ANC* (National Catalan Assembly), and *Empaperem*⁵.
- **-During September**, there was a continuous ban on Catalan Independence flags (*La Estelada*) at soccer stadiums and at other sporting events. There was a prohibition by the delegation of the Government of Madrid⁶ outlawing the Catalan Independence flags in stadiums, and sanctions for whistling during the Spanish National Anthem⁷.

B. Proceedings during October 1, 2017 (1-0):

- The persons who gathered in the polling stations were legitimately exercising their right to peaceful assembly, according to the current Spanish law (art. 21 CE and LO 9/1983).
- Those who voted were exercising their right to freedom of speech through voting. **It is not a crime to participate in a referendum**. The Spanish police raided polling stations in 92 municipalities, closed about 400 polling stations, and confiscated ballot boxes causing the loss of more than 700,000 and so too are the violations caused that day by the Spanish Police and its violent and excessive response to the people's Right to Physical Integrity (See Infra ap. II).

⁵ See for instance, http://www.levante-emv.com/comunitat-valenciana/2017/09/23/plicia-interroga-joven-replicar-web/1619030.html , http://www.levante-emv.com/comunitat-valenciana/2017/09/23/plicia-interroga-joven-replicar-web/1619030.html , http://www.diariovasco.com/politica/interrogatorio-espejos-web-referendum-20170925114444-ntrc.html

⁶ https://www.vilaweb.cat/noticies/un-jutge-de-madrid-avala-lexhibicio-destelades-en-camps-de-futbol-perque-ho-empara-la-llibertat-dexpressio-futbol-barca-barcelona-sevilla-copa-rei-dancausa-calderon/

⁷ https://elpais.com/deportes/2015/07/27/actualidad/1438022652 274369.html

C. Proceedings after October 1, 2017 (1-0):

- As a consequence of the complaint of the Attorney General's office the Supreme Court prosecuted the President of the Catalan Parliament and the members of the Parliament Bureau⁸ for the carrying out of alleged crimes of "Rebellion", "Sedition" and "Embezzlement" (See Section IV below, paragraph g). Disproportionately and without complying with the legal requirements, Provisional prison sentences were issued which did not comply with the law and were disproportionate to the activity cited. Bail was set at €150,000 for the President of the Parliament and of €25,000 for the rest of the members of the Parliament Bureau⁹.
- This measure infringes on the inviolability of parliamentarians in their right to freedom of speech (art. 71 CE and 57 EAC) and disregards constitutional jurisprudence (STC 30/1997), in accordance to which this inviolability, as a parliamentary prerogative, prevents opening any type of judicial process against the deputies for expressing their opinions or voting.
- Eight professors from La Seu D'Urgell are being investigated by the Courts for having debated in class the events and police violence¹⁰ that took place on 1-0.
- Private media have been judicially investigated. For example, a case has been opened against the weekly humor magazine *El Jueves* for a crime of libel and a hate crime, following a cartoon about the performance of police forces on 1-0¹¹

⁸ The State Attorney General filed a Complaint before the Supreme Court charging the members of the Parliament Bureau. https://www.scribd.com/document/362996215/Querella-de-la-Fiscalia-General-del-Estado-contra-la-Mesa-del-Parlament-ante-el-Tribunal-Supremo

⁹ Supreme Court Summons resolving personal situation of Ms. María Carme Forcadell i Lluis, Mr. Lluís Corominas Díaz, Mr. Luis Guinó i Subirós, Ms.ª Anna Isabel Simó Castelló, Ms.ª Ramona María Barrufet i Santacana, y Mr. Joan Josep Nuet i Pujals:

 $[\]underline{http://estaticos.expansion.com/opinion/documentosWeb/2017/11/09/Auto\%20Forcadell.pdf}$

¹⁰ https://www.vilaweb.cat/noticies/el-jutge-mante-com-a-investigats-els-vuit-professors-de-la-seu-durgell-per-haver-parlat-de-l1-o-a-classe-independencia-catalunya-referendum/

¹¹http://www.elnacional.cat/ca/cultura-idees-arts/jueves-demanda-estat-

advocacia 217188 102.html?utm source=Newsletter+CATALÀ&utm campaign=0a9c567e76-

• A Deputy of the Mayor of the city of Badalona (the third largest in

Catalonia) has been judicially investigated for disobedience and

obstruction of justice because of returning to a group of citizens the

placards and posters seized by the Local Police before the 1-0.

• On 10 November, a Court in Reus (Tarragona) opened an

investigation of public employees, businessmen, city councilors, and

neighbors who, after being intimidated by the police performance on

1-0, requested the Spanish police leave the hotel in which they were

staying.

• On 16 November, the actor and journalist Eduard Biosca was

summoned by the Court following a joke on the radio in which he

made fun of the Spanish police staying in cruise ships at the Barcelona

Port and who were responsible for the violent police conduct on the 1-

O. Another humorist, Toni Albá, has also been summoned for a crime

of slander for his imitation of members of the royal family.

• **On 17 November**, the Spanish police arrested six people accused of

inciting hatred by commenting on social networks about the violence

of the National police during the referendum on 1-0.

The Spanish Ministry of the Interior has opened an email account and

a telephone line for people report what it calls "hate crimes", in which

it invites the population to report cases of Catalan pro-independence

people who are critical of the police performance on $1-0^{12}$.

A comprehensive report on violations of freedom of speech on dates

before and after 1-0, made by journalists, can be found at:

https://www.media.cat/wp-content/uploads/2017/12/Informe 1-

O CAT.pdf.

These examples, and the whole situation described above, violated the

following Spanish Constitutional Rights:

EMAIL_CAMPAIGN_2017_10_25&utm_medium=email&utm_term=0_a31d6c8a9b-0a9c567e76-94652421

12 http://www.interior.gob.es/es/web/servicios-al-ciudadano/delitos-de-odio

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- ➤ The right of **freedom of opinion and expression** recognized in art. 19 UDHR and art. 19 of the ICCPR;
- ➤ The right of freedom of peaceful **assembly** recognized in art. 20.1 UDHR and art. 21 ICCPR;
- ➤ The right of **inviolability of private mail** recognized in art. 12 UDHR and art. 17 ICCPR.

In addition, some of the behaviors described are contrary to repeated resolutions of the Human Rights Council (*Human Rights Commission on the Right to Freedom of Opinion and Speech*) concerning the right to freedom of opinion and speech, which includes freedom to seek, receive, and disseminate information and ideas of all kinds (*Resolution 12/16, of October 2, 2009*); the duty to refrain from taking measures whose deliberate purpose is to prevent or hinder access or disclosure of information online (*Resolution 32/13, of July 1, 2016*); the duty to protect freedom of expression on the internet (*Resolutions 20/8, of July 5, 2012, and 26/13, of June 26, 2014*); and the duty to respect freedom of expression in the media and in radio and television broadcasts and, in particular, its editorial independence (*Resolution 12/16, of October 2, 2009*).

On the other hand, some of the situations described do not respect resolutions of the Human Rights Commission on the right of Peaceful Assembly (*Resolution 2005/37*, of April 19, 2005) and of the Human Rights Council on the duty to promote and guarantee the exercise of human rights in peaceful meetings (19/35 of March 23, 2012, 22/10 of March 21, 2013, or 25/38 of March 28, 2014); the duty to respect and fully protect the rights of all people to freedom of peaceful assembly and association, including in the context of an election, and including persons who embrace minority or dissident beliefs (*Resolutions 15/21 of September 30, 2010, 21/16 of September 27, 2012, or 24/5 of September 26, 2013*); or the duty to protect, promote and fulfill all human rights and fundamental freedoms, in accordance with the Declaration Resolutions on the right and duty of

individuals, groups and institutions to promote and protect human rights and fundamental freedoms universally recognized (*Resolution 53/144 of the General Assembly of the United Nations, of December 9, 1998*).

II. VIOLATION OF THE RIGHT TO PHYSICAL INTEGRITY

Although the Government of Catalunya (Generalitat) is competent to maintain public order in Catalonia through its own police (Mossos d' Esquadra - which has 16,873 agents), the State Government, starting in the month of September, 2017, deployed to Catalonia more than 12,000 police (Civil Guard and National Police) in order to prevent holding the referendum on October 1 (with an approximate cost of 32 million euros).

For the coordination in Catalonia of all these police officers, a senior official, Mr. Diego Pérez de los Cobos, Colonel of the National Police and Director of the Coordination Office of the Secretary of State for Security, was designated as Technical Director of the police operation, which was formed with the Mossos d' Esquadra, the Civil Guard, and the National Police. This designation of Technical Director can be considered illegal and unconstitutional--the EAC prevents the application of arts. 38, 43 and 46 of the Organic Law 2/1986 that would allow, in certain cases, such designation, through instruction of the prosecutor (Instruction 4/2017 of the Superior Prosecutor's Office of Catalonia)¹³,

In this context, and by way of example, these are some of the situations we intend to denounce:

¹³ This Instruction 4/2017 is not published, but the former instructions addressed to the police staff can be found published in: https://www.annanoticies.com/wp-content/uploads/2017/09/fiscalia2.pdf . It is also published the Catalan Government requirement addressed to the Government concerning Instruction 4/2017, which allows to deduct its content: http://presidencia.gencat.cat/web/.content/departament/transparencia/acords govern/2017/2017 09 https://presidencia.gencat.cat/web/.content/departament/transparencia/acords govern/2017/2017 09 https://presidenci

-On October 1, during the referendum, the Mossos d' Esquadra (Catalan Police) closed more than a hundred schools, without any injuries. However, on the same day, the Spanish police closed 92 polling stations and carried out 52 incidents of police violence.

As a result of indiscriminate violence, the use of rubber bullets, tear gas, and violent charges against people who peacefully trying to exercise their right to vote (which accompanied their right to freedom of expression and assembly), 1066 people were injured, one of which ended up losing an eye due to the impact of a rubber bullet, the use of which is prohibited by the Law of the Parliament of Catalonia since 2014¹⁴. The Court of Instruction no. 7 of Barcelona is processing more than 200 complaints of injuries by the police stemming from the incidents of October 1.

The claims made in said Court are based on undue force used the police under the direction of the Spanish government. These crimes include the alleged crimes of injuries, threats, and coercion, as well as crimes against the exercise of individual rights, provided for in articles 540 of the Criminal Code which covers crimes committed by public officials against individual rights.

For this purpose, the Committal Order dated 4 October 2017¹⁵, issued by the Court of Instruction no. 7 of Barcelona, in which the complaint submitted by the *Generalitat* for police actions is admitted, and in which the following is established in its legal basis:

Some videos about police charges can be found at:

https://www.youtube.com/watch?v=bBUJNbLa4ko

https://www.youtube.com/watch?v=R0Tig9firKI

https://www.ara.cat/2017/10/06/INSTRUCCIO 7-

¹⁴ Some international non-governmental organizations have already made initial assessments of the events:

⁻Human Rights Watch: "Spain: Police Used Excessive Force in Catalonia" (https://t.co/0uIOX4typd).

⁻ Amnesty International: "Spain: Excessive use of force by National Police and Civil Guard in Catalonia" (https://www.amnesty.org/en/latest/news/2017/10/spain-excessive-use-of-force-by-national-police-and-civil-guard-in-catalonia/).

¹⁵ Committal Order dated on October, 4 2017 drawn by Criminal Court n° 7 of Barcelona. Judgment roll n° 1439/17

auto obertura diligencies.pdf?hash=fd37bcc570f65c31872f6be94c10507aae962af0

"The Public Prosecutor also states that the right to freedom of expression, assembly and demonstration and participation in public affairs must be exercised in accordance with the law and that in this case, the reason for the meeting had been declared illegal by the Constitutional Court.

The discrepancy on this matter is total. It must be remembered that the alleged referendum to take place on October 1, 2017, was convened in execution of a law of the Parliament of Catalonia that was suspended by the Constitutional Court. Even so, the referendum was convened and organized by the responsible persons. What was illegal and constituting a presumed crime of disobedience, of which this Court does not know, was therefore the convocation, organization and promotion of the referendum by the people (authorities and public officials) to which the Constitutional Court had expressly requested, with warning of the corresponding criminal responsibilities.

What is not illegal or unlawful is that the citizens, summoned by their autonomous administration, go to the voting points indicated to them, in a public establishment open for this purpose, to meet or carry out any activity that has been organized there, including depositing a paper ballot without any legal value in a ballot box ".

Likewise, of the claims made, not only the peaceful conduct of the voters has been proven, but the lack proportionality between the violent police action and the peaceful civilian population at the polling stations. It is also noted that the complaints contained in Judgment Roll nº 1439/17 of the aforementioned Criminal Court no. 7 of Barcelona, 57% of the people who were assaulted were over 50 years old, and 31% of those, were over 60 years old. So the methods used by police officers to discourage protesters were obviously disproportionate to the resistance that was exercised.

These facts are likely to have violated the following rights: the Right to Physical Integrity, according to art. 5 UDHR and art. 7 ICCPR; Right to Security, recognized in art. 3 UDHR and art. 9 ICCPR.

In addition, some of the behaviors described are contrary to the duty to promote and guarantee the exercise of human rights, the duty to avoid the use of force in peaceful demonstrations and, in case the use of force is extremely necessary, avoid disproportionate, excessive or discriminatory use.

In turn, there may be situations contrary to the duty to investigate any injury caused during peaceful demonstrations, including those caused by non-lethal weapons by officials in the exercise of their functions (*Resolutions of the Human Rights Council 19/35 of March 23 of 2012, 22/10 of March 21, 2013, or 25/38 of March 28, 2014*).

In line with the basic principles on the use of force and firearms by law enforcement officials (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, August 27 to September 7, 1990: report prepared by the Secretariat (United Nations publication, No. S.91.IV.2, chapter I, section B.2, annex), law enforcement officials must use as far as possible non-violent means before resorting to the use of force (principle 4). In any case, force can only be used when other means are ineffective or in no way guarantee the achievement of the expected result. The same address points to Article 2 of the Code of Conduct for Law Enforcement Officials (adopted by the General Assembly in its Resolution 34/169 of December 17, 1979). It is the duty of said officials not to use force except when it is strictly necessary and to the extent required by the performance of their duties.

III. VIOLATION OF THE RIGHT OF POLITICAL PARTICIPATION

The police obstruction and the violence exercised by the Spanish police did not prevent voting by 2,286,217 people. The result was that 2,044,038 voters (90.18% of total participants) voted "yes" to the independence of Catalonia, although because of the confiscation of ballot boxes by the police more than 700,000 ballots are now missing ¹⁶.

After decisively winning the October 1 referendum, the Parliament of Catalonia approved the Declaration of Independence on October 27, being suspended on October 31 by the Constitutional Court. After that declaration,

¹⁶ Official Results: http://premsa.gencat.cat/pres fsvp/AppJava/notapremsavw/303541/ca/govern-trasllada-resultats-definitius-referendum-l1-doctubre-parlament-catalunya.do

the Spanish Government with the Agreement of the Senate activated art. 155 Spanish Constitution, and dictated different decrees, among them, Royal Decree 946/2017 on October 27, of call of elections and dissolution of the Parliament of Catalonia¹⁷.

This decree 946/2017 has been appealed before the Supreme Court by two remedies filed by a large group of jurists, and by a group of Catalan deputies. According to that, decree 946/2017 violates the right of every person to participate in the government of their country through representatives and the right of the deputies to exercise, without disturbance, the public functions for which they were democratically elected (in the autonomous elections of September 27, 2015).

Indeed, one of the basic elements that make up this right of political participation is not only to elect the representatives, but also that they can remain in their posts during the time for which they have been elected, otherwise the right of election (which is a fundamental part of the right of political participation) would prevent its effectiveness. There is no doubt that the greatest deprivation or disturbance of the law is the very termination of the mandate by an illegitimate act. Therefore, the right to elect must necessarily be complemented by the right of the representatives to remain in the positions of representative function for the entire term for which they were elected under the conditions provided for in the corresponding legislation. The duration of the mandate of the deputies of the Parliament of Catalonia is determined in the Statute of Autonomy of Catalonia (Organic Law 6/2006, of July 19), in its articles 56 (which establishes that the Parliament is elected for a period of four years), 66 (which establishes that the legislature ends by expiration of the legal mandate of four years, or, in advance for the non-occurrence of investiture or by early dissolution) and 75 (which attributes the power to proceed to the early dissolution only to the President of the Generalitat).

¹⁷ Royal Decree 946/2017, October, 27 of calling for elections to the Catalan parliament https://www.boe.es/buscar/doc.php?id=BOE-A-2017-12330

Therefore, the right of political participation, in relation to the Parliament of Catalonia, includes the right to elect deputies in the terms established by the electoral legislation, and also the right to remain in office, exercising the function of representative for which they were elected, from which they can only cease for the causes established in the competent legislation to determine this question.

This legislation, according to Spanish Constitution (art.147. c and 152.1) is the "Catalan Statute of Autonomy" and the Rules of the Catalan Parliament (under Article 57 of the Statute of Autonomy), in relation to the deputies individually considered.

It is clear, then, that earlier dissolution of a legislature is only provided by the Catalan Statute of autonomy as a consequence of the exercise of the faculty of dissolution that the Catalan Statute grants to the President of the Generalitat. Furthermore, an earlier dissolution by means of other causes than those expressly authorized would substantially affect the period for which the deputies were elected, putting an end to the representative mandate received from the electors.

The early ending of the Catalan parliamentarians elected in the regional elections of September 27, 2015, ordered by an unforeseen and therefore illegitimate Decree (Royal Decree 946/2017 of the Spanish Government), can be considered a violation, on the one hand, of the right of every person to participate in the government of their country through representation and, on the other, the right of the deputies of the Catalan Parliament to exercise without disturbance the public functions for which they were democratically elected (Article 23 CE).

We understand, then, that the dissolution of the Catalan Parliament, as a measure of application of art. 155 CE, whose ethereal purpose is to deactivate the proclamation of the Catalan Republic, violates two precepts in international texts: art. 21.1 UDHR and art. 25 ICCPR.

In addition, this measure also undermines the right to political participation in conditions of equality; in particular, it affects the duty to eliminate practices that directly or indirectly discriminate against citizens in terms of their enjoyment of the right to political participation because of their political opinions (Resolution of the Human Rights Council 24/8, of September 26 of 2013).

IV. VIOLATION OF FREEDOM AND THE RIGHT TO AN INDEPENDENT AND IMPARTIAL TRIBUNAL.

As indicated, the call and promotion of self-governing referendum in Spain ceased to be an offense under Organic Law 2/2005, which repealed articles 506 bis and concordant of the Criminal Code, considering the lack of sufficient cause to constitute criminal offense.

However, in regards to the 1-O referendum, there is suspicion that certain arbitrary actions by some judges and the Public Prosecutor were carried out namely intimidations, persecutions, detentions, and imprisonments people for simply being suspected of supporting the celebration of the referendum and/or the independence of Catalonia. Some of these people were merely citizens, others, activist who legitimately exercised their right of expression, of assembly, and of peaceful demonstration; and others, politicians protected, in some cases, by the prerogative of inviolability.

As an example, these are some of the situations that we denounce for violating the right to liberty or the right to an impartial judge as predetermined by the Law:

a) <u>Disproportionate actions without legal coverage of the Office of the Prosecutor</u>

- It is not illegal to call for a referendum. Nonetheless, the Criminal Prosecutor's Office initiated a criminal proceeding to pursue any activity related to the holding of the referendum. It dictated Instruction 4/17 ordering judicial police actions to prevent the "illegal referendum". But this Instruction should have been limited to those who could incur a possible crime of disobedience of the mandate of the Constitutional Court of 7-IX, directed only to certain public powers through personal and nominative notification. In addition, there was an open judicial procedure, prior to all these actions of the Public Prosecutor, which prevented him from acting (as ordered by the TSJC by Order of 27-IX¹⁸), according to the Spanish legal system.
- The Attorney General of the State (15-IX-17¹⁹) issued an instruction to initiate investigation proceedings against 712 mayors (more than 75% of the total number of mayors in Catalonia), in order to summon them without judicial orders.
- The Prosecutor's Office refused to investigate the violence of the Spanish police during the day, 1-0, of the referendum²⁰, in which there were a total of 1,066 wounded, one of whom ended up losing an eye due to the impact of a rubber bullet, the use of which is prohibited by Law of the Parliament of Catalonia (also the Spanish Senate has refused to open a commission to investigate these facts²¹).

¹⁸ Order issued by the Superior Court of Catalonia (TSJC), Civil and Criminal Section: https://estaticos.elmundo.es/documentos/2017/09/27/auto_tsic_10.pdf

¹⁹ Instruction from the State General Attorney

 $[\]underline{http://estaticos.elmundo.es/documentos/2017/09/13/orden_fiscalia.pdf}$

https://www.documentcloud.org/documents/4065627-Jdo-7-Previas-1437-17-1.html#document/p1

²¹ Senado Report:

 $[\]frac{http://www.senado.es/web/actividadparlamentaria/iniciativas/detalleiniciativa/index.html?legis=12}{\&id2=000006}$

The Public Prosecutor has filed several complaints without any factual basis, that is, without the mandatory police report, which is the basis on which any accusation by the Office of the Prosecutor rests. Those denunciations have been admitted for processing by the judicial branch (for example, against Messrs. Cuixart and Sánchez).

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b) Transformation of a particular cause into a general cause: Court no. 13
of Barcelona. Indiscriminate registrations and without due legal
guarantees in government buildings, political parties, companies, law
firms and private homes

- The Criminal Court no. 13 of Barcelona, under secrecy of summary, transformed a particular cause some proceedings initiated against former Senator Santiago Vidal for statements about an allegedly illegal use of personal data of the citizens of Catalonia into a general case against the holding of the referendum, without any legal basis. And so
 - ➤ Ordered to proceed on 41 searches including various councils of the Generalitat, such as the Department of Economy, the General Directorate of the Patrimony, or the Departments of Governance and Social Affairs. Police searches were also made of printers and companies that could store electoral materials, without locating such material.
 - ➤ It is still unknown if the same Criminal Court nº 13 of Barcelona also ordered on September, 20 day the police detention of 14 people, mostly high-ranking Catalan government officials. The basis of such arrests is therefore unknown.
 - ➤ The arrests and searches were a breach of the principle of proportionality (for example, those carried out against the

newspapers *Vilaweb, El Punt Avui* or *El Nacional*). There were several irregularities that violated basic procedural guarantees: for example, the searches made in government buildings without prior judicial authorization; or in two law firms where the rights to professional and client secrecy must be respected, and without the required prior notice to the dean of the bar association; and harassment of detainees (use of handcuffs, excessive retention). Illustrative of all these are the two communications of the Barcelona Bar Association on September 20, 2017²².

➤ The National Police even attempted to search, without a court order, the headquarters of the CUP parliamentary political party, which was prevented by members of that party and of other parties (many of them parliamentarians) and members of the government of the city of Barcelona including the second deputy mayor²³.

c) Fines levied by the Constitutional Court against members of the Electoral Syndicate

By means of Organic Law 15/2015, of October 16, for the execution of the Constitutional Court's resolutions as a guarantee of the Rule of Law, the Organic Law of the Constitutional Court was reformed, with the purpose of transforming that organ into the executor of its own resolutions, even with coercive measures. This reform, which was aimed at controlling the "Catalan case", transforms the nature of the Tribunal and its role as a neutral arbiter, which earned it severe criticism from the Venice Commission²⁴.

²²http://www.icab.cat/?go=eaf9d1a0ec5f1dc58757ad6cffdacedb1a58854a600312cccabe27fca69cffc3ffc16f3848153193a99da8e5dcc176bf6a43a2fc752eea0b216970adeee6e8eb662342baaa5a87dc

http://www.icab.cat/?go=eaf9d1a0ec5f1dc58757ad6cffdacedb1a58854a600312cc9bf3b0bddd4b07 92b628555ee32ac6256ef38bac9ed7d3226b03dd8852c30134bd2803e6b6d798f9

²³ http://www.elperiodico.cat/ca/politica/20170920/policia-no-aconsegueix-entrar-seu-cup-629991

http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)003-e

Based on the new functions of the reform, the Constitutional Court imposed fines on the members of the Electoral Trusteeship - appointed to control the referendum - of up to 12,000 euros a day²⁵ if they continued to hold office despite being suspended by the Constitutional Court. The imposed fines were unprecedented, without the possibility of further review and, in many cases, without the electoral Trusteeship having been notified in advance of the prior request of the Court itself.

d) Deprivation of Srs. Jordi Sánchez and Jordi Cuixart, presidents, respectively, of the Catalan National Association -ANC- and Òmnium Cultural: disproportionate performances and without competence of the National Audience

- The detentions and searches of September 20, previously referred to, provoked peaceful and spontaneous popular protests. One that took place before the Ministry of Economy, convened by the ANC (Mr. Sanchez) and Omnium (Mr. Cuixart), stands out. As leaders of this popular demonstration Messrs. Sanchez and Cuixart incurred charges of the crime of sedition by the National Court against the presidents of the two associations.
- Following the complaint filed by the prosecutor for the crime of sedition, without a police report and full of assumptions rather than facts, Judge Carmen Lamela, head of the Court of Instruction no. 3 of the National Court, called to declare October, 16—16-X, to Messrs. Sánchez and Cuixart.
- After giving an affidavit, they were arrested pre-trial and transferred to prison²⁶. More than a thousand jurists²⁷ have demanded their release. They are political prisoners as defined by the Council of Europe. Also:

²⁵https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP 2017 067/NOTA%20IN FORMATIVA%20N%C2%BA%2067-2017.pdf

Order of Pre-trial Prison of Mesrrs. Jordi Sánchez y Jordi Cuixart
https://ep00.epimg.net/descargables/2017/10/16/15744723466058a08ef324f5ad67090d.pdf

 http://collectiupraga.cat/wp-content/uploads/2017/10/Denuncia-cast.pdf

- The actions that gave rise to such an accusation could not constitute a crime of sedition, in accordance with the current Criminal Code, but rather were a free exercise of the right to demonstrate (violation of Article 21 EC),
- > The National High Court (and its Central Court of Instruction) was not the competent Court for this case nor, therefore, the judge predetermined by law (violation of Article 24. 2 CE); it can only be a training court based in Catalonia.
- ➤ The precedent cases that the Law of Criminal Procedure and constitutional jurisprudence require to order provisional detention (violation of Article 17 CE) were not given.

All this will be developed on section f.

e) Judicial actions against the legitimate Government of Catalonia: disproportionate actions and without competence of the National Court.

- **On 30-0**, the Attorney General filed a complaint against the president and the advisers of the Government of Catalonia²⁸ before the National Court for the crimes of rebellion, sedition and embezzlement. This judgment was rendered by Judge Carmen Lamela who was again presiding the Court.
- There are indications that the Public Prosecutor's Office moved in favor of Judge Lamela, decorated by the National Police, to instruct this case. Moreover, the it is suspected that the prosecutor's office waited three days before presenting their claim in order to coincide with the change of guard in favor of Judge Lamelas.

²⁸ State Attorney General Lawsuit: https://www.scribd.com/document/362996220/Querella-10 delFiscal-General-del-Estado-contra-Puigdemont-Junqueras-y-el-resto-de-consellers-cesados

- On day 2-XI, the Vice President of the Government and nine counselors were summoned before the judge, who ordered the pretrial imprisonment without bail of the Vice President and eight counselors²⁹.
 - The facts that have given rise to this accusation cannot constitute an offense of sedition or rebellion as there have been neither tumults nor violence, in accordance with the current Penal Code, nor of embezzlement. Neither was the National Court the competent Court for this case nor, therefore, the judge predetermined by law. Nor were the cases that the Law of Criminal Procedure and constitutional jurisprudence require to order pre-trial prison.
 - o It also highlights the fact that all of them were summoned less than 48 hours in advance, and the next day was also holiday (1-XI). This period of time is considered insufficient to prepare a defense of such dimensions, being as it is that the sentences of imprisonment of up to 15 years are being sought. In addition, the lawyer of several of the Catalans officials arrested is also a lawyer for the members of the Catalan Parliament's board, and on that same day and time he had to appear before the Supreme Court for another case. The lawyer of the Catalans counselors asked the National Court to postpone the time of the statements, without any success. Thus, in addition to not having had time for the preparation of their defense, the Catalan Counselors directors had to declare without being properly instructed by their lawyer, a fact that still generates a more evidence of defenselessness and demonstrate a greater violation of this right.

For all these reasons, it is also understood that *they are political* prisoners in the sense required by the Council of Europe.

²⁹ Pre- trial Prison Commitment: https://ep00.epimg.net/descargables/2017/11/02/206acc57dbcb5fb428a2e881369b64b7.pdf

f) Violations of rights common to the facts of paragraphs d) and e)

- The Public Prosecutor's Office and the investigating judge determined the offenses that the imprisoned, according to most experts and legal analysts, have not committed. The crimes charged are those of rebellion, sedition and embezzlement of public funds, which carry long prison sentences. The elements that the law requires to be proven have not been adequately presented as we mention as follow:
 - ▶ Rebellion and sedition: the common and indispensable element of both crimes, as set out in the current penal code, is an uprising, which must be public and *violent* in the first crime (article 472 PC) and public and *tumultuous* in the second (Article 544 CP) perpetrated by a multitude of people. Conducting peaceful demonstrations for or against ideas, institutions or governments is the exercise of a fundamental right and, therefore, is not a crime.
 - ➤ **Embezzlement:** the certifications provided by the General Intervention of the Generalitat rule out any improper use of public funds.
- The pre-trial imprisonment decreed are a serious violation of the right to liberty: the loss of freedom is governed by strict principles of exceptionality and proportionality, given that the fundamental right to personal freedom is affected. This is, according to all Spanish jurisprudence and the ECHR, pretrial detention is a very exceptional means that must be applied proportionately. The legitimate purposes pursued by the "pre-trial imprisonment" are the non-flight of the accused, the non-repetition of the crime and the non-destruction of evidence:
 - ➤ As for the first, the accused have appeared before the courts whenever they have been called; In fact, four of them were abroad and came to the Court voluntarily and personally.

- ➤ With regard to the relapse into criminal attitudes, those who could commit a crime from their positions cannot commit the crimes with which they have been charged because they have been dismissed as Counselors by the Spanish Government.
- ➤ Finally, the risk of destruction of evidence is non-existent. For the two of the defendants who are not public authorities, the associations they preside over have not shown that they have carried out a single breach of the official requirements with which they have been charged.
- The competence of the National Court: in the case of prosecution of the dismissed members of the Catalan Government and the Presidents of Omnium Cultural and of the ANC, the Central Judge no. 3 of the National Court (AN), Mrs. Carmen Lamela, despite the fact that art. 65 of the Organic Law of the Judiciary (LOPJ)³⁰ does not grant the jurisdiction to prosecute crimes of rebellion, sedition embezzlement. Against precedents of this National Court (AN) and Criminal Chamber of the AN and the Supreme Court (TS), she has arrogated to herself a competence she lacks. In addition, derogating from its previous approaches, the Criminal Chamber of the AN, by order of 6-11-2017 decided to ratify the peculiar interpretation of the central Investigative Judge (by majority and not unanimously). In this way, the judge predetermined by the law, the first procedural guarantee of the accused in the criminal court, is far from being fulfilled, and is being replaced by a judge not competent to hear this case. This replacement is antidemocratic and unconstitutional.

g) Judicial actions against the President and the members of the Bureau of the Parliament of Catalonia because they allowed the parliamentary debate on independence.

Following the complaint by the State Attorney General's Office (filed on October 30, 2017, but announced prior to the production of the facts), the

³⁰ https://www.boe.es/buscar/act.php?id=BOE-A-1985-12666&tn=1&p=20151028#asesentaycinco

Supreme Court tried the President of the Parliament and the members of the Parliament bureau for the alleged commission of the crimes of rebellion, sedition and embezzlement. Bail was set at 150,000 € for the President of the Parliament. This amount was disproportionate and did not comply with the legal requirements for avoiding pre-trial prison.

The President of Parliament was prevented from depositing this amount on the same day and, therefore, she was forced to spend one night in prison before posting her bail the following day. Provisional freedom was granted on bail of $\leq 25,000$ for the rest of the members of the table³¹. In addition, the President and members of the Parliament are forced to appear weekly in court, are forbidden to leave the country and their passport is withdrawn.

h) Transfer to the Supreme Court of the cases above mentioned

- The cases against the President of the Generalitat and its counselors, and that of Messrs. Cuixart and Sánchez, have been transferred from the National Court to the Supreme Court on November 24, 2017. According to the current court jurisdiction, the Superior Court of Justice of Catalonia must be in charge of this criminal trial as the alleged crimes have been carried out in the territory of Catalonia (Article 57.2 EAC).
- On December 4, 2017, the Supreme Court reviewed the pre-trial imprisonment and allowed the provisional release under on bail of € 100,000 for six Catalan Government advisors, with the obligation to appear weekly before the court, prohibition to leave the country, and surrender of passport. But it maintains, arbitrarily, provisional detention for the Vice President and the interior councilor and the two

http://estaticos.expansion.com/opinion/documentosWeb/2017/11/09/Auto%20Forcadell.pdf

Order resolving the personal situation of Ms. María Carme Forcadell Lluis, Mr. Lluís Corominas Díaz, Mr. Lluis Guinó i Subirós, Ms. Anna Isabel Simó Castelló, Ms. Ramona María Barrufet i Santacana, y Mr. Joan Josep Nuet i Pujals:

presidents of the two associations ANC and Òmnium Cultural³², even though, as in the other cases, it has been shown that there is no risk of escape and that they have declared that independence can only be achieved by previous strategies, by negotiating with the Spanish State and by submitting to the Spanish legal order.

i) The European arrest warrant (OED): inconsistencies and non-feasibility of its issuance.

- When the rest of the members of the Catalan Government were dismissed at the appeal of the judge from National Court nº 3, (they went to Belgium before the issuance of any summons and the opening of arrest against him), The judge, Mrs. Lamela, issued a European Arrest Warrant. Here the first incongruity is born: besides the aforementioned three crimes (rebellion, sedition, embezzlement), it adds those of prevarication and disobedience, for which the prosecutor never charged criminal actions. Two of those affected by the issuance of that European Arrest Warrant (OED) filed an appeal against it on the grounds that it went beyond what the prosecutor requested and that, therefore, it was incongruous.
- On November 13, the judge answered that such incongruity was non-existent, since the prosecutor considered that the prevarication and disobedience are inherent in rebellion. The judicial sophistry was evident: the prosecutor does not act for less serious crimes, because he considers them included in other more serious ones; nor does he endeavor to prove those facts prior to the serious crimes for which the complaint is filed; he mentions them in passing. The judge, unexpectedly and illegitimately expands the motives of the European Arrest Warrant (OED) to include two new crimes. But the above was not enough to document the OED. It was not enough because none of those five accusations figures in the list of 32 crimes established by

³² Suprem Court Order of December 4,2017: https://ep00.epimg.net/descargables/2017/12/04/6b55476a43f9dc390d0d85e052dc7054.pdf

European legislation (Directive 2011/99 / EU, transposed to the Spanish legislation, law 23/2014 of mutual recognition of criminal resolutions in the European Union³³).

- Anticipating this obstacle in the standardized form in which the European Arrest Warrant is printed, the box for the crime of corruption was marked. Therefore, it would seem that there has been a effort to obscure the facts presented to the Belgian judges by altering the charges brought in Spain against the Government of the Generalitat, into charges of corruption, something that is entirely without merit.
- Foreseeing that the Belgian judiciary was not going to extradite any of the four members of the Catalan Government residing in Belgium, the Examining Judge of the Supreme Court withdrew on December 5 the OED issued by the Examining Judge no. 3 of the National Court³⁴. The international arrest warrant sent to Interpol was also revoked. This is the anomaly that the Spanish Justice, with the consent of the Public Prosecutor's Office (which is controlled by the Government), will only persecute the residents now in Brussels if they return to Spain. However, for the same facts four people—Messrs. Oriol Junqueres, Joaquim Forn, Jordi Sanchez and Jordi Cuixart– are still being held in pre-trial prison without bail.

i) Prison conditions of prisoners:

The aforementioned pre-trial prisoners are not in modules of pre-trial prisoners but mixed with convicted prisoners³⁵. Mr. Sànchez has witnessed, very closely, a knife attack between prisoners during the celebration of Mass.

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³³ https://www.boe.es/buscar/act.php?id=BOE-A-2014-12029

³⁴ Dismissal Order of 5 December of the Supreme Court retiring the European Arrest warrant"http://estaticos.elperiodico.com/resources/pdf/8/6/1512468316668.pdf

³⁵ According to section 8 of Organic General Penitentiary Law 1/1979, 26 September, -Pre-trial prisoners has to be located in a special buildings-

They suffer from cold temperatures in their cells due to lack of radiators and poorly fitted windows. The heating only works in the area for visits from relatives.³⁶

Those who remain imprisoned today, and were candidates for Catalans elections on December 21 (Mr. Junqueras, Forn and Sanchez). They could not communicate with their lawyers to prepare their candidacies. They could not give their lawyers any kind of documentation, thus violating his right to be elected under conditions of equality (right of passive suffrage, see above). It seems obvious that they are being held as political prisoners. They are unable to fulfill their terms in office or to run for reelection because they are imprisoned.

The above facts violate the following human rights: In the previous events there are manifest violations of the right to liberty (Article 9 UDHR and 9 PIDCP) and/or the right to an independent and impartial tribunal (Article 10 UDHR and 14 PIDCP), in addition to other rights that have already been described in previous sections.

It must also be remembered--as indicated in the annual report of the Special Rapporteur on the independence of judges and lawyers, 2016, ap. 45) - that "Independence is not a prerogative but an obligation of magistrates. The magistrates should be fully aware of the characteristic function they exercise in society and the way in which they are viewed by the population. The magistrates are expected to maintain social peace by resolving grievances and settling disputes through the application of the law. Its obligation is to administer justice impartially and equally for all. In the exercise of their profession, they must ensure that they are independent from a personal and political point of view, and also intellectual. It is convenient that they be completely disconnected from the parties in litigation."

These conditions to recognize an impartial and independent judge are not met in the Spanish case when analyzing the facts described and there is powerful evidence of noncompliance.

³⁶ About their everyday prison life: http://elmon.cat/amp/politica/bbc-explica-vida-dels-presos-politics. Link to BBC report http://elmon.cat/amp/politica/bbc-explica-vida-dels-presos-politics. Link to BBC report http://elmon.cat/amp/politica/bbc-explica-vida-dels-presos-politics. Link to BBC report http://www.bbc.com/news/world-europe-42136236

Also, some of the behaviours described are contrary to the duty of humane treatment and respect due to dignity (Principle 1 of the set of Principles for the protection of all persons subjected to any form of detention or imprisonment, adopted by the General Assembly of the **United Nations** in its resolution 43/173, of December 9, 1988) and Principle 1 of the Basic Principles for the Treatment of Prisoners (adopted and proclaimed by the General Assembly in its resolution 45/111, of December 14, 1990), with special attention to the case of law enforcement officials (Article 2 of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly of the United Nations in its resolution 34/169 of December 17, 1979); the duty of separation of detainees in pre-trial detention of those who are serving sentences (Para 8 and 85 appendix 1 of the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on crime prevention and treatment of the offender, held in Geneva in 1955, and approved by the Economic and Social Council in its resolutions 663C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, and Principle 8 of the Set of the protection of all persons subjected to any form of detention or imprisonment); the duty that the premises intended for the accommodation of the inmates during the night satisfy the heating needs (Paragraph 10 of the Standard Minimum Rules for the Treatment of Prisoners); or the duty to use pre-trial detention as a last resort (para.1.1 of the United Nations Standard Minimum Rules on Non-custodial Measures - the Tokyo Rules, adopted by the General Assembly in its resolution 45/110 of 14 December 1990-) and Principle 39 of the Set of Principles for the protection of all persons subjected to any form of detention or imprisonment.

LIST OF JURISTS SUPPORTING THE INTERNATIONAL COMPLAINT

(List of supporters closed on December 29, 2017- Updated as of January 18, 2018)

- María José Abella Mestanza (Professor of Labour and Social Security Law, UB)
- 2. Ana Abrain Cariñena (Attorney registered at Barcelona Bar Association)
- 3. Pablo Acosta Soler (Attorney registered at Barcelona Bar Association)
- 4. Maria Alma Aguas Panisello (Attorney registered at Tortosa Bar Association)
- 5. Josep Aguilar Viñolas (Attorney registered at Vic Bar Association)
- 6. Josep M. Aguirre i Font (Professor of Administrative Law, UdG)
- 7. Frederic Alberola Morant (Attorney registered at Barcelona Bar Association)
- 8. Enoch Albertí Rovira (Distingished Pdh. Chair and Professor of Constitucional Law, UB)
- 9. Josep Aldomà Buixadé (Attorney registered at Sabadell Bar Association)
- 10. Joaquim Alegre i López (Attorney registered at Barcelona Bar Association)
- 11. Mercè Alegre Roca-Ribas (Attorney registered at Barcelona Bar Association)
- 12. Patrícia Alemany Santos (Attorney registered at Barcelona Bar Association)
- 13. Enric Aloy Bosch (City council attorney at city council of Manresa)
- Juan Mario Álvarez Colón (ex-town clerk at city council of Navarredonda de Gredos)
- 15. Milagros Álvarez-Verdugo (Professor of Public International Law, UB)
- 16. Olga Amargant (Attorney registered at Mataró Bar Association)
- 17. Jaume Ametlla Culí (Attorney registered at Barcelona Bar Association)
- 18. Olinda Anía Lafuente (Law graduate and civil servant at government of autonomous communitie of Catalonia)
- 19. Lourdes Aran Coll (Attorney registered at Barcelona Bar Association)
- 20. Mercè Arderiu i Usart (Jurist)
- 21. Sergey Aresti Arteaga (Attorney registered at Bilbao Bar Association,
- 22. Cèlia Argilés Andrés (University degree in Law, Comptroller.)
- 23. Marta Ariste Pomarol (Attorney registered at Barcelona Bar Association)
- 24. Meritxell Armengol Sanz (Attorney registered at Barcelona Bar Association)
- 25. Jon Artatxo Aurtenetxe (Attorney registered at Bizkaia Bar Association)
- 26. Jordi Arteaga Fuentes (Attorney registered at Barcelona Bar Association)
- 27. Jorge Arteagabeitia Oyanguren (Attorney registered at Bilbao Bar Association)
- 28. Mireia Artigot Golobardes (Attorney registered at Barcelona Bar Association)
- 29. Begoña Atxa Azurmendi (Attorney registered at Bilbao Bar Association)
- 30. Montse Aumatell (Attorney registered at Tarragona Bar Association)
- 31. Meritxell Bachs Salvadó (Attorney registered at Barcelona Bar Association)
- 32. Josep Maria Badía Sala (Attorney registered at Manresa Bar Association)
- 33. Eva M. Badias Bastida (Court solicitor)
- 34. Joan Badosa (Attorney registered at Barcelona Bar Association)
- 35. Vivian Baguer Harvey (Attorney registered at Barcelona Bar Association)
- 36. Joan Balaguer i Viladecàs (Attorney registered at Mataró Bar Association)
- 37. Luis Ballbé Mallol (Jurist, UB)
- 38. M. Carmen Ballbé Mallol (Attorney registered at Barcelona Bar Association)
- 39. Jordi Ballesteros Ventura (Attorney registered at Barcelona Bar Association)
- 40. Ignasi Balué i Tomás (Attorney registered at Lleida Bar Association)
- 41. Isabel Barbé Illa (Attorney registered at Lleida Bar Association)
- 42. Marta Barbé Illa (Attorney registered at Lleida Bar Association)
- 43. Josep Ramon Barberà i Gomis (Professor of Administrative Law, UPF)
- 44. Bernat Barceló Capo (Attorney registered at Barcelona Bar Association)

- 45. Mercè Barceló i Serramalera (Distingished Pdh. Chair and Professor of Constitutional Law, UAB)
- 46. Cristóbal Barea Castilla (Attorney registered at Barcelona Bar Association)
- 47. Cristina Barellas Laviós (Attorney registered at Barcelona Bar Association)
- 48. Sandra Bargués Torres (Attorney registered at Barcelona Bar Association)
- 49. Joan Antón Barrachina Cros (Attorney registered at Tarragona Bar Association)
- 50. Joaquim Bartra Soler (Attorney registered at Mataró Bar Association)
- 51. María José Bartralot (Attorney registered at Barcelona Bar Association)
- 52. Francesc Bellavista Solà (Jurist, UB)
- 53. Rosa Benach i Pascual (Attorney registered at Barcelona Bar Association)
- 54. Aitor Bengoetxea Alkorta (Professor of Labour and Social Security Law at Euskal Herriko Unibertsitatea)
- 55. Èric Berga Gilabert (Lawyer, Housing Agency of Catalonia)
- 56. Xavier Berga Vayreda (Attorney at government of autonomous communitie of Catalonia)
- 57. Xavier Bernadí Gil (Professor of Administrative Law, UPF)
- 58. Ramon Besora i González (Jurist-Graduate in Law)
- 59. Francesc Bierge (Attorney registered at Barcelona Bar Association)
- 60. Lorea Bilbao Gredilla (Attorney registered at Araba Bar Association)
- 61. Vicens Josep Bitrià i Aguilà (Attorney registered at Lleida Bar Association)
- 62. Francesca Blanch Roura (Attorney registered at Girona Bar Association)
- 63. Albert Blanco Teijelo (Attorney registered at Barcelona Bar Association)
- 64. Roser Blasco Vivas (Administrative Specialist for the Barcelona County)
- 65. Àlex Blay i Mercè (Attorney registered at Barcelona Bar Association)
- 66. Josep Boada Batalla (Attorney registered at Terrassa Bar Association)
- 67. Genís Boadella Esteve (Attorney registered at Barcelona Bar Association)
- 68. M. Ángeles Bofarull (Degree in Law)
- 69. Alexandre Boix i Martí (Attorney registered at Figueres Bar Association)
- 70. Francesc Bonet Lluch (Attorney registered at Barcelona Bar Association)
- 71. Enric Bonmatí Guidonet (Attorney registered at Barcelona Bar Association)
- 72. Susana Borràs Pentinat Professor of Public International Law and International Public Relations, URV)
- 73. Andrea Borrell Vila (Attorney registered at Sabadell Bar Association)
- 74. Miquel Botanch i Caballeria (Attorney registered at Girona Bar Association)
- 75. Albert Bramon Pigem (Attorney registered at Girona Bar Association)
- 76. Joaquim Brustenga Etxauri (Attorney registered at Barcelona Bar Association)
- 77. Jordi Budo i Salellas (Jurist)
- 78. David Bueno i Gràcia (Attorney registered at Barcelona Bar Association)
- 79. Elisabet Buireu i Puig (Graduate in Law. Jurist for the Town Hall)
- 80. Sonia Buxaderas Sans (Attorney registered at Barcelona Bar Association)
- 81. Àngel Cabello i Matas (Attorney registered at Lleida Bar Association)
- 82. Gemma Calvet (Attorney registered at Barcelona Bar Association)
- 83. Adrià Calvet Casajuana (International Public Law, URV)
- 84. Eduard Camarós Serra (Graduate in Law)
- 85. Josep Camí i Mónico (Attorney registered at Barcelona Bar Association)
- 86. Maria Pilar Camino Cerdán (Attorney registered at Barcelona Bar Association)
- 87. Xavier Campà i Ferrer (Attorney registered at Barcelona Bar Association)
- 88. Eusebi Campdepadros i Pocurull (Attorney registered at Tarragona Bar Association)
- 89. Montserrat Campillo (Attorney registered at Barcelona Bar Association)
- 90. Joan Carles Campobadal Molina (Attorney registered at Manresa Bar Association)
- 91. Ignasi Camprubí i Batet (Attorney registered at Vic Bar Association)

- 92. Joan Cañada i Campos (Attorney registered at Girona Bar Association)
- 93. Ariadna Canadell Tarradellas (Attorney registered at Vic Bar Association)
- 94. Ramon Canet Camprubí (Attorney registered at Manresa Bar Association)
- 95. Montse Canut i Jordana (Attorney registered at Lleida Bar Association)
- 96. Gemma Capdevila (Attorney at government of Autonomous communitie of Catalonia)
- 97. Enrique Caralps (Jurist, UB)
- 98. Felip Carbajo i Pernau (Jurist at Fundació Gestió Sanitària)
- 99. Isaac Carbonell Agulló (Attorney registered at Sabadell Bar Association)
- 100. Agustí Carles i Garau (Attorney registered at Girona Bar Association)
- 101. Sílvia Carmona Belmonte (Attorney registered at Manresa Bar Association)
- 102. Marta Carol i Devesa (Attorney registered at Barcelona Bar Association)
- 103. Meritxell Carrasco Garcia (Auditory Secretary for the Town Hall)
- 104. Albert Carreras Sureda (Attorney registered at Girona Bar Association)
- 105. Luís Carrero Monserrat (Retired lawyer registered at Barcelona Bar Association)
- 106. José Ramon Carrillo Yeste (Attorney registered at Barcelona Bar Association)
- 107. Jordi Casadevall i Fuste (Attorney registered at Girona Bar Association)
- 108. Erika Casajoana i Daunert (Degree in Law, UAB. Associate professor of UOC)
- 109. F. Xavier Casals i Vila (Attorney registered at Granollers Bar Association)
- 110. David Casellas Roca (Attorney registered at Manresa Bar Association)
- 111. Dewi Castel Hughes (Jurist-Graduate in Law)
- 112. Isa Castell Solà (Attorney registered at Tortosa Bar Association)
- 113. Íngrid Castells (Attorney registered at Madrid Bar Association)
- 114. Miguel Castells (Attorney registered at Madrid Bar Association)
- 115. Carmina Castellví Vallverdú, (Attorney registered at Lleida Bar Association)
- 116. Josep Chiva Masó (Attorney registered at Barcelona Bar Association)
- 117. Mercè Cid Martínez-Aguado (Attorney registered at Tortosa Bar Association)
- 118. Cristian Cimadevila Magrí (Secretary of a City Council)
- 119. Ascensió Cirera Cabeza (Attorney registered at Terrassa Bar Association)
- 120. Jaume Ciurana Llevadot (Non-practicing attorney registered at Barcelona Bar Association)
- 121. Marta Clapés Cascón (Attorney registered at Barcelona Bar Association)
- 122. Teresa Collado Punyet (Attorney registered at Lleida Bar Association)
- 123. Aránzazu Colom Nart (Attorney at government of autonomous communitie of Catalonia)
- 124. Joan Coma i Costa (Attorney registered at Girona Bar Association)
- 125. Roser Comas i Closas (Graduate in Law. Former Prosecutor.)
- 126. Anna Comella Munmany (Attorney registered at Girona Bar Association)
- 127. José María Compains Rolan (Retired Attorney registered at Pamplona Bar Association)
- 128. Eneko Compains Silva (Professor of Constitutional Law, UPV/EHU)
- 129. Roser Compaña González (Attorney registered at Girona Bar Association)
- 130. Ignasi Company Armengol (Attorney registered at Tarragona Bar Association)
- 131. Catalina Company Barceló (Attorney registered at Illes Balears Bar Association)
- 132. Oriol Contreras de Lequerica (Attorney registered at Mataró Bar Association)
- 133. Leopold Corbella Sanaüja (Attorney registered at Manresa Bar Association)
- 134. Elsa Corbella Titus (Court solicitor, ICP Manresa)
- 135. Josep Coromina Vilarrasa (Attorney registered at Girona Bar Association)
- 136. Olga Corominas Martínez (Attorney registered at Barcelona Bar Association)
- 137. José Manuel Corral Sola (Attorney registered at Barcelona Bar Association)
- 138. Josep Maria Cortés Artigas (Attorney registered at Sant Feliu Bar Association)
- 139. Anna Cortinas Val (Degree in Law, UAB)

- 140. Oriol Costa Lechuga (Degree in Law, UOC)
- 141. Enrique Costoya Allegue (Attorney registered at Barcelona Bar Association)
- 142. Eladi Crehuet Serra (Retired notary public)
- 143. Eulàlia Creus Ferré (Attorney registered at Barcelona Bar Association)
- 144. Josep Cruanyes i Tor (Attorney registered at Barcelona Bar Association)
- 145. Adriana Cubero del Valle (Attorney registered at Barcelona Bar Association)
- 146. Antoni Cunyat i Montfort (Attorney registered at Girona Bar Association)
- 147. Maria Elvira Cuxart Fonolleda (Attorney registered at Barcelona Bar Association)
- 148. Anna Cuxart i Romero (Attorney registered at Barcelona Bar Association)
- 149. Miquel Joan de Bartolomé Estévez (Attorney registered at Lleida Bar Association)
- 150. Lluís de Carreras Serra (Attorney registered at Barcelona Bar Association)
- 151. Víctor de Daniel i Carrasco-Aragay (Court solicitor)
- 152. José María de Dios Marcer (Professor of International Privat Law, UAB)
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- 154. Carolina de la Fuente Navarro (Attorney registered at Barcelona Bar Association)
- 155. David de la Llave Llorens (Attorney registered at Girona Bar Association)
- 156. Xabier de la Maza Peña (Attorney registered at Bilbao Bar Association)
- 157. Clara de la Rúa Córdoba (Attorney registered at Barcelona Bar Association)
- 158. Aitana de la Varga Pastor (Professor of Administratives Law, URV)
- 159. Lorenç de Otero Millan (Lawyer)
- 160. Alexandre de Sàgarra i Gómez (Attorney registered at Lleida Bar Association)
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