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UPDATE of the report presented on February 26 to the European Commissioner for Human Rights by the *Col·lectiu Praga*¹ and subscribed by 650 lawyers to report **NEW** human rights violations recognized in the ECHR.

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I. VIOLATION OF THE RIGHT TO FREEDOM OF EXPRESSION (art. 10 of the ECHR)

In the report of February 26, 2018, we emphasized that the violation of the right to free expression had occurred before, during and after the celebration of the referendum of October 1, 2017 (together with the violation of the right to peaceful assembly).

The interference in such rights before the celebration of the referendum was an attempt to avoid support for the celebration of the referendum itself. However, after October 1, such interferences have been directed at repressing pro-independence positions, as well as those who that simply defend civil rights in such a context. This has been done thorough the indiscriminate misuse of the concepts and alleged crimes of "hate speech" or "hate crimes" and the persecution of any public manifestation of support to such political ideas.

Some examples which took place after our February 26 report:

1. Persecution of ideas

- The non-possibility of forming a government in Catalonia with the candidates so far proposed, as well as the preventive detention of politicians and members of the pro-independence civil society groups (ANC and Omnium) responds not to a legal criteria, but to an uninhibited persecution of pro-independence ideas (see, in this regards, the resolutions of the Supreme Court cited in sections III and IV).

- The General Council of the Judiciary, on March 8, 2018, denied (by 6 votes to 2) the re-entry to the active service of Judge Santiago Vidal, who previously had been declared by the same Council responsible for a very serious offense of inexcusable ignorance in the fulfillment of judicial duties, for having promoted the drafting of a proposal of Catalan Constitution². The denial of his re-entry is based on his "lack of aptitude" as a result of his "lack of loyalty to the institutions of the State and the Constitution" for continuing to carry out public interventions in events supporting the independence of Catalonia. This decision by the General Council of the Judiciary has been strongly questioned by "Agora Judicial", an association of judges³.

2. Preparation of "black lists" and hate speech against Catalan citizens

- The Spanish Ministry of Finance, after formally concluding that the Catalan Government had not used public funding for the referendum of October 1⁴, opened

² <http://www.poderjudicial.es/cgpj/es/Poder-Judicial/Sala-de-Prensa/Archivo-de-notas-de-prensa/El-CGPI-deniega-al-magistrado-Santiago-Vidal-el-reingreso-al-servicio-activo>

³ <http://agorajudicial.org/el-cgpi-deniega-el-reingreso-a-santi-vidal/>

⁴ As it has been accepted by minister Montoro:

https://www.elnacional.cat/ca/politica/govern-generalitat-despeses-referendum_243057_102.html?utm_source=Newsletter+CATAL%C3%80&utm_campaign=e53bf05413-EMAIL_CAMPAIGN_2018_01_05&utm_medium=email&utm_term=0_a31d6c8a9b-e53bf05413-94652421

a new path to fabricate a hypothetical accusation of misappropriation of public funds. Consequently, the General Auditor of the Generalitat (Catalan Government) has been required to send to the Ministry information related to a list of a hundred lawyers, companies, media groups and journalists who had received payments from the Catalan Government. According to the Spanish Ministry, these payments could be related to activities prone to the celebration of the referendum. However, some of these payments are scholarships and awards for scientific papers and publications subject to open and periodic calls. The preparation of such "black lists" could also threaten the right to data protection as well as freedom to teach and conduct academic research⁵.

- In addition to the boycott of Catalan products promoted by certain Spanish press; some "problematic" professionals have also been targeted, directing the justice system to them. Thus, the newspaper "El País" points to Catalan law professionals who are currently denouncing human rights violations in Spain⁶.

- "Catalanophobia" has also led to the appearance of products that promote it⁷.

- Units of the Spanish Army units have threatened online the Catalan civil population with the use of its weaponry⁸.

3. Imputation of hate crimes.

- Court of Instruction no. 2 of Manresa accused of hate crime as well as of grave resistance to a town councillor of Sant Joan de Vilatorrada. This councillor, who is a clown by profession, is accused for the photos taken of him wearing a clown nose next to a Guardia Civil, during the protests against the searches in the Catalan Ministry of Public Administration that took place on September 20, 2017⁹.

- Court no. 2 in Reus accused two firemen for possible hate crime and misappropriation of public funds for having attended a demonstration on October

⁵ https://www.elnacional.cat/es/politica/montoro-ayudas-generalitat-entidades-soberanistas-medios_245607_102.html

⁶ https://elpais.com/ccaa/2018/04/02/catalunya/1522687965_231950.html?id_externo_rsoc=whatsapp

⁷ <http://www.directe.cat/noticia/744138/anti-catalan.com-l-odi-a-catalunya-ja-es-un-negoci-a-espanya>

⁸ <http://www.directe.cat/noticia/743381/un-forum-de-la-policia-i-l-exercit-espanyol-amenaca-els-cdr-amb-agents-armats>
<http://elmon.cat/politica/cdr-acusen-regim-dinventar-mentides-reprimir-los>

⁹ <http://www.ccma.cat/324/la-jutge-imputa-delicte-dodi-i-de-resistencia-greu-al-regidor-jordi-pesarrodona/noticia/2839930/#.WoKUIAEDUc.whatsapp>

3, 2017, in front of the Hotel Gaudí¹⁰ with the official firemen helmet and uniform¹¹.

4. Regression of Spanish jurisprudence in the protection of the right to freedom of expression.

- The ruling of the Supreme Court dated February 20, 2018, has confirmed the sentence of three years and six months in jail that the National Court imposed on Josep-Miquel Arenas-Beltrán, known as *Valtonyc*, for crimes of glorification of terrorism, grave defamation and libel against the Crown, and non-conditional threats in their songs¹².

- The sentence of the Court of Instruction no. 5 of the National Court of March 2, 2018, condemned to two years and one day in prison and a fine of 43 months to the Catalan singer and poet Pablo Rivadulla i Duró (known as the artistic name by *Pablo Hasél*) for the crimes of glorification of terrorism, defamation and libel against the Crown and use of the image of the King, as well as for calumnies and insults against the State Institutions, for the content of 64 messages posted on Twitter and one song on YouTube¹³.

- The ECHR has recently condemned Spain for violation of the right to freedom of expression. This is the sentence of the ECHR, dated March 13, 2018, which unanimously decided that the criminal conviction, imposed by the National Court and confirmed by the Spanish Constitutional Court, to two young Catalans for burning publicly an image of the Spanish monarchs during their visit to Girona in 2007 implies a violation of the freedom of expression (and condemned Spain to indemnify them with 9,000 euros) and not a crime of insults against the Crown sustained by a "hate speech"¹⁴.

5. Fake news: the false discourse about violence in Catalonia

Recently political parties, the Spanish Government and the Public Prosecutor's Office of the Spanish National Court have lunched false accusations of violent action by the so-called *Committees for the Defence of the Republic* (CDR)¹⁵. These

¹⁰ This hotel is located in the same city of Reus and was lodging Spanish police officers that had been sent to Catalonia in the context of the October 1 referendum. After the police actions of October 1, several demonstrations took place in front of this hotel –and many others all over Catalonia- which in most of the cases forced the police officers to leave the hotels and be relocated in military barracks or cruise ships rented in Italy and sent to Catalan ports.

¹¹ <http://www.diarimes.com/es/noticias/reus/2018/04/05/dos-bombers-investigats-per-delicte-odi-estan-citats-declarar-divendres-36800-1092.html>

¹² https://www.eldiario.es/politica/Supremo-confirma-rapero-Valtonyc-carcel_0_742276475.html

¹³ https://politica.elpais.com/politica/2018/03/02/actualidad/1519993957_833787.html

¹⁴ <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Enric%20Stern%20Taulats%22%5D%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%5D%7D>

¹⁵ <http://www.directe.cat/noticia/743329/la-razon-agafa-una-foto-d-una-agressio-feixista-valencia-per-parlar-dels-cdrs>

Committees have their origin in the assemblies of citizens organised to defend the referendum on October 1 (*Committees for the Defence of the Referendum*).

Afterwards, these committees have been transformed into Committees for the Defence of the Catalan Republic. They are characterized by the use of civil disobedience, always peaceful¹⁶. All allegations of violence by the CDR have been denied¹⁷.

In conclusion, after the referendum was celebrated on October 1, 2017, the different powers of the Spanish State have entered into a dynamic of harassment and intimidation of any pro-independence idea or approach, being these defended by politicians or by citizens. In parallel, the same powers are building a discourse in which independence is correlated to violence, causing an overall state of misinformation that allows the free persecution of political ideas, which should be protected by the freedom of expression and opinion.

II. PROHIBITION OF "DEGRADING TREATMENTS" (art. 3 ECHR)

In our February 26 report we denounce the violation of this right for two reasons:

a) Due to the lack of proportionality between the police action and the attitude of the civilian population attending the polling stations on October 1, 2017 (day of the referendum celebration). That action resulted in the processing before different courts in Catalonia of numerous injuries caused by the police in relation to the events that took place on that date.

And b) Due to the lack of investigation of police action on October 1. In our February 26 report we already underlined that the Spanish State not only has refused to open the abovementioned investigation before the Senate¹⁸ and has closed ongoing investigations before the Catalan Parliament¹⁹, but has declared the secret on police actions. Even more, it has decorated the police officers who participated in the charges on October 1²⁰.

¹⁶ https://www.eldiario.es/catalunya/CDR-reafirman-violencia-criticas-calientan_0_756974542.html

¹⁷ <http://www.publico.es/public/moviment-sobiranista-els-cdr-i-els-partits-independentistes-responen-als-intents-criminalitzacio.html>
<https://okdiario.com/espana/cataluna/2018/04/03/ada-colau-rescate-cdr-no-hay-violencia-son-protestas-pacificas-logicas-2056189>

¹⁸ Agreement of the PP, PSOE and C's to refuse to investigate the police charges:
<http://www.lavanguardia.com/politica/20171129/433292881601/pp-psoe-cs-rechazan-investigar-senado-cargas-policiales-1o.html>

¹⁹ Agreement of the Catalan Government:
<http://portaldogc.gencat.cat/utillsEADOP/PDF/7471/1638533.pdf>. And in application of the measures of art. 155 CE, Spanish Royal Decree that suppresses the Commission of investigation created by the Catalan Government: <https://www.boe.es/boe/dias/2017/10/28/pdfs/BOE-A-2017-12334.pdf>

²⁰ <http://www.elboletin.com/noticia.asp?ref=156692>

That lack of investigation continues today; and Colonel Pérez de los Cobos has been promoted (he assumed the Command of the Civil Guard of Madrid²¹), being him the maximum officer coordinating the security operative in Catalonia on October 1.

It must be added to the foregoing, that the impunity of such attempts at rights has led to the Spanish population accepting and encouraging them.

It is significant, for example, that weeks after the serious police charges a group of hoteliers in Murcia offered free weekends in their region to a selection of 210 of the police officers that were sent to Catalonia during the Spanish police actions around the October 1, with the Ministry of the Interior balloting the stays between the offers that had been deployed more than 15 days in Catalonia²². These gifts, beyond the fact of rewarding attempts at human rights, could constitute a crime of improper bribery anticipated in art. 422 of the Spanish Penal Code (prohibition of officials accepting gifts in consideration of their position or function).

In conclusion, the breach of art. 3 of the ECHR remains in time for lack of an effective, impartial and exhaustive investigation (*Monacu and Others v. Romania*, sentence of September 17, 2014), which respects the principle of contradiction, and whose purpose is the identification and punishment of those responsible for the degrading treatment.

III. VIOLATION OF THE RIGHTS OF SUFFRAGE, THE RIGHT TO STAND FOR ELECTIONS AND THE RIGHT OF FREE EXERCISE WITHOUT PERTURBATIONS IN THE MANDATE (article 3 of Protocol No. 1)

In our report of February 26 we denounced the violation of the rights of suffrage, of standing for elections and of exercise without perturbations in the mandate (article 3 of Protocol No. 1), for the following reasons:

- a) The dissolution of the Parliament of Catalonia by a not legitimized organ, according to the Spanish Constitution and the Catalan Statute of Autonomy.
- b) Due to the circumstances in which the electoral campaign of the exiled and imprisoned candidates was developed; tacking into account the fact that even having their civil rights intact, they could not participate in the same due to the decisions either of the Spanish Government or the Spanish Judiciary.
- c) For to the non-possibility of exercising the office of MP without interference by the MPs in prison and in exile. They are not allowed to attend the plenary sessions in person (even the investiture debate and vote, against previous Constitutional

²¹ <http://www.elmundo.es/espana/2018/02/23/5a8f28bde5fdea39098b45bb.html>

²² https://politica.elpais.com/politica/2018/02/06/actualidad/1517922037_108127.html
<http://www.laverdad.es/murcia/agentes-desplazados-cataluna-20180206131836-nt.html>

Court decisions); nor exercise any of their rights as MPs beyond the one of the vote delegated form (and only the prisoners, not the exiled ones).

d) Due to the abortion of the proposal of the President of the Parliament of Catalonia on the candidature of Mr. Puigdemont as President of the Generalitat (Catalan Government). It needs to be underlined that this was the result of the adoption of precautionary measures by the Spanish Constitutional Court (which do not exist in their jurisdiction), and taken even before the admission by the same Constitutional Court of the petition by the Spanish Government which would be the base for such polemic measures.

Even more, after the closing date of our report, the interference by the central Government and the Judiciary in the Catalan legislative power have intensified, and thereby the violations of the rights of democratically elected MPs "to exercise without disturbances their mandate ". E.g.:

1. The candidature of Mr. Jordi Sánchez

In order not to disobey the polemic precautionary measures taken by the Constitutional Court (prohibiting the candidature of Mr. Puigdemont); the President of the Catalan Parliament proposed the second of the list of the parliamentary group of "Together for Catalonia", Mr. Jordi Sánchez, for the debate of his investiture as President of the Generalitat.

Even though, the Spanish Government warned that this option would result with the extension of the application of art. 155 of the Spanish Constitution and questioned its viability²³. As on other occasions, prior to the judicial decisions, several media reported the news that Mr. Jordi Sánchez would not be authorised to temporarily leave the preventive imprisonment in order to attend the debate and voting of the investiture in which he was supposed to be the candidate²⁴.

A few days later, the writ of the Constitutional Court, dated March 7, 2018, denied the request for suspension of the provisional detention of Mr. Jordi Sánchez (suspension requested in the appeal against the writ of the 2nd Section of the Criminal Chamber of the National Court of November 6, 2017, which rejected the appeal brought against the writ of the Central Court of Instruction No. 3 of October 16, 2017, which agreed to provisional detention)²⁵. On March 22, the Constitutional Court also dismissed the appeal²⁶.

Following this same position, the writ of the magistrate instructor of the Supreme Court, of March 9, 2018, also denied his provisional freedom and, when applicable,

²³ <http://www.lavanguardia.com/politica/20180227/441125244494/gobierno-prolongar-155-jordi-sanchez-investidura.html>

²⁴ https://www.elnacional.cat/es/politica/jordi-sanchez-investidura-carcel_243132_102.html

²⁵ https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP_2018_024/2017-5678ATC.pdf

²⁶ https://www.elnacional.cat/ca/politica/constitucional-rebutja-recurs-suplica-jordi-sanchez_250635_102.html

the authorization to attend the investiture debate²⁷. The said writ insists on the risk of criminal reiteration by keeping the following arguments: a) his “internal will” does not necessarily needs to agree with its speeches always in favour of peaceful mobilizations; b) although he had never sought a violent challenge, there was a likelihood that it would happen on October 1 given the high number of Spanish Police officers sent to stop the eventual referendum (incomprehensibly, therefore, the brutal police violence is then attributed to him); and c) there is still a broad political context favourable to independence and he is part of an electoral list supporting it.

The writ of the Criminal Chamber of the Supreme Court of March 22, 2018, which dismisses the appeal against the previous writ, insists on the danger of criminal reiteration on the basis that Mr. Sánchez played a decisive role in citizen mobilization in favor of independence that qualifies, without any foundation, of violence²⁸.

2. The candidature of Mr. Jordi Turull

Given the fact that the Constitutional Court and the Supreme Court prohibited the possibility of holding the investiture debates of the MPs Puigdemont and Sánchez, the President of the Catalan Parliament proposed a third candidate from the parliamentary group of “Together for Catalonia”, Mr. Jordi Turull who was in provisional release (of his previous preventive detention without bail, but from a case which is still under judicial enquiry).

But the Supreme Court once again prevented Mr. Jordi Turull to be elected President of the Generalitat, in this case in a second vote. By means of an order of March 21, 2018, the magistrate instructor of the Supreme Court (Mr. Pablo Llarena), a total of 25 political and civil society leaders (among them, Mr. Turull) are prosecuted for crimes of rebellion, disobedience and misappropriation of public funds²⁹. Only for the crime of rebellion, imprisonment of up to 30 years can be imposed. And, specifically, the later writ of the said magistrate of the Supreme Court, of March 23, 2018, has decreed, again the preventive detention of, among others, Mr. Turull³⁰.

In conclusion, the interference of the executive and judicial power in the designation of the President of the Generalitat, prevents people with their intact civil rights from exercising their right to office without unlawful and illegitimate interference.

²⁷ https://www.elnacional.cat/es/politica/auto-llarena-sanchez-investidura_246579_102.html

²⁸ <http://www.ccma.cat/324/el-suprem-mante-a-pres0-joaquim-forn-malgrat-la-peticio-de-la-fiscalia/noticia/2845646/>

²⁹ <https://ep00.epimg.net/descargables/2018/03/23/8ae8930edb04bd902f79c85faea47b7e.pdf>
<http://www.elmundo.es/espana/2018/03/23/5ab4f543468aeb24f8b4591.html>

http://estaticos.elmundo.es/documentos/2018/03/23/auto_prision_rebelion_cataluna.pdf

³⁰ <https://ep00.epimg.net/descargables/2018/03/23/8ae8930edb04bd902f79c85faea47b7e.pdf>

Due to such interference, the Generalitat of Catalonia continues, at this date, without a democratically elected president, even if the elections took place December 21, 2017, by enforcement of the Spanish Government, after the activation of art. 155 of the Spanish Constitution.

IV. RIGHTS VULNERED IN THE FRAMEWORK OF THE EXEMPTION OF JUDICIAL INDEPENDENCE

In the February 26 report, we denounce multiple violations of rights in this context: violation of freedom (art. 5.1.c); infringement of the right to an impartial judge, to the court established by the law, and to a process with all the guarantees (article 6.1); breach of the principle of legality (art. 7); infringement of the right to a double instance in the criminal matters (protocol No. 7); and violation of the right to prepare the defence (art. 6.3.b).

New elements:

1. The persistent breach of the right to freedom (art. 5.1.c).

The Supreme Court, in addition to keeping in prison Mr. Sànchez, Junqueras, Cuixart and Forn, has ordered new imprisonments and the processing of 25 other people.

Thus, by the aforementioned writ of the magistrate instructor of the Supreme Court, of March 23, 2018, it has been decreed the preventive detention of Mr. Turull, Rull, Romeva and of Ms. Bassa and Forcadell (former president of the Catalan Parliament). Previous to that, and via the aforementioned writ dated March 21, 2018, a total of 25 political and civil society leaders have been prosecuted for crimes of rebellion, disobedience and misappropriation of public funds³¹.

These indictments and decisions of preventive imprisonment have been severely criticized by academic and judicial entities for the following reasons³². First of all - as it has been repeatedly stated by numerous members of the Catalan and Spanish legal communities- there is no crime of rebellion, since there has not been any public or violent uprising. Second, the hypothetical assumptions of misappropriation of public funds are not accredited by any public account verification institution, but just the opposite. Third, given the inexistence, not even an indictment of crimes, the provisional prison is superfluous, disproportionate and even cruel. Fourthly, none of the other requirements to agree to provisional detention exist, since the actions of the prisoners, which must always be assessed individually (not been the case), show that there is no risk of escape, criminal

³¹<https://ep00.epimg.net/descargables/2018/03/23/8ae8930edb04bd902f79c85faea47b7e.pdf>
<http://www.elmundo.es/espana/2018/03/23/5ab4f543468aeb24f8b4591.html>
http://estaticos.elmundo.es/documentos/2018/03/23/auto_prision_rebelion_cataluna.pdf

³² <http://collectiupraga.cat/wp-content/uploads/2018/03/Declaracio%CC%81-Praga-CAS.pdf>
<http://agorajudicial.org/prision-provisional-y-procesamiento-por-rebelion/>

reiteration or destruction of evidence. And in fifth place, the evaluations on the ideology of the processed ones are frontally opposite to the fundamental rights of ideological freedom and of political participation.

In addition, the fact that all these prosecution and provisional custody cases coincide with the provisions made public beforehand by the Minister of Justice, Mr. Catalá, totally attempts to judicial independence³³. As it has been denounced by the Spanish Association of Judges for Democracy: "Mr. Catalá predicts with total certainty the procedural future of the investigated, and openly anticipates the dates and the content of the judicial resolutions"³⁴. Even more, this interference is criticized by the former chief prosecutor of the High Court of Justice of Catalonia, qualifying the four prisoners as political prisoners³⁵.

2. The reactivation of the European Arrest Warrant against members of the Catalan Government in exile by the Supreme Court

On March 23, 2018, the magistrate of the Supreme Court has issued a detention order for all members of the Catalan Government in exile (Carles Puigdemont, Toni Comín, Lluís Puig, Meritxell Serret, Clara Ponsatí) as well as for Marta Rovira³⁶. This has led to the actions of judicial authorities in various European states.

In Germany, former President Carles Puigdemont was detained and imprisoned, when he was returning to Belgium after giving lectures at the University of Helsinki (March 24, 2018). He has been released, after the Superior Court of Schleswig Holstein denied his extradition for the crime of rebellion by not witnessing violence in the cases detained (although he continues the examination for the crime of misappropriation of public funds).

In Belgium, the authorities have released the three counsellors Comín, Serret and Puig and have asked for more information to Spain³⁷. Belgian lawyer Christophe Marchand, who has defended two of them, has indicated that Spanish justice does not respond to the canons of the rule of law when the unity of Spain is affected, repressing dissidents and minorities³⁸.

And in Scotland, on March 28, 2018, the Education counsellor, Clara Ponsatí and professor at the University of Saint Andrews, has also been released with a

³³ https://www.elespanol.com/espana/tribunales/20180201/catala-hecho-llarena-inhabilitara-marzo-cupula-proces/281722144_0.html

³⁴ <http://www.juecesdemocracia.es/2018/02/05/comunicado-las-injerencias-politicas-poder-judicial-tribunal-constitucional/>

³⁵ <http://www.lavanguardia.com/politica/20180219/44916856410/exfiscal-mena-violencia-rebelion-encarcelados-presos-politicos.html>
<https://www.vilaweb.cat/noticies/lex-fiscal-jose-m-mena-es-pronuncia-amb-contundencia-tinc-la-certesa-que-son-presos-politics/>

³⁶ https://www.elnacional.cat/es/politica/llarena-euroorden-gobierno-exilio-rovira_250983_102.html

³⁷ https://www.eldiario.es/catalunya/politica/Fiscalia-Serret-Comin-Puig-Justicia_0_754175416.html

³⁸ https://www.elnacional.cat/ca/politica/advocat-comin-serret-justicia-espanyola_253665_102.html

passport withdrawal, pending final decision on extradition. According to his Scottish lawyer, Rector of the University of Glasgow, Dr. Aamer Anwar, Ms. Ponsatí would not have a fair trial in Spain and is the victim of political persecution.

Jurists, academics and parliamentarians from various European countries have already stated that these Catalan political leaders are being persecuted for their political ideology and that they will not be able to enjoy a fair trial in Spain.

GENERAL JURIDICAL ASSESSMENT

1. We perceive as jurists a clear authoritarian drift of the Spanish State as a response to the social and parliamentary majorities pro-independence. This is also used as an excuse to promote a clear seatback in the respect of human rights in the whole of Spain.

This repressive drift is accompanied by an obvious and growing lack of separation of powers; therefore the possibilities of reparation of the civil rights violations through domestic courts are currently almost non-existent.

2. We also perceive, as jurists, that a clear judicial persecution has been initiated against citizens and politicians that defend a pro-independence political position. Given the fact that the Spanish Constitution does not allow such persecution, a parallel narrative of the events that took place in Catalonia has been created, inventing violence - through numerous *fake news* - where there is only free exercise of the right of expression, opinion and manifestation. All this would justify the persecution of such political ideas; as well as the imputation of the crime of rebellion, whose criminal type requires, among other elements, that of violence

3. The Spanish public powers together with most of the Spanish press are urging a rejection towards whatever is Catalan. The impunity of behaviours like the police violent actions of October 1; the consent that entire towns in Spain acclaimed their police officers sent to Catalonia on the eve of October 1 under the scream of "Go for them!"³⁹; the development of "black lists"; the creation of fake news about the violence of the pro-independence movement, when it is an example in Europe of a peaceful social movement as few have been known before; or the impunity of the action of Neo-Nazi groups in Catalonia, are causing a dangerous context of hate speech. This speech, curiously enough, is attributed by some Spanish prosecutors and judges against those who legitimately defend their right to decide peacefully about its future.

4. That is why, in view of the situation of defencelessness generated by the defence of human rights before the Spanish courts, increasingly less independent and impartial, that we resort for its defence to the international domain and, in particular, to the Commissioner of Human Rights of the Council of Europe, as a guarantor of the rights recognised in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

³⁹ <https://www.youtube.com/watch?v=gA1Sw-szU6w>