



'Col-lectiu Praga' – University Lawyers For the Right to Decide

We hereby reject the accusation made by the Spanish Prosecutor's Office's against members of the Electoral Council of Catalonia (the Sindicatura Electoral de Catalunya).

The repression of Catalan politicians, and of people in general who act within institutional and citizens' movements, continues to be exercised against those who struggled to make possible the right to decide.

It is in this context that, last Thursday night, the Spanish Prosecutor's Office made public the charges laid against members of the Electoral Council of Catalonia in which they are accused of disobedience and the usurpation of functions.

Besides the judicial analysis that that decision calls for, two matters cry out for attention. On the one hand, regarding the first of the two crimes mentioned, after a whole year of preliminary investigation, the charge fails to make clear which kind of disobedience is being referred to. The Penal Code refers to two types of disobedience, one of which incurs a prison sentence, whilst the other does not.

The charge fails to specify which of the two it refers to, despite the legal differences between them. This gives some idea of the lack of seriousness with which the charge is being made. It also shows, once again, the spurious political utilisation of the instruments of a democratic state that should be intended to fight against delinquency, and instead are subjecting perfectly decent and innocent persons to twisted penal actions.

The other charge involved is usurping public functions. That crime is simply mentioned, but without reference being made to any particular act. Other than attempting to intimidate those on the receiving end, this charge is simply incomprehensible. If referendums, which the state here considers illegal, ceased to be considered as crimes by the express wish of the state legislature on the perfectly reasonable ground that such acts lack any kind of penal character and that the state disposes of other, non-penal, mechanisms that it may use against them, how can taking part in a non-punishable act possibly be a crime?

Out of the five members of the Electoral Council who have been charged, four are University teachers, and two of them – Marc Marsal and Josep Pagès – are members of our organisation. We express our solidarity and support for all five of them.

Barcelona, 28 October 2018.