



FIRST CATALAN CONGRESS
IN DEFENCE OF THE RULE OF LAW

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This first “Catalan Congress in defence of the Rule of Law” has been organized with the aim of offering a space to share knowledge and to foster debate on the various issues of legal nature that have come up in Catalonia in the last months and of which the citizens and their institutions have been the main protagonists.

Such Congress becomes an opportunity to defend the rule of law when it is collapsing under a tyranny, which also aims to legitimate itself legally. This congress has offered an image of commitment with the full guarantee of democratic rights and civil and political rights. For this reason, the following conclusions are made public:

- 1.** The repressive drift of the Spanish State has degenerated into a double perversion of the structure of the rule of law: on the one hand, an uninhibited violation of fundamental rights and, on the other one, a clear decrease in the separation of powers. This has been so, to the extent that these two perversions have become part of the habitual functioning of this State when facing the independentist political proposal; the possibilities of redirecting the situation through the internal courts are becoming increasingly scarce.
- 2.** The Constitutional Court has not solved within the scope of its corresponding powers the conflict of a political nature that was standing before it, and it has dealt with the activities corresponding to a lawful Parliament with criminal proceedings. With this act, the principle of inviolability that all legislative and representation chambers hold, has been blatantly and severely violated. The Supreme Court’s action in the general case against the members of the Government, the Parliament, and civil society organizations has contributed to violating this principle, it has eliminated the separation of powers, jeopardized the independence and impartiality of the courts, and it has put at risk a large number of fundamental rights in the field of the exercise of the right to political representation.

- 3.** There have been numerous violations of rights: the right to freedom of expression, to freedom of assembly, the right to physical integrity and the prohibition of degrading treatment, the right of active and passive suffrage, the right to exercise public office freely and not be discriminated against by political opinions, the right to freedom, the right to an impartial judge predetermined by the law, the principle of legality, the right to a process with all the guarantees and the right to the defence. All these rights are recognized in the Spanish Constitution, the European Convention on Human Rights, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.
- 4.** Unlawful intrusions on freedom of expression have occurred when the free expression has been coerced or censored, even before it is issued, with the aim of ensuring that there is, in this way, a dissuasive effect in the discussion of questions of general interest. We can find an example of this in the prohibition of events or meetings, in the police searches to private companies, headquarters of newspapers or law firms. Everything is done with the sole purpose of creating a fear effect. There have also been other violations, such as when during 1-O citizens wanted to express themselves peacefully through their vote and the police attacked them violently. And lately, after the referendum, there have been violations with great intensity, at a time when the State has entered a dynamic of frightening and harassment of pro-independence stances, whether defended by politicians, artists, journalists, teachers, or by the citizens in general. All these manifestations are legitimate, as established by the ECtHR, even though they may collide with, concern, or become unbearable to the State or to any part of the population.
- 5.** A narrative has been created that converts the democratic and peaceful movement into a story of aggression and violence that did not exist in the referendum on October 1, which was never illegal. In the judicial proceedings initiated in various courts of the State, the logic of total war, the application of the criminal law of the author and of the criminal law of the enemy, become increasingly evident. The use of what is called "expert evidence of intelligence", a practice born in the framework of the fight against terrorism, is now activated, so that the investigation is carried out by the police and is validated later on by the courts. The judge is never in direct contact with the evidence, but with information selected solely to reinforce the accusatory hypothesis.
- 6.** Finally, denouncing the existence of political prisoners, and the use of pre-trial remand as a measure of unjustified and abusive coercion to bend ideologies will not stop. All the more so, when taking into account that the same penitentiary right is violated when keeping these prisoners in centres far away from their families and their surroundings.

Organizing entities:

Comissió de Defensa ICAB
Coordinadora de l'advocacia Catalana
Col·lectiu Praga
Alerta Solidària
Òmnium Cultural
Fundació Catalunya
Fundació Congrés de Cultura Catalana

Collaborating entities:

Col·lectiu Ronda
Drets
Irídia
Càtedra Enric Prat de la Riba
Assemblea Nacional Catalana
OSPDH

Supporting entities:

Federació d'Associacions d'Advocats Europea AED
Associació Europea de Juristes ELDH