

Vindictive Sentence in Catalan Leaders' Trial Unleashes Tsunami of Protest

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The gap between the 75%-80% of Catalans who uphold their country's right to self-determination, and the Spanish elites and parts of Spanish society that do not want to know anything about it, was already very wide before October 14.

But on that day, when the Spanish Supreme Court condemned nine Catalan political and social movement leaders to a total of 99.5 years jail, it most likely became unbridgeable.

Following the sentence of the leaders for their role in the October 1, 2017 independence referendum, popular outrage in Catalonia immediately exploded in mass protests involving tens of thousands of people.

They occupied Barcelona airport, imposed road blocks on major highways, demonstrated in huge numbers outside Spanish government offices and began "Marches for Freedom" on Barcelona from five provincial cities.

Every imaginable Catalan social and sporting organisation, from Barcelona Football Club to chess associations, has issued statements condemning the sentences.

On the nights of October 15-16, police and small groups engaged in running battles in central Barcelona, as smoke rose from burning rubbish bins.

On October 16, Spanish Socialist Workers' Party (PSOE) acting Prime Minister Pedro Sánchez appeared on television to warn that security forces would act "firmly, serenely and proportionately" in the face of violence.

To his right, People's Party (PP) leader Pablo Casado demanded the declaration of a state of emergency in Catalonia, while Citizens' leader Albert Rivera called for an end to Catalan self-rule under article 155 of the Spanish constitution.

One of the main instruments coordinating these responses is the Democratic Tsunami platform, anonymously run by activists from the October 1 referendum, and coordinated via a Telegram channel that, at the time of writing, had attracted 300,000 subscribers.

Punishment without crime

The unanimous verdict of the seven Supreme Court judges that set off this still expanding wave of protest was that nine Catalan leaders — seven former ministers and social movement leaders Jordi Sánchez and Jordi Cuixart — were guilty of "sedition" in preparing the October 1 referendum.

For this 18th century crime, long deleted from the penal codes of many other European states, they were sentenced to jail terms ranging from 9 to 13 years.

The harshest sentence was handed out to former Catalan vice-president Oriol Junqueras as “leader of the sedition”. Former ministers Raül Romeva (foreign affairs), Dolors Bassa (social welfare) and Jordi Turull (minister of state) came next with 12 years: along with Junqueras they were also found guilty of “embezzlement”.

Former Catalan parliament speaker Carme Forcadell incurred 11.5 years jail for allowing the chamber to vote on the referendum’s enabling law, after being instructed by the Spanish Constitutional Court not to do so.

The “sedition” of former Catalan interior minister Joaquim Forn (11.5 years) consisted in undermining the ability of the Catalan police to deliver and enforce Spanish state court orders.

Former territory minister Josep Rull was found guilty of denying a Spanish Civil Guard ship mooring facilities and of making public buildings available as voting centres.

As for Òmnium Cultural president Cuixart and former Catalan National Assembly president Sànchez, their “sedition” was proven by the fact that they had called demonstrations against Civil Guard searches and urged people to defend voting centres against police and Civil Guard attempts to impound ballot boxes.

Along with these nine, who have already been held in preventive detention for up to two years, the court found former ministers Carles Mundó (attorney-general), Santi Vila (business) and Meritxell Borràs (education) guilty of “disobedience”, fining each €60,000 and banning them from standing for public office for 18 months.

The nine jailed leaders have been banned from standing for public office for the term of their sentences.

Why this verdict?

The verdict is the predictable result of the pressures operating on the Supreme Court and its chief judge Manuel Marchena.

The chief pressure was for the trial to produce an exemplary punishment of the Catalan leaders. They had humiliated the Spanish state by successfully organising a unilateral independence referendum after 18 failed attempts to negotiate a Scottish-style referendum with successive Spanish governments.

A measure of the viciousness of the sentences is to compare them to those arising from the failed 1981 coup attempt. The average punishment for the military and Civil Guards who tried to reimpose the Francisco Franco dictatorship then was six years jail: the sentences of the Catalan leaders average 8.3 years.

The Supreme Court judges were doing the work set out for them by the previous PP government of Mariano Rajoy.

According to a leaked WhatsApp message by PP Senate spokesperson Ignacio Cosidó, its

Second Chamber, which heard the case, was controlled “via the back door”.

There was no way its judges, even their “progressive” minority, were going to find the Catalan leaders innocent, or guilty only of disobedience (which carries no jail sentence).

There was no ‘rebellion’

However, the heavy sentences the court was always going to impose have to be defensible in law, not only within Spain but especially before a European Court of Human Rights — which in 2018 upheld nine out of ten appeals against Spanish court decisions.

This pressure to find a plausible legal foundation for their decision meant the judges had to discard the “rebellion” charge against the Catalan leaders.

This indictment was originally brought by the investigating magistrate Pablo Llarena and was backed by the Spanish prosecutor-general’s office and the “popular prosecution”, the ultra-right party Vox.

(The “popular prosecution” is a Spanish institution originally designed to allow the representation of community or public interest.)

Dropping the charge of “rebellion”, which a majority of Spanish jurists had already declared inapplicable, was also probably the price of a unanimous verdict between judges of different political temperaments.

It was also a political imperative. It will help Pedro Sánchez maintain the myth that Spain is a “law-governed state” with an independent judiciary and it will also help the European Union and its member states, fearful of any Catalan threat to the EU *status quo*, sustain the same fiction.

In the days after the verdict, spokespeople for the European Commission and the British government robotically repeated the line from Madrid.

Caught in contradiction

The dropping of “rebellion” comes at a price, however, because the whole Spanish-patriotic view of the October 1 referendum, from King Philip down, is that it was a deliberate, rebellious assault on the Constitution.

Sensitive to the angst their appeal-proofed verdict would cause, the judges devoted about 200 pages of the 493-page judgement to arguments against the “rebellion”.

Yet, in adopting the “sedition theory”, the judges fall into a painful contradiction.

Their decision says, for example, that October 1 did not involve “preconceived, deliberate and functional” violence aimed at achieving Catalonia’s separation from the Spanish state, but was rather an attempt to pressure it into negotiations.

“The over-excited citizens who believed that the positive result of the so-called referendum would lead to the hoped-for horizon of a sovereign republic were unaware that the right to decide had changed into an atypical right to bring pressure.”

But if that argument is valid against “rebellion”, how is it not also valid against “sedition”?

The only difference in Spanish law is that “rebellion” is a crime against the constitution and “sedition” a crime against public order.

The judges’ answer was to smother the contradiction in lurid fictional accounts of the events of 2017. These are based on the well-rehearsed evidence of Spanish National Police and Civil Guard officers, whom Marchena “spared” from defence cross-examination, backed by visual evidence, during the trial.

In their decision, it is the huge peaceful demonstrations and non-violent protests of 2017 that become “sedition”. This ruling opens the door to any protest activity, like trade union pickets or organised attempts to stop evictions, being regarded as “seditious”.

In an October 16 interview in the Catalan daily *Ara*, Jordi Sànchez said:

“The sentence unequivocally lies. It doesn’t specify any detail of the supposed strategy of sedition. Not one confirmed meeting, not one email, only declarations in public ANC [Catalan National Assembly] events and the calling of demonstrations.

“The Supreme Court judges’ hostility towards us has betrayed them. Their animosity towards us has leaked out in the sentence in the form of false statements to justify the prison terms.”

Offensives launched

The verdict has also been the signal for new offensives from both sides of the Catalan-Spanish State struggle.

The Spanish judiciary immediately banned convicted Catalan leaders from standing in the November 10 Spanish general election and judge Larena reissued a European arrest warrant for the extradition of former Catalan president Carles Puigdemont from Belgium.

The PSOE government went on an offensive to persuade other countries of the immaculate character of the Spanish legal system. Cabinet members with foreign languages made themselves available for interviews on whatever international channels would have them.

On the Catalan side, the enormous, growing tsunami of mass protest started to roll.

All this is taking place three weeks out from the Spanish general election, in which Catalonia will dominate as never before. In Jordi Sànchez’s words: “They believe that they will terminate people’s sentiments by beheading those they think are leaders of the process.

“They are having the opposite effect.”

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Dick Nichols is Green Left Weekly’s European correspondent, based in Barcelona. A detailed update of this article will soon appear on the web site of Links — International Journal of Socialist Renewal.

Featured image: Protesters blockade El Prat airport in Barcelona on October 14, after Catalan leaders were sentenced to almost 100 years in jail. (Source: GLW)

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