



DECLARATION OF THE INSTITUT D'ESTUDIS CATALANS ON THE SUPREME COURT'S SENTENCING OF THE PRESIDENT OF THE PARLIAMENT, MEMBERS OF THE GOVERNMENT OF CATALONIA AND THE PRESIDENTS OF TWO CIVIL ORGANISATIONS

The INSTITUT D'ESTUDIS CATALANS stresses that there is an unresolved political and historical conflict between Catalonia and the Spanish State. Catalonia is a country with the differentiating features of a nation because of its history, its distinct language and culture and because of the people's repeatedly expressed will to be so.

Given the Supreme Court's sentence in the trial against Catalan separatist leaders and pending an extensive assessment of its legal content, the Institut d'Estudis Catalans reasserts its previous declarations¹ and states that:

Catalonia has the right to democratically express its will and freely determine its relations with Spain. The holding of the referendum on 1 October 2017 should never have been taken to the criminal courts. The holding of a referendum cannot be a crime, even when prohibited, given that the illegal calling of referenda was expressly decriminalised in Spain in 2005.

The use of criminal law to persecute political actions that are an exercise in fundamental human rights is intolerable in a country governed by the rule of law. In the sense expressed in the report of the UN Working Group on Arbitrary Detention, human rights cannot be restricted for political, scientific, historical, moral or religious opinions expressed by or attributed to a person. This means that persecuting, harassing or stigmatising a person is not permitted, including arrest, pre-trial, prosecution or imprisonment for his/her opinions.

In the trial against the separatist leaders, basic principles protected by articles 6 and 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms have been violated, such as the right to individual freedom, the right to the presumption of innocence, the right to a fully independent and impartial court established by law, and equal opportunities to submit evidence. Moreover, the sentences established in the Supreme Court's ruling do not reflect the application of the principles of objectivity and proportionality. All these aspects put into question the legitimacy of this trial.

The INSTITUT demands that:

The conflict existing between Catalonia and the Spanish State be resolved through political action, without prisoners or exiles, without victors or defeated, and that the people's will freely expressed be respected.

Barcelona, 15 October 2019

¹ On the rights of the Catalan people (3 February 2011), On the right to decide (18 November 2013), On the constitutionality of Act 10/2014 and the legal consistency of Decree 129/2014 (6 October 2014), In defence of politicians and institutions of the people of Catalonia (19 January 2017), In defence of Catalan institutions, public offices and citizens (21 September 2017), In defence of members of the legitimate Government of Catalonia (6 November 2017), Against the repression of the civil and political rights of Catalan citizens by the Spanish State (26 March 2018), In support of the members of the 1 October Electoral Commission (7 March 2019).