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POLITICAL PRISONERS

Council of Europe adopts strong resolution against Spain's pursuit of Catalan leaders

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Today's address by the Spanish prime minister, **Pedro Sánchez**, at the Liceu theatre in Barcelona, announcing [pardons for the nine Catalan political prisoners](#) has been heard loud and clear in **Strasbourg**. But it has come too late. It has not prevented the severe blow that Spain has received in the Parliamentary Assembly of the **Council of Europe**, which today approved a resolution arising from a [highly critical report](#), calling for the release of the pro-independence prisoners, an end to the persecution of the politicians in exile, and a series of other recommendations on **the Catalan conflict**.

The text, entitled "**Should politicians be prosecuted for statements made in the exercise of their mandate?**" was passed with 70 votes in favour, 28 against and 12 abstentions after a tense debate and a vote in which the amendments moved by the Spanish deputies who tried to dilute some of the key points were rejected one after the other.

The approved four-page text concludes with seven specific recommendations for Spain. Firstly, the Assembly invites the Spanish authorities to **reform the criminal provisions on rebellion and sedition**. With respect to the leaders of the Catalan independence movement, it asks for the Spanish authorities to consider pardoning or otherwise releasing **those in prison** and consider dropping extradition proceedings against **those in exile**. It suggests that the **remaining prosecutions** of the lower-ranking Catalan government officials in relation to the 2017 referendum be dropped.

The text issues a warning about the need to **prevent abusive claims of liability** for misuse of public funds. It asks for authorities to refrain from requiring the detained Catalan politicians to **disown their deeply held political opinions**. Finally, it invites the Spanish authorities to enter into an **open, constructive dialogue** with all political forces in Catalonia.

Those in exile or pursued

The Spanish delegation failed in its attempt to exclude from the text the call to **end the persecution of Catalan politicians in exile** and to **reject the re-penalization of the holding of unauthorized referendums**.

Equally **unsuccessful** was the amendment asserting that pardons should not include offences linked to misuse of public funds. In fact, the insistence

by the European People's Party (PP) members on attributing **offences of corruption** to the jailed Catalan politicians brought repeated denials from the rapporteur of the report, the Latvian socialist **Boriss Cilevičs**.

Two other amendments proposed by the Spanish deputies - one Socialist and one PP member - were also overturned. These tried to exclude from the resolution the **recommendation to end court proceedings against lower-ranking officials** involved in the referendum.

Negotiating sensitive issues

A PP amendment that sought to define pro-Spanish union politicians as a minority whose rights must be protected in Parliament led directly to ironic comments from the rapporteur.

At the other end of the spectrum, an amendment moved by a group that included **Laura Castel** of the pro-independence ERC party, proposing to include an **amnesty law** in the text, also failed. However, there was agreement in favour of appealing to Spain to dialogue over "**sensitive issues**" as well.

Sentences as for murderers

Boriss Cilevičs, the Latvian Socialist in charge of drafting the report, opened the debate by admitting that **Turkey and Spain**, the two countries analyzed in the report, have very different situations. However, he noted, with regard to political prisoners, "**nothing similar has been observed in any other Council of Europe member state.**" He stressed that in both Spain and Turkey, politicians, despite leading peaceful demonstrations, "**have been convicted to very long sentences, those reserved for murderers and rapists.**"

Unlike what happened in the European Parliament's [vote on the exiled Catalan MEPs](#) in March, at the Council of Europe's Assembly there was no closing of ranks between states or political groups. And the group spokesperson made this clear.

The spokesperson for the EPP group, **Theodora Bakoyannis**, aligned herself with Spain's position, denouncing that the country was being compared to the case of Turkey and warning that her group would not

approve the text if its amendments were not accepted. But not so the other groups, not to mention some individual MPs, such as **François Calvet**, a Frenchman from Northern Catalonia, who stressed that a judicial process that has led to such **long sentences** obliges the Council of Europe to make a ruling.

Liberal group spokesperson **Jacques Maire** agreed that the penalties are disproportionate and, while admitting that the Spanish government is taking action on the issue, spoke out in favor of pardons for the imprisoned leaders.

Dutch Socialist **Tiny Kox** referred to Pedro Sánchez's words and admitted that the case of Spain is not the same as that of Turkey, but declared himself in favour of a "pardon and amnesty" and welcomed that the report could be helpful in this regard. In fact, Kox was responsible for rejecting many of the Spanish amendments, including those of the Socialists.

Spanish solitude

These positions made it even more evident that the Spanish deputies were alone in defending the action of the Spanish state. Socialist deputy **Antonio Gutiérrez** warned that the report's request to halt the extraditions and end the trials that are pending go against judicial independence and the separation of powers.

Particularly outspoken were the PP parliamentarians, such as **María Valentina Martínez Ferrá**, who repeatedly denounced that the pro-independence prisoners "challenged Spain", that they were convicted for breaking the law and for "corruption" and that they cannot be pardoned because **they have not shown repentance for their actions**. In fact, one of the points made by the text approved by the Council, recommends that politicians must not be forced to renounce their political ideas to obtain a pardon or more beneficial prison regime.

Pablo Hispán (PP) made similar points, stating that the pro-independence prisoners have said that "they will do it again" and noting that the Spanish Supreme Court has ruled against their pardons.

By contrast, ERC senator Laura Castel warned that pardons are not the solution to the **plight of hundreds of people persecuted for taking part**

in the 2017 referendum and she defended a general amnesty measure. She warned that the need for a referendum on the issue was backed by more than 80% of Catalans and denounced harassment against hundreds of people persecuted as a result of their roles in the independence process.

The [Council of Europe](#) is the continent's leading human rights organisation, with 47 member states, including the 27 members of the European Union.

Main image: Latvian Socialist MP Boriss Cilevičs in the Council of Europe's Assembly in Strasbourg