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COUNCIL OF EUROPE

Council of Europe rapporteur evades Spain's offensive against Catalonia report

Council publishes Cilevičs' follow-up report, denouncing Spain's continued persecution and the Catalangate espionage

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The Council of Europe has today analyzed Spain's level of compliance with the recommendations contained in [the report it approved a year ago](#) under the title **Should**

politicians be prosecuted for statements made in the exercise of their mandate?, which addressed the situation of the rule of law in Spain - in relation with the repression of the Catalan independence movement - and in Turkey. When it was debated last year in the Council's Parliamentary Assembly, neither the Spanish deputies nor the announcement of the [pardons to the nine Catalan pro-independence political prisoners](#) hours before the vote prevented the heavy blow to Spain from the criticism contained in the report prepared by the Latvian socialist **Boriss Cilevičs**. The Spanish members of the Council have, however, learned their lesson, and today in the Committee on Legal Affairs they managed to amend Cilevičs' text, to the point that the deputy decided to withdraw the entire conclusions section on Spain in the follow-up report to prevent it from being distorted. Nevertheless, the Committee on Legal Affairs, in which the text was debated agreed to Cilevičs' request **that the full report be made public**, an unusual step since the report is usually confidential until it is passed.

In the text, Cilevičs criticizes the fact that the European Arrest Warrants against the exiled Catalan politicians remain in force, and that legal action continues against hundreds of officials and political leaders for participating in the independence process or in acts of support for the prisoners. Although the rapporteur admits that Spain has complied with one of the recommendations made to it - the release of the political prisoners from jail - he warns that the pardons granted are conditional, and that, in addition, the Supreme Court has [admitted the appeals against the pardons](#) for consideration. He also points out that the dialogue table on the political conflict has progressed very slowly and that relations between Catalonia and the Spanish state continue to suffer from situations such as the [mass espionage with Pegasus spyware](#), on which he calls for an investigation.

The PP representative on the Council, **Pablo Hispan**, did not hide his satisfaction at achieving the cutting of the text and forcing the speaker to withdraw the report's conclusions.

The aim of the report, as Cilevičs reminded the deputies, is to check whether Spain and Turkey have followed the recommendations made by the Parliamentary Assembly of the Council a year ago. The text, which the Council of Europe has agreed to make public, recalls that the pardons are conditional and that the political prisoners are still banned from holding any public office, and it stressed that the Supreme Court has admitted for hearing the appeals against the measure made by three parties, PP, Vox and Cs, after the court had initially dismissed them. The report warns that it would be "highly regrettable and unusual" for the pardons to be suspended, but expresses concern, especially since another of the recommendations it made last year, for the reform of the sedition law under which the pro-independence leaders were convicted, has not made any progress.

European Arrest Warrants

Reviewing the recommendations made last year, the report noted that Spain had not yet reformed the Penal Code with regard to the crimes of sedition and rebellion, and regretted that the Spanish authorities were still persisting in their extradition proceedings against the exiled politicians, which recently forced the European Court of Justice to [restore the immunity of pro-independence MEPs Carles Puigdemont, Toni Comín and Clara Ponsatí](#), due to the risks that they could be arrested. The text, which includes the critical comments made by the government of Pedro Sánchez and the Supreme Court to its recommendations, warns that maintaining the European Arrest Warrants goes against "the spirit of coexistence and harmony" to which Pedro Sánchez appealed when he announced the pardons.

With regard to the recommendation to end the legal actions against government officials involved in the independence process or who took part in actions of solidarity with the political prisoners, reference is made to reports by the Catalan Ombudsman and the cultural organization Òmnium which list the cases that are still pending in the courts, including the case against members of Catalonia's Parliamentary Bureau and others against MPs and political leaders. The report devotes special attention to the prosecution underway by the Court of Accounts which **demand bail of 5.4 million euros to be posted** by senior officials of the governments of Artur Mas and Carles Puigdemont. The most surprising case that the rapporteur found, however, was that of firefighters from Girona who were accused of dereliction of duty and misuse of funds because they sounded the sirens of fire trucks in front of the Civil Guard barracks the day after the referendum in protest at the violent police action the previous day.

As for the recommendation to open a dialogue table on the political conflict, Cilevičs acknowledges that it has been set up, but says that it is [moving very slowly](#) with only two meetings so far, and without clear structure or planning. He also comments that he would like to believe that Spain will be able to move away from what he calls the "**crisis mode**" which "led to the excessively harsh punishments imposed on the nine Catalan leaders and the over-zealous prosecution of their successor and of hundreds of lower-ranking officials and civil society activists." However, he notes that the emergence of the Catalangate espionage scandal against dozens of Catalan independence activists and people close to them is evidence that **the pre-referendum "crisis mode" period has not been overcome**, and for that reason he stresses the need for the proposed [Spanish parliamentary inquiry](#) into the spyware affair to be adopted.