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Spanish State/Catalonia

Madrid's mounting repression against Catalan movement provokes new international solidarity

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The poster above portrays some of the major Catalan political leaders imprisoned without trial at this moment, while the text below it outlines the balance-sheet to date of police and legal attacks on Catalans trying to implement their right to self-determination.

The Spanish state's repression is now a major issue in Germany, where former Catalan president Carles Puigdemont was arrested March 25, pursuant to a Spanish judge's warrant while travelling by car from northern Europe to Belgium, where he was living in exile. His arrest provoked immediate mass protests in Catalonia.

German prosecutors are seeking to extradite Puigdemont to Spain where, along with other jailed and exiled Catalan nationalist leaders, he faces charges of "rebellion," which carries a sentence of 30 years imprisonment.

The Spanish court has issued similar arrest warrants against other Catalan leaders now in exile in Belgium, Scotland and Switzerland. Writing in the Catalan daily Ara April 3, legal expert Javier Pérez Royo noted that each of the extradition judges, irrespective of their country, "knows that the individual cases that they are expected to decide on are all linked by a common thread. And all of them realise that this affair has taken centre stage as far as Europe's public opinion is concerned, as a browse through the papers will easily confirm." [1]

There is "a shared link" in all of these cases, Pérez Royo added: "what constitutes a crime of rebellion in a democratic European country well into the 21st century?"

In a manifesto concerning the Catalan prosecutions published in November in the Spanish on-line newspaper El Diario, more than 100 professors of criminal law from throughout Spain state that "it's seriously mistaken to consider the facts as constituting a crime of rebellion [as defined by] article 474 of the Penal Code" because... the "structural element of this crime, which is violence, is absent." [2] In fact, as many commentators point out, the violence in Catalonia in the events in question, in September and October, was exercised by the police in their widely publicized efforts to stop the Catalan people from voting in the referendum on independence.

Professor Pérez Royo argues that "all four judges know that their answer will establish a European common denominator on the subject of rebellion crimes. Even if they do it in their own individual way, together they will decide what a crime of rebellion is and what it is not; what sort of 'violence' is required for an event to be characterised as a crime of rebellion."

And he finds a Canadian angle:

"There are times when a decision by one nation's jurisdictional body becomes a reference for the others. The case of the Canadian Supreme Court's opinion on Quebec springs to mind. [3] Even though it was not a ruling "it was not prompted by a court case, but by a formal enquiry from the federal government" and, therefore, it did not set a trial precedent, this opinion has become the single most influential piece of doctrine on what the right to self-determination is "and what it is not" as well as on the conditions under which a secession referendum may be held within a democratic country."

Pérez Royo is optimistic about the outcome of the extradition cases. All of the judges, he writes, "will seek the European common denominator, something that can be objectively and reasonably justified in front of Europe's public opinion... On the subject of the crime of rebellion, all four judges will dismiss the arrest warrant. They will not

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allow the Catalan politicians to be tried for rebellion in Spain because it is impossible for the European judges to make that sort of collective decision. And they know that they cannot make contradictory decisions.”

However, the Catalan issue is a hot potato in Europe, where politics may well prevail over legal considerations. And no European government or state institution has expressed support for the Catalan right to self-determination; many of them face actual or potential challenges to their territorial integrity from oppressed national minorities. This points to the prime importance of developing a European-wide and international public campaign in defense of the Catalan people and their nationalist leaders, a goal the mid-April demonstrations should help to promote.

Already, there are some encouraging signs of growing sympathy in Europe for the Catalan defense, even in the German media. For example, in an editorial titled “Asylum for Puigdemont,” Jakob Augstein – an influential journalist and co-owner of *Der Spiegel* – calls for the Catalan leader to not be extradited. Augstein writes that “The detention of Puigdemont is an embarrassment. For Spain. For Europe. For Germany.” [4]

And he also reminds readers about the arrest of another Catalan president, Lluís Companys:

“The Germans already handed over one Catalan politician to the Spanish. Lluís Companys declared independence in 1934. He was arrested and tried. After the victory of the leftist forces he was freed, fought against Franco, escaped to France, and was captured there by the Gestapo and sent back to Spain. He was executed on October 15, 1940.”

Germany must reject the Spanish demands, says Augstein. “A politician who uses peaceful means to fight for his objectives should not have to go to prison.”

In Scotland, Clara Ponsatí, education minister in the Catalan pro-independence government and the subject of a Spanish extradition demand, raised nearly £200,000 in less than a day through a crowdfunding appeal for her legal expenses. Ponsatí is currently teaching at St. Andrews University.

In Spain itself, the government and mass media are waging an intense battle to consolidate and win further public support for their campaign against Catalan self-determination and sovereignty. Catalan socialist Martí Causa notes:

“The immediate objective ... is to reduce independence to a minority fraction of the Catalan population by resorting to temporary emergency measures. The fundamental objective is to consolidate the authoritarian evolution of the monarchical regime of 1978, and this requires convincing the population that – after the end of the Basque ETA struggle – new and dangerous internal enemies have appeared, against which we must defend ourselves by restricting democracy.

“Two conditions are necessary if this fundamental objective is to be met:

1. convince the majority of public opinion that there is a collective (a group) that ‘is not ours,’ to describe it in terms that make it appear as an enemy and discredit those who don’t agree with this narrative; and
2. justify the exceptional measures with the argument that will be limited to a particular territory and duration, but promoting legislation and a method of applying it that can be generalized throughout the state and without limits in the future.”

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Although the first of these conditions, which is fundamental, has been achieved, this may be only a provisional success for the Spanish state, Causa adds.

“At present, the solidarity in major sectors of the population is weak. But there are already some magnificent examples, like those we have included in the box ‘Solidarity with Catalonia’ on the Viento Sur website.... [5] The growth of a sense of fraternity among all of us fighting against authoritarianism and for democracy is a necessity. Becoming a majority is what can save us.”

[6]

April 3 2018

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[1] [ara.cat/en 03/04/2018](#)

[2] [elnacional.cat/en/news/ 10 Nov 2017](#)

[3] [scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do](#)

[4] [ara.cat/en 28 March 2018](#)

[5] [vientosur](#)

[6] In the original, this article was followed by two others, an article by prominent Galician writer Suso de Toro, published in El Diario on March 28, that explains the background to the Catalan crisis and what the Spanish repression means for the future of the country's politics reproduced from the live blog maintained by Dick Nichols, Barcelona-based correspondent of the Green Left Weekly on [March 31](#), and an article by Dick Nichols, [Catalan movement struggles for united strategy against Spanish state.](#)