

## **Performance of the State security forces during the first of October**

Between yesterday (1<sup>st</sup> October) and today the Catalan Ombudsman have received several complaints, most of which refer to aspects of public safety. These complaints, together with the information disseminated through different channels, have led to the opening of an ex-officio action by the Catalan Ombudsman on aspects related to the performance of the security forces.

The Court of Justice of Catalonia (CTJC) ordered several measures to prevent the referendum set out by Law 19/2017, a law suspended by the Spanish Constitutional Court (Order of 27<sup>th</sup> September 2017). To do this, the CTJC ordered to prevent the opening of polling stations, to close those open and to seize the electoral material that could be found there. It said that this was to be done "without affecting normal citizen coexistence" and asked the Catalan Police (PG-ME), the Spanish National Police (PN) and the Spanish Guardia Civil (GC) to act jointly by to enforce this commandment.

In context of the event taken place yesterday, the security forces had to consider, on the one hand, the individual rights of freedom of expression, demonstration, assembly, etc.; and, on the other, the execution of a judicial order to prevent a referendum suspended by the Spanish Constitutional Court. The Catalan Ombudsman understands that individual rights should have prevailed (as long as they are exercised peacefully), leaving for later the development of their criminal consequences, if so.

Based on all the information received, the Ombudsman analyzes whether excessive and disproportionate actions were committed in the execution of this order. In particular:

- The Ombudsman investigates the disproportion in the use of force by officers of the PN and the GC. The Catalan Ombudsman has received over 20 complaints about aggressions at polling stations and he has seen the images broadcasted by different people and means. According to these information, PN and GC entered by force in some polling points and struck people who stood in their way. There were raids and there was a significant number of injured, some of them serious. One complaint has been filed by a person with 65% disability who was allegedly ripped the crutches.
- The Catalan Ombudsman will investigate what command ordered the raids and what specific orders were given to the police officers, since the judicial order to stop the referendum was quite generic.
- The use of rubber balls by the Spanish National Police is also being investigated. Several sources point out that there are two people

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- injured by a rubber ball (in the eye and in the leg) and one of them had to be operated on.

At this regard, it should be reminded that the Department of the Internal Affairs of the Catalan Government prohibited the use of this non-lethal means in the body of PG-ME in April 2014. In addition, the Catalan Ombudsman had been demanding a moratorium since 2012. Therefore, the Catalan Ombudsman strongly rejects its use by the security forces in any circumstance.

- The Catalan Ombudsman investigates whether PN and GC accredited adequately the legal warrant to make the entries and searches. It will also assess whether the damages caused to educational centers and other public establishments were the indispensable ones.
- The Catalan Ombudsman also investigates the seizure of private goods during police entries and searches, including, for example, Catalan Minister of Education's (Clara Ponsatí) personal computer, tablet and cell phone. It will be necessary to see if these seizures exceeded the judicial mandate of "seizing all the material related to the referendum".
- Finally, the Catalan Ombudsman is analyzing the role played by the PG-ME, as well as the distribution of competences between the different security forces, in accordance with the constitutional provisions, as it has been advanced in other reports of this institution

The Ombudsman will forward all these considerations to the Ombudsman and the Spanish Minister of Internal Affairs. It will also inform the European Commissioner for Human Rights, the European Ombudsman, the UN High Commissioner for Human Rights, the President of the International Ombudsman Institute and the regional ombudsmen.

Barcelona, October 2<sup>nd</sup> 2017