

## News

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### The Catalan Ombudsman states that independence movement cannot be criminalized and calls for immediate political dialogue

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**On October 16, the magistrate of the Central Court of Instruction No. 3 of the Spanish National Court decided to preventively jail without bail the presidents of the Catalan National Assembly and Òmnium Cultural for an alleged crime of sedition.**

#### Video

The Catalan Ombudsman, within the framework of his statutory mandate to defend individual rights and public freedoms, notwithstanding the independence of the judiciary, states that the imprisonment of the former ombudsman's general deputy and current president of the ANC, as well as the president of Òmnium Cultural, constitutes a decision contrary to the rights and freedoms set out in the international treaties ratified by the Kingdom of Spain, in particular freedom of expression, freedom of assembly and demonstration and the right to freedom of expression and security.



The Catalan Ombudsman reminds that the entities presided over by Jordi Sànchez and Jordi Cuixart have tens of thousands of associates, who defend an ideology –the independence of Catalonia– that is neither punishable nor unlawful, as it is unmistakably clear in the Judgment 42/2014 of the Spanish Constitutional Court. In this decision, the Constitutional Court affirmed that all ideas, including those that seek to alter the very foundation of the constitutional order, have a place within the constitutional system, and that preparatory activities can be deployed.

Pro-independence entities, and their presidents, have participated in the organization of demonstrations that have mobilized hundreds of thousands of people on several occasions over the last few years, in particular the demonstrations of the National Day of Catalonia, always in a peaceful and festive way. The pacifist trajectory of Sànchez and Cuixart is well known.

The ruling of the Central Court of Instruction no. 3 contains elements that could be interpreted as the criminalization of entities and a social movement, exclusively because of their ideology, in a way clearly contrary to rights and freedoms recognized internationally and in the Constitution, particularly freedom of expression. In fact, in the criminal order there are other precautionary measures less severe to avoid the presumption of future criminal reiteration, insufficiently motivated in the ruling. The lack of implementation of these measures, as happened with the other persons investigated, may lead one to think that it intends to criminalize entities and currents of opinion in Catalonia and to weaken their leadership.

Likewise, the Catalan Ombudsman reminds that, according to Article 6 of the European Convention on Human Rights, everyone has the right to a fair trial and, in particular, that anyone accused of an

offense is presumed innocent until proven legally guilty.

Accordingly, the Catalan Ombudsman expresses the urgent need to restore fundamental rights as a key to a democratic and legal state, in which the scrupulous respect for human rights is essential in any situation.

The Catalan Ombudsman finally points out that the conflict between Catalonia and Spain has as a way of solution the political dialogue between both parties. This path of dialogue, which until now has not been possible, will undoubtedly be hampered by decisions that may lead to the abuse of people's fundamental rights.

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