

The Government of Catalonia files a complaint against the civil guards responsible for the interrogations of high-ranking officials and civil servants

The Government of Catalonia, by order of the Minister of the Presidency, Jordi Turull, has filed a formal complaint to the Court of first instance against the civil guards responsible for the interrogations held in the last few days of high-ranking officials and public workers. The complaint was filed due to the observation of several crimes, including obstruction of justice, usurpation of functions, production of false documents, violation of secrecy, and crimes against individual rights.

The complaint is also directed against any other person who, because of their direct relation to the reported events, have actively and consciously collaborated in the act of committing the crimes mentioned herein.

The actions involved in the interrogations would constitute the 5 following crimes:

1. Criminal offense by civil servants against the rights of individuals (article 542 of the Penal Code)

The officers would have violated the fundamental right to a defence by delaying the accusation status of those interrogated and impeding the full exercise of their right of defence from the onset.

The defendants should not be affected by the malicious order to summon them as witnesses when, in reality, they were testifying as the accused.

When a person gives a statement as a defendant, he or she may be accompanied by a lawyer and has the right to not testify, not to confess guilt and the right to the presumption of innocence. However, when testifying as a witness, they must do so without a lawyer and are required to answer all question.

2. Obstruction of justice (article 464.1 of the Penal Code)

The officers would have tried to influence the witnesses' statements by insistently accusing them of lying and threatening them with serious consequences that would come as a result of it, while pressuring them and maintain an aggressive and forceful attitude. When the Generalitat's counsel requested explanations, the officers told her that she would also be asked to testify "*if she knew so much*".

3. Usurpation of functions (article 508.1 of the Penal Code)

The officers would have attributed themselves the condition of commissioners of the Court of Instruction No. 13 of Barcelona, when they were in fact not acting on its request.

On the one hand, the witnesses were summoned by the Civil Guard "*regarding the investigation ordered by the Court of Instruction No. 13 of Barcelona*".

Similarly, the proceeding issued by the Civil Guard that establishes the condition of accused notes that "*the rights that assist you as investigated for the presumed crimes [...] known to the Court of Instruction No. 13 of Barcelona*".

However, the press release from Catalonia's High Court of Justice on 27 July, 2017 clearly contradicts this and specifies that "*in relation to the information published that*

refers to the case opened by the Court of Instruction No. 13 of Barcelona, we inform you of the following:[...] The proceedings that are being held these days in the barracks of the Civil Guard are judicial police proceedings and have not been requested by the Magistrate's Court of Instruction 13 of Barcelona ”.

4. Document fraud (article 390.1 of the Penal Code)

The officers would have altered important documents and would have failed the truth in summoning the witnesses by referring to the Court of Instruction No. 13.

In the reading of their rights, the defendants were accused of the *“alleged crimes of DISCLOSURE OF SECRETS, MISAPPROPRIATION OF PUBLIC FUNDS, DISOBEDIENCE, PREVARICATION AND SEDITION, facts that are known to the Court of Instruction No. 13 of Barcelona”.*

However, in the decision to dismiss the petition by the CUP party, which had asked to be accused for the same crime, affirms that the proceedings *“are not aimed at the political organization or the convocation of a referendum, nor is it a general cause against those who, directly or indirectly, have an interest in it”.*

5. Violation of Secrecy (article 417.1 of the Penal Code)

The proceedings carried out by the Court of Instruction No. 13 of Barcelona were declared secret.

Despite this, certain media outlets had prior knowledge of the summons, the motive behind the witness statements and even the witnesses' condition of 'accused'.

Similarly, when appearing to give testimony, some of the witnesses encountered members of the press waiting in front of the barracks of the Guardia Civil.

Barcelona, 29 July 2017