



**Annual Conference on Cultural Diplomacy. “Utilizing Cultural Diplomacy to Foster Democracy, Advance International Law and Back Global Human Rights”**

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Good afternoon to you all,

I would like to thank the Academy for Cultural Diplomacy for inviting me here today to participate in this Annual Conference, and in particular for the interest shown in the Catalan question, which will be the focus of attention tomorrow, Catalonia Day.

Thanks to you all for your attendance and attention here today.

I'd like to begin by outlining the main points of my talk:

- Spain has 9 political prisoners and 7 politicians in exile
- It's the only country in the EU which has elected representatives in prison
- Today there are four political prisoners on hunger strike with the objective of accessing to international justice.
- More than a thousand people being repressed for supporting a referendum
- There is flagrant violation of human rights (from freedom of expression to the right to a fair trial)

The Catalan independence movement, a massive, civic-minded and non-violent movement, needs the help of your voice because there are those who are trying to silence us through detentions, threats and persecution.

The Spanish State has the physical force to do this, but neither the rational nor the moral grounds.

**Political prisoners and exiles**

The 6th of December was the occasion of the fortieth anniversary of the introduction of the Spanish Constitution.

The Constitution, which should guarantee rights and freedoms, has become a prison for democratic principles and their application a violation of the most fundamental rights.



The Spanish State has imprisoned two men of peace, Jordi Sànchez and Jordi Cuixart, presidents of civic societies, for defending the right to protest, and for making sure that that right is exercised in a manner that is civic-minded and peaceful. They've been in prison without trial for four hundred and seven days.

The Spanish State today condemns the legitimate government of the Generalitat of Catalonia, democratically chosen by the Catalan people, for defending democracy and for permitting a vote on the future of Catalonia.

President Puigdemont, 4 ministers and 2 former Members of Parliament are now in exile.

Vicepresident Junqueras and 5 more ministers have been imprisoned without trial for more than a year.

The Spanish State today condemns the speaker of the Catalan Parliament, Carme Forcadell, for permitting a political debate in the Catalan Parliament and for guaranteeing political rights of elected deputies, such as that of freedom of expression. She's been in prison without trial for 267.

Alongside all of this, the Spanish State prosecutor is investigating 75% of all the mayors in Catalonia (more than 700 people) for having collaborated with and not impeded the referendum of October first. That is to say, for permitting freedom of expression and democracy.

All of them and others, more than a thousand people from my country, are being persecuted by the Spanish justice system. And their crime? Making a referendum possible. Not being afraid of an armed repressive police force who violently attacked peaceful citizens who were defending ballot boxes.

The Spanish State today condemns all those Catalans who believe that deciding our future freely, peacefully and democratically is the way forward. De facto they are persecuting 80% of the population, those who believe that the solution is to be found by voting.

## **Catalonia didn't come into being with the Spanish Constitution**

The Catalan nation has a long history. I myself have the honour of being a government minister in the Generalitat, a governing institution which began in 1359, and is now led by its 131st President.

This is in spite of the fact that for long periods of our history our institutions were abolished, our language was prohibited and our culture was persecuted.

After the Spanish Civil War (1936-1939) followed the long night that was Franco regime (40 years). With the death of the dictator in 1975, Spain began its democratic transition, passing the Spanish constitution into law in 1978.

Catalan politicians actively participated in the recuperation of democracy.

For many years official history has recorded that the Spanish transition was a model and peaceful one. Today, however, there is enough historical documentation to claim the opposite, and to put the official version into question.

The passing from dictatorship to democracy was done without calling into question anything that happened during the dictatorship and without holding anyone to account for the crimes and injustices committed.

Today it is still the 2<sup>nd</sup> country in the world in consideration of the number of disappeared persons and mass graves –only after Cambodia-.

At the same time, societies like the Francisco Franco Foundation, who praise the memory of the dictator and yearn for the return of that regime, are permitted to exist and are even subsidised.

Likewise, many current institutions are the heirs of the Franco regime. The Audiencia Nacional, the court where the Catalan political prisoners were charged, is a court of exception which has no equivalent in any other European country, and has its roots in the dictatorial regime.

Many of the leaders of Francoism continued to occupy the same positions of responsibility in the new constitutional democracy.

And the restoration of the monarchy also comes from Francoism, as king Juan Carlos swore allegiance to the principles of the Francoist movement, and he was designated as heir by Francisco Franco himself.

### **The New Statute and the Constitutional Court Judgement**

On the 23rd of February 1981 there was a coup d'état in Spain. The political response afterwards was not more democracy but rather it was more recentralisation and less self-government for Catalonia. The unity of Spain was and is the supreme good to be maintained.

The hope placed in that first statute in 1979 was very soon to be frustrated.

And because of that, with a willingness to advance in the coexistence of the Catalan nation within the Spanish State, in the year 2005 the Catalan Parliament approved a new Statute of Autonomy, with 120 votes in favour and 15 against; this was then passed in the Spanish parliament.

And in the year 2006 it was endorsed by the citizens with 74% of votes in favour.

However, four years later, in a decision without precedent in constitutional democracy, the Constitutional Court (heavily politicised and partial) found in judgement against that Statute, which had been passed in the parliaments and by the citizens of Catalonia.

This very grave development caused the majority of Catalans to no longer feel comfortable within Spain. In the words of the then President of The Generalitat, in no way under suspicion of being an independentist, the socialist José Montilla, this sentence of the court caused “a disaffection” in Catalonia towards Spain of the type which “may be the beginning of an irreversible process”.

In response to this sentence against the will of the Catalan people as expressed in a referendum, on July 2010 a million and a half people demonstrated in Barcelona under the banner “We are a nation. We decide.”

It was the first of many demonstrations, year-in year-out, which have dazzled the world in their scale, originality and their commitment to civil behaviour at all times.



## **Large Civic Demonstrations**

And the differences between Catalonia and Spain are there to see in its model of society and coexistence. Catalonia has asked to be a welcoming place in the refugee crisis, our parliament has legislated against evictions of vulnerable families, in favour of equality between men and women, and with determination in the fight against climate change. But all there, and much more, has been considered unconstitutional.

Because any initiative that goes against the way of looking at the world from Madrid is stopped. They have even tried to oblige us to permit a practice of animal torture.

From the year 2012, every year on the national day of Catalonia, between one and a half and two million Catalans have demonstrated in favour of independence in Barcelona.

I would like you to reflect on this image for a moment: Catalonia has seven and a half million inhabitants. Mobilizing between one and a half and two million people in a demonstration, doing it one year, then another, and another, and without a single incident “not even a paper on the ground”.

Imagine for a moment a demonstration here in Berlin with twenty million demonstrators. Year after year, and not one single incident nor any broken glass.

So now, the leaders of those responsible for organising these demonstrations are today in prison accused of the crime of rebellion.

I'd like to share some images with you, and I invite you to look for more online.

I'm sure you'll be moved by these.

## **Requests for Dialogue**

Catalan society favours democracy, and 80% of Catalans are convinced that a referendum on independence is the solution.



This is why there have been up to 20 occasions when, through many forms and channels, Spanish governments have been asked to consult the electorate, and on each one of those occasions the response has been negative.

While David Cameron and Alex Salmond agreed in a meeting to a referendum in Scotland, the Spanish President Mariano Rajoy didn't even want to talk with President Mas first and later nor with President Puigdemont.

But we've tried everything. From proposing in the Spanish Parliament the holding of a consultation, to the transfer to the Generalitat the competences for calling the consultation.

### **Independentist majority in Parliament**

In the year 2015 elections were held for the Parliament of Catalonia. The unified independentist candidates won the election, and independentists seventy-two seats out of one hundred and thirty-five.

The candidates in favour of independence obtained forty-eight percent of the votes, while those against obtained thirty-nine percent.

Carles Puigdemont was chosen as the 130th President of the Catalan Government and in a matter of months announced that there would be an independence referendum held towards the end of 2017.

This announcement was at all times accompanied by a proposal for dialogue with the Spanish State Government from the President, the Catalan government and the Catalan parliament.



## **October 1st, Article 155 and December 21st. Repression and Reduction of Rights as tools to solve a problem**

After a 5 years of refusal to negotiate a referendum, the catalan government decided to call the referendum itself.

I'm sure you well know what happened on the first of October 2017 when we Catalans held our referendum. The images of thousands of police attacking the young, the old, men and women, the strikes of clubs and the rubber bullets, the damage to schools in search of ballot boxes as if they were arms or explosives...

A 1066 people were attended to, for head injuries, fractures, cuts and bruises, anxiety attacks, heart problems and even the loss of an eye from a rubber bullet.

With all of that, more than 2.300.000 people went to vote without fear. The Yes vote clearly won over the No vote.

Democracy won the day and the Spanish State opted for repression and persecution.

With a pre-democracy use of the constitution, the State Government decided to invent the application of article 155, meaning the sacking of the entire Catalan Government and the dissolution of Parliament (ignoring what the electorate had chosen two years before that).

And I say pre-democracy with justification, because in 1978 two amendments defining the article as it was used were defeated in the constitutional debate!

This left the Catalan institutions in the hands of the State Government, provoking a judicial attack against members of the government and the parliamentary speakers committee, imprisoning them.

## **The 21st of December election: manipulation of the results**

The President of the Spanish Government called an election so that pro-independence forces would lose. But that didn't happen.



The Vicepresident of the Spanish Government boasted during the campaign of having taken out the leaders. And despite the difficulties and the Spanish media of the 1978 regime opposing it, independentism showed its strength and obtained an absolute majority.

And that is why the Spanish state has not respected that result, manipulating without shame the will of the people, the very principle of democracy.

On up to 4 occasions a judge has impeded the investiture of a new President of the Generalitat because they didn't like the candidate, despite being a Member of Parliament and having all political rights intact.

This violates both the candidate's rights and those who voted for them, and the rights of everyone who participated in the election. It's a unique case in Europe.

And there is more. A lot more. Among MPs chosen to be members of the Parliament of Catalonia, as a result of repression and persecution of political dissidence, the following has happened...

- 1 deputy didn't take their seat in parliament because of the judicial consequences that it would entail
- 7 deputies have had to renounce their seats in relation to their charges
- 5 deputies are in prison
- 2 deputies are in exile
- 4 more deputies are been accused

That is to say, 25% of the independentist majority in the Parliament of Catalonia are not free to exercise their responsibilities to represent the people of Catalonia, who in effect are not free either.

This is without counting those of us subsidised who are threatened, coerced and spied upon on a daily basis.





## **Violation of Rights**

In the last two years, from the months leading up to the 1st of October referendum to today, the Catalan people have seen how our rights have been continually limited, infringed and stepped upon.

Just as an example, the rights that have been violated are the right to free assembly; the right to freedom of expression; The right to secrecy of correspondence; The right to protest; the right to a fair trial; the right to defence in a trial; the right to be judged by a judge determined by law; the right to vote; the right to hold political office.

Last Monday we celebrated the 70th anniversary of the Universal Declaration of Human Rights, a declaration that's necessary today more than ever. Because although we have made many advances in the defence of human rights, Europe is seeing now how they are going backwards again.

This is the case with Spain. This violation is so bad that 4 political prisoners are today on hunger strike to protest the blocking of their access to European justice.

The Constitutional Court is violating their right to due process by holding up for more than a year proceedings which should take less than a month, and so blocking their access to the European Court of Human Rights.

This is the fear that the Spanish State has which denies European justice to its citizens. A European justice system, by the way, which in the case of President Puigdemont made it clear that it saw no evidence of a crime.

## **The Spanish Justice System**

Through everything I've recounted, you can see how the workings of justice in Spain is a problem. This is objective. Spain occupies the 23rd ranking out of 28 in citizens' confidence.

Up of half of Spanish people have a bad or very bad perception of judicial independence. For contrast, in Germany 74% of the people have confidence in its justice.



In January 2018 the GRECO monitoring report concluded that Spain is the only state that has not fully implemented any of the recommendations made in the last 5 years to improve the independence of the judicial system.

In the text it is reiterated that the political authorities "should not be involved, in any case, in the selection process of a judicial change."

Here's the most visible evidence: A few weeks ago the spokesperson for the Popular Party in the Spanish Senate sent Whatsapp messages to all of the senators in his party, referring to the new President of the Judiciary, and congratulating that in this way:  
"We got control of the Supreme Court"

This doesn't just affect the independence movement. Prison sentences for singers, people posting on twitter, civic activists, books banned, journalists threatened and investigated...

Or the application of anti-terrorism law for a bar-room fight in Altsasua, where the prosecutor was asking for up to 375 years in prison for 8 young people are just some more examples.

Because of this the European Court of Human Rights has sentenced against Spain on 48 occasions for violation of the right to a fair trial; on 16 occasions for undue length of legal procedure; on 11 occasions for convictions without due investigation; and on 6 occasions for violation of freedom of expression.

That is Spain, as it stands now.

### **Change of Government in Spain: PSOE = PP**

Before the summer, the independentist and progressive parties made possible a change in government in Madrid, helped along by a clear situation of generalised corruption in the government of Mariano Rajoy.

Pedro Sánchez is President of Spain through this alliance which has had a willingness to explore all possibilities to resolve this conflict, which I remind you is political. The good



words of the first few weeks have not resulted in any new development. The reality is disappointing and devastating.

The PP and PSOE always find agreement with each other when it comes to repressing the Catalan minority and defending the unity of Spain or preserving any status quo.

The PP and PSOE together impeded the parliamentary investigations into the 17 of August Barcelona terrorist attacks, and into the Royal family finances, as well as the proposal to stop selling arms to the Saudi regime.

There has not been any investigation into the violence of the first of October in spite of such a commitment before the European Commission. The ultimate person responsible for this violence (Enric Millo) has been decorated while the ideologue behind the repression (Soraya Saez de Santamaria) has been elevated to the State Council.

The government spokesperson has even dared to say, as has Mariano Rajoy, that the images from the first of October are fake, and there is a minister for foreign affairs who has some diplomatic conflict every day over his obsession with Catalonia.

This very week we have seen how, instead of proposing dialogue and negotiation in order to find political solutions together, the Spanish Government has threatened to again suppress the Catalan institutions. What they didn't win at the ballot box they want to win by force.

Does anyone really think that attacking our institutions and our political and social leaders will make the Catalans give up? Does anyone think that this is the way to convince anyone or solve anything?

### **What's Spain afraid of?**

The question that we Catalans are asking is: what is Spain afraid of?

It is afraid

- Of democracy?
- Of the will of the people?
- Of having to face the real problems of Spain? The corruption? The lack of independence in media?



If 80% of people want to have a referendum, it's irresponsible to prevent it. We're not going to give up being democrats, and we're not going to give up being independentists. And the unity of Spain cannot be more important than democracy itself.

## **Catalonia and Europe**

This is the situation which Catalonia and its independence movement finds itself suffering today, a movement that is profoundly civic-minded, democratic and European-focused.

It was 68 years ago that the beautiful idea of an integrated Europe was first launched. And it was started in response to the first half of the twentieth century which had just seen two world wars and millions of deaths.

From that destruction to the construction of a Europe of welfare, progress, liberty and human rights. A Europe that we Catalans have always looked towards with hope, because we have always felt European and we have seen in Europe the solution.

Because Catalonia, and Catalan politics, has always had an element to its character that is undoubtedly and profoundly pro-Europe; a clear feeling of belonging to the European project.

But that which for many years was a hope, today is seen with some scepticism and confusion. Because today that Europe of rights and liberty is a Europe that is looking the other way while democracy is being trampled upon.

If your commitment is to a Europe where citizens may have more power to decide, where they have more integration, more prosperity and more democracy you have to know and ask about what's going on.



Catalonia, today, is not an internal Spanish affair. The right of self-determination of Catalonia, today, is a European matter because rights and liberty are in danger under the repression of the Spanish State.

Thank you very much.