

# Catalan Democracy Behind Bars

Monday 21 October 2019, by [GILMARTIN Eoghan](#), [GREENE Tommy](#) (Date first published: 17 October 2019).

**The long prison sentences for the organizers of Catalunya's outlawed independence referendum are just the latest sign of Spain's repressive turn. The Catalan crisis has brought the state's authoritarian impulses to the surface — and set a terrible precedent for criminalizing dissent.**

"This is not justice but revenge." So read the [statement by Catalonia's](#) imprisoned former vice president, Oriol Junqueras, in response to news this Monday that he would face [a thirteen-year prison sentence](#) for charges of sedition and misuse of public funds, as a result of his work organizing October 2017's outlawed independence referendum. Most of the eleven other defendants at the center of the four-month-long [trial](#) that [began](#) this February received similarly heavy sentences, including civil society leaders Jordi Cuixart and Jordi Sánchez, who were each handed nine years of jail time.

Catalans responded angrily, taking to the streets in a wave of mass protests in the hours following the verdict. Thousands of people occupied Barcelona's El Prat airport, in addition to blockades of train lines and motorways across the region. The protestors' decision to target the airport on Monday night was inspired by the ongoing anti-government demonstrations [in Hong Kong](#) — and they met with a violent response from regional police. Demonstrations continued in Barcelona and other parts of Catalonia for a third consecutive night on Wednesday as the independence movement gears up for a general strike on Friday.

The sentence comes almost two years after the accused were arrested on the orders of the Spanish judiciary, near simultaneous to the application of direct rule by the central government in Madrid. Regional autonomy was restored in June 2018, but arrested leaders have remained in "preventative detention" since that point, while others including former Catalan president Carles Puigdemont have fled the country.

As the sentences were passed on Monday, a European arrest warrant for Puigdemont was reissued, in a sign that further punitive measures are coming. Coming just a few years after a series of brutal gag laws introduced by Mariano Rajoy's conservative government, these measures also signal grim news for other forms of protest and dissent across Spain.

The most serious of the three allegations leveled against the Catalan leaders — the charge of rebellion — was not upheld by the Spanish Supreme Court's ruling, a decision which had already been revealed last week in a leak to the national press. Yet the sentences meted out to Junqueras and the other defendants appear both pointed and punitive, at the end of legal proceedings long criticized for their apparently political nature. The trial's judicialization of what has always been a fundamentally political problem also means this sentence provides no real closure to a process that — in the words of political analyst Ivan Orósa — wider Catalan society has experienced as a kind of collective "trauma."

With acting prime minister [Pedro Sánchez](#) now flirting with grand coalition offers from the Right,

the Catalan ruling also fits into a broader conservative shift in Spain's political landscape — one which seeks to marginalize not just Catalan nationalists, but also the left-wing forces fighting to democratize the Spanish state.

## **Criminalizing Dissent**

All of the defendants who received heavy sentences — nine of the twelve accused — were found to have committed sedition, [defined](#) in Spanish law as “rising up publicly and tumultuously to prevent, by force or outside of legal means, the application of the Law or any authority.” This, however, only covers actions not covered by the more severe charge of “rebellion.”

The charge of sedition did not apply to all of the defendants in the same way, and the accusation seemed to lack precision. In the case of former vice-president Junqueras, his act of sedition was judged to have been his work organizing the independence referendum of October 1, 2017, which had been outlawed weeks beforehand by Spain's Constitutional Court.

As for Jordi Sánchez, president of a civil-society body called the Catalan National Assembly, he was found guilty of sedition for having organized mobilizations on the day of the vote, including mass occupations of voting centers to stop them being closed down. He like Cuixart was also deemed to have warranted the conviction for having orchestrated the mass rallies of [September 20](#), described by the prosecutors as an “insurrectionary period,” as well as having expressed the intention of running a repeat referendum.

The ruling itself stated the actions of the Catalan leaders taken together were a “riotous uprising” that undermined the rule of law. It did not find that their actions on September 20 and October 1 were openly violent, and nor was the prosecution able to prove that October 27's independence declaration was anything more than symbolic. However, for the punitive sedition verdict to be passed — including a ban on public office during the period of the sentence — there was no need for the prosecutor to prove any violent acts.

## **Protracted Spectacle**

It is difficult not to view Monday's ruling as the culmination of a protracted televised political spectacle. Besides the astonishing application of such an archaic charge to the political and civil-society leaders of a nonviolent independence drive, the ruling also makes clear the extent to which the charge was stretched to fit all of the quite distinct, separate involvements of those sitting in the dock.

In this light, the entire trial process has been regarded as a kind of weaponization of Spain's judiciary and constitutional settlement against various forms of protest and democratic exercise in the country. Indeed, this sentence is the latest instance of the justice system's growing crackdown on freedoms and civil liberties in Spain. This trend has been accompanied by a broader conservative shift in Spanish politics, after years in which serial waves of mass protest across Spain demanded social justice and democratic reform.

Even beyond the Catalan question, the ruling's implications for left-wing protest are deeply troubling. As Catalan magistrate Joaquim Bosch wrote this week, “The most dangerous aspect of the sentence is its future application and its impact on freedoms.” Indeed, this ruling sets a criminalizing precedent for housing organizations like the Platform for People Affected by Mortgages (PAH), for trade union pickets, and mass occupations like those seen during the 15M anti-austerity movement. Any protestor found to be in “material opposition” to law enforcement agencies could fall under its sweep. Added to Spain's notorious gag laws and an increasing number of censorship rulings in

recent years, the sentence forms part of a gradual move towards the criminalization of dissent.

## **Channeling the Rage**

In terms of the political fallout, the major Catalan parties find themselves engaged in a difficult [juggling act](#), four weeks before the November 10 general election — Spain's fourth such vote in as many years. The wave of protests, as well as the broader sense of indignation at the verdict — which stretches well beyond those who support independence — has given renewed momentum to a Catalan movement that had been demoralized after two years of retreat.

For Junqueras's social-democratic Esquerra Republicana, the challenge is to channel this outrage into an electoral victory in November — as well as a more sustained campaign for prisoner amnesty — while also ensuring protests do not get out of control or provoke a suspension of regional autonomy like that which followed the 2017 referendum.

Balancing these two elements is the first major test for Esquerra's [post-2017 strategy](#), which now sees an independent republic as a longer-term objective. In the two years since "the Catalan October," the party leadership has moved away from engaging in further head-on confrontation with the state, recognizing the limits to its previous unilateral approach to independence.

As one of Junqueras's closest advisors, [Serge Sol](#), put it earlier this year: "we were not sufficiently aware of the full force of the state [in 2017]." In a similar vein, the party's former spokesperson in the Spanish parliament, Joan Tardà, acknowledged that the movement had misread the broader balance of forces in the standoff over the disputed referendum — discovering "[an unfavorable international conjuncture](#)" which saw the European Union rapidly take Madrid's side.

This self-critique has been combined with a recognition that the pro-independence bloc now needs a more [pragmatic approach](#), capable of building a broader majoritarian base over time. This has seen Esquerra's discourse increasingly center on social and economic issues, as well as an insistence on engagement with Spain's center-left government, led by Pedro Sánchez's PSOE. Junqueras's strategic wager holds that after two years of intense polarization, much of Catalan society has little appetite for further rupture.

This has led to accusations of [betrayal](#) from [certain quarters](#) within the independence movement. Junqueras has responded by citing his own hardship, insisting that "no one has paid such a high price as us ... nobody can question our commitment." His party is now pushing for swift elections for the Catalan parliament after November's national poll, which will likely see it overtake Puigdemont's center-right Junts per Catalunya (JxCat) and pro-unionist Ciudadanos to become the leading party in Catalonia.

JxCat, in contrast, has positioned itself as more clearly opposed to cooperation with Sánchez's minority government in Madrid — voting against the Socialists' investiture in July — while also maintaining a more unilateralist discourse. Yet, while it is banking on its call to "[build the](#) Catalan Republic" in the here and now, which will play well among the most motivated pro-independence voters, it too has [little interest](#) in defying the legal authority of the state. As journalist Diego Torres notes, for both the JxCat and Esquerra, who together rule Catalonia's regional government, the emphasis is on "declarative disagreements" rather than "institutional disobedience."

These became clear at the occupation of Barcelona's airport on Monday where much of the police brutality — including the shooting of a protester at close range with a foam bullet — in fact came from Catalan security forces under the direction of JxCat's own interior minister. This led to the absurd position in which Puigdemont's successor as Catalan premier, Quim Torra, praised the

occupation while at the same time his government was also defending police charges against protestors as necessary to avoid new accusations of sedition.

With a general strike, backed by pro-independence unions, planned for Friday and a series of hundred-kilometer marches from across the region set to converge on Barcelona that afternoon, the main risk for the independence movement's centrist leadership is that protests escape their control in the coming days. Activists are using [blockchain technology](#) to organize direct actions in increasingly sophisticated ways and any serious incident — for instance, if a protestor were killed — could see events take on a life of their own in the weeks before the Spanish general election.

## Electoral Tactics

In Madrid, Pedro Sánchez's response to this explosive situation is being defined by his pivot to the right before November's poll. His Socialist Party (PSOE) came out on top in last April's elections — promising left-wing cooperation in the face of a breakthrough from extreme-right [Vox](#) as well as dialogue and a softer line on Catalonia.

Yet having subsequently [walked away](#) from the prospect of a left-wing coalition with Unidas Podemos, after pressure was applied from corporate elites, Sánchez is now betting he can dominate the center ground in the repeat elections. As journalist [Enric Juliana notes](#), the calculation in going to the country yet again was that the upheaval unleashed by the Catalan verdict would play to Sánchez's advantage. Moving away from his previous incarnation as a bulwark against the return of Francoism, he is seeking to fight this fresh election as the only guarantee of stability and governability for an electorate exhausted by years of institutional deadlock and nationalist-identitarian conflict.

Indeed, Sánchez's initial reaction to the sentence was clearly pitched in these terms — praising Spain as a "[consolidated democracy](#)" with "one of the most advanced rule-of-law states in the world" while also insisting the Catalan leaders would serve their full jail terms. Then, with Spanish television coverage of the protests predominantly framing them through the lens of a threat to public safety, he has begun to insist on a "[firm, proportional](#)" response towards those "seeking to rupture peaceful coexistence in Catalonia."

Yet, with the potential for a further escalation in the coming days, his electoral gamble hinges on his ability to maintain the peace while avoiding the type of violent scenes that marked the 2017 referendum. Since the conservative Partido Popular has now reduced the PSOE lead in the polls to five points (27.3 to 22.2 percent according to [the latest Celeste-Tel poll](#) for *El Diario*), a misstep from Sánchez at this time could prove costly.

Meanwhile, the left-wing Unidas Podemos called for dialogue and solidarity with the twelve prisoners — with party leader [Pablo Iglesias reminding](#) Sánchez that there are many precedents for granting pardons, such as that for General Alfonso Armada, a leader of the failed military coup of 1981. Podemos's Catalan allies En Comú Podem — headed by Barcelona mayor Ada Colau — went further and insisted that securing "[the prisoners' freedom](#)" was "an indispensable condition" for any solution to the conflict.

For Alberto Garzón — leader of Izquierda Unida, a left-wing force within Unidas Podemos — the verdict was [further proof](#) of the need to overhaul Spain's constitutional framework with its outmoded territorial model and parliamentary monarchy. Yet if anything the current tendency in Spanish politics is running in the opposite direction. The polarized left and right blocs that defined April's election are giving way as the two old governing parties of the state — the PSOE and the PP — move towards some form of [grand coalition arrangement](#).

In this sense, it seems that the established political class is closing ranks ahead of a difficult scenario for Spain defined by not only the Catalan conflict but also a widely expected recession. The great unknown in all this is the stamina and the energy in the Catalan street — and how this will thwart, or else galvanize, Spanish elites' project of restoring the old party regime.

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