

Analysis

Crusade: The Catalan trials are political, regardless of what the Spanish Government says

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To deny the political dimension of the Spanish judiciary and its crusade against Catalonia's political prisoners is to deny reality.

EVERYTHING is political. Whether openly acknowledged or not, much of the world has gradually come to accept this argument, once the reserve of radicals and liberationists only. The personal and the philosophical, the artistic and the economic; war and peace, identity and nationhood...Law and justice.

Under other circumstances, one might be inclined to feel sympathy for the Spanish Government, which now finds itself in the unenviable position of arguing against this apparently self-evident reality. Those who safeguard the inviolability of Spain's multinational state must not only secure the conviction of twelve Catalan independence leaders, [whose trial began today in Madrid](#); they must convince the world that the trial itself is not political.

It is the second aspect which will prove problematic. Sending down those members of the Catalan Government and pro-independence civic society active in organising the outlawed independence referendum of 2017 - which went ahead, despite the best efforts of Spanish authorities to suppress democracy without licence - on comic-opera charges of rebellion and sedition will likely not be difficult; no one, Catalan or Spanish, seriously expects those on trial to walk free at the end of proceedings. Yet that certainty does not aid Spain's case.

The beginning of the trial has also seen a rare intervention from the Spanish ambassador to the UK, who - while accusing the Catalan Government of engaging in ["a massive campaign of disinformation"](#) - signalled the beginning of... a massive campaign of disinformation. Backed by Madrid, 'This is the Real Spain' is intended to counter the narrative of the Catalan independence movement that Spain is not, in any sense that counts, a real democracy. In his contribution, the ambassador took pains to assure us that the trial is not political, and that the Spanish judiciary is not being used as a tool of repression against political opinion within Catalonia.

Followers of Catalan affairs will recognise the absurdity of this position without being reminded of its context. Those on trial are political figures; they did not organise a nationwide plebiscite out of some pathological desire, but in pursuit of a political agenda; that vote was deemed illegal under laws emanating from the 1978 Spanish constitution, an inherently political document.

The ensuing divisions that has perpetuated the Catalan crisis over the past year and a half have dominated politics throughout Spain, and may yet bring down the present Spanish Government, which cannot pass a budget without the support of Catalan parties committed to a republic that

remains unrecognised, and faces opposition from right-wing Spanish unionists outraged by any communication with such roguish secessionists. At the risk of being glib, all of this is what most would recognise as 'political'.

Given this enflamed background, Spain's democratic credentials now rest with its judiciary, and it is at this point the comedy becomes as black as night. However determined the Spanish Government of the day might be to strangle the Republic of Catalonia, the Spanish judiciary is ostensibly independent of political concerns, and will judge those on trial in accordance with the letter of the law, regardless of that law's nebulous constitutional origins or vestigial Francoist connotations.

Spain may have a hard time convincing the world when it cannot even convince its own people; in the EU's 2017 'Justice Scoreboard', Spain came third to last amongst the EU's 28 member-states, behind Slovakia and Bulgaria, on the public's perception of the independence of its judges and courts.

Still, when in doubt, bluster. "No politicians are being detained in Spain for their ideas or their opinions, but rather, for their acts," [huffed Professor Gabriele Colome](#) of the Autonomous University of Barcelona on Euronews recently. The democratic credibility of any nation whose ideas and opinions can not only be forbidden from being put into action, but which cannot even be voted on, is arguably open to question, but put that aside for a moment. To accept the vaunted independence of the judiciary requires a level of credulousness bridge-sellers can only dream of.

In September last year, messages from the corporate email accounts of several Spanish judges were leaked to press, revealing references to members of the Catalan independence movement as "rapists, sons of bitches, vermin, germs and Nazis." Even if one were so naïve as to believe private sentiments expressed in private correspondence are irrelevant to judicial neutrality, it is harder to explain why the main Spanish political parties – the People's Party and the PSOE – openly negotiated the composition of the Supreme Court's General Council of the Judiciary.

As Aleix Sarri Carmargo, international affairs coordinator to Catalan President Quim Torra, pointed out ahead of the current trial, this was so scandalous both parties were forced to backtrack, but not before a PP Senate spokesperson announced to his colleagues that [they would control the judges](#) hearing the case of the Catalan political prisoners from "behind the scenes", as well as deciding which political parties were legal or illegal. [As Carmargo put it](#), "This is not exactly what one would call separation of powers."

In preparation for the extradition hearing of exiled former Catalan minister Clara Ponsati from Scotland, Ponsati's lawyer Amer Anwar argued that the case would provide the possibility ["of putting another nation's judiciary on trial."](#)

Given that the attempt to extradite Ponsati was subsequently abandoned, it is possible the Spanish Government would prefer that no such trial took place. Only the enemies of the Spanish state may be placed in the dock; the Spanish state, and the law by which it preserves itself, must remain unaccountable to any court in the land. And they call it democracy.

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P.S.

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