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THE IDEOLOGY OF THE CATALAN PRISONERS

What keeps Forn in prison, according to what the Supreme Court states expressly, is their ideology. If it is not a prisoner of conscience, it very much looks like one.

The Catalan independence movement calls into doubt the strength of the Spanish democratic system. And, so far, our democracy is coming off badly. The Government, the judges and the structure of the State do not seem to be dealing well that the 1978 constitutional system is the guarantor of the rights of everyone; even of those who, from inside the system itself, aspire to a modification of the territorial model.

The tolerance of our system of rights is not shared by those who must implement and guarantee it. We suddenly must see how an application of Article 155 of the Constitution is developed in an overtly unconstitutional manner which puts an end to the concept of autonomy itself; the judges lose their neutrality and pronounce, or withdraw, European arrest warrants against people charged with serious crimes depending on their political convenience; the Constitutional Court itself skips the rules which frame it and pronounces decisions it cannot pronounce, in its eagerness to prevent specific political consequences... A long series of constitutional absurdities that can only be explained if what they are defending is not the Constitution and the democracy but solely the unity of Spain.

In this outlook –especially distressing for those who do not support the independence of Catalonia, but do support the validity of the democratic system of rights–, the discussion of whether there are political prisoners in Spain stands out. In spite of its enormous symbolic value, it is a useless discussion. It is not clear what a political prisoner is, and depending on the concept used, one can conclude that there are not, or that there have been for years. When a group of people disobeys the police to prevent an eviction, they are acting politically, although they can be jailed for it. This happened for decades with those who refused the military service, many of which spent long periods in prison. There has always been prisoners, which consider political themselves and judges, which jail them because they have committed a crime.

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Therefore, talking about political prisoners is not worth the effort if the aim is to denounce a situation objectively contrary to the fundamental rights. Because what is totally undemocratic and contrary to the democratic system of rights is that no one is deprived of freedom exclusively because of his ideology. Not for his facts, but for his ideas. And this is precisely what is happening in these moments with some Catalan independence leaders.

We started to suspect when the Audiencia Nacional ordered the imprisonment of all the ousted Catalan ministers except the only one who had politically dissociated himself from the statement of independence. We had more hints when the Supreme Court demanded from the president of the Catalan Parliament and other high officials a statement that they did not share the unilateral independence ideas to set them free from the prison. But if someone still had any doubt, the recent decree of the Supreme Court about the release from prison of former minister Forn dispels them all.

Joaquim Forn is –like the other ones- in provisional prison, waiting for the trial. According to the Constitutional Court's doctrine, provisional prison cannot be ordered as a punishment or as a way to put pressure over a suspect. It can only be ordered if there is an obvious risk of escape, destruction of evidences or that the crime may be committed again. In any other case. For that reason Mr. Forn asked to be released from prison, especially now he has renounced as a deputy and nobody can even dream he can take part again in a crime of rebellion like the one he is being charged with. The Supreme Court, in a decision of judge Pablo Llarena, rules he must stay in prison and justifies it based on the fact that the defendant maintains his sovereigntist ideology. Such ideology, in a context where there are still people who defend the independence of Catalonia, allows the judge to appreciate that he may repeat his crime as long as in Catalonia there is a sovereigntist majority.

Therefore, independent of how the decision is dressed up, what maintains this person in prison, as the Supreme Court states expressly, is his ideology: "the conviction he sustains makes a repetition of the crime possible, which would come off as an absurd in someone following the opposite ideology". The judge has no qualm in referring to Mr. Forn's dissenting ideology to keep him in prison. If that is not a prisoner of conscience, it looks a lot like one.

The judge's decision is a genuine democratic atrocity that puts Spain at the same level as the countries which restrain the ideas. In a different political context, I very much doubt he would have dared to refer in such a direct manner to the ideology as a reason for the loss of freedom, but in these moments the judges

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and the State itself as a whole are sending the message that there are no limits to put an end to the independence movement. Apparently the independence leaders no longer have the right of their fundamental rights.

Under normal circumstances, without any doubt, a decision like this would be voided by the Constitutional Court. But in this case, not even this last guarantor of the rights has the slightest appearance of independence. The power of the State is exerted without any juridical boundaries against the pursuit of sovereignty. And if we do not stop this, what is at stake is not the Spanish territory, but the democracy itself.