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Barcelona, March 9th 2021

Elisenda Paluzie  
President  
Catalan National Assembly  
Marina 315  
08025, Barcelona

Ms. Ursula von der Leyen  
President of the European Commission  
European Commission  
Rue de la Loi/Wetsstraat 200  
1049 Brussels

Dear President Von der Leyen,

The purpose of this letter is to express the concern of all the undersigned about the implications of the waiver of immunity of the three Catalan MEPs – Carles Puigdemont, Toni Comín, and Clara Ponsatí – which obtained the green light yesterday in a vote in the plenary session of the European Parliament.

The case represents a new example of Spain's repressive actions against the Catalan people's political and social representatives. Together with the case of Oriol Junqueras, elected MEP in detention in Spain sentenced to 13 years for organising a democratic referendum, Spain is incurring in the violation of the right to vote and right of political and public participation of more than two million European citizens.

Persecuting people who have received more than a million votes by denying their rights as members of the European Parliament is only possible when the rights of the people that have voted for them have been subject to a prior violation. This happens as the right to self-determination has been repeatedly violated by Spain. In doing so, Spanish authorities also violated the Catalan people's right to freedom of expression, freedom of assembly and association, and political participation. In this sense, it is important to recall that organising a referendum without the central government's consent is not an offense under Spanish law, [as the United Nations Working Group on Arbitrary Detention pointed out in June 2019](#).

Nine Catalan civil and political leaders have been in prison for more than three years, including six former members of the Catalan government, the former speaker of the Parliament of Catalonia, and two civil society leaders, sentenced to between 9 and 13 years on charges of sedition and others, crimes that have not been deemed as such by Courts in Germany, Scotland, or Belgium. In the case of Lluís Puig, the former Catalan Minister of Culture in exile for whom the Spanish justice issued an arrest warrant, the Belgian justice has recently affirmed that the Spanish Supreme Court does not have the authority to try former members of the Catalan government and [raised concerns on the fact that Lluís Puig' presumption of innocence could be at risk in Spain](#). In the same vein, the Public Prosecutor at the Brussels Court of Appeal recently communicated the decision to the Spanish investigating judge Pablo Llarena, in a letter that includes a recommendation [to investigate whether there is a "risk of violation of fundamental rights."](#)

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Since autumn of 2017, the Spanish authorities have politically persecuted 3,300 peaceful activists and representatives in relation to the Catalan independence movement. Spanish Courts have prevented three consecutive candidates from being invested as President of Catalonia by waging lawfare. At the end of September 2020, Spanish Supreme Court ousted the president of Catalonia Mr. Quim Torra for displaying a banner at the seat of the Catalan government with the same message that the UN Working Group on Arbitrary Detention has been denouncing for a year and a half: that Spain has illegally imprisoned political dissidents.

The Catalan people have always believed in the European project. However, the European institutions' attitude since the referendum of October 2017 has been a constant source of disappointment for the Catalan people -of which a clear 52% supported pro-independence parties in the February 14th election-, and overall, for all democrats. A few weeks ago, Belgian Prime Minister Alexander De Croo, in response to a question posed to him at the Federal Parliament by a Flemish MP, placed Spain, Poland and Hungary on the same level, states of which he said "have to respect fundamental European values such as the respect for the rule of law". In this regard, we see with relief EU criticism of the political repression and lack of separation of powers in Hungary and Poland. Still, at the same time, we observe with astonishment the permissiveness with Spain for the same or even worse violations of the rule of law. These facts represent massive discrimination and violation of human rights included in article 2 of the European Union Treaty.

In 2019, two million Catalan voters were left without any representation in the European Parliament for more than six months due to the illegal imprisonment of a candidate and the blocking of other elected candidates by the Spanish state, preventing them from taking their seats. Spain has now violated Catalan representatives' rights again, using the waiver of immunity against the three MEPs for political reasons. The mere fact that Spanish nationalist parties are over-represented in the Committee on Legal Affairs that processed the request should be reason enough to question the legitimacy of a procedure used by the Spanish authorities to persecute political dissent.

As you know, the decision to waive the Catalan MEPs' immunity will be appealed in the Court of Justice of the European Union. In case of reversal of the European Parliament decision, this would mark a terrible loss of prestige for its reputation as a democratic chamber, with potentially harmful implications for all EU citizens' right to political participation.

For all these reasons, we urge the EU institutions to correct Spain's non-democratic attitude regarding Catalonia, which does not go in accordance with the European founding principles. The credibility and legitimacy of the European Union as an integration project based on fundamental rights and principles is at stake.

Many thanks in advance for your attention.

Signatories:

Clare Daly, Member of the European Parliament (Ireland)

François Alfonsi, Member of the European Parliament (Corsica)

Diana Riba, Member of the European Parliament (Catalonia)

Mick Wallace, Member of the European Parliament (Ireland)

Pernando Barrena, Member of the European Parliament (Euskal Herria)

Jordi Solé, Member of the European Parliament (Catalonia)

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Gérard Onesta, former Member of the European Parliament, former vice president of the European Parliament (France)

Oriol Junqueras, former Member of the European Parliament (Catalonia)

José Bove, former Member of the European Parliament (France)

Mark Demesmaeker, former Member of the European Parliament (Belgium)

Josep-Maria Terricabras, former Member of the European Parliament (Catalonia)

Tamás Meszerics, former Member of the European Parliament (Hungary)

Joan Vallvé, former Member of the European Parliament (Catalonia)

Jean-Luc Bennahmias, former Member of the European Parliament (France)

Gorka Knörr, former Member of the European Parliament (Euskal Herria)

László Tökés, former Member of the European Parliament (Hungarian minority, Romania)

Bernat Joan, former Member of the European Parliament (Catalonia)

Ana Miranda, former Member of the European Parliament (Galicia)

Ernest Benach, former Speaker of the Catalan Parliament

Núria de Gispert, former Speaker of the Catalan Parliament

Joan Rigol, former Speaker of the Catalan Parliament

Luís Fazenda, Member of the Portuguese Parliament

Isabel Pires, Member of the Portuguese Parliament

José Manuel Pureza, Member of the Portuguese Parliament

Dittricht Boris, Senator at the Dutch Senate

Elisenda Paluzie, president of the Catalan National Assembly (Assemblea)

Carme Forcadell, former President of the Catalan National Assembly (Assemblea)

Jordi Sànchez, former President of the Catalan National Assembly (Assemblea)

Jordi Cuixart, President of Òmnium Cultural

Ralph Bunche, General-Secretary of the Unrepresented Nations and Peoples Organization (UNPO)

Davyth Hicks, Secretary General of the European Language Equality Network (ELEN)

Jan Diedrichsen, President the international NGO Society for Threatened Peoples (GfbV)

Wolfgang Mayr, President of GfbV-International

Attila Dabis, International Coordinator at the Institute for the Protection of Minority Rights (IPMR)

Steven Vergauwen, International Secretary at International Commission of European Citizens

Devriş Çimen, European representative of the HDP in Europe

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Hugo Maes, President of the Vlaamse Volksbeweging (VVB)

Balázs Izsák, President of the Szekler National Council

Jordi Domingo, Major Consul of the Consulate of the Sea

David Minoves, President of CIEMEN

Olga Amargant, President of the Catalan Law Network (Coordinadora de l'Advocacia de Catalunya)

Pep Ribas, President of the Catalan Language Associations Network (CAL)

Josep Maria Cervera, President of the Network of Municipalities for Independence (AMI)

Jordi Ferrés, Founding Member of the Athens Association of Jurists for Civil Rights

Sergi Perelló, General Secretary of Intersindical-CSC trade union

Montse Sánchez, President of Súmate

Ferran Piqué, President of the National Federation of Students of Catalonia (FNEC)

Francesc Llobet, President of Sovereignty and Justice (SIJ)

Catalan Association for Civil Rights (ACDC)

Miquel Trilla, President of Juliana Morell Association

Virgínia Martínez, President of the Association of Victims of the 1-O Violence

Josep Maria Huguet, President of "El Matí" association

Albert Juanico, board member of the business association Anem per Feina

Roger Mestre, President of Barcelona 2020

Catalan Association of Professionals

Law Association "Col·lectiu Praga"

Law Association "Col·lectiu Drets"

Law Association "Col·lectiu Maspons i Anglasesell"

Bart Maddens, professor at the Public Governance Institute of the KU Leuven University

Kristine Vanden Berghe, professor of romance languages at the University of Liège

Christiane Stallaert, professor of Hispanic and Latin American Studies at the University of Antwerp

Sandrina Ferreira Antunes, assistant professor in Political Science at the University do Minho

Nicolas Levrat, Director of the Global Studies Institute (GSI) at the University of Geneva

Marc Sanjaume, adjunct professor of Political and Social Sciences at Pompeu Fabra University

Dominique Noguères, Human Rights activist