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WRITTEN SUBMISSION

**PREPARED BY THE INTERNATIONAL TRIAL WATCH - CATALAN CASE
REFERENDUM¹**

International Trial Watch - Catalan Referendum Case is a platform composed of Organizations working to defend human rights and freedoms. The aim of the platform is to ensure the presence of national and international observers in the trial of Catalan political and social leaders that have taken place in the Spanish Supreme Court from February to June 2019.



CONTACT DETAILS:

Web: www.internationaltrialwatch.org

Email: contact@internationaltrialwatch.org

¹ This report is signed by International Trial Watch and the organizations that are part of the International Trial Watch platform: Associació Catalana per a la Defensa dels Drets Humans (ACDDH), Col·lectiu.Praga, Institut de Drets Humans de Catalunya (IDHC), Irídia – Centre per la Defensa dels Drets Humans, Novact – Instituto Internacional por la Acción Noviolenta and Observatorio del Sistema Penal y los Derechos Humanos (OSPDH).

INTRODUCTION

Extraordinary Case No. 20907/2017, brought to the Spanish Supreme Court, is the criminal proceeding against twelve people charged by the Public Prosecutor's Office with the crimes of rebellion, disobedience and embezzlement of public funds, for which it has requested 177 years of imprisonment. Criminal proceedings began in 2015 (according to the head of the *Guardia Civil* in Catalonia, Lieutenant Colonel Daniel Baena) and focus mainly on the facts related to the demonstrations of September 20, 2017 and the Referendum of October 1, 2017.

On September 20, 2017, the police search of several premises of the Catalan government ended with the arrest of fourteen senior officials and technical staff of the Government of Catalonia by order of the Court no. 13 of Barcelona. These detentions triggered spontaneous public gatherings in many locations in Catalonia. The most important was in Barcelona and gathered around 40,000 people outside the headquarters of the Catalan Economy and Finance Department.

Concerning the day of the referendum, October 1st, 2017, National Police and *Guardia Civil* officers went to the polling stations to prevent the celebration of the plebiscite, seizing ballot boxes, ballots and other election material, in order to comply with the order of the *Tribunal Superior de Justicia de Catalunya* (TSJC) (the Catalonia Superior Court of Justice). Police officers employed excessive and disproportionate use of force against people peacefully gathered in the streets and polling stations. Official figures² determined that 1,066 people were cared for by medical services as a result of police interventions during October 1, some of them with serious injuries. From these facts, several judicial procedures are currently ongoing in different Catalan cities.

For the above-mentioned facts, there have been numerous international statements and declarations -Human Rights Defenders, Amnesty International, the UN High Commissioner for Human Rights or the Human Rights Commissioner of the Council of Europe- regarding the excessive use of force from the police against people who went to vote on October 1, 2017.³

The trial was held in Madrid from February to June 2019. Among the defendants, there are two civil society leaders, the President of the Catalan Parliament, deputies, the Vice President and counsellors of the Catalan Government. Nine of them are in pre-trial detention

²Cat Salut report and the Department of Health of the Government of Catalonia. Available here: <https://internationaltrialwatch.org/wp-content/uploads/2018/12/2017.10.19-CAT-Informe-sobre-els-incidents-dels-dies-1-al-4-doctubre-de-2017-Catsalut.pdf>

³ On the following link can be found a compilation of international positions: <https://internationaltrialwatch.org/documentacion/posicionamientos-internacionales-2/>

since at least March 2018, and in two cases since October 2017. The pre-trial detention for months in Madrid has led to long periods of distance between their families and defence teams. The other accused are released on bail.

This report focuses in particular on the charges against two of the defendants, Jordi Cuixart i Navarro and Jordi Sànchez i Picanyol, on the grounds that their arrest, detention, prosecution and trial violate the right to peaceful assembly and demonstration, as well as the right to freedom of expression and the right to ideological freedom and political participation, among other human rights enshrined in international instruments ratified by Spain. At the moment of submission of this written contribution, there is still no final judgement. In case of acquittal for these two people, the signatory organizations understand that the violation of fundamental rights has been however committed, especially as regards to the right to freedom, and it has had a chilling effect on the exercise of these rights, not only for the individuals concerned, but for the citizenship in general. However, in case of conviction, the seriousness of the breach is even greater and so is, therefore, the concern of the signatory human rights organisations..

Jordi Cuixart is currently the tenth president of *Òmnium Cultural*, a civil organization founded in 1961, with more than 165,000 associated members and 41 regional offices dedicated to the promotion of language, culture, national emancipation, education and social cohesion. Coinciding with the eight months of his imprisonment, in June 2018, he was re-elected president of this entity.

Jordi Sànchez i Picanyol was president of the *Assemblea Nacional Catalana* (May 2015 - November 2016), Deputy in the Parliament of Catalonia (January 17, 2018 - May 17, 2019) and from May 20, 2019 is a Deputy in the Spanish Congress (suspended by the Congress' steering committee on May 24).

Both were jailed on October 16, 2017 in Madrid, by order of the *Audiencia Nacional* (the High Court, which is not the competent body to do it). Subsequently, on December 4, 2017, the Supreme Court (again, not the court pre-determined by law) upheld the decision, and on July 4, 2018, they were transferred to Lledoners Prison (Catalonia) waiting for the trial, being moved back to Madrid on February 1, 2019 until the end of trial, On June 26, 2019, when they were again transferred to the prison of Lledoners, waiting for the sentence.

In relation to these two people, the charges are specified as follows:

- Public Prosecutor: crime of rebellion of the articles 472.1º, 5 and 7 of the Penal Code (CP onwards), First paragraph of the CP art.473.1 (as "promoters and / or senior

leaders), and CP art. 478, requesting a prison sentence of up to 17 years and 17 years of complete disqualification;

- State's General Attorney: sedition through CP art.544 and 545, with a request for 8 years in prison and 8 years of complete disqualification;
- People's prosecution (by the far-right party VOX): Two crimes of rebellion (for the events of September 20 and October 1) of CP art.472. 5 and 7, and 473.1 and 2, with a request of 25 years in prison for each of the offenses and 20 years of absolute disqualification from public office. Also, as an alternative request, they requested 15 years in prison for each of the two charges of sedition (art. 544 and 545 of the CP) and 15 years of complete disqualification from public posts.

The main basis of these allegations are based on the participation of Jordi Sanchez and Jordi Cuixart in the demonstration held on September 20, 2017 around the Catalan Economy and Finance Department in Barcelona, as a form of protest against searches carried out by the *Guardia Civil* in several premises of the Catalonia government, under the operation to prevent the referendum of October 1st.

During the mobilization, Jordi Sanchez and Jordi Cuixart's actions were completely peaceful and conceived to avoid any kind of confrontation. In addition, they contributed to calling off the gathering, asking demonstrators to leave the area and to avoid any form of violence.

Judicial actions carried out until now, as well as the events described in the allegations, have led both defences, as well as Spanish jurists and international organizations, to question whether the development of the judiciary process has respected fundamental rights⁴ such as the rights to freedom of expression, assembly and demonstration, political participation and ideological freedom, as well as the right to freedom, given the use of pre-trial detention. Furthermore, the due respect of the principle of legality, the right to a judge predetermined by law, the right to a fair trial and the right to defence have also been questioned

Criminal proceedings against the Catalans leaders are also part of a context where judiciary independence is formally questioned both within Spain and by international institutions' assessments.

⁴ See the various international positions on the following link:
<https://internationaltrialwatch.org/documentacion/posicionamientos-internacionales-2/>

I. APPLICABLE LEGAL FRAMEWORK

I.A. Spain has ratified the International Convention on Civil and Political Rights, which recognizes the right to freedom of peaceful assembly -article 21-, freedom of expression - article 19-, freedom of thought-article 18- and the European Convention on Human Rights, recognized in articles 10 and 11.

I. B. Relevant aspects of domestic law:

The crime of rebellion is regulated in Articles 472 onwards of the Penal Code.

There is a very limited case-law regarding this crime, given that the last time it was applied was in the conviction for the military *coup d'état* of February 23, 1981. In 1995, the new Penal Code (called the "Criminal Code of the Democracy") was approved, also modifying the article of rebellion, which since that reform includes the current content. In the framework of parliamentary discussions, this article was precisely one of the most debated: some political parties didn't want the use of weapons or violence to be a requirement, while others argued the opposite. Finally, the amendment proposed by the *Izquierda Unida* deputy, Diego Lopez Garrido, where he suggested that the rebellion was to be carried out by a "public and violent uprising", was accepted and the present version was approved, whereby rebellion is defined as an uprising that requires effective violence capable of triggering a subversion of the existing constitutional order. On the occasion of the public prosecutor's complaint against former members of the Catalan Government for the crime of rebellion, that ex-deputy declared that in Catalonia there wasn't a crime of rebellion according to the Penal Code of 1995, due to the absence of violence⁵.

In turn, the crime of sedition is provided in Article 544 of the Penal Code.

The offense of sedition requires "a public and tumultuous uprising". This is an uprising against the established legal and/or institutional public order. In addition, it must have a perceptible, patent and disorderly character, although it could also be admitted when happening in an organized and orderly way. Achieving the purposes of this crime requires the use of force or that it happens out of or beyond the legal channels.

⁵ "The editor of the crime of rebellion denies that can be applied to Puigdemont" CadenaSer, 27 October 2017 [accessed June 1, 2019]: https://cadenaser.com/ser/2017/10/27/tribunales/1509126971_801763.html

II. RECOMMENDATIONS AND PRONOUNCEMENTS FROM UN MECHANISMS

II.A. UPR 2015 related recommendations:

Under the last Universal Periodic Review of Spain (2015) the following recommendations, in relation to the topic of this report were elaborated (in parenthesis, the country who made it). Many of them, as it can be seen below, focused on ensuring the exercise of fundamental rights by Spanish citizens. Besides, many of them were fully or partially accepted by the Spanish state, but up to today, they have not been implemented:

The Spanish state notes the following recommendation:

131.95. Review the reform of the national justice system of early 2014, in particular with the aim of ensuring and enforcing the principle of universality of international human rights law (Germany);

Recommendations accepted by the Spanish state, but not yet implemented:

131.109. Strengthen the Government's commitment to ensuring fundamental rights of freedom of expression, peaceful assembly and association, and continue its cooperation with civil society, particularly with human rights defenders, by investing further efforts in creating a favourable environment for the members of the civil society organizations (Serbia);

131.110. Avoid any legislative amendments which would disproportionately limit the exercise of the right to freedom of assembly (Sweden);

131.111. Ensure the adjustment of the Public Safety Act, in order not to limit freedom of expression and the right to peaceful assembly (Chile);

131.112. Take measures to ensure that all legislation, in particular laws concerning the right of all persons to peaceful assembly and demonstration, upholds international human rights obligations (Costa Rica);

131.113. Ensure the full enjoyment of the rights to freedom of assembly and freedom of expression, facilitate the holding of peaceful rallies and revise existing laws or refrain from adopting new laws placing undue restrictions and deterrents on the exercise of freedom of assembly and freedom of expression (Czech Republic);

131.115. Increase awareness of security forces on the respect for human rights during demonstrations, to ensure the right to peaceful assembly and freedom of expression and association (Switzerland);

Recommendation partially accepted by the Spanish state:

131.114. Adopt legislation that defines the necessity and proportionality of the use of force by police during acts of protest of the civil population (Russian Federation);

II.B. Pronouncements from UN mechanisms:

- Opinion No. 6/2019 on Jordi Cuixart i Navarro, Jordi Sànchez i Picanyol and Oriol Junqueras i Vies (Spain), by the Working Group on Arbitrary Detention (A / HRC / WGAD / 2019)⁶. The WGAD believes that the detention of Jordi Sánchez, Jordi Cuixart and Oriol Junqueras violates their rights under Articles 2, 9 to 11 and from 18 to 21 of the Universal Declaration of Human Rights, as well as Articles 3, 14, 19, 21, 22 and 25 of the International Convention on Civil and Political Rights.
- On January 28, 2019, the Special Rapporteur on the rights to freedom of peaceful assembly and association, Clément Nyaletsossi together with the mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights-defenders, sent an official communication to Spain (ESP AL 5/2018⁷), expressing their "concern about the detention and prosecution of Mr. Cuixart, president of Omnium Cultural".

III. RIGHTS TO PEACEFUL ASSEMBLY AND DEMONSTRATION AND RIGHT TO FREEDOM OF EXPRESSION AND THOUGHT

III. A. Problem:

The incarceration, prosecution and trial of two civil society leaders for the crime of rebellion or sedition before the Supreme Court, for calling for and participating in peaceful demonstrations, violates the rights to peaceful assembly and freedom of expression and has a chilling effect for the rest of the population. The possible sentence for any of those crimes will surely aggravate the situation.

According to the indictment, Mr. Cuixart and Mr. Sànchez would be the "social" branch which, along with the "parliamentary" and "executive" ones, would constitute a perfectly organized, concerted and planned strategy called "*el Procès*" (the process)- aimed at breaking the constitutional order in order to achieve the independence of Catalonia.

⁶ Opinions adopted by the Working Group on Arbitrary Detention in the 84 session of the Human Rights Council: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session84/A_HRC_WGAD_2019_6.pdf

⁷ Reference to ESP 5/2018, January 28, 2019: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24271>

Thus, according to the mentioned text, these defendants are prosecuted for having "(...) the ability to mobilize hundreds of thousands of followers of the pro-independence entities, through their speeches in the media and their multiple messages in digital platforms having thousands of followers, thereby encouraging a huge number of people to face the police forces on their duty to prevent the vote, to withdraw the electoral material, and achieve the vote counting on October 1st".

The legal problem that arises in this case is whether the acts that have been proven in court were carried out –calling for gatherings and demonstrations- and are covered by the exercise of fundamental rights: specifically, the ideological freedom, the freedom of assembly and freedom of expression. If so, and as discussed above, their conduct could not be subsumed under any type of crime.

III. B. The reasons for considering these rights have been violated are:

1. The exercise of fundamental rights is perceived as rebellion and sedition

During the course of the trial, there has been no indication or evidence that demonstrates the use of violence by Mr. Cuixart or Mr. Sánchez (not even for the rest of the defendants). In fact, even in the prosecution's provisional findings do not refer to any violent act on their part. Specifically, the Prosecution's indictment attributes to both the accused and the pro-independence entities Òmnium and ANC the fact of having met with the Government in 2015 and 2016 to "*discuss aspects of the process of independence*" (p. 33-44), as well as the organization, promotion and participation in multiple mobilizations, some of them massive. The September 11 demonstrations from 2013 to 2017 are actually referred to in the case

Regarding the events of September 20, 2017, (p. 79-91), an explicit reference is made in the indictment that "*both defendants appeared and accepted the violent drift that may have occurred in the demonstrations by inciting secession supporters to mobilize in the streets and face the Security Forces of the State*". In relation to the events of October 1st, 2017 (p. 91-121), it mentions that "*through media and social networks they called on citizens to participate in the referendum 1-0*", and "in conclusion, a crowd of organized people, convened for that purpose by the accused, squatted the polling stations."

In this regard, two elements are relevant:

- In all public messages to the population by Mr. Sanchez and Mr. Cuixart, shown during the trial, the defendants specifically and repeatedly requested that the people demonstrate peacefully and non-violently, calmly and without falling into provocations. There isn't any message calling on the use of violence.

- Mr. Cuixart and Mr. Sánchez, at that moment, did not hold any political position.
2. Acts of individual protestors are attributed to the social leaders who promoted the protests

The fact that three *Guardia Civil* cars were damaged in a gathering that brought around 40,000 people cannot be attributed to the leaders calling for the protest. The possibility of attributing to the promoters or organizers of a demonstration, allegedly criminal facts performed by participants in such demonstration, would cause that nobody want to be the leader or convener of a protest. It would, therefore, create a chilling effect in organizing protests, and therefore directly affect the exercise of the rights to freedom of expression and demonstration.

3. The case seems to ignore that people have the right to organize protests, protected by the right to freedom of thought

Everyone has the right to protest, to organize protests, promote and talk about them, as well as to tweet about the protests, even when its demands or the objective of participating demonstrators are unconstitutional, provided that the right to protest is exercised peacefully; under the protection of the right to freedom of thought (article 18 of the Convention on Civil and Political Rights).

However, during the development of the trial, considering the way in which the State's General Attorney and the Public Prosecutor have questioned and led the answers of the defendants and witnesses, it seems that gathering and yelling, singing "*No pasaran* (they will not pas)" or "*Votarem* (We will vote)", looking at the security forces with disdain or showing disapproval of police performance, can be understood as elements of sedition or rebellion. The strategy of the prosecution seems to draw an interpretation of the term "violence", with serious consequences for the criminalization of protest or dissent it entails and, therefore, on the limitation of the free exercise of civil society freedoms and fundamental rights in Spain.

On the other hand, during the questioning conducted by the accusation, especially that of the Public Prosecutor and the State Attorney, it was constantly asked whether citizens, before going to the polling stations on October 1, knew of the existing court decisions from the Constitutional Court and the Catalonia Superior Court of Justice, preventing and prohibiting the celebration of a referendum. With this question, there was an attempt to make witnesses choose between disobeying a court order and exercising a fundamental right. But, from a citizen perspective, such dilemma is false: citizens were not the recipient of such court orders, and insofar as participating in a referendum is not a criminal offense, people

gathered and participating in the October 1st referendum acted under the protection of their fundamental rights.

IV. RIGHT TO FREEDOM

IV. A. Problem:

Jordi Sánchez and Jordi Cuixart have been arbitrarily deprived of their liberty as a result of criminal proceedings initiated against them for exercising their rights to freedom of expression, assembly, association and political participation.

IV. B. Reasons for considering the violation of a fundamental right:

As was noted by the Working Group on Arbitrary Detentions, there is no compatible basis with human rights for pre-trial detention and criminal prosecution insofar as both situations have been justified by what has been considered an abuse of the rights to freedom to expression, assembly, association and political participation by Mr. Sanchez and Mr. Cuixart, even though, as pointed out by that Working Group-, the existence a violence incited promoted or supported by any of them has been proven Consequently, any justification for the prosecution for sedition or rebellion is distorted and, therefore, there is no possible justification for the pre-trial detention imposed to them, which they suffer since October 16, 2017.

For state judges who are familiar with the case, including the Constitutional Court as regards the situation of Mr. Cuixart, pre-trial detention is justified, firstly, by the existence of criminal proceedings and, secondly, based on the proportionality of the measure which, ultimately, is justified by the appropriateness of the measure by the of reoffending if they are freed, rather than the flight risk that has also been invoked as an argument to justify their deprivation of freedom.

The criminal charges against Mr. Sanchez and Mr. Cuixart are intended to coerce their political opinions about the independence of Catalonia and inhibit them to continue their claim in the political arena. The main basis that justifies the existence of the pre-trial detention is itself contrary to human right standards; hence the deprivation of liberty is considered arbitrary by simply being the result of the exercise of the rights to freedom of expression, assembly, association and political participation.

The aforementioned Working Group has considered the deprivation of liberty suffered Jordi Sanchez and Jordi Cuixart as arbitrary, catalogued under its working methods in type II, III and V. The Group has recommended Spain to release them, compensate them and

investigate human rights violations they have suffered. This situation confirms and makes evident the effects to the right to personal freedom.

Given the apparent arbitrary deprivation of liberty and therefore violation of the right to personal liberty noted by a UN mechanism, the Spanish state must comply with the measures that have been recommended and the Human Rights Council should acknowledge the situation, the failure to comply with the recommendations by the State and include specific recommendations for Spain in this matter that affects Mr. Cuixart and Mr. Sánchez.

V. RIGHT TO A FAIR TRIAL

V.A. Problem:

The arbitrary application of rules or the lack of respect for basic procedural safeguards of a judicial process is a violation of the right to a fair trial. This fact implies a situation of criminal exceptionality unprecedented in Spain that affects the rule of law.

V. B. Reasons to consider the rights violated:

1. An *ad-hoc* court that respects the natural judge is created and does not allow the appeal at a second instance

The lack of competence of both the High Court (*Audiencia Nacional*), who initiated the case at first, as well as the Supreme Court, constitutes an infringement of the right to a judge predetermined by law.

The Supreme Court is competent to judge the political representatives of the regions when they are processed by events outside their autonomous community or abroad. But, in this case, the facts having been processed happened in Catalonia, and the law provides that the competent court is the place where the alleged offenses occur, i.e., the Catalonia Superior Court of Justice. The case is even worse in relation to people who are not political representatives, social leaders as Jordi Sanchez and Jordi Cuixart, who under no circumstances can be judged in a special court.

The fact of holding the trial in front of the highest Spanish judicial body, the Supreme Court, prevents access to a second instance, so no appeal can be made against the judgment. Given it is a criminal trial,, this situation violates the right to a second hearing, according to the jurisprudence of the European Court of Human Rights (ECtHR). Only an application for *amparo* can be submitted to the Constitutional Court for violation of fundamental rights and,

subsequently, to the ECtHR, but there will be no possibility to appeal the Supreme Court's ruling, which shall be final.

2. A possible lack of impartiality and independence of the Court is observed

During the development of the trial, the court's impartiality has been compromised in several occasions. For example, the Court's President said it was "*an insult*" that a professor of constitutional law speaks about the right to self-determination. The President prevented a defence lawyer from asking additional questions claiming they were not necessary and added "you are mistaken in your defensive strategy". He also prevented the defence witnesses from making subjective assessments, while they were allowed to prosecution witnesses, for example as regards to violence during the referendum of October 1st.

On the other hand, the defence lawyers applied for the dismissal of some judges, but their demands were rejected. One reason for the appeal was the fact that the prosecutor who filed the complaint having initiated the events was a magistrate in the same criminal chamber of the Supreme Court that has judged the accused, being companion for several of the judges for years.

Another reason was the statements made by the Vice President of the Spanish Government in 2018, Soraya Sáenz de Santamaría, whereby she stated that the Popular Party (the ruling party at the time) had "decapitated" the Catalan independence movement. This statement coincided with the leak of a secret pact between PP and PSOE (the Socialist Party) for the control of the members of the General Judiciary Council (governing body of the Spanish judiciary), which corroborated the absolute lack of independence of the board of the judges and the highest levels of the judicial system.

3. The right to defence, equality of arms and evidence-gathering

During the trial, there were a number of anomalies that questioned the respect for the right of defence of the accused by the evidence gathering and other procedural moments.

The trial has suffered from a severe lack of planning that didn't allow the adequate preparation of the defence, because of the extension of the case file and the proposed evidence, and prison the sentences requested for each of the defendants. In this regard, the proceedings began on February 12 and the parties were informed 11 days in advance, when they had not yet received most of the admitted documentary evidence. This motivated that some parties demanded the delay of the start of the trial, as well as the need to start the trial with all evidence. The petition was dismissed. Days before the start of the hearing, the

defendants in prison were transferred to prisons in Madrid, some of them located more than an hour away from the city, preventing them for a proper rest.

Since the beginning, the trial sessions were programmed from one week to another, without a planning that would allow for their preparation; the trial's full calendar was never known.

The statements of the defendants took place in single sessions that lasted up to ten hours, to which the time for the consequent transfer from and to prison should be added, so the correct preparation and proper rest of the defendants was impossible. The long morning and evening sessions lasted for four months, with four-day session during many weeks. At the end of the hearing, the defences had to limit their closing arguments to an hour per defendant, which was totally inadequate to assess the evidence presented during four months.

The questioning of witnesses was severely limited by the "methodological guidelines" imposed by the court, whereby the party not having proposed a witness was prevented from questioning about facts beyond those referred to by the proponent party. In addition, the court did not allow the corroboration of witnesses' statements with the documents being part of the case file, even when there was a direct link with them. A clear example was the inability to show videos provided as documentary evidence during the witness hearing phase, where the statements of the police officers called by the allegations was contradicted by videos where they appeared. Witness evidence can constitute an evidence of guilt in itself in the Spanish procedure, so the limitation of tools to contradict some of the witnesses' credibility represented a serious limitation to the right of defence.

VI. RECOMMENDATIONS THAT MIGHT BE ASKED TO THE SPANISH STATE

In response to situations that have been described, it is suggested to integrate to the Human Rights Council, in this context, to formulate the following recommendations to the Spanish State:

- Urge the immediate implementation of the recommendations contained in Opinion 6/2019 issued by the Working Group on Arbitrary Detention, especially:
 - Take the necessary steps to remedy the situation of Jordi Sanchez and Jordi Cuixart without delay and in conformity with the relevant international standards.
 - Declare the immediate release of Jordi Sanchez and Jordi Cuixart, with the corresponding reparation measures.

- Conduct a thorough and independent investigation into the circumstances of their deprivation of freedom.
- Urge the Spanish state to guarantee the independence, impartiality and transparency of the judiciary. Specifically:
 - Conduct an assessment of the legislative framework governing the *Consejo General del Poder Judicial* (CGPJ) and its effects on judiciary independence.
 - Adopt objective criteria and evaluation requirements established by law for the appointment of the highest judiciary ranks.
 - Adopt a code of conduct for the judiciary, make it accessible to the public, and complete it with specialized consulting services on conflicts of interest.

These recommendations are also contained in the GRECO Report 2017 by the Council of Europe.

- Take steps to ensure the full enjoyment of the fundamental rights to freedom of expression, peaceful assembly and association.
- Avoid the approval of regulations that can disproportionately limit the exercise of the rights to freedom of expression, peaceful assembly and association (related to the 2015 UPR recommendations 131.110, and 131.112, accepted by the State, but not implemented).
- Facilitate the holding of peaceful assemblies and repeal legislation that unduly restricts the exercise of the rights to assembly and freedom to expression.
- Ensure the political participation of civil society organizations and the free exercise of the rights to peaceful assembly and freedom of expression (related to the UPR 2015 131.109 recommendation, accepted by the State, but not implemented).