



VIOLETION OF CIVIL AND POLITICAL RIGHTS

Catalonia. September & October 2017

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Pedro Mata - Fotomovimiento

"Moments before a charge in the vicinity of the polling station Ramon Llull during Catalan referendum"



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1.- FOREWORD AND EXECUTIVE SUMMARY

1.a) Foreword

This report is being written under campaign #Somdefensores¹, born out of the need of working and coordinating actions from Catalan organizations, in defense of human rights, in anticipation of the response of the Spanish government to the announcement, organization and eventual voting of a referendum in Catalonia on October 1, as well as its possible consequences.

The campaign #Somdefensores has as established goals to collect and report violations of rights and liberties under universal and regional international treaties, setting up operationally:

- A **manifest of advisory against violations of rights** that gathered national and international endorsements from both individuals and organizations, in order to emphasize and all for alert at national and international level. Said manifest has collected up until the presentation of this report 254 endorsements of Catalan, Spanish and international organizations, and 2112 individual endorsements.

- A **protocol of legal and psychological attention to victims**: a legal corps of 60 lawyers pertaining to different organizations and groups, focused on escorting and giving legal support to people that were eventually detained or arrested, or were involved in a scenario of unnecessary and/or illegal violence by the Spanish law enforcement services, and/or basic human rights violations; a psychological group of 30 psychologists that rendered help and psychosocial support to victims of violence and the network of human rights observers.

- A **network of Human Rights Observers** who's objective was to recap detailed and systematically all violations that could take place during September and October in Catalonia, especially in Barcelona. After a specific training in human rights observation and following certain rules of engagement protocols, 70 observers, with the support of 20 coordinators in charge of data collection, were accounted. These observers were properly identified and credited for the tasks of data gathering and monitoring of human rights. This particular task was, along with legal and psychosocial support was the cornerstone in consolidating integral protection of people's rights.

- A **guidebook addressed to all citizens**, with a brief description of rights and how-to in case of violence and/or arrest².

- **Preparation of a report of violation of civil and political rights** (the report is released

1 www.lafede.cat/som-defensores (retrieved November 20, 2017)

2 http://www.lafede.cat/wp-content/uploads/2017/09/consells_legals.pdf (retrieved November 20, 2017)

through this document), in order to raise it to international and national authorities, and make it available to citizenship, and public organizations and authorities as well.

1.b) Executive summary

This report focuses on possible violations of civil and/or political rights experienced by citizens cost by public authorities and organizations from September 1 to October 7 of 2017, mainly in Catalonia, even though some other incidents were reported in some cities of the Spanish kingdom.

Basic rights acknowledged by significant international and national law, are being described, identifying international treaties and legal systems.

Incidents related to possible civil and/or political rights violations enumerated in this report included physical and psychological assaults, as well as inhuman and degraded treatment, with severe use of force, by Spanish law enforcement services against peaceful civil population that resulted in 893 injured victims³ (following a standardized and systemized pattern deployed in all four Catalan provinces). This includes attacks on judicial effective protection, right to defense and proper defense, right to due and fair process; includes also attacks on privacy by means of breaking and entering in private homes without legal guaranties, or violation of postal and electronic mailing, right to free assembly, freedom of expression, freedom of information, and communication and broadcast of ideas; it also includes attacks on freedom of the press. All of this incidents **have taken place in an environment of political procedures known as "law-fare" (extralegal, undue, extra limited or abusive use of judicial resources by means of political persecution, as well as political use of legal instruments), "extraordinary rendition" and other similar police, administrative and extralegal parajudicial procedures, or to avoid to enforce international and national laws directly related to human right issues, lack of legal security and non-observance of criminal principals of minimal intervention and the ultima ratio**, coming from the Spanish Public Prosecutor's Office (along with the Spanish National High Court Prosecution and the Catalan Prosecution), the Spanish Law Enforcement Services and the Spanish Government against a potentially high number of Catalan citizens (including the Catalan Government, members of the Presiding Board of the Catalan Parliament, more than 750 elected Majors of Catalan cities, as well as representatives of the Regional Government, local and county voting coordinators, electoral agents, high school principals, public or chartered schools, citizens, potential volunteers, controllers and/or voters of a consultative process with political participation).

Up to October 13, there is no knowledge of the Spanish government starting **any procedure limiting any rights recognized by international and national law**.

In the judicial actions related to human rights violations started by legal branches of the Spanish government, **criminal laws and the basic principles of minimal intervention, proportionality and ultima ratio of the modern criminal law of a democratic society** have been misused towards international and national criminal war.

This report/complain wants to draw the attention of appropriate international organizations such as United Nations, European Council, European Union, Organization for

³ Official number of victims until October 13, 2017 (see official reference below).

Security and Cooperation in Europe, Defensor del Pueblo (High Commissioner of the Spanish Parliament), Catalan Ombudsman, about facts, incidents and human rights violations, for said organizations to start any appropriate procedure, according to their respective functions and capacities; in the case of the UN Special Rapporteurs it's requested for them to request an official visit to the appropriate authorities of the Spanish and Catalan Governments.

2.- INCIDENTS RELATED TO HUMAN RIGHTS VIOLATIONS

1. This report⁴ focuses on possible **civil and/or political rights violations that Catalan citizens have suffered from public authorities and organizations during September 2017 and October 7, 2017 in Catalonia**, even though there were some incidents happening in other Spanish cities.

2. The object of this report is not the possible violation of political rights of deputies and/or senators of the Congress, the Senate and/or the Catalan Parliament, or the possible degradation of democratic institutions.

3. Basic rights under both international and national relevant laws are listed in the following pages, identifying each corresponding international treaty, legal system and the articles enforceable on each case. Each section of the enunciated rights contain a brief description of the factual elements emerging in these cases. Same incident may involve the violation of several of said rights.

4 This Report is based on a Preliminary Report presented to public and media on September 29, 2017 at the Col·legi de Periodistes de Catalunya. This Preliminary Report was presented to the Síndic de Greuges and registered in his Office on September 30, 2017 (registration number Q-08185/2017). This report includes the main human rights incidents that have taken place in Catalonia up to the date of October 7, 2017. For the making of this report, several sources have been taken into account, such as individual interviews, telephone interviews, and the examination of diverse written and graphic documentation. related to those incidents, private and public media, and the comments of different experts in the field of human rights and national and international legal issues. Especially, it has taken into consideration the protocol of observation of human rights, legal assistance and psychological support organized specifically by leading organizations since the presentation of the Preliminary Report on September 29, until the night of October 3 of 2017. This protocol, made up of more than 180 people and professionals, collected, both on the ground in various districts of Barcelona and in various places, information, graphic and written documentation, and witness reports of human rights violations. It also collected witness reports and graphic documentation of several cities and polling stations in Catalonia. This report constitutes a report / allegation of civil and political rights in Catalonia, regardless and in addition to any judicial action that could be engaged by individuals, groups, organizations and / or institutions as victims or directly or indirectly affected people.

2.a) Derecho Right to life, to physical integrity, without torture, inhuman or degrading treatment⁵

4. **October 1, 2017.** The rights referred to this section are those that have been seriously violated affecting a high number of people. The incidents took place on October 1st 2017 the day on which citizens residing in Catalonia had been summoned to the polls. Various state bodies announced and carried out various actions to ensure that this vote did not take place.

5. On one hand, the Executive Branch, led by the President of the Government, through the Minister of the Interior, the Minister of Finance AND Public Function, the Ministry of Foreign Affairs and the Ministry of Justice deployed numerous initiatives political and administrative nature tending to avoid voting, which they considered not only illegal but also criminal⁶. On the extensively later, issued various orders and instructions with the same purpose. Specifically, and in relation to the organization of the Referendum, the Prosecution of Catalonia directly and without prior judicial authorization, even though there are two judicial bodies with open proceedings, dictated several instructions directed to the Spanish Guardia Civil (police with organic dependency of military nature), to Policía Nacional, to Mossos d'Esquadra (Catalan Police) and the Municipal Police:

5 Please refer to articles 1, 2, 3, 5 and following of the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations Organization in its resolution 217 A (III), of December 10, 1948 (Article 10.2 of the Spanish Constitution provides that " Provisions relating to the fundamental rights and liberties recognised by the Constitution shall be construed in conformity with the Universal Declaration of Human Rights and international treaties and agreements thereon ratified by Spain "; article 96.1 of the Spanish Constitution provides that " Validly concluded international treaties, once officially published in Spain, shall be part of the internal legal system. Their provisions may only be repealed, amended or suspended in the manner provided for in the treaties themselves or in accordance with the general rules of international law. "; refer to articles 6, 7 and following of the International Covenant on Civil and Political Rights, signed in New York on December 19, 1966 ratified by the Kingdom of Spain and incorporated into its law system (BOE no. 103 of April 30, 1977; Boletín Oficial del Estado, Official State Gazette of Spain); refer to articles 2, 3 and related of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols) signed in Rome on November 4, 1950, ratified by the Kingdom of Spain and incorporated into its law system (BOE no. 243 of October 10, 1979); refer to articles 15 and following of the Spanish Constitution (BOE no. 311 of December 29, 1978). Besides the right to physical and moral integrity, and the prohibition of inhuman and degrading treatment, this section refers to the right to life, taking into special consideration the jurisprudence of the European Court of Human Rights that takes into account the severity of the assault, and the degree and type of force used, regardless of whether the security forces had direct intention to cause death (which, in criminal law, could include direct intent, eventual fraud and voluntary gross negligence).

6 It is necessary to take into consideration that, as highlighted by the Catalan Ombudsman in his communication dated September 26, 2017, beyond the consideration of other possible crimes, such as disobedience by authorities and public officials under the resolution and notification of suspension of the Catalan regulations regarding the announcement of a referendum, "... the announcement of general, regional or local elections via referendum" carried out by clearly non-competent authorities or officials, no longer constituted a crime after Spanish Fundamental Law 2/2005, which repealed articles 506 bis and following, introduced by Spanish Fundamental Law 20/2003, which punished with prison of three to five years the mentioned announcements: please, refer to the announcement of the Síndic de Greuges de Catalunya at www.sindic.cat/site/unitFiles/4716/comunicat_fiscalia_set17.pdf, dated September 26, 2017 (original in Catalan; additional English announcement here, Retrieved November 20, 2017); please, refer also accordingly to the third legal basis of the Sentence of the Court of Guard no. 7 of Barcelona, Preliminary Measures no. 1437/17, dated October 4, 2017.

a. Directing the police operation aimed at avoiding the referendum, ordering a Colonel of Guardia Civil and high level official of the State Department of Security of the Ministry of Interior “the technical direction” of the police coordination, ordering his orders, being also the high political and technical position of the deployment of thousands of agents of Guardia Civil and Policía Nacional in the territory of Catalonia during the month of **September and October 2017**⁷.

b. Ordering on September 26 and 27 2017 to take the “appropriate measures” to prevent the electoral material belonging to the State that Catalan municipalities keep, such as ballot boxes, from being used for the referendum on October 1 suspended by the Constitutional Court, reproducing the seal order of the premises designated to receive the ballot boxes on October 1, which have been by the Catalan Public Prosecutor’s Office on September 26 2017 to Mossos d’Esquadra , stating that the voting should be prevented in a radio security of 100 meters of the enclosures⁸.

6. In the afternoon of **September 27 2017**, the judicial organ of the Superior Court of Justice of Catalonia, formally assumes the judicial investigation, separating the Prosecutor’s Office from command of the police operation in accordance with article 773.2 of the Law of Criminal Procedure, and confirming to a large extent the instructions given by the Prosecutor’s Office to all the police forces (including the assumption of the technical direction by the Colonel of Guardia Civil issued on September 23 de 2017⁹), ordering the search of all the material for the referendum (ballot boxes, elec-

7 Please, refer among several articles, to the one published in Catalan in Spanish newspaper “El País” at cat.elpais.com/cat/2017/09/23/catalunya/1506161064_662386.html, “The Spanish Prosecution orders that a Colonel of Guardia Civil to coordinate Mossos”, September 23, 2017 (Retrieved November 20, 2017). The combined decision of the Spanish Government, through the Ministry for Home Affairs, and the Spanish Public Prosecutor’s Office to grant police command of the Mossos d’Esquadra over to the Spanish Police command in Catalonia, represents a clear de facto overreach and violates flagrantly the Spanish Constitution and the state and regional law, as it is the responsibility of the Generalitat de Catalunya, after Estatut d’Autonomia de Catalunya (2006, Catalonia’s Regional Bylaws; later revised by the Spanish Constitutional Court in 2010): please, refer to Second Final Provision and following articles of Fundamental Law 2/986 of March 13, for Spanish Law Enforcement Agencies (Only in Spanish, www.boe.es/buscar/act.php?id=BOE-A-1986-6859, retrieved November 20, 2017); refer to article 164 and following of the Estatut d’Autonomia de Catalunya of 2006 (in Catalan, www.parlament.cat/document/cataleg/48089.pdf, retrieved November 20, 2017 and English www.parlament.cat/document/cataleg/150259.pdf, retrieved November 20, 2017), refer to Provision 95.b at the Resolution no. 31/2010 dated June 20, 2010 of the Spanish Constitutional Court boe.es/diario_boe/txt.php?id=BOE-A-2010-11409 (Retrieved November 20, 2017).

8 Refer to the Prosecutor’s Office of Catalonia’s document titled “Instruction no. 6/2017 addressed to the Commissioner of the Mossos d’Esquadra”, beteve.cat/wp-content/uploads/2017/09/Fiscaloa-ordena-Mossos-precinte-colegis.pdf, (only in Spanish, retrieved November 20, 2017); refer, among other articles, to “The Prosecutor orders the police to prevent October 1 ballot boxes from leaving the City Councils”, EFE News Agency, September 27, 2017, www.efe.com/efe/espana/politica/el-fiscal-ordena-a-la-policia-local-evi-tar-que-las-urnas-de-1-o-salgan-las-ayuntamientos/10002-3391999, (only in Spanish, retrieved November 20, 2017).

9 According to Spanish Fundamental Law 5/2005 of November 17 for National Defense, specifically its article 23 “...Guardia Civil is an armed Institute of military nature, dependent on the Minister of Home Affairs according to the functions provided by Organic Law 2/1986, of March 13, for Security Forces and Corps, and of the Minister of Defense in compliance with the military provisions entrusted to it...”(BOE no. 276, of November 18, 2005 by the Head of Government). The operation of Spanish Law Enforcement Agencies (commanded first by the Prosecutor’s Office and, later, by High Court of Justice of Catalonia) was managed by a Colonel of an armed military institute that

toral envelopes, computers, etc.), ordering the closing of the voting points limited to those spaces destined to the vote (and not the totality of the educational centers, public or private), without going to the measure of the precinct nor the special limitations of 100 meters previously ordered by the Prosecutor's Office of Catalonia¹⁰.

7. In many polling stations –most of them public schools, public high schools or public civic centers– the planned extracurricular activities were carried out as well as other cultural and recreational activities since the afternoon of **Friday, September 29** at the end of the ordinary classes, deciding some of the to spend the night in the schools themselves¹¹. The vast majority of polling stations were subject to inspection (no ballot boxes neither any material intended to a possible vote was found or requisitioned); also, those responsible were identified during the evening and night of September 29,

deployed force as such on civilian population, applying military strategy without being officially declared and without scrutiny by the Spanish Parliament or public scrutiny (all orders given to their commanding officers on October 1, 2017 are not known to public either). In this regard, the contents of the Preliminary Report by 17 experts of the Election Expert Research Team as well as the statements of the President of said International Team of Experts that showed that the strategy: "...observed numerous and repeated violations of civil and human rights"; "...It was clear to us that it was centrally orchestrated, it was a carefully planned, military-style operation (sic)", refer to "We saw a careful planned, military style operation", Ara News Paper, October 5, 2017, www.ara.cat/en/We-military-style-Helena-Catt-world-renowned_0_1882011982.html, (last retrieved November 20, 2017); likewise, refer to "International observers denounce the <military-style operation> against 1-O", Público News Paper, October 4, 2017, www.publico.es/politica/referendum-1-observadores-internacionales-denuncian-operacion-estilo-militar-1.html (Retrieved November 20, 2017). Additionally, as it will be referenced later, a large commando of Guardia Civil (and not Policía Nacional) charged violently and entered the polling station where the President of the Generalitat de Catalunya was supposed to vote, in Sant Julià de Ramis.

10 Refer to a Court Order by the High Court of Justice of Catalonia, Civil and Criminal Court, Preliminary Measures 3/2017, on September 27, 2017 available only in Spanish, estaticos.elmundo.es/documentos/2017/09/27/auto_tsjc_1O.pdf, (retrieved November 20, 2017) that provides three precise judicial orders of obligatory fulfillment; refer to article "TSJC takes control to prohibit 1-O voting and commands Mossos, Policía and Guardia Civil to prevent polling stations from opening", La Vanguardia newspaper, September 28, 2017 www.lavanguardia.com/politica/20170928/431615842053/10000-agentes-policia-guardia-civil-catalunya-referendum-1-o.html (retrieved November 20, 2017); "TSJC orders to prevent the use of public premises for 1-O referendum", El Mundo newspaper, September 27, 2017 www.elmundo.es/cataluna/2017/09/27/59cbd9a4268e3e407b8b460d.html (retrieved November 20, 2017); "Judge orders to prevent the use of any public building for 1-O: asks the Prosecutor's Office to cease its instructions", El Confidencial newspaper, September 27, 2017, www.elconfidencial.com/espana/2017-09-27/referendum-cataluna-jueza-orden-impedir-uso-edificio-publico_1450889/ (retrieved November 20, 2017); "TSJC takes control and orders police to prevent the opening of polling stations on 1-O", BarcelonaTV, September 27, 2017, beteve.cat/ordre-jutgessa-tsjc-mossos-policia-referendum/ (retrieved November 20, 2017).

11 The High Court of Justice of Catalonia Prosecutor's Office issued an order related to schools: as stated, on September 27, 2017, a Judge of the High Court of Justice of Catalonia took control on the judicial investigation, asking the Prosecutor's Office to stop issuing orders, the Prosecutor of the Juvenile Court issued warnings to the Conselleria d'Ensenyament de la Generalitat (Catalan Secretary of Education), to the parents of minors and to the minors to assume eventual legal responsibilities in taking part in public events during school time, also requesting the opening of an "individualized risk file" (administrative file), considering the possible violation of the provisions of the Convention on the Rights of the Child of November 20, 1989, specifically the freedom to opinion, freedom of expression, freedom of thought, freedom of assembly; please, refer to articles 12, 13, 14 and 15 at www.unicef.org/crc/files/Rights_overview.pdf (English) and www.un.org/es/events/childrenday/pdf/derechos.pdf (Spanish, both retrieved November 20, 2017); "TSJC assumes and orders closing the premises for the Referendum", La Gaceta, September 27, 2017 gaceta.es/espana/cataluna-referendum-consejero-interior-catalan-acusa-la-fiscalia-incentivar-actos-violentos-20170927-0842 (retrieved November 20, 2017); "The Prosecutor's Office of Juvenile Court holds the Catalan Government responsible for children participating in events in support of 1-O", La República, September 27, 2017 www.republica.com/2017/09/27/la-fiscalia-de-menores-avisa-al-govern-de-que-es-responsable-de-la-seguridad-de-los-ninos-en-el-1-o/ (retrieved November 20, 2017).

2017, and those responsible for those public centers, schools, or any other centers that scheduled activities during Saturday September 30, were asked to leave the corresponding premises before six in the morning on October 1¹². In addition, during the afternoon of September 29 state-owned boxes were identified and deposited in various municipal warehouses, establishing surveillance controls in order to prevent its use¹³. During the night of September 29, agents of Guardia Civil went to CTTI (Centre de Telecomunicacions i Tecnologies de la Informació, IT and Telecommunications Center) and CESICAT (Centre de Seguretat de la Informació de Catalunya, Cyber-security center) facilities (first on unidentified cars and afterwards on regular Guardia Civil patrol cars) in compliance with the warrant of the TSJC, blocking 29 computer applications allegedly related to the Referendum¹⁴.

8. The Ministry of Interior sent more than 10,000 police officers¹⁵ without informing the Catalan Government to compliment the 4700 existing agents in Catalonia, who are stationed in Guardia Civil or Policía Nacional barracks. When this information circulated as well as a possible police intervention at the polling stations, citizens spontaneously gathered at the gates of the electoral colleges in the early hours¹⁶.

9. Between six and seven in the morning of October 1 citizen security forces of the Catalan Police intervened at electoral colleges to seize ballot boxes and other electoral material previously identified. From that hour and all throughout the day Catalan Police seized ballot boxes and managed to seal polling stations in accordance with the instructions given by the Magistrate of the Catalan Superior Court of Justice and the Head of Catalan Police, all of this in accordance with the Public Plan issued that collects

12 "Mossos warns of the closure and eviction of schools at 6 am on Sunday", Cadena SER, September 29, 2017 cadenaser.com/emisora/2017/09/29/sercat/1506715496_216642.html (retrieved November 20, 2017); "Friday, September 29, 22 GMT", La Vanguardia, September 29, 2017 www.lavanguardia.com/vida/20170929/431642752017/viernes-29-de-septiembre-de-2017-2400-gmt.html (retrieved November 20, 2017).

13 "Guardia Urbana keeps all Government ballot boxes under custody to prevent from being used on 1-O", Diari de Girona, September 29 www.diaridegirona.cat/catalunya/2017/09/29/guardia-urbana-custodia-urnes-les-tat/870268.html (retrieved November 20, 2017).

14 "Guardia Civil plans to stay until Monday in the CTTI to prevent ballot count and electronic voting on 1-O", La Vanguardia, September 30, 2017, www.lavanguardia.com/politica/20170930/431660174682/guardia-civil-ctti-suspension-servicios-informaticos.html (retrieved November 20, 2017); "Guardia Civil enters Cescicat and manipulates computers", Ara newspaper, September 30, 2017 www.ara.cat/politica/TSJC-al-CTTI-CESICAT-de-sactivar_0_1878412345.html (retrieved November 20, 2017). The Secretary of the Presidency of the Generalitat denounced that these measures overstated the Tribunal orders, as they had also canceled services that directly affected citizenship for two business days, services not related to the referendum, the entries and registers of the Generalitat, the payment and settlement of taxes, or the application of appeals and allegations; please, refer to the news dated September 30, 2017 at Govern.cat www.govern.cat/pres_gov/AppJava/govern/notespremsa/303450/turull-afirma-lentrada-guardia-civil-cttimostra-desproporcio-part-lestat-dintentar-reprimir-celebrar-referendum.html (retrieved October 7, 2017; website banned by Spanish government on November, 2017).

15 "Police contingent deployed in Catalonia exceeds 10,000 agents", CatalunyaPlural.cat, Sept. 27, 2017 www.eldiario.es/catalunya/politica/TSJC-precinto-colegios-electorales-Mossos_0_691181872.html (retrieved November 21). New troops had been distributed among two cruise ships in Barcelona, a third one in Tarragona, several Catalan barracks and many hotels along Catalonia.

16 Voters attended a majority of the 2,315 polling stations between 5 am and 7 am. Among these, 1,134 stations were employed by citizens during the night, staying to facilitate the opening of the polling station from within.

the principles of congruence, opportunity and proportionality, using containment and mediation, and with it objective of maintaining social peace and coexistence¹⁷.

10. Up until 9:30 am The Catalan Police had closed 90 polling centers. During the day, The Catalan Police along with Guardia Civil and Spanish Nation Police complied with the judicial resolution of the Catalan High Court of Justice: at the end of the day according to a mission of seven electoral expert observers the Catalan Police had closed 160 polling stations without incidents, in turn Guardia Civil and Policía Nacional had closed 90 voting centers¹⁸, using disproportionate force and injuring more than 800 people¹⁹.

17 Refer in this regard to the document of the Police Prefecture of Mossos d'Esquadra titled "Guidelines to comply orders issued by TSJC in Provisions 3/2017" September 29, 2017 www.ara.cat/2017/09/29/PREP_5110_17_pautes_actuacio_interlocutoria_-1.pdf (retrieved November 21, 2017); it has not been possible to find a corresponding document from the Ministry of Home Affairs, the Colonel in command of Guardia Civil or the high command of the Ministry of Home Affairs, with the police instructions to abide the resolution of the High Court of Justice of Catalonia in Prior Proceedings' Provision no. 3/2017; hence, police orders for the intervention on October 1, 2017 are unknown; refer also to article "Home Affairs distributes powers between police, Guardia Civil and Mossos to stop 1-O", Libertad Digital, September 29, 2017 www.libertaddigital.com/espana/2017-09-29/interior-distribuye-competencias-entre-policia-guardia-civil-y-mossos-para-frenar-el-1-o-1276606730/ (last retrieved November 21, 2017); "Mossos closes down 90 polling stations until 9:30 am", El Periódico, October 1, 2017 www.elperiodico.com/es/politica/20171001/los-mossos-cierran-90-colegios-hasta-las-930-horas-6323437 (last accessed November 21, 2017); "Mossos informs that they have closed down 90 polling stations across Catalonia", Més Digital, October 1, 2017 www.diarimes.com/noticies/actualitat/catalunya/2017/10/01/els_mossos_informen_que_han_tancat_col_legis_electorals_arreu_catalunya_25491_3029.html (last query November 21, 2017).

18 "Mossos has closed down 160 centers and police 90, according to supervisors", Europa Press October 2, 2017, www.europapress.es/catalunya/noticia-mossos-cerrado-160-centros-policia-90-mas-800-heridos-superviso-res-20171001234702.html (retrieved November 21, 2017).

19 The operation by Policía Nacional, Guardia Civil and Mossos d'Esquadra has been and is being subject of several official complaints by public bodies, civil organizations that have been filed in courts: please, refer to information published in relation to complaints filed in Courts of Instruction of Barcelona, El Vendrell, Seu d'Urgell, Lleida, Santa Coloma de Gramenet and Cerdanyola del Vallès, "Complaints against Mossos mount because they did not act in schools", El Confidencial, October 1, 2017 www.elconfidencial.com/espana/2017-10-01/se-multiplan-las-denuncias-contra-los-mossos-por-no-actuar-en-los-colegios_1453222/ (retrieved November 21, 2017). It is unknown to date how many complaints have been filed by any of the 893 people that were injured, despite receiving copy of some of complaints filed as a result of police charges, across courts in Catalonia, and is also unknown how many of them intend to do so in the coming weeks, after obtaining the medical reports of injuries and / or corresponding consequences from medical centers; Generalitat de Catalunya filed a complaint with the Barcelona Court of Duty, registered at the Court of Instruction No. 7 of Barcelona, who in turn forwarded the complaint to the Public Prosecutor's Office, prior to accept its proceedings: in its written answer the Public Prosecutor's Office pronounced against admitting proceedings of said complaints, arguing that normal citizen coexistence was not affected (citing some percentages of affected victims), and that police agents are covered by the obligation of fulfilling their duty and by the right to the legitimate defense, only accepting that the Courts should investigate the incidents that occurred only within educational facilities (Jesuïtes de Sant Gervasi school, carrer Porvenir in Barcelona): statement from the Public Prosecutor's Office dated October 3, 2017 in the proceedings filed at Court of Instruction No. 7 of Barcelona, Preliminary Measures Provision no. 1437/17 estaticos.elperiodico.com/resources/pdf/8/2/1507040073228.pdf (retrieved November 21, 2017); also "A judge investigates the actions of Policía Nacional and Guardia Civil following the complaint filed by Generalitat", La Vanguardia, October 1, 2017 www.lavanguardia.com/politica/20171001/431717222541/juzgado-barcelona-investiga-actuacion-policia-guardia-civil-1o-denuncia-generalitat.html (retrieved November 21, 2017); last, access has been granted to the Provision of Court of Instruction no. 7 of Barcelona, Preliminary Measures no. 1437/17 from October 4, 2017, which takes into consideration the complaint filed and the brief from the Public Prosecutor listed above, in which it was decided to accept the complaint, were admitted police reports (in which Policía Nacional details his operation in 25 public centers in Barcelona), also admitted 99 medical reports from injured people and other complaints that were filed (number that can not be considered as definitive), and admitted another reports of 20 possible injured police officers

11. From 8:45 in the morning until well into the evening there were multiple attacks and violent use of force by Spanish Security Corps (Policía Nacional and Guardia Civil)²⁰ against civilians who had gathered peacefully and civically in the interior of the

(that did not include any medical report), ordering the Court to continue proceedings for the criminal case, and the corresponding measures to investigate facts and the criminal liability.

²⁰ This is a selection of journalistic sources that inform and document the use of the police force against unarmed civilians in a peaceful environment upon arrival; several reporters, photojournalists (photo and video journalists) attended several polling stations in Catalonia, so that some links listed below present photographic images and videos, recorded by both journalists and individuals. as evidence. The organizations supporting this Report also keep information on human rights observation, collected testimonials from victims, as well as photographs and videos of human rights incidents mainly in the city of Barcelona, but also from other cities of Catalonia. " Wounded in police charges on 1-O raise to 844", Europa Press, October 1, 2017 www.europapress.es/nacional/noticia-policia-guardia-civil-despliegan-centros-electorales-pasividad-mossos-20171001085510.html (retrieved November 21, 2017); "Tally of police charges: 844 injured and bruised", La Vanguardia, October 1, 2017 www.lavanguardia.com/politica/20171001/431698489570/heridos-cargas-policiales-referendum-1-o.html (retrieved November 21, 2017); " Generalitat sets on 844 those treated for injuries and anxiety attacks", El País, October 2, 2017 elpais.com/ccaa/2017/10/01/catalunya/1506820036_546150.html (retrieved November 21, 2017); "Policemen and guards carry out charges in front of Mossos' indifference and leave more than 893 injured on 1-O", El Mundo, October 2, 2017 www.elmundo.es/cataluna/2017/10/01/59d09dc1e2704eaa7d8b45ae.html (retrieved November 21, 2017); "This is how the international press reflects on the referendum in Catalonia", Europa Press, October 1, 2017 www.europapress.es/nacional/noticia-asi-refleja-prensa-internacional-referendum-cataluna-20171001164119.html (retrieved November 21, 2017); "Map of the incidents of referendum 1-O", La Vanguardia, October 1, 2017 www.lavanguardia.com/politica/20171001/431716291459/incidentes-referendum-1o-mapa.html (retrieved November 21, 2017); "Clamor in Catalonia against Rajoy and police action: 'It's a shame", Diario Público, October 1, 2017 www.publico.es/politica/carga-policial-clamor-catalunya-rajoy-actuacion-policial-vergueenza.html (retrieved November 21, 2017); "International press has Catalonia police charges on its covers", El Diario.es, October 2, 2017 www.eldiario.es/rastreador/prensa-internacional-portadas-policiales-Catalunya_6_692990695.html (retrieved November 21, 2017); "Victims of charges at Dolors Monserdà plan to file a collective complaint", Barcelona Televisió, October 7, 2017 beteve.cat/afectats-carregues-policials-escola-dolors-monserda-impulsen-demanda-collectiva-1o/ (retrieved November 21, 2017); "64 injured, some very serious, after police charges in Lleida ", Públic, October 1, 2017 www.publico.es/public/guardia-civil-i-policia-nacional-carreguen-col-legis-electorals-lleida.html (retrieved November 21, 2017); "Minute by minute: final stretch of the referendum" and "Spanish police are charging against a wounded man who was walking towards an ambulance to be treated in Tarragona", Del Camp.cat, October 1, 2017 delcamp.cat/politica/minut-minut-camp-tarragona-bolca-votar-al-referendum-violencia-policial-and-delcamp.cat/tarragonadiari/successos/policia-espanyola-carrega-contra-ferit-que-anava-cap-lambulancia-ates-tarragona-respectively (retrieved November 21, 2017); "International personalities and leaders, scandalized by police violence during 1-O", Diari ARA, October 1, 2017 www.ara.cat/internacional/Personalitats-internacionals-escandalitzats-violencia-policial_0_1879612216.html (retrieved November 21, 2017); "Guardia Civil charges against minors in Castellbisbal", El Nacional, October 1, 2017 www.elnacional.cat/es/politica/guardia-civilcarga-menores-edad-castellbisbal_197382_102.html (retrieved November 21, 2017); " Policía Nacional charges against those gathered in several schools", El Periódico, October 1, 2017, www.elperiodico.com/es/politica/20171001/video-carga-policia-colegio-electoral-referendum-1o-6323311 (retrieved November 21, 2017); "Spanish police charges at IES Tarragona and seizes the only two ballot boxes", Diari Més Digital, October 1, 2017 www.diarimes.com/noticies/tarragona/2017/10/01/la_policia_espanyola_carrega_institut_tarragona_emporta_les_dues_uniques_urnes_25530_1091.html (retrieved November 21, 2017); "Charges of Policía Nacional and Guardia Civil in Girona", Diari de Girona, October 3, 2017 www.diaridegirona.cat/comarques/2017/10/02/videos--carregues-policia-nacional/870854.html (retrieved November 21, 2017); "More police charges and entries to polling stations in the afternoon of the referendum ", Corporació Catalana de Mitjans Audiovisuals, October 1, 2017 www.ccma.cat/324/mes-carregues-policials-i-entrades-a-collegis-electorals-a-la-tarda-del-referendum/noticia/2812227/ (retrieved November 21, 2017); there is also a selection of audio-visual files of several police charges in "Audiovisual Memory of 1-O", Corporació Catalana de Mitjans Audiovisuals www.ccma.cat/324/memoria-audiovisual-de-l-1-o/interactiu/19012/ (retrieved November 21, 2017); a summary of videos and photographs as evidence of the performance of the police in Naiz, October 2, 2017, "Eleven tweets, videos and images that summarize the Catalan referendum" www.naiz.eus/es/blogs/berriola/posts/10-tuits-y-videos-que-resumen-el-referendum-de-catalun (retrieved November 21, 2017); "Chaotic consultation in Catalonia due to the tension in the centers and streets", 20 Minutes, October 1, 2017 www.20minutos.es/noticia/3146803/0/referendum-cataluna-ultimas-noticias-directo/ (retrieved November 21, 2017); "Hundreds injured as Spain cracks down on Catalan referendum", CNN, October 1,

electoral colleges in Catalonia to deposit their vote or who gathered outside the center or its main door. According to Official reports there were 893 injured by the use of Police Force who were attended to by Emergency Medical Services (SEM) of Catalonia, hospitals or medical centers²¹. Four persons were hospitalized and two were in serious condition²². Also, some journalist duly identified as "Press Corps" were also assaulted by police officers²³.

2017 edition.cnn.com/2017/10/01/europe/catalonia-spain-independence-referendum-vote/index.html (retrieved November 21, 2017); "Spanish riot police fight to suppress Catalonia's defiant independence vote", Reuters, October 1, 2017, www.pri.org/stories/2017-10-01/spanish-riot-police-fight-suppress-catalonias-defiant-independence-vote (retrieved November 21, 2017); "Catalonia's Independence Vote Descends Into Chaos and Clashes", The New York Times, October 2, 2017 www.nytimes.com/2017/10/01/world/europe/catalonia-independence-referendum.html (retrieved November 21, 2017); "More than 800 injured in clashes in Catalonia, authorities says", CBS News, October 1, 2017, www.cbsnews.com/news/catalan-referendum-police-fire-rubber-bullets-at-protesters-outside-polling-station/ (retrieved November 21, 2017); "Hundreds hurt as Catalonia polls descends into violence", The Guardian, October 2, 2017, www.pressreader.com/uk/the-guardian/20171002/281479276616297 (retrieved November 21, 2017); "Spain torn apart as 850 hurt in Catalan referendum clashes", The Times, October 2, 2017 www.thetimes.co.uk/article/spain-torn-apart-as-850-hurt-in-catalan-referendum-riots-3glprtngh (registration required, retrieved November 21, 2017); "Catalonia Referendum: Spanish Police Smash Into Polling Stations in Vote Crackdown", Newsweek, October 1, 2017, www.newsweek.com/catalonia-referendum-spain-police-polling-stations-675069 (retrieved November 21, 2017); "Catalonian referendum violence plunges EU into crisis as '90pc of voters back independence'", The Telegraph, October 2, 2017 www.telegraph.co.uk/news/2017/10/01/eu-crisis-catalonian-referendum-descends-violence/ (retrieved November 21, 2017); "Catalogne, le coup de force", Libération, October 2, 2017 www.liberation.fr/planete/2017/10/01/catalogne-le-coup-de-force_1600223 (retrieved November 21, 2017); "Unabhängigkeitswahl in Katalonien "Jetzt werden wir erst recht weitermachen"", Spiegel Online, October 1, 2017 www.spiegel.de/politik/ausland/katalonien-referendum-jetzt-werden-wir-erst-recht-weitermachen-a-1170844.html (retrieved November 21, 2017); "UN Chief Hopes Sides Will Solve Catalan Crisis", Us News, October 2, 2017 www.usnews.com/news/world/articles/2017-10-01/the-latest-activists-await-ballots-in-banned-catalonia-vote (retrieved November 21, 2017); "Catalan vote: Claims of Spanish police brutality probed", Al Jazeera, October 3, 2017 www.aljazeera.com/news/2017/10/catalan-vote-claims-spanish-police-brutality-probed-171003122547459.html (retrieved November 21, 2017); "Schools attacked by the Spanish police trying to recover after 1-O", El Nacional, October 2, 2017 www.elnacional.cat/es/sociedad/las-escuelas-assatjades-para-por-lapolicia-espanola-intentan_197859_102.html (retrieved November 21, 2017); "Spain: the World is watching Human Rights Watch in Catalonia", Morocco World News, October 6, 2017 www.moroccoworldnews.com/2017/10/230356/spain-world-watching-human-rights-watch-catalonia/ (retrieved November 21, 2017).

Please, refer to the latest official announcement of the Health Department of Generalitat de Catalunya on October 2, 2017 at 10 am premsa.gencat.cat/pres_fsvp/AppJava/notapremsavw/303473/ca/actualitzacio-departament-salut-relacio-persones-rebut-assistencia-sanitaria-durant-referendum-2-doctubre10-hores.do (retrieved November 21, 2017).

21 Ver último comunicado oficial del Departament de Salut de la Generalitat de Catalunya realizado en fecha 2 de octubre de 2017 a las 10 horas, ver http://premsa.gencat.cat/pres_fsvp/AppJava/notapremsavw/303473/ca/actualitzacio-departament-salut-relacio-persones-rebut-assistencia-sanitaria-durant-referendum-2-doctubre10-hores.do (última consulta 13 de octubre de 2017).

22 It is not possible to make in this Report a detailed analysis of each police operation that took place, the number of police officers who acted violently in each polling station, the description of each aggression referred to identified and named persons, description of the injuries suffered, methods of aggression used in each case, among other relevant aspects for the consideration of violated human rights (and/or possible crimes committed), despite having collected basic contrasted information on human rights incidents: this must be carried out by judicial authorities (and may be gathered by the institutions to which this report/complaint is addressed), although the organizations that support this Report keep testimonials, written and graphic documents and other evidence that has been able to collect and are available to the recipients of this Report, along with other national and international organizations and public institutions that can complement both information and available evidence.

23 Promoters of this Report have received testimonies of various assaults on journalists on duty on the events that took place in the polling stations on October 1, 2017, these are a few examples: assault on journalist Xabi Barrena of newspaper El Periódico recorded by himself twitter.com/XabiBarrena/status/914414654700519424 (retrieved November 21, 2017); a journalist for news agency EFE and L'aguaita.cat was assaulted in Sant Carles de la Ràpita,

12. The main methods used by Policia Nacional and Guardia Civil on October 1, 2017 to cause physical and psychological injuries of different consideration, and actions against the physical and moral integrity, methods of torture, inhuman and degrading treatment²⁴, some with high potential for physical harm:

a. **Arrival of numerous troops before electoral centers equipped with diverse anti-riot material and "mass control material" in places where there was a concentration of people without any type of disturbance**, neither inside nor outside the voting centers; in practically all of the dozens of police interventions of Guardia Civil and Policia Nacional of Catalonia, they met with a significant number of people of different ages and genders, sometimes with the palms of their hands raised and open in a gesture of passive peaceful resistance, on other occasions sitting on the ground or on the stairs or access doors to schools, with their arms entwined in an attitude of active peaceful resistance; these persons exercised the rights of peaceful assembly, freedom of expression and freedom of peaceful political participation; in most cases the police charges were made without prior exchange of words (or, in some cases, after a generic loudspeaker announcement of police intervention if the place was not vacated, without showing any pre-existing court document or ruling and with an assortment of anti-riot materials), without having shown the judicial authorization of search and entry for the requisition of voting materials and ballot boxes. According to the testimonies and the information gathered, the charges and police violence appear to follow a standardized and predefined pattern of violence in the different locations of Catalonia. The police agents arrived at the schools and proceeded to charge directly against the people assembled there. outside until gaining access (sometimes they used sledge hammers to violently destroy the access doors, sometimes there were alternative entrances with less police risk and no people gathered). To do so, they made their way through the people who were in the street until they could create a police cordon. They then indiscriminately attacked everyone in the vicinity until they could create a second parallel police cordon that would allow them to create a path to the entrance. At that time, the secret police agents -who in the meantime had put on yellow vests and face masks- entered to requisition the ballot boxes (in several schools that they did not requisition all the ballot boxes and sometimes caused damage to the classrooms or walls or furniture in places far from the voting areas); at the exit, the same tactics were repeated, producing violent blows with great aggression and making way at all costs.²⁵ In many cases, after the first

being treated in the Primary Assistance Center for bruises "A journalist of L'Aguaita.cat attacked by riot police in La Ràpita ", Aguaita.cat, October 1, 2017 www.aguaita.cat/noticia/10287/periodista/aguaita/agredida/pels/antivalots/rapita (retrieved November 21, 2017).

24 Los hechos e incidentes descritos en este apartado 1 no afectan únicamente al derecho a la integridad física o moral sino que afectan de forma directa a otros derechos civiles y/o políticos analizados en los apartados siguientes como el derecho a la libertad de expresión, libertad de reunión, libertad de manifestación y libertad de participación en los asuntos públicos (deben darse por reproducidos en dichos apartados, a todos los efectos): ver en este sentido, el fundamento jurídico tercero del Auto del Juzgado de Instrucción nº 7 de Barcelona, Diligencias Previas nº 1437/17 de fecha 4 de octubre de 2017.

25 It will be necessary to determine with precision the police intervention orders given by the Military Command (Colonel) in charge of the operation, and possible overreaching in the orders received by Guardia Civil and Policia

police charges, the first interventions of groups of police with riot gear or with their hands and boots, and also after producing deliberate blows with rifle butts, some citizens rebuked the police, sometimes using insults or spitting or trying to defend people who had been knocked down (especially women, young people or elderly people or people with some vulnerability) or to repel attacks with their hands (only in some specific cases were objects used against the police or some situation of reactive violent resistance).

b. Attacks with hands and security boots: although in some cases the police officers were violently tearing away the people who were in the entrances of polling stations (and on some occasions certain agents attempted to protect people terrorized by the violence of the attack) on many occasions there were blows with the hands and the boots in diverse parts of the body, including vital zones and kicks in the sexual organs, sometimes using safety gloves, some sharp elements that were not visible and boots with hard toes; there were deliberate blows to the face, eyes, nose, mouth, upper part of the head, shoulders, shoulder blades, side, kidneys, legs, with bruising and bleeding results; There were numerous strong ear tugs, hair pulling (especially women), upward jaw yanking, physical and/or verbal sexual assaults on women such as touching the breasts and nipples or humiliating verbal expressions of a sexual nature with obvious contempt for the female gender and their attributes; deliberate blows and kicks to the testicles; attempts to throw to the ground or project people down the stairs or even jumping from an elevated area against the body people boots first, even people who had already decided to give in to the attack, with serious risk and mortal potential; deliberate actions of tendon and bone ruptures of the fingers, hands and arms, even once neutralized, both outside and inside the polling stations.

c. Aggression with extending telescopic weapons (clubs): this element was used massively by the police in their charges, in most cases without speaking with people sitting or standing at the doors of the polling stations in a civil or peaceful manner. In many cases, the blows were repeated against the same person, helpless on the ground, and hits were produced on all body parts, including sensitive vital areas such as the head, neck or area. pectoral and/or costal, contravening the legal provisions. On many occasions they caused injuries of different severity in the head, producing open wounds with blood on numerous occasions, causing broken bones and other muscular injuries.

d. Assault with rubber bullets: on several occasions Policía Nacional agents used the riot-proof projectile rubber bullets (legally forbidden to the Police of Mossos d'Esquadra and with general prohibition of shooting at close range and/or

Nacional agents. It will be necessary to examine from a global analysis perspective the operations deployed on different localities of Catalonia on October 1, 2017, as well as the existence of a standardized and systematic pattern of police action under military command, taking into account in particular national regulations. and applicable international law, especially regarding "... a generalized or systematic attack against civil population or against a part of it ...": see about the crimes against Humanity, article 607 bis and corresponding of the Spanish Penal Code and article 7 and corresponding of the Rome Statute of the International Criminal Court, www.boe.es/buscar/act.php?id=BOE-A-1995-25444 and [www.un.org/spanish/law/icc/statute/spanish/rome_statute\(s\).pdf](http://www.un.org/spanish/law/icc/statute/spanish/rome_statute(s).pdf) respectively (retrieved November 21, 2017).

directed to vital parts of the body) that in some cases were aimed at vital parts of the body: for example in the first performance of the police in an electoral college, specifically after attending at 8:45 hours at the Ramon Llull school in Barcelona, and after proceeding disproportionately and highly violently against people sitting on the ground in an attempt to prevent the police from entering the school where the ballot boxes were located and subsequently against others regardless of age (including elderly people), when leaving the school with the ballot box, agents of Policia Nacional fired several projectiles, causing victims wounded by rubber bullets. One of them hit a man's eye (it is still unknown today if he will lose his vision totally or partially in the eye because of that impact); and at least in another case, it hit a leg causing injury.

e. **Assault with tear gas:** in a town in Catalonia, the small municipality of Aiguaviva, a large number of riot police used riot equipment, including tear gas to disperse the population and requisition the ballot box. This chemical dispersion weapon (used to temporarily incapacitate by irritating the eyes, bucco-pharyngeal area and respiratory system) was used when there was no disturbance in the municipality, where a fideuá (a noodle paella dish) was being held in the town square. A small group of inhabitants was in front of the building where they had voted in an attitude of passive and peaceful resistance. As in the other incidents, the performance of the security forces must be investigated in depth, the orders received for such intervention must be known, as well as the technical-police and political authorities in charge of said operation. As a result of said police intervention, ten injured persons of diverse consideration were produced, including one person admitted to the Josep Trueta Hospital in Girona.

f. **Assaults of a psychological nature:** the virulence of police attacks and violent charges against people inside and outside the polling stations and the severe, indiscriminate and human wave attacks by numerous police officers against people present there²⁶, many of them elderly people, girls and boys, adolescents, disabled people and other people with varying degrees of vulnerability (as in any election day) caused numerous anxiety attacks and panic attacks in them, the most serious cases being attended by the Emergency Medical Service or Hospital Centers²⁷.

26 This was executed through screams and threatening glances, corporal manifestations of force behind the riot teams and through the methods of physical aggression with psychological impact described above.

27 In a complementary manner, it should be noted that this had a psychological impact on minors and adolescents not only on October 1, 2017. Many polling stations, as is usually done in electoral days, were installed in schools or educational centers (public schools, institutes, Concerted schools). The police action deployed violence against the buildings and school furniture, causing serious damage to access doors, entry glass, locks and classroom doors, various interior furniture (tables, chairs, cabinets, school equipment, classroom furniture, etc.). Sometimes the damage affected remote units or higher floors different from where the ballot boxes were located, causing material damage of varying consideration. The following day the children and adolescents of these schools went to their respective schools with evidence of the police damage that had occurred on the previous election day, normal school life being seriously affected during that day and the following days, with various reactions including emotional concerns, fear, anger, incomprehension, impotence on the part of students that should have been treated and addressed in a specific way by the teaching staff in the face of the situation, with serious questions about violence, dialogue, peaceful resolution of conflicts and other issues that should have been addressed from a pedagogical and restorative approach.

13. The 893 formal records of medical attention for injured persons due to violent action on October 1, 2017 are distributed geographically in Catalonia in the following way, according to official information available until October 13, 2017²⁸:

- a. 384 people in the Barcelona Health Region.
 - i. 302 people in the city of Barcelona²⁹
 - ii. 51 people in the Metropolitan Area
 - iii. 31 people in the Metropolitan Area South
- b. 2250 people in the Girona Health Region
- c. 111 people in the Lleida Health Region
- d. 58 people in the Terres de l'Ebre Health Region
- e. 47 people in the Central Catalonia Health Region
- f. 42 people in the Camp de Tarragona Health Region
- g. 1 person in the Health Region of l'Alt Pirineu i Aran

14. The different police charges and aggressions by agents of Polic a Nacional and Guardia Civil described above took place in numerous electoral colleges distributed throughout the territory of Catalonia³⁰:

- a. **City of Barcelona:** the following public centers currently have a separate piece of criminal instruction, which is subject to judicial investigation:

28 Official communication to be sent to the competent courts and competent courts and information received in the Department of Health of the Generalitat de Catalunya. Said Department de Health subsequently opened a Public Psychological Care Service to address possible symptoms of post-acute and post-traumatic stress disorder and possible psychological sequelae caused by police charges, see, information published under the title "Health Dpt. promotes a psychological care program to assist those affected by police charges on 1-O ", Corporaci o Catalana de Mitjans Audiovisuals, October 6, 2017 www.ccma.cat/324/%20salut-impulsa-un-programa-datencio-psicologica-per-atendre-als-afectats-de-les-carregues-policials-de-l1-o/noticia/2813402/ (retrieved November 21, 2017).

29 As of October 4, 2017, only 64 medical assistance references to the public center and 36 medical assistance units that have not identified the place where the violent injuries occurred are available to the courts. Only in the city of Barcelona 202 people were treated for violent aggressions that have not been incorporated into the judicial file; in this regard, see the third legal basis of the Order of the Court of Instruction No. 7 of Barcelona, Preliminary Measures No. 1437/17 dated October 4, 2017 and see the last official communication of the Department of Health of the Generalitat, dated on 2 October 2017 at 10 o'clock, premsa.gencat.cat/pres_fsvp/AppJava/notapremsavw/303473/ca/actualitzacio-departament-salut-relacio-persones-rebut-assistencia-sanitaria-durant-referendum-2-doctubre-10-hores.do (retrieved November 21, 2017).

30 Most of the police interventions in the polling stations where information and collection of testimonies have been obtained occurred without much exchange of words, without showing the mandatory judicial authorization of entry and registration and order of seizure of objects and without identification by part of the police officers at the request of citizens.

- i. 1439 / 17-2, for the events that occurred in the IES Jaume Balmes (C / Pau Claris 121)³¹,
- ii. 1439 / 17-3, for the events that occurred at the Escola Prosperitat (C / del Molí 59),
- iii. 1439 / 17-4, for the events that took place at the Center de Formació d'adults Freire (C / Via Favencia 254),
- iv. 1439 / 17-5, for the events that took place at the Escola Oficial d'Idiomes (Av. Jordà 18),
- v. 1439 / 17-6, for the events that took place at the Escola Mediterrànea (Passeig Marítim 5),
- vi. - 1439 / 17-7, for the events that occurred in the Tibidabo CEIP (C / Joaquim Valls, 21-23),
- vii. - 1439 / 17-8, for the events that occurred at the CEIP l'Estel (C / Felip II 49-51),
- viii.- 1439 / 17-9, for the events that occurred at the IES Joan Fuster (Pz. Ferran Reyes 2),
- ix. - 1439 / 17-10, for the events that occurred in the El Guinardo CAP (Teodoro Llorente 26),,
- x.- 1439 / 17-11, for the events that occurred in the CEIP Ramón Llull (Consell de Cent 490),
- xi.- 1439 / 17-12, for the events that occurred in the Central Services of the Department of Ensenyament (Via Augusta 202),
- xii.- 1439 / 17-13, for the events that occurred in the Aiguamarina CEIP (C / Casals i Cubero 265),
- xiii.- 1439 / 17-14, for the events that took place in the CEIP Víctor Català (C / De la Font de Canyeles 28),,
- xiv.- 1439 / 17-15, for the events that occurred at the IES Pau Claris (Passeig Lluís Companys 18),,
- xv.- 1439 / 17-16, for the events that occurred at CEIP Els Horts (Rambla Prim 217),
- xvi.- 1439 / 17-17, for the events that occurred in the Marenostrum CEIP (Passeig Valldaura 12),
- xvii.- 1439 / 17-18, for the events that occurred at the Center Educatiu Projecte (C / Yebra 10),

31 Regarding the police charge made by Policia Nacional officers in said school about 9 o'clock in the morning (both during the irruption into the center for the requisition of the ballot boxes and at the exit of the electoral center, once the ballot boxes have already been confiscated, the driving entities of this report, through the human rights observer system, have collected several testimonies from people who suffered the facts, as well as information and descriptions of the injuries of 9 victims identified: the testimonies collected refer to violent shoving, throwing people to the ground, strong tugs of the ears, kicks with metal-tipped boots, punches in the kidneys, kicks in the testicles, blows to the head, and violent twisting of hands and fingers, among others.

- xviii. - 11439 / 17-19, for the events that took place at l'Escola Pia in Sant Antoni (Ronda de Sant Pau 72),
- xix. - 1439 / 17-20, for the events that took place at CEIP Agora (Carrer del Marne 2),
- xx. - 1439 / 17-21, for the events that occurred in the School of Joves Trinitat Vella (C / Sunyol i Gras 3),
- xxi. - 1439 / 17-22, for the events that occurred at the IES Joan Boscà (Av. Esplugues 40),
- xxii. - 1439 / 17-23, for the events that occurred at the CEIP Mas Casanovas (C / Mas Casanovas 61-63),
- xxiii. - 1439 / 17-24, for the events that occurred at CEIP Tomàs Moro (C / Miguel Hernandez 7-11),
- xxiv. - 1439 / 17-25, for the events that took place at the Dolips Monserda-Santa Pau CEIP (Av. Vallvidrera 9)
- xxv. - 1439 / 17-26 for the events that occurred in the CEIP Pau Romeva (C / Pisuerga 1).
- xxvi. - 1439 / 17-27, for the events that occurred in the Escola Infant Jesús (C / Avenir 19)

b. The following is a summary of the information, the testimonies of injured victims, the testimonies of eyewitness present, the graphic material (photographs and videos³²) that **SomDefensores Human Rights Observer Network** carried out in several districts of the city of Barcelona, keeping in custody at the disposal of international organizations and the competent judicial authorities.

i. **Ramon Llull School:** The police arrived at 8.45am at the Ramon Llull school in Barcelona, and after proceeding disproportionately and highly violently against the people who were sitting on the floor in order to try to prevent the police access to the interior of the school where the ballot boxes were later and against other people regardless of age (including elderly people). When leaving the school with the ballot box, Policia Nacional officers fired several projectiles, causing several wounded with rubber bullets: one of them impacted in the eye of a man (it is still medically unknown if he has totally or partially lost his vision); at least in another case, it struck against the leg of another person causing injury. In a complementary manner, information has been obtained according to which Policia Nacional agents expelled the journalist G.C. and editor of El Periódico reporting on events in the area when he was in the vicinity of the school, even though he was duly identified as "Press", preventing him from exercising the right to information. The human rights observer system has collected detailed information on four people who were attacked by Policia Nacional.

ii. **Mediterrània School:** Regarding the police charge made by Policia Nacional officers in said school at 9:10 a.m. in the morning, the driving entities of this Re-

32 Available public videos, both the public videos collected and videos made by the Human Rights Observer Network, can be consulted at www.lafede.cat/som-defensores-videos.

port, through the human rights observer system, have collected several testimonies from people who suffered and/or witnessed the events both in the access to the school and inside the electoral center, as well as information and description of the injuries of 9 identified victims, including people with broken lips, a person with incision wound in the face with abundant bleeding: The testimonies collected refer to blows to the head and face with the truncheons indiscriminately, violent thrusts against the ground, punches and blows rifle butts, among others.

iii. **Freire Adult Training School:** At about 09:00 in the morning, about 20 Policia Nacional officers arrived when the polling stations were set up but the voting had not begun. The police came very violently into the center. The Human Rights Observer device has information and the testimony of three victims of blows to the head with a baton, one of them 75 years old who was violently caused a bleeding wound incised on the head due to a blow of truncheon.

iv. **Infant Jesus School:** At 9:20 in the morning, agents of Policia Nacional arrive. In this case indiscriminate charges were made with truncheons and violent blows upon entering. The device of observers has the testimony of one of the victims, of advanced age, which resulted with an incised wound on the forehead with abundant bleeding, a victim who was assisted at the Hospital Clínic of Barcelona. Information is also available regarding a person who, following police intervention, had an epileptic.

v. **CEIP Aiguamarina:** The human rights observer system witnessed the first police intervention, made up of some 50 agents distributed in 20 police vans. Policia Nacional entered the courtyard of the center giving blows, kicks and stomping on people. Information is available on 20 assaulted persons and in particular 5 victims who were wounded by blows of baton in the head, elbows, and legs and a sixth victim of serious aggression and verbal intimidation. The police took pictures of the faces of the members of the tables and identified all of them.

vi. **Dolors Monserdà School:** Regarding the police charge made by Policia Nacional officers in that school at about 12 o'clock in the morning, the driving entities of this Report, through the human rights observer system, have collected several testimonies from people who suffered the facts both in the access to the school and in the interior of the electoral center, as well as information and description of the injuries of 2 identified victims. The testimonies collected refer to violent blows to the face, hair pulling, punches, violent jaw wrenching from bottom to top, and dragging citizens on the floor, club blows in various parts of the body and arm twisting, among others. The graphic material is guarded both of the arrival of more than 30 vans and secret police vehicles, as well as the police intervention.

vii. **Pia Sant Antoni School:** With respect to the police charge made by Policia Nacional officers in said school at about 12 noon, the initiating entities of this

Report, through the Human Rights monitors, have collected several testimonies. They corroborate that the police entered the electoral college by destroying the door and raising the gate to enter and that they attacked several people through struggles, hair pulling, blows and punches. There is evidence of two people assaulted, one of whom received a punch in the nose and another person with a split lip and bruises from a kick.

viii. **IES Joan Fuster:** Regarding the police charge made by Policia Nacional officers in said school about 9.00 h from the entities that are driving this Report, through the human rights observer system, they have witnessed the facts directly and they have collected several testimonies from people who suffered and/or witnessed the violent acts both during the access to the school and inside the electoral center, as well as information and description of the injuries of 4 identified victims. The testimonies collected refer to the fact that about 20 police vans were present, the police were armed with shotguns, batons and shields, and in their incursion, they gave indiscriminate blows to people to gain access to the door of the premises, including blows to the head, kicks with a rigid tip in the ribs, use of an unknown sharp object, pushing, very violently hair pulling, especially among women, among others. There were numerous injuries that were attended by the Emergency Medical Service; There were three ambulances that took care of the wounded of diverse consideration, including two people who fell from a bench to the ground, due to the intervention of Policia Nacional, both losing consciousness. The agents also took and threw to the ground numerous mobile phones of people who recorded the police intervention, including that of the two human rights observers who were properly identified in advance (prior formal notification to the State Security Forces and Corps and Mossos d'Esquadra).

ix. **CCEIP Els Horts:** The human rights observer system is aware that Policia Nacional arrived at approximately 8.30 in the morning to the electoral college. The interior of the school was accessed by breaking the glass access doors with a sledge hammer. Policia Nacional entered through the entrance to the patio, where people were sitting and standing. Assaults took place both in the school yard and in its interior, affecting older people. Indiscriminate charges were produced, hair pulled, people were dragged along the ground and violent blows were caused in various parts of the body. It is known that a man received a blow to the head that caused bleeding and had to be treated by an ambulance.

x. **IES Àgora:** Police intervention of 20 police vans around 12 noon in the electoral college, with assaults with truncheons, defenders, pushing and injuring the head, hands and trunk, causing great panic within the dependencies of the school. Upon entering the school Policia Nacional broke the iron door and various pieces of furniture. Members of polling stations were threatened with fines and detention. One of the identified persons, member of a polling station, had to be treated for an anxiety attack. At the exit the police destroyed the furniture

and caused damage to the walls after the search of the polls³³.

x. **CAP Guinardò:** The human rights observer system did not witness the first police intervention but the second and collected testimonies from victims and people present. Policia Nacional entered giving strong blows, pushing and violently throwing people to the ground who were grouped in the door. At the exit they also gave some shoves with violence. In particular, the observation device was able to identify 8 victims who were injured, one of them was a 73-year-old victim with a foot injury and two of the victims were taken to the hospital..

xii. **CEIP Pau Romeva:** The human rights observation device was not a direct witness of the police intervention, but is aware that around 1:00 pm the police entered this school and it was found that there were injuries to the faces of people, violent shoves and kicks with steel-toed boots. It is also known that a woman had to be treated by an ambulance and that a boy was assaulted in the back. It was also learned that Policia Nacional fired rubber bullets.

xiii. **Project Educational Center:** The human rights observer system is aware that in order to remove the people who peacefully protected the entrance door to the school yard, Policia Nacional intervened violently, hit, kicked, punched while insulting and even spit on people who resisted peacefully. It is also known that the mobile phone is removed from a person who was recording sitting on the wall. Policia Nacional, once had access to the schoolyard, broke down the doors of the school to enter the building and, once inside, they seized computers and documents.

xiv. **Trinitat Vella Youth School:** Regarding the police charge made by members of Policia Nacional (approximately 40 staff members) at said school, held at around 11.40 am at noon, the driving forces of this Report, through the observers of human rights, they were direct witnesses of the facts and of the attacks against 20 people (mainly students, young people and also elderly people who have been injured by 4 people) and have collected several testimonies of people who suffered the facts. The police entered the school breaking the door with a sledge hammer. There were hair pulling, ear-pulling, pushes, blows, etc. There were some anxiety and panic attacks due to the highly violent dynamics used.

xv. **IES Joan Boscà:** The human rights observation system is aware that the entrance to the school is carried out by a Policia Nacional device of some 30 vans, which they charge in a violent manner to gain access to the interior of the school. When the police left the school, they again attacked, dragging some

33 The violent action of the police in one of the entrances to the electoral center of the Àgora school can be seen below, see in this regard "The cruelty of the police with a citizen the 1-O in the Agora school", El Periódico, 2 October 2017 www.elperiodico.com/es/politica/20171002/video-ensamamiento-policia-ciudadano-escuela-agora-referendum-1-o-6327622 (retrieved November 21, 2017).

people on the ground, causing numerous violent pulls and blows.

xvi. **IES Pau Claris:** Regarding the police charge made by Policia Nacional officers in that school at about 11.30 am, the human rights observer system collected several testimonies from people who suffered the incidents, both in access to the school and inside the electoral center, as well as information and description of the injuries of 2 victims identified: the testimonies collected refer to the throwing of people down the stairs with serious risk, pushing and dragging people across the floor, indiscriminate blows, haircuts, kicks, punches, people held by the nose, as well as traumatic capsular injury in three fingers in left hand and sexual assault on the breasts of a woman, among others.

c. **Other locations in Catalonia** where there is evidence of violent police attacks and should be the subject of investigation (this relationship is probably incomplete and should be completed when complementary information is available), with information available for the moment, docugraphic mention and some testimonies of victims of police charges in said centers:

- i. Escola EOI Vall d'Hebron (Barcelona)³⁴
- ii. Escola Victor Català (Barcelona)
- iii. Escola Ordandai (Barcelona)³⁵
- iv. Escola Fedac (Barcelona)³⁶
- v. Escola Nostra Llar (Sabadell, Barcelona)
- vi. Institut Quercus de Sant Joan de Vilatorrada (Bages, Barcelona)
- vii. Institut Can Vilumara (Hospitalet de Llobregat, Barcelona)
- viii. Institut-escola Les Vinyes de Castellbisbal (Vallès Occidental, Barcelona)
- ix. Escola Pública Castell de Dosrius (Maresme, Barcelona)
- x. Sant Cebrià de Vallalta (Maresme, Barcelona)

34 The human rights observation system did not witness the police intervention but collected testimonies from victims and persons present, and in particular the testimony of a 60-year-old person who was punched violently in the face, then violently threw him on the ground and proceeded to stomp on him violently.

35 Regarding the police charge made by Policia Nacional officers in said school at about 2:00 p.m., the driving forces of this report, through the human rights observation system, have been direct witnesses of the police intervention and collected several testimonies of people who suffered and / or witnessed the events. The officers descended from the police vans armed with shotguns, proceeding without firing on three occasions pointing directly against the people present at the school, causing scenes of generalized panic and attacks of anxiety, resulting that finally the three shots were produced without throwing projectiles, producing an aggression against a young man who was in the vicinity of one of the vans.

36 With respect to the police charge made by Policia Nacional officers in said school, the reporters, through the human rights observation system, have collected several testimonies from people who suffered and / or witnessed the events: 10 victims of blows, punches, kicks and jaws wrenched upward from bottom to top. Ambulances intervened and one of the victims had to wear an immobilizer collar.

- xi. Escola Joan Bruguera (Girona)
- xii. Escola la Talaià (Girona)
- xiii. Sant Julià de Ramis (Girona)
- xiv. Biblioteca Ernest Lluch (Girona)
- xv. Pavelló de Santa Eugènia (Girona)
- xvi. Escola Verd (Girona)
- xvii. Ponts (Girona)
- xviii. Servei d'Ocupació de Catalunya (Girona)
- xix. Col.legi electoral d'Aiguaviva (Girona)
- xx. IES Tarragona
- xxi. Col.legi electoral de Roquetes (Tarragona)
- xxii. Pavalló Firal de Sant Carles de la Ràpita (Tarragona)
- xxii. CEIP Manuel de Castellví (Vilabella, Tarragona)
- xxi. Llar d'avis de Sarral (Tarragona)
- xxv. Escola Oficial d'Idiomes (Lleida),
- xxvi. Escola del Treball i Afers Socials (Lleida)³⁷
- xxvii. Delegació de Benestar Social (Lleida)
- xxviii. CAP de la Mariola (Lleida)³⁸
- xxix. CAP de Cappont (Lleida)³⁹
- xxx. Surroundings of the electoral center of Lo Casino y Centre Cultural Municipal (Alcarràs, Lleida)
- xxxi. Artesa de Lleida
- xxxii. Menàrguens (Lleida)
- xxxiii. Cervià de les Garrigues (Lleida)
- xxxiv. Centro Público de Soses (Segrià, Lleida)

15. As previously indicated, the events that took place on October 1, 2017 in various localities in Catalonia are the object of investigation by several competent Courts

37 These facts led to the opening of the Preliminary Measures no 1340/2017 by the Court of Instruction No. 4 of Lleida acting as guard for at least 36 victims produced. As of today, they are pending Distribution in the competent Court.

38 These facts led to the opening of the Preliminary Measures No. 1344/2017 by the Court of Instruction No. 4 of Lleida acting as Guard for at least 4 victims produced. As of today, they are awaiting distribution in the competent Court.

39 These facts led to the opening of the Preliminary Measures No. 1343/2017 by the Court of Instruction No. 4 of Lleida acting as Guard for at least 1 victim produced. As of today, they are awaiting distribution in the competent Court.

of Instruction in Catalonia. As various national and international organizations have already pointed out, both these facts and the rest of the incidents described in this Report must be the subject of a complete, independent and impartial investigation⁴⁰;

40 Refer to the document made by the UN High Commissioner for Human Rights the day after the events described, who literally noted in his writing under the title Comment by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the situation in Catalonia, Spain "... I urge the authorities to ensure thorough, independent and impartial investigations into all acts of violence. Police responses must at all times be proportionate and necessary ...", Office of the UN High Commissioner for Human Rights, October 2, 2017 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22192&LangID=E (retrieved November 21, 2017). See also documents from different international organizations, international non-governmental organizations, international observers and others: see the press conference of the Ombudsman of Catalonia under the title "The Catalan Ombudsman will investigate the political and judiciary responsibilities of police actions on 1 October ", Office of the Síndic de Greuges, October 2, 2017 www.sindic.cat/ca/page.asp?id=53&ui=4730&prevNode=408&month=9 (retrieved November 21, 2017). The Council of Europe, through the Commissioner for Human Rights of this body, Mr. Nils Muiznieks, officially claimed to the Spanish State an "independent and effective investigation" on the possible disproportion in the use of force by the state police, while the Minister of Interior of the Spanish Government answered him in a successive manner denying that there was any disproportion in the use of force; see information published under the title "Council of Europe calls for an investigation into Spain's police violence on referendum day ", Catalan News, October 9, 2017 catalannews.com/politics/item/council-of-europe-calls-for-an-investigation-into-spain-s-police-violence-on-referendum-day (retrieved November 21, 2017); later the Assembly of the Council of Europe (PACE) in its session dated October 12, 2017 condemned the brutality deployed by the Spanish police on October 1, 2017 in Catalonia, see in this regard information published under the title "Council of Europe Assembly 'condemns' Spanish police brutality during Catalan referendum", Express, October 12, 2017 www.express.co.uk/news/world/865736/Catalonia-referendum-independence-Council-of-Europe-police-Guardia-Civil (retrieved November 21, 2017); see the final communiqué of the International Parliamentary Delegation on Catalonia's Referendum on Self-Determination (32 Parliamentarians International electoral observers, direct witnesses of violent actions by the security forces and bodies of the Spanish State) dated October 1, 2017, and in particular "... As a Parliamentary Delegation we wish to express abhorrence at: (a) The violence of the Spanish State that brought about more than 800 individuals being injured The Spanish Government should not have resorted to violence, breaking the basic principles of Human Rights as established in international documents signed and ratified by the Kingdom of Spain ..." www.cataloniavotes.eu/wp-content/uploads/2017/10/Statement_International_Parliamentary_Delegation_Catalonia_Referendum.pdf; see Amnesty International-Spain communication under the title "1-O: Amnesty International denounces excessive use of force by the Policía Nacional and Guardia Civil in Catalonia", Amnesty International, October 2, 2017 www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/1-o-amnistia-internacional-denuncia-uso-excesivo-de-la-fuerza-por-parte-de-policia-nacional-y-guar/ (retrieved November 21, 2017); see, the declarations of the Human Rights Watch researcher displaced to Catalonia in "Claims of Spanish Brutality Probed", Al Jazeera, October 3, 2017 www.aljazeera.com/news/2017/10/Catalan-vote-claims-Spanish-police-brutality-probed-171003122547459.html and "Human Right Watch and Oxfam express their concern", El Diario. is, October 1, 2017 www.eldiario.es/catalunya/politica/MINUTO-Diada_13_685361458_12958.html (retrieved November 21, 2017); see Oxfam Intermon's statement "Oxfam Intermon before the situation of repression and violence that is being experienced in Catalonia today", OxfamIntermon, October 1, 2017 www.oxfamintermon.org/ca/node/41957 (retrieved November 21, 2017); see press release from Civil Liberties Union for Europe and Rights International Spain "Liberties and Rights International Spain call for an investigation into police misconduct in Catalonia", Berlin, October 2, 2017 rightsinternationalspain.org/uploads/prensa/e84e9f69107549c582775db3e3821d7f3dc8f9c6.pdf (retrieved November 21, 2017); On October 12, 2017, the International organization Human Rights Watch published the report entitled "Spain: police used excessive force in Catalonia" in which after a mission on the ground in three cities of the province of Girona and in the city of Barcelona, with the receipt of direct testimonies and an examination of graphic documentation, it concludes an excessive use of force by the state police, demanding an independent and impartial investigation of the facts: see Report dated October 12, 2017 www.hrw.org/news/2017/10/12/spain-police-used-excessive-force-catalonia (retrieved November 21, 2017). The World Organization Against Torture called for an "immediate, thorough and impartial" investigation into the actions of the police that it described as "disproportionate use of force", see in this respect, document under the title "Spain: OMCT condemns the indiscriminate use and Excessive force in Catalonia ", World Organization against Torture-International Secretariat-Switzerland, October 4, 2017 www.omct.org/en/monitoring-protection-mechanisms/statements/spain/2017/10/d24562/ (retrieved November 21, 2017), see in the same sense, appealing to the need for research by national and international agencies the statement of the Coordinator for the prevention and denunciation of torture, October 2, 2017 www.prevenciontortura.org/wp-content/uploads/2017/10/Comunicado-CP-DT.2102017.pdf (retrieved November 21, 2017); see also communication of the Association of Avocats Europeens

based on the evidence collected in said research it should be possible to shed light on what has actually happened and the truth about these facts, apply the law and the applicable national and international law on human rights, facilitate the corresponding individual and collective reparation, as well as offer guarantees - national and international - against any repetition of these events in the future⁴¹. Likewise, the facts must be established and recognized from the perspective of internationally recognized human rights, as well as a violation of civil and political rights, and, in turn, of human rights. The incidents also deserve a criminal-judicial rebuke, nationally or internationally.

Democrats (AED), of October 2, 2017 www.aeud.org/wp-content/uploads/2017/10/Catalogne-1er-octobre-2017.pdf (retrieved November 21, 2017).

41 See the different reports of the Special Report of the United Nations Organization regarding each of the rights concerned (Special Report on the promotion and protection of the right to freedom of opinion and expression, Special Report on the independence of judges and lawyers; Special Report on the right to freedom of peaceful assembly and association; Special Report on truth, justice, reparation and guarantees of non-repetition; Independent expert in the promotion of a democratic and equitable international order); for all the Reports, see the Report of the Special Report on truth, justice, reparation and guarantees of non-repetition A / HRC / 21/46 dated 9 August 2012 of the UN Human Rights Council www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-46_sp.pdf (retrieved November 21, 2017).

2.B) Right to a fair and equal Process, right to effective judiciary protection, right to an effective appeal and right of defense⁴²

16. **September 20, 2017.** The Court of Instruction No. 13 of Barcelona, under the secrecy of the investigation, ordered (apparently ex officio) early in the morning the detention of fourteen senior officials and technical staff of the Government of the Generalitat de Catalunya (Department of Vice Presidency, Department of Economy and Finance, Department of Foreign Affairs, Department of the Interior, Department of Labor and Social Affairs, CESICAT, CTTI, among others), as well as entries and registers in government headquarters, other public bodies of Catalan ownership, as well as private homes⁴³ (called the ANUBIS operation). The head of the private company T-Systems in the city of Madrid was also arrested⁴⁴. In the arrest of the detainees they were informed that they were being investigated for the crimes of disobedience, prevarication and embezzlement of public funds related to the organization of the convocation of a referendum⁴⁵ and, for the first time in the judiciary actions that took

42 See in this regard articles 1, 2, 7, 8, 9, 10, 11 and corresponding of the Universal Declaration of Human Rights; see articles 9, 14 and corresponding of the International Covenant on Civil and Political Rights; see articles 5, 6, 13 and concordant of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols); see articles 14, 17, 18, 24, 25 and corresponding of the Spanish Constitution.

43 Ver, entre otras, información publicada bajo título "12 detinguts en els diversos registres a conselleries i altres seus Generalitat", Corporació Catalana de Mitjans Audiovisuals, 20 de septiembre de 2017, <http://www.ccma.cat/324/la-guardia-civil-entra-a-la-conselleria-deconomia/noticia/2809778/>, (última consulta 13 de Octubre de 2017); ver asimismo, "14 detinguts en l'operació de la Guàrdia Civil contra l'1-O", Diari de Girona, 20 de septiembre de 2017, <http://www.diaridegirona.cat/catalunya/2017/09/20/guardia-civil-entrat-departament-deconomia/868505.html>, (última consulta 13 de octubre de 2017). Ver listado provisional de los detenidos así como de las 41 sedes institucionales y domicilios privados que han sido objeto de entrada y registro en "Qui són els detinguts en l'operació contra el referèndum?", Diari de Girona, 20 de septiembre de 2017, <http://www.diaridegirona.cat/catalunya/2017/09/20/son-detinguts-loperacio-contra-referendum/868541.html>, (última consulta 13 de octubre de 2017). Los medios internacionales más relevantes recogen estos hechos: por todos, ver "Catalan President blasts Madrid for <illegal> referendum raids", CNN, 20 de septiembre de 2017, <http://edition.cnn.com/2017/09/20/europe/spain-catalonia-politics/index.html>, (última consulta 13 de octubre de 2017); "Streit über Unabhängigkeit von Spanien Konflikt mit Katalonien eskaliert", Berliner Zeitung, 20 de septiembre de 2017, <http://www.berliner-zeitung.de/28445676> (última consulta 13 de octubre de 2017); "Referendum interdit: des milliers de catalans dans la rue après des arrestations", Libération, 20 de septiembre de 2017, http://www.liberation.fr/planete/2017/09/20/referendum-interdit-des-milliers-de-catalans-dans-la-rue-apres-des-arrestations_1597605, (última consulta 13 de octubre de 2017); ver "Pour le Président Catalan, Madrid a imposé un état d'urgence en Catalogne", Le Soir, 20 de septiembre de 2017, <http://www.lesoir.be/115125/article/2017-09-20/pour-le-president-catalan-madrid-impose-un-etat-durgence-en-catalogne>, (última consulta 13 de octubre de 2017); ver "Catalan President says Madrid is suspending region's autonomy", The Guardian, 20 de septiembre de 2017, <https://www.theguardian.com/world/2017/sep/20/spain-guardia-civil-raid-catalan-government-hq-referendum-row>, (última consulta 13 de octubre de 2017); "Svolta in Catalogna, la polizia irrompe nelle sedi de la Generalitat", La Stampa, 20 de septiembre de 2017, <http://www.lastampa.it/2017/09/20/esteri/svolta-in-catalogna-la-polizia-irrompe-nelle-sedi-della-generalitat-ZBIsZ5VT4zA7nrHV0zH8AP/pagina.html> (última consulta 13 de octubre de 2017); "Catalan leader accuses Spain of <totalitarian> actions", Al Jazeera, 21 de septiembre de 2017, <http://www.aljazeera.com/news/2017/09/catalan-leader-accuses-spain-totalitarian-actions-170920131456772.html> (última consulta 13 de octubre de 2017).

44 Ver, entre otras, información publicada bajo título "La directiva detenida en Madrid por el 1-O abandona los calabozos para pasar a disposición judicial en Barcelona", EuropaPress, 20 de septiembre de 2017, <http://www.europapress.es/nacional/noticia-directiva-detenido-madrid-abandona-calabozos-pasar-disposicion-judicial-barcelona-20170920181231.html>, (última consulta 28 de septiembre de 2017).

45 En relación a derechos humanos fundamentales y la convocatoria de un referéndum puede tenerse en consideración el Informe jurídico de la Comisión de Defensa del Colegio de la Abogacía de Barcelona bajo título "In-

place during September 2017, they were accused of sedition⁴⁶. Most of these arrests have apparently been carried out without sufficient legal guarantees⁴⁷, in some cases unnecessarily abrupt and hasty, as well as with a disproportionate presence of Guardia Civil agents⁴⁸. Said Court had proceedings open from, at least, on February 9, 2017 for investigation of possible crimes of disclosure of secrets and computer crime⁴⁹. He had declared the secret of the summary since April 2017⁵⁰. It seems that none of the detainees on September 20, 2017 had previously received any judicial summons as "investigated" and proceeded to his direct detention (at some time in the same public road in itinere to his place of work) from members of Guardia Civil acting as judicial police. Six of the detainees requested immediately after their arrest to appear in an emergency before the judicial authority, initiating the procedure of Habeas Corpus before the competent Courts of the Guard⁵¹. In three of the cases when the procedure landed in the court of the same Judge which ordered the detentions and as the judge did not act or send the case to another competent judge the defense lawyers of the detained asked for the to be recused, which resulted in the detainees being sent back to the police offices. The three petitions of Habeas Corpus were refused by the judicial authority and the other three detainees waited several hours until the resolution of said

forme jurídic de la Comissió de Defensa del Col·legi de l'advocacia de Barcelona sobre l'abast de la suspensió del referèndum acordada pel Tribunal Constitucional i l'exercici dels drets fonamentals", Il.lustre Col.legi de l'Advocacia de Barcelona, 20 de septiembre de 2017, http://acddh.cat/wp-content/uploads/2017/09/InformeCD_referendum.pdf, (última consulta 13 de octubre de 2017).

46 Aún manteniéndose el secreto del sumario se abren algunas cuestiones relacionadas con este extremo dado que al parecer las órdenes de detención del Juzgado no incluían el delito de sedición, imputación delictiva que al parecer fue añadida por los funcionarios de la Guardia Civil.

47 Teniendo en consideración que esta operación policial ordenada por el Juzgado de Instrucción nº 13 de Barcelona se haya bajo secreto del sumario los detenidos han podido conocer de forma parcial y sintética los motivos de su detención; sólo cuando la autoridad judicial levante el secreto del sumario podrá conocerse si se cumplieron todos los requisitos legales, si las órdenes de detención estaban suficientemente motivadas y de acuerdo con el principio de proporcionalidad, o si las actuaciones estaban amparadas legalmente, se desconoció parcialmente la ley.

48 Por ejemplo, en el caso de la detención de la técnica arquitecta de la Generalitat M.M. la detención se produjo por parte de siete agentes de la Guardia Civil, en medio de la vía pública, cuando acompañaba a sus hijos a la escuela, y no pudo acompañarlos a la escuela sino que tuvo que dejarlos en la vía pública. Asimismo se incautó en su domicilio todos los dispositivos informáticos disponibles, incluyendo los propios de sus hijos. De forma complementaria, la detención de un alto cargo de la Generalitat JMJ se realizó mediante 4 vehículos policiales no identificados como tales así como con despliegue desproporcionado; la detención de NG, también alto cargo de la Generalitat, se produjo de forma desproporcionada en su domicilio familiar y en presencia de sus hijos. Hay que añadir que familiares de los detenidos recibieron un trato no respetuoso por parte de algunos funcionarios de la Guardia Civil. Algunos de los altos cargos públicos detenidos fueron conducidos al Juzgado, de forma innecesaria y desproporcionada, con las esposas inmovilizadoras, que en algún caso se alargó hasta su presencia judicial e, incluso, en alguna ocasión hasta finalizar la declaración judicial.

49 Ver, entre otras, información publicada bajo título "Un Juzgado de Barcelona admite la querrela de un particular contra Santi Vidal", La Vanguardia, 9 de febrero de 2017, <http://www.lavanguardia.com/politica/20170209/414182128073/santiago-vidal-denuncia-particular-juzgado-barcelona.html>, (última consulta 13 de octubre de 2017).

50 Ver información publicada bajo título "La Guardia Civil interroga a funcionarios sobre el Referéndum", El País, 28 de junio de 2017, https://elpais.com/ccaa/2017/06/28/catalunya/1498637230_330193.html, (última consulta 13 de octubre de 2017).

51 Ver información publicada bajo título "Detinguts per l'1-O tornen a la caserna de la Guàrdia Civil a l'espera que el Jutge resolgui l'habeas corpus", Corporació Catalana de Mitjans Audiovisuals, 21 de septiembre de 2017, <http://www.ccma.cat/324/detinguts-per-l1-o-tornen-a-la-caserna-de-la-guardia-civil-a-lespera-que-el-jutge-resolgui-lhabeas-corpus/noticia/2810056/> (última consulta 13 de octubre de 2017).

Habeas Corpus⁵². All detainees were released provisionally after declaration before the judge, some after spending two nights in the police stations, and some were with the obligation to report weekly to the Court. In relation to these arrests and records, The Council of the Illustrious Bar Associations of Catalonia (which is comprised of The 14 Law Schools of Catalonia) and the corporation of Public Law "School of the Bar Association" (ICAB), representative of the college of lawyers of Barcelona publicly condemned the manner of the execution of orders and indiscriminate searches and random ones that took place in Barcelona, and particularly the violation of the right to defense of the offices of certain lawyers (and to the serious infringement of the right to professional secrecy and preservation of data and information of other client who had nothing to do with the present investigation) and the violation of the Law of Criminal Procedure in said police actions⁵³. In a Complimentary report The Federation of ONG's "La Fede"(which is comprised of 112 organizations for Human Rights, Peace and Human Development which was created in the 80's and 90's) redacted a Manifest which publicly denounced the unnecessary and disproportionality of police and judicial measures and the infringement of four fundamental human rights: right to a fair trial, effective judicial protection, right to privacy, inviolability of home and the privacy of communications, right to freedom of assembly and protest⁵⁴, deciding at the moment to start a "network of observers and the observers of rights" to follow up on the events until 1 October and beyond among other complementary measures. Other citations before the police and courts occurred after these arrests of 20 September⁵⁵.

17. September 21, 2017. In addition to the complaint filed by the Provincial

52 The Il·lustre Col·legi de l'Advocacia de Barcelona made it known to the public that on September 22, 2017, it had not yet received the mandatory communications regarding the detention of the detainees, ICAB September 2017, [acceso360.com/colegiadvocats/es-ES/?mod=TrackingPressViewer&task=default&external=1&companyNewsId=449085198&newsDate=1506031200&sig=f5669019534a3f7710ce9b77bf87d020bf8e69b84f-e424abf8de721d43e3cde2](https://www.acceso360.com/colegiadvocats/es-ES/?mod=TrackingPressViewer&task=default&external=1&companyNewsId=449085198&newsDate=1506031200&sig=f5669019534a3f7710ce9b77bf87d020bf8e69b84f-e424abf8de721d43e3cde2) (retrieved November 22, 2017).

53 See the official communiqué of the Consell dels Il·lustres Col·legis d'Advocats de Catalunya, " Manifesto of the Council of Catalan Law in relation to the serious events that are taking place in Catalonia ", September 20, 2017, www.cicac.cat/2017/09/manifest-consell-ladvocacia-catalana-relacio-als-greus-fets-que-sestan-produint-catalunya/ (retrieved November 22, 2017); and see the communiqué of Il·lustre Col·legi de l'Advocacia de Barcelona titled "ICAB condemns the violation of defense for indiscriminate entry and searches in law firms", Catalan Bar Association, 20 September 2017, www.icab.cat/?go=eaf9d1a0ec5f1dc58757ad6cfdacedb1a58854a600312cccabe27fc a69cffc3ffc16f3848153193f41bb704ff7bfce7e999aa979f3f69f5bf882f7bd41fa174c5facfd4462c7664 (retrieved November 22, 2017); see also the statement of LaFede.cat (112 organizations of human rights, peace and development) "WeAreDefenders: in the face of repression, we defend human rights", www.lafede.cat/som-defensores/ (retrieved November 22, 2017).

54 See the Manifesto of the Federation of 112 NGOs "La Fede" with the title "WeAreDefenders: in the face of repression, we defend human rights", La Fede September 22, 2017, www.lafede.cat/som-defensores/ (Catalan version), www.lafede.cat/somos-defensoras/ (Spanish version) and www.lafede.cat/we-are-defenders/ (English version), (retrieved November 22, 2017).

55 At least 5 different citizens received on Friday, September 22, 2017, summons to appear before the police to declare the following Monday for alleged crimes of disobedience to the authority. Also four other persons (including a Representative) received on September 22, 2017 summons to go to declare as investigated for alleged crime of " exaltation of terrorism" before various courts of Manresa (e.g., Court of Instruction no. 4, Order of the Central Court of Instruction no. 8 of the National Court No. 85/2017-c) and Lleida: See in this regard information published under the title "Prosecution suits Bortran (CUP) and three members of Poble Lliure for exaltation of terrorism" , La Vanguardia, September 24, 2017, www.lavanguardia.com/local/lleida/20170924/431543807222/fiscalia-demanda-a-botran-cup-y-tres-miembros-de-poble-lliure-por-enaltecimiento-del-terrorismo.html (retrieved November 22, 2017).

Prosecutor of Barcelona against the five citizens⁵⁶ named by the Catalan Parliament as members of the Electoral Office (about which this report does not go into), the Constitutional Court decided to exercise, for the first time, executive powers approved in the last reform to the Organic Law of the Constitutional Court⁵⁷. (even in spite of the warning from the Venice Commission, advisory body of the Council of Europe, to the Spanish Government in relation to the suggestion to reconsider the execution of their own sentences and the questions of the impartiality of the High Court⁵⁸): it will be necessary to carefully study these possible rights violations in this part taking into account that the proper procedures have been followed by the Constitutional Court that require that those five members of The Electoral Office in addition to the Electorate Union and Provincial Unions (27 all together) the decision it seems has been taken in *audita parte*⁵⁹. It must be taken into account if the proper procedures have been respected, time frames, and that proper defense measures are taken, taking into account the high (and possibly disproportionate) daily amount of fines (12000 euros and 6000 euros respectively) as well as the impossibility of appealing the fine to a higher Court. Taking into account also that Spanish Constitutional Court agrees in its executive decision to refer those actions to the Prosecutor's Office in case it considers that there could be any crime and that there is a criminal proceeding open and prior to the same facts, it will be necessary to consider the application of the criminal principle *non bis in idem*⁶⁰.

18. In relation to the rights that are the subject of this section, it is necessary to highlight two aspects of the dynamics introduced by the Executive Power, Spanish

56 Experts Jordi Matas, Marc Marsal, Tània Verge, Marta Alsina and Josep Pagès were appointed as Trustees.

57 See information published under the title "Constitutional Court fine with up to 12,000 euros a day to number 2 of Junqueras and the Trustees of 1-O", Radio Televisión Española, September 21, 2017, www.rtve.es/noticias/20170921/tc-multa-12000-euros-diaros-numero-dos-junqueras-sindicos-del-1/1621360.shtml (retrieved November 22, 2017); see also "TC sets daily fines of between 12,000 and 6,000 euros to Jové i Vidal and to the 27 syndicates", Diari ARA, September 21, 2017, www.ara.cat/politica/TC-diaris-membres-Sindicatura-Electoral_0_1873612776.html (retrieved November 22, 2017).

58 Refer to the Opinion of the Council of Europe / Venice Commission CLD-AD 2017 003-e "Spain - Opinion on the law of 16 October 2015 amending the Organic Law No. 2/1979 on the Constitutional Court, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017)", especially paragraph 53 and related, Council of Europe, [www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)003-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)003-e) (retrieved November 22, 2017).

59 In the case of one of the substitutes, it appears that he was offered 48 hours to submit allegations, receiving the decision of the Constitutional Court before the deadline expired without waiting to receive the allegations of the notified person.

60 In addition, on September 25, 2017, the Spanish Court of Auditors communicated the provisional payment requirement and bail obligation amounting to more than 5 million euros to the ex-President of Generalitat, two Government Secretaries and five High Officials for their use of public funds in a public consultation held on November 9, 2014. The claim was filed in 2014 and has been resolved coinciding with the violations of civil and political rights described in this report. It should be noted that the former President of the Government of Generalitat and the two Government Secretaries were sentenced to imprisonment and a fine in a criminal proceeding for the crime of disobedience for the same acts, being ruled out the accusation of prevarication and embezzlement of funds. public, being affected by the new process and request for payment by the Court of Auditors for the right to a process with due guarantees and without defenselessness and for the possible non-application of the penal principle *non bis in idem*. "The Court of Auditors sets a bond of 5.25 million to Mas and his ex-Secretaries for 9-N", El Periódico, September 25, 2017, www.elperiodico.com/es/politica/20170925/tribunal-cuentas-fianzas-artur-mas-9-n-6308879 (retrieved November 22, 2017).

Public Prosecutor's Office and the Spanish Judiciary in relation to the preservation of fundamental rights:

- a. The Executive Branch and the Spanish Public Prosecutor's Office, without enough guarantees, without the obligatory respect for the division of powers and respect for the principle of equality of the parties in a judicial proceeding, have ordered actions that have had an impact and have damaged fundamental rights of citizens according to the international and national instruments applicable in Spain, as this report confirms. The Spanish Public Prosecutor's Office has issued orders beyond the constitutional and legal limits, and kept giving instructions to Guardia Civil, Policía Nacional, Mossos d'Esquadra and the agents of Guàrdia Urbana⁶¹ (local police) of all the cities of Catalonia, even after issuing legal procedure. The responsibility of the criminal prosecution has been attributed in Spain for over two centuries to the judicial regional and effective authority; the fact that the Spanish Public Prosecutor's Office has been carrying out criminal prosecution is a serious overreach of their constitutional and legally attributed powers, especially when there were already two judicial bodies that were investigating criminal cases⁶². It is necessary to take into consideration that the attribution of the criminal investigation to the Spanish Prosecutor's Office is only a political desideratum for many years from some political group that has not translated into State law yet⁶³.

61 The multiplicity of legal criteria and the lack of legal certainty of those that suffer the orders and instructions given by the Public Prosecutor of Catalonia to the municipalities to grant the Municipal Police the classification and consideration of "Judicial Police", as well as the concerns about citizen security and shortage of troops that have been highlighted by many City Councils. Also, the actions of supposed coordination of the security forces in Catalonia, which was attributed by the Prosecution of High Court of Justice of Catalonia, as well as the decision to impose a high military command of the Ministry for Home Affairs (Colonel) to all the security forces of Catalonia including Mossos d'Esquadra, that represents a clear overreach of the functions and powers that the Prosecutor's Office has attributed to it within the framework or outside the legal proceedings initiated. See, in this same sense, the Catalan Ombudsman's Communiqué dated September 26, 2017, www.sindic.cat/site/unitFiles/4716/comunicat_fiscalia_set17.pdf (retrieved November 22, 2017).

62 It is necessary to take into consideration what is established in an imperative (and not optional) law of Criminal Procedure, specifically in its article 773 in fine: "...the prosecutor in his proceedings will cease as soon as has the knowledge of the existence of a judicial procedure on the same facts...". In this regard, instructions 2/17, 4/17 and 5/17 of the Prosecutor's Office would be outside the provisions and the constitutional and legal coverage. Until September 26 and 27, 2017, the police, in compliance with these instructions of the Office of the Prosecutor, has appeared in numerous establishments handing out requirements with severe legal and criminal warnings to directors of institutes, public schools, public officials, charter schools, clubs private sports and other public and private centers. In this sense, and after the doubts expressed by numerous legal operators regarding the overreaching of the Prosecutor's Office in its proceedings, the Superior Court of Justice of Catalonia decided on September 27, 2017 to issue a judicial order ordering Guardia Civil, Policía Nacional and Mossos d'Esquadra prevent the use of public premises or buildings for the preparation or holding of the referendum, as well as closing those that have been opened and the requisition of any material related to the referendum: see, in this sense, published information under title "The TSCJ orders to prevent the use of public premises for the Referendum", El Mundo, September 28, 2017, www.elmundo.es/cataluna/2017/09/27/59cbd9a4268e3e407b8b460d.html (retrieved November 22, 2017).

63 It must be noted here that the Spanish Public Prosecutor in October publicly revealed in July 2017 his willingness and determination to promote criminal investigation under the competence of the Prosecutors "although there is no political agreement" and therefore announcing that he would act in this way even if the Legislative Power had not approved the corresponding regulatory amendment. These public demonstrations have become "de facto" in Catalonia during the month of September 2017. See the information published under the title "Maza will promote

- b. There is a duplicity of judicial processes that are investigating the same circumstances and, apparently, match in the criminal issues that are under investigation, to this day the Office has not recused in favor of the competent Higher Court of the prosecution of all criminal acts⁶⁴.

criminal reform even if there is no political agreement”, El Mundo, July 22, 2017, www.elmundo.es/espana/2017/07/22/597250cf268e3e4c5f8b45fc.html (retrieved November 22, 2017). It should also be duly noted that in the historical context of these months, both the Minister of Justice and the Public Prosecutor were formally rejected by the Spanish Parliament on May 16, 2017, for their political actions and their actions in function of the Public Prosecutor Office, respectively, see information published under the title “Congress condemns Català, the Public Prosecutor and the anti-corruption Head Prosecutor”, El Español, May 16, 2017, www.elespanol.com/espana/politica/20170516/216478600_0.html (retrieved November 22, 2017).

64 Por un lado, el Tribunal Superior de Justicia de Catalunya, Sala Civil y Penal (Diligencias Previas nº 3/2017), con diligencias judiciales abiertas precisamente por interposición previa de querrela criminal de la Fiscalía de Catalunya; por otro lado, el Juzgado de Instrucción nº 13 (Diligencias Previas nº 118/2017, con declaración del secreto de las actuaciones).

2.C) Right to privacy and correspondence⁶⁵

19. **September 19, 2017.** Within a police operation to inspect vans and correspondence for a private company in the town of Sant Feliu de Llobregat, a package with private correspondence was opened without judicial authorization (the package consisted of an educational offer from the Museu del Ter addressed to several educational centers and the City of Manlleu⁶⁶. There is no evidence of a police report for said violation of correspondence given to those involved.

20. **September 20, 2017.** Some of the incidents have already been described, numerous attacks on personal life and privacy; private personal data, physical and electronic documents that were infringed in a scenario of detentions and searches of private homes, private organizations and companies on September 20, 2017. We would like to emphasize the severity of the following actions: unauthorized judicial or case law confiscation of customers' files and electronic files related to clients of registered lawyers, which are not related at all with the judicial investigation. Furthermore, it has to be noted that Guardia Civil entered in the premises of private organization Fundació PuntCAT⁶⁷ (manager of the Top Level Domain .cat, a private non-profit organization), where they arrested and detained for two days its Director for Innovation and Information Systems (JM), but also confiscated all computer equipment, and all data and metadata stored, in a generic and indiscriminate, extralegal and disproportionate measure, besides to the violation of the rights described in this section and the right to freedom of expression infringed (in this case, via internet)⁶⁸.

65 See articles 12 and corresponding of the Universal Declaration of Human Rights of the United Nations Organization; Article 17 and corresponding of the International Covenant on Civil and Political Rights; Articles 8 and corresponding of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols); Articles 18 and corresponding of the Spanish Constitution. For reasons of economy, it might consider reproduced all violations of rights related to the rights to personal and family privacy and the inviolability of the domicile of the previous section and also applicable to this section and to the following.

66 Guàrdia Civil searching for material from 1-O in a package from the City Council of Manlleu", El Nacional. cat, September 19, 2017, www.elnacional.cat/ca/politica/manlleu-guardia-civil-referendum_192981_102.html (retrieved November 22, 2017).

67 See in this regard the statement of the private entity Fundació Punt CAT dated September 20, 2017, fundacio.cat/es/noticias/registro-en-la-sede-de-la-fundacio-puntcat (retrieved November 22, 2017).

68 When judicial proceedings are declared secret, it is not possible to know the exact scope or order of detention and the alleged offenses under investigation, but also the objective, legal reasoning and concrete scope of the judicial requirement of computer equipment, data and bases private informatics See, in the same vein, regarding information published under title "The PuntCAT Foundation expresses the <maximum rejection> of the Guardia Civil arrests in the area of 1-O" ", VilaWeb, September 20, 2017, www.vilaweb.cat/noticies/la-fundacio-puntcat-manifesta-la-maxima-repuls-a-les-detencions-de-la-guardia-civil-a-lentorn-de-l1-o/ (retrieved November 22, 2017) .

2.d) Right to freedom of expression, opinion, receiving and reporting information or ideas⁶⁹

21. Several professional associations and representatives of journalism have received numerous complaints from journalists who have been coerced or forced to identify themselves during the coverage of public events or events of public interest. The editorial offices of various media have also received requests and judicial warnings from the Spanish Public Prosecutor's Office and/or the Judicial Police (Inside Policía Nacional) that went beyond limiting the institutional advertisement of the referendum and warnings of possible legal consequences, including criminal, related to possible information about the political process of Catalonia in September and October 2017⁷⁰. Some of these corporations, associations or collectives of professional journalism have denounced these extremes publicly and before official instances⁷¹.

69 See articles 19 and corresponding of the Universal Declaration of Human Rights of the United Nations Organization; Article 19 and concordances of the International Covenant on Civil and Political Rights; Articles 10 and corresponding of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols); Articles 20 and corresponding of the Spanish Constitution. Taking into account said international regulations, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, together with the Independent Expert on the promotion of a democratic and equitable international order, Mr. Alfred de Zayas, issued a joint statement entitled "Spain must guarantee respect for fundamental rights in its response to the Catalan referendum", Office of the High Commissioner for Human Rights of the United Nations, September 28, 2017, www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=22176&LangID=S (retrieved November 22, 2017). Unfortunately, the claim of the independent experts of the UN was not heard by the Spanish Government on October 1, 2017, as has been made clear in advance.

70 See in this regard the text received by the directors of Catalan public media, TV3 and Catalunya Ràdio: "... in particular, that you refrain from initiating, processing, informing and/or dictating, within the scope of your respective competences, any agreement or action that allow the preparation and/or celebration of the referendum on self-determination in Catalonia, regulated in the Decree object of this challenge, with the warning of the possible responsibilities, including the criminal, in which you can incur if you do not meet this requirement ... "; see in this regard "TSJC reminds the directors of TV3 and Catalunya Ràdio that they cannot inform about the preparation of the Referendum", Direct, September 12, 2017, directa.cat/tsjc-recorda-als-directors-de-tv3-catalunya-radio-que-no-poden-informar-de-preparacio-del-referendum (retrieved November 22, 2017).

71 See in this regard, the communiqué of the Extraordinary Meeting of the College of Journalists of Catalonia dated September 14, 2017, www.periodistes.cat/sites/default/files/public/continguts/actualitat/2017/09/documents/comunicat.pdf (retrieved November 22, 2017); see "Journalists Association denounces the difficulty of exercising journalism at the Trustees Board", College of Journalists of Catalonia, September 19, 2017, www.periodistes.cat/actualitat/noticies/el-collegi-de-periodistes-denuncia-la-sindicatura-la-dificultat-dexercir-el (retrieved November 22, 2017); Letter from the Federation of Associations of Press Publishers, Magazines and Digital Media, dated September 19, 2017, www.periodistes.cat/sites/default/files/public/continguts/actualitat/2017/09/documents/carta-sindic.pdf (retrieved November 22, 2017); "The Barnils Group denounces the intolerable pressures in the media to curb the 1-O referendum", Group of Journalists Ramon Barnils, September 9, 2017, www.grupbarnils.cat/grup-barnils-denuncia-intolerables-pressions-als-mitjans-frenar-referendum-l1/ (retrieved November 22, 2017); Communiqué "Per la llibertat de premsa i per totes les llibertats/For freedom of the Press and for all freedoms" Grupo Barnils, September 21, 2017, www.grupbarnils.cat/freepresscatalonia/ which has recorded at least 60 media, printers or communication professionals that have seen their rights of expression and information limited, in addition to 144 closings of institutional or private websites, as well as orders closing against 59 other websites, (retrieved November 22, 2017); See also "Guardia Civil blocks more than 140 websites supporting 1-O by order of the TSCJ," Public Newspaper, September 26, 2017, www.publico.es/politica/guardia-civil-bloquea-140-webs-apoyo-1-orden-tsjcat.html (retrieved November 22, 2017); Also see the press release of La Fede.cat (112 organizations of human rights, peace and development) "We are defenders: in face of repression, we defend Human Rights", www.lafede.cat/som-defensores/ (retrieved November 22, 2017). It is necessary to contrast the limitations or violations of the right to free expression of ideas and information with the impunity with which some journalists express highly harsh and injurious expressions in audiovisual media: as an example, a journalist invites North Korean President to

22. September 9, 2017. Guardia Civil went to private company Imprenta Indugraf in the town of Constantí in order to confiscate advertising material of the Referendum⁷². After obtaining the opportune judicial warrant of the Judge of Duty de Tarragona, the agents of the armed body researched the facilities for seven hours without finding any type of propagandistic material.

23. September 9, 2017. Guardia Civil showed up at booth offices of private weekly paper "El Vallenc" along with, apparently, representatives of the Court of Duty of Tarragona, in order to research the headquarters of said paper to find out if they have been printing material related to the Referendum⁷³. After almost five hours of inspection and research, documentation of the company and from the personal computer of the editor was requisitioned. It appears that secret judicial proceedings have been initiated. The managers of the company received a summons to go to declare as person of interest to the dependencies Guardia Civil Head Quarters of Tarragona.

24. September 13, 2017. Spanish Public Prosecutor's Office instructed the investigation of 712 mayors of Catalonia for their alleged collaboration with the organization of the Referendum⁷⁴. summoned as object of investigation to the provincial Prosecutor's Offices. The first summons and first interviews at the Prosecutor's Office (without prior judicial control) took place on September 19, 2017⁷⁵, and the following days.

25. September 13 & 14, 2017. Spanish Police blocked a press conference by some representatives of the political party CUP in the city of Valencia; also, the City Council

bombard Barcelona with a long-range bomb: "The embarrassing Intereconomía joke about bombarding Barcelona", La Voz de Galicia, September 19, 2017, novo.lavozdeg Galicia.es/noticia/tienes-que-verlo/2017/09/19/bochornosa-broma-intereconomia-sobre-bombardear-barcelona/00031505840032433396112.htm (retrieved November 22, 2017).

72 "Guardia Civil inspects Constantí's press for 1-O for three hours," Catalan Broadcasting Corporation, September 9, 2017, www.ccma.cat/324/la-guardia-civil-entra-a-limprensa-de-constantí-per-buscar-les-paperetes-de-l1-o/noticia/2807691/ (retrieved November 22, 2017).

73 "Guardia Civil searches the site of Vallenc and awakes popular protest", Catalan Broadcasting Corporation, September 9, 2017, www.ccma.cat/324/la-guardia-civil-registra-la-su-deletmanari-el-vallenc/noticia/2807806/ (retrieved November 22, 2017).

74 "Prosecutor's Office calls as investigated all the mayors that support the referendum", El País, September 13, 2017, politica.elpais.com/politica/2017/09/13/actualidad/1505301152_043951.html (retrieved November 22, 2017). This decision had an broad international echo: "Spanish Officials Crank Up pressure on Catalan breakaway bid" Associated Press, September 13, 2017, www.businessinsider.com/ap-spanish-officials-crank-up-pressure-on-catalan-breakaway-bid-2017-9 (retrieved November 22, 2017); "Catalogne: la justice espagnole menace d'arrêter les maires pro-referendum", Radio France International-RFI, September 13, 2017, www.rfi.fr/europe/20170913-catalogne-justice-espagne-menace-arrestation-maires-pro-referendum (retrieved November 22, 2017); "Spain Prosecutor summons 712 catalonian mayors over independence referendum", The Jurist, September 13, 2017, www.jurist.org/paperchase/2017/09/spain-prosecutor-summons-712-catalonian-mayors-over-independence-referendum.php (retrieved November 22, 2017); "Spain to prosecute 712 Catalan mayors over referendum", Politician, September 13, 2017, www.politico.eu/article/spain-to-prosecute-712-catalan-mayors-over-referendum/ (retrieved November 22, 2017).

75 "Three first mayors called by the prosecution for 1-O refuse to declare," Diario ARA, September 19, 2017, www.ara.cat/politica/Lalcalde-Mollerussa-declara-Fiscalia-cessio_0_1872412848.html (retrieved November 22, 2017).

of Vielha banned a presentation by the same political party⁷⁶.

26. September 14, 2017. The City Council of Santa Coloma de Gramenet banned a political meeting entitled "Democràcia" (Democracy) organized by the private organization "Omnium Cultural" (civil society agency)⁷⁷.

27. September 15, 2017. Law enforcement agents showed up at many Catalan media facilities⁷⁸ in order to deliver a judicial request from the High Court of Justice of Catalonia, and started requesting identification, without further explanation, to the journalists, when the warrens had no specific coverage in its requirements. These actions took place in the following media: El Punt-Avui, La Nació Digital⁷⁹, VilaWeb, El Nacional⁸⁰, el Racó Català y Llibertat.cat.

28. September 15, 2017. Guardia Civil detained and arrested three people for two hours in their station, seized propaganda material as well as other non-propaganda objects in the town of Sant Carles de la Ràpita⁸¹.

29. 15 de septiembre de 2017. September 15, 2017. Sociedad Estatal de Correos y Telégrafos SA (public post company, 100% owned by the State), after unbinding without authorization from its owners a shipment from L'Associació de Veïnes i Veïns de l'Esquerra de l'Eixample (A.V.V.E.E.)⁸² (City Community organization in Barcelona), de-

76 "Spanish police prohibit an act of CUP in Valencia and requests for identification", Vilaweb, September 13, 2017 www.vilaweb.cat/noticies/la-policia-espanyola-impedeix-un-acte-de-la-cup-a-velencia-i-identifica-gabriel-i-vehi/ (retrieved November 22, 2017); "City Council of Vielha prohibits a CUP event for the referendum for next Sunday," Vilaweb, September 14, 2017, www.vilaweb.cat/noticies/lajuntament-de-vielha-prohibeix-la-celebracio-dun-acte-de-la-cup-en-favor-del-referendum-per-a-aquest-diumenge/ (retrieved November 22, 2017)

77 "Neither open schools nor acts: Santa Coloma de Gramenet does not authorize a debate by Òmnium", Nació Digital, September 14, 2017, www.naciodigital.cat/noticia/138271/ni/collegis/open/ni/acts/santa/coloma/gramenet/no/autoritza/debate/omnium (retrieved November 22, 2017);

78 "Guardia Civil show up in several media for the advertising of 1-O", Catalan Broadcasting Corporation, September 15, 2017, www.ccma.cat/324/la-guardia-civil-es-presenta-a-el-punto-hoy-por-la-publicidad-de-l1-o/noticia/2809019/ (retrieved November 22, 2017).

79 "Guardia Civil enters Nació Digital newsroom and requests identification to writers ", Digital Nation, September 15, 2017, www.naciodigital.cat/noticia/138387/guardia/civil/ (retrieved November 22, 2017).

80 "Guardia Civil in the newsroom of el Nacional", includes copy of a judicial request to company Grup de les Notícies de Catalunya SL, in which there is no obligation to request writers, www.elnacional.cat/es/politica/el-nacional-guardia-civil-notificacion_191862_102.html (retrieved November 22, 2017).

81 Refer to article "Guardia Civil seizes a stick and a broom as dangerous elements in favor of the referendum", with a scanned copy of the confiscation report following instruction 2/2017 of the Public Prosecutor's Office of Catalonia, without presenting any court order nor judicial proceedings, El Nacional, www.elnacional.cat/es/sociedad/guardia-civil-referendum-cartells-campanya_191796_102.html (retrieved November 22, 2017); "Guardia Civil confiscates one hundred posters from the referendum, glue and a broom in Alcanar", Directa, September 21, 2017, directa.cat/actualitat/guardia-civil-confisca-cent-cartells-del-referendum-cola-una-escombra-alcanar (retrieved November 22, 2017).

82 "Correos refuses distributing of a neighborhood newsletter because of a pro referendum article", El Nacional, September 15, 2017, www.elnacional.cat/es/politica/correus-deniega-distribucion-boletin-vecinal-articulo-

cided to block the shipment of their monthly bulletin when they realized that a page of the bulletin contained an article that referred to the right to vote and the Referendum. The managers of said organization were forced to use a private courier.

30. September 15, 2017. Guardia Civil showed up to the private company Indugraf Printing in the town of Constantí in order to seize propaganda material of the Referendum⁸³. After obtaining the opportune judicial warrant of the Court of Duty of Tarragona, Guardia Civil agents researched the facilities for seven hours, and found no propaganda material, leaving the premises with an empty box.

31. September 15, 2017. Several agents of Guardia Civil, Policía Nacional, Local Police and Mossos d'Esquadra requisitioned propaganda material, requested identification – in some cases they even detained some people– of citizens, some elected officials and/or local city representatives in Catalan towns such as Montcada i Reixac, Cerdanyola del Vallès, Sant Carles de la Ràpita, Figueres, Masquefa, Premià de Mar, Llagostera.⁸⁴.

32. September 16, 2017. Sociedad Estatal de Correos y Telégrafos SA, decided to block partially the mailing of 60,000 copies of Òmnium Cultural magazine⁸⁵, the shipping company receiving an indication of Correos to cease their activity. Thousands of partners and many Catalan counties such as Vallès Occidental, La Selva or Baix Llobregat did not receive the magazine.

33. September 16, 2017. Several agents of the local police in the town of Sant Cugat del Vallès requested identification of a 74-year-old woman without a proper report⁸⁶. In this case, no documentation was seized.

34. September 16, 2017. Palafolls' Local Police requested identification to some members of political party Esquerra Republicana de Catalunya who were on the public space putting up political propaganda, and arrested them for disobedience. Similar incidents were reported in cities like Torredembarra, Vall de Ges, Santpedor, El Prat de

[proreferendum_191856_102.html](#) (retrieved November 22, 2017).

83 "Guardia Civil searches again the printing company of Constantí for 1-O", Catalan Broadcasting Corporation, September 15, 2017, www.ccma.cat/324/la-guardia-civil-vol-tornar-a-registrar-la-impres-impres-impres-per-l1-o/noticia/2807808/ (retrieved November 22, 2017).

84 "Police requests identifications and seize campaign posters in some homes", Vilaweb, September 15, 2017, www.vilaweb.cat/noticies/la-policia-local-de-montcada-i-reixac-requis-a-erc-material-de-campanya-del-referendum-de-l1-o/ (retrieved November 22, 2017).

85 "Correos stops distribution of Òmnium Cultural's magazine", El Punt-Avui, September 16, 2017, www.elpuntavui.cat/politica/article/17-politica/1240454 (retrieved November 22, 2017)..

86 Ver al respecto información publicada bajo título "La policía de Sant Cugat identifica una dona de 74 anys en un acte pel Referendum", Nació Digital, 16 de septiembre de 2017, <http://www.naciodigital.cat/noticia/138441/policia/sant/cugat/identifica/dona/74/anys/acte/referendum> , (última consulta 13 de octubre de 2017)

Llobregat, Torelló and Barcelona⁸⁷.

35. September 16, 2017. Sitges' Local Police requested identification several people on the street and seized the camera and mobile phone of a journalist from the Nación Digital media⁸⁸.

36. September 16, 2017. Barcelona's district Court of Prosecution no. 13 issued a court order giving instructions to Guardia Civil to supervise the compliance ordered to private carriers -Movistar, Vodafone, Orange, among others- to shut down all institutional and official referendum related websites.⁸⁹

37. September 17, 2017. Spanish Ministry for Home Affairs informed that Guardia Civil had confiscated 1,300,000 propaganda posters inciting political participation and taking sides in favor of the referendum (apparently with the logo of "Pren partit" -from Catalan: take part- and "CUP" political party);⁹⁰ said confiscation apparently took place in the facilities of an advertising company without releasing their name or location, without a known proper warrant; the agents entrance was likely authorized by the managers of the company.

38. . September 17, 2017. Policía Nacional, Guardia Civil and the Local Police of several cities requisitioned political propaganda material in the towns of Reus, Barcelona, Solsona, Mollet, Amposta, Vic, and also requested proper identification to several people.⁹¹

87 "Local Police of Palafolls identifies and denounces members of ERC for hanging a banner in favor of YES", El Món, September 16, 2017 elmon.cat/politica/policia-local-palafolls-identi-ca-denuncia-membres-derc-penjar-pancarta-vor-del-si (retrieved November 22, 2017); "Local Police of Santpedor seized posters and identifies members of ANC", Digital Nation, September 16, 2017, www.naciodigital.cat/noticia/138427/policia/local/santpedor/requisa/cartells/identifica/membres/anc (retrieved November 22, 2017); "Half a « yes» in Torelló", Osona.com, September 16, 2017, www.naciodigital.cat/osona/noticia/54998/si/mitges/torello (retrieved November 22, 2017); twitter.com/periodicdelta/status/909066799655931905: related to this, "ANC of Les Corts denounces that Guardia Urbana has requisitioned material from the YES campaign", El Món, September 16, 2017, elmon.cat/politica/lanc-corts-denuncia-que-guardia-urbana-ha-requisat-material-de-la-campanya-pel-si (retrieved November 22, 2017).

88 Images recorded on this subject, September 16, 2017, YouTube, www.youtube.com/watch?v=PSdzcW2VEbY&feature=youtu.be (retrieved November 22, 2017).

89 While Daesh web pages, or other related to armed groups, violent extremists, or child pornography that are blatantly criminal, have not been blocked by major telecommunications operators, private operators blocked access to websites with institutional propaganda related to information on the right to vote: "A Barcelona Court asks the telephone operators to block websites related to the referendum", Europa Press, September 16, 2017, www.europapress.es/nacional/noticia-juzgado-barcelona-pide-operadoras-telefonos-bloqueen-webs-relacionadas-referendum-20170916152612.html (retrieved November 22, 2017).

90 "Guardia Civil seizes 1,300,000 posters and leaflets of the referendum", Catalan Broadcasting Corporation, September 17, 2017, www.ccma.cat/324/la-guardia-civil-interve-1-300-000-cartells-i-dipectics-del-referendum/noticia/2809257/ (retrieved November 22, 2017).

91 Several news published on the following links: delcamp.cat/reusdiari/successos/policia-espanyola-confisca-50-cartells-del-referendum-cubell-grup-joves-reus, twitter.com/CUPSantMarti/status/909508813463719937, www.naciodigital.cat/naciosolsona/noticia/23712, www.naciodigital.cat/noticia/138464/policia/local/mollet/re

39. **September 18, 2017.** Guardia Civil showed up in the premises of the company Encuadernaciones Rovira in the town of Sabadell, requisitioning ca. 100,000 diptych institutional propaganda Referendum⁹². Apparently, Guardia Civil followed the instructions Catalonia Prosecutor's Office, with no proper evidence of searched warrant; the managers of the company probably authorized their entrance.

40. **September 18, 2017.** Guardia Civil showed up in the premises of radio station Radio la Mina and the magazine TOT SANT CUGAT ordering the removal of publicity about the referendum and warning of possible criminal liability to their managers.⁹³

41. **September 19, 2017.** Six armored vans of Guardia Civil arrived at 6am to the premises of company Unipost at the city of Terrassa with the intention of seizing material related to the Referendum⁹⁴. There were acting apparently following instructions from Catalonia Prosecutor's Office, but without any proper warrant for entry and research, which prompt managers to refuse the agents' entry without judicial authorization. During the following hours, citizens gathered peacefully and spontaneously at the location of the company in Terrassa and were partially evicted twelve hours later at 6pm when a Judicial Secretary of the Court of Terrassa showed up and produced a warrant for entry and research, duly signed, with a judicial authorization for searching envelopes and, eventually requisitioning any material related to the organization of the referendum (official envelopes with the summoning of electing officials and the rest of members of polling stations, etc.). A similar procedure was followed for the requisition of the same material in a Unipost warehouse located in Manresa, without exact information of the protocols that were followed. During the same morning, other locations in Barcelona (Passeig Sant Joan and Comte Borrell) and Hospitalet de Llobregat were

tirara/campanya/omnium/favor/l-libertat/expressio, twitter.com/ERC_Amposta/status/909537005025054721, www.naciodigital.cat/noticia/138468/guardia/urbana/requisa/cartells/clavells/favor/referendum/vic, www.diarimes.com/noticies/reus/2017/09/17/la_guardia_urbana_atura_correvertut_del_bou_per_cartell_o_24770_1092.html (all retrieved November 22, 2017).

92 See also "Guardia Civil confiscates more material from the Referendum in Sabadell", Catalan Broadcasting Corporation, September 18, 2017, www.ccma.cat/324/la-guardia-civil-incauta-mes-materialdel-referendum-a-sabadell/noticia/2809311/ (retrieved November 22, 2017).

93 "Guardia Civil appears at Tot Media to make a request for El Món", El Món, September 18, 2017, www.totsantcugat.cat/actualitat/ciutat/politica/la-guardia-civil-es-persona-a-totmedia-per-fer-un-requeriment-70616102.html (retrieved November 22, 2017); See also: Radio La Mina, twitter.com/Radiolamina/status/909716897184325633 (retrieved November 22, 2017).

94 "Guardia Civil seizes Census documentation for 1-O at Unipost offices of Terrassa", Atramedia-La Sexta, September 19, 2017, www.lasexta.com/noticias/nacional/guardia-civil-busca-documentacion-referendum-empresa-mensajeria-lhospitalet_2017091959c0b63c0cf209c229be9f41.html (retrieved November 22, 2017); "Guardia Civil seizes more than 45,000 notifications of the 1-O polling places," El Periódico, www.elperiodico.com/es/politica/20170919/referendum-independencia-guardia-civil-registros-unipost-hospitalet-llobregat-6294998, October 20, 2017 (retrieved November 22, 2017); "Judge orders to requisition and open the envelopes of Unipost in search of census cards", La Razón, September 20, 2017, www.larazon.es/espana/la-guardia-civil-registra-unipost-en-busca-de-notificaciones-para-las-mesas-electorales-NE16037857 (retrieved November 22, 2017); "Confiscated in Unipost more than 45,000 envelopes with notifications for the polling places of 1-O", Catalan Broadcasting Corporation, September 19, 2017, www.ccma.cat/324/la-guardia-civil-escorcolla-furgonetes-unipost-de-lhospitalet-de-llobregat/noticia/2809537/ (retrieved November 22, 2017).

searched. Unlike in prior requisitions, this was the first time that non-propaganda material, but official referendum material, was seized following court warrants.

42. September 19, 2017. Non-uniformed agents of Policía Nacional, who refused to identify themselves, in the town of Reus seized documentation and information and propaganda material⁹⁵ off of an information point of Assemblée Nacional Catalana (Catalan National Assembly, private political organization) set up on public space for a public event organized for that same evening, arresting three citizens that were driven to a Police Station to be identified, and were held for a few hours⁹⁶.

43. September 19, 2017. Municipal workers were ordered by agents of the local police of the town of Malgrat de Mar to remove banners hung on walls and balconies of private properties.⁹⁷

44. September 20, 2017. Policía Nacional agents showed up at 1.30 pm at the headquarters of political party Candidatura d'Unitat Popular in Barcelona (Carrer Caspe), and attempted to enter those premises. Party managers requested both a notification and a warrant to enter and search the premises of a political party, as well as the agents' identification. Neither judicial notification was shown, nor would the agents identify themselves, taking into consideration also that uniformed and unidentifiable police officers wore ski masks, which made visual identification more difficult. The same agents seized propaganda material that was being delivered from vans to the party premises, without issuing any police report or taking account of what and how much was actually seized. Policía Nacional agents stood in front the party premises until 8.15 pm, but could not enter the premises as no warrant was produced effectively.

45. September 20, 2017. Guardia Civil proceeded requisitioned 10 million voting ballots for the referendum (official documentation of the referendum, of a non-propaganda nature) in the town of Bigues i Riells, arresting two people.⁹⁸

46. September 22, 2017. During the development of the above mentioned operation ANUBIS, numerous rallies in the city of Barcelona (and, short after, in many other

95 Requisitioned material consisted of 428 posters with the legends "Yes, hello Europe", "Yes, hello Republic" and "Yes, hello new country", as well as 30 cardboard posters with the same legends.

96 "Policía Nacional non-uniformed agents seize material and request identification to members of ANC of Reus", Diario Más Digital, September 19, 2017, www.diarimes.com/es/noticias/reus/2017/09/19/agentes_paisano_la_policia_nacional_requisan_material_identifican_miembros_l_anc_reus_24919_1092.html (retrieved November 22, 2017).

97 "People denounce that the police of Malgrat removed 'yes' banners from private balconies", El Nacional.cat, September 19, 2017, www.elnacional.cat/ca/politica/denuncien-policiamalgrat-retira-banderes-si-balcons-particulars_193161_102.html (retrieved November 22, 2017).

98 "Guardia Civil seizes circa ten million ballots to vote in the referendum", EuropaPress, September 20, 2017, www.europapress.es/nacional/noticia-guardia-civil-requisita-papeletas-voto-si-no-nave-empresario-barcelona-20170920110935.html (retrieved November 22, 2017).

locations in Catalonia) took place, they were almost entirely spontaneous, peaceful⁹⁹ and festive in its development. First demonstrations took place after the media announced that 14 high-ranking Catalan government officials had been arrested earlier, and that more than 40 police search operations have been conducted in private homes and public offices in the city of Barcelona. Lieutenant Prosecutor at National High Court Prosecution Office (based in Madrid) decided to file a criminal complaint at the Court of Duty at National High Court¹⁰⁰ against an undetermined number of demonstrators and the heads of private organizations Òmnium Cultural and Assembla Nacional Catalana, for the crime of "violent and public uprising "against legality or against authority -crime of sedition- by said peaceful concentrations on public space on September 20 and 21 (including damages to 3 patrol car)¹⁰¹. The following days, 23, 24, 25, several demonstrations took place all over Catalonia, even amidst traditional festivities, despite the fact that more than 6000 police agents with anti-riot gear from all over Spain had been deployed, and had to be hosted in two cruisers in Barcelona and a third one in Tarragona that the government hired temporarily¹⁰² (largest deployment of security forces in Spanish democracy, including, for instance, water cannon tanks); demonstrators engaged in chants, deployed propaganda posters and banners, and did public speeches, with practically no incidents.

47. September 22, 2017. Police burst into the home of a of 21 years old man in the village of Burjassot, who had replicated the first website of the referendum.

This young man had mirrored the website voluntarily. Eight police officers and a court clerk entered his home and took his cell phone and three hard drives, eventually under the crime of disobedience, although he is not a civil servant, and had not been

99 Even though most of rallies and demonstrations could be considered generally civilized and peaceful, there was an exception in the early morning of September 21, when Mossos d'Esquadra started dispersing some people who were concentrated on Rambla de Catalunya and, after facing resistance, used their clubs causing injuries to an undetermined number of people, as they might overreached and used excessive force; there's a summary of the incident and a photograph of an injured people in twitter.com/Ocagracia/status/910793597032783872 (retrieved November 22, 2017).

100 National High Court has jurisdiction over very specific issues and covers all of Spain. Several legal experts have stated that they do not believe this instance to be able to investigate sedition crimes reported by the Prosecutor; See, for example, the communiqué of the Commission for the Defense of the Rights of the Person and the free exercise of the Law, September 24, 2017, acddh.cat/wp-content/uploads/2017/09/comunicatpremsaCD_ICAB_3.pdf (retrieved November 22, 2017).

101 "National High Court Prosecution filed a complaint for sedition after riots in Catalonia", Radio Televisión Española, September 22, 2017, www.rtve.es/noticias/20170922/fiscalia-prepara-denuncia-sedicion-ataques-guardia-civil/1621660.shtml (retrieved November 22, 2017); with similar content, see following news "Sánchez and Cuixart accused by Spain in a grand case for sedition," Vilaweb, September 22, 2017, www.vilaweb.cat/noticies/la-fiscalia-denuncia-per-sedicio-jordi-sanchez-i-jordi-cuixart-per-la-mobilitzacio-contra-el-cop/ (retrieved November 22, 2017) The accusation for of sedition was formally accepted on September 27, 2017 by Central Court of Instruction no. 3 of National High Court, that immediately ordered investigation proceedings, even in spite of the reasonably doubt of conflict of material and territorial jurisdiction of the National High Court for investigating said sedition offense, according to various sources of legal experts consulted; see in this regard "National High Court will investigate as seditious events in Barcelona", El País, September 28, 2017, politica.elpais.com/politica/2017/09/27/actualidad/1506513414_650843.html (retrieved November 22, 2017).

102 "Home Affairs charters three cruise boats in Barcelona and Tarragona to host the thousands of riot police deployed in Catalonia for 1-O", La Sexta, September 20, 2017, www.lasexta.com/noticias/nacional/interior-fletas-tres-cruceros-en-barcelona-y-tarragona-para-alojar-a-los-miles-deantidisturbios-desplegados-en-cataluna-por-el-1-o_2017092059c28c060cf201a8c2c2e6e6.html (retrieved November 22, 2017).

warranted¹⁰³.

48. September 22, 2017: A demonstration of right-wing organizations and neo-fascist groups such as Generación Identitaria (Identity Generation) or Democracia Nacional (National Democracy) took place in the evening in front of the premises of Assemblée Nacional Catalana (carrer Marina in Barcelona) and later went by Guardia Civils Station at Travessera de Gracia¹⁰⁴. Demonstrators uttered insults and threats, with no action by police, and at the end of the rally assaulted a young man in the adjacent neighborhood of Gràcia, who had called for independence¹⁰⁵.

49. September 25 & 26, 2017. 14 young people from different locations in Barcelona, Girona and Tarragona have been summoned to police stations, some of them first as witnesses and then as prosecuted, for two crimes of disobedience, for allegedly replicating the website for the referendum, and divulging other information or opinions of a political nature.¹⁰⁶

50. September 25, 2017. Members of a Guardia Civil Agents' Association, "Unión de Oficiales" (UO), launched a criminal complaint against a journalist from public radio station Catalunya Ràdio because of her comments and journalistic questions related to the information of massive police arrests produced on September 20, 2017, described above.¹⁰⁷

51. September 26, 2017. Spanish Public Prosecutor's Office¹⁰⁸ has opened an investigation on their own -without any apparent communication or authorization from the two Courts that are conducting all judiciary prosecution of all related to the organization of the Referendum- of the executive managers of both Catalan public television (TV3) and public radio (Catalunya Ràdio)¹⁰⁹ networks, issuing a public warning for an

103 "This is how police harassed a young person from Burjassot who replicated the web of the referendum," Vilaweb, September 22, 2017, www.vilaweb.cat/noticies/la-policia-espanyola-segresta-lordinador-del-ciberactivista-que-va-replicar-la-web-del-referendum/ (retrieved November 22, 2017).

104 "Unionist demonstration in front of the headquarters of ANC", La Vanguardia, September 22, 2017, www.lavanguardia.com/politica/20170922/431471137569/manifestacion-unionista-referendum-sede-anc.html (retrieved November 22, 2017).

105 "Young independence follower assaulted in an ultraright demonstration against 1-O", El Nacional.cat, September 22, 2017, www.elnacional.cat/es/politica/agresion-joven-independentista-ultra_194493_102.html (retrieved November 22, 2017). These facts also constitute a violation of the right of freedom of thought and the right to express their convictions.

106 "A dozen people released after being accused of creating replicas of the 1-O website," September 25, 2017, www.publico.es/espana/libertad-decena-personas-acusadas-crear.html (retrieved November 22, 2017).

107 "Guardia Civil agents denounce Mónica Terribas, of Catalunya Ràdio", Public Newspaper, September 25, 2017, www.publico.es/actualidad/oficiales-guardia-civil-denuncian-monica.html (retrieved November 22, 2017)..

108 Even though the Public Prosecutor of Catalonia has been issuing orders and instructions during the month of September 2017, as it has been already said, this particular order seems to come directly from the Spanish Public Prosecutor's Office, based in the City of Madrid.

109 "Prosecutor's Office investigates Catalunya Ràdio and TV3 for disobedience and prevarication", El Economis-

eventual detention.

52. **September 25, 2017.** The website of private organization Assemblée Nacional Catalana, that offered information and opinions of political and cultural nature, without any prior written request nor prior notification to their managers or representatives.¹¹⁰

53. **September 27, 2017.** The websites of private organizations Omnium Cultural and col·lectiu Empaperem, and political party CUP were blocked without any prior written request nor prior notification to their managers or representatives¹¹¹.

54. **September 27, 2017.** Guardia Civil showed up on two industrial warehouses in the town of Igualada, and seized 2.5 million ballots and 4 million envelopes, as well as immobilizing ballot boxes of a private sports club¹¹².

55. **September 29, 2017.** Sociedad Estatal de Correos y Telégrafos SA decided to block the delivering of weekly magazine El Eco de Sitges, after realizing its cover made a reference to the right to vote and the referendum¹¹³.

56. **September 29, 2017.** A Judge of High Court of Justice of Catalonia ordered the private company Google to eliminate the mobile application 'Donde Votar 1-Oct'¹¹⁴. (where to vote 1-Oct). The "escoles obertes" (open schools) website was also closed down.

57. **October 1, 2017.** Several journalists were unlawful and unjustified limited after reporting on police charges in several polling stations in Catalonia, and several journalists were assaulted by police officers when they were covering the events by polling stations, among other incidents of violation of human rights.¹¹⁵

58. **October 5, 2017.** Guardia Civil blocked credited journalists the entrance to a

ta, September 26, 2017, www.eleconomista.es/empresas-finanzas/noticias/8631628/09/17/La-Fiscalia-investiga-a-Catalunya-Rdio-y-TV3-por-desobediencia-y-prevaricacion.html (retrieved November 22, 2017).

110 "Guardia Civil closes ANC website", El Periódico de Catalunya, September 25, 2017, www.elperiodico.com/es/politica/20170925/la-guardia-civil-cierra-la-web-de-la-anc-6310772 (retrieved November 22, 2017).

111 "New Government push against websites related to the Referendum", Digital Nation, September 27, 2017, www.naciodigital.cat/noticia/139277/nova/ofensiva/estat/contra/webs/relacionados/con/referendum (retrieved November 22, 2017).

112 "Guardia Civil seize one hundred ballot boxes and another 2.5 million ballots in Igualada", Libertad Digital, September 28, 2017, www.libertaddigital.com/espana/2017-09-28/la-guardia-civil-requisita-25-millones-de-papeletas-y-cien-urnas-en-igualada-1276606664/ (retrieved November 22, 2017).

113 "Correos does not distribute Eco of Sitges for a cover in favor of Yes to the referendum", Nació Sitges, September 29, 2017, www.naciodigital.cat/sitges/noticia/1933/ (retrieved November 22, 2017).

114 "Google deletes the Government app on 1-O polling stations by order of TSJC", Diario ARA, September 29, 2017, www.ara.cat/politica/TSJC-Google-eliminar-laplicacio-Govern_0_1878412327.html (retrieved November 22, 2017).

115 DWe consider hereby all factual stories of the incidents as stated, referring to previous sections for all purposes.

public office at the Deputy Delegate of the Spanish Government in Lérida, where they wanted to inquiry about a search¹¹⁶.

116 "Guardia Civil vetoes entry to the press in the subdelegation of the Spanish Government in Lleida", Nació Lleida, October 5, 2017, www.naciodigital.cat/lleida/noticia/25461/guardia/civil/veta/entrada/premsa/subdelegacio/govern/espanyol/lleida (retrieved November 22, 2017).

2.e) Right to freedom of peaceful assembly¹¹⁷

59. **September 12, 2017.** A Judge of a Spanish High Court in Madrid¹¹⁸ (Juzgado de lo Contencioso-Administrativo, translated as Contentious-Administrative Court) banned an event scheduled on a public venue from the City Council of Madrid¹¹⁹ under the slogan "Madrid for the right to decide" (event conceived as a debate of ideas on the right to decide on public issues, its limits and scope¹²⁰). The organizers were forced to move the event to a private venue of lower capacity that resulted in an overcrowded event that left many people outside on the street¹²¹. The rights of organizers, participants and the audience were violated, so was the principle of "favor libertatis" that protected them all.

60. **September 14, 2017.** The City Council of Gijón revoked the authorization initially granted to the organizers and prohibited a debate entitled "Catalonia: from the transition to the referendum", an event that sought to discuss a current topic.

61. **September 15, 2017.** A Contentious-Administrative Court of Vitoria-Gasteiz banned an event about political issues at Aldabe civic center in the Alaba province capital¹²².

62. **September 20, 2017.** Several police agents from separate corps requested identification and took photographs of people attending spontaneous or organized political rallies¹²³.

117 See in this respect articles 20 and corresponding of the Universal Declaration of Human Rights of the Organization of the United Nations; Article 21 and corresponding of the International Covenant on Civil and Political Rights; Articles 11 and corresponding of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols); Articles 21 and corresponding of the Spanish Constitution.

118 Madrid Contentious-Administrative Court no. 3, Ordinary Procedure no. 301/2017, order dated September 12, 2017, which decided to order the suspension of the event by petition filed by the Municipal Grupo Popular of the City of Madrid, assets.documentcloud.org/documents/3991035/CCI12092017-00000.pdf (retrieved November 22, 2017).

119 Calves' Warehouse at the Old Legazpi Slaughterhouse, owned by the Madrid City Council.

120 "Legal experts consider excessive to suspend the event in Madrid in favor of the Referendum", El País, September 14, 2017, politica.elpais.com/politica/2017/09/13/actualidad/1505327014_625102.html (retrieved November 22, 2017).

121 "Right to decide overwhelms the heart of Lavapiés", La Vanguardia, September 17, 2017, www.lavanguardia.com/politica/20170917/431363055967/madrid-acto-derecho-decidir-referendum-joan-tarda-lavapiés-teatro-barrio.html (retrieved November 22, 2017)..

122 News published on the website of the General Council of the Judiciary of Spain, September 15, 2017, www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/Un-juez-de-Vitoria-prohibe-la-cesion-de-un-local-municipal-para-un-acto-de-promocion-del-referendum-del-1-O (retrieved November 22, 2017).

123 "A police officer from Sitges instructed for grabbing a mobile phone from a journalist by force", RAC1, September 18, 2017, www.rac1.cat/info-rac1/20170918/431386863052/expedientat-un-policia-de-sitges-que-va-agafar-per-la-forca-un-mobil-a-un-periodista.html (retrieved November 22, 2017); "Spanish police identify attendants to the demonstration at Puerta del Sol", El Mon, September 19, 2017, elmon.cat/politica/policia-espanyola-identifica-assistents-manifestacio-puerta-del-sol (retrieved November 22, 2017).

63. **September 21, 2017.** Zaragoza's Provincial Council banned a public event at Pignatelli School in Zaragoza that bore the title "National assembly of deputies and mayors for freedom of expression, fraternity and dialogue"¹²⁴. This ban was issued following the one issued by Contentious-Administrative Court No. 3 of Madrid, previously referenced. Finally, the event could be held in a sporting venue in Zaragoza, where participants, media and attendees were harassed and insulted by neo-fascist demonstrators, that also assaulted with a blunt object the Speaker of the Parliament of Aragón, Ms. Violeta Barba¹²⁵, as a result of the lack of security¹²⁶, due to the absence of police officers, that were mostly deployed in Catalonia.

64. **September 27, 2017.** The City District Council of Sarrià Sant Gervasi in Barcelona denied a request for a public event requested in due time by a private Community Organization of Vallvidera-Mont d'Orsà, scheduled for September 27. Said refusal was notified on September 27, 2017, based on a resolution by the Constitutional Court of Spain issued on September 7, 2017, so that the City Council argued that it was a political event related to propaganda for the referendum, according to information gathered from social networks, as stated in the refusal notice.

65. **September 27, 2017.** The City Council of Sueca denied authorization for a public event requested by a youth political organization, scheduled for September 27¹²⁷.

66. **October 4, 2017.** The Spanish Government Delegation in Extremadura denied administratively the request by the Student Council of Badajoz (and other entities) for a public event of support of the more than 800 victims of police attacks on October 1, 2017 in Catalonia.

124 "Provincial Government of Zaragoza bans the Assembly of elected officials convened by Podemos", La Nación, September 21, 2017, www.eldiario.es/politica/Diputacion-Zaragoza-convocada-Unidos-Podemos_0_689081887.html (retrieved November 22, 2017).

125 "Half a thousand violent ultras attempt to boycott the Assembly of Unidos Podemos", Diario Publico, September 24, 2017, www.publico.es/politica/grupo-ultras-obliga-bloquear-puertas-asamblea-unidos.html (retrieved November 22, 2017).

126 According to various sources, it also appears that there were instigators in said protests, or persons with a close relationship with national police, which should be subject to investigation and accreditation.

127 See in this regard twitter.com/Arran_jovent/status/913063673207427072 (retrieved November 22, 2017).

3.- OBSERVATIONS REGARDING LISTED INCIDENTS RELATED TO HUMAN RIGHTS VIOLATIONS

1. This Report has taken into consideration the most relevant international and national regulations on human rights at universal and regional levels and, in particular, the **Universal Declaration of Human Rights**, proclaimed by the General Assembly of the Organization of the United Nations in its resolution 217 A (III), of December 10, 1948¹²⁸; the **International Covenant on Civil and Political Rights**, signed in New York on December 19, 1966, ratified by the Kingdom of Spain and added into its legal system¹²⁹; the **Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe** (and its Additional Protocols) signed in Rome on November 4, 1950, ratified by the Kingdom of Spain and added to its legal system¹³⁰; and the **Spanish Constitution**¹³¹. This report also takes into special consideration the jurisprudence of the **European Court of Human Rights**, a permanent tribunal of the Council of Europe based in Strasbourg (France)¹³².

2. **The incidents related to possible civil and/or political rights violations described in this report**¹³³, include physical and psychological assaults, as well as inhuman and degrading treatment with serious excessive use of force by the Spanish Law Enforcement Agencies against 893 civilians who were injured. Other related incidents that could be added are attacks on effective judicial protection, the right to defense and proper defense, the right to a fair and equitable trial, attacks on privacy through entering and searching private homes without due legal guarantees, or intervening and opening of postal and/or electronic communications, right to assembly, freedom of expression, freedom of information and communication of dissemination of ideas. Attacks on freedom of the press **have been carried out following police protocols inspired by the procedures known as "Lawfare" (or extralegal, improper and extra limited use of legal and judicial resources with the purpose of political persecution, as well as political use of legal instruments) "extraordinary rendition" (or "irregular rendition") and other similar forms of extrajudicial police, administrative, and para-judicial procedures, by means of avoiding applicable international and national human rights regulations, lack of legal safety and non-observance of the minimum intervention and ultima**

128 It is worth noting that Article 10.2 of the Spanish Constitution provides that "Provisions relating to the fundamental rights and liberties recognised by the Constitution shall be construed in conformity with the Universal Declaration of Human Rights and international treaties and agreements thereon ratified by Spain."

129 BOE no. 103 of April 30, 1977.

130 BOE no. 243 of October 10, 1979.

131 BOE no. 311 of December 29, 1978.

132 See articles 19 and corresponding of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (and its Additional Protocols) signed in Rome on November 4, 1950..

133 It should be noted that the international non-governmental organization Amnesty International has issued a statement reminding the authorities of Spain and Catalonia of the proper compliance with the rights to freedom of expression, assembly and demonstration both outside and inside Catalonia: see "1-O : National and Catalan authorities must guarantee the rights to freedom of expression, assembly and demonstration ", AMNISTIA INTERNACIONAL, September 23, 2017, www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/1-o-las-autoridades-estatales-y-catalanas-deben-garantizar-los-derechos-a-la-libertad-de-expresion/ (retrieved November 22, 2017).

ratio criminal principles by the Spanish Public Prosecutor's Office (including National High Court Prosecution and Catalonia's the Public Prosecution Office). Spanish Law Enforcement Agencies and their dependent bodies against a potentially large number of citizens of Catalonia (including the Government of Catalonia, Presiding Board of the Catalan Parliament, more than 750 mayors of Catalan cities, as well as representatives of the autonomous administration, municipal electoral coordinators, county electoral coordinators, electoral agents, high school principals, public or chartered schools principals, citizens, potential volunteers, auditors and/or voters of a consultative and political process).

3. Regarding the possible limitation of the human rights detailed in this Report, **there is no knowledge that the Spanish Government had called for procedures limiting rights provided for in international or national regulations:**

- a. There is no knowledge that the Spanish Government has informed other countries that signed the International Covenant on Civil and Political Rights through the Secretary General of the United Nations, of a suspension of rights, of the human rights provisions that were intended to be suspended nor reasons for said suspension, all of this as required by article 4.3 of the International Covenant on Civil and Political Rights¹³⁴ of which the Kingdom of Spain is a party.
- b. The Spanish state has not declared either the state of emergency or the state of siege that authorizes the suspension of certain human rights, as provided for in articles 55 and related of the Spanish Constitution¹³⁵,

134 Article 4 of the International Covenant on Civil and Political Rights establishes "1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. (...) 3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation. ", see Office of the High Commissioner for Human Rights of the United Nations Organization, www.ohchr.org/SP/ProfessionalInterest/Pages/CCPR.aspx (retrieved November 22, 2017). In a complementary manner, article 96.1 of the Spanish Constitution provides "Validly concluded international treaties, once officially published in Spain, shall be part of the internal legal system. Their provisions may only be repealed, amended or suspended in the manner provided for in the treaties themselves or in accordance with the general rules of international law ", www.boe.es/diario_boe/txt.php?id=BOE-A-1978-31229 (official Spanish version), www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf (official English translation from Spanish Parliament; retrieved November 22, 2017)

135 In addition, until October 15 the provisions of Article 155 of the Spanish Constitution for the imposition of certain obligations have not been used either. The formal requirement has not been made with precision of supposedly unattended and harmful obligations of the general interest of Spain by the Spanish Government, nor has it been approved with the constitutionally envisaged majority (absolute majority of the Upper House, Senate) the determination of compliance with obligations, despite the fact that the national Government has adopted orders to assume economic control and command of the police forces of the Government of Catalonia. It is in this context that the Spanish Government seems to adhere to harmful legal practices carried out by the "via de facto" corresponding to what has been known as the "extraordinary rendition" (or irregular surrender, previously cited) or "Lawfare" or

according to the constitutional and legal procedure.

4. In the actions related to human rights violations carried out by different authorities of the Spanish Government, there has been a use against international and national criminal law and the consubstantial principles of minimum intervention, proportionality and ultimate ratio (as established by the Constitutional Court of Spain), usual of a modern criminal law system within a democratic society¹³⁶.

extralegal actions that violate international treaties directly applicable in Spanish territory in the face of exceptional situations that are not reasoned, justified, or activated according to applicable international or national regulations.

136 In recent years, the Spanish Government has invited citizens to avoid going directly to the courts and to use dialogue and other means of conflict prevention and violence, and in particular the use of conflict mediation as a formal method of resolution of conflicts before going to court. What they ask to citizens should, as a matter of principle, be practiced by themselves in an exemplary way towards citizenship.

4.- THESE REPORT/ALLEGATIONS ON INCIDENTS ON HUMAN RIGHTS VIOLATIONS WILL BE NOTIFIED¹³⁷ TO THE FOLLOWING NATIONAL AND INTERNATIONAL ORGANIZATIONS:

1. United Nations Organization

- a. United Nations High Commissioner for Human Rights (OHCHR), Mr. Zeid Ra'ad Al Hussein.
- b. Human Rights Committee of the International Covenant on Civil and Political Rights (CCPR)
- c. Special Procedures Branch (OHCHR).
- d. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Juan E. Méndez
- e. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye
- f. Special Rapporteur on the independence of judges and lawyers, Mr. Diego García Sayan
- g. Special Rapporteur on the right to freedom of peaceful assembly and of association, Ms. Annalisa Ciampi
- h. Special Rapporteur on truth, justice, reparations and guarantees of non-repetition, Mr. Pablo de Greiff
- i. Independent expert in the promotion of a democratic and equitable international order, Mr. Alfred de Zayas
- j. Civil Society Unit for Universal Periodic Review (UN / UPR)
- k. Committee for the Elimination of Discrimination against Women (UN / CEDAW)
- l. UNICEF, Executive Director, Sr. Anthoni Lake.

2. Council of Europe

- a. Committee of Ministers of the Council of Europe
- b. Human Rights Commissioner of the Council of Europe, Mr. Nils Muiznieks
- c. President of the Parliamentary Assembly of the Council of Europe, Ms. Anne Brasseur

¹³⁷ This report / complaint shares the detailed facts, incidents and violations of related human rights to organizations, so that they may carry out the actions they deem pertinent, in accordance with their respective functions and competences; in the case of the Special Rapporteurs, it is requested that they be able to consider officially requesting an official visit to the competent authorities of the Kingdom of Spain and the Autonomous Community of Catalonia.

d. Secretary General of the Council of Europe, Mr. Thorbjorn Jagland

3. European Union

- a. European Commissioner for Justice, Fundamental Rights and citizenship, Ms. Viviane Reding
- b. President of the Parliament of the European Union, Mr. Antonio Tajani
- c. European Ombudsman, Mrs. Emily O'Reilly

4. Organization for Security and Cooperation in Europe (OSCE)

- a. Chair of the OSCE; Mr. Sebastian Kurz

5. Spain and Catalonia

- a. Spanish Ombudsman (Defensor del Pueblo), Mr. Francisco M. Fernandez Marugan
- b. Catalan Ombudsman (Síndic de Greuges), Mr. Rafael Ribó

5.- REPORT ON THE ATTENTION TO VICTIMS ON OCTOBER 1ST AND ACTIONS CONDUCTED SUBSEQUENTLY

This report includes the actions conducted within the framework of the campaign #SomDefensores during the celebration of the Referendum for Self-determination of Catalonia on October 1st and carried out subsequently as a result of the police violence experienced on that day. All of the actions were coordinated by Irídia - Center for the Defense of Human Rights.

Due to the seriousness of the events experienced on October 1st and the impact generated in our society, the City Council of Barcelona activated a service for the people who had been victims of aggression during the following days by the police during the referendum celebration. This service was carried out in a coordinated way between the Office for Non-Discrimination (OND) of the Barcelona City Council and the SAIDAVI d'Irídia; counting on the collaboration of the Catalan Association for the defense of Human Rights and the entity Fil a l'Agulla¹³⁸. The attention to the victims was realized of an integral way, offering orientation and legal advice and psychosocial attention and support to the victims and relatives of police aggressions. In addition, several community interventions were carried out in the most affected neighborhood centers and districts, offering psychosocial support and legal orientation.

5.1. ACTIONS CARRIED OUT ON OCTOBER 1ST

Regards the network of Human Rights Observers, the **members were divided into 18 teams of 4 or 5 people each distributed in the different neighborhoods of Barcelona, thus covering the observation of possible violations of rights in almost all of the city's electoral centers.**

The network had the support of a fixed group located in the headquarters of Irídia and formed by 20 people who were in charge of coordinating the different teams of observers, as well as the collection of data that they were recording. The fixed group was also responsible for the monitoring of social networks, in order to know what was happening in each of the electoral centers and to send the group of observers closer, as well as the mobile psychosocial team when it would be considered necessary. This group allowed us to be connected at all times with the observers who were at the streets and systematize the information, videos or photographs that the observers themselves recorded and sent through different Telegram channels enabled to this effect. At the end of the day, each group of observers went to the headquarters of LaFede.cat. There, on the one hand, the emptying of all the graphic material recorded throughout the day was carried out by each group of observers and, on the other hand, the reports of the different cases of violations of rights that had been detected, contrasting and verifying the information obtained in each one of the cases.

During the course of the day **the Human Rights Observers attended a total of 104 people:**

- **77** people who were **direct victims of aggression** by the agents of the National Police Corps.
- **27** people who were **direct witnesses of other police aggressions.**

Of the 77 cases of people who suffered direct assaults, 13 cases occurred in Cabo Guinardó; 11 at the Mediterranean School; 10 at the Institut Jaume Balmes; 9 at CEIP Àgora; 7 at the School Project; 5 at the Aquamarine School; 5 at the Joan Futser Institute; 4 to Trinitat Jove; 3 to CFA Freire; 2 at the Infant Jesus School; 2 at the Dolors Montserdà School; 2 at IES Pau Clarís; 2 at the Joan Boscà Institute; 1 at FEDAC Horta and 1 at Orlandai School.

Likewise, from the telephone charged with dealing with cases of police violence, a total of 28 calls were attended:

- **17** calls from people who were **direct victims of police aggression.**
- **11** calls from people who were **direct witnesses of other police aggressions .**

From the Reraguarda en Moviment¹³⁹ telephone, a total of 3 calls were received for detention situations; the three of them from outside the metropolitan area of Barcelona.

Regarding the psycho-social group, it was made up of 30 psychologists distributed in two teams: a fixed team of 10 psychologists located in LaFede and a mobile team of 20 psychologists distributed by the different neighborhoods in groups of 3 or 4 people. The fixed team attended a total of 25 people, all of them members of the network of observers. These people came with clear signs of fatigue and emotional overflow due to the visualization of violence they had been exposed to. An active, security and emotional containment space was created with them where they could express how they had felt, rest for a while and recover forces. **We also recorded a lot of indignation, sadness and impotence towards the situation we experienced.**

The mobile team was responsible for the emergency actions that occurred at the foot of the street or in the different electoral centers. The network of Human Rights Observers, along with the coordination that was made from the fixed group, allowed the team of psychologists to be informed at all times of the actions of the police forces in the different electoral centers. This way, street teams could be activated so that they could serve the people affected by first psychological help. In this sense, **a total of 35**

139 Solidarity Platform against Repression in Catalonia - <http://rereguardaenmoviment.org/>

people were attended, including 5 people over 70 and 3 minors.

The interventions carried out were in two lines: in the first place, an accompaniment was made to direct victims of police violence and their relatives. In total, 18 interventions were carried out in this sense and in these cases there were high levels of anxiety and nervousness, of feeling of lack of understanding and unreality of the situation. The intervention carried out was emotional containment, generating a security space and helping the person to request medical help and contact their relatives. Second, there was intervention to people who had been watching the violence exerted without being direct victims . The interventions carried out in this sense were 17 and a total of 6 anxiety attacks were recorded. The action in the cases of anxiety attacks was first to remove the person from the situation, find a space of comfort and perform relaxation techniques to help the person to reduce the symptoms. In one occasion the intervention of the public medical emergency bodies (SEM) was requested. In other cases there was a demand for emotional restraint and to find a space of comfort where people could express what they had lived, release tensions and meet the rest of the company. Many of the interventions carried out in this line took place in a group and the indignation and rage that had caused them to be experienced could be worked on. The electoral centers where the intervention was carried out are: Escola Àgora, Escola Ramon Llull, CAP Guinardó, CAP Maternitat, Escola Collaso i Gil, IES Pau Romeva.

It should be noted that the coordination of the different devices (legal, psychosocial and information gathering) along with the work of observation carried out by the network of observers not only allowed to consolidate a comprehensive protection of the rights of people, In addition, it has facilitated the obtaining of a large volume of graphic material that can serve as proof in the judicial processes that have been initiated later.

5.2. ACTIONS AFTER OCTOBER 1ST

Through the "Service of Attention to the Victims of Police Aggregations of October 1st" of the City Council of Barcelona, registered within its Office for Non-Discrimination (OND), offered psychosocial assistance and legal integral to all the people who contacted the service. The service was enabled from 2nd to 20th October and a total of 294 people were attended, 65 of which were attended in person, arranging a first interview with the person. It should be said that 9 people who were attended to the OND or had already been attended by observers or received assistance through the telephone of #SomDefensores on the same day of October 1st.

Through the first interviews, psycho-legal attention was given to people who had contacted the service. These interviews were conducted by a lawyer and a psychologist specializing in institutional violence with the participation of a psychologist or social educator of the OND of the City Council of Barcelona. Legal attention consisted of advice on the judicial channels for denouncing situations of violations of rights and repression suffered on October 1st by police forces. It was accompanied in the interposition of complaints and, in the cases in which they had already lodged, the legal attention consisted of the advising and accompaniment in the recolection and contribution of proof to the judicial instruction. Likewise, following the methodology used in SAIDAVI, the interviews included psychosocial attention in order to identify symptomatology related to the trauma, assessing the type of impact and damage caused to the person with the aim of strengthening the Preventing and having criteria for derivations to specialized services in case of detection of the need. On the other hand, it was given to the affected people tools of confrontation and resilience with the aim of activating own resources and fortifying them.

After the first interviews were conducted, **each of the cases studied were analyzed, valuing the advisability of assuming the defense of the case as Irdia, in order to consider it as a strategic litigation.** The objective in this regard is to exercise the particular accusation in order to obtain favorable judgments that can serve as precedents when it comes to preventing facts from happening as repeated ones. In the same way, after the first interviews were carried out, the team of psychologists of Irdia, with the previous agreement of the person affected, carried out the following follow-up interventions:

- Telephone tracking to assess the evolution of the symptoms and to accompany the person in their discomfort.
- Carrying out a second evaluation interview in case of need. With this interview, it is valued if you continue with more visits, if it is derived from other public network services, if phone tracking is done or if you no longer see the need to do more follow-up.
- In cases where a strategic dispute has been assessed, more individualized visits are carried out and an accompaniment in the judicial process.

In total, **there were 11 second valuation visits and 20 follow-up visits related to the case of strategic litigation.** Irídia's lawyers have filed **a total of seven complaints for the events** that took place on October 1st, which correspond to five different electoral centers: the Escola Mediterrània, the IES Pau Claris, the CEIP Els Horts, the IES Ramon Llull and Esola Prosperitat. Complaints are directed in all cases against the agents of the National Police Corps that have been identified thanks to the research work carried out by the entity and the work developed by the network of observers of #SomDefensores. Likewise, the complaints are directed against the commands that each of the police operations led.

From the information collected by the observers on the day of the events, as well as through the story of the people interviewed in the framework of the Service of Attention to Victims of Police Aggregations of October 1st, it has been detected a certain behavior of the agents of the National Police against the legality and that they reiterated in the different electoral centers. We have been able to verify that during the day of events the situations of blockade or encapsulation by the agents of the National Police were reiterated towards the people who were queuing in the different electoral centers, preventing this way that the people could leave the site without having to go through the police line. Therefore, the cases are focused on the responsibilities of the police commanders who made the decisions on October 1st, after having detected between different electoral centers a similar modus operandi contrary to legality.

On the other hand, there were situations in which unlawful use of police poles was made, often hitting through vertical blows and leading the blow to the top of the trunk. It should also be noted that according to the stories and images that have been provided to us by the people attended and compiled by the network of Human Rights Observers, the agents used rubber bullets in the immediate surroundings of the IES Ramon Llull and of the School Escuelas Pias de Sant Antoni. Thus, there is a graphic record of its use by the National Police's antiriot agents, firing, in some cases, directly - without bouncing - at a short distance from the public and in quiet settings. In other cases, they kicked people who had previously fallen to the ground and were therefore defenseless, as well as fists on their faces repeatedly. The people who related the facts to us, and regardless of the electoral center, agreed that at the time prior to the police charges there was no word warning on the part of the agents, indicating to the people who left the site. Likewise, all the people attended, have agreed that the people who were queuing in the different centers maintained at all times a totally peaceful attitude. That is why we have asked the judge to identify which specific persons had political or police responsibilities at the center of the command of the entire operation on October 1st, and that the police deliver the recordings made between the command center and the ground controls. Through these complaints, we seek to open a process of truth, justice and reparation that affects not only the victims it represents but the whole of citizenship.

In those cases in which SAIDAVI has not assumed the defense, Irídia's attorneys have contacted each of the people who were personally attended to the OND and who required some type of follow-up or advice. The actions in this sense have consisted of the advice and the contribution of test in the different phases of the judicial procedure, which have been extended more or less depending on the specificity and needs of each case.

Finally, it should be noted that in the framework of the Service of Attention to the Victims of Police Aggregations of October 1st, and in conjunction with the entity Fil a l'Agulla, it has been developed sessions of psycho- community response in attention to petitions received from schools and neighborhoods in the city, where the most shocking police charges were recorded. The psycho-community action aimed to strengthen local, associative and community networks of the neighborhoods for mutual support and collective support, as well as to make available to people psychosocial assistance tools in order to help them, identify the reactions, emotions and impacts derived from the current context of repression and strengthen the strategies of confrontation and resilience.

5.3. CONCLUSIONS OF THE ATTENTION ACTIONS

On October 1st, **a total of 132 people were attended through the network of Human Rights Observers and the active telephone:**

- 94 people who were direct victims of police aggression.
- 38 people who were direct witnesses of other aggressions.

That same day the psychosocial team attended a total of 35 people:

- 18 people who were direct victims of police aggression.
- 17 people who were direct witnesses of other aggressions.

Thus, on October 1st, the telephone and the mobile psychosocial team, through the network of Human Rights Observers, attended a total of 167 people, 112 of which were direct victims of aggression by the agents of the National Police Corps.

During the following weeks, through the Service of Attention to the Victims of Police Aggregations of October 1 of the City Council of Barcelona, a total of 294 people were attended, 65 of which were attended in person. Of the people attended in person, almost all of them had been victims of aggression by the agents of the National Police Force on October 1st, and 9 of them had already been assisted by #SomDefensores.

Thus, through the groups activated on October 1st in the framework of the campaign #SomDefensores, as well as through the Service for the victims of police aggression of the City Council, from 2nd to 20th October, **a total of 168 people were attended personally, almost all of whom were victims of police aggression.**

It is important to highlight that the data that we have been able to record refers

only to the city of Barcelona and to cases that, or were registered by the network of Human Rights Observers observers, the psychosocial group or the telephone; or they were subsequently registered by the Office for Non-Discrimination of the Barcelona City Council, through the people who contacted the Service. The figures, despite representing a very high number of cases of police aggression, do not correspond to the total number of cases of police aggression that could be given in the city of Barcelona on October 1st.

Regarding psychosocial involvement, through the work carried out by the team of psychologists of Irídia during the day of the facts, as well as in the framework of the Service of Attention to the Victims of Police Aggregations of October 1st, a deep sense of indignation, mistrust of the police authorities and misunderstanding of what happened has been detected. The non-public and social recognition by the authorities of the Spanish State has generated a **silencing of the pain experienced by the people affected by police violence and the repression experienced, causing in several cases a revictimization of the person.**

Finally, through the data presented by the network of Human Rights Observers, contrasted with the videographic images recorded by them; as well as for the later reports of the people attended in the framework of the Service of Attention to the Victims of Police Aggregations of October 1st of the City Council of Barcelona, **we can conclude that the agents of the National Police acted disproportionately and contrary to the protocols in most cases, responding to a similar modus operandi in each of the electoral centers.** It is for this reason that, apart from the responsibilities that can be derived by each of the police officers who carried out direct attacks, we believe that it is necessary to focus investigations into the responsibilities of the police and political commands that made the decisions. **It is necessary to open a process of truth, justice and reparation that affects not only the victims, but represents the whole of the citizenship,** and that is where the seven pledges intertwined by Irídia, with the support of Novact, focus on the events that have occurred on October 1st, 2017.

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