



SATURDAY DECEMBRE 15, 2018
at 1:00 pm

NO JUSTICE

ALL TO MADRID!

IN FRONT OF THE SUPREME COURT
(Plaza Villa de Paris)

<https://nohayjusticia.org/>

Frequently in the Spanish State, the Supreme Court, the Constitutional Court and the National Court are issuing resolutions that not only involve abusive interpretations of the law but also are clear violations of civil and political rights. This dynamic generates defencelessness for the citizens as well as social alarm, and produces a growing lack of confidence in the work of the Judiciary and those who govern it.

We all have in our memory such scandalous cases as The Wolf Pack (known as *La Manada* in Spain), Castor, Palma Arena, Nóos, and Altsasu, as well as other sentences that clearly violate freedom of expression (Valtònyc, Pablo Hassel, ...), and also recently one regarding stolen children. Previously, in similar cases, the Strasbourg Court of Justice had to be resorted to, which resulted in, many years later, rulings in favor of those affected, such as the case of the Basque Parliamentary Board, the case of the *Egunkaria* newspaper, the case of Girona youth burning photos of the king, and so on.

The wretched clientelistic practices for promotion in the judicial service still persist and have led to the rise of a small group of magistrates who by political appointment have been promoted to the highest positions of the judicial administration, appointments not based on professional merit but on **ideological affiliation. This designation mechanism attacks the principle of separation of powers, and is a genuine fraud at the very core of the democratic system.** With these appointments, we can affirm that the Judiciary is one of the branches that has not yet carried out an effective transition to democratization that is necessary to break with the Franco era.

This anomaly in the functioning of the Spanish Justice has been highlighted in the Council of Europe's GRECO¹ reports, which, in four consecutive reports, **have issued warnings and denunciations for bad practices carried out continuously over time.** The GRECO reports confirm the absolute bias of the high levels of Spanish justice as a result of their appointment by a politicized body like the CGPJ².

At the same time, the approval and irregular and abusive application of legal instruments such as the Gag Law, the Law of Parties, etc., which, together with the transfer of cases to the Supreme Court and the National Court, entail situations of citizen defencelessness and the application of incomprehensible emergency measures despite the absence of violence

¹ Group of States Against Corruption (*Grupo de Estados contra la Corrupción* - GRECO)

² General Council of the Judicial Branch (*Consejo General del Poder Judicial* - CGPJ)

(unconditional imprisonment without bail, disqualifications from public office, high dissuasive fines, property embargoes, territorial confinement, etc.). It is also inadmissible that prison policies involve repression or withdrawal measures that induce harm to families. This harsh action is accompanied by the Judiciary's permissive treatment of the violent attitudes of racist and fascist groups (València, Blanquerna, ...), which suggests an alarming turn.

The Magistrature is showing its favorable disposition, in multiple cases, to the accusations of right-wing groups, which are presented through Spain's criminal procedure form called "people's accusation"³, a procedural form nonexistent in many other countries.

And furthermore, the judicialization of politics has for years allowed the Spanish Government to act through the Office of the Prosecutor to fight alternative social and economic models, political dissidence and to prohibit mechanisms of consultation and popular participation, actions that are a serious attack against civil and political rights and that weaken, with each new day, the quality of democracy.

It must be remembered that in Catalonia alone there are more than 1,200 people accused and investigated, more than 700 of whom are local authorities and other elected officials, all of whom have seen their individual and collective rights severely affected because of peaceful and non-violent actions in the exercise of their representative office. Although the trials have not yet been held and therefore all should have the right to the presumption of innocence, the Spanish Judiciary is imposing unconditional imprisonment without bail, preventive disqualifications and serious interference in the functioning of public institutions (Parliament and municipalities), thus infringing upon the result of public elections.

All these practices contrast with the rulings given by the courts of other European countries (Germany, Belgium and Great Britain) to the extradition request that the Spanish Justice issued for the exiled politicians, accused unjustly for rebellion and sedition.

In recent days, **unusual criminal proceedings have been unfolding in many territories, including Andalusia and Madrid**, ... even imposing prison sentences on people who participated in peaceful protests - ignoring the rights of protest, freedom of expression and demonstration. **Another of the alarming manifestations is the application of article 315.3 of the Penal Code, with Francoist reminiscences, against trade unionists who participate in strikes and demonstrations**, which have already resulted in the indictment of more than 300 people. All these circumstances seem unimaginable given the facts being judged, especially taking into account the total absence of violence, and stand in contrast with the treatment given to people like Urdangarin, Rato or Bárcenas who have enjoyed freedom during their judicial processes.

And it is worth noting the **model of impunity maintained by the Judicial Branch in relation to the lack of investigation and prosecution of the crimes against humanity committed during the Franco dictatorship**. From the judicial point of view, the policy of impunity is being sustained on two levels: on one hand, it is seriously hampering the processing of the criminal case overseen by the Court of Buenos Aires (the so-called Querrela Argentina), denying arrest warrants and requests for extradition of the accused, refusing to take an investigatory

³ The "people's accusation" is a criminal procedural form that grants active legitimation, that is, the power to be a plaintiff or accuser in a trial, to any person who invokes the breach of the law by the accused, without needing to justify his or her procedural interest in having suffered a particular damage caused by the agent of the denounced conduct.

statement from the accused, etc ... and, on the other hand, refusing to process the criminal complaints filed in the Spanish Courts. In this sense, the non-admission of the complaints against Antonio González Pacheco (Billy the boy) is framed.

Sentences such as that of The Wolf Pack also make it clear that the judiciary must assume that violence against women is not an individual or private issue, but rather a matter of social and political enormity. Violence against women is the highest denial of human rights and evidence of patriarchal domination that halts women from achieving their full development as human beings and citizens in their own right. Sexist violence is one of the worst scourges of societies and **the Judicial Branch must be trained to increase its social sensitivity** and contribute to its eradication.

Furthermore, in the recent case of mortgages, the Judicial Branch's erratic reaction to stop a judgment that was unfavorable to the banks, are a clear indicator that brings into question the neutrality of the Spanish justice system.

For all these reasons, **NO JUSTICE** seeks to be a social space of denunciation against all these violations of rights and, as such, we propose a joint mobilization, driven by many sectors, to denounce the manifest irregularities of the Spanish Judicial Branch.

In this regard, we convene a demonstration to be held this December 15 in Madrid, in front of the National Court and the Supreme Court, in order to make visible, even more so, the strong democratic deficits that have been creeping since the Franco regime.

We want to show that the Judiciary protects the elites and that the judicialization of political life is a mechanism that is applied systematically against any form of political discrepancy that seeks to be transformative and that intends to act to move beyond the 1978 regime. Therefore, we denounce that, now 40 years ago, a transition was established that sought **to shield the monarchy, perpetuate the privileges of the oligarchies and restrict the civil and political rights both of the citizens as well as of the various Nations in the Spanish State.**