

# The Council of Europe lifts sanctions against Russia disregarding human rights

By Willy Fautré and Aaron Rhodes

EU Political Report (26.06.2019) – <https://bit.ly/2Xy4lA9> – On Tuesday (25 June), the Parliamentary Assembly of the Council of Europe (PACE) lifted sanctions against the Russian delegation, a decision correctly named by some media as a “moral victory of the Kremlin.” The Ukrainian delegation walked out in protest and slammed the decision as an “unacceptable concession to Russia”, write Aaron Rhodes and Willy Fautré.

The Russian delegation had been stripped of its voting rights in 2014, following Russia’s annexation and invasion of parts of Ukraine.

Why would members of PACE want to hand the Russian Federation a moral victory? The problems that led to sanctions have not been reversed. The head of the Ukrainian delegation, Volodymyr Ariyev, said the decision sent “a very bad message: do what you want, annex another country’s territory, kill people there, and you will leave with everything.”

Two reasons behind the decision emerged from European leaders, which are windows into the way they think about human rights.

The sanctions “weren’t effective,” according to Belgian MP Petra de Sutter. Well, human rights are about principles, not about what works and does not work, and when we subject decisions made on principle to a utilitarian calculus, then we undermine their moral value. Condemning and sanctioning gross violations of human rights rarely have any immediate impact. Should members of the international community thus cease invoking and acting upon principles and standards, and retreat into the anodyne bureaucratic blah-blah that more and more substitutes for truth-telling about human rights?

But it gets worse. French EU affairs minister Amelie de Montchain opined that France “wanted to preserve the pan-European dimension of the Council of Europe.” Then, apparently insensible to the profound contradiction it posed, she followed by saying, “We don’t do geopolitics here, the values we defend are human rights values.”

Of course, geopolitics is exactly what has been done. Once again, human rights “values” have been sacrificed on the alter of a geopolitical agenda, namely the appeasement of Putin’s Russia under the illusion that Russian aggression and human rights abuses will somehow be mitigated by these being overlooked by Europe’s premier human rights formation.

Of course, they won’t. The aggression and the subversion of human rights in Russia, in Russia’s newly conquered areas of Donbas and Crimea, and in states under Russia’s thumb, will be legitimized and will worsen.

What is more, Russia back in PACE means that Russia can resume a program of weakening human rights protections for people in other Council of Europe members states. Pro-Russian candidates will now more easily gain support in the organization. Russian PACE delegates will oppose criticism of other states, citing the over-riding principles of sovereignty and cultural relativism. Russian delegates to the PACE greeted the news with a threat that "any more sanctions, no matter how insignificant," will not be tolerated. The next time Russia invades another country, PACE presumably won't even bother to impose sanctions; remember, sanctions aren't "effective."

The leaders of France, Germany, Switzerland and other powerful members of the Council of Europe that supported appeasing Russia delude themselves if they think they have acted in the interests of Russia's oppressed citizens. Russia violates almost every article in the European Convention on Human Rights. Russia has been convicted numerous times by the European Court of Human Rights. The human rights situation in Russia is worse now, than at any time since the Cold War.

And European leaders seem insouciant to the fact that they have placed the human rights of their own citizens at risk by inviting a destructive influence back into a deliberative body charged with acting on principles that are essential to our freedom. Membership in the Council of Europe clearly does little for human rights in Russia, but, under the present regime, it threatens the rights and freedoms of other Europeans.

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# **RUSSIA/ UKRAINE-CRIMEA: Five Crimean Tatars sentenced to 68 years for peacefully practising their faith in Russian-occupied Crimea**

KHPG.org (19.06.2019) – <https://bit.ly/2Ivajth> – There had never been any terrorist attacks in Crimea before 2014, nor have there been any since, yet Russia began arresting and sentencing Crimean Tatars and other Ukrainians to horrifically long sentences on ‘terrorism’ charges within months of its invasion and annexation of the peninsula. A Russian court has now sentenced five Crimean Tatars to a total of 68 years for alleged ‘involvement’ in a totally peaceful movement which is legal in Ukraine. Not one of the men was accused of anything that could remotely be considered a crime in any democratic country, nor was any real evidence provided to back the charges of involvement in Hizb ut-Tahrir. None was effectively required, since the ‘trial’ was held at the Northern Caucasus District Military Court whose judges first gained notoriety for their politically motivated sentences against Ukrainian filmmaker Oleg Sentsov and civic activist Oleksandr Kolchenko.

The five Crimean Tatars are from Stroganovka, near Simferopol, and were arrested on 12 October 2016. As in all such ‘Hizb ut-Tahrir’ cases, the FSB designates at least one person as ‘organizer’ of a supposed Hizb ut-Tahrir ‘cell’ (under Article 205.5 § 1 of the Russian criminal code), while the others are charged with ‘involvement’ in the ‘cell’ (Article 205.5 § 2). Who is dubbed ‘organizer’, who ‘involved’ always seem very

arbitrary, with the main difference in the severity of the prison sentence. In this case, 44-year-old Teymur Abdullaev was sentenced to 17 years' His brother, Useir Abdullaev to 13 years; Rustem Ismailov – 14 years; and Emil Dzemadenov and Aider Saledinov to 12 years. Three of the lower sentences were actually one year higher than those asked for by the prosecutor. Two of the three judges in this case, Anatoly Kolesnik (presiding judge); Igor Kostin and Edward Korobenko, had already taken part in at least one other 'trial' where men who had committed no crime at all were sentenced to long terms of imprisonment in the harshest of Russian prison colonies.

Russia's Hizb ut-Tahrir prosecutions have been aptly called a conveyor belt of repression, with the Russian FSB using the same format for the charges, very often the same entirely unqualified 'experts', and secret witnesses. Even with obliging 'experts' willing to find 'extremism' in the simplest of statements, and people whose testimony and credentials cannot be verified, the prosecution still came up only with the vaguest of allegations. All were essentially charged with holding conversations on religious subjects, with the dodgy 'experts' alleging that a word here, or there 'proved' that the men belonged to Hizb ut-Tahrir.

As well-known Ukrainian historian Gulnara Bekirova says, it is impossible not to feel intense outrage at the flagrant injustice meted out. "Crimean Tatars, Muslims who lived in their own native land in Crimea, who were raising their children and, most importantly, had not committed any crimes, have received sentences which the most dangerous criminals in Russia do not get. "

Russia's Supreme Court declared Hizb ut-Tahrir to be a

'terrorist' organization in 2003, in an effectively secret session, which Hizb ut-Tahrir representatives and human rights groups were informed about only much later, after it was impossible to appeal the decision. No sensible grounds were given, and there is nothing to suggest that Hizb ut-Tahrir has ever committed any act of terrorism or violence anywhere in the world.

It is especially telling that until 2014, there were prosecutions because of this Supreme Court judgement, but people were not given prison sentences. What changed in 2014 was that Russia invaded and annexed Crimea, began its military aggression against Eastern Ukraine and a major information war, which clearly required an FSB that was supposedly 'fighting terrorism and extremism'. Hizb ut-Tahrir prosecutions are known to bring the FSB 'investigators' promotion or other benefits (details here).

All the trials of Crimean Tatars and other Ukrainians since Russia's invasion in 2014 have borne a terrifying similarity to the 'trials' in Joseph Stalin's Soviet Union. While the victims are no longer simply executed, the charges are generally surreal and totally unrelated to any normal understanding, not just of what terrorism is, but what the law is there to regulate. Most ominously, there is an entire repressive machine in which FSB officers, the prosecutor's office and judges take part in imprisoning men for decades, and shattering whole families.

The five Crimean Tatars sentenced on 18 June 2019 are all well-educated men and devout Muslims, who lived law-abiding lives, bringing up their young families. Many of the 18 children whose fathers have been taken from them were

themselves present and deeply traumatized when armed and masked men burst into their homes three years ago. If Russia has its way, and they must not, these children will be adults before they see their fathers again. Like other Ukrainian political prisoners, they will be sent far from their homes and families, in one of the numerous violations of the European Court of Human Rights seen in these cases.

All five men have long been recognized by the renowned Memorial Human Rights Centre as political prisoners. Memorial has long condemned Russia's use of 'terrorist' charges which have no foundation, and points also to the grave breach of international law since Russia has no right to apply its repressive legislation on illegally occupied territory.

#### **HRWF Comment**

According to the European Court, Hizb ut-Tahrir is not a religious organization but a political party. It is not violent and does not incite to violence. However, the European Court dismissed a complaint by Hizb ut-Tahrir against their ban in Germany because it advocates the overthrow of non-Islamic governments and the establishment of an Islamic Caliphate. The Court also held in particular that under Article 17 (prohibition of abuse of rights) of the European Convention on Human Rights, it was impossible to derive from the Convention a right to engage in an activity aimed at destroying any of the rights and freedoms set forth in the Convention.

See: <https://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=874>

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# **RUSSIA: Misuse of the anti-extremism law in April**

Sova Center (10.05.2019) – <https://bit.ly/2WHaHhm> – In late April, the Privolzhsky District Military Court sentenced five residents of Almetyevsk (the Republic of Tatarstan) on the charges of involvement in the Islamic religious party Hizb ut-Tahrir, recognized in Russia as a terrorist organization. Anas Gimazetdinov was sentenced to 18 years in a penal colony with subsequent restriction of freedom for one year under Article 205.5 Part 1 of the Criminal Code (organizing the activities of a terrorist organization). Irek Mukhametov also faces 18 years in a penal colony, with restriction of freedom for one year under Article 205.5 Part 1 and Article 205.1 Part 1 (soliciting, recruiting or other involvement of a person in terrorist activity). Azat Zagiev was sentenced to 13 years in a penal colony under Article 205.5 Part 2 (participating in the activities of a terrorist organization) and Article 205.1 Part 1; Rinat Khannanov and Emil Shangareev – also to 13 years in a maximum security colony under Part 2 of Article 205.5. All five were arrested in October 2017. They were charged for holding meetings that involved reading and discussion of the party literature and for recruiting new members to join Hizb ut-Tahrir. In our opinion, charging Hizb ut-Tahrir followers with terrorism solely on the basis of their party involvement is inappropriate.

A new criminal case was launched in mid-April against Bashkir nationalist Airat Dilmukhametov under Article 205.2 Part 2 of the Criminal Code (public justification of terrorism on the Internet) and Part 1 of Article 280 of the Criminal Code



(public calls for extremist activity). According to the available information, the investigation applies Article 205.2 of the Criminal Code based on the fact that Dilmukhametov posted a video about the persecution of Hizb ut-Tahrir members on YouTube on November 6, 2018. He characterized the harsh punishments they face under Article 205.5 of the Criminal Code as unjust, but, at the same time, warned young people against joining the party, criticizing its ideology. Thus, Dilmukhametov did not even agree with the ideology of Hizb ut-Tahrir, let alone any advocating or justification of terrorist activities – he merely stated that this organization does not resort to terrorist methods of struggle. As for the charges under Article 280 of the Criminal Code, we cannot evaluate the extent of their appropriateness due to our lack of information on the content of the statement; we only know that the statement in question was public and pertained to the Chechens. We view the prior charge against Dilmukhametov under Article 280.1 of the Criminal Code as inappropriate.

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# **MOROCCO: Western Sahara: What Horst Kohler's resignation means for the political process**

*Horst Kohler, personal envoy of the UN Secretary-General for the Western Sahara, surprised many with his decision to resign on May 22.*

By Samir Bennis

Morocco World News (31.05.2019) – <https://bit.ly/2Ie4m2A>– Kohler's resignation comes at a time when the political process he led since his appointment in August 2017 had been revived after more than eight years of stalemate.

## ***Kohler's impact on the political process***

There is no doubt that Kohler's sudden departure is a major

setback for the UN political process to help the parties to the conflict achieve a mutually acceptable political solution.

To better understand the negative impact this resignation will have on the political process, it should be examined in its political context. It comes after two round tables in which all parties to the conflict, including Algeria and Mauritania, took part and three weeks after the Security Council adopted a new resolution in which it urges them to cooperate in good faith to pave the way towards a settlement.

Although the round tables held in Geneva in December 2018 and March 2019 did not lead to any substantial progress or address the substantive issues, the fact that Kohler brought all parties together, including Algeria and Mauritania, after more than eight years of stalemate, was in itself a diplomatic achievement. Kohler managed to achieve in less than two years what his predecessor, Christopher Ross, had failed to achieve in more than nine.

Kohler breathed new life into the political process and thanks to his charisma and his gravitas, he enjoyed the relative trust of all parties. With his resignation, the political process is likely to return to square one. As an immediate result, it is likely that there will be no roundtables until early next year or even later. Therefore, the provisions of resolution 2468 adopted on April 30 will come to naught.

***Uphill road to appoint a new personal envoy***

During the remaining four months of the mandate of the UN Mission in the Western Sahara, known as MINURSO, the focus of the UN Secretary-General and the Security Council will no longer be on ensuring that the parties participate in a new round table, but to appoint a successor to Horst Kohler. Given the complex nature of the conflict and the failure of five former UNSG personal envoys to successfully lead the political process, it is unlikely that Antonio Guterres, Secretary-General of the UN, will succeed in appointing a new personal envoy before the end of MINURSO's mandate on October 30th.

Guterres took more than seven months to appoint a new personal envoy following his inauguration as UNSG on 1 January, 2017. Although the former personal envoy Christopher Ross resigned in early March 2017, it was an known within the UN since the end of 2016 that Guterres wanted to appoint a new personal envoy to move the political process past the impasse.

Guterres' mission to find a successor will be all the more complicated since he will have to reconcile the positions of all parties and appoint a personality that can earn their trust. As in the past, the parties will engage in fierce diplomatic maneuvering behind the scenes to influence the decision of the UNSG. With the presence of John Bolton in the Trump administration, it is likely that he will try to influence the choice of the future personal envoy as well.

### ***Behind the scenes maneuvering to sway the decision of the UNSG***

Algeria and Polisario, who have often welcomed that the personal envoy be American, will strive to make sure that

Kohler's successor will also be American. In the coming weeks, the lobbying firms Foley Hoag and Keene Consulting, which work for Algeria, will certainly double down on their efforts to convince the US administration of the need for an American to oversee the UN-led political process of the Western Sahara.

Conversely, Morocco, which has had disappointments with former personal envoys James Baker and Christopher Ross, both Americans, will certainly try to ensure that the new personal envoy be European. The two times that American diplomats led the political process, they took positions that undermined Morocco's interests, and were even accused of bias in favor of the Polisario.

In 2003, when James Baker was the personal envoy of former UN Secretary-General Kofi Anan, he proposed the so-called "Peace Plan for the Self-Determination of the People of Western Sahara." The plan proposed a transitional period of 5 years, followed by a referendum of self-determination with the option of independence among the two possible options. More still, Baker proposed that the Security Council implement the peace plan without the consent of the parties. Although the UNSG tried to add autonomy as a third option to reassure Morocco and secure its approval, Rabat rejected it.

The plan sparked such concern in Morocco that Moroccan diplomacy began to question whether Baker's plan had been proposed at the behest of the US administration. It took a meeting between King Mohammed VI and US President George W. Bush on the sidelines of the UN General Assembly in September 2003 for Rabat to be assured that the US position on the conflict had remained unchanged and that Baker's plan did not represent the American position.

A similar scenario happened with former personal envoy Christopher Ross. Ross was appointed to replace Dutch diplomat, Peter Van Walsum, who had repeatedly said that the option of independence of the Western Sahara was not viable.

Ross took office in January 2009, almost two years after the start of the 2007 political process and four rounds of negotiations under his predecessor Van Walsum. However, instead of building on his predecessor's work, Ross preferred to take a new approach and seemed willing to consider the option of independence.

Moreover, during most of his term, the political process deviated from his main objective, insofar as Ross appeared receptive to the weaponization of the issue of human rights in the Western Sahara by the Polisario and Algeria. This prompted Morocco to withdraw its confidence in him in mid-2012, to only recant its decision after it received assurances from former UNSG Ban Ki-moon that the parameters of the initial political process would be maintained.

### ***Morocco's preference for European personal envoy***

By contrast, Morocco's interests were strengthened during the mandate of Peter Van Walsum and Horst Kohler. After three years as a personal envoy of the UNSG, the former Dutch diplomat became deeply convinced that the establishment of a new state in southern Morocco was not viable, hence the need to find a political solution.

Likewise, during Horst Kohler's short term, the Moroccan position was further strengthened to the chagrin of Polisario and Algeria. Three resolutions were adopted during his mandate: Resolutions 2414, 2440 and 2468. They placed an unprecedented emphasis on the need for the parties to strive to find a compromise to achieve a "realistic, practicable and enduring political solution to the question of Western Sahara based on compromise." In addition, Resolutions 2440 and 2468 have progressively paved the way for the Security Council to consider Algeria as a party to the conflict.

The unprecedented inclusion of Algeria in these two resolutions on an almost equal footing with Morocco, responds to a long-standing request from Rabat that the UN consider Algiers as a party to the conflict, since the Polisario would not have existed or lasted without its logistical, financial, political, military, and diplomatic support. This involvement of Algiers in the process was a necessary condition for Morocco to participate in any discussion or round table with the Polisario.

Moreover, the last three reports of the UN General Assembly and the latest Security Council resolutions called on the Polisario to stop its actions and provocations in the Guerguerat area and to refrain from deploying its administrative functions in the area east of Morocco's defense wall, including Tifariti and Bir Lahlou.

In addition, the UN Secretariat and the Security Council have put an end to the mirage of the "liberated zones" long peddled by the Polisario. Polisario's allegations concerning these

zones suffered a further setback in the last UNSG's annual report on the conflict in which he summoned the separatist movement to meet with MINURSO representatives in the Rabouni region, in the Tindouf camps, and not in the "liberated zones."

Contrary to what has been said, the hypothesis that Kohler resigned because of pressure from Morocco is not plausible. To be sure, Kohler took a step that was not viewed favorably by Rabat. Since taking office in September 2017 and despite Morocco's opposition to any involvement of the African Union in the UN-led political process, Kohler made no secret of his intention to involve the AU and the European Union in the process. Morocco had to engage an all-out diplomatic offensive to prevent the involvement of the AU and the EU and ensure that the Western Sahara remain an exclusive prerogative of the United Nations.

Nevertheless, once the African Union solemnly affirmed that the conflict is within the exclusive purview of the UN, Morocco benefited from Kohler's mediation efforts. To say that Morocco is behind his resignation omits all the aforementioned facts and shows a lack of understanding of the balance of power within the Security Council.

If Morocco had such an influence on the political process and on the Security Council, it would have gotten rid of the former personal envoy, Christopher Ross. Even after declaring him persona non grata in 2012, Morocco had to reconsider its position and its decision to collaborate with him.



If Morocco failed to make its position prevail at the time partly because of US pressure, it would be even less able to do so now with the presence of John Bolton, notorious for his bias in favor of the Polisario. Even if Morocco were tempted to put pressure on Kohler to force his departure, it would risk the wrath of the Security Council, which has just expressed "its full support for the ongoing efforts of the Secretary-General and his Personal Envoy to sustain the renewed negotiations process in order to achieve a solution to the Western Sahara question."

### ***Beyond Kohler's health condition***

Beyond the health reasons cited by Kohler, it appears more plausible that his sudden decision was made because of the highly complex nature of the conflict. After nearly two years of talks and discussions with both parties and members of the Security Council, Kohler likely realized that no matter how hard he tried to ensure a successful outcome of the political process, his good offices will fall short because of the intransigence of the parties and the lack of political will in the Security Council to adopt an approach that can end the conflict.

One more plausible explanation of his resignation is his conclusion that after two round tables and almost two years of sustained efforts that none of the parties are ready to budge on their positions and no matter how many round table he would oversee, his efforts would fall short of achieving the desired outcome.

In addition, the adoption of Resolution 2468 and the abstention of Russia and South Africa have perhaps served as wake-up call for Kohler that it would be futile for him to continue. This was the second Russian abstention since Kohler took office. Despite the progress Kohler has made since taking office, Russian abstention was as a clear sign that none of the permanent members are ready to support a solution that undermines the interests of its allies involved in the conflict.

Rather than continue to oversee a political process that has no chance of succeeding and in which four of his predecessors have failed, Kohler has most likely preferred to throw in the towel and avoid being trapped in a vicious cycle.

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## **EU top court says German prosecutors can't issue European arrest warrants**

*According to the Court of Justice of the European Union, German public prosecutors are not independent when prosecuting cases. As a result, they will no longer be allowed to issue European arrest warrants, which could considerably increase the work of German courts.*

By Florence Schulz

EURACTIV (29.05.2019) – <https://bit.ly/2QMgkV3> – A European arrest warrant may only be issued by a judicial authority that is deemed to be completely independent of the executive.

However, the Court of Justice of the European Union (CJEU) ruled on Monday (27 May) that this is not the case for German public prosecutors as they have to report to the Ministry of Justice before starting investigations.

Therefore, according to the judges in the Luxembourg-based court, it cannot be ruled out that instructions from the minister of justice could influence the work of investigators in some cases.

In other words, when investigations by the respective state governments fall flat, the Ministry of Justice could try to prevent the public prosecutor's office from carrying out investigations. This could be the case in a potential affair where party donations are at play.

In most other EU member states, the public prosecutor's office is independent of the ministries of justice. An inglorious example is Poland, where the rule of law has been weakened by several judicial reforms, severely limiting judicial independence and putting Warsaw on a collision course with Brussels.

But the German system has also been criticised for some time. In 2009, a resolution passed by the Council of Europe's Parliamentary Assembly in response to a report drafted by the

Committee on Legal Affairs and Human Rights called on Germany to strengthen the independence of its prosecutors and judges.

The consequence of the CJEU ruling is likely to be that only German courts will be allowed to issue European arrest warrants in the future. Currently, it's public prosecutors who are in charge of issuing European arrest warrants.

For the courts, this would mean a lot more work, even if the public prosecutor's offices did the preparatory work.

According to research conducted by the Legal Tribune Online, additional questions are in need of clarification, including which courts would be responsible for examining and issuing European arrest warrants, and whether existing arrest warrants need to be reissued.

According to the German Federal Police Office, there are currently around 5,600 European arrest warrants, the Legal Tribune Online reported.

The international NGO Transparency International has long been pressing for the reform of the German justice system.

The CJEU ruling now gives another urgent reason for such a reform, according to Reiner Hüper, director of the working group for criminal law.

“The possibility of the executive branch exerting this influence damages the national and international reputation of the German criminal justice system and undermines confidence in the rule of law,” he told EURACTIV.

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# **SPAIN: UN report proves Catalan separatists ‘political prisoners’, says Puigdemont**

*Trio arrested over alleged role in failed independence bid should be freed, panel says*

By Owen Bowcott and Sam Jones

The Guardian (29.05.2019) – <https://bit.ly/2YXnEzV>– The fugitive Catalan leader Carles Puigdemont has welcomed a UN report on the detention of three fellow separatists, which he said confirmed they were “political prisoners”.

The former Catalan vice-president Oriol Junqueras and the Catalan civil society group chiefs, Jordi Cuixart and Jordi Sànchez, arrested over their alleged role in the failed regional independence bid, have been in custody since late 2017 and are among 12 regional leaders currently on trial in Madrid.

A copy of the report, seen by the Guardian, concludes their detention was “arbitrary”, adding: “The working group considers that, given the circumstances of the case, the correct solution would be to free Cuixart, Sànchez and

Junqueras immediately and offer them the right to obtain compensation and other forms of reparation in accordance with international law.”

Puigdemont, reacting to the as-yet unpublished findings by the UN working group on arbitrary detention (UNWGAD), called on the new socialist government in Madrid to release all of the jailed Catalan activists immediately.

“This report is a clear condemnation of Spain’s breach of their fundamental rights,” the former Catalan president said before he flew out of London on Wednesday.

“It’s a shame for Spain. There’s clear abuse of detention powers. I can’t recall any case among European democracies in which the UN has expressed such clear condemnation and asked so clearly for [detainees] to be released.

“This confirms that they are political prisoners as a consequence of their illegal detention. They have lost their political rights as Spanish MPs. It’s absolutely mandatory that the Spanish authorities release them.”

The Catalan MPs were arrested – and Puigdemont fled into exile – after the Catalan independence referendum on 1 October 2017. The unilateral vote was staged in defiance of the then Spanish government of conservative prime minister Mariano Rajoy, and of the country’s constitution, which is founded on the “indissoluble unity of the Spanish nation”. The referendum law was suspended by Spain’s constitutional court three weeks before the vote.

Spain’s socialist government, led by Pedro Sánchez, has insisted the events surrounding the referendum and the Catalan parliament’s subsequent unilateral declaration of independence were judicial rather than political matters, and said it could not intervene.

The UNWGAD investigates arbitrary detentions which are alleged

to be in breach of the Universal Declaration of Human Rights. It has no direct powers to enforce its decisions and relies on states to enact its decisions. It previously found in 2016 that the conditions under which Julian Assange, the Wikileaks co-founder, sought refuge in the Ecuadorian embassy in London amounted to “arbitrary detention”.

Puigdemont, who was elected an MEP last week, said he hoped Spain would respect the report. “Spain must explain to the international community how they will respect human rights. [The government] has a chance now to prove its commitment to international agreements and treaties.”

Ben Emmerson QC, the British barrister representing three of the detained Catalan MPs, said: “This decision should mark a turning point in Spanish policy towards Catalonia. Spain is acting in flagrant violation of international law, and it had been called out by the UN body with ultimate authority on the question of arbitrary detention.

“If Spain does not immediately release all the political prisoners, and sit down at the negotiating table, the government in Madrid will soon find itself struggling against the tide of international public opinion.

“The Spanish government needs to shake off the authoritarian instincts that are a hangover from Franco’s enduring dictatorship, and move very rapidly into the 21st century. Modern democracies do not lock up democratically elected politicians simply because they argue for independence. That is the hallmark of repressive regimes, and has no place in the European democratic order.”

Puigdemont said he wanted to take his seat in the European parliament but Spain needed to lift the threat of arrest against him. He was detained last year in Germany on an international arrest warrant issued by a judge in Spain. He said while he felt free to travel throughout Europe, apart

from Spain, he “can’t return [to Catalonia] without the danger of being arrested”.

The Spanish government has not replied to his request to re-enter the country without being arrested.

He said he would campaign in the European parliament for “the right of self-determination in order to prevent and resolve conflicts and also to support democracy against the rise of populism”.

Puigdemont added he had been in contact with the pro-independence Scottish National party in the past and hoped to work with it in the EU parliament.

Carlos Bastarrache, the Spanish Ambassador to London, demanded the UN conduct an audit of how the report came to be compiled and leaked, claiming “rules of procedure had not been respected”.

Speaking at a briefing in London, he described the report as “a clear interference in the Spanish courts of justice with the clear objective of continuing to attack the judicial system in Spain.”

He said the report itself was marked by a lack of rigour and based on a series of false premises including the legality of the referendum. He added there had been no restrictions on freedom of expression, as the report claimed.

**More reading:**

[Spain decries UN working group’s opinion on jailed Catalans](#)  
[Spain told by U.N. body to free jailed Catalan separatists](#)