

DECLARATION OF JORDI SÁNCHEZ AND JORDI TURULL FROM LLEDONERS PRISON

We denounce:

the blockade of European justice that the Constitutional Court imposes upon us

Timely access to the courts without delay or unnecessary obstacles is a right that every person has. Failure to exercise this right with full guarantees and in fair conditions can lead to irreparable damages and damages to fundamental rights.

The cause investigated by the Spanish State on the Referendum of October 1, evidences a lot of affectations on our fundamental rights, including the presumption of innocence, freedom, political rights and the rule of law, a judicial process with all due guarantees. The violations of the European Convention on Human Rights and the International Covenant on Civil and Political Rights are quite prominent in many of the resolutions that both the Supreme Court and the National Court have issued against us since October 16, 2017, when the first pretrial detention orders were issued.

Our determination to have a fair, lawful trial is stronger than ever. We have not ceased to appeal all those violations of our rights that the Spanish courts have committed. But it is the international courts, and in particular the European Court of Human Rights, where today we deposit the trust to get justice.

The Constitutional Court (CC), however, blocks our access to European justice. The action of the CC is as simple as blatant: to accept 100% of our appeals for constitutional protection of fundamental rights, to be processed later on in order not to resolve any of them.

According to official data of the CC, the accepted number of appeals ranged between 1% and 1.5% of the total number of those presented. In our case, they are filed 100%, then forgotten in a drawer. **The Spanish legislation** (Criminal Procedure Act) and the doctrine of the same Constitutional Court, stipulate that **the appeals against pretrial detention orders** must enjoy preferential processing and **must be resolved within a maximum period of 30 days**. The first appeal for constitutional protection of our fundamental rights, accepted by the Constitutional Court against the pretrial detention order decreed by the National Court, was filed on November 22, 2017, more than 365 days ago. An unjustified delay, and more so if we keep in mind the records of quick resolutions resolved by the Constitutional Court in several occasions, where it has met even on a weekend and only 24 hours after its intervention has been requested.

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We ask for an impartial and diligent Constitutional Court, which should not impede the exercise of our rights. We denounce the blockade that the Spanish Constitutional Court de facto imposes upon us to access the European Court of Human Rights (ECHR). We reaffirm our determination, in accordance with the European Convention on Human Rights, to fully exercise our defense rights. We will never give up on our right to a fair trial.

We do not ask the Constitutional Court for any treatment of favor. But we do not passively accept any discrimination or unwarranted procrastination. The question is not even that the Court would rule in our favor, but simply that the appeals presented would be unblocked (by being not admitted or by simply being rejected). Only in this way, will the road to access European justice be opened to us. We are well aware that the longer it takes for us to access the European Court of Human Rights, regaining our freedom will take longer as well.

We denounce the blockade of European justice imposed on us by the Constitutional Court. And we do so with all the strength and dignity of a line of political action strongly rooted in non-violence. Thus, we will resort to one of the few legitimate forms of protest that being imprisoned allows us; by conducting a hunger strike.

We will not do it against anyone, but in favor of creating awareness and fostering action to prevent the acceptance of something that is not normal as normal. The irregular functioning of the Constitutional Court is of severe seriousness in a State of Law. And that must appeal to all democrats, whichever their political choices are.

We ask for the attention and support of all the democratic people of Catalonia, Spain, Europe, and the World. We invite you to preserve the civic and peaceful attitude that has made us so strong over these years. We urge the "Smile Revolution" to flourish through events that will continue to be celebrated in Catalonia in the form of concentrations, "yellow dinners", and concerts in the coming days and weeks. And we also ask for our hunger strike not to alter the spirit or celebration that these dates, close to Christmas and New Year's Eve, bring to the majority of us.

We are grateful, finally, for the solidarity of all women and men who feel themselves interpellated and committed to the effective defense of rights and freedoms, personal and collective.

Together for dignity and until freedom is reached!

Jordi Sànchez and Jordi Turull
Prison of Lledoners, December 1, 2018