

23 November 2018

### **Spain: Human rights defender in pre-trial detention for over a year**

Since October 2017, **Jordi Cuixart** has been in pre-trial detention, facing up to 25 years of prison on charges of “rebellion”. The allegations were brought against him in connection to the promotion of a peaceful demonstration in Catalonia by the human rights defender on 20 September 2017 and the referendum on the independence of Catalonia on 1 October 2017.

**Jordi Cuixart** is the president of **Òmnium Cultural**, a non-governmental organisation, which was founded in 1961 in response to censorship and persecution of Catalan culture by the Franco dictatorship. Òmnium Cultural has been working to promote and preserve Catalan language and cultural heritage ever since its establishment. Serving its purpose, the organisation has also founded and sponsored various awards and literary contests for works published in Catalan. Upon the restoration of democracy in Spain, Omium Cultural has been actively involved in the promotion and defence of human rights in Catalonia. Over the last few years, the association has helped to organise a number of peaceful demonstrations in support of the right of people in Catalonia to decide their political future freely and democratically.

On 20 September 2018, the Supreme Court rejected the third petition to release Jordi Cuixart on bail, stating that there has been no change in the circumstances to justify overturning his pre-trial detention. The Court had already rejected the first petition on 4 December 2017 and the second on 21 March, justifying its decision by stating that the human rights defender was likely to re-offend.

On 21 March 2018, Jordi Cuixart was indicted with “rebellion” by the investigating judge of the Supreme Court, where his case had already been transferred and merged with those of 13 other defendants on 24 November 2017. He was accused of participation and campaigning in favour of the referendum on the independence of Catalonia held on 1 October 2017, which had been suspended by the Constitutional Court. The charge is mainly based on the accusation that he organised the protests on 20 September 2017 in front of the Catalan Department of Economy which sought to impede a police operation ordered by the court in various public buildings related to the referendum. Prior to the protests, Jordi Cuixart emphasized the exclusively peaceful nature of the mobilisations publicly and through various social media posts. Footage shows the human rights defender standing on a police car during the protests trying to calm down a crowd wanting to protest against the detention of those who were preparing the referendum, and calling on them to disband.

In the trial expected to take place in the upcoming months, Jordi Cuixart is facing criminal charges which could result in up to 25 years in prison should he be convicted for “rebellion”, a crime that the Spanish Criminal Code defines as “violent” uprising.

Front Line Defenders is seriously concerned about the detention of human rights defender Jordi Cuixart as it believes that his arrest, ongoing detention and the disproportionately strict charges brought against him are acts in reprisal for his work on the protection of civil and political rights.

**Front Line Defenders urges the authorities in Spain to:**

1. Immediately drop all charges against and release Jordi Cuixart as it is believed that they are solely motivated by his legitimate and peaceful work in defence of rights to freedom of peaceful assembly and expression;
2. Guarantee in all circumstances that all human rights defenders in Spain are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.