

**Question for written answer E-001265/2018
to the Commission**

Rule 130

Jordi Solé (Verts/ALE), Josep-Maria Terricabras (Verts/ALE) and Ramon Tremosa i Balcells (ALDE)

Subject: Political prisoners in Spain

Spanish Supreme Court judge Pablo Llarena has rejected the request for the release of Jordi Sanchez, who has been in preventive custody since October 2017, arguing that there is a risk of criminal reoffending because Sanchez has not renounced his political ideology – that of seeking independence for Catalonia in a democratic and peaceful way¹. Similar reasons were put forward in the cases of Oriol Junqueras, Joaquim Forn and Jordi Cuixart.

The reasons given by the judge contradict Articles 16, 21 and 23 of the Spanish Constitution, which recognise the right to ideological freedom, peaceful assembly and participation in public affairs².

Also, Article 472 of the Spanish Penal Code states that the crimes of rebellion and sedition must be accompanied by violence, but there is no evidence of violence committed or promoted by the persons in detention mentioned above³.

Amnesty International has reported that ‘the detention of Sanchez constitutes an excessive and disproportionate restriction of freedom of expression, peaceful assembly and political dissent’ and requested his immediate release⁴.

Is the Commission aware of such arbitrary judicial decisions being taken in the context of criminal proceedings against Catalan leaders?

What action will the Commission take to ensure that freedom of political opinion is protected in Spain?

¹ https://www.elnacional.cat/es/politica/documento-auto-llarena-prision-sanchez_236334_102.html

² <https://www.boe.es/legislacion/documentos/ConstitucionINGLES.pdf>

³ <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

⁴ <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espana-la-prolongacion-de-la-prision-provisional-de-jordi-sanchez-es-excesiva-y-desproporcion>