

Lledoners prison, 2^d of April 2020

Dear Ms Mijatović,

Dear Mr Brillat,

Dear Ms Decot,

As president of ERC (Esquerra Republicana), Member of European Parliament (MEP), and in the name of the other eight Catalan political and civil society leaders currently held in Lledoners, Mas d'Enric and Puig de les Basses prisons, I regret to inform you all of the serious human rights violations striking us amidst the COVID-19 crisis, which according to your mandate I believe needs your urgent attention.

Yesterday 1st of April 2020, the Spanish Supreme Court issued a statement warning that if Catalan Prison Boards allowed the nine Catalan leaders, among which there are two women, to go home during the COVID-19 they would face criminal charges.^[1] Immediate reactions by members of the Catalan political arena followed this threat, denouncing the situation before international institutions and demanding urgent actions. Among which, a letter written by Member of European Parliament (MEP) Ms Diana Riba, which you can find enclosed along with the statement (**Annex I**).

On one hand, I understand this action clearly contravenes the repeated calls^[2] made by the United Nations High Commissioner for Human Rights urging the Governments to release vulnerable people, which includes low risk offenders, women detainees, people with permissions but also prisoners without sufficient legal basis, including political prisoners. Indeed, all of us had previously been granted regular temporary release i.e with special permissions according to regulation 100.2 of prison regulations in order to perform several activities. Similarly, this decision defies the recommendations by the Council of Europe Committee for the Prevention of Torture which called for authorities during COVID-19 to “resort to alternatives to deprivation of liberty (...)”.

On the other, and most worrisome, is that today the Boards of Lledoners, Mas d'Enric and Puig de les Basses prisons have denied release to those under 100.2 circumstances. This crystallizes the threats set in motion by the Supreme Court, generating a discriminatory treatment. To us as pro-independence leaders, but also to the other detainees under same circumstances in our prisons, for more flexible measures have been granted to those under 100.2 in other prisons, including release. At this point, I would like to recall the statement made by the Council of Europe Commissioner for Human Rights stating that authorities ought to take measures that are “not-discriminatory” and “proportionate to the aim pursued”.

This poses a risk to our right to health protected by Article 11 of the European Social Charter, but I fear it is also restricting other fundamental rights that are vital at these times, such as the separation of powers and independence of the judiciary, the principle of equality before the law and non-discrimination for political grounds protected by the European Convention on Human

Rights, the respect for minorities, the right to accountability, among others. In sum, values that I understand are preserved by the Council of Europe.

Therefore, I would like to ask and encourage you to please undertake any urgent action that you deem appropriate to prevent further abuses and ammend the aforementioned breaches. These are the names of the nine detainees affected.

Carme Forcadell, former President of the Parliament of Catalonia

Dolors Bassa, former Catalan Minister of Social Welfare, Employment and Family

Raül Romeva, former Catalan Minister of Foreign Affairs, Institutional Relations, and Transparency

Jordi Turull, former Catalan Minister of Presidency & Government Spokesperson

Joaquim Forn, former Catalan Minister of the Interior

Josep Rull, former Catalan Minister of Planning and Sustainability

Jordi Cuixart, President of Òmnium Cultural

Jordi Sànchez, President of the Catalan National Assembly

Oriol Junqueras, former Vice President of the Government of Catalonia

Needless to say, I remain at your disposal for any further information or assistance you may need.

I kindly thank you for your time.

Sending you best wishes,

Oriol Junqueras i Vies

A handwritten signature in black ink, appearing to be 'Oriol Junqueras i Vies', written in a cursive style.

President of ERC (Esquerra Republicana)

Member of European Parliament (MEP)

[1] https://www.elnacional.cat/en/politics/coronavirus-spain-supreme-court-catalan-prisoners_487278_102.html

[2] [https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E)
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