

Lledoners prison, 2^d of April 2020

Dear Mr Püras,

Dear Mr Prof. Fernand de Varennes,

Dear Mr García-Sayán,

Dear Mr Kaye,

Dear Mr Forst,

Dear Mr Guevara,

As president of ERC (Esquerra Republicana), Member of European Parliament (MEP), and in 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, including 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. Therefore, this refusal is in breach of international human rights standards, and particularly the Nelson Mandela Rules.[3]

On the other, and most worrisome, is that today the Boards of Lledoners, Mas d'Enric and Puig de les Basses 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 latest statement released by various UN Special Rapporteurs, including on health, minority issues, freedom of expression and opinion, or the Working Group on Arbitrary Detention, among others, assuring that “everyone, without

exception, has the right to life-saving interventions and this responsibility lies with the government.”[4]

This poses a risk to our right to adequate standard of health, but I fear it is also restricting other fundamental rights which are particularly important to uphold in these times, such as the separation of powers, the principle of equality before the law and non-discrimination for political grounds, the respect for minorities, the right to accountability, among others.

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=E>

[3] In addition, the World Health Organization has issued an Interim Guidance for people deprived of their liberty for governments to implement <https://interagencystandingcommittee.org/system/files/2020-03/IASC%20Interim%20Guidance%20on%20COVID-19%20-%20Focus%20on%20Persons%20Deprived%20of%20Their%20Liberty.pdf>

[4] <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25746&LangID=E>