

November 6, 2015

Mme. Anne Brasseur

President

Parliamentary Assembly of the Council of Europe

F-67075 Strasbourg Cedex, France

Dear Madam President, Ladies and Gentlemen, Members of the Parliamentary Assembly:

We, Jordi Sànchez, Quim Torra and Carles Puigdemont, are honoured to submit these documents to the Parliamentary Assembly of the Council of Europe, in our own names, and in the name of 1,386,628 citizens and 3,703 elected officials of Catalonia, as well as in the name of the civic organizations that we represent, the Catalan National Assembly, Òmnium Cultural, and the Association of Pro-Independence Local Authorities of Catalonia.

Their signatures were collected on November 9th, 2014, when more than 2.3 million Catalans defied a Spanish Constitutional Court order that prohibited their voting in an unofficial, non-binding, volunteer-run “participatory process”, which asked their opinion about Catalan independence. The signatures were then scanned and tabulated by postal code, copied to a hard drive, and then verified by a notary public in a report that we have included together with this petition.

In order to understand the foundations of this initiative, the undersigned organizations would like to inform the Parliamentary Assembly of the Council of Europe that:

1. By reason of democratic legitimacy the Catalan people have political and legal sovereignty, because:
  - a. Throughout our history, we have democratically demonstrated and exercised our will to self-government, with the goal of improving the progress, well-being, and equal opportunities of all our citizens, and to reinforce our own culture and collective identity.
  - b. Catalonia’s self-government is based on the historic rights of the Catalan people, on its secular institutions and on Catalan jurisprudence.
  - c. In recent years, in an effort to broaden democracy, a majority of the political and social forces in Catalonia have promoted measures to transform the political and legal framework of Catalonia.

Most recently, an attempt was made to reform Catalonia’s Statute of Autonomy, approved by the Parliament in September of 2005, and approved by the Spanish Congress and voted on in referendum by the citizenry in June 2006. Four years later, a Constitutional Court ruling substantially modified the Statute, against the will of the people. The Constitutional Court made its politicization obvious by acting like a parliamentary chamber, thereby endangering one of the basic principles of democratic systems: the division of and independence of powers.

- d. Since then, Catalonia has been governed under a Statute of Autonomy that is not the one that was approved by its citizens. On July 10, 2010, more than one million people demonstrated in central Barcelona to protest against the Constitutional Court ruling.

2. The Catalan people, either directly or through our political representatives, have insistently expressed our will to decide our political future in the last few years:
  - a. On September 11, 2012, on Catalonia's National Day, the streets of the center of Barcelona were the site of Catalonia's largest demonstration to date, headed by the slogan "Catalonia, The Next State in Europe". On the same date in the three years thereafter, the citizens demonstrated our ever-growing ability to mobilize and organize ourselves, with the Catalan Way, a human chain that went from one end of the country to the other over 400 km (2013); with the construction of a massive human "V" (standing for «via, voluntat, votar i de victòria»: "way, will, vote and victory") which filled the main boulevards of the capital city of Barcelona (2014); and with the Gateway to the Catalan Republic which filled one of Barcelona's main thoroughfares with a mosaic of colours representing democratic ideals all the way to the doors of the Catalan Parliament (2015).
  - b. On November 25, 2012, the Catalan elections gave the Parliament a clear mandate: the right to decide Catalonia's political future. This will of the Catalan Parliament was expressed in the "Declaration of Sovereignty and the Right to Decide of the People of Catalonia" which was adopted in January 2013 with the support of more than 2/3 of the Members of Parliament's votes. This declaration was challenged by the Spanish State before the Constitutional Court, which annulled parts of it.
  - c. In September 2014, 96% of the Catalonia's local authorities expressed in council meetings their support for the Parliament and the Government of Catalonia to hold a non-binding referendum on Catalan independence on November 9, 2014.
3. The Parliament and the Government of Catalonia have followed all the necessary steps in order to fulfill the democratic mandate arising from the November 25, 2012 elections and have at all times upheld the principles of legitimacy, democracy, dialogue, negotiation, legality and social cohesion, precisely as they were understood in the Declaration of Sovereignty:
  - a. In December 2013, the political forces in favor of the right to decide agreed on the date of November 9 to celebrate a referendum, and on the question to be put to the citizens.
  - b. In April 2014, a delegation of Members of the Catalan Parliament, nominated by that Parliament, formally asked the Spanish Congress of Deputies to transfer authority to hold a referendum on the political future of Catalonia. The Spanish Congress rejected the transfer of this authority.
  - c. In September 2014, the Catalan Parliament adopted by a broad majority the Law of non-binding referenda, under the terms of the Statute of Autonomy. Under this legal framework, the President of the Catalan Government signed the decree to call a non-binding referendum on November 9. The Government of Spain not only challenged the law but also the decree calling the specific non-binding referendum, before the Constitutional Court. The Court agreed to study the case and suspended both the law and the decree in record time.
  - d. Faced with the fact that it was now impossible to vote on November 9th in accordance with the Law of non-binding referenda, a participatory process was carried out instead by tens of thousands of volunteers, so that the citizens could express its opinion. The Government of Spain also challenged this participatory

process and the Constitutional Court agreed to review the challenge, once again following the directives of the Government.

Nevertheless, and despite the total opposition of the Spanish State, 2,344,828 people took part and voted anyway. On the same day, 1,386,628 citizens of Catalonia, together with 3,703 elected officials from the Catalan Parliament, the European Parliament, the Spanish Congress of Deputies and local authorities of Catalonia signed a petition complaining that the Spanish State had violated the right of the Catalan people to decide their political future by blocking the exercise of democracy through a referendum or an internationally acknowledgeable poll. As evidence of this fact, we hereby attach a report written and verified by a Barcelona notary public, Eladi Crehuet Serra, on January 12th 2015, which accredited that the signatures had been collected, scanned, and tabulated, and then stored on a hard drive.

e. Given that it was not possible to hold a referendum, the President of the Generalitat called elections to the Parliament of Catalonia as the last resort for knowing the will of the people. These “plebiscitary” elections were held this past September 27th 2015 and the candidacies in favor of independence won a majority of the votes over those who defended No: the pro-independence parties gained a comfortable majority of the seats in the Parliament and in consequence, they received the support and democratic mandate to begin the process for Catalonia to become a new country in Europe.

4. Until now, the Spanish State has not proceeded in accordance with the international practice of democratic countries and international law, because:

a. In the first place, this behavior is contrary to the foundations of the International Covenant on Political and Civil Rights. In this case, it is worth bearing in mind the July 22 2010 Advisory Opinion of the International Court of Justice<sup>1</sup> in which the Court concluded that the right to self-determination of peoples has evolved and that no new regulation or common practice has emerged against this evolution in the international context. This fact has allowed new practices in the right to self-determination in the 21st century so that particular peoples or political communities can democratically choose their political future.

b. Secondly, it is contrary to the opinion of the Supreme Court of Canada which, in its ruling of August 20, 1998, indicated that although the Canadian Constitution does not foresee the right to self-determination, the democratic principle that inspires it justifies holding a referendum in this area, with the understanding that the two interested parties agree to peacefully negotiating the consequences of the result of such a poll, including secession. This same principle that led to the Agreement between Great Britain and Scotland<sup>2</sup> in order to celebrate the referendum in September 2014.

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1 <http://www.icj-cij.org/docket/files/141/16010.pdf>

2 <http://www.gov.scot/Resource/0040/00404789.pdf>

For these reasons, in application of the democratic principles that inspire the Charter of the United Nations and the successive agreements and international treaties that guarantee the rights of peoples to decide their political future, we address the Council of Europe and in particular its Parliamentary Assembly, in order to inform it about the circumstances that currently block the exercise of the right of the citizens of Catalonia to democratically decide our future. To start with, the Spanish State refuses to respect and recognize the result of the recent elections on September 27 as an expression of the will of the people of Catalonia to initiate a non-subordinate constitutional process in order to become an independent State. Spain refuses to enter into negotiations to reach agreement on the terms of independence between the Spanish State on the one hand, and the Parliament and Government of Catalonia that emerged from these elections on the other.

We are aware that the political process in Catalonia is being closely monitored elsewhere, and particularly within the institutions of Europe. We know that you were awarded the "Memorial Trias Fargas 2014" by the Government of Catalonia last December, for which we congratulate you, and are particularly well-informed about Catalonia. We express our complete willingness to cooperate with the Council of Europe in whatever ways may be requested, so as to provide all the information the Council may need, above and beyond what it already has.

We also ask you to convey this information to the members of the Parliamentary Assembly's Bureau and, if possible, to also inform the members of the Assembly.

Yours sincerely,

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CARLES PUIGDEMONT i CASAMAJÓ, whose ID card No. is 40303530D President of Associació de Municipis per la Independència (Association of Pro-Independence Local Authorities, AMI), whose fiscal No. is G65739930 and whose address is in Vic, carrer Ciutat, 1, and whose email address is [sanjaume@ami.cat](mailto:sanjaume@ami.cat)