



*Defensor del Pueblo (e.f.)*

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Defensor del Pueblo  
REGISTRO

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Dear Commissioner,

Thank you for forwarding the statement that you have made in connection with the events that took place a few days ago in Catalonia, particularly in the city of Barcelona, where hundreds of people were injured, including members of the police forces and citizens.

As you know, this Institution is assigned, by constitutional mandate, with defending the fundamental rights that all Spaniards are recognised to have. In discharging this function, we have been monitoring closely the events that you refer to in your statement.

Maintaining public safety or, in the terms used by the Spanish Constitution, protecting the free exercise of rights and liberties and guaranteeing civil safety, represents a real public service which is entrusted in the constitutional text to the police forces of both the state and of the autonomous regions.

From 14 to 20 October 2019, a large number of actions took place in Barcelona and in other cities in Catalonia perpetrated by very violent people and groups of people who disturbed civil peace, very severely affecting people's daily lives and the exercise of their fundamental rights.

To be exact, according to all the sources and as can be seen from the televised pictures, violent groups of people hurled stones, ball bearings, acid, Molotov cocktails, fireworks –even at a police helicopter–, set fire to hundreds of barricades, set fire to over a thousand rubbish bins and caused damage in several shopping premises and to street furniture, tearing down traffic lights, road signs and destroying the paving and electrical panels. There were also acts of pillage in some shops.



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Faced with this situation, the National Police Force and the regional *Mossos de Escuadra* police force, putting at risk the physical safety of their officers, acted in a coordinated manner to defend the rights of the population, in extremely difficult conditions.

The police action, necessary because of the seriousness and danger of the situations that occurred, called for using various riot-control measures and materials which, nevertheless, did not prevent the outcome of nearly three hundred police officers wounded one of them extremely seriously.

The Ombudsman believes that the work they did deserves recognition on the part of the general public and of this institution.

The action taken by the security forces in the incidents perpetrated by violent individuals and groups of people, calls for making an assesment of the correctness or incorrectness of the police action, and whether it had the proportionality required in those who have the monopoly on the use of force.

The presumption of innocence must be favourable to the proportionality of the police action, precisely because intense violence was exerted against it.

It was made out that those acts of vandalism, which are being investigated by judges to determine the possible commission of crimes, were based on criticism of the ruling passed by the Spanish Supreme Court in which a series of political representatives were found guilty of committing sedition, among other offences.

In any event, a legitimate discrepancy ought always to be expressed peacefully, as most people who freely exercised their right of assembly and demonstration did.

Violent events such as these worry us greatly, because they amount to the breakdown of the democratic principles underpinning our Rule of Law which, by the way, has procedural guarantees equivalent to those that exist in the most advanced democracies.

This situation causes a huge fracture of coexistence and puts at serious risk the foundations of the progress of the Catalans and of the Spanish people as a whole, harming, most particularly, the workers and the most vulnerable sectors of society.



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What is more, the aim was to damage Spain's reputation at international level and, very particularly, at European Union and Council of Europe level, by upsetting constitutional order and the normal functioning of institutions.

I felt I ought to pass on to you all these reflections and points about the events that took place in Catalonia so that you are able to weigh up and judge appropriately the truth about what happened. The state security forces cannot be expected to act in the same way towards demonstrators, citizens who are freely exercising their right to disagree legitimately with the court ruling, as towards people who are violent, whose sole aim is to cause a public nuisance, giving rise to great material damage and personal harm, attacking members of the police forces, and even, in some instances, journalists.

As regards these professionals, this is, indeed, a matter in which I share your concern, and in particular it is highly necessary to guarantee the safety of reporters in the free exercise of their important function.

I am at your entire disposal for any appraisal on all these matters.

Yours faithfully,

