

The Bureau of the Congress

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Letters from Christina McKELVIE, United Kingdom (30 October and 16 November 2017)

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¹ This document is classified confidential until it has been examined by the Bureau of the Congress.

President of the Congress of
Local and Regional
Authorities, Gudrun
Mosler-Törnström; Council
of Europe,
Avenue de L'Europe
F-67075 Strasbourg Cedex



The Scottish Parliament
Pàrlamaid na h-Alba



16th November 2017

Dear President Mosler-Törnström,

Update: Declaration of the Independent Republic of Catalonia

Thank you for your kind response to my original letter (dated 30th October) following the democratic vote of the Catalan Parliament to declare its independence from Spain.

I note with gratitude that my original letter is to be considered at the next Bureau meeting of the Congress of Local and Regional Authorities. In order to ensure as full and accurate discussion as possible, I would appreciate if this subsequent letter can be used to supplement the discussion, outlining the recent developments since my original letter.

Since my original letter, there have been no fewer than eight former Catalan Government members jailed along with the leaders of the Catalan National Assembly and Omnium Cultural. Others lawmakers, including Carme Forcadell – the speaker of the Catalan Parliament – have subsequently been arrested and released on bail, pending charges of alleged rebellion. Jailing, threatening and oppressing democratically elected members of the Catalan Government for exercising their right to self-determination should be an issue of deep concern to the Congress of Local and Regional Authorities and I would ask, in the strongest possible terms, for this oppressive stance of the Spanish Government to be condemned from the Congress.

In addition, European Arrest Warrants have been issued for five member of the former Catalan Government, including former President Carles Puigdemont. I would hope that you would agree with me, President Mosler-Törnström, that issuing European Arrest Warrants for members of a democratically elected Parliament is a grave misappropriation of the European Arrest Warrant's purpose?

In addition to this, I have received numerous reports that the members of the former Catalan Government are subject to limited visitation rights from their families whilst incarcerated. I hope the Congress would agree with me that in addition to the jailing of elected members of the Catalan Parliament, limiting the contact and visitation rights of their families is another infringement of their human rights.

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Since my original letter, Prime Minister Rajoy and the Spanish Government has pressed ahead with new regional elections to be conducted on 21st December. Whilst it would be inappropriate for the Congress to predict the outcome of the regional elections, and a peaceful, non-interfering democratic election should be conducted, would the Congress and all other political European institutions respect the outcome of the Spanish regional elections, should the vote return a pro-independence majority in Catalonia?

The Council of Europe, the European Union and all other European institutions have a critical and decisive role in upholding human rights and democracy. To that end, it is imperative that when human rights abuses are perpetrated by a European nation, the Council of Europe and the Congress of Regional and Local Authorities are at the forefront of a peaceful and plural dialogue to ensure the fundamental right to self-determination for all citizens.

I look forward to your response at your earliest convenience.

Yours Sincerely,

Christina McKelvie MSP
For Hamilton, Larkhall
And Stonehouse

President of the Congress
of Local and Regional
Authorities, Gudrun
Mosler-Törnström; Council
of Europe,
Avenue de l'Europe
F-67075 Strasbourg Cedex,



30th October 2017

Dear President Mosler-Törnström,

Declaration of the Independent Republic of Catalonia

Following the democratic vote of the Catalan Parliament to declare its independence from Spain, (27th October 2017), I write to request that the Council of Europe play an active, participatory and mediation role in ensuring a peaceful transition of autonomy from Spain to Catalonia.

The Council of Europe, as a guarantor of peace, democracy and human rights, has a critical role to uphold the fundamental right to self-determination. I believe it is imperative that the Council of Europe, as a representative of the international community, ensures that the democratic vote of the Catalan Parliament is realised.

Following the repressive, brutal and violence attacks orchestrated by the Spanish Government during the Catalan Referendum of October 1st, European institutions must not fall silent in the face of oppression.

The withdrawal of autonomy and actions to subvert the democratically elected Government of Catalonia should act as a siren call to all of us in the Congress of the Council of Europe. That same siren call is echoed from The UN Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas. Following the actions of the Spanish Government in imposing direct rule upon Catalonia, I wish to reiterate my strong support for Mr. Zayas' statement, which I have copied below:

"I deplore the decision of the Spanish Government to suspend Catalan autonomy. This action constitutes retrogression in human rights protection, incompatible with Articles 1, 19, 25 and 27 of the International Covenant on Civil and Political Rights (ICCPR). Pursuant to Articles 10(2) and 96 of the Spanish Constitution, international treaties constitute the law of the land and, therefore, Spanish law must be interpreted in conformity with international treaties.

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"Denying a people the right to express themselves on the issue of self-determination, denying the legality of a referendum, using force to prevent the holding of a referendum, and cancelling the limited autonomy of a people by way of punishment constitutes a violation of Article 1 of the ICCPR and of the International Covenant on Economic, Social and Cultural Rights. Alternatively, addressing the aspiration of peoples to self-determination in a timely fashion is an important conflict prevention measure, as is evidenced by the countless wars that have occurred since 1945 that found their origin in denial of self-determination. Dialogue and political negotiation should be encouraged to prevent violence."

The Catalan people should be commended for their peaceful campaign for self-determination in the face of brutal, physical and violent attacks on ordinary citizens for exercising their right to vote.

The European Union and the Council of Europe have a proud history in standing up against discrimination and tyranny. This should not falter. At our most recent Congress plenary, the Council took a clear, human rights based approach in reference to the ongoing human rights abuses in Turkey and the incarceration of Congress member Dorin Chirtoacă, Mayor of Chişinău in Moldova. This is in addition to the leading role the Council of Europe has played, under full compliance with United Nation's Security Council Resolution 1244, in the recognition of Kosovo. This shows a clear and evident precedent of the international community playing a mediation role.

It is further imperative that we are not accused of hypocritical, double standards when it comes to the rights of EU Citizens in Catalonia.

To that end and as part of a co-ordinated, cooperative European approach, the Council of Europe has a moral responsibility to ensure dialogue, mediation and communication between the Spanish and Catalan Government's to facilitate peaceful transition to independence, respecting human rights, democracy and the right to self-determination.

Yours Sincerely,

Christina McKelvie MSP
For Hamilton, Larkhall
And Stonehouse

2

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