

# AMNESTY OVERSIGHT COMMITTEE OF ÒMNIUM CULTURAL

Data Update, January 2025



# Introduction

Since 2014, state repression has affected more than 4,600 people through police violence, exile, imprisonment, abusive fines and bails, Pegasus espionage, police infiltrations, and years-long criminal investigations, which in many cases were eventually dismissed or ended in acquittal, with the intent of creating a deterrent effect on a political movement. Over the past decade, Catalonia has experienced a general case against the self-determination movement, with violations of fundamental rights targeting activists, sympathizers, leaders, and political officials. To this day, several judicial cases remain open after years of investigation, with a clear repressive intent.

Òmnium Cultural, together with other organizations, collected and submitted 200,000 signatures to the Spanish Congress advocating for amnesty. Its approval, which some sectors claimed was impossible, has been a collective achievement—reluctantly granted by the State—thanks to the effort and perseverance of civil society and the democratic determination of the pro-sovereignty and independence movement. This is an achievement by various sectors of Catalan society who have worked to achieve it as a political, collective, and democratic response to repression.

Last October, the Amnesty Oversight Committee of Òmnium Cultural published an evaluation of the first four months of the Amnesty Law's implementation, which highlighted its insufficient and unequal application. Consequently, Òmnium Cultural submitted a report to the Universal Periodic Review of the United Nations, which Spain will undergo in the spring of this year.

Three months later, thanks to pressure from civil society, the defenses, repressed individuals, and Catalan society at large, there has been a trickle of new amnesties, acquittals, or dismissals. However, the degree of amnesty application is still inadequate. For this reason, Òmnium Cultural will convey its concerns to the European Commission's Rule of Law report, emphasizing the politicized role of Spain's judicial leadership, which opposes amnesty and the political resolution of the conflict.

# Methodology

This evaluation is a brief update of the report presented last October and focuses on the collection of data and the analysis of trends regarding the processing of amnesty for repressed individuals, with particular emphasis on the obstacles posed by the judiciary to its application. Although not themselves repressed individuals, the report also includes monitoring of cases involving police officers investigated for violence during the October 1st referendum.

The data on judicial proceedings and administrative sanctions were obtained from information voluntarily shared by repressed individuals, their defenses, and support groups, as well as anti-repression organizations, judicial actors, and media reports. Òmnium Cultural wishes to express its gratitude for the struggle of the repressed individuals, their legal defenses, and their support groups, as well as their collaboration in exchanging information, which makes it possible to monitor the application of amnesty.



The report is structured into an introduction, presentation of the collected data, four sections analyzing trends, and a conclusions section.

# Data

As of January 2025:

1,610 repressed individuals eligible for amnesty:		
726 individuals with criminal cases (691) and Tribunal de Cuentas cases (35):	374 applications submitted.	116 amnesties granted.
		24 applications denied.
		33 denied but later dismissed or acquitted.
		47 suspended due to pending constitutional questions before the Constitutional Court (CC) or prejudicial questions before the European Court of Justice (ECJ).
		154 cases with no recorded judicial response.
352 individuals with no record of an amnesty application.		
884 individuals with administrative sanctions:	35 applications submitted.	17 amnesties granted.
		13 applications denied.
		5 cases awaiting a response.

From October 2024 to January 2025, amnesty applications increased by 11%, rising from 330 to 374. The percentage of responses to applications has also risen, now close to 60%, compared to 50% three months ago. However, the Amnesty Law has been insufficiently and irregularly applied, far exceeding the two-month deadline for processing and creating legal uncertainty for repressed individuals.

To date, the law has been primarily obstructed by a judicial leadership aligned with the stances of the Spanish right and far-right, intending to continue criminalizing the Catalan self-determination movement.



Regarding the handling of police violence, 137 members of state security forces have been amnestied. Specifically, 129 Spanish police officers who were investigated for violence against voters on October 1st have been amnestied. This includes 1 officer in Lleida and 46 officers in Barcelona already accounted for in October. Added to this are amnesties for 45 officers in Mataró, 10 officers in Tarragona and 27 officers in Girona. Additionally, eight Mossos d'Esquadra officers investigated for police violence during the 2019 protests have also been amnestied.

## Key Trends

### **1- Slow and Insufficient Application:**

Although the percentage of individuals who have obtained amnesty or seen their cases dismissed has increased (from 22% to 39%), fewer than half of the repressed individuals who applied for amnesty have received a favorable resolution. Moreover, courts and tribunals have rarely acted proactively to apply the Amnesty Law.

Nearly half of the applications remain unresolved seven months after the law came into effect. Furthermore, 13% are suspended pending responses to questions raised with the Constitutional Court or European Court of Justice.

### **2- Inequalities in Application:**

The majority of amnesties have been granted to individuals who exercised their right to protest, particularly during the autumn of 2019, against the sentencing of nine political prisoners to over 100 years in prison.

By contrast, political leaders responsible for organizing the October 1st referendum, and whose cases are handled by courts actively opposing the Amnesty Law (e.g., the Supreme Court and National Court), have faced more denials or suspensions of their applications.

### **3- Judicial Ideology:**

Many magistrates, including members of the Constitutional Court and the General Council of the Judiciary (CGPJ), have made political comments questioning the legitimacy and legality of the Amnesty Law. The judicial leadership, particularly the Supreme Court and the National Court, interprets the law ideologically and restrictively, disregarding the separation of powers and delaying its implementation.

### **4- Economic Sanctions:**

Repressive economic measures through administrative sanctions have not been adequately addressed. Only about 20 individuals have benefited from the reimbursement of fines, partly because very few applications have been submitted.

The possibility of proactively returning fines by the Interior Department and increasing publicity could improve this situation.



# Conclusions

This report demonstrates that, while the Amnesty Law is intended to rectify injustices stemming from political repression, its implementation remains slow and unequal. Greater transparency and public awareness are essential to ensure all eligible individuals can access the law.

Not all eligible individuals have submitted their applications for amnesty. The more applications submitted, the stronger the collective response to repression. This, combined with strong political, social, and institutional pressure at both the national and international levels, is the best strategy to denounce the failure to implement the law effectively. The aim is to highlight injustices and reinforce the demand for respect for human rights and the separation of powers, which are fundamental in any democratic state.

The Amnesty Oversight Committee of Omnium Cultural will present this analysis on the level of amnesty implementation and the obstacles to its application to various national, state, and international bodies. Immediately, this information will be sent to the European Commission as part of its report on the Rule of Law in member states. This denunciation of judicial malpractice will complement the contribution submitted to the United Nations' Universal Periodic Review regarding the human rights situation in Spain.