

Seven years in exile, Amnesty, investiture, and prison.

I have spent nearly seven years in political exile in Belgium. I left Catalonia full of uncertainties, but convinced of the path that could be taken to protect the Presidency of the Generalitat of Catalonia as an institution, which had just been illegitimately deposed by the decision of the PP and PSOE. It was necessary to preserve it, at all costs, from attempts to dismantle it and to protect the Catalans' right to freely make their own decisions. The Presidency of the Generalitat is not just any institution, neither in political nor historical terms; in fact, it is an exceptional institution. It has been preserved over the centuries since Berenguer de Cruilles was appointed as the first president in 1359.

The succession of presidents was interrupted in 1714, and formally restored in 1931; since then, the position has been renewed, whether from exile or domestically from Catalonia. My decision to go into political exile was based on this need to ensure that historical institutional continuity, which the main Spanish political forces sought to interrupt with the abusive application of Article 155 of the Constitution, and the initiation of a general cause against the independence movement. Although constitutionally, between October 27, 2017, and May 17, 2018, the Presidency of the Generalitat was intervened by the Spanish government, from the perspective of the institution's historical legitimacy, the presidency continued in exile. In 2018, the presidency was handed over to President Quim Torra through the Parliament of Catalonia. The continuity had been preserved.

Once this institutional continuity had been safeguarded, it was necessary to maintain the political position and defend it against Spanish repression in better conditions than from prison, especially a Spanish prison. This is what I have tried to do over the last nearly seven years, convinced that the results of this effort, combined with those efforts from within Catalonia, by all who embarked on the path to independence, should serve to guarantee better conditions and resume the struggle. Whatever we have done, some will always find it flawed. Others, of course, will find it excessive. Whether successful or not, what has been done is, by any measure, extraordinary and exceptional. Only a very small and narrow-minded view can diminish its merits — which does not dispute its success or results — considering the terribly adverse conditions under which we have operated in this struggle. Assuming risks and facing growing public exposure, often without a safety net, and going against the flow, having to fight a very powerful adversary with unlimited economic, human, and technical resources.

The achievements and the consistently combative attitude, without concessions to nostalgia or victimhood, have relativized the enormous asymmetries between the two conflicting blocks and prevented the recognition of the significance and importance of the gains achieved. Going global, victories in courts in various European countries, the strategic litigation at the CJEU and the UN Human Rights Committee and the Council of Europe have all been amplified or directly achieved by the existence of a militant political exile that has used every available platform.

All of this has caused significant exhaustion, especially as Spain's repression increased, and we maintained our position. They failed in their attempts to silence or stop us from persevering in our political stand and goals. We have been at the center of all attacks with mass defamation campaigns, political persecution orchestrated over the years, and numerous judicial fronts opened to the 130th President of the Generalitat de Catalunya.

Yet, we continue to stand firm and attempt to explain ourselves wherever we are allowed, trying to counter the permanent attacks from the powerful Spanish propaganda machine that spares no effort or resource. From using Spanish officials in European institutions, to media outlets dedicated to their patriotic cause, to judges, prosecutors, police, entrepreneurs, and various professionals, and a legion of volunteers and spontaneous folks got activated since they were given permission to "go get them." They feel entitled to threaten us, insult us, or harass us just for speaking Catalan.

After the general elections in 2023, some things began to change. The possibility of neutralizing the repression unleashed since 2017 and nullifying its judicial consequences was opened, with the idea that this would help create the conditions for a negotiation process with the Spanish government. This would return the conflict to politics, as it can only be resolved through politics. In the so-called Brussels Agreement, we established the need for a comprehensive amnesty as an essential part of these conditions, without which free political activity could not take place. The pardons' strategy was a Spanish strategy; the amnesty one is a Catalan strategy. To negotiate with Spain, it was necessary to end the judicial sentences, judicial processes, secret cases, exiles, and all criminalization against Catalan independence. For the first time in years, the possibility of a real amnesty, the end of exile, and doing politics under minimally normal conditions, was in sight.

The processing of the law unleashed a real social, political, and journalistic storm in Spain, which had significant press in European institutions and international media. No one doubted that the law was the result of a political agreement with the independence movement which allowed the PSOE to stay in the Spanish government; however, no one doubted either who the law's recipients were and what results were sought.

After long and difficult negotiations, an agreement was reached around the wording of the law that clearly defined what would be within the scope of amnesty. The wording closed the door to the perverse interpretations we are used to from Spanish patriotic judges and left them with only one option if they wanted to avoid the law's effects: non-compliance. That is, rebellion against democratic institutions.

And in the end, they devised a strategy to defy the law, knowing that the ones who should punish them for this democratic violation will always be... themselves. They have mocked the law, which is the very same as saying that they have mocked the Spanish Parliament and democracy, knowing that this will have no personal or professional consequences for them. Thus, Spain can never be a rule of law while judges disobey Parliament and, especially, if nothing happens to them when they do.

In this context, which I call a hybrid coup, I know that my return may lead to my arrest and imprisonment, I am unsure for how long. If they succeed, I imagine what awaits me and know what I must do. Also, what I must not do, for example, become an object of negotiation or support any political decision that involves renouncing the struggle. But beyond whether the long-awaited arrest happens or if they fail in the attempt, two things will not change. First, the necessity of independence as the only alternative for the national, social, cultural, linguistic, economic, and democratic survival of Catalonia. Belonging to the Spanish state drags us into decline in all these aspects, as evidenced by official data. And it ties us to an inherently corrupt, suffocating system for minorities, and irreparably centralist. For this purpose, the state powers have employed a level of political violence incompatible with democracy, as recognized by the UN Human Rights Committee. Second, my personal determination to defend the cause of independence in any situation and context, without giving up, neither to bilateral negotiation

when conditions allow nor to unilateral action when it is the only available alternative: both are democratically legitimate, especially when the democratic exercise of collective human rights is prevented and criminalized.

The decision of ERC's membership to invest the socialist candidate, Salvador Illa, as President of the Generalitat makes my arrest a real possibility in a few days. I have always been aware of this risk. But I preferred to wait to publish this letter after knowing the decision of the ERC militants to avoid being accused of emotional blackmail — something I have always avoided during my seven years in exile — or interfering in the internal process of another political formation. Criticism of the agreement has always focused on the negative impact that a Spanish government will have on Catalonia. The Spanish government is allergic to the full normalization of the Catalan language and has no real negotiation capacity to resolve a historical conflict, which is not between Catalans, but between Catalonia and Spain. I also believe that before giving votes to a PSC government in Catalonia, other alternatives should have been explored, including new elections under new conditions.

In any case, the risk of arrest has sparked various comments and reflections, as well as many personal messages, around the idea of whether it is worth risking prison to try to attend an investiture debate that is not my own. Some people have asked me, given these circumstances, to reconsider my commitment to return.

To all of them, I have explained the reasons for maintaining this commitment, and just as going into exile was a political decision, returning from it is as well. From the beginning, I have been the target of numerous defamation campaigns and personal attacks without any consideration or rigor, involving complete and persistent dehumanization. I was the victim of an ignominious campaign when, in the 2017 elections, I announced that I would return if I were invested as President of the Generalitat. The parliamentary session in which I was to be voted on was suspended at the last minute, and naturally, I did not return. Considering what we know now from the scandal of the smear campaigns organized by ERC, I have little doubt about how that defamation campaign was fueled, a pattern we would now encounter with greater intensity: from the initial understanding of staying in exile for a few more years to work and avoid prison, they would move to a new personal denigration campaign of great magnitude that would have very difficult personal consequences along everything I stand for. Catalan politics has entered a new, complex, and difficult stage and requires organizations capable of restoring trust and hope to people who dream of a free and prosperous nation. We must expel bad practices and the toxicity used as partisan tactics. We cannot deploy skewed communication strategies for all those who have lost faith in politics, nor to discuss problems and solve the future for people who have stayed at home or joined other parties, or for those who believe that simple and automatic solutions will resolve enormously complex issues.

If I am detained, it will not be the first time. I have been in a German prison and in an Italy prison; I have been arrested at a Belgian police station and summoned by the French anti-terrorist police. All this, of course, by orders of the Spanish judicial apparatus. This is not the relevant fact for my return. The truly important fact is the evidence that in Spain, amnesties do not amnesty, that there are judges willing to disobey the law, and that the Spanish Government looks at it with indifference and resign. There is more attention when a judge charges the wife of the Prime Minister and summons him to testify than when the Supreme Court refuses to apply the only law that has been passed in this legislature, and the only

amnesty law passed since the Constitution came into play. Anyone who thinks this will have no consequences is mistaken.

Seeing me imprisoned has been the frustrated dream of Spanish persecutors for seven years. To achieve it, they will have to violate several steps. It is not just the amnesty law; it is embarking on an illegal detention and disobeying the international decisions adopted by the Working Group on Arbitrary Detention and the United Nations Human Rights Committee in the case of Catalan political prisoners. I know that none of this matters to them; they do not care. But in the struggle for independence, on this long road to leaving the Spanish system which compromises our existence as a nation, this anti-democratic and anti-liberal attitude by Spain is not insignificant.

Regardless of individual strategies and political labels, the serious democratic anomaly that my detention would represent must be understood as a confrontation against a demophobic regime, not as a lament or victimization. We have a lot of work ahead of us, and many of us believe we must continue and complete it. Let no prison or threat divide us or paralyze us again, nor distort the meaning of our struggle: we will not achieve our independence by fighting repression, but by working towards our independence. There can be no anti-repression strategy without a prior strategy for independence, and there can be no strategy for independence without a national, country-wide strategy to defend Catalonia against those who want to eliminate it as a nation. As a participant at a recent event, in Banyes d'Arles, told me: «it is not about shedding tears but about showing claws».

Visca Catalunya lliure!



Carles Puigdemont i Casamajó

130th president of Catalonia
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