

LAWFARE: THE JUDICIALIZATION OF POLITICS OR THE POLITICIZATION OF JUSTICE

# Three court rulings and a funeral

David Fernàndez



The Spanish police trying to get inside the Diputació Primary School in Barcelona during the Catalan referendum on October 1, 2017, in front of several voters' resistance. Picture by Jordi Borràs

*«Posterity will not be able to believe that,  
After the light has come on,  
We would have had to live again  
In the midst of such dense darkness»*  
Castellio, De arte dubitandi (1562)

Compass and rear-view mirror, long road and short pass, it takes retrospective and perspective - and a radical rooting in the present - to end up understanding everything that happens to us from the perspective of accelerated global and local regression against civil, social and political rights. A blatant regression, uneven and arbitrary that has been exacerbated over the last two decades throughout the world and, in the last three years,

has been unleashed against Catalan and Spanish society in a very unequal ways - some suffering from it, others legitimising it. Against all odds, this comes from afar and some want it to last. The regression is rooted in a double international and state process.

Alternatively, in a single merged one, if you like, with particular Spanish specificities. The global one is the already unquestionable regression and the disturbing demolition of the so-called post-war social constitutionalism, which is already moving between world undemocratisation, global Weimar and what we call post-democratic authoritarianism. The local-particular one is what we call the 78 regime, mediated by the current democratic involution in Spain and incubated penal reform after penal reform -thirty since 1995. The combination wreaks havoc and makes us the only place in Western Europe where half a legitimate government is in prison and the other half in exile, and the two spokespersons for the largest civil and social organisations were imprisoned three years ago to exercise their right to protest. This is how things stand, despite the many mediocre videos *España Global* [1], a state-owned fake news agency, releases.

Where to start? Perhaps from a point where, strangely, two parallel lines, twisted and irreconcilable, converge. Paradoxically, everything starts from a discussion of 2018 posed in antagonistically different terms by two very different people and that would summarize everything. On the one hand, a state man like Alfredo Pérez Rubalcaba. On the other, a social intellectual like Ignacio Sánchez Cuenca. The former considered that the state would assume the authoritarian price and pay the despotic costs of the repression of the pro-independence movement, i.e. democratic decline, twisting of law and institutional devaluation. The second, Ignacio Sánchez Cuenca, said practically the same thing but in a complete opposite way, that is, denouncing it in September 2018 and long before the 2019 Supreme Court's ruling:

*"Under these conditions, the judges feel they have gone unpunished. Nothing stops them. They are willing to further damage Spain's democratic reputation, as the punishment for defying Spanish unity seems to be above all other considerations. To stop the nonsense and injustice of accusations of rebellion, we need a civil society that takes seriously the fact that in a democracy it is inadmissible to judge politicians for acts they have not committed. We are not here yet"* [2].

Both agreed on the same thing, one stirring it up, and the other raising his voice to oppose it. However, they showed the same thing: the (anti-)legal construction of an informal state of emergency that operates at full speed without being declared anywhere. Reason of State, sinister and disastrous, does the rest in the worst variation and deviation from the rule of law: the enemy's criminal law where the sticks run, even with the carrot.

In short, today we know, at least, the cold statistical consequences, despite the numbers always hide the faces of the victims: about three thousand people have been retaliated, accused, investigated or condemned after October 1, 2017. For wanting to vote. This is the price paid for the free exercise of democracy. For some ballot boxes, for some whistles, for a clown's nose or for a banner, it does not matter. The motto "*Todo por la patria*" [3], is best understood in this context. Everything means everything: special trials, State sewers, industrial espionage, covert operations, diplomatic battle for the story, complicity and

protection of the extreme right, *Pegasus* [4] and the entire available repressive arsenal. Of course with the required personnel: patriotic police, patriotic prosecutors, and patriotic judges. State technosphere at the service of State nationalism. In addition, a double standard: there is no enemy's criminal law, no friend criminal law. State homage to impunity and to the violence of persecution against ballot boxes. We should always remember, day after day, that the top commanders of the police repression of October 2017 have been -all of them- awarded, promoted and decorated.

Yet we should had they do not prevail. Or not quite. No matter what they say, the repressive onslaught, with very high and irreparable social impacts, has not achieved its goals either - "Let's crush them" Soraya Sáenz de Santamaría [5] told a journalist. Despite the brutal setback -democratic recession, institutional degradation, and legal degeneration- the threefold support for independence, the referendum as a democratic resolution mechanism and the crosscutting denunciation of the repression have not diminished in any way. 48%-75%-80% respectively. Let us put it this way. Meanwhile, 57% of Catalan society today would vote against the current Spanish constitution, and only 10% do support the Bourbon monarchy, which systematised and turned the "*iA por ellos!*" [6] into official state doctrine, following the King's inquisitorial speech of October 3, 2017. We may not have won in the short term (in the long run, no one ever wins when civil rights are limited) but what is socially and politically believed is that they have already lost us. In addition, everything else derives from here, from the radical loss of all legitimacy: the attacks by the State and the countless abuses on behalf of a sham democracy. A kind of civil injustice with the flavour of military justice, in the form of revenge and punishment -the antonym of justice- against the democratic majority of a society considered as disruptive, rebellious, disobedient or seditious. The price of freedom is the reverse of the bill of the demophobia.

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All in all, as in a textbook on shock doctrine: to achieve through police, judicial and repressive means what they already know they will never achieve through electoral, peaceful and democratic means. This is what is happening to us and it would be better not to forget it. They have not stopped saying it. The attorney general Javier Zaragoza [7], considered as a progressive and the icon of the so-called "prosecutors' clan" who attributed to themselves a dangerous and mediocre role of country savers, insisted on this when the Aragonese socialist government awarded him a medal for his services in the spring of 2019: "The supremacy of the people's will over the law is behind well-known and disastrous historical experiences". Someone please explain to him what happened every time the law has been imposed on the democratic popular will and what historical experiences are behind. The harder they fall (*Mas dura será la caída*).

## Three October, three years later

This autumn, as a synopsis and spoiler, we can already say that the same fact has been judged under three contradictory legal prisms. This clarifies a few things, even if the situation is Kafkaesque. A single fact -relating to October 1, 2017- and three very different rulings. The acquittal in the National High Court of Major Trapero and those responsible for the Catalan Home Office. The conviction of the Catalan Parliament's Bureau by the Catalan High Court of Justice for disobedience. In addition, the more than 100 years sentence for sedition imposed by the Spanish Supreme Court in October 2019. This is the situation and this, inevitably, puts us in the realm of arbitrariness and the repressive mess of legal insecurity. You can go to court and go free, convicted or imprisoned: for the very same fact. Ask Tamara Carrasco [8]: one day you are a terrorist and two years later, quite the opposite, that is, a victim of violence. State violence. This weighs heavily on us, and it weighs too much and it brings painful memories to us, although this drive is neither new nor are we the first victims. The novelty introduced since 2017 lies in its massive extension and intensification on all fronts, according to a history of repressive continuity. The focus has shifted from punishing the margins and dissident tangents, to punishing a democratic majority and investigating 80% of the country's mayors.

In form and substance, however, this regressive, authoritarian and liberticidal drift started too long ago in Spain, probably in 1998 under Aznar's first term although it already came with manufacturing defects. Because there are delaying circumstances, appellations of origin and mythologized transitions. In addition, a fragile and weak starting point. As August Gil Matamala [9], says, as a result of 40 years of the same dictatorship that drove the not so model transition, the Spanish state reached that post-war democracy just as it was beginning to crack because of Reagan and Thatcher. Gil Matamala uses metaphor by stating that the Spanish state is always the last to join each new democratic conquest and the first to leave. It began to leave in the late 1990s in the dark corners of the fight against terrorism, when a long period of judicial, criminal and penitentiary exceptionality decreed in the Basque Country. This led to the closure of five media, the outlawing of dozens of social organizations, electoral apartheid and the blacklisting of 40,000 citizens no longer considered as such. Few, very few, raised their voices. Yet the defect came from the factory: Gil Matamala considers the unity of Spain, the capitalist economic order and the principle of authority as constituent elements of the 3 pillars of the regime. Anyone who questions it becomes an enemy. State enemy. That is, the use of such tools —fear as a technology of power and exception as a technique of government— comes from the origin.

The memory as an antidote, as an unavoidable antecedent, of the particular Hispanic case in the Basque country, even the Financial Times sensed it almost two decades ago. I read it in astonishment, as a loss of political naivety and youthful innocence, in the notes delivered by the journalist José Martí Gómez in 2002. The British newspaper warned of a *judicial GAL* [10] that had as its epicentre the National High Court created -not by chance- the day after the abolition of the Francoist TOP [11], with the same personnel and at the same place. That new judicial GAL did not kidnap, murder, bury in quicklime or operate with uncontrolled uniforms at night. However, from the judiciary, it ruthlessly dismantled civil

rights, closed down media without evidences, punished projects and political proposals, imprisoned people without guarantees and spread the multiplying effects of the fear of state arbitrariness, violating legal guarantees, individual rights and fundamental freedoms. The writer Joxe Arzumendi called it State “kale borroka” [12].

This autumn, as a synopsis and spoiler, we can already say that the same fact has been judged under three contradictory legal prisms. A single fact relating to October 1, 2017 and three very different rulings: the acquittal in the National High Court of Major Trapero and those responsible for the Catalan Police Office; the conviction of the Catalan Parliament’s Bureau by the Catalan High Court of Justice for disobedience; and more than 100 years sentence for sedition imposed by the Spanish Supreme Court

In those ominous years, someone else wrote that in Spain, the three most regressive criminal doctrines of the twentieth century were simultaneously overlapping. The enemy’s criminal law -judging by who they are, not by what they do- the doctrines of national security -the enemy is within and it is the citizens themselves- and zero tolerance against any unrest - i.e. the criminalization of protest. We are worse off. We live de facto in a two-tier criminal system. The first, formally guarantor; the other, discretionally exceptional. An exception to the rule has been introduced until the rule has become the exception. Moreover, with a clear geometric scale: the higher you go up the judicial ladder, the less justice you find and the more State you ace.

Obviously, no one or no country is free from this temptation. Self-criticism and criticism, we also experienced this authoritarian disposition rooted in the punitive governmental populism Catalan style, during the 15M protests under the slogan Stop Parliament as a reaction to the worst social cuts since the end of the dictatorship. These protests were also labelled by the media as a *coup d'état*. The Government and Parliament of Catalonia resorted to special criminal types (sedition), exceptional courts (National High Court) and to strange accusations shared with the far-right association *Manos Limpias* [13]. If we do not say everything, we do not say anything. Let us remember. It was the Supreme Court that overturned the acquittal at first instance of the *indignats*, agreeing with a certain Fernando Grande-Marlaska [14]. A certain Manuel Marchena signed the sentence [15] setting a new type of criminal charge: environmental violence. Four years later, the same criminal charge turned against the Catalan government, which went from accuser to defendant. We always know where drifts begin, but where they end. Or rather, yes: in the European Court of Human Rights, which always rules too late, on the remains of the ruins. Ask the pro-independence Catalan activists tortured in 1992, Arnaldo Otegi [16] or Martxelo Otamendi [17], who have seen how the ECHR proved them right many years later.

In any case, in the global perspective of the authoritarian shift, there has been a change of

tools and a clear shift from dirty war to lawfare. As if it were a chromatic scale, we have gone from the olive green of the general to the black robe of the magistrate. From yesterday military barracks, to today judicial bunkers. The blows of the State -or even the coup d'état - have now a less bloody form than the former military coups and uprisings. The final goal is still the same: to repress, violate, alter or adulterate the democratic majority will of the people. How to destroy democracy in seven steps, wrote a Turkish journalist in a devastating essay, *How to lose a country* [18]. During the penultimate macro-political trial in Spain, the 18/98 proceeding against 47 Basque citizens for their political activities, the late Basque journalist Mariano Ferrer lucidly recalled Thomas Paine: "He that would make his own liberty secure, must guard even his enemy from oppression; for if he violates this duty, he establishes a precedent that will reach to himself." Ferrer then asked himself an unanswered open question: who will deconstruct -and how and when- such a repressive conglomerate? He added three reasons for not keeping quiet. Otherwise, that would only be pure complicity:

*"We had three compelling reasons for solidarity. First, that it was a good cause because these people did not have to be tried under anti-terrorism legislation because their activity should be understood as the legitimate exercise of their civil and political rights and that, if they were to be tried, it should with the guarantees that correspond to citizens of a state guided by the rule of law. Second, that by defending them we were defending ourselves and the whole of society (as a democratic society). Third, that we were aware that by joining this cause we were joining a good global cause, one that seeks to protect the heritage of the Enlightenment and human rights from the onslaught they suffer after 9/11"* [19]. It has been 13 years since and it seems that these words were written yesterday.

Perhaps we may not want to believe what we already know. Perhaps claiming that the misadventures of the police superintendent Villarejo [20] or the confessions of the police superintendent Pino [21] are a footnote to the State sewers and not a state apparatus which, in order to operate, moves to the margins of the ordinary system, does mean that we do not want to face the dimension of the setback, to assume the depth of the drift or to assess the permanent damage. The anthology of blows is already infinite: from the "*A por ellos*" shouted by the police to the will of controlling the court second room through the back door; from the "*We will do it again*" pronounced by a general of the Guardia Civil to the "*We have done horrifying operations. For Spain's sake*" as Superintendent Eugenio Pino said in the courtroom. From the statement "to put a f\*\*\* end to the Catalan pro-independence movement once and for all" Superintendent Villarejo said to Cospedal's husband [22] to the statement "we have gone too far but it but it has not been noticed" as Attorney General Conde Pumpido said after the umpteenth illegalization of the Basque pro-independence movement. "These elections are called for the constitutional bloc to win," said Cospedal; "*We've decapitated the movement*," boasted Soraya Saénz de Santamaría. In short, a State technosphere at the service of Spanish national unity, which is not a democratic principle. It is a unifying nationalist principle against the permanent and failed Spanish nation building, in historical and political terms.

Spying on the president of the Parliament of Catalonia by means of Pegasus and the Spanish government -"the most progressive in history" according to their own words-

saying they were 'not aware of it' and calling for the filing of a complaint explains a lot. The fact that all human rights organizations, the most prestigious, relevant and internationally influential, have taken stock of the Catalan reality and the violation of rights is no small thing. The above-mentioned anthology of blows reveals too many things, starting with the repeated and persistent reports of the GRECO Group of the Council of Europe that periodically question and criticize the lack of independence of the high judiciary in Spain which is government monitored, ideologically captured and politically remote-controlled. The interested leakage that the Supreme Court's magistrates are worried about the politicization of justice verges on the macabre joke and reminds those saying that the Catalan public media were not politicized while announcing laws to literally "degovernmentalize" them. One last thing about revolving doors in politics: Carlos Lesmes is still exercising as the head of the General Council of the Judiciary although his mandate expired two years ago. Yet, this should not make us forget that he was already the director general of relations with the administration of justice during Aznar's second term.

In any case, lawfare, deep state, shock doctrine are new Anglicisms referring to old practices, insofar it is obvious that the Spanish state has deployed a long haul and wide range repressive response. To do so, they had to resort to the sewer, as Felipe González bluntly recalled, and to violence, as we experienced in the fall of 2017. In addition, to the assault on other people lives. In 2014, José Antonio Zarzalejos, a journalist close to the regime, already warned that those who do not challenge the State should not worry. "To face the state and challenge it, you have to be brave and clean, with transparent pockets and in a position to have the intelligence services go through the scanner and not find anything that is not in place".

Antoni Puigverd [23] recently published in *La Vanguardia* a fairly accurate summary of what we have experienced during the last years. I point this out because it is not usual to read this kind of reflection in a newspaper like this: "The state unleashed its huge capacity for fear, repression and revenge. Nothing good can be built on this crater. Spain's high courts (which are now out of the Constitution due to lack of renovation) have shown a frightening political bias. Guarantee and maximum diligence when it comes to PP or PSOE politicians. Legalistic fundamentalism against the separatists. The defenders of the Constitution should be the first to defend equal treatment. Whether diligence and prudence for all whether legal fundamentalism for all". Yet Pedro Vallín already sensed it two years ago in the same newspaper in his article 'Godzilla against Art.155' pointing out what a State is: "A complex organism to some extent as dangerous and of course more powerful than the monsters it fights". Not long ago someone who knows the guts of the State too well told me: "They only have a hammer." What do you mean? "In its toolbox the State has only a hammer; and if you open the tray below, a bigger one". The fact that the rapporteur of the Trapero case is the same person who signed the unanimous acquittal of *Egunkaria* [24] or the acquittal of the defendants of the Parliament should also make us think. A conception of law, of rights, is at stake: rights against Law, rule of Law vs. State law or the gradual replacement of the welfare state by the penal state. The open dispute is accumulating countless notches here and severe setbacks in European courts.

The current democratic recession also destroys what has been built, not without hypocrisy, deficiencies and deficits, by the traditions of political liberalism, which was born precisely against the abuse and intolerance of power

This brings us back to the impossible consensus of the irreconcilable dissent between Sánchez Cuenca and Pérez Rubalcaba -who said the same thing in a completely antagonistic way, that is, that there is no possible defeat of the pro-independence movement without democratic self-degradation. In this regard, it is necessary to make some reflections on the so-called European and global illiberal drift - Orbán in Hungary, the Kaczyński twins in Poland, from Trump to Bolsonaro and even the inhumanity of the EU on its southern border, fuelled by the rise of ultras. The current democratic recession also destroys what has been built - not without hypocrisy, deficiencies and deficits - by the traditions of political liberalism, which was born precisely against the abuse, intolerance of power and feudal cruelty of absolutisms, as a civil response to the cruelty of the bitter violence of submission and domination. I say this to shield myself (that is how bad things are) in one of the classic liberal political principles, born out of fright or fear: the suspicion of abuse by any state, the fear of arbitrariness, the fear of being powerless.

### Three final liberal thoughts

Recently Miquel Seguró gave me as a gift Judith Shklar's *The liberalism of fear* [25]. A short and subtle text that we could recover today, here and now, because it changes the idea of liberalism, remembering that it did not aspire to create desirable situations, but to prevent reprehensible ones. Although one would say the best way to avoid the latter is to strive to generate the former. The book, suggestive and evocative, perhaps interfered with by the current political moment, remind me of this: "There is nothing reductionist about building a political order on the avoidance of fear and cruelty". She says more: "The freedom it wants to guarantee is freedom from abuse of power and intimidation of the defenceless". More: "Until this is done, there is no reason to assume that fear-liberalism has anything to offer to the victims of political tyranny". The cherry on top of this text written in 1989: "Whoever believes that, whatever its appearance, fascism is dead and buried, should think twice before saying so".

While reading the book I remembered the premeditated confusion and unfair comparison between political liberalism and economic neoliberalism, in the background of the fragility of democracy. In short, political liberalism was born to avoid the savagery we are capable of doing to each other. Neoliberalism, on the other hand, was born to stir them up in the cannibal order of the world. In global lockdown and pandemic times, Santiago Alba Rico [26] argues there is something hopeful about the idea that one's self -and not just the other- is a threat, because it reverses the securitarian routine: I have to protect others from me, in a kind of historical block of survival between vulnerable bodies, where each one protects everything else. Last night, a friend wrote to me: "There is an evil here that works as a

hellish mole: people think that there is such a thing as chemically pure good, so they do not accept the possibility of 'evil'.

In the last decade, we have seen savageries of all colours and in all corners of the world. We have also seen how the mythical Europe dismissed a Greek president for wanting to hold a referendum, imposed a technocratic government in Italy without going to the polls, to impose neoliberal adjustments, and was able to reform, overnight, the unreformable Spanish constitution. Moreover, at the same time -paradox and contradiction- we must continue to maintain that the EU is still the greatest place for guaranteeing rights and freedoms. Of course, everything must be clarified immediately: if it is, although less and less so, it is thanks to very long civil and popular struggles, the heritage of the Enlightenment and a great deal of accumulated suffering. Behind every legal guarantee, behind every fundamental freedom, behind every social right, there are inexhaustible struggles, huge failures and lost battles. As Kant would say, the groaning of humanity at every twist of history; the emergency brake to which Walter Benjamin urged us; or the constituent vulnerability that defines us -what makes us all equal- as Judith Butler reminds us. Even Emerson called for a party of memory, rather than a party of hope.

Against the liberal tradition, the set of traditions of democratic republicanism forces us to rethink, as Antoni Domenech [27], would say, what conception we have and want of freedom, democracy, justice and humanity. This same debate should lead to a global aporia in an already unsolvable contradiction. Today, because of the neoliberal orgy and repressive pornography, no greater or more radical incompatibility than that separates the rule of law from the pleonasm of wild capitalism. What the former enshrines in legality, the latter destroys in reality. We live in times of permanent exceptionalities with the old mania of sacrificing freedoms on the altar of security. Yet, light amidst darkness, I end this text on the day that Chile rejected in a referendum, with 78 percent of the votes, the poisoned legacy of the Pinochet constitution and decided to open a constituent joint convention of men and women.

We live in times of permanent exceptionalities with the old mania of sacrificing freedoms on the altar of security. It costs little to destroy and much to rebuild

It costs little to destroy and much to rebuild. I end up where I started. Compass and rearview mirror, long road and short pass, perspective and retrospective and a rooting in the radical present to be able to fully understand everything that happens to us from the perspective of the accelerated retreat, global and local, against civil social and political rights. Now that we live in constituent times, it is more urgent than ever to remember other constituent times. It was 1947 and Piero Calamandrei left these words to the Italian constituent assembly born out of the defeat of fascism. They should be reproduced and disseminated permanently:

«I believe that our descendants will feel more than we do, in a century's time, that a new history was really born of our Constituent Assembly. And they will imagine that in our Assembly, while the new Republican Constitution was being discussed, it was not we who sat on these benches, ephemeral men whose names will be erased and forgotten. But a whole people of the dead, these dead whom we know one by one, fallen in our ranks, in the prisons and on the scaffolds, on mountains and plains [...] from Matteotti to Rosseli, from Amendola to Gramsci, to our partisan boys. [...] They died without rhetoric, without great phrases, with simplicity, as if it were a daily job to be done: the great work needed to bring freedom and dignity back to Italy. (...) We have a task that is a hundred times more bearable: that of translating into clear, stable and honest laws their dream of a fairer and more humane society, the dream of a solidarity that unites all men in this work of eradicating pain. In reality, our dead ask very little of us. We must not betray them».

#### REFERENCES AND TRANSLATOR'S NOTES

- 1 — *España Global* is the body of the Spanish ministry of Foreign Affairs responsible for the management of Spain's image and reputation (TN).
- 2 — Sanchez Cuenca, Ignacio; “[La postverdad suprema](#)”, 1st of September, 2018, *La Vanguardia*.
- 3 — “Everything for the homeland” is the motto of the *Guardia Civil*, always present at the entrance of its barracks. (TN)
- 4 — The President of the Catalan Parliament's mobile phone was the target of the spy programme Pegasus only available to governments. (TN)
- 5 — At that time, Sáenz de Santamaría was Vice-President of the Spanish Government. (TN).
- 6 — “Go get them!” was shouted in many Spanish cities to cheer the police officers travelling to Catalonia on the October 1st referendum. (TN).
- 7 — Javier Zaragoza was one of the four prosecutors in the Supreme Court trial against the members of the Catalan government. (TN).
- 8 — Tamara Carrasco, a young pro-independence activist arrested in April 2018 for terrorism charges by order of the National High Court. She was acquitted by the court two years later. (TN).
- 9 — Gil Matamala is a well-known Catalan lawyer expert in human rights who stood out for defending numerous anti-Franco opponents. (NT).
- 10 — GAL (an acronym for Grupos Antiterroristas de Liberación) were death squads established illegally by officials of the Spanish government to fight ETA. They were active from 1983 until 1987. (NT).
- 11 — The *Tribunal de Orden Público* was a court created in Francoist Spain to deal with most political crimes. It was established in December 1963, following Julián Grimau's (a Communist activist) execution by firing squad. (NT).
- 12 — *Kale borroka*, “street fighting” in the Basque language, refers to urban guerrilla actions carried out by pro-independence activists. (NT).

13 — *Manos Limpias* (English: Clean Hands) is a trade union registered allegedly representing employees of the Spanish public services. It was founded in Madrid in 1995 by a notable figure within the Spanish far right. (NT).

14 — Grande-Marlaska is the current Home Minister of the Spanish government. (NT)

15 — Manuel Marchena was the president of the Supreme Court that judged the members of the Catalan government. (NT).

16 — Arnaldo Otegi is a Basque politician. He was given a 10 years sentence in 2009. In November 2018, the European Court of Humans Rights ruled against Spain for the breach of the defendant's right to have an impartial trial. (NT).

17 — Martxelo Otamendi, the editor of the Basque newspaper *Egunkaria* arrested and tortured by the Spanish police in 2004. Once released the Spanish government sued him for defamation but was eventually ordered by the European Court of Human Rights to pay Otamendi compensation for not taking his allegations seriously nor investigating them. (NT).

18 — Ece Temelkuran, *How to Lose a Country: The 7 Steps from Democracy to Dictatorship*. Notting Hill: Fourth Estate, 2019.

19 — Ferrer, Mariano; *Analisis del proceso y sentencia del sumario 18/98*; December 22, 2007, [available online](#) at Viento Sur.

20 — Accused of criminal organisation, bribery and money laundering, Villarejo has been held in provisional detention without bail since 17 November 2017. (NT).

21 — Pino was the organizer of the so-called patriotic Police. He has been involved in the case against former Police Superintendent José Manuel Villarejo. (NT).

22 — Maria Dolores de Cospedal was Minister of Defence in the Spanish government between 2016 and 2018. (NT).

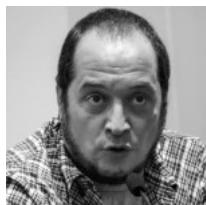
23 — Puigverd, Antoni; “[La cuina i el cràter](#)”, September 8, 2020, *La Vanguardia*.

24 — See note 17 for further development. (NT).

25 — Shklar, Judith; *The Liberalism of fear*. Cambridge: Harvard University Press, 1989.

26 — Alba Rico, Santiago “Contagio y comunicación. La cuarentena estructural”, *La Maleta de Portbou*, 42, September-October 2020, Barcelona.

27 — Domènech, Antoni; *El eclipse de la fraternidad. Una revisión republicana de la tradición socialista*, Akal, 2019.

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