

¿Qué? Podcast, Season 3, Episode 4

Intro music

Simon: Hello everyone! My name is Simon Hunter, I'm the editor of the English Edition of EL PAÍS, and this is ¿Qué? A podcast from El País that this week will do its best to delve into the whole can of worms that is Catalonia.

Whether you're pro-independence, pro-the unity of Spain or pro-perly sick of the whole situation, we are here for you. La pelota está en nuestro tejado.

So sit back, relax, and let us break down all the Spanish stories that make you say, #SPAINISAFASCISTSTATE!

Today is October 15, 2019 and I am here with the birthday girl!

"Happy Birthday dear Melissaaa" It is your birthday tomorrow, I unfortunately will not be here tomorrow so we are celebrating a little bit early today. How do you feel Melissa?

Melissa: Good! Old!

Simon: Another year older, another year wiser

Melissa: Not so much wiser but I have a great yoga book thanks to your lovely present

Simon: Yes! No you're very welcome. I'm gently pushing you down the iyengar path which is the style of yoga that I have long practiced. So yes, I hope you enjoy it and I hope you have a lovely birthday.

And there's someone else in the room! Hello Veronica! Where have you been?

Veronica: I've been away from you, thank god

Simon: ahhh but you've been listening every week?

Veronica: Yes...I'm happy to be back

Simon: Yeah, we're happy to have you back. José did a fantastic job but it's lovely to see you here

Veronica: No, he sucks *laughter*

Sound bite - José: What!? You want some?!

Musical interlude

Simon: So yeah, we've got the band back together, how exciting! It's lovely to be here.

As usual we will start with the fairly scant, correspondence we've received this week from our beloved listeners. We encourage you as always to get in touch you can find me on twitter @simoninmadrid you can also use the #quepodcast or you can email EnglishEdition@elpais.es

Tell us where you're listening from, why you're listening and suggest topics for us. And please leave us a review wherever you should listen to the podcast and share the podcast on social media! I was sharing the podcast last night with my aunt and uncle who are here visiting from England. And we were having a very nice chat about, I was telling them all about the podcast, podcast this, podcast that, and after about five minutes of me talking about the podcast my aunt went "Oh it's so interesting Simon, but tell me, what is a podcast?" *laughter*

Melissa: Aww

Simon: So I probably should have started at that point with what is a podcast before I tried to sell them ¿Qué?

So we've heard from all of our regular correspond... "correspondees?" What's the word? All of our regular listeners apart from Ryan V - where are you Ryan V?! Are you upset? Because Ryan V was our podcast hero who of course used to send us the transcripts every week. Amazing. He used to sit at work apparently and try and avoid the gaze of his boss and turn out these podcasts. I'm not sure where you are Ryan but he might be upset that we're using our current intern, Alicia, to do the transcripts. So I hope all is forgiven Ryan, we were trying to help you out. We thought you'd done more than your fair share, so get in touch!

We heard from Chris Thompson, who says, "Greetings al cazador y la gatita"

He's writing in reference to his letter last week, which I think we got the, well I got the wrong end of the stick.

He says, "Just to clarify, it wasn't just about Brits not being able to get their citas previas. Proper immigrants, people who need to earn a living, are bumping into the lack of citas. They end up without their NIE or TIE and so can't get a social security number, or a flat or a phone and it's they who then fall prey to mafias."

So yes I did get the wrong end of the stick with that story but it is basically that. People are trying to get appointments to sort their paperwork out and cannot do it. And it looks like people are actually selling these appointments which is pretty shocking.

And we also heard from friend of the show, Alan Jones. He says, "Hi Simon. Good podcast, as usual, and like your other listeners, I like the longer version."

Cough, cough Veronica

"I enjoyed - is that the right word - your coverage of the Castro Urdiales murder"

This was of course the grizzly head in the box story, but he says, "but I really did expect El País to update their story after my exclusive tweets."

He was tweeting out some information because poor old Alan actually lives very close to where all this happened.

"Now," he says "just listened to the end of the podcast again, it really *does* sound like Melissa says "and I'm a little kitten".

laughter Surely not, we wouldn't have done that, would we?

"All the best to all of you, Alan"

So thank you for that, Alan.

Right, so, there's only one thing to talk about this week, we're back here again and there's seemingly a never ending story. So, Melissa, take it away. What's happening with Catalonia this week?

Music interlude

Melissa: Well, big news, on Monday, the Spanish Supreme Court announced its highly anticipated ruling on the 12 Catalan separatist leaders who were tried earlier this year for their involvement in the 2017 independence drive.

The court sentenced nine of the leaders to between nine and 13 years in prison after finding them guilty of sedition.

Oriol Junqueras, who was deputy premier of Catalonia at the time of the breakaway bid, was also found guilty of misuse of public funds. He was sentenced to the highest prison term: 13 years.

Three ousted regional ministers – Raül Romeva, Jordi Turull and Dolors Bassa – were found guilty of the same crimes as Junqueras, but were given a slightly shorter sentence: 12 years in prison and a 12-year ban on holding public office.

Two other ex-cabinet members, Josep Rull and Joaquim Forn, were found guilty of sedition and are facing a 10-and-a-half year prison term.

The former speaker of the Catalan parliament, Carme Forcadell was sentenced to 11 years and six months.

And Jordi Sànchez and Jordi Cuixart, the leaders of the civil society groups ANC and Òmnium, were sentenced to nine years in prison and given a nine-year ban on holding public office.

The remaining three defendants, who were not held being held in preventive prison, were acquitted of misuse of funds and instead found guilty of disobedience, and ordered to pay a fine.

Now, it is important to point out that none of the nine convicted leaders were found guilty of rebellion, which was the most serious charge they were facing.

The difference between rebellion and sedition is that the former seeks to modify the Spanish state's structure by violating the law and instigating street violence, while the latter encourages riotous acts in order to prevent the application of the law.

The court found that there were “undeniable acts of violence” in Catalonia in the fall of 2017, but that these were not severe enough to convict the defendants of rebellion.

Another interesting point to mention is that the court has also left the door open to the possibility of a semi-open prison regime. This means that the nine convicted leaders may only have to spend the nights of Monday through Thursday in jail.

Now the Supreme Court ruling has been rejected by the defendants and their defense teams have already announced that they will appeal the decision before the Constitutional Court as well as with the European Court of Human Rights.

Sound bite

Junqueras said he was being jailed for his “political ideas” and accused the state of “persecuting democrats.” Rull said: “If they had judged us on the facts, they would have acquitted us.” And Forcadell said the ruling was a “dark day” for democracy.

Sound bite

The premier of Catalonia, Quim Torra, who is a hard-line supporter of the independence movement, also dismissed the Supreme Court ruling as “unjust and undemocratic.”

But the response from Spain’s main political leaders has been very different. The caretaker prime minister, Pedro Sánchez, from the Socialist Party, praised the “legal process” as “exemplary,” **[Sound bite]** and said the government will “fully comply” with the court’s decision.

Pablo Casado, the leader of the conservative Popular Party, also welcomed the ruling, **[Sound bite]** as did Albert Rivera, the head of the center-right party Ciudadanos or Citizens.

Sound bite

Pablo Iglesias, from the anti-austerity party Unidas Podemos, was less enthusiastic, **[Sound bite]** arguing the sentence “will go down in the history of Spain as a symbol of how not to address political conflicts in a democracy.”

The reactions to the Supreme Court ruling have been divided, to say the least. And it is unclear whether the much-anticipated verdict will help or harm social harmony in Catalonia.

Simon: First of all, just having a quick look at what the conclusions of the court were, and the supreme court, this was seven supreme court judges who heard and tried this case and ruled on it.

And basically, to sum it up in a paragraph, the court concluded that the defendants were not trying to actually achieve independence because they knew that that was impossible, but they were trying to create a climate of maximum tension that would force the Spanish state to a negotiation on an actual referendum regarding a self-determining Catalonia. And that despite the rhetoric, the supreme court said of the pro-independence leaders, the objective was always going to be impossible and basically they were saying the defendants knew that.

So really to sum up, that they were riding roughshod all over laws and court rulings for some of Spain's highest courts in order to force their negotiations that they wanted and to force action from the Spanish state. Now let's not forget that they were trying to do this at a time when Mariano Rajoy was Prime Minister *laughter*.

So I think they probably kind of picked the wrong strategy with that particular adversary because, as we've mentioned many times in the past, Rajoy was the epitome of the "wait and see" politician and would just let situations play out without taking too much of the initiative, which really is pretty much what happened.

Of course, now we're in a different scenario, we've got Pedro Sanchez of the Socialist party as the caretaker Prime Minister, we're headed toward fresh elections in November.

I thought it was interesting that when Sanchez spoke to the press, he also spoke in English; he didn't just speak in Spanish, he spoke in English, obviously very aware of how this is going to play out outside of Spain.

Also, over the weekend, the Spanish government released a video ahead of the ruling where its various government leaders were talking about Spain as a state where the rule of law exists.

Sound bite: "Nationalism speaks societies." "Between husbands and wives. Between brothers and sisters." "We have to do it together."

Simon: I mean really, it's a bit kind of too little too late, isn't it. The pro-independence movement won the media war outside of Spain's borders a very long time ago which obviously does make it...you only have to look at the comments on our stories, there are

very very few comments in favour of what has happened and in favour of the unity of Spain and in favour of there not being a succession of Catalonia, compared to the pro-independence commenters, or certainly the people that are very much in support of there being some kind of a referendum.

But the other, most critical voice came from Vox, the far-right party Vox, the leader of the party Santiago Abascal he has said that the sentence was shameful for Spain [sound bite] and that basically was done to suit Pedro Sanchez who immediately came out to applaud it.

So Vox obviously, one of their key campaign points is a very hard line when it comes to Catalonia and its independence drive so no great surprise that that's the line that they would take. In fact, one of their deputy leaders, the general secretary, was actually part of the private prosecution in the trial, which was a pretty extraordinary thing to see.

So, as was to be expected, on Monday after the ruling we immediately saw protests, we saw some spontaneous protests around the cities of Catalonia. **[Sound bite of protests]** But the main protest was around and in the Barcelona El Prat airport. We ended up with more than 100 flights cancelled yesterday.

It was interesting the way that this happened, actually. There's this grassroots movement called 'Democratic Tsunami' and they have no visible leaders and it's using social media to immobilize followers and protesters. There were various police chargers, foam bullets were fired at the demonstrators and protesters.

And if you look at some of the...one of the videos that we ran this morning, just looks absolutely terrifying. There's some Asian tourists in one of the shots sitting in seats in a waiting area in the airport and they're just surrounded by this chaos of riot police going up against demonstrators and they looked terrified.

It was absolute chaos in El Prat yesterday, long lines for buses and taxis because the roads were also being blocked off. There were people blocking off the AVE high speed train line in Gerona I believe it was, and also on the regular train platform.

As far as we can see, there have been reports of 56 people needing medical treatment. 10 of whom were taken to the hospital. And we've got reports today that someone lost an eye, apparently, from one of these foam rounds that they were firing at the protesters.

There was also an incident, an isolated incident of violence from a pro-independence supporter in Tarragona. Again, it's a video that we've got on our website. There was a

woman carrying a Spanish flag who was kind of taunting supporters of independence as they were filing past her, she was sort of dancing round this flag. Someone grabbed the flag, she grabbed that person's backpack and he spun round and he hit her very hard in the face and she fell on the floor and was obviously very, very shaken up. So that was a pretty ugly scene. But it should, I should stress, that that is the one incident of violence that we have reporting of, in terms of coming from the side of the pro-independence supporters.

Sound bite

Simon: The Catalan politicians today, they've not exactly been calling people, there were suspicions that they were going to kind of, call people out to this mass civil disobedience which we haven't quite seen.

They are of course, though lamenting the lack of a political solution, there's renewed calls for a referendum, talk of independence being inevitable, I mean you know, despite the lack of majority support of that, even in Catalonia.

There's been lots of comments from the usual suspects, of Scottish Nationalists for example that were really just very well ill informed, as our friend Matthew Bennet was pointing out, comments made without even having read the ruling or examined what the result of this four month trial was. I mean you can't just dismiss it outright because you don't like it.

In fact, Matthew Bennet's been having a lot of fun, as usual his coverage has been excellent. I recommend that you go and check out his tweets because he's been going through the ruling with a fine-tooth comb.

Owen Jones, The Guardian columnist, he tweeted yesterday, "Whether you support Catalan independence or not is irrelevant. A supposedly democratic European state locking up political dissidents is grotesque - as is the lack of condemnation by other European governments."

Well maybe, Owen, the other European governments have just got a bit of a better hold on the situation than you have *laughter*

And Matthew Bennet came back with, "And only days ago Owen Jones was complaining about Boris closing parliament in Britain."

So there is that double standard where commentators from the UK are decrying the situation in Spain while at the same time saying "Oh Boris Johnson mustn't ignore the

law when it comes to Brexit and the 'Benn' law," and this is an incredible double standards because that's exactly what these Catalan politicians have been doing; just ignoring the law, ignoring court rulings, just making it up as they go along, unilaterally declaring independence when they don't even have a majority support for independence in the region and certainly not across the rest of Spain.

The problem with all of these commenters is that they implicitly suggest that there is no separation of powers in Spain, that the judiciary is just serving the government and I think a lot of people would like to believe that that certainly isn't the case.

I mean, I always make this point and I always go back to the same point about, you know, ahead of the unilateral declaration of independence in the Catalan parliament back in 2017, the in-house counsel in the parliament stood up and said, "what you're about to do might constitute a criminal offence."

So these politicians, as the ruling made clear, they knew what they were doing, they knew that they were breaking the law, they knew that they were ignoring court rulings. But as the court found it was all part of a strategy to try and push for a referendum and of course, at the end of the day, push for the greater powers and greater control over its own taxation and finances that really is the root of this whole tug-of-war with the Spanish State.

Also, I tweeted out this morning, a tweet that proved to be quite popular that said something like, "Wow! An opinion piece from The Guardian on Catalonia that's actually quite sensible!" *laughter*

Because Carles Puigdemont has written in there and they do, The Guardian, they do tend to give a voice to the pro-independence side and they seem to get away with making some fairly extraordinary claims including the oft-mentioned claim that someone like Carles Puigdemont is a political exile or that the political leaders that were jailed this week are political prisoners, are being tried for their ideas rather than for their actions which is actually quite far from reality.

Giles Tremmlett wrote this opinion piece, he's a former...I think he's the former, he's not the Spain correspondent anymore, he used to be...he wrote in this opinion piece, "There are huge practical obstacles to independence, starting with the many hurdles written into Spain's constitution. Overcoming these requires massive support in Catalonia itself; but the separatist leaders who orchestrated a head-on collision with the law never had anything like that. The jail sentences are for sedition, but their real problem is hubris."

Very good column, definitely recommend that you check it out.

So, what happens now? Well , obviously we're going to wait and see what happens in terms of the conditions that these "convicts," do we call them "convicts" now that they've been convicted?...that these political leaders and that these pro-independence leaders and going to have to deal with. That's actually in the hands of Catalan prison authorities which is quite amusing.

The public prosecutor was calling on the Supreme Court to actually set out the conditions under which they should be jailed but the Supreme Court declined to do this. So that obviously could open the door for them to have conditions, where by, for example, they could just have to sleep in the prison from Monday to Thursday, I think the suggestion is, and that they will be out on day release the rest of the time.

Pedro Sánchez has already ruled out any kind of pardon. There is of course, the massive issue of Carles Puigdemont, who was of course the Catalan regional Premier at the time of all of these events. He fled Spain to avoid arrest, he's avoided trial and he did that along with several of his colleagues. Basically Spain would have to persuade Belgium to extradite these four people back to Spain so they can face trial.

There's another one, the former minister, Clara Ponsatí, is in Scotland. The former general secretary of the Catalan Republican Left Marta Rovira, and a former member of the anti, a small anti-capitalist CUP, Anna Gabriel, they are both in Switzerland.

Now Spain has been trying to extradite, in particular Puigdemont, but has just been coming up against a brick wall basically because one of the key problems here is that there needs to be a sort of equivalent under the other country's law of the offence that you want to try them for. So if they want to try Carles Puigdemont for sedition, there needs to be an equivalent of sedition under the Belgium law. And apparently there's no, there's practically no other EU country that has this, a similar law.

So, what the Supreme Court has been doing is waiting for the ruling and then, kind of armed with that ruling, they can go to the other countries justice systems and say, "look, we've convicted these people now so you really need to hand them over, so that these people who were involved in a very similar capacity can face the justice system." But I don't think that's going to happen in a hurry.

Right so, I think we need now, in coming weeks, to have a little Catalonia break. What do you think?

Melissa: Sounds good!

Simon: *laughter* That's my second birthday gift to you *laughter*

Obviously this has been a huge piece of news. We were going crazy yesterday trying to get it all out as quickly as we possibly could. We published the editorial today in English of EL PAÍS so you can read that on our website and check out what EL PAÍS's take is on the whole issue.

Sound bite

Simon: All right, so let's wrap up it up there, that's the fourth episode of season three.

My name is Simon Hunter -

Melissa: I'm Melissa Kitson

Simon: That was very, very close to...I mean I couldn't tell which one you said then *laughter* That was brilliant!

Alan what do you reckon? Alan Jones what do you reckon, was that Melissa Kitson or a little kitten? I couldn't honestly tell you!

And this was Qué? A podcast that tries to explain what happens in Spain to those of us who sometimes get a little bit lost in translation.

This is an EL PAÍS production, it was recorded right here in the EL PAÍS newsroom under the expert guidance of our producer Verónica Figueroa, *cheering* and you can listen to it on your favorite podcast app.

You can also request it via Alexa, Siri or your Google Assistant. We'll be back next week with a brand new host of issues. Thank you for listening, adios!

Melissa: Ciao!