



By: Daniel Lacalle

The Perils of the Spanish Amnesty Law: A Sordid Accord with Dangerous Consequences



The Socialist Party's proposed Spanish Amnesty Law is not about democracy or coexistence. It is about erasing all the Catalan separatists' aggravated embezzlement, terrorism, and malpractice charges, placing politicians above the rule of law using the trick of false and inexistent precedents in its wording.

It is important to remember that no one is prosecuted in Spain for their ideas. Separatist parties are not only legal, but many are in power in regions with some of the highest degrees of autonomy from the state of all developed nations.

This is a law to give power to Pedro Sanchez at any cost and above anything.

This controversial piece of legislation, allegedly aimed at fostering unity and reconciliation, has sparked a wave of concerns, not only among legal experts and human rights advocates but also within the international community.

As we delve into the intricacies of the law, it becomes apparent that it hides a multitude of dangers, threatening to undermine constitutional principles and erode the foundations of justice.

A Financial Times article published on November 17th sheds additional light on the contentious nature of the Spanish Amnesty Law. This legislation paves the way for impunity and weakens the rule of law, as it provides a blanket amnesty for certain offences committed between 2012 and 2023.

Serious questions about accountability and justice

Such a move, as observed by all the judges' associations in Spain in an unprecedented joint statement, some of the top legal firms in Spain, and the association of tax inspectors, among others, raises serious questions about accountability and justice.

The FT article also raises an important point

about the potential impact on Spain's international reputation. "The deal breaches fundamental tenets of the rule of law that should be upheld, not undermined, in a mature democracy". The country, once held up as a beacon of democratic progress, risks tarnishing its image and credibility on the international stage.

The Times echoed these concerns, emphasising the potential consequences of granting amnesty without due consideration for the gravity of the offences involved.

The amnesty puts the government at the service of the independentists, eliminates justice as an independent counterweight

The Amnesty Law shields individuals responsible for severe law violations, including charges of terrorism and embezzlement, from facing the consequences of their actions. This amnesty comes as part of a broader agreement between the PSOE and the separatist right, Junts per Catalunya, that puts the government at the service of the independentists, eliminates justice as an independent counterweight, assumes the separatist discourse, considers the state institutions' actions of the past 10 years as illegitimate, institutionalises legal insecurity, and shields the separatists from any past and future legal charges.

It is extremely dangerous to read that the Socialists assume the infamous accusation of "judicialisation of politics" and open the door to submitting the judiciary to the pressure of political power. The fact that the Socialist Party, PSOE, assumes the falsehood of "lawfare" (the political use of justice to attack democracy) is intolerable.

The joint statement of all Spanish judicial organisations is clear: "The text of the agreement reached contains explicit references to the possibility of developing parliamentary committees of inquiry to determine the presence of situations of

judicialisation of policy, with consequences that could lead to actions of accountability or legislative modifications.



Daniel Lacalle: No one has voted for the demolition of the rule of law

This could entail, in practice, a parliamentary review of judicial procedures and decisions with a clear interference with judicial independence and the failure of the separation of powers". We are talking about the subordination of justice and the counterweight mechanisms of the state to the political decisions dictated by parliamentary strategies.

The parties of the ruling coalition, the socialists and the extreme left, Sumar, say that "this is democracy", except for a small detail. No one has voted for the demolition of the rule of law, and none of these parties went to elections with these proposals in their programs.

Separatism has not moved from its position

These agreements are parliamentary bargains for Sanchez to remain in power at all costs, behind the backs of the Constitution, society, and voters. This is not democracy; it is autocracy.

Let us not forget that the PSOE and Sumar sell these agreements as if they were a solution for coexistence and a way to "disable" separatism. It is false. Separatism has not moved an inch from its position.

Right-wing separatists Junts per Catalunya still defend independence, propose a referendum on self-determination, and the Socialist PSOE commits to implementing the 2006 Catalonia Statute in its entirety. This statute included fourteen unconstitutional points, as ruled by the Spanish Constitutional Court.

From an economic point of view, which is very serious in view of such a demolition of the rule of law and separation of powers, the agreement is devastating

The Treasury inspectors have also shown their "frontal and absolute rejection" as the agreement violates Article 14 of the Constitution. "Agreements that (...) imply, implicitly, the abuse of power and of state institutions whose sole purpose is to serve the general interest." "This situation undoubtedly implies the breach of the principle of equality between all Spaniards contained in Article 14 of the Constitution, giving privileges to some regions above all others, as well as the violation of the prohibition of the arbitrariness of the public powers, enshrined in Article 9 of the Constitution".

From an economic point of view, which is very serious in view of such a demolition of the rule of law and separation of powers, the agreement is devastating.

Myopic attempt to navigate political challenges

The entire agreement with Junts per Catalunya imposes legal uncertainty and investor insecurity, as well as political randomness in decisions that do not belong to them, even those of private company boards. The institutionalisation of the legal uncertainty that these pacts entail reminds us that this is not democracy or progressivism; it is close to Argentina's Peronism.

A dubious accord with constitutional implications might create long-term damage

that outweighs short-term political gains. The danger lies not only in the immediate consequences but also in the erosion of the very principles that form the backbone of Spain's legal system.

A far reaching and random amnesty, decided and dictated by the defendants behind closed doors, morphs into a tool that undermines the foundations of justice, rendering the legal system impotent in the face of gross law violations.

The Amnesty Law is a myopic attempt to navigate current political challenges without considering the lasting consequences for Spain's legal and moral compass. While the apparent goal is supposed to be political unity, it is in fact only about power at any price.

The long-term consequences for justice, accountability, and Spain's standing in the global arena cannot be ignored. In the pursuit of immediate solutions to maintain Sanchez in power at any cost, the Socialist Party has sacrificed the very principles that define Spain's democracy and rule of law.