

**Resolution 808/XI of the Parliament of Catalonia, approving the Final Report of the Investigative Committee on Operation Catalonia**

Proceeding 261-00001/11

**PLENARY ASSEMBLY OF THE PARLIAMENT OF CATALONIA**

The Plenary Assembly of the Parliament, at the sitting held on 7 September 2017, was informed of the Final Report of the Investigative Committee on Operation Catalonia, and discussed the conclusions presented by said committee.

Finally, in accordance with Article 66.6 of the Rules of Procedure, the Parliament of Catalonia adopted the following

**RESOLUTION**

Contents

- I. Antecedents
- II. Composition and work of the Committee
- III. Work plan approved by the Committee
- IV. Conclusions and recommendations

**I. ANTECEDENTS**

**1. PARLIAMENTARY ANTECEDENTS**

1. The Plenary Assembly of the Parliament of Catalonia, at the sitting held on 8 March 2017, approved Resolution 529/XI of the Parliament of Catalonia, with the following content:

“The Parliament of Catalonia creates the Investigative Committee on Operation Catalonia (CIOC).”

2. At the sitting held on 14 March 2017, in accordance with the Board of Spokespersons and in compliance with Article 48.1 of the Parliament's Rules of Procedure, the Presiding Board of the Parliament decided that the Committee would be composed of two deputies per parliamentary group, except for the group whose member chairs the Committee, which would have one more member.

The Presiding Board decided that the Committee would take decisions by the weighted voting system and that the chair would be assisted by a parliamentary lawyer who would act as secretary of the Committee to draw up the minutes of the sittings and to issue certificates with the approval of the chair.

3. At the sitting held on 11 April 2017, in accordance with the Board of Spokespersons and in compliance with Article 49.2 of the Rules of Procedure, the Presiding Board of the Parliament decided that the Committee would be chaired by the Parliamentary Group of "Junts pel Sí" (Together for Yes).

4. In compliance with the provisions of Article 66 of the Parliament's Rules of Procedure, the various groups assigned deputies to form part of the Investigative Committee and the deputy who would chair it, and so informed the Presiding Board of the Parliament.

5. The Committee was constituted on 21 April 2017, and the appointment as its chair of the deputy Alba Vergés i Bosch proposed by the Parliamentary Group of Junts pel Sí was approved unanimously. At its constitutive sitting, it was decided that the Committee would have a governing body composed exclusively of the chair, with the power to order the Committee's work, and that the parliamentary lawyer who had to assist the chair would act as secretary to draw up the minutes of the working sessions and to issue certificates with the approval of the chair.

6. All the parliamentary groups had until 28 April 2017 to present proposals to the Parliament's Registry regarding the Committee's work plan.

7. At the sitting of 4 May 2017, the Committee drafted and approved a work plan, which was later modified several times, in order to draw up a final report containing the conclusions of the Committee, after the various witnesses had been heard and the requested documents had been analysed.

8. On 21 July 2017 the Committee decided to report to the Presiding Board of the Parliament the failure to appear of 10 persons who had been sum-

moned on two occasions, for the matter to be passed on to the Public Prosecution. On 25 July the Committee decided to ask the Presiding Board of the Parliament to consider taking criminal action against the persons who voluntarily failed to appear before the Committee after being summoned on two occasions, with the corresponding legal warnings, in accordance with the provisions of Article 67 of the Rules of Procedure, though they may also be reported to the Public Prosecutor's Office.

9. On 28 August 2017 the Committee decided to report to the Presiding Board of the Parliament the failure to appear of 11 persons at the sitting of that date and all the other people who had failed to appear at other sittings of the Committee, so that the Presiding Board could study the possibility of taking criminal action against the persons who had voluntarily failed to appear before the Committee after being summoned on two occasions, with the corresponding legal warnings, in accordance with the provisions of Article 67 of the Rules of Procedure, though they may also be reported to the Public Prosecutor's Office.

10. The parliamentary groups presented the proposed conclusions regarding the Parliament's Registry on 28 August, in accordance with the provisions of Article 66.6 of the Parliament's Rules of Procedure.

## **2. REGULATORY ANTECEDENTS**

Article 59.6 of the Statute of Autonomy of Catalonia states that the Parliament can create investigative committees:

“6. Parliament may create investigative committees on any matter of public relevance or interest to the Generalitat. Those summoned to appear before them, are obliged to do so, in accordance with the procedure and guarantees established by Parliament's Rules of Procedure. Sanctions for non-fulfilment of this obligation shall be regulated by law.”

Article 66 of Parliament's Rules of Procedure establishes the possibility of creating investigative committees in the following terms:

“1. The Plenary Assembly of the Parliament of Catalonia, at the proposal of two parliamentary groups, of a fifth of the members of the Parliament, of the Presiding Board of the Parliament after hearing the Board of Spokespersons, or of the Government, may agree to create

an investigative committee on any matter of public interest that is within the powers of the Generalitat.

2. The composition and the number of members of investigative committees must be specified by a decision of the Board of Spokespersons. As technical advisers, the committee may also incorporate specialists, who may speak but have no voting rights. Their number may not be greater than that of the parliamentary members of the committee.

3. The Parliament must set up an investigative committee if it is requested by a third of the deputies or by three parliamentary groups; proposers may only present one binding proposal per year.

4. Before beginning to act, investigative committees must draft and approve a work plan.

5. Through the President of the Parliament, investigative committees may summon any person to testify.

6. The conclusions of investigative committees must be reflected in a final report that must be debated by the Plenary Assembly of the Parliament.

7. The conclusions approved by the Plenary Assembly of the Parliament must be communicated to the Government, though the Presiding Board of the Parliament may also communicate them to the Public Prosecution.”

The appearances of persons before the Committee are regulated by Article 67 of the Rules of Procedure, which states the following:

“1. Appearances before investigative committees are governed by the following regulations:

a) Witnesses may only be required to appear in relation to matters that are within the powers of the Generalitat.

b) The President of the Parliament signs the summons, which must duly state the decision to summon adopted by the committee, the personal identification details and the address of the person summoned, the place, the day and the time when they are to appear, and the question on which they must inform.

c) The notification of the summons must be made 15 days before the date on which the witness must appear, unless the committee decides that it is urgent, in which case the period is five days. If the person

summoned fails to appear, the summons must be repeated after three days, or after one day if it has been decided that it is urgent.

d) The person summoned must be warned in the notification of their rights, their obligations and any liabilities they may incur.

e) The person summoned may appear accompanied by any person whom they appoint to assist them.

f) The appearance takes place in accordance with the procedure that is previously established by the board of the committee, which must be communicated to the witness appearing before they begin to testify.

2. During its work, the board of the committee must guarantee respect for privacy, honour of people, professional secrecy, the conscience clause and other constitutional rights.

3. If the person summoned voluntarily fails to appear before an investigative committee, the Presiding Board of the Parliament must inform the Public Prosecution, in order to determine any criminal liability that may be applicable to them. In the initial summons, they should be warned of this possible criminal liability.

4. If the investigative committee so decides, appearances may also be conducted by the procedure established in Article 57.”

With regard to the possibility of summoning any person to testify to the Committee, the provisions of paragraphs 1 and 3 of Article 502 of Organic Law 10/1995, of 23 November, on the Criminal Code, have been taken into account. These paragraphs state as follows:

“1. Persons who have been legally summoned and warned but fail to appear before an investigative committee of the Cortes Generales or a legislative assembly of an autonomous community must be punished for the crime of disobedience. If the defendant holds public office or is a civil servant, the sentence of suspension of employment or public office must also be imposed for a period of six months to two years.

(...)

3. A person summoned before a parliamentary investigative committee who strays from the truth in their testimony must be punished with a prison sentence of six months to one year or a fine of 12 to 24 months.”

## II. COMPOSITION AND WORK OF THE COMMITTEE

### 1. COMPOSITION OF THE COMMITTEE

#### 1.1. Members

##### *Parliamentary Group of Junts pel Sí*

Lluís Guinó i Subirós

Roger Torrent i Ramió

Alba Vergés i Bosch, chair of the Committee

##### *Parliamentary Group of Ciutadans (Citizens)*

José María Espejo-Saavedra Conesa until 25 April 2017, when he was replaced by the deputy Matías Alonso Ruiz

Joan García González, until 25 April 2017, when he was replaced by the deputy Martín Eusebio Barra López

##### *Socialist Parliamentary Group*

Assumpta Escarp Gibert

Jordi Terrades i Santacreu

##### *Parliamentary Group of Catalunya Sí que es Pot (Catalonia Yes We Can)*

Albano Dante Fachin Pozzi

Marc Vidal i Pou

##### *Parliamentary Group of the Partit Popular de Catalunya (People's Party of Catalonia)*

Esperanza García González

Sergio Santamaría Santigosa

##### *Parliamentary Group of the Candidatura d'Unitat Popular - Crida Constituent (Popular Unity Candidacy - Constituent Call)*

Mireia Boya e Busquet

Sergi Saladié Gil

The work of the Committee was assisted by the parliamentary lawyer Francesc Pau i Vall, who acted as secretary, the parliamentary linguistic adviser Enric Tudó Rialp, and the parliamentary administrative Elena Mora Martínez.

## **2. Sittings of the Committee**

The Committee has held a total of 20 sittings and has conducted 19 appearances.

**Sitting 1.** On 21 April 2017, the constitutive sitting of the Committee was held.

**Sitting 2.** On 4 May 2017, the Committee's work plan was drafted and approved.

**Sitting 3.** On 23 May 2017, the schedule of appearances and the issues on which each participant was to inform were approved, and the following persons appeared:

- Patricia López, journalist of the newspaper *Público*
- Carlos Enrique Bayo, journalist of the newspaper *Público*

**Sitting 4.** On 25 May 2017, the following persons appeared:

- Carlos Quílez, journalist of the newspaper *Crónica Global*
- David Fernàndez, journalist and ex-deputy of the Parliament of Catalonia

**Sitting 5.** On 30 May 2017, the following persons appeared:

- Elpidio Silva, lawyer
- Sergi Blázquez Quevedo, president of Drets group (Rights group)

- Agustí Carles i Garau, legal expert, founder of Drets group
- Ernesto Ekaizer, journalist

**Sitting 6.** On 6 June 2017, the following persons appeared:

- José M. Fuster Fabra, lawyer
- Josep Costa, political scientist and adjunct professor of the Department of Political and Social Sciences at Pompeu Fabra University

**Sitting 7.** On 13 June 2017, the following persons appeared:

- Pedro Águeda, journalist
- Joan Queralt Jiménez, lawyer and full professor of Criminal Law at the University of Barcelona

**Sitting 8.** On 20 June 2017, Higiní Cierco, Ramon Cierco and Joan Pau Miquel were summoned to appear. As they notified the Committee that they would not attend the sitting, the chair suggested summoning them again to appear as of September.

Jaume Bartomeu Cassany, also summoned to that sitting, did not notify whether he would or would not attend the sitting. Due to his failure to appear, the chair suggested summoning him again to appear as of September.

Eduardo Inda Arriaga, editor of the newspaper *Ok Diario*, summoned to that sitting as an expert, also failed to appear.

During the sitting, the following persons appeared:

- Xavier Trias i Vidal de Llobatera, councillor of the Barcelona City Council, head of the Democratic Municipal Group and former mayor of Barcelona
- Francisco Marco Fernández, director of the Método 3 Detective Agency

**Sitting of 22 June 2017.** Cancelled because the witnesses summoned on that date had notified that they would not appear.



The following persons had been summoned to that sitting: Jorge Fernández Díaz, former Home Affairs minister, who had notified that he would not appear; José María Romero de Tejada Gómez, senior public prosecutor of Catalonia, who had stated that, following the instructions of the Spanish Public Prosecutor's Office, he would not appear; and Daniel de Alfonso Laso, magistrate and former director of the Anti-Fraud Office of Catalonia, who had stated that, following the instructions of the General Council of the Judiciary, he would not appear.

**Sitting 9.** On 26 June 2017, the first extension of the work plan was approved and the following persons appeared:

- Victoria Álvarez Martín, who appeared accompanied by Sebastián de Juan Fontanet and Germán Plaza Rubert, lawyers
- Francisco Javier de la Rosa Martí, businessman.

Alicia Sánchez-Camacho Pérez, former president of the Partit Popular de Catalunya and first secretary of the Congress of Deputies, had also been summoned to this sitting, but proved that she was unable to appear for reasons of health.

**Sitting 10.** On 27 June 2017, the following persons were summoned to appear: Jorge Moragas Sánchez, secretary of the National Security Council and head of the President's Office of the Spanish government; Manuel Montobbio de Balanzó, ambassador of Spain to Andorra; José Luis Olivera Serrano, former head of the Economic and Fiscal Crime Unit and director of the Centre for Intelligence against Terrorism and Organized Crime; Manuel Vázquez López, former head of the Economic and Fiscal Crime Unit; and Enrique García Castaño, former general information commissioner of the Spanish National Police and former head of the Central Operational Support Unit. All of these persons notified that they would not appear.

A second summons to this sitting had also been issued to Jorge Fernández Díaz, who again notified that he would not attend the sitting, and to José Manuel Romero de Tejada, who also failed to appear.

**Sitting 11.** A second summons for 30 June 2017 was issued to Manuel Vázquez López, former head of the Economic and Fiscal Crime Unit; Enrique García Castaño, former general information commissioner of the Spanish National Police and former head of the Central Operational Support Unit; Jorge Moragas Sánchez, secretary of the National Security Council and head of the President's Office of the Spanish government; and Manuel Montobbio de Balanzó, ambassador of Spain to Andorra. All of these persons notified that they would not appear before the Committee.

**Sitting 12.** On 6 July 2017, the following persons appeared:

- Julián Peribáñez Rius, ex-member of the Método 3 detective agency

Antonio Tamarit, ex-member of the Método 3 Detective Agency, was also summoned but stated that he was unable to attend for health reasons.

A summons to this sitting had also been sent to Juan Ignacio Zoido Álvarez, Home Affairs minister, who did not appear; and to Mariano Rajoy Brey, president of the Spanish government, and Soraya Sáenz de Santamaría Antón, vice-president of the Spanish government and minister for the Cabinet Office and for the Regional Administrations, who had notified that they would not appear.

**Sitting 13.** On 11 July 2017, the following persons appeared:

- Marcelino Martín Blas, former head of the Internal Affairs Unit of the Spanish National Police, who was accompanied by Antonio Alberca, lawyer.

A summons to this sitting had also been sent to Ignacio Cosidó, ex-director general of the Spanish National Police, and José Ángel Fuentes Gago, former chief inspector of the Spanish National Police, who had notified that they would not attend the sitting.

Summonses to this sitting had also been sent to Mariano Rajoy Brey, president of the Spanish government; Soraya Sáenz de Santamaría Antón, vice-president of the Spanish government and minister for the Cabinet Office and for the Regional Administrations; Juan Ignacio Zoido Álvarez, Home Affairs minister; and José Luis Olivera Serrano, former head of the Economic and Fiscal Crime Unit and director of the Centre for Intelligence against Terrorism

and Organized Crime. All of these persons had notified that they refused to comply with this second summons.

**Sitting 14.** A summons was sent for 18 July 2017 to Bonifacio Díaz Sevillano, former Home Affairs attaché at the Embassy of Spain in Andorra, and Home Affairs attaché at the Embassy of Spain in Mexico; Rosa Castellón Sánchez, former secretary of the board of directors of the Banca Privada d'Andorra; Celestino Barroso Sánchez, Home Affairs attaché at the Embassy of Spain in Andorra; Eduardo Inda Arriaga, editor of the newspaper *Ok Diario*; Rafael Redondo Rodríguez, business partner of former police superintendent José Manuel Villarejo; José Manuel Sánchez Fornet, former sergeant of the Spanish National Police; and Beatriz Méndez de Vigo Montojo, former secretary general of the National Intelligence Centre (CNI) of Spain. All of these persons failed to appear.

A second summons to appear on 14 July had also been sent to Ignacio Cosidó, former general director of the Spanish National Police, who notified that he would not appear.

**Sitting 15.** A summons was sent for 20 July 2017 to Santiago Aparicio, head of the General Division of the Judicial Police; Germán López Iglesias, general director of the Spanish National Police; José Manuel Villarejo Pérez, former superintendent assigned to the Spanish National Police Operations Commission; and Eugenio Pino, former chief operating officer of the National Police. All of these persons failed to appear.

A summons to this sitting had also been sent for the second time to Antonio Tamarit, former member of the Método 3 detective agency, who stated that he was unable to attend for health reasons, and José Ángel Fuentes Gago, former chief inspector of the Spanish National Police, who failed to appear in response to this second summons.

**Sitting 16.** A second summons for 21 July 2017 was sent to José Manuel Sánchez Fornet, former sergeant of the Spanish National Police; Rafael Re-

dondo Rodríguez, lawyer and business partner of the former police superintendent José Manuel Villarejo; and Eduardo Inda Arriaga, editor of the newspaper *Ok Diario*. All of these persons failed to appear.

**Sitting 17.** On 24 July 2017, the following persons appeared:

- José Zaragoza i Alonso, former secretary of the Partit dels Socialistes de Catalunya (Socialist Party of Catalonia)
- Alicia Sánchez-Camacho Pérez, first secretary of the Congress of Deputies

A summons to this sitting had also been issued to Esteban Urreiztieta, journalist of the newspaper *El Mundo*, and Elisenda Villena, former worker of the Método 3 detective agency, both of whom failed to appear.

**Sitting 18.** A summons was sent for 25 July 2017 to Francisco Martínez, former secretary of State for Home Affairs; Jaime Barrado González, superintendent of the Spanish National Police; Pedro Esteban, former superintendent of the Information Brigade of the National Police in Catalonia; and Antonio Giménez Raso, agent of the National Police on leave of absence. All of these persons failed to appear.

A second summons for this sitting had been sent to José María Romero de Tejada Gómez, senior public prosecutor of Catalonia; Bonifacio Díaz Sevillano, Home Affairs attaché at the Embassy of Spain in Andorra; Celestino Barroso Sánchez, Home Affairs attaché at the Embassy of Spain in Andorra; and Beatriz Méndez de Vigo Montojo, former secretary general of the CNI. All of these persons failed to appear.

**Sitting 19.** A second summons for 28 August 2017 was sent to José Manuel Villarejo Pérez, former superintendent assigned to the National Police Operations Commission; Eugenio Pino, former chief operating officer of the National Police; Francisco Martínez, former secretary of State for Home Affairs; Germán López Iglesias, director general of the National Police; Antonio Giménez Raso, officer of the National Police on leave of absence; Jaime Barrado González, superintendent of the National Police; Antonio Tamarit, ex-member

of the Método 3 detective agency; Esteban Urreiztieta, journalist of the newspaper *El Mundo*; Elisenda Villena, former worker of the Método 3 detective agency; Santiago Aparicio, head of the General Division of the Judicial Police; and Pedro Esteban, former commissioner of the Information Brigade of the National Police in Catalonia. All of these persons failed to appear.

It was decided to close the phase of appearances set by the Committee and proceed to the drawing of conclusions. Therefore, the appearances of David José Mañas, general secretary of the Police Trade Union of Catalonia, and David Miquel, spokesman of the Police Trade Union of Catalonia, which was scheduled for 5 September 2017, were cancelled.

**Sitting 20.** On 29 August 2017, the Committee's final report was approved.

### **III. WORK PLAN APPROVED BY THE COMMITTEE**

At the sitting held on 4 May 2017, the Committee approved the work plan, which was modified at the sittings held on 26 June and 11 July.

#### **A) APPEARANCES APPROVED BY THE COMMITTEE**

##### EXPERTS

1. Patricia López, journalist of the newspaper *Público*
2. Carlos Enrique Bayo, journalist of the newspaper *Público*
3. Pedro Águeda, journalist
4. José M. Fuster Fabra, lawyer
5. Ernesto Ekaizer, journalist
6. Representatives of the Drets group: Sergi Blázquez Quevedo, president, and Agustí Carles i Garau, legal expert and founder of the Drets group
7. Elpidio Silva, lawyer and judge
8. Joan Queralt Jiménez, lawyer and full professor of Criminal Law at the UB

9. Josep Costa, political scientist and adjunct professor of the Department of Political and Social Sciences at Pompeu Fabra University
10. David Fernàndez, journalist and ex-deputy of the Parliament of Catalonia
11. Carlos Quílez, journalist of the newspaper *Crónica Global*
12. Francisco Marhuenda, director of the newspaper *La Razón*
13. Pedro García Cuartango, director of the newspaper *El Mundo*
14. Francisco Mercado, journalist

#### PERSONS WHO ARE TO TESTIFY

1. Eduardo Inda Arriaga, journalist, editor of the newspaper *Ok Diario*
2. Jorge Fernández Díaz, former Home Affairs minister
3. Daniel de Alfonso Laso, magistrate and former director of the Anti-Fraud Office of Catalonia
4. Jorge Moragas Sánchez, secretary of the National Security Council and head of the President's Office of the Spanish government
5. Ignacio Cosidó Gutiérrez, former director general of the National Police
6. José Manuel Villarejo Pérez, former superintendent assigned to the National Police Operations Commission
7. Eugenio Pino, former chief operating officer of the National Police
8. Marcelino Martín Blas, former head of the Internal Affairs Unit of the National Police
9. Bonifacio Díaz Sevillano, former Home Affairs attaché at the Embassy of Spain in Andorra, Home Affairs attaché at the Embassy of Spain in Mexico
10. Celestino Barroso Sánchez, Home Affairs attaché at the Embassy of Spain in Andorra
11. José Luis Olivera Serrano, former chief of the Economic and Financial Crime Unit (UDEF) and director of the Centre for Intelligence against Terrorism and Organized Crime
12. Julián Peribáñez, former member of the Método 3 detective agency
13. Antonio Tamarit, former member of the Método 3 detective agency

14. Francisco Marco, former executive of the Método 3 detective agency
15. Manuel Vázquez López, former head of the Economic and Fiscal Crime Unit
16. Enrique García Castaño, former commissioner in charge of the Central Operational Support Unit (UCAO)
17. José Ángel Fuentes Gago, former chief inspector of the National Police
18. Victoria Álvarez Martín
19. Alicia Sánchez-Camacho Pérez, former president of the Partit Popular de Catalunya and first secretary of the Congress of Deputies
20. Higinio Cierco Noguer, former chairman of the Banca Privada d'Andorra
21. Ramon Cierco Noguer, former chairman of the Banca Privada d'Andorra
22. Joan Pau Miquel Prats, former managing director of the Banca Privada d'Andorra
23. Rosa Castellón Sánchez, former secretary of the board of directors of the Banca Privada d'Andorra
24. Jaume Bartomeu Cassany, former lawyer of Higinio and Ramon Cierco Noguer
25. Xavier Trias i Vidal de Llobatera, councillor of the Barcelona City Council, head of the Democratic Municipal Group and former mayor of Barcelona
26. Francisco Javier de la Rosa Martí, businessman
27. José María Romero de Tejada, senior public prosecutor of Catalonia
28. Rafael Redondo Rodríguez, lawyer, business partner of former police superintendent José Manuel Villarejo
29. Antonio Giménez Raso, officer of the National Police on leave of absence
30. Beatriz Méndez de Vigo Montojo, general secretary of the National Intelligence Centre
31. Santiago Aparicio, head of the General Division of the Judicial Police
32. José Manuel Sánchez Fonet, former sergeant of the National Police
33. Mariano Rajoy, president of the Spanish government

34. Soraya Sáenz de Santamaría, vice-president of the Spanish government and minister for the Cabinet Office and for the Regional Administrations
35. Juan Ignacio Zoido Álvarez, Home Affairs minister of the Spanish government
36. Manuel Montobbio de Balanzó, ambassador of Spain to Andorra
37. Germán López Iglesias, general director of the National Police
38. Francisco Martínez, former secretary of State for the Home Affairs
39. Jaime Barrado González, superintendent of the National Police
40. Pedro Esteban, former commissioner of the Information Brigade of the National Police in Catalonia
41. Esteban Urreiztieta, journalist of the newspaper *El Mundo*
42. José Zaragoza i Alonso, former secretary of the Partit dels Socialistes de Catalunya
43. Elisenda Villena, former worker of the Método 3 detective agency
44. David José Mañas, general secretary of the Police Union of Catalonia
45. David Miquel, spokesman for the Police Union of Catalonia

## **B) DOCUMENTS REQUESTED BY THE COMMITTEE**

1. The statement sent by David González Macías to the EFE agency in July 2016.
2. The transcription of the recording of the conversations of the Home Affairs minister, Jorge Fernández Díaz, with the director of the Anti-Fraud Office in Catalonia, Daniel de Alfonso, in the minister's office.
3. Transcription of the conclusions of the reports by the Money Laundering Prevention Service (SEPBLAC) of the last five years that are related to people residing in Catalonia who are engaged in political activity at local, autonomous community or state level.



4. Transcription of the conclusions of the reports by the Economic and Financial Crime Unit (UDEP) of the last five years that are related to people residing in Catalonia who are engaged in political activity at local, autonomous community or state level.

5. Recordings held by the newspaper *Público* concerning high-ranking police officers.

6. The transcription (requested from the Ministry of Home Affairs of the Spanish government) of the recording of the conversation of the Home Affairs minister, Jorge Fernández Díaz, with the director of the Anti-Fraud Office in Catalonia, Daniel de Alfonso, at the minister's office.

7. A copy (requested from the Ministry of Home Affairs of the Spanish government) of the report of the executive service of the Money Laundering Prevention Service (SEPBLAC) on the alleged bank accounts abroad of the former mayor of Barcelona, Xavier Trias i Vidal de Llobatera, which, according to the media, was delivered by the director of the Anti-Fraud Office of Catalonia, Daniel de Alfonso, to the Home Affairs minister, Jorge Fernández Díaz:

<http://www.publico.es/politica/dando-via-juridica-averiguar-movimientos.html>

8. A copy (requested from the Ministry of Foreign Affairs and Cooperation of the Spanish government) of the reports prepared by the so-called "Montserrat Group", or at the request of members of the group, on the link between Catalonia and Spain:

"Montserrat", Margallo's secret work group for seducing Catalonia

[http://www.elnacional.cat/ca/politica/margallo-seduir-catalunya-montserrat\\_104856\\_102.html](http://www.elnacional.cat/ca/politica/margallo-seduir-catalunya-montserrat_104856_102.html)

9. A copy (requested from the Spanish government) of the report on public resources and reserved funds invested in causes related to the operation of destruction of the self-determination process of Catalonia:

The Ministry of Home Affairs used reserved funds to pay detectives who pretended to be agents of the UDEF in Operation Catalonia

<http://www.publico.es/politica/interior-pago-detectives-hicieron-pasar.html>

The detectives paid by the Ministry of Home Affairs believed that Villarejo's partner kept part of the reserved funds

<http://www.publico.es/politica/detectives-pagados-interior-sospechan-socio.html>

The Ministry of Home Affairs used two detectives as a cover for Sánchez-Camacho in the La Camarga case

<http://www.publico.es/politica/interior-detectives-tapadera-sanchez-camacho.html>

10. A copy (requested from the Ministry of Home Affairs of the Spanish government) of the reports on Catalan politicians prepared by direct or indirect order of the Ministry.

De Alfonso proposed to the minister a plan to bring down Mas and take control of the CDC leadership

<http://www.publico.es/politica/alfonso-propuso-al-ministro-plan.html>

Fernández Díaz conspired with the head of the Catalan Anti-Fraud Office to fabricate scandals against ERC and CDC

<http://www.publico.es/politica/fernandez-diaz-conspiro-jefe-oficina.html>

Fernández Díaz and De Alfonso dealt with the false accusation of money laundering of Trias 11 days before it was published in El Mundo

<http://www.publico.es/politica/fernandez-diaz-y-alfonso-trataron.html>

Villarejo recognized before the judge that the Ministry of Home Affairs conspired against Catalan politicians, as revealed by *Público*

<http://www.publico.es/politica/villarejo-reconoce-juez-interior-conspiro.html>

Alicia Sánchez-Camacho launched Operation Catalonia with the help of Moragas

<http://www.publico.es/politica/brigada-politica-policial-alicia-sanchez.html>

Sánchez-Camacho had documents signed to hide her involvement in “La Camarga”

<http://www.publico.es/politica/operacion-cataluna-sanchez-camacho-pacto.html>

Sánchez-Camacho gave the Ministry of Home Affairs the material for the first report against the Pujol family

<http://www.publico.es/politica/sanchez-camacho-dio-interior-material.html>

11. A copy (requested from the Ministry of Home Affairs of the Spanish government) of the report or the draft report on internal investigations commissioned by the Ministry of Home Affairs to clarify the authorship, attributed to the UDEF, of the information involving President Artur Mas and former President Jordi Pujol published on the first page of the newspaper *El Mundo* on 16 November 2012, nine days before the holding of elections in Catalonia.

12. A copy (requested from the Ministry of Foreign Affairs of the Spanish government) of the reports and documents that the Ministry has prepared and sent to consulates and embassies regarding the consequences of a possible independence of Catalonia.

13. A possible list (requested from the Spanish government) of the quantitative data, broken down by forces and years, on the number of staff of the National Police, the Civil Guard and the CNI sent to Catalonia during the period 2012-2017.

14. A copy (requested from the Ministry of Home Affairs of the Spanish government) of the police report confirming the existence of Operation Catalonia and detailing the powers of superintendent José Villarejo in relation to the secessionist process, part of which was published in a newspaper on 11 July 2016.

A police report confirms that there was an Operation Catalonia

<http://www.elperiodico.com/es/noticias/politica/informe-policial-dice-que-una-competencia-villarejo-era-proces-5256721>

15. The register of visits and the phone tap detection protocol of Home Affairs minister's office between 1 January 2012 and 30 October 2016.

16. Ministerial orders on the structure, organization and functions of the central and regional bodies of the General Directorate of the National Police issued between 1 January 2012 and 30 March 2017.

17. Instructions, service orders and similar of the Deputy Directorate for Operations (DAO) of the General Division of the Judicial Police and the General Information Division issued between 1 January 2012 and 30 March 2017.

18. A list of employment positions of the General Directorate of the National Police, with the changes introduced since 2012, specifying the changes and the justification for each one.

19. Recruitments, secondments and temporary service assignments in the DAO between 1 January 2012 and 31 October 2016, specifying the number and name of the officers, the professional categories, their former workplace,

the duties assigned, the period in which they were assigned to the DAO, and the costs arising from per diems, transport, travel and any other type of economic compensation.

20. Records of the medals with life annuity (Red Cross and Silver Medal) awarded between 1 January 2012 and 31 October 2016.

21. Complete records of the selection for the appointment of attachés to the Ministry of Home Affairs between 1 January 2012 and 31 October 2016, including the minutes of the Committee for Foreign Postings and the proposals to fill each position sent from the General Directorate of the National Police to the Office of the Deputy Director for International Cooperation.

22. Any internal procedures that were initiated and resolutions adopted regarding leaks of police reports to the press.

23. A detailed list of reports and investigations carried out by the Strategic Planning and Coordination Unit, known as the Intelligence Unit, attached to the Deputy Directorate for Operations from its creation, in 2012, until 31 October 2016.

24. A detailed list of the reports drafted by the Case Analysis and Review Brigade (BARC), known as the Endpoint Brigade.

25. The report sent to the Spanish Agency for Data Protection on file E1860/2015 due to the complaint about an information leak from the National Police in the newspaper *La Razón*.

26. The report sent by the chief director of the National Police in Catalonia, Sebastián Trapote Gutiérrez, about 33 magistrates on 3 October 2014.

27. The recording and complete transcription of all the conversation between Jorge Fernández Díaz, former Home Affairs minister, Daniel de Alfonso, former director of the Anti-Fraud Office of Catalonia, and others at the minister's office and, if applicable, outside the office between 4 and 16 October 2014.

28. Actions consisting of investigation proceedings, previous proceedings or, if applicable, initiation of proceedings, with respect to any aspect of the recordings that took place on 4 and 16 October 2014 at the office or outside the office of the Home Affairs minister, Jorge Fernández Díaz.

29. A technical report on how and from where the recordings were made on 4 and 16 October 2014 at the office and outside the office of Home Affairs minister, Jorge Fernández Díaz.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

##### **1. THE WORK OF THE COMMITTEE**

###### 1.1

The responsibility of the members of the Investigative Committee on Operation Catalonia, constituted in the Parliament of Catalonia, is to try to clarify the existence and scope of the constitutive facts of Operation Catalonia and to determine how they happened, in order to demand political responsibilities and to conclude whether there could also be criminal liabilities that should be investigated appropriately in the judicial sphere.

###### 1.2

The objectives set by the Committee could not be fulfilled due to the failure to appear of many of the persons summoned, mainly due to the boycott and contempt to the Parliament of Catalonia expressed by some witnesses and because of the pact of silence between the members of the Spanish government, the judiciary and the police forces involved in Operation Catalonia.

The Investigative Committee on Operation Catalonia has suffered a deliberate attempt to boycott it by the various parties summoned, who decided not to comply with the summonses made by the Parliament and approved by the majority of the representatives of the people of Catalonia, and thus hindered fulfilment of the objectives for which this committee was created.

The Committee has also undergone a deliberate attempt at political boycott by the parliamentary groups of Ciutadans, the Partit Popular de Catalunya and the Partit dels Socialistes de Catalunya.

The unwillingness of these parliamentary groups to attend the Committee, in accordance with the decision adopted by the Parliament and set out in the Committee's work plan, highlights their unwillingness to investigate facts that directly violate the essence of democracy.

### 1.3

It is important to note the unwillingness of the Partido Popular government to collaborate in the clarification of very serious facts in a democratic and legal state, taking into account that the politicians involved in Operation Catalonia include the highest representatives of the current government, the president and vice-president, and also, as one of the main actors, former minister Jorge Fernández Díaz, currently a member of the Congress of Deputies.

It is also important to note the desire to obstruct the work of the Parliament of Catalonia, which is shown in the simple fact that the Spanish government requested an opinion from the Council of Spanish State on the appropriateness of complying with the summonses issued by the parliament of an autonomous community, and the desire to include not only the acting political leader and senior public officers, but also those who had a high responsibility in the past and any member of the security forces of the Spanish State who is in active service or any other administrative situation.

The various bodies of the Spanish State, mainly dependent on the Ministry of the Home Affairs, have also shown a boycott in relation to the documents requested from them by the Parliament of Catalonia.

### 1.4

It is a duty to report and investigate whether people who have been repeatedly summoned to testify by a committee with the corresponding warning have committed a crime of disobedience according to Article 502.1 of the Criminal Code.

## **2. THE NATURE OF THE OPERATION**

### **2.1**

Operation Catalonia is a conspiracy to try to curb political dissidence in Catalonia, and particularly the independence movement. This conspiracy was carried out at least during the years when Jorge Fernández Díaz was Spanish Home Affairs minister (2011-2017).

It consisted of a series of political, police and intelligence actions that sought to reduce public support for the independence movement as a political option by discrediting it.

This operation therefore sought to attack the reputation of this movement. It aimed to associate secessionism, a legitimate and peaceful democratic political movement, with fraudulent practices in the eyes of Catalan and Spanish society. For this reason, it was specifically sought to associate political and civic leaders of the independence movement with corruption.

### **2.2**

The sinister logic behind the attempt is therefore simple. If the population of Catalonia thinks that those who lead the independence movement are linked to criminal cases, everything they defend—the project and the ideas—is invalidated. This is a violation of the ethical and moral bases of the movement and, consequently, may lead many citizens who have espoused the movement to abandon it.

Because the ideologues of this operation consider the independence movement to be pyramidal, from top to bottom, the desire to criminalize it involved accusations, rumours and slander regarding the best-known leaders of the movement. The idea behind all the actions was to dismantle the movement by removing its visible heads.

To this end, police reports were based on a mixture of false information with information obtained fraudulently and with reflections of ambiguous or anon-



ymous origin, with the final goal of producing a story that gave the appearance of an authentic and corroborated case for sending to the press or the courts.

### 2.3

This method of action was used to persecute politicians such as Artur Mas, Oriol Junqueras and Xavier Trias, among others, and leaders of civil society such as Carme Forcadell, then president of the Catalan National Assembly. Furthermore, it cannot be ruled out that the list of people investigated and spied on is far longer. All the people who have played an important role in this process are probably included.

However, it is certain that this is a general cause against the independence movement that was not aimed at practices and deeds but rather at persons.

As a "dirty war" carried out in the 21st century, Operation Catalonia had an essentially defamatory character. Of course, it did not involve physical violence, but it attacked the social prestige of certain people. It was therefore carried out mainly in the media.

### 2.4

It can be concluded, in short, that evidence was invented or insinuated and non-existent cases were created. However, it is also true that certain information related to specific cases was silenced and hidden over the years in which there was a minority in favour of independence in the autonomous community of Catalonia, and it was only made public and pursued when support for the right to decide and independence increased. These are also characteristics of Operation Catalonia.

Nor can it be ruled out that personal information has been used to exert some type of political blackmail on certain people, as has been reported in some cases.

### 2.5

The real aim was therefore not to put an end to the cases of political corruption that may have arisen in Catalonia. The strictly partisan aim was to favour certain political interests against the independence of Catalonia.

### 2.6

The recordings made at the office of the minister Jorge Fernández Díaz make it absolutely clear that the meeting between the minister and the director of the Anti-Fraud Office of Catalonia, Daniel de Alfonso, was marked by the call for the consultation on 9 November 2014. The opinion issued by the Public Prosecutor's Office of Madrid on the recordings clearly states, "the conversation between the Minister and De Alfonso is no more than an exchange of ideas and political strategies, a collection of possible cases of corruption that may have a political effect on certain sectors of secessionist ideology".

On hearing the recordings published, it is considered proven that the meetings between Fernández Díaz and De Alfonso were aimed at conspiring to influence the political situation in Catalonia.

The recordings make it absolutely clear that the aim was to influence public opinion from the Ministry of Home Affairs through unfounded headlines and news.

It has been found that these manoeuvres to publish false information were intended to discredit secessionist politicians and parties, and the false accusation regarding the current accounts of Xavier Trias and the prospective investigations of Oriol Junqueras must be placed in this context.

It has been found that these manoeuvres to publish false information were also intended to discredit Podemos, and that the "PISA Report" and the false document of payment to Pablo Iglesias from the Euro Pacific Bank must be placed in this context.

## 2.7

In short, the instruments available to the Spanish State have been placed at the service of a conspiracy. It can therefore be said that the Committee has been faced with a clear case of a "dirty war", that is to say, illegal and illegitimate practices committed by fundamental structures of the State with objectives that are incompatible with the basic pillars of democracy and the rule of law.

This is thus not a case of a conspiracy by a government or a party, but rather an operation carried out by the Spanish State.

This operation was carried out using what is popularly known as the "state sewers", which consist of the fraudulent use of power (political, coercive and communicative), the use of legal subterfuge and the use of the State's resources for spurious purposes incompatible with the most basic rights.

## 2.8

The partisan use of the police under the mandate of Jorge Fernández Díaz as Home Affairs minister has been clearly identified. This partisan use was materialized in the creation of units outside the organic structure of the National Police Corps.

This committee has been faced with practices that are more typical of a dictatorship, which are sustained from a philosophical point of view on the idea that the reason of Spanish State (in this case the unity of the State) justifies everything, disregarding the popular will and the principles of democracy.

The public resources and officers of Spanish police forces have been used to monitor and control Catalan politicians and members of the organized civil society in the independence movement, in an irregular act that is outside the law.

## 2.9

The illegal persecution of people related to the independence movement has been confirmed as the work of the Investigative Committee has progressed. However, there remains a question to be resolved with regard to the attacks that certain structures of the State have made on Catalonia: it remains to be investigated what the Home Affairs minister and former director of the Anti-Fraud Office meant when they said "we have destroyed their health system". In this case, it is no longer just about individual rights, but also collective rights. They do not refer to political ideas, but to material conditions of the citizens of the country. Finally, it is necessary to determine whether Operation Catalonia also attacked the welfare state of Catalans solely and exclusively for partisan purposes.

## 2.10

Most of the speakers emphasize that this operation has been put into practice during the last few years, coinciding with the sovereignty process in Catalonia, and they also agree that the starting point was the recording of the conversation of Alicia Sánchez-Camacho and Victoria Álvarez on 7 July 2010 in a well-known restaurant in Barcelona.

### 3 THE METHOD

#### 3.1

The method used by Operation Catalonia has been repeated in more than one of the cases analysed. The patterns are always clearly similar and have therefore been followed systematically.

This is therefore not an isolated and uncontrolled action of various police officers, journalists and employees of the Public Prosecutor's Office who have gone beyond the law, but rather a planned, politically orchestrated strategic action with partisan goals.

Behind it there is therefore a specific organization, with its own hierarchy that does not correspond to the formal police hierarchy, individualized roles and general objectives. In simple terms, some have spoken of a "patriotic police". Some of the persons summoned even spoke openly of a "criminal organization" or "criminal politics".

#### 3.2

It has been found that there is a Spanish political police brigade that followed the political orders of the Spanish government and carried out Operation Catalonia. Superintendents, detectives, officers, civil servants and senior officials of the Ministry of Home Affairs, as well as members of other institutions, such as the Anti-Fraud Office of Catalonia and the judiciary, are involved. The goal is to pursue, investigate, spy on and conspire against Catalan politicians in order to end the growing independence movement through the fabrication and dissemination of false information related to corruption.

#### 3.3

However, though this police structure has a partially different organization and persons, it is not new. It has existed for a long time. In fact, it has probably been constantly present throughout the Spanish democracy, to the extent that many of its elements come from the Franco regime and have remained in the current regime. At other times in this historical period, there have been other operations of the same type aimed at combating political dissidence and secessionism.

Operation Catalonia was largely possible because the National Police Force has never been purged of persons who came from the Franco regime, share

its mentality and act accordingly. These people have not been removed from their posts but rather confirmed in them. It must be stressed that, not only in this specific operation but throughout the democracy, this substructure has allowed events like those that have been revealed by this committee.

The methods and the uncontrolled parallel structure of the political police brigade come from previous governments, and there are clear similarities between the operations of the GAL<sup>1</sup> and Operation Catalonia in terms of dynamics, financing and personnel. This coincidence also shows the existence of a state power structure that systematically carries out illegal practices against opponents and dissident movements. This structure is endorsed by a tacit agreement between (at least) the two majority parties, the Partido Popular and the PSOE.

### 3.4

This brigade is outside the organic structure of the National Police Force and is formed by at least a dozen superintendents and chief inspectors who, under the former head of the DAO, Eugenio Pino, occupied unlisted jobs and carried out prospective investigations against political opponents or fabricated stories.

The operation of the political police brigade consists in making accusations of corruption and creating suspicion and false testimonies by drafting false or manipulated reports, which are leaked to sympathetic media that collaborate with the operation, such as *El Mundo*, and they are published by journalists who form part of the conspiracy. It also blows up real cases of corruption to try to link them to the independence movement. One of the most outstanding journalists who collaborated in these fabrications was Eduardo Inda.

### 3.5

All the specific cases of this conspiracy were initiated with prospective police investigations that were random and persecutory. This is a practice expressly prohibited by the Criminal Procedure Act, specifically by Article 295: "In no cases may more than 24 hours pass without judicial police officers informing

---

<sup>1</sup> Translator's note: A Spanish death squad created by officials of the Spanish government to fight Basque separatists.

the judicial authority or the public prosecutor of the proceedings that they have carried out, except in cases of force majeure and those provided for by paragraph 2 of Article 284.”

Thus, this structure carried out prospective investigations against political adversaries outside the framework of the law.

### 3.6

The law and the most basic defence of the fundamental rights of citizens, especially the presumption of innocence, expressly prevent the police, within the framework of their investigative action, from acting without the knowledge of the judicial authority. In this case this was done permanently.

The investigations did not therefore stem from any previous reports or orders from the Public Prosecutor's Office, and in no cases were they carried out under judicial control. They merely targeted the person whom they wished to persecute and started investigating. Furthermore, irrespective of their origin, after these investigations had started, they were not transferred to the judicial jurisdiction.

### 3.7

The police units dedicated to persecuting the independence movement drafted false police reports. They manipulated and conspired to create a credible story of guilt. In the plain words of the former head of internal affairs, Martín Blas: “Somebody added the salt and pepper”. These reports were not sent to the Public Prosecutor's Office or to a judge, but were leaked in a timely manner to certain media. From here, they became news and generated the desired suspicion.

An example of this may be the reports that have been attributed to the Economic and Fiscal Crime Unit (UDEP), but this unit has in fact denied being responsible for them. The documents were published with the UDEP stamp, but they were unsigned and had no registration number. In short, they were published without following the necessary protocols. Yet these reports were used to support news articles that created shadows of doubt about Catalan politicians. Even more serious, they have led to judicial proceedings.

A paradigmatic and significant case is precisely the report attributed to the UDEF published by the newspaper *El Mundo* on 19 November 2012, coinciding with the campaign of the elections to the Parliament of Catalonia held on 25 November, which associated President Artur Mas with bank accounts in tax havens.

### 3.8

The ties between political leaders and very specific media are considered to be proven as a result of the continuous telephone calls between senior police officers and the journalists who published the false information without verifying it, in order to harm Catalan politicians and to create a state of opinion that influenced and obstructed the independence process.

The publication of alleged proof by media sympathetic to the Spanish government sought to justify the intervention of the judiciary against certain political leaders. Civil organisations as the trade union Manos Limpias used this proof to open judicial channels based on falsehoods in order to create a state of opinion against the independence process and to cover up the illegal prospective investigations carried out by the parallel police brigade.

### 3.9

For this reason, the Parliament concludes that certain media have formed an essential part of the conspiracy, because they helped with the publication of unverified information sent to them by the police, and thus helped create a specific state of opinion. This may lead to the recognition that the National Police Force, and above all the Ministry of Home Affairs, had a close relationship with the editors of media who published whatever was politically convenient for the persons responsible for this conspiracy. In terms of the minister, "gutter journalists".

Indeed, it has been found that the journalists Eduardo Inda, Esteban Urreiztieta, Manuel Cerdán and Antonio Rubio were a core part of the mechanism of Operation Catalonia.

### 3.10

A judicial investigation should also be carried out on the action of these media. Indeed, if those responsible for publishing information did so knowing that they came from false reports or illegal investigations, they were consciously collaborating in the manipulation of information to achieve a political influence. This action may also be subject to criminal prosecution. Furthermore, regardless of whether they constitute an offence, these practices are absolutely reprehensible from a journalistic and democratic point of view.

It is especially significant, regarding the role they played, that certain media leaders failed to appear before this committee to answer the questions of the parliamentary groups. In particular, the Committee summoned the journalists Pedro García Cuartango (editor of the newspaper *El Mundo*), Francisco Marhuenda (editor of the newspaper *La Razón*) and Eduardo Inda (*Ok Diario*), but they all failed to appear.

### 3.11

All the actions that ended with the appearance of reports and news in the media were planned according to the political calendar, especially considering the elections in Catalonia (elections to the Parliament, municipal elections, the consultation of 9 November, etc.), in order to sway public opinion. They aimed to influence the opinion of voters, and therefore the results of the elections. This was therefore an attempt to unlawfully influence election results, which obviously constitutes a threat to democracy. Therefore, in addition to all other suspected offences, there could have been an electoral crime that should be investigated judicially.

In most cases, once the information had been published, the legal channel was opened, sometimes by a civic association (the civil service trade union *Manos Limpias* played a major role) and sometimes at the initiative of the Public Prosecutor's Office. The initiation of court proceedings led to a "laundering" of the investigation, giving it more credibility and taking the spotlight away from the police. The statement by the same minister in the conversations with the director of the Anti-Fraud Office (recorded on October 2 and 14, 2014) is particularly clear: "Ideally, this should be in court, and if it comes out, nobody will suspect that it comes from the police".

### 3.12



It is considered proven that a partisan use of the judiciary was made, both to trigger the action of the Spanish Public Prosecutor's Office in response to alleged evidence or indications of a criminal offence and to close the judicial channel by rejecting evidence such as the recordings of Fernández Díaz and De Alfonso, or by not analysing it correctly.

### 3.13

Obviously, Operation Catalonia cost money. Public funds were used to carry out all of these actions, including not only the ordinary cost of the police structure created expressly, but also reserved funds of the Spanish State. This was confirmed by the appearing superintendent Marcelino Martín Blas. These reserved funds were used, among other things, to pay informers and to buy evidence. For example, the information on a hypothetical bank account in Switzerland of the then mayor of Barcelona, Xavier Trias, was obtained in exchange for a considerable amount of money.

It has not been possible to determine the full cost of this operation to the public treasury, and that is another element that should be analysed in depth, since it could constitute a misappropriation.

### 3.14

It has been found that reserved funds were used to pay for prospective investigations that are clearly offences established by the Criminal Code, and therefore outside the legal system.

It is considered proven that reserved State funds were used to obtain evidence, to carry out extrajudicial investigations and to pay travel expenses and per diems to detectives and police officers who carried out monitoring tasks within the framework of Operation Catalonia, with the purpose of altering the will of the people with regard to electoral processes or political negotiations.

It is thus considered proven that the fundamental principles of the rule of law were violated by the serious action carried out by the public authorities of the Spanish State and the members of its security forces.

## 4 THE SUSPECTED OFFENDERS

### 4.1

One of the issues that the Committee has sought to clarify is who was responsible for the operation from an ideological point of view. In this regard, the conversations between the Home Affairs minister and the director of the Anti-Fraud Office (which no one has been able to deny) are also extremely indicative. These conversations suggest that at least the President's Office of the Spanish government was aware of the operation. In particular, the minister admits that "the president knows". It can be therefore be inferred (as pointed out by several of the persons appearing before the Committee) that the president of the Spanish government, Mariano Rajoy Brey, was aware of this conspiracy because he was aware of the facts investigated.

However, in addition to knowledge and even permissiveness and collusion with regard to the operation, it cannot be ruled out that the President's Office of the Spanish government was intellectually responsible for the conspiracy, because the vice-president of the Spanish government, Soraya Sáenz de Santamaría, has direct powers regarding security and intelligence.

The role of the head of the President's Office of the Spanish government and secretary of the National Security Council, Jorge Moragas Sánchez, should also be analysed and investigated. Some of the persons appearing before the Committee stated that Moragas was linked to the organization of the operation.

Indeed, it has been found that Javier Moragas and Alicia Sánchez-Camacho had knowledge of the investigated facts, and also that the then Home Affairs minister, Jorge Fernández Díaz, was a key actor in serious facts investigated.

The highest political responsibility for Operation Catalonia can be attributed to former minister Jorge Fernández Díaz, with the knowledge and approval of the president of the Spanish government, Mariano Rajoy, and the collusion of other members of the government, vice-president Soraya Sáez de Santamaría and the head of the President's Office of the Spanish government, Jorge Moragas. In view of the seriousness of these facts, this committee must condemn Fernández Díaz and call for him to resign.

## 4.2

Apart from the political ramifications, the central core of Operation Catalonia was within the police forces, specifically within the National Police Force (CNP), whose structure was modified when the Partido Popular returned to power in Spain in 2011. Many of the changes imposed by this government at that time were aimed at responding strongly to the secessionist process in Catalonia.

With the restructuring of the CNP, the Spanish government appointed Ignacio Cosidó as general director of the Police. Cosidó, who is the formal director of the police, used an existing body within the force, the DAO, changed its duties, and gave it an intelligence component that was essential for the functioning of the conspiracy. The superintendent Eugenio Pino was appointed head of the DAO, and many of the persons who appeared before the Committee considered him a key figure in carrying out this strategy between politicians and the police.

Many of the superintendents and chief inspectors who participated in this strategy were close to the former head of the DAO, Eugenio Pino.

The DAO was therefore the nerve centre of all the activity of espionage, intelligence and monitoring of Catalan politicians by the police.

## 4.3

Within the DAO, which has no fewer than one hundred officers and was used to carry out this operation, there are police officers (the majority with superintendent rank) who share the political views and are trusted by the head of the DAO, Eugenio Pino, and also by the Home Affairs minister. They are mainly police officers with long experience, with internal knowledge of the force, and with relations with State structures and funding. In some cases, internal funding was even placed at the disposal of the conspiracy.

The DAO has two units, which were created specifically to carry out the plans of the chiefs of the operation: the Strategic Planning and Coordination Unit (UPEC); and the Case Analysis and Review Brigade (BARC), which is directly dependent on the Internal Affairs Unit of the Spanish police.

The mission of the former was to work on the ground in Catalonia, compiling information that could compromise Catalan politicians. The mission of the

latter was to study archives to recover old information, manipulate it, draft it and bring it back to light.

#### 4.4

From an organizational point of view, all the information studied and most of the persons who appeared point to the following actors as being essential to the conspiracy:

- Marcelino Martín Blas: superintendent responsible for internal affairs of the National Police, who took control of the BARC.
- José Manuel Villarejo: police superintendent outside the formal scale of the National Police Force.
- José Luis Olivera: superintendent responsible at that time for the Centre for Intelligence against Terrorism and Organized Crime (CITCO).
- Daniel de Alfonso Laso: director of the Anti-Fraud Office of Catalonia.

#### 4.5

Another fundamental character for understanding the operation of this conspiracy is José Ángel Fuentes Gago, a police inspector who was head of bureau of the DAO, a position that did not exist previously and was created to give him a position and power within the organization. Fuentes Gago, a person of trust for Pino, played an active part in some of the most important episodes of this operation. It has been shown, for example, that he went to Barcelona with superintendent Martín Blas to pressure the prosecutors of the Palau case, and it has also been shown that he went to Switzerland on a police aeroplane to obtain information on the alleged bank account in the name of Xavier Trias. Obviously, these facts should be worthy of a careful judicial investigation in order to clarify responsibilities.

## 5 THE CONSEQUENCES

### 5.1

The real consequences of this operation will never be ascertained. The main aim was to influence public opinion towards public officials, electoral candidates, political parties and civic organizations. Making an objective assessment is therefore complex. However, in view of the fact that it happened in the political climate of Catalonia in recent years, it must be concluded that the effect was limited. It must be admitted that the persons behind this conspiracy failed to achieve their initial aim.

However, this does not make the facts presented and proven any less serious. On the contrary, the highly plausible information gathered by the Investigative Committee indicates events of an intolerable magnitude in a democratic state. These events involve possible crimes such as misappropriation of public funds, electoral manipulation, document falsification or abuse of office, as well as slander, defamation, abuse of power and others.

## 5.2

Furthermore, the Committee considers that, apart from the possible penal consequences, it is clear that the political authors of this conspiracy should have assumed political responsibilities, which, in the opinion of this Parliament, would involve immediate resignation from any public position that they may occupy at this time.

Likewise, it is essential to carry out a review of all appointments, promotions and decorations awarded to the persons involved in this operation, including the members of the security forces of the Spanish State and the journalists involved in the preparation and dissemination of false information.

## 5.3

Notwithstanding the above, the Parliament also states that this committee should never have been constituted. This is not because the facts presented are extremely serious, but because it should not have been necessary. It should not be a parliamentary investigation that defines the details and scope of this criminal conspiracy. Indeed, within the framework of a democracy, with effective separation of powers and institutions with truly honestly functioning, these inquiries and judgements should be made in court and not in the Parliament.

Despite the seriousness of everything that has been learned on Operation Catalonia, no judge or prosecutor has initiated any judicial process to corroborate it, or to determine any criminal or other responsibilities that may arise from it.

Indeed, it has been established that neither the Ministry of Home Affairs, nor the Public Prosecutor's Office, nor any agency of the Spanish government, currently in the hands of the Partido Popular, has carried out any the investigations required by the serious facts, as has been confirmed by almost all of the persons who declared before the Committee.

#### 5.4

It should be noted that the conversations were published in June 2016, and the Committee concluded its work in August 2017: in all this time, no part of this conspiracy has been prosecuted, nor has there been any complaint, any report, or any contribution of contradictory information. This may be significant with respect to the people on whom all types of suspicion have been aroused, but also with respect to the judicial system and in particular the Public Prosecutor's Office.

It should also be mentioned that the majority of the public servants supposedly involved in this conspiracy—most of them retired police officers—have been decorated, and some have been transferred to other posts far from the eye of the media.

This is one of the worst scandals of Spanish democracy and the regime of 1978. The events that have been presented may constitute clear offences, and in no cases have they been taken to court or even reported. Therefore, the Investigative Committee on Operation Catalonia has decided to ask the Presiding Board of the Parliament to send the present conclusions to the Prosecutor's Office, without prejudice to the fact that the persons harmed may take direct legal action, which the Committee recommends.

## 6 ACTIONS

### 6.1

The Committee concludes that the appropriate legal channel must be opened against those who are responsible for and collaborated in Operation Catalonia, taking into account the crimes of misappropriation of public funds, procedural fraud, false testimony, attack on honour, disclosure of secrets, document falsification, abuse of office, concealment, omission of the duty to prosecute crimes and abuse of authority. It is time to recognize the events that occurred, to repair the damage caused and to guarantee that this will not happen again.

## 6.2

It is imperative for a judicial investigation to be carried out until the facts are clarified:

- a) Who was responsible for the recordings of the conversations between Jorge Fernández Díaz and Daniel de Alfonso in the Ministry of Home Affairs?
- b) Who was responsible for the false documents about Xavier Trias and Pablo Iglesias?
- c) The use of reserved funds to finance the operations investigated by this committee.
- d) The criminal liabilities that may have been incurred by the following persons:
  - Mariano Rajoy Brey
  - Jorge Fernández Díaz
  - Soraya Sáenz de Santamaría Antón
  - Jorge Moragas Sánchez
  - Alicia Sánchez-Camacho Pérez
  - Eugenio Pino Sánchez
  - José Ángel Fuentes Gago
  - José Manuel Villarejo Pérez
  - Eduardo Inda Arriaga
  - Esteban Urreiztieta Núñez

6.3

The Parliament of Catalonia urges the Government of the Generalitat to use all the technical means at its disposal to bring the various investigated facts before the appropriate judicial bodies, without ruling out any of them.

Palace of Parliament, 7 September 2017

Third secretary

President

Joan Josep Nuet i Pujals

Carme Forcadell i Lluís