

Open letter to the Swiss public prosecutor

Dear Sir or Madam:

We are writing to you because it is likely that you currently have within your power a unique opportunity to demonstrate that true justice applies indiscriminately to one and all, even kings.

The crimes referred to in the Geneva public prosecutor's investigation are extremely serious per se, and even more so when account is taken of the fact that they do not concern an ordinary citizen, but rather a head of state.

A number of media outlets have published that there will be a deal between the two countries' respective public prosecutors "in order to split the investigation in two. The Spanish would focus on Juan Carlos and the business owners linked with the payments from Saudi Arabia, with the Swiss concentrating on the remaining implicated parties, that is to say: Corinna Larsen, Juan Carlos' lawyer in Geneva and the executive from the firm Rhône Gestion"¹.

As citizens who firmly believe in justice, this makes us very afraid.

If the emeritus king is judged in Spain, we will have lost the opportunity for his acts to be judged impartially. Asking the Spanish judicial system to rule on the king equates to requesting the state to judge itself. Would this be possible in another country? We do not know. But in Spain, the answer is NO.

On countless occasions down the years, the Spanish justice system has simply averted its gaze in the face of the possible wrongdoings of Juan Carlos².

Furthermore, in the light of the revelations regarding this case published by the Swiss, British and Belgian (but never the Spanish) press, the Spanish political and economic powers that be, and also most of the media (owned by the latter), have rushed to the defence of Juan Carlos³.

This is noteworthy because questioning of the separation of powers in Spain is commonplace. The justice system has always been extremely slow and "generous" in ruling on

¹ https://www.swissinfo.ch/fre/juan-carlos--le-scandale_la--telenovela--autour-de-l-ancien-roi-d-espagne-a-des-ramifications-en-suisse/45951632

² There is an endless list of cases in which, seemingly, the implication of the crown was prevented by stays, filing of cases or acquittal of the parties involved who might uncover the dealings of Juan Carlos. For further information please see: <https://ctxt.es/es/20200801/Politica/33122/Carlos-Bitrián-La-corona-zona-franca.htm>

³ A letter of support has been signed by 75 ex high-level officers, many of whom have been sentenced for corruption in recent years. There is evidence pointing to the head of state's involvement in many cases of corruption which affect the large parties that have alternated in power throughout the last forty years.

cases of political corruption, and some of those eventually found guilty have later received an "exceptional" government pardon⁴.

The sentences of the Spanish Supreme Court (which will judge the emeritus king, if the trial occurs in Spain) have been rejected time and again by the European Court of Human Rights in Strasbourg. For example, in relation to our subject here, Strasbourg ruled that the burning of photographs of Juan Carlos was a legitimate act of protest against the monarchy as an institution, but in Spain it was punished as "defamation of the crown" by the Constitutional Court and the Audiencia Nacional, a high-level court with the remit of ruling on political cases, having inherited this role from its Francoist predecessor⁵. Likewise, several people found guilty in Spain were eventually absolved in Strasbourg⁶. We again have exiled rappers sentenced for slander against the monarchy. The United Nations rapporteurs, as well as Amnesty International and Frontline Defenders, denounced the way the Spanish justice system handled the Catalan referendum, but there was absolutely no rectification.

The right to be tried by an independent and impartial court constitutes one of the principles of modern law⁷. Unfortunately, however, the circumstances we describe mean that, if king Juan Carlos is tried in Spain, it will be practically impossible for said principle to prevail.

The Geneva public prosecutor opened the investigation in 2018, but for years now the Spanish courts have turned a blind eye each time available evidence pointed to the involvement of the king.

Whilst Juan Carlos' scandals were revealed by the foreign media the Spanish press maintained an implacable silence. It was completely taboo to investigate potential misdemeanours by the Crown.

Swiss justice is the only justice system that will be able to judge Juan Carlos impartially and independently.

As citizens aspiring to justice we find ourselves alone against the powerful system erected to protect the Crown. Please help us! S.O.S.

SIGNATORIES

Cristina Ridruejo, translator, member of Mujeres x la República

⁴ https://www.lespanol.com/espana/20171214/indultos-politicos-ultimos-anos/269224202_0.html

⁵ The Audiencia Nacional was created on 4 January 1977, exactly the same day the Francoist Tribunal de Orden Público (TOP) was dissolved. The Francoist judges from the TOP moved directly to the new "democratic" court.

⁶ This has practically become a custom. It might even be said that the Spanish justice system prefers to issue guilty verdicts even in the knowledge that, should the case reach Strasbourg years later, the sentence will be nullified. But no one can return to those found guilty the years wrongly spent in prison, and, in any case, the aim is achieved: the demobilisation of a movement, activists' fear in the face of exemplary sentences.

⁷ This right is recognized by the European Convention on Human Rights of 1950, which Spain signed up to in 1977.

Ifigenia Bueno Bordell, Secretary of Foro por la Memoria Democrática de Sanlúcar de Barrameda

Rosa María García Alcón, member of La Comuna de Pres@s del Franquismo

Pilar Parrilla Jiménez, Iniciativa Acercar-Convivir

Mamen Agüera, choreographer and activist performer

José Ricardo Cabanillas Rodríguez, member of Madrileñ@s por el derecho a Decidir

Rosa Burgos, writer

Mercedes Muñoz Martínez, retiree

Aroa Domínguez, political science student

Azucena P. Mayado, teacher

Carlos Díez Hernando, secondary school teacher

Ramona López Peralta, retiree

José Melguizo López, painter

Luis Cuesta Gordillo, adult education teacher

Ketty Méndez Santamaría, retiree. Citizen for Truth, Justice and Redress

Alejandro Pacheco Yepes, illustrator, member of LoQueSomos

Pedro López López, lecturer at Universidad Complutense

Marina Alonso Tomás, student of education and teaching

Carmen Ramón Giménez, retiree, member of Mujeres x la República

Francisco Javier Rodríguez Amorín, member of la Comuna d'Asturies – CeAQUA

Pilar Barrenechea Vega, retiree

Joseba Salegi, film director

Julieta Aguilar Reyes, educationalist

Roberto Marfil Corregidor, painter

Javier Sáenz Munilla, journalist, member of LoQueSomos

Julio Pacheco Yepes, printer

M^a Eugenia López Muñoz, teacher

Ramón Linaza Iglesias, actor

Bernardo Fuster, musician and writer

Susana Martins, actor

Pablo Mayoral Rueda, member of La Comuna de Pres@s del Franquismo

Gonzalo Aróstegui, writer

Pedro Casas, sociologist

Emilia Sánchez Seco, retiree

Carmen López Muñoz, therapist

Diego Reyes Ruiz, bookshop owner

Laura Reyes Ruiz, philologist

David Franco Cuenca, receptionist

Helena Gómez Muñoz, unemployed, member of Mujeres x la República

Celia Reyes Ruiz, bookshop owner

Rafael Cabrera Barrenechea, singer

Azahara Cabrera Barrenechea, business owner

Alicia Bueno López, receptionist

Victoria Casamayor San Lorenzo, retiree

Miguel Bueno López, IT technician

Carmen Martínez Brugera, historian and archivist

Mireille Tumba, member of Madrileñ@s por el Derecho a Decidir

Manuel Melguizo Navas, business owner

Ramón Hernández Carrera, activist

Luis Salvador Fernández Contreras, president of Mesa de Memoria Histórica de La Latina

M^a Eusebia García Navas, teacher

Juan Bautista García Navas, teacher

Miguel Jiménez López, economist

Antonio Jiménez López, IT technician

Agustín Castillejo Gómez, architect

Susana Blasco, office worker

Francisco García Navas, IT technician

Rogelio López Cuenca, artist

Antonio López Cuenca, business owner

M^a Ola Bueno López, tourism

Mariano Barba Vázquez, social worker

María Ángeles Maeso Arribas, poet

César Camacho Borrego, IT technician

M^a Soledad Alcalá Cortijo, secondary education teacher

Rosa Núñez Rebolo, retiree, member of Mujeres x la República

Aitor Merino, actor and director

Jacinto Navlet, emeritus professor of the Universidad de Alcalá

Pablo Zurita Camacho, tattooist

Manuel Melguizo López, retiree

Macarena Peña, social worker

Miguel Ángel Fernández, graphic designer

José Manuel Moreira, pensioner

Noe Acedo, artist and writer

Eric Jalain, translator and member of Escuela Popular La Prospe

Charo Galan, retiree, member of Mujeres x la República

Yolanda Garrido Camarero, midwife

Iñaki Luis, photographer/videographer

Marta Dávila Massansalvadó, administrative officer

Amparo Garrigós Casanova, retiree

Maialen Díaz Urriza, actor and educator

Manuel Blanco Chivite, journalist

Carmen Paredes Ordóñez, retiree

Iñaki Alonso Ruiz, editor of LoQueSomos

Cristina Garrido, member of Hermanos del Rock

Juan Manuel Morales, business owner

Santiago Sierra Martín, artist

Luis Navarro Monedero, writer

Concepción Calvo Calleja, member of Madrileñxs por el Derecho a Decidir

Pepe Mejía, journalist and social activist

Cristina Escarmis Homs, citizen of the Kingdom of Spain

Esteban Domingo Solans, Spanish citizen

Montserrat Toll del Cacho, school speech therapist

Juan Carlos Velasco Lucas, citizen born in Spain

Moreia Grau López, bióloga, member of Madrileñxs por el Derecho a Decidir

Ernesto Sarabia Alfaro, activist, award Memorial per la Pau Josep i Liesel Vidal 2020

Inma Melguizo Navas

Juan Manuel López Muñoz

Florentina Arce Garrido

Dolores López López

Carmen López Melguizo