

International Commission

IN DEFENSE OF THE 300
PROSECUTED FOR GOING ON STRIKE IN SPAIN

FOR THE REPEAL OF ARTICLE 315.3 OF THE PENAL CODE

INFORMATIONAL COMMUNIQUÉ / Madrid, 18 July 2018

«We will repeal paragraph 3 of article 315 of the Penal Code on crimes tied to union freedom»

These are the very words of Pedro Sanchez, the president of the new government, appearing before the Congress, 17 July.

This is without a doubt great news and a victory of the mobilisation in our country and on the international level in defence of the hundreds of workers prosecuted for having participated in informational strike pickets.

An important gain for the campaigns “A strike is not a crime” and “Me too, I picket”, launched by the confederations Workers Commissions, CCOO and UGT, with the goal of defending the workers and the exercise of the fundamental right to strike. Obviously, a success shared with all the political forces that became conscious of this situation and approved, last year, the presentation of a bill to repeal this 315.3. However, the majority of the bureau of the Congress, controlled by the Popular Party and Ciudadanos (two variations of the same hard right – translator’s note), has succeeded, until now, in blocking this initiative.

Our commission wants to immediately inform and share its congratulations with all the political and union organisations that, in over 15 countries, with the help of the International Committee Against Repression (Cicr), have stood in solidarity with the labour movement in our own country and addressed themselves to the Rajoy government, through the intermediary of the Spanish embassies, to demand the dismissal of the proceedings for strike actions and the repeal of article 315.3 of the Penal Code.

The importance of all the assemblies and demonstrations that led to the victories in the courts must be underlined; such as, for example, the definitive acquittal (the “free” acquittal in Spanish law, without the possibility of being re-judged for the same actions for which they are acquitted, which is traditionally foreseen in Spanish judicial proceedings – translator’s note) of the Airbus 8, who faced 66 years in prison, or the appeal obtained unanimously from the High Court of Justice of Madrid in the case of the two charged in the Lealtad affair. We must also cite the great valour, the attitude and the defence of their innocence and of the right to strike that was demonstrated by the hundreds of unionists of our country, who in many cases suffered arrests, accusations and requested sentences of years of imprisonment or heavy fines or bail, in proceedings which lasted years, with the indubitable “public condemnation” that being put on the dock (1) represented for their comrades and families; and who, together, with their organisations and solidarity withstood abundant pressures and blackmail.

These last days, in our commission, we occupied ourselves with gathering support for a letter to the general secretaries of our union confederations to pose the question of immediately addressing ourselves to the new government of Pedro Sanchez with the goal of making the repeal of 315.3 a reality, as he had promised before arriving at the head of the government at the Palace of Moncloa. It is urgent that this 315.3 be repealed to defend the right to strike and to avoid new threats of imprisonment or heavy fines against unionists that participate in informational pickets.

The same day that Pedro Sanchez appeared before the Congress, in the strike of the Amazon workers in San Heronando de Henares (Madrid), we were able to see the behaviour of the business as well as the disproportional intervention of the police, preventing the work of an informational picket, violating union freedom and arresting two workers. 17 July, we also learned that a judge ruled a complaint by the business Coca-Cola against Juan Carlos Ansejo, the president of the works council, as admissible. Two years and nine months of prison are sought against him, accused of pretended “coactions” during the assembly against the firings and closing of the Fuenlabrada factory. This is the fifth proceeding against Ansejo since the strike over four years ago.

It is important that the government finally repeal article 315.3 so that, in the proceedings still underway, the public minister withdraw the accusations based on this article and that the concluded trials and condemnations based on this legal construct be annulled

For all these reasons, it is now fundamental that this measure be implemented as soon as possible. To this end, we are waiting for the government to thus send its bill to the Congress and, beforehand, inform as to its content and the date of presentation.

For the commission:

José Alcázar, Tomás García y Enrique Gil, of the Airbus 8; **Rubén Ranz and José Manuel Nogales**, of the Lealtad 2; **Juan Carlos Asenjo, Leandro Pulido and Daniel Andrés**, of the Coca-Cola mobilisation; **Luis Díaz**, labour world PCM; **Pablo Roldán**, director of the documentary film “No sólo ocho” (“Not Just 8”); **César Serrano**, CCOO unionist; **Dori Martín**, UGT unionist; **Juan de la Cruz and Alfonso Blanco**, CCOO unionists, Metro of Madrid; **Alberto Barquero and Pablo García-Cano**, of the John Deere 4.

(1) In Spanish, literally “the disgrace of the dock”, the breach of trust that a condemnation from a consciously arbitrary decision represents – translator’s note.

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