

Case 06 - When Yellow Ribbons Become Acts of Political Defiance



Human yellow ribbon. Image by; @revoltats published by Nació Digital 18-07-2018

Yellow ribbons, indeed, any yellow objects or lighting, were soon interpreted as having a party political significance, in the context of the regional elections of the 21 December 2017, and began to be banned and persecuted. Even yellow lighting was censored in the famous Monjuïc Fountains, one of Barcelona's touristic hotspots...

1. The facts:

The very day the chairs of the pro-independence grassroots organizations “Òmnium Cultural” and “Assemblea Nacional Catalana” were arrested in Madrid (16/10/2017) and held in pre-trial detention without bail, popular protests began throughout Catalonia and yellow colour was the one chosen to symbolize the protest. But once the 21st December regional election was called (illegally, by the Spanish government: under Spanish and Catalan law only the president of Catalonia has this privilege) the authorities began to repress the use of yellow ribbons, yellow garments and even the use of yellow lighting on public buildings or property, including Barcelona’s famous Montjuic fountains.

2. Before the facts:

How did this come about? No Spanish law says that organizing, holding or taking part in a referendum is illegal. Moreover, the Catalan people claim that international law and, indeed, Spain, accept that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (Art. 1, ICESCR and ICCPR). This and the fact that the whole independence process has been scrupulously public (with a 700 page White Paper on National Transition, and clear election manifestos and road maps, has given rise to a great feeling of outrage on account of the pre-trial detentions of civic associations’ leaders. Indeed, international courts seem to strengthen the view that charges of rebellion (which require a violent uprising) are trumped-up. Yellow ribbons (from Tony Orlando and Dawn’s popular 1973 hit 'Tie a yellow ribbon round the old oak tree') are a way for citizens to express their protest.

3. The outcome of the facts:

Right across the country not only did hundreds of thousands begin to wear yellow ribbons on their clothes, but others wore yellow garments. The largest (yellow) scarf in the world was knitted by hundreds of enthusiasts, and unfurled in one of many rallies and events calling for the freedom of the two social leaders, who were soon joined in pre-trial arrest by a number of politicians, while others fled into exile. At the time of writing this, in all there are sixteen people in pre-trial detention or awaiting the result of European Search Warrants in Scotland, Belgium, Germany (and of an extradition request) in Switzerland. They include the former President and the former Speaker.

Bridges, road-side fences have likewise been adorned with thousands of ribbons. Soon, however, squads of those opposed to Catalonia’s independence encouraged by calls from right wing politicians such as Albert Rivera began to organise sorties to remove these ribbons, often under cover of night; wearing balaclavas and there are many filmed instances of violent behaviour of such individuals threatening with knives and even physically assaulting neighbours.

4. Laws & good democratic practices violated by the Spanish State:

Freedom of speech.

- Article 19 of the Universal Declaration of Human Rights (UDHR) states that "everyone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".
- Article 19 of the International Covenant on Civil and Political Rights (ICCPR) amends this by stating that the exercise of these rights carries "special duties and responsibilities" and may "therefore be subject to certain restrictions" when necessary "[f]or respect of the rights or reputation of others" or "[f]or the protection of national security or of public order, or of public health or morals".
- Article 10 of the European Convention on Human Rights provides the right to freedom of expression, subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society". This right includes the freedom to hold opinions, and to receive and impart information and ideas, but allows restrictions for interests of national security, territorial integrity or public safety, prevention of disorder or crime, protection of health or morals, protection of the reputation or the rights of others, preventing the disclosure of information received in confidence, maintaining the authority and impartiality of the judiciary.

6. References

6.1 Relevant press articles related:

- "Catalonia's leaders fight off direct rule from Madrid", Julien Toyer, Sam Edwards", *Reuters*, October 20 2017 (in English).
<https://uk.reuters.com/article/uk-spain-politics-catalonia/catalonias-leaders-fight-off-direct-rule-from-madrid-idUKKBN1CPOX>
- "Pep Guardiola wears yellow ribbon at Manchester City press conference as former Barcelona boss shows support for imprisoned Catalan politicians. Barcelona icon Pep Guardiola pinned a yellow ribbon to his jumper on Monday. The Man City boss did so in a show of support for imprisoned Catalan politicians. Jordi Cuixart and Jordi Sanchez are in jail amid the Catalan independence row". Robert Summerscales, *Mail on Line*, 20 November 2017 (in English).
<http://www.dailymail.co.uk/sport/football/article-5100473/Guardiola-wears-yellow-ribbon-Man-City-press-conference.html>

- “Prohibit il·luminar de groc fonts i façanes a Barcelona. L’Ajuntament acata la resolució de la junta electoral però veu “ridícul” que es persegueixi. La junta també prohibeix la concentració diària al Mercadal de Reus d’Avis i Àvies per la Llibertat”. *El Punt Avui*, 30 November 2017 (in Catalan).

www.elpuntavui.cat/politica/article/17-politica/1293820-prohibit-il-luminar-de-groc-fonts-i-facanes-a-barcelona.html

- “Omplen de llaços grocs el pont de la Torrassa de l’Hospitalet. Per demanar la llibertat dels exconsellers del Govern i el líders de l’ANC i d’Òmnium Cultural empresonats preventivament”. Albert S.A., *Catalunya Diari*, 4 December 2017 (in Catalan).
<https://catalunyadiari.com/lhospitaletdiari/societat/omplen-llacos-grocs-pont-torrassa-lhospitalet>
- “Police enter Catalan government to remove yellow ribbons. Electoral Board cracks down on the colored motif after it became a symbol protesting the imprisonment of pro-independence leaders”. By ACN / *VilaWeb*, 14 December 2017 (in Catalan).
<https://www.vilaweb.cat/noticies/police-enter-catalan-government-to-remove-yellow-ribbons-independence-referendum/>
- Spanish soccer cup final: Yellow shirts worn by Barcelona supporters at football cup final in Madrid are requisitioned by some of the police at the stadium security controls (in English).
Youtube: https://youtu.be/4Q10Cbi_PsE
- “La bufanda groga més llarga de Catalunya es desplega al Vallès. Fa tres quilòmetres de llarg i ha necessitat centenars de persones” (The largest yellow scarf in the world (3 km) was unfolded in Caldes de Monbui. [Photos] *Nació Digital*, 4 March 2018 (in English)
<https://www.naciodigital.cat/sabadell/noticia/16754/fotos/videos/bufanda/groga/llarga/catalunya/es/desplega/al/valles>
- “La ultradreta alimenta comandos anti-CDR”. Aida Morales, *Nació Digital*, 21 April 2018 (in Catalan).
<https://www.naciodigital.cat/noticia/152935/ultradreta/alimenta/comandos/anti-cdr>

6.2 Relevant legal and judicial documents:

- Universal Declaration of Human Rights (UDHR)
https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights
- International Covenant on Civil and Political Rights (ICCPR):
https://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights
- European Convention on Human Rights: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

