

The case of President Laura Borràs is a case of judicial war (lawfare)

written by Redacció Unilateral | 27 de desembre de 2023

Authors:

David Ros i Serra (X: @EconomRosDavid), **Isidre Lluçà i Sabarich** (X: @IsidreLlucia)

The two authors of this article have dedicated more than 40 years to the service of the local administration, in which we have both carried out the function of secretary and municipal inspector, which has allowed us to know the applicable legislation in the matter of urban planning, finance, staff recruitment, works and services... and which allows us to give an informed opinion.

For more than two years we have seen how the President of the Parliament Laura Borràs was persecuted in an unfounded manner, for an administrative action that had been carried out in accordance with the law when she was president of the Institution of Catalan Letters, despite the fact that the facts that were happening stated exactly the opposite.

It has hurt us that the different adversaries, both from here and there, took part in this lynching, and that the complicity of power, the media, judicial operators and, above all, a deep state that aims to protect the reason for the state came together.

Two years ago we tried to write a clarifying article in the face of the nonsense we saw both in the accusation against the President of Parliament and in her impeachment by the

Parliament's own table. We had seen, because we researched it, partial screenshots of police officers' certificates that ended with a sentence like "from which no criminal matter emerges", but in reality we did not have such certificates despite having read this fragments. We also did not have the expert report that was made by the defense of the accused in the trial, nor did we know the reports of the Civil Guard, nor the recusal that would be made later in another trial against the table of the Parliament whose been the speaker of the sentence that condemned Laura Borràs.

Precisely the sentence itself, including the private vote of a magistrate, and the knowledge of some of the documents we have just cited have allowed us to now make a technical-legal and analytical report, based on the Public Sector Contracts Law of the sentence which condemns the president of the Parliament of Catalonia.

Despite the fact that the two authors have our personal opinions, we have made an effort so that they do not influence the making of the report and that it responds to a technical-legal approach.

In the report we explain different aspects that we summarize in a synthetic way below:

- The Laura Borràs case is a Lawfare case. This term is used in different ways with similar meanings: war against the enemy using judicial tools, use and abuse of law, judicial war, judicial persecution...
- Laura Borràs authorized expenses in the form of a minor contract, in the manner provided for in the then current Public Sector Contracts Law, which indicated that in the processing of the file it only required the approval of the expense and the incorporation to this of the corresponding invoice.
- The award to the supplier did not lead to any administrative irregularity and therefore not criminal

either. Minor contracts could be awarded, at that time, directly to any entrepreneur with the ability to work and who has the necessary professional qualification to perform the service.

- The different contracts did not have a functional unit, according to the expert report citing the Civil Guard certificate, therefore it was not possible to divide anything. So much so, as the sentence itself indicates, that she was not tried for this possible crime, despite the fact that both the prosecutor and the various media repeated it at all times.
- The judge of the court points out in her particular vote, that she also cannot be considered an inducer of a crime of document falsification since the budgets that the ILC asked for from the suppliers were not necessary for anything, since the act of awarding it had already been done previously.
- If there is no irregularity in the awarding, if there has been no fractionation, if there has been no personal gain, as the judgment clearly states, there has also been no corruption. And this is what the sentence itself says:

“It appears to us as evidence of this, already within the process, that the initial investigations aimed at investigating the possible commission of a crime of embezzlement of public funds, ended up falling apart, not even leading to the formulation of an accusation for this type of illegal, nor by any other person who could derive any profit or economic benefit by any of the persons related to these facts. This means that there is no economic damage for the ILC derived from these facts.”
- In the report we also give our opinion on why we think it was not a fair trial.

As Damià Del Clot says in his book “Lawfare. The strategy of repression against Catalan independence”: “Franco already used

the law and the extraordinary courts to annihilate political dissent... Today lawfare becomes a strategy that requires complicity of the Government, the media, judicial operators and, above all, from a deep state whose objective is to protect the reason for the state. And this is only possible by making use of the criminal and procedural law of the enemy.”

All these complicities have come together in the Laura Borràs case.

The synthetic summary that we have just made has the defects of the synthesis, which does not explain everything, which is why we recommend that those who have doubts and who want to know more read the [technical-legal report here](#).

-> link to original article:
<https://unilateral.cat/temes/articles-dopinio/>