

Spanish Government appeals the judicial investigation about COVID-19

Accuses the judge of exceeding his duties

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USPA NEWS - The State Advocacy came out this Wednesday in defense of the Government and filed an appeal against the investigation opened by the titular judge of the Investigating Court number 51 of Madrid on the alleged responsibility of the Government delegate in the capital of Spain in the extension of the Coronavirus, by authorizing the great feminist demonstration on March 8, knowing that it represented a risk to public health. A week later, the Spanish Government decreed a state of alarm throughout the country and detained the Spaniards in their homes, in an attempt to stop the pandemic.

In her appeal, the State attorney describes the process opened by the judge as a prospective "general cause," in which "the rules that are applicable during the validity of the state of alarm are violated" and whose objective, she says, would be to find evidence of crime in the actions of the Spanish Government. The appeal also criticizes the investigation ordered by the judge, for lacking evidence of crime and based on "suspicions" and "hypotheses."

The State Advocacy considers that the judge has exceeded her functions. "The instructor, in her eagerness to find indications of the typical nature of the events denounced, goes beyond the scope of jurisdiction that she herself has previously delimited to delimit her jurisdiction and requests that the Judicial Police collect information not only on the actions of the Delegation of the Government but of any other authorities that it does not even identify, turning this instruction into a general cause about the management of the health crisis," she argues in his appeal.

The Government defender considers the investigation commissioned by the judge to the Civil Guard "unjustified" and stresses that there was "no urgency whatsoever," which generates "defenselessness" for the Government delegate in Madrid, who must appear in court next June 5. In the appeal, he points out that if the proceedings "are not urgent, as the investigator herself declares, the previous proceedings should not have been opened and investigative proceedings should have been agreed in an exceptional situation that greatly hinders the defense of the accused whose conduct is investigating."

"What is evidenced by the content of the report that is charged to the coroner and the Judicial Police is that none of the typical elements" of the prevarication crimes or reckless injuries that the instructor identifies as "possibly committed to settle the beginning of the criminal process," adds the appeal and stresses that, on the date on which the demonstration was held on March 8, "there was no resolution by any competent authority in health, local, autonomous, or state, that limited concentrations of people."

After giving the Civil Guard to the judge the result of their investigations, the director of the Civil Guard called the chief general of this police unit in the capital of Spain, asking for the report. The military officer refused and the following day he was dismissed. This Wednesday, in Parliament, the Minister of Home Affairs, Fernando Grande-Marlaska, denied that the dismissal of the general is related to the instruction carried out by the judge and assured that the Government "will never interfere with judicial investigations while I am a minister." The opposition asks him to resign.

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