



Judicial Authoritarian Whistleblowers alliance

STATE OF LAW

SPAIN 2022



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Author: Javier Marzal

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1. INTRODUCTION

In 1961 Amnesty International was founded in the United Kingdom and since then it has published an annual report that currently focuses on the situation of human rights around the world.

In 1993, Transparency International was founded in Germany and two years later, it began to publish the report with the Corruption Perception Index (CPI).

One of the sources Transparency International uses is the World Justice Project's (WJP) annual Rule of Law Index report on judicial corruption, which is at the heart of all kinds of corruption. , since without judicial corruption a high level of other types of corruption is not possible. The WJP was established in 2006 in the United States and in 2011 published its first Rule of Law Index report.

The Group of States Against Corruption (GRECO) was created by the Council of Europe (CoE) in 1999, the same year that the CoE approved the conventions (civil and criminal) against corruption. In 2001 he published his first partial report on corruption in Spain that includes an analysis and suggestions for preventing it.

At the end of September 2020, the European Commission presents its first annual report on the Rule of Law in 2019, for each of the member countries of the European Union.

In 2019, four associations that work against corruption or in defense of victims of institutional corruption and a social movement came together in Spain, creating the Judicial Authoritarian Whistleblowers alliance. On November 11, 2022, they denounced the Spanish governments chaired by Pedro Sánchez (2018-2022) in the European Commission and the complaint is processed in the F3 Economic Unit. On January 27, 2023, they send an expanded complaint that is also processed in Unit C.1: Justice Policy and Rule of Law as Ares(2023)1525948. There have been more extensions and other previous complaints. The last extension complaint is sent on April 15, 2023, fulfilling a combined of complaints against the governments of Pedro Sanchez (2018-2022) and against the institutional corruption.

With this ampliatory complaint, we finish a combined of complaints that reflect sufficiently the Spanish institutional operation. As institutional corruption is habitual all over the world, as United Nations says, these complaints must be usefull to understand the corruption phenomenon in any country, the same way as the growing totalitarianism.

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The whole of complaints of the Judicial Authoritarian Whistleblowers Alliance is an essential tool for the European officers that work in matters like justice, corruption, fundamental rights, state of law and without doubt, in economical affairs.

The members of the Alliance, perceive that the reports of all the above do not conform to the Spanish reality, because they have been made without having reliable and expert private sources on real corruption in Spain.

In this scenario, in April 2023 the Alliance decide to produce an annual report on the Spanish Rule of Law.

Given the current serious situation of Spanish institutional corruption, the Alliance has decided to quickly make a first report on the Spanish Rule of Law in 2022, based on the methodology of the European Commission, its own experience and the aforementioned complaints from the Alliance, with the intention of complementing the aforementioned reports.

The Alliance will send its report to the private organizations and European institutions referred to, in order to collaborate so that their reports are better documented and the fight against corruption in Spain and in the European Union is improved.

Due to all of the foregoing, this report cannot include complete institutional information because it is published, for the most part, after the writing of this report.

Javier Marzal

Promoter and Spokesman of Judicial Authoritarian Whistleblowers

2.- CORRUPTION AND ANTICORRUPTION FRAMEWORK

Transparency International has increased the level of Spanish corruption in 2021 and in 2022, in its Corruption Perception Index

In 2018, Eurostat published that Spain almost reached 8% of GDP in corruption. With the excessive growth of public spending since 2019, it is likely that corruption has exceeded 10% of GDP.

Despite these figures, the aforementioned organizations and agencies that make annual reports do not understand the meaning of this magnitude and their reports are incompatible with that figure, which is quite close to reality. To make a report on the rule of law it is essential to understand the meaning of the level of corruption.

8% of GDP implies that corruption is highly organized in the institutions themselves; For this reason, we must speak of metamafia (public sector) or metamafias (political, legislative, judicial, etc.) which is a type of organized crime in institutions or with the collaboration of these, so that the corrupt have a high level of impunity because the evidence of their crimes is covered up administratively and judicially.

8% of GDP of corruption is not possible without the existence of systemic judicial corruption. A systemic judicial corruption implies that the judicial system itself forces judges to be corrupt, allowing them in exchange to benefit personally or to conceal the benefit of other officials and of the corrupt that the institutional set has decided to be covered up or anyone who may create problems for the judge in question. The same applies to prosecutors.

8% of GDP in corruption means that corrupt officials are promoted so that they can favor corruption and officials who want the most corrupt officials to be tried are punished.

8% of GDP in corruption means that institutions have become business centers, centers of corruption.

In this century there are hundreds of media publications, dozens of books, and several former judges that corroborate these claims.

The Tax Agency has been denounced for laundering more than 4,000 million euros in 2004 and for laundering hundreds of millions in 2021, 2022 and 2023, from corrupt officials. The Treasury did not comply with its legal obligation to return the rent before December 31, 2022. Six of those denounced in 2004 were later ministers with José Luis Rodríguez Zapatero (2004-2011) and the current Minister of Defense was not only denounced, but a seizure procedure had to be initiated because he refused to pay his tax debt. None of those denounced had labor repercussions and several of them returned to occupy high political positions.

Social Security has been denounced for the falsification of the working life of hundreds

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of thousands of high-risk workers, to delay the retirement age. In addition, in 2022 it has been convicted in 43.6% of the 104,951 judicial proceedings that have been initiated against it, according to the General Council of the Judiciary. These figures are common year after year and this administrative abuse of Social Security is not corrected.

The number of complaints against social services for the prostitution of minors in care and for separating minors from their parents to collect 4,000 euros a month, through false reports from psychosocial services, is growing.

Public Health has been denounced because in 2022 it has been exploiting 30,377 resident internal doctors.

The Government maintains the usurpation, in a premeditated way, of the legislative function of the Parliament (Cortes Generales), despite being a crime typified in the Penal Code.

The Government has falsified several documents to make the serious increase in public spending appear legal.

Several members of the Government do not meet the requirements established by law to be a minister.

On October 20, 2021, José Manuel Villarejo Pérez, retired National Police Commissioner, appeared in the Congress of Deputies. Numerous conversations of this former Commissioner with judges, politicians and other senior officials have been made public, which show the great power of this Commissioner, his great corruption and his leftist ideas. In this appearance, the former Commissioner said the following: "There is a dark Triad that is: CNI, an embryo of the Anti-Corruption Prosecutor, which is 10, 15, no more, a sect of Illuminatis that decide everything and, later, matters inmates of the Civil Guard, of the Police. All those decide who is destroyed, quietly. The Commissioner also spoke of the "Pi Section" of the CNI that was dedicated to "physical eliminations", as the retired prosecutor José María Mena Álvarez also called his more than 2,000 murders committed up to December 2021. Mena has been the most bloodthirsty of the main characters of Spanish corruption, to which he will refer later. The CNI is the National Intelligence Center was created in 2002 as a successor to the Higher Defense Information Center (CESID).

No legislator and no journalist asked what he was referring to or who the members of that "sect" were or who had been assassinated. They all knew the answers to these questions.

Based on the Royuela File, written and economic documentation of thousands of actions by some of the members of that "sect" has been denounced, but, for the reasons described, all tax, police and judicial complaints are covered up.

Various institutionalized media have published various articles about witnesses, prosecutors and judges related to political corruption matters who die under strange circumstances.

They have also reported on prosecutors and judges who have been retaliated for

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bringing corruption cases.

Regarding the anti-corruption framework, Spain has never fulfilled its commitment to create an independent anti-corruption agency, established in the United Nations Convention against Corruption.

Spain has not complied with its commitments to the Council of Europe and the European Union to create a National Plan against Corruption either.

DIRECTIVE (EU) 2019/1937 for the protection of whistleblowers of corruption, was transposed with more than a year of delay and with breaches of the Directive itself.

The governments of the Popular Party (PP) and the Spanish Socialist Workers' Party (PSOE), as well as their Deputies and Senators, have always refused to legislate against corruption, going as far as not transposing European standards.

The situation has seriously worsened with Organic Law 14/2022, of December 22, transposing European directives and other provisions for the adaptation of criminal legislation to the European Union, and reform of crimes against moral integrity, public disorder and dual-use weapons smuggling. The penalties for the crime of embezzlement have been reduced and the crime of sedition has been suppressed. The legislative change of the crime of embezzlement favors members of the PSOE who have been convicted and may request that their sentence be reviewed to reduce it. The change in the crime of sedition favors Catalan separatism and several of its leaders who are convicted of that crime, as well as more embezzlement and future disorders.

The Criminal Code establishes that businessmen and any person can commit a crime of maladministration, but this crime does not exist for public officials, so most of the economy falls outside of criminal jurisdiction.

A corrupt jurisprudence of the Constitutional Court establishes that the legislative actions of the Government are not administrative, because in this way they can be excluded from the crime of administrative prevarication and be exempt from criminal responsibility.

In the 2023 report we will expand the corruption of criminal jurisdiction regulations (Organic Law of the Judiciary, Criminal Code and Criminal Procedure Law).

In any case, the anti-corruption regulatory framework, in addition to being insufficient, the authorities often do not comply with, especially when they affect an official or those they consider enemies such as corruption whistleblowers and those who defend victims of institutional corruption.

The revolving doors are maintained and in 2022, three senior regulators have moved to the private sector.

The Special Prosecutor's Office against Corruption and Organized Crime covers up more corruption than it investigates, just like the newest European Prosecutor's Office does, because five of its European prosecutors, of Spanish origin, have been denounced for money laundering. The two Spanish judges at Eurojust have also been denounced for money laundering.

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Contrary to the laws and national jurisprudence and the ECHR, in 2022 prosecutors and judges continue to retaliate against lawyers and association leaders who denounce corruption of public officials. Among those criminally punished in 2022, are the majority of the main corruption whistleblowers, such as Manos Limpias, Alvisé Pérez, Roberto Macías, Alberto Royuela Fernández, Juan Martínez Grasa, Santiago Royuela Samit, the disqualified judge Fernando Presencia and the ACODAP association that chaired by various collaborators from ACODAP and Javier Marzal. The National Court has seized ACODAP's bank accounts without it being part of the criminal case. In 2022, Social Security has seized the bank account of the ANVIPED association chaired by Javier Marzal three times, despite the fact that it has not had employees for several years and without notifying the corresponding administrative procedures. Precisely, ANVIPED has been denouncing a serious corruption plot in the three main Social Security agencies since 2017, involving two State Secretaries from two Ministries, as well as the last three Social Security Ministers. They have not been accused of documentary falsification in bank information to avoid having to verify it and they are accused of slander so that there is no need to verify it; In addition, ACODAP's bank account has been seized without this association being part of this criminal case.

In 2022, the Royuelas filed a tax complaint and made public that more than 100 judges were laundering money, providing all the bank information. Among them were nine judges from the Criminal Chamber of the Supreme Court. Fernando Presencia, complainant of the Royuela File, also denounced this money laundering, as well as dozens of other high-ranking ministers who had also denounced the Royuelas. The President of this Chamber, without verifying the veracity of the bank information, described all of them as fraudsters and a criminal gang, asking the President of the General Council of the Judiciary (also denounced for laundering millions of euros) to denounce those referred to in The State Attorney General's Office and the National Court Prosecutor's Office filed a judicial complaint against those referred to and the incumbent judge did not want to process the retaliation, leaving it in the hands of a reinforcing judge. None of the aforementioned institutions has verified the veracity of the accounts. Both the complaining prosecutor and the investigating judge have also been denounced for money laundering.

In 2022, the illegal interventions of the communications of corruption whistleblowers have continued, surely by the National Intelligence Center (CNI). It was made public that the telephones of the Royuelas, Martínez Grasa and Javier Marzal were tapped. It was also denounced that the e-mails of Javier Marzal and Juan Martínez were intervened, even deleting all the messages from the latter.

Between 2020, 2021 and 2022, at least 10 compensations were claimed for retaliation against corruption whistleblowers, based on the United Nations Convention against Corruption and DIRECTIVE (EU) 2017/2019. The Minister of Justice, the only one competent to process them due to the lack of transposition, has not even notified their receipt. Among the complainants there are a German, several public officials, a lawyer and a director of an association.

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Corruption whistleblowers suspect that the greatest economic corruption in Spain is carried out in the Governing Commission of the Fund for Orderly Bank Restructuring (FROB), created in 2009. The purpose of the FROB is to manage the resolution processes of credit institutions and investment services. The FROB Governing Committee is made up of the following 11 members: President, four members appointed by the Bank of Spain (one of whom will be the Deputy Governor who will hold the First Vice-Presidency of the Governing Committee), three representatives of the Ministry of Economic Affairs and Digital Transformation, appointed by the Minister with at least the rank of Director General, the Vice President of the National Securities Market Commission and two representatives of the Ministry of Finance and Public Function, appointed by the Minister with at least the rank of Director General. Also attending are the Comptroller General of the State Administration and the Director of the State Legal Service on behalf of the State Attorney General, which is part of the Ministry of Justice.

Through Royal Decree-Law 1/2022, the Government decided that the FROB would acquire 4.24% of Sareb (bad bank), reaching a 50.14% stake. The operation was carried out in the first days of April 2022.

On 04/11/2022, the management of Sareb's assets, valued at 25,300 million euros, is entrusted to foreign entities: 55% Hipoges (the US multinational KKR has been the majority shareholder since 2018) and 45% through two funds of the American company Blackstone (Aliseda and Anticipa). It is possible to think that the Government has excluded real estate companies of Spanish capital due to the continuous attacks of the ministers on the Spanish business community, which makes corruption difficult.

On the FROB website on the Resolution Funds it manages, it is stated that "the Single Resolution Board has collected 13,700 million euros in contributions to the FUR corresponding to the 2022 financial year", from "2,900 banks and service companies investment".

In 2022 and in previous years, other corruption cases have been processed against whistleblowers of large plots, so it can be said that high corruption cases are distributed to corrupt prosecutors and judges who do not respect the law to harm whistleblowers. corruption and to cover up corrupt officials.

Youtubers who denounce corruption are also being subjected to tax and criminal retaliation.

In several cases, the Constitutional Court and the Criminal Chamber of the Supreme Court have failed to protect corruption whistleblowers.

In section 20 of the report on Prevention of corruption regarding parliamentarians, judges and prosecutors of GRECO, published in 2014, it is stated: " the internal structures of political parties are very strong and rigid, where their leaders reserve the power to make important decisions without counting on its members. Such a system favors loyalty to the party over loyalty to the electorate, and the result is that parliamentary groups maintain firm control and exercise strict internal discipline over individual parliamentarians. The EEG was informed during his visit that discipline is

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decisive in order to be included in a list of candidates for election ”. Article 67.2 of the Constitution prohibits these practices in the following way: " The members of the Cortes Generales will not be bound by imperative mandate ." The situation remains, to the point that, in 2022, it has been the Government that has decided the laws that the Congress of Deputies has to make; In addition, the Government has demanded and achieved that the Deputies of their political parties (PSOE and PODEMOS) approve dozens of illegal royal decree laws for usurping the legislative functions of the Congress of Deputies itself, as it did with the declaration of the State of alarm in 2020 and its extensions.

The Congress of Deputies has requested 1,970 appearances from members of the Government and 1,045 have been neglected. In 2022 this lack of accountability continues.

According to data from the Council for Transparency and Good Governance (CTBG), the lack of access to public information continues, despite being illegal.

Public administrations, especially municipal ones, continue to obstruct criminal judicial investigations. The prosecutors and judges involved do not take any of the measures provided for in the law.

At the European Commission, the Alliance has denounced dozens of high-level European officials, politicians and judges, accused of laundering hundreds of millions of euros. In most cases, bank information has been provided and it has been noted that they have also been reported to the Spanish Tax Agency.

At the end of 2022, the European Commission said that it could not know the destination of the European funds because the Spanish Government did not respond to this question. Spain received 31,036 million euros in 2022 from European Next Generation EU funds to recover its economy from the coronavirus crisis.

3.- JUDICIAL SYSTEM

The Spanish judicial system is systemically corrupt, as befits a country where corruption is the most profitable business (almost 8% of GDP, Eurostat 2018). If the judicial system were not systemically corrupt it would be impossible to reach that level of corruption; therefore, there is a serious deficiency in the Spanish Rule of Law of systemic judicial corruption.

Judicial corruption is so evident that, for years, the media have been talking about judicial truth, as a way of saying that the proven facts of the judges are usually false.

In 2022, more than a hundred judges and several prosecutors have been denounced for tax purposes for laundering millions of euros. Ten judges of the Criminal Chamber of the Supreme Court and several judges of the National Court, which is competent for crimes of terrorism and money laundering, have been denounced for tax purposes.

Judges are under additional pressure from the high number of proceedings per judge and the low number of judges. According to CEPEJ, in 2020 Spain had 11.24 judges per 100,000 inhabitants, compared to 17.60 for the European average. Both in Spain and in Europe, the number of judges has been reduced compared to 2018. Spain had 5.37 prosecutors per 100,000 inhabitants, compared to the 11.10 European average. Despite this, Spain spends more on the judicial system, specifically 87.9 euros per inhabitant, compared to the European average of 64.5. Spanish prosecutors and judges earn more than the European average. Politicians overburden judges to prevent them from dealing with complex issues like corruption. Productivity is rewarded in quantitative terms, so it is rewarded that judges hastily close a large part of the proceedings and do not pay enough attention to those they process. Between 2013 and 2015, a notable effort was made to improve the ratio of judges in relation to the inhabitants, dropping considerably in 2016 and 2017, remaining stable since then.

It has been denounced that in Spain two judicial prevarication networks have been created at the end of the 20th century. The first was created by the prosecutor José María Mena Álvarez in Catalonia and the second was created by the former Minister of Justice and Interior Juan Alberto Belloch Julbe, the latter spread throughout Spain. Both are among the five richest people in Spain, although they do not declare their assets. In 2004 both were denounced for tax purposes for having amounts greater than one hundred million euros outside of Spain, but they continued to work as civil servants, despite the tax records of the Tax Agency. It has been denounced that in December 2022, the former President of Spain José Luis Rodríguez Zapatero bribed 68 judges in Madrid. Given the latter's relationship with Belloch, they probably belonged to the latter's prevarication network, which in 2020 was still active.

The Provincial Courts know and cover up the corruption of the Courts. The Superior Courts of Justice know and cover up the corruption of the Courts and the Provincial Courts, because their Criminal Chamber knows the complaints against the prosecutors and judges of their Autonomous Community. The Supreme Court knows the corruption

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of all the above and covers it up.

The situation is the same in reverse, when the judges receive the resolutions of the appeals, they are aware of the corruption of the higher instances, but they know that they cannot denounce it because they would have serious reprisals; In addition, they learn that they should not harm people related to political leadership.

In general, all prosecutors and judges have documented corruption at higher and lower levels, but none denounces it, despite their legal obligation .

Several judges have complained that the Criminal Chamber of the Supreme Court has made it very difficult to investigate the law enforcement officials and even more so to try them, leaving evidence of the habitual cover-up of the corrupt.

In 2021, the National Court declared itself incompetent to process a complaint for 322 murders attributed to the metamafia of the aforementioned prosecutor Mena, inhibiting itself in favor of the Barcelona courts on 10.11.2021. The judge followed the government's instructions, through the prosecutor, which consisted that there is no terrorism when the same gang commits 322 murders and that there is no money laundering abroad when a Spaniard launders in a country other than Spain and does not He pronounced payments in Switzerland for each murder, despite the fact that the amounts and the bank account were stated. Information was also provided from the 2004 tax files of Mena and his lieutenants, as well as the 30 million dollars collected by Mena in 2020. The reform was appealed, but the judge upheld what was said. An appeal was made, sending the appeal to another court, for which the rectification was requested to the Presidency of the National Court because two courts were involved, on 02.11.2022 it said that the recipient court should be requested, it was done and it not only He did not respond but sent it to the courts of Catalonia, where Mena was Chief Prosecutor. It could be that the Ministry of Justice, which controls the e-mail of the National Court, prevented this message from reaching. It has been denounced in the State Attorney General's Office and in the Anti-Corruption Prosecutor's Office that Mena bribed the Chief Prosecutor of Barcelona and the Superior Prosecutor of Catalonia with several million euros. The Courts of Barcelona did nothing for ten months, summoning the two complainants in December 2022 through the notification service, instead of doing so from an Investigating Court.

On January 27, 2021, the Alliance denounced the following facts, among others, at the European Commission: “The Government, through the General Council of the Judiciary and the State Attorney General, covered up in 2021 a complaint against the cover-up in 2009 of 1,182 murders by the Superior Court of Justice of Catalonia and the General Council of the Judiciary itself. 412 of these murders were discovered in 2009 by the Chief Prosecutor of the Superior Court of Justice of Catalonia herself, but extortion and bribery silenced this terrorism”. These facts are part of an administrative procedure.

The Organic Law of the Judiciary (LOPJ) establishes that the General Council of the Judiciary (CGPJ) will be made up of a President and 20 Members appointed by Parliament (Cortes Generales). The Vocals select the President who is also President of the Supreme Court. In this way it can be said that there is a totalitarian law because it

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politicizes the governing body of judges. The CGPJ is in charge of promotions, destinations, salary supplements, disciplinary sanctions, etc.

In 2022, all the members of the leadership of the CGPJ have been denounced for tax purposes: President, 20 Members and Secretary General, for not declaring millionaire bank deposits abroad.

The CGPJ proposes the Presidents of the Chamber of the Supreme Court and the magistrates of the Supreme Court, the President of the Chamber of the National Court, the Presidents of the Chamber of the Superior Courts of Justice, the President of the Chamber of the National Court and the President of the National Court. Presumably most of these senior judicial officials are corrupt.

The CGPJ has the disciplinary capacity to sanction judges, but it almost never does so if the complaint is from individuals or lawyers. Frequently, disciplinary sanctions are used to retaliate against judges who have not complied with what has been ordered from higher judicial instances or from the Public Prosecutor's Office that expresses the will of politicians. In this way, the CGPJ controls all the judges.

The files are initiated by the Promoter of the Disciplinary Action who is usually a corrupt judge. The current Promoter affirms that he cannot denounce the judges when the complaints denounce crimes and, nevertheless, he has criminally denounced the complainants at least three times in retaliation for denouncing the prevarication of several judges.

The Constitution establishes that the Public Prosecutor's Office is a hierarchical body and that its head, the State Attorney General, is appointed by the Government. The Government controls the budget of the Public Prosecutor's Office and, separately, the budget of the Special Prosecutor's Office against Corruption and Organized Crime, the latter being unknown by the State Attorney General's Office itself.

The appointment of the State Attorney General, the hierarchy and the political management of expenses, make the Public Prosecutor a highly politicized body, which gives them a special power that makes judges fear that they will be denounced, because reasons always have. Prosecutors represent political will when large interests are prosecuted.

It is precisely this politicization that has led anti-corruption prosecutors to systematically cover up institutional corruption, since all high-ranking institutional officials are appointed discretionally by the Government.

On the website of the Special Prosecutor against Corruption and Organized Crime, it can be read that they have recovered only hundreds of millions of euros since 1995. It should be noted that the first Anti-Corruption Prosecutor was denounced for tax purposes in 2004 for having 203.2 million (between euros, dollars and Swiss francs) abroad without declaring, he was penalized for a few million, did not pay the tax debt, and an embargo proceeding was initiated. This prosecutor did not have to resign and remained the Chief Anti-Corruption Prosecutor until his retirement.

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The data from the Special Prosecutor's Office against Corruption and Organized Crime is eloquent: 134 officials, including 27 prosecutors. In the absence of data from 2022, this Prosecutor's Office initiated 40 criminal investigations in 2021, compared to 19 in 2020, despite receiving 1,291 complaints in 2021. In 2021, the Special Prosecutor's Office formulated 39 indictments, 22 sentences were handed down in the instance, with 10 convictions and 12 acquittals.

In general, these data from the Special Prosecutor's Office against Corruption and Organized Crime reflect the reality of all Spanish institutions. Spanish institutions have oversized structures so that their rulers can use them to enrich themselves and to finance the political parties that have appointed them to those high positions. They are the institutions of the 8%.

The Bar Associations are another source of corruption. As in previous years, the 2022 Budget of the Madrid Bar Association (ICAM) reflects one of the causes of structural corruption. The ICAM forecasts for 2022 were of 30 million euros of income, highlighting almost 5 million euros of public subsidies. The situation is similar in the rest of the schools. The whistleblowers of corruption affirm that the bar associations and prosecutors promote the high corruption of their members. These colleges cover up disciplinary complaints against their members and go so far as to penalize them when they face judges. In short, the professional associations of lawyers and solicitors are also part of the structural corruption. Generally, several judges are part of the high positions of the bar associations.

Free legal aid provided by bar associations is too basic, prevents prosecution against corruption and forces legal victims to seek other channels for legal advice.

The pressure received by lawyers, prosecutors and judges, from the institutions themselves, makes their independence impossible.

In the 2021 report of the CGPJ it is stated: " during the year 2021, three amparo requests have been received, two of which were inadmissible and the third was upheld ". The low number of petitions for amparo by judges to preserve independence, which contrasts with dozens of news reports referring to pressure on judges, is illuminating. The fact that only one third have been estimated discourages the use of this resource.

In the same memory of the CGPJ, it is said that 2021 ended with 2,043,951 civil sentences pending execution (3.5% more than in 2020), while 620,927 had been resolved (19.8% more than in 2020). In 2021, a great effort was made to increase the number of executions of sentences, but there is a lag of close to three years in the execution of civil sentences. Although the deadlines for resolving civil disputes have improved, the high volume of victims affected by the lack of execution of civil judgments indicates another serious structural dysfunction of the Rule of Law, in terms of the efficiency of the civil judicial system .

The report, regarding the criminal jurisdiction, indicates that there were 222,640 unexecuted sentences and that 264,009 had been resolved, existing, therefore, about 10 months behind schedule. A total of 165,624 executions were registered, for which

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reason a significant effort has been made, resolving almost one hundred thousand more executions than those entered. If the situation is maintained, it can be inferred that an efficient situation could be reached in a period of approximately two years. The high volume of those injured by the lack of execution of criminal sentences indicates another serious structural dysfunction of the Rule of Law, in terms of the efficiency of the criminal justice system.

4.- MEDIA (JOURNALISM)

For decades, the reliability of news media (information) has been questioned around the world and Spain is no different. The mother-in-law of one of the Spanish newspapers considered to be of international relevance, when she went to read the press, said "I am going to read the mentidero".

The emergence of the digital press has made it easier for many senior journalists to create their own digital newspapers.

YouTube has made it easier for numerous journalists, other specialists (political scientists, economists, lawyers, etc.), associations and activists to create their own information channels.

There are not a few people who affirm that televisions have remained for entertainment and social networks for information, generally using conventional and new digital media to find news.

In this scenario, it can be said that Spain has plural communication media, in the sense of political and even apolitical tendencies, although journalism continues to dominate the way of thinking of the majority.

The former Director of the newspaper El Mundo, published in 2019 a book with the title: "The Director. Secrets and intrigues of the press narrated by the ex-director of El Mundo". In the book it was said that before 1998 politicians feared the press and when he returned to Spain at the end of 2015, the situation had been reversed, journalists feared politicians. This affirmation of this person so informed and with access to all the Spanish power, evidences the totalitarian drift of Spanish democracy. He also made reference to the fact that journalists accept gifts and bribes.

The institutional purchase of advertising is usually considered a bribe to the media benefited by the lack of balance between political tendencies and the great concentration in some of the related media, without making a reasonable distribution.

On 18.01.2022, the Government held an informative briefing on the distribution of European funds. Francesc Vallès Vives, Secretary of State for Communication, excluded the media with editorial lines contrary to the ideology of the Government, including El Mundo, which is a daily of international stature, Cadena Cope, La Razón, Libertad Digital, Onda Cero and The Objective and the news agencies Colpisa and Servimedia.

This matter was questioned in the Session of 01.25.2022 in the Congress of Deputies.

The current government has increased spending on media advertising every year, setting the all-time record in 2022, despite not being an election year.

These tendentious interferences in the media threaten the plurality of the media.

Like the big traditional media, most of the biggest digital media tend to be extremely

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biased, to the point that they can be considered machines to destroy the image of politicians of the opposite sign and propaganda machines of related political parties.

Press freedom continues to be threatened by numerous judicial reprisals against editors and journalists, even the judges themselves initiate criminal proceedings, taking advantage of the fact that officials are the only ones who do not need a lawyer to act criminally for crimes against their honor and judicial corporatism. It is obvious that they know that they are acting unlawfully.

Despite numerous cases of lynching (civilian death) by the media, 2022 has been an unprecedented year for media corruption.

Once again, Alberto Royuela and Juan Martínez, after obtaining some documentation on bribery of 47 executives and journalists from several of the largest media outlets, received information on bank deposits from those 47 professionals and from two other highly media professionals. It is reported that the billionaire José María Mena had bribed the aforementioned 47 professionals with 70 million US dollars, distributing between 1 and 3.5 million dollars each. These facts were reported to the European Commission on July 5, 2022 by the Alliance, without having completed the processing.

The media campaign by the mainstream media against the Royuelas, Juan Martínez, Judge Presencia and ACODAP has been constant and has managed to stop the few media outlets that published news about these complainants from doing so.

In 2022, the Royuelas called several demonstrations: Madrid, Bilbao, Valencia, Barcelona and Madrid again. Except in Bilbao, in the rest of the demonstrations several thousand people attended and none of the major media reported. In the case of RTVE, it is especially surprising because the public entity has the obligation to inform of any relevant event that occurs on public roads and, specifically, of all demonstrations.

A special mention must be made of the Center for Sociological Research (CIS) as a provider of news of great interest to form the opinion of the majority. The CIS has been denounced for falsifying forecasts of electoral results and for manipulating poll data.

During 2022, various media have published that the Government does not provide the information that its journalists have requested, even after a favorable resolution from the Council for Transparency and Good Governance (CTBG).

5.- CHECKS AND BALANCES

From the beginning, the governments of Pedro Sánchez have abused their powers (executive and submission of the members of their political parties) to carry out the largest legislative change in history, at least, in number of laws.

The government has used the mechanism provided for in the Constitution to legislate, always using urgency as cause; however, various advisory institutions and political parties have criticized this practice, claiming that there was no such urgency.

In the Regulatory Plan for 2022, the Government expected that the Cortes Generales would process 92 laws (11 organic, which is the highest rank after the Constitution), while the Government was going to approve 276 royal decrees, listing the content of all the laws. It is surprising that the Government decides what the legislature has to legislate.

Several public bodies have ruled against this way of acting and the opacity of the Government, but it ignores the institutions and continues its autocratic and totalitarian course.

Undoubtedly, the most profound and totalitarian imbalance occurred in November 2022, when the Government decided to appoint two members of its Government as Constitutional Court magistrates, knowing that the CGPJ was going to appoint one from the left and another from the right to balance the court. As a consequence, there were 7 magistrates from the left and four from the right, that is, almost twice as many left. Logically none of these 11 magistrates should be in the Constitutional Court.

This totalitarianism has not obtained an adequate judicial response and has obtained unconditional support from the Cortes Generales (Parliament). In this sense and in several others, it can be affirmed that Spain has regressed in the division of public powers and a totalitarian and autocratic regime has been established.

Another very significant fact has been the increase in ministries and, consequently, in freely appointed senior positions, because in this way control over the whole of society and over all institutions has been increased, limiting checks and balances. In 2022 there were 762 senior positions in the General State Administration, 10 more than the previous year and 91 more than those with which the previous Rajoy government ended.

Public spending in Spain continues to grow rapidly each year, going from 503,364 million euros (41.8% of GDP) in 2018, which was a year shared with the previous government, to 610,864 million euros (51.9%) in 2022.

The situation described makes the activity of civil society very complicated, unless it helps the purposes of the Government.

6.- CONCLUSIONS

In 2018 Eurostat published that corruption in Spain was close to 8% of GDP; however, no Spanish or European institution has been concerned about the meaning of this level of corruption.

8% of GDP in corruption is only possible in a State where the priority of ALL the institutions of the Rule of Law is corruption, at least to cover up the corruption of officials.

Sometimes an official is sentenced to make it appear that corruption is being prosecuted, but if we add up all the corruptions reported in 2018, they do not even come close to 1% of total corruption (8% of GDP). Since 2018, corruption has grown year after year, as public spending has grown.

But there is not only corruption that enriches the corrupt, but there are other corruptions that do not allow the normal development of society.

The Sánchez governments have repeatedly failed to comply with national and European laws, starting with the appointments of the Government itself, since several ministers do not meet the requirements to be, although not all of them have been analyzed.

These governments have been totalitarian, usurping the powers reserved to Parliament and, therefore, national sovereignty, following the Venezuelan model. This usurpation has reached the point of perpetrating a legal coup with the declaration of the state of alarm, to eliminate individual and business liberties, as well as to increase public spending and accelerate the impoverishment of the population, to increase social control.

The Cortes Generales (Parliament) has allowed and supported all the criminal actions of the Government, forgetting that it represents the popular sovereignty held by the people, so it cannot be a puppet of the Government.

Year after year, hundreds of laws have been approved without jurisdiction to do so, which should lead to declaring them null and void.

The Government has committed various crimes of documentary falsification to justify the unprecedented increase in public spending to increase the state apparatus, with the sole intention of increasing control over society (individuals, companies, the media and the social sector), by purest communist style. All kinds of data have also been falsified for electoral purposes.

The Government has increased the politicization of institutions and social control by increasing the number of senior positions appointed by the Government itself. These freely appointed appointments ensure that they will be faithful to the Government, which is equivalent to saying that they will not comply with the law to support the autocracy of this Government. Despite this, several senior officials have resigned, but

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most of them are highly corrupt.

The institutional counterpowers have not worked for the reasons described.

The Parliament has submitted to the usurpation of its functions by the Government, taking advantage of the latter's illegal obedience to the party, the judiciary has continued to cover up the Government's crimes, pressured by the Public Prosecutor's Office, which has always been at the orders of the Government, as the President of the Government himself said. The Constitutional Court has done something against the Government, but it has not even denounced it for the legal coup d'état that the declaration of the State of Alarm has entailed. The Popular Party (PP), partner of the Government in the bipartisanship, being the largest opposition party, did not even challenge the State of alarm.

Private counterpowers have not worked either. For decades, the media have feared reprisals from the government and, furthermore, have been bribed with public aid and the largest publicity campaigns for democracy. Criminal reprisals against journalists have intensified and criminal reprisals against YouTubers have begun. It is significant that a person has bribed 47 executives and journalists from the largest media outlets, the complete banking information being denounced, and that they have carried out a campaign against corruption whistleblowers, claiming certain facts knowing that they are not wanted check, because they know they are so false, like the accusations made by the journalists who sign this campaign.

The media that have not been bribed and that have been left out of this campaign do not dare to investigate the accusations either, because they fear reprisals from institutions and from the bribed media themselves.

Criminal and civil reprisals against associations that denounce corruption have intensified, and criminal reprisals against lawyers have also intensified. The bar associations are part of corruption and support it, going so far as to unfairly penalize lawyers when judges request it. In addition, compensation to whistleblowers of corruption for damages caused by reprisals is not processed, which is also never recognized.

Spain has world class economists and the European Union knows that institutional economists have a high level of knowledge; therefore, it cannot be said that the dismal economic results are not intentional. The unquestionable intention of the Government to impoverish the population so that it depends on public subsidies and hinder the independence of young people so that they cannot build their own life project, constitute clear crimes of maladministration.

The government has intentionally made Spain the only European country that has finished 2022 without recovering the GDP levels of 2019.

The Government has increased hatred towards businessmen and companies, legal insecurity and an exaggerated tax level that changes every year. This totalitarianism, insecurity and fiscal voracity have resulted in Iberdrola deciding to move its headquarters in April 2023. In Spain, the situation that occurred in Catalonia with the

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pro-independence actions in 2017 is being repeated. In Catalonia, a situation was created unsustainable social and business that made companies leave. The same is happening in Spain and companies will follow the path of Ferrovial, especially if the Government is maintained in the next General Elections.

The judicial system is systemically corrupt. In a country with a judicial system that is not systemically corrupt, it is impossible for corruption to come close to 8% of GDP.

Prosecutors and judges force their own colleagues to corrupt themselves. In 2022, more than a hundred judges have been denounced for having million-dollar bank accounts outside of Spain and without tax declaration. Especially significant are the complaints against the 21 heads of the General Council of the Judiciary and against 10 magistrates of the Criminal Chamber of the Supreme Court, including its President.

The Tax Agency has covered up all the accused officials, laundering billions of euros.

Since the last century, Spain has had a network of judicial prevarication, made up of several hundred judges. The creator of this network earns more than four hundred million euros per year, ignoring how much he pays bribed judges.

The existence of this network has made it possible for a person to have bribed 68 judges in Madrid in December 2022, both because of the high number and because if bribing a lower court judge is profitable, it is because appeals to higher courts do not prosper. .

In Spain, several sentences are sold every day in the civil jurisdiction and in the criminal jurisdiction.

As a judge said about a criminal action by the Supreme Court: "The usual requirements of the jurisprudence to open a criminal investigation and summon any person to testify as investigated are being raised significantly." The Supreme Court is increasing impunity for corrupt officials. This statement, together with the increase in public spending, suggests that the level of authoritarianism and corruption in Spain have grown considerably.

Despite the high level of corruption, the Special Prosecutor's Office against Corruption and Organized Crime is not profitable, spending more than it manages to recover, which reflects the political will and corruption of its prosecutors. The same situation occurs in the European prosecutors for Spain, because they are prosecutors and judges specially selected to cover up institutional corruption.

Spain has some laws to encourage corruption and, furthermore, officials do not even comply with them. Corruption is entrenched in the laws and in their lack of application, reaching a systemic dimension in Spanish institutions. In Spain, not only is there no action against corruption, but the corrupt are promoted.

Corruption has been imposed in the European Union, as part of totalitarianism and absolute decadence that has caused the decline of European economies and societies.

With the Next Generation EU funds, the European Union is supporting the increase in institutional corruption, capitalism of friends (crony capitalism) and public inefficiency. The greater the crisis that governments create, the more aid they receive, so the Union

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Europe has become part of the problem.