



TRIBUNAL CONSTITUCIONAL
Gabinete del Presidente
Oficina de Prensa

NOTA INFORMATIVA Nº 79/2013

JUDGMENT RENDERED BY THE PLENARY SESSION OF THE CONSTITUTIONAL COURT REGARDING THE RELIEF APPEAL FILED BY FERNÁNDEZ DE LARRINOA.

On November 19, 2008, Mr Ignacio Fernández de Larrinoa Pérez de Luco filed a relief appeal for constitutional protection against the application of the "*Parot doctrine*" which was stayed until a judgment was entered on the matter by the European Court of Human Rights (ECHR) in the "*Río Prada case*".

As from the moment the Constitutional Court became officially notified of the ECHR judgment, it requested information from the National Court regarding the situation of the inmates who were affected by this judgment in order to issue a judgment on the relief appeals which were pending of decision. Initially the National Court answered that it would return a judgment on all matters which were not pending of a relief appeal by the Constitutional Court.

Some days back, the Criminal Division of the National Court submitted to this Court the original pleading filed by Mr Ignacio Fernández de Larrinoa Pérez de Luco in which he requested from such Division to be released from prison invoking the judgment delivered by the Court of Strasbourg in the "*Río Prada case*". On November 7, this Court decided to include such pleading in the proceedings arising from the relief appeal filed by Mr Ignacio Fernández de Larrinoa Pérez de Luco.

On November 15 and in compliance with the decision reached by the General Division of the Supreme Court, whereby the application of the judgment delivered by the ECHR is vested in each of the courts that passed the initial sentence, the National Court notified the Constitutional Court that it would reach a decision on the release from prison requests made by those inmates who are affected by the Strasbourg judgment.

Among these inmates, Mr Ignacio Fernández de Larrinoa Pérez de Luco is included. Therefore, the Plenary Session has decided to return the pleading submitted to the Constitutional Court to the Criminal Division of the National Court so that issue a decision on the request of release from prison filed by this inmate before the National Court itself.

Madrid. November 20, 2013.