

SPANISH CONSTITUTIONAL COURT

Cabinet of the President
Press Office

INFORMATION NOTE No. 38/2014

THE TC REJECTS SUSPENSION OF OTEGI'S CONVICTION UNTIL HIS APPEAL FOR CONSTITUTIONAL PROTECTION IS RESOLVED

Chamber One of the Spanish Constitutional Court has unanimously rejected the request lodged by Arnaldo Otegi Mondragón, Arkaitz Rodríguez Torres, Sonia Jacinto García and Miren Zabaleta Tellería to suspend the conviction handed down by the Supreme Court. On 3 June 2013, Chamber One had already rejected this request lodged by the appellants for the reasons now reiterated by the Court, in reply to the 3 April 2014 appeal.

The Court explains that, according to established doctrine, only the existence of "*unexpected circumstances*" enable a change in a decision previously reached on suspended effects of a judgment. And that "*the mere passing of time and the influence it would have on the enforcement of a prison sentence cannot be considered as relevant circumstances to this effect, since fulfilment of a conviction over time is the rule if the conviction is not suspended*".

After concluding that in this case there is no "*circumstance enabling a change in a decision to deny suspension already taken*"; given "*the seriousness of the offence remains the same*"; and that the "*imminence*" of the resolution of the appeal, compared with "*the conviction time remaining, does not definitively remove the objective of constitutional protection*", the Court agree to not grant the appellants' request. The Chamber added that the resolution of the appeal will take place with "*utmost speed*" given that "*the appellants are in prison*".

Madrid, 7 May 2014.