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THE CONSTITUTIONAL COURT, VIA A UNANIMOUS DECISION, SUSPENDS THE INVESTITURE OF PUIGDEMONT, AS A PRECAUTIONARY MEASURE, UNLESS HE APPEARS IN PERSON IN THE PARLIAMENT SUBSEQUENT TO JUDICIAL AUTHORISATION

The Constitutional Court has determined, via a unanimous decision, that the resolutions of the President and the Parliamentary Assembly of Catalonia enabling the investiture of Carles Puigdemont as the President of the Regional Government of Catalonia are to be suspended as a precautionary measure. The Magistrate Judges deem that it is essential that Puigdemont appear in the Chamber in person and, to this end, that he previously obtains the authorisation of the judge presiding over the criminal proceedings wherein his arrest has been ordered; the Magistrate Judges have also suspended the possibility of a vote delegated from overseas.

In this regard, the operative provisions of the ruling issued by the Plenary Session establish the following conditions:

“The debate and voting for the investiture of the member of parliament Mr Carles Puigdemont i Casamajó, as a candidate for the President of the Regional Government, cannot take place via telematic means or subrogation by another member of parliament”.

“The investiture of the candidate cannot proceed without the corresponding judicial authorisation, even where he appears in person in the Chamber, whilst the arrest warrant remains active”.

“The members of the Chamber for whom an arrest warrant has been issued cannot delegate their votes to other members of parliament”.

The Court declares *“entirely void, meaningless and without effect, any act, resolution, determination or de facto procedure [vía de hecho] that contravenes the precautionary measures adopted in this resolution”* and *advises the members of the regional Parliamentary Assembly of the responsibilities they may incur, including criminal responsibilities, where they disobey this suspension.*

The Court authorises the appearance of the members of Junts per Catalunya (JxCat), including Carles Puigdemont, *“for the sole purpose of enabling them to defend their rights and legitimate interests within these proceedings as private individuals”.*

The Plenary Session has also decided to postpone its decision on the processing of the proceedings with a view to issuing a prior pronouncement on the questions of admissibility raised by the elected members of parliament pertaining to JxCat. To this end, the parties are afforded a period of 10 days to make their representations.

Madrid, 27 January 2018