



CONSTITUTIONAL COURT OF SPAIN  
Office of the President  
Press Office

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### THE CONSTITUTIONAL COURT OF SPAIN, BY UNANIMITY, REJECTS THE REQUEST FOR THE RELEASE OF JORDI SÁNCHEZ

The Plenary of the Constitutional Court has unanimously decided to reject the request for release made yesterday by Jordi Sánchez.

On November 22<sup>nd</sup> 2017, Sánchez brought an appeal for constitutional protection (“*recurso de amparo*”) against the arrest warrant issued on October 16<sup>th</sup> 2017 by the Central Examining Court No. 3 of the *Audiencia Nacional* and against the judgment rendered the following November 6<sup>th</sup> 2017, whereby the Criminal Chamber of the *Audiencia Nacional* confirmed the measure of deprivation of liberty.

On February 5<sup>th</sup> 2018, the Constitutional Court granted leave to proceed to the application for constitutional protection and resolved to open a separate section to process the request for release from prison. Yesterday, the appellant reiterated this request, claiming that his nomination as running candidate for the Presidency of the Government of Catalonia was a circumstance that must be taken into account by the Magistrates. In his opinion, this should lead to the suspension of his situation of arrest. Failure to do so, he claimed, would violate his rights as a member of the Catalan parliament and the rights of the citizens who voted for the political option that endorsed him as a candidate for President of the Government of Catalonia, causing “*serious and irreversible effects on the normal institutional functioning of the Government of Catalonia*”.

The Plenary argued that it was well-established constitutional case-law not to grant the suspension of measures of imprisonment even if they directly affected the fundamental right to personal liberty. In addition, the Court has considered in this case that the current situation of pre-trial detention was a result of the measures taken by the examining Magistrate of the Supreme Court. These decisions have not been appealed under the constitutional protection procedure and are therefore not relevant to this appeal.

The Court concluded that suspending the measure of provisional detention would be equivalent to granting constitutional protection beforehand to the plaintiff, so much so that the appeal would lose its object. And with regard to the circumstances to which the appellant referred in his pleading, the Court pointed out that they may be “*challenged through ordinary judicial proceedings*”.

Madrid, 7 March 2018.