



CONSTITUTIONAL COURT OF SPAIN  
Office of the President  
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### THE CONSTITUTIONAL COURT DISMISSES THE APPEAL FILED BY ORIOL JUNQUERAS TO SUSPEND THE DECISION REGARDING HIS PROVISIONAL IMPRISONMENT

The Plenary Session of the Constitutional Court has, by unanimity, resolved to dismiss the appeal for constitutional protection (“*recurso de amparo*”) lodged by Oriol Junqueras, the former Vice-President of the Government of Catalonia. In his appeal, he requested the suspension of the provisional imprisonment measure that affects him, and that had been adopted by the Criminal Chamber of the Supreme Court. The ruling (“*auto*”) of the Constitutional Court, which has endorsed the arguments put forward by the Prosecutor’s Office, holds that “*upholding the request of the claimant would be equal to according the requested protection too early, since it would ignore the possibility of an eventual acceptance of the plaintiff’s claims [by the Supreme Court] and the effects of that decision*”.

The appellant argued that the situation of provisional imprisonment was detrimental to his right to a fair trial. Concerning this point, the Court points out that “*the burden of proof incumbent on the appellant has not been lifted since his allegations are limited to underscore mere inconveniences, and not a real impediment to the exercise of that fundamental right*”.

The claimant had also put forward a subsidiary request: the transfer to a prison closer to his family residence. Regarding this point, the Magistrates hold that “*this request consisting on the transfer of the appellant constitutes a new and unaddressed petition. Thus, it is in no way related to the main object of the amparo appeal, which is exclusively to assess whether the precautionary measure of provisional imprisonment ordered by the judicial decisions at issue is consistent with the Constitution*”.

Thus, the Constitutional Court has rendered its final decision on this judicial matter, which had begun with the admission on May 8<sup>th</sup> of the appeal brought by Junqueras. The Court had then considered that a special constitutional relevance occurred in the case at issue and the appeal could therefore be admitted, because it addressed a question affecting an aspect of a fundamental right on which the Court had not issued any case law until now.

Madrid, 22 May 2018