



CONSTITUTIONAL COURT OF SPAIN  
Office of the President  
Press Office

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### **THE CONSTITUTIONAL COURT HAS ADMITTED THE *AMPARO* APPLICATIONS OF ANNA GABRIEL AND MIREIA BOYA BUSQUET AGAINST THE DECISION OF THE SUPREME COURT TO ASSUME JURISDICTION ON THEIR CASE**

The Plenary of the Constitutional Court has unanimously resolved to grant leave to proceed to two appeals brought by Anna Gabriel and Mireia Boya Busquet against a jurisdictional order ("*providencia*") and a decision ("*auto*") of the Criminal Chamber of the Supreme Court. Both challenged rulings had upheld the validity of the jurisdictional powers of this Supreme Court to hear the particular case for which the appellants are being investigated on charges of rebellion, sedition and embezzlement.

The Constitutional Court considers that the procedural requirement of "*special constitutional relevance has been justified by the plaintiffs on the grounds that [this case] raises an issue or affects an aspect of a fundamental right over which there is no case law of this Court*" and because the appeal "*may constitute an opportunity for the Court to clarify or modify its current case law as a consequence of an internal reflection process*".

Several arguments have been put forward by the appellants in this *amparo* appeal. On the one hand, a question of jurisdiction before the Supreme Court based on its jurisdiction, a breach of the right to a double criminal instance and to an effective remedy. On the other hand, a violation of the right to an ordinary judge as established by law and to an impartial judge.

The jurisdictional order set a deadline of no more than ten days for the Criminal Chamber of the Supreme Court to send a certificate or a photocopy of the relevant proceedings.

Madrid, 19 September 2018