



CONSTITUTIONAL COURT OF SPAIN
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THE CONSTITUTIONAL COURT REFUSES TO SUSPEND THE PRETRIAL DETENTION MEASURE, WITHOUT BAIL, ISSUED AGAINST CARME FORCADELL.

The Plenary Session of the Constitutional Court has, by unanimity, resolved to dismiss Carmen Forcadell's motion to suspend the provisional detention measure (without bail) decided against her. This measure was imposed by a decision ("*auto*") rendered by the Criminal Chamber of the Supreme Court, dated May 17th 2018, confirming the decision of the investigating magistrate in charge of her case.

The resolution of the Constitutional Court explains that the precautionary suspension of the resolutions challenged through an appeal for constitutional protection ("*recurso de amparo*") is configured as a provisional measure of an absolutely exceptional character and of restrictive application. "*Constitutional case law has consistently and unequivocally established, in relation to the possibility of resolving to suspend judicial decisions where preventive measures of deprivation of liberty are ordered, that (...) granting such suspension would be equivalent to providing the constitutional protection sought at this early procedural stage*".

The applicant for constitutional protection considered that the challenged judicial decisions violated her right to a fair trial with the full guarantees of a due process, to liberty, to a defence, and to a second hearing in criminal matters.

Madrid, 27 September 2018