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THE SECOND QUADRILATERAL MEETING BETWEEN THE CONSTITUTIONAL COURTS OF SPAIN, PORTUGAL, ITALY AND FRANCE FOCUSES ON THE FIGHT AGAINST TERRORISM

The second edition of the quadrilateral meetings between the Constitutional Courts of Italy, Portugal, and Spain and the Constitutional Council of France is aimed at “*Addressing the control of counter-terrorism provisions by the constitutional jurisdiction*”. The meeting, which is being held in Albi, in the south of France, has been attended by the President of the Constitutional Court of Spanish, Juan José González Rivas, and by the Magistrates Santiago Martínez-Vares and Alfredo Montoya. Likewise, the Presidents and magistrates of the aforementioned constitutional courts have participated in the event.

President González Rivas has underscored the need to address the issue of terrorism, because “*it is one of the most pressing and significant issues we Europeans must face nowadays*”. Indeed, the President considered that, in the past, “*we have all suffered from the scourge of terrorism, with groups such as the Red Brigades in Italy, the 25 April Popular Forces in Portugal, OAS in France or GRAPO in Spain*”.

Likewise, he has reminded “*the particularly bloody struggle that Spain has waged against ETA, an organization that has been active since 1958 up until its recent dissolution on May 3rd, 2018. During its existence, it has been responsible of a toll of 829 deaths and thousands of wounded and broken families. Nowadays, in addition, we have the duty to cope with the challenge of jihadist terrorism, which has recently struck both France and Spain with a significant violence*”. In the same vein, President González Rivas emphasized that “*it is indispensable to keep in mind the toll of 191 deaths left behind by the deadly attacks against Atocha train station in Madrid, on March 11th, 2004, which is the bloodiest terrorist attack ever suffered in Europe, as well as the attacks of Barcelona and Cambrils in 2017, and which provoked a toll of 16 people*”.

President González Rivas went on to state that “*In order to defeat a transnational phenomenon such as this, an efficient police and judicial cooperation between our countries is essential tool*”. In addition, he noted that: “*In our capacity of constitutional organs, we fight against terrorism not directly but indirectly against terrorism. We do so by strengthening our Constitutions and the rule of law that terrorists strive to destroy, and also through the control of the legal provisions whose purpose is to confront them*”.

On his side, Magistrate Martínez-Vares addressed, from a constitutional standpoint, the degree of admissible intervention in the rights and freedoms within the framework of the fight against terrorism.

Finally, and also in the framework of this dialogue between courts, the conference addressed the issue of legal aid in relation to the adoption of judicial decisions. In that respect,

Magistrate Alfredo Montoya underscored the importance of understanding the real functioning of judicial organs in order to undertake a reflexion about the nature of proceedings. In this vein, he emphasized that “*the figure of legal counsels at the service of [constitutional] courts, as well as the procedure for their appointment and the distribution of tasks among them*” are of a paramount importance.

The highest representatives of constitutional jurisdictions in *Latin* Europe are conscious of the fact that a significant portion of success in the fight against terrorism lies on the common work and cooperation in order to attain a more unified and more democratic Europe, which strives to strengthen the supremacy of its respective Constitutions.

Madrid, 28 September 2018