



PRESS RELEASE No. 123/2018

RELEASE OF THE OPERATIVE PART

THE CONSTITUTIONAL COURT REJECTS *IN LIMINE*, BY UNANIMITY, THE AMPARO APPEALS BROUGHT BY ANNA GABRIEL, MIREIA BOYA, CARME FORCADELL AND ANNA SIMÓ FOR THEIR FAILURE TO EXHAUST ORDINARY REMEDIES

The Plenary Session of the Constitutional Court has unanimously declared inadmissible the appeals for constitutional protection (*“recurso de amparo”*) brought by Anna Gabriel, Mireia Boya, Carme Forcadell and Anna Simó. These appeals had been filed against a jurisdictional decree (*“providencia”*) and several decisions (*“autos”*) rendered by the Admission Chamber in matters of Special Cases (*“Sala de Admisión del Tribunal de Causas Especiales”*), an organ of the Criminal Chamber of the Supreme Court. These rulings had confirmed the objective and functional jurisdiction of this judicial organ to investigate and rule on the case concerning the appellants.

The *amparo* applicants, who are accused of several offences of rebellion, sedition, misuse of public funds and disobedience, considered that the judicial organ with jurisdiction to judge them was the Civil and Criminal Chamber of the High Court of Justice of Catalonia.

The judgements now issued by the Constitutional Court consider that the *amparo* appeals are premature, since they should have, in the first place, exhausted the available remedies before the Supreme Court itself, i.e. the so-called plea to challenge jurisdiction.

The operative part of the judgements reads as follows:

“[The Court thus decides] to reject in limine the amparo appeal brought by Anna Gabriel Sabaté and Mireia Boya Busquet against the jurisdictional decree dated January 29th 2018, rendered by the Criminal Chamber of the Supreme Court in the special cause no. 20907/2017”.

“To reject in limine the amparo appeal brought by Mireia Boya Busquet and Anna Gabriel Sabaté against the jurisdictional decree dated January 29th 2018, rendered by the Criminal Chamber of the Supreme Court in the special cause no. 20907/2017, which was ratified following a plea for reconsideration through a decision dated April 10th 2018”.

“To reject in limine the amparo appeal no. 637/2018 brought by Carme Forcadell and Anna Simó Castelló”.

During the following days, the judgements will be notified to the parties and a more detailed press release will be issued.

Madrid, 12 December 2018