



## PRESS RELEASE No. 21/2019

### RELEASE OF THE OPERATIVE PART

#### THE PLENARY OF THE CONSTITUTIONAL COURT DISMISSES UNANIMOUSLY THE *AMPARO* APPEAL FILED BY JORDI SÁNCHEZ AND JORDI CUIXART AGAINST THE DECISION OF THE NATIONAL HIGH COURT THAT ORDERED THEIR PROVISIONAL IMPRISONMENT

The Plenary Session of the Constitutional Court has unanimously resolved to dismiss the appeal for constitutional protection (*“recurso de amparo”*) filed by Jordi Sánchez i Picanyol and Jordi Cuixart i Navarro against the Decision (*“auto”*) of the *Audiencia Nacional*, dated October 16<sup>h</sup> 2017, which ordered his provisional imprisonment. He also challenged a further Decision dated November 6<sup>th</sup>, that dismissed the appeal brought by them against this deprivation of liberty.

Jordi Sánchez argued that the decisions of the *Audiencia Nacional* had violated his following fundamental rights: the right to access to the ordinary judge as predetermined by the law; the right to personal freedom (article 17.1 of the Constitution [CE]) in connection with the right to an impartial judge and the right of defence (article 24.2 CE) for ordering their pre-trial detention for reasons other than those invoked by the Public Prosecutor's Office.

Jordi Cuixart alleged the violation of his following fundamental rights: the right to access to the ordinary judge as predetermined by the law; the right to personal freedom (article 17.1 of the Constitution [CE]) in connection with the right to an impartial judge and the right of defence (article 24.2 CE) and to personal liberty for failure to establish a correlation between the facts with the freedom of expression and the rights of assembly and demonstration.

The operative part of Jordi Sánchez's judgement reads as follows:

1. *Not to grant leave to proceed to the present amparo appeal concerning the invocation of the right to the ordinary judge predetermined by law, on the grounds that it is prematurely filed.*
2. *To dismiss the appeal in all other respects.*

*This judgement should be published in the Official State Gazette.*

*Issued in Madrid, twenty-eighth of February, two thousand nineteen*

The operative part of Jordi Cuixart's judgement reads as follows:

1. *Not to grant leave to proceed to the present amparo appeal concerning the invocation of the right to the ordinary judge predetermined by law, on the grounds that it is prematurely filed.*
- 2º *Not to grant leave to proceed to the amparo appeal concerning the complaint relating to the infringement of the right to personal freedom (Article 17.1 EC) in connection with the rights to freedom of expression, assembly and demonstration [Articles 20.1 a) and 21 of the Spanish Constitution], for failure to invoke it beforehand.*
- 3º *To dismiss the appeal in all other respects.*

*This judgement should be published in the Official State Gazette.*

*Issued in Madrid, twenty-eighth of February, two thousand nineteen.*

Madrid, 28 February 2019