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THE PLENARY OF THE CONSTITUTIONAL COURT RESOLVES BY UNANIMITY TO DISMISS THE MOTION TO SUSPEND THAT WAS FILED UNDER AN AMPARO APPEAL BROUGHT BY *CIUDADANOS* AGAINST THE RESOLUTIONS OF THE BUREAU OF THE PARLIAMENT OF CATALONIA THAT COUNTED THE VOTES OF SEVERAL INDICTED MPs

The Plenary Session of the Constitutional Court has unanimously rejected the motion filed by the *Ciudadanos* MPs to suspend several Resolutions adopted by certain organs of the Parliament of Catalonia. The challenged decisions were issued by the Bureau of the Parliament of Catalonia (on September 18th, 25th and 26th 2018 and on 3rd, 8th and 9th of October); by the Bureau of the Committee on the Status of MPs (on 26th and 28th of September 2018); and by the Plenary of the Parliament of Catalonia (on 2nd and 11th of October).

The appellants contended that the contested resolutions aimed at allowing an illicit exercise of the vote, in different parliamentary organs, by some MPs who were indicted and suspended as a result of judicial proceedings. In this vein, the plaintiffs held that, due to this illicit exercise of their vote by those other MPs, the *ius in officium* of the *Ciudadanos* MPs was violated. Thereby, they requested the immediate suspension of those resolutions.

The Decision (“*Auto*”) rendered by the Constitutional Court reminds that the suspension regulated by article 56 of the Organic Law of the Constitutional Court is a precautionary measure of an extraordinary nature, which is thus subject to a restrictive application and that may not result in the anticipation of the definitive judgement to be issued for this *amparo* application.

Therefore, the Court considers that the exceptional measure of suspension, if applied according to the terms claimed by the appellants, would be equal to anticipating “*the analysis of the merits of the case*”, and would thus “*predetermine the resolution of the appeal at a jurisdictional stage which is not suitable to render such a definitive decision*”.

The Decision concludes affirming that “*it is only by means of the definitive judgement on the merits of the case that this Court may determine whether the contested decisions violate the fundamental rights guaranteed by articles 14 and 23 of the Spanish Constitution, or whether, on the contrary, they have been issued in accordance with all constitutional requirements*”.

Madrid, 15 April 2019