



PRESS RELEASE Nº 135/2019

RELEASE OF THE OPERATIVE PART

THE PLENARY OF THE CONSTITUTIONAL COURT DISMISSES THE AMPARO APPEAL FILED BY ORIOL JUNQUERAS, FIRST, AGAINST THE DECISION OF THE SUPREME COURT THAT ORDERED HIS PREVENTIVE DETENTION, AND SECOND, AGAINST THE VIOLATION OF HIS RIGHT TO POLITICAL PARTICIPATION AND REPRESENTATION

The Plenary Session of the Constitutional Court has resolved to dismiss the appeal for constitutional protection (*“recurso de amparo”*) no 814-2018, which was brought by Oriol Junqueras against the Order of 5 January 2018. This Order confirmed the continuation of the precautionary measure issued via the Order of 4 December 2017, consisting of a measure of preventive custody without bail but with visiting rights.

The judgment, written by the President of the Constitutional Court, Juan José González Rivas, explains that the court decisions that were questioned comply with the legal requirements of statutory provision, legitimate purpose and proportionality.

The operative part of the judgment has the following content:

“1. Dismiss the complaints included in the appeal no. 814-2018 filed by Mr. Oriol Junqueras Vies, concerning the violation of the following fundamental rights protected by the Spanish Constitution: of ideological freedom (art. 16.1) and freedom of expression (art. 20.1); to effective judicial protection (art. 24.1) regarding the access to appeal, in this case, to appeal to a higher court in criminal matters (art. 14.5 of the International Covenant on Civil and Political Rights); right to be presumed innocent (art. 24.2) and to family privacy. The challenge to the right of access to the ordinary judge predetermined by law (art. 24.2) is considered to be premature.

“2. Dismiss the appeal concerning all other rights allegedly violated: personal freedom (art. 17. 1), application of provisional imprisonment (art. 17.4), political participation and representation and access on equal terms to public office (arts. 23.1 and 2), as well as the rights of defence (art. 24) and to criminal legality (art. 25.1).

May this judgment be published in the Spanish Official State Gazette”

The judgment will be notified in the next few days. It has been adopted by 9 votes for, with one concurring opinion by the Judge Santiago Martínez-Vares García, and one dissenting opinion by Judges Fernando Valdés Dal-Ré, Juan Antonio Xiol Ríos and María Luisa Balaguer Callejón.

A more detailed press release will be issued.

Madrid, 28 November 2019.