



PRESS RELEASE NO. 7/2020

**THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY
REJECTS THE APPEAL FOR AMPARO FILED BY PUIGDEMONT *ET AL.*
AGAINST THE DECISION OF THE SUPREME COURT THAT PREVENTED
TURULL FROM GOING TO THE PARLIAMENT FOR HIS INAUGURATION
AS PRESIDENT BECAUSE THE JUDICIAL PROCESS HAD NOT BEEN
EXHAUSTED**

The Plenary of the Constitutional Court has unanimously rejected the appeal for constitutional protection (*amparo*) filed by Carles Puigdemont, Jordi Sánchez, Jordi Turull, Josep Rull and 30 deputies from the Parliament of Catalonia because the judicial process has not been exhausted. This appeal is lodged against the Supreme Court ruling of 23 March 2018, which ordered the measure of preventive detention without bail but with visiting rights for Jordi Turull, when he had already been proposed as candidate for the Presidency of the Catalanian Government and the first debate and voting process for his inauguration had already taken place (22 March 2018).

The appellants claimed that their right to political participation had been infringed. To them, they had been prevented from attending to and voting at the second session of Mr. Turull's inauguration, as he had been put under preventive detention and, therefore, he could not be present at this parliamentary event.

The judgment, whose judge rapporteur was Antonio Narváez, explains that "*the appellants neither used any means for challenge, nor did they submit to the investigating judge or the Appeals Chamber of the Supreme Court any document to complain about the violation of their rights*". On the contrary, "*they directly and immediately filed an appeal for amparo before this Court, without trying to lodge the corresponding appeal for second instance or adhering at least to the one filed by Jordi Turull's representation. They did not either take any steps to try and be heard at the proceedings of Jordi Turull's appeal for second instance. Furthermore, they did not even wait for the resolution of this appeal*".

The judgment points out that, had the appeal been accepted, "*that would involve the arbitration by the Court of a privileged means of access to the appeal for amparo, by totally disregarding the requirements laid down in letters a) and c) of article 44.1 of the Organic Law of the Constitutional Court*".

Also, as regards Mr. Turull, the judgment explains that he included himself in the list of appellants for amparo without even waiting for the resolution of the appeal that he

had previously lodged against the order establishing his preventive detention. Therefore, the Constitutional Court also considers this appeal for amparo to be premature.

The Court concludes by declaring that *“it cannot be accepted that the appellants may have access to the appeal for amparo per saltum, that is, by completely disregarding the subsidiarity principle, without trying to appear before the judicial body and without even waiting for the appeal filed by the person who has effectively been part in these proceedings to be solved by the competent judicial body”*.

In short, this circumstance *“prevents this Court from examining the merits of the filed appeal”*.

Madrid, 17 January 2020.