



CONSTITUTIONAL COURT OF SPAIN
Office of the President
Press Office



PRESS RELEASE NO. 13/2020

RELEASE OF THE OPERATIVE PART

THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY WITHDRAWS TESTIMONY TO THE PUBLIC PROSECUTOR TO INVESTIGATE IF CRIMINAL ACTIONS MAY BE INITIATED FOR A POSSIBLE OFFENCE OF DISOBEDIENCE THAT WAS COMMITTED FOR PROCESSING A RESOLUTION THAT INSISTED ON SELF- DETERMINATION

The Plenary of the Constitutional Court has unanimously decided to withdraw the testimony from individuals to the Public Prosecutor's Office to verify, where appropriate, the possible criminal liability of the President of the Parliament of Catalonia, Roger Torrent i Ramió, the First Vice-president of the Parliament's Bureau, Josep Costa i Rosselló and the First Secretary of the Bureau, Eusebi Campdepadrós i Pucurull, for failing to comply with the Constitutional Court Judgment 259/2015. This judgment declared the unconstitutionality and nullity of certain sections and sentences included in the following resolutions issued by the Parliament of Catalonia: 534/XII, of 25 July 2019 and 546/XII, of 26 September 2019.

The considered lack of compliance occurred after the agreements of the Parliamentary Bureau of 22 and 29 October 2019. These agreements accepted a proposal for resolution for its substantiation at the plenary session. The Proposal was in response to the Supreme Court's judgment on the events of 1 October. At the final sentence of section 11, the Proposal indicated: “[...] *Therefore, the Parliament of Catalonia reiterates and will reiterate as many times as the deputies wish (...) the defence of the right to self-determination and the claim of the sovereignty of the People of Catalonia to decide on their political future*”.

The Court considers that the President of the Parliament of Catalonia, and the First Vice-president and the First Secretary of the Bureau of the Catalanian Parliament have breached article 87.1 of the Organic Law of the Constitutional Court, which sets out that all public authorities shall comply with the resolutions of this Court.

The operative part of the ruling has the following content:

THE PLENARY AGREES TO

1. Dismiss the reconsideration appeals filed by the procedural representation of Mr. Josep Costa i Rosselló, Mr. Eusebi Campdepadrós i Pucurull, Ms. Elsa Artadi Vila and 31 deputies of the Parliament of Catalonia, against the court order of 5 November 2019 on the admission of these enforcement proceedings.

2. Uphold the enforcement proceedings filed by the Government attorney on its behalf with respect to the agreement of the Bureau of the Catalan Parliament of 22 October 2019, accepting “*the proposal for resolution in response to the Supreme Court’s judgment regarding the events of 1 October*” as regards its section 11. The Court also upholds the enforcement proceedings filed against the agreement of 29 October 2019, which rejects the requests for reconsideration on that agreement. By its virtue, the Court decides to:

1º) Declare the annulment of the aforementioned agreements, regarding the acceptance of the challenged sentence of section 11 of said proposal for resolution.

2º) Personally notify this ruling to the President of the Parliament of Catalonia, to the other members of the Bureau and to the Secretary General of the Parliament. The notification shall include a warning that it is their duty to prevent or paralyse any legal or material initiative that involves disregarding or avoiding the Constitutional Court Judgment 259/2015, either directly or indirectly, as well as the agreements stated in this ruling. Finally, these individuals are warned of their potential liability if they do not comply with what has been ordered by this Court.

3º) Withdraw testimony from individuals, in order to allow the Public Prosecution Service to claim, where appropriate, the criminal liability of the President of the Parliament of Catalonia, Mr. Roger Torrent i Ramió, the First Vice-president of the Bureau of the Parliament, Mr. Josep Costa i Rosselló and the First Secretary of the Bureau, Mr. Eusebi Campdepadrós i Pucurull. This claim shall be based on the non-compliance with the mandate of the first paragraph of article 87.1 of the Organic Law of the Constitutional Court, regarding the facts that are subject to these enforcement proceedings.

This judgment shall be published in the Spanish Official State Gazette.

The ruling will be notified to the parties in the next few days, and a more detailed press release will be published.

Madrid, 28 January 2020.