



CONSTITUTIONAL COURT OF SPAIN

Office of the President

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THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY DISMISSED THE APPEAL FOR AMPARO FILED BY PUIGDEMONT AGAINST THE SUSPENSION OF HIS PUBLIC OFFICE AS A MEMBER OF PARLIAMENT BECAUSE IT WAS PRESENTED AT AN EARLY STAGE OF THE PROCESS

The Plenary of the Constitutional Court unanimously dismissed the appeal for *amparo* lodged by Carles Puigdemont against the Order of 9 July 2018 of the Criminal Division of the Supreme Court due to the lack of exhaustion of the judicial process. By virtue of article 384 bis of the Criminal Procedure Act, the Supreme Court agreed to notify the Bureau of the Parliament of Catalonia on the automatic suspension of the public functions and offices he held.

The judgment, whose rapporteur was Judge Ricardo Enríquez, points out that this appeal for *amparo* must be rejected because *“the previous judicial procedure was not exhausted. This appeal was filed at an early stage of the proceedings, since it was lodged at the same time as the substantiation of the appeals was taking place. These appeals were filed in the legal proceedings against the decision that has been challenged before this Court”*.

Effectively, on 9 July 2018, the Criminal Division of the Supreme Court issued the order and the appellant filed the appeal for *amparo* before the Constitutional Court on 23 October 2018, when said order had not yet become final. Furthermore, the appeals for reconsideration and the second instance appeal were respectively dismissed on 20 February 2019 and on 10 July 2019. Thus, *“it can be confirmed that, at the time the appeal for amparo was filed, the appeals against the order -which is also the subject of this appeal- were still pending before the courts”*.

Therefore, *“the failure to exhaust the prior judicial process is not caused by the fact that the appeals against the order of 9 July 2018 were not filed, but because the applicant did not wait for the resolution of the appeals filed before the courts”*, which involves the violation of article 44.1 (a) of the Organic Law of the Constitutional Court.

Madrid, 7 February 2020.