



CONSTITUTIONAL COURT OF SPAIN  
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**THE PLENARY OF THE CONSTITUTIONAL COURT UPHOLDS THE APPLICATION OF ARTICLE 384 BIS OF THE SPANISH CRIMINAL PROCEDURE ACT BY WHICH JORDI SÁNCHEZ, JOSEP RULL, JORDI TURULL, PUIGDEMONT, ROMEVA Y JUNQUERAS WERE SUSPENDED FROM THEIR PUBLIC OFFICE**

The Plenary of the Constitutional Court has unanimously dismissed the appeal for constitutional protection (*amparo*) filed by Jordi Sánchez, Josep Rull and Jordi Turull against the Supreme Court decisions of 9 and 30 July 2018. These decisions ordered the notification to the Bureau of the Parliament of Catalonia of their suspension as deputies by virtue of article 384 bis of the Spanish Criminal Procedure Act.

The judgment, whose judge rapporteur was Judge Alfredo Montoya Melgar, points out that the Supreme Court's decision has not infringed the appellant's fundamental right to political participation and representation (article 23 of the Spanish Constitution). According to the judgment, the Court's decision passes the constitutional control, which requires express, sufficient and reasonable arguments on the reach of the article contained in the law.

Indeed, *“the proportionality requirement is met with the legal configuration of the wrongful act under which the restriction is born. In the case of article 384 bis of the Spanish Criminal Procedure Act, the limit to the exercise of public office that the suspension involves is undeniably linked to the existence of the defined situation: prosecution and preventive detention on grounds of the mentioned offences”*, the Court explains.

Thus, legal consequences automatically arise by operation of law; bodies responsible for its application or enforcement cannot influence on or modulate it.

The judgment considers that the measure of suspension from public office is proportional and legitimate to the purpose pursued by the lawmaker, because it responds to the external constitutional control, which is limited to *“checking whether the arguments exist, are sufficient and there are no patent mistakes, arbitrariness or express unreasonableness”*. That is why the specific obligation to reason the limitations to the exercise of representative public offices is also required.

Madrid, 3 March 2020.