



**PRESS RELEASE NO. 39/2020**

**THE PLENARY OF THE CONSTITUTIONAL COURT REJECTS THE  
APPEAL FOR AMPARO FILED BY JAUME CABRÉ *ET AL.* AGAINST THE  
DECISION OF THE SUPREME COURT TO SUSPEND JORDI SÁNCHEZ,  
JOSEP RULL, JORDI TURULL, PUIGDEMONT, ROMEVA AND  
JUNQUERAS FROM THEIR PUBLIC OFFICE DUE TO THEIR LACK OF  
STANDING**

The Plenary of the Constitutional Court has unanimously rejected the appeal for constitutional protection (*amparo*) filed by Jaume Cabré Fabrè *et al.* against the orders of 9 and 30 July 2018. These decisions ordered the notification to the Bureau of the Parliament of Catalonia of the suspension as deputies of Jordi Sánchez, Josep Rull, Jordi Turull, Carles Puigdemont, Oriol Junqueras and Raúl Romeva by virtue of article 384 bis of the Spanish Criminal Procedure Act.

The judgment, whose judge rapporteur was Judge Alfredo Montoya, explains that “*in this appeal for amparo, the appellants do not appear in defence of their own fundamental right. As set out in article 23.2 of the Spanish Constitution, the holders of this right, regarding the maintenance of the exercise of public representation (as regional deputies), are only the members of the Legislative Assembly of the corresponding autonomous community*”.

The appellants also claimed that they had legitimate interests in the defence of the right of their political representatives. The Court reminds that “*legitimate interests must refer to one’s own legal convenience or advantage that cannot be confused with the general capacity that any citizen may obtain when defending the legal order*”. In short, to be able to consider that the standing is based on legitimate interests, the challenged resolution “*shall clearly and sufficiently affect the legal sphere of the individual that goes to court*”.

Consequently, the appellants “*do not fulfil the standing capacity required by virtue of paragraph b) of article 162.1 of the Spanish Constitution, as they are not in a different position from that of any citizen interested in the observance of article 23.2 of the Spanish Constitution, regarding the fundamental right they have invoked*”.

The judgment concludes by affirming that “*having voted at the elections of 21 December 2017 does not justify the legal position of the appellants against any Catalonian citizen entitled to vote and that had to participate at the elections. It is clear that we are before an attempt to perform a quivis ex populo action that is neither set out in the Spanish Constitution nor in the Organic Law of the Constitutional Court*”.

Madrid, 3 March 2020.