



## ■ Press communiqué ■

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### **263 citizens and 35 Catalan deputies file two appeals before the Supreme Court against the Royal Decree that has called an election to the Parliament of Catalonia and its dissolution, on the grounds of violation of fundamental rights.**

*The Prague Collective and other jurists were the promoters of the drafting of two appeals that were filed today before the Supreme Court against Royal Decree 946/2017, of October 27, approved to implement the October 27 Senate Agreement issued under the terms of Article 155 of the Spanish Constitution.*

*The first appeal was filed by 263 citizens, of which 144 are members of the legal profession (some belong to the Prague Collective and the "Drets" Association), on the grounds of violation of the fundamental right to participate in public affairs by means of representatives (Article 23.1 of the Spanish Constitution). The second appeal, filed by 35 MPs belonging to the "Together for Yes" group, the CUP group and the unassigned group, is formulated for violation of Article 23.2 of the Spanish Constitution, which lays down the right of Members of Parliament to remain in their public posts without unlawful disturbance. The lawyers in charge of the appeals are Sr. David Casellas and Sr. Abel Pié, dean of the Manresa Bar Association.*

The appellants understand that:

#### A) Appeal submitted by citizens

The appeal filed before the Supreme Court, in the framework of the fundamental rights protection procedure regulated by the Contentious-Administrative Jurisdiction Act, by a number of citizens who were on the election census for the September 27, 2015 election to the Parliament of Catalonia, challenges Royal Decree 946/2017, of October 27, whereby the Prime Minister of the Spanish Government dissolved the Parliament of Catalonia chosen in that election (and, in consequence, called a new election). This dissolution, carried out by a body that is manifestly different from the one that has the authority to do so (the President of the Generalitat), violates the citizens' right of political participation, insofar as this right entails the right not only to freely choose their representatives, but also for the latter to be able to remain in the exercise of the functions for which they were elected, for the legally corresponding duration: that is, until the end of the legislature, or until Parliament is dissolved in accordance with the legal provisions established to this end. The Royal Decree is based on the exceptional measures adopted by the Spanish Government and approved by the Senate, under the terms of Article 155 of the Constitution. To the extent that the Supreme Court may understand that these Agreements of the Government and of the Senate enable, or give cover to, the Royal

Decree of dissolution of the Parliament of Catalonia, the appellants ask the Supreme Court to pose the question of unconstitutionality to the Constitutional Court, as Article 155 of the Spanish Constitution cannot give legal cover to the dissolution of the Parliament. It would be appropriate to raise the question of unconstitutionality with regard to these Agreements of the Council of Ministers and the Senate Plenary insofar as, applying the doctrine of the Constitutional Court, they have the value of law.

B) Appeal filed by the Members of Parliament

As regards the appeal filed by the Members of Parliament, the arguments are the same, but refer to their right to retain the exercise of the representative functions for which they were elected, a right included in Article 23.2 of the Spanish Constitution. Insofar as the aforementioned Royal Decree of dissolution terminated their mandate in an unconstitutional manner, the right recognized by Article 23.2 of the Spanish Constitution is violated. They also request that, should the Supreme Court understand that this Royal Decree of dissolution is authorised by the measures adopted under the terms of Article 155 of the Spanish Constitution (Agreement of the Council of Ministers of October 21 2017, approved by the Agreement of the Senate Plenary of October 27 2017), the question of unconstitutionality be raised with regard to these Agreements.

***Barcelona, November 14 2017***