

Brussels, 21 January 2020

Dear President of the European Parliament, David Sassoli,
Dear President of the Spanish Government, Pedro Sánchez,

On 26 May 2019, EU citizens elected their 751 representatives in the European Parliament. One of them was Oriol Junqueras, who was elected by over one million votes. Mr Junqueras was then and currently is imprisoned, deprived of his freedom for 810 days, for organising a referendum on self-determination.

In the context of criminal proceedings arising from an affair of undeniably political nature, on 19 December 2019 the Court of Justice of the European Union clarified that the status of Mr Junqueras as a Member of the European Parliament arises solely from his election and was acquired by virtue of the official declaration of those results by the competent national authority, a circumstance that occurred on 13 June 2019. The Court also stressed that, once the electoral results are declared, all Members enjoy immunity as provided for under EU law. Despite this situation, the Spanish judicial authorities prevented Mr Junqueras from attending Parliament's inaugural session in Strasbourg on 2 July 2019 and insist in their position when they prevent him from attending January's session. If his rights had been respected by the Spanish courts, Mr Junqueras should have been free since last June.

Respect for the European institutions is what makes the European Union project strong. Thus, by preventing Mr Junqueras from performing his functions as a Member of the European Parliament in representation of his constituents, despite the ruling of the CJEU, the Spanish Supreme Court is attacking upon the fundamental values of the European project. A project that is based on the rule of law, the separation of powers and the protection of fundamental rights as enshrined in the Treaties and the Charter of Fundamental Rights. It is unconceivable that a court in a Member State should not abide by a ruling by the European judiciary.

The decision of the President of the European Parliament to declare, against the ruling of the CJEU, the withdrawal of the mandate of Mr Junqueras without a decision of the Parliament to waive his immunity is also regrettable. This undermines the sovereignty of the Chamber and its ability to decide on the immunity of its Members.

The denial of political rights is an alarming precedent that violates the principles and values that inspire the European project. Therefore, the signatories of this letter ask the European Parliament to defend the institution by protecting the immunity of Mr Junqueras as a Member, opposing the announcement of termination of his mandate and verifying his credentials in the upcoming vote. Only the European Parliament, if it so deems appropriate, can lift the immunity of one of its Members.

Finally, we call upon the Spanish government to enforce the ruling of the CJEU by taking all measures available, including all possible legal means to free Oriol Junqueras and to protect his civil and political rights as an elected European representative.

Let Europe win, let Democracy prevail.

MEP Scott Ainslie (Greens/ EFA)
MEP François Alfonsi (Greens/ EFA)
MEP Christian Allard (Greens/ EFA)
MEP Martina Anderson (GUE- NGL)
MEP Margrete Auken (Greens/ EFA)
MEP Pernando Barrena (GUE- NGL)
MEP Izaskun Bilbao (Renew Europe)
MEP Benoît Biteau (Greens/ EFA)
MEP Milan Brglez (S&D)

MEP Damien Careme (Greens/ EFA)
MEP Matt Carthy (GUE- NGL)
MEP Ellie Chowns (Greens/ EFA)
MEP Toni Comin (NI)
MEP David Cormand (Greens/ EFA)
MEP Clare Daly (GUE- NGL)
MEP Petra De Sutter (Greens/ EFA)
MEP Gwendoline Delbos- Corfield (Greens/ EFA)
MEP Karima Delli (Greens/ EFA)
MEP Bas Eickhout (Greens/ EFA)
MEP Jill Evans (Greens/ EFA)
MEP Tanja Fajon (S&D)
MEP Klemen Groselj (Renew Europe)
MEP José Gusmao (GUE- NGL)
MEP Heidi Hautala (Greens/ EFA)
MEP Yannick Jadot (Greens/ EFA)
MEP Stasys Jakeliunas (Greens/ EFA)
MEP Irena Joveva (Renew)
MEP Katerina Konecna (GUE- NGL)
MEP Erik Marquardt (Greens/ EFA)
MEP Marisa Matias (GUE- NGL)
MEP Tilly Metz (Greens/ EFA)
MEP Kira Marie Peter- Hansen (Greens/ EFA)
MEP Alexandra Louise Phillips (Greens/ EFA)
MEP Carles Puigdemont (NI)
MEP Diana Riba (Greens/ EFA)
MEP Michèle Rivasi (Greens/ EFA)
MEP Caroline Roose (Greens/ EFA)
MEP Alfred Sant (S&D)
MEP Mounir Satouri (Greens/ EFA)
MEP Tineke Strik (Greens/ EFA)
MEP Marie Toussaint (Greens/ EFA)
MEP Miguel Urban (GUE- NGL)
MEP Kim van Sparrentak (Greens/ EFA)
MEP Mick Wallace (GUE- NGL)
MEP Salima Yenou (Greens/ EFA)