

Press Release

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His Majesty King Juan Carlos Alfonso Victor María de Borbón y Borbón succeeds in sovereign immunity appeal

The Court of Appeal (King LJ, Simler LJ and Popplewell LJ) has today delivered judgment upholding the claim to sovereign immunity of His Majesty King Juan Carlos I in respect of allegations of pre-abdication conduct made against him by Corinna Zu Sayn-Wittgenstein-Sayn (the “**Claimant**”).

The judgment was handed down following the appeal by His Majesty against the 24 March 2022 High Court decision of Mr Justice Nicklin rejecting His Majesty’s claim to immunity.

In its judgment the Court of Appeal emphasised that His Majesty “*emphatically denies that he engaged in, or directed, any harassment of [the Claimant] and rejects her allegations...as untrue*” (see paragraph 2).

In upholding His Majesty’s appeal, the Court of Appeal ruled that, regardless of that denial, on a proper application of principles of sovereign immunity “*the pre-abdication conduct alleged is immune from the jurisdiction of the courts of this country*” (see paragraph 76).

In the course of her leading judgment (with which both Lady Justice King and Lord Justice Popplewell agreed) Lady Justice Simler also referred to a series of inconsistencies in the way the Claimant had advanced her allegations to date, stating that her approach was “*directly contradicted by her statement of truth on her original pleading and by her sworn affidavit evidence deployed in Spanish proceedings*”. Lady Justice Simler went on to point out that the Claimant’s amended case stood “*in marked contrast to claims she made to the Spanish media*” (see paragraph 66).

His Majesty King Juan Carlos I has been represented in this appeal by partner Guy Martin, senior associates Charles Enderby Smith and Lawrence Northmore-Ball and solicitor Magali Sharma of Carter-Ruck. Tim Otty KC and Paul Luckhurst of Blackstone Chambers and Philippa Webb of Twenty Essex appeared as Counsel for His Majesty.

For further information, please contact Guy Martin on guy.martin@carter-ruck.com, Charles Enderby Smith on Charles.enderbysmith@carter-ruck.com or Lawrence Northmore-Ball on Lawrence.Northmore-Ball@carter-ruck.com.

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