

**Question for written answer E-001880/2015
to the Commission**

Rule 130

Javier Couso Permuy (GUE/NGL) and Marina Albiol Guzmán (GUE/NGL)

Subject: Failure to comply with the law in the case of victims of the dictatorship in Spain

In Spain, Magistrates' Court No 1 of Guadalajara has refused to approve the exhumation of the grave of a victim of the dictatorship (sentenced for 'assistance to the rebellion', in reference to the legitimate Government of the Spanish Republic), who was shot in 1939. The application for exhumation was presented by means of a petition from the Argentine courts.

According to the Court, 'based on visual inspection and presentations made, it has not been proved conclusively' that the body of the victim, Timoteo Mendieta, is in the location indicated on the burial certificate issued in 1939 by the Francoist authorities.

This action of the Spanish Court is consistent with other cases of victims of the dictatorship who remain in thousands of mass graves in Spain. Faced with this situation, many courts refuse to apply the Criminal Procedure Act, under which corpses have to be dug up and relocated when found.

Is this behaviour consistent with the values of the European Union?

How does the Commission assess the fact that a Member State is not capable of dispensing justice to the victims of the dictatorship?