

WRITTEN QUESTION E-4192/08

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to the Commission

Subject: Procedural safeguards for persons under investigation in criminal proceedings within
the EU

- On Sunday 6 July 2008, Mr Graziano Debellini (a businessman from Padua and the founder of the local *Compagnia delle Opere*) learnt from an article published in the Italian daily newspaper // *Manifesto* that he was the subject of a criminal investigation being carried out by the judicial authorities in Padua;
- the documents and procedures relating to the investigation were *sub judice*, yet as a consequence of the illegal release thereof by the press, Mr Debellini was subjected to a media trial even before any legal action had been taken against him;
- following consultations concerning the Green Paper on procedural safeguards for persons under investigation and persons charged in criminal proceedings, the Commission submitted a proposal for a framework decision (COM(2004)0328) on that same topic, in respect of which the European Parliament expressed a favourable opinion in its legislative resolution P6_TA (2005)0091¹;
- that proposal specifically includes amongst the procedural safeguards enjoyed by persons under investigation the right to appeal and the right to an impartial judge - and a judge who, in blatant collusion with the press, releases *sub judice* information into the public domain cannot be regarded as impartial;
- the EU Charter of Fundamental Rights refers not only to the right to an impartial judge (Article 47) but also to the presumption of innocence and to respect for the rights of the defence (Article 48);
- in recent rulings the Court of Justice has recognised the Charter of Fundamental Rights as a principle upon which European integration is based.

Does the Commission not think that the release via the press - in violation of the rights of the defence - of information relating to criminal proceedings should be punished as a violation of the EU's basic rights and principles?

If so, what action does the Commission intend to take in order to ensure that a country's judiciary - like any other of its authorities - operates in compliance with EU law?

¹ OJ C 33E, 9.2.2006, p. 159.