

**Question for written answer E-9219/2010  
to the Commission**  
Rule 117  
**Konrad Szymański (ECR)**

Subject: The right to a fair trial

On 14 October 2010, Stefan Hambura, a lawyer representing a number of the families of the victims of the Smolensk air disaster of 10 April 2010, wrote to the Vice-President of the Commission responsible for justice, fundamental rights and citizenship about upholding the right to a fair trial in the context of the investigation into the air crash.

Specifically, he raised the issue of whether the families' right to a fair trial was being breached as a result of the fact that the evidence had been passed to the Russians for safe keeping and that the Russians had been called upon to conduct the investigation.

According to the case-law of the European Court of Human Rights, the right to a fair trial implies the right to an effective and efficient investigation.

On the basis of Article 258 of the Treaty on the Functioning of the European Union, Stefan Hambura has emphasised the need for a reasoned opinion on a breach by Poland of the right to a fair trial.

What is the Commission's view on this matter?