

**Question for written answer E-006927/2020/rev.1
to the Commission**

Rule 138

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Subject: Possible issues to be considered with a view to the forthcoming report on the rule of law in the EU

The Spanish Supreme Court's criminal chamber has ordered a rerun of the 'Bateragune' trial in the National High Court. This follows a ruling handed down by the European Court of Human Rights in Strasbourg to the effect that those found guilty were denied the right to a fair trial owing to the court's lack of impartiality. However, it is a generally accepted principle that only injured parties are entitled to seek a retrial in such cases. It is therefore unusual for a judiciary that has been found wanting and required to reverse an unfair judgment to actually force a retrial on the grounds that 'a procedural error may not cause a criminal conviction to be overturned'. Moreover, that is a totally indefensible argument, given that the five injured parties have been unfairly incarcerated for over six years. In view of the above ruling in this case and previous rulings against the same court for denying other political figures unjustly convicted the right to a proper legal defence and for refusal to acknowledge the body of case law established by the CJEU regarding the status of Members of the European Parliament:

1. Does the Commission consider that serious infringements of individual rights can be classified as 'procedural errors'?
2. Does the Commission have collated information on cases in which similar behaviour by courts in other Member States has been observed?
3. Will it examine these issues in its forthcoming annual report on the rule of law in the EU?