

**Question for written answer E-001216/2021
to the Commission**

Rule 138

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Subject: Spanish Law on Official Secrets hampering the investigation of the possible torture of Mikel Zabalza

All the political parties represented in the Parliament of Navarre recently called for an investigation into the recordings which have now been made public of conversations supposedly held in 1985 between the Guardia Civil captain Pedro Gómez Nieto and Colonel Juan Alberto Perote, head of the Spanish intelligence agency CESID, which seem to indicate that Mikel Zabalza's death that year was caused by the torture he was subjected to during his detention. The European Court of Human Rights has issued a series of rulings condemning Spain for its failure to investigate allegations of torture.

For its part, the Congress of Deputies has yet to consider a revision of the Law on Official Secrets, promulgated by the dictator Francisco Franco, which prevents the declassification of any document unless expressly authorised by the government, meaning that in practice 'reserved matters' remain classified for ever and it is impossible for citizens to exercise their fundamental right of access to information.

1. Does the Commission regard it as normal in a democracy that alleged killings, acts of torture and crimes committed in police stations, under democratic governments, have still not been investigated or cleared up?
2. What view does it take of the fact that a Member State does not have a law providing for the declassification of reserved matters after a set period of time has elapsed?