

**Question for written answer E-001567/2023  
to the Commission**

Rule 138

**Idoia Villanueva Ruiz** (The Left)

**Subject:** The case of Mikel Zabalza: a Member State is in breach of the EU Charter of Fundamental Rights

The EU Charter of Fundamental Rights lays down the fundamental rights that must be upheld by the EU institutions and by the Member States when they implement EU law. Title I of the Charter includes the right to life, the prohibition of torture and slavery, and the right to the integrity of the person. In addition, Article 6 of the Treaty on European Union recognises the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union.

On the basis of those principles, we insist that the murder of Mikel Zabalza in 1985 be solved. We refer in this connection to the report drawn up by the Basque Government, which states that Mikel Zabalza was tortured and murdered by the Civil Guard in Intxaurrondo (Gipuzkoa).

In the light of the foregoing:

1. What steps will the Commission take to ensure that pre-democratic laws, such as Spain's Official Secrets Law (1968), do not prevent murders of European citizens from being solved and do not absolve states of their responsibility?
2. Does the Commission consider it permissible for a Member State to conceal information and reports on torture and killings by agents of the state, when there are also reports supporting the complaint, alleging that a Franco-era impunity law is being maintained?

Submitted: 16.5.2023