

**Priority question for written answer P-000137/2024  
to the Commission**

Rule 138

**Jordi Cañas** (Renew)

Subject: Possible infringement of EU legislation by the Spanish courts in the investigation into a 'terrorist kidnapping' by Equatorial Guinea

Since 2020<sup>1</sup>, Spain's National High Court<sup>2</sup> has been investigating a 'terrorist kidnapping' of four citizens – two Spanish nationals and two residents of Spain – by Equatorial Guinea's Foreign Intelligence Service.

In resolution 2023/2552(RSP), Parliament called on the EU to sanction the Equatoguinean authorities involved, called for the repatriation of Julio Obama Mefuman (one of the four kidnapped, who died after allegedly being tortured), and called for effective action by Eurojust and Europol to combat this regular practice of kidnapping opponents.

On 8 January 2024, it was revealed that the judge in charge of the case had agreed to a 'transfer of jurisdiction' so that the facts could be investigated in Equatorial Guinea, a country that is renowned for its lack of judicial independence and impartiality<sup>3</sup>, and that prevented those citizens from receiving assistance from the Spanish consulate. The son of Equatorial Guinea's President is also under investigation.

Article 19 of Directive (EU) 2017/541 on combating terrorism requires Member States to establish their jurisdiction over terrorist offences involving European citizens.

In view of this:

1. Does the Commission believe that the 'transfer of jurisdiction' infringes this Directive?
2. What steps will it take to ensure that Spain complies with this Directive and thus protects the rights of European citizens?

Submitted: 17.1.2024

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1 Since 14 October 2020.

2 Central Court of Preliminary Investigation No 5.

3 See, inter alia, the Concluding observations on Equatorial Guinea in the absence of its initial report, UN Human Rights Committee (2019):

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/248/95/PDF/G1924895.pdf?OpenElement>