

**Priority question for written answer P-000709/2024
to the Commission**
Rule 138
Jordi Cañas (Renew)

Subject: Follow-up to Question P-000137/2024 on the transfer of jurisdiction from Spain to Equatorial Guinea in the case of a terrorist kidnapping

On 17 January 2024, I submitted Priority Question P-000137/2024¹ to the Commission. The Commission's reply, quite apart from not complying with the three-week deadline, indicates some confusion.

The kidnapping of four citizens, two of them Spanish nationals (European citizens), and their secret transfer to Equatorial Guinea, was described by Spanish judicial bodies as a terrorist kidnapping. In fact, arrest warrants have recently been issued for a terrorist kidnapping offence.²³

On 8 January 2024, the court in charge of the investigation decided to 'transfer jurisdiction' so that the crime of terrorist kidnapping of Spanish nationals would be investigated in Equatorial Guinea.⁴ That decision is currently under appeal.

Directive (EU) 2017/541 on combating terrorism states, in Article 19 on jurisdiction and prosecution, 'Each Member State shall take the necessary measures to establish its jurisdiction [...] where [...] the offence is committed against the institutions or people of the Member State in question'.

It is therefore the Spanish judiciary which investigates crimes of terrorist kidnapping against Spanish (European) citizens.

In view of the above:

Can the Spanish judiciary transfer its jurisdiction to Equatorial Guinea or should it uphold that jurisdiction and not transfer it, in accordance with the mandate laid down in Article 19 of Directive (EU) 2017/541 to 'establish its jurisdiction' where the terrorist offence affects its citizens?

Submitted: 6.3.2024

¹ https://www.europarl.europa.eu/doceo/document/P-9-2024-000137_EN.html

² Communication from the Spanish Judiciary (PJ), 22 and 23/2/24 <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/La-Sala-Penal-de-la-Audiencia-Nacional-ordena-cursar-ordenes-de-detencion-contra-hijo-del-presidente-Obiang-y-otros-dos-miembros-Gobierno-de-Guinea-por-la-desaparicion-de-opositores>.

³ <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Audiencia-Nacional/Oficina-de-Comunicacion/Notas-de-prensa/El-juez-emite-ordenes-de-detencion-del-hijo-del-presidente-de-Guinea-y-de-dos-miembros-del-Gobierno-investigados-por-desaparicion-opositores>

⁴ PJ: '[...] the alleged facts (classified as kidnapping for terrorist purposes in relation to crimes against liberty) [...]'. <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Audiencia-Nacional/Oficina-de-Comunicacion/Notas-de-prensa/El-juez-de-la-Audiencia-Nacional-cede-a-Guinea-la-jurisdiccion-para-investigar-el-secuestro-y-encarcelamiento-de-cuatro-miembros-del-movimiento-opositor>