

**Question for written answer E-004835/2018
to the Commission**

Rule 130

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Subject: Violation of judicial independence in Spain and Article 47 of the Charter of Fundamental Rights - violation of Articles 6 and 47-49 of the EU Charter and of Directive 2016/343

Leaks of email exchanges between judges in Spain reveal that they have referred to the Catalan independence movement using language including terms such as 'rapists', 'sons of bitches', 'vermin', 'germs' and 'Nazis'.^{1,2,3,4,5,6,7,8}

These remarks constitute a serious breach of the principles of the rule of law and judicial independence, violating Article 47 of the EU Charter of Fundamental Rights.

The Commission is the guardian of the treaties and currently proposes adopting decisions under Article 7(1) when it comes to Hungary and Poland, stating that 'the European Commission is taking action to protect the rule of law in Europe'.⁹

The EU rules exist to ensure that the basic rights of suspects are protected. Article 6 of the Charter protects the right to liberty and security, and Articles 47 to 49 protect the right to a fair trial, the presumption of innocence, the rights of the defence and the principles of legality and proportionality. Since 1 April 2018, new rules have strengthened the right to a fair trial and the presumption of innocence (Directive 2016/343).¹⁰

1. Will the Commission open an investigation into the aforementioned circumstances?
2. Can the Commission explain how these exchanges between Spanish judges are compatible with judicial independence and respect for the rule of law in Spain?
3. Having regard to Directive (EU) 2016/343, is impartiality guaranteed in the trials of Catalan politicians and civil society leaders under the Spanish legal system?

¹ <https://twitter.com/AamerAnwar/status/1042518802800488448>

² <https://www.lavanguardia.com/politica/20180920/451928218727/correos-filtrados-jueces-cataluna-independentismo-nazismo-golpistas.html>

³ <https://elmon.cat/politica/por-ellos-judicial>

⁴ <https://www.vilaweb.cat/noticies/escandol-revelen-desenes-de-correus-de-jutges-espanyols-insultant-lindependentisme/>

⁵ https://www.eldiario.es/catalunya/politica/jueces-Catalunya-golpistas_0_816118687.html

⁶ <https://www.elperiodico.com/es/politica/20180920/mensajes-chat-jueces-antes-despues-referendum-1-o-7044029>

⁷ https://www.huffingtonpost.es/2018/09/19/los-mails-de-los-jueces-durante-el-proces-hablan-de-golpe-de-estado-y-sediciosos_a_23533025/

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<https://www.naciodigital.cat/noticia/163192/missatges/dels/jutges/contra/proc/amb/colpistes/ni/es/negocia/ni/es/dialoga>

⁹ http://europa.eu/rapid/press-release_IP-18-4987_en.htm

¹⁰ <https://eur-lex.europa.eu/content/news/EU-new-rules-right-to-presumption-of-innocence-right-to-presence-at-trial.html>