Request for waiver of the immunity of Frank Vanhecke

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The Legal Affairs Committee adopted a report drafted by Klaus-Heiner **LEHNE** (EPP-ED, DE), and decided to waive the immunity of Frank **VANHECKE** (NI, BE).

To recall, a request for waiver of the immunity of Frank Vanhecke, was submitted, at the request the Dendermonde Public Prosecutor, by the Belgian Minister of Justice and announced in plenary sitting on 10 April 2008. The Dendermonde Public Prosecutor has opened a criminal investigation into Mr Frank Arthur Hyppolite Vanhecke, a Belgian Member of the European Parliament, on suspicion of violating laws agains racism and xenophobia. Itr is beleiveed that Mr Vanhecke was responsible as editor or publisher responsible for an artilce entitled 'What you were not allowed to read in the press' in the Vlaams Belang Newspaper, No 2, Sint-Niklaas edition, of April-May-June 2005. The article in question concerned the controversy which had arisen over the desecration of gravestones in Tereken churchyard between 29 March and 5 April 2005, in which connection Vlaams Belang highlighted the alleged fact that the culprits were young people of foreign origin.

In reality the culprits were apparently not of foreign origin but were identified as four minors of indigenous origin from two Flemish families.

In the course of the subsequent investigation it was not possible to ascertain who the author was of the article and its title. It seems to the Dendermonde Public Prosecutor that so far Mr Frank Vanhecke remains responsible under the criminal law for those sections, as the editor or publisher responsible.

In view of the above considerations, the Dendermonde Public Prosecutor proposes to order that Mr Frank Vanhecke be summoned to appear before the Magistrate's Court. However, in view of Mr Vanhecke's status, such a prosecution would only be possible after his parliamentary immunity had been waived.

The Legal Affairs Committee considered in the first place that this case is not covered by Article 9 of the Protocol in that an MEP's duties do not include acting as responsible editor for a national party newspaper. Consequently, the case falls to be considered under Article 10, namely in the light of Belgian law and the consolidated practice of the Committee on Legal Affairs.

After having considered the arguments for and against waiving immunity, the Committee on Legal Affairs recommends that the European Parliament waive Mr Frank Vanhecke's parliamentary immunity.