

# Request for the waiver of parliamentary immunity of Bruno Gollnisch

2010/2284(IMM) - 11/04/2011

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) calling on the European Parliament for **waiver of the immunity of Bruno GOLLNISCH (NI, FR)**.

The Prosecutor at the Court of Appeal of Lyon is asking the European Parliament to waive the immunity of its Member, Bruno Gollnisch, in connection with a criminal investigation by that court. The investigation concerns an action and claim for compensation (*plainte avec constitution de partie civile*) brought by the International League Against Racism and Anti-Semitism (hereinafter, the LICRA) on 26 January 2009 against an unnamed person for incitement to racial hatred (see on this point [IMM/2010/2097](#)).

The Public Prosecutor is requesting the waiver of Bruno Gollnisch's parliamentary immunity to enable the LICRA's complaint to be investigated and, if appropriate, to enable Bruno Gollnisch to be brought before the Court of First Instance, the Appeal Court and the Court of Cassation.

The French authorities state that Bruno Gollnisch, citing his immunity from prosecution as a Member of the European Parliament, refused to reply to the summons issued by the investigators and subsequently by the investigating magistrate. During his hearing before the Committee on Legal Affairs, Bruno Gollnisch claimed that he was threatened with arrest on several occasions and that police officers were sent to that effect to the building of the Regional Council, whereas his demand for immunity had not yet been examined.

Mr Gollnisch asks the European Parliament to defend his immunity as Member of the Parliament because the case in question concerns, in his view, the issue of freedom of expression of his political opinions. However, given that the proceedings concern an offence allegedly committed in France, whose citizenship Bruno Gollnisch enjoyed at the material time, the defence of *fumus persecutionis* i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member does not hold. The committee believes the case does not come within the scope of Bruno Gollnisch's political activities as Member of the European Parliament. It concerns instead activities of a purely regional and local nature of Bruno Gollnisch as regional councillor for Rhône-Alpes, a mandate to which he was elected by direct universal suffrage and which is distinct from that of Member of the European Parliament.

As a result, the Committee recommends that the European Parliament should waive the parliamentary immunity of Bruno Gollnisch.