

Request for the waiver of the immunity of Jean-François Jalkh

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The Committee on Legal Affairs adopted the report by Kostas CHRYSOGONOS (GUE/NGL, EL) on the request for waiver of the immunity of Jean-François JALKH (ENF, FR).

The request for waiver of the immunity of Jean-François Jalkh was forwarded on 14 April 2016 by the French Minister of Justice and Liberties in connection with a judicial inquiry (file No 1422400530) opened against Jean-François Jalkh at the Paris District Court in response to an application with joinder filed by the Association ‘National Office for Vigilance against Anti-Semitism (BNVCA)’ on grounds of public incitement to discrimination, hatred or violence.

The Public Prosecutor at the Paris Court of Appeal requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jean-François Jalkh, in connection with a legal action concerning an alleged offence of incitement to discrimination, hatred or violence in respect of a person or group of persons on account of their origin or membership or non-membership of a particular ethnic group, nation, race or religion, an offence provided for in French law, namely in Article 24(8) and Article 23(1) of the Law of 29 July 1881.

Jean-François Jalkh was accused by the Association ‘National Office for Vigilance against Anti-Semitism (BNVCA)’ in an application lodged with the Senior Examining Magistrate in Paris on 12 August 2014. The complaint concerned statements made by Jean-Marie Le Pen during an interview disseminated on the official National Front’s website regarding the singer Patrick Bruel, who had said that he could no longer perform in towns which had elected mayors belonging to the National Front. Jean-François Jalkh was the publications director of the official website of the National Front.

Members recalled that Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State. The Court of Justice has held that for a Member of the European Parliament to enjoy immunity an opinion must be expressed by the Member in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. Such link must be direct and obvious.

Given that Jean-François Jalkh had not assumed his duties as a Member of the European Parliament when the alleged offence took place, namely on 6 June 2014, assuming them only as of 1 July 2014 and that the charges are manifestly unrelated to the position of Jean-François Jalkh as a Member of the European Parliament and that there is no suspicion of any attempt to obstruct the parliamentary work of Jean-François Jalkh (*fumus persecutionis*) behind the judicial inquiry which was opened following an application by the BNVCA, Members called on the European Parliament to waive the immunity of Jean-François Jalkh.