

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

2016/2107(IMM) - 22/11/2016 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Jean-François JALKH (ENF, FR).

The French Minister of Justice and Liberties forwarded the request on 14 April 2016 in connection with a judicial inquiry 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.

Parliament 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. It also recalled that 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. Parliament decided to waive the immunity of Jean-François Jalkh because:

- Jean-François Jalkh had not assumed his duties as a Member of the European Parliament when the alleged offence took place;
- there is no suspicion of any attempt to obstruct his parliamentary work (*fumus persecutionis*).