Request for the waiver of Mr Le Pen's immunity

1998/2121(IMM) - 21/09/1998

The Committee has adopted by 16 votes to 3, with 1 abstention, the report by Sören WIBE (PES, S) on the request for a waiver of the parliamentary immunity of Jean-Marie LE PEN (Ind, F). The request was made on 17th April 1998 by the Public Prosecutor's Office in Munich and relates to Mr Le Pen's statement "... the gas chambers are a detail in the history of the Second World War...". This statement was made at a press conference in Munich during the presentation of a book, Le Pen, The Rebel, written by the former MEP Franz SCHÖNHUBER, leader of the German Republikaner. The Public Prosecutor asked for Mr Le Pen's immunity to be lifted on the basis of Articles 130 and 220 of the German Criminal Code, which provide for a maximum prison sentence of five years, or a fine, to be imposed on anyone who publicly approves, denies or presents as inoffensive any act committed under the National Socialist regime. If the House votes for Mr Le Pen's immunity to be waived, the Public Prosecutor's Office will be able to pursue its case and question Mr Le Pen. The Rules Committee's view is that it is up to the judge to determine the extent to which German law has been violated and what the judicial consequences are to be.