


Procedure file

Basic information		
IMM - Members' immunity	2008/2078(IMM)	Procedure completed
Request for waiver of the immunity of Witold Tomczak		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		26/03/2008
		ALDE WALLIS Diana	

Key events			
25/06/2008	Vote in committee		Summary
27/06/2008	Committee report tabled for plenary	A6-0277/2008	
08/07/2008	Results of vote in Parliament		
08/07/2008	Decision by Parliament	T6-0326/2008	Summary
08/07/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2078(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/60735

Documentation gateway					
Committee report tabled for plenary, single reading		A6-0277/2008	27/06/2008	EP	
Text adopted by Parliament, single reading		T6-0326/2008	08/07/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)4891	27/08/2008	EC	

Request for waiver of the immunity of Witold Tomczak

The Legal Affairs Committee unanimously adopted the report by Diana WALLIS (ALDE, UK) on the request for waiver of the immunity of Witold TOMCZAK (ID, PL).

To recall, Mr Tomczak is charged with causing damage valued at up to 39 669 PLN (approximately 11 500 EUR) to a sculpture titled "The Ninth Hour" depicting Pope John Paul II crushed by a stone in the Zachęta Gallery in Warsaw in 2000. He claims that his action sought to defend his and other people's religious feelings, as well as to protect the dignity of the Pope. He also contests the amount of the damage he allegedly caused.

The District Prosecutor in Warsaw asks that the parliamentary immunity of Mr Tomczak be waived in order that he may present him with the charges in the above-mentioned proceedings and question him as a suspect.

Given that Mr Tomczak was elected to the European Parliament on 13 June 2004 (well after the events), the committee considers that he was not protected by parliamentary immunity. Therefore, MEPs propose to waive the immunity of Witold Tomczak.

Request for waiver of the immunity of Witold Tomczak

The European Parliament adopted by 638 votes to 17, with 21 abstentions, a resolution on the request for waiver of the immunity of Witold TOMCZAK (ID, PL).

The report had been tabled for consideration in plenary by Diana WALLIS (ALDE, UK), on behalf of the Committee on Legal Affairs.

To recall, Mr Tomczak is charged with causing damage valued at up to 39 669 PLN (approximately 11 500 EUR) to a sculpture titled "The Ninth Hour" depicting Pope John Paul II crushed by a stone in the Zachęta Gallery in Warsaw in 2000. He claims that his action sought to defend his and other people's religious feelings, as well as to protect the dignity of the Pope. Moreover, he considers that his behaviour was aimed at protecting a higher value - that of the Pope's honour in the eyes of Polish Catholics. He also contests the amount of the damage he allegedly caused.

Given that Mr Tomczak was elected to the European Parliament on 13 June 2004 (well after the events), the Parliament considers that he was not protected by parliamentary immunity and considers that, on the basis of the information obtained, he is not protected by parliamentary immunity in respect of any of the allegations.

Therefore, the European Parliament has decided to waive the immunity of Witold TOMCZAK.