

Arresten

1. **Cass. Transnuklear 1993**: het hof oordeelde, naar aanleiding van een zaak over twee mannen die handelden met radioactieve stoffen, dat iemand onder eed **mag zwijgen** in een **parlementaire onderzoekscommissie** als hij zichzelf schade zou berokkenen met het spreken van de waarheid. **Art. 14, lid 3, littera g IVBPR** van 1996 stipuleert dat niemand gedwongen kan worden *tegen zichzelf te getuigen of een bekentenis af te leggen*, en België heeft dat geratificeerd.
1. **Arrest van het EHRM 2020**: het Europees Hof voor de Rechten van de Mens (EHRM) veroordeelde de **Belgische staat** voor de **schending** van het recht op een **eerlijk verkiezingsproces** en het recht op een **daadwerkelijk rechtsmiddel**. Het feit dat de Kamer zelf onderzoekt of haar leden regulier verkozen zijn op grond van art. 48 Gw., wordt veroordeeld door het Hof.
2. **Cass. Crombez 1904**: de leden van het federale parlement genieten parlementaire onschendbaarheid, zo bepaalt **art. 58 Gw.** dat elk parlamentslid recht heeft op mening en stem, zelfs als die beledigend, racistisch of lasterlijk zou zijn, maar dit artikel is enkel van toepassing op opmerkingen die ***in de uitoefening van zijn functie*** zijn gemaakt. En dit moet zeer **eng geïnterpreteerd** worden: dit arrest bevestigt dat een parlamentslid niet gedekt is door de *freedom of speech* als hij bijvoorbeeld *op eigen initiatief* tijdens in een interview of een persconferentie herhaalt wat hij in een parlementaire vergadering heeft gezegd, zelfs niet als hij zijn verklaring voorleest.
3. **Arrest A vs. United Kingdom 2002 van het EHRM**: de vraag die dit arrest beantwoordt is of de onschendbaarheid voorzien in art. 58 Gw. **verenigbaar is met art. 6 EVRM**, dat het recht op toegang tot een onafhankelijke en onpartijdige rechtbank bekrachtigd om bijvoorbeeld te kunnen aanvechten wat er in het Parlement werd gezegd over een persoon als laster. In dit arrest heeft het Hof toegegeven dat het mechanisme van parlementaire onverantwoordelijkheid verenigbaar is met het Verdrag, en dat het ontbreken van rechtsbijstand in deze materie geen afbreuk doet aan art. 6 EVRM.
4. **Arrest Dufays 1974 Raad van State**: de ministers en staatssecretarissen, die voor het kiezen van hun

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