Request for waiver of the immunity of Gian Paolo Gobbo

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The Committee on Legal Affairs adopted a report drawn up by Diana **WALLIS** (ALDE, RU) and decided that the European Parliament **should not defend the immunity and privileges of Gian Paolo GOBBO** (UEN, IT). Members considered that parliamentary immunity within the meaning of Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and, in so far as it is relevant, Article 68, first subparagraph, of the Italian Constitution did not cover the facts alleged against Mr Gian Paolo Gobbo.

At the sitting of 18 January 2007, the President of Parliament announced that he had received a request made on 9 October 2006 by Rita Caccamo, judge at the preliminary hearing before the District Court of Verona (Italy) in criminal procedure No. 81/96 R.G.N.R., for a decision of the European Parliament as to whether parliamentary immunity applies to the facts committed by Mr Gian Paolo Gobbo.

It is recalled that Mr GOBBO is charged – along with many other people, of whom some have been identified and others have not – with the offence of promoting, setting up, leading and participating in a paramilitary association with political objectives, under the title of **'the Greenshirts'**. The aim of the latter was to set up a hierarchically organised body which was trained to take collective action of a violent nature and was also used to intimidate any members of the movement who were opposed to the political directives issued by its leaders and prevent them from engaging in debate inside the movement, thus helping to impose a definite political line on the 'Lega Nord' movement by silencing any expression of dissent within it.

The Committee pointed out that **Article 9 of the Protocol on Privileges and Immunities** only accords Members full protection from legal proceedings in respect of opinions expressed and votes cast by them in the performance of their duties. Participating in a semi-military-style uniformed association which apparently gave the impression that it would seek to achieve its objectives through the potential or actual use of force is clearly contradictory to, and incompatible with, the role and responsibilities attaching to a parliamentary mandate. It cannot therefore be regarded as a legitimate exercise of freedom of speech or as constituting, in general, the normal performance of the duties of members belonging to an elected assembly representing citizens.

The report also stresses that, pursuant to **Article 10 of the Protocol on Privileges and Immunities**, which is the **sole provision applicable**, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their national parliament. This does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

In addition, under Article 68 of the Italian Constitution, members of the Italian Parliament do not enjoy immunity from criminal prosecution, except in respect of opinions expressed or votes cast by them in the exercise of their functions, which is not the case in the present instance.

Accordingly, the Legal Affairs Committee, having heard Mr GOBBO, decided not to defend his immunity.