

Request for defence of the parliamentary immunity of Witold Tomczak

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The Committee on Legal Affairs adopted by unanimity the report drafted by Mr Aloyzas **SAKALAS** (PES, EL), whereby it decided **not to defend the immunity** of the Polish Member, Mr Witold TOMCZAK (ID, PL).

To recap, Mr TOMCZAK is accused of insulting two police officers in the performance of their duties at Ostrów Wielkopolski, in June 1999 (before his election to the EP), in breach of Article 226(1) of the Polish Penal Code.

Given Mr TOMCZAK's failures to appear at the hearings, the District Court in Ostrów Wielkopolski decided, on 10 January 2005, to proceed with the trial in absentia, which, from the Polish Member's point of view, infringes the principle of the presumption of innocence.

In this context, Mr TOMCZAK asked Parliament to defend his immunity in these criminal proceedings. However, the committee decided not to defend his immunity and privileges because the charges brought against Mr TOMCZAK do not refer to opinions expressed or votes cast in the performance of his duties as a MEP, as he was not a Member of Parliament at the moment of the event.