Request for waiver of the immunity of Antonio Di Pietro

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The Committee on Legal Affairs unanimously adopted the report drawn up by Aloyzas SAKALAS (PES, LT) on the request for consultation on the immunity and privileges of Antonio DI PIETRO (a former Italian MEP). The committee decided not to waive the immunity of Antonio Di Pietro, for the following reasons:

By letter of 15 May 2008, the Permanent Representation of the Italian Republic forwarded to the European Parliament the order of the Civil Court of Rome of 10 April 2007 in a civil case between Filippo Verde (claimant) and Antonio Di Pietro (defendant). In its order, the Italian Court asks the European Parliament to rule on the immunity of Mr Di Pietro, given that he was a member of the European Parliament at the material time.

Recall that in February 2003, Mr Di Pietro published an article in which he stated, inter alia, that Mr Filippo Verde and other judges had taken a bribe for “fixing” a judgment in a case pending in Italy. However, Mr Di Pietro has since recognised that his article contained an “astounding error” caused by a commonplace file copy problem (Mr Verde’s name should never have appeared in the aforementioned article).

However, the case was pursued and the Civil Court of Rome called for the waiver of Mr Di Pietro’s immunity in order to bring proceeding against him.

The Committee on Legal Affairs considers that, as a matter of fact, in his statements Mr Di Pietro merely commented on facts in the public domain (in fact, it is one of the most important judicial affairs of recent Italian political life). He was therefore carrying out his duty as a Member of Parliament in expressing his opinion on a matter of public interest to his constituents. According to the committee, Mr Di Pietro was carrying out his duty as a Member of Parliament and to seek to gag Members of Parliament from expressing their opinions on matters of legitimate public interest and concern by bringing legal proceedings is unacceptable in a democratic society and in breach of Article 9 of the Protocol, which is intended to protect Members' freedom of expression in the performance of their duties in the interests of Parliament as an Institution.

On the basis of the above considerations, the Committee on Legal Affairs, having examined the reasons for and against defending immunity, **recommends that the immunity of Mr Antonio Di Pietro be defended**.