Request for the defence of parliamentary immunity of Luigi de Magistris

2010/2122(IMM) - 11/04/2011

The Committee on Legal Affairs adopted unanimously the report drawn up by Bernhard RAPKAY (S&D, DE) calling on Parliament to defend the immunity and privileges of Luigi DE MAGISTRIS (ADLE, IT).

Mr De Magistris requests the defence of his parliamentary immunity following his summons before the Court of Benevento (IT) by Clemente Mario MASTELLA (EPP, IT) in connection with an interview he gave to an Italian newspaper which was published on 31 October 2009. During the interview remarks were made that could be considered to constitute libel and were the object of Mr Mastella's claim for damages and interest amounting to EUR 1 million.

The Committee considers that, in giving the interview in question, Luigi de Magistris was acting in the performance of his duties as Member of the European Parliament and carrying out political activities by expressing his opinion on a matter of public interest to his constituents. To seek to prevent Members of Parliament from expressing their opinions on matters of legitimate public interest and concern and from criticising their political opponents by bringing legal proceedings is unacceptable in a democratic society and in breach of Article 8 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 of the European Union.

As a consequence, the committee recommends that the European Parliament should defend the parliamentary immunity of Luigi De Magistris.