Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2064(IMM) - 27/03/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report drafted by Bernhard RAPKAY (S&D, DE) on the request for defence of the immunity and privileges of **Luigi de Magistris (ALDE, IT)**.

Luigi de Magistris has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court.

To recall, the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Catanzaro on behalf of Mr Maurizio Mottola di Amato in connection with two articles that Luigi de Magistris published on his website in early 2011. According to the writ of summons, statements made in those articles constitute libel, resulting in a claim for damages and a request for an injunction requiring the removal of the articles.

The articles were published on the website at a time when Luigi de Magistris was a Member of the European Parliament, following his election at the 2009 European Parliament elections.

According to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties, and whereas, according to Article 9 of that Protocol, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament.

However, the facts of the case indicate that the statements made do have a direct, obvious connection with Luigi de Magistris's performance of his duties as a Member of the European Parliament.

Luigi de Magistris, in publishing the articles in question, was therefore acting in the performance of his duties as a Member of the European Parliament.

For his part, Luigi de Magistris submits that in his role as Member of the European Parliament he considers it altogether proper to inform the citizens about Italian court documents (which were documents not covered by any confidentiality provisions) in order to highlight the abnormal exercise of the judicial function in Italy, especially at the court of Catanzaro, and that the statements made therefore constitute an expression of the political activity of an MEP which should be protected by the Protocol on Privileges and Immunities.

The committee therefore recommends that the **European Parliament should defend the immunity and privileges of Luigi de Magistris**.