Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2098(IMM) - 28/03/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs 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 Milan on behalf of Mr Giancarlo Pittelli in connection with statements made by Luigi de Magistris in his book Assalto al PM, storia di un cattivo magistrate (‘Attack on the public prosecutor – the story of a bad magistrate’), which was published in April 2010.

According to the writ of summons, statements made in that book constitute libel,resulting in a claim for damages the book was published 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 not 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 book in question, was therefore not acting in the performance of his duties as a Member of the European Parliament.

The statements therefore appear to be rather far removed from the duties of a Member of the European Parliament and hardly capable, therefore, of presenting a direct link with a general interest of concern to citizens.

The Committee therefore **recommends that the European Parliament should not defend the parliamentary immunity of Luigi De Magistris**.