Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2098(IMM) - 29/03/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a decision in which it decides **not to defend the immunity of Luigi de Magistris (ALDE, IT)**.

The request for immunity of Luigi de Magistris relates to 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.

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.

Against this background, **the European Parliament decides not to defend the parliamentary immunity of Luigi De Magistris**.