Request for the waiver of the immunity of Ivan Jakovic

2014/2169(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

Parliament decided to **waive the immunity** of Ivan JAKOVI (ADLE, HR).

The lawyer of a private plaintiff has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Ivan Jakovi, in connection with legal proceedings concerning an alleged offence of defamation.

The request for waiver relates to criminal proceedings instituted against Mr Jakovi under the Croatian Criminal Code in connection with defamatory statements that he is alleged to have made in an interview with HRT Croatian Radiotelevision on 22 July 2014.

Under the Croatian Criminal Procedure Code, in the case of private prosecution the private charge must be submitted within three months of the day on which the authorised physical or legal person came to the knowledge of the offence and its perpetrator. Parliament should consider the request for the waiver of immunity without delay.

According to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may 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. The purpose of this provision is to ensure that Members of the European Parliament enjoy freedom of speech as a matter of principle, but whereas this entitlement to free speech does not authorise slander, libel, incitement to hatred or questioning the honour of others.

Parliament noted that Mr Jakovi was a Member of the European Parliament at the time of the interview. However, the statements alleged to have been made relate to a matter which dates back to a time when he did not yet hold such office. It considered that as a consequence, the statements in question do not have a direct and obvious connection with Mr Jakovi’s performance of his duties as a Member of the European Parliament nor do they constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament.

In light of these considerations, Parliament decided to waive the parliamentary immunity of Mr Ivan JAKOVI.