

DRAFT REPORT

THE REGIME OF PARLIAMENTARY IMMUNITY

Preliminary remarks:

1. This report, adopted by the Sub-Commission on Democratic Institutions on the basis of a draft report drawn up by Mr G. W. Maas Geesteranus with the assistance of the Secretariat of the European Commission for Democracy through Law, was approved by the Commission during its 27th meeting which took place on 17 and 18 May 1996.
2. The proposal to devote a study to parliamentary immunity originates from the representative of the Parliamentary Assembly of the Council of Europe, Mr Stoffelen, who submitted the topic to the Venice Commission during its 18th meeting.
3. In the opinion of the Commission, the request of the Assembly was indeed very much to the point. On the one hand, the topic of parliamentary immunity lies in the heart of the debate over the guarantees of parliamentary democracy in Europe given that the independence and satisfactory operation of parliament are essential to the separation of powers. On the other hand, the topic is of current interest in view of the tendencies in certain states to encourage elements of a "continuous democracy"^[1], ie increased citizen control or participation.
4. As a first step in the course of preparing this report, a questionnaire was drawn up for submission to the members, associate members and observers of the Commission.
5. The Commission received replies from the following countries: *Albania, Austria, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine*, together with *Canada, Japan* and *Kyrgyzstan*, non-European states represented in the Venice Commission.
6. The received replies were used to compile the summary tables presented in Appendix I.
7. In the preparation of this report, constant reference was also made to the study produced by the General Directorate for Research of the European Parliament in 1993, entitled "Parliamentary immunity in the member states of the European Community and in the European Parliament" (Legal Affairs Series, W-4).
8. Working from the tabulated information, it was possible to produce this report in a comparative overall perspective. It does not constitute an exhaustive analysis of the topic, nor does it purport to infer uniform and generally applicable principles, given the diversity and complexity of the national situations. However, it provides an analytical and speculative instrument containing, in a systematic way, information which is not always accessible, particularly for linguistic reasons.
9. The report accordingly gives an overview of the varying legal rules adopted and provides an initial basis for comparison as regards the subject-matter at Europe-wide.

I. Introduction

10. The need to afford parliamentarians special protection is recognised in all the states under consideration. However, this does not imply that the institution of parliamentary immunity has failed to attract numerous criticisms, or that any form of impunity should be secured to parliamentarians.
11. Notwithstanding the variety of terms and descriptions employed by national legislation and the scope of protection in the various countries, most European states recognise two categories of immunity for parliamentarians:
 - firstly, the "non-liability" or "freedom of speech" of parliamentarians in respect of judicial proceedings over the opinions expressed and votes cast in the discharge of their parliamentary duties;
 - secondly, their "inviolability" or "immunity in the strict sense" shielding them from all arrest, detention or prosecution without the consent of the chamber to which they belong.
12. The law of certain countries provides for a special jurisdiction with regard to offences committed by members of parliament. This is often the Supreme Court as in Spain or the Netherlands, the Federal Tribunal in Switzerland or the Court of Appeal in Greece. In other countries such as the United Kingdom and Malta, the House itself may perform functions of a judicial nature.
13. In some countries (France, Belgium), the provisions on immunity have public policy status, so that immunity cannot be voluntarily waived by any member and acts performed in breach thereof are void. Elsewhere it is for members to avail themselves of their immunity (Slovenia). They may in some cases even be able to refuse to testify, thus evading any attempt at preliminary investigation when in reality they are personally under suspicion (Belarus, Greece).
14. Immunity, with a different theoretical conception according to country, is designed to safeguard the "people's representatives" against arbitrary power. Consequently, it protects the legislature against interference from the executive or sometimes even from the judiciary. Parliamentary immunity ensures thus collective protection for parliament as a body, its operation and its acts, as well as individual protection for its constituent members.
15. It has been gradually extended to other persons:
 - all persons participating in "proceedings in Parliament" in the countries with British-style institutions (United Kingdom, Netherlands, Ireland);
 - members of the regional assemblies (Landtag) in Austria;
 - members of the Community and Regional Councils and ministers in Belgium;
16. Nevertheless, in Germany parliamentary immunity applies solely to members of the Bundestag, not those of the Bundesrat.
17. As a rule, the legal foundation of immunity is enshrined in the fundamental statutes of states. The principle is embodied in the United Kingdom's "Bill of Rights" of 1689 and in the Constitution of most other countries, more seldom in the law unless some aspect of this protection is completely

omitted from the legislation in force.

18. The forerunner of parliamentary immunity in the true sense was a certain sacrosanctity of representative office; in Rome, the Tribune of the Plebs enjoyed the same inviolability.

19. The origin of parliamentary immunity as such can be traced back to the 14th century^[2]. As "freedom of speech" (irresponsibility) for parliamentarians, it was confirmed by the House of Commons at the early 16th century. At that time, the second aspect of immunity, namely "freedom from arrest" (inviolability), was prescribed only in the event of measures restricting personal freedom pursuant to civil actions.

20. With the French Revolution, protection was extended so as to be effective against court action in criminal cases and against any charge of a parliamentarian even for acts unrelated to parliamentary service.

21. These two aspects of immunity, as gradually defined in the French system, appear to recur today in most national legal systems.

22. The guarantees afforded by the two types of immunity (irresponsibility/ inviolability, "freedom of speech/ "freedom from arrest") are complementary. They should therefore be examined from the successive angles of their scope, the acts to which they relate and their implications in the event of wrongful use.

II. Non-liability

23. "Non-liability" implies immunity against any judicial proceedings relating to opinions expressed or votes cast and is encountered in most national legal regimes for protecting parliamentarians.

24. It is termed, for instance, "berüfliche Immunität" in Austria, "Indemnität" in Germany, "freedom of speech" in Ireland, Malta, Canada, the Netherlands and the United Kingdom, "insindacabilita" in Italy, "inviolabilidad" in Spain and "Immunität/Irresponsabilite" in Switzerland.

25. Ukraine is the one country whose legislation contains no provision concerning this aspect of immunity and deals with protection strictly in terms of inviolability. In Russia, while the inviolability of Duma members has constitutional value as a principle, non-liability is prescribed only by law.

A. The principle: absolute character of protection

1. Purposes

26. In the first place, the principle of members' non-liability constitutes a special form of the protection which is arranged in order to guarantee independence and freedom of expression for parliament and its members, especially vis-a-vis the executive and the principle of separation of powers. The expediency of guarding against any arbitrary arrest of a people's representative by the government does not seem an immaterial concern still at nowadays^[3].

27. In the second place, the principle of non-liability progressively acquires the further quality of an additional surety for parliamentarians vis-a-vis the majority opinion expressed in parliament itself. As representatives of the people which placed them in office, by holding even minority opinions they still express a portion of popular and/or national sovereignty, respect for which is central to the principles of pluralist democracy. This would imply that the real function of the institution of parliamentary immunity is to protect the expression of the common will and the composition of parliament as elected by the citizens^[4].

2. Scope of the principle of non-liability

28. As a rule, this type of immunity essentially relates to "opinions expressed and votes cast in the discharge of parliamentary duties". It is perpetual in the sense that the protection enjoyed by the parliamentarian regarding the opinions stated in the performance of an electoral mandate is not extinguished when the mandate ends.

29. It protects parliamentarians against any sanction ordered by the State or by state bodies, as well as against private individuals and attempted unlawful influence. This affords them exemption from all court proceedings. The law of certain countries contains more specific provisions extending freedom from liability to all civil, criminal or administrative action or stipulating that a member of parliament may not be subsequently pursued, arrested, detained or tried.

30. By contrast, in Bulgaria for instance members are free from criminal liability only. In Slovenia, civil liability is also incurred for damage or injury of which they stand accused. In France or Norway, parliamentarians are not liable and are not compelled to make redress even where "the acts charged constitute an offence or cause damage".

3. Acts covered by immunity

31. Parliamentarians have absolute privilege of non-liability as regards the ballots in which they participate, whether in the chamber or in the parliamentary committees or sub-committees.

32. Nor are they held accountable for the opinions expressed, whether orally or in writing, in parliament or in a parliamentary committee, or for acts performed on business assigned by the parliament in connection with their mandate.

33. The exact breadth of immunity and the acts which it covers have been specified by parliamentary practice and by jurisprudence. In particular, a more or less restrictive interpretation depending on the country has been used in defining the acts or circumstances which would come within the ambit of "performance of the mandate" or "parliamentary functions".

34. For many states, these are purely functions performed in parliament, ie in the session chamber or in the committees or bodies set up for session purposes. In the United Kingdom the acts covered by immunity are "proceedings in Parliament" as defined over the years by parliamentary jurisprudence. The same opinions expressed outside parliament (Luxembourg), or sometimes the same written statements in breach of the rules applying to the publicity of proceedings (Belgium), do not come within the scope of immunity. In Turkey, the same statements repeated outside parliament also enjoy immunity, unless the Bureau of the Grand National Assembly decides otherwise.

35. In Moldova, on the other hand, this immunity concerns the "acts which a parliamentarian and nobody else may perform in parliament". In Norway or the Netherlands, however, it concerns political opinions expressed even outside parliament.

36. In Portugal, Turkey and Norway, there is immunity even for "offences of defamation". In other countries, though, the constitutional text excludes any defamatory statements or insults.

37. Non-liability sometimes extends to the activity and/or behaviour of members of parliament which, while not constituting acts specific to parliamentary office, are in some way related to it. Consequently, parliamentarians' enhanced freedom of expression extends to their public non-parliamentary activities, in particular on the media, in election declarations and in public debates. In other cases, "political and partisan activity" as in Luxembourg and also in Italy or, as in Spain, "statements made in the context of meetings of parties or with constituents, private encounters or journalistic activities", are excluded from the coverage of immunity.

B. Qualification of the principle of non-liability

38. It is widely observed that although the protection instituted is absolute with regard to the ballots in which members of parliament vote, they do not have quite the same guarantees for their opinions expressed in or out of parliament.

1. Relativity of the protection instituted: areas excluded from protection

39. In general, defamatory or insulting remarks are excluded from the scope of immunity, in which case members can be sued and subjected to compensation in the same way as other citizens. In the United Kingdom, it rests with the court to suspend proceedings when it considers that parliamentary privilege is involved. Nonetheless, it is often the disciplinary authority of the chambers which censures a member for conduct or statements which are unreasonable "having regard to his office and status".

40. In Austria, for instance, a member is accountable only to the Chamber to which he belongs, and incurs only disciplinary measures at the discretion of the Speaker.

41. In the Slovak Republic, members remain subject to the disciplinary authority of the National Council of the Slovak Republic in the case of "declarations unbecoming their position and reputation". In Latvia, disciplinary measures can be taken for "deliberate spreading of slanderous information; defamation relating to private or family life".

42. In Spain, acts of violence against persons or property are excluded even if committed inside the parliament. So are statements made in the context of meetings of parties or with constituents, private encounters or journalistic activities.

43. In Ireland, certain offences such as treason, serious crimes and public order offences are excluded from the coverage of immunity.

44. While they are not amenable to criminal justice (or to civil justice in general), parliamentarians are subject at least to the disciplinary authority of the chambers, exercised by the Speaker, in accordance with the Rules of Procedure. The provisions governing the applicable measures are more or less precise in this regard. Penalties vary from one country to another: they range from call to order or curtailment of speaking time (Austria) to expulsion, and in theory may even entail imprisonment (United Kingdom).

45. In some countries parliament has added powers in this respect and even performs judicial functions. In the United Kingdom for instance, the Houses are entitled to hold inquiries and to examine witnesses, to penalise persons (Members and others) guilty of abuse of privilege or contempt, and to publish documents without fear of libel action. The House alone may impose penalties or take decisions in this matter.

46. The same used to apply in Malta until the legislation was brought into line with the requirements of Article 6 para. 1 of the European Convention on Human Rights as interpreted in the Dencicoli case by the European Court of Human Rights in Strasbourg^[5].

47. In Malta, members are subject to the disciplinary authority of the House of Representatives for infringing its Rules or vexatiously interrupting the conduct of its business.

2. Lifting of the parliamentary immunity relating to non-liability

48. The lifting of "non-liability" immunity would normally be precluded by its nature if it were to restrict the freedom of speech of parliamentarians. Yet some countries prescribe a procedure for this purpose. The countries where immunity can be lifted are Denmark, Finland, Czech Republic, Germany, Greece, Hungary, Malta, Netherlands, Switzerland and United Kingdom.

49. In Denmark, the proposal to lift immunity is made by the private individual who considers himself wronged by what the parliamentarian concerned has said outside parliament, in the private sphere, although in practice the Folketing invariably withholds its consent.

50. In Finland the proposal to lift immunity is made by the person competent to do so depending on the circumstances, ie the police officer, the prosecutor or the plaintiff, and the decision to lift immunity is taken by a majority of 5/6 of votes cast in parliament.

51. In Greece the decision to lift immunity is taken by the Chamber, which must decide within 45 days.

52. In Hungary, the proposal to lift immunity is submitted to the President of the National Assembly by the Procurator General, or by the competent court. The request is considered within 30 days by the Committee on Parliamentary Immunities and Incompatibilities. The decision is taken by the National Assembly without debate and requires a two-thirds majority of the votes of members present.

53. In Malta, where, according to the common-law system, there is no lifting of immunity strictly speaking, the Speaker of the House refers to the Committee of Privileges any cases of "breach of privilege" or contempt committed "*prima facie*" against the Parliament. The Committee of Privileges was set up in order to investigate in each case whether a member has committed contempt or acts in excess or breach of his privileges. The Committee then refers the matter to the House, which has competence to either bring the person concerned to justice or impose its own disciplinary measures.

54. In Romania, immunity may be lifted only by the Chamber to which the parliamentarian belongs. The decision is taken by the Senate by a majority of a two-thirds of the votes of members present and by the Chamber of deputies by a majority of a two-thirds of the votes of the members. The proposal to lift immunity is submitted to the President of the Chamber of deputies or Senate by the Minister of Justice.

55. In Switzerland, only "relative exemption from criminal liability" may be lifted, subject to the consent of both houses, which may bring the member before the Federal Tribunal. This exemption concerns offences committed in connection with the member's official activity or position, so as to exclude acts such as defamation, abuse of authority, dishonest management of public interests, acceptance of bribes, breach of the duty to fulfil the parliamentary mandate, and disclosure of military secrets. Lifting of a parliamentarian's privilege of secrecy regarding correspondence and telephone and telegraph messages also requires the consent of the chambers. In this case, the act or the opinion expressed is held to be unconnected with the member's official activity or position.

56. In Germany, where "anti-constitutional defamation" or "contempt of the Bundestag" are committed the requests of the prosecution are made in accordance with the rules of criminal procedure and administrative fines to the Federal Minister of Justice and submitted by the latter to the Bundestag for a ruling whether to authorise prosecution. By prior decision, the Committee on Electoral Scrutiny, Immunities and the Rules of Procedure may authorise prosecution for "anti-constitutional defamation" or "contempt of the Bundestag".

57. Moreover, a debate has been opened in this country on the question of the influence, whether or not politically admissible, wielded by political leaders and a new law has come into force for the prevention of corruption, buying and selling votes and trading in influence.

58. It must be acknowledged in concluding this section that, on balance, the system of protection instituted to safeguard parliamentarians' freedom of speech is fairly uniform in the countries considered. Except in cases of racist utterances by members, this particular aspect of immunity is not substantially debated or challenged. The same does not apply to the immunity established by way of inviolability.

III. Inviolability

59. This side of immunity certainly appears more complex in essence and occasions a far wider variety of legal arrangements for its application. Its justification seems more disputed than non-liability, so much so that in several states inviolability has long since vanished or is not contemplated in the system of protection established for parliamentarians.

60. Thus in Canada, Ireland, Malta and the United Kingdom there is question of inviolability only in civil cases, whereas in criminal cases parliamentarians enjoy no special protection and are treated on equal terms with other citizens. Indeed, members in the Netherlands enjoy no inviolability whatsoever.

61. In most other states, inviolability does protect parliamentarians in criminal cases. However, it is not very easy to ascertain any common features or to adopt uniform terminology owing to the dissimilarity of the procedures laid down and the relevant terms.

62. This form of immunity is called, for instance, "ausserber?fliche Immunität" in Austria, "Immunität" in Germany, "freedom from arrest" in Ireland, Malta, Canada and the United Kingdom, "immunidad" in Spain, "Sessionsteilnahmegarantie" in Switzerland.

63. In Italy this form of immunity was called "improcedibilita" until Article 68 of the Constitution was amended by Article 1 of the Constitutional Law 29 October 1993 n° 3. Following this amendment, the requirement of an authorisation to start criminal procedure against a member of the Parliament was repealed. On the other hand, the personal search of a member of the Parliament or the search of his domicile as well as his arrest, his detention in prison or the restriction of his freedom of speech is not allowed without the authorisation of the Chamber to which the member belongs.

A. The principle of inviolability

1. Scope of immunity

64. Inviolability constitutes another aspect of the effective protection of the parliament's members in order to guarantee its independence and shield them from any risk of arbitrary arrest. In general, it protects members of parliament from all "arrest" or prosecution unless parliament consents.

65. Under the common-law system of protection, as we have seen, inviolability operates only in civil cases.

66. In Austria, Germany, Kyrgyzstan, Latvia, Russia and the Slovak Republic, immunity also extends to "administrative action". In Moldova and Ukraine, it applies to all proceedings except such as are expressly provided for by law. In Romania, immunity extends to administrative proceedings concerning petty offences.

67. The effective scope of this immunity varies with the country. In some cases, parliamentarians are also immune from personal searches, house or office searches, preliminary enquiries and other investigations in general. This is the position, for instance, in Albania, Austria, Belarus, Georgia, Russia, Turkey.

68. By contrast, in other countries inviolability does not apply to measures of preliminary investigation or to the bringing of proceedings (France, Portugal, Japan). Often inviolability may take effect only from the time when the member is examined.

69. The duration of immunity likewise varies according to the country; in some it is confined to the parliament's session periods, while in others it applies for the complete term of the legislature. In Greece, the Constitution prescribes measures such as maintenance of immunity between the chamber's dissolution and reconstitution, or where martial law is proclaimed.

70. Be that as it may, inviolability merely serves to suspend legal proceedings during a member's term of office or the parliamentary sessions, not to obstruct the course of justice permanently.

2. Acts covered by immunity

71. In some countries, where the offence charged is of a certain gravity it is excluded from the scope of immunity and thus no longer calls for the prior consent of the chamber (as in Portugal and Sweden).

72. Likewise, such consent is not required where the member is apprehended *in flagrante delicto* (for most states) or detected while committing a serious offence (Albania, Bulgaria, Croatia, Cyprus, Finland, Norway, Portugal, Slovenia, Turkey) or the day after that of the crime (Germany).

73. In Hungary, Austria or Bulgaria, even if a member is arrested *in flagrante delicto*, the subsequent proceedings nonetheless may require the consent of the chamber concerned.

74. The classification of the act charged as "flagrante delicto" usually rests with the court, as in France and Spain. The Assembly may nevertheless suspend proceedings if it considers that wrongful recourse has been had to the exception of "flagrante delicto".

75. Furthermore, derogations from the rules of inviolability are prescribed for lesser offences (administrative fine offences in France).

76. Thus in Luxembourg inviolability does not prevent action from being taken against a parliamentarian for petty offences in respect of which the law does not prescribe pre-trial detention and which do not constitute dishonourable offences.

77. On the other hand, in such countries as Portugal petty offences are also covered by immunity although they are do not come under criminal procedure.

B. Lifting of parliamentary immunity

1. Procedure for lifting immunity

78. The lifting of parliamentary immunity with regard to inviolability is constituted by the chamber's permission to institute criminal proceedings or to keep the member under arrest or in detention.

79. The procedure is the same overall except in Germany where there is a procedure of prior consent to prosecution through the passing of a

general law when parliament first takes office.

80. Indeed, at the start of its term the Bundestag adopts a general decision authorising investigation of unlawful acts, excepting insults of a political nature. However, criminal proceedings subsequently require the consent of the Bundestag for each set of proceedings and each specific charge.

81. Elsewhere, procedure related to the lifting of immunity is usually contained in the parliamentary Rules of Procedure.

82. The proposal to lift immunity comes from the competent public authority (in most cases the public prosecutor), the injured party or the parliamentarian personally. Often the proposal is passed to the President of the Assembly through the Minister of Justice or even the Prime Minister.

83. It is then considered by an ad hoc or specialised parliamentary committee whose membership may vary in size and composition and whose function is to give an opinion after examining the member concerned.

84. The plenary chamber, after (or without) debate in closed (or public) session followed by a secret (or other) ballot, decides by simple (or qualified) majority whether or not to authorise the lifting of immunity (or to suspend any proceedings already instituted for the reasons discussed above).

85. Sometimes the chambers are required to deliberate within a prescribed time on the request to lift immunity. Parliament's abstention or silence on this score is variously interpreted; it often signifies suspension of proceedings and is therefore akin to a refusal.

2. Conditions attached to the lifting of immunity

86. These conditions are of an extremely varied nature. Most states concur in treating the decision to lift a member's parliamentary immunity as a purely political one.

87. This frequently implies that parliament holds discretionary power in the matter, as the only body capable of ruling on acts contrary to its sovereignty or independence.

88. In practice, a number of criteria have nonetheless been established, to guard against making the decision of the majority appear entirely arbitrary in turn.

89. Immunity must not sanction the impunity of members of parliament for offences committed by them, nor should it intentionally obstruct the course of justice and the proper functioning of democracy.

90. Parliament firstly carries out a strict scrutiny of the request as to its seriousness, sincerity and fairness, as well as timeliness (particularly when the parliament's term of office is drawing to a close) and procedural correctness.

91. Care is also taken to safeguard parliament's reputation, and public opinion is consulted in order to uphold the public order.

92. Requests for immunity to be lifted are nevertheless generally refused where there is cause to suspect the existence of *fumus persecutionis*, ie an intention to prosecute the parliamentarian unjustly and endanger his/her freedom and independence.

93. Likewise, when the reprehensible acts are of only minor gravity, parliament usually prefers not to grant lifting of immunity, deemed burdensome and unduly opprobrious.

94. In Albania and Belgium immunity is in any case not lifted without sufficient evidence that the member is the real culprit of the alleged crime.

95. In Bulgaria immunity is lifted when sufficient evidence of a serious crime has been obtained by the state prosecutor and then by the parliamentary ethics committee.

96. In Austria, immunity is lifted when the offence charged is manifestly unrelated to activities as a representative.

97. In Turkey, parliamentary decisions regarding the lifting of the immunity can be appealed to the Constitutional Court within one week by the member concerned or any other member, in which case the Constitutional Court makes a ruling within 15 days.

98. In all circumstances, at the stage when parliamentary immunity is lifted the presumption of innocence must be consistently respected, in order to avoid that the public believes the parliamentarian guilty, since according to the established case-law of the European Court of Human Rights this principle is binding not only on criminal courts but on all state authorities.

IV. Conclusion

99. **On balance, the system established to protect parliamentarians' freedom of expression is fairly uniform in the various countries considered. Except in cases of racist utterances by members, this particular aspect of immunity is not substantially debated or challenged.**

100. **Immunity in the form of inviolability, however, appears more complex and generates a wider variety of legal provisions.**

101. **The institution of immunity as such is not in fact a subject of passionate debate in most countries surveyed. It reappears as a topical issue on the occasion of proceedings against members, particularly for corruption.**

102. **Parliamentary immunity continues to be an institution which assures members of their independence from other powers and their freedom of action and expression, although the relationship between the characteristics of the various powers has evolved considerably in the parliamentary democracies. It also protects parliamentarians from possible abuses by the majority.**

103. **But while the necessary compliance with the principle of separation of powers and the expression of the common will render it expedient to lay down specific rules for the protection of parliamentarians, it would be inconsistent with the principles of parliamentary democracy to make members immune from punishment for offences committed. The immunity thus instituted must, of course, not be such as to obstruct the course of justice.**

104. **In actual fact, the extent of the protection provided largely depends on parliamentary practice but also on the role of public opinion and the development of attitudes. The role of the press, together with a certain ethical sense, accordingly have a decisive effect on the application of the parliamentary immunity system.**

105. **Finally, in certain countries a tendency to regulate in law the conditions for lifting parliamentary immunity can be observed, or else an effort to define fixed, objective criteria as far as possible. This trend is prompted by concern for stricter application of the principles of rule of law and by the demands of safeguarding fundamental freedoms.**

[1] *"Democratie continue" is a term coined by Dominique Rousseau, "Le Monde", 1 February 1996, p. 16*

[2] *The member Thomas Haxey, during the session of the English Parliament from 12 January to 12 February 1397, submitted a bill denouncing the conduct of the Court of Richard II. He was tried and condemned to death for treason but the sentence was not carried out thanks to a royal pardon granted because of the pressure brought to bear by the House of Commons.*

[3] *Hermann Butzer, Immunität im demokratischen Rechtsstaat, Berlin 1991, p. 75.*

[4] *Richard Wurbs, Regelungsprobleme der Immunität und der Indemnität in der parlamentarischen Praxis, Berlin 1987, p. 21.*

[5] *Case of Demicoli v. Malta, judgment of 27 August 1991.*