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Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly

Amendment¹ No. 3

In the draft resolution, after paragraph 13, insert the following paragraphs:

"The Assembly emphasises that the immunities provided for its members by the Council of Europe Statute and Articles 13, 14 and 15 of the General Agreement on Privileges and Immunities are inherently unconditional and irrevocable, as well as the fact that the aforementioned immunities extend to an Assembly member immediately on becoming a member of the Assembly and cover the whole period of his or her activity as a member of the respective national delegation to the Assembly. These immunities apply equally to both representatives and substitutes of the delegation.

The Assembly stresses that the arrest, detention and following prosecution, which was politically motivated (see Assembly Resolutions 2034(2015), 2063(2015), 2077(2015), 2087(2016), 2112(2016)) in respect of a member of Ukraine's delegation to the Assembly, Ms Nadiya Savchenko, is one of the most vivid examples of the breach of the immunity stipulated for an Assembly member, an infringement committed by a Council of Europe member State, notably Russia.

Taking into account the autonomous nature of the immunities of an Assembly member distinct from immunities provided to members of Parliament at national level, Russia was obliged to immediately provide for the free movement as well as for the release from arrest and prosecution of the member of the delegation of Ukraine, Ms Nadia Savchenko, the moment she became an Assembly member."

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