

Request for the waiver of the immunity of Jørn Dohrmann

2018/2277(IMM) - 26/03/2019 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Jørn DOHRMANN (ECR, DK).

As a reminder, the Viborg State Prosecutor has submitted a request for waiver of the immunity of Jørn Dohrmann, Member of the European Parliament elected for Denmark, in connection with offences within the meaning of Section 260(1)(1), Section 291(1), and Section 293(1), in conjunction with Section 21 of Denmark's Criminal Code. The proceedings relate to alleged unlawful coercion, malicious damage and attempted unlawful use of an object belonging to another person.

On 26 April 2017, outside his private residence in Vamdrup, Jørn Dohrmann snatched a camera from a cameraman who was filming his house from a distance of approximately 195 metres with the view to using the obtained footage in a TV documentary about certain Danish Members. Jørn Dohrmann threatened to smash the camera and damaged the said camera, including its microphone, screen and cable. He took possession of the camera and the memory card with the intention of making unauthorised use of it by inspecting the recorded footage, but he was ultimately prevented from doing so as the police retrieved the camera and the memory card.

The cameraman had been first charged with an offence under Section 264a of the Danish Criminal Code for having unlawfully photographed persons who were on private property. The State Prosecutor recommended that the charges be dropped considering the lack of the requisite element of intent needed to convict someone for a breach of Section 264a of the Danish Criminal Code.

South East Jutland Police pointed out that the company employing the journalist and owner of the camera had made a claim for compensation amounting to DKK 14 724.71 in connection with the case and that cases involving malicious damage, theft, appropriation and similar, where the penalty sought is a fine, must be settled in court proceedings if the injured party concerned has a claim to damages.

Initially, the State Prosecutor's Office recommended that a DKK 20 000 fine be set in the case against Jørn Dohrmann instead of a custodial sentence, with no formal charges being brought. Jørn Dohrmann denied the charges against him. According to the Director of Public Prosecutions, it would be then inconsistent to seek an out-of-court settlement via a fixed penalty notice

In support of its decision to waive parliamentary immunity, Parliament considered that the alleged actions do not relate to an opinion or vote expressed by the Member of the European Parliament in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union and that they therefore have no direct or obvious connection with the performance by Jørn Dohrmann of his duties as a Member of the European Parliament. Moreover, there is no evidence or reason to suspect the existence of *fumus persecutionis*.