Request for waver of the immunity of Elena Yoncheva

2019/2155(IMM) - 15/02/2022 - Text adopted by Parliament, single reading

The European Parliament decided by 418 votes to 264, with 11 abstentions, **not to waive the immunity** of Elena Yoncheva (S&D, BG).

As a reminder, the Prosecutor General of the Republic of Bulgaria has requested the lifting of Elena Yoncheva's immunity in connection with an investigation for an offence under Article 253(5) in conjunction with paragraph 1 of the Criminal Code (money laundering). The acts were allegedly committed between 2010 and 2018 at a time when Elena Yoncheva was working as a journalist and then as a member of the Bulgarian National Parliament.

Elena Yoncheva claims to be the victim of *fumus persecutionis*, i.e. 'concrete evidence' indicating that the legal proceedings in question were initiated with the intention of undermining her political activity, and in particular her activity as a Member of the European Parliament.

Parliament recalled:

- that Elena Yoncheva is a member of the LIBE Committee, where she regularly speaks out against the political authorities in her country; whereas she was also a member of the parliamentary delegation which went to Bulgaria on 23-24 September 2021 to monitor the situation regarding the rule of law in that country;

- that the pre-trial proceedings against her were only initiated on 31 August 2018, i.e. at a time when her political commitment was well known, yet the alleged infringement began in 2010, and whereas no convincing justification has been given for such a delay in taking action;

- the judicial proceedings in question were initiated after the case was brought to public attention by two members of parliament who are political opponents of Elena Yoncheva.

Elena Yoncheva denounced the failure to investigate high-level corruption in her country, and whereas she continues to denounce that failure as a Member of the European Parliament.

The Union of Bulgarian Journalists stated publicly in January 2019 that the prosecution of Elena Yoncheva was connected with her investigations and was an attempt to attack the freedom of expression of a political opponent.

Moreover, on 28 September 2021, the European Court of Human Rights declared admissible the case brought by Elena Yoncheva against Bulgaria in relation to this prosecution.

According to Parliament, the concordance and exceptional gravity of this concrete evidence raises a serious doubt that the intention may have been to undermine Elena Yoncheva's political activity, including her activity as a Member of the European Parliament, while the fact that the prosecution took place prior to the election is insufficient in this case to dispel such doubt.

Members therefore considered that this is a case can be presumed to be one of *fumus persecutionis.*

Therefore, following the recommendation of its Legal Affairs Committee, Parliament considered that the parliamentary immunity of Elena Yoncheva could not be waived.