

Request for the waiver of the immunity of Anna Júlia Donáth

2024/2002(IMM) - 11/04/2024 - Text adopted by Parliament, single reading

The European Parliament adopted a decision not to waive the immunity of Anna Júlia Donáth (Renew, HU).

On 19 December 2023, the Prosecutor General of Hungary submitted a request for waiver of the immunity of Anna Júlia Donáth, Member of the European Parliament elected in Hungary, in connection with criminal proceedings which the Regional Prosecutor's Office in Budapest intends to initiate against Anna Júlia Donáth for alleged violation of the Hungarian Criminal Code for events which occurred on 21 February 2022 during a search in the context of other criminal proceedings concerning a third person.

On 21 February 2022, during a search of premises belonging to a well-known Hungarian religious figure, in the context of criminal proceedings in connection with an alleged budget fraud offence which that figure was alleged to have committed, Anna Júlia Donáth, together with three Members of the Hungarian national parliament and others, visited the premises where the search was taking place. According to the request for waiver of immunity, an altercation occurred with the customs police responsible for protecting the premises where the search was taking place.

The members of the crowd involved in that altercation, including Anna Júlia Donáth and the three Members of the Hungarian national parliament, apparently only stopped when police officers, who had been called because the search was being obstructed, arrived at the scene.

Anna Júlia Donáth was elected to the European Parliament at the European elections in 2019.

Pursuant to Hungarian Criminal Code, anyone who forcibly prevents a person holding public authority from exercising their lawful duties is committing a crime. Anna Júlia Donáth was interviewed as a suspect during the subsequent investigation and a criminal case was initiated against her.

Parliament stated that the alleged offence does not concern opinions expressed or votes cast in the performance of Anna Júlia Donáth's duties as a Member of the European Parliament.

The alleged offence attributed to Anna Júlia Donáth was allegedly committed on 21 February 2022, while the request for waiver of immunity is dated 19 December 2023. The request was therefore not made until almost two years after the events in question and in the run-up to the 2024 European elections. It appears that of the Members of Parliament present on the premises and implicated in the alleged events, only two, including Anna Júlia Donáth, have been subject to national proceedings.

Parliament stated that the concordance of this concrete evidence raises a serious doubt that the intention may have been to undermine Anna Júlia Donáth's political activity, and in particular her activity as a Member of the European Parliament.

Therefore, in this case, it would appear that *fumus persecutionis* can be assumed, i.e. there is 'concrete evidence' that the intention underlying the legal proceedings in question is to undermine the political activity of the Member concerned by the request for waiver of immunity, including her activity as a Member of the European Parliament standing as a candidate in the 2024 European elections as head of list of her political party.

Against this background and in line with the recommendation of its Legal Affairs Committee, the European Parliament has decided not to waive the immunity Anna Júlia Donáth.