

To:

President of the Republic of Lithuania

Speaker, Political Groups and Members of the Seimas of the Republic of Lithuania

Lithuanian Centre for Human Rights

Union of Human Rights Observers of Lithuania

Organisation for the Protection of Human Rights and Social Guarantees of Lithuania

Human Rights Monitoring Institute

Lithuanian Helsinki Group

Lithuanian Association for Protection of Human Rights

Lithuanian Human Rights Association

European Foundation for Human Rights

Non-Governmental Organizations' Information and Support Centre

Citizens' Protection and Support Foundation

Non-party Democratic Movement

Association United Democratic Movement

**Members of the Public Commission convened by the Group of Members of the Seimas
*for Justice***

Lithuanian media

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Foreign embassies in the Republic of Lithuania

European Association for the Defence of Human Rights

Amnesty International

Human Rights Watch

Human Rights Campaign

APPEAL

8 January 2013

In 2013, the Prosecutor General's Office of the Republic of Lithuania applied to the Seimas of the Republic of Lithuania requesting the permission to prosecute Mrs Neringa Venckienė, Member of the Seimas, Chair of the Way of Courage Political Group.

The Prosecutor General's Office claims that it has collected enough evidence proving that on 17 November 2010, Neringa Venckienė in public offensively degraded the court administering justice. Also, she allegedly did not enforce the Ruling of 16 December 2011 made by the District Court of Kėdainiai Region concerning the urgent transfer of the girl in custody to her mother Laima Stankūnaitė. The Member of the Seimas is suspected of preventing the bailiff from administering the ruling of the court on 17 May 2012, of causing psychological frustration to the child, and of using physical violence against a policeman.

Nevertheless, the Way of Courage Political Group believes that legal measures are used selectively against Venckienė for her numerous critical remarks on the Lithuanian judicial system and the work of law enforcement institutions.

The Prosecutor General's Office claims that Mrs Venckienė in public insulted and degraded the court administering justice.

However, the aforementioned institution cannot be degraded more than it is already degraded by its officials.

According to the Judicial Council, over ten judges have been dismissed in two and a half years' time under the decrees of the President of the Republic of Lithuania for damaging the reputation of the judge. The following judges have been dismissed under the decree of the President of the Republic of Lithuania: Mr Giedrius Braziulis, Judge of Vilnius Regional Court, Ms Anželika Šimaitienė, Judge of the Third District Court of Vilnius City, Mr Almantas Lisauskas, Judge of the District Court of Kaunas City, Ms Vilija Pilitauskienė, Judge of the District Court of Šiauliai City, Ms Daiva Mekšraitienė, Judge of the District Court of Kaunas City, Mr Ryšardas Skirtunas, Judge of the District Court of Vilnius Region, Mr Zenonas Birštonas, Judge of the District Court of Vilnius Region, Ms Vaiva Savickienė and Mr R Savickas, Judges of Panevėžys Regional Court, Mr Romualdas Lincevičius, Judge of Kaunas Regional Court, and Mr Vytautas Butvilas, Judge of the District Court of Radviliškis Region. Furthermore, some judges have been dismissed for offences and for damaging the reputation of the judge at their own request under the decree of the President. They are as follows: Mr Kęstutis Gudynas, Deputy Chairman of the Kaunas Regional

Administrative Court, Mr Rimantas Bučma, Ms Valdonė Račiūnaitė and Mr Gerutis Varanauskas, Judges of the District Court of Kaunas City.

The reputation of the judiciary is also discredited by the criminal case against the criminal gang in Alytus led by the sons of Ms Regina Agrba, Judge of the District Court of Kaunas City.

Despite the fact that the majority of the judges dismissed under the presidential decree have been accused of bribery, drinking, corruption, falsification of documents and other crimes, neither the Prosecutor General's Office nor the Judicial Council have accused those judges for damaging the reputation of the judiciary. Neringa Venckienė, who expressed her critical opinion on former and current discredited judges in public, has been accused of the criminal offence of damaging the reputation of the courts. This only proves that the Prosecutor General's Office and the judicial self-governing bodies do not consider it important to enforce the guarantees enshrined in the Constitution of the Republic of Lithuania stating that every person shall be equal before the law, the court, and other national institutions and officials (Article 29) and shall have the right to have his own convictions and freely express them (Article 25).

The Prosecutor General's Office claims that Mrs Venckienė, MP, is suspected of preventing the bailiff from executing the ruling of the court on 17 May 2012, of causing psychological frustration to the child, and of using physical violence against a policeman.

However, members of the Public Commission convened by the Group of Members of the Seimas *for Justice* made an independent investigation into the circumstances of enforcement on 17 May 2012 of the Ruling of the District Court of Kėdainiai Region on the transfer of the underage girl to her mother. The Commission investigated the oral and written witness reports, the abundant video and audio materials and the procedure of enforcement of the 16 December 2011 Ruling of the District Court of Kėdainiai Region. The Commission established that the enforcement of the Court Ruling of 16 December 2011 violated the constitutional provisions under Articles 3, 20, 21, 22, 23, 24, 25, 29, 33, 36 and 114 of the Constitution of the Republic of Lithuania. Based on the Commission Conclusions, the national authorities and law enforcement institutions acted in gross violation of Articles 12

and 19 of the UN Convention on the Rights of the Child and associated national legislation as well as in breach of the judgement of the District Court of Kėdainiai Region, whose extended interpretation of the provisions of Article 114 of the Constitution made on 22 March 2012 represented a gross violation of the Constitution. The Commission discovered that the police officials who enforced the Ruling of the District Court of Kėdainiai Region on the transfer of the underage girl to her mother on 17 May 2012 exceeded their authority, failed to adhere to Article 47 of the Law on Courts of the Republic of Lithuania and acted in gross violation of Articles 4.2, 5.1, 21.1, 21.3, 23.1, 23.5, 23.8, and 24 of the Law on Police Activities.

Several months ago, the Commission findings were forwarded to the President of the Republic of Lithuania, who, upon receipt thereof, forwarded the documents to the Prosecutor General's Office. The latter has so far failed to provide the Seimas of the Republic of Lithuania and the society with any conclusions.

Notably, the Prosecutor General's Office prevents the Members of the Seimas and society from access to the 17 May 2012 video and audio recordings of the enforcement of the Ruling of 16 December 2011 of the District Court of Kėdainiai Region by the law enforcement officers and the bailiff. Therefore, we firmly believe that the court hearing on the case cannot be objective because the prosecutor (the Prosecutor General's Office) is trying to conceal the key evidence on the unconstitutional actions of the law enforcement institutions and officials. The absence of the key evidence of the incriminated crime at the hearing on the case would contradict the principle of judicial impartiality and confirm that the constitutional provisions of the Republic of Lithuania on equality of all citizens before the law and the right to a fair and impartial trial are not applicable to Mrs Venckienė and many other citizens (witnesses).

Please note that the continuous attacks against Mrs Venckienė by law enforcement institutions and officials, her persecution in courts and selective justice confirm the widespread public opinion that Venckienė is being persecuted because of her political beliefs and public criticism of the national government, even though the Constitution of the Republic of Lithuania grants all citizens with the right to criticise the activities of the national institutions and officials. Persecution of citizens for criticism is prohibited (Article 33).

The Seimas will soon have to make a decision on lifting the parliamentary immunity of Mrs Venckienė. The Seimas is not charged to perform the functions of the court. However, in order to adopt the decision to lift Mrs Venckienė's parliamentary immunity, Members of the Seimas need at least a minimum of information on both the motives of the prosecutor (the

Prosecutor General's Office), and the arguments of Venckienė that will either deny or corroborate the foundation for the appeal of the Prosecutor General's Office. The Seimas has the right and the obligation to demand for access to information, namely, the video recording concealed from society and the Members of the Seimas and confirming the Public Commission Conclusions on the unconstitutional activities and violence perpetrated by the law enforcement officials on 17 May 2012 in Garliava.

In view of the fact that injustice may not lead to justice and with a view to protecting the constitutional rights of Mrs. Venckienė and citizens of Lithuania, we request you to:

1. demand, influence, mediate, or call on the Prosecutor General's Office to submit to the Members of the Seimas the video recording made by the police on the circumstances of enforcement on 17 May 2012 of the Ruling of the District Court of Kėdainiai Region on the transfer of the underage girl to her mother;
2. demand and urge the Prosecutor General's Office to provide the Members of the Seimas with an answer to the Public Commission Conclusions on the violations by the law enforcement authorities and national institutions of Articles 3, 20, 21, 22, 23, 24, 25, 29, 33, 36 and 114 of the Constitution of the Republic of Lithuania, Articles 12 and 19 of the UN Convention on the Rights of the Child and associated national legislation, Article 47 of the Law on Courts and Articles 4, 5, 23 and 24 of the Law on Police Activities.

Members of the Way of Courage Political Group in the Seimas of the Republic of Lithuania:

Neringa Venckienė

Povilas Gyls

Vytautas Antanas Matulevičius

Algirdas Vaclovas Patackas

Aurelija Stancikienė

Jonas Varkala

Valdas Vasiliauskas

LR Seimo „Drąsos kelio“ frakcijos nariai:

Neringa Venckienė

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