

Broadcast (Public commission's conclusions on the investigation into the act of violence in Garliava) "Disrupted"

The Commission having evaluated over 50 oral and written testimonies, as well as a wealth of video and audio material, states that in implementing the decision of the Kedainiai District Court of the 16th of December, 2011 that violence was used against the constitutional order of the Republic of Lithuania.

On the 21st of June a press conference was held in the Parliament by the Public Commission "investigating and legally evaluating the Garliava events".

At the start of the translation, whilst member of Parliament Aurelija Stancikienė was giving an introductory speech the video broadcast was "disrupted", you could just hear the sound:

And then just a few moments later, when the Chairman of the Commission Saulius Arlauskas was giving his introductory speech and was getting ready to read the principle findings of the Commission „suddenly“ the sound disappeared. Here you can become better acquainted with the audio track of the direct broadcast from the Parliament.

We remind you that the Public Commission headed by Mykolas Romeris University Philosophy of Law Professor S. Arlauskas consists of lawyers and human rights advocates, the authors of the Constitution of the Republic of Lithuania: - signatory of the March 11th Act, former Vice President of the Restoration Parliament, criminal lawyer Kazimieras Motieka; former member of the Restoration Parliament, attorney Zita Šličytė (Vice-Chairperson of the Commission); Former General Prosecutor's Office investigator of particularly important cases, former Ombudsmen for the Parliament Kęstutis Milkeraitis; former Parliamentary Ombudsmen, signatory of the March 11th Act, lawyer Liudvikas Narcizas Rasimas; Lithuanian Human Rights Association Chairman Vytautas Budnikas; Lithuanian Human Rights Protection Association Chairman Romualdas Povilaitis.

It is also worth mentioning that the Parliamentary Assembly of Elders has delegated the Parliamentary Social Security and Labor Committee to investigate the circumstances of the girl's handing over in Garliava. Such a decision was made as an alternative when the Parliament opposed the suggestion to establish a special Parliamentary Commission to investigate the events in Garliava. The Social Security and Labor Committee met, behind closed doors, on the 31st of May to discuss the Garliava events, but the Committee's work was stalled when it became apparent that the officials invited to comment on the handing over of the girl in Garliava cannot say anything because of the on-going pre-trial investigation.

The Commission's conclusions state that the members of the public commission have sufficient data to state that in implementing the court decision to handover the girl, a minor, to her mother that the people's right to free movement was unjustifiably violated, people were unduly harmed, their dignity humiliated and other minor offences committed.

S. Arlauskas, Chairman of the Commission noted that "Judge N. Venckienė's freedom was restricted without the permission of the Parliament".

According to the Professor the violation of the Constitution on the 17th of May in Garliava was "organized".

"Actions were prepared in advance and many government officials from various State and municipal authorities were included in these illegal acts. Furthermore, discussions took place in advance as to how to conceal the traces of violence: without a court sanction the video cameras installed in the house were turned away, people who could testify to the use of violence were removed from the premises", spoke the Chairman of the Public Commission.

All of the Commission's conclusions can be found here:

Madame, President of the Republic of Lithuania, Dalia Grybauskaitė
Speaker of the Parliament of the Republic of Lithuania, Irena Degutiene
Members of the Parliament of the Republic of Lithuania
Lithuanian citizens

Vilnius, 21st of June, 2012

Public Commission to investigate the act of violence used on the 17th of May, 2012 in Garliava

PRINCIPLE CONCLUSIONS

Concerned about ensuring the protection of human rights in Lithuania, as well as ensuring the maintenance of constitutional order in the State of Lithuania, feeling our professional and civic duty to intervene, when in the background of the events of Garliava the Parliament of the Republic of Lithuania addresses the question of whether our State institutions are capable of ensuring the protection of constitutional values, members of the Public Commission present these conclusions on the events in Garliava:

The Commission having evaluated over 50 oral and written testimonies, as well as a wealth of video and audio material, states that that violence was used against the constitutional order of the Republic of Lithuania in implementing the decision of the Kedainiai District Court of the 16th of December, 2011.

The Kedainiai District Court ruling of the 22.03.2012 to handover the girl to her biological mother without the use of violence/force was implemented on the 17.05.2012 using violence and force not only against the girl, but also against her guardian Judge Neringa Venckiene who has immunity, as well as against citizens.

This means that in implementing the court decision, on behalf of the State. using force, the following Articles 3, 20, 21, 22, 23, 25, 29, 33, 36 and 11 of the Constitution of the Republic of Lithuania were violated. In addition, there were serious breaches of the United Nations

Convention on the Rights of the Child Articles 12, 19 and 34 and its provisions supported by national legal acts (Republic of Lithuania Civil Code Article 3.164, Republic of Lithuania Civil Process Code Article 764 and so on).

The Commission has sufficient data to state that in implementing the court decision that the people's right to free movement was unjustifiably violated, people were unduly harmed, their dignity humiliated, they were subjected to cruel treatment, people's personal property rights were violated, public dissemination of misinformation took place, there was failure to comply with the provision that all persons are equal before officials, in addition, without the consent of the Parliament Judge Neringa Venckienė's freedom was restricted, furthermore a clear disrespect of the Lithuanian flag was displayed.

The Commission drew attention to the fact that the use of such force and the violation of the Constitution in the State's name were implemented in an organized manner, actions were prepared in advance and many government officials from various State and municipal authorities were included in these illegal acts. Furthermore, discussions took place in advance as to how to conceal the traces of violence; without a court sanction the video cameras installed in the house were turned away, people who could testify to the use of violence were removed from the premises; protective shields were prepared and so on. Taking all of this into account, the Commission is of the opinion, that every participant of this act of violence – from the organizers to the implementers – actions should be assessed from the point of view of the Criminal Code and Civil Code and other legislative acts.

The Commission also ascertained that such an unlawful act of violence on behalf of the State is in part due to the decision of the Kedainiai District Court Judge Vitalijus Kondratjevo, which does not conform to the principles of justice and reasonableness; it was not waited for the most important in this entire story the outcomes of the pedophile case, it was failed to comply with the UN Convention on the Rights of the Child Article 12 requirements whereby it is essential to take into account the child's opinion and wishes. The child cannot be quickly wrenched away from the environment in which she was born and grew, separated from her grandparents, relatives and close friends, as this is contrary to the principles of humanity.

In the opinion of the Commission this sexual abuse against a young child case is further complicated by the fact that since 2007 the Parliament of the Republic of Lithuania, for hard to understand reasons, delayed ratification of the Council of Europe Convention on "The Protection of Children from Sexual Exploitation and Sexual Abuse."

The Commission drew attention to the fact that up until now the independent Parliamentary Ombudsmen and the Children's Rights Protection Ombudsman have not reacted to the gross violations of human rights in Garliava. It is not publicly known that the Parliamentary Ombudsman and Children's Rights Ombudsman would have started their own investigations, as this year on the 17th of May in Garliava not only were a minor, a young girl, but also Neringa Venckienė's son were the subject of psychological abuse.

Also, in the three month period since the 23rd of March 2012 the violence against the young child, Judge Neringa Venckienė's ward, has not been investigated regardless of the fact that the Republic of Lithuania Code of Criminal Procedure Article 2 obliges the prosecutor and the

investigating agencies in the shortest time possible time to investigate and uncover a criminal offense.

The Commission notes that it is not possible to objectively evaluate the question of Judge Neringa Venckiene's immunity for the following reasons and circumstances:

The illegal actions of officials and other persons cannot lead to legal consequences.

Without examining the circumstances of the use of violence against a minor girl on the 23rd of March and 17th of May this year, the allegations against Judge N. Venckiene can be one-sided.

We cannot evaluate Judge N. Venckienė's actions, without firstly evaluating the infringements on the Constitution of the Republic of Lithuania Article 114 by the officers and the people who used violence against the girl **"A judge cannot be prosecuted, arrested, his freedom cannot be in any other way restricted without the consent of the Parliament, in the event that it is between sessions without the consent of the President of the Republic"** and taking into account the Republic of Lithuania Law on Courts, Article 47, paragraph 2 **"It is prohibited to enter into the living space or office facilities of a Judge, to undertake there or in the personal or official work car of the Judge, or any other personal transport vehicle an inspection, search or seizure, furthermore to inspect or search the Judge personally or search, inspect or seize his/her belongings and documents, except for those cases prescribed by law."**

On the 17th of May this year Judge's N. Venckiene's immunity was not repealed and was still effective regardless of her location.

It is not possible to blame the child's guardian N. Venckienė because the Kedainiai District Court decision was not implemented; the girl herself expressed a clear intention to remain with her guardian. Under these circumstances the guardian did not have a moral or a legal responsibility to handover the girl by force to the mother. We note that there are no facts to show that N. Venckienė abused her responsibilities as a guardian. We cannot blame Judge, N. Venckienė for her words of sincere criticism against the real evils of the judicial system.

The Commission notes that the current persecution of Judge, N. Venckienė, not only causes material harm to her, but also oppresses her personality psychologically, damages the country's legal system and demoralizes society. The Commission is surprised that up until now the Interim Commission of the Parliament has not been given all the (footage of the child being taken) data demonstrating Judge, N. Venckienė's potential culpability. Is this not a way of covering up breaches of the constitutional order?

The Commission finds that following the implementation of the Kedainiai District Court decision that the young child who is a witness and a victim in the criminal case, has been handed over to the biological mother, against whom, adhering to the set order, she gave evidence. The current total isolation of the girl after the forced handover to her biological mother creates all the conditions for the girl's psychological oppression and the possibility to impact on her with the aim to potentially change her evidence.

Members of the Public Commission express hope that at this critical moment, when the Parliament of the Republic of Lithuania addresses the question of revoking Judge Neringa Venckienė's legal immunity and when it is very important to protect the Lithuanian legal system and constitutional order, that the members of the Lithuanian Parliament will be very careful in their evaluation and will not adopt legally unfounded irresponsible decisions.

Chairman, Commission Dr. Saulius Arlauskas
Professor Mykolas Romeris University

Deputy Chairman, Commission Dr. Zita Šličytė
Member of the group responsible for the development of the Constitution of the Republic of Lithuania, Deputy of the Restoration Parliament, lawyer

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Vytautas Budnikas
Chairman, Lithuanian Human Rights Association

Kęstutis Milkeraitis
Former General Prosecutor's Office Former General Prosecutor's Office investigator of particularly important cases, former Ombudsmen for the Parliament

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