



EUROPEAN ASSOCIATION OF JUDGES

STATEMENT

on the

PURPORTED PROSECUTION OF LITHUANIAN JUDGES

by

RUSSIAN AUTHORITIES

1. At its meeting in Taipei on 17 September 2023 the European Association of Judges (EAJ) noted with concern the current situation regarding the purported prosecution by the Russian authorities of certain Lithuanian judges.

Background

2. On 11 March 1990 the Lithuanian Parliament (Aukščiausioji Taryba) proclaimed the re-establishment of the country's independence from the former USSR. However, the Soviet leaders refused to recognize Lithuania's independence and declined to withdraw the Soviet troops stationed in Lithuania. On 13 January 1991 those troops moved to occupy the TV tower in Vilnius, seeking to re-establish political control over the public broadcaster. In doing so they faced crowds of thousands of unarmed citizens who gathered on the streets to defend the newly re-established independence of Lithuania. The Soviet troops deployed in storming the TV Tower killed 14 civilians and injured another 800 civilians.

3. The Lithuanian prosecuting authorities later decided to investigate the events of 13 January 1991. In carrying out their pre-trial investigations the Lithuanian authorities actively requested the competent Russian authorities to provide them with assistance, but the Russian authorities declined to do so. Having concluded that, notwithstanding that lack of co-operation, there were sufficient grounds for proceeding, charges were brought in the Vilnius Regional Court against Dmitry Yazov, former Defence Minister of the Soviet Union, Vladimir Uskhovich, the Soviet army's former Vilnius garrison commander, Mikhail Golovatov, former commander of the KGB's special forces and 64 other former officials of the Soviet Union alleging their participation in crimes against humanity and war crimes during the events which took place in Vilnius on 13 January 1991. On 27 March 2019 the Vilnius Regional Court gave its judgment finding all the accused guilty of various crimes against humanity or war crimes.

Russian actions

4. On 10 April 2019 it was made known that the Russian Federal Investigation Committee had begun an investigation against the four Lithuanian judges who had delivered the judgment of the Vilnius Regional Court of 27 March 2019. Thereafter on 14 December 2020 the same Committee announced that charges had been brought against those judges under Part 2 Art. 305 of the Criminal Code of Russian Federation on the ground of making an obviously erroneous decision and that necessary actions for an international search of the accused persons would be

undertaken. On 17 August 2023 the Basmanyj District Court in Moscow granted an *ex parte* judgment authorising the arrest of three of the Lithuanian judges who heard the case regarding the events which took place on 13 January 1991 in Vilnius in which they delivered their judgment on 27 March 2019.

Assessment

5. The EAJ points firstly to the need for judicial independence to be guaranteed in respect of all judicial activities - which entails that any judge be immune from criminal and civil liability in respect of judicial decisions, even if the decision is wrong in law or in fact.¹ Prosecuting a judge on the ground that a decision or judgment which he has delivered is not correct is a manifest interference with the principle of the independence of the judiciary.

6. The actions of the Russian Federation authorities in seeking to prosecute the Lithuanian judges on the grounds of their having reached an incorrect decision are thus contrary to fundamental principles of judicial independence.

7. Moreover, those actions are further repugnant and intolerable in that they seek to persecute judges in another independent state for the performance of their constitutional duties under the law of that independent state and thereby seek to undermine the independence of the judiciary and the rule of law in that state.

8. The EAJ therefore –

Condemns

the actions of the Russian authorities in unlawfully seeking to prosecute the Lithuanian judges of the Vilnius Regional Court who heard and delivered judgment in the case in question,

Finds

that the attempted deployment and misuse of international law enforcement instruments to impose pressure on other states and their judiciaries is not only an evident interference with the constitutional order of a sovereign state but a political measure beyond the scope of criminal law, and

Expects

that any Russian requests for assistance in any investigation and enforcement measures in the cases in question will immediately be rejected by Interpol and other law enforcement authorities as a clear infringement of Article 3 of the Constitution of Interpol and other principles of International Law.

¹ CCJE Magna Carta of Judges, principle 4.