

ASSOCIATION OF JUDGES OF THE REPUBLIC OF LITHUANIA

To the European Association of Judges

CONCERNING THE ACTIONS OF RUSSIAN FEDERATION TOWARDS THE JUDGES OF THE REPUBLIC OF LITHUANIA

On March 27th, 2019 Vilnius regional court announced the sentence in the criminal case and found Dmitry Yazov, former Defence Minister of the Soviet Union, Vladimir Uskhopchik, the Soviet army's former Vilnius garrison commander, Mikhail Golovатов, former commander of the KGB's special forces and other 64 former officials of the Soviet Union guilty for committing crimes against humanity and war crimes during the events which took place in Vilnius on January 13th, 1991¹.

As early as April 10th, 2019 first notifications containing information that Russian Federal Investigation Committee initiated investigation against Lithuanian judges who have passed the mentioned decision appeared. On December 14th, 2020 the Russian Federal Investigation Committee once again announced that investigation concerning the obviously wrong sentence is continued, the judges of Vilnius regional court who have passed the sentence were submitted charges under Part 2 Art. 305 of the Criminal Code of Russian Federation and necessary actions concerning the international search of the accused persons are taken. Moreover, on August 28, 2023 it was announced that on August 17th, 2023 Basmanyj local court in Moscow passed the default decision to arrest three Lithuanian judges who have announced the sentence in the case concerning January 13th, 1991 events in Vilnius – Ainora Macevičienė, Virginija Pakalnytė-Tamošiūnaitė and Artūras Šumskas.

The actions of the Russian Federation, illegally persecuting the judges of the Republic of Lithuania, are real, active and lasting for many years. The ongoing persecution is aimed to intimidate, make influence on the courts of the Republic of Lithuania, officials and the state itself. Such persecution imposes a threat to national security, as its essential objects – the constitutional order, human and citizen's rights and freedoms, personal security are encroached.

¹ Lithuanian Parliament (Aukščiausioji Taryba) proclaimed re-establishment of independence from the former USSR on 11 March 1990. However, Soviet leaders insisted that the Act of Independence was illegal and Soviet troops remained stationed in Lithuania (only on 6 September 1991, following the unsuccessful coup attempt the USSR formally recognized the independence of Lithuania). On 13 January 1991, the Soviet moved to occupy the TV tower in Vilnius. They sought to re-establish political control over public broadcaster, but faced crowds of thousands of barehanded people, who gathered on the streets to defend the newly re-established Lithuanian independence. 14 civilians were killed and more than 800 wounded by the Soviet troops storming the TV Tower. In carrying out the pre-trial investigation for the so-called "13 January case", the Lithuanian authorities actively requested that the competent Russian authorities to provide legal assistance, but the Russian Federation did not cooperate.

Assumptions to persecute the judges of an independent state for the performance of their constitutional duties cannot be tolerated and justified. The generally recognized guarantees of the independence of a judge prohibit any interference with the justice administered by the court, to make influence on the court's decision, as well as to persecute the judge because of the decision he has made.

It is obvious that such behaviour of the regime that is governing Russia is a purposeful and systematic attempt not only to intimidate judges of Lithuania but also the international community, in order to avoid legal responsibility for war crimes and crimes against humanity committed by Russia.

According to the circumstances mentioned above we appeal the European Association of Judges, asking to assess the latest information and to adopt the statement respecting Russia's persecution of Lithuanian judges who heard the January 13 case.

EUROPEAN ASSOCIATION OF JUDGES
STATEMENT ON THE ILLEGAL PERSECUTION OF THE LITHUANIAN JUDGES
COMMITTED BY THE RUSSIAN AUTHORITIES

Taipei, 17 September 2023

1. At its meeting in Taipei on 17 September 2023 the European Association of Judges (EAJ) noted with concern the current situation regarding the persecution of the Lithuanian judges performed by the Russian authorities.
2. The EAJ was informed that on March 27th, 2019 Vilnius regional court announced the sentence in the criminal case and found 67 former officials of the Soviet Union guilty for committing crimes against humanity and war crimes that took place on January 13th, 1991 in Vilnius. As early as April 10th, 2019 first notifications containing information that Russian Federal Investigation Committee initiated investigation against four Lithuanian judges who have passed the mentioned decision appeared.
3. The EAJ was as well informed that on December 14th, 2020 the Russian Federal Investigation Committee announced that judges of Vilnius regional court who have passed the sentence in the January 13th, 1991 events in Vilnius case were submitted charges under Part 2 Art. 305 (i. e., making of the obviously wrong decision) of the Criminal Code of Russian Federation and necessary actions concerning the international search of the accused persons are undertaken. On August 17th, 2023 Basmanyj local court in Moscow passed the default decision to arrest three Lithuanian judges who have heard the January 13th, 1991 events in Vilnius case.
3. The EAJ points out that judicial independence shall be guaranteed in respect of judicial activities and as well in particular in respect of judicial immunity.² Generally recognized guarantees of the independent judiciary prohibit any interference with the justice administered by the court, to make influence on the court's decision, as well as to persecute the judge because of the decision he has made.
4. The EAJ is convinced that assumptions of the Russian Federation authorities to persecute the judges of an independent state for the performance of their constitutional duties roughly violates the essential principles of the independent judiciary and the rule of law and thus cannot be tolerated and justified by any means.
5. The EAJ therefore urges the Russian government authorities to terminate speedily the illegal persecution of the Lithuanian judges who have heard the January 13th, 1991 events in Vilnius case and to stop rough violations of judicial independence and rule of law principles.
6. The EAJ therefore calls on the Member States, the Commission for the Control of Interpol's Files (CCF) to treat the criminal prosecution carried on by the Russian Federation against the Lithuanian judges involved in the January 13th, 1991 events in Vilnius case as politically motivated

² CCJE *Magna Carta of Judges*, principle 4.

and to refrain any requests for legal assistance or personal data transferring that are received from the Russian Federation in connection with it.