

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

PC.DEL/308/20
12 March 2020

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1262nd MEETING OF THE OSCE PERMANENT COUNCIL**

12 March 2020

On human rights violations in Lithuania

Mr. Chairperson,

The Lithuanian authorities are continuing to purge the country's public and political space of divergent opinions. To that end, a spy scare accompanied by anti-Russian and anti-Soviet hysteria is being whipped up, at the expense of basic human rights and freedom of speech.

On 3 March, almost 18 months after the arrest, on a clearly trumped-up charge, of Algirdas Paleckis, an opposition politician, journalist and former leader of the Lithuanian Socialist People's Front, the Prosecutor General's Office of Lithuania has finally announced that it has completed the pre-trial investigation and brought his case to trial. The investigators are convinced that the suspect collaborated with the "Russian intelligence services" as part of an alleged organized group, "possibly gathering information of interest to them", and that he was also looking for people who could provide "false information on the state of health of Yuri Mel, a Russian citizen sentenced in connection with the '13 January [1991] incidents'".

By the way, there can be no doubt about the severity of the illness (diabetes mellitus) afflicting Mr. Mel, who was unjustly sentenced to seven years' imprisonment by the Lithuanian judiciary. This raises the question as to what kind of "false" information about Mr. Mel's state of health Mr. Paleckis was seeking to spread – not to mention the paranoid accusations levelled against the latter that he was collaborating with a foreign intelligence agency.

There are other alarming facts, too. The Klaipėda Regional Prosecutor's Office recently began investigating a new case of suspected espionage. Specifically, Ella Andreeva, a member of the Klaipėda city council, was subjected to a search of her home and to interrogation. She had succeeded the head of the local branch of the Union of Russians of Lithuania, Vyacheslav Titov, as a member of the city council after the latter was stripped of his mandate last year for publicly calling into question the appropriateness of glorifying Adolfas Ramanauskas-Vanagas, one of the leaders of the Forest Brothers. We would remind you that this "Brother" is more widely known for his bloody crimes and collaboration with the Nazis during the Second World War.

A further arrest on espionage charges was that of Alexey Greychus, an activist from Lithuania's Russian-speaking community. Once again, no real evidence proving the accused's guilt was presented, which merely serves to confirm that this, too, is most likely a fabricated case with a political background.

It is in the same vein that one should consider the inquiry launched by the Seimas (the Lithuanian parliament) concerning one of its members, Irina Rozova. She is accused of "risky contacts with Russian diplomats" – contacts that she had allegedly concealed. It seems that people in the Lithuanian parliament do not know that the basic functions of a diplomat – whether from Russia, the United States of America or any other country – consist, *inter alia*, in "negotiating with the Government of the receiving State", as laid down in Article 3 of the Vienna Convention on Diplomatic Relations (1961). The Seimas itself has a Group for Interparliamentary Relations with the Russian Federation. Should we, then, expect inquiries to be launched concerning the Group's other members in addition to Ms. Rozova?

The criminal proceedings instituted against Giedrius Grabauskas, chairperson of the Lithuanian Socialist People's Front, have evidently also been "commissioned" for political reasons. He stands accused of "incitement to hatred" and "denying Soviet aggression". These charges are based on an interview given by the activist to Russian television, in which he condemned the Forest Brothers. The prosecution service recently demanded that he undergo a forensic examination. It would appear that the Lithuanian authorities, despite constantly criticizing their country's Soviet past, are adopting that period's most infamous practices for combating dissidents.

Russian-speaking participants in the anti-fascist movement are being persecuted. Thus, searches have recently been conducted in Vilnius and Kaunas targeting, respectively, Tatyana Afanasyeva-Kolomiets, the Immortal Regiment's co-ordinator in the Lithuanian capital, and Roman Stavsky, a member of the Lithuanian Socialist People's Front. The local authorities are keeping a close watch on the Russian historian Valery Ivanov, who resides in Lithuania. Bearing in mind that the 75th anniversary of the end of the Second World War is fast approaching, all these actions look like an attempt to intimidate activists and force them to abandon their efforts to preserve the historical memory of those terrible events.

We once again exhort, on the one hand, the Lithuanian authorities to cease trampling upon political and civil liberties and to release all political prisoners, and, on the other, the Lithuanian Government's partners in the European Union as well as the OSCE's relevant executive structures to stop ignoring the blatant violations of basic rights and freedoms that are taking place in Lithuania.

On criminal proceedings related to the events in Vilnius in 1991

In March 2019, the judges of Vilnius district court pronounced a deliberately unjust verdict against the defendants in proceedings connected with the alleged incidents of January 1991; those defendants were Dmitry Yazov, Mikhail Golovatov, Vladislav Shved, Yuri Mel, Gennady Ivanov and other Russian citizens. Convicted of crimes against humanity and war crimes, they were sentenced to terms of imprisonment ranging from 4 to 14 years.

The actions undertaken by the officials of the Prosecutor General's Office and the district court are illegal, since the events in Vilnius in January 1991 took place at a time when Lithuania was still a constituent republic of the USSR. It was not yet an independent country recognized by the international community. We would remind you that the State Council of the USSR recognized Lithuania's independence on 6 September 1991. The actions by the Soviet military to end the riots in Vilnius were therefore lawful. They were performing their duty in accordance with the legislation in force at the time.

The Lithuanian judges, moreover, chose not to take into account the shooting of civilians that had taken place from the rooftops and upper storeys of neighbouring buildings, although it is known beyond doubt that a third party was involved in the conflict. In their verdict, the judges themselves admitted that it was “essentially impossible to establish whose actions from among the accused had the most serious consequences, namely the killing of civilians and infliction of bodily harm”. This means that one of the tenets of criminal justice – namely, that the accused should be given the benefit of the doubt – was grossly ignored.

What is more, the guilty verdict violated the generally recognized principle of international law and criminal procedure according to which criminal laws may not be given retroactive effect.

The announcement of the verdict in the Vilnius court was in violation of generally recognized norms for the conduct of trials involving foreign citizens, and also of Lithuania’s commitments to freedom of the media and access to information. For although the session was declared open, neither Russian diplomats, nor Russian journalists were allowed to attend. The text of the verdict was not made available in Russian – a violation of the right of the accused to defend themselves.

While being held at the Šiauliai pre-trial detention centre in April and May, Mr. Mel was immediately subjected to harsh treatment, including frequent transfers from one cell to another; denial of medical assistance despite his suffering from a serious illness (diabetes mellitus); a temporary ban on purchasing medicines and other products from the prison commissary; and thuggish behaviour by the wardens. Such treatment may rightly be described as a violation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and also of the relevant OSCE commitments.

On Lithuania’s violations of its international obligations

The politically motivated prosecution of dissidents that is going on in Lithuania is at odds with the country’s commitments within the OSCE framework. These commitments include:

- Paragraph 5.16 of the CSCE Copenhagen Document of 1990, which reads, I quote: “[I]n the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” It is obvious that Mr. Paleckis and Mr. Mel received no “fair hearing” whatsoever.
- The Brussels Declaration on Criminal Justice Systems (adopted by the OSCE Ministerial Council in 2006), in which the OSCE participating States confirmed that “[p]ropriety, and the appearance of propriety, are essential to the performance of all the activities of a judge”. No substantial evidence was presented during the proceedings related to the events of January 1991 and in those concerning Mr. Paleckis. One can easily extrapolate this line of conduct of the Lithuanian judiciary to other cases in the country in which activists are being prosecuted.
- The Charter of Paris for a New Europe (1990), which stipulates, among other things, that “no one will be: subject to arbitrary arrest or detention; subject to torture or other cruel, inhuman or degrading treatment or punishment.”
- Paragraph 23 of the Moscow Document on the Human Dimension (1991), which lays down that “[t]he participating States will treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person ...”. The need to prevent torture is also

emphasized in the CSCE Budapest Document “Towards a Genuine Partnership in a New Era” (1994) and the 2008 Helsinki Ministerial Council decision on further strengthening the rule of law in the OSCE area.

All those harsh measures to which the Russian citizen Yuri Mel was subjected in a pre-trial detention centre can hardly be described as “humane” treatment of a prisoner.

Lithuania is also flouting its commitments on freedom of expression – in particular, the CSCE Copenhagen Document of 1990, in which the participating States reaffirmed, in paragraph 9.1, that: “[E]veryone will have the right to freedom of expression ... This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” Similarly, it is flouting the provisions of the CSCE Budapest Document of 1994, in paragraph 36 of which the participating States reaffirmed that “freedom of expression is a fundamental human right and a basic component of a democratic society”.

However, Lithuania is violating not only its OSCE commitments but also relevant provisions of the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.