 11/06/2018, Monaco

**Report on Lithuania to the 123rd session of the UN Human Rights Committee**

public report

Dear Members of the Committee,

I have the honour to present you the report of the Eglex Association on the serious human rights breaches in Lithuania.

The most serious issues are

* The refusal of the State party to execute the Views of the Committee in case *Paksas v Lithuania* of 2014 and the judgment of the European Court of Human Rights in case *Paksas v Lithuania* of 2011.
* Secret prisons.
* Public lists of threats to national security of Lithuania.
* Denial of the crimes of Nazis.
* Prohibitions to defend human rights in Lithuania.

1. **The refusal of the State party to execute the Views of the Committee in case *Paksas v Lithuania* of 2014 and the judgment of the European Court of Human Rights in case *Paksas v Lithuania* of 2011.**

The State party does not execute neither the Views of the Committee in the case Paksas v Lithuania, nor the Judgment of the European Court of Human Rights in the case Paksas v Lithuania.

The Lithuanian Ministry of Justice has made statements to the Lithuanian Parliament on a number of occasions that the Views of the Committee have no legal value. The most active in this respect is Mrs Karolina Bubnyte, representative of the Government. She made a number of statements on behalf of the Government saying that the United Nations do not have any sanctions mechanism, and therefore the Lithuanian Parliament shall not amend the Lithuanian Constitution.

However, in front of the Council of Europe, and of the Committee, the State party makes false promises to implement the judgment and the Views. This is a false promise, since the State party fails to implement the European judgment for 7 years, and the Views for already over 4 years.

It shall be underlined that the Lithuanian Constitution does not have any article that prohibits an impeached President of the Republic to run for election for life, to become a Prime Minister or a Minister for life. The prohibition is introduced (the breach of the Covenant is committed) by the Constitutional Court of Lithuania in the form of an interpretation of the “Spirit of the Constitution”. In reaction to the Views, the Constitutional Court entered Ruling in 2016 stating that the Views have no legal value.

The EgLex Association suggests the Committee:

1. to remind the State party that by the Decisions in case *Bradshaw v Barbados*, 489/1992, § 5.3, and in case *Roberts v Barbados*, 504/1992, the Committee has already explained the binding nature of the Views,
2. to propose to the State party not to employ public servants who deny the binding nature of the Views and of the Covenant,
3. to invite the European Commission to observe the execution of the Views under the provisions of the European Treaties accepting human rights as a fundamental value of the Union.
4. **The Violet Secret Prison in Lithuania.**

On 31/08/2018, the European Court of Human Rights issued the judgment in case *Abu Zubaydah v Lithuania* where it is judged that it is proven beyond reasonable doubt that Mr. Abu Zubaydah was kept in the Violet Secret Prison in Lithuania from 17/02/2005 to 25/03/2006.

The Lithuanian Government reacted with a statement of Prime Minister Skvernelis and Government’s representative Karolina Bubnyte. Both of them state that the European Court of Human Rights presented false information about Lithuania, and that Lithuania will not execute the judgment. Karolina Bubnyte presents Mr Abu Zubaydah to the general public as a terrorist whose guilt is proven, a close friend of Osama bin Laden, and as the 3rd chief leader of Al Qaeda, states that the European Court defends terrorists.[[1]](#footnote-1)

It follows from § 307 of the judgment in *Abu Zubaydah v Lithuania* and from the Senator Marty expertise that the highest State party’s officials were aware of the Violet Secret Prison.

It follows, from the witness statements in §§ 174 and 307 that at least two public officials had to know about the secret prison: the President of the Republic and the Director General of the State Security Department.

The State party refuses starting criminal prosecution of Valdas Adamkus, former President of Lithuania, and Arvydas Pocius, former Director General of the Lithuanian State Security Department, for establishment and running of the Violet Secret Prison in Lithuania.

A particular attention shall be paid to the fact that the deportation of Mr. Abu Zubaydah from Lithuania was illegal under the Lithuanian law, as well as in breach of the Covenant. Therefore, we suggest the Committee to dispose that the State party shall set aside the decision to deport Mr. Abu Zubaydah, and that the State party shall address the USA Administration with a request of sending Mr. Abu Zubaydah back to Lithuania where his rights, this time, would be protected under the Covenant.

The EgLex Association suggests the Committee:

1. to urge the State party starting criminal prosecution of Valdas Adamkus and Arvydas Pocius,
2. to urge the State party to set aside immediately the decision to deport Mr Abu Zubaydah on 25/03/2006 from Lithuania,
3. to urge the State party address the USA with a request of sending Mr. Abu Zubaydah back to Lithuania,
4. to urge the State party not to employ public servants who deny the binding nature of the Covenant.
5. **List of threats to national security by the Lithuanian State Security Department**

A great obstacle to freedom of speech and association is the annual list of threats to national security produced by the Lithuanian State Security Department, the same institution that runs the Violet Secret Prison, and tortures innocent people (or at least people whose guilt is not proven by a court of justice).

The State Security Department published *Assessment of Threats to National Security 2018*, which classified as a threat to national security the associations, news websites and persons who:

1. Criticize the NATO armed forces in Lithuania,
2. Claim that Russia is not dangerous,
3. Suggest that the State party’s budget money might be reduced from the military line, and increased under other lines (such as education and health care).[[2]](#footnote-2)

This kind of assessment of “threats to national security” is in an obvious breach of the freedom of speech. If a person is for the increase of public expenditure for education instead of armed forces, this may not be classified as a threat to national security.

The State Security Department published *Assessment of Threats to National Security 2017*, which classified as a threat to national security:

1. RT, http://sputniknews.lt, baltnews.lt, “Komsomokskaya pravda”,[[3]](#footnote-3)
2. Russian journalist Galina Sapozhnikova, Italian journalist Giulietto Chiesa,[[4]](#footnote-4)

It is not compatible with the principle of freedom of speech to create lists of news agencies and journalists that represent a “threat to national security” for their publications. Even more so when the Lithuanian State Security Department also has its loyal news agencies and journalists like [www.15min.lt](http://www.15min.lt). For instance, in a number of articles of [www.15min.lt](http://www.15min.lt) they publish confidential exchange of letters between human rights defender Stanislovas Tomas and his clients.[[5]](#footnote-5) 15min.lt recognises that the private letters between the lawyer and his clients were provided by the State Security Department.

1. The members of the Tatar Ethnic Community who do not object the annexation of Crimea by Russia[[6]](#footnote-6), despite the fact that this is a political opinion under the Covenant,
2. The members of the Ethnic Polish Community arguing for their cultural rights (*i.e., their requirement to write letters* w, ł, ż, ņ, ć, ś, cz, sz, ie *in their names, and to write a translation of street names in the Polish language in the Polish Speaking Region*) are a threat to national security, because an increase of their rights would lead to the same demands from Ethnic Russians,[[7]](#footnote-7)
3. The New Age Movement, and the publishing house “Baltosios gulbes” are a threat to national security, because they criticize Western capitalist values,[[8]](#footnote-8)
4. The people who criticize NATO, military exercises, and claim that the Lithuanian Government is Russophobe, those who state that Lithuania should be a neutral State like Finland are a threat to national security. The organisers of the peaceful demonstration “For peace and justice” on 16/01/2017 are a threat to national security. The State Security Department expresses satisfaction with the fact that the political parties sharing this kind of attitudes have lost parliamentary elections in 2016.[[9]](#footnote-9)

The State Security Department published *Assessment of Threats to National Security 2016*, which classified as a threat to national security:

1. All the foundations, NGOs, academic institutions, artists, think tanks, history projects that might receive funding from Russia,[[10]](#footnote-10)
2. RT, baltnews.lt, baltnews.lv, baltnews.ee, sputniknews.lt, and “Komsomokskaya pravda”[[11]](#footnote-11)
3. Facebook pages “Gyvenimo kritika” (“Criticising Life”) and “Lietuviai” (“Lithuanians”),[[12]](#footnote-12)
4. Mrs Oksana Bekerienė is a threat to national security, because she accuses Lithuania of breaching rights of ethnic Russians,[[13]](#footnote-13)
5. Mr Karlis Bilans is a threat to national security, because he gave an interview to a Russian TV explaining the reasons of his protests against NATO.[[14]](#footnote-14)
6. Mrs Ela Kanaitė, President of the Lithuanian Association of Teachers of Russian Speaking Schools, is a threat to national security, because she tries to make free university studies in Russia popular among kids. Lithuanians studying in Russian universities may become Russian spies, according to the State Security Department.[[15]](#footnote-15)
7. Kids’ sport teams from the Secondary Schools “Atgimimas”, “Verdene” and “Geroji viltis” are a threat to national security, because they wear clothes looking like Russian military form. The State Security Department has actually published the photos of the kids without permission of their parents in the very *Assessment of Dangers to National Security 2016*.[[16]](#footnote-16)
8. Mrs. Renata Cytacka, President of the Parents Forum of the Polish Speaking Schools at the Salcininkai Region, is a danger to national security, because she made a statement that ethnic Poles need a cultural autonomy.[[17]](#footnote-17)
9. Mr. Rafaelis Muksinovas, ethnic Jew, is a threat to national security because he made a statement that even before the World War II Lithuania had been anti-Semitic, and that the Lithuanian Provisional Government of 1941 as well as the Lithuanian National Socialist Battalion had contributed to Holocaust. He made this statement at the III International Academic Conference “World War II and Baltic States from 1939 to 1945” in Riga.[[18]](#footnote-18)
10. The Russian Orthodoxy Church is named as a threat to national security, because from 14 to 17 March 2015 they were presenting relics of saints from Ukraine in Lithuania. In this manner, according to the State Security Department, the Church was trying to underline cultural and historic unity of Ukrainians and Russians, which is wrong.[[19]](#footnote-19)
11. Mr. Laurynas Ragelskis is a threat to national security, because he has founded the website [www.ldiena.lt](http://www.ldiena.lt), and has been protesting against the USA policy.[[20]](#footnote-20)
12. NGOs “Uzmirsti kareiviai” (“Forgotten Soldiers”) and War Heritage Institute, as well as other NGOs and private companies are a threat to national security, because they search unknown and unrecognised soldiers of the anti-Hitler coalition killed in the World War II, and then bury them under a monument. [[21]](#footnote-21)
13. “Anti-American” figures Mr. Rolandas Paulauskas, Mr. Vaidas Lekstutis.[[22]](#footnote-22)
14. “Anti-American” websites: www.ekspertai.eu (by the way, this is the only website that published the judgment in the case *Abu Zabuydah v Lithuania*, and suggested that the judgment is right), sauksmas.lt, revoliucija.org, slfrontas.lt, sarmatas.lt, versijos.lt, laisvaslaikrastis.lt, and the related Youtube channels. [[23]](#footnote-23)
15. Mr. Zigmas Vaisvila, Mr Audrius Nakas (founder of ekspertai.eu), Mr Algirdas Paleckis, Mr. Giedrius Grabnauskas (persons who often walks with Algirdas Paleckis in the streets, their common photo is also present in the Assessment by the State Security Department) are threats to national security, because they disagree with the foreign policy of Lithuania. [[24]](#footnote-24)
16. Marius Jonaitis and Vitalijus Balkus are threats to national security, because they agree with the policy of Russia in Syria. [[25]](#footnote-25)

Thus, for many years the State Security Department publishes its lists of threats to national security, which grossly breach freedom of thought, freedom of religion, right to private life, are anti-Semitist, anti-Russian, anti-Polish, and xenophobic. Many of the “threats to national security” are human rights defenders.

The EgLex Association suggests the Committee:

1. To recognise that the public lists of threats to national security published by the State Security Department breach freedom of thought, freedom of religion, right to private life, are anti-Semitist, anti-Russian, anti-Polish, xenophobic, and are aimed at fighting against human rights defenders.
2. to urge the State party to amend the assessments of threats to national security published by the State Security Department in cooperation with human rights defenders and NGOs.
3. **Denial of the Lithuanian Nazi crimes.**

The State party continues denying the crimes committed by the Lithuanian Nazi Government in June – August 1941.

On 22/06/1941, the Soviet army in Lithuania was attacked by the Nazi Germany from the West, and by the co-called “Lithuanian National Socialist Defence Battalion” from inside.

However, the Lithuanian National Socialist Defence Battalion did not limit itself to the armed conflict with the Soviet army. Unfortunately, the Battalion started the Holocaust in Lithuania even before the arrival of the Nazi army.

On 23/06/1941, the Lithuanian National Socialist Defence Battalion proclaimed so-called “Lithuanian Provisional Government”.

Writer Vytautas Petkevicius has called a Minister of Communal Economy of this Lithuanian Nazi Government “a friend of Hitler” in his book “The ship of idiots”. The book was immediately prohibited by the Lithuanian authorities, It was seized from all the bookstores.

A large scale persecution of another writer Ruta Vanagaite was organised by the State party for her statement that the Lithuanian military forces were killing Jews during the World War II and after the Soviet occupation.

Mr. Rafaelis Muksinovas, ethnic Jew, is declared a threat to national security by the State Security Department because he made a statement that even before the World War II Lithuania had been anti-Semitic, and that the Lithuanian Provisional Government and its armed forces (Lithuanian National Socialist Battalion) had contributed to Holocaust. He made this statement at the III International Academic Conference “World War II and Baltic States from 1939 to 1945” in Riga.[[26]](#footnote-26)

The EgLex Association suggests the Committee:

1. to urge the State party to recognise the Lithuanian Provisional Government established by the Lithuanian National Socialist Defence Battalion on 23/06/1941 as a Nazi one,
2. to urge the State party recognise that the Lithuanian Provisional Government of 1941 and its armed forces, the Lithuanian National Socialist Defence Battalion, were running Holocaust in Lithuania,
3. to urge the State party to delete Mr. Rafaelis Muksinovas from the list of threats to national security produced by the State Security Department in 2016,
4. to urge the State party to stop persecution of persons publishing information on Holocaust committed by Lithuanian officials.
5. **Right to practice law.**

Particular attention shall be paid to the right to practice law in Lithuania. This right is monopolised by the Lithuanian Bar Association (Lietuvos advokatūra), which a body defending the interests of the Lithuanian Government, and therefore it persecutes human rights lawyers, as well as withdraws the licences of those defending human rights.

For instance, the licence of Professor Stanislovas Tomas to practice as an assistant lawyer (*advokato padejejas*) was withdrawn after his comment on the Views in case *Paksas v Lithuania*.[[27]](#footnote-27) The interview was given in the quality of “advokat” practicing in the Moldovan Transnistrian Republic (“advokat” is the name of the profession in the Ukrainian language, which is official in that country). However, the journalists have translated the Ukrainian word “advokat” as “advokatas” in the Lithuanian language. This was the pretext for prohibiting him to practice law in Lithuania until the end of his biological life.

The very monopoly of a single association on practicing law is a huge obstacle to development of human rights in Lithuania. This monopoly might be substituted either by a network of 10 independent from one another bar associations as it is in Poland or even in Luxembourg, or by authorising practice of law by all persons with a Bachelor degree in law as it is in Sweden, Russia or Kazakhstan.

Very important obstacle to the defence of human rights in Lithuania is that Article 7(1) of the Lithuanian Bar Act (Advokaturos istatymas) prohibits practicing law in Lithuania to non-EU nationals and stateless persons. This clause is designed in order to exclude foreigners, and to authorise only loyal to the Government lawyers to practice law.

The EgLex Association suggests the Committee:

1. to urge the State party to withdraw the monopoly of the Lithuanian Bar Association on practicing law in the State party,
2. to amend its legislation in order to allow non-EU nationals and stateless persons to practice law.
3. to call on the State party to re-establish the Lithuanian licence of the human rights defender Stanislovas Tomas,

Warm regards,

Prof. Mult. Phc. Dr. Stanislovas TOMAS, PhD (Sorbonne)

EgLex Association, Monaco

1. Lrytas TV news: “Lithuania has to pay to the companion of Osama bin Laden” https://www.youtube.com/watch?v=neFX2fwIHOs [↑](#footnote-ref-1)
2. *Assessment of Threats to National Security 2018* by the Lithuanian State Security Department, chapter “Defence of Constitutional Fundamentals: Political and Public Movements with a Positive Attitudes Towards Russian Influence”, page 37. https://kam.lt/download/61269/ltu.pdf [↑](#footnote-ref-2)
3. *Assessment of Threats to National Security 2017* by the Lithuanian State Security Department, chapter “Security of Information Space”, page 24. https://kam.lt/download/57113/akatskt\_final\_beta.pdf [↑](#footnote-ref-3)
4. *Ibid.*, page 26. [↑](#footnote-ref-4)
5. This article contains private letters between the human rights defender Stanislovas Tomas and his clients. The letters are provided to the journalists by the State Security Department. https://www.15min.lt/naujiena/aktualu/lietuva/apsimetelis-advokatas-stanislovas-tomas-1-zmogus-apgynes-rolanda-paksa-strasbure-56-634471 and https://www.15min.lt/naujiena/aktualu/lietuva/apsimetelis-advokatas-stanislovas-tomas-2-viktoras-uspaskichas-siulo-netureti-su-juo-reikalu-56-639555 [↑](#footnote-ref-5)
6. *Assessment of Threats to National Security 2017* by the Lithuanian State Security Department, chapter “Defence of Constitutional Fundamentals”, page 29. https://kam.lt/download/57113/akatskt\_final\_beta.pdf [↑](#footnote-ref-6)
7. *Ibid.* [↑](#footnote-ref-7)
8. *Ibid.,* page 30. [↑](#footnote-ref-8)
9. *Ibid.,* page 31. [↑](#footnote-ref-9)
10. *Assessment of Threats to National Security 2016* by the Lithuanian State Security Department, chapter “Security of Information Space”, page 22. https://kam.lt/download/52036/gr%C4%97smi%C5%B3%20nacionalinam%20saugumui%20vertinimas.pdf [↑](#footnote-ref-10)
11. *Ibid*., page 23. [↑](#footnote-ref-11)
12. *Ibid*., page 24. [↑](#footnote-ref-12)
13. *Ibid*., page 28. [↑](#footnote-ref-13)
14. *Ibid.* [↑](#footnote-ref-14)
15. *Ibid*, page 29. [↑](#footnote-ref-15)
16. *Ibid.* [↑](#footnote-ref-16)
17. *Ibid*., page 30. [↑](#footnote-ref-17)
18. *Ibid.* [↑](#footnote-ref-18)
19. *Ibid.*, pages 30-31. [↑](#footnote-ref-19)
20. *Ibid,* page 31. [↑](#footnote-ref-20)
21. *Ibid,* page 31. [↑](#footnote-ref-21)
22. *Ibid*., page 32. [↑](#footnote-ref-22)
23. *Ibid*., page 32. [↑](#footnote-ref-23)
24. *Ibid*., page 32. [↑](#footnote-ref-24)
25. *Ibid*., page 32. [↑](#footnote-ref-25)
26. *Assessment of Threats to National Security 2016* by the Lithuanian State Security Department, chapter “Security of Information Space”, page 32. https://kam.lt/download/52036/gr%C4%97smi%C5%B3%20nacionalinam%20saugumui%20vertinimas.pdf [↑](#footnote-ref-26)
27. This interview on the Views in the case *Paksas v Lithuania* on 30/04/2014 became a formal reason for prohibiting Prof. Dr. Stanislovas TOMAS practicing law in Lithuania until the end of his life: <https://www.youtube.com/watch?v=L9YIzakcsyM> [↑](#footnote-ref-27)