

**STATEMENT
ABBE JOLLES
INTERNATIONAL HUMAN RIGHTS LITIGATOR**

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission

Hearing

**POLITICALLY-MOTIVATED (IN)JUSTICE?
THE EXTRADITION CASE OF JUDGE VENCKIENE**

Washington, DC
27 September 2018

Thank you for the invitation to speak to you today about the extradition of Judge Niringa Venckiene. My name is Abbe Jolles. I am an international human rights litigator working globally. I was the first American woman admitted to the International Criminal Court and I achieved a landmark decision at the United Nations Rwanda Tribunal. I am a founding member of Hear Their Cries, working to end immunity for sexual assaults, committed by staff members of international organizations, including the United Nations. I have tried cases for more than thirty years and I have handled hundreds of assault cases both felonies and misdemeanors.

I am going to focus on three areas:

1. What constitutes an extraditable offense under Article 2 of the Extradition Treaty between the United States and Lithuania.
2. The Extradition Treaty's Article 16 limits on addition of new charges upon Judge Venckiene's return --a technical but unenforceable limit.
3. The important proviso that extradition must be refused when charges are politically motivated under Article 4.

In 2015 Lithuania demanded extradition of Judge Venckiene based on an alleged May 2012 assault on a federal officer. Judge Venckiene fled to the United States in April of 2013 and immediately filed a request for political asylum which is still pending. Between the May 2012 alleged assault and her

April 2013 flight to the United States, Judge Venckiene was not arrested. At the time of the extradition demand Judge Venckiene had been in the United States for two and a half years.

On May 17, 2012 240 federal officers stormed Judge Venckiene's home to remove her 7 year old niece. It is alleged that Judge Venckiene and the little girl resisted and that Judge Venckiene punched a federal officer.

In the United States when a federal officer is feloniously assaulted, the perpetrator is arrested immediately and jailed without bond. Here it strains credulity to believe that there was a serious assault when the perpetrator remained free for an entire year and then was able to flee the country. Moreover no extradition request was made for two and a half years after Judge Venckiene's arrival in the United States.

In the United States these types of assault charges are often disposed of by way of plea bargains. Fair Trials International reports that there is no plea bargaining process in Lithuania.¹ This further taints the process and presents a clear and present danger to Judge Venckiene should she be returned to Lithuania.²

The legal filings in this matter indicate that many charges have been added and subtracted over six years. At this juncture there is one so called extraditable charge and three related charges, not extraditable on their own. Technically, pursuant to Article 16, Lithuania is not permitted to add charges once Judge Venckiene returns. Practically this is unenforceable. This is a matter of concern here because Lithuania's original extradition request contained 14 charges, 10 of which are not

¹ <https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Lithuania1.pdf> 2014, page 6.

² To avoid a trial Lithuania sometimes employs a "fast tracked procedure" called a "penal order" an "abbreviated alternative" to a public trial. In a penal order procedure there is no indictment. Instead the prosecutor asks the Judge to impose sentence after the Accused admits to the charges. This is essentially a plea without the bargain. See **TRACING THE INSTANCES OF PLEA BARGAINING IN THE LITHUANIAN CRIMINAL JUSTICE SYSTEM, 2018, Simona Garbatavičiūtė, University of Ljubljana, Faculty of Law, Doctoral Program in Legal Studies, Criminology**, <http://www.journals.vu.lt/teise/article/viewFile/11657/10461>, page 138.

extraditable offenses. In addition during the last six years 39 different charges were alleged, most of which cannot be the basis of extradition.

There is much evidence that the extradition demand for Judge Venckiene is politically motivated. When charges are politically motivated the Secretary of State must refuse extradition. An “army” of 240 federal officers converging on a private home, to take custody of one little girl, is a powerful indicator of political motivation. There are many other indications of political motivation including the nature of all but one of the 39 charges added over the past 6 years. Charges such as “contempt for the memory of the deceased”, “unauthorized disclosure about a person’s private life” , “abuse of the rights and duties of parents” and “complicity in a criminal act” are a few of the manufactured, vague, politically motivated charges.

Press reports indicate that sending Judge Venckiene back to Lithuania is a likely death sentence and that there is no chance of a fair trial.³ It is notable that Judge Venckiene’s political party, “The Way of Courage” seeks changes in the justice system including implementation of trial by jury.

It is also notable that in 2017 the State Department issued a report indicating that Lithuanian prisons do not meet international standards.⁴ Also in 2017 Malta rejected an extradition request from Lithuania on this basis.⁵ Ireland has refused to extradite to Lithuania based on substandard Lithuanian prison conditions as well. The Irish court ruled that the Accused was likely to be held in “inhuman and degrading conditions if extradited.”⁶ Denmark has refused extradition to Lithuania finding there was a risk the Accused would be tortured if returned to face charges.⁷

³ <http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-area-woman-lithuania-extradition-20180712-story.html>

⁴ <https://www.state.gov/documents/organization/277431.pdf> page 1.

⁵ <https://www.timesofmalta.com/articles/view/20170518/local/court-turns-down-lithuanian-request-to-extradite-maltese-man.648339>.

⁶ <https://www.bbc.com/news/uk-northern-ireland-21043433>

⁷ <https://www.thelocal.dk/20140709/denmark-refuses-to-extradite-child-porn-suspect>

In conclusion it is likely that Judge Venckiene will suffer irreparable harm if she is returned to Lithuania. I am here today in the hopes that I can help convince you to do everything in your power to keep Judge Venckiene in the United States so that her 2013 asylum application, which has an excellent chance of success, can be decided.