

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

HEARING

BEFORE THE

**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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

September 27, 2018

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 2:07 p.m. in Room 2261, Rayburn House Office Building, Washington, DC, Hon. Randy Hultgren, Commissioner, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Randy Hultgren, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Karolis Venckus, Son of Judge Neringa Venckiene; Professor Mary G. Leary, Catholic University of America, Columbus School of Law; Abbe Jolles, Esq., International Human Rights Litigator, AJ Global Legal; and Dr. Vytautas Matulevičius, Member of Lithuanian Parliament, Way of Courage Party (2012–2016).

HON. RANDY HULTGREN, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. HULTGREN. Good afternoon. We're going to go ahead and start the commission hearing. It's a busy day here in Washington, but this is important. So good afternoon. Thank you all for joining us for this very timely Helsinki Commission hearing on possible political motivation behind Lithuania's request that the United States extradite Judge Neringa Venckiene.

In 2008, Judge Venckiene's 4-year-old niece Deimante revealed to her family that her mother's friends, two of whom were government officials, were sexually molesting her in her mother's presence and at a local hotel where the mother allowed her to be taken alone with these men. Later investigation showed that the mother had unexplained income and an apartment from one of the government officials named by the girl. Judge Venckiene and Deimante's father had to plead with the police for a year before they finally began an investigation. However, the investigation was later ruled to be negligent.

Ten members of law enforcement, including the prosecutor general, resigned or were fired over the case. Despite a Vilnius district court ruling that there was enough evidence to indict her, the mother was never indicted for her possible role in the sexual exploitation. Instead, a court ordered Deimante to be returned to her mother while Deimante was the key witness in an ongoing trial

against her abusers. The girl refused to leave Judge Venckiene's for fear of further molestation.

As you'll see shortly in a video of the events, 200 police officers came to Judge Venckiene's house and violently took the screaming child from her arms, giving her to the mother accused of sex trafficking. The U.S. is poised to extradite Judge Venckiene because an officer was bruised in the scuffle.

When Judge Venckiene left Lithuania, the prosecutors were preparing more than 35 other charges against her as well, such as filing petitions with the court on behalf of Deimante, talking with the media about the problems in the investigation, conducting her own investigation, desecrating the national anthem, holding rallies, and humiliating the court—even attempting to overthrow the government.

Lithuania is a friend and ally of the United States. Lithuania is an exemplary country and regional leader in many ways. But even friends and allies can make mistakes. Even friends and allies can have a weak area in their judicial system. Instead of zealously pursuing the people who sexually exploited Judge Venckiene's niece, the Lithuanian Government and judicial system have seemed to have targeted Judge Venckiene.

Over the last 6 years, Lithuania's judiciary has prosecuted for false statements and other alleged crimes the child's grandparents, a medical professional who came forward with evidence, journalists reporting on the case in a way that was critical of the investigation, neighbors, people who attended rallies on behalf of the child, and many others who came forward with evidence or opposed the violent removal of the child from Judge Venckiene's care. I fear that Judge Venckiene will not get a fair trial in Lithuania, especially since the then chairman of the Supreme Court of Lithuania on national television said that Judge Venckiene is "an abscess in the political system"—and I quote—and, another quote, "the trouble of the whole state," end quote—effectively prejudicing her case nationwide. Moreover, many of the critical defendants, witnesses, and complainants are dead or have disappeared. The child's father, or Judge Venckiene's brother; two of the accused child molesters; and two key witnesses have all died under mysterious or violent circumstances since the case began. And Lithuania's legal and judiciary committees concluded that the investigation into the child's sexual exploitation was negligent and that the negligence compromised the case against the public officials.

It's unclear that the litany of missteps in this child trafficking case can ever be corrected in Lithuania at this point. What is clear is that Judge Venckiene infuriated many people in power with her anti-corruption crusade and that the charges against her appear to be politically motivated. The U.S. Secretary of State could simply refuse to extradite Judge Venckiene on the grounds of political motivation, but as yet has not done so.

Judge Venckiene came to the U.S. 5 years ago seeking political asylum, but her case has still not been heard. Consequently, Representative Smith and I have introduced a private bill, H.R. 6257, which would allow Judge Venckiene to be excluded from the treaty and to finish her case in the U.S. courts for political asylum. We

believe that she deserves a chance to make her case in a U.S. court, a chance she has not received thus far.

We also want to make sure that—hang on one second.

[Off-side conversation.]

Mr. HULTGREN. We had invited the government of Lithuania to participate today. The government declined, but did provide written testimony which we've posted on the website.

Here to represent Judge Venckiene's case is her son, Karolis Venckus. So we will move to introduction, to him first.

Karolis is the son of Judge Venckiene. He was only 8 years old when his cousin came forward with her allegations of molestation and watched as the family struggled to seek justice for her. At 12 years old he fled Lithuania together with his mother, Judge Venckiene, and applied for asylum in the United States. Lithuania is not seeking his extradition. He's currently attending college in the United States. And we'll first recognize you for your testimony. Thank you for being here.

KAROLIS VENCKUS, SON OF JUDGE NERINGA VENCKIENE

Mr. VENCKUS. Thank you, Congressman Hultgren. My mom, Neringa Venckiene, is a former judge and a Parliament member of Lithuania. She is currently detained in Chicago's Federal prison by the request of the Lithuanian Government. She faces nearly 40 charges in our home country.

The case started in 2008, when my cousin, who was 4 years old at the time, testified that while visiting her biological mother she had been abused by three men who are associates of her mother. She identified the men as Andrius Usas, a businessman and advisor to the Speaker of Parliament; Judge Jonas Furmanačius, and a third individual only known as Aidas [ph].

My uncle, the girl's father, spent nearly a year trying to bring the case to court. He sent our more than 200 requests asking for investigation to his daughter's claims about her sexual exploitation. He spoke to national media and pleaded for help from local politicians. And although the court-ordered psychiatrist and psychologist determined the girl's testimony as true and not a result of fantasy or fabrication, the case seemed to be going nowhere.

Could you play the first video, please?

[A video presentation is shown.]

Mr. VENCKUS. In October 2009, the accused judge and another woman involved in the abuse were shot and killed. My cousin's father disappeared that same day. My uncle became the prime suspect, and right away the prosecutors announced on national media that there was DNA evidence on the murder weapon confirming that my uncle committed the crime. Only much later the prosecutors had to admit that they had made a mistake and no DNA was found. A few months later, my uncle was also found dead. His death was determined to be an accident, a finding that many Lithuanians had trouble believing.

After my uncle's disappearance in October 2009, government officials seized my cousin from the kindergarten and placed her in a psychiatric hospital. My mom was given custody of my cousin, and they were finally able to come home. The case was finally started and the Lithuanian Parliament concluded that the prosecutors

stalled the case and neglected to investigate my cousin's claims. Many of the officials involved lost their jobs, including the prosecutor general.

My mom, who was a judge at that time, started to publicly speak about the bribery and corruption in the Lithuanian courts. Journalists that supported my mom were often fined or their shows even prohibited to air. In May 2010, the court announced that my cousin has to live with her biological mother despite the fact that the pedophilia case has not been concluded yet and the fact that the girl was testifying against her mother for facilitating the molestation. My cousin refused to go, and thousands of Lithuanians surrounded the house and would not let the police pass and seize her.

In June of that year, the alleged pedophile Usas was also found dead. According to the government, he also died of natural causes. He was found laying in a few-inch-deep puddle of water near his four-wheeler with his helmet near him.

My cousin developed PTSD from the attempts to return her to her mother, and her doctors issued an order against further traumatizing attempts. Despite that fact, on May 17, 2012, around 240 police officers came to our house and used force against my cousin, violated my mother's judicial immunity by injuring her, and carried my cousin away screaming.

Please play the second video.

[A video presentation is shown.]

Mr. VENCKUS. I haven't seen my cousin ever since. After that day there were massive protests and demonstrations in Lithuania and abroad.

My mother resigned from the bench and founded a new political party created to fight against corruption and pedophilia which won seven seats in the Parliament while having almost zero funding. She promised to reform the judicial and political systems in Lithuania, with stricter punishments for corruption, rape, and pedophilia.

Soon after the election, the prosecutor general requested the Parliament to remove my mother's legal immunity. The liberals, the conservatives, and the socialists all announced that they will be voting in favor of removing my mother's legal immunity, even before any evidence was presented and even before the ruling of the parliamentary commission that was supposed to investigate the matter. It became clear that my mother was an inconvenient obstacle to the corrupt legal and political systems and it was not safe for her in Lithuania anymore.

So, in 2013, my mother and I fled to the United States and asked for political asylum.

But the Lithuanian Government is seeking my mom's extradition before her political asylum case takes place, and the current extradition treaty does not allow my mom to present any counter-evidence to the Lithuanian Government's claims or to demonstrate the political nature of the case.

The number of crimes that my mom is accused of grew to 39. My grandparents, our aunts and uncles, our neighbors, my mom's supporters, and many of her party members are all facing charges in Lithuania, and some of them have already been sentenced.

My mother will never receive a fair trial in Lithuania because Gintaras Kryževičius, the chairman of the Supreme Court of Lithuania, has called my mom “an abscess” in the judicial and the political systems, and “the trouble of the whole state.” And the journalists, the prosecutors, and the politicians have been developing that narrative for years now. How can she receive a fair trial in Lithuania when the highest court officials are making public statements like this?

There have been multiple uninvestigated deaths associated with the pedophilia case in Lithuania, and my mom and our family have also received multiple threats. And during one of my mom’s campaign rallies, her car was tampered with.

The government of Lithuania is biased toward my mother, and is neither capable of guaranteeing a fair trial for her, nor can it guarantee her safety there.

Thank you for your time.

Mr. HULTGREN. Thank you, Karolis, for being here. Thank you for your testimony.

Next, I will introduce Professor Mary G. Leary. Professor Leary is a professor of law at the Catholic University of America. Professor Leary’s scholarship examines the intersection of criminal law, constitutional criminal procedure, technology, and contemporary victimization. She focuses on the exploitation and abuse of women, children, and vulnerable peoples. She is recognized as an expert in these areas of criminal law, victimization, exploitation, human trafficking, missing persons, technology, and the Fourth Amendment.

Professor Leary.

PROFESSOR MARY G. LEARY, CATHOLIC UNIVERSITY OF AMERICA, COLUMBUS SCHOOL OF LAW

Ms. LEARY. Thank you very much, Representative Hultgren, and thank you for convening this hearing. I’m grateful for the opportunity to engage in a dialog with you regarding the subject of this hearing, which touches on an area of my scholarship—child sexual exploitation.

I want to begin my comments by noting that I participate in this dialog without a side in this debate. But as a legal researcher in the field of child sexual exploitation, I hope to assist the commission in putting some of this case into a context and offer some reference points in the field of child sex trafficking.

Since the year 2000, the United States has been a leader in the international community in developing laws and policy regarding human trafficking. With the congressional passing of the Trafficking Victims Protection Act in 2000 and its subsequent reauthorizations in 2003, 2005, 2008, 2013, and 2015, Congress properly cast a comprehensive definition of human trafficking generally and sex trafficking specifically.

In so doing, Congress ensured that these definitions would reflect our ongoing and improved understanding of the realities of human trafficking by encompassing trafficking in all its forms. Similarly, these definitions seek to capture the many different types of traffickers that victims encounter and correctly label them as human traffickers.

I don't need to tell the commission but, for the record, the TVPA defines sex trafficking to include the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. Crucial to our discussion today, however, is the legal definition of commercial sex act.

A commercial sex act is not only a situation in which a purchaser buys a human being in cash from a third-party trafficker, colloquially referred to as a pimp here in the United States. But, rather, the definition of commercial sex act Congress sought to encompass the many forms of sex trafficking that occur, including what has been referred to as interfamilial sex trafficking.

A commercial sex act includes any sex act on the account of which, quote, "anything of value is given or received by any person." Therefore, the laws recognized from early on the commercial nature necessary for an act of sexual exploitation to be a sex trafficking simply requires that exchange of anything of value between any two people.

Congress further demonstrated this comprehensive approach to sex trafficking of minors by including in its criminal offense explicitly an offender who, quote, "knowingly benefits financially or by receiving anything of value by participating in a sex trafficking venture, as long as they know the person is a minor who will be engaged in the commercial sex act."

This provision captures the criminality of a parent who engages in an interfamilial child sex trafficking occurrence. Thus, the American law has recognized the prevalence of interfamilial sex trafficking and seeks to specifically combat it. Of course, the United States is not alone. Most other nations have joined the protocol to prevent, suppress, and punish trafficking in persons, especially women and children.

That protocol, also known as the Palermo Protocol, defines trafficking equally as broadly, and I want to focus on the specific language where it defines trafficking to include the giving or receiving of payment or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

So, again, not only does the Palermo Protocol explicitly identify this kind of exchange, it also describes exploitation, at a minimum, the exploitation of prostitution or other forms of sexual exploitation. Therefore, under American law, when any person receives a benefit or something of value in exchange for providing another for a sex act, that is sex trafficking and, internationally, we have the same situation.

In the case before the commission today, assertions have been made that the child in this case was not only sexually abused but that the child's mother was, quote, "complicit in allowing the abuse." In the course of the commission's review of this case, should it encounter evidence of this compliance being in exchange of something of value or that the victim's mother received a benefit for her consent to sexually abuse her daughter, such information would suggest a case involving child sex trafficking.

Arguably, that could transform this case into one in which a guardian—in this case, the judge—simply did not want to hand her ward over to a sex trafficker.

As the commission considers this case in the context of extradition and asylum, it may also wish to consider the possible implications of child sex trafficking should it encounter such evidence of the exchange.

While child sexual abuse in all its forms is an assault on the dignity of a child, the matter of child sex trafficking is one of import, not only to the United States but globally. Given the leadership of the United States in combating trafficking in persons and Congress' specific role in crafting a comprehensive trafficking legislation and ratifying the Palermo Protocol, instances of child sex trafficking have great import in American policy.

If evidence of a benefit-based compliance emerges in the commission's review of this case, that evidence should be closely examined and, therefore, as the commission considers this complex case, it should examine it through the lens of child sex trafficking and—should the investigation indicate—a commercial sex act.

I thank you for the time and I look forward to answering any questions.

Mr. HULTGREN. Thank you, Professor Leary.

Next, we'll introduce Abbe Jolles. Abbe Jolles is a Washington, DC-based international human rights litigator. She provides representation worldwide, including conflict zones. She handles individual, corporate, criminal, and civil matters involving unlawful property confiscation, incarceration or risk of incarceration, and other human rights violations including immigration and global migration.

Abbe was the first American woman admitted to the International Criminal Court and the first American admitted to the African Court on Human and People's Rights. She achieved a landmark result at the International Criminal Tribunal for Rwanda.

Ms. Jolles, thank you.

**ABBE JOLLES, ESQ., INTERNATIONAL HUMAN RIGHTS
LITIGATOR, AJ GLOBAL LEGAL**

Ms. JOLLES. Thank you very much, Representative Hultgren, for the invitation to speak to you today about the extradition of Judge Neringa Venckiene.

My name is Abbe Jolles. I am an international human rights litigator working globally. I was the first American admitted to the International Criminal Court and I achieved a landmark decision at the United Nation's 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 30 years and I have handled hundreds of assault cases, both felonies and misdemeanors.

I am going to focus on three areas: First, what constitutes an extraditable offense under Article 2 of the extradition treaty between the United States and Lithuania; second, the extradition treaty's Article 16 limit on addition of new charges should Judge Venckiene be returned—this is a technical but an unenforceable limit; and, finally, and very important, the proviso that extradition must be refused when the charges are politically motivated under Article 4. It must be refused. It's not discretionary.

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 2013 and immediately filed a request for political asylum, which is still pending. Between May—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 by Lithuania, Judge Venckiene had been in the United States for 2 ½ years.

On May 17th, 2012, as you've heard from Karolis, 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 at that time.

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 2 ½ 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 Trial International reports that there is no plea bargaining process in Lithuania. This further taints the process and presents a clear and present danger to Judge Venckiene should she be returned to Lithuania.

The legal filings in this matter indicate that many charges have been added and subtracted over 6 years. At this juncture, there is one so-called extraditable charge and three related charges which wouldn't be 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 were not extraditable offenses. In addition, during the last 6 years, 39 different charges were alleged and added and subtracted, and most of those charges can't 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 discussed 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 unspecified 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. It is notable that Judge Venckiene's political party, the Way of Courage, seeks reforms, as Karolis indicated, in the justice system. But one of the things that they're looking to do is implement jury trials.

It is also notable that in 2017 the State Department issued a report indicating that Lithuanian prisons do not meet international standards. Also in 2017 Malta rejected an extradition request from Lithuania on this basis. 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. Denmark has refused extradition to Lithuania, finding there was a risk the accused would be tortured if returned to face charges.

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.

Thank you so much for your time.

Mr. HULTGREN. Thank you, Ms. Jolles. I appreciate your testimony.

Our final witness is Dr. Vytautas Matulevičius. Dr. Matulevičius was elected to Lithuanian Parliament along with Judge Venckiene—excuse me—as a candidate of the new Way of Courage Party, which was led, again, by Judge Venckiene. He served for 4 years but did not run again after Judge Venckiene asked for political asylum in the United States.

Dr. Matulevičius has a Ph.D. in humanitarian studies and is a journalist by trade. For many years he had his own television show called “The Coast,” which was one of the top television shows in Lithuania. For his professional work, he was awarded twice as a Person of the Year and Best Journalist in popular Lithuanian awards called a Who is Who in Lithuania.

Doctor, thank you for being here today.

[Note: Mr. Matulevičius’ remarks are made through an interpreter.]

DR. VYTAUTAS MATULEVIČIUS, MEMBER OF LITHUANIAN PARLIAMENT, WAY OF COURAGE PARTY, 2012-2016

Dr. MATULEVIČIUS. I would like to thank Mr. Hultgren and all the members of the Helsinki Commission. It would be much more pleasant to discuss other topics in this environment.

I believe that in the history of any country there are cases that reflect—mirror the key, essential problems of the country. The mirror of that kind became the case of Judge Venckiene and the judiciary persecution of the judge. Until recently, she was one of the most popular Lithuanian politicians, the leader of the parliamentary party. She became a symbol of the fight against the court corruption and probably the future Lithuanian president.

However, she is today a prisoner in Chicago and she can be deported to Lithuania, where dozens of accusations and uncertain future are awaiting her. What happened that such a respectable and successful woman who worked as a judge for 13 years suddenly became an internationally sought-for criminal?

What really happened is something that I wouldn’t wish on my enemy. One day, her brother’s daughter began to tell and visually demonstrate how her mother’s friend and two more men were

using her body, and it's only understandable that Neringa Venckiene, being a judge, started defending her niece.

The scale of such a fight can be judged from the fact that, in several years, Neringa Venckiene and her brother wrote over 200 complaints and statements to law enforcement and other state authorities. Unfortunately, none of the alleged pedophiles ended up on a defendant's bench.

One of the three men, who worked as a judge, was shot by someone. The other was not identified. The third one, who was the only one against whom the charges of molestation were brought up, on the eve of the court hearing, fell from a four-wheel motorcycle and drowned in a knee-high puddle of water. Unfortunately, he was the assistant to the speaker of Lithuanian Parliament.

The girl's father was found dead as well. Out of frustration, he, due to the inaction of law enforcement, videotaped his daughter's testimony and began distributing it to journalists, and it was extremely dangerous. When the main parties to the proceedings were murdered or died in suspicious circumstances, the court tried the deceased defendant. According to the court, there was no pedophilia since the allegations supposedly were deliberately made up by the girl's father, who wanted to harm his ex-wife.

This is the short plot of the case. In my conviction, that exhibits what can happen to people who are determined to fight against influential pedophiles who have important connections.

I would like also to mention that the cases of pedophilia have tough time in other Western countries that have old democratic traditions. As an example, I can give the cases in Britain, where a movie star was taking advantage and abusing children. Unfortunately, all of that came to the surface only after many, many years—many, many years later when many of those powerful have been facing the judgment on the other side of life.

A similar situation occurred in Belgium, where the investigation of the famous pedophile case also encountered obstacles that have not yet been seen. The justice system started moving from the point of death of—only when hundreds of thousands of citizens came to the streets protesting the inactivity of the law enforcement, then the country's parliament decided, finally, to step in.

In Lithuania, the situation is even more grave, since, until now, we didn't eliminate and refuse the flaws and corrupt practices of the communist period of our lives, and the case of Venckiene itself can be regarded as a typical recurrence of the Soviet legal system, when an individual addressing the crimes of the powerful is being labeled as a criminal himself. That's how the KGB treated the dissidents and the people who would address the crimes and brought danger to the system and comfort levels.

And it's not only my opinion. One of the former anti-Soviet fighters, a nun—a Catholic nun, Sister Nijole Sadunaite—commented on the case of Judge Venckiene, "This is the same KGB pattern."

Maybe it's interesting for you to hear that the nun, Nijole Sadunaite, is an honorary citizen of a city in Texas. She also has been awarded by the Republican Party of California a medal for her long fight for the human rights. That's a lady who knows what she's saying, and Sister Sadunaite is one of the most active and persistent defenders of the rights of Venckiene.

I do understand that the Chicago judge who examined the extradition case of Judge Venckiene could not know the specifics of all post-communist countries and, therefore, she decided that the refugee would have every opportunity to defend her rights in a Lithuanian court. However, for those of us who know the beast, the judge's argument has only caused a bitter smile.

I will touch up on three of the main violations of the standards of international law that Judge Venckiene would need to face if she would be deported to Lithuania. First of all, there would be an imminent danger to her life. I've already claimed that the pedophilia case in this question took six—the lives of six people, including those who were killed or died under suspicious circumstances. One of the leaders of the prosecutor's office even labeled the case as “a killer.”

But the protection of the state was appointed not to the victims who suffered for the actions of pedophiles but to the mother of the sexually exploited girl who was supposed to be indicted. She was supposed to be indicted as an accomplice in this case, based on a court order. The decision of the court has never been implemented. Therefore, there is a high probability that no appropriate attention will be given to Venckiene's safety at this time and anything could happen to her in the prison cell, as often happens in Lithuanian prisons.

And sending a person to die, unless excluding the war cases, is prohibited not only by the rules of international laws but it's also elementary humanitarian principle. Article 10 of the Universal Declaration of Human Rights claims that every person has the right to a fair and impartial trial.

If Judge Venckiene will be returned to Lithuania, her case most probably would be considered by the Supreme Court, whose chairman, Kryževičius, publicly named her an abscess in the judicial system. It's very humiliating labeling and, basically, what he is saying that if she is back the only verdict she can expect is guilty, and that's how he restricted her right to a fair and impartial trial. Although Judge Kryževičius is now in a different position within the court system, he is still in a very influential judicial position—the head of the Supreme Administrative Court of Lithuania.

And the last item—three—the chairman of the Supreme Court proceeded even further by labeling Venckiene as an abscess in the political system as well, and this was almost an open call—an invitation for the politicians to deal with a common enemy who constantly criticized both the judicial and the political authorities.

That's what happened when Ms. Venckiene was elected into the Parliament of the Republic of Lithuania. When Venckiene, fearing for her own safety, left for the United States, the Parliament impeached her for not attending the meeting and expelled her from the Parliament. This was done behind her back without providing an opportunity to defend herself, and what's even worse, in the violation with the statutes of the Parliament, which has the power of law.

I have no doubt that the same principles would be adhered to if Venckiene would be returned to Lithuania because her fate would be, again, in the hands of the same conspired politicians and judges.

Thank you for your attention and for hearing me out, and I'm here to answer the questions, if you have any.

Mr. HULTGREN. Thank you, Doctor. Thank you, each of you. Also, I'm so glad to be joined by my friend and colleague from Texas, also a Helsinki Commission member, Congresswoman Jackson Lee. Thank you so much for being with us.

I just have a few questions, if that's all right, and then I do apologize—with many things going on today, we'll have to finish up after a few questions.

But, Karolis, if I could ask you first, if you could just briefly talk about what's happened to your family and other supporters of your family who have remained in Lithuania.

Mr. VENCKUS. Thank you, Congressman.

As we talked about it, my mom is facing dozens of charges. My grandparents have been trialed multiple times. My mom's family members—her aunts, her uncles, her cousins—all of them are facing charges. Basically, everyone we know is facing charges in Lithuania, and there is enormous pressure on each of those persons.

Mr. HULTGREN. Ms. Jolles, if I could address to you—in your testimony, you indicate that the Way of Courage Party is advocating for jury trials, or at least had been, in Lithuania. Do I understand correctly that Lithuania does not currently have jury trials and how could this affect Judge Venckiene if she is extradited?

Ms. JOLLES. Well, if—pardon me—thank you for that question.

If Judge Venckiene is extradited, I think they're just going to have a very quick kind of a system. They don't have jury trials and, almost more important, they don't have plea bargains. So they have something called a penal order and that's just, as best I can tell, where you plead guilty. You just plead guilty and you admit it and then you go to jail or you suffer whatever consequences.

So the way I see it from everything that I've read, if she goes back, it's going to be a very quick—quickly disposed of. But it is shocking to me that she committed the crime, allegedly, in 2012, she sat there—I mean, I understand she ran for office. She did all these things, and I also understand that she, allegedly, had immunity.

But that doesn't really matter because if you do something for which you have immunity, they arrest you and they take your defenses when you get there. Oh, no, no, you can't do that—I had immunity—or so, during that. So the fact that they just let it go and then, suddenly, in 2015, after she had been here 2 ½ years they decided that that was such a serious crime. Since when do we go extraditing people for these old cases where they didn't really do anything?

And never would you see that in the United States. If you get in the way of a Federal officer who's trying to effect an arrest or a custody situation and you—and you clock him, which she's alleged to have done—punch him—you're done. They arrest you immediately. They don't say, go about your business and then, oh, flee to another country.

Anyway, hope that wasn't too long.

Mr. HULTGREN. No. Thank you.

Professor Leary, more specifically, on situations like this, if a child is testifying against a parent in a trafficking case, would a

court ordinarily order that the child be returned to the parent before the testimony was complete?

Ms. LEARY. Thank you for your question, Representative.

Of course not. That would compromise the child witness. We would say she would have conflicting allegiances and, typically, the child would be, at a minimum, with a care-giving relative, as she was in this case, or, if there was none available, some sort of foster care system. It is highly unusual, with a pending investigation, to have a child victim go live with the alleged perpetrator.

Mr. HULTGREN. Thanks, Professor.

Dr. Matulevičius, if I could address a question to you. I wonder how Judge Venckiene's exit from Lithuania has affected the Way of Courage Party.

Dr. MATULEVIČIUS. It affected it destructively. All of us knew that it will not end well and there was no way for us to keep her, and once she left for the United States the whole of society—there was such a big disappointment for everyone because any person that ever supported the party or supported Venckiene has been—tens and tens of people went to courts because they showed the citizens' duty to the country.

Mr. HULTGREN. Thank you.

One last question—Karolis, if I can address it to you because I think this is—it's been addressed by, really, all the witnesses. But just very specifically, the government of Lithuania did not seek extradition until 2015. They say that it was because they did not know where Judge Venckiene was living. Was your mother hiding? What was she doing in the U.S. during that time?

Mr. VENCKUS. Thank you for the question.

The first charges were brought against my mom, including the assault on the officer, in 2012 while she was still a judge. Her legal immunity was removed for the first time and she did not have any legal protections. Then later, she was elected to the Parliament where she gained those protections once again. But the Lithuanian law allows the person, if they're caught in the middle of committing the act, even the criminal act, even if they're—even if they have legal immunity they can be arrested on the spot.

Thank you.

Mr. HULTGREN. Yes, Doctor.

Dr. MATULEVIČIUS. As a member of Parliament I personally was asking the majority of the Parliament. They took away diplomatic immunity—[inaudible]. She had to flee to the United States. Why didn't you demand to send her back? Somebody has passed away. Why didn't you take her to court? They had nothing—[inaudible]. They had no evidence, and they were hoping that if they take time they will collect the evidence.

But with the last—[inaudible]—the party that initiated her case is now being sued for corruption. And one of the leaders of the prosecutors of this who handle the pedophilia cases, he went to—he's employed currently for a big business that was funding the party. So everything is interconnected, and it's obviously—obvious corruption.

Mr. HULTGREN. Thank you. Again, thank you. I've got so many more questions and this is so upsetting and hard to understand

and disappointing—and I just, again, want to thank all of you for your time, for being here.

I'm sorry it's such a busy day in Washington. I wish all of my colleagues could be here. But that's part of our job is to be able to get information and then share it. And so I will do my best to let my other colleagues know, to be able to see these really difficult to see videos that you've shown us—just horrible—and, again, just want to thank you for your time, thank you for your courage for being involved in this.

And I think this is so important for us to know about this and continue to do everything we can to protect the judge, but then also hope to find answers for this little girl—this precious little girl—and to find out how she's doing and to make sure that she is placed somewhere where she knows she can be safe, finally.

So, again, thank you all. If there is other information that you have that you want to get to us, please let us know at the Helsinki Commission. We'll make sure all the members of the commission have it, but also we'll make sure we get it out to other colleagues here in Congress.

With that, again, thank you, and we will adjourn this commission hearing.

[Whereupon, at 3:06 p.m., the hearing was adjourned.]

APPENDIX

PREPARED STATEMENTS

PREPARED STATEMENT OF HON. RANDY HULTGREN

Good afternoon, and thank you for joining the Helsinki Commission this afternoon for a very timely hearing on “Politically-Motivated (In)Justice? The Extradition Case of Judge Venckiene.”

The Helsinki Commission monitors and encourages compliance with the Helsinki Final Act and other OSCE commitments by strengthening human rights monitoring, defending those persecuted for acting on their rights and freedoms, and ensuring that compliance with Helsinki provisions are given due consideration in U.S. foreign policy.

This is true whether we are examining the records of other countries, or examining our own.

In this case, I am concerned that the U.S. State Department—which approved Judge Venckiene’s extradition after Secretary Tillerson left and before Secretary Pompeo was confirmed—may have overlooked some important factual context in the case of Judge Venckiene. Judge Venckiene is officially being extradited for bruising an officer who was taking her niece from her. However, the context of this charge and the more than 35 other charges leveled against Judge Venckiene in Lithuania give rise to concern that the extradition request is politically motivated.

Under the U.S.-Lithuania extradition treaty, politically motivated charges should not be honored. Political author, political party leader, and parliamentarian, Judge Venckiene is prominent in Lithuania—and worldwide—for her fight against government corruption in Lithuania. In fact, the then Chief Justice of Lithuania (Kryzevicius) in 2012 stated on national television that Judge Venckiene “is an abscess in the legal system and an abscess in the political system” and “the trouble of the whole state.”

The government of Lithuania has repeatedly and prolifically charged Judge Venckiene with crimes related to Judge Venckiene’s anti-corruption work. Judge Venckiene believed her young niece’s 2008 sexual molestation accusations against two public officials and sought justice for her niece against what seemed to be insurmountable obstacles. She protected her niece from being returned to the mother, who the girl accused of being involved in the molestation. The Lithuanian government ordered that the girl be returned to the mother in the middle of the trial—a trial in which the girl was testifying against her mother. More than 200 police were sent to Judge Venckiene’s house to take the girl.

Judge Venckiene, consistent with a congressional investigation, believed the Government of Lithuania failed to properly handle the investigations against the public officials and published a book about those failures in 2012 entitled, *Way of Courage*. “Way of Courage” became the name of a new, anti-corruption political party in Lithuania, which elected Judge Venckiene to Parliament.

In 2013, Judge Venckiene fled to the United States and promptly filed an application for political asylum—but, 5 years later, is waiting for her case to be heard. In fact, the extradition process in the United States does not allow her to contest or provide counter evidence to any of the charges.

I hope that today’s hearing will complete the record, and the United States will make a decision in this case that is consistent with American law and principles.

PREPARED STATEMENT OF KAROLIS VENCKUS

My mom Neringa Venckiene is a former judge and a Parliament member of Lithuania. She's currently detained in Chicago's Federal Prison by the request of the Lithuanian Government. She faces nearly 40 charges in our home country.

The case started in 2008, when my cousin, who was 4-years-old at the time, testified that while visiting her biological mother, she has been abused by three men, who were associates of her mother. She identified the men as Andrius Usas, a businessman and an advisor to the Speaker of the Parliament, Judge Jonas Furmanačius and a third individual only known as Aidas. My uncle, the girl's father, spent nearly a year trying to bring the case to court, he sent out more the 200 requests asking for an investigation into his daughter's claims about her sexual exploitation, he spoke to national media, and pleaded for help from local politicians. And although court-ordered psychiatrists and psychologists determined the girl's testimony as true and not a result of fantasy or fabrication, the case seemed to be going nowhere.

In October 2009, the accused judge and another woman involved in the abuse were shot and killed, and my cousin's father disappeared that day. My uncle became the prime suspect. Right away, the prosecutors announced on national media that there was DNA evidence on the murder weapon confirming that my uncle committed the crime. Only much later the prosecutors had to admit that they have made a mistake and no DNA was found. A few months later, my uncle was also found dead.

After my uncle's disappearance in October of 2009, government officials seized my cousin from the kindergarten and placed her in a psychiatric hospital. My mom was given custody of my cousin, and they were finally able to come home. The case was finally started, and it was concluded that the prosecutors stalled the case and neglected to investigate my cousin's claims. Many of the officials involved lost their jobs, including the Prosecutor General.

My mom, who was a judge at the time, started to publicly speak about the bribery and corruption in the Lithuanian courts. Journalists that supported my mom were often fined, or their shows prohibited to air.

In May of 2010, the court announced that my cousin has to live with her biological mother, despite the fact that the pedophilia case has not been concluded yet and the fact that the girl was testifying against her mother for facilitating the molestation. My cousin refused to go, and thousands of Lithuanians surrounded the house and would not let the police pass and seize her. In June of that year, the alleged pedophile Usas, was also found dead. According to the government, he also died of "natural causes"—he was found laying in a few-inch deep puddle of water near his four-wheeler with his helmet near him.

My cousin developed PTSD from attempts to return her to her mother, and her doctors issued an order against further traumatizing attempts. Despite that fact, on May 17th, 2012, around 240 police officers came to our house and used force to carry my cousin away screaming.

I haven't seen my cousin ever since. After that day there were massive protests and demonstrations in Lithuania and abroad. My mother resigned from the bench, and founded a new political party, created to fight against corruption and pedophilia, which won 7 seats in the Parliament, while having almost 0 funding. She promised to reform the judicial and political system in Lithuania, with stricter punishments for corruption, rape and pedophilia.

Soon after the election, the Prosecutor General requested the Parliament to remove my mother's legal immunity once again, but this time with one new allegation. The Liberals, the Conservatives and the Socialists, all announced that they will be voting in favor of removing my mother's legal immunity, even before any evidence was presented and even before the ruling of the Parliamentary Commission that was supposed to investigate the matter.

It became clear that my mom was an inconvenient obstacle to the corrupt legal and political systems, and it was not safe for her in Lithuania anymore. So, in 2013, my mother and I fled to United States and asked for political asylum. But the Lithuanian Government is seeking my mom's extradition before her political asylum case takes place. And the current extradition treaty does not allow my mom to present any counter evidence to the Lithuanian Government's claims, or to demonstrate the political nature of the case.

The number of crimes that my mom is accused of in Lithuania grew to 39. My grandparents, my aunts and uncles, our neighbors, my mom's supporters and many of her party members are all facing charges in Lithuania, and some of them have already been sentenced. My mother will never receive a fair trial in Lithuania, because Gintaras Kryževičius, the chairman of the Supreme Court of Lithuania has called my mom "an abscess in the judicial and the political system" and the "trouble of the whole state" and the journalists, the prosecutors, and the politicians have been developing that narrative for years now. How can she receive a fair trial in Lithuania, when the highest court officials are making public statements like this? There have been multiple uninvestigated deaths associated with the pedophilia case in Lithuania, and my mom and our family have also received multiple threats. And during one of my mom's campaign rallies, her car was tampered with. The Government of Lithuania is biased towards my mother, and it is neither capable of guaranteeing a fair trial for her, nor can it guarantee her safety there.

PREPARED STATEMENT OF MARY GRAW LEARY

Introduction

Chairman Wicker, Chairman Smith, Ranking Member Cardin, and Ranking Member Hastings, thank you for convening this hearing. I am grateful for the opportunity to assist you and engage in a dialog regarding the subject of this hearing, which touches upon an area of my scholarship: child sexual exploitation. I want to begin my comments with a candid statement that I participate in this dialog without a side in this debate. It is my intent to assist the Commission in putting some of the case in a context and offer some reference points in the field of child sex trafficking.

Child Sex Trafficking

As the Commission well knows, 2000 was a watershed year for the fight against human trafficking. Here in the United States, Congress embarked on a powerful effort to end human trafficking with the enactment of the Trafficking Victims Protection Act (“TVPA”) of 2000. This journey has continued through numerous amendments and the TVPA’s subsequent reauthorizations in 2003, 2005, 2008, 2013, and 2015. Through this Act and its reauthorizations, Congress properly cast a comprehensive definition of human trafficking generally and sex trafficking specifically. In so doing, Congress also ensured that these definitions reflect our ongoing and improved understanding of the realities of human trafficking by encompassing trafficking in all its forms. Similarly, these definitions also seek to capture the many different types of traffickers victims encounter.

To that end, the TVPA defines sex trafficking to include the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.¹ A commercial sex act is not only a situation where a purchaser buys a human being in cash from a third-party trafficker. Rather, in the definition of a “commercial sex act,” Congress sought to encompass the many forms of sex trafficking that occur, including what has been referred to as intra-familial sex trafficking. A commercial sex act includes any sex act on account of which “*anything of value* is given or received by *any person*.”² Therefore, the law recognized from early on that the commercial nature necessary for an act of sexual exploitation to be sex trafficking simply required the exchange of the sex act for anything of value; and that exchange can be between any two people, not necessarily only a purchaser and victim of trafficking. Congress also classified the sex trafficking of a minor as a “severe form of trafficking” and defined it to include sex trafficking in which the person induced into the commercial sex act has not yet attained the age of 18.³ Congress further demonstrated this comprehensive approach to sex trafficking of minors by including in the criminal offense of sex trafficking not only those who knowingly engaged in the aforemen-

¹ 22 U.S.C. § 7102(10) (2015).

² § 7102(4) (emphasis added).

³ § 7102(9).

tioned acts.⁴ It also explicitly includes a person who “*knowingly benefits financially or by receiving anything of value*” from participating in a sex trafficking venture knowing that the person is a minor and will be caused to engage in a commercial sex act.⁵ Thus, American law recognizes the prevalence of intra-familial sex trafficking and seeks to specifically combat it.⁶

The United States is not alone in this approach to child sex trafficking. The United States joins with most other nations in ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Crime (“Palermo Protocol”). This Protocol defines trafficking in persons even more broadly to include:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability ***or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.***⁷ Not only does the Palermo Protocol explicitly identify giving or exchanging benefits to the person who has control over the trafficking victim, but it defines exploitation to include “at a minimum the exploitation of prostitution of others or other forms of sexual exploitation.”⁸ As in the United States, the Protocol requires no force if the victim is a child under the age of 18.⁹

Therefore, sex trafficking occurs under American law when any person receives a benefit or something of value in exchange for providing another for a sex act. Internationally, when one with control over a child receives a benefit in exchange for consenting to the child’s sexual exploitation, sex trafficking occurs. This language encompasses intra-familial sex trafficking, which is a significant problem throughout the world.¹⁰

Interest of the Commission

Prior to the year 2000, the international community did not explicitly label human trafficking as the particular form of sexual exploitation it is today. However, since the Palermo Protocol and the TVPA, the many manifestations of child sex trafficking have become more widely understood and documented. That being said, forms of trafficking previously considered child sexual assault often remain unidentified and are addressed purely as child sexual assault cases. While the line can be obscure between the traditional

⁴ 18 U.S.C. § 1591(a)(1) (2018).

⁵ § 1591(a)(2).

⁶ See e.g., The Traffickers, THE NATIONAL HUMAN TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/traffickers> (last visited Sept. 25, 2018).

⁷ G.A. Res. 55/25, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, at Art. 3(a) (Nov. 15, 2000) [hereinafter Palermo Protocol].

⁸ *Id.*

⁹ *Id.*, art. 3(c)-(d). As a signatory to the Protocol, the United States is required to establish measures to prevent and combat trafficking in persons. *Id.* art. 9.

¹⁰ Press Release, *Family Members Linked to Nearly Half of Child Trafficking: New IOM, Polaris Data*, INT’L OFF. OF MIGRATION (Nov. 28, 2017), <https://www.iom.int/news/family-members-linked-nearly-half-child-traffickingnew-iom-polaris-data> (last visited Sept. 25, 2018).

understanding of child sexual assault and child sex trafficking, an essential distinction is the presence of a commercial component. That commercial component, however, is not limited to a direct exchange of currency for a sex act. Rather, it encompasses situations in which any person receives a benefit or something of value in exchange for a sex act of that or another person. In the intra-familial trafficking context, that includes when a family member receives a benefit and consents to their child's sexual exploitation.

Given the leadership of the United States in combating all forms of sex trafficking, but particularly child sex trafficking, the Commission has an interest in paying particular attention to any indications of child sex trafficking in this or any case.

In Judge Venckiene's case, assertions have been made that the child at issue in this case was not only sexually abused, but that the child's mother was complicit in allowing the abuse.¹¹ In the course of the Commission's review of this case, should it encounter evidence of this compliance being in exchange of something of value, or that the victim's mother received a benefit for her consent to sexually abuse her daughter, such information would suggest a case involving child sex trafficking. Complicity in sexual abuse is not in and of itself trafficking but could, instead, be considered conspiracy to abuse, a serious enough crime in and of itself. However, if evidence exists that the abusers provided financial and other benefits to the mother of the child victim, this child sexual abuse could also implicate child sex trafficking.

As the Commission considers the *Venckiene* case on questions of extradition and asylum, it may also wish to consider the possible implications of child sex trafficking, should it encounter such evidence. While child sexual abuse in all its forms is an assault on the dignity of a child, the matter of child sex trafficking is one of import, not only to the United States, but globally.

Conclusion

Given the leadership of the United States in combatting trafficking in persons, and Congress' specific role in crafting comprehensive trafficking legislation and ratifying the Palermo Protocol, instances of child sex trafficking have great import in American policy. If evidence of a benefit based compliance emerges in the Commission's review of any case, such evidence should be closely examined. Therefore, as the Commission considers this complex case in its many implications, it also should examine it through a lens of child sex trafficking, should the investigation indicate a commercial sex act. As such, I would suggest whatever remedy the Commission seeks, it do so within this context.

¹¹ See *Neringa Venckiene v. United States*, No. 18-2529 (7th Cir. 2018), Jurisdictional Memo. at 2; Brief and Appendix for Petitioner-Appellant at 7, 8, 15-16.

PREPARED STATEMENT OF ABBE JOLLES

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

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.

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 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

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.

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-malteseman.648339>

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

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

PREPARED STATEMENT OF DR. VYTAUTAS MATULEVIČIUS

Dear Helsinki Commission Members, Dear meeting participants. First of all, I would like to sincerely thank you for inviting us to this important event and giving us the opportunity to speak. Thank you for giving your attention to Lithuania as well.

I will talk about the problem under discussion, based on one particular conflict. I think that in the history of any country you can find such cases where like in a mirror all the main problems of that country are reflected. It is enough to remember the classic Dreyfus affair in France and the famous Emile Zola article, and you will understand what I am talking about. The pedophilia case that shook Lithuanian society, and the judicial persecution of Neringa Venckiene became such a mirror in Lithuania.

Until recently, this woman was one of the most popular politicians in the country, a leader in the parliamentary party, a symbol of the fight against the court corruption and maybe even a future president. However, now she is a prisoner in Chicago prison and she can be deported to Lithuania where dozens of accusations and uncertain future are awaiting her. What happened that such a respectable and successful woman who worked as a judge for 13 years suddenly became an internationally sought for criminal?

It happened as something that I would not wish on anyone of you.

One day, her brother's daughter began to tell and visually demonstrate how her mother's friend and two more men were using her body. As she always stood on the side of justice, now N. Venckiene also remained loyal to herself—she began to defend the child. The scale of such a fight can be judged from the fact that over the years, she and her brother wrote over 200 complaints and statements to law enforcement and other state authorities. However, none of the alleged pedophiles ended up on a defendant's bench.

One of the three men, who worked as a judge, was shot by someone, the other was not identified, and the third one, who was the only one against whom the charges of molestation were brought, on the eve of the court hearing fell from a four-wheeled motorcycle and drowned in a knee-high puddle of water (incidentally, he was the assistant to the speaker of Lithuanian parliament). The girl's father, who became disappointed due to the inaction of law enforcement, videotaped his daughter's testimony and began distributing it to journalists, and he was also found dead.

When the main parties to the proceedings were murdered, or died in suspicious circumstances, the court tried the deceased defendant. According to the court, there was no pedophilia, as the allegations were deliberately made up by the girl's father who wanted to harm his ex-wife.

This is a short plot of this case. It shows what can happen to people who are determined to fight against influential pedophiles who have important connections. Unfortunately, even in the old European democracies with long legal traditions, pedophilia cases are faced with enormous difficulties and the resistance of extremely influential forces. This can be confirmed by Great Britain's example, where children were sexually exploited by the famous television star and other exceptionally high-ranking people for many

decades, but their crimes began to be investigated only in recent years when many of them were already standing before God's court.

A similar situation was in Belgium where the investigation of the famous pedophile case also encountered obstacles that have not yet been seen, and where the case has moved from the point of death only when hundreds of thousands of people came to the streets protesting the inactivity of the law enforcement and the country's parliament decided to step in (*the cases of Marc Dutroux and his wife Michelle Martin*).

In Lithuania, which has still not eliminated the flaws and corrupt practices of the Communist period, the situation is even more complicated in this respect. And the case of N. Venckiene itself can be regarded as a typical recurrence of the Soviet legal system—a person who talks too much about the crimes of influential people can be turned into a criminal herself. This was the way that KGB behaved when the facts brought about by the dissidents, or other truth seekers became too dangerous for the system. One of the former fighters against the Soviet regime, Nijole Sadunaite, commented on the case of N. Venckiene: "This is the same KGB script." By the way, N. Sadunaite is a Honorary Citizen of the City of Texas, and she was also awarded by the Republican Party of California with a medal for her long fight for human rights. This is a person who knows what she says.

I understand that the Chicago judge who examined the extradition case of N. Venckiene could not know the specifics of all post-communist countries and therefore she decided that the refugee would have every opportunity to defend her rights in the Lithuanian court. However, for those who know the specifics, the judge's argument has only caused a bitter smile.

Here, I will list at least some of the main violations of the norms of international law that N. Venckiene would need to endure, if she was deported to Lithuania.

First of all, there would be an imminent danger to her life. I have already mentioned that the pedophilia case in question has already claimed the lives of at least six people—including those who were killed or died under suspicious circumstances. One of the leaders of the prosecutor's office even publicly described the case as a "killer," but the protection of the state was appointed not to the victims who suffered from the actions of pedophiles, but to the mother of the sexually exploited girl who was supposed to be indicted as an accomplice in this case based on a court order (however, prosecutors did not comply with this order). Therefore, there is a high probability that no appropriate attention will be given to N. Venckiene's safety this time, and something might happen to her in a prison cell—as is often the case in Lithuanian prisons. To send a person to death prohibits not only the rules of international law, but also elemental humanitarian principle.

Second. According to the Universal Declaration of Human Rights, every person has the right to a fair and impartial court hearing (Article 10). If N. Venckiene was returned to Lithuania, her case would sooner or later be considered by the Supreme Court, whose chairman G. Kryževičius publicly named N. Venckiene "an abscess in the judicial system." In these words, he preliminarily

made it clear that only a verdict that N. Venckiene is guilty is acceptable, and by doing so he limited her right to a fair and impartial trial. Although currently G. Kryževičius is in charge of another position, he continues to be a very influential judicial figure—the head of the Supreme Administrative Court of Lithuania.

Third. Then the Chairman of the Supreme Court proceeded even further calling N. Venckiene “an abscess in the political system.” And this was almost an open call for the politicians to deal with the common enemy who constantly criticized both the judiciary and the political authorities. This happened when Mrs. Venckiene was elected to the Seimas of the Republic of Lithuania. When she, fearing for her own safety, left for the United States, the Seimas impeached her for not attending Seimas meetings and expelled her from parliament. This was done behind her back without giving even a chance to defend herself and even in violation of the Statute of the Seimas, which has the power of law. The same principles would be followed if N. Venckiene was returned to Lithuania, since her fate would be again in the hands of the same conspired politicians and judges.

Thank you for your attention! I will be happy to answer your questions.

STATEMENT OF THE EMBASSY OF THE REPUBLIC OF LITHUANIA TO
THE UNITED STATES OF AMERICA AND TO THE UNITED
MEXICAN STATES

Chairman Wicker, Co-Chairman Smith, Ranking Member Cardin, Ranking Member Hastings, and distinguished Commissioners,

The Embassy of the Republic of Lithuania is not in a position to participate in the hearing of the U.S. Helsinki Commission on September 27, 2018 on the issue of Neringa Venckiene extradition request. As stated in previous occasions, we are not entitled to interfere in or attempt to sway legal processes or intervene in the judicial processes.

Lithuania fully abides by the core tenet of democracy—the rule of law—and has profound respect for the principle of judicial independence, which is at the heart of both our judicial systems, in the United States and in Lithuania.

The Embassy of the Republic of Lithuania expresses its hope that the Extradition Treaty between the Government of the Republic of Lithuania and the Government of the United States of America, concluded on October 23, 2001, will be implemented in good faith, as per spirit and the letter of the Treaty.

Lithuania has a solid track record of protecting and defending human rights and combatting human trafficking, both at home and abroad. Notably, on this latter issue, Lithuania has been consistently placed among Tier 1 nations in annual US Department of State Trafficking in Persons Reports.

As a close ally and partner of the United States and a staunch advocate of the rule of law, human rights, and democracy, Lithuania has on numerous occasions worked together with the United States—and the Helsinki Commission specifically—to safeguard the protection of human rights defenders, as well as individual freedoms and liberties in countries under undemocratic, authoritarian rule.

In the spirit of our long-standing cooperation, we remain ready to respond to the questions and queries of the U.S. Helsinki Commission on Lithuania's strong democratic governance and rule of law tradition at an appropriate time and without prejudice to the ongoing judicial processes.



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