Request for the defence of parliamentary immunity of Viktor Uspaskich

2011/2162(IMM) - 01/12/2011 - Text adopted by Parliament, single reading

The European Parliament adopted by 442 votes to 127, with 41 abstentions, a resolution aiming to reject two requests by Viktor **USPASKICH** (ALDE, LT) – see also 2011/2099/IMM - to reinstate his parliamentary immunity against criminal proceedings in the Vilnius Regional Criminal Court over alleged false accounting offences.

To recall, Viktor Uspaskich is charged essentially with offences of false accounting in relation to the financing of a political party during a period prior to his election to the European Parliament. In this regard, it should be noted that on 7 September 2010 Parliament waived Viktor Uspaskich's immunity, considering that no cogent evidence had been adduced as to the existence of any fumus persecutionis and that the criminal offences with which Viktor Uspaskich is charged had nothing to do with his activities as a Member of the European Parliament. On 28 October 2010, Viktor Uspaskich brought an action for the annulment of Parliament's decision of 7 September 2010 before the General Court, only to withdraw it in July 2011. In his letter of 5 April 2011 requesting the defence of his immunity Viktor Uspaskich claims that the criminal proceedings initiated by the Lithuanian authorities prevent him from performing, or make it difficult for him to perform, his parliamentary duties by restraining his freedom of movement contrary to Article 7 of the Protocol. Article 7 of the Protocol has the function of protecting Members against restrictions on their freedom of movement, other than judicial restrictions, and consequently contains not an immunity but a privilege, and does not protect against judicial restrictions on Members' freedom of movement. Consequently, it is **impossible for Parliament to accede to Viktor Uspaskich's request of 5 April 2011 to defend his immunity on the basis of Article 7 of the Protocol**.

In parallel, Mr Uspaskich asked Parliament to reinstate his immunity and thus overturn its prior decision of September 2010 to lift it in connection with a case of false accounting in relation to the financing of a political party. Mr Uspaskich argued that there are new facts, published by WikiLeaks, that justify reinstating his immunity. According to Mr Uspaskich, it can be inferred from a diplomatic note put online by Wikileaks that his trial for false accounting is politically motivated.

The House considered, however, that there is no connection between the statement allegedly made by the Lithuanian Foreign Affairs Ministry and the legal proceedings and thus no justification for the claim that there is a political persecution against Mr Uspaskich.

Moreover, the House said that the second claim made by Viktor Uspaskich, that the restrictions imposed by the Lithuanian authorities on his freedom of movement as a result of the lifting of his European parliamentary immunity was unfounded.

On these grounds, Parliament decided **not to defend the MEP's immunity**.