Request for the waiver of the immunity of Viktor Uspaskich

2014/2095(IMM) - 24/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) in which it recommended the European Parliament to **waive the immunity** of Viktor USPASKICH (ADLE, LT).

The Prosecutor-General's Office of the Republic of Lithuania was instructed on 11 June 2014 to ask the European Parliament to waive the immunity of its Member Viktor Uspaskich to enable the punishment to which Vilnius Regional Court had sentenced him on 12 July 2013 to be executed.

The Vilnius Regional Court found Viktor Uspaskich guilty of infringing the Lithuanian Criminal Code and was sentenced to four years' imprisonment.

At the appeal stage of the proceedings a further decision by the European Parliament is required because, pursuant to Article 62 of the Lithuanian Constitution, a Member of the national Parliament (Seimas) may not be held criminally liable without the consent of the Seima.

The criminal proceedings at issue are identical, in terms of content, with the proceedings on the basis of which the European Parliament decided in 2010 to waive the parliamentary immunity of Viktor Uspaskich. At that time he was charged, in essence, with having, illegally and with disregard for the duty to monitor properly the financing of the party which he chaired, headed an organised group with the aim of committing a number of criminal offences. For example, fictitious books were kept in order to conceal revenue and expenditure.

According to Members, Viktor Uspaskich refers to WikiLeaks documents as new evidence, but these documents were already discussed as part of the defence-of-immunity procedure initiated on 5 April 2011 and they neither constitute conclusive evidence nor are relevant.

The committee noted that once again it has not proved possible to establish any sufficient connection between the new facts adduced and the procedure against Viktor Uspaskich for false accounting. Moreover, no convincing evidence is available to demonstrate *fumus persecutionis* and whereas the offences of which Viktor Uspaskich is accused have nothing to do with his work as a Member of the European Parliament.

In light of the foregoing considerations, the committee recommended that the European Parliament should waive the parliamentary immunity of Mr Uspaskich.