Request for the waiver of the immunity of Viktor Uspaskich

2014/2095(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity of Viktor USPASKICH** (ADLE, LT).

It is recalled that the request for waiver of the immunity of Viktor Uspaskich was forwarded on 21 July 2014 by the Lithuanian judicial authorities in connection with criminal proceedings pending before the court of appeal of the Republic of Lithuania.

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

Both Viktor Uspaskich and the Public Prosecutor's Office subsequently appealed, so that the same legal proceedings on the basis of which the immunity of Viktor Uspaskich has already been waived are now pending on appeal.

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

The Parliament considered that the charges against Viktor Uspaskich do not relate to an opinion expressed or vote cast by him in the performance of his duties as a Member of the European Parliament and that Article 8 of the Protocol is therefore not applicable.

According to the Members, the facts laid down in the initial accusation remain the same. 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.

Therefore, Parliament decided to waive the immunity of Mr Uspaskich.