

IN THE WESTMINSTER MAGISTRATES COURT

BETWEEN :

The Prosecutor General`s Office, Lithuania

v

Vladimir Antonov and Raimondas Baranauskas

RULING SYNOPSIS

This is a request by **The Prosecutor General`s Office of Lithuania** (A Lithuanian Judicial Authority) for the extradition of **Vladimir Antonov** and **Raimondas Baranauskas** to face criminal prosecution in respect of the allegations set out in the European Arrest Warrants (**EAW**) issued in respect of each of them on **1st June 2012**. These EAWs were certified by the Serious Organised Crime Agency on **5th July 2012**.

First of all I wish to express my thanks to all counsel not only for their assistance throughout, but also for the courtesy that they have shown to the court, to all witnesses and to each other. My appreciation also goes to the solicitors for Mr Antonov for their meticulous preparation of the voluminous case papers, making the analysis of the documents and the necessary cross-referencing a much easier task for all concerned.

For the sake of good order, I wish to underline that it is no part of my function to decide or to knowingly express any opinion as to the guilt or innocence of either of the requested persons. Furthermore, I wish to make clear that I have considered the request for extradition of Mr Antonov and Mr Baranauskas separately.

1. The background to the allegations can be briefly summarised as follows :

Mr Antonov was, at all material times, Chairman of the Board of Observers at the Lithuanian-based **Snoras Bank** (**Snoras**). At the material time he and **Mr Baranauskas** held a substantial shareholding

in that bank. They, along with others, are said to have been responsible for the management of Snoras` s assets.

- 2.** It is alleged by the Judicial Authority that between **2008** and **2011**, so as to unlawfully dissipate the bank`s assets, Mr Antonov and Mr Baranauskas instructed others involved in the management of Snoras to transfer very substantial securities in order to misappropriate them. The amounts said to have been improperly transferred totalled (approximately) **1,655 million Lithuanian Litas** (over **478 million Euros**) as well as over **10 million US dollars**, from accounts under the control of Snoras into accounts said to have been under the control of Messrs Antonov and Baranauskas.
- 3.** It is also claimed that, in an attempt to conceal their criminal conduct, Mr Antonov and Mr Baranauskas created false accounts and other documents including forged SWIFT system messages within the Snoras accounting records.
- 4.** It is further alleged that in **July 2011** Mr Antonov arranged for false information to be provided to the **Credit Institutions Supervision Dept.** of the **Bank of Lithuania** so as to conceal his criminal conduct. This misinformation took the form of submissions said to have originated from 2 Swiss banks (**Bank SYZ and Co** and **Julius Baer**) which inaccurately confirmed that securities to the value of **1.3 billion Lithuanian Litas** (approx **£314 million**) were on deposit with them whereas Mr Antonov is said to have known that this was not the case.
- 5.** Extradition is sought for both men in respect of allegations of

 - (i) “Misappropriation of Property”** pursuant to Article **183(2)** of the Lithuanian Penal Code (the Code`) : maximum punishment : **10 years** imprisonment.
 - (ii) “Forgery of a Document or Disposal of a Document”** pursuant to Article **300** of the Code : maximum punishment **6 years** imprisonment
 - (iii) “Fraudulent Accounting”** pursuant to Article **222(1)** of the Code : maximum punishment **4 years** imprisonment.
 - (iv) Abuse of Office”** pursuant to Article **228(2)** of the Code : maximum punishment **6 years** imprisonment.
- 6.** Both Mr Antonov and Mr Baranauskas deny all allegations of criminal conduct levelled against them. For reasons which form part of their challenges to extradition, they maintain that the allegations are

wholly without merit and are politically motivated amounting to an abuse of process. They also raise certain Human Rights issues that I have had to consider.

7. The Requested Persons have required a Ruling from this court in respect of the following particular challenges to extradition :

i. s.13 (a) political opinions + Mr Antonov`s nationality :

ii. s.13(b) prejudice + Mr Antonov`s nationality :

iii. Abuse of Process :

iv. s.21:

Article 2: (Right to Life: in respect of Mr Antonov)

Article 3: (Risk of Serious Injury from non-state agents).

Article 6 (Right to a Fair Trial).

A further challenge in respect of the `Issuing Judicial Authority` has been raised, but no detailed Ruling is required from this court.

8. I have prepared a copy of my Open Ruling document which I shall shortly authorise be released to the Press. The parties to these proceedings will separately also be provided with a copy of my Closed Ruling document which makes reference to certain evidence which I was satisfied had to be heard in closed session (with the agreement of all parties, and after hearing representations in relation thereto).

9. I have listened very carefully to some 14 full days of live evidence from a large number of witnesses called by both sides, all of whom gave their testimony either in this court or by way of video evidence from abroad. I have also absorbed the very impressive, comprehensive oral and written submissions from counsel instructed by the parties. Furthermore I have analysed in detail the considerable number of witness statements and experts reports.

10. The requested persons have chosen not to give evidence, but there is no obligation for them to do so in extradition proceedings.

11. I consider it unnecessary for me – in this brief address- to give detailed reasons in respect of the decisions that I have reached, as I trust that they are sufficiently set out in the written Ruling documents that will shortly be distributed. As will be seen from my Ruling, I have tried to keep my reasons relatively short and I have given comments, where appropriate in respect of the credibility and/ or reliability of a number of witnesses.

Put very shortly :

(i) I am satisfied to the necessary standard that the current EAWs brought against each of Mr Antonov and Mr Baranauskas are valid documents, and that the Lithuanian authorities have fully complied with their legal obligations in relation thereto and that the offences in relation to which extradition is sought are extradition offences..

(ii) I am not satisfied that these proceedings have been launched by reason of Mr Antonov`s Russian ethnicity or by reason of his or Mr Baranauskas` political opinions, or so as to seek to justify the alleged erroneous decisions of the Lithuanian authorities to appoint a Temporary Liquidator and, thereafter, to nationalise Snoras. Criticisms levelled at the conduct of Simon Freakley and his team are firmly rejected.

(iii) I do not consider that either of the requested persons will be prejudiced at trial by reason of Mr Antonov`s Russian ethnicity, or by reason of the political opinions of either Mr Antonov or Mr Baranauskas.

(iv) I have not been persuaded that either of these extradition requests amounts to an abuse of this court`s process. I am entirely satisfied that they have been brought because the Lithuanian authorities consider that a very substantial fraud, as set out in the body of the EAWs, has been perpetrated by Vladimir Antonov and/ or Raimondas Baranauskas and that, accordingly, the return of these men is in order to put them on trial.

(v) So far as the Human Rights issues raised, I am not persuaded that it would be incompatible with the Human Rights of either Mr Antonov or Mr Baranauskas to order their extradition.

So as to be clear, I am not satisfied that :

(a) that there will be a `real risk` to Mr Antonov`s life, or

(b) that there is a `real risk` that either of the requested persons will suffer serious injury from non-state agents.

In relation to Article 2 and Article 3, the Lithuanian authorities have given a number of written assurances to the UK courts, all of which said documents, when taken as a whole, satisfy me that the Lithuanian authorities will be able and willing to deal appropriately with any and all such risks as may exist in relation to the Article 2 and / or Article 3 risks, howsoever they might arise.

(c) I am also entirely satisfied that each of the Requested Persons will receive a fair trial within the meaning of Article 6 of the Convention. I do not consider that any comments (said to have been inappropriate) allegedly made in or after **November 2011**, by the President of the Republic, by the then Prime Minister, or by any other Member of

Parliament will adversely impact on the right to a future fair trial. Similarly I reject any and all challenges based on the suggestion of inappropriate pressure that is submitted may be applied to the trial Judge so as to try to influence his or her decision-making process and / or adversely impact on the Requested Persons right to a fair trial. I am entirely confident that if any such pressure is sought to be applied, it will be firmly rejected by the Judge.

Furthermore, I am satisfied that the Lithuanian legislation complies with the obligation to make available legal representation for Mr Baranauskas, and that the Lithuanian authorities will comply therewith so that his specific challenge in relation thereto is also rejected.

12. I am entirely satisfied that the Lithuanian authorities are very well aware of the extent of their obligations under the terms of the European Convention on Human Rights and that they will abide by all of them appropriately in the event of extradition being granted.

13. Mr Antonov and Mr Baranauskas, I have given very careful consideration to all the challenges to extradition made very persuasively on behalf of each of you but as I have stated I have rejected them all.

14. I now authorise the release of my Rulings from which you will see the reasons that I have given as to why I have come to my conclusions.

15. It is therefore proportionate and necessary for me to Order the extradition of each of you to return to Lithuania to face the criminal prosecution for the allegations of criminal conduct that are set out in the current EAW's.

16. You each have 7 days in which to appeal against my decision. You are both very capably represented and you will doubtless take the advice of your lawyers about that. If you do not appeal then within 17 days of today, arrangements will be made for your return to Lithuania. If there are travel difficulties, then that 17 day period can be extended upon application to this court. I shall now separately deal with the question of bail and any application for costs that may be made.

John Zani
District Judge (M.C.)
20th January 2014