



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Second periodic reports of States parties due in 2001**

**Addendum**

**LITHUANIA\* \*\***

[27 July 2006]

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\* For the initial report, see CAT/C/37/Add.5; for its consideration, see CAT/C/SR.584 and 587 and its conclusions and recommendations CAT/C/CR/31/5.

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## **PREFACE**

1. By Resolution No I-1772 of the Supreme Council of the Republic of Lithuania of 10 September 1991, Lithuania acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984. In the Republic of Lithuania, the Convention entered into force on 2 March 1996.
2. In December 2002, Lithuania submitted its initial and first periodic report to the United Nations Committee on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter - the Committee).
3. This report to the Committee was drafted taking account of the comments and recommendations of the Committee and after updating the information given in the initial and first periodic report.
4. The Criminal Code of the Republic of Lithuania, approved on 26 September 2000 by the Parliament (Seimas) of the Republic of Lithuania (hereinafter - the Seimas), the Code of Criminal Procedure of the Republic of Lithuania, approved by the Seimas on 14 March 2002, and the Penal Enforcement Code of the Republic of Lithuania, approved by the Seimas on 27 June 2002, entered into force on 1 May 2003. These new codes have superseded the previous Criminal Code of the Republic of Lithuania, the Criminal Procedure Code of the Republic of Lithuania, and the Corrective Labour Code of the Republic of Lithuania. It should be noted that the initial and first periodic report gives information to the Committee according to provisions of the above-mentioned old codes that are no longer valid. As rather a number of provisions of these codes have been retained in the new Criminal Code, Code of Criminal Procedure and Penal Enforcement Code, only the amended provisions are provided to the Committee.
5. Law on the Legal Status of Aliens of the Republic of Lithuania was adopted on 29 April 2004; it has amended previously valid legal acts that regulated the status of refugees and foreigners and legal status of foreigners in Lithuania.
6. Taking these amendments of legal acts of Lithuania into consideration, all the updated information related to the above-mentioned legal acts is provided to the Committee.

## **UPDATED INFORMATION ON IMPLEMENTATION OF CONVENTION PROVISIONS**

### **Article 2**

7. The following legal acts mentioned in the initial report have undergone no changes: Article 21 of the Constitution of the Republic of Lithuania (hereinafter - the Constitution) that prohibits torture practices all over the territory under the jurisdiction of the State and Article 145 of the Constitution that provides possible temporal restriction of rights and freedoms entrenched in the Constitution after imposition of martial law or declaration of a state of emergency; Articles 2 and 41 of the Criminal Code that regulate administration of punishment only under law and according to the purpose of penalty; the law adopted by the Seimas in 1998 that abolished capital punishment; Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

8. It should be noted that Chapter XXXIII, “Crimes and misdemeanours”, of the Criminal Code covers any crime against principles of civil service or performance of duties in good faith and public interest. Besides general elements essential to such an offender, he/she also has a special element, i.e. he/she is a civil servant or a person of equal status. The subject matter of these definitions is revealed in Article 230 of the Criminal Code which provides that civil servants are persons who perform duties in the civil service: state politicians, civil servants of public administration under the Law on Civil Service of the Republic of Lithuania, as well as other persons who, holding public offices in the institutions of central or local administration, or in judicial, law enforcement, state control and supervision institutions, also in any equivalent institutions, perform the functions of a representative of public authority or have administrative powers vested in them, also official candidates for such posts. A person with certain authorities at an institution of a foreign state, international public organisation or international judicial institutions as well as candidates for such posts are equivalent to a civil servant. Besides, a person who performs duties at any state, non-state or private agency, enterprise or organisation or is engaged in professional activities and holds appropriate administrative authorities or a right to act on behalf of this agency, enterprise or organisation or provides public services is also equivalent to a civil servant. Article 228 of the Criminal Code, “Office abuse”, that provides criminal liability of civil servants or persons equivalent to them (crimes against civil service will be further discussed when discussing Article 4 of the Convention) is important with regard to Article 2 of the Convention.

### **Article 3**

9. Law on the Legal Status of Aliens of the Republic of Lithuania adopted on 29 April 2004 establishes entry and exit, temporary or permanent residence, granting of asylum, integration and naturalisation procedure as well as the procedure for appealing against decisions on the legal status of aliens and regulate other issues related to the legal status of aliens in the Republic of Lithuania. Provisions of this law have been fully harmonised with legal acts of the European Union and correspond to international standards. The new Law on the Legal Status of Aliens of the Republic of Lithuania has superseded the Law on Refugee Status of the Republic of Lithuania of 4 July 1995. Article 130 of the Law on the Legal Status of Aliens prohibits from expelling or returning an alien to a country where his/her life or freedom is under threat as he/she may be persecuted on the grounds of race, religion, nationality, political opinion or membership of a social group or to a country from which he/she may later be expelled to such the aforementioned country; thus, such a person may be expelled only to a safe country of origin or a safe third country. An alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in the country the alien will be tortured, or subjected to cruel, inhuman or degrading treatment or punishment. These provisions shall not apply with respect to an alien who for serious reasons constitutes a threat to the security of the Republic of Lithuania or has been convicted by an effective court judgement of a serious or grave crime and constitutes a threat to the public. Under this law, an alien who is not entitled to make use of asylum and to be granted the status of alien may be expelled from Lithuania only under the procedure established by laws.

10. Procedure of Implementing the Decisions regarding Requirement Obliging to Depart, or Expulsion of Aliens from the Territory of the Republic of Lithuania approved by

Resolution No. 335 of the Government of the Republic of Lithuania of 23 March 2000 regulates the implementation of the above-mentioned decisions. Decision concerning an alien's expulsion from the Republic of Lithuania must be immediately implemented, unless any circumstances that may result in suspension of decision implementation exist.

11. Migration Department under the Ministry of Interior (hereinafter - Migration Department) is a central authority responsible for making decisions concerning alien expulsion from the Republic of Lithuania. When the alien's stay in the Republic of Lithuania poses a threat to public security or public policy, decision concerning expulsion of such an alien shall be made by the Vilnius Regional Administrative Court. Order No IV-429 of the Minister of Interior of 24 December 2004 establishes the procedure for making and implementing decisions concerning the expulsion or refolement of aliens. Decision concerning the expulsion of aliens shall be executed in writing, and the alien must be familiarised with the decision in his/her native language or in the language that is best understood by him/her. Decision shall also give an explanation of the right of and procedure for appealing against decisions. Taking a decision on expulsion of an alien who stays in the territory of the Republic of Lithuania, Migration Department must find out whether his/her life or health will not be under real threat in the country that an alien is being expelled to or whether he/she will not be persecuted on the grounds of political convictions or other reasons. With regard to such aliens, on the grounds of point 8 of paragraph 1 of Article 40 of the Law on the Legal Status of Aliens a temporary residence permit may be issued on humanitarian grounds.

12. Aliens who come to the Republic of Lithuania seeking for asylum from persecution shall have the right to file applications for refugee status under the Law on the Legal Status of Aliens of the Republic of Lithuania. Such applications shall also be examined by the Migration Department. The Migration Department shall define the reasons for possible application of a non-refoulement principle with regard to certain aliens. The procedure for the examination of the above-mentioned issues remains unchanged.

13. An alien may lodge an appeal against the decision of the Migration Department to an appropriate district administrative court, whereas the decision of the appropriate district administrative court may be appealed against to the Supreme Administrative Court of Lithuania within 7 days from the day of taking of the decision.

14. In 2003, 5210 aliens were expelled from the Republic of Lithuania through border crossing points; in 2004, 2106 aliens were expelled; while within the first quarter of 2005, their number was 266 (fuller statistical data are given in Annexes 1 to 7).

#### **Article 4**

15. The new Criminal Code defines the following crimes related to torture inflicted on a person:

(a) Article 170. Incitement against national, racial, ethnic, religious or other groups of residents. Such offence lays responsibility also on a legal person;

(b) Article 129. Murder. The Article defines an additional element essential to the offence: “attempt to get victim’s organ and tissue for transplantation”; an element “in an especially brutal way” was made more specific and now reads as “by torture or in other especially brutal way”;

(c) Article 133. Counselling or aiding and abetting suicide. Everyone who counsels a person to commit suicide or aids and abets suicide by brutal or treacherous behaviour shall be liable to restriction of liberty or arrest, or imprisonment for a term not exceeding four years;

(d) Article 135. Severe health impairment. Everyone who inflicts bodily harm or illness to a person which results in loss of eyesight, hearing, speech, fertility, pregnancy or in other severe mutilation, also in terminal or prolonged disease that poses real threat to health or inflicts severe mental disorders, or in loss of major part of professional or general capacity to work or in incurable body mutilation shall be liable to imprisonment for a term not exceeding ten years. Elements essential to the offence remained unchanged, except the fact that an additional elements was included: “attempt to get victim’s organ and tissue for transplantation”; the element “in an especially cruel way” was made more specific and now reads as “by torture or in other especially cruel way”;

(e) Article 138. Minor health impairment. Everyone who inflicts bodily harm or illness to a person which results in loss of minor part of professional or general capacity to work or in prolonged disease without consequences defined in paragraph 1 of Article 135 shall be liable to restriction of liberty or arrest, or imprisonment for a term not exceeding three years. Elements essential to the offence remained unchanged, except the fact that an additional elements was included: “attempt to get victim’s organ and tissue for transplantation”; the element “in an especially brutal way” was made more specific and now reads as “by torture or in other especially brutal way”;

(f) Article 140. Infliction of physical pain or insignificant health impairment:

- (i) Everyone who inflicts physical pain or insignificant bodily harm or a short illness on a person shall be liable to public works, or restriction of liberty, or arrest, or imprisonment for a term not exceeding one year;
- (ii) Everyone who commits an offence under paragraph 1 of this Article against a minor or where torture is inflicted on a victim shall be liable to imprisonment for a term not exceeding two years;
- (iii) A person shall be liable for an offence under paragraph 1 of this Article only where a complaint of a victim or an application of his/her authorised representative, or the prosecutor’s request is available;

(g) Article 144. Leaving a person in a state of danger to life. Everyone who having put a person into a position of peril or everyone who has a duty to exercise care of a victim failed to exercise such care when the life of the victim was endangered although provision of the victim with help was possible shall be liable to deprivation of the right to hold certain positions or be engaged in certain activities, or a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding two years;

- (h) Article 145. Menace to murder or threatening to impair person's health or harassment:
- (i) Everyone who menaced to murder a person or impair his/her health where there is sufficient grounds to believe that such menace or threat might be carried out shall be liable to public works, or a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding two years;
  - (ii) Everyone who harassed a person by threatening to explode, commit arson or commit another criminal act posing danger to life, health or property, or systematically intimidated a person by carrying out mental abuse shall be liable to imprisonment for a term not exceeding four years;
  - (iii) A person shall be liable for an offence under paragraphs 1 and 2 of this Article only where a complaint of a victim or an application of his/her authorised representative, or the prosecutor's request is available;
- (i) Article 146. Illegal deprivation of liberty:
- (i) Everyone who deprives another person of his/her liberty where there are no elements of hostage taking shall be liable to a fine, or arrest, or imprisonment for a term not exceeding three years;
  - (ii) Everyone who commits an offence under paragraph 1 of this Article with violence or endangering life or health of the victim, or keeps a victim in confinement for more than 48 hours shall be liable to arrest or imprisonment for a term not exceeding four years;
  - (iii) Everyone who illegally deprives another person of his/her liberty by putting such a person to psychiatric hospital not owing to illness shall be liable to arrest or imprisonment for a term not exceeding five years;
- (j) Article 147<sup>1</sup>. Exploitation in the form of forced labour:
- (i) Everyone who by physical violence or menace or in some other way depriving a person of the possibility to resist or by taking advantage of a person's dependence illegally made him/her provide labour shall be liable to fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding three years;
  - (ii) Everyone who committed an offence under paragraph 1 of this Article by making another person work under slavery or other inhuman conditions shall be liable to arrest or imprisonment for a term not exceeding eight years;
  - (iii) The offence provided for in this Article lays responsibility also on a legal entity;

- (k) Article 148. Illegal restraint of action:
- (i) Everyone who compels another person to perform an illegal act or abstain from performing a legal act or do anything under the order of the perpetrator by carrying out mental abuse on the victim or his/her family shall be liable to a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding three years;
  - (ii) A person shall be liable for the offence under paragraph 1 of this Article only where a complaint of a victim or an application of his/her authorised representative, or the prosecutor's request is available;
  - (iii) The offence provided for in this Article lays responsibility also on a legal person;
- (l) Article 154. Libel:
- (i) Everyone who publishes false information about another person that is likely to expose him/her to contempt or indignity or to undermine confidence in him/her shall be liable to a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding one year;
  - (ii) Everyone who expresses libel against another person saying that such person committed a serious or grave crime or where libel is expressed via mass media or printed matter shall be liable to a fine, or arrest, or imprisonment a the term not exceeding two years;
  - (iii) A person shall be liable for the offence under this Article only where a complaint of a victim or an application of his/her authorised representative, or the prosecutor's request is available;
- (m) Article 155. Insult:
- (i) Everyone who exposes another person to public indignity by offensive action or verbal or written abuse shall be liable to a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding one year;
  - (ii) Everyone who insults another person privately commits a misdemeanour and shall be liable to public works, or a fine, or arrest;
  - (iii) A person shall be liable for the offence under this Article only where a complaint of a victim or an application of his/her authorised representative, or the prosecutor's request is available;
- (n) Article 163. Abuse of rights or duties of parents, a guardian or curator, or other legal representatives of a child. Everyone who abuses rights or duties of a father, mother, guardian or curator, or other legal representatives of a child by traumatizing a child physically



or mentally, by leaving a child unattended for a long time or by exposing a child to cruel behaviour in a similar manner shall be liable to a fine, or restriction of liberty, or arrest, or imprisonment for a term not exceeding five years.

16. Chapter XXXIII of the Criminal Code regulates crimes and misdemeanours against civil service and public interest, including:

(a) Article 228. Office abuse:

- (i) A civil servant or a person of equal status who abuses his office or extends his authority, where this causes great damage to the State, international public organisation, legal or natural person, shall be liable to deprivation of the right to do certain job or hold a certain position, or a fine, or imprisonment for a term not exceeding four years;
- (ii) Everyone who commits an offence under paragraph 1 of this Article seeking property or other personal benefit, provided that there are no elements of bribery, shall be liable to deprivation of the right to do a certain job or hold a certain position, or imprisonment for a term not exceeding six years;

(b) Article 229. Neglect of official duties. A civil servant or a person of equal status who through negligence omitted his duties or performed them unduly, where this caused great damage to the State, legal or natural person, shall be liable to deprivation of the right to do certain job or hold a certain position, or a fine, or arrest, or imprisonment for a term not exceeding two years.

17. Chapter XXXIV of the Criminal Code provides criminal liability for offences against justice, including: “Seeking to influence a witness, victim, expert, specialists, or interpreter” (Article 233), “Seeking to influence the victim to make his peace with the guilty party” (Article 234), “False testimony, findings, and translation” (Article 235), “False information or statement about a crime that was not committed” (Article 236), “Concealment of a crime or a criminal” (Article 237), “Misprision of a crime” (Article 238), “Disorganizing functioning of an institution of imprisonment” (Article 239).

18. Chapter XXXV “Crimes against public security” of the Criminal Code also defines several crimes related to torture or other cruel, inhuman or degrading treatment:

(a) Article 250. Terrorist act:

- (i) Everyone who plants an explosive in a place of residence, work, collection, also a public place intending to cause an explosion, explodes or causes arson shall be liable to imprisonment for a term not exceeding ten years;
- (ii) Everyone who commits offences under in paragraph 1 of this Article where this results in health impairment of a victim or in destruction or damage of a vehicle or a building or equipment that was in a building shall be liable to imprisonment for a term of three to twelve years;

- (iii) Everyone who causes explosion, arson, or destroyed or damaged a building or a piece of equipment in any other way where this poses a threat to life or health of many persons or who spreads radioactive, biological or chemical hazardous substances, preparations or microorganisms shall be liable to imprisonment for a term of five to fifteen years ...;
  - (iv) Offences provided for in this Article lay responsibility also on a legal entity;
- (b) Article 250<sup>1</sup>. Incitement of terrorism:
- (i) Everyone who encourages or incites a terrorist act or other crimes related to terrorism or disdained terrorist victims in their public oral or written statements or in mass media shall be liable to a penalty, or restriction of liberty, or detention, or imprisonment for a term not exceeding three years;
  - (ii) Offences provided for in this Article lay responsibility also on a legal entity;
- (c) Article 252. Taking a person hostage:
- (i) Everyone who forcibly seizes or detains a person with the intent to induce any international public organisation, state or its institution to commit any act or omission, also everyone who makes a threat that death will be caused immediately as a condition of avoidance of arrest shall be liable to imprisonment for a term of three to ten years;
  - (ii) Everyone who commits an offence under paragraph 1 of this Article, where two or more persons are forcibly seized or detained, shall be liable to imprisonment for a term of five to fifteen years.

19. The Criminal Code also defines the following crimes related to torture inflicted on persons or other cruel, inhuman or degrading treatment: “Resistance to a civil servant or person who performs functions of public administration” (Article 286), “Threatening to a civil servant or person who performs functions of public administration” (Article 287), “Wilful misconduct” (Article 294), “Forgery or uttering or sale of a forged document” (Article 300), “Forgery of a seal, stamp, or a (blank) form” (Article 301), “Acts of violence against a subordinate” (Article 319), “Harassment of a soldier” (Article 320).

20. Article 21 of the Criminal Code provides personal liability for preparing to commit a crime, i.e. for finding or application of measures and tools, conclusion of a plan of action, concentration of accessories or another intentional crime, creation of mitigating circumstance. A person shall be liable for only preparing to commit a serious or grave crime. Under Article 11 of the Criminal Code, a serious crime is an intentional crime the maximum sentence inflicted by which under a criminal statute is between six and ten years of imprisonment; a grave crime is an intentional crime the maximum sentence inflicted by which under a criminal statute exceeds ten years of imprisonment. An attempt to commit a crime is an intentional act or omission that is a direct beginning of a crime or misdemeanour where the act is not finished due to reasons beyond

the perpetrator's control. An attempt to commit a criminal act exists even when a perpetrator fails to perceive that he/she is not able to finish the act due to the fact that an attempt is made on a wrong object or improper measures are employed.

21. Accessorial conduct. After submission of the initial report to the Committee, the matter of the Criminal Code provisions that regulate the accessorial conduct has not changed.

22. Article 5 of the Penal Enforcement Code provides that constraints of rights and freedom shall be imposed only by laws of the Republic of Lithuania. Action of the convict may be constrained only by a restraint or duty. An institution or officer enforcing sentences may employ ways and measures only in compliance with the laws. Officers who violate requirements of the laws shall be liable under the laws of the Republic of Lithuania.

23. Legitimacy of the activities of sentence enforcement institutions, bodies and officers shall be supervised by the courts, prosecutors, ombudsmen appointed by the Seimas, the Ministry of Justice and other public authorities of the Republic of Lithuania in compliance with the laws of the Republic of Lithuania, as well as by international organisations (e.g., The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)).

24. Article 7 of the Penal Enforcement Code provides that enforcement of sentences shall not intend torture, cruel or degrading treatment of a person. Medical, biological and other scientific experiments on a convict whose liberty is restricted shall be prohibited even with the consent of the latter.

25. Chapter I of the Internal Order regulations of Correctional Institutions approved by Order No 194 of the Minister of Justice of 2 July 2003 provides that punishment by imprisonment must be enforced under conditions that guarantee personal security. Both the Internal Order Regulations of Remand Establishments approved by Order No 178 of the Minister of Justice of 7 September 2001 and the Internal Order Regulations of Correctional Institutions set forth the main requirements imposed on the staff of custodial establishments. Special attention must be paid to their honesty, humanity, professionalism and personal relevance. The staff of a correctional institution are not entitled to use force against persons in pre-trial detention and sentenced prisoners, except in the cases of self-defence or efforts of a detainee or a sentenced prisoner to escape, as well as in the cases of an active or passive resistance; in these cases force shall be used in compliance with the laws and only to a necessary extent. The purpose and limits of the use of special measures (handcuffs, straitjackets, rubber batons, combat dogs, etc.) are provided by Article 120 to 124 of the Penal Enforcement Code.

### **Article 5**

26. Article 4 of the Criminal Code provides that any person who commits a crime within the territory of the Republic of Lithuania shall be liable under the Criminal Code. The notion of the territory of Lithuania remains unchanged.

27. A citizen of the Republic of Lithuania or an alien who committed a crime may be extradited to a foreign state or surrendered to the International Criminal Court only on the grounds of the international treaty of the Republic of Lithuania or a resolution of UN Security Council. It should be noted that the Republic of Lithuania might refuse to extradite its citizens. The conditions of and procedure for the extradition of citizens of the Republic of Lithuania and aliens who committed a crime to a foreign state shall be established by the international treaties of the Republic of Lithuania and the Code of Criminal Procedure. Persons who are granted asylum under the laws of the Republic of Lithuania shall not be punished under the criminal statutes of the Republic of Lithuania nor shall they be extradited to foreign states for crimes that they were persecuted for abroad (to read more about extradition, see description of the implementation of Articles 7 and 8 of the Convention).

28. Due to Lithuania's membership in the European Union, the Criminal Code was supplemented with Article 9<sup>1</sup>, which provides that on the basis of the issued European arrest warrant any citizen of the Republic of Lithuania or an alien who is suspected of committing a criminal act or is sentenced with a punishment related to custody but has not served that sentence shall be surrendered to the country issuing the European arrest warrant. A citizen of the Republic of Lithuania or an alien shall be surrendered under the European arrest warrant only if it is issued for acts punishable in accordance to the law of the issuing Member State by a custodial sentence for a maximum term of at least one year or, where the European arrest warrant has been issued for execution of the already passed custodial sentence, the person shall be surrendered only if the term of the sentence shall be at least four months.

### **Article 6**

29. Rules of law described in the initial report regulating the procedure for person's detention have not undergo substantial changes. The Code of Criminal Procedure defines the cases of and the procedure for the restriction of liberty. Article 44 of the Code of Criminal Procedure provides that no-one may be imprisoned, except in the cases and following the procedure set forth in this Code. Every detainee or a person in custody must be immediately notified of the reasons for his/her detention or taking into custody in the language understood to him/her. Every detainee or a person in custody shall have the right to apply to the court complaining about a wrongful detention or taking into custody. Paragraph 5 of this Article establishes the right of the accused to have his/her case heard by an independent and impartial court within the shortest period with the hearing being fair and public. Where there are grounds to think that an officer in this case might be biased, he/she must stay away or be disqualified. Article 45 provides the duty of a judge, prosecutor and pre-trial investigation officer to explain procedural rights to the parties to the proceeding and to enable them to make use of such rights.

30. Provisions of Article 122 of the Code of Criminal Procedure providing the basis for the imposition of taking into custody have remained the same as in the initial report. It should be noted that paragraph 6 of this Article provides that the basis and motives for taking into custody must be given when imposing taking into custody. Taking into custody may be imposed only when investigating and hearing cases of crimes that under a criminal statute inflict a sentence of imprisonment exceeding one year.

31. Article 188 of Chapter XIV regulating the actions of a pre-trial investigation provides that during the pre-trial investigation a suspect must be interrogated before issuing an indictment. A suspect must always be interrogated before imposing a remand measure with regard to him/her.

32. Article 176 of Chapter XIII of the Code of Criminal Procedure provides that a pre-trial investigation must be carried out in the shortest possible time. Article 215 of Chapter XV regulating termination of a pre-trial investigation provides that where a pre-trial investigation is not completed within six months after the first interrogation, a suspect or his/her representative or counsel for the defence may lodge an appeal with the judge of a pre-trial investigation concerning a delayed pre-trial investigation.

33. Paragraph 3 Article 68 of the Code of Criminal Procedure provides that where a crime was committed within the territory of the Republic of Lithuania by a foreign citizen or another person who then left to his/her home state, the Office of the Prosecutor General shall decide on whether the record on such a person together with a request to commence or take over a criminal proceeding (prosecution) should be sent to a relevant institution of a concerned foreign state.

34. Paragraphs 3 and 4 of Article 6 of the Convention are realized in Article 128 of the Code of Criminal Procedure and its provisions have been included into the initial report. It should be noted that the prosecutor shall immediately notify the Ministry of Foreign Affairs of the Republic of Lithuania, and, where the person taken into custody requests, a diplomatic mission or consulate of his/her home state of the imposition of taking into custody of a foreign citizen.

#### **Article 7**

35. Provisions of the Code of Criminal Procedure concerning the refusal to extradite a citizen of the Republic of Lithuania given in the initial report have not changed; however, it should be noted that in case of refusal to extradite a citizen of the Republic of Lithuania under Article 68, a request to initiate criminal prosecution for crimes committed abroad may be filed not only by a competent authority of a foreign state but also by an international organisation.

36. It should be noted that the international treaties between the Republic of Lithuania and foreign states on legal assistance contain provisions under which Lithuania shall undertake to initiate or take over the criminal proceeding (prosecution) in cases where a person is not being extradited and to inform an applying state on the final decision of the procedure. Similar obligations are also provided by European Convention on the Transfer of Proceedings in Criminal Matters, 1972 to which the Republic of Lithuania is a State Party.

37. Thus, after the Republic of Lithuania takes over the criminal procedure (prosecution) such a person will be prosecuted under criminal statutes of Lithuania and will gain all the rights of the party to the proceeding provided in the Code of Criminal Procedure: the right to be aware of the grounds of the charge and get a copy of an indictment, to have a counsel for the defence, to provide evidence and take part in their examination, as well as other rights provided in this Code.

38. After criminal proceedings (prosecution) are taken over, evidence shall be collected and assessed following provisions of the Code of Criminal Procedure that provide that it is at the discretion of a judge or court under authority of which the case is held to decide on the case by case basis whether the received findings may be considered as evidence. Only legally obtained findings that may be verified following the procedural steps provided in this Code may serve as evidence. Judges shall assess evidence invoking their moral certainty grounded on a full and impartial hearing of the factual background and following the law.

39. Moreover, Article 2 of the Code of Criminal Procedure provides that, when elements of criminal activities become clear, a prosecutor and pre-trial investigation institutions shall in every case take all statutory measures within their competence to carry out the investigation in the shortest period of time and reveal criminal activities.

### **Article 8**

40. Extradition of criminals from the Republic of Lithuania is regulated in the Criminal Code, the Code of Criminal Procedure, as well as bilateral and multilateral treaties of the Republic of Lithuania.

41. Article 9 of the Criminal Code provides that a citizen of the Republic of Lithuania or an alien who committed a crime shall be extradited to a foreign state or surrendered to the International Criminal Court only on the grounds of the international treaty of the Republic of Lithuania or a resolution of UN Security Council. It should be noted that the Republic of Lithuania might refuse to extradite its citizens. Persons who are granted asylum under the laws of the Republic of Lithuania shall not be punished under the criminal statutes of the Republic of Lithuania nor shall they be extradited to foreign states for crimes that they were persecuted for abroad, except for crimes provided in the international treaties defined in Article 7 of the Criminal Code.

42. Similar provisions are entrenched in Article 71 of the Code of Criminal Procedure: a person may be extradited from the Republic of Lithuania to law and order institutions of another state or surrendered to the International Criminal Court only on the grounds of the international treaties of the Republic of Lithuania or resolutions of UN Security Council.

43. Article 73 of the Code of Criminal Procedure regulates the procedure of extradition of persons from the Republic of Lithuania and provides that on the grounds provided for in the international treaty or in the issued European arrest warrant, the prosecutor of the Office of the Prosecutor General of the Republic of Lithuania shall apply to the Vilnius Regional Court. Within seven days a judge must hold a hearing where participation of the extraditable person, his/her counsel for the defence and the prosecutor is obligatory.

44. Article 74 of the Code of Criminal Procedure regulates appeals against the order of the Vilnius Regional Court and provides that a person with regard to whom an order has been rendered, or his/her counsel for the defence objecting to the order to extradite the person from the Republic of Lithuania or surrender him/her to the International Criminal Court or under the European arrest warrant, and a prosecutor objecting to the order not to extradite the person from

the Republic of Lithuania or surrender him/her to the International Criminal Court or under European arrest warrant shall be entitled to lodge an appeal with the Court of Appeals of Lithuania within seven days after the decision was passed. A judge must examine the appeal at least within two weeks from the date of its lodging. Participation of the prosecutor during such a hearing is obligatory. The order of a judge of the Court of Appeals of Lithuania is final and shall not be subject to appeal by cassation.

45. By Law No I-839 of 4 April 1995, the Seimas has ratified the European Convention on Extradition (1957) and its Additional Protocols. It should be noted that the Republic of Lithuania made a reservation in respect of this Convention that extradition would be applied only on condition that no-one who was suspected of a crime would be tried at a special court.

46. Similar provisions are provided in bilateral treaties on legal assistance between Lithuania and Latvia, Estonia, Belarus, Russia, Poland, Kazakhstan, China, Ukraine, Uzbekistan, Azerbaijan, Moldova, Armenia, and USA.

47. From 2003 to the first half of 2005, the number of persons extradited from Lithuania on the request of foreign states amounted to 40.

	Surrendered under extradition request	Surrendered under European arrest warrant	Total
2003	8	-	8
2004	6	5	11
1st half of 2005	3	18	21

#### **Article 9**

48. Article 66 of the Code of Criminal Procedure sets forth the procedure for cooperation of the courts and the office of prosecutor of the Republic of Lithuania with relevant institutions of foreign states and international organisations.

49. The procedure for fulfilment of requests of the above-mentioned institutions and organisations is set forth by the Code of Criminal Procedure and the international treaties. In case when the international instruments provide provisions different from those provided in the national laws, the provisions of the international treaties that define the scope of and procedure for mutual legal assistance shall prevail.

50. Fulfilling the requests of institutions of foreign states or international organisations, the courts, office of prosecutor or pre-trial investigation institutions of the Republic of Lithuania shall carry out procedural steps provided in the Code of Criminal Procedure (Article 67 of the Code of Criminal Procedure).

51. Lithuania has acceded to the European Convention on Mutual Assistance in Criminal Matters (1959) and its two Additional Protocols, and to the European Convention on the Transfer of Proceedings in Criminal Matters, 1972.

52. Since 1 May 2004, to get legal assistance in criminal matters in one of the EU Member States or fulfilling requests for legal assistance received from these states, the courts of the Republic of Lithuania shall invoke the following main legal acts of the European Union that regulate legal assistance in criminal matters:

- (a) Council Framework Decision on the European arrest warrant and the surrender procedures between Member States;
- (b) European Convention on Mutual Assistance in Criminal Matters;
- (c) Protocol to European Convention on Mutual Assistance in Criminal Matters;
- (d) Second Additional Protocol to European Convention on Mutual Assistance in Criminal Matters.

### **Article 10**

53. The Statute of Internal Service of the Republic of Lithuania approved by the law of 29 April 2003 (hereinafter - the Statute) defines the main requirements imposed on a person who makes a claim to serve in the internal service (also to serve in police), rules of training and professional development of officers (professional training of officers is carried out at training establishments of the interior) that produced substantial changes in the existing system of police officers' training; while training of police officers at the Law Enforcement Faculty of the Mykolas Romeris University is to a greater extent of academic and theoretical level rather than of practical professional one. Since March 2004, the Klaipėda Police School under the Ministry of the Interior has been offering the studies for the qualification of a policeman (training of the lowest level officers).

54. Implementing provisions of the Statute, a working group was formed by the Order No IV-181 of the Minister of Interior of 1 June 2004; the working group was charged with the creation of the system of training of internal service officers and with submission of proposals concerning the implementation procedure of the Conception for Requirements Imposed on Qualification of the Internal Service officers, their Selection for the Service, Training and Professional Development (hereinafter - the conception) approved by the Order No. 577 of the Minister of Interior of 12 December 2002 (i.e. before the Statute came into force). Currently, the working group is drafting a new version of the conception and proposals concerning its implementation. The draft conception provides for a departmental structured system of officers' training, when every period of studies is following by a period of practical work and continuous professional development.

55. Taking account of the request of the Committee to produce information on the development related to police selection and training in Lithuania since the beginning of the year 2004, please be informed that by the Order No.IV-368 of 12 November 2004 the Minister of Interior approved the Conception of Qualification Requirements, Recruitment, Professional Training and Qualification Improvement of the Staff of Interior System, the aim of which is to establish policies safeguarding proper professional training and qualification improvement of officials, to stipulate the formation of a specialized basis for professional training and qualification improvement of officials. The conception provides for qualification requirements for officials and a system of selection to interior service.



56. By Order No.V-347 of 16 July 2004 the Commissar General of the Police of Lithuania approved the Code on Ethics of the Police Officials, whereat the principles of police officers' professional ethics, provisions of behaviour, intercommunication and requirements of professional ethics for commanding officials are established.
57. The subject of elements of police ethics was included into the curricula of training institutions of police officers.
58. Carrying out Order No 99 of the Police Commissioner General of Lithuania of 4 March 2002 On Conception of a Universal Public Police Patrol, the Police Training Centre of Lithuania drafted 4 training programmes. One part of this programme cycle, "Protection of Human Rights and Freedoms" (4 academic hours) is devoted to training of public police patrols; under this part the Training Centre held training of 344 police offices of the lowest level. Training of the universal public police patrol is also being arranged at police institutions of the country. At present, 1588 police officers of the lowest level have heard all the cycles of the training programme.
59. In 2003, the Police Training Centre of Lithuania drafted the training programme "Police activities related to the new procedure of Kaliningrad transition through Lithuania". Training on the protection of human rights and freedoms is also included into the training programme (4 academic hours).
60. In 2004, 103 police officers took part in the professional development courses "Human Rights and Police Ethics" (8 academic hours) organised by the Training Centre of the Lithuanian Police. The Training Centre of the Lithuanian Police and the Lithuanian Human Rights Centre also held training "Human Rights in Police Activities. Prohibition of Discrimination" (8 academic hours) in all counties; 228 police officers of various levels participated in the training course.
61. In 1998, Mykolas Romeris University established a Faculty of Social Work that includes a Department of Penitentiary Law and Activities, which trains specialists for penal institutions and probation services. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment is taught to students as a separate topic in the course "International Standards of Treatment of Sentenced Persons". The length of this course is the following: 240 hours in bachelor studies and 120 hours in master studies.
62. The Training Centre of Prison Department under the Ministry of Justice (hereinafter - the Prison Department) was established in 1999. It is a promising specialised training institution complying with international standards, to which civil servants and officers of the Prison Department and its subordinate institutions are sent for training and qualification upgrade. After completing mandatory training persons are accepted to work in correctional institutions; they make written commitment to comply with provisions of the Penal Enforcement Code, laws and other legal acts.
63. Under Regulations of the Institutions under the Jurisdiction of the Prison Department approved by Order No 168 of the Minister of Justice of 4 June 2003, the administration of the institution must ensure initial professional and physical training of officers of the institution

and qualification improvement of the staff. The Prison Department arranged two training seminars for the heads of the divisions of the Prison Department and the heads of the administration of the institutions under the jurisdiction of the Prison Department on the issues of the penal execution and the security of the fundamental human rights: the first seminar took place on 15 - 16 September 2004 (duration: 12 academic hours), and the second one took place on 17 - 18 November 2004 (duration: 15 academic hours). The heads of the administration of the institutions under the jurisdiction of the Prison Department that participated at the seminar had an obligation to give the benefit of the knowledge acquired at the seminar to their staff.

64. In 2004, the Training Centre of the Prison Department arranged the following training seminars:

(a) Indications of the physical and psychological torture - for medical staff and psychologists of custodial establishments;

(b) International standards of the treatment of prisoners and the security of human rights in penal institutions. Six one-day training seminars on this subject were arranged. The heads of the guard and security staff and the middle-ranked prison officers attended this seminar.

65. There is a yearly staff training sessions plan scheduled at every penal institution and approved by the director of the institution. The training lasts from October 1 till June 1. One training course is no shorter than 32 hours. The curriculum includes the mandatory subjects of the ill-treatment of the sentenced prisoners/pre-trial detainees and the prosecution for the various forms of such abuse.

66. During the 1<sup>st</sup> half of 2005, the Prison Department and the Training Centre of the Prison Department arranged 54 different seminars, including 9 seminars for the development of general communication skills.

67. The Penal Enforcement Code establishes that the enforcement of punishments shall be based on the principles of lawfulness, equality of convicts in respect of the laws on the enforcement of sentences, humanism, individualization of the enforcement of punishments, justice and progressive serving of sentences.

### **Article 11**

68. Provisions of Article 11 of the Convention are implemented by the following national laws of the Republic of Lithuania: Law on Pre-trial Detention of the Republic of Lithuania and the new Penal Enforcement Code.

69. On 27 June 2002, the Seimas approved the Penal Enforcement Code that entered into effect on 1 May 2003 and supersedes the Corrective Labour Code that was valid until that day. The Penal Enforcement Code defines the procedure, conditions and principles of punishment.

70. The Penal Enforcement Code gives a clearer statement of the prohibition of torture, cruel or degrading treatment of the convicts than the Corrective Labour Code did.

71. Entering into effect of the Penal Enforcement Code was followed by the new Internal Order Regulations of Correctional Institutions and the new rulebooks of correctional institutions approved by the orders of the Minister of Justice, also by the new job descriptions of directors of correctional institutions and the Code of Conduct of Officers of the Prison Department and Its Subordinate Institutions thereto approved by the orders of the director of the Prison Department. In some or other way all the above-mentioned legal acts prohibit the staff of custodial establishments from the infliction or abetting of, or tolerance to any form of torture or any other cruel or degrading acts, punishment, physical or psychological violence.

## Article 12

72. Custody of detained or taken into custody persons at police stations of the country is regulated by Regulations on Detention Facilities of Police Stations approved by Order No 88 of the Minister of Interior of 17 February 2000. Provisions related to the implementation of this Article of the Convention given in the initial report have remained unchanged.

73. The Regulations of Transportation by Convoy were drafted by the Prison Department and approved by Order No 1R-240/1V-246 of 29 July 2005 of the Minister of Justice and the Minister of Interior, and entered into force on 1 November 2005. These regulations have superseded the Statute of Interior of Transportation by Convoy approved by Order No 125 of 13 February 1996 of the Minister of Interior. This new regulatory document to a great extent focuses on the improvement of conditions of prisoners' transportation by convoy, also on satisfying security requirements during transportation by convoy and safeguarding personal rights and freedoms of those transported by convoy.

74. The Regulations of Transportation by Convoy specifically and clearly prohibits officers of convoy from inflicting any form of torture or other cruel and degrading treatment, punishment, physical or psychological violence against persons transported by convoy. Information on any form of violence inflicted by a convoying officer causing death or injury of a person shall be immediately communicated to the officer on duty at a territorial police station and to a prosecutor.

75. Paragraph 2 of Article 165 of the Code of Criminal Procedure provides the duty of the officers of the Prison Department, directors of detention facilities, remand and correctional establishments or officers authorised by such directors to carry out pre-trial investigations concerning criminal activities done in the above-mentioned establishments.

76. Article 166 of the Code of Criminal Procedure provides that a pre-trial investigation shall be started in the following cases:

- (a) A complaint, challenge or report on criminal activities is filed;
- (b) A prosecutor or a pre-trial investigation officer detects the elements of criminal activities and draw up a formal report.

77. The initiation of every pre-trial investigation shall be registered in the established procedure. A person who filed a complaint, application or report shall be notified of the initiation of the pre-trial investigation.

78. Article 170 of the Code of Criminal Procedure provides that the prosecutor shall have the right to carry out the pre-trial investigation or its separate actions. In the instances when the pre-trial investigation or its separate actions are undertaken by pre-trial investigation officers, the prosecutor must monitor the course of the pre-trial investigation.

79. The above-mentioned legal rules safeguard that in the instance where elements of torture or other cruel treatment of detained or sentenced persons at imprisonment establishments are detected the fact must be immediately and impartially investigated by competent officers.

### **Article 13**

80. Provisions of the Penal Enforcement Code on the right of sentenced prisoners to apply to officials of public authorities and municipal institutions, public organisations and international institutions with proposals, applications, petitions and complaints (Articles 11 and 100). Moreover, every sentenced prisoner is guaranteed the right to get legal assistance. The number of meetings of counsels for the defence with sentenced prisoners is unlimited.

81. Paragraph 3 of Article 19 of the Law on Pre-Trial Detention of the Republic of Lithuania stipulates that physical and mental health of the newly arrived inmates of remand establishments must be thoroughly examined. Paragraph 63 of the Internal Order Regulations of Remand Establishments and paragraph 62 of the Internal Order Regulations of Correctional Institutions provide that health of detainees/sentenced prisoners coming to the custodial establishment/correctional institution shall be examined and results of the examination shall be entered into the personal health record.

82. According to the Articles 267 and 268 of the Internal Order Regulations of Remand Establishments and Articles 262 and 263 of the Internal Order Regulations of Correctional Institutions, an inmate with any type of injuries has to be examined by a member of the medical staff of the remand prison or the correctional institution and a certificate with a detailed description of the nature of his/her injuries and of the circumstances (based on the statements of the prisoner concerned) under which the injury was made, as well as the place and the time of the incident is to be issued. The detailed record of the medical findings has to be entered into a special register and reported to the deputy director of the remand prison or the correctional institution responsible for the guard and security of the inmates or, in the case of the absence of the latter - to the officer of the internal investigation department. The fact of the injury of an inmate has to be immediately brought to the attention of the relevant prosecutor in written form by the director of the establishment or his deputy.

83. Paragraph 194 of the Internal Order Regulations of Remand Establishments and paragraph 252 of the Internal Order Regulations of Correctional Institutions specify that, in those custodial establishments where the access of detained and sentenced persons to personal health care services is restricted (detained and sentenced persons are kept in cells that are always locked), the registration of detained and sentenced persons for visiting health care specialists has to be ensured. The registration shall be conducted daily.

84. The aforementioned legal provisions ensure that all pre-trial detainees or sentenced prisoners, in case they were subjected to violence/torture or any other ill-treatment during their transportation or stay at the custodial establishments, get a medical examination by a medical

specialist within the shortest possible time period, proper recording of violence/torture or any other ill-treatment, notification of such episode to responsible officers of the custodial establishment and to the prosecutor of the regional prosecution office, investigation of the episode by competent institutions and application of the measures provided for by law with respect to the guilty persons.

#### **Article 14**

85. Implementation of this Article is guaranteed by the following legal provisions mentioned in the initial report: Article 30 of the Constitution which provides that the law shall establish the procedure for compensating material and moral damage inflicted on a person; Article 6.271 of the Civil Code which establishes liability for damage caused by unlawful actions of institutions of public authority; Article 6.272 of the Civil Code which prescribes liability for damage caused by unlawful actions of pre-trial investigation officials, prosecutors, judges and the court; also the Law on Compensation of Damage Resulting from Unlawful Actions of Institutions of Public Authority.

86. It should be noted that in 2004 14 persons applied to the Ministry of Justice concerning compensation of damage resulting from unlawful actions of institutions of public authority. Four applications were filed (see “Compensation to Victims”, Chapter III).

87. Under Article 44 of the Code of Criminal Procedure, everyone who was unlawfully detained or taken into custody has the right to compensation of damage following the procedure set forth by laws; everyone found to be a victim has the right to demand that the guilty person is found and properly punished, as well as to get compensation for damage resulting from criminal acts.

88. Article 46 of the Code of Criminal Procedure provides that where criminal proceedings are terminated due to the failure to detect elements of a crime or a misdemeanour, and a persons was taken into custody, as well as where a person is acquitted, the prosecutor and the court must explain to the person concerned the procedure for the realization of the right to recover damages for unlawful detention, unlawful arrest or unlawful conviction.

89. The Code of Criminal Procedure stipulates that every person to whom damage has been caused by a criminal act may file a claim for compensation for such damage, including the funds necessary for his rehabilitation. It should be noted that a prosecutor concerned must lodge a civil claim if it is not lodged in cases where criminal acts result in damage to the state or to a person who due to his/her minority, illness, dependence on the accused or for other reasons is not able to protect his/her legal interests in court.

90. The provision of the Convention with regard to entitlement by the dependants to compensation in the event of the death of the victim as a result of an act of torture is stipulated in Article 6.284 of the Civil Code the text of which has been submitted to the Committee.

#### **Article 15**

91. Under paragraph 2 of Article 11 of the Code of Criminal Procedure, the use of any acts of violence, intimidation or other degrading and health-damaging measures while applying enforcement measures and carrying out investigation under this Code is prohibited. Physical

force may be used only to the extent necessary to eliminate prevention of performance of a procedural step. Evidence obtained in violation of this provision, i.e. by torture, cruel treatment or any other methods prohibited by laws may not be used as evidence at any stage of judicial examination, such evidence cannot serve as a basis for the adoption of any decision in a criminal, civil or administrative case. If it transpires in the course of proceedings that the evidence has been collected by unlawful methods, this shall be considered as a violation of the statute of criminal procedure, and any decision adopted on the basis of such evidence shall be repealed.

92. Officials, who have attempted to obtain evidence with the use of such measures, shall be liable to criminal proceedings for the criminal acts provided for in the relevant articles of the Criminal Code (Articles 135, 138, 140, 234).

93. The evidence obtained by the person accused of torture or other unlawful treatment of the parties to the proceedings may be used as evidence against the accused.

### **Article 16**

94. No changes have occurred after submission of the initial report.

### **STATISTICAL DATA**

#### **Statistical data on complaints relating to actions of pre-trial investigation officers**

95. In 2003, pre-trial investigation was commenced with regard to 256 police officers concerning 289 criminal acts; in 2004 it was commenced with regard to 293 police officers concerning 313 criminal acts. However, under these numbers it could not be stated that in 2004 the crime status of police officers deteriorated, as the number of investigations that were terminated due to failure to detect criminal acts with the elements of a crime or a misdemeanour is different in different years. Moreover, analyses of the data on the commenced pre-trial investigations clearly reveals that the number of the commenced pre-trial investigations has increased due to changes in the legal framework on 1 May 2003 (before entering into force of the new Criminal Code and the Code of Criminal Procedure, the average number of pre-trial investigations was 7, while after entering into force of the aforementioned legal acts the average number reached 28.5). In 2004, on the average 24.4 pre-trial investigation was started per month.

96. Of all pre-trial investigations commenced in 2003, 154 pre-trial investigations were commenced under paragraph 1 of Article 228 of the Criminal Code "Office abuse" and 17 pre-trial investigations under paragraph 2 of the same Article concerning office abuse or extension of authority seeking property or other personal benefit. In 2004, pre-trial investigation was started with regard to 171 police officers under paragraph 1 of Article 228 of the Criminal Code and 7 pre-trial investigations under paragraph 2 of Article 228 of the Criminal Code.

97. According to the data provided by police institutions on 1 January 2005, of 154 pre-trial investigations commenced in 2003 under paragraph 1 of Article 228 of the Criminal Code 132

investigations were terminated on the grounds of failure to detect criminal act with the elements of a crime or misdemeanour; 3 police officers (2%) were sentenced. Of 17 pre-trial investigations commenced in 2003 under paragraph 2 of Article 228 of the Criminal Code 4 investigations were terminated on the grounds of failure to detect criminal act with the elements of a crime or misdemeanour; 1 police officer (6%) was sentenced; however, until 1 January 2005 the judgement had not come into effect and 2 police officers (12%) were sentenced under the binding sentences.

98. Of 171 pre-trial investigations commenced in 2004 under paragraph 1 of Article 228 of the Criminal Code 122 (71%) pre-trial investigations were terminated before 1 January 2005 on the grounds of failure to detect criminal act with the elements of a crime or misdemeanour; in 1 (1%) pre-trial investigation a police officer was placed under suspicion. Of 7 pre-trial investigations commenced in 2004 under paragraph 2 of Article 228 of the Criminal Code 3 (42%) pre-trial investigations were terminated on the grounds of failure to detect criminal act with the elements of a crime or misdemeanour; in 2 (29%) pre-trial investigations police officers were placed under suspicion.

99. With regard to information requested by the Committee on compensations to victims, please be informed that such compensations were not paid.

#### **Statistical data on complaints related to actions of officers of custodial establishments**

100. In 2003, the Prison Departments received 70 complaints on ill-treatment by the staff of custodial establishments. In 2004, 56 complaints were lodged. In every case an internal investigation was started; and in cases where elements of a crime are found pre-trial investigation is initiated.

101. In 2003, 3 pre-trial investigations were started; 2 of them were terminated on the grounds of failure to detect elements of a crime. One investigation related to possibly unlawful use of special measures against a person in custody at Vilnius Lukiškės Remand Prison-Closed Prison is still in process. The investigation is being carried out by the Office of Prosecutor General of the Republic of Lithuania.

102. In 2004, 3 pre-trial investigations were commenced that were terminated on the grounds of failure to detect elements of a crime.

103. In 2003, disciplinary and/or criminal proceedings were not applied with regard to the staff of custodial establishments under the complaints lodged by sentenced prisoners or pre-trial detainees, as no fault was found in the actions of the staff. As mentioned above, one pre-trial investigation is still in progress.

104. In 2004, disciplinary penalties were imposed on 4 officers of custodial establishments under the complaints lodged by sentenced prisoners or pre-trial detainees: one officer was issued a reprimand; two officers were issued a severe reprimand; one officer was dismissed.

## **ANSWERS TO QUESTIONS AND RECOMMENDATIONS OF THE COMMITTEE**

### **Absence of the definition of torture and of a separate crime on torture**

105. The Criminal Code does not specify the elements of the crime of torture, because torture refers mainly to the method of an act rather than the act itself or its consequences. Yet a person may be prosecuted for torture under some other articles of the Criminal Code, since the execution of acts of torture involves commitment of a crime. With respect to the criminal consequences, an act can be described as murder, severe health impairment, minor health impairment, infliction of physical pain or insignificant health impairment. Commitment of the mentioned crimes involving torture or other cruel treatment is considered a qualified form of a crime. When the perpetration of other crimes involves torture or degrading treatment of the victim, this fact is considered as an aggravating circumstance.

106. The elements of the method of torture or another extremely cruel crime are described in the Ruling No 46 of the Supreme Court of Lithuania “On case-law in the area of crimes against human life”. This ruling defines torture as an act extending over a certain period of time and causing severe physical or mental suffering to the victim through direct contact with his body or creating the conditions for such suffering (due to pain, hunger, thirst, cold, heat, forced degrading acts etc.). Murder by another extremely cruel method means the taking of life in an extremely painful way (for example, by painful poisoning, burning, burying alive, dropping from a high place etc.) or causing a large number of injuries. In this case the duration of the pain felt by the victim from the act of violence to his death is irrelevant. A murder may also qualify as an extremely cruel murder when at the time of killing or before it the victim is subjected to degrading treatment (for instance, he is forced to injure himself), when the perpetrator intentionally prevents the injured victim from receiving help, when the murder involves damage to the autonomous integrity of the body (for example, beheading), or when the victim is killed in the presence of his close relatives and therefore experiences severe emotional suffering. The definition of torture in Article 1 of the Convention is also reflected in certain other articles of the Criminal Code (see Chapter I for the description of the implementation of Article 4 of the Convention).

### **Access to a lawyer, independent doctor or family members**

107. According to Article 31 of the Constitution, a person suspected of the commission of a crime and the accused shall be guaranteed, from the moment of their detention or first interrogation, the right to defence as well as the right to an advocate. Accordingly, paragraph 4 of Article 21 of the Code of Criminal Procedure provides that a person shall have access to defence from the moment of detention or first interrogation. The same rule applies to underage persons. If a police officer interrogates a person without a lawyer being present, such actions may be appealed against according to the procedure set out in Article 64 of the Code of Criminal Procedure. Paragraph 4 of Article 48 of the Code of Criminal Procedure guarantees the right of a defence counsel to be present during all procedures involving the suspect. Pursuant to Article 272 of the Administrative Code of the Republic of Lithuania a person who is under



administrative prosecution is also entitled to the assistance of a lawyer or another authorised representative. With respect to legal regulation, persons held under arrest or in police custody are guaranteed, in accordance with the legislation, the right to defence from the moment of detention.

108. Order No V-8 of the Minister of Health of 19 January 2004 adopted the Lithuanian Medical Standard MN 129:2004 “Medical Stations (Offices) of Detention Facilities of Territorial Police Establishments” regulating the objectives and functions of the medical stations of the detention facilities at territorial police establishments, their personnel duties, rights and responsibilities, communication and equipment requirements. A community nurse of the medical station shall examine detainees upon their request, and without reference to such a request if the health condition of such a person menaces the health of other persons.

109. It is planned to follow the mentioned recommendations in the drafting of amendments of the legislation governing the activities of the detention facilities of territorial police establishments in adopting the procedure and control mechanism imposing an obligation on officers to record visible bruises, scrapes and other indications before admitting individuals to detention facilities and later to investigate such information under the prescribed procedure or to forward it to respective bodies.

110. It should be noted that the results of a medical screening, statements of detainees and medical findings are officially registered by the medical staff.

111. Paragraph 4 of Article 140 of the Code of Criminal Procedure stipulates that a member of the detainee’s family or another close relative shall be immediately notified about the detention.

### **Complaints of the detainees**

112. In accordance with Article 62 of the Code of Criminal Procedure, detainees enjoy an unlimited right to lodge complaints with a prosecutor against criminal actions of police officers towards the detainees. Such complaints are examined according to the provisions of the Code of Criminal Procedure. Prosecutors investigate all complaints lodged by detainees, if they allege any elements of a criminal act, irrespective of the nature of the actions of officers of detention facilities (i.e., violent or non-violent). However, a complaint should refer to the elements of a specific criminal offence, because in case of disciplinary elements the complaint should be forwarded for investigation to the Police Department or to the authorities of territorial police stations.

113. In accordance with paragraph 31.5 of the Regulations of Detention Facilities of Police Stations, approved by Order No 88 of the Minister of the Interior of 17 December 2000, detainees have the right to correspond with and present their proposals, requests (applications) and complaints to state authorities, public organizations and officers. When investigating individual complaints made by detainees, prosecutors have the right to control the administrative activities of detention facilities within the competence of prosecutor’s offices. In accordance with the Order of the Prosecutor General No 96 “Prosecutorial control in ensuring protection

of detained and arrested persons against torture and inhuman or degrading treatment or punishment” of 8 June 2001, chief prosecutors of county and district prosecution offices have to ensure that prosecutors, upon receiving information regarding each case of torture or other cruel, inhuman or degrading treatment or punishment of a detained or arrested person, initiate an inspection at the police detention facility and, upon identifying any elements of a criminal act, immediately commence a pre-trial investigation.

114. If the pre-trial investigation into criminal acts of officers of detention facilities against a detained or arrested person is commenced based on a detained or arrested person’s complaint, the requirements of the provisions of the Code of Criminal Procedure to conduct the pre-trial investigation within the shortest time possible and to investigate the criminal offence thoroughly shall be followed. The requirement to investigate the criminal offence thoroughly means that it is necessary to collect all the information about the criminal act that can be obtained with the help of the investigative practices specified in the Code of Criminal Procedure, i.e. through questioning of persons, medical investigation recording injuries, seizure of documents and property items, survey and investigation, expert examination, etc.

#### **Procedure of expulsion of aliens and conditions of detention**

115. The law “On the Legal Status of Aliens” of the Republic of Lithuania sets out the main principles of the expulsion of foreigners from the Republic of Lithuania. According to the law, an alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in the country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment. These provisions shall not apply with respect to an alien who for serious reasons constitutes a threat to the security of the Republic of Lithuania or has been convicted by an effective court judgement of a serious or particularly serious crime and constitutes a threat to the public (for more details on the expulsion procedure see the description of the implementation of Article 3 of the Convention in Chapter I).

116. Currently, the State Border Protection Service under the Ministry of the Interior holds temporary detention premises at the majority of international land border control posts at the external border of the European Union. These premises are intended for temporary custody of detainees, extending up to three hours until a decision is made to take them into police custody or to return them to a neighbouring country. Persons kept in these premises have access to essential hygiene facilities (WC, water and shower). Persons detained for the violation of the simplified Russian transit procedure are served meals at the border control posts if their return takes longer than 6 hours. Such persons also receive free railway tickets, if necessary. There are no temporary detention premises at airport and seaport border control posts yet, so detainees share premises with officers until a decision in their regard is taken. In case a decision is made to detain them, they are taken into territorial police custody. Currently, one land border control post (in Lavoriškės) is under reconstruction and there are plans to reconstruct the Vilnius Airport border control post, to build the Klaipėda State Seaport station with short-term detention premises. Vilnius Airport border control posts and Klaipėda State Seaport station will have special premises (with a friendlier atmosphere, home furniture and primary cooking appliances) for temporarily detained parents with children. Small border control posts

(shared by two countries) have no special premises for detainees, therefore they share premises with officers. In case a decision is made to detain them, they are taken into territorial police custody.

### **Independent investigation of allegations against police officers**

117. In accordance with Article 62 of the Code of Criminal Procedure, detainees enjoy an unlimited right to lodge complaints with a prosecutor against illegal actions by police officers towards the detainees. Such complaints are examined according to the Code of Criminal Procedure, and investigating prosecutors have no links with detention officers suspected of ill-treatment against detainees.

118. Prosecutors investigate all complaints lodged by detainees, if they allege any elements of a criminal act, irrespective of the nature of the actions of officers of detention facilities (i.e., violent or non-violent). In addition, under Article 44 of the Code of Criminal Procedure, a detainee may lodge an appeal against all actions and decisions of a prosecutor with a court.

### **State-guaranteed legal aid**

119. On 20 January 2005 the Seimas adopted the Law on the Amendment of the Law on State-guaranteed Legal Aid of the Republic of Lithuania and the Law on Entry into Force and Implementation of the Law on the Amendment of the Law on State-guaranteed Legal Aid of the Republic of Lithuania, which came into force on 1 July 2005.

120. This law aims to improve the existing state-guaranteed legal aid system in order to facilitate the performance of state obligations to guarantee the provision of legal aid as well as to ensure the application of the related European Union legislation. Thus, the Law provides for a number of changes in the area: a simplified procedure for persons to qualify for state-guaranteed legal aid; an extended range of persons eligible for aid; defined competence of the authorities administering state-guaranteed legal aid; newly established institutions managing state-guaranteed aid, i.e. state-guaranteed legal aid agencies; changes in the selection procedure of advocates and their assignment, fees for legal services and payment procedure. All that should ensure the provision of better quality services.

121. There are two types of state-guaranteed aid available. Primary legal aid includes the provision of legal information, consulting and preparation of documents for state and municipal authorities. It is noteworthy that this type of legal aid covers advice on extra-judicial settlement of disputes, activities aimed at an amicable settlement of disputes, and drafting of an agreement of lawsuit. Primary legal aid is also offered by municipal executive authorities. In principle, primary legal aid is related to amicable resolution of disputes. As a result, this stage is often skipped, and the main stage is secondary legal aid.

122. Secondary legal aid includes drafting of documents, defence and representation in court, including the enforcement procedure, representation in preliminary out-of-court dispute settlement, if such a procedure is established by law or by a court judgement. This type of legal aid also covers compensation for litigation costs.

123. The new law also sets out certain duties of advocates and defines the control of their activities:

(a) Contracts between state-guaranteed legal aid agencies and advocates should stipulate advocates' duty to provide secondary legal aid, define the conditions and procedure of discharging this duty, provide for the right of an agency to terminate the contract in case an advocate fails to provide the aid or provides it inadequately, and set out other conditions (point 3 of paragraph 3 of Article 9);

(b) Pursuant to the secondary legal aid quality assessment rules, the Lithuanian Bar shall assess the quality of the activities of advocates providing secondary legal aid (paragraph 3 of Article 10);

(c) An advocate providing secondary legal aid may be replaced according to a reasoned written request from the applicant or the advocate himself in case of a conflict of interest or other circumstances that make the advocate providing legal aid unable to provide legal aid in a specific case (paragraph 6 of Article 18);

(d) An advocate providing secondary legal aid must immediately notify the agency or the pre-trial officer, prosecutor or court (when the participation of defence is required by Article 51 of the Code of Criminal Procedure) of any emerging circumstances that constitute grounds for considering termination of secondary legal aid. Failure to perform this duty may result in the reduction or cancelling of payment of the fee to the advocate for secondary legal aid and such an advocate must pay damages for failure to perform the duties specified in this paragraph or inadequate performance of such duties (paragraph 2 of Article 23).

124. The Law on the Amendment of the Law on State-guaranteed Legal Aid of the Republic of Lithuania covers in detail the peculiarities of the provision of secondary legal aid in criminal proceedings and the provision of secondary legal aid when a defence counsel is requested by the suspect, the accused or the convict (Articles 21 and 22).

125. According to paragraph 2 of Article 17 of the Law on the Amendment of the Law on State-guaranteed Legal Aid of the Republic of Lithuania, state-guaranteed legal aid agencies enter into separate contracts with advocates who regularly provide secondary legal aid only to persons entitled to it on the one hand and advocates who provide secondary legal aid on demand on the other hand. According to paragraph 5 of Article 17, the amount of the fee paid to advocates for the provision of secondary legal aid should be determined so as to encourage amicable dispute settlement and ensure effective and economical use of the budgetary funds of the Republic of Lithuania allocated for state-guaranteed legal aid. The fee paid to advocates who provide regular secondary legal aid is constant and independent from the volume of secondary legal aid provided; advocates who provide secondary legal aid on demand are paid for the provision of secondary legal aid a fixed amount for every individual case with respect to the complexity of the proceedings (category, stage of the trial etc.).

126. With the view to implementing the said provisions, the Government of Republic of Lithuania passed Resolution No 69 "On the Amount of Fees Paid to Advocates for the Provision and Coordination of Secondary Legal Aid and on the Adoption of Payment Rules"

of 22 January 2001; the Minister of Justice issued Order No 1R-1233 of 27 April 2005, adopting Sample Contracts for the Provision of Secondary Legal Aid and Order No 1R-114 of 15 April 2005, adopting the Regulations of the Competition for Advocates Providing Secondary Legal Aid.

### **Compensation to victims**

127. The Law on the Compensation of Damage Resulting from Unlawful Actions of Public Authorities of 21 May 2002 establishes the out-of-court procedure of compensation of the damage caused by application of unlawful procedural measures of enforcement and provides for the implementation of the judgements of the European Court of Human Rights and the Human Rights Committee of the United Nations as well as of other international institutions whose jurisdiction or competence to adjudicate on the violations of the rights of persons belonging to the jurisdiction of the Republic of Lithuania has been recognized by the Republic of Lithuania.

128. The person concerned shall have the right to apply for compensation for the damage according to extra-judicial procedures within a period of three years at the latest from the moment when he became aware or should have become aware of the fact that the conviction, application of remand detention (arrest), detention, application of procedural measures of enforcement or imposition of an administrative penalty - arrest was found to be unlawful in accordance with the procedure prescribed by laws. The amount of the damage compensated in accordance with judicial procedures is established by the Civil Code, while the limits of compensation for the damage paid pursuant to extra-judicial procedures are as follows: pecuniary damages may not exceed LTL 10,000 and non-pecuniary damages may not exceed LTL 5,000.

129. Appropriations for compensation of damage resulting from unlawful actions of public authorities are managed by the Ministry of Justice. The appropriations are used by the Ministry of Justice to implement court decisions on compensation of damage resulting from unlawful actions of pre-trial investigation officers (investigators or interrogators), prosecutors, judges as well as courts and other public authorities, judgements of the European Court of Human Rights and amicable agreements between the parties that have received preliminary approval of the Government of the Republic of Lithuania. In two cases concerning Lithuania (*Valašinas* and *Karalevičius*), the European Court of Human Rights found that Article 3 of the Constitution, "Prohibition of Torture", had been breached by, respectively, degrading body search and conditions of imprisonment. *Valašinas* was awarded EUR 1,765 (LTL 6,000) in non-pecuniary damages and 498 EUR (LTL 1,693.87) for the costs of litigation, while *Karalevičius* received EUR 12,000 in non-pecuniary damages and EUR 1,000 for the costs of litigation.

130. On 30 June 2005, the Law on the Compensation of Damage Resulting from Crimes of Violence of the Republic of Lithuania was adopted. The objective of this law is to protect the rights and lawful interests of the victims of crimes of violence by specifying the cases when the government shall compensate for pecuniary and/or non-pecuniary damage arising from crimes of violence and by establishing the procedure of compensation. According to this law persons eligible for compensation of pecuniary and/or non-pecuniary damage resulting from crimes of violence include the victim as well as spouses, underage children and other dependants, and in

their absence, children and parents of the victims whose lives were taken through crimes of violence. The law provides that the Foundation for the Victims of Crimes of Violence shall be established and its funds shall be used for the compensation of the aforesaid damage. The law also provides for a possibility of advance compensation of pecuniary damage resulting from a violent crime from the funds of the foundation in accordance with a decision of the foundation administrator.

131. In addition, attention should be paid to the fact that the Republic of Lithuania is going to ratify the European Convention on the Compensation of Victims of Violent Crimes, which also stipulates the duty of states to compensate the damage caused by intentional violent crimes.

### **Conditions of detention**

132. The Programme of Renovation of Detention Facilities and Improvement of Conditions for Persons Held in Detention for 2003-2007 was approved by the Republic of Lithuania Government Resolution No. 141 of 29 January 2003. The programme was drafted pursuant to: the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and its additional protocols, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Prison Rules adopted by the Committee of Ministers of the Council of Europe on 12 February 1987 (Recommendation No R (87) 3). In the course of implementing this programme it is planned to open new detention facilities, reconstruct and renovate the old detention facilities at the territorial police establishments, implement the recommendations of international legislation and international organizations; however, the timely implementation of this programme directly depends on the financial capacities of the state.

133. In 2004, LTL 2 million was allocated for the implementation of the Programme of Renovation of Detention Facilities and Improvement of Conditions for Persons Held in Detention for 2003-2007. These funds have been utilised to reconstruct and equip the detention centres at the police stations of Klaipėda and Panevėžys cities and to prepare construction plans for the new detention facilities of Kaunas City Central Police Station and Druskininkai Police Station. LTL 1 million has been assigned to implement the programme in 2005 and the funds will be used for the construction of a new detention facility at Kaunas City Central Police Station.

134. It should also be noted that the renovation of some detention facilities has been undertaken under separate investment projects. The planning of detention facilities of Telšiai District Police Station and Elektrėnai Police Station is underway.

### **Information on the abuse of conscripts**

135. From 2003 to the middle of 2005, 18 cases of proceedings instituted in relation to the harassment of conscripts were recorded. 6 cases have reached trial and in another 5 case a pre-trial investigation is pending.

**Annex 1**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM *SIENA***

**RETURNED FROM ABROAD PERSONS  
(1 January 2003-31 December 2003)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Returned from abroad persons:	5 210	86	71	24	332	134	4 563	0
Came legally but their stay became illegal for other reasons	2 020	8	2	0	40	33	1 937	0
Denied persons	1 001	5	2	1	74	9	910	0
No reasons for return were defined	224	0	4	1	6	8	205	0
Illegal job	1 160	6	0	0	52	6	1 096	0
No means for subsistence	206	0	0	0	113	0	93	0
Committed a crime or infringed law	329	1	0	1	43	3	281	0
Presented a forged travel document	41	0	13	1	3	7	17	0
Presented a travel document of another person	34	0	3	0	0	7	24	0
Crossed the border at a wrong place	195	66	47	20	1	61	0	0
By nationality (total)	5 210	86	71	24	332	134	4 563	0
Belarus	5	0	0	0	0	1	4	0
No nationality	3	0	1	0	0	0	2	0
Belgium	1	0	0	0	0	0	1	0
Great Britain	1	0	0	0	0	0	1	0
Georgia	1	0	0	0	0	0	1	0
India	18	2	16	0	0	0	0	0
Iran	1	0	0	0	0	1	0	0
Israel	7	0	7	0	0	0	0	0
Kazakhstan	2	0	0	0	2	0	0	0
Latvia	10	0	4	0	6	0	0	0
Lebanon	3	0	0	0	0	0	3	0
Lithuania	5 087	84	25	20	322	123	4 513	0
Moldova	8	0	0	0	0	3	5	0
Unknown	3	0	3	0	0	0	0	0
Pakistan	3	0	2	0	1	0	0	0
South Africa	1	0	0	0	0	0	1	0
Russia	26	0	8	0	0	0	18	0
Turkey	3	0	0	1	0	0	2	0
Ukraine	19	0	0	1	1	5	12	0
Viet Nam	5	0	5	0	0	0	0	0
Germany	3	0	0	2	0	1	0	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.

**Annex 2**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM SIENA**

**STATES THAT PERSONS WERE RETURNED FROM  
(1 January 2003-31 December 2003)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Total	5 210	86	71	24	332	134	4 563	0
Ireland	169	0	0	0	0	0	169	0
Australia	1	0	0	0	0	0	1	0
Austria	56	0	0	0	0	0	56	0
Belarus	75	74	0	1	0	0	0	0
Belgium	151	0	0	0	0	0	151	0
Bulgaria	3	0	0	0	0	0	3	0
Czech Republic	34	0	0	0	0	0	34	0
Denmark	138	0	0	0	26	0	112	0
Great Britain	2 051	6	0	0	0	0	2 045	0
Greece	28	0	0	0	0	0	28	0
Iceland	2	0	0	0	0	0	2	0
Spain	192	0	0	0	1	0	191	0
Italy	90	0	0	0	0	0	90	0
Israel	49	0	0	0	0	0	49	0
Japan	29	0	0	0	0	0	29	0
United States of America	58	2	0	0	0	0	56	0
United Arab Emirates	1	0	0	0	0	0	1	0
Canada	5	0	0	0	0	0	5	0
Republic of Korea	1	0	0	0	0	0	1	0
Latvia	135	0	0	0	1	134	0	0
Poland	79	0	71	0	0	0	8	0
Lebanon	1	0	0	0	0	0	1	0
Netherlands	269	1	0	0	0	0	268	0
Norway	322	0	0	0	4	0	318	0
South Africa	1	0	0	0	0	0	1	0
Portugal	9	0	0	0	0	0	9	0
France	89	0	0	0	0	0	89	0
Russia	25	0	0	23	0	0	2	0
Finland	14	0	0	0	0	0	14	0
Sweden	388	2	0	0	254	0	132	0
Switzerland	81	0	0	0	0	0	81	0
Turkey	4	0	0	0	0	0	4	0
Hungary	1	0	0	0	0	0	1	0
Germany	659	1	0	0	46	0	612	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.



**Annex 3**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM SIENA**

**RETURNED FROM ABROAD PERSONS  
(1 January 2004-31 December 2004)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Returned from abroad persons:	2 106	82	38	32	96	86	1 772	0
Came legally but their stay became illegal for other reasons	808	2	0	8	18	9	771	0
Came illegally	2	0	2	0	0	0	0	0
Denied	366	1	5	0	18	8	334	0
No reasons for return were defined	54	0	7	0	3	4	40	0
Illegal job	378	4	0	0	16	0	358	0
No means for subsistence	37	0	0	0	19	0	18	0
Committed a crime or infringed law	281	6	0	1	22	5	247	0
Presented a forged travel document	15	1	4	0	0	6	4	0
Presented a travel document of another person	2	0	2	0	0	0	0	0
Crossed the border at a wrong place	163	68	18	23	0	54	0	0
By nationality (total)	2 106	82	38	32	96	86	1 772	0
Albania	1	0	0	0	0	0	1	0
Algeria	1	0	0	0	0	1	0	0
Armenia	2	0	0	0	1	0	1	0
Australia	1	0	0	0	0	1	0	0
Belarus	5	0	2	0	0	1	2	0
No nationality	2	1	0	0	1	0	0	0
Egypt	7	4	0	0	0	3	0	0
Estonia	1	0	0	0	1	0	0	0
Ghana	1	0	0	0	0	0	1	0
Georgia	2	0	0	0	0	0	2	0
Italy	1	0	0	0	0	1	0	0
Kazakhstan	3	0	0	0	1	0	2	0
Latvia	7	0	2	0	0	0	5	0
Poland	1	0	0	0	0	0	1	0
Lithuania	2 041	76	27	31	92	72	1 743	0
Pakistan	1	0	0	0	0	0	1	0
Russia	10	1	1	0	0	0	8	0
Turkmenistan	1	0	0	0	0	0	1	0
Ukraine	14	0	3	0	0	7	4	0
Viet Nam	3	0	3	0	0	0	0	0
Germany	1	0	0	1	0	0	0	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.

**Annex 4**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM SIENA**

**STATES FROM WHICH PERSONS WERE RETURNED  
(1 January 2004-31 December 2004)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Total	2 106	82	38	32	96	86	1 772	0
Ireland	44	0	0	0	0	0	44	0
Anguilla	1	0	0	0	0	0	1	0
Australia	1	0	0	0	0	0	1	0
Austria	26	0	0	0	0	0	26	0
Belarus	73	72	0	0	0	0	1	0
Belgium	85	0	0	0	0	0	85	0
Czech Republic	29	0	0	0	0	0	29	0
Denmark	83	5	0	0	2	0	76	0
Great Britain	620	0	0	0	0	0	620	0
Greece	6	0	0	0	0	0	6	0
Iceland	2	0	0	0	0	0	2	0
Spain	43	0	0	0	0	0	43	0
Italy	22	0	0	0	0	0	22	0
Israel	43	0	0	0	0	0	43	0
Japan	7	0	0	0	0	0	7	0
USA	19	0	0	0	0	0	19	0
Canada	2	0	0	0	0	0	2	0
Cyprus	1	0	0	0	0	0	1	0
Latvia	85	0	0	0	0	85	0	0
Poland	41	0	38	0	0	0	3	0
Luxembourg	3	0	0	0	0	0	3	0
Netherlands	119	0	0	0	0	0	119	0
Norway	86	0	0	0	1	0	85	0
South Africa	1	0	0	0	0	0	1	0
Portugal	4	0	0	0	0	0	4	0
France	66	0	0	0	0	0	66	0
Russia	37	0	0	32	0	1	4	0
Finland	18	0	0	0	0	0	18	0
Surinam	3	0	0	0	0	0	3	0
Sweden	163	1	0	0	76	0	86	0
Switzerland	51	2	0	0	0	0	49	0
Turkey	1	0	0	0	0	0	1	0
Ukraine	3	0	0	0	0	0	3	0
Germany	318	2	0	0	17	0	299	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.

**Annex 5**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM *SIENA***

**RETURNED FROM ABROAD PERSONS  
(1 January 2005-31 December 2005)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Returned from abroad persons:	266	5	12	9	14	35	191	0
Came legally but their stay became illegal for other reasons	71	2	0	2	3	0	64	0
Denied persons	3	0	2	0	0	1	0	0
No reasons for return were defined	20	0	0	0	0	14	6	0
Illegal job	8	0	0	0	0	2	6	0
No means for subsistence	41	0	0	0	6	0	35	0
Committed a crime or infringed law	84	0	1	0	4	0	79	0
Presented a forged travel document	20	0	2	0	1	16	1	0
Presented a travel document of another person	1	0	1	0	0	0	0	0
Crossed the border at a wrong place	18	3	6	7	0	2	0	0
By nationality (total)	266	5	12	9	14	35	191	0
Afghanistan	1	0	0	0	0	0	1	0
Albania	1	0	0	0	0	0	1	0
Belgium	1	0	0	0	0	0	1	0
Israel	2	0	0	0	0	0	2	0
Kazakhstan	6	0	0	0	0	6	0	0
Kirghistan	2	0	0	0	0	2	0	0
Latvia	2	0	2	0	0	0	0	0
Lithuania	218	4	3	9	14	3	185	0
Moldova	10	0	1	0	0	9	0	0
Pakistan	1	0	1	0	0	0	0	0
Russia	19	0	5	0	0	14	0	0
Ukraine	3	1	0	0	0	1	1	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.

**Annex 6**

**STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF INTERIOR,  
BORDER GUARD BOARD INFORMATION SYSTEM *SIENA***

**STATES FROM WHICH PERSONS WERE RETURNED  
(1 January 2005-31 March 2005)**

Indicators	Total	Border with					Airports	Other units*
		Belarus	Poland	Russia	Seacoast	Latvia		
Total	266	5	12	9	14	35	191	0
Ireland	2	0	0	0	0	0	2	0
Australia	2	0	0	0	0	0	2	0
Austria	4	0	0	0	0	0	4	0
Belarus	5	5	0	0	0	0	0	0
Belgium	30	0	0	0	0	0	30	0
Czech Republic	16	0	0	0	0	0	16	0
Denmark	17	0	0	0	0	0	17	0
Great Britain	8	0	0	0	0	0	8	0
Israel	3	0	0	0	0	0	3	0
Japan	2	0	0	0	0	0	2	0
United States of America	5	0	0	0	0	0	5	0
Canada	1	0	0	0	0	0	1	0
Latvia	35	0	0	0	0	35	0	0
Poland	12	0	12	0	0	0	0	0
Luxembourg	1	0	0	0	0	0	1	0
Netherlands	14	0	0	0	0	0	14	0
Norway	10	0	0	0	0	0	10	0
Portugal	1	0	0	0	0	0	1	0
France	14	0	0	0	0	0	14	0
Russia	10	0	0	9	0	0	1	0
Finland	1	0	0	0	0	0	1	0
Sweden	25	0	0	0	14	0	11	0
Switzerland	10	0	0	0	0	0	10	0
Germany	38	0	0	0	0	0	38	0

\* State Border Guard Service, Ignalina Nuclear Power Plant Security Unit, Border Guards School, Foreigners Registration Centre.

Based on daily consolidated data of events.

**Annex 7**

**EXPEL OF ALIENS FROM THE REPUBLIC OF LITHUANIA  
(Data of Migration Department of the Ministry of Interior)**

No.	Nationality of aliens	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1st quarter of 2005	Total
1.	Afghanistan		3	221	295	55	129	37	7		12				759
2.	Algeria			1											1
3.	Armenia		9	9	6	4	3	6	10	11	2	7	6	1	74
4.	Azerbaijan	7	25	15	15	7	12	6	29	25	14	16	4	3	178
5.	Belarus	12	19	33	10	32	62	77	61	60	50	44	43	12	515
6.	Bangladesh		14	25	220	233	13	11				9			525
7.	No nationality				4	6	3	13	20	26	17	19	8	5	121
8.	No nationality (Palestinians)	3			8			1	7						19
9.	Bosnia and Herzegovina								1						1
10.	Brazil										1				1
11.	Egypt				2							1	20	1	24
12.	Estonia				1	1	4	8	8	3	7	2	2		36
13.	Gambia		1												1
14.	Ghana	1													1
15.	Georgia	1		1	1	1	2		3	6	1		2	1	19
16.	India	15	17	299	144	134	101	13	4	4	18	39	2		790
17.	Iraq	3		35	63	11	4	1	2			1			120
18.	Iran				7					1					8
19.	Israel							2	1				2		5
20.	Jordan						1	1		1					3
21.	Unites States of America												1		1
22.	Cameroon												1		1
23.	Canada	1									1				2
24.	Kazakhstan							3		2	4	2	2		13
25.	China	7		18	115	119	28	1	4	1	4	11	3		311
26.	Kirghizia			1		2		1		2	3	1	1	1	12

No.	Nationality of aliens	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1st quarter of 2005	Total
27.	Congo								1						1
28.	Latvia			4	3	9	13	14	20	27	23	18	2		133
29.	Poland	3	2						1		1				7
30.	Lebanon	6			7		1		3			1			18
31.	Mali											1			1
32.	Morocco							1							1
33.	Moldova	1	1	1					13	14	11	5	2	2	50
34.	Nepal			1		7	4	4							16
35.	Nigeria			1			1		1	1		2	1		7
36.	Pakistan	10	3	214	176	202	87	14	3	4	4	2	20	2	741
37.	France											2			2
38.	Russia	13	11	24	24	27	54	53	91	91	86	92	49	10	625
39.	Serbia and Montenegro	1											1		2
40.	Sierra Leone											2			2
41.	Syria				15		4		1						20
42.	Somalia			109	18			6					2		135
43.	Sri Lanka		50	224	311	48	175						3		811
44.	Switzerland					1									1
45.	Tajikistan		1			1		1	2	1	2				8
46.	Tunisia	1													1
47.	Turkey	1	4	1		6	7				2	13	5		39
48.	Turkmenistan	1	1		1				1	2	1				7
49.	Ukraine	7	6	21	8	20	24	18	32	25	29	32	20	3	245
50.	Uzbekistan	4	1		1	1	2	3	2	3		1	4		22
51.	Viet Nam	15	4	3			2	11	17	32	18	50		3	155
52.	Germany							1			1	3			5
	Total	113	172	1 261	1 455	927	736	307	345	342	312	376	206	44	6 596