



The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and, in reference to its note LA/COD/50/1 of 18 December 2020 and with apologies for a belated submission, has the honour to transmit the information that the Government of the Republic of Lithuania wishes to submit pursuant to the General Assembly resolution 75/132 of 15 December 2020, entitled “Criminal accountability of United Nations officials and experts on mission”.

Article 5 of the Criminal code of the Republic of Lithuania (hereinafter – CC) establishes that citizens of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for the crimes committed abroad under CC. Furthermore, Article 8 of the CC establishes that a person who has committed abroad the crimes provided for in Articles 5 and 6 of the CC shall be held criminally liable only where the committed act is recognised as a crime and is punishable under the criminal code of the state of the place of commission of the crime and the Criminal Code of the Republic of Lithuania. Where a person who has committed a crime abroad is prosecuted in the Republic of Lithuania, but a different penalty is provided for this crime in each country, the person shall be subject to a penalty according to laws of the Republic of Lithuania, however it may not exceed the maximum penalty specified in criminal laws of the state of the place of commission of the crime. Paragraph 2 of the aforementioned article states that a person who has committed the crimes provided for in Articles 5 of the CC shall not be held liable under CC where he: 1) has served the sentence imposed by a foreign court; 2) has been released from serving the entire or a part of the sentence imposed by a foreign court; 3) has been acquitted or released from criminal liability or punishment by a foreign court’s judgment, or no penalty has been imposed by reason of the statute of limitation or on other legal grounds provided for in that state. Lastly, Article 9 of the CC establishes minimal rules regarding extradition of Lithuanian citizens. Paragraph 1 of the Article 9 of the CC states that a citizen of the Republic of Lithuania who has committed a criminal act in the Republic of Lithuania or in the territory of another state may be extradited to the foreign state or surrendered to the International Criminal Court solely in accordance with a treaty to which the Republic of Lithuania is party or a resolution of the United Nations Security Council. Mutual legal assistance in criminal cases in Lithuania shall be carried out in accordance with the provisions of Code of Criminal Procedure of the Republic of Lithuania (hereinafter - CCP) and ratified international agreements (Article 66 of the CPC). Extradition may be granted solely in accordance with a treaty to which the Republic of Lithuania is party or a resolution of the United Nations Security Council (Article 71 of the CPC and Article 9 of the CC). The international legal instruments, based on which the mutual legal assistance is provided and extradition is granted in Lithuania may be divided into several categories: 1) Conventions ratified by Lithuania (of the Council of Europe, of the United Nations) 2) Bilateral agreements 3) EU legal acts. As regards to the reciprocity principle, in the absence of international treaty the reciprocity may be applied as a legal ground for mutual

legal assistance. In this case, the mutual legal assistance must not violate the Constitution, national legal acts and the fundamental principles of the criminal procedure. Article 13 of the Constitution prohibits the extradition of Lithuanian citizens, unless an international treaty establishes otherwise. In such a case a request for prosecution by a foreign authority to initiate or to take over persecution against a Lithuanian national who committed a criminal act in a foreign state and returned to Lithuania may be issued and executed. Thus, citizens of the Republic of Lithuania who are serving as United Nations officials or experts on mission may be prosecuted for criminal offenses committed in the course of their activities if they are criminalized in the Criminal Code.

The Republic of Lithuania pays special attention to the protection of both victims and witnesses in criminal proceedings. The general rule enshrined in the CPC stipulates that in each case of criminal investigation, the judge, prosecutor and pre-trial investigation officer must explain the procedural rights of the participants in the proceedings and ensure their possibility to exercise them (Article 45 of the CPC). All victims have a the right to be informed of the state of criminal proceedings concerning him, to give evidence, to make requests, to make exclusions, to participate in the assessment of his special protection needs, to have access to the case during pre-trial investigation and trial, to participate in court proceedings, to appeal against the actions of the pre-trial investigation officer, the prosecutor, the pre-trial investigation judge and the court, as well as to appeal against the court judgment or ruling, to give the final speech. In each case, no later than the first questioning of the victim, the pre-trial investigation officer or the prosecutor shall carry out an assessment of the victim's special protection needs. The data collected during the assessment of the victim's special protection needs are taken into account when organizing criminal proceedings and in cases established by this Code when deciding whether it is necessary to apply one or more of the guarantees provided for in this Code (Article 1861 of the CPC). Special protection needs are the needs of the victim to use the guarantees established by the CPC to protect the victim from mental trauma, criminal impact or other negative consequences determined by personal characteristics, the nature of the crime or the circumstances of its commission (Article 362 of the CCP). Every victim has the right to protection, to participate in the assessment of special protection needs and to receive special protection measures. It should be noted that the victim and his / her family members, witnesses may also be subject to the measures of protection against criminal impact provided by the Law on the Protection of Participants in Criminal Proceedings and Criminal Intelligence, Justice and Law Enforcement Officials of the Republic of Lithuania if during pre-trial investigation or criminal proceedings whether serious crimes, as well as serious crimes provided for in this Law or verified data have been obtained from public or confidential sources at the end of criminal proceedings, that the life or health of persons is in real danger or their property may be destroyed or damaged. Aforementioned law provides for the possibility to apply physical protection measures to the victim - physical protection of the person and his / her property, temporary transfer of the person to a safe place, establishment of a special regime for providing personal data from state and departmental registers and information systems; or change of place of study, change of personal identity and biographical data, making plastic operations that change a person's appearance, issuance of a firearm, special measures for a person, financial support.

Lithuania is currently transposing into the National Legislation the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA provides to victims of crimes (including victims of terrorist offences, offences related to a terrorist group and offences related to terrorist activities) specific rights (such as the right to legal assistance, the rights to be informed about the outcomes of the enquiries, access to victims support services) and safeguards during investigations, trials and sometime after criminal proceedings. In view of this, the Republic of Lithuania has adopted Law on Assistance to Victims of Crime (hereinafter - LAVC), which establishes the victim, having regard to his or her individual needs, the needs arising from the offence committed and the nature of the offence, shall have the right: 1) to free, confidential use of the assistance provided and/or organised by the first contact authorities and emergency services before, during and, if necessary, after criminal proceedings and in all cases where criminal proceedings are not instituted; 2) to receive information in a language he or she understands in the manner and by the means chosen by agreement between him or her and the assisting entities, as well as to receive interpretation, translation and sign language interpretation services; 3) to choose a person who will participate in contacting the first contact authority and help him or her to understand or be understood, except in cases when it is contrary to the interests of the victim and/or otherwise impedes the provision of assistance; 4) to receive health care and/or social services, the provision of which is regulated respectively by the Law on Health Insurance of the Republic of Lithuania, the Law on the Health System of the Republic of Lithuania and their implementing legislation, as well as the Law on Social Services and its implementing legislation. The family members of the victim shall have the right to free use of the assistance provided and/or organised by the first contact authorities having regard to their individual needs and the needs arising from the offence committed, depending on the extent of the damage caused by the offence committed. Eligibility for assistance does not depend on whether the victim has lodged a formal complaint or his or her legal representative has filed a statement regarding the offence with the competent authority. LAVC also established special rights for victims of terrorist offences by providing that a victim of a terrorist offence shall have the right to receive the assistance provided for in this Law and the necessary medical assistance immediately after the terrorist offence. While in the territory of the Republic of Lithuania, a person who has been the victim of a terrorist offence in a Member State of the European Union has the right to receive information on his or her rights as well as the assistance and compensation established and provided in the Member State of the European Union where the terrorist offence was committed. This information is collected and provided to the victim of the terrorist offence in accordance with the procedure established by the order of the Prosecutor General of the Republic of Lithuania.

The Permanent Mission of the Republic of Lithuania to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 9 June 2021

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