

LITHUANIA

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NATIONAL POLICY

Terrorism remains one of the most serious threats to peace and security and it poses a direct threat to universally recognised democratic values. To counter this threat the Republic of Lithuania has developed and implemented numerous legal and organisational measures. While seeking to ensure effectiveness of these counter-terrorism measures, the Republic of Lithuania gives due consideration to the protection of human rights and the rule of law.

Terrorism is a global phenomenon, therefore the Republic of Lithuania makes every effort to contribute to international co-operation in the fight against terrorism.

The National Security Strategy approved in 2005 by the Parliament of the Republic of Lithuania (the Seimas) states that terrorism poses a serious threat to the security of the international community and, hence, to the security of the Republic of Lithuania. This threat is to a large extent external to the Republic of Lithuania, i.e. the danger to the state may primarily arise from international terrorism. Terrorist acts in the Republic of Lithuania may target both infrastructures of strategic importance to national security and/or strategic objects and places of mass gatherings. The Republic of Lithuania also seeks to prevent possible transit across its territory of international terrorism directed against other states.

The Programme for Combating Terrorism was approved in the Republic of Lithuania in 2005 and is currently under review. This programme sets the priority lines of action, such as the state's participation in the international community's fight against terrorism and related mechanisms of NATO and the European Union, the development of the general anti-terrorist legal base, the protection of potential terrorist targets, and the identification of possible principles and agents of terrorist acts.

LEGAL FRAMEWORK

Penal law

The Criminal Code of the Republic of Lithuania (effective as of 01-05-2003) establishes criminal

liability for a terrorist act. A terrorist act is considered to be a grave or a very grave crime. Part 1 of Article 250 of the Code "Terror Acts" establishes the criminal liability of a person who placed an explosive, caused an explosion or a fire in a place of dwelling, work, gathering or a public place. Such a person will be punished by imprisonment of up to ten years.

Part 2 of the article establishes that if a terrorist act harmed the victim's health or if it destroyed or damaged a vehicle or a building or equipment in a building, the perpetrator will be punished by imprisonment of three to twelve years.

Part 3 of the article establishes the criminal liability of a person who exploded, set on fire or destroyed or damaged a building or a piece of equipment in some other way. If this endangered the lives or the health of many people or if it spread radioactive, biological or hazardous substances, preparations or micro-organisms, such an act will be punished by imprisonment of five to fifteen years. If such an act was directed against an object of strategic importance or if it had grievous effects, the person who committed it will be punished by imprisonment of ten to twenty years.

Part 6 of the article establishes the criminal liability of a person who organised a terrorist group with the aim of terrorising people by the threat of terrorist acts or unlawfully demanding that the state, institutions or international organisations perform or refrain from performing some actions. If a person took part in the activities of a terrorist group, financed it or provided material or some other support to such a group, that person may be punished by imprisonment of ten to twenty years.

The legislation acknowledges that incitement of terrorism poses a threat to the feeling of public safety which is not lesser than the perpetration of terrorist acts. Therefore, on 11-11-2004, the Parliament of the Republic of Lithuania supplemented the Criminal Code with Article 250¹, which establishes the criminal liability for incitement to terrorism: persons who encouraged or incited a terrorist act or other crimes related to terrorism or disdained terrorist victims in their public oral or written statements or in mass media will be

punished by a fine, arrest, or imprisonment of up to three years.

Some criminal offences established in the Criminal Code may be qualified as terrorist crimes with regard to the circumstances. Among them, the following should be mentioned: taking a hostage, hijacking an airplane, a ship or a stationary platform on the continental shelf. The Criminal Code also criminalises acts that are often related to terrorism: illegal possession of weapons, explosives, and radioactive materials. Moreover, the legalisation of illegally acquired money or property (money laundering), which may be a potential source of terrorist funds, is considered to be a crime.

Jurisdiction

Following the provisions of the Criminal Code of the Republic of Lithuania, persons who committed criminal offences (as well as terrorist acts) on the territory of the Republic of Lithuania will be held liable according to the laws of the Republic of Lithuania. Ships and airplanes bearing the flag or insignia of the Lithuanian state are also considered to be the territory of the state. Moreover, citizens of the Republic of Lithuania and other persons with permanent residence in Lithuania will be held liable for crimes committed abroad according to the laws of the Republic of Lithuania if they are tried in Lithuania.

The Criminal Code establishes that persons who committed acts forbidden by international agreements will be held responsible according to the laws of the Republic of Lithuania irrespective of their citizenship, place of residence, the place where the crime was committed or whether the committed act is punished according to the laws of the place where it was committed. A terrorist act is one of such forbidden acts.

The Republic of Lithuania has ratified the 1957 European Convention on Extradition and the European Convention on the Suppression of Terrorism. The provisions of these legal documents have been incorporated into the national laws and this enables the full participation of our state in prosecuting persons suspected of terrorism, as well as detaining and extraditing them to the states that request it.

Criminal procedure

The criminal procedure of the Republic of Lithuania does not contain any special provisions that apply to persons who are suspected of terrorist acts. During the pre-trial investigation and during the legal proceedings, such persons have the same rights and duties as any other person who is suspected of a

criminal offence. Since a terrorist act is considered to be a grave or a very grave crime in the Republic of Lithuania, the law establishes the possibility of a wider range of procedural coercive measures against the suspect, as in the case of other crimes of a similar nature. The custodial measure of detention is the harshest among these (in exceptional cases, it may be extended for up to 18 months during the pre-trial investigation).

Moreover, investigations of terrorist acts may use the monitoring and recording of information transferred by telecommunication networks, secret surveillance, actions of pre-trial investigation officers without disclosing their identity, actions simulating a criminal offence, control transportation, searches and other procedural coercive measures.

In order to ensure the effectiveness of investigations and protect the interests of persons performing investigative actions, officers may perform pre-trial investigations without disclosing their identity. The Code stipulates the right to grant anonymity to a victim or a witness in procedure regarding very grave crimes (as well as regarding a terrorist act).

In 1994, the Programme for the Protection of Witnesses and Victims against Criminal Influence was approved by a resolution of the Government of the Republic of Lithuania. This programme may be applied to persons who are victims of terrorism or witnesses. The Programme for the Protection of Witnesses and Victims against Criminal Influence includes other participants of the criminal procedure as well. Witnesses and victims are protected in cases when there are grounds to suspect that they or their family members or relatives may be murdered or assaulted, that their property may be destroyed or damaged, or that some other criminal offences may be perpetrated against them.

Other relevant legislation

In 2002, the Republic of Lithuania adopted the Law on Operational Activities, which regulates the legal bases of the performance of covert investigations. Such investigations are performed before the start of the pre-trial (procedural) investigation. The law regulates the methods of covert investigations, which include the use of agents, electronic intelligence, surveillance, screening, interrogations and inspections.

The methods of covert investigations may be used in collecting information about planned or committed criminal offences (as well as terrorist acts). Therefore, one of the key functions of this law is to prevent possible terrorist acts and other criminal offences, thereby avoiding harm to the public.

In 1998, the Parliament of the Republic of Lithuania (the Seimas) passed the Law on the Prevention of Money Laundering. This law aims to establish measures preventing money laundering and to appoint institutions responsible for the implementation of these measures. The law also establishes measures that are applied in order to prevent terrorist funding. The law makes it possible to suspend (freeze) the execution of a suspicious currency operation for the period of 48 hours. This law takes into account the recommendations of FATF as well.

On June 26, 2003, the Government of the Republic of Lithuania approved the Programme for the Elimination of the Effects of Emergency Situations Resulting from Terrorist Acts. This programme aims to prepare for an adequate response to and elimination of the effects of emergency situations resulting from terrorist acts (especially from the use of weapons of mass destruction), to protect the inhabitants and the environment from possible negative effects as much as possible, as well as to implement Lithuania's obligations under international agreements.

In order to protect the rights and legitimate interests of the victims of violent crimes (as well as terrorism), the Parliament of the Republic of Lithuania passed the Law on the Compensation of Damage Inflicted by Violent Crimes in 2005. This law specifies the cases in which the state will compensate material and (or) immaterial damage inflicted by violent crimes. The Fund of the Victims of Crime has been operating in Lithuania since 2004.

The law on terrorism prevention, which is currently being drafted, should establish terrorism prevention measures, the mechanism of their implementation, and the system for the elimination of terrorist acts and their effects.

INSTITUTIONAL FRAMEWORK

The **State Defence Council** discusses and co-ordinates the main issues of state defence, including the activities of state institutions related to the most important national security issues. The council consists of the Prime Minister, the Chairman of the Parliament (the Seimas), the Minister of Defence, and the Commander of the Army. The President of the Republic heads the State Defence Council. The Director General of the State Security Department, the Ministers of Foreign Affairs and the Interior, and the Chairman of the Committee of National Security and Defence of the Parliament (the Seimas) are usually invited to the meetings of the State Defence Council. The formation, the procedures and the authority of the Council is regulated by the law.

The **Intergovernmental Counter-Terrorism Co-ordination Commission** was formed in 2002 in order to ensure proper co-ordination of the activities of state and other institutions in fighting terrorism and the implementation of the required measures in this fight. The Commission performs two main tasks:

- discusses strategic and, if necessary, urgent issues in the fight against terrorism and its prevention;
- co-ordinates and controls the implementation of the Counter-Terrorism Programme of the Republic of Lithuania.

The Commission submits proposals to the State Defence Council, the Parliament of the Republic of Lithuania (the Seimas), the Government of the Republic of Lithuania, as well as other state agencies and institutions. The Commission controls the implementation of the measures provided in the Counter-Terrorism Programme by responsible state institutions and agencies.

The **State Security Department** is an institution accountable to the Parliament of the Republic of Lithuania (the Seimas) and the President of the Republic of Lithuania, which aims to protect the sovereignty and the constitutional order of the Republic of Lithuania. One of the functions of the State Security Department is combating terrorism and its prevention. The Department collects, accumulates and analyses information related to terrorist threats, implements terrorism prevention measures and gives recommendations to other state institutions. The State Security Department is also responsible for the institutional co-ordination of the fight against terrorism.

The **General Prosecutor's Office** is the institution responsible for the pre-trial investigation of terrorist acts. Prosecutors support state accusation in court during the criminal procedure.

The main function of the **police** is to protect personal and public safety, human rights and freedoms, maintain public order, and fight against criminal offences (including terrorism).

The purpose of the **Financial Crimes Investigation Service** under the Ministry of the Interior of the Republic of Lithuania is to disclose and investigate money laundering and terrorist funding, as well as other criminal offences and legal violations in the financial system.

The **anti-terrorist operations squad of the Lithuanian police "Aras"** is a specialised police agency performing special operations on the entire territory of the Republic of Lithuania which require the use of a well-prepared, armed and specially equipped force.

The main tasks of the "Aras" squad:

- performing special anti-terrorist operations;
- performing operations to release hostages and apprehend dangerous criminals;
- neutralising home-made explosive devices and military explosives used for terrorist or criminal purposes.

Special operations unit of the Lithuanian army "Aitvaras". This army unit consists of five elements (control, land, air, water, and intervention) which perform anti-terrorist and special operations abroad and, if necessary, inside the country.

INTERNATIONAL CO-OPERATION

Mutual co-operation and extradition

The Republic of Lithuania is a party to the 1957 European Convention on Extradition and its additional protocols. The provisions of this convention have been incorporated into the national legal documents, which enables smooth co-operation with other states in the area of extradition for crimes. The Republic of Lithuania is also a party to the 1959 European Convention on Mutual Assistance in Criminal Matters and the 1978 Additional Protocol of this Convention. The Republic of Lithuania has signed bilateral agreements on legal co-operation in civil, family and criminal proceedings with the neighbouring states.

The Republic of Lithuania ratified the 1977 European Convention on the Suppression of Terrorism and signed the Amending Protocol to the Convention.

These documents facilitate the extradition of persons suspected of terrorism.

International measures

United Nations

The Republic of Lithuania has ratified all twelve UN conventions and protocols concerning the fight against terrorism.

On September 16, 2005, the Republic of Lithuania signed the International Convention for the Suppression of Acts of Nuclear Terrorism.

The Republic of Lithuania supports the actions taken by the UN Security Council and honours its obligations deriving from the latter's resolutions on the fight against terrorism.

Lithuania has submitted a number of reports to the UN Counter-Terrorism Committee pursuant to UNSCR 1373 (2001) and UNSCR 1267(1999).

European Union

Lithuania is participating actively in European Union initiatives, notably by applying the measures mentioned in the European Council Declaration on the Fight against Terrorism of 25 March 2004 and in the Revised Plan of Action/Road-Map on Combating Terrorism.

Relevant Council of Europe conventions - Lithuania	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	07/06/1996	07/02/1997
Amending Protocol (ETS 190)	15/11/2004	15/09/2005
European Convention on Extradition (ETS 24)	09/11/1994	20/06/1995
First Additional Protocol (ETS 86)	09/11/1994	20/06/1995
Second Additional Protocol (ETS 98)	09/11/1994	20/06/1995
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	09/11/1994	17/04/1997
First Additional Protocol (ETS 99)	09/11/1994	17/04/1997
Second Additional Protocol (ETS 182)	09/10/2003	06/04/2004
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	17/04/1997	23/11/1999
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	14/01/2004	-
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	03/06/1994	20/06/1995
Convention on Cybercrime (ETS 185)	23/06/2003	18/03/2004
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	07/04/2005	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	-	-
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	-	-