Defendants (criminal proceedings)

Litauen

These factsheets explain what happens when a person is suspected of or accused of a crime, which is dealt with by a trial in court. For information on minor offences like road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

Summary of the criminal process

Violations of law in Lithuania may be viewed in two ways – either as criminal acts, i.e. acts prohibited by criminal law, or as less serious administrative breaches of law. Breaches of criminal law in Lithuania are called criminal acts. Criminal acts are divided into crimes and misdemeanours. Crimes are those criminal acts which may be punishable by imprisonment while misdemeanours do not result in imprisonment.

The following is a summary of the usual stages of the criminal process in the Republic of Lithuania:

Pre-trial investigation

The pre-trial investigation starts when it is established that a crime has been committed. This stage ends when the prosecutor writes up a bill of indictment unless grounds to terminate the pre-trial investigation were established first.

Proceedings before the court of first instance

This stage involves dealing with the most important questions that emerge during the criminal proceedings: the court determines whether a crime has been committed, decides whether the accused is guilty of committing that crime and imposes a penalty on the person found guilty.

The proceedings before the court of first instance are in two parts. In the first part, the court makes a decision about whether there are grounds to have a trial. At the second stage – the court hearing – the case is heard and a decision is made based on the evidence presented.

Proceedings before the court of appeal

This is the stage where the legality of the decision of the court of first instance is examined to establish whether the grounds of appeal are justified.

Execution of the judgment or order

This is the stage where the legal sanctions imposed by the court are executed and any other new procedural issues are decided.

Proceedings before the court of cassation

This is the stage where judgments or orders passed by the court of first instance and the court of appeal which are in force are reviewed. The facts of the case will not be re-examined – the decision will be based on whether the law has been properly applied.

Appeal and cassation procedures are not obligatory; a case goes through those procedural stages only if petitions of appeal and cassation are lodged.

The proceedings in certain cases have their own specifics. In private prosecutions there is no pre-trial investigation stage. In proceedings for a penal order, the trial before the court of first instance is conducted in a different way and no appeal or cassation review is possible.

Details about all of these stages in the procedure and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

1 – Getting legal advice

2 – My rights during the pre-trial investigation of a crime

Start of the pre-trial investigation

Questioning and collection of material during the pre-trial investigation

Procedural coercive measures

Conclusion of the pre-trial investigation

3 – My rights during the trial

4 – My rights after the court passes the judgment

5 – Traffic offences

Related links

Criminal Code (in Lithuanian)

Criminal Code (in English)

Code of Criminal Procedure (in Lithuanian)

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