Defendants (criminal proceedings)

Lituania

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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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Finding a lawyer

You are entitled to have a lawyer from the moment you are detained or the start of your first interrogation. In some cases you may be defended by a lawyer‘s assistant but most often, it is a lawyer who will be your defence counsellor.

You are not obliged to have a lawyer – you may refuse such assistance and defend yourself in person. But this is only possible if you know the language of the procedure. If you do not know the language – in this case Lithuanian – you are obliged to have a lawyer.

If you need a lawyer, you can find one in the list held by the Council of the Lithuanian Bar Association.
You have the right to find a suitable lawyer yourself. Someone who you authorise may also find a lawyer on your behalf.
Police officers must explain to you about your right to have a lawyer from the moment you are detained, or the start of your first interrogation. When officers are reading you your rights, you may state your wish to be represented by a lawyer during the criminal process. You will have to confirm this decision by signing the procedural document.

How can I find a lawyer if I am in detention?

If you have been detained, you will have to be questioned within 24 hours. Before the start of this interrogation, you will have to find a lawyer, or one will have to be appointed for you, as you are entitled to have a lawyer when any procedural acts, including interrogation, take place.
If you have been detained and you already have a lawyer, inform the officer that you want to contact your lawyer. You may also phone members of your family or friends and ask them to find a suitable lawyer for you.
If you do not want to find a lawyer yourself, and you do not speak the language of the procedure, the officer or the prosecutor will appoint a lawyer for you who will provide his services free of charge. In that case, you are not obliged to contact anyone yourself.

How to get state-guaranteed legal aid

If you do not have money to hire a lawyer, you may get legal aid free of charge. If you want to be represented by a lawyer providing state-guaranteed legal aid, you need to apply to any of the services in the five major cities that provide state-guaranteed legal aid.
If you do not speak Lithuanian, you are obliged to have a lawyer. If you have not found a lawyer yourself, the investigating officer or prosecutor will automatically appoint a lawyer who provides State-guaranteed legal aid. In this case, irrespective of whether you can afford to hire a lawyer or not, you will be provided with legal aid free of charge. But don't forget that you may refuse the services of an appointed lawyer and find another at any point in the procedure.

Related links

Law on state-guaranteed legal aid

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2 - My rights during the pre-trial investigation of a crime and before the case goes to court

Why and how is a pre-trial investigation carried out?

A pre-trial investigation is the first stage of the criminal process. The purpose of the pre-trial investigation is to quickly and fully determine all significant circumstances of a crime and identify the person who might have committed that crime. The pre-trial investigation is necessary to create the conditions for a proper hearing of the case in court. It also ensures that the rights of the various people involved in the case are respected, for example, their right to receive compensation for damages.
During the pre-trial investigation stage you will be considered as a suspect.
The pre-trial investigation is carried out by investigating officers. The pre-trial investigation is organised and headed by a prosecutor. The prosecutor may decide to carry out the whole pre-trial investigation, or part of it, in person. Some parts of the procedure may also be carried out by a pre-trial investigation judge.

What are the stages of a pre-trial investigation?

Start of the pre-trial investigation

A pre-trial investigation starts when there is credible information to the effect that a crime has been committed. A pre-trial investigation is started not against a person but because a crime has been committed. Only later will the procedure turn into a case against a particular person.

Questioning and collection of material during the pre-trial investigation

In Lithuania, all information which confirms or disproves the circumstances of a case during the pre-trial investigation is called not evidence but material. It will be for the court to decide during its hearing whether the material which has been collected will become evidence.
The material obtained by questioning the suspect and the witnesses, as well as other material, is collected during this phase in order to determine the circumstances of the crime and to establish who might have committed it.

Procedural coercive measures

All the actions during the pre-trial investigation which restrict a person's rights are called procedural coercive measures. They are divided into measures of remand and other procedural coercive measures.
Remand measure may be used during a pre-trial investigation to ensure that the suspect is present during the proceedings and that the pre-trial investigation is conducted without any obstacles. They can also be used to prevent new crimes from being committed.
Other procedural coercive measures are also used to collect material which is important for the investigation. Coercive measures are only used if there is no other way to achieve the result which is needed.

Conclusion of the pre-trial investigation

A pre-trial investigation may be brought to an end if it is not possible to find enough material to prove the guilt of the suspect or because there are other obstacles to the procedure. The investigation may also be terminated if it can be acknowledged that the suspect cannot be held legally responsible for the crime committed.
The investigation will also come to an end if the case is referred to the court.
Finally, a pre-trial investigation may also be concluded by ordering that the defendant should receive medical treatment where there are legal reasons why the defendant cannot be tried in court, such as diminished responsibility.
A case is referred to the court when the prosecutor decides that enough material has been collected to prove the guilt of the suspect.
Collection of material during the pre-trial investigation and procedural coercive measures do not follow each other in chronological order. In these factsheets, they are dealt with as separate stages because of their different nature and aims. Often, they happen simultaneously, but remand measures (detention) may not be applied before the suspect has been questioned.

My rights during the pre-trial investigation

To find out more about your rights during the pre-trial investigation, click on the links below:

Start of the pre-trial investigation (1)
Questioning and collection of material during the pre-trial investigation (2)
Procedural coercive measures (3)
Conclusion of the pre-trial investigation (4)

The language of the proceedings and translations (5)

Start of the pre-trial investigation (1)

Why can a pre-trial investigation be started?

A pre-trial investigation will be started if credible information that a crime has been committed is received. During a pre-trial investigation, the purpose is to quickly and fully determine all significant circumstances of the crime and identify the person who might have committed that crime.

In Lithuania, a pre-trial investigation is started not against a person but because a crime has been committed. Later, you will be involved in the pre-trial investigation as a suspect if there is enough material to reasonably assume that you might have committed the crime.

Why am I suspected of committing the crime?

You will become a suspect if you:

have been detained on suspicion of having committed a crime;

are questioned about a crime which you are suspected of committing;

are summoned to an interrogation after a notification of suspicion has been drawn up;

are in hiding, or you can't be located and the prosecutor or the pre-trial investigation judge has decided that you are a suspect.

You have the right to know what you are suspected of. Before questioning starts, you must be served with a notification of suspicion which will indicate the place, time, and other circumstances of the crime. In addition, it must indicate which law has been broken and set out your rights. You must sign the notification to confirm that you received it.

What can I do if I don't understand the language of the procedure?

If you don't understand the language of the procedure, an interpreter will be appointed for you, and the documents will be translated into the language you understand. You don't have to answer any questions or sign any documents if you don't understand them.

Can I meet with a lawyer?

From the moment of your detention or when questioning starts, you have the right to have a lawyer. If you don't understand the language of the procedure, you must have a lawyer. If you wish, you may find a lawyer yourself. Otherwise, the pre-trial investigation officer or the prosecutor will appoint a lawyer for you free of charge. For more information see Getting legal advice.

Can I complain?

From the moment when you become a suspect, you don't have to be a passive observer. You may actively participate in the pre-trial investigation against you and influence both the procedure itself and its possible outcome.

You can submit petitions. You have the right to challenge the actions or decisions of the pre-trial investigation officer or the prosecutor and, in certain cases, also the actions or orders of the pre-trial investigation judge.

If you want to file a petition against the actions of the pre-trial officer you must present it to the prosecutor who organises and leads the investigation. Petitions against the actions and orders of the prosecutor must be submitted to a senior prosecutor. Petitions against a senior prosecutor are submitted to the pre-trial investigation judge.

During the pre-trial investigation, you have the right to request that the pre-trial investigation officer, prosecutor, pre-trial investigation judge, secretary of the court hearing, interpreter, expert, or any specialist should be removed from the investigation.

Can I be charged with an offence which I have already been charged with in another Member State?

If you have already been convicted or acquitted of the same crime in another State, you cannot be punished for that crime a second time. However, if you were tried in another State for a crime committed in the territory of the Republic of Lithuania, or the crime was directed against the State of Lithuania, Lithuania will not have to recognise the judgment passed against you unless Lithuania itself requested the trial to be held in that State.

Questioning and collection of material during the pre-trial investigation (2)

Why would officers want to question me?

You may be interrogated as a suspect only after you have been served with a notification of suspicion which will indicate the place, time, and other circumstances of the crime which you are suspected of committing. You may become a suspect in a case only when there is enough information to reasonably claim that you have committed the crime.

During the pre-trial investigation, you may be questioned by pre-trial investigation officers (as well as the police), a prosecutor and in certain cases, also by a pre-trial investigation judge.

You must always be questioned before any measures of remand, such as arrest, are imposed. An exception to this is that the police may detain you for up to 24 hours before questioning.

What happens if I don't understand the language of the procedure?

If you don't understand the language of the procedure, an interpreter must be appointed and the documents must be translated into the language you understand. You don't have to answer any questions or sign any documents if you don't understand what you are asked or what you are requested to sign.

An interpreter will participate during the questioning and will orally translate the interrogator's questions and your testimony. The interpreter will also translate the written record of the questioning for you.

Can I meet with a lawyer?

You have the right to have a lawyer from the moment of your detention or the start of your first interrogation. If you don't understand the language of the procedure, you must have a lawyer. If you wish, you may find a lawyer yourself. Otherwise, the pre-trial investigation officer or the prosecutor will appoint a lawyer for you free of charge. For more information see Getting legal advice.

You have the right to have a lawyer present both during your questioning or when any other procedural steps are taken in your presence.

Will I have to provide information?

You have a right rather than a duty to give a statement. If you prefer not to testify, you may refuse to do so. In addition, you cannot be punished if you do not tell the truth about a crime that you have committed, because, as a suspect, you are not obliged to tell the truth.

If you are summoned to attend an interrogation as a suspect, you are obliged to attend, but you do not have to testify.

Will I get information about the evidence against me?

You have the right to ask the prosecutor to give you access to the materials which are part of the pre-trial investigation and to make copies or extracts from those materials.

However, the prosecutor is entitled to prevent you from seeing all or part of the material if he or she believes that such access may compromise the success of the pre-trial investigation.

What kind of information will I be asked for during the questioning?

If you agree to testify, the first thing you will be asked is whether you plead guilty to the crime you are charged with. Then, irrespective of whether you plead guilty or not, you will be asked to testify about the crime which you are suspected of. After you finish your testimony, you will be asked questions.

All the steps taken during the pre-trial investigation must be recorded in the procedural documents (e.g. records of the questioning).
After questioning is finished, you will be able to familiarise yourself with the record. You have the right to make remarks about the content of your testimony and to add to it.

What will happen if I say something against myself?

The testimony that you give to the pre-trial investigation officer or the prosecutor cannot be used as evidence in court if you change or deny it during the trial. In that case, your testimony may only be relied on indirectly. Your testimony may be read out during the court hearing and the officer who questioned you during the pre-trial investigation may be called as a witness.
The testimony that you give to the pre-trial investigation judge will be treated as evidence and it may be relied upon by the court in deciding to convict you.

Do I have to be present in person during the investigation if I am from another country?

If you are summoned to the pre-trial investigation, you must attend. If you try to avoid attending, you may be brought to court by the police.
If you have not been remanded or detained, you may leave Lithuania. However, you will still have to be present during the key stages of the pre-trial investigation.
The Lithuanian Code of Criminal Procedure does not allow you to participate in the pre-trial investigation by video link or using any other similar technology.

Can I plead guilty to the charges against me?

You have the right to testify as well as plead guilty to all or some of the charges against you. However, even if you plead guilty, the pre-trial investigation will still continue. The court will take your confession into account when it passes a judgment against you.
In certain cases, if you confess, it will be possible to hold the hearing under summary proceedings. For more information see My rights during the trial.

Procedural coercive measures (3)

Why can procedural coercive measures be applied against me?

Procedural coercive measures are divided into measures of remand and other procedural coercive measures.
During the pre-trial investigation, measures of remand may be applied in order to ensure that you are present during the procedure and that there are no obstructions to the smooth running of the pre-trial investigation process. They can also be used to prevent commission of other crimes. The strongest measure of remand is arrest.
In addition to ensuring all these aims, other procedural coercive measures may be used for collecting material of significance to the investigation.
Procedural coercive measures are only applied if there is no other way to achieve the aims of the procedure.

Why can I be detained?

You can be detained if you are caught while committing a crime or immediately after you have committed the crime. You may be detained by a law enforcement officer, prosecutor, or by any other person. If you are detained by someone other than an officer, that fact must be immediately reported to the police.
Even if you are detained while committing a crime, or immediately afterwards, you cannot be held in detention unless it is impossible to establish your identity or you might try to avoid the investigation.
You may also be detained at any time after the crime was committed. This is done if there are reasons to believe that you might try to escape or avoid investigation, obstruct the investigation, or commit new crimes and it is not possible to apply immediately to a pre-trial investigation judge for a warrant to arrest you.
You may not be detained for longer than 48 hours. If your identity has been established and you have been questioned, and there are no reasons to order your arrest, you have to be released. If it is decided that you must be arrested, you have to be brought before the court within 48 hours. The court will then decide whether you should be arrested or not.

What can I do if I don't understand the language of the procedure?

If you don’t understand the language of the procedure, an interpreter must be appointed and relevant documents must be translated into the language you understand. You don’t have to answer any questions or sign any documents if you don’t understand what you are asked or what you are being asked to sign.

Can I meet with a lawyer?

From the moment of your detention or your first questioning, you have the right to have a lawyer. If you don’t understand the language of the procedure, you must have a lawyer. If you wish, you may find a lawyer yourself. Otherwise, the pre-trial investigation officer or the prosecutor will appoint a lawyer for you free of charge. For more information see Getting legal advice.

Who can I inform about my detention?

If you are from another State, you may demand that the Embassy or consulate of your country is told about your detention.
The pre-trial investigation officer or the prosecutor will inform one member of your family or a close relative named by you about your detention.
If necessary, you will be provided with medical assistance.

What will happen if I am detained under the European Arrest Warrant?

If another Member State has issued a European Arrest Warrant against you, you may be detained and deported to the issuing Member State. If you think it necessary, you have the right to meet with a lawyer.

Can there be a body search?

The pre-trial investigation officer or the prosecutor has the right to carry out a physical examination in order to find out if there are any traces of crime or any other special marks on your body.
If you object to this, the pre-trial investigation officer or the prosecutor will issue a warrant which will mean that you have to agree to the search. If this requires you to undress, the examination will be carried out by a pre-trial officer, a prosecutor or a medical doctor of the same sex as you.
The same procedure applies to taking samples for comparative analysis. You may be asked for fingerprints, samples of your DNA, and so on. In more complicated cases, when it is necessary to take samples of your blood, saliva, or any other body fluids, the prosecutor has to call in a specialist.

Can there be a search of premises?

The pre-trial investigation officer or the prosecutor may carry out a search when there is a reason to believe that in some premises or in any other place, tools used in the crime, goods which have been received or obtained illegally, or things or documents which may be of importance for the investigation of crime may be found.
A search may also take place to establish that another person has those things. A search must be carried out in accordance with a warrant issued by a pre-trial investigation judge. In urgent cases, a search can be carried out on the basis of a warrant issued by the officer or the prosecutor. However, such a warrant must be approved within three days by a pre-trial investigation judge.

Conclusion of the pre-trial investigation (4)

When is the pre-trial investigation completed?

A pre-trial investigation may be completed either when it comes to an end, or when the case goes to court. If there are legal reasons why the defendant cannot be held responsible for the crime, such as diminished responsibility, the pre-trial investigation may be completed by requiring the person to undergo medical treatment.
A pre-trial investigation against you will be terminated if the investigating officers and prosecutors do not collect enough material to prove your guilt, or if any other obstacles to the process appear. The investigation will also be terminated if it becomes clear that you cannot be held legally responsible for the crime committed.
If enough material is collected during the pre-trial investigation to prove your guilt and there are no grounds to terminate the pre-trial investigation, the case will go to court.

What can I do if I don't understand the language of the procedure?

If you don't understand the language of the procedure, an interpreter will be appointed for you and the documents will be translated into the language you understand. You don't have to answer any questions or sign any documents that you don't understand.

Can I meet with a lawyer?

You have the right to have a lawyer from the moment of your detention or from when you are first questioned. If you don't understand the language of the procedure, you must have a lawyer. If you wish, you may find a lawyer yourself. Otherwise, the pre-trial investigation officer or the prosecutor will appoint a lawyer for you free of charge. For more information see Getting legal advice.

How long may a pre-trial investigation last?

A pre-trial investigation must be completed within the shortest possible time. If the pre-trial investigation is not completed within six months from when you are first questioned, you or your lawyer have the right to file a petition with the pre-trial investigation judge about the delay.

What will happen when the prosecutor has collected all the material needed to prove guilt?

Where the only possible punishment for the crime is a fine, or where this is one of the possible punishments, the prosecutor has the right to decide that you will be fined without going to court.
However, it is the right, not an obligation, of the prosecutor to make this decision.
In other cases, the prosecutor completes the pre-trial investigation by writing up a bill of indictment and refers the case to court.

Can the charges be changed before the case goes to court?

If the charges change during the pre-trial investigation, you must be served with a new notification of suspicion. After the pre-trial investigation is completed and the trial has begun, the charges may be changed only if the prosecutor or the court asks for a change to be made. For more information see My rights during the trial.

Will I get information about evidence against me?

When the prosecutor decides that enough material has been collected to prove your guilt, he or she will notify you and other participants in the procedure that the pre-trial investigation is completed. You will then have the right to see the material which was collected during the pre-trial investigation and to submit petitions to provide further information.
You have to submit a petition if you want to have access to the material. You have the right to make copies of the materials. If you are in custody, your lawyer will be able to see the material and to make copies, etc. Your lawyer will then tell you about the material which has been collected and which forms the basis of the case against you.
You will be able to see the statements given by witnesses. Some witness statements may be given anonymously.
If you want to add more information to the pre-trial investigation, you will have to submit a petition. If the prosecutor accepts this petition, or the petitions filed by other participants, you will have the right to familiarize yourself with this new material.
After all these actions have been completed, the prosecutor writes up the bill of indictment and sends it to court along with the material collected in the case.
The prosecutor must serve you with a copy of the bill of indictment. If you don't understand the Lithuanian language, you must be provided with the translation of the bill of indictment. After it is written up, you become an accused in the case.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319053&p_query=&p_tr2= http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319053&p_query=&p_tr2=The language of the proceedings and translations (5)

Can I participate in the trial in my own language?

If you do not understand the language of the proceedings, you will be able to make statements, give testimony and explanations, file applications and petitions, and speak during the trial in the language you know. In all these cases, you will have the right to use the services of an interpreter. All the acts which take place must be explained to you in your own language.
All documents which are served on you (such as the notification of suspicion or the bill of indictment) must also be translated into your native language or any other language you know.
All the material of the case will not be translated for you in writing; when you are familiarizing yourself with the material which forms the basis of the case against you, you have to be assisted by an interpreter who will orally translate the material for you.
You do not have to answer any questions or sign any documents without an interpreter present or if the documents are not translated into a language you understand.
You have the right to have an interpreter during all the stages of the proceedings. The services of the interpreter will be provided to you free of charge.

Related links

Code of Criminal Procedure (in Lithuanian)

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3 - My rights during the trial

Which court will hear my case?

Your case will be heard by the court in the area where the crime was committed. In Lithuania, a court of first instance will be either a district or a regional court. Your criminal case will most likely be heard by a district court.
In certain cases, for example, when the crime is punishable by imprisonment for more than six years, the case will be heard by a regional court at first instance.

In Lithuania, there is no jury. Cases are decided by a judge or a panel of judges. A case heard at a court of first instance will be decided by a panel only where the crime committed is punishable by life imprisonment or the accused person is a senior official. Thus, it is normally one judge who hears a criminal case.

Will my trial be in public?

A court trial is normally held in public. But a trial may be held in private if

the accused person is a minor;

where the case is related to sexual crime;

when it is necessary to ensure that the information about the private life of the participants of the procedure is not disclosed to the public;

when it is necessary to protect either a State, professional or commercial secret.

The court decides whether a trial should be held in private.

Can the charges be changed during the trial?

Charges may be changed during the trial. However you cannot be sentenced for a more serious crime unless you have been told that the charges are being changed. If the charges are changed during the trial, you, or your lawyer, have the right to ask for the trial to be adjourned in order to prepare your defence against the new charges.

What happens if I plead guilty?

After the prosecutor reads the bill of indictment, the judge will ask you whether you understand the charges against you, and whether you plead guilty or not guilty.

If you plead guilty and are willing to testify immediately, and there is no doubt about the circumstances of the crime, no other evidence will be considered. You must agree to this. The content of all the material (evidence) that has been collected will be read out. This is not possible if you are charged with a crime punishable by a term of imprisonment of more than six years.

Can the trial be held without my participation?

You are obliged to participate in the court hearing of the criminal case. A hearing can be held without you only if you are not in the territory of the Republic of Lithuania and try to avoid appearing at the court.

If you do not come to the hearing without good reason, you may be brought to court by the police. You may ask to be allowed not to be present at a part of the hearing only if other people are also accused in the case and the evidence which is being examined is not connected with you.

You will not be allowed to participate in the trial by a video link; you will have to appear before the court in person.

What can I do if I don't understand the language of the proceedings?

If you don't understand the language of the proceedings, an interpreter will be appointed for you, and the documents will be translated into the language you understand. You don't have to answer any questions or sign any documents if you don't understand what you are asked or what you are requested to sign.

Can I meet with a lawyer?

You have the right to defend yourself or be defended by a lawyer. If you don't understand the language of the proceedings, you must have a lawyer. If you haven't found a suitable lawyer yourself, the court will have to appoint a lawyer for you – and the State will pay the costs of the lawyer. For more information see Getting legal advice.

Do I have to testify?

During the trial, you do not have to speak or answer any questions – or you may answer just some of the questions. You have the right rather than a duty to give explanations about the circumstances of the case. You have the right to give explanations not only about the circumstances of the case, but also about the petitions submitted by the other participants in the trial.

You do not have to testify against yourself. If you testify about the crime which you are charged with, you cannot be punished for not telling the truth.

Can I challenge the evidence that is produced against me and produce new evidence?

A court trial is an adversarial process. You have the same rights as the prosecution to produce evidence during the trial, submit requests, participate in the examination of the evidence, challenge the arguments of the other party and express your opinion about all of the questions which might arise in the trial and could be significant for a fair resolution of the case.

You have the right to put proposals to the court about how the case should be resolved, criticise proposals made by the prosecution, produce additional evidence to the court or request the court to obtain evidence from other organisations, ask questions of the participants in the proceedings and witnesses, make requests for any officials to be removed from the proceedings, appeal against the decisions of the court, and so on.

You will be able to ask questions and challenge the evidence during the court hearing. You, or your lawyer, may also question the witnesses during the trial. You can request the court to call all the witnesses you want. When you make the request, you must indicate why the witness's statement could be important for the case. You may also supply any things or documents which might be important for the investigation and examination of the crime.

You can ask a private detective to obtain evidence on your behalf. This sort of evidence does not have any special status and must comply with the normal rules of procedure.

Will information about my criminal record be taken into account?

Your criminal record will be taken into account when the decision is made. Your previous convictions may help the court to form an opinion about your personality. This information will be used when a decision is made about a measure of remand or when imposing a penalty.

If you have previous convictions which have not expired, the court may impose a more serious sentence on you than if you had no previous convictions. Previous convictions in a foreign State will not be taken into account. In Lithuania, a person is considered as having a criminal record only if the judgment was made by a court of the Republic of Lithuania and it was enforced.

What happens at the end of the trial?

A trial ends when the court passes a judgment by which you can be found guilty, not guilty, or the case can be dismissed.

If you are convicted, one of the following penalties may be applied:

imprisonment – a custodial sentence served in approved places like houses of correction or prisons. The maximum period of imprisonment is 20 years or for life;

arrest – a short-term imprisonment served in a short-term detention facility. The maximum length of arrest is 90 days;

r**estriction of liberty** – during the period for which your liberty is restricted, you will not be able to change your place of residence. The court may also order you not to visit certain places or communicate with certain persons. You may also be ordered to be at home at a certain time, to make compensation for damages or to comply with other similar requirements;

fine – a financial penalty, the amount of which is determined by the court;

community service order – you can only be required to undertake community service if you agree.

What is the role of the victim during the trial?

A victim has the right to demand that the person who committed the crime is identified and justly punished. A victim may participate actively in the process but is not required to do so. The victim can produce evidence, submit petitions, and so on. A victim may also demand compensation for the damage suffered.

Related links

Code of Criminal Procedure (in Lithuanian)

National Courts Administration

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4 - My rights after the court passes the judgment

Can I appeal against the court judgment?

You can appeal against the court judgment. You can challenge the conclusion that you were involved in the crime, the verdict about your guilt, the description of the crime, or the severity of the sentence.

If you are convicted or the case against you has been dismissed, you have the right to file an appeal against a judgment which has not yet come into effect on any basis. If you are acquitted, you may file an appeal against the reasons for the acquittal.

Who will hear my appeal?

An appeal will be heard by a regional court or the Lithuanian Court of Appeal. If the judgment in the case was passed by a district court, the appeal will be heard by a regional court. If the first judgment was passed by a regional court, your appeal will be heard by the Lithuanian Court of Appeal.

When do I have to file my appeal? Who to?

You have to file your appeal within 20 days from the day when the court announced the judgment. You have to file your appeal with the court that passed the judgment, and from there, it will be sent to the court of appeal.

In your appeal, you have to specify the name of the court of appeal, the case which you are appealing, the part of the judgment you are appealing against, the reasons for the appeal, and your requests.

What are the possible consequences of the appeal?

If you file an appeal, you will not have to start serving the sentence unless you yourself state in writing that you are willing to do so.

In order to ensure that you participate in the appeal proceedings, the court may order your arrest. If the court has ordered your arrest, you can file your appeal from the detention centre.

The appeal hearing will be set by the court of first instance after it receives all the relevant petitions and answers to them.

You may produce any additional material or additional evidence to the court of appeal.

How is an appeal heard?

Your case at the court of appeal will be heard by a panel of three judges.

In the court of appeal the case will be reviewed on the basis of the requests which are made in the petition for appeal. It will only be reviewed in relation to the people who filed the appeal or because of whom the appeal was filed. In some circumstances, the court can disregard this rule and expand the limits of review. However, the court of appeal can only impose a more severe penalty on you or the other people involved if the prosecutor, victim or certain other people ask for that to happen.

The hearing will generally be in public. But a trial may also be in private if the accused person is a minor, if the case is related to sexual offences, if it is important that information about the private life of the participants should not be made public, or it is necessary to protect a State, professional or commercial secret. The court must decide that the hearing will be in private.

During the hearing, the court will present all the information relating to the appeal. You will be allowed to submit requests or ask for officials to be removed from the proceedings. If necessary, the court of appeal may examine the evidence. The court may decide to do this or you, or other participants in the procedure, can ask the court to do this.

At the end of the process, the concluding arguments will be heard. After the arguments, you will be able to make your final statement.

What can a court of appeal instance decide?

After hearing a case, the court may pass a judgment or a ruling.

In its judgement, the court of appeal may decide:

to overturn your judgement of conviction and dismiss the case;

to change your sentence;

to overturn the judgement of the court of first instance by passing a new one.

There may be several kinds of rulings as well:

to reject your petition for appeal;

to overturn the judgement and dismiss the case against you;

to change your sentence;

to overturn the judgement and return the case to the court of first instance for re-trial;

to overturn the judgement and return the case to the prosecutor.

What will happen after the decision of the court of appeal?

If you have filed an appeal, the court judgment becomes effective from the day when the decision of the court of appeal is passed irrespective of whether your appeal is successful or not. The fact that the judgment becomes effective means that it will be presented for execution and executed.

Can I challenge the judgment of the court of appeal?

You may challenge the judgment of the appeal court under the procedure of cassation before the Supreme Court of Lithuania. At this stage, you can only challenge the judgment in respect of the issues which were considered before the court of appeal.

You can only appeal to the Supreme Court if the criminal law was not applied in the right way, or where there were essential violations of procedural laws.

A ruling passed by the Supreme Court of Lithuania is final. In certain cases, however, the Supreme Court may adopt a ruling to send your case back to the court of first instance for re-trial, or to hear the case again before the court of appeal.

If my appeal is successful, will a record be kept of my conviction?

If you are acquitted, you will not be considered as having a criminal record. In Lithuania, a person is considered as having a criminal record only if a judgment of their conviction made by a court of the Republic of Lithuania has become effective.

Will I get compensation for damage suffered because of a wrong decision?

If the conviction was unlawful, or you were detained or otherwise treated unlawfully, the State will compensate you. However, it is not automatically the case that you are entitled to compensation if your conviction has been overturned – the decisions taken and/or the conviction must have been unlawful. In order to get compensation, you will have to submit a claim within the civil procedure.

If I am from another State, can I be sent back there after the trial?

You may be transferred to another Member State to serve your sentence if that State has signed the Convention on the Transfer of Sentenced Persons.

You will not be transferred automatically. You may submit a request to serve the remaining term of your sentence in another Member State, or the Lithuanian authorities or the other State may also make the request. You may ask to be transferred at any time during your sentence.

You may only be transferred to a State of which you are a citizen. The judgment passed against you has to be final, and there have to be at least six months left until the end of your sentence. The offence you have been punished for has also to be prohibited in the receiving Member State.

You can only be transferred if you, the Republic of Lithuania, and the receiving Member State agree. Your agreement is not necessary if the court orders you to be expelled from the State.

What information about my conviction will be added to my criminal record?

In Lithuania, a person is considered as having previous conviction if a judgement of conviction passed by a court of the Republic of Lithuania has become effective. If you have been acquitted, you will not be considered to have previous conviction.

Information about your previous conviction will be held at the Department of Information and Communication under the Ministry of Internal Affairs. How long previous convictions remain effective depends on the seriousness of the crime. If the sentence has been suspended, the previous conviction is effective only for the period of suspension. If you have been convicted of offences of negligence, the previous conviction will be effective only while you are serving the sentence. The longest period for a previous conviction to be effective is 10 years after the sentence has been served.

Information about your previous convictions can be held without your consent.

Information about your criminal record will be held even after the period of validity of previous conviction has expired. Such information may not have any effect on your legal status, but it might be taken into consideration as a character reference if you are a suspect or accused in the future.

Related links

Code of Criminal Procedure (in Lithuanian)

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5 - Traffic offences

How are traffic offences dealt with?

As a rule, traffic offences in Lithuania are not treated as crimes. They will only be treated as crimes if you cause an accident and injure another person. Such liability will also arise if you drive a car when drunk and cause an accident resulting in serious damage to the property of another person.

In other cases, traffic offences will be dealt with administratively. If you receive an administrative penalty, this information will not be included in your criminal record. If an administrative penalty has already been imposed on you, a police officer can take this into account when he decides on a new penalty.

It is normally the police who deal with traffic offences. If the violation is more serious, your case will be heard by the court.

You have the right to familiarise yourself with the material collected in the case, give explanations and testimony, and file petitions. You may also be represented by a lawyer in administrative cases.

You are entitled to speak in your native language, or the language you understand, or use the services of an interpreter if you do not speak Lithuanian.

What will happen if I am stopped by the police for a violation?

The police officers must introduce themselves when they stop you. If they believe that a breach of law has taken place, they will draw up a document setting out the details of the breach. You will be given a copy of the document. A decision on the fine to be imposed will be taken later at the police office or the court. You may participate in the procedure when the decision is taken. If you do not participate, the decision will be taken in your absence.

If you do not dispute the circumstances of the violation of the traffic rules, and the fine imposed does not exceed 200 LTL, the document setting out the breach of the law might not be drawn up.

If you have parked your car in an unauthorized manner, you may find a notice on your car, advising you that you have broken the law. The notice will tell you when and where you must attend to deal with the breach. Officers may also put a wheel clamp on your vehicle in order to ensure that the breach is properly dealt with.

Sometimes the police may tow your car away if it is blocking vehicle or pedestrian access, or otherwise breaching other people's rights.

Can I make a complaint?

If you disagree with the decision taken by the police, you may challenge this decision within 10 days. You can appeal to the regional administrative court. If your case was decided by the court, you may make a complaint to the Supreme Administrative Court of the Republic of Lithuania.

What are the penalties for traffic offences?

The penalty for traffic offences is usually a fine. However, in certain circumstances, when the violations are serious, an administrative arrest may be imposed or your driving licence withdrawn. In rare cases, your vehicle may be confiscated. If the violations are insignificant, the police officer may give you a reprimand.

The penalty imposed depends on the nature of the violation. If you are convicted of drink driving (blood alcohol content over 0.41 per mille), you will receive a fine, and in all cases, your driving licence will be withdrawn. Your driving licence may also be withdrawn for exceeding the permitted speed limit by more than 50 km/h. The police officer will tell you the amount of the fine which is applicable to the violation committed. You can find a list of violations and penalties which attach to them on the website of the Lithuanian Police Traffic Supervision Service.

Related links

Lithuanian Police Traffic Supervision Service (in Lithuanian)

Code of Administrative Violations of Law (in Lithuanian)

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