INFORMATION PACKAGE

LITHUANIA
2019

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Anyone can be the victim of crime

Many become victims of crimes. In 2019 alone there were more than 40 000 people in Lithuania who have suffered from crimes. Therefore, it is important to understand – if you have suffered from a crime it does not mean that you have not been careful enough, it does not mean that you have acted in an improper or unreasonable way. Bad things happen to all people. Every one of us can become a victim or a crime.

Being the victim of a crime is stressful in many ways. Apart from the physical, psychological, financial and social losses caused by a crime, participation in criminal proceedings is something that victims have to go through. It is not pleasant, and it is better to go through it with information on your rights and duties, on services available and procedures awaiting you at hand. Thus, if you have suffered crime or if you know someone who has, this book can help you.

CRIMINAL COURT PROCEEDINGS

"HERE YOU WILL FIND A BRIEF DESCRIPTION OF THE STAGES IN A CRIMINAL CASE."

It's only natural that taking part in court proceedings can make you feel anxious and that you'll have a number of questions. You'll want to know what is going to happen and what you're supposed to do.

Here you will find a brief description of the stages in a criminal case. We'll try to give you short simple answers to questions such as "How do I report a crime?", "How is the investigation conducted?", "What happens in court?", "What is an appeal?" and many others.

THE CRIMES AND CRIMINAL INFRINGEMENTS

The Criminal Code enlists different behaviors that are punished by the state. Most of them are called crimes – these are dangerous behaviors that the state can punish for by deprivation of liberty (however not necessarily, deprivation of liberty usually goes only as one of possible penalties to impose).

The less dangerous criminal acts are called criminal infringements, they cannot be punished by deprivation of liberty, however, can carry a punishment of arrest (deprivation of liberty for up to 90 days).

As you can see, crimes and criminal infringements differ only in punishments that can be imposed for these two categories of criminal acts, thus further in the text the term "crime" will be used to cover both crimes and criminal infringements.

It should also be noted that some acts that the state punish for are listed not in the Criminal Code, but in the Code of Administrative Infringements. For example, this is the case with minor thefts, they are punished according to the Code of Administrative Infringements. Thus, in case you feel that your rights and interests have been harmed it is worth checking whether the Criminal Code or the Code of Administrative Infringements provide for the punishment of the culprit.

The state must help you both in cases if you have suffered either from a criminal act or administrative infringement. However, this book speaks about criminal acts only. Thus, if you think that you have suffered from an administrative infringement, it could be best to get a legal consultation on the issue. You can find about the steps to be taken in order to receive free legal aid here.

REPORTING A CRIME

There is no duty established by laws to report every crime you happen to know. It is also no general duty to report to authorities every crime you have suffered yourself. It is your rights, and not your duty, to report the crime you have suffered. However, it is different when talking about grave crimes (murders, severe health impairments, rapes and sexual assaults of young children, and some others). If you fail to report about a grave crime that you know about, you would be considered to commit a crime yourself, even you are the one who has suffered the damage through the crime not reported.

However please note that even when the crime you have suffered was not a grave one, you would help yourself and others if decide to report. In many cases report of a victim is the only way for law enforcement agencies to find out that the crime has been committed. Thus, if you decide not to report, you would lose a legal opportunity to get the damage you've suffered to be compensated. Moreover, if you do not report and let the culprit get away with his or her crime, it can mean providing him or her with an opportunity to hurt somebody else. So please think carefully about reporting all the crimes you have suffered or got to know about.

If you would like to talk to someone before making your decision, the NPLC's victim support staff are available to provide information and advice.

THERE ARE SEVERAL REASONS WHY YOU MIGHT BE UNWILLING TO REPORT A CRIME[1]:

"It wasn't important".

Even a minor crime or criminal infringement can be distressing and upsetting. The authorities know this and will take your complaint seriously.

"It's embarrassing".

You may be ashamed to report the crime. This often happens in cases of sexual or domestic violence. Authorities will understand how you feel and will not judge you.

"It's over and it hasn't affected me".

If the crime has not had much impact on you, all the better. Some people are able to cope well with these difficult situations and act almost as if nothing had happened, even when a serious crime was committed against them. Nevertheless, if you don't report the crime, the authorities will not be able to try to catch the person who committed the crime and he/she might do it again. You should consider the fact that the next victim might not be as able as you are to overcome the effects of the crime.

"The authorities don't care".

The authorities have many cases and may not deal with yours as quickly as you would expect, but they will give it the proper attention. They may not always be able to identify or catch the person responsible for the crime, but their duty is always to try.

"I'm worried about what will happen next".

It's normal to feel nervous about having to go to the police, make a statement and then go to court to testify, but don't forget that help is available to you throughout the entire process. Whatever you decide to do, you are entitled to support. Even if you don't report the crime against you, it is very important that you talk to someone about what happened and how you feel, and that you receive all the help you need.

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1 The paragraph has been taken from APAV - Associação Portuguesa de Apoio à Vítima "INFOVICTIMS: Know your Rights as a Crime Victim"

HOW TO REPORT A CRIME

You can file your complaint or report on the crime you have suffered (as well as on any other crime that you know about) with any of the following entities:

- the General Prosecutor's Office, district prosecutor's offices or their units (the list and contact details of them could be found here);

- the Police Department under the Ministry of the Interior, county and district police headquarters (the list and contact details of them could be found here);

- in some specific cases you can also report harms suffered to other pre-trial investigation bodies, such as State Border Guard Service under the Ministry of the Interior, Special Investigation Service of the Republic of Lithuania, Financial Crime Investigation Service under the Ministry of the Interior, and some others.

Each of these authorities has a duty to receive all the complaints and reports made to them. They are prohibited by law to decline a report submitted even in cases when a) the crime or criminal infringement was not committed within their territorial area, or b) they lack competence to carry out pre-trial investigation in cases of specific crimes, or c) they consider that the process would be smoother if you apply to some other institution.

You can also notify the police about a criminal act to by phone 112 in cases of emergencies, by SMS or MMS by phone +370 614 34567 in cases when no imminent danger is present (however this number is not to be used for phone calls). However in these cases the police would not consider that you have formally submitted a report or complaint about a criminal act and you would not acquire some specific rights, e.g. the right to be notified about the decisions taken whether to start pre-trial investigation and to appeal them.

Another option is to report criminal acts through the web page epolicija.lt. In this case the person reporting a crime has to fill a form provided online and either to sign it with his/her qualified electronic signature, or not. In case the qualified electronic signature has been used, the form is considered to be a formal report to police, and you shall be notified about the steps taken by the police in regard of the report.

The same applies to reports (the form for reports is provided here) submitted by email to address epolicija@policija.lt. Once again, you can either sign it with your qualified electronic signature, or not. The reports submitted are not considered formal ones and do not provide you with aforementioned right to receive information on decisions taken and the right to appeal them even if you provide all the details on your identity but do not sign it with the qualified electronic signature.

On the other hand, if you wish to report a criminal act but are afraid of retaliation, for example, and don't want to reveal your identity, then you may do so anonymously.

You can file a complaint or report even if you don't know who committed the crime. It is for the authorities to then investigate and ascertain the identity of the offender. However, please note that the more factual details about the criminal act you provide, the higher are the chances that pre-trial investigation bodies will find the culprit and the evidence of his/her guilt. You should also take into account that false reports about crimes are considered to be a crime under the Criminal Code of Lithuania, however only in cases when these acts have been committed intentionally, i.e. when the person knows that certain facts have not taken place and still tells the police that certain crime has been committed.

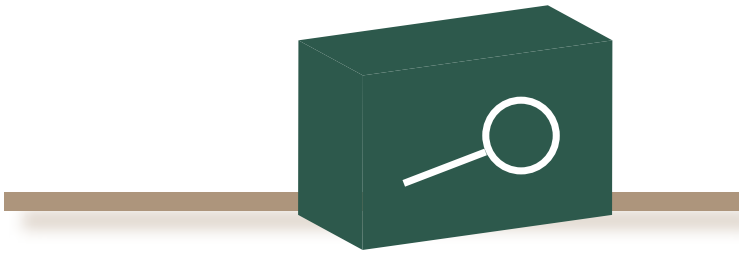
It doesn't have to be the victim that reports crimes and criminal infringements. Anyone who knows of the criminal act can do so and this is sufficient for pre-trial investigation bodies to initiate criminal proceedings, even if the victim doesn't wish to press charges. However the Code o Criminal Procedure establishes some exceptions to this rule – investigation of some crimes are carried out only in case the victim or his/her legal representative submits a formal complaint, e.g. in cases of negligible bodily injuries, negligent non-aggravated bodily injuries, sexual harassments, non-aggravated rapes, minor thefts, minor frauds, minor property damages, and some other criminal acts.

In the latter cases The complaint (unlike the report of the crime) may be withdrawn by the victim, that is to say, if for any reason the victim does not wish the proceedings to go ahead, he/she can withdraw the complaint. The application to withdraw the complaint must be submitted to the authority responsible for the proceedings at that time, i.e. the prosecutor during the stage of pre-trial investigation or the judge during the trial.

It is best to notify pre-trial investigation bodies about the criminal acts suffered directly after they have been committed, or, if you have noticed the harm later, directly after you find out that you have suffered from a criminal act. Reporting a criminal act in a timely manner would increase chances that the culprit and the evidence of his/her guilt will be found.

However, the Criminal Code establishes much longer terms for reporting criminal acts, they depend on the gravity of criminal acts. For example, pre-trial investigation in regard of criminal infringements cannot be started only if more than 3 years have passed since the alleged infringement has been committed, while in case of homicides the corresponding term is 30 years.

THE STAGE OF PRE-TRIAL INVESTIGATION



Once the crime is reported law enforcement agency starts pre-trial investigation. Pre-trial investigation encompasses all the actions aimed at ascertaining whether there was a crime, who committed it, and finding and gathering evidence of the guilt of the culprit. Pre-trial investigation is usually carried out by police; however, every pre-trial investigation is to be supervised by a prosecutor. The prosecutor can decide to over the pre-trial investigation and to carry it himself or herself or can decide to perform certain acts of the investigation himself or herself. Thus, all what has been said below about the functions of pre-trial investigation officers would also apply to prosecutors who have decided to perform these functions himself or herself.

The pre-trial investigation starts with a formal decision of a pre-trial investigation officer to launch investigation. In case you have submitted a formal report to pre-trial investigation body about the criminal act suffered, you will be notified in writing both in case a decision to launch pre-trial investigation has been taken, and in case pre-trial investigation officer has decided not to proceed with the case. One of these decisions shall be taken by the pre-trial investigation officer in 10 days after your report has been submitted at the latest. Please note that you have a right to appeal decision of the pre-trial officer to a prosecutor, and, in case the prosecutor does not change the decision, you can appeal the decision to a pre-trial judge.

However, please note that the time frame for appeals is rather short – 7 days in both cases. Please also note that the Code on Criminal Procedures establishes that the person who has applied for a pre-trial investigation to be started has a right to access the data that the decision not to start pre-trial investigation was based upon.

When the pre-trial investigation starts, most probably you will receive a formal writ of summons from a pre-trial investigation officer to appear for a questioning. However, the Code on Criminal Procedure allows phone calls or emails to be used instead of written documents for this aim and this is quite common in practice. You are obliged by law to be present at a certain place and time indicated by the pre-trial investigation officer or a prosecutor. The Code on Criminal Procedure admits that there could be exceptional circumstances that justify your absence at the time and place for questioning indicated. However, these circumstances shall be really exceptional.

The pre-trial investigation officer performing the questioning shall explain your rights and duties first and will ask you to sign the document that states that you have been informed about your rights.

Further, the pre-trial investigation officer will fill a form that will state that you have been afforded the status of an injured party in the case.

You should note that all the rights of the injured party are acquired from the moment this form is signed, until then the rights of victims do not differ from rights of witnesses. However you should take into account that, although the form filled will state the damage you have suffered because of the crime, the culprit would have to compensate the damage caused only if you will submit a specific document – civil claim in a criminal case. On the other hand, you don't have to submit the civil claim immediately. You can even wait till the end of pre-trial investigation and submit it then.

However, if you have suffered from a violent crime and would like to apply for compensation paid by the state to victims of violent crimes, you should not hesitate. You can apply for an advance compensation not later than 10 days after the violent crime has been committed. Furthermore, when applying for compensation, you shall provide a decision of a pre-trial officer to acknowledge you the status of a civil claimant. It is natural that civil claim shall be submitted first.

Please note that in cases of sexual crimes, domestic abuse, trafficking in human beings, and some other crimes, you can request the questioning to be performed by an officer of the same gender as yours. However, the officer can decline such a request. The rule does not apply when a questioning is performed by a prosecutor.

The officer then will suggest you telling about all the circumstances of the case in your own words.

The officer is allowed to give you questions about the circumstances of the case only after you end telling what you want to say about the case. However, that does not mean that you are obliged to speak first and get questions afterwards. You are free to tell the questioning official to proceed with his or her questions directly. During the questioning the official will type your answers and will ask you to sign the record of the questioning afterwards.

It is quite possible, especially if you have suffered a violent crime, that pre-trial investigation officer leading the questioning will decide to examine your body in order to identify whether there are signs of the crime suffered on it, and will request you to give samples of your saliva, blood, etc. that could serve as evidence in the case. Please note that if you are required to undress for the examination , the pre-trial investigation officer shall be of the same gender as you, i.e. if the officer leading the questioning is of a different gender, he or she shall call a colleague or a doctor to perform the bodily check or to take the samples. In some cases, especially in cases of sexual violence, a thorough medical examination can be necessary after the questioning. These examinations are performed by the State Forensic Medicine Service.

During the first questioning the pre-trial investigation officer will ask you some questions to assess whether you face some risks in regard of the case and whether special protection measures shall be applied to protect you. For example, in case the suspect has been detained, you will be notified about that and will be asked whether you wish to be informed in case the suspect will be released from detention or will escape.

One of the special protection measures that could be taken in order to guarantee your safety when certain risks have been detected is to ask the questioning of yours to be performed by a judge of pre-trial investigation. Usually that means that if you provide your testimony to a judge during pre-trial procedure you would not have to go and testify at the court afterwards, your testimony would be read by the judge or audio/video recording of it would be plaid during the court hearing. However, there are quite a few exceptions to this rule when the judge during court hearing requests to question the injured party again.

Expenses that you will suffer to be present at the questioning shall be covered by the pre-trial investigation body that carries out the pre-trial investigation. You should submit a written application for compensation of the expenses, add all the supporting documents (travel tickets, parking tickets, etc.) and ask the pre-trial investigation officer to state in writing, that the questioning did take place and that expenses are related to the questioning.

You will have a right to receive information on progress of the pre-trial investigation of your case and the right to access the documents gathered in the case. However, you have to formally apply to the prosecutor in order to get the information and to get the access to the file. The Code of Criminal Procedure also establishes that access to the file can be declined in case it could jeopardize success of the investigation. Still, you can appeal such a decision to the judge of pre-trial investigation.

The pre-trial investigation may last from a few weeks to several months, depending on the amount of evidence to be gathered and the complexity of the investigation. It may be necessary for pre-trial investigation officers to talk to the injured parties more than once during the investigation. Please note that if you have been summoned for a second questioning it does not mean that you have done something wrong during the first one. Usually the need for a second questioning arises after pre-trial investigation detects new facts and new circumstances that you have not been asked about during the first questioning.

CLOSING THE PRE-TRIAL INVESTIGATION

Pre-trial investigation can end in two ways.

First, the prosecutor supervising the pre-trial investigation of your case can decide that evidence gathered is not sufficient to charge the person suspected in the case with the crime investigated and there are no chances to gather more evidence of his or her guilt, there can also be a situation when it stays unknown who could be suspected with the crime. In these cases, the prosecutor decides to terminate the pre-trial investigation and shall notify you as the injured party about his or her decision.

You have the right to appeal the decision to the senior prosecutor in 20 days after you are notified about it. In case the senior prosecutor upholds the decision, you have the right to appeal the decision to the judge of pre-trial investigation.

Once again, you would have 20 days for the appeal. You have the right to appeal the decision of the pre-trial judge also. In the latter case you would have to apply to a court of a higher instance, however, would have only 7 days for the appeal. The Code on Criminal Procedure establishes that the injured parties have a right to access the data that the decision to terminate pre-trial investigation was based upon.

Please consider that usually decisions of prosecutors to end pre-trial investigations are well grounded, thus when deciding to appeal it would be best to assure representation of your interests by a practicing lawyer or to consult a professional lawyer at least. Please also note that terminated pre-trial investigations can be renewed afterwards in case new substantial evidence emerge.

Second, the prosecutor can decide that there is enough evidence gathered to proceed with the case to the court. In this case the prosecutor writes a bill of indictment and lays formal charges against the culprit in it. You then have a right to access the whole file of the case, however only if you apply for it in writing. The prosecutor then either provides you with a copy of the file or sets a reasonable time-limit for you to review the file. After this step is taken the case goes to the court for trial.

There are two more options to close pre-trial investigation that are applied in cases when the circumstances of the crime are clear and there is enough data to prove the guilt of the culprit.

First, the laws provide that in cases when the suspect covers or agrees to cover all the damages caused by the crime, the prosecutor can apply to a court for a penal order, i.e. for a punishment to be imposed without a trial. The prosecutor proposes the court a punishment to be inflicted upon the culprit (however a penalty of deprivation of liberty cannot be proposed). This procedure is being applied only if the suspect agrees to it. The injured parties can object the procedure to be applied. You shall be notified by the prosecutor that his or her application to a court for a penal order has been submitted and then you have 7 days to appeal the decision of the prosecutor to the pre-trial judge. Please note that the court is not obliged to impose the punishment suggested by the prosecutor, the court is free to decide what punishment would suit the crime.

The charged person can object the penal order issued by the court and to request a trial to be held. The injured parties however do not have a right to request a trial in case they are not satisfied with the penal order issued. The Code on Criminal Procedure does not even provide for a right to appeal the penal order to a court of higher instance. Thus, in case you are not so confident that your interests have been already assured through compensation of the damage or through culprit's promises to compensate, it would be best to object the procedure of penal order itself before it reaches the court.

Second, there is an option for a prosecutor to apply for fast-track procedure in cases of less serious crimes. Instead of going through full pre-trial investigation and writing a bill of indictment in the end of it, prosecutor can apply to a district court (this procedure cannot be used in regional courts) for a case to be tried in a fast-track procedure. When this procedure is applied the case in court is tried without questioning victims and injured parties. It does not matter whether the culprit agrees that this procedure is applied or not, neither interests of the injured party are taken into account when deciding to launch a fast-track procedure.

The determining factor is whether the court considers circumstances of the case to be clear enough and the prosecutor manages to apply to a court in 14 days after pre-trial investigation has been formally started. You as an injured party will be notified by a prosecutor when and where the case will be tried, however the prosecutor will also inform you that your absence at the hearing will not be required and would not preclude the hearing, you also will not have a duty to be present and even won't need to provide any reasons for your absence.

Of course, you have a right to appeal the district court's decision on fast-track procedure to a regional court. However there can be situations

where court's decision to apply fast-track procedure and the judgment are passed the same day, thus in the latter situations the only option left in case you are unsatisfied with the judgment is a formal appeal of the judgment to a regional court.

THE TRIAL

If the suspect was charged at the end of the pre-trial investigation the case moves on to the trial in court. The trial is a hearing by one or three judges that takes place in a courtroom, usually with presence of all the parties involved – the defendant, the prosecutor, the injured party, the witnesses, civil claimants, civil defendants, and others. Usually court hearings are open to the public, thus everybody can come and see the trial taking place. It is always worthy to have friends or other close ones to accompany you to the court, please consider that it could be a stressful experience.

Cases of negligent and lesser intentional crimes are heard by district courts (apylinkės teismas). Cases of serious and grave crimes are to be heard by district courts (apygardos teismas). There are some exceptions to this general rule set by the Code of Criminal Procedure, however. The purpose of the trial is to decide whether there is enough evidence to convict the defendant of the crime he or she is charged with, and if so, to impose a sentence. At the trial, the court also decides whether the injured party and any other people who suffered losses as a result of the crime are entitled to have the losses covered, however only in case they have submitted civil claims in the case.

SCHEDULING THE TRIAL

After receiving the case file, the judge (who is not necessarily the same judge as the examining judge) schedules the trial date and place. The court hearing shall take pace not later than 15 days after the bill of indictment has been forwarded to the court (in some exceptional cases this term can be prolonged up to 3 months).

PREPARING FOR TRIAL

It is only natural, that most people get nervous and anxious when the day of the trial is coming. Taking part in the procedure when your sufferings and losses are discussed and evaluated by others is stressful. However, you can reduce the level of your stress if you take certain steps to prepare for the trial.

If you get the chance, go to the courtroom a few days before the trial so you become familiar with different areas, such as the courtroom and the witness waiting room and, if possible, attend another trial or at least part of it[2].

On the day of the trial, you are likely to meet the defendant and his or her friends and relatives. You should prepare for this possibility by planning in advance what you should do: trying to keep away from them, not reacting to any provocation, applying for the help of the court staff. Please note that usually police is not present at court hearings.

At the trial, you will be asked questions by the judge, the Public Prosecutor, the defense lawyer and your own lawyer, if you have one. It is natural that you will be asked to provide as much detail as possible, because the more information the court has, the better its decision will be. What the judge expects you to do is to tell the court what happened in your own words. Therefore, before the trial, you should try to arrange in your mind all the information you think it is important to transmit to the court.

You could also take some notes with you, such as the dates of the most relevant facts. However, it is normal that you will not remember some details, especially if some time has gone by since the day of the crime. In these cases, don't be afraid to admit that you do not remember something. The laws consider it to be a crime to provide false statements at the court proceedings, i.e. everyone may be punished for not telling the truth when knowing that he or she is lying. But nobody can blame you neither legally nor in any other way for not remembering something. Thus, do not be afraid of situations when you have no answers to the questions asked.

Don't forget that if you were the victim of a crime, attending the trial can play an important part in your recovery. Criminal behavior is neither accepted nor tolerated by society and the trial plays a key role in conveying this message: those who break the law must be held responsible and suffer the consequences[3].

Last but not least expenses that you will suffer to be present at the trial shall be covered by the court. You should submit a written application for compensation of the expenses to the court that the hearing takes place and to add all the supporting documents (travel tickets, parking tickets, etc.).

2 The paragraph has been taken from APAV - Associação Portuguesa de Apoio à Vítima "INFOVICTIMS: Know your Rights as a Crime Victim"

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WHAT HAPPENS IF I MISS THE TRIAL

You will be summoned to the court hearing either by a formal letter or the court staff can contact you by phone, e-mail, or other means of communication. Please note that, in case you are summoned by a formal letter, you can suffer a penalty for not being present at the place and time indicated in the letter. A fine can be imposed upon you for not being present at the hearing without a reasoned excuse. The court may even order the police to detain you and bring you to court.

Usually the need to work or having some other important tasks on the day of the court hearing do not count as an excuse. However, if you see that there are no chances to get to the hearing at the date indicated, do your best to contact and inform the court in advance. If you have received a formal letter, there are always phone numbers for contacting the court staff indicated on them, so you should call them immediately when you face obstacles for participation.

Please also note that in case you are not present at the court hearing, the judge or judges can decide to have the hearing even without you, if it is clear that your absence does not obstruct proper examination of all circumstances of the case and does not preclude guaranteeing your interests. If the court decides this way you would have no legal chance to appeal such a decision, even if the reasons for you to be absent were serious and justified. Of course, you would not lose the right to appeal the judgment passed, however it is always better to exploit all the rights to protect your interests provided by the laws and courts.

WHERE AND WHEN TO GO

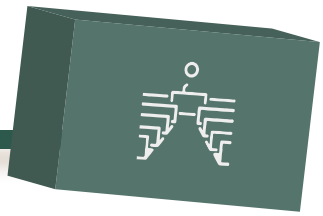
If you have received a formal letter to attend a trial, you must go the place stated on the date indicated. Do plan your trip to the court in advance by getting information about its exact location and estimating the travel time. Please note that most of district courts (apylinkės teismas) have premises even in different towns (called palaces of district court).

Thus, if your case is to be heard by a district court (apylinkės teismas), you should check even more carefully the address the trial will take place. However, it would be an exceptional situation if a formal letter would not indicate the exact address and even room number where you case will be heard.

WHO MAY ATTEND

Trials are almost always open to the public, that is, anyone can go into the courtroom and attend the hearing. There are a few exceptions, however, such as in cases where a defendant or an injured party is a juvenile, cases involving sexual crimes, and other cases where there are needs to have hearings closed to the public in order to guarantee special protection needs of the injured parties and witnesses, or to protect disclosure of data on private lives of the injured parties, defendants, or other persons involved in the case. You also have a right to ask the court for a decision to have the hearing or a part of the hearing closed to the public in case you can provide reasons for such a decision. Please note that the laws establish that injured parties are entitled to have an accompanying person even in hearings closed to the public.

THE COURTROOM



The trial hearings in district courts (apylinkės teismas) are presided over by the judge, however in some exceptional cases the chairman of the district court can form a panel of three judges for the case. The trial hearings in regional courts (apygardos teismas) are heard by panels of three judges, one of them acting as a presiding judge.

The other people present at the trial are:

- the prosecutor
- the defendant and the defense lawyer
- the injured party and his or her lawyer
- the civil parties
- the witnesses
- the specialists and experts
- the secretary of the court hearing
- the translator

THE BEGINNING OF THE TRIAL

The laws establish a general rule that every case shall be heard in one hearing. However, it is natural that many cases are difficult enough to be heard in one day. In these cases, a schedule of the hearing, indicating all the breaks to be made, is usually set before the start of the trial procedure. A break can last for several days or even weeks, however not longer than a month. The laws require courts to avoid any unnecessary breaks. However sometimes even hearings planned cannot be held, e.g. when a defendant or a witness that must give important testimony do not come to the hearing. In these cases, breaks in hearings are made or a hearing can even be postponed. In the latter case when a hearing is renewed it shall start anew, i.e. all the previous questionings, testimonies, examination of documents and other evidence shall be repeated.

Absence of the injured party can also be a ground to postpone hearing or to make a break in it, however not necessarily – the laws establish that the hearing can be held even when the injured party is absent, if the court decides that his or her absence does not preclude comprehensive examination of all the circumstances of the case and protection of the interests of the injured party.

Please note, that the laws do not set any limits on how long the whole trial procedure can last, however establish a general rule that every court shall seek to examine every case in the shortest time possible.

There is a general rule that all audio and video recordings at the hearings are prohibited. However injured parties, their representatives, and other participants of the case are allowed to make audio (not video) recordings. If you wish to make an audio recording, you shall notify the judge or the president of the panel of judges about that in advance. You can be prohibited to make audio recordings however if the judge decides that it would obstruct the hearing. Please note that you are not allowed to share the recordings made with anyone.

The trial starts by the judge or the panel of judges entering the room where the hearing takes place. The laws require every person present in the room to stand up when the judge or the panel of judges are entering (the same rule applies at the time when the judge or panel of judges are leaving the room). After that, the judge formally informs what case will be heard and asks the secretary of the court hearing to indicate who are present at the hearing, and what reasons persons summoned but not present at the hearing have provided to justify their absence. Then the judge or panel of judges decide whether hearing is still possible without the absent participants of the case.

In case the judge or the panel of judges decide to proceed with the hearing, they will inform

the participants of the case (including you as the injured party and your representative) about their rights during the trial and will explain in their own words what is the essence of every right.

After that examination of evidence starts. Please note that it is the last moment in the whole procedure that you can still a) bring a civil claim in the case and b) request disqualification of a judge, a prosecutor, a translator, an expert and some other officials in the case.

THE EXAMINATION OF EVIDENCE

All the evidence is at the trial to make experience of the judge and other participants with the evidence as direct as possible. One of the basic principles of the whole trial procedure is that every evidence shall be presented in the hearing in oral. That means that every document in the case file shall be read. All the participants of the case, including you as the injured party, will have to go through questionings at the court and most probably – to answer the same questions that you have already been asked during the pre-trial procedure. Laws however provide for some cases when the answers provided at pre-trial questionings shall be read at trial. This is to be done when the persons to be questioned are absent at the trial due to justified reasons, or they decline to provide answers, or they state that do not remember the circumstances they have already been asked during the pre-trial questionings, or the answers they are giving at the trial significantly differ from the answers they have given at the pre-trial questioning. In cases when needs of protection of injured parties require to avoid questioning of the injured party during the court hearings, the court may decide that reading of the records of the injured party would be enough (however only in cases when the questioning at the pre-trial investigation stage was led by a judge of pre-trial investigation). As an alternative, the court can also decide that playing audio or video recording of the pre-trial questioning of the injured party would suffice.

The first person to talk during the examination of evidence is prosecutor. He or she will read the bill of indictment. Sometimes, when the bills of indictment are very long, prosecutors are allowed to present a summary of the bill of indictment only.

Afterwards the defendant will be questioned. The court will first ask the defendant to tell in his or her own words how he or she sees the case. Afterwards, the court will give the floor to other participants of the case to give questions to the defendant. The prosecutor usually is the first to give questions to the defendant. However, you as the injured party and your representative can also pose questions to him or her. Please note that the questions you can ask shall relate to the circumstances of the case, you should be ready to explain what relation between the question and the circumstances of the case you envisage in case the defendant or the defense lawyer object the question as an irrelevant one.

If the defendant confesses to the facts charged against him or her, further examination of evidence can be terminated by the court. However this is an option only in cases when a) the court considers circumstances of the case to raise no doubt in regard of the guilt of the defendant, plus, b) the defendant and the defense lawyer, and the prosecutor agree on such an option, and c) the defendant is not charged with a grave crime. The opinion of the injured party on this point will not be asked. However, you can appeal such a decision of the court to the court of the higher instance.

If the defendant does not confess, then in general the injured party is called to testify. In some cases when special protection needs of the injured party require such steps to be taken, the defendant and other participants of the case could be asked to leave the room where the hearing takes place. However please note that the persons asked to leave will be provided with an opportunity to see and hear your testimony from another premises.

You should give all your answers to the court in standing position. The judge will first ask questions about your identity. Then he or she will explain your duty to tell the court everything you know about the case, and the responsibility that you could face for false testimonies. Then you will be asked to give an oath to tell the truth and not to conceal anything. You will be asked to sign the text of the oath. Then the court will suggest you telling everything you know about the case in your own words.

Please note that you should tell the court the facts you have faced yourself, you should not share any information if you cannot tell where you've got this information from. The laws allow you to use notes, however only in cases when your testimony relates to figures or some other data that is difficult to remember. That means you cannot have your testimony drafted as a speech to read. The judge or other participants of the case are allowed by laws to request you to show them what you have on paper with you.

Next, the judge will ask other participants of the case to give you questions. Please note that even persons who have been requested to leave the room for the time of your questioning, can give you questions. In this case they will forward their questions to the judge and the judge will read them. It is normal for the prosecutor, the defense lawyers, and other participants of the case to interrupt your responses. It may be necessary to give a better or more detailed explanation of some aspects that are less clear. It is also possible that you may feel uncomfortable with some questions asked by the defense lawyer and think that they are challenging what you went through. Don't forget that the defense lawyer has to defend his or her client's interests. Stay calm and do not try to calculate what answers would be good or bad. There are never bad answers. However, there can be bad questions. If any question exceeds the acceptable boundaries, it is for the judge to interrupt and dismiss it. If you feel that any of the participants is being rude or aggressive, calmly convey your feeling to the judge.

Next, the witnesses, specialists and experts are questioned almost the same way as the defendant and the injured party. The judge will also read all the documents that are in the file of the case and will inspect all the material evidence that are in the file of the case. The court can also decide that some additional investigative acts (e.g. examination of evidence given at the place of the crime, experiments, expertises, etc.) are necessary. The judge or the panel of judges can decide either to perform certain investigative acts themselves or to request prosecutors to carry out these acts. Other participants of the case, including you as the injured party, can also apply to the court for certain investigative acts to be performed or certain other witnesses to be questioned.

HOW DOES THE TRIAL END

After the examination of evidence ends, the closing statements are made by the prosecutor, the injured party and his or her representative, parties of the civil claim, defense lawyer or the defendant himself or herself in case a defendant lawyer is not present in the case. This time there is no prohibition set by laws to have a statement written beforehand. Please note that laws do not limit the length of closing statements, the judges are also not allowed by law to terminate your statement because it seems too long to them. However, the judges can terminate every closing statement in case they consider it to be unrelated to the circumstances of the case. There is no possibility provided in law to give questions to the participants of the case after they present their closing statements. However, you can comment on certain aspects of the statements of other participants of the case after all the statements end.

After the closing statements are read, the defendant is provided with an opportunity for his last word. The laws do not allow to give any questions to the defendant after he or she has told the last word. After it the judges leave the room to take the final decision on the case in secrecy.

If the case is a simple one and the decision is easy, the judge or the panel of judges may announce their decision in a half an hour. However, it is more common for the judge or the panel of judges to schedule a date for reading the decision.

Usually the decision shall be pronounced not later than in 14 days after the hearing ends, however in particularly complex and voluminous cases it can take even up to 45 days.

Every judgment passed by a court shall be pronounced publicly, even in cases when the hearing was closed to the public. However, the court cannot pronounce publicly the data acknowledged to be non-public even if it is mentioned in the judgment.

THE JUDGEMENT

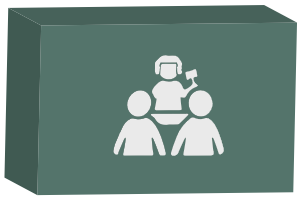
The judgment is the decision in the proceedings and includes the facts which the judge considers proven, and the evidence on which it was based. The court can pass either an inculpatory (in case it finds the defendant guilty) or an exculpatory judgment (in case it finds the defendant not guilty). There is also a third option for the court – to terminate the case if the courts finds that there were certain grounds to excuse the defendant for the crime committed.

In case the civil claim has been lodged in the case, the inculpatory judgment also indicates the damages to be covered. When an exculpatory judgment is passed the court can either dismiss a civil claim (if the court decides that the defendant did not commit the acts incriminated) or leaves the civil claim to be decided through a civil procedure (if the court decides that the acts incriminated to the defendant did not constitute a crime).

You are entitled to receive a copy of the judgment, however, should request it from the court. Even if you were not present at the court when the judgment was being pronounced, you can request the court to send a copy of it to you. The court is obliged by laws to send a copy in 5 days after you have asked for it.

The judgments become binding only after the term of 20 days afforded for lodging of appeals end. After this term ends and no appeals are lodged, execution of a judgment starts.

APPEALS



Injured parties and their representatives can appeal every judgment passed by the court. It does not matter whether it was inculpatory or exculpatory. All the appeals should be submitted to the court that the trial took place, however this court is obliged to forward all appeals to the court of a higher instance. If you wish to appeal the judgment you have to do that in 20 days after the judgment has been pronounced. This time limit can be restored after it has ended in case the court which has passed the judgment decides that there were substantial grounds for you to miss the time limit. Please note that the judgment can be appealed by other participants of the case also. On the other hand, you can withdraw the appeal at any time of the appeal procedure, however before the appeal procedure ends.

The appeals can be examined by different courts of a higher instance: regional courts (apygardos teismai) in cases of judgments passed by district courts (apylinkės teismai), and the Court of Appeal of Lithuania in cases of judgments passed by regional courts (apygardos teismai). Appeals are examined either in oral or written procedure and the type of procedure depends on many aspects of your case. However, the laws establish that oral procedure shall be followed every time when at least one participant of the case requests it.

The appeal procedure does not mean that examination of the case starts anew. The circumstances of the case are examined only if they relate to the issues questioned in the appeal itself. However please note that you may not be the only one who appeals the judgment, thus issues not related to the appeal you have submitted, may be examined because an appeal of the defendant or some other participant of the case relates to them.

After the court of a higher instance has examined all the appeals it has a number of options to decide. First, quite often the judgments appealed are left unchanged. Second, the court examining the appeals can change the judgment passed or to pass a new judgment itself. And third, the court examining the appeal can decide that the whole case shall be tried anew and can send the case back to the court that has already held the trial.

The judgments passed by an appeal court become binding from the moment they are pronounced, and execution of the judgments start immediately. However, the laws still afford an opportunity for the injured parties and other participants of the case to apply for a review of the judgments (kasacija) by the Supreme Court of Lithuania.

The Supreme Court of Lithuania reviews cases only if the application for review (kasacinis skundas) provides sufficient legal arguments revealing that the court of the first instance and the court of appeal has applied criminal laws incorrectly or that there were substantial infringements of the laws on criminal procedure. That means that you cannot ground your application for review (kasacinis skundas) on factual circumstances of the case and shall concentrate on legal aspects of decisions in former trial and appeal only.

SPECIAL PROCEEDINGS

In addition to the ordinary criminal proceedings, there are some types of simplified proceedings:

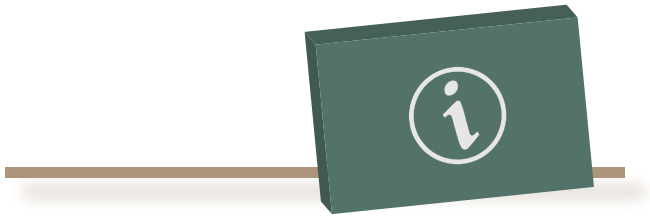
the procedure of a penal order and a fast-track procedure.

THE RIGHTS OF VICTIMS OF CRIME

The laws enumerate many rights that injured parties possess in criminal procedure and beyond. However certain knowledge is necessary to put the rights of victims into practice and to exploit legal opportunities acknowledged to them. Thus, the short introduction of the victims' rights presented below could be useful in case you have suffered a crime yourself or know somebody whose interests have been infringed by a criminal act.

NPLC can help you exercise some of these rights by providing information and explanations and guiding you through any procedures with the authorities. However, please note that NPLC does not represent crime victims in criminal proceedings.

RIGHT TO INFORMATION[4]



The right to information is very important, because only well-informed victims can participate fully in the legal proceedings and exercise their rights. Furthermore, you should take note to the rights that you possess even when deciding not to report the crime suffered to police.

Information to you should be given in a simple and accessible form. In case you do not understand some information provided, to not hesitate to ask the state official providing it. State official taking part in criminal procedure are obliged by laws not only to provide information but also to explain it[5].

Victim support services have an important function as a source of information. NPLC can help you by providing information about your rights, how to exercise them and how to obtain information about the case.

INFORMATION ABOUT RIGHTS

From the first moment of contact with any authority, whether it is the Public Prosecution Service or the police, the victim is entitled to be informed about the following:

- the right to obtain information about procedures related to the submission of the report on criminal offense and the role of the injured party during such procedures;
- the right to obtain information about the course of criminal proceedings involving you;
- the right to submit requests;
- the rights to apply for disqualifications;
- the right to get acquainted with the pre-trial investigation material during the pre-trial investigation and trial;
- the rights to appeal against actions and decisions of a pre-trial investigation officer,prosecutor, pre-trial judge and the court;
- the right to provide evidence;
- the right to receive compensation for expenses sustained as a result of his/her participation in criminal proceedings;

4 The paragraph has been taken from APAV - Associação Portuguesa de Apoio à Vítima "INFOVICTIMS: Know your Rights as a Crime Victim"

5 The paragraph has been taken from APAV - Associação Portuguesa de Apoio à Vítima "INFOVICTIMS: Know your Rights as a Crime Victim"

- the right to be provided with translation and interpretation services;
- the right to procedural equality of rights of foreign citizens and citizens of the Republic of Lithuania;
- the right to receive compensation for damage sustained as a result of the criminal offence;
- the right to be granted protection, be present while your special protection needs are being assessed and to receive special protection measures;
- the right to have legal representative;
- the right to receive legal aid;
- the right to have a person accompanying you during the criminal proceedings;
- the right to appeal against every court judgment and every court ruling.

This information may vary depending on the specific needs and personal circumstances of the victim and on the type of crime. Additional information is available at different stages of the case.

INFORMATION ABOUT THE CASE

The injured party is entitled, upon request, to be informed about the course of criminal proceedings he or she is involved in. However, the state officials do not have a duty to inform injured parties on every step taken in the proceedings automatically. They are only obliged by laws to provide information on the progress of the case when an injured party requests for such an information either verbally or in a written form.

However, the laws require that injured parties shall be informed about certain steps taken in the procedure. For example, if you take part in a pre-trial investigation as an injured party, you will be informed:

- when pre-trial investigation officer takes a decision to start or declines to start a pre-trial investigation on the crime you have reported. In case a decision not to start a pre-trial investigation is taken, you have a right to access all the data that the decision was based on;

- when a decision to carry out an expert examination is taken, in this case you will be proposed to submit questions that the expert examination shall answer. The results of expert examinations shall also be notified to you;

- when a prosecutor or a judge of pre-trial investigation decide to terminate pre-trial investigation. You shall also be notified when a judge of pre-trial investigation declines a prosecutor's application for termination of pre-trial investigation;

- when a prosecutor or a judge of pre-trial investigation takes a decision to renew a previously terminated pre-trial investigation;
- when prosecutor decides that pre-trial investigation is to be completed and the case should be forwarded to court for trial.

The laws specifically request pre-trial officers to notify injured parties when the suspects are detained and to find out whether the injured party is willing to be informed when the suspect is released or escapes. However, the aforementioned notification is not obligatory in cases when it could jeopardize interests of the detained person.

What concerns information to be provided to you during the trial, the laws are less specific, because it is supposed that you will take part in all the court hearings yourself. Please note that even in cases when you could not be present at the hearing and it has processed without you, you have got a right to access to the record of the hearing and to its audio recording (laws require every hearing to be audio recorded).

Injured parties are also entitled to request access to the case file at any moment of the procedure, except when the prosecutor opposes the viewing of the whole case file or of a part of it on the grounds that it could jeopardize the pre-trial investigation. However, after the prosecutor closes pre-trial investigation and forwards the case to the court for trial your access to the whole file of the case cannot be restricted any more.

RIGHT TO RECEIVE ACKNOWLEDGEMENT OF THE COMPLAINT

When you report a crime to an institution of pre-trial investigation, the officials have to start a pre-trial investigation immediately. However in exceptional cases the laws provide for 10 days term for the pre-trial investigation bodies to check whether it is absolutely clear that no crime has been committed or pre-trial investigation is not possible due to other reasons (e.g. the culprit has already been sentenced before for the crime reported, or the statute of limitations has already passed, etc.).

Please note that laws do not request law enforcement officials who receive your report to issue any acknowledgment that the report has been received. However, recommendations approved by the Prosecutor General state that you could ask for a copy of your report with a registration mark on it to be made.

In case you have submitted a formal report to pre-trial investigation body about the criminal act suffered, you will be notified in writing both in case a decision to launch pre-trial investigation has been taken, and in case pre-trial investigation officer has decided not to proceed with the case. One of these decisions shall be taken by the pre-trial investigation officer in 10 days after your report has been submitted at the latest. Please note that you have a right to appeal decision of the pre-trial officer to a prosecutor, and, in case the prosecutor does not change the decision, you can appeal the decision to a pre-trial judge. However, please note that the time frame for appeals is rather short – 7 days in both cases. Please also note that the Code on Criminal Procedure establishes that the person who has applied for a pre-trial investigation to be started has a right to access the data that the decision not to start pre-trial investigation was based upon.

RIGHT TO TRANSLATION

In all case procedures, whether verbal, such as interviews with witnesses, or written, such as letters notifying participants to attend the trial, the language used is Lithuanian.

When an injured party doesn't speak Lithuanian and must participate in criminal procedure, they are entitled to receive services of an interpreter who speaks both Lithuanian and the language spoken by the injured party. All the officials participating in the case (pre-trial investigation officers, prosecutors, judges) shall identify these situations themselves and shall seek an interpreter without any formal request from the side of the injured party. However please note that the laws do not guarantee that interpretation into your native language will be provided.

From the point of law, it should suffice to provide interpretation into one of the languages you understand. The same rules apply to written documents submitted by the participants of the case (including injured parties). The laws establish that every document can be submitted in a native language of the applicant, or another language that the applicant knows, i.e. state officials can request you to submit the document in another language than your native one in case it is troublesome to find a translator from your native language.

The services of interpreters are free of charge and do not involve any cost for the injured parties.

RIGHT TO VICTIM SUPPORT SERVICES

Support of someone who knows how to deal with situation that victim occurs in after a crime is very important.

There are certain cases when you can apply for complex support, encompassing emotional, legal, technical, and other forms of assistance to victims of crime. If you are a victim of domestic violence, you should contact one of the specialized centers of support, their list is provided here. If you are a victim of human trafficking, you should contact one of the NGOs providing support to victims of this crime, their list is provided here.

There are also several organizations that provide support to victims of violent crimes, their list is provided here. In cases when a child suffers from crime, territorial structural divisions of the State Child Rights Protection and Adoption Service shall be contacted, their list is provided here. Last but not least, crisis centers all around Lithuania although do not specialize in victim support but are important bodies that could help victims to overcome crises they have faced due to crime suffered. You can find a list of crisis centers here. The team of Victim Support Lithuania is also ready to assist you in dealing with any crime suffered.

You can also apply to other NGOs, municipal and state institutions for specific support needed.

First, to understand what formal steps shall be taken after a crime, legal advice and representation usually is necessary. Victims of crime can receive free legal aid in their cases. You can find more about the ways to receive free legal aid here or you can directly apply for an initial legal advice to the municipal administration of the place of your residence. You can find the list of initial legal advice services here. You can also consult a lawyer of your own choice, you can find a list of practicing lawyers here. However please note that not all the practicing lawyers specialize in criminal justice issues, thus it would be worth to speak with the lawyer you've contacted about his or her experience in criminal cases.

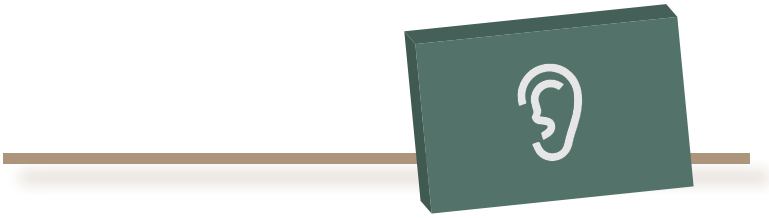
Second, crimes do cause emotional distress that obstructs proper implementation of your rights. Thus it is worth considering applying for a help of a psychologist. You can apply to a mental health center of the municipality that you have declared your place of residence in. You can find a list of mental health centers here. Usually you can contact a mental health center directly, without consulting your family doctor first.

Many mental health centers have established a practice that every patient shall first be examined by a psychiatrist, so you should keep in mind that such an examination is a mandatory procedure and not an indication of your mental condition in any way.

You could also consider applying to a private psychologist for consultation. You can find a list of practicing psychologists here. Sometimes it is helpful at least to talk with someone about the distress you are going through, thus it could be worth to call one of the hotlines of emotional support, you can find their list here.

Third, centers of social services all around Lithuania can provide you assistance in regard of different problematic issues related to crime suffered, e.g. transportation to a health care institution or to a court, repairing entrance to your dwelling destroyed by a culprit, assistance in understanding formal procedures to apply for social insurance benefits in cases when you are entitled to receive them, and similar issues. You can find a list of centers of social services here.

RIGHT TO BE HEARD



During any criminal case, the injured party is entitled to be heard and to provide information that may be important for the investigation and to submit evidence.

When the crime is first reported (if this is done by the victim), he or she has the opportunity to provide as much relevant information and evidence as possible to the authorities receiving the report. Later on, in the pre-trial investigation, the injured party will be called on by the police or, in some cases, by the prosecutor for a questioning. If the defendant is charged, the injured party will be called upon again for questioning in the trial.

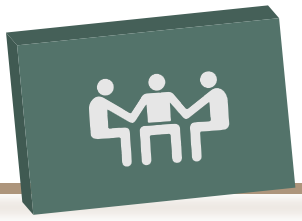
In case the injured party is a juvenile, the questioning during pre-trial investigation will be performed by a judge of pre-trial investigation.

This means that their statement may, if necessary, be taken into account during the trial, so as to avoid having them to repeat their testimony more than once. However, the trial judge will want the injured parties to testify in court when some important questions arise during the hearing and they may be called and questioned again.

RIGHTS IN THE EVENT OF A DECISION NOT TO CHARGE THE DEFENDANT

At the end of the pre-trial investigation stage the prosecutor supervising the pre-trial investigation of your case can decide that evidence gathered is not sufficient to charge the person suspected and there are no chances to gather more evidence of his or her guilt. There can also be a situation when it stays unknown who could be suspected with the crime and no prospects to find it out present. In these cases, the prosecutor decides to terminate the pre-trial investigation and shall notify you as the injured party about his or her decision. You have the right to appeal the decision to the senior prosecutor in 20 days after you are notified about it. In case the senior prosecutor upholds the decision, you have the right to appeal the decision of the senior prosecutor to the judge of pre-trial investigation. Once again, you would have 20 days for the appeal.

You have the right to appeal the negative decision of the pre-trial judge also. In this case you would have to apply to a court of a higher instance, however, would have only 7 days for the appeal. The laws establish that the injured party has a right to access the data that the decision to terminate pre-trial investigation was based upon. Please take into account that usually decisions of prosecutors to end pre-trial investigations are well grounded, thus when deciding to appeal it would be best to assure representation of your interests by a practicing lawyer or to consult a professional lawyer at least. Please also note that terminated pre-trial investigations can be renewed afterwards in case new substantial evidence emerge.



RIGHT TO MEDIATION

In cases involving petty crimes or less serious crimes, such as threats, petty damage, non-aggravate thefts, non-aggravated assaults and many others, the laws allow the injured party and the culprit to get to settlement and thus to terminate the case. The settlement can be reached at any moment of pre-trial investigation or trial.

Please note that it creates no formal obligation for the prosecutor or a judge to terminate the pre-trial investigation or the trial. However most usually criminal legal procedures are terminated after a settlement between the injured party and the culprit is reached.

It is not so easy to get into open communication with the culprit who has harmed you. Therefore, a special kind of services called mediation are created and are worth to use in many cases. Mediation is a procedure for solving disputes where parties of the dispute are helped to communicate between themselves by specially trained mediators.

The easiest way to request a mediation is to approach the pre-trial investigation officer or a prosecutor leading your case (or a judge in the trial stage of the procedure) and to tell them that you would be interested in mediation. Then the aforementioned officials would contact the Probation Service of Lithuania and this institution would suggest you a qualified mediator.

It is also possible to invite a mediator directly, without talking to the pre-trial officer, a prosecutor, or a judge first. You can find a qualified mediator in the lists provided by the State Guaranteed Legal Aid Service or Lithuanian Chamber of Mediators. When selecting a mediator yourself please take into account that they specialize in different fields of law, thus it would be best to get in touch with someone who has experience in criminal justice issues.

However please note that when you involve a mediator in your case, his or her services shall be borne by you or together with the culprit. Vice versa, if a mediator employed by the Probation Service of Lithuania is involved with a help of pre-trial investigation officer, a prosecutor, or a judge, his or her services are covered by the state and you do not have to pay for them.

This option is also more feasible because (as it was mentioned above), the settlement reached through mediation creates no obligation for a prosecutor or a judge to terminate criminal procedure, they can hold an opinion that general interests of justice require to reach the final sentence. Thus an involvement of state officials that have to take the final decision in the early stages of mediation provides a more solid ground to believe that they will take a decision to terminate the case if you manage to reach the settlement with the culprit.

RIGHT TO LEGAL INFORMATION AND PROTECTION

Access to justice seeks to ensure that nobody is hindered in or prevented from exercising or protecting their rights because of their social or cultural background, financial means or knowledge.

Victims are entitled to legal aid and advice about their role during the entire procedure.

State guaranteed legal aid is provided in two forms.

First, primary legal aid is provided by lawyers employed at municipal administrations throughout Lithuania. You can find a lawyer that you could contact in your municipality here. Usually it is best to make a phone call and to book a time for legal consultation. Please note that you are entitled to receive primary legal aid in the municipality that you reside only, and you should apply there even if you have suffered criminal harm elsewhere. When applying for a primary legal aid you do not have to prove that your income is low or that you have suffered a crime. It is the right that everyone legally residing in Lithuania is entitled to. However, the scope of services provided as a primary legal aid is rather limited.

You will receive information and some consultation there, however the lawyers providing primary legal aid do not draft legal documents and cannot represent you neither in pre-trial investigation nor in court. The laws also establish that consultation provided as a primary legal aid cannot last more than 1 hour (except the consulting lawyer decides otherwise) and you would not be able to apply for another consultation on the same issue repeatedly.

Secondary legal aid, that encompasses drafting of legal documents and legal representation both during pre-trial investigation and trial, is provided by practicing lawyers (advokatas) contracted by the State-Guaranteed Legal Aid Service. When requesting a secondary legal aid you should fill the form of application (you can find it here) and submit it to the State-Guaranteed Legal Aid Service.

Please note that you can receive free secondary legal aid only after you have been acknowledged to be an injured party in the criminal case and only if you have suffered damages by crime. The laws make an exception only to victims of domestic violence, sexual crimes, human trafficking, hate crimes, organized crimes, terrorist crimes. In the latter case secondary legal aid is to be provided even if no damage has been suffered (however the requirement to be formally afforded the status of an injured party still applies).

Of course, you can find a practicing lawyer to represent your case yourself. You can find a list of practicing lawyers here. Practicing lawyers can entrust representation of your interests to their assistants also. Your interests in the case can also be represented even by any other person who has a university degree in law, however only if the pre-trial investigation officer, the prosecutor, or the judge in your case agrees.

Please note that the legal system of Lithuania is rather complex and some practicing lawyers who have good knowledge of civil or labor laws have no experience with criminal justice and thus would not be quite competent to represent your interests in the case to the full extent. Thus, when hiring a practicing lawyer yourself it would be worth to talk about his or her experience in cases similar to yours first.

RIGHT TO COMPENSATION FOR PARTICIPATION AND TO REIMBURSEMENT OF EXPENSES

Expenses that you will suffer to be present at pre-trial and trial procedures shall be covered by the state. However please note that only travel and subsistence expenses will be covered. You should submit a written application for compensation of the expenses to the institution of pre-trial investigation or a court, add all the supporting documents (travel tickets, parking tickets, etc.).

Please note that when applying for the compensation during pre-trial investigation you should ask the pre-trial investigation officer to state in writing, that the questioning did take place and that expenses are related to the questioning.

RIGHT TO THE RETURN OF PROPERTY

Some property belonging to the victim may have to be taken away for the investigation of the crime. For example, the victim's car, or clothes, may contain important evidence for the investigation.

It is a general rule laid by laws that all the things taken from you during pre-trial investigation or trial shall be returned only after the sentence passed becomes valid (i.e. when there are no appeals lodged or the appeal procedure has ended).

However, you have a right to submit a written request to return your property during the pre-trial procedure already if the things taken have been fully examined by officials leading the case. In case your property is returned to you before the end of criminal procedure you shall have to sign a commitment to safeguard the property (i.e. not to sell it, not to throw it away) till the case is closed.

RIGHT TO COMPENSATION

It is only fair that anyone who suffers losses as a result of a crime should be compensated for such losses. The duty to compensate falls on the culprit and other persons that are liable for damages caused by him or her. But, in some cases, the State may advance this compensation when the victim is facing financial difficulties as a result of the crime or cover the losses when there are no prospects to obtain compensation from the offender within a reasonable period.

COMPENSATION FROM THE OFFENDER

Victims are entitled to be compensated by the offender for both the material and immaterial damage which he or she has caused to them.

As a rule, compensation should be claimed within the criminal proceedings. If you have caused material or immaterial damage by crime, you should lodge a civil claim in the case. Civil claims are usually lodged in the beginning of pre-trial investigation, in this case officials leading pre-trial investigation would have a duty to gather evidence on substantiation of the civil claim along with evidence on the guilt of the culprit and all the other relevant circumstances of the case. Civil claims can be lodged at a later stage of the procedure also, however before the trial starts.

You can request the culprit to compensate both material and immaterial damage you have suffered.

You should also note that in some cases some other persons along with the culprit can be requested to compensate the damage caused by crime, e.g. parents would have to cover costs of your property stolen by their juvenile children, or a company would have to cover damage caused by a traffic crime committed by their employees, etc. In this case you should indicate these other persons in the civil claim submitted.

Material damage comprises a) damage caused directly by the crime (e.g. value of property lost, cost of medicines, etc.), and b) income that you have not received because of the crime (e.g. salaries and remunerations that you didn't receive because you were unable to work). Immaterial damage comprises losses which cannot be assessed financially and can only be compensated by obliging the culprit to pay a certain sum to the injured party. Moral damage includes, for example, physical pain, psychological distress, emotional suffering, damage to reputation, etc.

In case the civil claim has been lodged in the case, the inculpatory judgment will indicate what damages are to be covered and what sums are to be paid to the injured party.

When an exculpatory judgment is passed the court can either dismiss a civil claim (if the court decides that the defendant did not commit the acts incriminated) or leave the civil claim to be decided through a civil procedure (if the court decides that the acts incriminated to the defendant did not constitute a crime). In that case you would have a right to lodge the civil claim to a court repeatedly through a civil procedure. When the culprit or other persons obliged to cover the damage you suffered do not compensate it voluntarily, you should apply to a court for an enforcement order (vykdomasis raštas) and then to submit it to a bailiff.

COMPENSATION FROM THE STATE FOR VICTIMS OF VIOLENT CRIMES

Protection for victims of violent crimes includes the payment of compensation from the State, when the damage caused was not covered voluntarily and the bailiff did not have any real chances to force recovery of the damage caused.

The compensations are paid only after an inculpatory judgment has been passed. In order to receive the compensation you would have to fill and to submit a form of application for compensation to the Ministry of Justice, the time limit to submit an application is 10 years after the crime was committed.

The laws also establish that in certain exceptional cases you could apply for a compensation in advance, i.e. before a sentence in the case is passed. The laws establish a really short time limit to submit a form of application in these cases – the application shall be submitted in 10 days after the crime was committed. These are really exceptional cases, when there is a need to cover expenses of immediate necessity to cover expenses of funeral or to sustain health injured by the crime (health care, medicines, wheelchairs, etc.).

RIGHT TO PROTECTION

Victims and their family members are entitled to protection from retaliatory or intimidatory acts or continued crimes against them. They are entitled to feel safe when giving evidence and testifying.

First, please note that every attempt made either by the culprit or any other person to make you give false evidence in the procedure is considered to be a crime. It does not matter whether they have used coercion, or threats, or deception, or any other methods in this regard. Thus in cases when you face improper behavior of others in this sense you should not hesitate and report it as a new crime to police or other law enforcement authorities. Please also note that influence exerted upon the injured parties or witnesses by the defendant would count as a legal basis to apply restrictive measures, including detention, to him or her.

Second, pre-trial investigation officers and prosecutors shall take an initiative themselves to establish whether you face a risk of retaliatory or any other violence. For this aim they will have to assess special protection needs of yours in the very beginning of pre-trial investigation. Thus, the first questioning of yours will start from some questions seemingly not related to the case itself, that will address your living circumstances and other similar aspects of your personal life. Please note that pre-trial officials are obliged to give these questions to you in order to all identify and to prevent all risks to your safety.

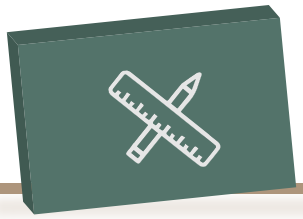
SAFETY: RESTRICTIVE MEASURES

The protection and safety of victims may be safeguarded by imposing one or more restrictive measures (kardomosios priemonės) against the defendant.

There are a variety of restrictive measures, including intensive supervision (electronic monitoring), house arrest, bail, obligation to avoid any contact with the injured party, etc. The harshest restrictive measure is detention of the defendant. Detention may last up to 9 months during the pre-trial investigation, however in cases of the most serious crimes the term can be extended up to 18 months. The length of detention during trial can be even longer, however the whole time that the defendant spends in detention cannot be longer than two thirds of the maximum penalty provided for the crimes charged.

Detention can only be imposed by courts. During the pre-trial investigation a court can only impose detention if the prosecutor leading the case applies for it. That means that you as an injured party are not entitled to request detention of the culprit to be applied, neither during the pre-trial investigation, nor during the trial. However, there is a general rule that injured parties can apply to pre-trial investigation officers, prosecutors, and judges with every petition they wish to. Thus you could apply to the prosecutor (during pre-trial investigation) or the judge (during the trial) in this regard also, and if the prosecutor or the judge declines your petition, you can appeal these decision respectively either to the superior proscutor and the court, or to a higher court.

The laws specifically request pre-trial officers to notify injured parties when the suspects are detained and to find out whether the injured party is willing to be informed when the suspect is released or escapes. However, the aforementioned notification is not obligatory in cases when it could jeopardize interests of the detained person.



SPECIAL PROTECTION NEEDS AND MEASURES

There are quite many special procedural measures that could be used to provide protection to injured parties during the criminal procedure. These measures are applied on the basis of assessment of special protection needs of injured parties. The assessments are to be performed in every criminal case. Of course, this does not mean that special protection measures are to be applied to every injured party.

The laws establish some formal criteria that serve as basis for pre-trial investigation officers and prosecutors to apply special protection measures.

There are no special norms that entitle injured parties to request special protection measures to be applied. However, the general norms empowering you to submit petitions and to appeal decisions on every aspect of the case you wish are relevant in this regard also.

The laws however do entitle some injured parties to request their full or partial anonymity in the case (this measure is not listed among special protection measures to be considered by pre-trial investigation officers and prosecutors in every case).

PRIVACY

Victims and their family members are entitled to privacy during the proceedings.

First, injured parties can request the court hearings to be partially or in full closed to the public. The court can take this decision if there are certain grounds enumerated in the laws: a defendant or an injured party are juveniles, or cases of sexual crime are heard, or there are some other grounds that request to prevent revealing private personal data of participants of the case or to guarantee special protection needs of injured parties, or anonymity of injured parties and witnesses is applied.

Second, even in case when court hearings are public, video and audio recording is prohibited except when the court expressly allows it.

Third, although judgments in every case are public, they are published without providing names and other personal data of all the participants of the case (except names of state officials: judge, prosecutor, and others).

RIGHTS OF VICTIMS RESIDENT IN ANOTHER EU MEMBER STATE

Being the victim of a crime in a foreign country places victims in a particularly vulnerable situation, as they do not know how criminal proceedings work or what support services are available, they have difficulty understanding another language and their stay in the country where the crime was committed is usually a short one, which makes it difficult to participate in the case. People who are the victims of a crime in a country other than their country of residence should be able to avail themselves of measures that make it easier for them to participate and, in particular, to be informed about the progress of the case.

These measures include the authorities providing all the necessary information and appointing an interpreter to ensure the victim fully understands the different procedures in which they participate.

A resident of a European Union Member State who is the victim of a crime in another Member State may report the crime to the authorities in their country of residence, if they have not reported it in the country where the crime was committed. In this case, the authorities of the victim's country of residence should promptly transmit the complaint to the relevant authorities of the country where the crime was committed.

In the European Union, the victim of a crime that occurred in a country other than their country of residence may make a statement immediately after the crime was committed.
However, if it is necessary to question the victim again but they are no longer in the country where the crime was committed, they may be questioned in a telephone conference or videoconference call from the country in which they reside.

Victims of a violent crime committed in a European Union Member State who usually reside in another Member State may file their claim for compensation with the authority in their country of residence which has the jurisdiction to assess and decide on this kind of request. This authority should transmit the request to the relevant authority of the Member State in which the crime occurred. In Lithuania, the authority with the jurisdiction both to receive claims from people who reside in other countries and who were victims of crime in Lithuania and to send the claims of persons resident in Lithuania who were the victims of crime in other European Union countries is the Ministry of Justice.

WHO'S WHO IN CRIMINAL PROCEEDINGS

VICTIM

Anyone can be the victim of a crime. Don't think that it only happens to others. Victims in criminal procedure are called injured parties.

An injured party is someone who, as a result of an infringement of criminal law (a crime or criminal infringement), has suffered material, immaterial harm, or a harm to his or her health.

Family members and close relatives of people who have deceased because of crime are also afforded the status of injured parties, however only if they themselves have suffered material, immaterial harm, or a harm to his or her health due to the death of the person deceased.

Victims are afforded the status of the injured party in criminal procedure by a decision of a pre-trial investigation officer, a prosecutor, or a court. The rights that injured parties are entitled to in the laws arise from the moment the aforementioned decision is taken.

What acts count as crimes and criminal infringements is described by the Criminal Code of Lithuania. However, punishments for some less important but harmful acts are provided in the Code on Administrative Infringements of Lithuania. If you have been harmed by an administrative infringement you should be acknowledged the status of an injured party in administrative procedure.

If you were or are a victim of crime, you should report it to the authorities. To find out more about how to report a crime, click here.

Most of criminal acts are to be investigated even if victims do not want them to be investigated. However, there are certain criminal acts that the laws require to be investigated only when victims apply for pre-trial investigation to be started. The list of these criminal acts you can find here.

Injured parties have a number of rights and it is important to be aware of them. To know more about the rights of injured parties click here. Sometimes it is quite difficult to exploit the rights of yours to the full extent, thus legal assistance and representation are necessary. In most cases you would be entitled to free legal aid. If you would like to know more about how to get legal assistance and representation, click here.

JUDGE

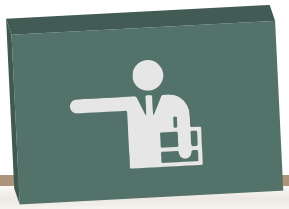
Criminal cases are heard at the courts of first instance (district courts and regional courts). You can appeal decisions of the courts of first instance to the higher courts (decisions of district courts can be appealed to regional courts, decisions of regional courts can be appealed to the Court of Appeal of Lithuania). If you consider that decision on your appeal was not just, you can apply for a review of the judgments (kasacija) by the Supreme Court of Lithuania.

During the trial, cases in the courts of first instance are usually heard by one judge, however a panel of three judges can be formed in every case when the court decides it to be necessary. When a panel of judges is formed, one of the judges is designated to be the president of the panel. Appeals are to be examined by a panel of three judges in every case.

The judge (or a panel of judges) is responsible for case management, ensuring that everything runs in an orderly and disciplined manner, that the evidence is given and the participants in the proceedings have the chance to examine it. Secondly, he or she has to decide on the basis of the evidence whether the defendant is guilty or not and, if found guilty, which penalty should be imposed. The judge also has to decide on the claims laid down in the civil claim. The judge is responsible for writing the judgment, reading it aloud in the courtroom on the scheduled date and explaining it to the participants in the proceedings, particularly to the defendant and to the injured party.

Judges can also be involved before the trial starts. The laws establish that pre-trial investigations are led by prosecutors, but some measures which may encroach on citizens' fundamental rights must be performed or authorized by the judge of pre-trial investigation. Judges of pre-trial investigation can also perform certain other functions when necessary, e.g. they can lead the questioning of injured parties and witnesses (when an injured party or a witness is juvenile, or a prosecutor has some doubts that injured parties and witnesses can change their evidence submitted later on).

You can also appeal decisions of prosecutors to a judge of pre-trial investigation (however decisions of a prosecutor in your case should first be appealed to a senior prosecutor in most cases).



PROSECUTOR

Prosecutors are state officials who lead and supervise pre-trial investigations and uphold charges laid against defendants during trials.

Most cases are usually investigated by police, prosecutors in these cases supervise activities of pre-trial investigation officers and are involved when decisions on certain coercive measures are to be taken. However even in cases being investigated by police prosecutors can decide to take over the whole investigation or to perform some parts of it by themselves.

Prosecutors in these cases can also order police officers to take specific steps in investigation, to search for specific evidence, to question specific witnesses, etc. You can also appeal every decision or inactivity of pre-trial investigation officers to prosecutor (and to appeal decisions of prosecutors to their superiors).

When you think that certain steps in the pre-trial investigation shall be taken, you can submit written petitions on these issues either to pre-trial investigation officer or to prosecutor directly.

The prosecutor is the one who takes decisions either to terminate pre-trial investigations or to forward cases to courts for trial. In the latter case the prosecutor leading pre-trial investigation writes a bill of indictment and formulates charges against the defendant. Afterwards prosecutor upholds the charges laid during the whole trial procedure. He or she can also appeal judgments of courts of first instances, and to apply for a review of the case (kasacija) by the Supreme Court of Lithuania.

Please note that every prosecutor performs their functions in the case because you have suffered a crime.

However they do not have to abide to your decisions, i.e. in most cases they have to start criminal procedure even if you do not wish your crime to be investigated (except some specific crime, you can find their list here), they do not have neither right nor duty to terminate criminal procedure if you wish it to be terminated, they can appeal every judgment even if you do not want any appeal to be made, etc.

PRE-TRIAL INVESTIGATION OFFICER

Pre-trial investigation is the first stage of criminal procedure devoted to gathering of evidence that would be necessary to hold a trial. Pre-trial investigation is led and supervised by a prosecutor, however most of the actions are performed by pre-trial investigation officers. Usually pre-trial investigation officer is the one that injured parties are in constant contact with. In most cases pre-trial investigations are performed by police officers. However the laws establish that pre-trial investigations can also be performed by other institutions, such as State Border Guard Service at the Ministry of the Interior, Special Investigation Service of the Republic of Lithuania, Financial Crime Investigation Service under the Ministry of the Interior, and some others. Prosecutors can also perform pre-trial investigations fully or partially by themselves.

Pre-trial investigation officers decide whether pre-trial investigation shall be commenced (however they cannot decline to start pre-trial investigation, this decision can only be taken by the chief of pre-trial investigation institution or a prosecutor).

They also usually perform all actions of pre-trial investigations: question injured parties, witnesses and suspects, take samples of various materials (blood, saliva, clothing, etc.) for forensic examination, organize face-to-face confrontations, etc. In the end of pre-trial investigation, the last word belongs to prosecutor – only he or she can take decisions either to terminate investigation or to present charges against the culprit and to forward the case file to court. There functions of pre-trial officers end. They can participate in court hearings, however they are considered to be witnesses and not state officials there.

COURT SECRETARY

The court secretary is an employee of a court who participates in every court hearing and performs certain functions: provides information on certain technical aspects of the case (who is present and who is not present at the hearing, what justifications persons that are not present at the hearing have provided to justify their absence), writes minutes of hearings, etc.. Court secretaries usually know all the procedure perfectly thus in case you need some clarifications on the issues you are facing court secretary is the one who could really help.

AUTHORIZED REPRESENTATIVE OF THE INJURED PARTY

Authorized representatives of injured parties are lawyers that provide legal assistance to injured parties and represent them during the whole criminal procedure. In certain cases (cases of crimes against health, crimes against freedom, sexual crimes, as well as in cases where injured parties are juveniles) it is obligatory for injured parties to have an authorized representative.

Pre-trial investigation officer, a prosecutor, or a judge can decide that interests of an injured party request participation of an authorized representative in other cases also, in these cases you are not allowed to decline services of an authorized representative.

You are free to choose who will act as an authorized representative in your case.

Usually functions of authorized representatives are performed by practicing lawyers or their assistants. Please note that in most of cases injured parties are entitled to receive free legal aid, you can find more about this right of yours here. In certain cases, if a pre-trial investigation officer, a prosecutor, or a judge agrees, you can invite any other person holding university degree in law to be your authorized representative.

LEGAL REPRESENTATIVE OF INJURED PARTY

Legal representatives of injured parties are persons who are obliged by laws to take care of injured parties – parents, foster-parents, legal representatives and legal guardians of juveniles and incapacitated injured parties. Persons that are neither juveniles nor incapacitated can have a legal representative if a pre-trial investigation officer, a prosecutor, or a judge decides that there are certain obstacles (age, illness, and similar) that preclude full implementation of the rights that injured party is entitled to.

Legal representatives enter the case not automatically, they shall be allowed to take part in the criminal procedure by a pre-trial investigation officer, a prosecutor, or a court.

In cases when a pre-trial investigation officer, a prosecutor, or a court acknowledges that participation of a legal representative in the case could harm interests of the injured party or could jeopardize the case, and the injured party is juvenile or incapacitated, any other person could be appointed to act as legal representative.

Legal representatives are allowed to accompany injured parties in every step of pre-trial investigation and trial. Their main duty is to support the injured party and to help him or her to understand what is going on.

ACCOMPANYING PERSON OF THE INJURED PARTY

Every injured party can ask any person to accompany him or her throughout pre-trial investigation and trial. The accompanying person can be present at questionings of the injured party, court hearings closed to the public, and other instances of criminal procedure where participation of unauthorized persons is restricted.

The laws require no formal acknowledgment of the status of an accompanying person, however pre-trial investigation officer, a prosecutor, or a judge can prohibit an accompanying person to take part in the procedure or in certain episodes of it in case his or her presence could endanger interests of the injured party or jeopardize the case.

COURT VOLUNTEER

Court volunteers are present in many, however not all courts of Lithuania. Their main task is to provide all information and all support needed by injured parties and witnesses – to get information on their rights and duties, to solve technical aspects of their participation (be it parking near the court building or finding a way through the building, or any other issue), and most important – to provide emotional support to injured parties and witnesses.

PSYCHOLOGIST

The laws establish that a psychologist must be present at all questionings (both during pre-trial investigation and trial) of minor (mažametis) injured parties and witnesses, as well as juvenile injured parties and witnesses in cases of crimes against life, health, sexual and some other crimes. Participants of the case may request participation of a psychologist in every other case where injured party or witness is a juvenile, and it is obligatory to comply with these requests.

Participants of the case can also request participation of a psychologist in questionings of juvenile suspects and defendants also, these requests are also obligatory.

A psychologist must assist pre-trial investigation officers, prosecutors and judges to formulate questions to minor and juvenile injured parties and witnesses in a way that they would be able to understand these questions and would not be hurt by the questions given.

REPRESENTATIVE OF STATE INSTITUTION ON PROTECTION OF CHILDREN RIGHTS

The laws establish that a representative of state institution on protection of children rights must be present at all questionings (both during pre-trial investigation and trial) of minor (mažametis) injured parties and witnesses, as well as juvenile injured parties and witnesses in cases of crimes against life, health, sexual and some other crimes. Participants of the case may request participation of a representative of state institution on protection of children rights in every other case where injured party or witness is a juvenile, and it is obligatory to comply with these requests. Participants of the case can also request participation of a representative of state institution on protection of children rights in questionings of juvenile suspects and defendants also, these requests are also obligatory.

Main task of a representative of state institution on protection of children rights is to monitor whether all the rights and interests of a child are respected during questionings. They do not participate in questionings itself and observe them from another room. However the laws entitle the representatives of state institution on protection of children rights to request officials leading the questioning to give specific questions to injured parties and witnesses, as well as to submit petitions on all the other aspects of questioning (e.g. to make a break in the questioning, to provide the injured party or a witness with a glass of water, etc.).

SUSPECT AND DEFENDANT

Suspect and defendant are specific terms used in regard of culprits in criminal procedure. In pre-trial investigation the term “suspect” is used in regard of everyone who is being questioned about a crime he might have committed. When enough evidence of the guilt of the suspect are gathered, a prosecutor lays the charges against him or her and forwards the case file to court. From this moment on the term “defendant” is used in regard of the culprit instead of the term “suspect” used during the pre-trial investigation.

Court hearings can proceed in exceptional cases even when injured parties are not present, however cannot be held when a defendant is absent.

When questioned during trial injured parties and witnesses are requested to give an oath to tell the truth, while such a request is not applied to defendants – they cannot be punished for giving false statements. In some cases, presence of a defendant can be stressful for injured parties and witnesses testifying at trial, in these cases a judge can decide that a defendant shall leave the room that hearing takes place for the time of the testimony. In these cases, the defendant is provided with technical opportunity to what the questioning going on and to forward his or her questions to a judge, who is obliged to give them to the injured party or a witness.

DEFENCE LAWYER

Anyone who is a defendant in criminal proceedings is entitled to have a lawyer to represent his or her case. The laws establish a long list of cases where participation of a defense lawyer is mandatory, in these instances a case can does not proceed without him or her. Pre-trial investigation officers, prosecutors, and judges can also decide that participation of a defense lawyer is mandatory in any other case also. Practically, pre-trial investigations and trials without a defense lawyer are rare exemptions from the rule. A defendant can even hire several defense lawyers to represent his or her interests. If a suspect or defendant do not contract a defense lawyer himself or herself, they can apply for free legal aid, and it shall be provided without taking into account whether he or she has enough funds to hire a defense lawyer themselves.

The defense lawyer, in representation of and protecting the defendant's rights and interests, takes an active role both during pre-trial investigation and trial.

Defense lawyers have rights to submit evidence or to request that certain evidence be gathered, to question the defendant, the witnesses and the injured party during court hearings, to lodge an appeal against decisions with which he or she does not agree, and certain other rights. The injured party may feel uncomfortable about some of the defense lawyer's questions if he or she thinks that what he or she went through is being challenged. Don't forget that it is the duty of the defense lawyer to protect the defendant's interests, and usually questions do not represent any personal attitude of his or her towards you. If any question goes beyond what is acceptable, it is for the judge to interrupt and maintain the order and discipline at the trial.

WITNESS

Every person who may know any circumstances that may relate to the crime being investigated may be called to testify in pre-trial investigation or court hearing. This way persons are acknowledged the status of witness of crime.

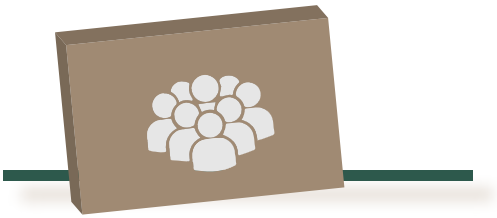
Any witness who is called to appear must appear before pre-trial investigation officer, a prosecutor, or a court on the date and at the time and place given, and to answer questions truthfully. Please note that family members and close relatives of a suspect or a defendant can decline giving testimonies at all or can decline answering certain questions posed. However, they are still obliged to appear before pre-trial investigation officer, a prosecutor, or a court if summoned for a questioning.

On the day of the trial, witnesses are not allowed to be in the courtroom before testifying, so they should wait in the witness waiting area and enter the courtroom only to give their evidence. The defendant may be removed from the courtroom while a witness is testifying, if the court considers that the defendant's presence may deter the witness from telling the truth.

Witnesses have to answer all the questions during their questionings. The laws consider it to be a crime to provide false statements at the court proceedings, i.e. everyone may be punished for not telling truth when knowing that he or she is lying. But nobody can blame a witness neither legally nor in any other way for not remembering some details relevant for the case.

EXPERTS AND SPECIALISTS

Experts and specialists are someone who is asked to assist in the proceedings when specialized technical, scientific or artistic knowledge is necessary to understand the facts or weigh up the evidence. For example, it may be necessary to have a doctor to explain the injuries suffered by the victim and how they were inflicted, or a psychologist or psychiatrist to describe the psychological characteristics of the defendant in order to conduct a personality evaluation, or a computer engineer to show how a software program was used in committing the crime.



CIVIL CLAIMANTS AND CIVIL DEFENDANTS

If a victim has suffered material or immaterial damage by the crime, he or she may lodge a civil claim in the case. In this case the victim's procedural role would be twofold – he or she would act both as an injured party and as a civil claimant. However please note that in some cases some other persons apart from victims themselves can lodge a civil claim and become civil claimants in criminal procedure, e.g. legal persons who have suffered damages through crime cannot act as injured parties, and can join the case as civil claimants only.

If an injured party lodges a civil claim a suspect or defendant usually acquires an additional status of civil defendant. However in some cases some other persons along with the suspect or defendant can be requested to compensate the damage caused by crime, e.g. parents would have to cover costs of your property stolen by their juvenile children, or a company would have to cover damage caused by a traffic crime committed by their employees, etc. In these cases, the status of civil defendant is acknowledged to every person indicated as a responsible one in the civil claim.

INTERPRETER

In all criminal proceedings, whether this involves interviewing the witnesses or written procedures such as notifying the participants to appear for the trial, the language used is Lithuanian. When someone who doesn't speak Lithuanian has to participate in the proceedings, the authority responsible for the procedure in question requests the appointment of an interpreter who speaks both Lithuanian and the participant's language well. An interpreter is also appointed when it is necessary to translate documents from a foreign language. When a person who is deaf or has a hearing impairment has to give evidence, a sign language interpreter is appointed. If the witness is unable to speak, the questions are asked orally, and the witness responds in writing. The interpreter plays a key role in ensuring that those involved understand identically what is said. The appointment of an interpreter doesn't imply any costs for the participant who needs this service.