

REPUBLIC OF LITHUANIA

LAW ON

THE PROTECTION FROM CRIMINAL INFLUENCE OF THE PARTICIPANTS OF THE CRIMINAL PROCEEDING AND CLANDESTINE ACTIVITIES, OFFICERS OF THE LAW ENFORCEMENT AND JUSTICE ADMINISTRATION

13 February 1996 No. I – 1202

Vilnius

Chapter 1

GENERAL PROVISIONS

Article 1. Objectives of the Law

1. The Law on the Protection from Criminal Influence of the Participants of the Criminal Proceeding and Clandestine Activities, Officers of the Law Enforcement and Justice Administration establishes basic means of the protection from criminal influence, as well as order and grounds for prescribing the means.
2. This Law does not cover the means of the protection from criminal influence, which are provided in Criminal Code of the Republic of Lithuania and Code of Criminal Procedure of the Republic of Lithuania.

Article 2. The Purpose of the Means of the Protection from Criminal Influence

The purpose of the means of the protection from criminal influence is to protect life, health, property, constitutional rights and freedoms of the participants of the clandestine activities, witnesses, victims and other individuals, related with the criminal case, as well as to ensure the exhaustive and unbiased research of the circumstances of the case.

Article 3. Individuals, Provided With the Means of the Protection from Criminal Influence

1. The means of the protection from criminal influence may be applied to:
 1. participants of the clandestine activities;
 2. participants of the criminal proceeding, namely: witnesses, victims, experts, defenders, suspects, accused, defendants and convicts;
 3. officers of the law enforcement and justice administration, namely: judges, prosecutors, interrogators, investigators, and bailiffs of court;
 4. kinsfolk of the individuals indicated in points 1 – 3 of the paragraph I: parents, foster – parents, children, foster – children, siblings, grandparents, grandchildren and spouses.
2. Individuals listed in paragraph I of this Article, for whom the decision to apply the means of the protection from criminal influence is adopted, hereafter shall be referred as the protected individuals.

Article 4. Grounds for the Application of Means of the Protection from Criminal Influence

1. The means of the protection from criminal influence may be applied to the individuals listed in paragraph I of Article 3 of this Law, provided that in the investigation or research of the major crime cases, indicated in Article 8 (1) of the Criminal Code of the Republic of Lithuania, there is sufficient ground to believe that:
 1. there is a threat to individual's life or health;

2. the individual's property may be damaged or destroyed;
3. there is a threat to individual's constitutional rights and freedoms.

2. The means of the protection from criminal influence shall be applied to the individuals (except for experts and defenders) listed in point 2 of paragraph 1 of Article 3 of this Law and their kinsfolk, provided that these individuals were in close collaboration with the officers of the law enforcement and justice administration, assisted in disclosing of a crime or provided other important information to the officers of the law enforcement and justice administration.

3. The means of the protection from criminal influence may be prescribed and applied upon carrying out clandestine activities, during investigation of a criminal case, during judicial investigation of a criminal case, upon completion of clandestine activities, or completion of judicial investigation of a criminal case.

Chapter 2

Means of the Protection from Criminal Influence

Article 5. Types of Means of the Protection from Criminal Influence

1. The types of means of the protection from criminal influence shall be as follows:

1. physical protection of individual's person and property;
2. temporary relocation of the individual to a secure place;
3. provide for special procedures for obtaining data on the individual from passport offices and other formal information keeping agencies;
4. changing of individual's place of residence, work or study;
5. changing of individual's personal records, curriculum vitae;
6. changing of individual's appearance through a plastic operation;
7. provision of the individual with a firearm or other special security measures.

2. One or some concrete means of the protection from criminal influence shall be selected by the Head of the Police Department of the Ministry of Interior, taking into consideration specific circumstances and requests of the protected individual. In cases, when, according to the circumstances of the case, there is sufficient ground to prescribe means of the protection from criminal influence, but the individual can not give his/her consent due to his/her physical or (and) mental condition, protection must be prescribed to this individual, and upon the change of the circumstances and upon the appearance of possibility to make his/her will known he/she shall be notified about that and his/her consent shall be received. Given individual's refusal of means of the protection, the prescribed protection shall be repealed. It shall be prohibited to prescribe such means of protection from criminal influence, which are not accepted by protected individual, who can make his/her will known.

3. Specific order and conditions of application of the means of the protection from criminal influence shall be established by Regulations on the Protection from Criminal Influence.

Amendments of the Article:

No. VIII – 1024, 99.01.14, Zin., 1999, No. 11 – 243 (99.01.27)

Article 6. Physical Protection of Individual's Person and Property

1. Physical protection of individual's person and property shall be organized by the Head of the Police Department of the Ministry of Interior or by Head of a City (District) Police Commissariat. The physical protection can be carried out 24 hour per day, during certain periods of the day or in certain cases.

2. Carrying out the physical protection of individual's person and property and in case of need, the telephone numbers and car license plate numbers of the protected individuals can be changed.

3. Carrying out the physical protection of individual's person and property, actions of clandestine activities can be used in the manner prescribed by laws.

Article 7. Temporary Relocation of the Individual to a Secure Place

Temporary relocation of the individual to a secure place shall be organized by the Head of the Police Department of the Ministry of Interior or by Head of a City (District) Police Commissariat.

Article 8. Special Procedures for Obtaining Data on the Individual from Passport Offices and Other Formal Information Keeping Agencies

1. The Head of the Police Department of the Ministry of Interior or Head of a City (District) Police Commissariat can prohibit passport offices, address bureaus, migration services, municipal and housing administration offices and other information keeping agencies from providing data on the protected individuals. In case of need the data can be removed from the above mentioned information keeping agencies and placed within the Police Department of the Ministry of Interior.

2. Data on the protected individuals shall be released to the State Institutions only upon the permission of the Head of the Police Department of the Ministry of Interior or officer's, investigating the case, request or by court's decision.

Article 9. Changing of Individual's Place of Residence, Work or Study

1. The protected individual can temporarily or permanently change his/her place of residence, work or study. The relocation shall be organized by the Head of the Police Department of the Ministry of Interior or by Head of a City (District) Police Commissariat.

2. Resolution on the change of residence, work or study place shall be compulsory for all state institutions, officers, employers and heads of educational organizations.

Article 10. Changing of Individual's Personal Records, Curriculum Vitae and Performance of Plastic Surgery to Change Individual's Appearance

1. Changing of individual's personal records, curriculum vitae, and performance of plastic surgery to change individual's appearance shall be organized by the Head of the Police Department of the Ministry of Interior.

2. Resolution on the change of individual's personal records and curriculum vitae shall be compulsory for all state institutions, officers as well as managers of other enterprises, institutions and organizations.

Article 11. Provision of the Protected Individual with a Firearm or Other Special Security Measures

Provision of the protected individual with a firearm or other special security measures shall be organized by the Head of the Police Department of the Ministry of Interior in the manner prescribed by laws and the Government Resolutions.

Chapter 3

Application of Means of the Protection from Criminal Influence

Article 12. Procedure of Prescription of Means of the Protection from Criminal Influence

1. Having grounds, the individuals indicated in points 1 – 2 of the paragraph I of Article 3 of this Law shall be entitled to apply to the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat, Prosecutor General or his Vice Prosecutors, Regional Chief Prosecutor or his Vice Prosecutors, or Area Chief Prosecutor with request to prescribe protection from criminal influence.

2. Having grounds, the individuals indicated in point 3 of the paragraph I of Article 3 of this Law shall be entitled to apply to Prosecutor General or his Vice Prosecutors, Regional Chief Prosecutor or his Vice Prosecutors, or Area Chief Prosecutor with request to prescribe protection from criminal influence.

3. In three days (on exceptional cases immediately) following the receipt of the request of the individual, the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat, Prosecutor General or his Vice Prosecutors, Regional Chief Prosecutor or his Vice Prosecutors, or Area Chief Prosecutor shall review the request and adopt the decision on the prescription of or the denial of protection from criminal influence. The decision on the prescription of protection from criminal influence shall include: date and place of the final decision; full name and position of the officer having adopted

the decision; circumstances in support of the prescription of protection from criminal influence; full name of the individual whom protection from criminal influence is prescribed for. The individual, to whom the protection from criminal influence is prescribed, shall be familiarized with the above mentioned decision.

4. Having sufficient information about actual threat to the protected individual's life, health, property or constitutional rights and liberties, the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat, Prosecutor General or his Vice Prosecutors, Regional Chief Prosecutor or his Vice Prosecutors, or Area Chief Prosecutor must inform the threatened individual, and recommend him/her the prescription of means of the protection from criminal influence. In the event that an individual, having been offered protection from criminal influence refuses this offer, a memorandum of the fact is put in writing. The memorandum shall be signed by the individual having refused the protection and the officer having offered the protection.

5. In case the request to prescribe the protection from criminal influence is denied, the individual concerned shall be entitled to appeal against this decision to the Prosecutor General in the period of five days. The Prosecutor General shall adopt the final decision to satisfy or deny the request in the period of three days.

Article 13. Institutions Responsible for Application of Means of the Protection from Criminal Influence

1. The Head of the Police Department of the Ministry of Interior or the Head of a City (District) Police Commissariat shall organize and be responsible for the implementation of the decision on protection from criminal influence.

2. In three days (on exceptional cases immediately) following the receipt of the decision on protection from criminal influence the Head of the Police Department of the Ministry of Interior shall adopt a resolution for the prescription of one or several methods of individual's protection from criminal influence. The individual, to whom the protection from criminal influence is prescribed, shall be familiarized with the above mentioned resolution. In addition, the protected individual shall sign a contract on the terms and conditions for the application of the protection. The contents and form of the contract shall be established by Regulations on the Protection from Criminal Influence.

Article 14. Rights and Obligations of the Protected Individual

1. The protected individual shall be entitled to:

1. be informed about method of protection from criminal influence that will be applied to him/her;

2. request to prescribe him/her or to repeal specific means of protection from criminal influence, indicated in Article 5 of this Law;

3. complain to the Minister of Interior against unlawful activities of the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat or officers carrying out the protection;

2. The protected individual shall be obliged to:

1. fulfill the conditions as contracted;

2. comply with all lawful requests of the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat or officer carrying out the protection;

3. inform the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat or the officer about any threat to him/her or any other unlawful act against him/her;

4. do not disseminate the information about methods of protection from criminal influence applied to him, unless permitted so by the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat or officer carrying out the protection;

Article 15. Repeal of the Decision on Prescription of Means of the Protection from Criminal Influence

1. Given the loss of grounds indicated in Article 4 of this Law, the Head of the Police Department of the Ministry of Interior, the Head of a City (District) Police Commissariat, Prosecutor General or his Vice Prosecutors, Regional Chief Prosecutor or his Vice Prosecutors, or Area Chief Prosecutor, upon the request of the individual, having been prescribed protection from criminal influence, or in accordance with circumstances, indicated in paragraph 2 of Article 5 of this Law, in the event that the individual refuses this prescribed protection, may repeal their previous resolution for the prescription of protection from criminal influence. In the event that the protected individual does not admit the repeal of the resolution for the prescription of protection from criminal influence, the dispute shall be settled by Prosecutor General.

2. In the event that the individual, having been provided protection from criminal influence, does not comply with or violate terms of the contract, the Head of the Police Department of the Ministry of Interior or the Head of a City (District) Police Commissariat may also apply to Prosecutor General regarding the repeal of the resolution for the prescription of protection from criminal influence.

Amendments of the Article:

No. VIII – 1024, 99.01.14, Zin., 1999, No. 11 – 243 (99.01.27)

Chapter 4

FINAL PROVISIONS

Article 16. Order of Protection of Information on Individuals Having Been Provided Protection from Criminal Influence

All the information on individuals having been provided protection from criminal influence shall be placed within the Police Department of the Ministry of Interior.

Article 17. Responsibility for Disclosure of Information on Individuals Having Been Provided Protection from Criminal Influence

Officers who commit a breach of the confidentiality or anonymity of information on application of protection from criminal influence shall be held liable in a manner prescribed by the laws of the Republic of Lithuania.

Article 18. Funding of the Means of Protection from Criminal Influence

All the means of the protection from criminal influence shall be funded by the National Budget.

Article 19. Entry into Force

This Law shall enter into force on January 1, 1997.

Article 20. Recommendation to the Government

The Government shall adopt Regulations on the Protection from Criminal Influence by December 1, 1996.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic ALGIRDAS BRAZAUSKAS