

Lithuania – national procedures for transfer of sentenced persons  
Updated 10/11/2014

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:</p>	<p>Ministry of Justice of the Republic of Lithuania  Address: Gedimino ave. 30, LT-01104 Vilnius, Lithuania  Telephone: +370-5-2662933  Fax: +370-5-2625940  E-mail: <a href="mailto:rastine@tm.lt">rastine@tm.lt</a></p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>-</p>
<p>If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):</p>	<p>International Liaison Office of the Lithuanian Criminal Police Bureau  Address: Liepyno str. 7, LT-08105 Vilnius, Lithuania;  Telephone: +370 5 2719900  Fax: +370 5 2719924  E-mail: <a href="mailto:trv@policija.lt">trv@policija.lt</a></p>
<p>Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):</p>	<p>All channels are possible. Usually documents are received directly.</p>
<p>Means of communication (e.g. by</p>	<p>Lithuania accepts any means of communication that are capable of producing written records and allow establishing the authenticity</p>

post, fax, e-mail <sup>1</sup> ):	of the document.

Language requirements:	All requests for transfer and supporting documents concerned with the transit of sentenced persons through the territory of the Republic of Lithuania shall be accompanied by a translation into the Lithuanian language or into one of the official languages of the Council of Europe.
Documentation required:	As provided in Article 6 of the Convention.
Continued enforcement or conversion of the sentence <sup>2</sup> :	<p>Pursuant to Paragraph 2 of Article 365 of the Code of Criminal Procedure of the Republic of Lithuania the court of the place of enforcement of the sentence shall combine the sentence imposed by the judgement of foreign court with requirements of criminal laws and laws of enforcement of sentences of the Republic of Lithuania in cases provided for in the international treaties.</p> <p>This procedure shall take place after the transfer of the sentenced person in conformity with Paragraph 2 of Article 11 of the Convention.</p> <p>Conversion of the sentence shall take place only in the case when the length of the sentence imposed by a foreign court will be longer than the maximum of the sanction provided for the offence committed as established in the Criminal Code of the Republic of Lithuania.</p>
General rules on early release:	Yes, in accordance with the rules of the Criminal Code, the

<sup>1</sup> Please indicate if encryption or electronic signature is required.

<sup>2</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	<p>Code of Criminal Procedure and the Code of Enforcement of Punishments of the Republic of Lithuania.</p> <p>See national legislation attached to this template.</p>
Scope of application with regard to transfer of mentally disordered persons:	The transfer of mentally disordered persons to and from Lithuania is possible.
Scope of application with regard to nationals and/or residents:	<p>Pursuant to Article 3.1 (a) of the Convention a sentenced person may be transferred under this Convention only if that person is a national of the administering State.</p> <p>For the purposes of the Convention, the Republic of Lithuania understands by the term "national" a person who is a citizen of the administering State according to the laws of that State.</p>
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	There are no time limits provided for in the national law. In practice it takes about 1-2 months to take a decision on a received request, 1-2 months to arrange the transfer and after that it would take approximately 2 months for the court to take a decision on adaptation of the sentence.

Links to national legislation, national guides on procedure:	<p>Standard text providing information about the Convention on the transfer of sentenced persons in Lithuanian:</p> <p><a href="http://www.coe.int/t/dghl/standardsetting/pc-oc/Standards_transfer/Lithuania%20Standard_text_sentenced_persons_LT.pdf">http://www.coe.int/t/dghl/standardsetting/pc-oc/Standards_transfer/Lithuania%20Standard_text_sentenced_persons_LT.pdf</a></p>
Link to information about the Convention (according to Article	Text of the Convention and its Additional Protocol in Lithuanian can be found on websites:

<p>4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):</p>	<p>www.lrs.lt</p> <p><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=19847&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=19847&amp;p_tr2=2</a></p> <p><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=116247&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=116247&amp;p_tr2=2</a></p>
<p><b>For Parties to the Additional Protocol</b></p>	
<p>Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):</p>	<p>There are no specific requirements provided for in the national law as regards implementation of Article 2.</p>
<p>Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):</p>	<p>There are no specific requirements provided for in the national law as regards implementation of Article 3.</p>
<p>Documentation required:</p>	<p>As provided in the Additional Protocol.</p>

Other relevant information:	-
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**EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE OF THE REPUBLIC OF LITHUANIA**

**Article 360. Release on Parole from Correctional Facilities**

1. In the cases provided in the Code of Enforcement of Punishments of the Republic of Lithuania, any issues related to resolutions made by the Commission for Parole Release from Correctional Facilities shall be examined and resolved in a judgement by the district court of the place where a sentence is served, by way of written proceedings. The participants of proceedings shall not be invited to attend a court hearing.

2. Where the question regarding the resolution of the Commission for Parole Release from Correctional Facilities to apply release on parole from a correctional facility is considered, the court shall inform the convicted person and the prosecutor of the appointed hearing date. The prosecutor shall give a reply regarding the resolution of the Commission for Parole Release from Correctional Facilities no later than five days prior to the hearing.

3. Where a complaint filed by the convicted person against the resolution of the Commission for Parole Release from Correctional Facilities not to apply release on parole from the correctional facility to the convicted person is being heard, the court shall notify the convicted person, the Commission for Parole Release from Correctional Facilities, the institution enforcing the penalty, and the prosecutor of the appointed hearing date. The institution enforcing the penalty shall present the convicted person's case to the court, the Commission for Parole Release from Correctional Facilities shall specify potential reformatory or penal sanctions and/or the duties provided in Article 75(2) or (3) of the Criminal Code of the Republic of Lithuania and a period of time during which the convicted person should comply with the reformatory or penal sanctions and/or perform the duties in case a judgement to satisfy the convicted person's complaint and apply release on parole from the correctional facility is passed, and the prosecutor shall present a reply to the convicted person's complaint. These documents must be submitted not later than five days prior to the relevant court hearing.

4. The notice indicated in Paragraph 3 of this Article shall not be sent to the Commission for Parole Release from Correctional Facilities, where the complaint filed by the convicted person, who agreed that intensive supervision is applied to him, regarding the resolution of the Commission for Parole Release from Correctional Facilities not to apply release on parole from the correctional facility is heard.

5. Having examined the questions specified in Paragraph 1 of this Article, the court shall pass one of the following judgments:

1) to approve the resolution of the Commission for Parole Release from Correctional Facilities to apply release on parole from the correctional facility to the convicted person;

2) to refuse to approve the resolution of the Commission for Parole Release from Correctional Facilities to apply release on parole from the correctional facility to the convicted person;

3) to reject the convicted person's complaint where the question regarding the resolution of the Commission for Parole Release from Correctional Facilities not to apply release on parole from the correctional facility is heard;

4) to satisfy the convicted person's complaint and apply release on parole from the correctional facility to him, where the question regarding the resolution of the Commission for Parole Release from Correctional Facilities not to apply release on parole from the correctional facility is heard.

6. Having adopted one of the judgements specified in Paragraph 5(1)-(4) of this Article, the court shall simultaneously impose on the convicted person the reformatory or penal sanctions and/or the duties provided in Article 75(2) or (3) of the Criminal Code of the Republic of Lithuania, as proposed by the Commission for Parole Release from Correctional Facilities, as well as a period of time during which the convicted person must comply with the reformatory or penal sanctions and/or perform the duties, or assign him to intensive supervision. Copies of this judgement shall be immediately, but no later than on the next working day, sent to the prosecutor and the convicted person.

7. The judgements specified in Paragraph 5 of this Article shall be appealed to and appeals shall be heard under the procedure laid down in Article 364 of this Code.

8. For the convicted person, who was released on parole from the correctional facility in compliance with Article 157 of the Code of Enforcement of Punishments of the Republic of Lithuania, the conditions of release on parole from the correctional facility shall be changed or release on parole from the correctional facility shall be abolished and the convicted person shall be subject to serving the remaining portion of his sentence by the district court of the convicted person's place of residence at the proposal of the probation service, under the procedure laid down in Article 362 of this Code.

#### **Article 362. Procedure for Resolution of Issues Pertaining to the Enforcement of the Judgement**

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2. Any issues related to the replacement of the penalty imposed on the convicted person by another penalty shall be examined and resolved by a judgement by the court, which has passed the original judgement, in compliance with Article 352 of this Code. Any issues related to the release on parole of the convicted person from the correctional facility under Article 360(8) of this Code shall be analysed and resolved by a judgment by the district court of the place where a sentence is served. For the issues indicated in this Paragraph a court may conduct a hearing, and in case the proposal or the request is

submitted on the aggravating grounds for the status of the convicted person a court hearing shall be held, attended by a representative of the institution enforcing a penalty. The court shall summon the convicted person, the prosecutor and the defender to the hearing; however, the absence of these persons shall not prevent the resolution of this issue.

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## **EXTRACTS FROM THE CODE OF ENFORCEMENT OF PUNISHMENTS OF THE REPUBLIC OF LITHUANIA**

### **Article 157. Release on Parole from Correctional Facilities**

1. Convicted persons serving their sentence of imprisonment in correctional facilities, who have complied with the sanctions provided in the individual social rehabilitation plan and submitted applications to the Commission for Parole Release from Correction Facilities to release them on parole from correctional facilities, and the risk of whose criminal behaviour, the behaviour during the sentence period and other significant circumstances constitute reasonable grounds to believe that they will comply with the laws and not commit any crimes, may be released on parole from correctional facilities. The procedure for the submission of applications to release on parole from correctional facilities shall be established in the internal rules of procedure of correctional facilities.

2. Release on parole from correctional facilities may be granted to convicted persons, who have actually served this minimum portion of the imposed sentence of imprisonment:

1) one third of the imposed sentence of imprisonment but not less than 4 months – persons who are convicted for crimes committed by negligence and whose sentence does not exceed six years, other convicted persons whose sentence does not exceed three years' imprisonment, and juveniles;

2) half of the sentence of imprisonment – persons who are convicted for crimes committed by negligence and whose sentence exceeds six years, and other convicted persons whose sentence of imprisonment exceeds three years but does not exceed ten years;

3) two thirds of the imposed sentence of imprisonment – convicted persons whose sentence of imprisonment exceeds ten years but does not exceed fifteen years;

4) three fourths of the imposed sentence of imprisonment – convicted persons whose sentence of imprisonment exceeds fifteen years but does not exceed twenty five years.

3. The convicted persons referred to in Paragraph 2 of this Article, who agree to be subject to intensive supervision, may be released on parole from correctional facilities six months prior to their potential release on parole from correctional facilities under Paragraph 2 of this Article. Consent of convicted persons to intensive supervision shall be indicated in the application to release on parole from correctional facilities. The Law of the Republic of Lithuania on Probation shall establish the procedure and conditions for the implementation of intensive supervision of convicted persons.

4. Release on parole from correctional facilities shall be applied by the district court of the location, where the convicted person's correctional facility is situated, by a judgement which approves the resolution of the Commission for Parole Release from Correctional Facilities to apply release on parole from the correctional facility to the convicted person.

5. By approving the resolution of the Commission for Parole Release from Correctional Facilities indicated in Paragraph 4 of this Article by its judgement, the court shall simultaneously establish the penal sanctions provided in Chapter IX of the Criminal Code of the Republic of Lithuania and/or the duties specified in Article 75(2) or (3) of the Criminal Code of the Republic of Lithuania as well as a period of time during which the convicted person must comply with the imposed penal sanctions and/or perform the established duties as proposed by this Commission.

6. The reformatory sanctions (except for placement in a special reformatory facility) provided in Article 82 of the Criminal Code of the Republic of Lithuania shall be established for juveniles who are released on parole from correctional facilities instead of the penal sanctions provided in Chapter IX of the Criminal Code of the Republic of Lithuania and/or the duties specified in Article 75(2) or (3) of the Criminal Code of the Republic of Lithuania.

7. Convicted persons released on parole from correctional facilities, who were subject to serve the remaining portion of the sentence of imprisonment imposed under the judgement, may be proposed for release on parole from correctional facilities one year after the judgement of the court regarding the referral to the correctional facility, when they have actually served the following minimum portion of the sentence of imprisonment imposed by the judgement:

1) two thirds of the imposed sentence of imprisonment – convicted persons whose sentence of imprisonment does not exceed ten years;

2) three fourths of the imposed sentence of imprisonment – convicted persons whose sentence of imprisonment exceeds ten years but does not exceed fifteen years;

3) four fifths of the imposed sentence of imprisonment – convicted persons whose sentence of imprisonment exceeds fifteen years but does not exceed twenty five years.

#### **Article 158. Non-Application of Release on Parole from Correctional Facilities**

The following persons shall not be released on parole:

1) persons convicted for crimes to the independence, territorial integrity and constitutional order of the State of Lithuania;

2) persons convicted for crimes against freedom of a juveniles' sexual self-determination and inviolability;

3) persons whose death sentence was replaced with life imprisonment under the mercy or amnesty procedure as well as persons who are sentenced to life imprisonment;

4) persons who are convicted for intentional crimes committed while being in custody, correctional facilities or pre-trial detention;

5) persons who have less than three months left until the fulfilment of the sentence of imprisonment.

#### **Article 159. Procedure for Release on Parole from Correctional Facilities**

1. Persons, who are released on parole from correctional facilities, shall go to their place of residence individually, using state funds. In these cases, the court, which has passed the judgment to approve the resolution of the Commission for Parole Release from Correctional Facilities to apply release on parole from the correctional facility to the convicted person, shall send the order regarding the enforcement of the judgement to the probation service.

2. Having received the judgement to release on parole the convicted person from the correctional facility, the administration of the correctional facility shall settle accounts with the convicted person and issue to him a written order to arrive in the probation service.

3. The administration of the correctional facility shall notify the injured person (at his request) of the convicted person's release on parole from the correctional facility under the procedure laid down in Article 180(8) of this Code.