

Lithuania – National Procedures for Extradition
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 extradition:</p>	<p>Prosecutor General’s Office of the Republic of Lithuania – the competent authority to receive (in all cases) and provide extradition requests</p> <p>Address: Rinktinės str. 5A, LT-01515, Vilnius</p> <p>Tel: + 370 5 266 2305</p> <p>Fax +370 5 266 2317</p> <p>e-mail: generaline.prokuratūra@prokuratūros.lt</p> <p>Ministry of Justice of the Republic of Lithuania – the competent authority to provide extradition requests</p> <p>Address: Gedimino ave. 30, LT-01104 Vilnius</p> <p>Telephone: +370-5-2662933</p> <p>Fax: +370-5-2625940</p> <p>E-mail: rastine@tm.lt</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>Channels of communication for the request for extradition (directly, through diplomatic channels or other):</p>	<p>Lithuania accepts extradition requests provided directly. A subject to bilateral arrangements extradition requests shall be communicated through the diplomatic channels.</p>
<p>Means of communication (e.g. by</p>	<p>As a rule, Lithuania accepts requests (together with supporting documents and supplementary information)</p>

post, fax, e-mail ¹):	<p>sent by post in writing.</p> <p>However in urgent cases, faxed or e-mailed versions of the aforementioned documents can be also accepted, if provided, that originals will be sent later by post in due time.</p>	
Language requirements:	<p>Extradition request and all supporting documents as well as supplementary information shall be translated into Lithuanian, English, French, German or Russian.</p>	
Documentation required:	<p>See Article 12 (2) of the European Convention on Extradition.</p> <p>According to Article 69 (2) the Code of the Criminal Procedure of the Republic of Lithuania a request for extradition of a person to a foreign state shall indicate: the surname and name of the suspected (the accused or the convicted person), the year of birth, identity code, nationality; the circumstances of a criminal act committed by him; the text of Article of the Criminal Code of the Republic of Lithuania defining this criminal act; a description of appearance of the suspected (the accused or the convicted person). The request shall be accompanied by a photo of the person whose extradition is requested, a duly certified transcript of the judgment translated into the foreign language as well as any other documents indicated in international agreements to which the Republic of Lithuania is a party.</p>	
Provisional arrest:	<p>Time limit for presentation of formal extradition request if the person is in provisional arrest</p>	<p>The term for provisional arrest is established in the international treaties on extradition to which Lithuania is a Party and the Code of the Criminal Procedure of the Republic of Lithuania.</p> <p>According to Article 16 (4)</p>

¹ Please indicate if encryption or electronic signature is required.

		<p>of the European Convention on Extradition dated 1957 provisional arrest may be terminated within a period of 18 days after arrest, however it shall not, in any event, exceed 40 days.</p> <p>In relation to several countries which are not members of the Council of Europe, bilateral treaties stipulate this time limit differently.</p>
	<p>Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?</p>	<p>There is no need for the explicit request on prolongation.</p>
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p>The main difference between normal and simplified procedure is time limits.</p> <p>Normal procedure</p> <p>According to Article 73 of the Code of the Criminal Procedure of the Republic of Lithuania, the prosecutor of the Office of the Prosecutor General of the Republic of Lithuania shall apply to the Vilnius County Court with the application regarding a person's extradition from the Republic of Lithuania.</p> <p>Within seven days a judge of the Vilnius County Court must hold a hearing. A judge renders a ruling on extradition.</p> <p>The latter ruling may be challenged pursuant to Article 74 of the Code of the Criminal Procedure of the Republic of Lithuania within seven days after the ruling was passed. A judge of the Court of Appeals of Lithuania shall examine the appeal within fourteen days from the day it was</p>	

	<p>submitted. The decision of the judge of the Court of Appeals of Lithuania is final and shall not be subject to appeal by cassation.</p> <p>Simplified procedure</p> <p>According to Article 75 of the Code of the Criminal Procedure of the Republic of Lithuania, in the cases provided for in an international agreement to which the Republic of Lithuania is a party a simplified procedure of extradition (surrender) of a person from the Republic of Lithuania may be applied, only if a written consent of the extraditable person is given and an approval of the Prosecutor General's Office is submitted.</p> <p>An official request of the foreign State is required.</p> <p>After receiving the written consent of a person, a prosecutor of the Prosecutor General's Office shall provide Vilnius County Court with an application for extradition of the person.</p> <p>A judge shall within three days hold a hearing. After the judge has determined that the extraditable person gave his consent voluntarily and is aware of the consequences of extradition and that the Office of the Prosecutor General has approved the simplified procedure of extradition, the judge shall render a ruling to extradite the person. This ruling is final and may not be challenged.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>As it is stated in Paragraph 5 of Article 122 of the Code of the Criminal Procedure of the Republic of Lithuania, a ground for the detention shall be the request to extradite a person, as well as the request of a foreign state for a provisional arrest of the wanted person until a request for the person's extradition is presented.</p> <p>The other provisional measures set forth in this Code may also be applied in respect of persons whose extradition from the Republic of Lithuania is requested, if these measures are sufficient to prevent the person from absconding.</p>
<p>Statutes of limitation for the purpose</p>	<p>Article 95 of the Criminal Code. Statute of Limitations of</p>

of prosecution and for the execution of sentences (general principles):

a Judgement of Conviction

1. A judgment of conviction may not be passed on a person who committed a criminal act after:

1) the lapse of:

- a) 3 years from the commission of a misdemeanour;
- b) 8 years from the commission of a careless crime or intentional crime of small gravity;
- c) 12 years from the commission of intentional crime of average gravity;
- d) 15 years from the commission of a grave crime;
- e) 25 years from the commission of especially grave crime;
- f) 30 years from the commission of a crime related to intentional murder;

2) during the period specified in Subparagraph 1 of Paragraph 1 of this Article, the person did not attempt to flee from pre-trial investigation or trial and did not commit any other criminal acts.

2. The term shall be calculated from the day the offence was committed up to the day of the delivery of the judgment of conviction.

3. If a person who has suffered from criminal offences specified in Chapters XVIII, XX, XXI, XXIII and XLIV is a juvenile, the term of limitations shall not end before the victim reaches the age of twenty five.

4. If a person who committed a criminal offence hides from the pre-trial investigation or trial, then calculation of the term of limitations shall be suspended. Calculation of the term shall be resumed from the day when the person is arrested or appears on his own free before pre-trial investigation officer, prosecutor or the court. However, the judgment of conviction may not be delivered if 25 years have passed after the person committed the crime, or 30 years in case of a crime relating to intentional murder, and if calculation of the limitations term was not terminated by commission of a new crime.

5. If a person who committed a criminal offence according to the laws of the Republic of Lithuania or provisions of the international law has immunity from the criminal jurisdiction and the permission of the competent institution on his/her criminal prosecution is not received, the calculation of the term of limitations shall be suspended. Calculation of the term shall be resumed from the day when the permission of the competent institution to prosecute a person who committed a crime is received or he/she loses the immunity mentioned in this Part in other way.

6. During case hearing in the court, the term of limitations

shall be suspended in the following cases:

1) when the court announces a break in case hearing or postpones case hearing due to the absence of defendant or his counsel for the defence;

2) when the court announces a break in case hearing for the period until an expertise or specialist's examination prescribed by the court are carried out or legal assistance request to a foreign country is executed;

3) when the court announces a break in case hearing and commits prosecutor or pre-trial judge to carry out procedural actions specified in the Code of Criminal Procedure of the Republic of Lithuania;

4) when the court announces a break in case hearing in order a new counsel for the defence of defendant could get familiar with case material.

7. In cases specified in Paragraph 5 of this Article a judgement of conviction may not be passed after the lapse of the term which is five years longer than specified in Paragraph 1 of this Article from commencement of the term of limitation.

8. If a person commits another intentional criminal offence before the lapse of the term specified in this Article, the calculation of the term of limitation for the former crime shall be discontinued. In such a case, the calculation of the term for the first criminal offence commences from the day of the commission of the new crime or misdemeanour.

9. Time limitations shall not apply to the following crimes provided by this Code:

1) genocide (Article 99);

2) treatment of people prohibited by international law (Article 100);

3) forced disappearance (Article 100¹)

4) killing persons protected under international humanitarian law (Article 101);

5) exiling or transfer of civilians (Article 102);

6) injury, torture or other inhuman treatment of persons protected under international humanitarian law (Article 103);

7) forced use of civilians or prisoners of war to participate in hostile armed forces (Article 105);

8) destruction of protected objects or pillaging national treasures (Article 106);

9) aggression (Article 110);

10) prohibited military attack (Article 111);

- 11) use of prohibited means of warfare (Article 112);
- 12) negligent execution of commander's duties (Article 113¹)

Article 96 of the Criminal Code. Statute of Limitations for Execution of a Judgement of Conviction

1. A judgement of conviction shall not be executed where:

1) it has not been executed:

a) within two years following imposition of a penalty for a misdemeanour; or

b) within three years following imposition of a non-custodial sentence or a custodial sentence for a term not exceeding two years; or

c) within five years following imposition of a custodial sentence for a term not exceeding five years; or

d) within ten years following imposition of a custodial sentence for a term not exceeding ten years; or

e) within fifteen years following imposition of a custodial sentence for a term exceeding ten years or imposition of the sentence of life imprisonment, and

2) during the period specified in subparagraph 1 of paragraph 1 of this Article, the convicted person did not evade the serving of the sentence and did not commit a new criminal act.

2. The statute of limitations for execution of a judgement of conviction shall be calculated from the coming into effect of the judgement until the commencement of execution of the judgement.

3. Where, after a judgement becomes effective, the convicted person evades the serving of the sentence, the calculation of the statute of limitations shall cease. In this case, the calculation of this period shall resume from the day the convicted person arrives to serve the sentence or is arrested. However, a judgement may not be executed where fifteen years have lapsed since its coming into effect, and twenty years have lapsed in the case of imposition of a custodial sentence for a period exceeding ten years or of a life imprisonment, and calculation of the statute of

	<p>limitations has not ceased due to commission of a new criminal act.</p> <p>4. Where the convicted person commits a new criminal act before the expiry of the statute of limitations for execution of a judgement of conviction, the calculation of the statute of limitations shall cease. In this case, calculation of the statute of limitations for execution of the judgement of conviction shall commence from the commission of a new crime or misdemeanour.</p> <p>5. When imposing a penalty for a new criminal act, a court shall act in compliance with the rules stipulated in Article 64 of this Code.</p>
<p>Provisions concerning extradition of nationals:</p>	<p>In general Lithuania does not extradite its nationals.</p> <p>However, According to Article 9(1) of the Criminal Code of the Republic of Lithuania any citizen of the Republic of Lithuania who is suspected of committing a criminal act in the territory of the Republic of Lithuania or other country, shall be extradited to the requesting country or to international criminal courts only on the basis of the international treaty to which Republic of Lithuania is a party.</p> <p>The surrender of nationals is also possible within scope of the EU Law.</p>
<p>Surrender (e.g. deadlines):</p>	<p>The national law does not foresee the specific deadlines for the surrender of extraditable person. The national institutions follow the time periods set forth by the international treaties.</p>
<p>Other particularly relevant information (such as, specific requirements concerning double criminality):</p>	<p>As a rule, double criminality is required, except the cases within the EU.</p>

Links to national legislation, national guides on procedure,	-
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