



## LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

### LITHUANIA

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#### GENERAL INFORMATION ON MIGRATION



#### MAIN FIGURES AND TRENDS

Lithuania faced the hybrid attack by the Belarusian authorities using third-country nationals in retaliation for our support to the Belarusian people struggling for freedom, and in response to European Union (EU) sanctions imposed for the harsh violations of human rights in Belarus and war in Ukraine. Belarusian regime was and still is actively attracting migrants from Afghanistan, Iraq, Syria, Yemen and other countries, encouraging and even forcing them to cross the borders into the European Union, which is not their natural/usual way to Europe. It must be recognized that this is not a natural process of migration, but a hybrid attack that purposefully uses migration to achieve political goals.

The flow of irregular migrants to Lithuania from Belarus was decreasing until 2021, however, the region's tense geopolitical situation, sanctions on Belarus imposed by EU countries, and the Belarusian regime's response to them have resulted in a sharp increase in irregular migration flows from Belarus in 2021. In 2021, 4 339 irregular migrants were apprehended, who had crossed the border from Belarus illegally. It was about 20 times more than in 2018-2020. Instrumentalisation of migration by the Belarusian regime opened the route for migrants from Middle East (mainly Iraq, Afghanistan, Syria) and African countries.

The number of apprehended migrants decreased sharply after the decision to divert irregular migrants to official border crossing points and diplomatic representations came into force on August 3rd, 2021. Approximately 8 106 illegal border crossings from Belarus were prevented in 2021, 11 211 attempts – in 2022, and 1 804 attempts – in 9 months of 2023. In 2021, mostly Iraq nationals attempted to cross the border while, in 2022-2023, nationals of Afghan, Syria, and Iran started to dominate.

Although the irregular migration pressure from Belarus on the Lithuanian border decreased, the phenomenon of irregular migration instrumentalization remains one of the main causes of irregular migration. Belarusian officials continue to contribute to irregular migration from Belarus to Lithuania (e.g., lead migrants to those border sections where a physical barrier is not in place due to natural conditions, instruct migrants on how and where to cross the border, etc.). Therefore, the threat of irregular migration from Belarus to Lithuania still remains high. Moreover, the ongoing war in Ukraine may increase the push factors of international migration. In particular, in the longer term, the war in Ukraine could significantly disrupt food supply chains, as Russia and Ukraine are the main agricultural suppliers on the world market, which in turn could lead to more people migrating from African countries towards the EU. It is possible



that some third-country nationals may choose to take the route via Russia and Belarus and illegally cross the Lithuanian state border.

Although in 2023 the irregular migration pressure on the Lithuanian border with Belarus decreased due to the installed physical barrier and automated border surveillance system, which monitors 100 % of the border with Belarus, third-country nationals started more often targeting the Latvian border. This change in irregular migration flows led to a significant increase in irregular secondary movements from Latvia to Lithuania. Between 9 months of 2023, 595 third-country nationals, who illegally entered from Latvia, were apprehended in Lithuania. Moreover, 269 third-country nationals, related to illegal entry from Latvia through Lithuania to Poland, have been apprehended in Poland and returned to Lithuania. It is almost ten times more than in 2022 (in 2022, only 61 foreigners were apprehended in Lithuania on the secondary movement from Latvia, in addition – 23 were returned from Poland).

Because of this secondary movement, during the first 9 months of 2023, the most commonly used modus operandi among participants of organized irregular migration was ensuring irregular secondary movements from Latvia through Lithuania to Poland and further to Germany. In 2022, the highest number of smugglers (231) was apprehended and the highest number of pre-trial investigations (168) were launched for smuggling people across the State border under Article 292 of the Criminal Code of the Republic of Lithuania, in the history of the State Border Guard Service. In 2023 (as of 30 September), 98 pre-trial investigations were launched and 119 irregular migration facilitators were apprehended for smuggling people across the State border under Article 292 of the Criminal Code. In 2023, the majority of criminal cases (about 90 %) were related to the smuggling of migrants from Latvia.

The main activities of organized criminal groups (OCG) involve the recruitment and transportation of irregular migrants to their countries of destination. For recruitment, OCGs use various social media channels and platforms. Organizers recruit drivers from other EU countries to go to areas where the demand for facilitation services is high. The profile of migrant smugglers: in the majority of cases, drivers of irregular migrants are third-country nationals (mainly Ukrainians), legally residing in the EU and, to a much lesser extent, EU citizens (e.g., Latvians, Lithuanians, Poles).

As the demand for smuggling services increases, smugglers are increasingly transporting foreigners despite the danger to their health or life (e.g., transporting foreigners in cargo vans/car trucks or reckless driving). In Lithuania, in 2023, several migrant smuggling cases resulted in the death of smugglers and one migrant.

Having in mind the current geopolitical situation in the region and that the future actions of the regimes in Belarus and the Russian Federation are highly unpredictable, it is very likely that in the nearest future, the threat of irregular migration from the Republic of Belarus towards Lithuania will remain at a high level. Lithuania still remains a transit country, where the vast majority of irregular migrants combine irregular border crossings with further secondary movement inside the Schengen area. That is why it is also very likely that third-country nationals will search for any opportunity to move towards their destination countries in Western Europe and highly likely will use the service of migrant smugglers.

# COUNTRY FACTSHEET\* – Smuggling of migrants



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## Main figures

	Prevented attempts to illegally cross the border from Belarus	Apprehend for the illegal crossing of the border from Belarus	Apprehended smugglers	Migrants transported by smugglers	Pre-trial investigations under Criminal Code Article Nr. 292.
<b>2021</b>	8 106	4 339	100 TOP nationals: UKR (18), IRQ (10), GEO (9), LTU (9)	338 TOP nationals: IRQ (248)	70
<b>2022</b>	11 211	226	231 TOP nationals: UKR (76), LTU (27), GEO (23), BLR (22)	885 TOP nationals: IRQ (200), AFG (178), IRN (129)	168
<b>2023</b> <b>First 9 months</b>	1 804	47	119 TOP nationals: LVA(27), UKR (20), GEO (10)	626 TOP nationals: SYR (169), AFG (139), IRN (136)	98



## MIGRATORY ROUTES

Considering that Lithuania, Latvia, and Poland are transit countries, illegal border crossings from Belarus are combined with illegal secondary movements. In the majority of cases, third-country nationals arriving by plane from their countries of origin to the Russian Federation with valid travel documents, under the pretext of tourism, work, or study. The main transit countries reaching Russia are the United Arab Emirates, Türkiye and Egypt. After arriving to Russia, third-country nationals reach Belarus by cars and cross the border illegally to the EU with the assistance of facilitators. Facilitators often remain in Belarus after smuggling migrants across the border. The journey from Latvian or Lithuanian border is facilitated by other smugglers. These smugglers are waiting for migrants in pre-arranged locations in Latvia/Lithuania – often not far from the border with Belarus. Facilitators transport migrants from Latvia via Lithuania in groups of up to 25 people in cars or vans/cargo vans. While transporting irregular migrants from Latvia, drivers, who do not know the routes, often use navigation and choose main roads. They often use cars, registered in Poland as well as rented in Latvia/Lithuania. Those facilitators, who are involved in migrant smuggling from Latvia for a period of time, often avoid main roads, therefore due to the non-standard route, the identification and apprehension of such vehicles is particularly difficult, as these vehicles merge with the overall traffic.



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## INSTITUTIONAL ORGANISATION

Pursuant to the Law on the State Border and Its Protection, border control in Lithuania is assigned to the State Border Guard Service (SBGS). SBGS is subordinated to the Ministry of the Interior which leads and controls the implementation of the state border security policy.

Pursuant to the Law on the State Border and Its Protection, one of the functions of SBGS is the prevention, detection, and investigation of criminal offenses as well as the conduct of criminal intelligence. In carrying out criminal intelligence, SBGS operates on the entire territory of the state.

SBGS acts under the Law on Criminal Intelligence of the Republic of Lithuania and the Code of Criminal Procedure of the Republic of Lithuania. Under the Recommendations of the Prosecutor General, SBGS is assigned to carry out a pre-trial investigation of illegal border crossings, unlawful transportation of persons across the state border as well as use of false documents and smuggling of goods linked to irregular border crossing.

Criminal intelligence and pretrial investigation units are established at SBGS. There is a Criminal Investigation Board within the SBGS at the national level which has Criminal Intelligence Division and Pre-Trial Investigation Division. Respectively, there are Criminal Intelligence Divisions and Pre-trial Investigation Divisions in each regional Frontier District. Integration between investigation and border control branches at SBGS is assured by the unified management of both branches. The Head of the Criminal Investigation Board and the Head of Border Control Organisation Board are subordinated to the Deputy Commander of SBGS. At the regional level, Heads of Criminal Intelligence Divisions and Pre-trial Investigation Divisions are subordinate to Deputy Commanders of the Frontier Districts.

The Lithuanian police, within the limits of its competence, prevents, detects and investigates criminal and administrative offences (misdemeanours), analyses and discloses reasons and conditions of commission of criminal and administrative offences (misdemeanours) as well as takes measures to eliminate them in accordance with the procedure laid down in legal acts.

The Lithuanian police system comprises the Police Department under the Ministry of the Interior and police agencies subordinate to it (specialized police agencies and county police headquarters). The Lithuanian Criminal Police Bureau (a specialized police agency) and territorial police agencies (10 county police headquarters) conduct criminal intelligence, pre-trial investigations, as well as prevention activities in disclosing and suppressing criminal offences. The Lithuanian Criminal Police Bureau has the authority and responsibility to implement strategic and tactical coordination and control of activities of county police headquarters in the fields of criminal intelligence and pre-trial investigation.



## LEGISLATIVE FRAMEWORK

Producing, procuring, providing, or possessing a fraudulent travel or identity document for the purpose of smuggling migrants would be considered a related offence to migrant smuggling (as intentional assistance to a person to illegally enter, or transit across, the territory of



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Lithuania in breach of the laws). Such illegal actions would be criminalized under the Criminal Code (articles 291, 292 and 300).

## Criminal Code of the Republic of Lithuania

### **Article 291. Illegal Crossing of the State Border**

1. Any person who illegally crosses the state border of the Republic of Lithuania, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.
2. An alien who unlawfully enters the Republic of Lithuania seeking to exercise the right of asylum shall be released from criminal liability under paragraph 1 of this Article.
3. An alien who commits the act provided for in paragraph 1 of this Article with the intent of illegally crossing into a third state from the Republic of Lithuania shall be released from criminal liability according to paragraph 1 of this Article where he is, in accordance with the established procedure, subject to deportation back to the state from the territory whereof he illegally crosses the state border of the Republic of Lithuania or to the state whose citizen he is.

### **Article 292. Illegal Transportation of Persons across the State Border**

1. A person who unlawfully transports across the state border of the Republic of Lithuania a foreigner not having a permanent place of residence in the Republic of Lithuania or transports or hides in the territory of the Republic of Lithuania such foreigner who has illegally crossed the state border of the Republic of Lithuania, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to 6 years.
2. A person who commits the acts provided for in paragraph 1 of this Article for mercenary reasons or where this poses a threat to human life shall be punished by a custodial sentence for a term of up to 8 years.
3. A person who organises the acts provided for in paragraph 1 of this Article shall be punished by a custodial sentence for a term of 4 up to 10 years.
4. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 300. Forgery of a Document or Possession of a Forged Document**

1. A person who produces a false document, forges a genuine document or stores, transports, forwards, uses or handles a document known to be false or a genuine document known to be forged shall be punished by a fine or by arrest or by a custodial sentence for a term of up to 3 years.
2. A person who produces a false identity card, passport, driving licence or state social insurance certificate or forges a genuine identity card, passport, driving licence or state social insurance certificate or stores, transports, forwards, uses or handles an identity card, passport, driving licence or state social insurance certificate known to be false or a genuine identity card, passport, driving licence or state social insurance certificate known to be forged shall be punished by arrest or by a custodial sentence for a term of up to 4 years.
3. A person who commits the acts provided for in paragraph 1 or 2 of this Article, where this causes major damage, or produces a large quantity of false identity cards, passports, driving licences or state social insurance certificates or forges a large quantity of genuine identity cards, passports, driving licences or state social insurance certificates or stores, transports, forwards, uses or handles a large quantity of identity cards, passports, driving licences or state social insurance certificates known to be false or genuine identity cards, passports, driving licences or state social insurance certificates known to be forged shall be punished by a custodial sentence for a term of up to 6 years.
4. A legal entity shall also be held liable for the acts provided for in this Article.





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## **Article 20. Grounds for Criminal Liability of a Legal Entity**

1. A legal entity shall be held liable solely for the criminal acts the commission whereof is subject to liability of a legal entity as provided for in the Special Part of this Code.
2. A legal entity shall be held liable for the criminal acts committed by a natural person solely where a criminal act was committed for the benefit or in the interests of the legal entity by a natural person acting independently or on behalf of the legal entity, provided that he, while occupying an executive position in the legal entity, was entitled: 1) to represent the legal entity, or 2) to take decisions on behalf of the legal entity, or 3) to control activities of the legal entity.
3. A legal entity may be held liable for criminal acts also where they have been committed by an employee or authorised representative of the legal entity as a result of insufficient supervision or control by the person indicated in paragraph 2 of this Article.
4. Criminal liability of a legal entity shall not release from criminal liability a natural person who has committed, organised, instigated or assisted in commission of the criminal act.
5. The State, a municipality, a state and municipal institution and agency as well as international public organisation shall not be held liable under this Code.

## **Article 43. Types of Penalties in Respect of Legal Entities**

1. The following penalties may be imposed upon a legal entity for the commission of a criminal act: 1) a fine; 2) restriction of operation of the legal entity; 3) liquidation of the legal entity.
2. Having imposed a penalty upon a legal entity, a court may also decide to announce this judgement in the media.
3. Only one penalty may be imposed upon a legal entity for one criminal act.
4. The sanctions of articles of the Special Part of this Code shall not specify the penalties to which legal entities are subject. In imposing a penalty upon a legal entity, a court shall refer the list of penalties specified in paragraph 1 of this Article.

The Law of the Republic of Lithuania on the State Border and its Protection (No. VIII-1666 of 9 May 2000) which establishes the legal regimes of the state border and frontier of the Republic of Lithuania, the activities of border checkpoints, the organisation of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter referred to as “the State Border Guard Service”), its organisation, financing, functions, cooperation with other state and municipal institutions and agencies and the public, the rights and duties of officers, as well as the conditions for the lawfulness of the use of coercion measures, the legal basis for the activities of the supporters of the State Border Guard Service.

The Law of the Republic of Lithuania on the Legal Status of Aliens (No. IX-2206 of 29 April 2004) which lays down the procedure for granting the entry and exit, stay and residence of aliens, granting asylum and temporary protection in the Republic of Lithuania, integration and appeals against decisions on the legal status of aliens and other issues concerning the legal status of aliens in the Republic of Lithuania, also regulates the conditions and procedure for granting and withdrawing the status of electronic resident of the Republic of Lithuania.



## **JUDICIAL FRAMEWORK**

Prosecutor General’s Office organises and directs pre-trial investigation; controls the activities of pre-trial investigation officers in criminal proceedings; conducts pre-trial investigation or individual actions of pre-trial investigation; co-ordinates the actions of the pre-trial investigation bodies; prosecutes on behalf of the State.



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Lithuania procedural law does not contain any special regulations with regard to people prosecuted for illegal smuggling of migrants. This means that there are no legal differences between the processing of criminal proceedings concerning offences related to illegal smuggling of migrants and proceedings involving other serious crime. Thus a person suspected of or prosecuted for a terrorist offence or offence related to terrorist activities enjoys the same rights as a person charged with another serious or very serious crime.

Law enforcement agencies may use coercive measures in the context of a preliminary investigation. Article 120 of the Criminal Procedure Code of the Republic of Lithuania (hereinafter – CPC) establishes that the supervision measures are: detention, intensive supervision, house arrest, restraining order, security deposit, seizure of documents, suspension of a special right, obligation to periodically check in with the police, written undertaking not to leave.

Chapter X of CPC establishes other coercive measures which include:

- temporary detention;
- transfer to a health care institution;
- bringing to court;
- personal examination;
- taking samples for comparative testing;
- search, personal search;
- seizure, seizure of postal parcels;
- temporary restriction of property rights;
- control, recording and storage of information transmitted via electronic communications networks;
- taking photographs, filming, measuring, taking handprints and a sample for genetic dactyloscopy;
- temporary suspension from duties or temporary suspension of the right to engage in certain activities;
- actions of undercover pre-trial officers;
- simulation of a criminal act;
- covert surveillance.

Law on Criminal Intelligence of the Republic of Lithuania (hereinafter – LCI) establishes the legal basis for criminal intelligence, the principles and tasks of criminal intelligence, the rights and obligations of criminal intelligence entities, the conduct of criminal intelligence investigations, the participation of individuals in criminal intelligence, the use of criminal intelligence, as well as the financing, coordination and control of criminal intelligence.

Criminal intelligence consists of the activities of criminal intelligence entities in accordance with the procedure established by the LCI in collecting, recording, evaluating and using available information on potentially planned, carried out or committed criminal acts, the persons who are planning, are carrying out or have committed them, the active actions of these persons in neutralising criminal intelligence, and other events and persons related to the national security of the state.

The following methods of collecting criminal intelligence are provided for in the LCI:

- agency activities;
- interrogation; inspection;
- control inspection;



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- controlled deliveries;
- crime simulation;
- ambush;
- following; covert operation;
- tasks of law enforcement authorities.



## INTERNATIONAL COOPERATION

A cooperation mechanism on migrant smuggling is in place at bilateral and international levels.

### Cooperation with the countries of the European Union

The collecting of evidence in criminal proceedings requires effective cooperation between the countries of the European Union.

The **European investigation order (EIO)** is one of the most active instruments of legal cooperation in criminal matters between the Member States of the European Union which recognise this instrument of mutual recognition of legal cooperation.

The European investigation order is a decision issued or confirmed by a judicial authority of one of the European Union countries ordering the taking of investigative measures in another Member State of the European Union in order to gather evidence in criminal proceedings.

The Directive on the European Investigation Order in Criminal Matters was adopted on 3 April 2014 and the Member States of the European Union had to transpose it into their national legal systems by 22 May 2017.

International cooperation in criminal investigations into alleged smuggling of migrants also takes place by receiving and sending **requests for legal assistance** which are executed on the basis of traditional Council of Europe conventions, bilateral (triangular) treaties, and in some cases on the basis of United Nations conventions or following the principle of goodwill, where the EU Member States do not execute European investigation orders or where the investigative measure do not fall within the scope of the EIO despite the fact that an EU Member State executes EIOs, as well as in cases where third countries are involved.

A **Joint Investigation Group (JIT)** is a group of judges, prosecutors and law enforcement representatives from several States established by written agreement for a limited period of time and for the purpose of conducting a criminal investigation in one or more of the States concerned. The possibility for Member States to set up joint investigation team in the legal framework of the European Union is provided for in the Convention of 29 May 2020 on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union and in Council Framework Decision 2002/465/JHA on Joint Investigation Teams.

Currently, there is an operating JIT set up by the Republic of Lithuania, the Republic of Poland and the Federal Republic of Germany in the pre-trial investigation concerning the organisation





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of instrumentalised illegal transportation of foreign nationals from the Middle East, Asia and Africa over the period of 2021-2022 across the EU external border from the Republic of Belarus to the Republic of Lithuania and through its territory to other EU countries.

## Cooperation with non-EU countries

1. Treaty between the Republic of Lithuania and the Republic of Belarus on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 20 October 1992.
2. Treaty between the Republic of Lithuania and the Republic of Belarus on the Legal Regime of the Lithuanian-Belarusian State Border of 16 September 2009.
3. Treaty of 21 July 1992 between the Republic of Lithuania and the Russian Federation on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters.

It should be noted that in view of the unprecedented military aggression against Ukraine by the Russian Federation and the Republic of Belarus and the serious violation of international law by such actions, legal cooperation with the institutions of the Russian Federation and the Republic of Belarus is currently limited to the minimum necessary level, and the need for the implementation of legal assistance treaties with the said states is assessed taking into account the primary interests and imperative obligations of citizens of the Republic of Lithuania and the Republic of Lithuania.

## Cooperation with other international institutions

When investigating criminal cases of migrant smuggling, the Lithuanian judicial authorities cooperate closely with **Eurojust**, the European Union Agency for Criminal Justice Cooperation, which coordinates the work of national authorities of the Member States of the European Union and third countries in investigating cross-border crime and prosecuting perpetrators of criminal offences.

It should be noted that Eurojust also has the secretariats of the European Judicial Network (EJN), the network of national experts of the Joint Investigation Teams. Eurojust also supports target groups such as FOCUS, consisting of prosecutors specialised in cases of migrant smuggling and trafficking in human beings.

The judicial authorities of Lithuania also cooperate with **Europol**, the European Police Office, whose mission is to assist Member States in preventing and combating all serious forms of international and organised crime, cybercrime and terrorism. Europol also cooperates with many non-EU partner countries and international organisations.

Criminal Intelligence units of the State Border Guard Service (SBGS) maintain regular contacts, cooperate and conduct joint investigations with neighbouring EU Member States. The cooperation takes place on the basis of intergovernmental and interinstitutional agreements. Operational meetings are organized at central and regional levels on a regular and ad hoc basis. During such meetings, information on migrant smuggling activities and other relevant



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information is exchanged, including confidential information about specific criminal groups and criminogenic situation on the border.

Meetings of heads of the Criminal Intelligence of the SBGS are held in one of the three Baltic countries twice a year. During such meetings, all countries describe the situation at the state border, share relevant information on criminal groups and individuals committing crimes at the state border, review the outcome of their cooperation, and develop further guidelines for cooperation. Based on the information gathered, specific joint investigations into the organization of irregular migration and trafficking in human beings are conducted.

Since 2018, Lithuania has been participating in the activities under the European Multidisciplinary Platform Against Criminal Threats (EMPACT) Operational Action Plans on the facilitation of irregular migration. While cooperating with the relevant Member States and Europol, Lithuania contributes to disrupting organised criminal networks involved in migrant smuggling from Russia, Belarus, Ukraine, or Georgia to North-East and Western regions of Europe (secondary movement). The main form of such cooperation is to collect and share intelligence via Secure Information Exchange Network Application (SIENA) between participating Member States and Europol in the area of activity.

While cooperation with law enforcement authorities in neighbouring countries in the fight against migrant smuggling has been fruitful and helpful for a long time, new forms of cooperation have been sought in the context of the changed geopolitical situation in order to prevent this serious, fast-changing and adaptable cross-border crime even more effectively.

In response to the irregular migration crisis in July 2021, SBGS, in cooperation with the Police Department, established the Coordination Centre for the management of irregular migration risks. Europol actively joined the activities of this Coordination Centre and as a result, a Joint Investigation Cell was established in Vilnius. The success of this Joint Investigation Cell triggered the creation of an Operational Task Force under the conditional name 'Flow' in 2022. In order to have a systemic impact on organized crime groups involved in migrant smuggling, not only countries directly bordering Belarus (Lithuania, Latvia, Poland), but also Estonia, Finland and Germany were included in the Operational Working Group. The main goal of this specific group, which was made up of representatives of national law enforcement authorities and located in Vilnius, was to support national authorities in combating the intensified activities of migrant smuggling from Belarus to the EU.

Efficient and rapid exchange of information not only helps to prevent this cross-border crime in a timely manner but also informs about new forms of migrant smuggling (e.g., smuggling foreigners through Vilnius Airport, providing them plane tickets and forged documents).



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## RELEVANT CASES

During the period from 1 January 2023 to 1 October 2023, the total number of cases heard in the first instance in the courts of the Republic of Lithuania under Article 292 of the Criminal Code of the Republic of Lithuania (Unlawful Transportation of Persons across the State Border) is 91 (in 97 cases received), of which **103 persons have been convicted, 0 have been acquitted.**

A review of the judgements in the first instance cases found that for committing the criminal act provided for in Article 292(1) of the Criminal Code, a sentence of arrest (the minimum sentence is 20 days, the maximum is 75 days) (22 convicts in total) and a fine (EUR 3 400 up to EUR 14 210) (11 convicts in total) were imposed. The commissions of the criminal acts provided for in Article 292(2) of the Criminal Code were punished with a custodial sentence (from 3 months 6 days to 2 years) (52 convicts in total) and a fine (EUR 5 000 up to EUR 9 000) (14 convicts in total), as well as imprisonment sentences imposed on two persons for 1 year and 4 months. The offence provided for in Article 292(3) of the Criminal Code one person was punished with a custodial sentence for a term of 2 years and 8 months. It should be noted that in 68 cases together with a penalty a penal sanction – confiscation of property by confiscating the means of criminal activity (car and/or mobile means) (Article 72 of the Criminal Code) – was also imposed.

It should also be noted that this category of cases is usually heard under the accelerated procedure or upon conducting a summary examination of evidence, also when criminal proceedings are terminated by a penal order. In such cases, the penalty imposed by the same judgment shall be reduced by one-third (Article 641(1) of the Criminal Code) and is one of the factors determining the amount of punishment imposed. In addition, 11 persons convicted under Article 292(2) of the Criminal Code have been subject to the provisions of Article 54(3) of the Criminal Code, which provides that, where imposition of the penalty provided for in the sanction article is evidently in contravention to the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned basis. This led to the imposition of a penalty lower than the penalty provided for in Article 292(2) of the Criminal Code.

- ❖ On November 9 2021, the court found a German national guilty of migrant smuggling across the state border of the Republic of Lithuania and fined him 4,000 euros and part of the car's value – 10,000. Euros – confiscation :  
<https://www.prokuraturos.lt/lt/ikiteisminiai-tyrimai-ir-viesojo-intereso-gynimas/nelegaliu-migrantu-gabenimas-uzsienieciui-kainavo-14-tukst.-euru/7877>