

Despite progress made in the past years to fulfill formal European Union requirements in many fields, numerous legal provisions and practices continued to give rise to concerns about Lithuania's commitment to fundamental human rights.

While the Lithuanian legal system has developed, serious concerns were raised about the independence of the judiciary, excessively long judicial proceedings, and the quality and availability of ex-officio legal services for indigent people. Reminiscent of the Soviet era, many judges still saw it as their role to protect the interests of the state.

Investigative journalism continued to face obstacles. For example, criminal libel provisions carrying a prison sentence were still invoked against journalists who reported on issues of public interest. Interference by the State Security Department (SSD) in the work of the media gave a new impetus to already ongoing debate on transparency and control of the SSD surveillance activities.

Several intergovernmental bodies discussed in 2006 the human rights situation in Lithuania, including the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), the UN Committee on the Elimination of Racial Discrimination (CERD) and the UN Committee on the Rights of the Child.¹ CPT voiced *inter alia* criticism of the continued ill-treatment of detainees by the police, including cases that amounted to torture, while the CERD pointed to the failure to actively prosecute racist and xenophobic incidents and discriminatory attitudes. It also focused special attention on the situation of Roma, noting that despite government programs to improve their situation, many problems persisted.²

The Committee on the Rights of the Child welcomed the fact that many plans and programs had been initiated by the

government in recent years to improve the situation of children in Lithuania, but regretted that inadequate resources had been allocated for the implementation of these plans and programs.

Independence of the judiciary and fair trial

The results of a project carried out by the Lithuanian Human Rights Monitoring Institute (LHRMI) on the realization of the right to fair a trial gave rise to serious concerns. LHRMI monitors, who observed 50 criminal trials in 2005 and 2006, found that the pre-trial investigation phase was decisive for the outcome of cases, not the trials.³

Prosecutors played a central role not only in collecting but also in assessing evidence while trials merely "served as a means to, at best, verify the evidence in the case-file presented by the prosecution," said LHRMI. Moreover, courts clearly favored evidence collected during pre-trial investigation and often disregarded evidence produced in the courtroom. In many cases, judges behaved as if they were acting on behalf of the prosecution rather than as impartial arbiters, and showed displeasure when witness testimony differed from testimony recorded during investigation.⁴

The Lithuanian Human Rights Association (LHRA) criticized excessively long trials, and the perfunctory work of especially the first instance courts, failing to adequately investigate cases on their merits. These problems, in addition to the biased work of judges in many cases, increased the public's lack of trust in courts.

◆ As of the end of 2006, the First District Court of Vilnius had taken two years to deal with a dispute concerning the newspaper *Valstiečių laikraštis*. The paper's editors-in-chief were finally fined, but it again took the court two months to officially inform the persons concerned about the

verdict while, by law, it should have been done within 14 days.⁵

Access to courts was restricted by the fact that lawyers' honoraries were high and the ex-officio legal services scheme was not developed well enough to provide qualitative assistance to all who needed it.

Freedom of association

*Trade Unions*⁶

The right of trade unions to operate freely has been a problem in Lithuania for years. In 2006, the case of the trade union "Solidarumas" and its chairman Petras Grebliauskas raised serious suspicions about undue interference in trade union activities.

On 30 January, officers of the economic crime division of the chief police commissariat searched the "Solidarumas" premises without a permit by a judge and thus in violation of article 145 of the criminal procedure code. The search, prompted by a false report to the police by Grebliauskas' rivals accusing the chairman of illegal activities, was conducted after working hours when the employees had already left the premises. The officers illegally took with them documents concerning a property transaction on the grounds that it was not beneficial to union. At the same time, the house of Petras Grebliauskas was searched and a computer confiscated.

In the subsequent trial in the Vilnius City Local Court No. 1, the court did not decide on the legality of the transaction at issue but nevertheless suspended Petras Grebliauskas from office for six months and confiscated his property. In light of this ruling it appeared that the whole case against Grebliauskas was aimed at disturbing trade union activities and harming Grebliauskas, including his possible re-election as trade union president. Grebliauskas was later cleared of all charges and his suspension was revoked. No disciplinary measures were taken against the police officers that carried out the illegal searches.

In years past, the "Solidarumas" building was set on fire on three occasions - in none of the cases were the perpetrators found.

Freedom of expression and the media

Journalists continued to experience obstacles trying to access information of public importance at the local level, a problem attributed both to the lack of clear legal provisions and openness on the part of the authorities.

Moreover, defamation provisions in the criminal code served as a hurdle for investigative journalism and legitimate criticism, including of alleged corruption and other misconduct by public officials: by law, dissemination of information that was untrue and damaging to an individual's honor and dignity was punishable by a fine or imprisonment of up to two years.

◆ On 10 July, the Tauragė County Court completed hearings in the criminal case against Vaidotas Zaleckis, member of the editorial board of the *Klaipėda* newspaper. He had been charged for publishing information about Stanislovas Stulpinas, chief prosecutor of the Klaipėda city prosecutor's office, in 2001 and 2003, allegedly "belittling, degrading and undermining confidence in him." The charges⁷ were filed under article 154.2 of the criminal code, which carried sanctions from a fine to imprisonment of up to two years. Journalist Ruta Grineviciute faced the same charges disseminating similar information about the same prosecutor in the Baltijos TV channel and the newspaper *Klaipėda*. Both Zaleckis and Grineviciute were fined LTL 3,750 (EUR 1,086) and ordered to pay LTL 5,000 (EUR 1,448) in damages to Stulpinas. Zaleckis and Grineviciute filed an appeal to the Kaunas county court; it was still pending as of year's end.⁸

◆ In another case concerning Ruta Grineviciute, on 15 November the Seimas

board barred her access to the Seimas building until further notice⁹ The decision cited violations of the house's regulations for internal order and the fact that, when filming program ("The last Resort") on alleged corruption in the Seimas, Grinevičiute had distributed envelopes with money to some member of the Seimas, thereby violating articles 3 and 41 of the Law on Public Information and article 8 of the Code of Ethics of the Lithuanian Journalists and Publishers. Although Grinevičiute was not the only reporter in the program, she was the only one targeted, reportedly without any investigation. The program was broadcasted on the LNK TV channel on 12 November 2006. Members of the Seimas who had been criticized by the journalist in her programs participated in the decision to bar her entry to the parliament, while Grinevičiute was not allowed to defend herself. In addition, the decision of the Seimas failed to mention a possible appeal procedure.

SSD surveillance activities¹⁰

The SSD, whose surveillance activities have been subject to criticism for some time already for the lack of transparency and adequate legal control, also targeted the media in what appeared to be an attempt to prevent them from reporting on its questionable activities.

◆ The SSD launched investigations against Vytautas Bruveris, a journalist with the daily *Lietuvos rytas*, after the paper had published his article "Few Flies in the Web of the Secret Agents," disclosing wide-scale monitoring activities without court permit by the SSD and other law enforcement agencies. The SSD claimed that Bruveris had published classified information, referring to information that was already in the possession of a parliamentary control commission that supervises operative services. The SSD's gathered information on Bruveris' phone records to find out

which parliamentarians had leaked information to him. Later, the results of the SSD investigations against Bruveris were released to the press. Bruveris himself was not aware of the investigation against him.

◆ On 7 September, SSD officers arrested the editor-in-chief of the newspaper *Laisvasis laikraštis* (Free Newspaper), Aurimas Drižius for publishing alleged classified information. The paper's editorial offices were searched, the day's issue was confiscated and Drižius was detained for 48 hours. The daily had published an article implicating politicians and businessmen in corruption and reportedly wanted to submit the material also to the LNK TV channel. No charges were eventually brought against Drižius but the episode contributed to a decision by the Seimas national defence committee to dismiss the head of the SSD.¹¹

Torture, ill-treatment and police misconduct¹²

In February, the CPT published a report¹³ on its 2004 visit to Lithuania voicing concern over the failure of the authorities to take effective practical measures to rectify several deficiencies in the treatment of detainees and prisoners to which the CPT had pointed after its visit four years earlier.

For example, the CPT remained concerned by the high number and the severity of allegations of ill-treatment of persons in police custody - including minors. Most allegations related to the time of apprehension and initial investigation by the police. The types of alleged ill-treatment consisted mostly of blows with hands or fists, or with objects such as batons or belts, but the CPT was also informed of the use of asphyxiation by placing a gas mask or a plastic bag over the person's face, severe beating, infliction of electric shocks, and mock executions - all methods that could be considered to amount to torture. In nu-

merous cases medical records were consistent with the allegations of ill-treatment.

Further, the CPT noted that much needs to be done to improve conditions of detention in police detention centres, describing their material environment and the impoverished regime in some cases as inhuman and degrading, especially considering that persons were being held under

such conditions for prolonged periods. The CPT, for example, reported of detainees being locked up 24 hours per day in filthy, overcrowded cells, with little or no access to natural light.

In addition to resorting to ill-treatment reported *inter alia* by the CPT, law enforcement officers police officers frequently neglected other regulations for police conduct.¹⁴

SOURCES FOR FURTHER INFORMATION:

- ◆ Lithuanian Human Rights Association, e-mail: komitetas@lzta.lt
- ◆ Civil Defence Fund, e-mail: kausinis@takas.lt
- ◆ Lithuanian Human Rights Monitoring Centre, www.hrmi.li

Publications:

- ◆ Conclusions of the Human Rights Monitoring Institute trial observation, 14 November 2006, at www.hrmi.lt/en/news.php?strid=1408&id=4159
- ◆ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention, Concluding observations: Lithuania*, 17/03/2006, CRC/C/LTU/CO/2, 17 March 2006, at [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3153bc27a3138706c125716100228e85?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3153bc27a3138706c125716100228e85?Opendocument)
- ◆ UN Committee on the Elimination of Racial Discrimination, *Consideration of Reports Submitted by State Parties under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: Lithuania*, 11 April 2006, CERD/C/LTU/CO/3, at [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/67f24838b6b5d369c1257162003d57f0?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/67f24838b6b5d369c1257162003d57f0?Opendocument)
- ◆ *Report to the Lithuanian Government on the visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 24 February 2004*, CPT/Inf (2006) 9, 23 February 2006, at www.cpt.coe.int/documents/ltu/2006-09-inf-eng.htm.

Endnotes

- ¹ See *UN Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties under Article 44 of the Convention, Concluding observations: Lithuania*.
- ² For details, see *UN Committee on the Elimination of Racial Discrimination, Consideration of Reports Submitted by State Parties under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: Lithuania*.
- ³ Based on a report from a press conference on 14 November 2006 on the publication of the HRMI report (by Henrikas Mickevičius) *Trial Observations Raise Concerns About*

Impartiality of Judges, 14 November 2006, at www.hrmi.lt/en/news.php?strid=1408&id=4159.

⁴ Ibid.

⁵ Information from the Lithuanian Human Rights Association to the IHF, January 2007.

⁶ Information from the Civil Defence Fund and the Lithuanian Human Rights Association to the IHF, January 2007.

⁷ No.01-2-047-03

⁸ Information from the Civil Defence Fund to the IHF, January 2007.

⁹ Decision No. 1262

¹⁰ Unless otherwise noted, based on information from the Legal Defence Fund to the IHF, January 2007.

¹¹ Information from the Civil Defence Fund to the IHF, January 2007.

¹² Based on information from the Civil Defence Fund and the Lithuanian Human Rights Association to the IHF, January 2007.

¹³ CPT, *Report to the Lithuanian Government on the visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 24 February 2004*, CPT/Inf (2006) 9, 23 February 2006, at www.cpt.coe.int/documents/ltu/2006-09-inf-eng.htm. For conditions and the treatment of inmates in prisons and correction homes and patients of psychiatric facilities, see the full report.

¹⁴ See freedom of association, above.