**INFORMATION OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF LITHUANIA**

**ON THE CALL FOR INPUTS FOR THE CED / WGEID PROJECT OF JOINT STATEMENT ON THE NOTION OF “SHORT-TERM ENFORCED DISAPPEARANCE”**

In response to the Call for Inputs for the CED / WGEID project of joint statement on the notion of “short-term enforced disappearance”, the Ministry of Justice of the Republic of Lithuania, hereby provides the following information.

Article 1001 of the Criminal Code of the Republic of Lithuania (hereinafter – CC) established criminal liability for the crime of enforced disappearance. This Article states that, “a person who, while acting as an agent of the State or as a person or a group of persons acting with the authorisation, support or acquiescence of the State, detains, arrests, abducts a person or otherwise deprives him of liberty, followed by a refusal to acknowledge such a detention, abduction or deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, shall be punished by a custodial sentence for a term of three up to fifteen years“. Thus, the definition of Enforced Disappearance enshrined in the CC fully complies with the definition provided for in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance and therefore covers short-term enforced disappearances as short-term cases of enforced disappearance fall under the indications of “arrest” or “detention” enshrined in Article 1001of the CC.

There are two measures, which, if applied, may subject a person to short-term imprisonment. Article 122 of the Code of Criminal procedure of the Republic of Lithuania (hereinafter – CPC) establishes grounds and conditions for imposition of remand. According to this Article, a person can be arrested for up to 6 months with limited possibilities to extend this period. Moreover, Article 140 regulates the institute of temporary detention, which foresees a detention of a person for up to 48 hours. In both situations, interested parties shall be notified without delay in accordance with the procedure laid down in Article 128(1) and (3) of the CPC.

According to Article 128, paragraph 1, a prosecutor who participated in the imposition of remand must, without delay, notify of the placement of a suspect on remand one of the family members, close relatives indicated by the person on remand, or any other person indicated by the person on remand. If the person on remand does not indicate any person, the prosecutor must, at his own discretion, notify one of the family members or close relatives of the suspect if such can be identified. Where the person on remand is a minor, the prosecutor must, without delay, notify of the placement of the minor suspect on remand the parents or other legal representatives of the minor, or, where such a notification would be contrary to the interests of the minor on remand, any other suitable adult person. In addition, the suspect on remand must, without delay, be given the opportunity to contact one of his family members, close relatives or any other person indicated by the person on remand. In the cases when the minor on remand does not have parents or other legal representatives or it is impossible to identify them or when notification of these persons would be contrary to the interests of the minor on remand, a state institution for the protection of the rights of the child must be notified without delay of the placement of the minor suspect on remand. The deviation from the above mentioned requirements can only be made if a prosecutor, by a reasoned decision, temporarily refuse to notify of the placement of remand or deny contact to the person indicated by the person on remand when this would prejudice a positive outcome of a pre-trial investigation or pose a threat to the security of family members, close relatives of the person on remand or other persons.

According to Article 128, paragraph 3, a prosecutor shall, without delay, notify the imposition of remand on a national of another state to the Ministry of Foreign Affairs of the Republic of Lithuania and, if the person on remand so requests, to a diplomatic mission or a consular post of his state of nationality. A suspect who has two or more nationalities may, if possible, choose the state whose diplomatic mission or consular post is to be informed of his placement on remand. Moreover, at the request of the suspect on remand, he must, without delay, be given the opportunity to communicate with the representatives of the diplomatic mission or consular post of his state of nationality. The person on remand must, without delay, be instructed in a language which he understands as to his right to communicate with these institutions.

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