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U.S. Department of State

Lithuania Country Report on Human Rights Practices for 1998

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LITHUANIA

Lithuania is a parliamentary democracy, having regained its independence in 1990 after more than 50 years of forced annexation by the Soviet Union. The Constitution, adopted by referendum in 1992, established a 141-member unicameral legislature, the Seimas; a directly elected president, who functions as Head of State; and a government formed by a prime minister and other ministers, appointed by the President and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The Conservatives prevailed in the 1996 parliamentary elections, followed by the Christian Democrats. The two parties formed a coalition government (the first in Lithuania's history). In February Valdas Adamkus was elected President by a narrow margin. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since independence Lithuania has made steady progress in developing a market economy. Over 40 percent of state property, in addition to most housing and small businesses, has been privatized. Trade is diversifying, and expanding both to the West and the East. The largest number of residents are employed in agriculture (22 percent), followed by industrial enterprises (19.9 percent, including electricity, gas, and water supply) and wholesale and retail trade (14.8 percent). About 31.6 percent of those employed work for state enterprises, while 68.4 percent are employed by private companies. The agricultural sector's high proportion of the work force reflects a lack of efficient consolidation of small private farms

and represents a vocal protectionist current in economic policy debate. The banking system remains weak, but laws on banking control and supervision are in place and a number of large private banks are undergoing outside audits. The inflation rate for the first half of the year was 2.6 percent, compared with an annual rate of 8.4 percent for 1997. Per capita gross domestic product for the first half of the year was estimated at \$1,240 (4,960 litas) and unemployment at mid-year was 6.2 percent. The balance of trade remains negative due to imports of gas and other energy products from Russia. Major exports include textile and knitwear products, timber and furniture, electronic goods, food, and chemical and petroleum products.

The Government generally respects the human rights of its citizens, but problems remain in some areas. Police on occasion beat detainees and abuse detention laws. The Government is making some progress in bringing police corruption under control. Prison conditions remain poor, and prolonged detention in a small number of cases is still a problem. The police investigated the desecration of two Jewish sites but identified no suspects. State media continues to be subject to political interests. Violence and discrimination against women and child abuse are serious problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In May President Adamkus announced an initiative to form an international commission for research into crimes against humanity perpetrated in Lithuania from 1939-91. By year's end, the commission had not yet received funding for its proposed budget, action plan, or staff.

b. Disappearance

There were no reports of politically motivated disappearances. There is a problem, however, of women who have been forced or willingly sold into prostitution by organized crime figures (see Section 5). Their families, unaware of the situation, claim that they have disappeared or have been kidnapped.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically forbids torture, and there were no reports of its use. However, police sometimes beat or otherwise physically mistreated detainees. The local press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers for fear of reprisals. A total of 79 officers were dismissed for illegal or fraudulent activities in the first 6 months of the year for a variety of offenses, compared with 182 for all of 1997. The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in May 1997.

Human rights violations committed by noncommissioned military personnel continue, despite efforts to quash hazing--a practice inherited from the former Soviet armed forces. As living conditions improve for military personnel, there has been a significant reduction in human rights violations committed by noncommissioned officers. During the first 8 months of the year, 34 cases were brought against conscripts and officers, of whom 5 were charged with "hooliganism" and 1 was charged with causing

intentional bodily injury. According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers--rather than ethnic, regional, or social factors--is a primary factor in cases of hazing, and it is working actively to improve the skills and judgment of such officers.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. Prisoners on death row or serving life sentences are required to wear special striped uniforms. Human rights monitors are permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

Except in cases that come under provisions of the Preventive Detention Law (described below), police may detain a person for up to 72 hours based upon reliable evidence of criminal activity. Under a law passed in June, a judge also must approve the detention. At the end of that period, police must decide whether to make a formal arrest, and a magistrate must approve an arrest warrant. The authorities have 10 days to present supporting evidence. Once a suspect is formally charged, prosecutors may keep the suspect under investigative arrest for up to 2 months before taking the suspect to court. In exceptional cases, investigative arrest may be extended by a further 6 to 9 months with the written approval of the Prosecutor General. The Constitution provides for the right to an attorney from the moment of detention.

In an effort to cope with the rise in violent organized crime in 1993, Parliament passed the Preventive Detention Law pertaining to persons suspected of being violent criminals. The law was passed as a temporary measure and was repealed in June 1997. The 1993 law allowed police, but not the internal security and armed forces, to detain suspected violent criminals for up to 2 months rather than only for the standard 72-hour period. The effect of the law was to give prosecutors and investigators additional time to conduct an investigation and file formal criminal charges against the detainee. The Government is addressing concerns that periods of detention were excessive.

In the most widely known case, businessman Arvydas Stasaitis, who was accused of embezzlement and misappropriation of funds, was kept in detention in a hard labor camp from November 1994 until October 1998 when he was sentenced to 7 years imprisonment. He was originally under house arrest, but fled the country. He was arrested abroad, repatriated, and incarcerated.

There is no provision for exile, nor is it practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

Efforts continued during the year to reform legal codes imposed during the Soviet era. Parliament passed new civil and criminal procedure codes as well as a Court Reform Law in 1995. The judicial system presently consists of a two-tier structure of district courts and a Supreme Court, which is an appellate court. There is also a Constitutional Court. Court decisions are arrived at independently. The Prosecutor General exercises an oversight responsibility through a network of district prosecutors who work with police investigators--employed by the Ministry of the Interior--in preparing the prosecution's evidence for the courts. The institution of lay assessors was abolished at the end of 1994.

Under the provisions of the Court Reform Law, two new kinds of courts were created. Local district courts were set up below the present district courts to handle cases at the municipal level, while a new appellate court level hears appeals arising from district court decisions, thereby reducing the case load of

the overburdened Supreme Court.

An arbitration system for commercial cases was established in 1997 by the Lithuanian Chamber of Commerce, Lithuanian Industrialists' Association, the Association of Lithuanian Banks, and the Association of International Chambers of Commerce. With the abolition of the Economic Court in September, commercial cases will be resolved through arbitration or heard in county or district court. In addition as a result of accession to the Council of Europe in 1993, the Ministry of Justice initiated in 1995 an ongoing process to review Lithuania's laws to bring them into accord with the provisions of the European Convention on Basic Human Rights and Freedoms.

The Constitution provides defendants with the right to counsel. In practice the right to legal counsel is abridged by the shortage of trained advocates who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some people alleged to have been involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. In the first such cases since 1994, the Supreme Court during the year overturned the rehabilitation of 22 persons.

Formal charges have been brought against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in May 1996 for concealing his World War II activities, that allegedly included acts of genocide when he headed the security police of the Vilnius district under Nazi control, Lileikis returned to Lithuania. Gimzauskas, who had served as Lileikis's deputy, had returned to Lithuania in 1993. After his appointment in February 1997, Prosecutor General Kazys Pednycia actively investigated the case, and prepared to prosecute Lileikis by the end of June 1997. However, the law stipulates that the accused has a right to a fair, public trial and that the trial cannot proceed if the accused's health precludes his or her appearance in court. The Seimas passed legislation at the end of 1997 to allow indictment of persons accused of war crimes in absentia, which authorities did. Due to Lileikis's continued assertions that his health is poor, formal court proceedings begun in September were suspended by the judge pending a medical examination of Lileikis's physical and mental fitness. Medical commission members stated on October 12 that Lileikis was fit to stand trial. Lileikis appeared at his trial in November, but he was removed from the courtroom ostensibly due to poor health when he appeared to suffer from exhaustion. A medical commission appointed by the Court is expected to rule in January 1999 on whether Lileikis and Gimzauskas are fit to stand trial.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. With the written authorization of a prosecutor or judge, however, police and the security service may engage in surveillance and monitoring activities on grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor

before they may enter private premises.

However, it is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. The Government generally respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. The Parliament adopted its long-awaited media law in 1996, after a draft public information law failed to pass in 1995 because most independent news publications and many prominent journalists protested that it was too restrictive. The new media law introduced an element of self-regulation but postponed a difficult decision on television advertising.