



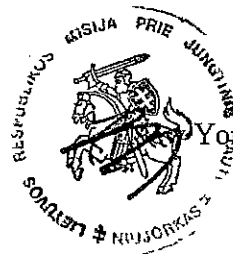
LIETUVOS RESPUBLIKOS NUOLATINĖ MISIJA JUNGTINĖSE TAUTOSE
PERMANENT MISSION OF LITHUANIA TO THE UNITED NATIONS

No. SN78- 292

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the Notes LA/COD/50/1 and LA/COD/50/2, has the honour to transmit herewith the information provided by the relevant national authorities of the Republic of Lithuania, as regards the implementation of General Assembly resolution 70/114 of 14 December 2015, entitled "Criminal accountability of United Nations officials and experts on mission".

The Permanent Mission of the Republic of Lithuania to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

Enclosure: 3 pages.



York, 23 June 2016

H. E. Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

The Permanent Mission of the Republic of Lithuania to the United Nations ... with reference to circular notes LA/COD/50/1 and LA/COD/50/2 regarding the implementation of General Assembly resolution 70/114 of 14 December 2015, entitled "Criminal accountability of United Nations officials and experts on mission", has the honour submit an excerpt of Chapter II of the Criminal Code of the Republic of Lithuania and, in response to the questionnaire provided by the Codification Division, would like to draw attention to the following provisions:

1. As regards the available forms of jurisdiction: Article 4 (territoriality); Article 5 (nationality); Article 6 (protective principle); Article 7 (universality).
2. As regards the extent, to which national provisions establish jurisdiction *ratione personae* over crimes committed extraterritorially: Article 5 (jurisdiction over nationals and permanent residents); Article 6 (jurisdiction over aliens).
3. As regards the extent, to which national provisions establish jurisdiction *ratione materiae* over crimes committed extraterritorially: Article 6 (application limited to crimes against the State of Lithuania); Article 7 (application limited to international treaty obligations, including "international crimes").
4. As regards the prerequisites that are placed before application of extraterritorial jurisdiction – Article 8 (double criminality, application of principle of *ne bis in idem*, etc.).
5. As regards the legal basis for the application of rules of immunity – Article 4(4) (both treaties and the Criminal Code; this provision, however, refers only to jurisdiction based on territoriality).
6. In general, civilian law would be applied to such crimes by civilian courts. Only in case martial law is declared in the Republic of Lithuania, courts-martial might be established in addition to the existing civilian courts; the whole court system would continue to operate under civilian law with some (mainly procedural) modifications that would allow for expedited criminal trials.

As mentioned in previous submission (please see A/70/208, para. 13), the aforesaid covers those performing the functions of United Nations officials or experts on missions, and there is no specific/additional legislation applicable in that regard.

APPROVED BY
Law No VIII-1968
of 26 September 2000
(Consolidated version valid
as of 1 April 2016)

REPUBLIC OF LITHUANIA
CRIMINAL CODE

GENERAL PART

(...)

CHAPTER II
VALIDITY OF A CRIMINAL LAW

(...)

Article 4. Validity of a Criminal Law in Respect of the Persons who have Committed Criminal Acts within the Territory of the State of Lithuania or Onboard the Ships or Aircrafts Flying the Flag or Displaying Marks of Registry of the State of Lithuania

1. The persons who have committed criminal acts within the territory of the state of Lithuania or onboard the ships or aircrafts flying the flag or displaying marks of registry of the State of Lithuania shall be held liable under this Code.

2. The place of commission of a criminal act shall be the place in which a person acted or ought to have acted or could have acted or the place in which the consequences provided for by a criminal law occurred. The place of commission of a criminal act by accomplices shall be the place in which the criminal act was committed or, if one of the accomplices acted elsewhere, the place where he acted.

3. A single criminal act committed both in the territory of the State of Lithuania and abroad shall be considered to have been committed in the territory of the Republic of Lithuania if it was commenced or completed or discontinued in this territory.

4. The issue of criminal liability of the persons who enjoy immunity from criminal jurisdiction under international legal norms and commit a criminal act in the territory of the Republic of Lithuania shall be decided in accordance with treaties of the Republic of Lithuania and this Code.

Article 5. Criminal Liability of Citizens of the Republic of Lithuania and Other Permanent Residents of Lithuania for the Crimes Committed Abroad

Citizens of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for the crimes committed abroad under this Code.

Article 6. Criminal Liability of Aliens for the Crimes Committed Abroad against the State of Lithuania

The aliens who do not have a permanent residence in the Republic of Lithuania shall be liable under a criminal law where they commit crimes abroad against the State of Lithuania as provided for in Articles 114-128 of this Code

Article 7. Criminal Liability for the Crimes Provided for in Treaties

Persons shall be liable under this Code regardless of their citizenship and place of residence, also of the place of commission of a crime and whether the act committed is subject to punishment under laws of the place of commission of the crime where they commit the following crimes subject to liability under treaties:

- 1) crimes against humanity and war crimes (Articles 99-113¹);
- 2) trafficking in human beings (Article 147);
- 3) purchase or sale of a child (Article 157);
- 4) production, storage or handling of counterfeit currency or securities (Article 213);
- 5) property laundering (Article 216);
- 6) bribery (Article 225);
- 7) trading in influence (Article 226);
- 8) graft (Article 227);
- 9) piracy (Article 251¹);
- 10) acts of terrorism and crimes related to terrorist activity (Article 252⁽¹⁾(1) and (2);
- 11) unlawful handling of nuclear or radioactive materials or other sources of ionising radiation (Articles 256, 256⁽¹⁾ and 257);
- 12) the crimes related to possession of narcotic or psychotropic, toxic or highly active substances (Articles 259-269);
- 13) crimes against the environment (Articles 270, 270¹, 270², 270³, 271, 272 and 274).

Article 8. Criminal Liability for the Crimes Committed Abroad

1. A person who has committed abroad the crimes provided for in Articles 5 and 6 of this Code shall be held criminally liable only where the committed act is recognised as a crime and is punishable under the criminal code of the state of the place of commission of the crime and the Criminal Code of the Republic of Lithuania. Where a person who has committed a crime abroad is prosecuted in the Republic of Lithuania, but a different penalty is provided for this crime in each country, the person shall be subject to a penalty according to laws of the Republic of Lithuania, however it may not exceed the maximum limit of penalty specified in the criminal laws of the state of the place of commission of the crime.

2. A person who has committed the crimes provided for in Articles 5, 6, and 7 of the Criminal Code of the Republic of Lithuania shall not be held liable under this Code where he:

- 1) has served the sentence imposed by a foreign court;
- 2) has been released from serving the entire or a part of the sentence imposed by a foreign court;
- 3) has been acquitted or released from criminal liability or punishment by a foreign court's judgment, or no penalty has been imposed by reason of the statute of limitation or on other legal grounds provided for in that state.

3. A citizen of the Republic of Lithuania or another person permanently residing in Lithuania who has committed abroad one or more crimes provided for in Article 149(3) and (4), Article 150(3) and (4), Article 151(2), Article 151¹, Article 152¹, Articles 153 and 157, Article 162(1), Article 307(3), Article 308(3) and Article 309(2) and (3) of this Code shall be punishable regardless of whether the committed act is punishable under the criminal law of the state of commission of the crime¹.

(...)

¹ Article 8(3) refers to crimes (against freedom of a person's sexual self-determination and inviolability, against a child and a family, against morality) committed in respect of minors, young children or those under the age of 16 years