

## **ANNEX TO THE RECORD OF NOTIFICATION OF THE RIGHTS OF THE SUSPECTED PERSON**

As provided for in Article 21 paragraph 4 of the Code of Criminal Procedure of the Republic of Lithuania the suspected person shall have the following rights:

**1. A right to be informed about the suspicion.**

The suspected person shall have the right to be notified, urgently, thoroughly and in the language he/she speaks or understands, about the nature of and grounds for the suspicions brought against him/her.

The notification of suspicion, the decision to recognise the person as the suspected person passed by a pre-trial investigation officer or a prosecutor, or the order to recognise the person as the suspected person rendered by a pre-trial judge must specify the criminal offence (place, time and other circumstances of commission of the offence) and the criminal law, which defines the said criminal offence, as well as the rights of the suspected person.

The new notification of suspicion must be served only if the essence of the suspicion has changed.

**2. A right of access to a lawyer from the moment of detention or first interrogation.**

The suspected person shall have the right to defend himself/herself in person or through a defence counsel of his/her own choice. This right shall be guaranteed from the moment of detention or first interrogation.

In the event the suspected person does not have sufficient means to pay for legal assistance, he/she shall be provided it free of charge in accordance with the procedure laid down in the law regulating provision of legal aid guaranteed by the State.

The detained or arrested suspect shall have the right to meet his/her defence counsel in private. The number and duration of meetings between the suspected person and his/her defence counsel shall not be limited during the working hours of temporary detention or arrest facilities.

**3. A right to interpretation and translation.**

Criminal proceedings in the Republic of Lithuania are conducted in the state language.

The suspected person, who does not speak or understand the Lithuanian language, shall have the right to make statements, bear testimony and give explanations, submit applications and complaints, and to speak in court using his/her native language or any other language that he/she speaks or understands. In all the above mentioned cases, including in the event of being granted access to the case material, the suspected person shall have the right to be provided with interpretation services in the procedure laid down in the Code of Criminal Procedure.

The case documents, which must be served upon the suspected person in the procedure laid down in laws, shall be translated into the native language of the suspected person or into any other language that he/she speaks or understands.

**4. A right to have consular authorities and one person informed.**

Following the detention or arrest of the suspected person, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her must usually notify one of the family members or close relatives named by the suspected person. If the suspected person does not name any persons, but wishes that notification be given about his/her detention or arrest, the pre-trial investigation officer or the prosecutor must notify, at his/her own discretion, one of the family members or close relatives of the suspected person, if such a person is identified. If the suspected person wishes to notify about

his/her detention or arrest any other person, who is not the family member or the close relative, the pre-trial investigation officer or the prosecutor shall notify such a person only if, in the opinion of the pre-trial investigation officer or the prosecutor, this shall not prejudice the success of the pre-trial investigation.

The pre-trial investigation officer or the prosecutor may refuse to notify, if the suspected person presents a well-reasoned explanation that such a notification may endanger safety of his/her family members, close relatives or any other person.

The suspected person must be provided with a possibility to notify his/her family members or close relatives about his/her detention or arrest personally.

Following the detention or arrest of a foreign national, the pre-trial investigation officer or the prosecutor, who has detained him/her, or the prosecutor who has attended the procedure of imposing arrest upon him/her, shall immediately notify the Ministry of Foreign Affairs of the Republic of Lithuania and, if the detained or arrested suspect wishes, the diplomatic representation or consular authority of his/her state.

#### **5. A right of access to urgent medical assistance.**

Restriction of the suspected person's liberty or movement may not cause artificial barriers for the suspected person to receive immediate medical assistance in the general procedure. Immediate medical assistance shall be provided irrespective of the suspected person's nationality.

Immediate medical assistance shall be provided to the suspected person, who is detained or held under arrest, in the procedure laid down in the legal acts, which regulate the activities of detention or arrest facilities.

#### **6. A right to know the maximum term in hours or days he/she may be deprived of liberty before being brought before a judicial authority.**

The maximum term of temporary detention is 48 hours. This term shall be calculated from the moment of the actual detention of the person at the place of commission of the offence or at any other place.

The maximum term of detention is 18 months (12 months, when the suspected person is a minor). The term of detention may be imposed and later extended for no longer than the period of 3 months.

The term of detention, when the case has been referred to court, shall not be limited.

#### **7. A right to testify or remain silent.**

Making a testimony is the right, but not the obligation of the suspected person. If the suspected person decides to make a testimony he/she shall have the right not to answer certain specific questions.

#### **8. A right to submit documents and items relevant to the investigation.**

The suspected person shall have the right to submit, on his/her own initiative, the items and documents, which are relevant for the investigation or hearing of the case, to the pre-trial investigation officer, the prosecutor or the court, or, on the grounds laid down in the Code of Criminal Procedure, to file a request to the pre-trial investigation officer or the prosecutor and demand that such items and documents be obtained.

#### **9. A right to submit requests.**

The suspected person shall have the right to submit requests related with the pre-trial investigation to the pre-trial investigation officer, the prosecutor or the pre-trial judge. Such requests shall be examined, based on competence, in the procedure and within the terms laid down in the Code of Criminal Procedure and other legal acts.

#### **10. A right to make challenges.**

The suspected person shall have the right to raise an objection to the pre-trial investigation officer, prosecutor, pre-trial judge, lawyer, assistant lawyer, translator/interpreter, expert and specialist on the ground and in the procedure laid down in the Code of Criminal Procedure.

The objection shall be made and reasoned in writing.

An objection to the translator/interpreter, expert or specialist shall be decided upon by a pre-trial investigation officer or prosecutor, who is conducting the pre-trial investigation. An objection to the pre-trial investigation officer shall be decided upon by a prosecutor. An objection to the prosecutor, lawyer and assistant lawyer shall be decided upon by a pre-trial judge. An objection to the pre-trial judge shall be decided upon by the Chairman of the District Court.

#### **11. A right to have access to the material of the pre-trial investigation case.**

At any time during the pre-trial investigation the suspected person and his/her defence counsel shall have the right to have access to the data of the pre-trial investigation case, except the data of the parties to the proceedings, which are kept separately from the material of the pre-trial investigation case, and to make copies of or extracts from the material of the pre-trial investigation case.

A written request to have access to the material of the pre-trial investigation case or to make copies of or extracts from the material of the pre-trial investigation case shall be submitted to the prosecutor. The prosecutor shall have the right to disallow to have access to all the data of the pre-trial investigation case or any part thereof, and to disallow to make copies of or extracts from the material of the pre-trial investigation case, if the prosecutor believes that such access would be detrimental to the successful outcome of the pre-trial investigation.

The prosecutor may not disallow access to all the data of the pre-trial investigation case, when the pre-trial investigation is completed and the act of indictment is being drawn up.

If the suspected person is held in custody, the right to have access to the data of the pre-trial investigation case and to make copies of or extracts from the material of the pre-trial investigation case shall be granted to his/her defence counsel, and in the event of waiver of the defence counsel – to the suspected person.

While having access to the material of the pre-trial investigation case it shall be prohibited to make copies of the material of the pre-trial investigation case, wherein the data describe minor suspects and victims; private life of the parties to the proceedings; criminal acts against freedom of human sexual self-determination and inviolability; are entered in the records of procedural acts and the annexes thereof, when the information was obtained by applying the methods and means of collection of criminal intelligence information in accordance with the Republic of Lithuania Law on Criminal Intelligence or by performing covert acts of pre-trial investigation and the prosecutor has exercised the right to have access to the information in accordance with the Code of Criminal Procedure; when the information constitutes the state, service-related, professional or commercial secret. In such cases, making extracts from the material of the pre-trial investigation case shall also be prohibited.

#### **12. A right to appeal against the actions and decisions of the pre-trial investigation officer, the prosecutor or the pre-trial judge.**

The suspected person shall have the right to appeal against the procedural actions and decisions of the pre-trial investigation officer to the prosecutor, who organises and leads the pre-trial investigation. If the prosecutor dismisses the appeal, his/her decision may be appealed against to a superior prosecutor, and the decision of the superior prosecutor may be appealed against to a pre-trial judge.

The suspected person shall have the right to appeal against the procedural actions and decisions of the prosecutor to a superior prosecutor. If the superior prosecutor dismisses the appeal, his/her decision may be appealed against to a pre-trial judge.

The suspected person shall have the right to appeal against the procedural actions and orders of the pre-trial judge, except the orders that are not subject to appeal, to a superior court in the procedure laid down in the Code of Criminal Procedure.