



# Lithuania

## Ratified the European Convention on Human Rights in 1995

### National Judge: Egidijus Kūris

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Pranas Kūris (1994-2004), Danutė Jočienė (2004-2013)

The Court dealt with 484 applications concerning Lithuania in 2017, of which 451 were declared inadmissible or struck out. It delivered 22 judgments (concerning 33 applications), 14 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2018
Applications allocated to a judicial formation	376	405	401
Communicated to the Government	10	55	76
Applications decided:	299	474	484
- Declared inadmissible or struck out (Single Judge)	274	385	416
- Declared inadmissible or struck out (Committee)	2	64	21
- Declared inadmissible or struck out (Chamber)	2	4	14
- Decided by judgment	21	21	33
Interim measures:	2	5	4
- Granted	0	0	0
- Refused (including out of scope)	2	5	4

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/01/2018	
Total pending applications*	206
Applications pending before a judicial formation:	199
Single Judge	34
Committee (3 Judges)	24
Chamber (7 Judges)	141
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

### Lithuania and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently some **668** Registry staff members of whom **4** are Lithuanian.

## Noteworthy cases, judgments delivered

### Grand Chamber

#### **Vasiliauskas v. Lithuania**

20.10.2015

Concerned Lithuanian Soviet Socialist Republic state officer who was convicted in 2005 for genocide committed in 1953.

Mr Vasiliauskas notably complained that the wide interpretation of the crime of genocide, as adopted by the Lithuanian courts in his case, had no basis in the wording of that offence as laid down in public international law. He submitted in particular that he had been convicted on the basis of Article 99 of the new Lithuanian Criminal Code which, providing for criminal liability for genocide, includes political groups – such as partisans – among the groups that could be considered as victims of genocide. However, the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (“Genocide Convention”) does not include political groups among those protected.

[Violation of Article 7 \(no punishment without law\)](#)

#### **Kudrevičius and Others v. Lithuania**

15.10.2015

The case concerned the conviction for rioting of five farmers, who were given a suspended sentence of sixty days’ imprisonment, on account of demonstrations organised by them which seriously breached public order.

[No violation of Article 11 \(freedom of assembly and association\)](#)

#### **Paksas v. Lithuania**

06.01.2011

The case concerned Rolandas Paksas’ disqualification from holding parliamentary office following his removal as President of Lithuania in impeachment proceedings for committing a gross violation of the Constitution and breaching the constitutional oath.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\) on account of the former President’s inability to stand for election to the Lithuanian Parliament](#)

### Cases dealing with Article 6

#### Right of access to court

##### **Čudak v. Lithuania**

23.03.2010

Failure of Lithuanian authorities to hear a sexual harassment complaint brought by a secretary and switchboard operator at the Polish embassy in Vilnius as they had declined jurisdiction and accepted the Polish Government argument of State immunity.

[Violation of Article 6 § 1](#)

#### Right to a fair trial

##### **Ramanauskas v. Lithuania**

05.02.2008

Former public prosecutor complained that police incited him into taking a bribe – in exchange for the promise of someone’s acquittal – and that, as a result, he was unfairly convicted.

[Violation of Article 6 § 1](#)

### Chamber

### Cases concerning the right to life (Article 2)

#### **Juozaitytė and Bikulčius v. Lithuania**

24.04.2008

Concerned a car chase during which the applicants’ sons – sitting on the back seat of the car – were shot by the police.

[Violation of Article 2 \(lack of an effective investigation\)](#)

### Cases concerning inhuman or degrading treatment (Article 3)

#### **Valiulienė v. Lithuania**

26.03.2013

Complaint by a woman who was a victim of domestic violence about the authorities’ failure to investigate her allegations of ill-treatment and to bring her partner to account.

[Violation of Article 3 \(prohibition of torture and of inhuman or degrading treatment\)](#)

### Cases concerning liberty and security (Article 5)

#### [D. D. v. Lithuania](#) (no. 13469/06)

14.02.2012

Complaint by a schizophrenic that, in accordance with the wishes of her stepfather – her legal representative – she has been unlawfully placed in a closed social care institution, and that she had no possibility to contest her detention.

No violation of Article 5 § 1 (as regards the lawfulness of the applicant's involuntary placement in the Kėdainiai Home)

Violation of Article 5 § 4 (as regards the applicant's inability to obtain her release from the Kėdainiai Home)

Violation of Article 6 § 1 (on account of the unfairness of the guardianship proceedings)

#### [Butkevičius v. Lithuania](#)

26.03.2002

Concerned former Minister of Defence's complaint about remarks made by the Prosecutor General and the Chairman of Parliament published in the media in the context of criminal proceedings brought against him in 1997 for attempting to obtain property by deception.

Violation of Article 5 §§ 1 and 4 (right to have lawfulness of detention decided speedily by a court)

Violation of Article 6 § 2 (presumption of innocence)

### Cases concerning Article 6

#### Right to a fair trial

#### Presumption of innocence

#### [Paulikas v. Lithuania](#)

24.01.2017

The case concerned the criminal trial and conviction of Mr Paulikas, in relation to a car accident in which his vehicle had killed three ten-year-old children.

No violation of Articles 6 § 1, 6 § 2 or 14 (prohibition of discrimination) taken in conjunction with Article 6

#### [Silickiene v. Lithuania](#)

10.04.2012

Criminal proceedings against a former high ranking police officer for wide scale cigarette smuggling and ensuing confiscation of his property. He committed suicide while still detained. The courts

concluded, after his death, that there was enough evidence that he had been in charge of the criminal organisation. His widow was not a party in those proceedings; she complained that the findings of the trial court against her late husband, and the confiscation of their family property on the basis of that finding, amounted to a fundamental abuse of process.

No violation of Article 6 §§ 1 and 2

No violation of Article 1 to Protocol No 1 (right to protection of property)

#### Right to a fair trial within a reasonable time

#### [Kuolelis, Bartoševičius and Burokevičius v. Lithuania](#)

19.02.2008

Concerned, in particular, the applicants' allegations that they were prosecuted and convicted for offences – subversive, anti-state activities committed in 1990 and 1991 in the context of their membership in the Lithuanian branch of the Communist Party of the Soviet Union at a time of political turmoil and the struggle for Lithuanian independence – which could not be foreseen under domestic or international law as, at the relevant time, Lithuania had not yet been recognised as an independent State.

No violation of Articles 6 § 1, 7 (no punishment without law), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association) or 14 (prohibition of discrimination)

#### Right to a fair hearing by an independent and impartial tribunal

#### [Ramanauskas v. Lithuania \(no. 2\)](#)

20.02.2018

The case concerned the applicant's conviction for bribery while he was working as a lawyer, and his allegation that he had been incited and pressured to commit the offence in unlawful entrapment.

No violation of Article 6 § 1

### Cases concerning private and family life (Article 8)

#### [Mockutė v. Lithuania](#)

27.02.2018

The case concerned Ms Mockutė's right to privacy and right to religious freedom during her involuntary hospitalisation.

[Violations of Article 8 and 9 \(freedom of thought, of conscience and religion\)](#)

#### [Jankauskas v. Lithuania \(no. 2\) and Lekavičienė v. Lithuania](#)

27.06.2017

The cases concerned the refusal by the Lithuanian Bar Association to include the two applicants in its list of advocates.

[No violation of Article 8](#)

#### [Biržietis v. Lithuania](#)

14.06.2016

Mr Biržietis, the applicant, complained about the prohibition on his growing a beard when serving his prison sentence at the Marijampolė Correctional Facility from 2006 to 2009.

[Violation of Article 8](#)

#### [Drakšas v. Lithuania](#)

31.07.2012

The case concerned a Lithuanian politician and the tapping of his telephone authorized by the authorities. He complained that the recorded conversations had been leaked to the media and later revealed on national television during the constitutional proceedings on President Paksas' impeachment case.

[Violation of Article 8 \(private life and correspondence\)](#)

[No violation of Article 8](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

[No violation of Article 13](#)

#### [Armoniė v. Lithuania and Biriuk v. Lithuania](#)

25.11.2008

Complaint by the applicants that they were awarded derisory damages despite decisions in their favour with regard to serious breaches of their privacy.

[Violation of Article 8 in both cases](#)

### Former KGB collaborators and employment restrictions

#### [Sidabras and Others v. Lithuania](#)

23.06.2015

New applications submitted by the same applicants in the cases already examined by the Court in 2004 and 2005 (voir ci-après). The applicants complained about the continuing violation of their rights on the grounds that since the two judgments have become final, the state - despite having paid allowances - did not change the law on the KGB nor lifted legislative restrictions .

[No violation of Article 14 \(prohibition of discrimination\), taken in conjunction with Article 8 \(right to respect for private and family life\), on account of the first two applicants, Mr Sidabras and Mr Džiautas, not being able to obtain employment in the private sector](#)

[Violation of Article 14, taken in conjunction with Article 8, on account of the third applicant, Mr Rainys, not being able to obtain employment in the private sector](#)

#### [Sidabras and Džiautas v. Lithuania](#)

27.07.2004

#### [Rainys and Gasparavičius v. Lithuania](#)

07.04.2005

Concerned ban on applicants finding employment in the private sector on the ground that they had been former KGB officers.

[Violation of Article 14 \(prohibition of discrimination\) taken in conjunction with Article 8 in all three cases](#)

#### [Žičkus v. Lithuania](#)

07.04.2009

Publicly denounced as a former secret KGB collaborator, the applicant complained that he lost his job - working in human resources of the Ministry of the Interior - and is now prevented from working in the private sector.

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 8 \(protection of private and family life\) on account of Mr Žičkus being prevented from seeking employment in the private sector because he had collaborated with the special security services \(KGB\) during the communist era](#)

**Cases dealing with Article 9 (freedom of thought, of conscience and religion)**

**[Mockutė v. Lithuania](#)**

27.02.2018

The case concerned Ms Mockutė's right to privacy and right to religious freedom during her involuntary hospitalisation.

[Violations of Article 8 \(right to respect for private and family life\) and 9](#)

**Freedom of expression cases  
(Article 10)**

**[Sekmadienis Ltd. v. Lithuania](#)**

30.01.2018

The case concerned the imposition of a fine on Sekmadienis Ltd., a clothing company, for displaying in Vilnius and on its website a series of advertisements deemed by the Lithuanian courts and other bodies to offend against public morals. The advertisements had used models and captions referring to "Jesus" and "Mary".

[Violation of Article 10](#)

**[Balsytė-Lideikienė v. Lithuania](#)**

04.11.2008

First case against Lithuania concerning hate speech. Lithuanian authorities confiscated and issued the applicant, former owner of a publishing company, with a warning for publishing and distributing the "Lithuanian calendar 2000", considered to promote ethnic hatred.

[No violation of Article 10](#)

**Cases on protection of property  
(Article 1 of Protocol n°1)**

**[Kristiana Ltd. v. Lithuania](#)**

06.02.2018

The case concerned the applicant company's allegation of unlawful and unreasonable restriction of its property rights, following its purchase of privatised former military buildings situated in a protected area.

[No violation of Article 1 of Protocol No. 1](#)

[No violation of Article 6 § 1 \(right to a fair trial within a reasonable time\)](#)

**[Činga v. Lithuania](#)**

31.10.2017

The case concerned a court decision ordering the applicant, Ramūnas Činga, to

return to the State a plot of land on which the utilities necessary for the functioning of his house had been installed.

[Violation of Article 1 Protocol No. 1](#)

**[Jasiūnienė v. Lithuania](#)**

06.03.2003

Concerned restoration of the rights to property, nationalised by the Soviet authorities in 1960s, and the authorities' failure to execute the court decisions to restore the title to the property.

[Violation of Article 1 of Protocol n°1](#)

These issues are still significant and have been raised in numerous Lithuanian cases:

[Užkurelienė and Others v. Lithuania](#)

[Jurevičius v. Lithuania](#)

[Kalpokas v. Lithuania](#)

**Free elections  
(Article 3 of Protocol No. 1)**

**[Uspaskich v. Lithuania](#)**

20.12.2016

The case concerned a complaint brought by Viktor Uspaskich, a well-known former politician, about his house arrest pending the investigation of a political corruption case in Lithuania. He complained in particular that his house arrest had prevented him from taking part on equal grounds with other candidates in the parliamentary (Seimas) elections of 2007, alleging that the ongoing pre-trial investigation against him had been a convenient way to restrict his electoral rights.

[No violation of Article 3 of Protocol No. 1](#)

**Noteworthy cases, decisions delivered**

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**[Falkauskienė v. Lithuania](#)**

21.09.2017

The case concerned a dispute about a foreign currency deposit following Lithuania's independence in 1990. Ms Falkauskienė notably complained that it was impossible for her to recover an inheritance of 15,800 US dollars which she had deposited with a bank operating in Lithuania in 1991.

[Application declared inadmissible.](#)

### **Mockienė v. Lithuania**

27.07.2017

The case concerned the reduction of welfare benefits during the economic crisis in Lithuania. The applicant, Danutė Mockienė, a former officer for the Prisons Department, complained that her service pension had been reduced by 15% when new legislation was in force in Lithuania from January 2010 to December 2013. She further complained that she had been discriminated against because those who received retirement pensions had been entitled to compensation for their reduced benefits whereas she had not.

[Application declared inadmissible](#)

### **Savickas and Others v. Lithuania**

15.10.2013

The case mainly concerned the length of court proceedings brought by Lithuanian judges whose salaries had been reduced as part of a series of austerity measures. The proceedings before the Lithuanian courts lasted between nine and ten years, respectively.

[Application declared inadmissible](#)

The Court found in particular that, since a decision of the Lithuanian Supreme Court of 6 February 2007, the national courts had applied the criteria of the European Court of Human Rights' case-law in determining compensation for excessively lengthy court proceedings. It concluded that an effective remedy for length-of-proceeding complaints existed in Lithuania. Since the applicants had not lodged claims for damages with the Lithuanian courts, their complaint under Article 6 § 1 (right to a fair hearing within a reasonable time) was therefore inadmissible for their failure to exhaust the domestic remedies.

The Court also pointed out that the applicants in other cases concerning the length of civil, criminal or administrative proceedings in Lithuania lodged with it after 6 August 2007 – that is, six months after the Supreme Court's decision of 6 February 2007 – should use the remedy before the Lithuanian courts.

### **Borisov v. Lithuania**

14.06.2011

Concerned complaint by a Russian national, a wealthy businessman in Lithuania and financial supporter of former President Paksas, about an order to deport him as he

was considered a threat to national security (he was tried for menacing President Paksas). His family (including minor children) live in Lithuania.

[Court found that complaint under Article 8 \(right to respect of private and family life\) had been resolved as Mr. Borisov had been granted a permanent residence permit in 2010 and had not been deported. Therefore it struck the case out of the list of cases pending for examination before it.](#)

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## Noteworthy pending cases

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### **Beizaras and Levickas v. Lithuania (no. 41288/15)**

Application [communicated](#) to the Lithuanian Government on 16 June 2017

The application concerns the Lithuanian authorities' decision to discontinue a criminal investigation concerning allegedly homophobic comments posted on the first applicant's Facebook page after he had published on his profile a photograph depicting a same-sex kiss between him and the second applicant.

The applicants rely on Article 8 (right to respect for private life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the Convention.

### **Kosaitė - Čypienė and Others v. Lithuania (no. 69489/12)**

Application [communicated](#) to the Lithuanian Government on 20 December 2012

The applicants are or were prevented from giving birth at home. They complain under Articles 2 and 8 of the Convention of the fact that they cannot benefit from adequate professional assistance for a home birth in view of the domestic legislation.

### **Abu Zubaydah v. Lithuania (no. 46454/11)**

Application [communicated](#) to the Lithuanian Government on 14 December 2012

Chamber [hearing](#) on 29 June 2016

In this case, the applicant complains in particular that he has been held and ill-treated in a secret detention facility alleged to have been located in Lithuania and run under CIA rendition programme. When the case was communicated, the Court had put questions to the parties under Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right

to liberty and security), 8 (right to respect for private life) and 13 (right to an effective remedy) of the Convention.

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