



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE JUNGTINIŲ TAUTŲ BIURO
IR KITŲ TARPTAUTINIŲ ORGANIZACIJŲ ŽENEVOJE**

Teisingumo ministerijai

2020-10- Nr.

Kopija: Užsienio reikalų ministerijai
Vidaus reikalų ministerijai

**DĖL JUNGTINIŲ TAUTŲ PRIVERSTINIŲ DINGIMŲ KOMITETO REKOMENDACIJŲ
ĮGYVENDINIMO**

Persiunčiame Jums iš Jungtinių Tautų Vyriausiosios žmogaus teisių komisarės biuro gautą notą, kuria prašoma iki 2023 m. rugsėjo 15 d. pateikti papildomą informaciją dėl Jungtinių Tautų priverstinių dingimų komiteto (CED) rekomendacijų Lietuvos Respublikai įgyvendinimo (CED/C/LTU/CO/1).

PRIDEDAMA: 3 lapai.

Ambasadorius

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16 October 2020

Excellency,

In our capacity as Rapporteurs on follow-up to concluding observations of the Committee on Enforced Disappearances, we have the honour to refer to the follow-up to the recommendations contained in paragraphs 22, 24 and 26 of the Concluding observations on the report submitted by Lithuania under article 29, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance (CED/C/LTU/CO/1).

The Committee has asked us to express its appreciation for the information provided by the State party (CED/C/LTU/CO/1/Add.1), which was considered by the Committee during its nineteenth session, online, that started on 7 September and will be closed on 21 October 2020. The Committee considered that the three recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation.

It is our honour to share with you the assessment of the Committee below:

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Concluding observations:	CED/C/LTU/CO/1, adopted 12 September 2017
Recommendations to be followed up:	Paragraphs 22, 24 and 26
Reply:	CED/C/LTU/CO/1/Add.1, due 15 September 2018, received 7 September 2018

Paragraph 22: While welcoming the ongoing investigations into allegations of the State party's involvement in the rendition and secret detention programmes, the Committee, reiterating the recommendations made by the Committee against Torture in 2014 (see CAT/C/LTU/CO/3, para. 16) and the Human Rights Committee in 2012 (see CCPR/C/LTU/CO/3, para. 9):

(a) Urges the State party to complete the investigation into allegations of its involvement in the rendition and secret detention programmes within a reasonable time, that those responsible be held accountable, and that victims be duly recognized and provided with appropriate redress and reparation;

(b) Recommends that the State party inform the public and ensure that its investigation process is transparent;

(c) Requests the State party to provide it with updated information on the findings of such investigation and, if appropriate, sanctions for those responsible.

State party's reply

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 3 to 5.

Committee's evaluation

[C]: The Committee welcomes the fact that that pretrial investigation No. 01-2-00015-14 has not been suspended or closed. However, it observes that this investigation has still not been concluded, that no suspects have been identified, and that none of the persons affected has been

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recognized as a victim. The Committee notes the requests for legal assistance submitted by the State party to Afghanistan, Morocco, Poland, Romania and the United States of America, and that these States either did not provide relevant information or did not reply.

In this regard, the Committee takes note of the judgment issued by the European Court of Human Rights (*Case of Abu Zubaydah v. Lithuania*, application No. 46454/11, 31 May 2018) and welcomes the State party's affirmation that it will comply with the judgment. The Committee observes that, according to the judgment, the Lithuanian authorities were aware of the operations by the Central Intelligence Agency of the United States on Lithuanian territory. The Committee therefore notes with concern that, according to the State party, the lack of response from Afghanistan to the request for legal assistance has prevented the finalization of the related investigation, which is currently inactive. The Committee also notes that the State party does not provide information on the measures taken by the State party to inform the public about the investigation and to ensure its transparency.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide additional information on the progress of the investigation and information on the steps taken to inform the public and ensure that its investigation process is transparent.

Paragraph 24: The Committee recommends:

(a) That the State party guarantee that all persons deprived of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with their relatives or any person of their choosing, and in the case of foreigners, with their consular authorities;

(b) That the State party guarantee in practice that any acts hindering the observance of these rights are adequately sanctioned.

State party's reply

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 6 to 8.

Committee's evaluation

[C]: The Committee welcomes the amendments to national legislation that were introduced between April and May 2017 in relation to procedural guarantees. However, these amendments were already in place when the Committee issued its concluding observations in September 2017, and the State party does not provide information as to the measures taken thereafter to guarantee that all persons deprived of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with their relatives or any person of their choosing and, in the case of foreigners, with their consular authorities. The Committee further observes that no information has been provided on the measures taken to guarantee in practice that any acts hindering the observance of these rights are adequately sanctioned, including information on any complaints received and sanctions imposed.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide additional information on the following: (a) the measures taken to implement the legislative amendments adopted in 2017 related to the protection of procedural guarantees for persons deprived of their liberty; (b) complaints received regarding any acts hindering the observance of these rights and the sanctions imposed in such cases.

Paragraph 26: The Committee recommends that the State party ensure that all law enforcement personnel, whether civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty – including judges, prosecutors and other officials responsible for the administration of justice – receive appropriate and regular training on the provisions of the Convention, in conformity with article 23 of the Convention.

State party's reply

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 9 to 12.

Committee's evaluation

[B]: The Committee welcomes the training plans devised by the State party for law

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enforcement personnel, including the armed forces, public officials and other persons involved in the custody or treatment of persons deprived of liberty. However, it notes that the State party does not provide information about the implementation and frequency of these training plans.

The Committee therefore reiterates its recommendation and requests the State party to provide additional information on the implementation of the training programmes and their frequency.

In view of the above, the Committee decided to request the State party to include further information on the issues referred to, taking into account, when implementing the Committee's recommendations and submitting its additional information under article 29 (4) of the Convention, the specific guidance and request for information contained in the Committee's report follow-up to concluding observations, together with the Committee's guiding principles for the search for disappeared persons (CED/C/7), attached to the present letter.

In compliance with the deadline indicated in the Committee's concluding observations, the State party is requested to provide its report on additional information by **15 September 2023**.

The full version of the Committee's report on follow-up to concluding observations is available at the following link:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2f19%2f4&Lang=en

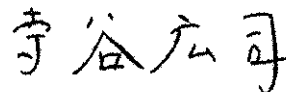
For any further information, you can contact the Secretary of the Committee on Enforced Disappearances, Ms. Albane Prophette-Pallasco (tel.: 022 917 9719; e-mail: aprophette@ohchr.org and ced@ohchr.org).

The Committee looks forward to pursuing its constructive dialogue with the authorities of Lithuania on the implementation of the Convention.

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Ayat
Co-rapporteur on follow-up to
Concluding observations



Koji Taraya
Co-rapporteur on follow-up to
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