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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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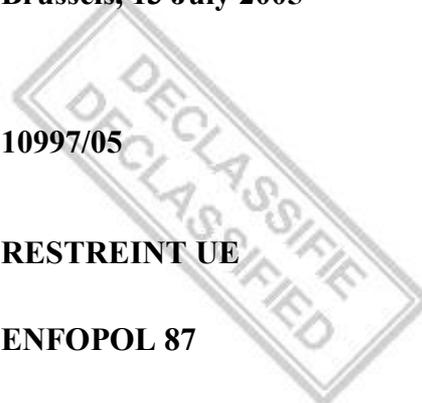
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## **NOTE**

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from : General Secretariat  
to : Working Party on Terrorism

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Subject : Evaluation of National Anti-Terrorist Arrangements  
Report about Lithuania, 17-21 March 2005

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Evaluation of Lithuania, 17-21 March 2005

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## 1. Crime / Terrorism Situation

### 1.1 Domestic Terrorism

Lithuania's current political, socio-economic and national-confessional situation and its historical experience do not provide reasons for the formation of large scale threats nets of internal terrorist structures.

The strengthening anti-globalisation movements all over the world might lead to increased activeness of local subdivisions and provide a basis for domestic terrorism.

### 1.2 International Terrorism

The highest probability of terrorism is considered from abroad. Lithuania may be suitable as a transit country or a place for remote terrorist preparations (training or financial raising). The intensity of the terrorist threat - probably as terrorist acts against foreign establishments within Lithuania - is increasing due to Lithuania's active participation in international organisations (EU) and anti-terrorist and peacekeeping operations (e.g. NATO operations in Afghanistan and Iraq).

## 2. Structure of Authorities

### 2.1 General Structure

The first written mention of Lithuania was in 1009, the capital Vilnius was founded in 1323.

Between 1392 and 1430, Lithuania developed to one of the greatest European countries and reached from the Baltic Sea to the Black Sea.

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Being occupied by the Soviets in 1940, Lithuania regained independence about 50 years later. On 11 March 1990, the independent democratic Republic was proclaimed, in spite of ongoing massive Soviet attempts<sup>1</sup> of taking influence. Lithuania was admitted to the UN on 17 September 1991, the constitution was adopted on 25 October 1992. Since May 1993, Lithuania is member of the Council of Europe and of the EU since 1 May 2004.

Lithuania's population today is about 3,750,000, administratively it is divided into 44 districts and 11 cities.

## 2.2 Political and Security Structure

The State power in Lithuania is exercised by the Parliament, the President of the Republic, the Government and the Courts. To implement concrete measures in the "Program for Combating Terrorism"<sup>2</sup> different state institutions take part according to their respective competencies.

Basically, law and order is the competence of the Police under the Ministry of the Interior. The Ministry and subordinated divisions and agencies participate in fighting terrorism by implementing the function of ensuring public safety, eliminate terrorist acts, arrange and carry out terrorism relief and participate in eliminating consequences of terrorist acts.

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<sup>1</sup> On 30 March 1990, thousands of Lithuanian citizens protested near the Prosecutor General's Office in Vilnius against the attempts of Moscow to restore the power of the laws of the U.S.S.R. in Lithuania. The Prosecutors of Lithuania in a meeting gave a flat refusal to the demands of Moscow's emissaries and handymen to obey the laws of a foreign country. This day was later announced as the professional "Day of the Prosecutor's Office" and now is celebrated annually.

Soviet intervention on 13 January 1991 resulted in 14 unarmed civilians killed at the TV tower in Vilnius.

<sup>2</sup> Decision No 71-2 of the Government of 22 January 2002 on "The Approval of the Program of the Republic of Lithuania for Combating Terrorism". The aim of the program is to improve the system of effective legal and organisational terrorism prevention measures and its coordination. Currently, a successive program is in a project stage, probably to be approved by the Government in 2005.

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The Ministries of Defence, Communications, Economy, Environment, Finance, Foreign Affairs, Health, and Justice as well as the Bank of Lithuania within their respective remits carry out preventive measures, provide terrorism relief and participate in eliminating the consequences of terrorist acts.

The State Security Department<sup>3</sup>, a state institution accountable to the Parliament and the President, and charged with the protection of the sovereignty of the Republic of Lithuania and its constitution, is the institution responsible for the coordination of the fight against terrorism in Lithuania. Its basic role is to identify activities which constitute a threat to the security of the State, its territorial integrity, interests, economy and defence potential, to fight such activities and investigate the causes of their appearance and conditions with the means provided by the law.

The Government of Lithuania established the Inter-Departmental Coordination Commission against Terrorism in order to coordinate the implementation of the "Program for Combating Terrorism" and facilitate the exchange of information and cooperation of law enforcement agencies and intelligence services.

In the fight against terrorism, Lithuania currently sees as its important tasks

- to increase the protection of the society from terrorist acts by implementing the resolutions of the UN Security Council, the legal acts of the EU and the provisions of the NATO initiatives,
- to elaborate a terrorism prevention system by improving national acts in order to prevent terrorist acts, the financing of terrorist activities, enhance the investigation of terrorist acts and the coordination of the crisis management activities, and
- to strengthen the effectiveness of the institutions' activities, to revise the functions of the state institutions conducting terrorism prevention and investigating terrorist acts.

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<sup>3</sup> According to the Law on the Foundations of National Security of the Republic of Lithuania, the decision No 25 of the National Defence Council of 19 September 2001, and the decision No 71-2 of the Government of 22 January 2002;

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## 3. Conclusions

The current counter-terrorism structure in Lithuania seems rather well developed, especially in relation to the low level of threat as perceived by the competent authorities. However, it still has to prove its functioning, particularly in regards to the very small personnel and financial equipment of the State Security Department's Counter-Terrorism Unit as compared to other Member States' standards.

### 3.1 Good Practices

#### 3.1.1 State Security Department as Intelligence and Counter-Intelligence Agency

The State Security Department deals with both intelligence and counter-intelligence, therefore there are no problems in the internal exchange of information.

#### 3.1.2 State Security Department as Intelligence and Law Enforcement Agency

The State Security Department is both intelligence and law enforcement agency. This double function again facilitates the coordination and cooperation and prevents from overlappings or gaps.

#### 3.1.3 Special Investigative Techniques

The officers of the Security Service Department in fulfilling their tasks are able to use all special investigative techniques and equipments.

#### 3.1.4 Intelligence as Evidence in Court

Confidential intelligence can be released to be used in criminal proceedings. Prior to that, it has to be declassified. The decision on the declassification can only be made by the institution which made the classification. In administrative proceedings classified documents can be used in certain cases (e.g. in proceedings on deportation).

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## 3.1.5 Universal Jurisdiction

Article 7 of the Criminal Code establishes universal jurisdiction to prosecute certain types of offences that are included in international treaties (money laundering, acts of terror, hijacking of an aircraft, ship or stationary platform on the continental shelf, taking a hostage and illegal activities with radioactive substances).

The prosecution of these types of offences under Lithuanian laws is possible irrespective of the place of the crime, the nationality of the perpetrator and the criminal laws of the place of commission of the crime.

## 3.2 Recommendations

### 3.2.1 State Security Department Access to Databases

As mentioned in the Interim Report<sup>4</sup>, the Lithuanian authorities are recommended to reflect about the necessary legal and technical provisions for the State Security Department to have access to the databases of other national security related institutions.

### 3.2.3 Crisis Centre

The competencies, structure and functioning of the future Crisis Management System have to be evaluated in order to establish how far they correspond with the equivalent systems in the EU Member States and the recommendations given in the Interim Report.

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<sup>4</sup> doc. 14306/3/04 ENFOPOL 155 of 23 November 2004,