

## LITHUANIA

### **Definition and Prosecution of Terrorist Acts**

Under Article 227, paragraph 1 of the Criminal Code, planting explosives, bombing or arson are punishable by imprisonment for up to ten years. The Government of Lithuania is considering amendments to the Criminal Code which would expand the concept of a terrorist act, establishing criminal responsibility for any other destruction or damage of a building or facility, or the spread of biological, radioactive or chemical substances, or micro-organisms. A terrorist act causing bodily injury, destruction or damage to a vehicle, facility or equipment in that facility is punishable by imprisonment from three to twelve years. The same acts directed against an object of strategic significance or causing grave consequences will be punishable by imprisonment from ten years to life. A terrorist act creating a threat to the lives or health of a great number of people will be punishable by imprisonment from five to fifteen years.

It is specifically prohibited to place biological weapons (or chemical, radioactive, or other weapons of mass destruction) on Lithuanian territory. The Penal Code establishes the crime of illegal production, acquisition or sale of toxic or poisonous substances, including preparation of micro-organisms; the penalty is imprisonment for up to three years.

Criminal responsibility for the creation of a terrorist group consisting of three or more persons, financing of, or providing any other support to such a group is punishable by imprisonment from four to ten years.” “Conspiracy in a criminal act includes perpetrating, organizing, abetting and other help in the criminal act (consulting, financing, and supply of equipment, obviating obstacles). Thus, the willful provision or collection of funds with the intention that these funds should be used in order to carry out terrorist acts falls under the definition of conspiracy.” Criminal activities under Article 227 are punishable by imprisonment from 4 years up to life imprisonment. Terrorist activities are punishable up to life imprisonment.

### **Prevention of Terrorism – Security Measures**

The Government of Lithuania has passed Resolution No. 1282 on the measures to implement UN Security Council Resolution 1333 and 1373. The guidelines for National Anti – terrorism Program were established by decision of the State Defense Council of Lithuania. The Draft program focuses on: (a) participation in the activities of the international community; (b) enhancement of the general anti – terrorist legal framework; (c) protection of possible terrorist targets; (d) identification of persons suspected of involvement in terrorist acts; (e) identification of possible terrorist funds or other assets; (f) investigation of terrorist acts; (g) overcoming the crisis situations caused by terrorist acts; and (h) reinforcement of anti- terrorist intelligence.

Security has been significantly enhanced in and around areas of strategic importance, as well as an extension of the no-fly zone over the Ignalina nuclear power plant. Control of Lithuanian borders has been tightened. Supplementary air transport and airport security measures have also been implemented by the Civil Aviation Administration: (a) strengthening control over access to the controlled areas of airports; (b) questioning of passengers; (c) performance of aircraft checks before the flight is boarded; (d) ensuring luggage and cargo have been checked before they are loaded on the airplane; and (e) locking the door of the crew cabin.

A list of names of suspected terrorists is continually checked by the State Security Department and other governmental institutions such as the State Border Guard Service. Criminal groups are also investigated for possible links to terrorist activity. Surveillance of suspected terrorist has been substantially enhanced in order to prevent them from entering Lithuanian territory. Perhaps most important, the movement of goods that may be used to carry out terrorist acts (explosives, weapons; biological, chemical, and nuclear materials) is constantly monitored in order to prevent them from entering or passing through Lithuanian territory.

## **Weapons Control**

The Criminal Code establishes liability for the illegal carrying, keeping, acquisition, manufacture and sale of arms and ammunition (Article 234) and for arming criminal groups (Article 234). Such acts are placed under the category of grave offenses. The Criminal Code (Article 235) also establishes liability for the illegal manufacture of arms and ammunition, with the aim of selling such materials. Under the regulations on the export, import and transit of arms and ammunition, every time arms and/or ammunition is exported, the enterprise must obtain the permission of the Police Department. "The Law on the controls of Import, Transit and Export of Strategic Goods and Technologies of Lithuania transposes international agreements and instruments prohibiting the dissemination of weapons of mass destruction and their missile carriers." On January 15, 2002 the Seimas of the Republic of Lithuania adopted a new Law on the Control of Arms and Ammunition (Official Journal No. 13-467, 2000).

## **Money Laundering – Prevention and Prosecution**

The National Anti – Terrorism program provides for the following measures to suppress the financing of terrorism: (1) conferring broader powers on the State Security Department; (2) creating a system to oversee credit and financial institutions; (3) creating a declaratory regime concerning the acquisition of expensive assets in Lithuania by non-nationals; (4) tightening procedures for establishing the identity of clients of credit and financial institutions; (5) defining the criteria to be applied to cash transactions possibly related to terrorist financing carried out at credit and financial institutions; (6) expanding the mandatory register of cash transactions by clients of credit and financial institutions by including information on suspicious transactions possibly related to terrorist financing; (7) developing a database of financial information on suspicious cash transactions and the legal and natural persons engaged in such transactions; and (8) receiving financial information related to terrorist financing directly from other states.

In accordance with the law on the prevention of money-laundering, the Division on the prevention of money-laundering has sent enquiries to commercial banks of Lithuania and branches of foreign banks established in Lithuania requesting information on the bank accounts of persons and organizations suspect of perpetrating terrorist acts, held in the credit institutions of Lithuania. In turn, these institutions are requested to inform the Division on the Prevention of Money-Laundering in cases where such persons attempt to open new accounts, make deposits, use safety deposits boxes, or make any other agreements or cash transactions. Articles 194 and 195 allow the police investigator, the interrogator and the prosecutor to suspend the ownership rights to assets, including funds in bank accounts, or to seize the assets on a decision authorized by the Prosecutor General.

## **Information Sharing**

Lithuania is a signatory to 8 of the 12 International Conventions related to counter – terrorist activities. International Agreements that Lithuania is party to may be applied to the fight against international terrorism. Lithuania is also taking an active part in the activities of Interpol. "Plans for the near future include the expansion of the network of liaison officers, signing a co-operation agreement with Europol, strengthening bilateral relations by signing agreements on cooperation in fighting organized crime, illegal drug trafficking, terrorism and other grave crimes. Working contacts between State Security Departments of Lithuania and Poland, Estonia, Latvia, Russia, Ukraine, and Belarus have been established. The National Anti-Terrorism Programme provides for exchanging undercover and other information on international terrorist organizations, their members and activities, including the exchange of classified information with the special and intelligence services of other countries. Full data from the Baltic Air Surveillance Network (BALTNET) can be provided through linking BALTNET to NATO air surveillance systems.

**BIBLIOGRAPHY OF LITHUANIAN LEGISLATION**

***Definition and Prosecution of Terrorist Acts***

1. Criminal Code of Lithuania, Articles 226, 227, 234, and 235.
2. Resolution No. 1282 – Measures for Implementation of UN Resolutions 1333 and 1373.

***Weapons Control and Laws Pertaining To Biology***

1. Law No. IX-1051 on amending the Law the Control of Export, Import and Transit of Strategic Goods and Technology, 5 July 2002
2. Amended Law No. VIII-814 on the Control of Export, Import and Transit of Strategic Goods and Technology, 25 June 1998
3. Law on the Control of Arms and Ammunitions, 2 July 1996, *Article 13*
4. Law on the Control of Export, Import and Transit of Strategic Goods and Technology, 5 July 1995
5. Resolution 436 – Export, Import, and Transit of Arms and Ammunition
6. Resolution No. 857 on the Establishment of Control System for Export and Import of the Strategic Goods and Technology, 19 November 1993
7. Law on Veterinary Activities No.I-2110, 17 December 1991 (amended 7 October 1999 by Law No.VIII-1350)
8. Penal Code of Lithuania, *Article 232*
9. Constitution of the Republic of Lithuania, *Article 13(1)*
10. Constitution of the Republic of Lithuania, *Article 137*
11. Baltic Assembly Resolution On the Cooperation of the Baltic States in the Field of Control of Dangerous and Extremely Dangerous Infectious Diseases (15 Dec 2001)

***Information Sharing***

1. 1963 Convention on Offenses and Certain Other Acts Committed on Board Aircraft.
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft.
3. 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.
4. 1977 European Convention for the Suppression of Terrorism; 1979 Vienna Convention on the Physical Protection of Nuclear Material.
5. 1979 International Convention against the Taking of Hostages.
6. 1991 Convention of the Making of Plastic Explosives for the Purpose of Detection.
7. 1997 International Convention for the Suppression of Terrorist Bombing.

***Money Laundering – Prevention and Prosecution***

1. Criminal Code of Lithuania, Articles 12, 93(1), 194, 195.