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Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to our several exchanges to date regarding the examination of the first periodic report of Lithuania (CAT/C/37/Add.5) by this Committee at its 31st session, held on 17 and 19 November 2003 (CAT/C/SR.584 and 587), and to request further information on some aspects of this review under the Follow-up Procedure.

As explained in my previous letter, the Committee's Conclusions and Recommendations (CAT/C/CR/31/5), adopted and transmitted to your Permanent Mission, asked that Lithuania provide information within a year on paragraphs 6 (d), (e) and (f) of these Conclusions and Recommendations. This was done in your communication of 7 December 2004 (CAT/C/CR/31/5/RESP.1), which was, in turn, followed by my letter of 21 April 2006 which requested further information.

I am writing today to thank you for your Government's second communication of 27 July 2006 (CAT/C/LTU/2, paras.105-135) and to request further clarification as to the following matters. As sufficient information has not yet been provided to enable me, as Rapporteur on Follow-up, to complete an analysis of the progress made regarding implementation of aspects of the Convention, it would be appreciated if you would respond to this letter before or, as appropriate, during, your upcoming review before the Committee on the 4th and 5th of November 2008.

With regard to the recommendation made in paragraph 6(d), the Committee welcomes the information on the newly adopted Order of the Minister of Health regulating the objectives and functions of medical stations at detention facilities. The Committee would appreciate receiving information on the ability of the nurses mentioned in paragraph 108 of your response to carry out full medical examinations. The Committee remains concerned that the Order No. V-8 of 19 January 2004 may not provide detainees the right to request and receive a medical examination by a doctor at their own request. Please provide the Committee with the number of doctors currently working in detention facilities, and the system in place to ensure that detainees may have access to doctors upon their request. The Committee would also appreciate information on the number of detainee medical examinations carried out by doctors since December 2004, disaggregated by age, gender, ethnicity, and detention facility. Additionally, please outline the measures taken by the Government to ensure that all doctors and nurses working in detention facilities who carry out medical examinations on detainees alleging ill-treatment or torture are independent and impartial.

H.E. Mr. Eduardas Borisovas
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The Committee reiterates that the State party should adopt greater protective measures to enable prisoners themselves to initiate appeals that must be reviewed. We would be grateful if you could clarify if the State party is considering adopting any legislative measures to ensure such measures. We would also appreciate clarification on the role of the Seimas Ombudsman in this regard. Please also provide the Committee with information since December 2004, disaggregated by age, gender and ethnicity, on the number of complaints submitted by detainees, the number of investigations carried out by prosecutors, the number of cases that went to trial, and the outcomes of the trials, if any.

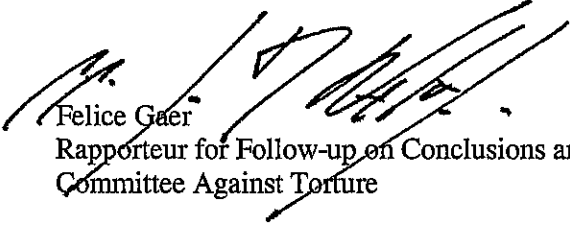
With regard to the recommendation made in paragraph 6(e) on the establishment of a fully independent complaints mechanism and measures to ensure prompt and impartial investigations and prosecutions of alleged torture, the Committee notes with interest that according to the Code of Criminal Procedure "illegal actions by police officers towards the detainees" are examined by prosecutors who have no link with detention officers suspected of ill-treatment (para.117). Please also provide information on any measures taken by the Government to monitor and ensure in practice that the persons responsible for and carrying out the investigation should be independent from those implicated in the complaints.

The Committee would also appreciate follow-up information on the types and outcomes of investigations made with the Seimas Ombudsman since the amendment to the Law on the Seimas Ombudsman was made in November 2004, and which we did not find addressed in your second reply. In particular, the Committee is interested in whether any cases concerning allegations of ill-treatment perpetrated by police officers and officials of the General Prosecutor's Office and its subordinate prosecutor's offices were opened or investigated. Please provide the Committee with the number of complaints of alleged ill-treatment or torture received by the Seimas Ombudsman's Office, the number of investigations carried out by this office, the number of these cases that went to trial, and the outcomes of the trials, including information on the kinds of punishments meted out and compensation offered to victims, if any.

Finally, with reference to the recommendations in paragraph 6(f) on torture or ill-treatment of conscripts, we would appreciate further details on the 18 cases of alleged abuse of conscripts mentioned in your response, especially the result of the six cases that reached trial. Were any officials responsible for alleged abuses found responsible and what administrative or judicial measures were taken? Additionally, we would appreciate receiving updated information on the number of complaints of alleged ill-treatment or torture submitted by conscripts, the number of investigations carried out and the body responsible for doing so, the number that have proceeded to trial, and the outcomes of the trials. Please also provide the Committee with information on steps taken by the Government to ensure that all examinations of complaints against military personnel, including investigators, are carried out by an independent and impartial body.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Lithuania on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions and further information as required during our discussion of Lithuania's second periodic report.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee Against Torture