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Ms Zonke Zanele MAJODINA  
Chairperson, Human Rights Committee  
Office of the High Commissioner for Human  
Rights  
UNOG-OHCHR  
CH 1211 Geneva 10  
Switzerland

**AMNESTY  
INTERNATIONAL**



**AMNESTY INTERNATIONAL** INTERNATIONAL SECRETARIAT  
Peter Benenson House, 1 Easton Street,  
London WC1X 0DW, United Kingdom  
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157  
E: [amnestyis@amnesty.org](mailto:amnestyis@amnesty.org) W: [www.amnesty.org](http://www.amnesty.org)

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Dear Ms. Majodina

**103<sup>RD</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE – PRE-SESSIONAL MEETING ON LITHUANIA**

I am writing with a view to the pre-sessional meeting on Lithuania, which will be held during the 103<sup>rd</sup> session of the Human Rights Committee from 17 October until 4 November 2011.

Amnesty international would like to bring to your attention some of the organization's main concerns in relation to Lithuania's implementation of the International Covenant on Civil and Political Rights (ICCPR). We would be grateful if you would make this letter available to the members of the Country Report Task Force in advance of their pre-sessional meeting and the adoption of the list of issues.

**Lithuanian complicity in the US-led rendition and secret detention programmes post 11 September 2001**

Amnesty International is deeply concerned that the government of Lithuania has failed to conduct an independent, impartial, full, and effective investigation into Lithuanian complicity in the US Central Intelligence Agency's (CIA) rendition and secret detention programmes, which operated in the aftermath of the attacks in the USA on 11 September 2001.

In December 2009, a parliamentary (Seimas) inquiry concluded that two CIA secret detention facilities existed in the country, but stopped short at determining whether detainees were actually held there. The spotlight was first turned on Lithuania in August 2009 when US-based ABC News quoted unnamed CIA sources as saying that Lithuania had provided a detention facility outside Vilnius where "high value" detainees had been held in secret by the CIA until late 2005.<sup>1</sup> The day after the media revelations, Swiss Senator Dick Marty, special rapporteur on secret detentions for the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights, publicly stated that his own confidential sources appeared to confirm the report of a secret prison in Lithuania.<sup>2</sup>

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<sup>1</sup> Matthew Cole, "Officials: Lithuania Hosted Secret CIA Prison to Get 'Our Ear'", *ABC News*, 20 August 2009, <http://abcnews.go.com/Blotter/story?id=8373807>.

<sup>2</sup> Dick Marty, "Time for Europe to Come Clean Once and for All over Secret Detentions", 21 August 2009,

[http://assembly.coe.int/ASP/NewsManager/EMB\\_NewsManagerView.asp?ID=4859&L=2](http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=4859&L=2).

The Lithuanian parliament had mandated in November 2009 that the Seimas Committee on National Security and Defence conduct a parliamentary inquiry and present findings to the parliament. The inquiry's final report, released on 22 December 2009, concluded that two secret sites were prepared to receive suspects; it concluded that one was not used (Project No. 1), and that it could not establish on the information available to it whether another, at Antaviliai, outside Vilnius, had ever actually held prisoners (Project No. 2).<sup>3</sup> The report stated, however, that although it could not be determined that persons were held in Project No. 2, "the layout of the building, its enclosed nature and protection of the perimeter as well as fragmented presence of the State Security Department (SSD) staff in the premises allowed for the performance of actions by officers of the partners [i.e. CIA] without the control of the SSD and use of the infrastructure at their discretion".<sup>4</sup>

The key recommendation in the inquiry's final report was a proposal that the Prosecutor General's Office investigate whether the acts of three former senior SSD officials amounted to the criminal "abuse of authority" under Lithuanian law. In January 2010, the Lithuanian Prosecutor General's Office opened a criminal investigation into state actors' alleged involvement in the establishment and potential operation of the sites.

The UN Joint Study on Secret Detention issued in February 2010 was the first public inter-governmental report to include independent evidence that Lithuania was incorporated into the CIA rendition and secret detention programmes. By analyzing "data strings", the study confirmed that planes operating in the context of the CIA rendition and secret detention programmes had landed in Lithuania under cover of "dummy" flight plans.<sup>5</sup>

The two secret sites were subsequently visited in June 2010 by a delegation from the European Committee for the Prevention of Torture (CPT). In its report on the visit to Lithuania from 14-18 June 2010, published with the agreement of the Lithuanian authorities on 19 May 2011<sup>6</sup>, the CPT provided an initial evaluation of the then on-going criminal investigation, expressing concerns as to the promptness of the investigation, the comprehensiveness of its scope and its thoroughness. In particular, the CPT pointed out that the Lithuanian Prosecutor General, invoking state secrets, had declined to send the CPT specific information the Committee had requested.

On 21 September 2010, Uk-based NGO Reprieve wrote to the Lithuanian prosecutor general alleging that Zayn al-Abidin Muhammad Husayn – aka Abu Zubaydah – had been held in secret detention in Lithuania sometime between 2004 and 2006.

In a surprise announcement on 14 January 2011, the Lithuanian Prosecutor General announced that the pre-trial investigation of the three SSD officials for "abuse of authority" had come to a close. Amnesty International deplored the closure of the investigation as premature and wrote to the Prosecutor General indicating several lines of inquiry that had not yet been pursued and formally requested that the criminal investigation continue until all relevant information and evidence were

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<sup>3</sup> "Findings of the parliamentary investigation by the Seimas Committee on National Security and Defence concerning the alleged transportation and confinement of persons detained by the Central Intelligence Agency of the United States of America in the territory of the Republic of Lithuania" (hereinafter "Findings of the parliamentary investigation by the Seimas Committee on National Security and Defence"), 22 December 2009, [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=6143&p\\_k=2](http://www3.lrs.lt/pls/inter/w5_show?p_r=6143&p_k=2).

<sup>4</sup> Findings of the parliamentary investigation by the Seimas Committee on National Security and Defence, p. 7.

<sup>5</sup> According to the UN Joint Study on Secret Detention, para. 120: "Two flights from Afghanistan to Vilnius could be identified: the first, from Bagram, on 20 September 2004, the same day that 10 detainees previously held in secret detention, in a variety of countries, were flown to Guantanamo; the second, from Kabul, on 28 July 2005. The dummy flight plans filed for the flights into Vilnius customarily used airports of destination in different countries altogether, excluding any mention of a Lithuanian airport as an alternate or back-up landing point."

<sup>6</sup> Available at: <http://www.cpt.coe.int/documents/ltu/2011-17-inf-eng.htm>

collected and assessed.<sup>7</sup> The Lithuanian Prosecutor General also issued a written justification or the termination of the investigation which stated that the state of limitations on the abuse of authority charges had expired; no evidence was presented to the Prosecutor General's Office that any person had been detained in Project No. 2, but the real purpose of the detention facility was a "state secret"; and that as much of the evidence collected in the course of the investigation constituted a "state secret" no further information about the investigation could be revealed.

Amnesty International wrote to the Prosecutor General in May 2011 noting that in order for the Prosecutor General to conclude that no persons had been held at the two sites, an independent, impartial, full, and effective investigation would have had to have been conducted, including outreach and communication with a variety of relevant actors, including many beyond Lithuania's borders. The Lithuanian authorities have clearly failed to conduct such an investigation. Moreover, state secrecy should never be invoked to shield the state and its agents from accountability for fundamental human rights violations, including torture and enforced disappearance.

Amnesty International continues to call on the Lithuanian government to re-open the investigation into alleged Lithuanian complicity in the US-led rendition and secret detention programmes and to hold accountable those individuals responsible for human rights violations – including torture and enforced disappearance – that may have occurred on Lithuanian territory.

**Discrimination and restriction of the right to freedom of expression of lesbian, gay, bisexual and transgender people (Articles 2 and 26, Article 19)**

Amnesty International welcomes the decision of the Lithuanian Parliament to remove the discriminatory provision banning any manifestation of sexual orientation in TV and radio advertisements in a new Law on the Provision of Public Information which came into force on 30 June 2011. However, the organization remains concerned about the failure of the state party to prohibit discrimination based on sexual orientation and to protect the right to freedom of association as enshrined in the ICCPR.

Amnesty International is concerned that the "Law on the Protection of Minors against the Detrimental Effect of Public Information" is still in force. This law classifies any information which "denigrates family values", or which encourages a concept of marriage other than the union of a man and a woman, as detrimental to children and consequently bans such information from places accessible to them. Amnesty International has repeatedly expressed its concern that this law would be used to restrict the freedom of expression of lesbian, gay, bisexual and transgender people and that it is discriminatory against people on account of their sexual orientation or gender identity.

On 12 November 2010, the Lithuanian parliament (Seimas) adopted in first reading an amendment to the Administrative Code introducing fines of from 2,000 to 10,000 litas (approximately €580-2,900) to punish "the public promotion of homosexual relations". Although the amendments were scheduled for consideration by the relevant parliamentary committees prior to adoption in the plenary session in December 2010, they were subsequently taken off the agenda of the Seimas plenary. Amnesty International remains concerned that such initiatives which are openly discriminatory might be repeated in the future.

We hope that this information will be useful for the Country Report Task Force in preparing the list of issues. Do not hesitate to contact us should you require further details.

Yours sincerely

Michael Bochenek  
International Law and Policy Programme Director

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<sup>7</sup> Amnesty International, "Lithuania Must Re-Open CIA Secret Prison Investigation", 18 January 2011, <http://www.amnesty.org/en/news-and-updates/lithuania-must-reopen-cia-secret-prison-investigation-2011-01-18>