



# Генеральная Ассамблея

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## Совет по правам человека

### Шестидесятая сессия

8 сентября — 3 октября 2025 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

## Посещение Литвы

### Доклад Рабочей группы по насильственным или недобровольным исчезновениям\*

#### Резюме

Делегация Рабочей группы по насильственным или недобровольным исчезновениям посетила Литву с семидневным визитом с 20 по 26 ноября 2024 года.

Рабочая группа приветствует ратификацию Литвой практически всех основных международных договоров по правам человека, включая Международную конвенцию для защиты всех лиц от насильственных исчезновений, а также создание надежной правовой базы для предупреждения и пресечения актов насильственных исчезновений, в частности квалификацию насильственного исчезновения в качестве отдельного уголовного преступления в соответствии с международными нормами.

Рабочая группа не получила никаких сообщений о насильственных исчезновениях, приписываемых Литве, в рамках своей гуманитарной процедуры. Вместе с тем она с обеспокоенностью отмечает участие Литвы в практике внесудебной выдачи и соответствующей программе тайного содержания под стражей Центрального разведывательного управления Соединенных Штатов Америки. Несмотря на то, что участие Литвы в этой программе было признано многими международными механизмами, литовские власти официально не признали свою международную ответственность и не принесли публичных извинений соответствующим лицам. Кроме того, не было достигнуто никакого прогресса в отношении уголовных расследований и судебных преследований, связанных с выдачей и последующими насильственными исчезновениями, и никому не был предоставлен статус жертвы в рамках текущих досудебных расследований.

Рабочая группа отмечает, что в последние годы наблюдается значительный рост числа мигрантов, прибывающих в Литву. В стране проживает много белорусов, которые были вынуждены покинуть свою страну из-за ухудшения положения в области прав человека, и украинцев, которые были вынуждены покинуть свою страну

\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.



в результате полномасштабного вторжения Российской Федерации в феврале 2022 года. С 2021 года также наблюдается приток лиц различных национальностей, которые нелегально въехали или пытались въехать в Литву из Беларуси. Рабочая группа признает сложность ситуации, с которой литовским властям приходится иметь дело, особенно в нынешних геополитических условиях. В связи с этим возникают серьезные проблемы, некоторые из которых имеют отношение к Декларации о защите всех лиц от насильственных исчезновений. В частности, Рабочая группа отмечает, что практика «пушбэков», в результате которой мигранты без оценки их потребностей в защите подвергаются принудительному вытеснению за государственную границу, в настоящее время разрешена в соответствии с литовским законодательством. Эта практика вызывает серьезную обеспокоенность, поскольку она фактически лишает соответствующих лиц защиты со стороны закона и подвергает их повышенному риску исчезновения.

Рабочая группа вновь заявляет о готовности продолжать свой конструктивный диалог с правительством Литвы и предлагает свою безоговорочную поддержку в целях полного осуществления Декларации.

## Приложение

### Доклад Рабочей группы по насильственным или недобровольным исчезновениям о посещении Литвы

#### I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances, represented by Gabriella Citroni (Chair) and Grażyna Baranowska (Vice-Chair), conducted a seven-day visit to Lithuania from 20 to 26 November 2024. The Working Group wishes to thank the Government of Lithuania for extending an invitation to visit the country. The Working Group thanks the Ministry of Foreign Affairs, in particular, for the exceptional cooperation offered prior to, during and after the visit. The Working Group also thanks the Government of Lithuania for its feedback on the present report.
2. In accordance with the Working Group's mandate, the purpose of the visit was to obtain first-hand information on the country's human rights situation in the area of enforced disappearance, to identify the progress achieved in ensuring the rights to truth, justice, reparation and memory, and to identify the main challenges that the country is currently facing, including with regard to the prevention of enforced disappearance.
3. During the visit, the delegation met with representatives of the Ministry of Justice, the Ministry of National Defence, the Ministry of the Interior, including the Lithuanian Criminal Police Bureau and the State Border Guard Service, the Supreme Court, the Supreme Administrative Court, the Prosecutor General's Office, the Seimas Ombudspersons' Office, the Office of the Ombudsperson for Child's Rights and the Committee on Human Rights.
4. The delegation visited the Pabradė Foreigners Registration Centre, where most persons who have entered Lithuania irregularly are initially kept. Moreover, the delegation visited facilities in Antaviliai that were used and controlled in 2005 and 2006 by the Central Intelligence Agency of the United States of America for its extraordinary rendition programme.
5. The delegation also paid a visit to the Museum of Occupations and Freedom Fights in Vilnius, which memorializes, among others, persons who were forcibly disappeared by the Soviet regime in the 1940s and 1950s.
6. Throughout the visit, the delegation held meetings with human rights defenders, lawyers, academics, other civil society representatives and representatives of the United Nations High Commissioner for Refugees and the Lithuanian Red Cross Society. The Working Group wishes to thank all the stakeholders with whom the delegation met.

#### II. Background

7. The Working Group does not have any reports of enforced disappearances registered under Lithuania in the context of its humanitarian procedure. However, it has referred to the involvement of Lithuania in extraordinary renditions and the corresponding Central Intelligence Agency secret detention programme, including the perpetration of enforced disappearances, in the joint study on global practices in relation to secret detention in the context of countering terrorism<sup>1</sup> and in a general allegation submitted to Lithuania in 2012.<sup>2</sup> The Working Group emphasizes that those practices entailed the commission of enforced disappearance. In this regard, the Working Group recalls that, in order to constitute an enforced disappearance, the deprivation of liberty of a person must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of

<sup>1</sup> A/HRC/13/42, para. 120.

<sup>2</sup> A/HRC/22/45 and A/HRC/22/45/Corr.1, paras. 229–232. For the response submitted by Lithuania, see A/HRC/WGEID/99/1, para. 83.

the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment.<sup>3</sup>

8. On 21 October 2011, the Working Group, together with other special procedures, sent to Lithuania a joint allegation letter requesting the State: (a) to provide information on measures taken to investigate the allegations contained in the joint study and, if found true, to rectify the situation in compliance with international human rights norms and standards; (b) to implement the related recommendations; and (c) to provide any other relevant information.<sup>4</sup> The Working Group regrets that no response was received.

9. The Working Group is concerned that, despite recognition by the European Court of Human Rights<sup>5</sup> and by the treaty bodies and special procedures of the involvement of Lithuania in the extraordinary rendition programme, which entailed the enforced disappearance of at least five individuals on Lithuanian territory, there has been no official acknowledgment by Lithuanian authorities of their international responsibility, nor have they issued any public apologies to the persons concerned.<sup>6</sup> This lack of recognition jeopardizes the right to know the truth, in both its individual and its collective dimensions, and also has implications in terms of guarantees of non-repetition.

10. An additional matter of concern identified by the Working Group as regards the prevention of enforced disappearances in Lithuania is the practice of pushbacks, which result in migrants being summarily forced back over an international border, without their protection needs being assessed. The practice is currently allowed under Lithuanian law and raises grave concerns, as it effectively removes the persons subjected to it from the protection of the law and exposes them to a heightened risk of disappearance.

### III. Legal framework

11. The Working Group commends Lithuania for having ratified almost all the core international human rights treaties and the optional protocols thereto, including the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court. It also commends Lithuania for having recognized the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-State complaints pursuant to articles 31 and 32 of the Convention.

12. The Working Group applauds Lithuania for having issued a standing invitation to all special procedures and for the ease and celerity with which the Working Group's country visit request was accepted.

13. The Working Group observes with satisfaction that, by virtue of article 11 (1) of the Law on International Treaties of Lithuania, treaties ratified or acceded to by Lithuania that have entered into force are binding. Moreover, article 138 of the Constitution envisages their direct application. The Working Group acknowledges the ruling of the Constitutional Court of 24 January 2014<sup>7</sup> in which it held that, pursuant to article 135 of the Constitution, Lithuania was to be guided by the universally recognized principles and norms of international law.

14. The Working Group welcomes that, through Act No. XII-776 of 13 March 2014, the Criminal Code was amended to include the autonomous offence of enforced disappearance in art. 100-1 of the Criminal Code, which is part of chapter XV (crimes against humanity and

<sup>3</sup> See CED/C/11.

<sup>4</sup> See communication LTU 1/2011. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>5</sup> *Al-Hawsawi v. Lithuania*, Application No. 6383/17, Judgment, 16 January 2024.

<sup>6</sup> In a communication concerning the case *Abu Zubaydah v. Lithuania* (European Court of Human Rights, Application No. 46454/11, Judgment, 31 May 2018), the authorities announced a message of zero tolerance towards any violation of human rights (see [https://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)6E](https://hudoc.exec.coe.int/eng?i=DH-DD(2020)6E)).

<sup>7</sup> See <https://lrkt.lt/en/court-acts/search/170/ta850/content>.

war crimes). The definition of the offence enshrined therein, after the amendments to the Criminal Code entered into force on 6 July 2023, is aligned with international standards.

15. The Working Group recalls that enforced disappearance must be punishable by appropriate penalties considering the extreme seriousness of the offence. States may establish aggravating and mitigating circumstances, which in Lithuania are set forth pursuant to articles 59 and 60 of the Criminal Code, which are applicable to all crimes. Furthermore, article 62 of the Criminal Code allows courts to impose a more lenient penalty than prescribed in the law, and it is equally applicable to all crimes.

16. While article 60 of the Criminal Code outlines aggravating circumstances applicable to all crimes committed against individuals in a situation of vulnerability, such as children, persons with disabilities and pregnant women, better protection, in line with article 4 of the Declaration on the Protection of All Persons from Enforced Disappearance and article 7 (2) (b) of the Convention, could be ensured by explicitly mentioning other categories of persons in such situations, including migrants.

17. Furthermore, pursuant to international law, the various types of criminal responsibility should be covered, including in relation to any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance. Express provision should also be made for the application of individual command or superior responsibility for this offence.

18. Articles 21 to 27 of the Criminal Code regulate the stages and forms of a criminal act and article 113 (1) regulates the negligent performance of a commander's duties. After the amendments entered into force in 2023, the article provides for the criminal responsibility of superiors and commanders. However, the provision does not yet expressly cover all the conduct foreseen in article 6 (1) (b) of the Convention, in particular with regard to the reference of the active exercise of effective responsibility for, and control over, activities that were concerned with the crime of enforced disappearance.

19. The Working Group notes that, under article 78 of the Criminal Code and article 7 of the 2018 Amnesty Act, in line with article 18 of the Declaration, amnesty shall not apply to persons convicted of crimes against humanity and war crimes. To fully align with the Declaration, the law should also explicitly provide that persons who have committed or are suspected of having committed enforced disappearance cannot benefit from amnesties or similar measures exempting them from any criminal proceedings.

20. The applicable legislation also does not explicitly establish that persons alleged to have committed an act of enforced disappearance must be suspended from any official duties during the investigation and should be brought into line with article 16 (1) of the Declaration.

21. The Working Group is pleased to note that, pursuant to article 95 (9) of the Criminal Code, enforced disappearance is not subject to any statute of limitations. However, it is not only the criminal proceedings for enforced disappearances that should not be subject to any statute of limitations, but also the judicial sanction imposed on the perpetrator.<sup>8</sup> Article 96 of the Criminal Code does not explicitly exempt the execution of judgments of conviction for enforced disappearances from the application of a statute of limitations and should be brought into line with international standards.

22. In cases concerning crimes against humanity, including enforced disappearance, article 7 of the Criminal Code establishes the liability of persons regardless of their citizenship and place of residence, or the place of commission of a crime. The Working Group welcomes the broad notion of universal jurisdiction enshrined in Lithuanian legislation and that several pretrial investigations regarding serious human rights violations are taking place. It encourages Lithuania to ensure that, where appropriate, investigations are carried out under article 100-1 of the Criminal Code.

<sup>8</sup> Inter-American Court of Human Rights, *Heliodoro Portugal v. Panama*, Judgment, 12 August 2008, para. 206.

## IV. Right to truth

23. The Working Group notes that the right to know the truth, for individuals and groups, encompasses the determination of the fate and whereabouts of a disappeared person, the circumstances in which an enforced disappearance occurred and the progress and results of the investigation. Thus, the search for a disappeared person seeks to address a fundamental aspect of the right to the truth, which, however, has a more comprehensive dimension.

24. This requires, among others, that States guarantee the adoption of mechanisms and strategies that ensure that, as soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to a disappearance, they can begin the search immediately and expeditiously. The first hours of a disappearance are crucial for the search and for the collection of evidence relating to the disappearance. The Working Group commends the fact that, according to the information received, Lithuanian authorities would commence the search for a disappeared immediately following the filing of a report.

25. This is of capital importance when those reportedly disappeared belong to especially vulnerable groups, including women, children and migrants. In this regard, the adoption of dedicated protocols, such as the Alba Protocol (for disappeared girls and women) or the Amber Alert (for disappeared children), plays a crucial role. It is recommended that Lithuania undertake relevant measures, especially with regard to potential victims of trafficking in persons. However, the Working Group notes with concern that pushbacks impede the detection of victims of trafficking in persons.<sup>9</sup>

26. When the persons reported disappeared are migrants or asylum-seekers, the policies and programmes adopted by the Government to search for them should reflect the specificities of the situation, bearing in mind principle 9 of the Guiding Principles for the Search for Disappeared Persons.<sup>10</sup> States should take specific coordinated measures to prevent disappearances in a migration context.

27. Moreover, in order to be prepared to promptly and effectively search for disappeared persons in general, States must adopt all the measures necessary to guarantee that the authorities in charge of the search and the corresponding criminal investigations have access to adequate financial, human and technical resources and, in particular, state-of-the-art technologies (including Laser Identification and Ranging, sonar units and satellite imagery) and are regularly and duly trained, including on the application of the Berkeley Protocol on Digital Open Source Investigations. The Working Group commends the Lithuanian authorities for their use of new technologies, such as satellite imagery and digital technology, in search activities and emphasizes the need for regular training on this subject for law enforcement personnel, in particular personnel of the police and the border guard service.

28. Access to archives is another essential precondition for ensuring the rights of victims to truth, as well as justice. Article 13 (2) of the Declaration states that the competent authorities should have the necessary powers and resources, including powers to compel the attendance of witnesses and the production of relevant documents. Authorities should also have the power to have full access to the archives of the State, which must be preserved and made fully accessible to the public. In contexts involving multiple States, such as that of extraordinary renditions, measures should be taken to ensure cooperation and coordination in access to and analysis of relevant archives.

29. Pursuant to article 155 of the Code of Criminal Procedure, the prosecutor, with the authorization of a judge, has the right to access private and public institutions and to access information held in those institutions that could be relevant to a pretrial investigation. However, restrictions may apply to the prosecutor's right to access information, including archives, in particular when the relevant information constitutes a State or official secret. It

<sup>9</sup> Council of Europe, Group of Experts on Action against Trafficking in Human Beings, *Report concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings: Second Evaluation Round* (Strasbourg, France, 2022); and Council of Europe, Group of Experts on Action against Trafficking in Human Beings, *Evaluation Report: Lithuania – Third Evaluation Round* (Strasbourg, 2024).

<sup>10</sup> [CED/C/7](#).

is important to reiterate that, in the case of human rights violations, State authorities cannot hide behind mechanisms such as official secrets or the confidentiality of the information or behind reasons of public interest or national security to justify not providing the information required by the judicial authorities in charge of the investigation or pending proceedings.<sup>11</sup>

## V. Right to justice in the context of the extraordinary rendition programme

30. The Working Group recalls that the Declaration requires States to guarantee to victims of enforced disappearance an effective remedy that includes a thorough and impartial investigation with a view to identifying those responsible for the enforced disappearance, bringing perpetrators to justice and imposing on them appropriate penalties.

31. The Working Group is concerned that no progress has been made in relation to criminal investigations and prosecutions related to the renditions and subsequent enforced disappearances committed two decades ago in the context of the extraordinary rendition programme. In the cases of *Abu Zubaydah* and *Mustafa Ahmed Adam al-Hawsawi*, the European Court of Human Rights has found Lithuania in breach of multiple human rights enshrined in the European Convention on Human Rights because of its complicity in the torture and enforced disappearance of detainees in this context.<sup>12</sup> The Court ordered measures of reparation, including the reactivation of investigations to identify, prosecute and sanction those responsible. In addition, Lithuania was requested to take all possible steps to obtain the appropriate diplomatic assurances from the United States that Mr. Zubaydah and Mr. al-Hawsawi would not suffer the death penalty<sup>13</sup> and to “attempt to make further representations to the US authorities with a view to removing or, at the very least seeking to limit, as far as possible, the effects of the Convention violations suffered”<sup>14</sup> by the applicants.

32. The Working Group on Arbitrary Detention has also requested the State to take the steps necessary to remedy the situation of Mr. Zubaydah without delay and bring it into conformity with the relevant international norms and to ensure full and independent investigations of the circumstances surrounding his arbitrary deprivation of liberty and to take appropriate measures against those responsible for the violations of his rights.<sup>15</sup> Furthermore, the Committee on Enforced Disappearances,<sup>16</sup> the Committee against Torture,<sup>17</sup> the Human Rights Committee<sup>18</sup> and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism<sup>19</sup> have called upon Lithuania to conduct investigations within a reasonable time, ensuring that those responsible are held accountable and that victims are duly recognized and provided with appropriate redress.

33. On 8 January 2025, the Working Group, together with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the independence of judges and lawyers, the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment called upon the United States to immediately release Mr. Zubaydah and provide adequate compensation and redress for the harm inflicted on him. Moreover, recalling the principle of joint responsibility that applies to States when more than

<sup>11</sup> Inter-American Court of Human Rights, *Tiu Tojin v. Guatemala*, Judgment, 26 November 2008, para. 77.

<sup>12</sup> *Abu Zubaydah v. Lithuania*, Application No. 46454/11, Judgment, 31 May 2018; and *al-Hawsawi v. Lithuania*. A third application concerning this practice is currently pending before the Court (*Al Nashiri v. Lithuania*, Application No. 31908/22) and was communicated to the Government on 21 February 2024.

<sup>13</sup> *Abu Zubaydah v. Lithuania*, para. 680; and *al-Hawsawi v. Lithuania*, para. 276.

<sup>14</sup> *Abu Zubaydah v. Lithuania*, para. 681; and *al-Hawsawi v. Lithuania*, para. 277.

<sup>15</sup> Opinion No. 66/2022, paras. 93, 119 and 121. See also Opinion No. 72/2022.

<sup>16</sup> CED/C/LTU/CO/1, para. 22.

<sup>17</sup> CAT/C/LTU/CO/3, para. 16.

<sup>18</sup> CCPR/C/LTU/CO/3, para. 9.

<sup>19</sup> A/HRC/49/45, para. 37 (d).

one of them was involved in the perpetration of human rights violations, the special procedures called upon States, including Lithuania, to proactively offer their territory for the prompt relocation of Mr. Zubaydah.<sup>20</sup>

34. According to information gathered by the Working Group, on 25 August 2009, the President of Lithuania announced that her Government would investigate allegations that Lithuania had hosted a secret detention facility. On 5 November 2009, the Lithuanian parliament opened an investigation into the allegation of the existence of a secret Central Intelligence Agency detention facility in Lithuania. In its report, the Seimas Committee on National Security and Defence stated that the State Security Department had received requests to “equip facilities in Lithuania suitable for holding detainees”.<sup>21</sup> The report contained no evidence that the Department had informed the President, the Prime Minister or other political leaders of the purposes and contents of its cooperation with the Central Intelligence Agency regarding two premises. On 14 January 2010, the President urged Lithuanian prosecutors to launch a deeper investigation into secret Central Intelligence Agency black sites on the country’s territory without parliamentary approval.

35. On 13 February 2014, the Prosecutor-General’s Office initiated a pretrial investigation in relation to the unlawful transportation of persons across the State border (Criminal Code, art. 292 (3)). Moreover, on 22 January 2015, it reopened another pretrial investigation<sup>22</sup> in relation to abuse of office (Criminal Code, art. 228 (1)). On 6 February 2015, the two pretrial investigations were joined.

36. In the course of the pretrial investigation, information was requested from the Department of Justice of the United States under the legal assistance framework. However, the United States responded that it did not possess the information requested. Similar requests for information, in particular concerning the case of Mr. al-Hawsawi, were directed to the competent authorities of Afghanistan, Morocco, Poland and Romania. Although Morocco, Poland and Romania reportedly responded to the requests, they did not provide any data of relevance for the investigation. Allegedly, the lack of response by Afghanistan led to a further impasse in the pretrial investigation, although did not lead to its suspension or closure.

37. It is worth recalling that the prohibition of enforced disappearance and the corresponding obligation to investigate it and punish perpetrators has attained the status of *jus cogens*.<sup>23</sup> The Working Group has emphasized that bestowing *jus cogens* nature to the prohibition of enforced disappearance and the duty to investigate and punish gives rise to obligations for all States to adopt all measures necessary to ensure that such violations do not remain unpunished, either by exercising their jurisdiction to apply their domestic law and international law to prosecute and, when applicable, punish those responsible, or by collaborating with other States that do so or attempt to do so.<sup>24</sup>

38. In this regard, the peremptory prohibition of enforced disappearance gives rise to obligations *erga omnes* and the Working Group calls upon all States that may hold relevant information on the cases of Mr. Zubaydah and Mr. al-Hawsawi, including Afghanistan, Morocco, Pakistan, Poland, Romania, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States, to collaborate with the Lithuanian authorities by supplying all evidence at their disposal that is necessary in the context of the ongoing pretrial investigation.

39. Following the European Court of Human Rights judgment in the case *Abu Zubaydah v. Lithuania*, issued in 2018, the scope of the investigation was reportedly broadened to avoid the risk of prescription of offences.<sup>25</sup> To overcome the refusal of the United States authorities

<sup>20</sup> See <https://www.ohchr.org/en/press-releases/2025/01/experts-call-release-guantanamo-bay-detainee-abu-zubaydah-arbitrarily>.

<sup>21</sup> See <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.364097?jfwid=mmceoojyy>.

<sup>22</sup> The investigation had been launched on 22 January 2010 and discontinued on 14 January 2011 due to the absence of *corpus delicti*.

<sup>23</sup> A/HRC/51/31/Add.3, para. 74.

<sup>24</sup> *Ibid.*, para. 75.

<sup>25</sup> For the latest reports of the Council of Europe Committee of Ministers on the status of implementation in the case *Abu Zubaydah v. Lithuania*, see <https://hudoc.exec.coe.int/eng?i=004->

to support their requests for international legal assistance, the Lithuanian authorities have been pursuing two main avenues: (a) seeking relevant information from or through proceedings under United States jurisdiction; and (b) initiatives to establish international cooperation.

40. In May 2021, the District Court for the District of Columbia, United States, granted a number of discovery requests made by Mr. Zubaydah's counsel.

41. Following the rejection by the Supreme Court of the United States of a request by Mr. Zubaydah for the disclosure of information to be used in the investigation in Poland, Lithuanian authorities decided not to pursue that avenue to seek relevant information in the case.<sup>26</sup>

42. The Working Group notes that, in cases of alleged enforced disappearance, mechanisms such as State secret, confidentiality or national security cannot justify the restriction or denial of access of relevant information and encourages the Lithuanian authorities to closely follow the developments in relevant proceedings, in particular in the United States, and to assess whether any evidence disclosed in them can be of use in their domestic investigation.

43. The Working Group notes that some questions, such as whether Lithuanian authorities knew or should have known about the enforced disappearance and torture perpetrated on the territory of Lithuania, could be answered without international cooperation.

44. The Working Group observes that an important element to ensure the effectiveness of investigations resides in securing access to information contained in the relevant archives, including those of the military, of intelligence agencies and of countries and organizations involved in the extraordinary rendition programme and secret detention.

45. Moreover, the Working Group recalls that the participation of victims, including family members of a disappeared person, is an important element of an effective investigation. The State must enable victims' effective participation in the investigation and investigating authorities must allow victims to make suggestions and arguments as to the necessary investigative steps, provide evidence and assert their interests and rights throughout the process. They should equally be kept regularly informed about the progress of the investigation. In this sense, it is crucial to grant legal standing to all victims.

46. The Working Group is particularly troubled by the fact that, in the cases in which the international responsibility of Lithuania has already been established by the European Court of Human Rights and other international human rights mechanisms, victims' participation in the ongoing pretrial investigation has not been effectively granted. In this regard, the Working Group has been informed that the requests by victims' representatives to meet with the authorities have remained unanswered. Moreover, the Working Group learned with great concern that Lithuania had not granted anyone the status of victim in the relevant pretrial investigation, due to the alleged absence of evidence conforming to the standards of criminal procedure. This encompasses Mr. Zubaydah and Mr. al-Hawsawi. They and their representatives have de facto been prevented from participating in the investigation by, among others, requesting access to the files of the pretrial investigation, producing evidence and making requests to expand the investigation's scope.

## VI. Right to reparations

47. All victims of enforced disappearances (the notion encompassing the forcibly disappeared person and any other person having suffered harm due to the enforced disappearance) have the right to full reparation, which includes compensation, satisfaction,

<sup>50865</sup> and <https://search.coe.int/cm?i=0900001680b2967d>. The Committee requested the Lithuanian authorities to submit new information by 30 June 2025.

<sup>26</sup> In March 2022, the Supreme Court of the United States, in proceedings brought by the applicant's counsel, rejected the summoning of two psychologists contracted by the Central Intelligence Agency to give statements to be used in the investigation in Poland, finding the information to be protected under State secret privilege.

restitution, rehabilitation and guarantees of non-repetition, as provided for in article 19 of the Declaration and article 24 (4) and (5) of the Convention.

48. The Working Group welcomes that the definition of victim enshrined in article 28 of the Lithuanian Code of Criminal Procedure was amended on 22 June 2023 to include family members of a forcibly disappeared person who have suffered physical, material and non-material damage as a result of a enforced disappearance. Victim status is assigned by a pretrial investigator or prosecutor or by a court ruling. The amended definition of victim aligns with international law.

49. The Working Group notes that, pursuant to article 109 of the Code of Criminal Procedure, a person who has suffered material or non-material damage as a result of a criminal act shall have the right to file a civil claim in criminal proceedings against a suspect or an accused person or against the person who is materially liable for acts of the suspect or the accused person. Moreover, the Act on Compensation for Damage Caused by Violent Crimes provides for compensation from the Fund for Victims of Crimes for material and/or non-material damage caused by violent crimes and compensation in advance for such damage. Both existing victims' funds, namely, the Fund for Victims of Crimes, for violent crimes, and a second fund for damage, whether criminal or civil, caused by the State, are only accessible to those who have been granted victim status.

50. Furthermore, national legislation does not contain a public system of comprehensive reparation that includes, besides compensation and rehabilitation of health, measures of restitution, satisfaction and guarantees of non-repetition. The applicable legislation also does not fully address the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare. It should be amended so as to set up a procedure for obtaining a specific declaration of absence as a result of enforced disappearance, besides the generic declaration of absence.

51. The Working Group welcomes that pecuniary compensation has been paid to Mr. Zubaydah and Mr. al-Hawsawi, as ordered by the European Court of Human Rights and indicated in the disposition of the relevant opinions of the Working Group on Arbitrary Detention. The Working Group takes note of the fact that Lithuania sought diplomatic assurances with regard to the detention conditions and restrictions of liberty of Mr. Zubaydah. Despite the calls upon Lithuania to proactively offer its territory for the prompt relocation of Mr. Zubaydah (see para. 33 above), the Working Group is not aware of any such specific attempts and urges the State to do so without further delay, especially bearing in mind his rapidly deteriorating health.

52. The Working Group recalls that, besides pecuniary compensation, measures of reparation should encompass restitution, rehabilitation, satisfaction and guarantees of non-repetition.

## **VII. Memory and human rights education**

53. The Working Group stresses the importance of establishing a strategy for memorialization that takes into account the importance of officially preserving former secret detention facilities as memorial sites and creating memorials for the recognition and rehabilitation of victims. This strategy should also be aimed at creating awareness among new generations and society at large. The Working Group considers that the establishment of memorial sites and monuments contributes to the collective social recognition of the violations that occurred, as well as to their rejection and repudiation, while also serving as a preventive measure.

54. Much of the historical inquiry in Lithuania has concentrated on the broader mechanisms of Sovietization, mass repressions and deportations, in particular during the period 1940–1953. The transitional justice efforts of Lithuania, such as the work by the Genocide and Resistance Research Centre, have been focused on related crimes, with their primary focus being deportations and systematic oppression. Some studies have touched

upon cases that could be interpreted as enforced disappearances in broader repression contexts.<sup>27</sup>

55. As concerns more recent events, following its visit to the Antaviliai facility, the delegation noted that the place known as “Detention Site Violet” – which was used in 2005 and 2006 as a secret Central Intelligence Agency detention facility – bore no sign or official recognition of what had happened there. While recognizing that the Lithuanian Prison Service has only recently taken over the facility and bears no responsibility for its former use, the Working Group underscores the importance of preserving historical memory and promoting non-repetition, since the site will be used as a training facility for prison service officers. In this context, the Working Group recommends the consideration of affixing a commemorative plaque and including in training modules references to relevant judgments, opinions and reports that illustrate those events and spell out the State responsibility and its corresponding international obligations.

56. The Working Group commends the investigations carried out by the Lithuanian authorities under the principle of universal jurisdiction in relation to, among others, the torture of protesters, some of whom were subjected to so-called short-term enforced disappearance in Belarus, as well as enforced disappearances perpetrated in the context of the Russian full-scale invasion of Ukraine. Such investigations not only serve the purpose of ensuring accountability for human rights violations perpetrated in countries where the human rights climate is unfavourable, but also help establish the truth, which is a vital element of guarantees of non-repetition.

## VIII. Migration

57. In recent years, Lithuania has experienced a significant increase in the arrival of migrants, including irregular border crossings and the instrumentalization of migration flows deliberately orchestrated by Belarus. The country hosts many Belarusians who were forced to leave their country due to the worsening human rights situation, in particular after the 2020 elections, and Ukrainians who were forced to leave their country since the full-scale invasion by the Russian Federation in February 2022. Since 2021, there has been an influx of persons of various nationalities who have entered – or tried to enter – Lithuania irregularly from Belarus. The Working Group acknowledges the difficult situation that the Lithuanian authorities have to deal with, in particular in the current geopolitical context. This poses significant challenges, some of which are of relevance in the context of the Declaration.

### A. Pushbacks

58. The Working Group is concerned about information received on pushbacks at the border with Belarus. Pushbacks have been taking place in Lithuania since 2021, and the Working Group, together with other special procedures, has already previously voiced concern about them.<sup>28</sup> The Working Group notes that pushbacks effectively remove the persons concerned from the protection of the law and expose them to a heightened risk of disappearance.<sup>29</sup> The Working Group notes the procedures of the State Border Guard Service, including individualized assessments and attention to humanitarian needs. However, concerns remain regarding the adequacy and transparency of those safeguards.

59. The practice of pushbacks was initially based on an order of the Minister of the Interior. Since May 2023, it is based on the amendments to the Law on State Borders and their Protection Thereof (art. 4 (13)). According to the existing regulations, the Government

<sup>27</sup> According to the Museum of Occupations and Freedom Fights, between 1941 and 1944, about 3,000 Lithuanian prisoners died or were shot, and over 3,000 disappeared without trace.

<sup>28</sup> See communication [LTU 1/2021](#). See also Council of Europe, Group of Experts on Action against Trafficking in Human Beings, *Report concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*; and Council of Europe, Group of Experts on Action against Trafficking in Human Beings, *Evaluation Report: Lithuania*.

<sup>29</sup> [Committee on Enforced Disappearances, general comment No. 1 \(2023\) on enforced disappearance in the context of migration](#), paras. 35 and 36; and see [A/HRC/36/39/Add.2](#).

may, during a State-level emergency due to a mass influx of foreigners, adopt a decision preventing the entry into Lithuania of persons who have irregularly crossed into the country and are in the border area. The law stipulates that foreigners fleeing certain armed conflicts (a list of which is to be established by the Government), asylum-seekers or those seeking to enter Lithuania for humanitarian purposes would be excluded from the pushbacks. Immediately after the law came into force, the Government adopted decision No. 315 of 3 May 2023 to refuse the entry of foreigners who intend to cross or have crossed the external border of the European Union at places not designated for that purpose or who have violated the State border crossing rules. The Working Group notes with concern that, contrary to the law, no specific armed conflict was referred to in decision No. 315. It recognizes the State's position that vulnerability assessments are conducted in accordance with internal orders that contain information that is not made public to avoid it being misused.

60. According to information received, the pushbacks are not formally recorded; thus, it is not possible to assess the implementation of the procedure, including who has been returned to Belarus and when, and how the vulnerability assessment takes place. This is also a barrier in the search for migrants who go missing at the Lithuanian border, as persons searching for them are unable to establish with certainty whether they have crossed into Lithuania. Not recording the procedure also heightens the risk of human rights violations taking place. The Working Group acknowledges the Government's indication that initial assessments are conducted and basic needs addressed. However, it reiterates that systematic recording and oversight of returns are essential to ensuring accountability, transparency and the prevention of disappearances. The best way to avoid disappearances is to stop the practice of pushbacks.

61. The Working Group was also informed that, in the process of being pushed back to Belarus, some persons are deprived of their liberty at border points. The Working Group recalls that all deprivation of liberty must be carried out in line with articles 9–12 of the Declaration and articles 17–21 of the Convention. Persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released. The Working Group welcomes the Government's reference to individualized assessments and medical interventions where needed, and emphasizes that reliable, documented procedures are indispensable to preventing arbitrary detention and enforced disappearance.

## B. Quarantine measures

62. The delegation also visited the Pabradė Foreigners Registration Centre, which is the first reception point for most foreigners who enter Lithuania irregularly. The Working Group commends the authorities for the running of the Centre, including for implementing many of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in particular those concerning ensuring contact of the persons kept in the Centre with the outside world.<sup>30</sup>

63. The delegation noticed that all migrants entering the Centre underwent a medical examination and quarantine. The length of the quarantine differs and is decided by medical staff; thus, quarantined persons are subject to restrictions to their freedom of movement, without this being assessed and adjudicated through a separate judicial (or administrative) decision. While in quarantine, the use of telephones is restricted, making contact with the outside world – including with families, counsel or any other person of the migrants' choice – difficult. The Lithuanian Red Cross, which facilitates the contact of the migrants in the Centre with the outside world, is not guaranteed unrestricted access to the quarantine facilities.<sup>31</sup>

<sup>30</sup> Council of Europe, *Report to the Lithuanian Government on the Periodic Visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 20 December 2021* (Strasbourg, 2023).

<sup>31</sup> See Lithuanian Red Cross, *Monitoring Report 2023* (Vilnius, 2023), pp. 37 and 38.

### C. Deprivation of liberty before returns to Latvia

64. The Working Group is also concerned about the manner in which migrants who are returned to Latvia under a bilateral agreement are deprived of their liberty in Lithuania while awaiting their return. According to the Government, such stays are limited to 48 hours unless extended by court, and migrants are accommodated in reception and integration agency facilities with access to communication. However, the Working Group has been informed that some have been kept in border guard stations for several days, without access to the outside world, including their family, counsel or any other person of their choice.

65. Under article 10 (2) of the Declaration and article 18 of the Convention, accurate information on places of detention, including transfers, should be made promptly available to family members, counsels or any persons having legitimate interest in the information. Article 10 (3) of the Declaration and article 17 (3) of the Convention further require that such persons have access to official, up-to-date registers of all persons deprived of their liberty in every place of detention. The Working Group notes the Government's indication that migrants' right to contact their families is supported through cooperation with the Lithuanian Red Cross, and emphasizes the need for consistent documentation and access to information.

### D. Assessment and designation of foreigners as national security threats

66. Recently, Lithuanian authorities have started to assess and declare foreigners as threats to national security, which results in not granting – or not extending – refugee status or residence permits. According to the information received, this applies particularly to Belarusian and Russian citizens who have been deemed a national security threat, for example, because of their previous military service or their previous employment in a State-owned enterprise. The Working Group states that such an assessment should always be conducted in an individualized manner, considering not merely the former affiliation of the assessed person, but also their conduct. In addition, persons who could face prison sentences due to their actions (including conscientious objectors, army defectors, human rights defenders and political activists) should not be sent back to Belarus or the Russian Federation.<sup>32</sup> The Working Group notes with satisfaction that, according to the Lithuanian authorities, such persons are not only allowed to stay based on humanitarian grounds, but may also be granted refugee status or subsidiary protection status, as appropriate, in accordance with Lithuanian and European Union asylum law.

## IX. International cooperation

67. To effectively address enforced disappearances in the context of both extraordinary renditions and migration, international cooperation is essential, be it in terms of mutual legal assistance and assistance to victims of enforced disappearances or in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

68. As referred to above, with regard to enforced disappearances in the context of extraordinary renditions, in the absence of an adequate framework for cooperation, conducting investigations and bringing those responsible to justice becomes critically challenging, particularly because many victims, witnesses and perpetrators are living in different States and the scenes of the crimes are located in different countries. Often, an alleged perpetrator being located in another country in which there is a lack of willingness or legal grounds to prosecute leads to insurmountable obstacles to achieving accountability. Progress is also hampered by the fact that information and evidence that are available are often not shared across borders.

69. In this realm, Lithuania should adopt measures to strengthen mutual legal assistance. It should ratify the Ljubljana-The Hague Convention on International Cooperation in the

<sup>32</sup> Political prisoners are in particular danger of being subjected to enforced disappearance. See, for instance, communications [BLR 5/2024](#), [BLR 13/2023](#) and [BLR 4/2023](#).

Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.

70. Moreover, Lithuania must adopt further measures to cooperate with other States to secure assistance to victims of enforced disappearances, including in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

## **X. Preventive measures**

71. As a preventive measure, articles 10 to 12 of the Declaration and articles 17 to 21 of the Convention require that deprivation of liberty of persons must be carried out in strict compliance with national and international human rights standards. The safeguards include immediate registration and judicial oversight of detention, notification of family members as soon as an individual is deprived of liberty, the assistance of a defence lawyer of the detainee's choice, wide possibilities of contact by telephone and prompt registration of any transfers.

72. The Working Group received allegations that the immediate notification of the relatives of all migrants placed in custody and access to a lawyer from the very outset of the deprivation of liberty are not always guaranteed in practice, despite the provisions contained in the applicable legal framework. The Working Group calls upon the Lithuanian authorities to ensure the full implementation of the applicable provisions and to ensure that any acts hindering the observance of these guarantees are adequately sanctioned.

73. With regard to the prevention of human rights violations, including enforced disappearance, the Working Group welcomes the designation of the Seimas Ombudsperson's Office as the national mechanism to prevent torture and other cruel, inhuman and degrading treatment, to which adequate financial, human and technical resources must be guaranteed.

74. Moreover, the Working Group recalls the fundamental preventive role played by adequate training and awareness-raising on human rights standards and welcomes the efforts made by Lithuanian authorities in this regard. The Working Group also recalls that the relevant training should include information on the Declaration, the Convention, the Guiding Principles and the practice of the Working Group and the Committee on Enforced Disappearances. Such training must be given on a regular basis to law enforcement personnel, both civil and military, medical personnel, public officials and other persons involved in the custody or treatment of any person deprived of their liberty, as well as to members of the judiciary. The Working Group emphasizes the importance of translating the text of the Declaration, the Convention and the Guiding Principles, as well as other relevant reports and documentation, into national languages and facilitating their dissemination, including by making them available in accessible formats and through technologies appropriate to different users, with special attention to persons with disabilities.

## **XI. Conclusions**

75. **Lithuania has a robust legal framework to prevent and terminate acts of enforced disappearance, including through the criminalization of the stand-alone offence in line with international standards and the provision of a broad notion of universal criminal jurisdiction enshrined in domestic legislation, pursuant to which several pretrial investigations regarding serious human rights violations are taking place.**

76. **Bearing in mind the involvement of Lithuania in extraordinary renditions and the corresponding secret detention programme, which entailed the enforced disappearance of at least five individuals, it is concerning that Lithuanian authorities have not yet officially acknowledged their international responsibility, nor have they issued any public apologies to the persons concerned. Equally troubling is the lack of progress in the corresponding pretrial investigation, in which, moreover, no one has been granted the status of victim.**

77. More than 20 years after the events took place, and after the recognition by multiple international mechanisms of the involvement of Lithuania, it is time to unveil the truth, deliver justice and grant reparation, including through measures of satisfaction to restore the dignity of victims and through a proactive offer for their prompt relocation to Lithuanian territory. The adoption of these measures serves also as a necessary guarantee of non-repetition.

78. The Working Group acknowledges the challenges connected with the significant increase in the arrivals of migrants to Lithuania, in particular those associated with irregular border crossings and the instrumentalization of migration flows by Belarus. It reiterates, however, its concerns about the practice of pushbacks, which remove persons from the protection of the law and expose them to heightened risk of disappearance. Furthermore, it must be ensured that migrants whose freedom of movement is restricted – be it to detention or quarantine – are able to inform their families about their fate and whereabouts.

## **XII. Recommendations**

### **A. Legal framework**

79. The Working Group recommends that the Government of Lithuania:

(a) Ensure that enforced disappearance is punishable by appropriate penalties that take into account the extreme seriousness of the offence and ensure that the aggravating circumstances listed in article 60 of the Criminal Code, applicable to all crimes committed against vulnerable individuals, such as young children, persons with disabilities or pregnant women, are aligned with article 4 of the Declaration and article 7 (2) (b) of the Convention, by explicitly mentioning other categories of persons in vulnerable situations;

(b) Ensure that article 113 (1) of the Criminal Code is brought fully into line with article 6 (1) (b) of the Convention, expressly covering all the modes of liability foreseen therein, in particular with regard to references to the active exercise of, effective responsibility for and control over activities that concern the crime of enforced disappearance;

(c) Amend the existing legal framework to explicitly establish that persons who have or are alleged to have committed an enforced disappearance may not benefit from any amnesty or similar measures that might have the effect of exempting them from any criminal proceedings;

(d) Amend the existing legal framework to explicitly establish that persons alleged to have committed an act of enforced disappearance must be suspended from any official duties during the investigation, in line with article 16 (1) of the Declaration;

(e) Adopt the amendments necessary to ensure that the sanctions judicially imposed on perpetrators of enforced disappearance and the execution of the corresponding judgments are not subjected to any statute of limitations;

(f) Explicitly acknowledge in the applicable legislation that, in cases of alleged enforced disappearance, authorities cannot invoke official secrets, confidentiality of information or reasons of public interest or national security to justify the non-disclosure of information required by the authorities in charge of the investigation or proceedings;

(g) Review the legislation allowing pushbacks and stop the practice of pushbacks, as they effectively remove the persons subjected to them from the protection of the law and expose them to a heightened risk of disappearance.

## **B. Right to truth**

80. The Working Group recommends that the Government of Lithuania:

(a) Adopt without delay search policies and programmes aimed specifically at especially vulnerable persons, such as the Amber Alert and the Alba Protocol, and ensure that searches are initiated *ex officio* and without delay, in accordance with the Guiding Principles, in particular principles 4 and 6 thereof, on the search for persons in situations of vulnerability;

(b) Adopt dedicated protocols and other public policies and practices on detecting and searching for potential victims of trafficking in persons reported missing or disappeared;

(c) Adopt dedicated protocols, public policies and practices on searching for migrants or asylum-seekers reported missing or disappeared, in line with principle 9 of the Guiding Principles;

(d) Adopt all measures necessary to guarantee that the authorities in charge of the search for disappeared persons and the corresponding criminal investigations have sufficient financial, human and technical resources and, in particular, state-of-the-art technologies (including Laser Identification and Ranging, sonar units and satellite imagery) and are regularly and duly trained, including on the application of the Berkeley Protocol on Digital Open Source Investigations;

(e) Develop and implement comprehensive policies and strategies that should include the use of new technologies for the preservation, analysis and dissemination of information contained in the archives of military, police and intelligence agencies, providing the human and material resources required to assess the information and ensuring that assessments are carried out by specialized professionals;

(f) Ensure that authorities in charge of the search for disappeared persons and of the investigation into an alleged enforced disappearance have access to all information and documentation relevant to their investigation and that mechanisms such as State secret, confidentiality or national security cannot justify the restriction or denial of access of relevant information, including that contained in private and public archives;

(g) Record properly all State actions at the border and make such information available to any person having a legitimate interest, including persons searching for their loved ones, their representatives or their counsel;

(h) Ensure that migrants whose freedom of movement is restricted – be it due to detention or quarantine – are able to inform their families about their fate and whereabouts and also ensure that persons deprived of liberty in the context of pushbacks are released in a manner permitting reliable verification that they have actually been released;

(i) Ensure that deprivation of liberty preceding return to Latvia is carried out in compliance with article 10 (2) and (3) of the Declaration and articles 17 and 18 of the Convention.

## **C. Right to justice**

81. The Working Group recommends that the Government of Lithuania:

(a) Ensure without delay the recognition of the legal standing as victims, including family members, of all the individuals who were subjected to enforced disappearance in the context of the extraordinary rendition programme, including Mr. Zubaydah and Mr. al-Hawsawi, and enable their and their counsels' effective participation in the ongoing pretrial investigation;

(b) Closely follow the developments in relevant proceedings in the United States in the cases involving Mr. Zubaydah and Mr. al-Hawsawi and assess whether any evidence disclosed in them can be of use in their domestic investigation;

(c) Complete the investigation into allegations of its involvement in the rendition and secret detention programmes within a reasonable time, holding those responsible accountable.

#### **D. Right to reparation**

82. The Working Group recommends that the Government of Lithuania:

(a) Take the measures necessary to ensure that national law provides for a comprehensive, gender-responsive system of reparation and compensation, which covers not only material and moral damage but also other forms of reparation, such as restitution, rehabilitation, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition, for which the State is responsible and which is applicable even if no criminal proceedings have been initiated;

(b) Introduce in the relevant legislation the possibility of obtaining a certificate of absence due to enforced disappearance, different from the generic certificate of absence, to define the legal status of forcibly disappeared persons and to guarantee the corresponding rights to their family members;

(c) Follow up on initiatives to seek diplomatic assurances from the United States authorities to limit, as far as possible, the effects of the violations suffered by Mr. Zubaydah and Mr. al-Hawsawi and intensify their diplomatic efforts to guarantee adequate remedy and reparation for the victims. In particular, Lithuania should offer assistance with the relocation of Mr. Zubaydah and Mr. al-Hawsawi, including by expressing its willingness to relocate them to its territory;

(d) Publicly acknowledge its international responsibility for the human rights violations suffered by all persons secretly detained in Lithuania under the extraordinary rendition programme, including Mr. Zubaydah and Mr. al-Hawsawi, and offer them a public apology.

#### **E. Memory and human rights education**

83. The Working Group recommends that the Government of Lithuania, as a guarantee of non-repetition, affix a commemorative plaque at the place in Antaviliai known as “Detention Site Violet”, which was used in 2005 and 2006 as a secret Central Intelligence Agency detention facility, and ensure that the training provided there to officers of the Lithuanian Prison Service includes judgments, opinions and reports that illustrate what happened in the building and spell out the State responsibility and its corresponding international obligations.

#### **F. International cooperation**

84. The Working Group recommends that the Government of Lithuania:

(a) Adopt measures to strengthen mutual legal cooperation in connection with criminal proceedings and ratify the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes;

(b) Cooperate with other States, affording one another the greatest measure of mutual assistance in the use of technologies to facilitate the search for disappeared persons and regarding legal assistance, including through the use of new technologies and open-source intelligence, in connection with criminal proceedings brought in respect of an enforced disappearance, including the gathering and supplying of all evidence at their disposal that is necessary for the proceedings.

## **G. Preventive measures**

85. The Working Group recommends that the Government of Lithuania:

(a) Ensure the full implementation of the legal framework guaranteeing the immediate notification of the relatives of persons placed in custody and access to a lawyer from the very outset of the deprivation of liberty and ensure that any acts hindering the observance of these guarantees are adequately sanctioned;

(b) Ensure that assessments of whether foreigners are a threat to national security are always conducted in an individualized manner;

(c) Continue to allow persons who could face a prison sentence in Belarus or the Russia Federation as a result of their actions (including conscientious objectors, army defectors, human rights defenders and political activists) to stay in Lithuania based on humanitarian grounds and to apply for asylum;

(d) Ensure that the Seimas Ombudsperson's Office receives sufficient financial, human and technical resources;

(e) Ensure that law enforcement personnel, both civil and military, medical personnel, public officials and other persons involved in the custody or treatment of any person deprived of their liberty, as well as members of the judiciary, receive regular training, including information on the Declaration, the Convention, the Guiding Principles and the practice of the Working Group and the Committee on Enforced Disappearances;

(f) Translate the text of the Declaration, the Convention and the Guiding Principles, as well as other relevant reports and documentation, into national languages and facilitate their dissemination, including by making them available in accessible formats and through technologies appropriate to different users, with special attention to persons with disabilities.

## **H. Cooperation with universal and regional human rights mechanisms**

86. The Working Group recommends that the Government of Lithuania continue cooperating with other international mechanisms – at the United Nations and the regional levels – that work to protect human rights within their respective mandates. In particular, the Working Group recommends that Lithuania fully implement the orders set out in the judgments of the European Court of Human Rights relating to cases of enforced disappearance in the context of extraordinary renditions and the corresponding secret detention programme, as well as the measures indicated by the Working Group on Arbitrary Detention in its opinions No. 66/2022 and No. 72/2022, and the recommendations contained in the concluding observations of the Committee on Enforced Disappearances, the Human Rights Committee and the Committee against Torture and in the follow-up report to the joint study on global practices in relation to secret detention in the context of countering terrorism.

## **I. Dissemination and follow-up**

87. The Working Group invites the Government of Lithuania to take all measures necessary to widely disseminate the present report, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations and the general public.

88. The Working Group invites the Government of Lithuania to submit, within 90 days of the date of publication of the present report, a schedule specifying the measures that will be taken to implement the Working Group's recommendations and the dates on which each of these measures will be implemented.

89. The Working Group recalls that the *jus cogens* nature of the prohibition of enforced disappearance and the corresponding obligation to investigate and punish perpetrators gives rise to obligations *erga omnes*. In this regard, it resolutely calls upon all States that may hold relevant information on the cases involving Mr. Zubaydah and Mr. al-Hawsawi, including Afghanistan, Morocco, Pakistan, Poland, Romania, Thailand, the United Kingdom and the United States, to collaborate with Lithuanian authorities by supplying all evidence at their disposal that is necessary in the context of the ongoing pretrial investigation.

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