Terrorism, organised crime, trade in weapons, trafficking in persons, drug trafficking, money laundering, illegal immigration and contraband have already crossed the state frontiers and become the challenges of the international security. The events of 11 September 2001 in the United States of America show that the activity of the international organized crime groups is rising in importance; those groups are constantly strengthening intercollaboration and developing their activity all over the world. The probability of the spread of danger factors is constantly growing, thus more extensive and more effective interstate collaboration within the framework of fight against those factors is indispensable.

The Republic of Lithuania, being a member of the United Nations, Council of Europe and other international organizations, together with foreign partners and international organizations drafts, ratifies and enforces international documents, paying great attention to the resolutions of the Security Council of the United Nations, induces interdepartmental collaboration of police forces, services of border controls, customs and special services on the basis of bilateral agreements through such international organizations as Interpol and Europol. At present the Republic of Lithuania has become a party to many universal conventions, regulating the effective measures in the fight against organized crime, as for instance:

- 27.01.1977. European Convention on the Suppression of Terrorism;
- 08.11.1990. European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;

It should be noted that Lithuania was one of the first European countries that ratified the 13.12.2000 UNO Convention on the Crime Prevention and Criminal Justice. This Convention regulates the principles of the international collaboration in the framework of legal assistance, extradition, criminal prosecution and transfer of sentenced persons, confiscation and seizure of the proceeds from crime, mutual assistance and collaboration forms of legal institutions and other questions related to the practical implementation of the Convention in detail. The states that have not joined the European Council Conventions on Extradition, Transfer of Sentenced Persons, Mutual
Legal Assistance, Transfer of Proceedings in Criminal Matters, Corruption or Money Laundering, but are the members of the aforementioned Convention, will consider it the basis of the legal collaboration. It is particularly important that the Convention on the Crime Prevention and Criminal Justice provides for the international assistance to the developing states; it includes financial and technical support to develop the international collaboration, strengthen the measures of the fight against international organized crime.

The UNO Convention on the Crime Prevention and Criminal Justice will come into force at the time when it is ratified by 40 states, however, in the meanwhile only 14 states did that. Therefore, on 4-5 June 2002 at the seminar “On the United Nations Convention against international organized crime and speeding – up of work of protocols’ ratification”, that was organized by the International crime prevention centre of the United Nations, and took place in the capital of Lithuania – Vilnius, and the countries of the Middle and East Europe signed “Vilnius declaration” by which they invite other states to join the mentioned Convention.

When investigating criminal acts of organized groups, regional and bilateral agreements of the Republic of Lithuania are of particular importance. The regional tripartite treaty with Latvia and Estonia (ratified on 19 November 1992), bilateral treaties with Russian Federation (ratified on 30 July 1992), Byelorussia (ratified on 19 October 1992), the Republic of Moldavia (ratified on 16 March 1993), two treaties with Poland (1) ratified on 14 March 1993; 2) ratified on 10 July 2001), Ukraine (ratified on 21 July 1994), two treaties with Kazakhstan (1) ratified on 27 April 1995; 2) ratified on 10 July 2001), Finland (ratified on 23 September 1997), Uzbekistan (ratified on 16 October 1997), Germany (ratified on 7 May 2002) should be mentioned among them.

From the viewpoint of prevention of organized crime national legislation of a particular state is very important as well. In Lithuania the paramount importance falls on the Criminal Code and the Code of Criminal Procedure, where the criminal responsibility for the specific forms of organized crime is foreseen and procedural measures are provided. By joining the system of international treaties the Republic of Lithuania strives to unify the provisions of the Criminal Code and the Code of Criminal Procedure with the corresponding provisions of the international documents.

Besides the Criminal Code and the Code of Criminal Procedure, remedies against the organized crime are provided in many other national laws of the Republic of Lithuania. Thereinafter only the most important and most often applied laws will be mentioned.

The Law on Operational Activities of the Republic of Lithuania provides for such methods of operational activity as intelligence interview, surveillance, verification, covert monitoring, use of agents, and electronic surveillance, mode of conduct simulating a criminal act, controlled transportation, etc. The mentioned measures are applied, striving to forestall crimes, to solve crimes and establish the identity of the individuals who have committed them, protect persons from the criminal influence, solve acts which constitute a threat to the constitutional order of the State, its independence, economic safety, ensuring of the State defence power, or other important interests of national security, prevention and clarification.

A number of preventive measures is foreseen in the Law on the Prevention of Money Laundering, Law on the Declaration of Property, Law on the Coordination of Public and Private Interests in the State Service, Law on the Accounting for the Lawful Acquisition of Personal Property and for the Origin of Income, Law on the Prevention of Organized Crime. For instance, in the year 1998 the provisions of the Law on the Prevention of Organized Crime were applied in respect of 1319 members of organized criminal groups, in the year 1999 – the number was 1245. Under the provisions of the latter law, the court may issue various injunctions against the suspected members of criminal groups, for instance, to live at the permanent place of residence indicated by the person, not to maintain any contact with the persons specifically named, directly, through other persons by technical or other means, to remain at the place of residence at the appointed time, not to frequent the places indicated, etc. The criminal responsibility is foreseen for non-observance of such kind of court injunctions.

Trying to prevent organized crime, Lithuania is taking measures to destroy the illegally obtained economic potential by organized criminal structures. Prevention of money laundering,
meeting the international standards is being carried out; protection of witnesses and victims is being strengthened. Lithuania is also trying to split criminal groups by legalizing the exemption of the members of criminal structures and other criminals from the criminal responsibility if they help to investigate the crimes, committed by criminal groups. The fight against corruption is being carried out by realizing the measures of the corruption prevention, by removing its reasons: the national legal basis is being improved, the National programme of the fight against corruption, the Law on the Prevention of Corruption have been adopted.

**Protection of individual liberties in criminal cases**

When fighting against organized crime, legal institutions of the Republic of Lithuania are bound by a duty to ensure every kind of protection of fundamental modern civilization values – human rights. After ratification of the 1948 UNO Universal Declaration on Human Rights, the 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms and other important documents of the United Nations Organization and the Council of Europe, Lithuania committed itself to take all possible measures to ensure the protection of human rights and liberties. With that end in view, the legal acts that have already been adopted are constantly being improved and the new legal acts are being adopted only after reviewing their consistency with the international human rights documents. Great attention is paid to the rearrangement of the effective Criminal Code and the Code of Criminal Procedure, and in the newly prepared Codes the protection of human rights and fundamental liberties is in the foreground.

Article 1 of the new Code of Criminal Procedure of the Republic of Lithuania provides that “the purpose of Criminal Procedure is to discover criminal acts quickly, comprehensively and apply law properly, protecting human rights and liberties, the society and state interests, in order that the person who has committed a criminal act should be justly punished and an innocent person should not be sentenced”. This substantial provision of the Code is detailed in many other articles of the Code; besides, the Code contains a separate section, regulating the fundamentals of the protection of person’s rights. In the latter *inter alia* there are directly established provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms, safeguarding right to liberty and security (Article 5 of the Convention), the right to fair trial (Article 6), respect of private and family life (Article 8).

For the protection of human rights and liberties in the context of fight with organised crime very important is the Law on the Protection of Participants of Criminal Procedure and Operational Activity, Officials of Legal Institutions from the Criminal Influence. Under the provisions of this law in order to protect participants of criminal procedure, operational activity, and officials of legal institutions as well as their property from the criminal influence, the following measures may be applied: physical protection of a person, temporary transfer of a person to a safe place, change of persons residence, working place, biographical particulars, performance of plastic operation, issuance of firearms certificate for the person.

These measures can be applied to the participants of operational activity, persons, participating in criminal procedure as witnesses, victims, experts, defenders, suspects, accused, defendants or convicts, officials of legal institutions as well as relatives of all the listed persons if there are reasons to believe that their life or health is in danger, their property can be destroyed or damaged, or any other of their constitutional rights and liberties may be infringed.

**The physical arrangements of the court room**

Speaking about the institutional guarantees of human rights and liberties, first of all courts should be singled out. The following courts of general competence function in Lithuania: 54 district courts (courts of first instance), 5 county courts (courts of first, besides, appellate instance for the cases heard in the first instance by district courts), the Court of Appeal of Lithuania (court of appellate
instance for the cases heard in the first instance by a county court), the Supreme Court of Lithuania (court of cassation instance).

Crimes, committed by organized criminal groups are distinguished for their specific character, therefore such kind of cases are usually much more complicated. There are no specialized courts for such kind of cases in Lithuania, however, in accordance with the provisions of the Code of Criminal Procedure of Republic of Lithuania, those cases are heard by a panel of three judges by higher level (county) court as a first instance court.

Regrettfully, the courtrooms of courts of Lithuania (i.e. 5 county courts, the Court of Appeal and the Supreme Court) have not been quite arranged yet for hearing such kind of cases. As there are no possibilities to make technical, acoustic and visual obstacles to the participants of the judicial inquiry to identify the person who is being examined, serious problems arise in cases with participation of the classified witnesses (in such cases the classified witnesses are examined in a closed hearing according to the questions and requests submitted by the participants of the procedure). The solution of similar questions is related to the realization of technical – organizational measures, therefore we hope that the resembling problems will be solved as soon as possible.

Problems related to illegal immigration and so-called „new terrorism”

At present Lithuania has managed to reach a considerable turning-point in the fight against illegal immigration. The streams of immigrants through Lithuania have particularly decreased. For instance, in 1996 on the frontier of the Republic of Lithuania 1551 illegal immigrant was detained, in the year 1997 the number was 1382, in the year 1998 – 495, in the year 1999 – 261, in the year 2000 – 100, in the year 2001 – 107 (of late years 57 % of all illegal immigrants were Afghans). The decrease of illegal immigration was mostly determined by strengthening of the guard of east frontiers of the country. The criminal responsibility for transportation of illegal immigrants has also been made more severe.

It can be noticed that illegal immigrants often abuse the existing legal situation. Wishing to escape the criminal responsibility for illegal crossing of the frontier they request to give the status of refugees and later on try to get to the Republic of Poland, from there trying to reach other Western European countries. When illegal immigrants get into Lithuania, they take different measures to live here legally: fictitious marriage, fictitious studies, fictitious economic commercial activity.

Fighting against illegal immigration and the spread of crime across the State frontier, a working group for the preparation of amendments of Law On the Status of Refugees and Law On the Legal Situation of Foreigners was formed on 30 April 2002. According to the drafters of the mentioned laws, the provisions of the new laws will be consistent with the corresponding legal acts of the European Union, that are being amended at present. In addition, the development of the guard system of the State frontier of Lithuania is being continued: the requirements of the European Union to the State frontier control are being realized; the examination of the means of transportation and persons, going across the State frontier up to the international standards is being organized; the professional service of the State frontier guard is being founded. Besides, the national information system of Shengen is being founded. Lithuania is also striving 1) to create the information system about the foreign citizens, staying in the country, 2) to finish the subscription of the readmission treaties with Byelorussia and Russia, 3) to develop acts of law insufficiently regulating the fight against fictitious marriages related to immigration, 4) to take further measures concerning the financing of the compulsory return mechanism of illegal foreign citizens, 5) to prepare for the implementation of the future EU Convention “On the Internal Readmission of Illegal Immigrants”, 6) to create the elements of the system for early warning about illegal immigration.

Terrorist attacks constitute a great threat to the security of the world community, herewith to the security of Lithuania.

A danger of acts of terrorism to the Republic of Lithuania is more of outward character, as the internal situation of the Republic of Lithuania and the historic experience of the country create no
conditions for the formation of the internal terrorist structures’ network of the broad scale. In spite of that, the Republic or Lithuania may become a potential target of the international terrorism. Such acts may be directed against the infrastructure being of strategic importance to the national security or (and) the strategic objects of the Republic of Lithuania, the objects of foreign countries in Lithuania. Besides, Lithuania may become a transit country for the international terrorism, directed against other states. Therefore, it is necessary to take measures in order that the country should not become the place of acts of terrorism or the corridor of the terrorists’ transit.

The Republic of Lithuania, by rendering the political and practical assistance to the anti-terrorist campaign under the guidance of the United States of America, ratified the Extradition treaty between the Government of the Republic of Lithuania and the Government of the United States of America on 1 January 2002. It is the first international treaty, allowing to extradite the citizens of the Republic of Lithuania to a foreign state. The treaty regulates the extradition of persons, the delay of extradition, extradition for a certain period of time, the grounds of refusing to extradite, extradition by request of several states, the criminal prosecution limits of the extradited person, the procedure of the submission and examination of the requests concerning the persons’ extradition, the arrest and transfer of property, and other questions related to the extradition procedure in detail. The ratification of the mentioned treaty has determined the amendments of a number of articles of the Code of Criminal Procedure of the Republic of Lithuania, related to the persons’ extradition to the foreign states.

After the 04.06.2002 amendments of the Criminal Code of the Republic of Lithuania the person who belongs to a subversive organization or takes part in it, finances this organization or renders other kind of assistance will be considered the one who has preformed the act of terrorism, although such a person has not preformed any material act himself. Before the aforementioned amendments of the Criminal Code of the Republic of Lithuania acts of terrorism were related only to arsons or blasting. At present a larger list of acts will be considered as an act of terrorism – i.e. blasting, another building or mechanism destruction, damaging, spreading of biological, radioactive, chemical poisonous materials, preparations or micro organisms.

Now the programme of the fight against terrorism is actively being carried out in Lithuania which includes: participation in the international community fight against terrorism; development of the general antiterrorist legal base; protection of the potential terrorism targets, protection of the indispensable infrastructure; detection of the organizers or principals of acts of terrorism; detection and cancellation off of the financial sources and ways of financing of terrorist groups; formation of the investigative procedures of the clearly defined acts of terrorism; constant readiness to liquidate the state of emergency induced by acts of terrorism; strengthening of the antiterrorist intelligence and counter-intelligence.

In addition to that, on 15 February 2002 the Government of the Republic of Lithuania, trying to ensure the proper coordination of the activity of the state and other institutions in the fight against terrorism and realization of the indispensable fight measures, appointed the special Joint Coordination Committee against terrorism. In one of the latest sittings of the Committee it was unanimously decided to prepare a separate law on the prevention of terrorism and the fight against it. Besides, the possibilities to join the 1999 New York Convention on the fight against financing of terrorism and the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents in the nearest future are under consideration.

In summary it should be said that at present Lithuania is forming a new model of the control and prevention system of crimes. By applying the mentioned model it would be possible to remove consistently the essential reasons and conditions of organized crime, to use rationally the resources, allocated for that.