

REPUBLIC OF LITHUANIA
LAW
ON THE SPECIAL INVESTIGATION SERVICE
May 2, 2000, No.VIII-1649
Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Scope

This Law lays down the objectives of the Special Investigation Service of the Republic of Lithuania, the legal basis of its activities, its tasks and functions, the organisation of the Service, its financing, ways of control of its activities, and the rights and duties of its officers.

Article 2. Definitions

1. **The Special Investigation Service of the Republic of Lithuania** (hereinafter - the Special Investigation Service or the Service), is a state law enforcement agency functioning on the statutory basis, accountable to the President of the Republic and the Seimas, which detects and investigates corruption-related criminal acts, develops and implements corruption prevention measures.

2. **Corruption** is a direct or indirect seeking for, demand or acceptance by a public servant or a person of equivalent status of any property or personal benefit (a gift, favour, promise, privilege) for himself or another person for a specific act or omission according to the functions discharged, as well as acting or omission by a public servant or a person of equivalent status in seeking, demanding property or personal benefit for himself or another person, or in accepting that benefit, also a direct or indirect offer or giving by a person of any property or personal benefit (a gift, favour, promise, privilege) to a public servant or a person of equivalent status for a specific act or omission according to the functions of a public servant or a person of equivalent status, as well as intermediation in committing the acts specified in this paragraph.

3. **Corruption-related criminal acts** shall mean taking bribes, receiving bribes via an intermediary, offering bribes, and other criminal acts committed in the pursuit of private or other persons' advantage in the public administration sector or by providing public services, namely the abuse of office or exceeding one's authority, abuse of one's authority, tampering with official records and measuring devices, fraud, misappropriation or embezzlement of property, disclosure of an official secret, disclosure of a commercial secret, misrepresentation of information about income, profit or property, legitimization of the proceeds of crime, interference with the activities of a public servant or a person discharging public administration functions, or other criminal acts, if these acts are committed with the aim of seeking or demanding a bribe, offering a bribe, or concealing or covering up the act of taking or offering a bribe.

4. The definition of a public servant or a person of equivalent status provided for in this article corresponds to that set forth in the Criminal Code of the Republic of Lithuania.

5. A person is any natural or legal person or a person having a different legal status established by the state where he is registered.

Article 3. Legal Basis for the Activities of the Special Investigation Service

1. The Special Investigation Service shall be guided by the Constitution of the Republic of Lithuania, the laws of the Republic of Lithuania, international treaties, the Statute of the Service, and other legal acts.

2. The Statute of the Special Investigation Service shall be approved by a law passed by the Seimas.

3. The Special Investigation Service is a legal entity having its own settlement account with a bank, its seal with the national emblem of Lithuania and the name "The Special Investigation Service of the Republic of Lithuania", its own flag and insignia.

Article 4. The Principles of the Activities of the Special Investigation Service

The activities of the Special Investigation Service shall be based on the rule of law, lawfulness, respect for human rights and freedoms, the principles of equality before the law, openness and confidentiality, as well as on the principle of balance between personal initiative of the officers and the institutional discipline.

Article 5. Professional Links of the Special Investigation Service

While performing the tasks assigned to it, the Special Investigation Service shall maintain professional links with other institutions of the Republic of Lithuania, also with various agencies, organisations and enterprises, and shall encourage personal initiative of natural and legal persons in implementing anti-corruption measures. Through the mass media and in other ways, the Special Investigation Service shall inform the public about the enforcement of corruption control and prevention programmes and measures, and the anti-corruption activities carried out by central and local government institutions and agencies.

Article 6. Obligation to Provide Information to the Special Investigation Service

1. Upon the request by the Special Investigation Service, the Government of the Republic of Lithuania, ministries and other central and local government institutions and agencies, within five working days, must submit to the Service legal acts which have been adopted but have not yet been published in the "Valstybės žinios" (Official Gazette).

2. Central and local government institutions and agencies must make it possible for the Special Investigation Service to have free and unrestricted access to the data of state registers, cadastres and classificators, data banks of state institutions, agencies and enterprises, while data banks of other enterprises, agencies, organisations and natural persons may be accessed on a contractual basis.

CHAPTER II

TASKS AND FUNCTIONS OF THE SPECIAL INVESTIGATION SERVICE

Article 7. Tasks of the Special Investigation Service

The Special Investigation Service shall guard and protect an individual, society, and the State from corruption, and shall conduct prevention and detection of corruption.

Article 8. Functions of the Special Investigation Service

The Special Investigation Service shall:

- 1) carry out operational activities in detecting and preventing corruption-related criminal acts;
- 2) conduct a pre-trial investigation of corruption-related criminal acts;
- 3) co-operate with other law enforcement institutions in the manner laid down by legal acts;
- 4) collect, store, analyse and sum up the information about corruption and related social and economic phenomena;
- 5) on the basis of the available information prepare and implement corruption prevention and other measures;
- 6) jointly with other law enforcement institutions implement crime control and prevention programmes;
- 7) report in writing, at least twice a year, to the President of the Republic and the Chairman of the Seimas about the results of the Service's activities and submit its proposals how to make the activities more effective.

CHAPTER III

THE STRUCTURE AND ADMINISTRATION OF THE SPECIAL INVESTIGATION SERVICE

Article 9. Establishment and Abolition of the Special Investigation Service and its Units

1. The Service shall be established and abolished by a separate law.
2. The Service may consist of boards, divisions, branches and other units.
3. The units of the Service shall be established, reorganised, and abolished, and the number of the staff shall be approved by the Director of the Service.

Article 10. The Staff of the Special Investigation Service

1. The staff of the Service shall be officers, public servants and contractual employees.
2. The status of the officers of the Special Investigation Service shall be established by this Law, the Law on Public Service and the Statute of the Special Investigation Service, the status of the public servants employed at the Service shall be established by the Law on the Public Service, the status of contractual employees – by the Labour Code and other legal acts.

3. The procedure of appointment and dismissal, suspension from duty and disciplinary responsibility of officers of the Service shall be determined by the Statute of the Service.

Article 11. The Management of the Special Investigation Service

1. A candidate to the post of the Director of the Special Investigation Service shall be nominated to the Seimas by the President of the Republic of Lithuania who shall also appoint and dismiss the Director of the Service, by and with the consent of the Seimas. The Director shall be appointed for a term of five years but he may hold this post no longer than for two terms in succession.

2. The First Deputy Director and the Deputy Director shall be appointed and dismissed by the President of the Republic by the advice of the Director.

3. In the absence of the Director of the Special Investigation Services, one of his Deputies shall act for him.

Article 12. Grounds for the Dismissal of the Director of the Special Investigation Service and His Deputies

1. The Director and Deputy Directors of the Special Investigations Service shall be dismissed from office in the event of:

- 1) resignation;
- 2) breach of the oath;
- 3) coming into effect of a conviction;
- 4) ill health attested by an opinion of an appropriate medical examining commission;
- 5) transfer by their own consent to another job;
- 6) transpiring of the circumstances referred to in Article 15;
- 7) termination of their term in office;
- 8) reaching the age of 62 and 6 months;
- 9) loss of the citizenship of the Republic of Lithuania.

2. The Director of the Special Investigation Service and his deputies, upon reaching the age referred to in Art. 34 (1) of the Statute of the Special Investigation Service or having served the period provided by law to receive the state pension for officers and servicemen, and if their term of office has not been extended in the prescribed manner or the extended term of office has expired, may be dismissed from office.

3. Disputes relating to the dismissal from office shall be settled in the manner set forth in the Law on Administrative Proceedings.

CHAPTER IV

RIGHTS AND DUTIES OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE AND RESTRICTIONS ON THEIR ACTIVITIES

Article 13. The Rights of the Officers of the Special Investigation Service

1. When pursuing a person suspected of commission of a criminal act, preventing a criminal act which is being committed, verifying the information about abuse of office by state officials and public servants, their links with persons

connected with criminal organisations, or when discharging his other official duties, if there grounds and causes provided by law, the officer of the Special Investigations Service shall produce his badge and authority card.

2. An officer of the Special Investigation Service shall have the right :

1) to inspect identity documents and take persons suspected of commission of a crime to the offices of the Special Investigation Service or the police;

2) in cases and in the manner provided by law, to use a weapon, special means and other types of force;

3) when investigating criminal acts or having reasonable information that such acts are being planned, committed or have been committed, to enter, without any hindrance, the premises of enterprises of all types of ownership, agencies and organisations, during office hours, at other time - accompanied by a representative of the administration of the organisation, its owner or his representative;

4) in cases and the manner provided by law, to open the premises or means of transport by force;

5) on his way to the scene of a crime, when in pursuit of a person suspected of commission of a criminal act, when transporting a person in need of an urgent medical assistance to a hospital - to use, without any hindrance, all types of means of transport and communications belonging to enterprises, agencies, organisations or natural persons, with the exception of those belonging to foreign diplomatic missions or consular representations. At the request of the owner or operator of the vehicle or means of communication, he shall be issued a certificate of the form established by the Director of the Special Investigation Service, under which the losses or damage shall be compensated to him from the funds of the Special Investigation Service;

6) when pursuing a person suspected of commission of a criminal act, who is hiding from the law enforcement agencies, as well as preventing a criminal act which is being committed, to stop motor vehicles and check the documents of the driver, passengers or the vehicle, inspect the cargo and other things in the vehicle;

7) on his way to the scene of the criminal act or in pursuit of a person suspected of commission of a criminal act, to use, in the prescribed manner, the blue flash lights and sound signals of the cars;

8) to obtain information or explanation from persons about criminal acts which are being planned, committed or have been committed, and about other violations of law;

9) when investigating criminal acts or having information that such acts are being planned, committed or have been committed, to inspect economic, financial and other activities of all types of enterprises, agencies and organisations;

10) to carry out other actions which an officer of the Special Investigation Service is authorised to carry out by law.

3. An officer of the Special Investigation Service, in the course of his official duties at the border points, customs and other places and territories with their own special internal rules, shall, upon producing the service badge and his authority card, have the right, if there exist solid grounds:

1) to inspect the documents of individuals and officials, of means of transport and cargoes;

2) to detain the infringers of the border and customs rules and other persons, to frisk the person and search his personal effects and, pursuant to laws regulating the detention procedure and guarantees of the detained persons, to take them to the offices of the border police, customs or other law enforcement institutions;

3) to stop and inspect means of transport, and to seize personal effects or documents in the prescribed manner;

4) to carry out other actions which an officer of the Special Investigations Service is authorised to carry out by law.

Article14. Duties of the Officers of the Special Investigation Service

An officer of the Special Investigation Service must:

1) honour his oath;

2) upon receiving a report or a statement about a crime which is being planned or committed or some other violation of law, or when witnessing a crime, take all immediate measures to prevent the crime which is being planned or committed or some other violation of law, to seal off the scene of the crime, to identify the witnesses, and to report the accident to the police;

3) to safeguard state and official secrets;

4) to guarantee the rights and lawful interests of the detained persons, to provide first aid and any other necessary assistance to the victims of crimes and violations of law and to the persons who are in a helpless state.

Article 15. Restrictions Applicable to the Officers of the Special Investigation Service

1. It shall be prohibited for the officers of the Special Investigation Service:

1) to be members of political parties or political organisations, to take part in political activities;

2) to be members of administrative bodies of enterprises, agencies or organisations, to receive remuneration for work at such bodies, except where it is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary for attaining the objective of the assignment;

3) to conclude contracts on behalf of the Special Investigation Service with enterprises where they themselves or members of their families are owners or co-owners or to hold by proxy shares owned by third persons;

4) to represent the interests of national or foreign enterprises;

5) to be employed on a labour contract basis, to work in the capacity of an advisor, expert or consultant at enterprises, agencies, organisations and other institutions, also to get remuneration other than laid down by this Law, with the exception of cases when this is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary to attain the objective set by the assignment, also except remuneration for teaching and creative work;

6) to take part in strikes, pickets or rallies which might directly obstruct the activities of the Special Investigation Service or the performance of duties by an officer of the Special Investigation Service, to be a member of a trade union.

2. An officer of the Special Investigation Service may not accept gifts or services directly or indirectly related to his office, except in cases provided by law.

3. An officer of the Special Investigation Service shall also be subject to other restrictions determined by the Law on the State and Official Secrets.

CHAPTER V

LEGAL PROTECTION OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE

Article 16. Independence of the Officers of the Special Investigation Service

1. While discharging their official duties and carrying out assignments of their superiors, the officers of the Special Investigation Service shall be guided by laws and other legal acts.

2. State institutions and agencies or their employees, political parties, public organisations and movements, the mass media, other natural or legal persons shall be prohibited from interfering with operational and other activities carried out in the line of duty by the officers of the Special Investigation Service.

3. Meetings, pickets and other actions on the premises of the Special Investigation Service, and within the distance of 25 metres from the buildings of the Special Investigation Service, shall be prohibited.

4. Filming, taking photos, making audio or video recordings on the premises of the Special Investigation Service shall be permitted only subject to an authorisation by the Director of the Special Investigation Service.

Article 17. Guarantees of the Activities of the Special Investigation Service Officers

1. A pre-trial investigation where an officer of the Special Investigation Service is a suspect may be initiated only by the Prosecutor General of the Republic of Lithuania or his Deputy.

2. In the course of their official duties, the officers of the Service may not be taken to the police or detained, body search, the search of their personal effects and their means of transport shall be prohibited, without participation of the head of the appropriate Special Investigation Service unit or a person authorised by him, with the exception of cases when the officer is detained in flagrante delicto.

3. Information about the officers of the Service who are carrying out or who have carried out special assignments shall be a state secret and may be used and declassified only in cases and the manner set forth by legislation of the Republic of Lithuania.

4. Protection of the officers of the Service and their family members may be provided in the manner prescribed by the Law on the Protection of the Participants of the Criminal Procedure and of Operational Activities, Officers of Judicial and Law Enforcement Institutions from Tampering.

5. Data on the officers of the Special Investigation Service shall not be submitted to the Register of Public Servants.

CHAPTER VI

USE OF FORCE

Article 18. The Right of Officers of the Special Investigation Service to Use Force

1. This Law and the Statute of the Special Investigation Service shall authorise an officer of the Special Investigation Service, when performing the tasks assigned to him, to insist that individuals obey his lawful orders. In the event of disobeying the orders or resistance, the officer of the Service has the right to resort to the use of force.

2. The officers of the Special Investigation Service have the right to possess, keep and use an authorised firearm, explosives and explosive substances.

3. Types of force and grounds for the use of a firearm and explosive substances and the manner of their use shall be regulated by the Statute of the Special Investigation Service and the Law on the Control of Weapons and Ammunition.

CHAPTER VII

SOCIAL GUARANTEES OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE

Article 19. Principles of Social Guarantees

1. Officers of the Special Investigation Service shall be entitled to social guarantees established by law for the staff of law enforcement institutions.

2. The rate of the basic salary of the officers of the Special Investigation Service shall be established by the Law on the Public Service, while the rate and the manner of payment of increments, additional pays, compensations and benefits shall be established by the Statute of the Special Investigation Service of the Republic of Lithuania and other legal acts.

3. The manner of granting pensions to officers of the Special Investigation Service shall be specified by the Statute of the Special Investigation Service of the Republic of Lithuania, laws and other legal acts.

CHAPTER VIII

FINANCING OF THE SPECIAL INVESTIGATION SERVICE, MATERIAL SUPPLIES AND CONTROL OF ITS ACTIVITIES

Article 20. Financing of the Special Investigation Service

1. The Special Investigation Service shall be financed from the state budget of Lithuania and shall manage the allocations assigned to it.

2. The Special Investigation Service may have its own special funds for operational activities.

3. To implement the objectives and functions provided for in this law, the Special Investigation Service shall have the right in the manner prescribed by law to receive assistance from foreign state institutions and agencies and international organizations.

Article 21. Material and Technical Supplies of the Special Investigation Service

1. Material and technical supplies for the Special Investigation Service shall be provided from the funds assigned to it.
2. The assets assigned by the State to the Special Investigation Service shall be managed, used and disposed by it in trust.

Article 22. Supervision of the Activities of the Special Investigation Service

1. The Seimas of the Republic of Lithuania shall carry out the parliamentary control of the Special Investigation Service.
2. Pre-trial investigations conducted by the Special Investigation Service shall be controlled, organized and supervised by a prosecutor.
3. The internal regulations of the Special Investigation Service shall be determined by the Director of the Service.

CHAPTER IX

FINAL PROVISIONS

Article 23. Validity of Other Legal Acts and Tasks of the Government

1. Legal acts regulating social guarantees of the officers of the Special Investigation Service adopted before entry into force of this Law, shall remain effective until appropriate legal acts replacing them and implementing this Law are adopted, but not longer than specified in paragraph 2 of this Article
2. The Government shall:
 - 1) within 3 months from entry into force of this Law, bring into line with this Law the subordinate legislation which does not conform with the provisions of this Law;
 - 2) within 2 months from entry into force of this Law, amend the resolution of the Government of the Republic of Lithuania establishing the list of positions of law officers with account of the list of positions of the Special Investigation Service;
 - 3) within 2 months from entry into force of this Law, amend the procedure of accessing the data of state cadastres, classifiers and registers, and include the Special Investigation Service into the list of state government and administration institutions which have the right to obtain free of charge from keepers of state cadastres, classifiers and registers the data of these cadastres, classifiers and registers;
 - 4) within 3 months from entry into force of this Law, establish the procedure and rates of reciprocal services provided by entities of operational activities and access to the information in the possession of the Operational Activities Service, and Lithuania National Bureau of Interpol of the Police Department, also establish the procedure on how entities of operational activities make use of the services of other units of the Ministry of the Interior (The Department of Information Technology and Communications, the Migration Department, the Bureau of Addresses and Information and the Health Care Service).

Article 24. Entry into Force of the Law on the Special Investigation Service

The Law on the Special Investigation Service shall enter into force on June 1, 2000.

I promulgate this Law passed by the Seimas

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS