

Lustration in Lithuania

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Legal regulation

- Special Law on Lustration was enacted on 23 of November 1999.
- The Law came in force on 1 of January 2000.
- The Law is still in force.

Law in practice

- 1500 confessions in 6 months.
- 2001-2004 there were 2 lustration cases finished.
- 2005-2008 there were 136 lustration cases finished, 54 individuals were acknowledged as secret collaborators. 19 decisions had been appealed to the court, 11 had been revoked by the court.
- 2009-2011 there were 326 lustration cases finished, 14 individuals were acknowledged as secret collaborators.

Tasks and goals of lustration in Lithuania

- **FIRST TASK.** To build a system of national security, that would be able to protect state and its people, their civic rights, freedoms and personal security, by securing them from pressure, blackmail and recruitment or attempts to involve into unlawful activities.
- **SECOND TASK.** To apply the principle of personal loyalty and reliability in respect of state officers, other civil servants, and also lawyers (advocates), notaries, persons holding certain positions in banks and other credit institutions or strategic industrial objects, system of communication, entities providing security services.

Criteria used

- Two specific categories of former secret collaborators had been distinguished.
- FIRST CATEGORY - those who have made confessions regarding their former secret collaboration (in period of six months). In this case **no legal restrictions should be imposed for these collaborators**. Even more, information regarding such confession and secret collaboration itself must be treated as state secret (with all legal implications in

Objects of lustration, scope of positions

WHAT KIND OF INSTITUTIONS COLLABORATED WITH:

- According to the Law following institutions should be treated as special/security agencies of former USSR:
- 1) Main Directorate of State Security (GUGB), under the auspices of the Peoples Commissariat of Internal Affairs (NKVD): 1934/07/01 – 1941/02/03 and 1941/07/20 – 1943/04/14;
- 2) People's Commissariat for State Security (NKGB): 1941/02/03 - 1941/07/20 and 1943/04/14 – 1946/03/15;
- 3) Ministry of State Security (MGB): 1946/03/15 – 1953/03/15;
- 4) Ministry of Internal Affairs (MVD): 1953/03/15 – 1954/03/13;
- 5) Committee for State Security (KGB): 1954/03/13 – 1992/01/01;
- 6) Committee for State Security (VSD): 1940/06/20 – 1940/09/03;
- 7) State Security Bureau within NKVD of LSSR: 1940/09/03 – 1941/04/01;
- 8) People's Commissariat for State Security of Lithuanian SSR: 1943/04/14 – 1946/03/15;
- 9) Ministry of State Security of Lithuanian SSR: 1946/03 – 1953/04;
- 10) Ministry of Internal Affairs of Lithuanian SSR: 1953/04 – 1954/04;
- 11) Committee for State Security at the Council of Ministers of Lithuanian SSR: 1954/04/01 – 1978/09/14;
- 12) Committee for State Security of Lithuanian SSR: 1978/09/14 – 1991/10/01;
- 13) SSRS NKVD GUGB 4th section: 1938/09/29 – 1941/02/08;

Objects of lustration, scope of positions

WHAT KIND OF COLLABORATION

- Individual is treated as collaborator to special/security agencies of former USSR,
if
- he is a citizen of Lithuanian Republic or if he permanently lives in Lithuania,
and if
- he actually and deliberately acted to implement the tasks and assignment of

Objects of lustration, scope of positions

WHAT POSSIBLE RESTRICTIONS

- FOR THOSE WHO HAVE CONFESSED - none
- FOR THOSE WHO FAILED TO CONFESS (without any time limitation):

1. To serve in any position when the appointment should be done by the Parliament, President of Republic, Government or Prime Minister, also to serve as a viceminister, chancellor of ministry, head (or its deputy) of state institution or entity, head of state or

Procedures of lustration

- **FIRST STAGE** – the period of 6 months to make a confession. Confession had to be made to the Lustration Commission. Those who made their confessions were inscribed to the special list and this list as much as the information related to secret collaboration have been declared as an information containing state secret.
- **SECOND STAGE** – for those who failed to confess. Lustration Commission gathers

Institutional solutions

- LUSTRATION COMMISSION: 5 members (Prosecutors General Office – 1; State Security Department – 2; Lithuanian Center for Research of Genocide and Resistance – 2) are appointed by the director of SSD by the approval of Committee of National Security and Defence.
- STATE SECURITY DEPARTMENT and WORKING GROUP: members of the group are officers of State Security Department.

Mistakes made and lessons learned

- Lustration Commission is a “civic” institution (members have this position as voluntary public service, with no remuneration).
- The lustration has begun too late.
- There was a lack of documentation on secret collaboration.
- “Cabinet” lustration.
- In 2010 archives documentation on special/security agencies of former USSR was