

Lituanie

Supreme Court of Lithuania

[Cour Suprême - Lietuvos Aukščiausiasis Teismas](#) [1]

President of the Supreme Court of Lithuania, Mr. Gintaras Kryzevicius was born on 28 April 1962. In 1985 graduated the Faculty of Law, Vilnius University; July 1985 ? November 1988, head of the Clerk's Office, assistant to the President, Supreme Court of Lithuania ; December 1988 ? December 1989, senior lawyer, Ministry of Municipal Affairs ; December 1989 ? March 1995, judge, Vilnius City 3rd District Court ; March 1995 ? April 1999, judge, Vilnius Regional Court ; April 1999 ? January 2001, judge, Lithuanian Court of Appeal ; January 2001 ? June 2007, judge, Supreme Administrative Court of Lithuania ; June 2001 ? October 2006, Deputy President, Supreme Administrative Court of Lithuania ; since June 2007, judge, Supreme Court of Lithuania ; since 5 November 2009, President, Supreme Court of Lithuania.

General information about the Supreme Court of Lithuania

? organisation The Supreme Court of Lithuania was established on 15 June 1994 by the law ?On the Establishment of the Supreme Court of Lithuania, the Court of Appeal of Lithuania, Regional Courts and District Courts and the Determination of Territorial Jurisdiction of the Regional and District Courts? (Valstybes ?inios, 1994, No. 50-932) and started its activity on 1 January 1995. The activity of the Supreme Court is regulated by the Constitution of the Republic of Lithuania, the Law on Courts of the Republic of Lithuania, the Statute of the Supreme Court of Lithuania, laws on court procedure and other legislation of the Republic of Lithuania.

? composition (Law on Courts, Article 22) The Supreme Court of Lithuania is composed of the President of the Supreme Court, chairmen of the divisions and other justices. The Supreme Court comprises the Civil and Criminal Divisions. Justices are assigned to the Civil Division and the Criminal Division of the Supreme Court by the President of the Supreme Court, taking account of the justices' caseload in the Divisions. The Supreme Court forms the Senate of the Supreme Court.

? activity, characteristic features

The Supreme Court of Lithuania is the only court of cassation in the Republic of Lithuania for reviewing effective judgements and rulings passed by the courts hearing criminal cases at the first and appeal instances (Art. 366, Code of Criminal Procedure) as well as decisions and rulings in civil cases passed by the courts of appeal instance (Art. 340(1), Code of Civil Procedure).

Cassation is an extraordinary form of exercising supervision on the legitimacy of judicial decisions and it is applicable only in exceptional cases defined by the Codes of Criminal and Civil Procedure establishing the grounds for cassation. (Art. 369, Code of Criminal Procedure, Art. 346, Code of Civil Procedure). The Supreme Court hears cases exclusively on the questions of law. The principal objective of the Supreme Court, as a court of cassation, is to ensure uniform court practice of courts of general jurisdiction in the State by means of precedents formulated in the cassation rulings and by other forms established by law.

Apart from its jurisdictional function, the Supreme Court also performs the function of developing a uniform court practice of courts of general jurisdiction in the interpretation and application of laws. The performance of this function

of the Court takes its expression in several forms:

- by presenting panel rulings in the Bulletin of the Supreme Court Court Practice (Art.27, Law on Courts), the publishing of which has been approved by the majority of judges of the relevant Division. The interpretation of laws and other legal acts in the rulings published in the Bulletin is taken into consideration by courts, state and other institutions as well as by other persons when applying these laws and other legal acts; · by analysing court practice in the application of laws and other legal acts and providing their interpretation in the form of recommendations;
- by rendering advise to judges about the interpretation and application of laws and other legal acts.

Cases before the Supreme Court are normally heard by a panel of three judges. In the instances where a cassation case involves a complicated issue of interpretation or application of laws, the President of the Supreme Court, the Chairman of the relevant Division, or a panel of judges may forward the case to be heard by an extended panel of seven judges or by a plenary session of the relevant Division. (Articles 366 and 378, Code of Criminal Procedure and Article 357(1) Code of Civil Procedure).

An important role in the development of a uniform court practice is attributed to the Supreme Court Senate. It is a non-judiciary institution designed to deal with the most important issues related with the unification of court practice (except through cassation rulings) as well as other matters concerned with the activity of the Supreme Court as commissioned by the President of the Supreme Court. The Senate is composed of 17 members: the President of the Supreme Court, who is at the same time also the Chairman of the Senate, Chairmen of the Divisions and seven judges from each Division with the longest record of work at the Supreme Court. The Secretary of the Senate is elected from among the Senate members for a term of four years.

The Senate participates in developing unified court practice by means of:

- approving summary reviews of court practice in the application of laws and other legal acts in cases of individual categories and providing their interpretation in the form of recommendations;
- considering the necessity of publishing the materials ? with the exception of cassation rulings and summary reviews of court practice as well as interpretations in the form of recommendations ? in the Supreme Court Bulletin Court Practice. ? grounds for cassation The grounds for cassation are established by the Code of Criminal Procedure and the Code of Civil Procedure. The Code of Criminal Procedure establishes the following grounds for appeal and hearing of a case in cassation:

?1. An effective judgement or order shall be appealed against and cases shall be reviewed by way of cassation procedure if: 1) there has been incorrect application of a criminal law; 2) there has been an essential violation of the law of criminal procedure.

2. Incorrect application of the norms of the General Part of the Criminal Code as well as qualifying the crimes not under the Articles, paragraphs and subparagraphs of the Criminal Code under which they should have been qualified shall be considered as incorrect application of the criminal law.

3. Violations of the requirements of the Code of Criminal Procedure which resulted in the restriction of the rights of the accused guaranteed by law or which obstructed a thorough and objective investigation of the case by the court and prevented the rendering of a fair judgement shall be deemed to constitute essential violations of the law of criminal procedure.? (Article 369, Code of Criminal Procedure) Pursuant to Article 346 of the Code of Civil Procedure, the grounds for reviewing by cassation procedure a res judicata court judgement or ruling are the following: · a violation of the rules of substantive or procedural law, where such violation has an essential significance for the uniform interpretation and application of the law and if this violation could influence the passing of a wrongful judgment (ruling); · if the court in the judgment (ruling) being appealed deviates from the practice for the application and interpretation of the law formulated by the Supreme Court of Lithuania; · if the practice of the Supreme Court of Lithuania is not uniform in respect to the disputed question of the law.

Judges of the Supreme Court ? number The Supreme Court consists of 37 judges. At present the judiciary corpus of the Court is fully completed and includes: the President of the Supreme Court, 18 judges at the Civil Division and 18 at the Criminal Division. Average age of the Supreme Court judges is 51.7 years. ? status (Law on Courts, Articles 41 to 50) Some aspects of the status of Supreme Court judges (e.g. independence, depolitisation, prohibition to receive any remuneration other than the salary established for the judge and a pay for educational, scientific, or creative activities, terms for restriction of personal freedom, etc.) are defined by the Constitution of the Republic of Lithuania. The status is fully defined by the Law on Courts (Articles 41 to 50). The Law on Courts defines judicial powers and their stability, state symbols of judges, rights and freedoms; it establishes the prohibition of interference with the judge, immunity of the judge, his work and activity outside the court, protection of the judge, members of his family and their property, other guarantees of judiciary independence. (For more see the Law on Courts attached herewith)

? appointment According to Article 112(2) of the Constitution of the Republic of Lithuania, judges of the Supreme Court are appointed and dismissed by the Seimas upon the presentation of the President of the Republic of Lithuania. Article 68 of the Law on Courts establishes the requirements applicable to a person seeking judicial office at the Supreme Court. A judicial office of the Supreme Court may be filled by:

- a judge of a regional administrative court, a judge of a regional court of at least eight years? standing as a judge at any of these courts;
- a judge of the Supreme Administrative Court and a judge of the Court of Appeals of at least five years? standing as a judge at any of these courts;
- a person having a Doctor?s or Habil. Doctor?s of Social Sciences (Law) degree of at least 10 years? standing as a legal academic, who has submitted a health certificate;
- a prosecutor of the Prosecutor General?s Office of at least fifteen years? standing as a prosecutor, who has submitted a health certificate;
- an advocate of at least fifteen years? standing as an advocate, who has submitted a health certificate

A judge of the Supreme Court is appointed for a term until he reaches the age of 65 (Law on Courts, Art.57(2), however, his term of office may be extended by the institution which appointed him until he reaches the age of 70. In such cases, the judge wishing to have an extension of his term of office applies to the President of the Republic (Law on Courts, Art.57(3)).

? ethics Professional ethics of the judges at the Supreme Court of Lithuania, as well as that of judges of other courts of the Republic of Lithuania is regulated by the Rules of Judiciary Ethics approved by the General Meeting of judges on 18 December 1998.

? disciplinary regime Disciplinary responsibility of the Supreme Court judges is determined by the general principles of judiciary responsibility established in Articles 83 to 88 of the Law on Courts.

The Law on Courts (Art.84) provides for three stages of disciplinary responsibility of judges:

? motion for instituting a disciplinary action (according to Art.84(4)); the right to make a motion for instituting a disciplinary action is granted to the Judicial Council and the Chairman of the court where a judge is employed or the Chairman of any court of a higher level);

? institution of a disciplinary action (this is decided by a special Judicial Ethics and Discipline Commission);

? hearing of a disciplinary case by the Judicial Court of Honour.

Thus, a motion for instituting a disciplinary action against a Supreme Court judge could be brought either by the Judicial Council or the President of the Supreme Court, but the decision to start disciplinary action in all cases rests

with the Judicial Ethics and Discipline Commission. Disciplinary cases involving judges of the Supreme Court would be heard by the Judicial Court of Honour, which would also determine disciplinary sanctions.

? key figures on the human and financial resources of the Supreme Court The personnel of the Supreme Court includes 167 persons: 37 judges, 87 state servants, 43 working under labour contracts. Women account for 61.8%; the dominant age bracket is 41-60 years (about 43%); 79.9% are persons with a university diploma, 9% ? college graduates. 2 of the judges have the title of habilitated doctor, 5 ? doctors, there also are 2 doctors among other employees of the Court. 25 employees of the Court are engaged in pedagogical activity.

In the performance of their functions, the judges of the Supreme Court are assisted by the apparatus of the Court: departmental clerk?s offices, Court Chancellor?s service, 5 advisers to the President of the Court and the Chairmen of the Divisions, 36 assistants to judges, departments of International Law and Community Law, Rehabilitation, Information, etc.

According to the data presented by the Statistical Department of Lithuania, at the end of 2005 there were 3,408,400 inhabitants. The ratio between the number of the Supreme Court judges and that of the inhabitants of Lithuanian is 1 judge to about 92,119 inhabitants.

Financial assignments to the Supreme Court of Lithuania for 2006 amount to 12 072 thousand litas, including 8 266 thousand for salaries, 3 731 thousand litas for other expenses, 75 thousand for the publication of the Bulletin of the Supreme Court. The ration between the budget of the Supreme Court and the GDP is 0,016.

Contact information for the Supreme Court:

Address: Gyneju 6

LT-01109 Vilnius, Lithuania

Tel: +370 5 2610560, fax +370 5 262 7950

E-mail: lat@tic.lt [2]

Website of the Supreme Court: <http://www.lat.lt/en/home.html> [1]

Horizon 2020 © Réseau des Présidents des Cours Suprêmes de l'Union Européenne - Ce projet est financé par l'Union Européenne

Source URL: <https://www.network-presidents.eu/fr/page/lituanie>

Links:

[1] <http://www.lat.lt/en/home.html>

[2] <mailto:lat@tic.lt>