**Questionnaire for civil society and bar associations**

(Answers from the Lithuanian Bar Association)

1. **Taking into consideration the guarantees for the functioning of lawyers, contained in principles 16-22 of the** [**Basic Principles on the Role of Lawyers**](https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx)**, please describe the constitutional, legal, administrative and policy measures adopted in your country to enable lawyers to exercise their professional activities in favour of their clients in a free and independent manner.**

Principle 16:

The exercise of the profession of lawyer (a notion of “advocate” is used in national legislation) is based on two very important constitutional principles: access to justice and a right to have an advocate.

Article 30(1) of the Constitution of the Republic of Lithuania provides that “a person whose constitutional rights or freedoms are violated shall have the right to apply to a court”.

Article 31(6) of the Constitution of the Republic of Lithuania establishes that “A person suspected of committing a crime, as well as the accused, shall be guaranteed, from the moment of his apprehension or first interrogation, the right to defence, as well as the right to an advocate”.

The profession of lawyer is exercised based on the Law on the Bar (*Advokatūros įstatymas*), an act adopted by the Parliament. The Law on Bar establishes requirements to be accepted to the Bar, key principles of the profession, also establishes the principles of self-governance. However, the Lithuanian Bar must coordinate the procedures, related only with activities of advocates according to the Law on Bar (7 procedures in total, for example, the procedure of taking the Bar exams, the procedure of certification of copies and registration of legal services documents) with the Ministry of Justice. The procedure of examination of disciplinary actions against advocates, also the Code of Ethics for Advocates, which are adopted by the General Assembly of Advocates, are announced publicly via the Ministry of Justice.

Principle 17:

According to Article 4(1) of the Law on the Protection of Criminal Procedure and Criminal Intelligence Participants, Officers of Justice and Law Enforcement Institutions from Criminal Impact, advocates can be subject to measures of protection from criminal impact, including physical protection, however only in criminal cases.

Principle 18:

Article 46(2) of the Law on Bar establishes advocates shall not be identified with their clients of their cases

Principle 19:

There are no major issues regarding the recognition of the counsel to appear before his/her client. However, in the recent past (year 2019) there were (successful) attempts to deny the access to advocate. The detained person was denied the right to contact his advocate at the same time the advocate was denied a right to know the whereabouts of his client. The official letter was sent to the Minister of Justice. However, no formal inquiry was started. Another practice which is still used by law enforcement authorities is “informal interrogation” before the first meeting with the counsel (access to lawyer). Or such a meeting could be denied of privacy (confidentiality).

Principle 20:

The Civil Code foresees civil immunity for the speeches made by the participants of the proceedings during the court hearing and for the information published in the court documents. Such participants could not be held liable protecting honour and dignity. Meanwhile, Criminal Code or Criminal Procedure Code do not establish such guarantees. However, there were no practical cases but disciplinary proceedings challenging the advocates for their professional appearances in the courts.

Principle 21:

According to Law on the Bar, advocate, in collection of evidence, has the right receive from state and municipal institutions, also registers, state information systems the information, data (including special categories of personal data), documents, their copies held or controlled by them, which are necessary to provide legal services. For these reasons, the request of the advocate must contain proof of the relevance of the requested documents or their copies to the provision of legal services. If an advocate does not prove that the requested information, data, documents, or their copies are necessary for provision of legal services, he/she shall be denied them. Thus, the advocate discloses certain information in connection with his/her client, in order to obtain certain data necessary in the case or in provision of other legal services, from the state and municipal institutions. Cases have been observed particularly frequently when institutions, inter alia, referring to the General Data Protection Regulation (GDPR), refuse to provide information requested by an advocate, requiring disclosing more and more information and in this way prove its necessity. Therefore, the Lithuanian Bar addressed state institutions in writing, drawing attention to the advocate’s right to obtain data necessary for provision of legal services and defining the scope and sufficiency of information in the advocate’s request, in order that institutions would not request excessive information, forming the advocate’s professional secret, and would not unreasonably refuse provision of data requested by advocates.

Principle 22:

The confidentiality of communication with the client remains the most serious concern of the Lithuanian Bar. First of all, it is necessary to draw attention to general circumstances, which are important in giving answers also to other questions in this questionnaire.

The concerns of the Lithuanian Bar are presented also in the European Commission Rule of Law 2021 Report, Country Chapter Lithuania:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0717>

See more in Annex I.

1. **What entities and/or mechanisms are in place to prevent and/or punish interferences with the free and independent exercise of the legal profession? Please briefly describe them and specify whether they are independent bodies or if they belong to the administrative structure of the State.**

Lithuanian Bar ensures that the interests of lawyer profession are protected, and independence of the profession is maintained. In case any particular concern is raised by advocates, the Bar addresses the issue in constructive dialogue with the competent authorities.

In case there is an obstruction of the activities of an individual advocate, according to the Article 231 of Criminal Code, a person (natural or legal) might face criminal liability with the sanction of up to two years of imprisonment.

1. **Please indicate if there are any legislative, administrative, or institutional barriers that have hindered the work of lawyers and the exercise of the legal profession in your country, and describe them.**

At the present moment, no major challenges for the profession of lawyer and independence of professional self-government could be indicated. However, in 2019, Lithuanian Bar because of its very firm stance against violations of fundamental rights, including the violations of LPP. As an example, Lithuanian Bar drew attention to the excessive force of law enforcement using the handcuffs. Such abuse was acknowledged as a violation in the report “On the fundamental human rights problems, arising from the use of physical force by law enforcement officials” of February 2020 by the Parliament Ombudsman office. Other field criticised by the Bar were the defective Legal aid system and uncontrolled secret surveillance by the law enforcement agencies.

As an undeclared retaliation, the Executive power launched several legislative initiatives seriously and directly targeting Lithuanian Bar. These initiatives inter alia proposed the reform of disciplinary procedure of advocates, by the proposed amendments of the Law on Bar empowering the Ministry of Justice with a competence to influence disciplinary proceedings. Secondly, the proposal of Law on E-delivery project was directly targeting the secrecy of communication of advocates as it foresaw an obligation for the advocates to use the electronic services directly controlled by the Executive power. Thirdly, the draft Law on Public Administration was intended to exclude the Bar from any functions such as the Bar exams, admission to the Bar, disciplinary proceedings, etc.

The Bar was not consulted on any legislative initiative prior to the official submission of the draft laws regarding the initiatives against the Bar. These initiatives were stopped only after international community addressed the issue and the official letter of the President of the CCBE was sent to the President of Lithuania in December 2019 (See Annex II)

However, one particular administrative aspect is worthy to be mentioned. As mentioned in answer to Question 1 (Principle 21), due to administrative practice on data protection requirements, the advocates are not in equal or similar situation as a Prosecutors Office which has any barriers to access any information ever required.

In case some documents or data is required the advocate can apply to a court a special order to provide documents to be issued. However, it is evident that this requires much more efforts that for the Prosecutors Office.

1. **Please describe the role of the national bar association(s) in protecting lawyers and the free exercise of the legal profession. Is the bar association de jure and de facto independent from the State?**

Yes, Lithuanian Bar is independent from the State. However, as mentioned above, according to the Law on Bar, the Bar must coordinate some procedures, related only to activities of advocates according to the Law on Bar with the Ministry of Justice.

According to the Law on Bar, a Minister of Justice can initiate disciplinary proceedings against the advocate. We consider this as a possibility to interfere with the Executive power. Currently, there is a case in the court proceedings where a Minister of Justice initiated disciplinary proceedings against a advocate upon a request of Regional Prosecutor Office. The Disciplinary Court did not find any disciplinary or ethical misconduct, however, such a decision was appealed by Regional Prosecutor Office to the court.

1. **Please provide detailed information on the number of lawyers that have been subject to criminal, administrative or disciplinary proceedings in the last five years for alleged violations of standards of professional conduct. How many of them were found guilty? How many of them were ultimately disbarred?**

Lithuanian Bar does not collect statistics on administrative proceedings as it is irrelevant to the status of advocates.

For the reference the Lithuanian Bar supervises approximately 2200 advocates and 1000 candidate-advocates (numbers change insignificantly every year). Criminal proceedings initiated against advocates and candidate-advocates:

|  |  |
| --- | --- |
| Year | Number of proceedings |
| 2016 | 8 |
| 2017 | 10 |
| 2018 | 7 |
| 2019 | 20 |
| 2020 | 13 |

Found guilty by court followed by mandatory disbarment because of criminal conviction:

|  |  |
| --- | --- |
| Year | Number of disbarment due to conviction |
| 2016 | 8 |
| 2017 | 5 |
| 2018 | 2 |
| 2019 | 6 |
| 2020 | 5 |

Disciplinary proceedings:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | Number of disciplinary investigations started | Number of disciplinary cases  started | Found guilty | Disbarment |
| 2016 | 282 | 37 | 31 | 5 |
| 2017 | 287 | 42 | 60\* | 15 |
| 2018 | 242 | 53 | 44 | 7 |
| 2019 | 279 | 54 | 52 | 0 |
| 2020 | 252 | 58 | 58 | 1 |

\* *– because of the backlog.*

1. **Please provide information on any case where lawyers in your country have been subject to intimidation, hindrance, harassment or improper interference, whether from State authorities or non-State actors, for action taken in accordance with their recognized professional duties. Please also describe the measures that State authorities have taken to investigate and bring perpetrators to justice.**

It could be regarded that there is no improper interference of systematic nature besides the above mentioned uncontrolled secret surveillance. However, law enforcement agencies retaliate against the advocates which disclose abuse of law enforcement agencies.

In April 2020, the scandal developed when a advocate presented the evidence showing the alleged abuse of office by the law enforcement (Anti-corruption) agency (STT) officer in a case where the advocate acted as defender. However, the law enforcement agency started a criminal proceeding against the advocate. The Bar Council issued an open statement pointing at the excess of covert measures against the advocate and the law firm where he practices. In May 2020, the Parliament requested the director of law enforcement agency publicly answer the questions in the formal sitting of the Parliament. The scandal was widely debated in media. However, the case was sent to the court on March 2021.

1. **What activities does your organization carry out to promote the independence of the legal profession? Do you co-ordinate with other organizations with similar functions in other countries or regions? Are you part of a network for this purpose? Please give examples.**

As there are no major challenges for the independence of the profession of lawyer, the Lithuanian Bar maintains cooperation with the State institutions and, if needed, engages in dialogue. The sole exception of this practice was the challenges occurred in 2019, answered in more detailed manner to Question 3. The Lithuanian Bar is a member of IBA and CCBE, maintains very close relations to Nordic-Baltic Bars. The main purpose of the participation in the networks is receiving the information about the latest developments and trends in other countries. It is also invaluable in case a support needed. This was the case in 2019, as explained by answering Question 3.

1. **To what extent has, the legislation and/or measures adopted in your country because of the Covid-19 pandemic, affected the exercise of the independence of the legal profession or security of lawyers. Please explain.**

Lithuanian Bar considers that there was no irreversible effect on the profession of lawyer because of Covid-19. However, some restrictions for the advocates to visit their clients in the detention facilities applied. Also, the confidentiality of meetings with their clients was not fully respected justifying it by the precautionary measures against Covid-19. Later on, the situation stabilised.

Legal acts, establishing the procedural aspects of online proceedings, were adopted with consultation and upon agreement of the Lithuanian Bar.

1. **Please describe the measures and policies you would suggest to better protect and guarantee the free exercise of the legal profession.**

UN Human Rights Council on May 28, 2019, adopted Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/41/35). In this report, the accountability of law enforcement agencies using secret surveillance is emphasised: “[s]urveillance subjects should be notified of the decision to authorize their surveillance as soon as such a notification would not seriously jeopardize the purpose of the surveillance” (see para 50(d)).

Lithuanian Bar considers that a secret surveillance used by the law enforcement agencies is unaccountable and completely untransparent regarding the use of such covert surveillance against the citizens, advocates and the Lithuanian Bar itself. The Lithuanian Bar asked the law enforcement agencies to provide the information regarding the secret surveillance against the Lithuanian Bar and its President, Vice-President and Secretary General. Such requests were rejected. After the exhaustion of national remedies, the Bar has submitted a petition to the ECHR (Application no. 64301/19). The case was communicated to the Government on 9 December 2020.

The Bar also has submitted a complaint to the European Commission regarding the infringement of EU law by mal transposition of Data protection directive (CHAP(2019)02116). The Bar received only the confirmation on the acceptance of the complaint and the notion about it being processed. The Bar has submitted the additional information, further clarifying the wrong transposition of the Directive in the domain of secret surveillance.

**ANNEXES**

**Annex I**

Question 1

More on Principle 22:

The Republic of Lithuania, having liberated itself from the Soviet Union oppression that took 46 years, did not have old legal traditions such as older EU Member States had, therefore, after the restoration of independence in 1990, with a totally new political, economic, social and legal order taking shape in the country, it had the challenge to adapt to new circumstances and change legal regulation, which would be based not on persecution of a person by authorities, but on protection of person’s rights. This, of course, had an impact on the standards of advocates’ professional activities. The Lithuanian Bar Association and the community of advocates still (possibly due to the identification with a client) face hostile attitude of law enforcement authorities towards advocates’ activities, especially towards the principles of advocate’s independence and confidentiality of the advocate’s and his/her client’s relationship, of intolerance and unjustifiability of any external effect on communication between an advocate and his/her client, which keep to be emphasized by the Lithuanian Bar Association.

Lithuania has the Law on Criminal Intelligence enacted. It is a “heritage” of legal regulation of the former Soviet Union totalitarian regime and repression, which, unfortunately, though attempts have been made to adapt to modern law, has still remained and successfully thrives in the period of the independent Lithuania.

According to this Law, criminal intelligence is a process, which is started on the basis of received information about possible criminal acts. In performance of criminal intelligence actions, covert information collection methods and means are used, that allow full control of and penetration into a person's private life: to receive information about persons from legal entities, to survey, monitor movement, covertly control postal or electronic correspondence, to wiretap telephone conversations, covertly make video and audio records, irrespective of other persons which come within this space of total (24/7) controlled surveillance (for example, in respect of any other outside persons, such as minors under 14, minors above 14 or groups of other vulnerable or sensitive persons), in order to disclose criminal acts. It is to be noted that according to Article 8(1)(1) of the Law on Criminal Intelligence, criminal intelligence actions are possible not only in case of grave or very grave crimes, but also in case of such individual acts as, for example, incorrect calculation of election votes, destruction of property, forgery of a seal, etc.

According to the Law on Criminal Intelligence, if it is not found that any criminal act is being performed or is performed or preparations are being made for such an act, criminal intelligence investigation is terminated, whereas if the above is found, a pre-trial investigation is started, which is the first stage of criminal procedure (criminal persecution) (ruling of the Court of Appeal of Lithuania passed on 5 September 2018 No. 1S-234-453/2018, p. 8), therefore, further investigation is carried out already not according to the procedure set in the Law on Criminal Intelligence but according to the Code of Criminal Procedure of the Republic of Lithuania (hereinafter referred to as the Code of Criminal Procedure). The pre-trial investigation established in the Code of Criminal Procedure is also intended to disclose criminal acts and the persons who committed them and transfer them to court. The application of the Law on Criminal Intelligence before start of a pre-trial investigation is not necessary for this purpose, as according to the Code of Criminal Procedure, during a started pre-trial investigation the same grounds as provided for in the Law on Criminal Intelligence are allowed, as well as information collection methods and means for covert collection of information about persons. According to the Code of Criminal Procedure, in case of pre-trial investigation, if this information does not confirm elements of a criminal act, then pre-trial investigation is terminated, and where it confirms them, then, upon drawing up an act of indictment, the pre-trial investigation material is transferred to court.

Thus, the Law on Criminal Intelligence, for the purpose of combating criminal acts, establishes an alternative information collection process for the criminal persecution process. Differences between criminal intelligence and criminal procedure relevant for the questionnaire: (1) after covert actions of criminal intelligence, no person has a possibility to learn about them, including the advocate, if the investigation was terminated; (2) in case of the criminal procedure, cover collection of information about the communication between the advocate and his/her client is possible if the advocate is suspected of having committed a criminal act, according to the case law it is not necessary that official allegations or charges be made against the advocate, it is enough that the investigation material contains data, which allows suspecting the advocate of commitment of a criminal act. During criminal intelligence, cover collection of information about the communication between the advocate and the client is possible without any suspicions and neither the advocate nor its client will ever become aware of such collection of information if the criminal intelligence investigation does not develop into a criminal procedure.

Criminal intelligence activities as a general rule must be sanctioned by the court. However, the official data provided by the National court administration shows that the approval rate exceeds 99 per cent, which shows non-existence of effective judicial control.

Considering all the circumstances in the criminal intelligence regulation and alleged criminal intelligence activities against the Lithuanian Bar itself, the Bar has submitted a petition to the ECHR (Application no. 64301/19). The case was communicated to the Government on 9 December 2020.

According to Article 46(3) of the Law on the Bar, it is prohibited to examine, inspect, or take the advocate’s practice documents or files containing information related to his/her professional activities, examine postal items, wiretap telephone conversations, control any other information transmitted over telecommunications networks and other communications or actions, except for the cases when the advocate is suspected or accused of a criminal act.

Such permission covers only the documents related to the allegations or charges made against the advocate. Also, attention should be paid that according to Article 154(7) of the Code of Criminal Procedure, listening to the conversations of the defender with the suspect or the defendant, transmitted over electronic communication networks, making their records, controlling other information transmitted between them over electronic communication networks, recording and accumulating it, is prohibited.

It this context, it must also be mentioned that the latter provisions of the Law on the Bar and the Code of Criminal Procedure are treated in case law as valid legal regulation, which establishes advocates’ immunity, i.e., ensures prohibition to control the communication between the advocate in performance of his/her professional duties and his/her client. This immunity applies only to the advocate’s and his/her client’s relationship (ruling of the Supreme Court of Lithuania passed on 16 June 2016 in criminal case No. 2K-239-303/2016; ruling of the Supreme Court of Lithuania passed on 13 March 2018 in criminal case No. 2K-33-303/2018).

But Article 46(3) of the Law on the Bar says that this immunity does not apply when the advocate is suspected or accused of having committed a criminal act. In case law, this provision is interpreted by expanding its limits, for example, the Supreme Court of Lithuania in case No. 2K-346/2011, where an advocate was convicted for an act of corruption, stated that the criminal acting of the convicted advocate was not compatible with the advocate’s professional activity, therefore, in this case, use of covert investigation actions was not contrary to guarantee for lawful activities of an advocate provided for in the Law on the Bar. Thus, according to the case law of the cassation court, covert investigation actions can be used against an advocate also in case if he is not yet officially suspected of having committed a crime (an act of suspicion, an act of indictment is not yet officially served to him/her), but investigators have data that the advocate behaves criminally. Thus, this case law basically negates the guarantees of protection of advocates’ communication, which are set in laws.

As it has been mentioned, the Law on Criminal Intelligence is also effective in Lithuania, which allows law enforcement authorities to perform covert actions in information collection (e.g. wiretapping of telephone conversations, control over electronic or other correspondence, etc.) without making allegations or charges, only according to data collected by officers that one is getting ready for commitment of a crime or that a crime is being committed or is committed. Thus, advocates’ communications can be controlled even in the absence of sufficient data that a criminal act was committed at all, even in the absence of a sufficient basis to start a pre-trial investigation (criminal procedure). This law de facto gives law enforcement authorities the right that is like powers of institutions ensuring security of the State.

There are cases in practice, when, acting on the basis of the Law on Criminal Intelligence, advocate’s professional secret is violated even before starting a process under the Code of Criminal Procedure, without making any allegations or charges against the advocate. Such practice should be taken critically because (even presuming that an advocate is possibly making illegal actions with one of its clients), by wiretapping the advocate’s telephone conversations, by installing audio and video recording devices in the law firm (in one of known cases, an audio recording device was installed in the advocate’s suitcase), it is practically impossible to ensure that only such information that is related to criminal acts, possibly committed by the advocate, will be learned. It is so because during the advocate’s telephone conversations or his/her conversations in the premises of the law firm, the wiretapping person cannot control the course and content of the conversations, which probably often constitutes the attorney-client privilege, not related to any possibly criminal acts. When wiretapping the advocate’s telephone conversations, recording conversations in the law firm, in any case one will record not only information, related to advocate’s possibly illegal activities, but also his/her conversations with other clients, i.e. law enforcement authorities learn what information clients disclose to their advocates. Practices of law enforcement authorities show that control of persons, in respect of whom criminal intelligence actions are performed, is carried out according to the 24/7 principle, in this way controlling communication with all other clients of the advocate.

In this case, officers, without making any allegations or charges, referring only to their subjective evaluation, can overtake various information, which is not related to the advocate’s crime presumably being committed. It is important that the covert information collection actions will never be known either to the advocate or his/her client if there is no basis for starting a pre-trial investigation and officers do not decide to use this information in the criminal case.

It is so because information collected under the Law on Criminal Intelligence is a state secret and according to the Law on State Secrets and Official Secrets, it is impossible to learn about it unless it is used. This makes it possible for officers to covertly collect information which is attorney-client privilege and not to notify about it if the collected data did not confirm the fact of the crime. Following the Law on Criminal Intelligence, a court sanction is obtained according to data presented by officers, in this way, the advocate’s secret may be violated even in case of an unsubstantiated or insufficiently substantiated belief that a violation of law was committed until any hint about a possible crime is found in the context of the collected information. It is to be assumed that this is not in line with the right to a fair trial.

As it has been mentioned, according to the Code of Criminal Procedure, certain formal guarantees exist, for example, when making a search in the advocate’s residential or working place, body search of the advocate and examining his/her electronic media, according to Article 46(4) of the Law on the Bar, an advocate authorised by the Bar Council is to be present. However, the practice of law enforcement authorities is such that electronic media data is transferred (copied) to another electronic media or computer, where key words of interest to investigators are searched by use of special software.

After the end of the investigation of the copied data, in practice copies of all electronic data can be kept by officers and not destroyed, though officers no longer have a legitimate purpose to keep them (the Lithuanian Bar Association is aware of cases when, upon completion of investigation actions in respect of advocates, they by mistake were also given documents instructing making of back-up copies of data). In this way, protection of client’s secret can be ensured only in such a case if the pre-trial investigation is performed according to the Code of Criminal Procedure and an advocate authorised by the Bar Council is present during the investigation.

However, such a guarantee is just a formality in case if officers examine data without inviting an authorised advocate or examine back-up copies. Advocate’s guarantees are not and in no way can be ensured in the framework of the said investigation carried under the Law on Criminal Intelligence, as no advocates authorised by the Bar Council are informed of such actions. In this way, law enforcement officers can secretly make a back-up copy of all data of the advocate with no one (ever) becoming aware of it.

According to Article 46(3) of the Law on the Bar, it is prohibited to examine, inspect, or take the advocate’s practice documents or files containing information related to his/her professional activities, examine postal items, wiretap telephone conversations, control any other information transmitted over telecommunications networks and other communications or actions, except for the cases when the advocate is suspected or accused of a criminal act. Such permission covers only the documents related to the allegations or charges made against the advocate.

However, though the Law on the Bar establishes guarantees for the advocate’s data protection, often court sanctions are such inaccurate and abstract that they make it possible for law enforcement officers to search all premises and to examine all documents. There is no practice that an advocate should be at first offered to present information of interest to officers himself/herself

Also, according to Article 46(4) of the Law on the Bar, a search or seizure at the place of practice or residence or motor vehicle of an advocate, a body search, an examination, inspection or seizure of documents and postal items may be conducted only in the presence of a member of the Council of the Lithuanian Bar, or an advocate authorised by it. The Council of the Lithuanian Bar Association has confirmed a list of such authorised advocates. The present advocate, authorised by the Council of the Lithuanian Bar Association, must ensure that no documents, which are not related to allegations or charges made against the advocate, are taken during the search or seizure.

Still, there have been cases when searches were made at the place of residence of an advocate in the absence of advocates authorised by the Bar Council, and when the Bar Council made relevant requests for information to law enforcement officers, it was sought to confirm lawfulness of such searches in courts, however, unsuccessfully. Although data obtained unlawfully during a search cannot be recognised as evidence in the criminal procedure, such a search makes it possible for law enforcement to collect information they need.

Though the said guarantees of professional activities of an advocate are established in Article 46(4) of the Law on the Bar, under the Law on Criminal Intelligence, the law firm can be entered covertly, the advocate unaware of it, in the absence of any advocates authorised by the Bar Council.

Formal guarantees exist, but law enforcement authorities follow the approach that possibly criminal activities of an advocate are not subject to attorney-client privilege.

Therefore, in order to be able to apply criminal intelligence methods, preliminary information is enough, in order to find out whether an advocate performs criminal activities. Thus, for example, when all conversations are wiretapped 24/7, there are no guarantees that records of such conversations (information learned during them) will not be used against clients of the advocate.

In an unofficial discussion with representatives of the Prosecutor General’s Office, the Lithuanian Bar Association was informed that officers, controlling the content of telephone conversations, must report all significant information they learned, even though not related to the objects of direct control, to law enforcement officers. In this way, by performing criminal intelligence against an advocate, all information transferred by clients to an advocate is controlled.

**Annex II**

Question 3

The formal letter of the President of the CCBE to the President of the Republic of Lithuania

