**Responses by the Republic of Lithuania to the questionnaire of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: “The nature, scope and regulation of the production and trade of law enforcement equipment and weapons and the relationship with torture and other cruel, inhuman or degrading treatment or punishment”**

**Question 1: Regulation of production**

**1.1. Does your country have national legislation or alternative regulatory, administrative, judicial or other measures, which prohibit or regulate the production of certain law enforcement equipment or weapons, and/or a system of classifying different types of the production of law enforcement equipment and weapons?**

The Law on the Control of weapons and ammunition[[1]](#footnote-1) regulates the production of certain weapons such as electric shock devices, laser rays, etc.

**1.2. How are "prohibited goods" defined and categorized under national legislation (or alternative regulatory, administrative, judicial or other measures)? If there are lists of prohibited goods, please provide details, including what mechanisms there are for updating these categories/lists, how often they are updated, and when was this last done.**

**Not applicable**

**Question 2: Regulation of trade**

**2.1. Does your country have national legislation or alternative regulatory, administrative, judicial or other measures, which prohibits the trade (import, export, transit) in any of the goods listed at 1.1. Please explain these legislation/measures and provide a copy or hyperlink to those documents.**

Lithuania applies Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (prohibits the trade (import, export, transit) of goods listed in Annex II of the Regulation[[2]](#footnote-2).

According to Regulation (EU) 2019/125, a natural or legal person, entity or body, including a partnership, whether resident or established in a Member State or not, is prohibited from executing the transit of goods listed in Annex III, if he, she or it knows that any part of a shipment of such goods is intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a third country.

**2.2. Does your country's national legislation (or other measures) also regulate the trade (import, export, transit) in goods that have a "legitimate law enforcement purpose, but which may be easily abused for torture and ill-treatment or punishment"? Please explain these legislation/measures.**

According to Regulation (EU) 2019/125, for any export of goods listed in Annex III of Regulation (EU) 2019/125 the authorization is required.

The certain goods listed in Annex III of Regulation (EU) 2019/125 are allowed only for law enforcement bodies. It is prohibited to keep certain goods to civilians by national Law on the Control of arms and ammunition[[3]](#footnote-3).

**2.4 Other activities: Does the relevant legal framework (or alternative measures) regulate any of the following activities: promotion, brokering, transportation, technical assistance, and training in the use of prohibited or controlled goods?**

Yes, Regulation (EU) 2019/125.

**2.5 Definitions and categorizations: How are prohibited and/or controlled goods defined and categorized under national legislation (or alternative measures)? If there are lists of prohibited and/or controlled goods, please provide details, including what mechanisms there are for updating these categories/lists, how often they are updated, and when was this last done.**

Annexes II, III of Regulation (EU) 2019/125.

**2.6 Actors: Please indicate whether the relevant legal framework (or alternative measures) covers trade of goods undertaken by any of the following actors: commercial companies, State-owned companies, police forces, military forces, other State or private entities.**

For the import of goods listed in Annex III of Regulation (EU) 2019/125 no authorization is needed. Only law enforcement bodies can import certain goods to Lithuania. It is prohibited for civilians to be in possession of certain goods by national Law on the Control of arms and ammunition[[4]](#footnote-4).

**2.7 Human rights risk assessment: When determining whether to allow specific exports of controlled law enforcement equipment and weapons to a potential end user in a recipient State, are the goods subject to a human rights-based risk assessment procedure? As part of that procedure, is there an assessment of the risk that the goods to be exported may be used for potential acts of torture or other cruel, inhuman, or degrading treatment or punishment? If so, please describe what this assessment entails.**

Criteria for granting export authorisations are established by Regulation (EU) 2019/125.

**2.8 Denial of export: In the last five years has your Government dented any requests (or licenses) to export law enforcement equipment and if so, how many times and on what grounds?**

No.

**2.9 Reporting: Are exporters (including the State) required to report to the Government, Parliament or another entity, on the exports of controlled goods and related training? Are these reports publicly available? If so, please provide copies from 2018-2022.**

No authorizations were issued in Lithuania for import/export of goods listed in annexes II and III of the Regulation (EU) 2019/125. Annual reports are publicly available[[5]](#footnote-5).

**2.10 Regional or international standards: Is the domestic legal framework (or alternative measures) based on existing regional or International standards, whether binding or non-binding? If so, please provide details.**

Yes. All arms, ammunition and accessories thereofprohibited by the international treaties of the Republic of Lithuania are prohibited in the Republic of Lithuania.

**2.11 Future intentions: If your State has no legislation or measures currently in place, is your Government intending to introduce such legislation/measures? If so, please provide details of any commitments made to this end or processes that are ongoing (e.g. draft bills) and any timescale given for the introduction of such legislation/measures.**

Not applicable

**Question 3: Main producers, suppliers and exporters of law enforcement equipment**

**Please provide details of the main producers, suppliers and exporters of law enforcement equipment and weapons covered by the categories listed in Question 1.1 or 2.2, for the period 2018-2022.**

* 40x46 mm cartridges BT SIR (safe impact round) – B&T AG
* Shotgun cartridges with traumatic rubber shells 12 x 70 mm (Ddupleks 12/70 Silicone Slug) – Ddupleks
* 40mm CS multiple projectile rounds "Defence Technology SKAT SHELL Mod. 6172 (CS)" (Outdoor) – Safariland group / Defense Technology
* 40 mm CS Barricade Penetrator rounds "Defence Technology FERRET BARRICADE PENETRATOR Mod. 2262 (CS Liquid)" (Indoor) – Safariland group / Defense Technology
* Expandable batons – BONOWI IPE GmbH and Ningbo Chowey Police Equipment Co.,ltd.
* Police batons ESP PBS-34/86 – Euro Security Products, s.r.o.
* Defence spray   IDS SYSTEMS AG RSG2000 (60ml 0,67% PAVA EIP) – IDS SYSTEMS AG RSG2000
* Irritant spray devices – Carl Hoernecke Chem. Fabrik GmbH & Co.
* KG TW 1000 RSG-8 Irritant Projector (400 ml 0,3% OC EIP) – Carl Hoernecke Chem. Fabrik GmbH & Co
* TASER X-26/X-26P/X7 conducted energy weapon – 2 Axon Enterprise, Inc.
* Cartridges for TASER X-26/X-26P/X7 – Axon Enterprise, Inc.
* Handcuffs - TCH UK and Alfa-Proj Disposable restraints ESP HT-01 – Euro Security Products, s.r.o.
* Hand CS gas grenades PW Defence N225 (CS) – Wescom Group
* Hand CS gas grenades Safariland Triple-chaser separating canister CS – Safariland group / Defense Technology

**Question 4: Training Services and Review of Procedures**

**What training is provided by relevant State entities (including military forces, police forces, immigration, or associated training colleges), commercial companies or academic institutions in the use of law enforcement equipment and weapons to domestic and/or foreign military, security or police personnel? If such training is regulated, please provide details, including whether this regulation incorporates a human rights-based risk assessment procedure and whether certain types of training are prohibited.**

The national legislation stipulates that law enforcement officers must be specially trained and regularly checked for their ability to act in situations involving the use of mental or physical coercion[[6]](#footnote-6).

The Law of Penitentiary and Probation System[[7]](#footnote-7) establishes the right of penitentiary officers, while fulfilling their duties, to use firearms and special means, as well as describes cases where firearms and special equipment (handcuffs, truncheons, electrical shock devices (tasers), gas sprayers, etc.) may be used. The Law also prescribes, that penitentiary officers must be specially trained and regularly tested for their ability to handle situations involving the use of firearms and special means. Penitentiary officers, before starting their service (during initial or vocational training), and regularly while in service (during competence building courses) are trained to use firearms and special means. Aforementioned training programmes include the main principles – proportionality, respect for human dignity, etc.– and rules, settled in the international human rights documents[[8]](#footnote-8).

**Question 5: Investigations and prosecutions**

**Have there been any investigations, prosecutions and/or convictions for breaches of national law on the trade in such goods? If so, please provide details.**

There have been no investigations, prosecutions and/or convictions for breaches of national law on the trade in such goods.

1. <https://www.e-tar.lt/portal/lt/legalAct/TAR.389CB90C666D/asr> [↑](#footnote-ref-1)
2. [EUR-Lex - 02019R0125-20210101 - EN - EUR-Lex (europa.eu)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02019R0125-20210101) [↑](#footnote-ref-2)
3. <https://www.e-tar.lt/portal/lt/legalAct/TAR.389CB90C666D/asr> [↑](#footnote-ref-3)
4. [IX-705 Lietuvos Respublikos ginklų ir šaudmenų kontrolės įstatymas (e-tar.lt)](https://www.e-tar.lt/portal/lt/legalAct/TAR.389CB90C666D/asr) [↑](#footnote-ref-4)
5. [Testas | Lietuvos policija (lrv.lt)](https://policija.lrv.lt/lt/paslaugos/statistika) [↑](#footnote-ref-5)
6. [1190 Dėl Pareigūnų parengimo veikti situacijomis, susijusiomis su psichinės, fizinės prievartos, šauna... (e-tar.lt)](https://www.e-tar.lt/portal/lt/legalAct/a7e7f3a0b88b11e693eea1ef35f20da9/asr) [↑](#footnote-ref-6)
7. [XIII-1387 Lietuvos Respublikos bausmių vykdymo sistemos įstatymas (lrs.lt)](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/74a076b0834711e89188e16a6495e98c/asr) Article 13 – 14. [↑](#footnote-ref-7)
8. Universal Declaration of Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment European, European Convention on Human Rights and Fundamental Freedoms, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. [↑](#footnote-ref-8)