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1 - My rights during the investigation of a crime

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How and where can I report a crime?

If you have suffered from a crime in Lithuania you can report it to the [police](#) or the [public prosecution service](#):

- by going to the nearest police station or [public prosecutor's office](#);
- by sending a letter; or
- by calling the emergency phone number 112.

You can report a crime in any language. The authorities will provide interpretation free of charge.

Anybody who is aware of the crime you have suffered from can report it for you. There are two important exceptions to this rule:

- For some crimes listed in the law (e.g. sexual offences, libel, etc.) investigation can start only if you or your representative reports the crime. The police and the public prosecutor will not start the investigation without your complaint.
- Some less serious crimes are prosecuted directly by the victim and not by the public prosecutor. For these crimes you have to submit a written complaint directly to the court and there will be no investigation.

There is no obligatory form you have to follow. Based on your report the police will draft a document called

'application-protocol' and will ask you to verify its content and sign it. The application-protocol includes:

- information about you: name, surname, place of residence, nationality, marital status, ID document (number, date and place of issuance), workplace, position, profession, phone numbers; and
- information about the crime: description of the incident, damages, etc.

When you submit a complaint directly to the court you must include the following information:

- name of the court you are submitting the complaint to;
- place, time, consequences and other essential information about the offence;
- evidence supporting the complaint; and
- names and place of residence of the victim, the alleged offender and the witnesses (if any).

There is no deadline for reporting a crime. However, if a certain period of time has passed after the incident the police will accept your report but will not start an investigation. This period is specified in the law and ranges between two and 20 years depending on the type of the crime.

How can I follow up on what the authorities do after I report a crime?

Once the police start an investigation they will assign a reference number to your case. You can ask the police about the number of your case and you can use this number to follow the progress of the investigation.

How can I be involved in the investigation of the crime?

When the police or the public prosecutor decides to open an investigation you as a victim will receive a notification. Notifications are usually sent by post.

To participate in the investigation of the crime as a victim you have to receive a formal authorisation from the public prosecutor or the police officer in charge of your case. By this authorisation the public prosecutor or the police officer officially recognises you as a victim of the investigated crime.

If you have reported the crime the authorisation will be given automatically and you will receive a copy of the decision. If you have not reported the crime but nevertheless an investigation has been launched you have to make a request to the public prosecutor or the police officer to formally recognise you as victim.

Once you have received the formal authorisation to participate in the investigation as a victim you can:

- receive notifications when a suspect has been arrested or when an arrested person has been released;
- present evidence;
- make requests, including requests for collection of evidence;
- get acquainted with the materials collected on the case; and
- appeal against the actions of the police officer or the public prosecutor which you believe affect your rights or interests.

If you wish to claim compensation from the offender for the damages caused by the crime you can submit a civil claim. By submitting the civil claim you will become a civil claimant.

You can use the assistance of a lawyer irrespective of your role during the investigation. You have to pay for the lawyer's services or apply for legal aid free of charge.

You can request reimbursement of the expenses you have made during the investigation. You can receive reimbursement for the travel and accommodation expenditures as well as compensation for lost remuneration. Requests for reimbursement are submitted to the public prosecutor or the police officer in charge of the case.

What are my rights as a witness?

During the investigation the public prosecutor or the police will probably call you for an interview as a witness. In this case you have to go to the police station or the public prosecutor's office and answer the questions posed to you.

You will be asked to make an oath that you will speak the truth and not hide information. You can refuse to be interviewed only if your testimony may lead to criminal prosecution against you or your relatives. In all other cases, if you refuse to testify you risk being fined.

I am a minor. Do I have additional rights?

If you are a child under 18 years of age you usually will be interviewed only once. The interview will be conducted by a judge and may be recorded. During the interview the judge can invite a psychologist or a person from the local children's rights protection agency to assist you. Your parents may also be present during the interview.

What information can I obtain from police or victim support organisations during the investigation of the crime?

The police officer, the public prosecutor and the judge in charge of your case are obliged to explain to you what rights you have during the proceedings and how you can exercise them.

If you have been formally recognised as a victim of the crime you will receive a copy of the decision for granting such recognition. In the decision you will find a brief explanation of your rights during the proceedings.

If you are a victim of violent crime you will also receive information about how you can receive compensation from the State.

At any time during the investigation you can ask for permission to check the documentation of the case or request copies or excerpts of documents. Your request has to be addressed to the public prosecutor. The public prosecutor will allow you to examine the entire case file. Access to the case file or to individual documents can be restricted only if it may hamper the investigation. You can appeal against such a restriction before the judge. The appeal has to be submitted within seven days. The judge will issue a final decision on your appeal within three days.

Additional information can also be obtained by contacting the non-governmental organisations working with victims of crime such as the Lithuanian Association of Victims of Crime Support.

Can I receive legal aid?

You can receive legal aid free of charge only if you have been formally recognised as a victim or you have filed a civil claim for damages. If you are participating in the investigation as a victim you have to present evidence that your income does not allow you to pay for legal services. If you are claiming damages from the offender as a civil claimant legal aid free of charge is available irrespective of your income.

To receive legal aid free of charge you have to fill in a special [application form](#) and send it to one of the [State-Guaranteed Legal Aid Services](#).

If you qualify for legal aid you will be provided with a lawyer free of charge. The lawyer will assist you during the investigation (including the drafting of the necessary documents) and will represent you before the authorities.

How can I get protection, if I am in danger?

If you are in danger your identity can be kept secret. This protection measure is available if:

- you have been called for an interview as a witness and your testimony is important to the investigation; and
- the crime you have suffered from was a serious one; and
- there is a real threat to you or your family members' or close relatives' life, health, liberty or property.

If you want your identity to remain secret you have to make a request to the public prosecutor or the police officer in charge of your case. Your personal data will not be included in any of the documents in the case file and will be replaced by a special identification number. Only the public prosecutor and the police officer in charge of your case (and the judge if the case goes to court) will have access to your personal data.

Additional protection measures are available if you have suffered from a serious crime and there exists a real threat to your life, health, or property. To benefit from these measures you have to actively cooperate with the justice and law enforcement officials, help them to conduct the investigation or provide them with important information on the case. The additional protection measures can also cover your spouse, partner, parents (including adoptive parents), children (including adopted children), brothers, sisters, grandparents, and grandchildren.

The additional protection measures may include:

- physical protection for you, your relatives or your property;
- temporary transfer to a safe place;
- restricted access to your data kept by other institutions or available through publicly accessible databases;
- change of place of residence, work or study location;
- change of identity and biographical data;
- change of personal appearance (including through plastic surgery);
- provision of a weapon or other devices; and
- financial support.

What services and assistance can I be given during the investigation of the crime?

There are non-governmental organisations offering different types of services such as: support, accompaniment, provision of information, search for available opportunities, psychological counselling, post-traumatic help, etc. For more information you can contact the Lithuanian Association of Victims of Crime Support.

You can receive medical assistance but you may be asked to pay for it unless you have a valid health insurance. Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the [European Health Insurance Card](#).

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

You can reconcile with the offender at any time during the investigation of the crime. The process of reconciliation is not regulated. Nevertheless there are conditions specified that should be followed for conciliation to happen. Conciliation is not possible in cases of very serious or serious crimes. Upon conciliation the offender should pay or promise to pay compensation for the damages you have suffered as a result of the crime. In case you reconcile with the offender during the investigation stage the case will not go to court.

How will my case continue after the end of the investigation?

At the end of the investigation you will be provided with the opportunity to check all the materials collected so far. After that, the police officer will send the case file to the public prosecutor who will decide how to proceed further. If the public prosecutor believes that there is sufficient evidence supporting the charges he/she will bring the case to court for trial. Otherwise the public prosecutor will close the case at this stage.

Can I appeal if my case is closed without reaching the court?

If in the course of the investigation the police officer decides to close the case you can appeal against his/her decision before the public prosecutor. If you are not satisfied with the public prosecutor's decision you can appeal against it before the superior prosecutor. If the superior prosecutor confirms the decision of his/her subordinate prosecutor you can file an appeal before the judge.

The deadline for all appeals is 14 days after you receive the decision. If there are serious reasons preventing you from appealing on time you can ask for an extension of the deadline. The maximum possible extension is six months following the issuance of the decision.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above. You can also benefit from additional rights aimed at facilitating your participation in the proceedings.

Criminal proceedings in Lithuania are conducted in Lithuanian. If you do not speak Lithuanian you can use your mother tongue or any other language you understand. You will be provided with an interpreter free of charge to assist you when you attend investigative actions. All documents you receive from the authorities during the investigation must also be translated in a language you understand.

More information:

- Code of Criminal Procedure (Baudžiamojo proceso kodeksas) – in [Lithuanian](#)
- Criminal Code (Baudžiamasis kodeksas) – in [English](#) and [Lithuanian](#)
- Law on Fundamentals of Protection of the Rights of the Child (Lietuvos Respublikos vaiko teisių apsaugos pagrindų įstatymas) – in [English](#) and [Lithuanian](#)
- Law on Protection of Participants of Criminal Procedure and Intelligence Operations (Lietuvos Respublikos baudžiamojo proceso bei operatyvinės veiklos dalyvių, teisingumo ir teisėsaugos institucijų pareigūnų apsaugos nuo nusikalstamo poveikio priemonių įstatymas) – in [Lithuanian](#)
- Law on State-Guaranteed Legal Aid (Valstybės garantuojamos teisinės pagalbos įstatymas) – in [Lithuanian](#)
- Decree of the Government of the Republic of Lithuania No 524/25.04.2003 on the order of establishing the sums and their payment to the witnesses, victims, experts, specialists, and interpreters (Nutarimas dėl liudytojams, nukentėjusiesiems, ekspertams specialistams ir vertėjams išmokėtinų sumų dydžio nustatymo ir apmokėjimo baudžiamajame procese ir administracinių teisės pažeidimų teisenoje tvarkos patvirtinimo) – in [Lithuanian](#)

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