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## 2 - My rights during the trial

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## How can I be involved in the trial?

If you are formally recognised as a victim, you will receive a notification for the time and place of the court hearing. If you have not requested to be formally recognised as a victim so far you can do it during the court hearing.

As a formally recognised victim, during the trial you can:

- present evidence;
- make requests, including requests for the collection of evidence and requests for the replacement of the judge or the public prosecutor if you doubt their impartiality;
- appeal against the decisions of the public prosecutor or the judge if you believe they affect your rights or interests;
- get acquainted with all the materials collected on the case;
- make a final speech; and
- appeal against the final decision of the court.

You can request reimbursement of the expenses you have made during the trial. You can receive reimbursement for travel and accommodation expenses as well as compensation for lost remuneration. Requests for reimbursement are submitted to the court.

## What are my rights as a witness?

During the trial the judge will most probably call you for an interview as a witness. In this case you have to go to court and take part in the court hearing.

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 case 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 will not be asked to attend the court hearing and you will not be interviewed during the trial. Instead, the record of your interview during the investigation will be used. Only in exceptional cases you may be asked to appear before the court and be interviewed for a second time.

## Can I receive legal aid?

You can receive legal aid free of charge only if you are participating in the trial as a formally recognised victim and/or a civil claimant. If you are participating in the trial 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 you have to fill in an [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 who will assist you during the trial and represent you before the court.

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

If you are in danger you can benefit from the same protection measures as during the investigation.

Your identity can be kept secret if:

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

If you want your identity to remain secret you have to make a request to the judge. When your identity is kept secret your personal data will not be omitted from the documents in the case file and will be replaced by a special identification number. Only the judge, the public prosecutor and the police officer in charge of your case will have access to your personal data. You will be interviewed in the absence of the offender and his/her lawyer or via telephone or videoconference.

If you have suffered from a serious crime and there exists a real threat to your life, health, or property you can ask for additional protection measures for you and/or 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.

## How can I claim damages from the offender or receive compensation from the State?

You can claim damages from the offender by filing a civil claim during the criminal proceedings at any time during

the investigation of the crime. You can file your claim to the public prosecutor in charge of your case or to the court. When you file a civil claim you will become a civil claimant.

If you do not want to claim damages from the offender during the criminal proceedings you can file a separate claim before a civil court. You cannot file claims both in the criminal proceedings and before a civil court.

If you are victim of a violent crime you are also entitled to compensation provided by the State. Please consult the factsheet on compensation to crime victims in Lithuania (available in [Lithuanian](#), [English](#) and other languages) of the European Judicial Network.

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

Opportunities to reach conciliation with the offender exist during all stages of the investigation of the crime, including in court.

## 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.

The trial will be conducted in Lithuanian. If you do not speak Lithuanian you can use your mother tongue or any other language you understand. The court will provide you with an interpreter free of charge to assist you when you attend court hearings. All documents you receive from the court during the trial 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](#)
- Law on Compensation of Damage Caused by Violent Crimes (Smurtiniais nusikaltimais padarytos žalos kompensavimo 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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