



46454/11  
46454/11 ABU ZUBAYDAH v. LIT

SECRET



AGENT OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA  
TO THE EUROPEAN COURT OF HUMAN RIGHTS

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Mr Stanley Naismith  
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FRANCE

17 September 2015

Application no. 46454/11  
Abu Zubaydah v. Lithuania

By Mail

Dear Sir,


With reference to your letters of 25 March 2015 and 16 June 2015 we are sending herewith the requested documentary evidence and ~~further written observations of the Government of the Republic of Lithuania on the above application.~~

A major part of the relevant evidentiary material is presented in a descriptive form in English. The requested translation into English of the enclosed documents is still in process and shall be submitted to the Court as soon as possible. We sincerely apologize for any inconvenience caused.

The Government would kindly draw the attention of the Court that in respect of all the material submitted by the Government either in a descriptive or in any other form Rule 33 § 2 of the Rules of Court is requested to be applied.

Annex: 82 pages.

Respectfully,

  
Karolina Bubnyte  
Agent of the Government of the Republic of Lithuania  
to the European Court of Human Rights





*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

1. With reference to the letters of the European Court of Human Rights (hereinafter referred to as the Court) of 25 March 2015 and 16 June 2015 the Government of the Republic of Lithuania (hereinafter referred to as the Government) submit documentary evidence requested by the Court in the case of *Abu Zubaydah v. Lithuania*.
2. At the outset the Government would like to note that while performing the request of the Court related with the submission of additional documentary evidence the Lithuanian authorities tackled serious difficulties. First of all, as we have already informed the Court the pre-trial investigation No. 01-2-00016-10 has been re-opened and joined to another ongoing pre-trial investigation No. 01-2-00015-14. It should be noted in this regard that under Article 177 § 1 of the Code of Criminal Procedure, which entered into force on 1 May 2003, pre-trial investigation material cannot be published. It is provided for by the said Article that the material prior to transmitting the case to the court may be pronounced only upon the permission of the prosecutor and only to the extent acknowledged as permissible. This notwithstanding, also taking into account the peculiarities of the Convention mechanism, the Convention itself as a ratified international treaty of the Republic of Lithuania being a constituent part of the Lithuanian law (Art. 138 § 3 of the Constitution) and enjoys a priority in its application (in cases when national legal acts (*inter alia*, laws or constitutional laws) establish a legal regulation which competes with that established in an international treaty, then the international treaty should be applied), also taking into account the peculiarities of the procedure before the Court, namely the possibility in accordance with the Rule 33 § 2 of the Rules of Court to impose confidentiality on any pleadings or materials that might subsequently be produced in the case where reasons were shown to justify such a decision, the Government excluded the possibility to refuse to submit the information requested in compliance with the request of the Court by referring to the ongoing pre-trial investigation in accordance with the provisions of the national law. It should be noted that when addressing the Prosecutor General's Office (hereinafter referred to as the PGO) and requesting to submit certain documents relevant when complying with the request of the Court the Government Agent has drawn its attention to the fact that taking into consideration non-publicity of the material of the ongoing per-trial investigation, while transmitting the documents to the Court the Government shall request the Court to apply the Rule 33 § 2 of the Rules of Court and to impose confidentiality on all the material submitted by them whether in descriptive or in any other form. Considering this, the prosecutor of the GPO being in charge for the pre-trial investigation at issue submitted the requested documents and gave her permission to submit them to the Court (as regards the scope of the documents submitted to the Court see the explanations below), also other material in a descriptive form in the case-file No. 01-2-00016-10 provided for.
3. The second reason substantiating the complexity of the processing with the Court's request and also explaining why not all document requested by the Court are submitted in their entirety – the major part of the material is provided for in descriptive form and few documents – in redacted version – is the fact that major part of the material of the pre-trial investigation No. 01-2-00016-10 consist of secret information classified by one of the following entities: the State Security Department (hereinafter referred to as the SSD), the PGO, the Government, the Ministry of Foreign Affairs and some others.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

4. Still, the State authorities aiming to comply with the Court's request made their joint efforts in order to declassify at least some part of the material requested. After the PGO had been noted of the Court's request, it repeatedly applied to the SSD, being the entity who classified the major part of the material of the pre-trial investigation, asking for a repetitive review of the entire case-file at issue with the aim to verify to what extent, if any, the declassification of its material related to the Court's request would be possible and to initiate the procedure for its declassification, if need be (it should be reminded in this regard that the PGO once already applied the SSD as regards possible declassification of the pre-trial material at issue in 2013, with no positive outcome). It should be explained that in accordance with Article 13 of the Law on State Secrets and Official Secrets of the Republic of Lithuania the declassification procedure is to be co-ordinated by the Special Standing Commission of Experts (*specialiuju ekspertu komisija*) formed within the State Security Department, as the main entity of the State secrets relevant to the case. The SSD has held two meetings of its Special Standing Commission of Experts – the one of 12 June 2015 and the other – of 25 August 2015. Upon declassifying the material to possible extent (or suggesting to initiate the declassification procedure for other entities who have classified it) during the first meeting it was decided to start in parallel the description of the rest of the material. Meanwhile the response of the partners of the SSD for the consent of possible declassification was being awaited, which would be decisive for the outcome and scope of the declassification proceedings. During the second meeting of the Special Standing Commission of Experts of the SSD the procedure for the declassification of the material requested by the Court has been finalised by selecting and editing out certain requested documents, verifying their descriptive summaries and also giving explanations related to inability to submit certain documents for the reasons of the national-security concerns.
  
5. In this regard it should be noted that the inability to submit some part of the documents requested by the Court is related to impossibility to declassify them for outstanding national-security concerns of the Republic of Lithuania, namely: 1) firstly, as some of the classified documents contain personal data of present and former collaborators of the Intelligence Services providing them public access would pose a real danger not only to the officers themselves, but also to life and health of their family members. The officers or their relatives might become targets of the intelligence services of hostile countries or acts of terrorism; 2) secondly, some of the classified documents contain secret information related to the activities of NATO Member States, which is not even at the disposal of the Republic of Lithuania. As both reasons are closely intertwined, the majority of the documents cannot be subject to editing out, thus, the Government present them to the Court in a descriptive form. In the light of what has been said above the Government would kindly request the Court to apply Rule 33 § 2 of the Rules of Court and to impose confidentiality on all the material submitted by the Government either in a descriptive or in any other form for both: national-security concerns listed above and due to the fact that all the material presented form a part of the ongoing pre-trial investigation.

**The Court's 1<sup>st</sup> question**

The Government is requested to provide *declassified parts of the materials of the pre-trial investigation (see § 54 of the Government's observations of 10 May 2013) - in the original language and English translation.*



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

6. In response to the first question submitted by the Court the Government first of all provide the Court with declassified documents by the SSD or other entity. The Government also submit the reasons of inability to declassify certain documents and submit them in their entirety, however, in order to comply with Article 38 of the Convention the Government still, at the same time provide the Court with the descriptive summaries of the content of the rest of the documents and (or) redacted versions of certain documents, if upon the decision of the entity of the State secret they might be provided in this particular form. For the sake of clarity, all the documents submitted by the Government in either form are subdivided into three groups: those related to Project No. 1, those related to Project No. 2 and those related to the flights in question.

**7. The Government provide the following documents related to Project No. 1<sup>1</sup>:**

- 1) A copy of the Official Report of the Chief Prosecutor Algimantas Kliunka of the Investigation Department of Organised Crimes and Corruption of the Prosecutor General's Office of 22 January 2010;
- 2) A copy of the Resolution on the supplement to the Resolution to form the pre-trial investigation group of 9 April 2010;
- 3) A copy of the decision of the Vilnius City First District Court to grant the seizure of documents of 2 March 2010;
- 4) A copy of the Record of Inspection of 11 October 2010;
- 5) A copy of the Record of Inspection of the Premises of 17 March 2010;
- 6) A copy of the Resolution to initiate a file of operation of 25 July 2002 m. No. 01-21-531 vs/02 (partially declassified);
- 7) A copy of the Operative Action Plan of 25 July 2002 No. 01-21-587vs/02 (partially declassified);
- 8) Copies of the Object Estimate and Local Estimates (partially declassified);
- 9) A copy of the reply of the Deputy Prosecutor General of the Republic of Lithuania Darius Raulušaitis to the letter of the *Reprieve* of 27 September 2010 No. I7.2-17320;
- 10) A copy of the letter of the *Reprieve* of 22 November 2010;

**8. The Government provide documents related to Project No. 2:**

- 1) A copy of the Official report of the Chief Prosecutor Algimantas Kliunka of the Investigation Department of Organised Crimes and Corruption of the Prosecutor General's Office of 22 January 2010;
- 2) A copy of the Resolution on the supplement to the Resolution to form the pre-trial investigation group of 9 April 2010;
- 3) A copy of the Record of Inspection of the Premises of 4 June 2010;
- 4) A copy of the decision of the Vilnius City First District Court to grant the seizure of documents of 2 March 2010;
- 5) A copy of the Record of Inspection of 11 October 2010;
- 6) A copy of the Act of transfer of property in trust without payment of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of 29 January 2007 No. (2.6-20)-2-[4;

<sup>1</sup> It should be noted that a part of the documents are relevant to Project No. 1 and Project No. 2 as well as to flights, therefore they are repeatedly included in this list.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

- 7) A copy of the Act of transfer of property in trust without payment of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of 29 January 2007 No. (2.6-20)-2-I-5;
- 8) A copy of the letter "As regards the submission of information" of 14 April 2010 No. (A)-19-291RN;
- 9) A copy of the reply of the Deputy Prosecutor General of the Republic of Lithuania Darius Raulušaitis to the letter of the *Reprive* of 27 September 2010 No. I7.2-17320;
- 10) A copy of the letter of the *Reprive* of 22 November 2010;

**9. The Government provide documents related to flights:**

- 1) A copy of the Official report of the Chief Prosecutor Algimantas Kliunka of the Investigation Department of Organised Crimes and Corruption of the Prosecutor General's Office of 22 January 2010;
- 2) A copy of the Resolution on the supplement to the Resolution to form the pre-trial investigation group of 9 April 2010;
- 3) A copy of the letter of the State Border Protection Service "As regards the incident of 20 April 2005 in the VIA" No. (21/20)-12-2337;
- 4) A copy of the letter of the Ministry of the Interior of the Republic of Lithuania "As regards the Submission of Information" of 9 December 2009 No. 1D-9196 (12);
- 5) A copy of the letter of the President Valdas Adamkus of 26 November 2009;
- 6) A copy of the Official report of Justas Kasparavičius - a senior specialist of the Vilnius Frontier District of the Vilnius Airport Border Checkpoint of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania of 6 October 2005;
- 7) A copy of the letter of the Customs Department under the Ministry of Finance of the Republic of Lithuania "As regards the Submission of Information" of 12 April 2010 No. 3B-20.2/15-2893 with enclosures;
- 8) A copy of the letter of a state enterprise Palanga International Airport of 15 March 2010 "As regards the Submission of Documents" No. S1-214 with enclosures;
- 9) A copy of the letter of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania No. (21)-14-1778 "As Regards the Submission of Documents" of 27 April 2010;
- 10) A copy of the „Registration record of the aircrafts and other aircraft devices crossing the state border“ No. 16.37 of the Palanga Airport Outpost Border Checkpoint of the Coast Guard District of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania;
- 11) A copy of the reply of the Deputy Prosecutor General of the Republic of Lithuania Darius Raulušaitis to the letter of the *Reprive* of 27 September 2010 No. I7.2-17320;
- 12) A copy of the letter of the *Reprive* of 22 November 2010;

**10. The Government provide additional documents:**

- 1) A copy of the reply of the US Department of Justice as regards the legal assistance in *al-Hawsawi* case of 27 May 2014;
- 2) A copy of the request of the Prosecutor General's Office as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 27 January 2015 (Poland);
- 3) A copy of the request of the Prosecutor General's Office as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 29 May 2015 (Romania);



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

- 4) A copy of the reply of the Appellate Prosecutor's Office of Poland as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 11 February 2015.
11. The Government note that the documents listed above are also indicated in replying to other questions submitted by the Court.

**The Court's 2<sup>nd</sup> question**

The Government is requested to submit a *detailed description of the conduct of the investigation (see §§ 19 and 22 of the Government's observations of 21 October 2013) - in English.*

12. In response to the second question submitted by the Court, the Government provide the Court with detailed description of the conduct of the pre-trial investigation No. 01-2-00016-10, which was discontinued by the GPO on 14 January 2011. In this regard the Government would like to note that with a view to the fact of the reopening of the pre-trial investigation, some relevant information is provided also from the ongoing pre-trial investigation No. 01-2-00015-14.
13. By official notice of 22 January 2010 No. 01-2-00016-10 (see a copy of the Official report of the Chief Prosecutor A. Kliunka of the Investigation Department of Organised Crimes and Corruption of the PGO of 22 January 2010) the pre-trial investigation was opened in regard to alleged abuse of office under Article 228 § 1 of the Criminal Code ("*1. A civil servant or a person equivalent thereto who abuses his official position or exceeds his powers, where this incurs major damage to the State, an international public organisation, a legal or natural person, shall be punished by deprivation of the right to be employed in a certain position or to engage in a certain type of activities or by a fine or by arrest or by imprisonment for a term of up to four years*"). The pre-trial investigation was launched by the Prosecutor General's Office upon receipt of the conclusions of the parliamentary inquiry carried out by the Seimas National Security and Defence Committee (hereinafter referred to as the conclusions of the NSDC), approved by the Resolution of the Seimas of 19 January 2010 on the possible transportation of persons to and incarceration in the territory of the Republic of Lithuania by the United States Central Intelligence Agency (hereinafter referred to as the CIA). Notwithstanding the fact that the NSDC failed to establish whether the CIA detainees were transported through the territory of the Republic of Lithuania or were brought into or out of the territory of the Republic of Lithuania, however, in its view, conditions for such transportation did exist. The Speaker of the Seimas, taking into account the circumstances established in the NSDC's Conclusions, especially taking into consideration certain acts of the former High level officials, providing the US officers with opportunities to have unrestricted access to the aircraft on at least two occasions during the relevant period of time, and the absence of thorough inspection of the aircraft, the passengers and the cargo carried by it, also taking into account sporadic presence of the SSD staff in the premises of Project No. 2, allowing the partners to use the infrastructure as they chose, and the peculiarities of the premises in question, addressed the PGO, suggesting that the Office of the Prosecutor General should investigate whether the actions of certain High level officials of Lithuania displayed evidence of criminal activities (abuse of office or exceeding authority).
14. Therefore, the pre-trial investigation opened by the Prosecutor General's Office focussed on the directions indicated in the Conclusions of the parliamentary inquiry, i.e. unrestricted



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

landing and departure of relevant aircrafts at Vilnius International Airport and Palanga International Airport, equipment and use of Project No. 1 and equipment and use of Project No. 2; possible involvement of the highest officials of the State in activities possibly related to the operation of detention centres, detainees transportation and detention in the territory of the Republic of Lithuania.

15. On 26 January 2010 the Deputy Prosecutor General suggested to form the pre-trial investigation group. By the Resolution of 1 February 2010 of the Chief Prosecutor of the Investigation Department of Organised Crimes and Corruption of the PGO the pre-trial investigation group has been formed. Taking into account the necessity to perform the large-scale investigation activities, on 9 April 2010 the pre-trial investigation group has been supplemented (see a copy of the Resolution on the supplement to the Resolution to form the pre-trial investigation group of 9 April 2010). After this amendment the pre-trial investigation group consisted of the following prosecutors of the Investigation Department of Organised Crimes and Corruption of the PGO: Mindaugas Dūda, Linas Belevičius, also of the prosecutor of the Vilnius Regional Prosecutor's Office Giedrius Tarasevičius and the prosecutor of the Vilnius District Prosecutor's Office Rasa Lukaševič. The group was led by Mindaugas Dūda.
16. The PGO without any delay on 20 January 2010 has addressed the Seimas requesting to transmit the material of the parliamentary inquiry carried out by the NSDC. It should be noted in this regard that major part of the material of the said parliamentary inquiry, especially the records and transcripts are classified and marked with the "top secret" notices. Therefore, as regards the classified material, the NSDC suggested the prosecutors to apply the SSD or to consult the said material in accordance with the procedure provided for by the Law on State Secrets and Official Secrets of the Republic of Lithuania. The PGO on 28 January 2010 addressed the Seimas with the specified request whereat the prosecutors holding the permission to work with the classified information were indicated. By the letter of 1 February 2010 the Speaker of the Seimas informed the PGO that they may consult the said material in the premises of the Seimas exclusively and only upon receipt of the permission of the SSD. Upon receipt of the said permission from the SSD the Speaker of the Seimas gave her consent for the indicated prosecutors to consult the classified material on 5 February 2010.
17. At approximately the same time the PGO started questionings of the witnesses in the course of the pre-trial investigation. The witnesses questioned may be subdivided into the following groups: former/present SSD officers or the officers of the Ministry of National Defence, who collaborated/collaborate with the SSD – hereinafter referred to as "*the officers*"; former/present officers of the State Border Protection Service under the Ministry of the Interior – hereinafter referred to as "*the state border officers*"; former/present airports employees – hereinafter referred to as "*the airport employees*"; former/present officials of political confidence – hereinafter referred to as "*the politicians*"; other persons, otherwise related to the events examined in the course of the pre-trial investigation. The Government would like to draw particular attention of the Court to the fact that with the aim not to reveal the personalities of the witnesses and at the same time to protect them and for the purpose indicated above (see § 5 above), the witnesses are labelled under randomly selected letters of alphabet, not corresponding anyhow to their real names and surnames.
18. During the period from 10 February 2010 to 14 June 2010 the questionings of the witnesses were carried out. The following persons were questioned.



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
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19. On 11 February 2010 G, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post of a SBPS officer, was questioned.
20. On 11 February 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the SBPS officer, was questioned.
21. On 17 February 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence, was questioned.
22. On 17 February 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, was questioned.
23. On 18 February 2010 an employee of another institution (person B), able to provide valuable information due to his office held, was questioned.
24. On 18 February 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, was questioned.
25. On 18 February 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence, was questioned.
26. On 19 February 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence, was questioned.
27. On 20 February 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, was questioned.
28. On 23 February 2010 G, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, was questioned.
29. On 24 February 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, was questioned.
30. On 26 February 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.

*Documentary evidence submitted by the Government of the Republic of Lithuania,  
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31. On 1 March 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
32. On 2 March 2010 T, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
33. On 3 March 2010 a politician A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding an important political post, was questioned.
34. On 3 March 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, was questioned.
35. On 3 March 2010 U, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
36. On 4 March 2010 Q, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
37. On 5 March 2010 V, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
- ~~38. On 5 March 2010 Z, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.~~
39. On 5 March 2010 X, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
40. On 8 March 2010 Y, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
41. On 8 March 2010 U, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
42. On 9 March 2010 O, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

43. On 9 March 2010 D was questioned due to reasons other than his office held related to the circumstances investigated under the pre-trial investigation.
44. On 9 March 2010 N, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post as an officer, was questioned.
45. On 10 March 2010 O, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
46. On 16 March 2010 T, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
47. On 16 March 2010 N, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was repeatedly questioned.
48. On 17 March 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, was questioned.
49. On 18 March 2010 K, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
50. On 18 March 2010 S, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
51. On 24 March 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
52. On 25 March 2010 G, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services related to the premises of Project No. 2, was questioned.
53. On 25 March 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
54. On 25 March 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
55. On 25 March 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.

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56. On 26 March 2010 I, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
57. On 26 March 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
58. On 30 March 2010 R, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned.
59. On 1 April 2010 P, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
60. On 6 April 2010 M, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
61. On 7 April 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
62. On 8 April 2010 a politician B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding an important political post, was questioned.

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63. On 13 April 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post as a SBPS officer, was questioned.
64. On 13 April 2010 A was questioned due to reasons other than his office held and not directly related to the circumstances investigated under the pre-trial investigation.
65. On 15 April 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, was questioned.
66. On 16 April 2010 J, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
67. On 27 April 2010 the employee of other institution (person C), able to provide valuable information due to the office held.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

68. On 4 May 2010 K, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
69. On 10 June 2010 I, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
70. On 10 June 2010 K, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
71. On 11 June 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned.
72. On 14 June 2010 J, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been working as an airport employee, was questioned.
73. The material of the pre-trial investigation comprises not only the Conclusions of the NSDC but also the classified documents of the parliamentary investigation, the transcripts of the meetings, other documents received from various institutions and individuals. In the course of the parliamentary investigation 55 persons were questioned, the data obtained during the questionings were used in the course of the pre-trial investigation, the material of the parliamentary investigation has also been useful in determining possible directions of the investigation, the persons to be questioned. The NSDC questioned the politicians who occupied various positions during the relevant period from 2002-2005 or still occupy various position in the State, the civil servants and the officers, other persons, who carried out certain functions possibly related to the events under the investigation. The NSDC questioned the former Presidents of the Republic, the Speakers of the Seimas, the Prime Ministers, the Members of the European Parliament, the Ministers of the National Defence, of the Foreign Affairs, of the Interior, the Vice minister of the Interior, the Commanders of the Armed Forces, the members of the NSDC, the Chairmen and the members of the Committee on Foreign Affairs of the Seimas, the directors and the deputy directors of the SSD, the director and the deputy directors of the Second Intelligence Services Department under the Ministry of National Defence, the commanders and deputy commanders of the State Border Protection Service, the advisors to the Presidents of the Republic, the director of the Administration of Civil Aviation, the director of the Vilnius International Airport (the VIA), the director of the Security of Aviation of the VIA, other officers and civilians. It was addressed with request to submit the information in writing to the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of National Defence, the Ministry of Justice, the SSD, the Second Intelligence Services Department under the Ministry of National Defence, the secretary of the State Defence Council, the state enterprise Centre of Registers, the State Border Protection Service, the Customs Department under the Ministry of Finance, the Administration of Civil Aviation, the Vilnius International Airport. The international organisation Amnesty International, the Senator of the Switzerland Mr. Dick Marty, the rapporteur of the investigation carried out by the Parliamentary Assembly of the Council of Europe – to the US competent institutions – via the Ministry of Foreign Affairs were addressed as well.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

74. On 18 February 2010 The Prosecutor's Office of the Vilnius City District applied the State Border Protection Service requesting to submit the information concerning the incident that took place on 6 October 2005 on 05.15 a.m. between the state border officer and the Security of Aviation of the VIA. The SBPS submitted the information requested, it indicated that the incident occurred when the state border officer was denied access to the aircraft, the landing of which was unplanned, and the officer was not allowed to carry out the aircraft's inspection. The state border officer submitted an official report, the commanders of the SBPS have been informed about the incident (see a copy of the Official report of Justas Kasparavičius - a senior specialist of the Vilnius Frontier District of the Vilnius Airport Border Checkpoint of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania of 6 October 2005; a copy of the letter of the State Border Protection Service "As regards the incident at the Vilnius Airport on 20/04/2005" No. (21/20)-12-2337).
75. The Administration of Civil Aviation on 18 February 2010 informed the GPO about the arrival of the aircraft to the VIA on 6 October 2005, indicating that they could confuse the code of Antalya with the one of Tirana due to their similarity.
76. The Prosecutor's Office of the Vilnius City District on 18 February 2010 addressed the VIA requesting to provide the information, whether the letter from the SSD, regarding the actions performed by the SSD in the territory of the VIA in the night of 6 October 2005, had been received before 6 October 2005, if such a letter was received at all and in case it was retained. The Prosecutor's Office has also requested to submit the list of the employees of the Security of Aviation of the VIA, who were performing their duties in the night of 6 October 2005. The lists of the employees were submitted, together with the lists of the employees who performed their duties in the perimeter of the territory of the VIA and their contacts. The prosecutors have questioned them (see the questionings of the employees of the airport employees below, §§ 137, 141, 143, 148-152; 158-160).
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77. On 25 February 2010 the Vilnius Regional Prosecutor's Office applied to the pre-trial investigation judge of the Vilnius City First District Court as regards the seizure of documents related to cadastral data of the state enterprise Centre of Registers of Project No. 1 and Project No. 2. On 2 March 2010 the court granted the seizure of documents. The files of the real estate objects that were stored in the Centre of Registers were received (see a copy of the Record of Inspection of 11 October 2010).
78. On 3 March 2010 the Vilnius City District Prosecutor's Office applied to the Customs Department as regards the submission of certain documents. The institution was requested to provide data relevant for the investigation, i. e., whether the customs inspection was carried out on 2 January 2005 at 4.23 p.m. in respect of the aircraft "CASA C-212", tale No. N961BW in Palanga Airport, on 18 February 2005 at 8.09 p.m. in respect of the aircraft "Boeing 737", tale No. N787WH that landed in Palanga Airport, on 4 February 2003 at 6.15 p.m. in respect of the aircraft "C-130", tale No. N8213G that landed in VIA, on 6 October 2005 at 5.15 a.m., tale No. 787WH that landed in IVA from Antalya, as well as data as regards the luggage on board or cargo of the persons who were on board of the above-mentioned aircrafts. On 12 April 2010 the Customs Department replied by noting that the flight from Antalya was uninspected, information on the passengers who were on board, their luggage, cargo was not recorded. It was also indicated that the aircraft "Boeing 737", tale No. N787WH that landed on 18 February 2005 at 8.09 p.m. was not recorded (see a copy of the letter of the Customs



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

Department under the Ministry of Finance of the Republic of Lithuania “As regards the Submission of Information” of 12 April 2010 No. 3B-20.2/15-2893).

79. On 3 March 2010 the Vilnius City District Prosecutor’s Office applied to the commander of SBPS as regards the submission of various documents related to persons who crossed the State border, records of crossings, the requests of the SSD to be granted access for crossing the territory, official report about the incident of 6 October 2010 and submission of other information. It was established that later than 6 October 2006 the SBPS received a classified letter from the SSD (see a copy of the letter of the Ministry of the Interior of the Republic of Lithuania “As regards the Submission of Information” of 9 December 2009 No. 1D-9196 (12)).
80. On 4 March 2010 the Vilnius City District Prosecutor’s Office applied to the VIA requesting information related to allegedly CIA-related flights, i. e. the airport registration records, invoices to be settled, other relevant data and information as regards the probable requests of the SSD, related to the absence of inspection of incoming aircrafts. As regards the requests from the SSD, the VIA replied that such requests were not received, as well as enclosed schedules of flights of 6 October 2005. As it follows from the schedules, the flight No. N787WH from Tirana and not from Antalya landed at 4.54 a.m. and departed to Oslo at 5.59 a.m. Another flight referred to by the Prosecutor’s Office in their inquiry was flight No. N8213G.
81. On 4 March 2010 the Vilnius City District Prosecutor’s Office applied to the Palanga Airport requesting information related to allegedly the CIA-related flights, i. e. the airport registration records, invoices to be settled and other relevant data on the probable requests from the SSD related to the failure to carry out inspection of the incoming aircrafts. The Prosecutor’s Office received a reply, in which the relevant documents and the daily schedule enclosed and the flight No. N787NW was listed in the said schedule. The flight No. N787WH was referred to as a flight from Bucharest to Copenhagen. Another flight referred to by the Prosecutor’s Office was flight No. N961BW. It was indicated that payments for the services at the airport were made. The Airport noted that no requests from the SSD were received (see a copy of the letter of a state enterprise Palanga International Airport of 15 March 2010 “As regards the Submission of Documents” No. S1-214).
82. On 12 April 2010 the Vilnius City Prosecutor’s Office applied to the head of the Aviation Security of the VIA, inquiring who had a right to drive official Aviation Security vehicles in the area with restricted entry of the VIA on 6 October 2005. The VIA provided information, the officers were questioned (see the copies of the questionings of the airport staff, §§ 137, 141, 143, 148–152; 158–160 below).
83. On 13 April 2010 the Vilnius City District Prosecutor’s Office applied to the Ministry of Transport and Communications of the Republic of Lithuania as regards the requests from the SSD and requested data relevant for the investigation. The Ministry of Transport and Communications noted that it had not received any requests.
84. On 7 May 2010 the prosecutor of the Vilnius City District Prosecutor’s Office reviewed the registration records of the aircrafts and other aircraft devices of the SBPS, that were granted access for crossing the State border and which were relevant as regards the flights to the VIA and the Palanga Airport under investigation.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

85. On 15 December 2009 the GPO received a letter from Human Rights Monitoring Institute. On 4 March 2010 a letter from the International Secretariat of the *Amnesty International* was received. The above-mentioned and other information provided by other persons than the parties to the proceedings was included in the pre-trial investigation material.
86. There was an ongoing correspondence with the *Reprieve*, an organization, which allegedly represented the applicant. The GPO was requested to carry out the investigation as well as to provide the investigation related information (see a copy of the request of the *Reprieve* of 20 September 2010). On 20 September 2010 the GPO requested the *Reprieve* to provide the information that led to the conclusions made in the letter of the *Reprieve* as regards the fact that the US CIA officers brought the detainee Mr Husyan to the Republic of Lithuania, his detention in Lithuania and transportation from Lithuania during the period from spring of 2004 and autumn of 2006 (see a copy of the reply of the Deputy Prosecutor General of the Republic of Lithuania Darius Raulušaitis to the letter of the *Reprieve* of 27 September 2010 No. 17.2-17320). The *Reprieve* replied that there were a lot of obstacles for providing such an information as it is subject to the restrictions of the US Government applied in respect of the detainees and as a result, once again requesting the GPO to apply to the US as regards information (see a copy of the letter of the *Reprieve* of 22 November 2010).
87. On 2 April 2010 the Vilnius Regional Prosecutor's Office received data related to the transfer of the property consisting of the land plot of Project No. 2, buildings and other assets to the ownership of the State, and the transfer of the property to manage, use and dispose on the basis of the right of trust to the SSD, relevant documentation was provided in this regard (see copies of the Acts of transfer of property in trust without payment of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of 29 January 2007 No. (2.6-20)-2-I-4 and No. (2.6-20)-2-I-5).

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88. On 23 June 2010 the GPO contacted the Minister of Foreign Affairs and requested to provide information, which they had previously submitted to the NSDC.
89. On 4 June 2010 the inspection of the territory and buildings of Project No. 2 was carried out, objects were described, plans of the territory and buildings as well as photos were provided.
90. On 11 June 2010 the GPO applied to the Auditor General of the Republic of Lithuania requesting to submit a copy of the report of the State financial (legality) audit of the SSD for the period of 2003–2009, which covered the assessment whether the management, use and disposal of means and property used for the intelligence and operational activities complied with the legislation of the Republic of Lithuania. The National Audit Office submitted information in this regard.
91. On 27 May 2010 the SSD provided to the General Prosecutor's Office the copies of documents related to the initiated file of operation as regards Project No. 1 (see a copy of the Resolution to initiate a file of operation of 25 July 2002 m. No. 01-21-531vs/02 (partially declassified); a copy of the Operative Action Plan of 25 July 2002 No. 01-21-587vs/02 (partially declassified); copies of the Object estimate and local estimates (partially declassified)).



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

92. On 17 March 2010 the prosecutor of the GPO carried out inspection of the premises of Project No. 1. The objects were described, plans of the territory and the building as well as photos were provided.
93. On 23 March 2010 the GPO received the replies from the SSD including the letters, by which the SSD applied to the airports as regards the automobile access when carrying out secret operations. As regards the content of these letters, they mostly referred to the time when the officers were going to arrive, a legal ground and the purpose of the arrival (see § 139 below), means of transport by which the officers were going to arrive and requested unimpeded access to /from the airport territory.
94. On 14 January 2011 the pre-trial investigation was discontinued. It was held that the persons connected to the matter of investigation and possessing data of importance to resolve the case were questioned, relevant documents and information of importance for the investigation were collected, premises were inspected, Project No. 1 and Project No. 2 were listed under the Report. It was observed that the entirety of the data collected during the pre-trial investigation was sufficient to provide legally significant findings and adopt a procedural decision in this regard. The pre-trial investigation was discontinued in the absence of an act, constituting elements of crime or criminal offence.

**The Government provide the additional information related to the re-opened pre-trial investigation No. 01-2-00015-14.**

95. The pre-trial investigation was re-opened on 22 January 2015, having accessed and analysed all the information received from the international non-governmental organization the *REDRESS*, due to the elements of the criminal act, provided under Article 292 of the Criminal Code, i. e. as regards the possible unlawful transportation of persons across the State border (see a copy of the Resolution to annul the Resolution to discontinue the pre-trial investigation and to re-open the pre-trial investigation of 22 January 2015 No. 01-2-00016-10, which was sent to the Court on 25 March 2015).
96. On 2 June 2014 the US Department of Justice replied to the request of the GPO of 5 May 2014 as regards the legal aid request in *Ahmed al-Hawsawi* case (the pre-trial investigation No. 01-2-00016-10). It was specified that due to the specifics of the matter the US could not provide the information referred to (see a copy of the reply of the US Department of Justice of 27 May 2014 as regards the legal aid in *al-Hawsawi* case).
97. On 27 January 2015 the data was received from the *Reprieve* as regards the documents related to the movement of the CIA prisoners across the Republic of Lithuania in 2005–2006.
98. On 27 January 2015 the Prosecutor General's Office applied to the Cracow Appellate Prosecutor's Office of the Republic of Poland as regards the request for legal assistance in the criminal case. The questions were related to the alleged unlawful transportation across the State border of the Republic of Lithuania of *Mustafa Ahmed al-Hawsawi* or other persons (see a copy of the request of the Prosecutor General's Office as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 27 January 2015 to Poland and a copy of the reply of the Appellate Prosecutor's Office of Poland as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 11 February 2015).



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

99. On 29 May 2015 the Prosecutor General's Office applied to the Prosecutor's Office of Romania under the Supreme Court of Cassation and Justice with a request for the legal assistance in the criminal case (see a copy of the request of the Prosecutor General's Office of the Republic of Lithuania as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 29 May 2015 to Romania).

**The Court's 3<sup>rd</sup> question**

The Government is requested to provide *copies of testimonies of 30 witnesses who gave evidence in connection with the implementation of Project No. 1 and Project No. 2 (see §§ 24-25 of the Government's observations of 21 October 2013) - in the original language and in English.*

100. In response to the the third question submitted by the Court, the Government provide for a description of questionings of 30 witnesses.
101. On 17 February 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer did not know anything about Project No. 2, which is now the Training Centre. The officer had not ever been there. The officer mentioned that there was a talk that the SSD will acquire premises to establish the Training Centre. The officer testified that he was familiar with the premises of Project No. 1. The officer frequently visited the premises of Project No. 1, where the meetings with foreign partners were held as the said premises were suited better for these meetings. The officer remembered that once, maybe in 2002–2003, a repair was carried out, but does not know what specifically had been repaired. The officer had never been in the second building, where perhaps garages were, he also did not know what had been repaired. The officer did not know about any requests to hold or transport persons, he had never obtained such information. To his knowledge, the SSD, when carrying out joint operations with foreign partners, received funding from the partners either in money or by technical means, however the officer did not know how it was recorded.
102. On 18 February 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer participated when looking for the premises of Project No. 1 and arranging them.
103. On 19 February 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer noted that the work of the officer D was delegated to him in June 2005. Officer D took the officer to the building for economic purposes in Project No. 1, where there were two-container garages and premises for economic purposes. The SSD administration premises were situated within the same territory. C was able to confirm that the SSD did not have any public or classified documents which could prove that the premises in Project No. 1 were used or arranged as a prison or temporary detention facility. Personally the officer believed that the said premises could not have been used for such purpose because there was a window, residential houses were situated nearby, and one of them was within a distance of 3–4 metres and another one standing in front of it. The officer found out about Project No. 2 only in 2007, when the Training Centre began to operate there. The officer later visited it in connection with his work. The officer did not see any premises suitable for holding or detention of persons, he never heard of it either.



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

104. On 26 February 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer noted that he had been at Project No. 2 and pointed out that training took place there. The officer gave lectures there himself. The officer did not know anything about any premises that were suitable for detention. The officer had to directly communicate with foreign partners, but there were no inquiries as regards the terrorists. The officer also did not know anything about the flights.
105. On 1 March 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer found out about the alleged detentions only from the *IBC news*.
106. On 2 March 2010 T, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence, was questioned. The officer looked for premises where to establish safe facilities for the extradition of secret collaborators. However, all the premises were inadequate, D suggested where it would be possible to arrange them and the premises were arranged in Project No. 1.
107. On 3 March 2010 a politician A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding an important political post, was questioned. The construction of Project No. 2 was funded not by the Government but by the partners. During the investigation it was established that there were up to 10 CIA-related flights in Palanga and Vilnius. The politician noted that during the presidency of Rolandas Paksas, Mečys Laurinkus - the former head of the SSD at that time, applied for a temporary possibility to hold persons suspected of terrorism, however, the Head of State replied in the negative. He noted that it was a general inquiry, there were such inquiries in other countries too.
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108. On 3 March 2010 U, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer carried out a task together with T. They looked for premises for temporary accommodation and protection of secret collaborators under the order of D of 2002.
109. On 4 March 2010 Q, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. He participated when looking for the premises of Project No. 1.
110. On 5 March 2010 V, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer saw that the building of Project No. 1 was being repaired, but he had no connection to the said project. He had escorted other vehicles together with N in March of 2006 to the Palanga Airport. The officer arrived at the airport, the escorted vehicle drove to the aircraft. The vehicle that drove off was loaded with boxes of not less than 1 metre length. They were carried by two persons. The officer could not remember the exact number of the boxes, but there were not less than three of them. The unloading lasted for around 20–30 minutes. They entered the airport together with M and N. They were situated approximately 50 metres from the aircraft. The aircraft was not inspected. The officer escorted back from Palanga together with O, M and N. The officer N told him that there was an



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

operation taking place. The officer knew that prior to going to the airport one of the officers wrote a letter to the airport in order for them to get access to the airport.

111. On 5 March 2010 Z, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer participated in arranging and implementing the repair works of the premises of Project No. 1.
112. On 5 March 2010 X, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer participated in arranging and implementing the repair works of the premises of Project No. 1.
113. On 8 March 2010 Y, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer participated in repairing and arranging the premises of Project No. 1. The officer did not see any unauthorized persons visiting the premises.
114. On 8 March 2010 U, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. While working at Project No. 1, the officer thought that the premises were established for the transfer of secret collaborators. The officer considered that the premises in the city centre were unsuitable for detention of persons.
115. On 9 March 2010 D, who due to the duties performed was in other ways connected to the circumstances investigated under the pre-trial investigation, was questioned. The person arranged the premises in Project No. 1. The repairs lasted for around a month. He could not remember the exact works that were carried out.
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116. On 9 March 2010 N, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post as an officer, was questioned. In 2003 M had noted that he and O were assigned to assist the partners. There was a direct order from M. The officer looked for a place close to Vilnius for the acquisition of premises. Once they have chosen the premises, the partners came to have a look at them. The officer and O assisted the representative of the partners, who led the construction works. There were administration and recreation areas, pool table, table football, darts, TV, padded benches, gym, and fitness equipment arranged, normally the officer did not have access to the administration area. As regards the acquisition, establishment and maintenance of the building of Project No. 2 no operation file was initiated. There were no premises suitable for detention. N himself had a free access to the premises, however he was not aware of the contents of the operations that were carried out. Persons did not arrive to the premises of Project No. 2 on their own. Always somebody, N himself or O, used to meet those persons and to escort them from the airport and back. If there was somebody in the premises of Project No. 2, there necessarily was at least one officer: N himself, M or O. Even when there was nobody in the premises, N together with O supervised the building.
117. On 10 March 2010 O, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. In 2003 N told him that it was necessary to find premises. O carried out



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

technical operations. They found the premises needed, which later were called the premises of Project No. 2. It was necessary to find a site for storage, they found a site and carried containers there. There was a residential area, recreation, administration area, a gym, a room with table games, a room with padded benches and TV, kitchenette in the premises. O himself had not been to all of the premises. The officer did not know who arrived at the premises and what they were occupied with. They actively supervised the building until the second half of 2005, then the number of visits decreased, the officers themselves were there less often. They carried out the supervision of the building of Project No. 2 in rotation together with N: O himself was there mostly during the days and N - at night. The case as regards the acquisition, repair and maintenance of the building of Project No. 2 was not initiated. From the conversations M realized that Project No. 2 was an intelligence support centre. In the beginning of 2006 the officer received an order from M that a cargo had to be delivered to the Palanga Airport. The officer went together with V and N. They escorted the partners and they drove several times to Palanga and back. Some vehicles approached the aircraft, there was no inspection carried out by the SBPS and the customs. They drove loaded with the cargo and returned unloaded.

118. On 16 March 2010 T, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer noted that they had been looking for the premises for the centre of transferring the secret collaborators. The officer never escorted any cargos and did not know anything about Project No. 2.
119. On 16 March 2010 N, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer noted that various persons used to arrive to the premises of Project No. 2 - in the beginning of 2005 more often and in the end of 2005 it stopped. The officer supervised the premises with O. In the second half of 2005 the officer M told him that the execution of the supervision of the building needs was to be entrusted to a unit in charge. N himself did not see whether there had been any equipment carried away from the premises. The officer visited the premises, but he had not been in all of the premises. M and O arrived at the building, but other officers were not there. N himself carried out technical functions. Once in 2005 or 2006 N escorted vehicles with the partners to Palanga, the vehicles of the SSD remained and the partners drove towards the aircraft. N himself did not see anything in particular. Then they escorted back to Vilnius. If they needed to go, a letter would be written to the airport. More than once the officer escorted the cargo from the airport, but usually only from the VIA. There used to be a specific letter drafted to the airport.
120. On 18 March 2010 S, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer was not aware of the repair carried out, its purpose and financing sources of the auxiliary premises situated in Project No. 1. He later found out that they were preparing for an operation, which either ended or did not take place. The SSD has been obliged to develop relationship with the foreign partners. There was a necessity to communicate with more experienced partners, to obtain experience and benefit from such cooperation. During this period it was decided to establish an intelligence support centre, which would be used in preparation for operations and at the same time as a measure for improving of the SSD employees. M was in charge of the said sphere, thus S himself did not have any further information. The officer was informed about the development in the cooperation with the



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

partners as regards the regional intelligence centre orally. Around May 2004 M was informed that the building was acquired. All information was provided orally, no documents were provided. As regards the centre everything was organized orally. There were all sorts of talks, but nothing about the terrorists, no enquiries and so on. Project No. 2 was established in the beginning of 2005. The officer went to have a look, but there were no premises suitable for detention, there were recreation zones, administration rooms. The building was used minimally as the partners were slow to take any decision as regards the intelligence centre. There were only considerations as regards detention of terrorists, no requests as regards the detention of persons were received, in theory it was only discussed with the leading officials, but they did not approve. M told him that the requests were received from the partners to escort cargos. The officer was told that they need to coordinate it with the airport and the SBPS, thus, specific letters have to be drafted. The officer himself had no information that the aircrafts landed with terrorists.

121. On 25 March 2010 G who had been holding a leading post at the Intelligence Services, associated with the premises of Project No. 2, was questioned. The officer observed that the Training Centre was moved into Project No. 2 in the middle of 2007. The Training Centre was a structural unit of the SSD, where the introductory, qualification and special training was held. The function of the material supply of the Training Centre was assigned to another unit. There were no bars or other premises suitable for holding persons in the Training Centre. The officer did not know about the source of funding and other matters related to the arrangement of the premises. There were no guard towers or security alarm in Project No. 2.
122. On 26 March 2010 I, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer noted that he did not know anything about the premises, in which probably suspects were held. The officer observed that after Obama had been elected as the President, he promised to close Guantanamo, then they applied to the allies as regards the possibility to accept persons. They applied in this regard in spring of 2009, addressing Lithuania too. It was made public, as noted by the Minister of Foreign Affairs Vygaudas Ušackas. Under the proposal it was suggested not to detain persons but to integrate them into the society. Until this moment the officer I did not know anything about the persons transported under the request of the CIA or the US institutions. The officer was not aware of any request to which the President Rolandas Paksas referred to. The officer did not know about Project No. 1 and Project No. 2, did not see any premises suitable for holding persons and never heard about the establishment of such premises.
123. On 30 March 2010 R, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer never visited the premises of Project No. 1, which were referred to in the questions asked. The premises were established for the extradition of the secret collaborators. However, he was told that no prison existed. The Training Centre was situated in Project No. 2, which he visited in 2008. M mentioned to the officer R that the Training Centre was built in a joint project with the partners.
124. On 1 April 2010 P, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. In 2002–2003 M told him that the representatives of the partners came and proposed to organize a joint operation, to establish the premises in Lithuania for the protection



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

of the secret collaborators. The officer was asked to inform when a particular operation as regards the usage of the premises is to be launched. However, in the end it did not take place. M said that the partners most likely abandoned the project. The premises were later used for the SSD needs [the officer refers to Project No. 1]. During the meetings held with the representatives of the partners the idea was raised as regards the establishment of an integrated centre, in which the SSD officers would be trained and joint operations with partners would be carried out. A was responsible for the support received for Project No. 1, which was received as equipment or by other means. The officer did not know about any requests to establish a prison. The officer provided a purely theoretical consideration in 2003 that there could be requests for assistance in fight against terrorism and accepting the detainees, but it was purely theoretical consideration.

125. On 6 April 2010 M, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer told to the officer D about the need to establish premises for extradition of secret collaborators. Officer M communicated with the representatives of foreign partners. The officer did not know exactly what the status of the operation in Project No. 1 was. The officer stated that they discussed an idea with the partners to establish an intelligence support centre. They needed premises where it could operate. N and O assigned a task to find suitable premises. It was decided that the premises of Project No. 2 were suitable. There were no premises suitable for custody or detention of persons. Meetings were held in the building. The supervision of the building was carried out by N and O. They used to escort the partners. Soon they came to the conclusion that it could be used for establishing a Training Centre. In 2005 there were 2-3 flights, communications equipment was transported, parcels for partners and vice versa. The representative of partners would apply and request to provide security when escorting. The SSD drafted a letter to the airport administration, possibly to the SBPS for the officers to be given access to the territory. The SSD officers escorted the cargos. The officer did not remember where from - the VIA or the Palanga Airport - the communications equipment came from, but there was security organized before its transfer. Later the communications equipment was transported.

126. On 7 April 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer noted that he did not know anything about the Training Centre and found out about the alleged CIA transportation from the media. When the official visited the premises of the SSD, he did not see any premises suitable for holding persons. The unit the officer was in charge of did not carry out any departures and arrivals connected with the CIA.

127. On 8 April 2010 a politician B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding an important political post (also referred in § 126), was questioned. The politician noted that he was addressed as regards the transportation and holding of people in Lithuania. As far as he understood, he was applied concerning his opinion in this regard, whether he would have approved it, if it had taken place. The topic of the conversation then was aid to the Americans in fight against terrorism. The politician B did not approve the idea. While holding a post he did not happen to hear, nor was he aware of any premises arranged for holding people or certain flights.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

128. On 13 April 2010 A was questioned due to reasons other than his office held and not directly related to the circumstances investigated under the pre-trial investigation. The officer provided the information as regards Project No. 2 and the information as regards the sale of the premises of Project No. in 2004. The officer observed that after the sale he did not enter the premises and from the outside there were no big changes to be seen. The premises consisted of residential premises of 240 sq. m., a stable of 350 sq. m. and equestrian hall of 400 sq. m. After the sale the officer interacted with the residents living nearby, but they had not noticed any large equipment or automobiles with flashing lights.
129. On 16 April 2010 J, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, was questioned. The officer had not heard anything about any premises and he found out about events at issue directly from the media. The officer had never been to the premises indicated.
130. On 4 May 2010 K, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer noted that there was a conversation with officer F as regards the possibility to accept foreign partners and how it should be organized. The officer thought that the idea was to accept specialists coming for training. There were no talks as regards the detention as well as arranging such premises. The officer was told that the premises were suggested for the persons under the witness protection program. It was also pointed out that the military base could be used. The conversations were abstract and there was no specification.
131. On 11 June 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, was questioned. The officer confirmed that Project No. 1 belonged to the Ministry of Foreign Affairs, the SSD used it under the agreement. The officer noted that he had never visited the said auxiliary building of Project No. 1. As regards Project No. 2 the officer noted that he did not know anything about it until the premises were turned into the Training Centre of the SSD. He visited the building for the first time in 2007, but did not see any premises that would be suitable for forced restriction of freedom of persons. The officer had to interact with the representatives of international partners, they had joint projects, but no one had ever applied for unlawful detention of persons. There were no such discussions with other officers either. No transportation to/from the airport, escorts or cargos was ever organized and he did not know anything about it.

**The Court's 4<sup>th</sup> question**

The Government is requested to provide *documents relating to the acquisition of those premises, their repair and „the use of finances by the SSD“ for those purposes in 2002-2009 (see §§ of the Government's observations of 21 October 2013) in the original language and English translation.*

**132. The Government provide documents as regards Project No. 1:**

- 1) A copy of the Resolution to initiate the file of operation of 25 July 2002 No. 01-21-531vs/02 (partially declassified);



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

- 2) A copy of the Operative Action Plan of 25 July 2002 No. 01-21-587vs/02 (partially declassified);
- 3) A copy of the Object Estimate and Local Estimates (partially declassified).
- 4) A copy of the letter "As regards the Submission of Information" of 14 April 2010 No. (A)-19-291RN.

**133. The Government provide documents as regards Project No. 2:**

- 1) A copy of the letter of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of the Act of Transfer of Property in Trust without Payment of 29 January 2007 of No. (2.6-20)-2-I-4;
- 2) A copy of the letter of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of the Act of Transfer of Property in Trust without Payment of 29 January 2007 No. (2.6-20)-2-I-5;
- 3) A copy of the letter of the State Security Department of 14 April 2010 "As regards the Submission of Information" No. (A)-19-291RN.

134. In response to the fourth question submitted by the Court, the Government note that they have no possibilities to provide the documents as regards the acquisition and establishment of the premises of Project No. 2 due to their absence due to the specifics of the execution of the project, i. e. from the acquisition of the premises most of the actions were coordinated orally and there no such information had been included in the documentation of the case-file of the pre-trial investigation. Having regard to the testimonies of the witnesses the Government would like to refer to the following statements. The officer B, who had been holding a leading post of the SSD, stated that when carrying out joint operations with the foreign partners the SSD received funding either in payment or by technical means. The politician A noted that Project No. 2 was funded not by the Government, but by the partners. The officer O stated that in spring of 2004 partners started to arrive, they carried out works by themselves and they transported the materials and equipment by containers. During the Project, when the materials were purchased in Lithuania, the purchase documents were handed over to partners. The officer S observed that M had told him that all the information was provided orally, without any documents. The file as regards the acquisition, repair and maintenance of the building of Project No. 2 had never been initiated.

**The Court's 5th Question**

The Government is requested to submit *copies of records of testimonies of 26 witnesses who gave evidence in connection with the landing of the CIA aircraft N787WH and N733MA on 18 February 2005 and on 25 March 2006 respectively (see §§ 32-35 of the Government's observations of 21 October 2013) – in the original language and English translation.*

134. In response to the Court's 5th question, the Government provide for the description of the testimony of 26 witnesses.

135. During the questioning on 11 February 2010 G, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post of the SBPS, testified that on 6 October 2005 there was an unplanned landing. The officer also noted that then the visibility outside was poor.



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

136. During the questioning on 11 February 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post of a SBPS officer, testified that there was an unplanned landing and that a state border officer B went to perform an inspection. As soon as a state border officer H learnt that it was not allowed to perform the inspection, the officer applied to the Aviation Security. The Aviation Security Division made an inquiry if they had received any instructions and also noted that the leading officials of the SBPS had been informed.
137. During the questioning on 17 February 2010 H, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, testified that on 6 October 2005 classified trainings of the SSD with other states could have taken place. The security of the VIA might have been informed about it. The SSD could have brought in and away different letters without registering them. There were a lot of international trainings, thus, the employee H could not remember a particular case. If H received any request, which was classified, he would keep somebody relevant informed orally. In 2005-2006 there were a lot of flights of the aircrafts of NATO member states of military and defence delegations in connection with the security of the conferences of NATO Defence Ministers and ministers of foreign affairs in 2005-2006.
138. During the questioning on 18 February 2010 an employee of another institution (person B), able to provide valuable information due to his post, testified that on 6 October 2005 a private non-commercial flight of an aircraft "Boeing 737-200", tail number N787WH, registered in the USA, was registered. It arrived from Tallinn without passengers at 4.54 a.m. and on 5.59 a.m. departed for Oslo. It arrived to Tallinn from Antalya. On the same day at 3.58 p.m. another aircraft of model "Beech Be-9L F-90" tail number N41AK registered in the USA departed for Glasgow with two passengers. On 2 January 2005 an aircraft "CASA C-212" tail number N961BW registered in the USA landed in Palanga from Flesland (Norway) and departed for Simferopol (Ukraine). On 18 February 2005 an aircraft "Boeing 737" tail number N787WH registered in the USA from Bucharest to Copenhagen landed in Palanga. B noted that there were unplanned flights, but they were quite rare. In case of the trainings mainly the Palanga Airport was used as at that airport there were fewer flights.
139. During the questioning on 18 February 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, knew about the incident of 6 October 2005 as he was informed about it at 6.00 a.m. in the morning by telephone. He noted that a letter of the SSD on classified trainings had been submitted.
140. During the questioning on 20 February 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, noted that the aircraft departed on 6 October 2005 at 6.05 a.m. The officer had not been informed about it in advance. The officer also noted that then the visibility outside was poor.
141. During the questioning on 23 February 2010 G, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, testified that a request not to perform an inspection used to be submitted by the Ministry of Transport and Communications of the Republic of Lithuania. The Patrol



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

Services of the Aviation Security together with a subdivision of the Ministry of the Interior used to control passing from / to the territory of the VIA.

142. During the questioning on 24 February 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, did not confirm any significant information, did not know anything.
143. During the questioning on 3 March 2010 F, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the airport, testified that the Operational Services used to issue permissions.
144. During the questioning on 5 March 2010 an officer V, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post (also referred in § 109) saw, that the premises of Project No. 1 had been under repair. He happened to escort some vehicles to the Palanga Airport in March 2006 together with N. At the airport the escorted vehicle approached the aircraft. The vehicle at the aircraft was loaded with boxes of the length of not less than 1 meter, which were carried by 2 persons. The officer could not remember how many boxes there were. The unloading took 20-30 minutes. M and N were also in the territory 50 meters away from the aircraft. The aircraft was not inspected. In the escort from Palanga O, M and N also were present. The officer N told him that it was an operation. He was aware that one of the officers had written a request to the airport in order they could enter the territory of the airport.
145. During the questioning on 9 March 2010 O, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services, used to escort partners and went to Palanga and back for several times, he used to escort partners to the airport.
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146. During the repeated questioning N, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the Intelligence Services (also referred in § 119 above) in 2005 or 2006 once escorted vehicles to Palanga. The vehicles of the SSD remained and those of the partners approached the aircraft. N did not see anything specific. Then the escort went back to Vilnius. In such cases, special letters to the airport used to be submitted.
147. During the questioning on 17 March 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, testified that nobody applied to the State Boarder Protection Service in order marks were not put on.
148. During the questioning on 24 March 2010 D, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, did not remember anything about the incident of 6 October 2005.
149. During the questioning on 25 March 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, did not remember anything about the night of 6 October 2005 or the very incident.



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

150. During the questioning on 25 March 2010 C, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, did not remember anything about 6 October 2005.
151. During the questioning on 25 March 2010 E, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, did not remember anything about 6 October 2005.
152. During the questioning on 26 March 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, indicated that he did not remember if he was working on 6 October 2005. He noted that in case of departure through the governmental gates only the documents should be checked.
153. During the questioning on 6 April 2010 M, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the Intelligence Services, noted that there were flights. In 2005 there were 2-3 flights for the purpose of transporting communication equipment, delivering parcels for partners and *vice versa*. The representative of partners used to apply with a request to provide protection while escorting. The SSD used to submit letters for the administration of the airport, supposedly to the SBPS too, with a request to permit the officers to enter the territory. The employees of the SSD used to escort cargos. M did not remember, where from the communication equipment arrived – the VIA or the Palanga Airport – prior to transfer, but it was under a protection. Later the equipment was carried away.
154. On 8 April 2010 a politician B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding an important political post (also referred in § 126), was questioned. The politician noted, that he was addressed as regards the transportation and holding of people in Lithuania. As far as he understood, he was applied concerning his opinion in this regard, whether he would have approved it, if it had taken place. The topic of the conversation then was aid to the Americans in fight against terrorism. The politician B did not approve the idea. While holding a post he did not happen to hear, nor was he aware of any premises arranged for holding people or certain flights.
155. During the questioning on 13 April 2010 B, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post of a SBPS officer, noted that on 6 October 2005 at 5.15 a.m. an unplanned aircraft from Antalya landed. He wanted to perform an inspection, to write down the number, to find out where the aircraft was from, how many passengers there were, when it was to depart, however, a vehicle of the Aviation Security stopped him from approaching. He noted that some vehicle left the territory through the border control. He did not remember the data of the vehicle. He did not write down anything.
156. During the questioning on 15 April 2010 A, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a leading post at the SBPS, testified that there were no requests not to inspect passengers of arriving aircrafts. It was also noted that the customs would perform cargo control. The SBPS could check only personal documents.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

157. On 27 April 2010 an employee of another institution was questioned (person C), as he could provide valuable information due to his post. C noted that in 2002-2005 there were no incidents similar to that of 6 October 2005. C confirmed that there was some letter of the SSD of 5 October 2005 on the intended SSD measure. The SBPS received the letter on 7 October.
158. During the questioning on 10 June 2010 I, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, could not remember anything of the day at issue.
159. During the questioning on 10 June 2010 K, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, could not remember anything of the day at issue.
160. During the questioning on 10 June 2010 J, who at the time of the relevant events into the circumstances of which the pre-trial investigation was initiated had been holding a post at the airport, could not remember anything of the day at issue.

**6) The Court's 6th Question.**

The Government is requested to provide *documents relevant for the landing and departure of the above aircraft on the above dates, in particular those describing:*

- a) *dates and hours of their arrival and departure, as well as information on how long each plane stayed on Lithuanian territory, the number of crew and passengers on the planes' arrival and departure:*

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161. ~~The Government submit the relevant information on the indicated flights and provide for necessary documents.~~

162. "Boeing 737" registration No. N787WH, landed in Palanga on 18 February 2005.

163. "Boeing 737-800" registration No. N733MA, landed in Palanga on 25 March 2006.

164. The Documents enclosed:

- 1) A copy of the Invoice issued by a state enterprise Palanga International Airport of 18 February 2005 for the services;
- 2) A copy of the letter of Palanga Airport "As Regards the Submission of Information" of 14 December 2009 [a response to the letter of the CAA of 14-12-2009 concerning the 25-03-2006 flights]

165. The Government also note that the pre-trial investigation of the GPO was focused on the flight on 18 February 2005 due to the directions of the investigation, i.e. focussing on possible carriage of any detained persons to the territory of Lithuania, and not on the flight which took place on 25 March 2006. Thus the investigation was focused on the flight dated on 18 February 2005 and the flight dated on 6 October 2005 to the VIA (see a copy of the letter of a state enterprise International Palanga Airport "As regards the Submission of



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

Information” No. S1-214 of 15 March 2010 and that of the letter of the Customs Department under the Ministry of Finance of the Republic of Lithuania “As Regards the Submission of Information No. 3B-20.2/15-2893 of 12 April 2010 enclosed herein). The provisions of the Code of Criminal Procedure and the information gathered during the investigation determine the guidelines of the investigation of the GPO. In the absence of data or in case of failure to obtain any data on certain events into the circumstances of which the investigation is started the GPO has no possibility to invent the factual circumstances on their own, as it would precondition not only the speculativeness of the pre-trial investigation but also an obvious violation of laws.

*b) the procedure applied by the Lithuanian authorities on the planes' landing and departure and any exceptions made by them in respect of customs and border controls in comparison to the procedure normally applicable to a plane landing in and departing from Lithuania.*

166. In response to the above question, the Government provide for the information on the normally applicable procedure of a plane inspection: landing / departing plane and entering to / leaving from the airport. Further, the Government submit the information on the exceptions made during the relevant period of time.

**The normally applied procedure of inspection: landing / departing plane and entering to / leaving from the airport**

167. In response to the question as regards the procedure normally applied at the airports, the Government refer to the documents of the institutions enclosed herein, relevant legal acts and the testimony of the witnesses. It should be noted that during the time-period relevant to the present case a normal procedure of the inspection of planes comprised different stages and coordination of the activity of different institutions. The SBPS, the Customs Department and the Aviation Security of the airport are to be considered as the main institutions responsible for the functions related to the plane landing. In addition to the mentioned institutions, there are other institutions, responsible for more specific functions, for example institutions, responsible for the verification of conformity to the veterinary, environment protection or other requirements). As G, who had been holding a leading post at the airport, noted, the Passenger Inspection Service of the Aviation Security carries out the inspection of the passengers and their cabin bags prior to entering the plane in order to ensure the security of the plane and the passengers, meanwhile the Patrol Services of the Aviation Security together with a department of the Ministry of Interior control the entrance of the transport to the closed territory of the airport, the SBPS perform the inspection of the passengers, while the Customs perform the inspection of the luggage.

168. First of all, the attention should be drawn to the authority of the Customs Department, when they perform the inspection of the cargo. In compliance with the provisions of § 24 of the Government Resolution No. 1022 “As Regards the Approval of the Rules for the Cooperation of Institutions, Airports and Airline Services which Perform Inspection at International Airports” of 18 September 1997 (hereinafter – the Resolution No. 1022) the Department of Air Navigation Services of the Management of Civil Aviation informs officers of state border police and the customs on a precise timing of the landing of a plane. Airline companies or companies, who perform surface maintenance of a plane, inform the customs on the cargos, delivered by planes, the number of the passengers, the luggage and the like, 15 minutes before a plane landing. In compliance with the provisions established in § 17 of the said Resolution,



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

territory of the platform. The patrolling was shift work, during one shift usually the aviation security automobiles patrolled. If possible, for the safety purposes aiming to observe normal procedure and to ensure that the members of the maintenance staff at the plane had permissions, corresponding to the regime area, a patrol approached the plane. When the officers of the aviation security approached the planes, they stopped at the red line 5-10 meters away from the plane, which could not be crossed. The officers waited until the plane passengers got on the bus. If there were cargos on the plane and in case there were no call-out or other planes did not land, the officers waited until the cargos were unloaded. However, the safety of the cargos was ensured by the company maintaining the cargo.

174. An airport employee noted that they had always used to approach the planes which landed for the purposes of safety aiming to observe normal procedure and to check if the persons at the plane had permissions. He also noted, that there could be unplanned plane landings, to put it more precisely – emergency landings, commercial plane landings and the like. During the employment he happened to escort by a patrol automobile police convoy cars to the planes in the territory of the airport, to which access was limited.

### **Exceptions and Cooperation**

175. It should be noted that aiming to apply exceptions as regards the access to the territory of the airport, if necessary for intelligence purposes, the Intelligence Services could have submitted a request. Thus, the other relevant services used to cooperate. The right to enter the airport of the services executing the intelligence was established by laws regulating the activity of those services, which directly resulted in an obligation to the officers of the Aviation Security to allow the Intelligence officers to enter the airport, to ensure their work. As usual, the Intelligence Services, which had the said right, used to apply to the airport with a request and also to inform the SBPS about it. The Aviation Security of the airport used to execute the request, also informing the relevant officers or staff orally on the request of the Intelligence Service.

176. As L, who at the relevant period of time had been holding a leading post at the Intelligence Service, noted, he used to enter the territory controlled by the VIA with a permanent permission. One could also enter the territory with a temporary permission, however, such persons could enter the territory only with an escort. F, who had been holding a leading post at the airport, noted that the CAA supervised the Aviation Security and controlled the work. The SSD also used to be in charge of the aviation security. The officers of the Intelligence service could enter the regime area only after the Aviation Security had been warned in a written form about it in advance, also after the permanent permissions, issued to the officers of the Intelligence Service, who provided the airport with permanent maintenance, had been submitted, or after the official passes of those officers had been provided. The duty of the Aviation Security officers was to inspect the documents of the said persons and to check whether they actually were the officers of the Intelligence services. It was noted that the Aviation Security had cooperated with the SSD as well as with the other Intelligence services.

177. H, who had been holding a leading post at the airport, noted that the Aviation Security cooperated with all the Operational Services of the country: those of the Police Department, the Customs Department, the Security Department, the Second Investigation Department under the Ministry of National Defence, the SBPS, the SSD, the SIS and the intelligence services of other institutions. They used to take certain acts in the areas of limited access in



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

the customs inspection of planes, luggage of natural and juridical persons is performed randomly.

169. Further, the Government turn to the description of the authority of the SBPS officers, responsible for the persons' inspection. In accordance with the wording of Article 7 § 1(1) of the Law on the State Border Protection Service relevant to the events under the investigation, the SBPS inspect documents of persons and transport vehicles, marking them if necessary. As C, who had been holding a leading post at the SBPS, noted the function of the SBPS at the airport was to control documents of those persons, who crossed the state border. The SBPS did not perform the inspection of the planes, which landed. The customs officers used to perform the inspection of the cargo. When a plane landed a state border officer used to approach the plane and to escort the bus to the building. All the passengers used to pass through passport control.
170. Next, a special airport division the Aviation Security supervise the territory of the airport and the observance of the security requirements therein. It should be noted that following the Resolution No. 1022 it might be concluded that at the relevant time the Aviation Security used to perform particularly important functions related to the entering to / leaving from the airport. For instance, in § 12.2 of the Resolution No. 1022 it was established, that the aviation security services of an international airport, while executing the National Program of Civil Aviation Safety, ensure that only persons and vehicles, who have permissions issued by the Aviation Security Service of the airport, enter the territory of the border control of an international airport.
171. As G, who had been holding the leading post at the airport, noted, the VIA is a state enterprise of a specific purpose, which is of significance to the national security, thus the VIA cooperates with the SSD, the representative of which was in charge for the airport. There was an Aviation Security Commission at the VIA, which consisted of 16 members: the SSD, the Customs, the SBPS, the CAA and representatives of other services. The said Commission was led by the General Manager of the airport. The aim of the Commission was to ensure the aviation security in the territory of the airport. There was also a Commission of the National Aviation Security in Lithuania, led by the Minister of Transport and Communications. The Aviation Security System was working at the airport, controlled by the director of the Aviation Security Service, subordinate to the director general of the airport.
172. As an airport employee A during the questioning of the pre-trial investigation noted, all the vehicles leaving the territory of the airport, to which access is limited, were inspected, paying a particular attention to the permission issued to the vehicles or leaving persons. If vehicles left through the governmental gates, they were not inspected. In such case a letter by fax from the Seimas, the Presidency, the Government informing on who, when and the type of a vehicle would be leaving was always submitted. Thus, only the documents of leaving persons were inspected.
173. Officers of the Aviation Security patrolled in order to ensure the protection of the territory of the airport. As an airport employee B noted, the aim of the patrolling was to ensure the aviation security, i.e. to avoid violations of the aviation security, to ensure that persons had permissions, corresponding to the airport regime areas, to ensure that vehicles did not violate traffic regulations and drove with the flash lights on, to ensure the transport escort in the



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

the presence of the Aviation Security officers or in their absence. The Aviation Security officers had a duty to inspect the documents of those persons in order to ensure that they actually were the officers of the Intelligence Services. The laws regulating the said special services establish their right to get access to the objects. The officers of the Intelligence Services could get access to the regime area after the Aviation Security had been warned about it in a written form in advance, also after the permanent permissions, issued to the officers of the Intelligence services, who provided the airport with the permanent maintenance, had been presented or after the official certificates of those services had been presented. An employee H emphasized, that the classified SSD trainings with the foreign partners could have taken place and that the SSD could have informed the Aviation Security about it by a classified letter. Such letters used to be registered by those institutions, which performed certain acts. There were cases, when secret services used to bring such letters and to take them away after the acts had been performed. Such letters then were not registered at the office of the Aviation Security. The content of such letters could have comprised the State secret. The content of those letters could have been available only to those, who had permissions to work with the secret information. After they had acquainted with the said content, they would inform orally other employees about it as far as it was necessary. An airport employee H noted that during the time-period at issue there were a lot of international trainings. Not always the officers of the Aviation Security were aware of the measures taken by the special services at the airport, as well as in the area of limited access. There were cases, when only oral requests were submitted.

178. An officer M told to an officer S, who had been holding a leading post, that there were the partners' requests to escort the cargos. M confirmed that it was possible, however, it should have been agreed with the VIA, the SBPS. The letters for that purpose were drafted. An officer N noted that in order to enter the airport a letter for the airport was to be presented.

179. It should be noted that the procedure according to which the Intelligence Services used to apply the Aviation Security by letters as regards certain trainings or other intelligence activities and the Aviation Security used to inform relevant persons was faulty as other services had not been informed, thus it was difficult to ensure coordination. In this connection the incident of 6 October 2005 might be referred to, when an officer of the SBPS unaware of a secret operation was not allowed by the officers of the Aviation Security to the plane, which landed unplanned (see a copy of the Official report of a senior specialist Jonas Kasparavičius of the Vilnius airport border control station of the Vilnius Frontier District of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania of 6 October 2005) and the SBPS received the information on the operational actions belatedly (see a copy of the letter of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania "As Regards the incident at the Vilnius Airport on 20 April 2005" No. (21/20)-12-2337) of 4 July 2005).

180. The fact that the institutional cooperation and the application of exceptions were not thoroughly coordinated was stated by the SBPS also. By a letter of 4 July 2005 the Vilnius Frontier District of the SBPS noted the deputy commander of the SBPS that although the patrol service of the Aviation Security guarding the perimeter gates of the VIA could not allow passengers who crossed the state border to pass through them, save for the case, when a state border officer was not allowed to approach the landed plane, had done that previously, in agreement with other institutions responsible for state border inspections. However, in the SBPS's view, inspectors of the Patrol service, which actually controlled the passing through



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

the gates of the airport territory, following the description of their office at hand, were not competent to allow passing through to / from the airport territory and the settlement of the processes, which ensured that, was not regulated. In cases, when the passengers' transfer to / from was executed not through the passengers' airport terminals (in compliance with the order established by the work regulations), the Aviation Security, and at the same time a subject of economic activity the VIA administration, at that time could not ensure in full the execution of the functions of state border controls delegated to them by the activity regulations (see a copy of the letter of the State Border Protection Service under the Ministry of Interior of 4 July 2005 "As Regards the Incident at the Vilnius Airport on 20 April 2005" No. (21/20)-12-2337).

#### **The Court's 7th Question**

The Government is requested to provide *the list of the CIA-linked aircraft landings in Lithuania from December 2002 to September 2006 with a detailed description of their tail numbers, dates and hours of their arrival and departure, information on how long each plane stayed on Lithuanian territory, the number of crew and passengers on their arrival and departure, as well as information on whether the SSD asked for permission to have access to those planes and whether customs and border controls were carried out in respect of each plane – in English.*

181. According to the data of a state enterprise Air Navigation (*Oro navigacija*) in 2002-2005 the CIA-linked aircrafts, which were addressed information sources available in public and the official investigations of the European Parliament, i.e. tail number N85VM (GLF4), tail number N2189M (C-130), tail number N8183J (C-130), tail number N8213G (C-130), tail number 510MG (GLF4), tail number N313P (Boeing 737), tail number N379P (GLF5), tail number N1HC (GLF5), crossed into the Lithuanian air-space 29 times. The above mentioned data were provided on 28 April 2006 in response to the request of the Head of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe D. Marti, whereby tail numbers of 41 aircraft were indicated.

#### **The Court's 8 Question**

The Government are also requested to provide the Court with a further explanation of the following elements mentioned in their observation of 21 October 2013 (§§ 26-30 and §§ 33-35).

182. The Government note that the explanations provided below refer to the documents and the transcripts of the questionings of the witnesses, which are a part of the pre-trial investigation material, described above.

a) *The purposes served by project No. 1 and Project No. 2 during their operation from 2002 to September 2006.*

183. As far as Project No. 1 is concerned it should be noted that its aim from 2002 to 2006 could be described as follows: these were the premises for the execution of the operation. The Government provide the substantiating partially declassified documents of the secret operation of the SSD (see a copy of the Resolution of 25 July 2002 to initiate the file of operation No. 02-21-531vs/02, 1 page (partially declassified); a copy of the Operational Action Plan of 25 July 2002 No. 01-21-587vs/02, 2 pages (partially declassified); a copy of the Object Estimate and Local Estimates, 36 pages (partially declassified)). Following the



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

transcripts of the witnesses' questionings it might be concluded that the premises of Project No. 1 could have been arranged for the purpose of temporary accommodation of secret collaborators, thus, such premises were looked for and it was decided to choose the premises of Project No. 1.

184. From the relevant testimony those of an officer C, who had been holding a leading post of the SSD, are worthwhile mentioning, that the premises of Project No. 1 could not have been used as prison or a lodging of temporary detention, because it had a window, residential blocks of flats were close by, one of which was 3-4 meters away from Project No. 1, and another one was situated in front of it. K, who had been hold a leading post at the Intelligence Service, noted that there was a conversation with an officer F as regards a possibility to receive foreign partners and the way it should be organized. He thought that the conversation was about the reception of the specialists, coming to the trainings. From his point of view there were no talks about detention or the arrangement of the premises. He said that the premises were offered, where the persons were held in compliance with the witnesses' protection programs. He also noted that military base could also have been used.
185. An officer P, who had been holding a leading post, noted that in 2002-2003 M told him, that the representatives of partners had arrived and had proposed to organize a joint operation and to arrange the premises in Lithuania for the secret collaborators' protection. He asked an officer M to inform if a particular operation as regards the use of the premises was to be launched. However, it did not take place. M said, that most probably partners decided to refuse the project. Subsequently, the premises were used for the purposes of the SSD. During the meetings with the representatives of the partners it was proposed to establish an integrated centre, where the SSD officers could have been trained and joint operations with partners executed.
186. An officer R testified, that he had never been to the premises Project No. 1, about which he questioned. However, he noted that the premises were arranged for the extradition of secret collaborators. An officer T also noted that he had heard of the centre for secret collaborators' transfer. An officer S, who had been holding a leading office, knew nothing about the repair of the auxiliary premises of Project No. 1, its aims or funding resources. Only later did he learn that the premises had been established for the operation, which either ended or never took place.
187. An officer T noted that one of the aims of Project No. 1 was to arrange safe premises for the secret collaborators' extradition. He looked for premises, however, none of them were suitable. Then an officer D suggested a suitable location, thus such premises were arranged in Project No. 1. An officer U noted that he looked for premises together with T. In compliance with the instructions given by an officer D in 2002 the premises were necessary for temporary accommodation and protection of secret collaborators. An Intelligence Service officer U noted that while working at Project No. 1 he thought that the premises were to be arranged for the transfer of secret collaborators.
188. As far as **Project No. 2** is concerned, it should be noted that there are not clear sources save for the documents confirming the ownership rights and the witnesses' testimony which would allow establishing the purpose of Project No. 2 until the SSD Training Centre was founded in 2007. Following the witnesses' testimony it might be presumed that the premises of Project No. 2 could have been acquired and arranged aiming to establish **the Intelligence Support**



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

**Centre** together with foreign partners, where from operations could be coordinated at the same time providing the Intelligence officers with the improvement courses. Finally, the project was transformed into the Training Centre used for the training of officers, and the idea to establish an Intelligence centre was not implemented. Having regard to the importance of the object, the agreements concerning its arrangement fitments were made orally. Having regard to the funding resources, the whole documentation remained with partners, who provided the funding. The file of operation as regards Project No. 2 was not initiated (see a copy of the letter of the State Security Department "As Regards the Submission of Information" No. (A)-19-291RN) of 14 April 2010.

189. From the relevant statements of the witnesses those of an officer B, who had hold a leading post, are worthwhile mentioning. The officer stated that he did not know anything about Project No. 2, which now is the Training Centre. However, he also remembered that there were talks that the SSD had to be provided with the premises for the establishment of the Training Centre. An officer C, who had been holding a leading post, noted, that he learnt about Project No. 2 only in 2007, when the Training Centre started its activity. Sometime later he visited the Training Centre for work related purposes. An officer E, who had been holding a leading post at the SSD, noted that he did not know anything and that he visited Project No. 2, where, as he specified, the trainings took place. He himself gave lectures there.
190. An officer M, who had hold a leading post, gave instructions to an officer D to arrange premises for the extradition of secret collaborators. An officer M communicated with the representatives of foreign partners. He told that an idea to establish an Intelligence Support Centre was subject of their discussions. Premises, where such could have been established, were necessary. Officers N and O were instructed to find suitable premises. The premises of Project No. 2 served the purpose. Partners used to cover all the expenses. An officer M himself supervised the arrangements process, but he could not provide many details. He noted that there were not any premises arranged for persons' holding or detention. Meetings used to take place in the building at issue. ~~Officers N and O were in charge of the maintenance of the building.~~ They used to escort partners. Due to the fact that partners' plans slightly had changed and the building was not exploited fully, it was decided to use it for the establishment of the SSD Training Centre.
191. Whereas an officer R noted, that there was a training centre in Project No. 2, where he visited in 2008. M had told him, that the training centre was established in implementing a joint project with partners. An officer S, who had been holding a leading post, noted that in compliance with the Resolution of 2002 the SSD was obliged to develop the relationship with foreign partners. There was a demand to communicate with more experienced partners, to get some experience and profit of such communications. At that time an idea to establish an intelligence support centre arose, which could have been used for the implementation of operations and also a measure for the training of the SSD employees. He was also orally informed about the developed cooperation with partners as regards the regional Intelligence centre. In May 2004 M informed him that a building was bought. M told, that partners covered all the expenses. All the information was submitted orally without documenting it. As regards the centre everything was coordinated orally as well. In the beginning of 2005 Project No. 2 was arranged. Then he went to inspect the premises and there were no premises arranged for persons' detention. The premises at issue were divided into recreation area and offices. The exploitation of the building was minimal, partners were stalling the decisions as regards the



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

Intelligence centre. Afterwards an agreement with partners was reached as regards the transfer of the building to the SSD.

192. An officer N noted that different persons used to come to the premises of Project No. 2 more often in the beginning of 2005 and ceased in the end of the year. He used to supervise the premises together with an officer O. He himself did not notice if any equipment was transported from the premises. He visited the premises, but not all the rooms, as they were uses and there was not any reason for him for that. Besides him officers M and O were by the building. There were not any more officers there. He himself carried out technical functions. In the second part of the year of 2005 an officer M told him that the protection of the building was to be entrusted to a unit in charge.

193. An officer O testified that in 2003 an officer N noted, that some premises were to be found. He himself carried out technical functions. He found proper premises, which became the premises of Project No. 2. Partners chose the premises. They had arrived for several times. In spring of 2004 partners started to come. They themselves carried out works, brought the material and the equipment in containers. It was necessary to find a site for storage, they found a site and carried containers there. There was a residential area, recreational area, office area, fitness equipment area, a room for table games, a room furnished with padded benches and a TV set, a small kitchen in the premises. He alternately with N was in charge for the supervision of the Project No. 2 building. O used to stay during the day and N at night. A file of the acquisition, repair and exploitation of the Project No. 2 building was not opened. As far as he understood from the conversations with M Project No. 2 was an Intelligence support centre.

*b) The purposes of the landing of the CIA-linked aircraft N787WH and N733MA on 18 February 2005 and the vehicle which was seen leaving the plane on that occasion.*

~~194. The flights on 18 February 2005 tail number N787WH and on 25 March 2006 tail number N733NA were to / from Palanga. As it transpires from the pre-trial investigation material there are not any documents substantiating one particular purpose of the flight, but following its whole material of the pre-trial investigation it might be concluded that the flights indicated could have been necessary to ensure technical support for the functions of special purpose of a joint project of the SSD and partners. The same could be stated about the flight on 6 October 2005 tail number N787WH to the VIA, which was covered by the pre-trial investigation No. 01-2-00016-10 (see §§ 74-76, 78-80, 82, 135, 137-140, 148-152, 155, 157 and 179 above).~~

195. An active ongoing collaboration with the NATO Member States related to the Lithuania's accession to NATO that started since the very negotiations, was confirmed by the President of the Republic Mr. Valdas Adamkus, who took his second term of office as the President of the Republic from 12 July 2004 to 12 July 2009. The President stated that at the time when Lithuania was pursuing the goal of membership in NATO, the more so, when the accession to the organization on 29 March 2004 was approaching, intensive negotiations, consultations, and meetings were taking place. The communication with future partners was particularly close, the cooperation took place on different levels. There were joint projects and operations in the field of defence and security (see a copy of the letter of President of the Republic of Lithuania Valdas Adamkus of 26 November 2009).



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

c) *The nature of “some specific cargo” delivered on the flight N787WH on 18 February 2005 and the vehicle which was seen leaving the plane on that occasion.*

196. Notwithstanding the fact that there is no data in the pre-trial investigation of a precise purpose of the cargo, following the whole material of the pre-trial investigation it might be concluded that “some specific cargo” could have been communication equipment, necessary for the technical maintenance of the implementation of a joint project of the SSD and partners. Due to a particular importance of the cargo the Intelligence Services used to request for a direct access to a landed plane. For this purpose classified letters used to be written addressed to the airport and the SBPS (see the statements of the officers M, O, N in §§ 116, 117, 119, 125 above). As regards the flight N787WH on 18 February 2005 it might be concluded that 5 persons arrived at the Palanga airport (see a copy of the letter of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania No. (21)-14-1778 “As Regards the Submission of Documents” of 27 April 2010 enclosed herein). As regards the cargo, of the flight N733MA on 26 March 2006, from the whole material of the pre-trial investigation it might be concluded that on the flight at issue some equipment could have been carried out. It was packed in boxes of the length of not less than 1 meter, which were carried by 2 persons (see the statements of officer V in §§ 110, 144 above). There is a record in the material of the pre-trial investigation that the cargo could have been exported by the flight on 26 March 2006 (see the statements of officer O in § 117 above).

197. The Government observe, that following the testimony of the witnesses available in the case file it might be concluded that the vehicles of partners used to enter and leave the airports escorted by the SSD officers. The officers used to escort to the plane (see the testimony of officer V, where he stated that he was 50 meters away from the plane, in §§ 110, 144 above). The officers used to escort partners to the airport and back (see the testimony of officers V, N, O in §§ 110, 144, 116, 117 and 119 above). As regards the escort services the officers used to be applied to by the representative of partners (see the testimony of officer M, § 125 above).

198. Overall, none of the documents and other data available in the material of the pre-trial investigation did not allow the prosecutor in charge for the investigation to conclude that any person could have been transferred by one of the flights referred to by the Court from / to Palanga Airport or by the flight on 6 October 2005 to the VIA.

199. As regards the Court’s request to clarify whether the Government still maintain their objection to the validity of the application and the applicant’s legal representation, it should be noted that taking into account the developments that took place after the communication of the case at issue, the Government do not uphold their preliminary objection raised in regard to the validity of the present application and the applicant’s legal representation (see §§ 21-22 of the Observations of 10 May 2013). At the same time, however, the Government strongly uphold their preliminary objection that the application at issue should be declared inadmissible pursuant to Articles 34 and 35 § 3 and 4 of the Convention as manifestly ill-founded, because there were not any acts performed, which could be attributed to the Lithuanian State as raising its international responsibility, as no data was ever established confirming an unlawful rendition by the CIA of any persons, including the applicant, to / from the territory of Lithuania.



*Documentary evidence submitted by the Government of the Republic of Lithuania, in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

ENCLOSURES:

- 1) A copy of the Official report of the Chief Prosecutor Algimantas Kliunka of the Investigation Department of Organised Crimes and Corruption of the Prosecutor General's Office of 22 January 2010, 2 pages;
- 2) A copy of the Resolution on the supplement to the Resolution to form the pre-trial investigation group of 9 April 2010, 1 page;
- 3) A copy of the Official report of Justas Kasparavičius - a senior specialist of the Vilnius Frontier District of the Vilnius Airport Border Checkpoint of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania of 6 October 2005, 1 page;
- 4) A copy of the letter of President of the Republic of Lithuania Valdas Adamkus of 26 November 2009, 2 pages;
- 5) A copy of the letter of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania of 4 July 2005 "As Regards the incident at the Vilnius Airport on 20/04/2005" No. (21/20)-12-2337, 2 pages;
- 6) A copy of the Record of Inspection of 11 October 2010, 1 page;
- 7) A copy of the letter of a state enterprise International Palanga Airport "As regards the Submission of Information" No. S1-214 of 15 March 2010, 1 page;
- 8) A copy of the Invoice issued by a state enterprise Palanga International Airport of 18 February 2005 for the services, 1 page;
- 9) A copy of the letter of the Customs Department under the Ministry of Finance of the Republic of Lithuania "As Regards the Submission of Information No. 3B-20.2/15-2893 of 12 April 2010, 1 page;
- 10) A copy of the letter of the State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania No. (21)-14-1778 "As Regards the Submission of Documents" of 27 April 2010, 2 pages;
- 11) A copy of the request of the *Reprieve* of 20 September 2010, 8 pages;
- 12) ~~A copy of the reply of the Deputy Prosecutor General of the Republic of Lithuania Darius Raulušaitis to the letter of the *Reprieve* of 27 September 2010 No. 17.2-17320, 1 page;~~
- 13) A copy of the letter of the *Reprieve* of 22 November 2010, 5 pages;
- 14) A copy of the Act of transfer of property in trust without payment of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of 29 January 2007 No. (2.6-20)-2-I-4, 2 pages;
- 15) A copy of the Act of transfer of property in trust without payment of the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania of 29 January 2007 No. (2.6-20)-2-I-5, 2 pages;
- 16) A copy of the Resolution of 25 July 2002 to initiate the file of operation No. 02-21-531vs/02 (partially declassified), 1 page;
- 17) A copy of the Operational Action Plan of 25 July 2002 No. 01-21-587vs/02, (partially declassified), 2 pages;
- 18) A copy of the Object Estimate and Local Estimates (partially declassified), 36 pages;
- 19) A copy of the letter of the State Security Department "As Regards the Submission of Information" No. (A)-19-291RN of 14 April 2010, 1 page;
- 20) A copy of the reply of the US Department of Justice as regards the legal assistance in *al-Hawsawi* case of 27 May 2014, 1 page;



*Documentary evidence submitted by the Government of the Republic of Lithuania,  
in respect of which Rule 33 § 2 of the Rules of Court is requested to be applied*

- 21) A copy of the request of the Prosecutor General's Office as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 27 January 2015 to Poland, 1 page;
- 22) A copy of the reply of the Appellate Prosecutor's Office of Poland as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 11 February 2015, 1 page;
- 23) A copy of the request of the Prosecutor General's Office as regards the request for legal assistance in the criminal case No. 01-2-00015-14 of 29 May 2015 to Romania, 1 page;
- 24) A copy of the letter of Palanga Airport "As Regards the Submission of Information" of 14 December 2009, 2 pages;
- 25) A copy of the letter of the Ministry of the Interior of the Republic of Lithuania "As regards the Submission of Information" No. 1D-9196 (12) of 9 December 2009, 2 pages.

Respectfully,



Karolina Bubnyte

Agent of the Government of the Republic of Lithuania  
to the European Court of Human Rights