

Published on *Network of the Presidents of the Supreme Judicial Court of the European Union* (<http://reseau-presidents.eu>)

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Lithuania

The Supreme Court of Lithuania

Date of establishment: 1994

Address and e-mail of the court:

Gyneju 6, LT-01109 Vilnius,

Lithuania

Tel: + 370 5 2 616 466,

fax + 370 5 261 6813

lat@teismas.lt ^[1]

Website:

<http://www.lat.lt> ^[2]

Link to the national database of their case law <http://www.lat.lt/lt/teismo-nutartys> ^[3]

Position of the supreme court in the national court system is

The Supreme Court of Lithuania is the only court of cassation within the system of courts of general jurisdiction.

The Supreme Court of Lithuania is the only court of cassation in the Republic of Lithuania for reviewing effective judgements and rulings passed by courts hearing criminal cases at the first and appeal instances (Art. 366, Code of Criminal Procedure) as well as decisions and rulings in civil cases passed by courts of appeal instance (Art. 340(1), Code of Civil Procedure). Cassation is an extraordinary form of exercising supervision over the legitimacy of judicial decisions and it is applicable only in exceptional cases defined by the Codes of Criminal and Civil Procedure that establish the grounds for cassation. (Art. 369, Code of Criminal Procedure, Art. 346, Code of Civil Procedure). The grounds for cassation are identified by a selection panel of judges of a relevant Division (Art. 372, Code of Criminal Procedure, Art. 350, Code of Civil Procedure). The Supreme Court hears cases exclusively on the questions of law. The objective of the Supreme Court, as a court of cassation, is to ensure uniform court practice of courts of general jurisdiction in the State by means of precedents formulated in its cassation rulings. A ruling passed by the court of

cassation is final, cannot be appealed against, and effective from the day of its adoption.

What does the court decide about

In addition, the Supreme Court of Lithuania performs the functions provided for by the Code of Civil Procedure, Code of Criminal Procedure and Code of Administrative Offences:

- hears applications for reopening of criminal cases (due to newly discovered circumstances; rulings of the UN Committee of Human Rights and ECHR; misapplication of criminal laws)(Art. 443, 451, 456 Code of Criminal Procedure)
- hears applications for reopening of civil cases (if a case was heard by unlawful composition of Supreme Court; due to rulings of ECHR)(Art. 365 Code of Civil Procedure).
- hears applications for reopening of administrative offence cases (if there has been an essential violation of the substantive law or the law of procedure) (Art. 30217 Code of Administrative Offences).

The Supreme Court also performs other functions provided for by law:

- in compliance with the procedure established by a special Law on Rehabilitation of Persons Repressed for Resistance to the Occupying Regimes, adopted on 2 May 1990 (No. I-180), with last amendments by Law No. X-1814 of 13 November 2008), issues certificates on the restoration of civil rights to persons repressed by judiciary authorities of occupational regimes. Appeals (motions) against a refusal to issue such certificates or on the revocation of issued certificates are heard by panels of Criminal Division judges under a procedure established by the said law.
- participates in deciding on the disputes over jurisdiction. Disputes over the jurisdiction of a court of general jurisdiction and an administrative court are heard by a special Chamber of Judges, which includes two representatives of the Supreme Court: the Chairman of the Civil Division of the Supreme Court and a judge assigned by the President of the Supreme Court (Art. 37, Law on Courts).

Cases before the Supreme Court are normally heard by a panel of three judges. In the instances where a cassation case involves a complicated issue of interpretation or application of laws, the President of the Supreme Court, the Chairman of a relevant Division, or a panel of judges may forward the case to be heard by an extended panel of seven judges or by a plenary session of the relevant Division. The President of the Supreme Court may also forward a case in order to be heard by a mixed panel of judges belonging to the Civil Division and the Criminal Division or by a plenary session of the entire Supreme Court (Art. 366 and 378 Code of Penal Procedure, Art. 357 Code of Civil Procedure).

The principals of procedure

Proceedings before the Court are to be founded on the following basic principles: equality of the parties, the right to legal assistance, the right to due process, speedy and least expensive proceedings, the right to be heard, the adversarial procedure, impartiality of the court, public hearing, immediateness and prohibition of abuse of the process.

The court practice is formed in the case law precedents. Panel rulings of three judges of Supreme Court which have been approved by the majority of judges of the relevant Division, panel rulings of seven judges or passed by a plenary session are published in the Bulletin of the Supreme Court Practice. The Bulletin includes the most important methodical material consisting in the summary of reviews of the court practice, summaries of judgements passed by supranational courts.

The number of justices and panels

Judges of the Supreme Court: the Supreme Court consists of 35 judges. According to Article 112(2) of the Constitution of the Republic of Lithuania, judges of the Supreme Court are appointed and dismissed by the Parliament (Seimas) upon the presentation of the President of the Republic of Lithuania.

How are the justices appointed

A judge of the Supreme Court is appointed for a term until he reaches the age of 65 (Law on Courts, Art. 57).

In the performance of their functions, the judges of the Supreme Court are assisted by the apparatus of the Court: divisional clerk's offices, Court Chancellor's service, advisers to the President of the Court and the Chairmen of the Divisions, assistants to judges, the Department of Law Research and Practice, etc.

Horizon 2020 © Network of the Supreme Courts of the European Union - This project is funded by the European Union

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Links:

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