



LIETUVOS RESPUBLIKOS GENERALINĖ PROKURATŪRA
PROSECUTOR GENERAL'S OFFICE OF THE REPUBLIC OF LITHUANIA

VERY URGENT

International Division
Ministry of Justice

Our ref.: 17.2.-
Your ref.:

By fax No.: +45 33 93 35 10 *and mail*
Slotholmsgade 10
DK-1216 Copenhagen K
Kingdom of Denmark

Date: October 2009

Re: **REQUEST FOR LEGAL ASSISTANCE IN THE CRIMINAL CASE No. 20-1-00917-09**

Prosecutor General's Office of the Republic of Lithuania presents its compliments to you and following the Convention on Mutual Assistance in Criminal Matters between EU Member States requests for legal assistance.

Organized Crimes and Corruption Investigation Division, Kaunas Regional Prosecutor's Office, conduct the pre-trial investigation No. 20-1-00917-09 in respect of the signs of crimes specified in the items 5, 7 part 2 art. 129, part 1 art. 21, item 7 part 2 art. 129, part 1 art. 253 of the Criminal Code of the Republic of Lithuania.

Criminal Code of the Republic of Lithuania
Article 129. Murder.

1. Any person, who murders another person, shall be punished by imprisonment for a term from 5 to 15 years;
2. Any person, who murders:
 - Point 1 – a minor;
 - Point 2 – a person in helpless state;
 - Point 3 – own mother, father or child;
 - Point 4 – a pregnant woman;
 - Point 5 – two or more persons;**
 - Point 6 – by torturing or in another especially cruel manner;
 - Point 7 – in a way, which is dangerous to lives of other people;**
 - Point 8 – from hooliganic motives;
 - Point 9 – from selfish motives;
 - Point 10 – because the victim is discharging his official or civil duties;
 - Point 11 – seeking to conceal another crime;
 - Point 12 – seeking the victim's organ or tissue for transplantation,shall be punished by imprisonment for a term from 5 to 20 years, or by life sentence.

Preparation for a Crime (Article 21)

1. Preparation for a crime shall be any acquisition or application of certain means and tools, or any act of conceiving a course of action, or recruiting accomplices, or any intentional preparation of conditions facilitating the commission of a crime. A person shall be held liable only for preparation for committing serious or grave crime.

2. Criminal liability for preparation for a crime is defined under the Article of this Code that covers the appropriate completed crime as well as under Paragraph 1 of this Article. The penalty imposed for such a person may be mitigated in accordance with Article 62 of this Code.

Article 253. Illegal Possession of Firearms, Ammunition, Explosives, or Explosive Substances

1. Any person who, without lawful authority, manufactures, acquires, keeps, carries, transports or sells a firearm, ammunition, an explosive or explosive substances, shall be punished by detention, or imprisonment for a term of up to 5 years.

2. Any person who, without lawful authority, manufactures, acquires, keeps, carries, transports or sells not less than three firearms, a large quantity of ammunition, explosives or explosive substances, or ammunition, explosives or explosive substances of big explosive might, shall be punished by imprisonment for a term from 4 to 8 years.

During pre-trial investigation it was established that on 5 October 2009 at approximately 08:20 o'clock near the house No. 5 at Sladkevičiaus str., Kaunas, by shooting from a firearm (exact firearm not established) citizen J. F., personal No. (-), residing at (-) str., Kaunas, was murdered. It was also established that on 5 October 2009 in the house of V. N. (address: (-) str., Kaunas) by shooting from a firearm (exact firearm not established) V. N. was murdered.

On 6 October 2009 a decision was made to acknowledge D. K. as a suspect in respect of the said criminal acts specified in the items 5, 7 part 2 art. 129, part 1 art. 21, item 7 part 2 art. 129, part 1 art. 253 of the Criminal Code of the Republic of Lithuania. The suspect D. K. hid from pre-trial investigation officers, he has been announced wanted, on 7 October 2009 a European arrest warrant of D. K. was issued.

During pre-trial investigation it was established that D. K. maintained close relations with J. P., personal No. (-). During control information transferred through electronic networks by the phone No. (-) a Danish telephone number (-) was established. Voice of the man using said phone resembles the voice of D. K.

In order to establish the circumstances of this criminal act, establish persons who committed this particularly grave crime, and to prosecute them, also in order to establish whereabouts of D. K. who went hiding and arrest him Mr. R. S., Prosecutor, passed a decision of 19 October 2009 to address telecommunications operators requesting to provide in written the information on the telephones No. (-) (who and since when has been the registered user of them), also to provide data on telecommunications using the said telephone No. (-), itemized phone billing information of incoming and outgoing calls during the period of time from 19 April 2009 to 19 October 2009. On 19 October 2009 1st District Court of Vilnius city approved this decision.

On 19 October 2009 1st District Court of Vilnius city passed a ruling permitting to phonetap conversations by phone of an unidentified user of the telephone No. (-), record them, control other information transferred through electronic connection networks, register it and store.

By the 19 October 2009 ruling of the 1st District Court of Vilnius city surveillance of the user of the telephone No. (-) for the term of 2 (two) month starting from 19 October 2009. Video and audio recording using technical means of all kinds during surveillance was permitted.

Requested acts:

1. During pre-trial investigation it is necessary to acquire from the law-enforcement officers of the Kingdom of Denmark necessary data in respect of telephone No. (-) (who and since when has been the registered user of them), also to provide data on telecommunications using the said telephone No. (-), itemized phone billing information

of incoming and outgoing calls during the period of time from 19 April 2009 to 19 October 2009.

2. Other request is related to control, recording and storing of information transferred through the electronic connection networks. We request you to organize phonetapping of conversations by phone of an unidentified user (allegedly D. K.) of the telephone No. (-), record them, control of other information transferred through electronic connection networks, register it and store during the period of time from 19 October 2009 to 19 December 2009.
3. Yet another requested procedural act is related to surveillance. We request you to conduct of surveillance of the user of the telephone No. (-) for the term of 2 (two) months starting from 19 October 2009. Video and audio recording using technical means of all kinds during surveillance can be used.

We guarantee that the evidence collected in your State will be used only for the purposes of the investigation and the hearing of the criminal case.

We kindly ask you to execute this request in an urgent procedure.

We hope that our request shall be executed and would like to take a chance to thank you in advance for the co-operation and legal assistance. We shall provide analogous or other kind of legal assistance to you. Regarding necessary additional information please contact R. S., Prosecutor, Organized Crimes and Corruption Investigation Department, Prosecutor General's Office of the Republic of Lithuania (phone No.: (-), e-mail: (-).

Please send the answer and the collected material to the Prosecutor General's Office of the Republic of Lithuania indicating our reference number as well as the date of sending.

ATTACHMENTS:

1. 19 October 2009 Decision to get familiarized with information and translation thereof into English, pages.
2. 19 October 2009 ruling of the 1st District Court of Vilnius city regarding control, recording and storage of information transferred through electronic connection networks and translation thereof into English, pages.
3. 19 October 2009 ruling of the 1st District Court of Vilnius city to order surveillance and translation thereof into English, pages.

Respectfully,

Deputy Prosecutor General

V. B.

R. S., (-)

I. L., (-)