



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: G/SO CED-UA LTU (1)
AB/AH/bt 569/2019

2 June 2020

Dear Mr. Stanislovas Tomas,

I have the honour to acknowledge receipt of the additional information you submitted with regard to Urgent Action No. 589/2019 that was registered by the Committee on Enforced Disappearances with regard to the alleged enforced disappearance of Ms. Deimantė Stankūnaitė (Kedytė).

In view of the information provided, the **Committee decided to maintain the referred Urgent Action open** and sent a new note to the State party on 2 June 2020 in the following terms:

“The Secretary General of the United Nations (Office of the High Commissioner for Human Rights) presents his compliments to the Permanent Representative of the Republic of Lithuania to the United Nations Office at Geneva and has the honour to refer to the State party’s note, dated 18 March 2019, concerning Urgent Action No.569/2019, which was submitted to the Committee on Enforced Disappearances in compliance with article 30 of the Convention for the Protection of All Persons from Enforced Disappearance, with regard to the alleged enforced disappearance of Ms. Deimantė Stankūnaitė (Kedytė).

In compliance with article 30, paragraphs 3 and 4 of the Convention, the Committee transmitted the note of reference to the author of the Urgent Action request for their comments. In view of the information provided, the Committee considers necessary to maintain the referred Urgent Action open.

The Committee takes note the State party’s statements that “from 12 October 2009, the measures aimed at protection against criminal influence are applicable in respect of Ms. Deimantė Stankūnaitė (Kedytė) and her mother”, and that “the measures were imposed by the joint decisions of the Prosecutor General of the Republic of Lithuania and the Police Commissioner General of Lithuania.” The Committee further takes note of the State party’s confirmation “that the location of Ms. Deimantė Stankūnaitė (Kedytė) is known and that she and her mother are under the protection of the law” pursuant to the Law on the Protection of the Participants of Criminal Proceedings and Criminal Intelligence (the Law). However, the Committee notes the State party has **not provided any information about the concrete location of Deimante or about her individual situation, including her physical and mental health condition.** According to the information received by the Committee, Deimante was forcefully removed from her aunt’s place in May 2012 and the State party has acknowledged contacts of Deimante with her friends and father-side relatives as “criminal influence” and prohibited them. The Committee is informed that Deimante was last seen by them on 14 October 2014, via skype in a hearing at Kaunas District Court. The Committee also notes that the information presented by the State party that Deimante and her mother were placed under the protection of the law in October 2009 appears to be contradictory with Deimante’s forceful removal from her aunt in May 2012.

Recalling that article 20, paragraph 1 of the Convention, establishes that **only** where a person is under the protection of the law and the deprivation of liberty is subject to **judicial control may the right to information be restricted, on an exceptional basis**, where strictly necessary and where provided for by law, and if the transmission of the information would adversely affect the privacy or safety of the person, hinder a criminal investigation, or for other equivalent reasons in accordance with the law, and in conformity with applicable international law and with the objectives of this Convention. In no case shall there be restrictions on the right to information referred to in article 18 that could constitute conduct defined in article 2 of this Convention.

In view of thereof, the Committee requests the State party:

- (i) **To officially inform the Committee of Deimante's location and situation, providing concrete evidence of her health condition, and to take all actions necessary to enable her immediate and periodic contact with any person of her choice. In case the State party's legislation prohibits the provision of information about her location, the Committee should be informed thereof and undertakes not to disclose this information.**
- (ii) **To provide the specific legal grounds that were applied to the case of Deimante (article 5 of the Law); the measures of protection against the criminal influence taken in this case (article 7 of the Law); the conditions in which Deimante is participating in criminal proceedings (article 4 paragraph 1 of the Law); and the status of such proceedings;**
- (iii) **To inform the Committee how, in the adoption of the referred measures of protection and the determination of Deimante's participation in the referred criminal proceedings, the best interests of the child have been a primary consideration and her views have been given due weight in accordance with her age and maturity, in compliance with article 25, paragraph 5 of the Convention;**
- (iv) **To inform the Committee whether Deimante and her mother have acknowledged this Urgent Action;**
- (v) **To inform the Committee about the actions taken to implement these recommendations.**

In compliance with article 30, paragraph 3 of the Convention, the Committee requests the State party to send information on these issues by **2 July 2020**. The information submitted by the State party will be transmitted to the authors of the referred request for urgent action for their comments.

The Committee also draws the attention of the State party to article 30, paragraph 4 of the Convention according to which "the Committee shall continue its efforts to work with the State Party concerned for as long as the fate of the person sought remains unresolved".

The State party's observations will be sent to you upon receipt, for your comments. In the meantime, the Committee remains pending of any additional information you may wish to provide with regard to the referred Urgent Action.

Sincerely,



Ibrahim Salama
Chief
Human Rights Treaties Branch

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