



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LITHUANIA

DECISION ON ACCEPTING THE PETITION OF A PETITIONER

28 May 2008

Vilnius

The Constitutional Court of the Republic of Lithuania, composed of the Justices of the Constitutional Court: Armanas Abramavičius, Toma Birmontienė, Pranas Kuconis, Kęstutis Lapinskas, Zenonas Namavičius, Ramutė Ruškytė, Egidijus Šileikis, Algirdas Taminskas, and Romualdas Kęstutis Urbaitis

The court reporter—Daiva Pitrenaitė

The Constitutional Court of the Republic of Lithuania, in its procedural sitting, considered the petition (No. 1B-08) of the Supreme Court of Lithuania requesting the Constitutional Court “to decide: (1) whether the Republic of Lithuania’s Law ‘On Compensation for the Damage Inflicted by the USSR Occupation’ of 16 June 2000, to the extent that it provides that the Russian Federation—the successor of the rights and duties of the USSR—compensates for the damage inflicted on the Lithuanian people by genocide during the periods of the Soviet occupation, while the natural persons—the executors of genocide—do not compensate for it, is not in conflict with Paragraph 2 of Article 30 of the Constitution of the Republic of Lithuania and with the constitutional principles of a state under the rule of law and justice; (2) whether the Republic of Lithuania’s Law ‘On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes’ of 2 May 1990 (with the supplements and amendments made by Law No. I-1051 of 28 September 1995, Law No. I-1082 of 31 October 1995, Law No. I-1441 of 4 July 1996, Law No. VIII-11 of 28 November 1996 and Law No. VIII-656 of 12 March 1998), to the extent that it provides that the violated rights are restored to the persons and victims of only certain categories, while they are not restored for the persons and victims of other categories, is not in conflict with Article 29 of the Constitution of the Republic of Lithuania and with the constitutional principle of a state under the rule of law”.

The Constitutional Court

has established:

The Supreme Court of Lithuania, the petitioner, considered a civil case. By its ruling, the said court suspended the consideration of the case and applied to the Constitutional Court with the petition requesting an investigation into whether:

– “the Republic of Lithuania’s Law ‘On Compensation for the Damage Inflicted by the USSR Occupation’ of 16 June 2000, to the extent that it provides that the Russian Federation—the successor of the rights and duties of the USSR—compensates for the damage inflicted to the Lithuanian people by genocide during the periods of the Soviet occupation, while the natural persons—the executors of genocide—do not compensate for it, is not in conflict with Paragraph 2 of Article 30 of the Constitution of the Republic of Lithuania, and with the constitutional principles of a state under the rule of law and justice”;

– “the Republic of Lithuania’s Law ‘On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes’ of 2 May 1990 (with the supplements and amendments made by Law No. I-1051 of 28 September 1995, Law No. I-1082 of 31 October 1995, Law No. I-1441 of 4 July 1996, Law No. VIII-11 of 28 November 1996 and Law No. VIII-656 of 12 March 1998), to the extent that it provides that the violated rights are restored to the persons and victims of only certain categories, while they are not restored for the persons and victims of other categories, is not in conflict with Article 29 of the Constitution of the Republic of Lithuania and with the constitutional principle of a state under the rule of law”.

This petition the Supreme Court of Lithuania, the petitioner, was received at the Constitutional Court on 9 May 2008.

The Constitutional Court

holds that:

1. On 2 May 1990, the Seimas adopted the Republic of Lithuania’s Law “On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes” which has been amended and/or supplemented on more than one occasion.

On 12 March 1998, the Seimas adopted the Republic of Lithuania’s Law on Amending the Law “On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes” which came into force on 25 March 1998. By Article 1 of this law, the Law “On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes” (wording of 2 May 1990 with subsequent amendments and supplements) was amended, set forth in a new wording and it was given the name of the Republic of Lithuania Law on Restoring the Rights of Persons, Who were Repressed for Resistance Against the Occupation

Regimes.

It is obvious from the petition of the petitioner that it had doubts not regarding the compliance of the Law “On the Restoration of the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes” (wording of 2 May 1990 with subsequent amendments and supplements), but regarding the compliance of the Law on Restoring the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes (wording of 12 March 1998) with the Constitution of the Republic of Lithuania.

2. On 13 June 2000, the Seimas adopted the Republic of Lithuania’s Law on Compensation for the Damage Inflicted by the USSR Occupation which came into force on 28 June 2000. This law has not been amended or supplemented.

3. As mentioned before, the Supreme Court of Lithuania, the petitioner, requests an investigation into the compliance of the Law on Compensation for the Damage Inflicted by the USSR Occupation with Paragraph 2 of Article 30 of the Constitution and with the constitutional principles of a state under the rule of law and justice, to the extent that it provides that the Russian Federation—the successor of the rights and duties of the USSR—compensates for the damage inflicted to the Lithuanian people by genocide during the periods of the Soviet occupation, while the natural persons—the executors of genocide—do not compensate for it, as well as the compliance of the Law on Restoring the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes (wording of 12 March 1998) with Article 29 of the Constitution and with the constitutional principle of a state under the rule of law, to the extent that the law prescribes that the violated rights are restored to the persons and victims of only certain categories, while they are not restored for the persons and victims of other categories.

4. It is obvious from the petition of the Supreme Court of Lithuania, the petitioner, and the material of the civil case that the petitioner requests an investigation into:

– whether the Law on Compensation for the Damage Inflicted by the USSR Occupation, to the extent that, according to the petitioner, it is not prescribed in this law that the natural persons—the executors of genocide—compensate for the damage inflicted to the Lithuanian people by genocide during the periods of the Soviet occupation is not in conflict with Paragraph 2 of Article 30 of the Constitution, and with the constitutional principles of a state under the rule of law, and justice;

– whether the Law on Restoring the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes (wording of 12 March 1998), to the extent that, according to the petitioner, it is not prescribed in this law that the violated rights of the persons of also other categories than those specified in this law are restored is not in conflict with Article 29 of the Constitution and with the constitutional principle of a state under the rule of law.

5. The petition of the Supreme Court of Lithuania, the petitioner, virtually meets the requirements established in the Law on the Constitutional Court of the Republic of Lithuania.

Conforming to Paragraph 1 of Article 102 of the Constitution of the Republic of Lithuania and Paragraph 1 of Article 28 and Article 67 of the Law on the Constitutional Court of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania adopts the following

decision:

To accept the petition of the Supreme Court of Lithuania, the petitioner, requesting an investigation into:

– whether the Republic of Lithuania’s Law on Compensation for the Damage Inflicted by the USSR Occupation, to the extent that it is not prescribed in this law that the natural persons—the executors of genocide—compensate for the damage inflicted to the Lithuanian people by genocide during the periods of the Soviet occupation is not in conflict with Paragraph 2 of Article 30 of the Constitution of the Republic of Lithuania, and with the constitutional principles of a state under the rule of law, and justice;

– whether the Republic of Lithuania’s Law on Restoring the Rights of Persons, Who were Repressed for Resistance Against the Occupation Regimes (wording of 12 March 1998), to the extent that, according to the petitioner, it is not prescribed in this law that the violated rights of the persons of also other categories than those specified in this law are restored is not in conflict with Article 29 of the Constitution of the Republic of Lithuania and with the constitutional principle of a state under the rule of law.

Justices of the Constitutional Court:

Armanas Abramavičius

Toma Birmontienė

Pranas Kuconis

Kęstutis Lapinskas

Zenonas Namavičius

Ramutė Ruškytė

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