

**CONSTITUTION
OF THE REPUBLIC OF LITHUANIA**

**(Adopted by citizens of the Republic of Lithuania
in the Referendum of 25 October 1992)**

**CHAPTER VIII
THE CONSTITUTIONAL COURT**

Article 102

The Constitutional Court shall decide whether the laws and other acts of the Seimas are not in conflict with the Constitution and whether the acts of the President of the Republic and the Government are not in conflict with the Constitution or laws.

The status of the Constitutional Court and the procedure for the execution of its powers shall be established by the Law on the Constitutional Court of the Republic of Lithuania.

Article 103

The Constitutional Court shall consist of 9 justices, each appointed for a single nine-year term of office. Every three years, one-third of the Constitutional Court shall be reconstituted. The Seimas shall appoint candidates for justices of the Constitutional Court from the candidates, three each submitted by the President of the Republic, the President of the Seimas, and the President of the Supreme Court, and appoint them as justices.

The Seimas shall appoint the President of the Constitutional Court from among its justices upon the submission by the President of the Republic.

Citizens of the Republic of Lithuania who have an impeccable reputation, who have higher education in law, and who have not less than a 10-year work record in the field of law or in a branch of science and education as a lawyer, may be appointed as justices of the Constitutional Court.

Article 104

While in office, justices of the Constitutional Court shall be independent of any other State institution, person or organisation, and shall follow only the Constitution of the Republic of Lithuania.

Before entering office, justices of the Constitutional Court shall take an oath at the Seimas to be faithful to the Republic of Lithuania and the Constitution.

The limitations on work and political activities which are established for court judges shall apply also to justices of the Constitutional Court.

Justices of the Constitutional Court shall have the same rights concerning the inviolability of their person as shall Members of the Seimas.

Article 105

The Constitutional Court shall consider and adopt a decision whether the laws of the Republic of Lithuania and other acts adopted by the Seimas are not in conflict with the Constitution of the Republic of Lithuania.

The Constitutional Court shall also consider if the following are not in conflict with the Constitution and laws:

- 1) acts of the President of the Republic;
- 2) acts of the Government of the Republic.

The Constitutional Court shall present conclusions:

- 1) whether there were violations of election laws during elections of the President of the Republic or elections of Members of the Seimas;

- 2) whether the state of health of the President of the Republic allows him to continue to hold office;
- 3) whether international treaties of the Republic of Lithuania are not in conflict with the Constitution;
- 4) whether concrete actions of members of the Seimas and State officials against whom an impeachment case has been instituted are in conflict with the Constitution.

Article 106

The Government, not less than 1/5 of all the Members of the Seimas, and the courts, shall have the right to apply to the Constitutional Court concerning the acts specified in the First Paragraph of Article 105.

Not less than 1/5 of all the Members of the Seimas and the courts shall have the right to apply to the Constitutional Court concerning the conformity of acts of the President of the Republic with the Constitution and the laws.

Not less than 1/5 of all the Members of the Seimas, the courts, as well as the President of the Republic, shall have the right to apply to the Constitutional Court concerning the conformity of acts of the Government with the Constitution and the laws.

The presentation by the President of the Republic for the Constitutional Court or the resolution of the Seimas asking for an investigation into the conformity of an act with the Constitution shall suspend the validity of the act.

The Seimas may request a conclusion from the Constitutional Court, and in cases concerning Seimas elections and international treaties, the President of the Republic may also request a conclusion.

The Constitutional Court shall have the right to refuse to accept a case for consideration or to prepare a conclusion if the application is based on non-legal reasoning.

Article 107

A law (or part thereof) of the Republic of Lithuania or other act (or part thereof) of the Seimas, act of the President of the Republic, act (or part thereof) of the Government may not be applied from the day of official promulgation of the decision of the Constitutional Court that the act in question (or part thereof) is in conflict with the Constitution of the Republic of Lithuania.

The decisions of the Constitutional Court on issues ascribed to its competence by the Constitution shall be final and not subject to appeal.

On the basis of the conclusions of the Constitutional Court, the Seimas shall take a final decision on the issues set forth in the Third Paragraph of Article 105 of the Constitution.

Article 108

The powers of a justice of the Constitutional Court shall cease:

- 1) upon the expiration of the term of powers;
- 2) upon his death;
- 3) upon his resignation;
- 4) when he is incapable to hold office due to the state of his health;
- 5) when the Seimas removes him from office in accordance with the procedure for impeachment proceedings.

CHAPTER IX THE COURT

Article 109

In the Republic of Lithuania, justice shall be administered only by courts.
While administering justice, the judge and courts shall be independent.

When considering cases, judges shall obey only the law.
The court shall adopt decisions in the name of the Republic of Lithuania.

Article 110

A judge may not apply a law, which is in conflict with the Constitution.
In cases when there are grounds to believe that the law or other legal act which should be applied in a concrete case is in conflict with the Constitution, the judge shall suspend the consideration of the case and shall apply to the Constitutional Court requesting it to decide whether the law or other legal act in question is in compliance with the Constitution.

Article 111

The courts of the Republic of Lithuania shall be the Supreme Court of Lithuania, the Court of Appeal of Lithuania, regional courts and district courts.
For the consideration of administrative, labour, family and cases of other categories, specialised courts may be established according to law.
Courts with extraordinary powers may not be established in the Republic of Lithuania in a time of peace.
The formation and competence of courts shall be established by the Law on Courts of the Republic of Lithuania.

Article 112

In Lithuania, only citizens of the Republic of Lithuania may be judges.
Justices of the Supreme Court as well as its President chosen from among them shall be appointed and dismissed by the Seimas upon the submission of the President of the Republic.
Judges of the Court of Appeal as well as its President chosen from among them shall be appointed by the President of the Republic upon the assent of the Seimas.
Judges and presidents of district, regional, and specialised courts shall be appointed, and their places of work shall be changed by the President of the Republic.
A special institution of judges provided for by law shall advise the President of the Republic on the appointment, promotion, transfer of judges, or their dismissal from office.
A person appointed judge shall take an oath, according to the procedure established by law, to be faithful to the Republic of Lithuania and to administer justice only according to law.

Article 113

A judge may not hold any other elected or appointed office, may not work in any business, commercial, or other private establishments or enterprises. Also he may not receive any remuneration other than the remuneration established for the judge and payment for educational or creative activities.
A judge may not participate in the activities of political parties and other political organisations.

Article 114

Interference by institutions of State power and governance, Members of the Seimas and other officials, political parties, political and public organisations, or citizens with the activities of a judge or the court shall be prohibited and shall incur liability provided for by law.
A judge may not be held criminally liable, arrested or have his freedom restricted otherwise without the consent of the Seimas, or, in the period between the sessions of the Seimas, without the consent of the President of the Republic of Lithuania.

Article 115

Judges of courts of the Republic of Lithuania shall be dismissed from office according to the procedure established by law in the following cases:
1) of their own will;

- 2) upon expiration of the term of powers or upon reaching the pensionable age established by law;
- 3) due to the state of health;
- 4) upon the election to another office or upon their transfer, with their consent, to another place of work;
- 5) when by their behaviour they discredit the name of the judge;
- 6) upon coming into effect of court judgements convicting them.

Article 116

For a gross violation of the Constitution, breach of oath, or when it transpires that a crime has been committed, the President and justices of the Supreme Court as well as the President and judges of the Court of Appeal may be removed from office by the Seimas according to the procedure for impeachment proceedings.

Article 117

In all courts, the consideration of cases shall be public. A closed court hearing may be held in order to protect the secrecy of private or family life of the human being, or where public consideration of the case might disclose a State, professional or commercial secret.

In the Republic of Lithuania, court proceedings shall be conducted in the State language.

Persons who have no command of Lithuanian shall be guaranteed the right to participate in investigation and court acts through a translator.

Article 118

Pre-trial investigation shall be organised and directed, and charges on behalf of the State in criminal cases shall be upheld by the prosecutor.

When performing his functions, the prosecutor shall be independent and shall obey only the law.

The Prosecutor's Office of the Republic of Lithuania shall be the Office of the Prosecutor General and territorial prosecutor's offices.

The Prosecutor General shall be appointed and dismissed by the President of the Republic upon the assent of the Seimas.

The procedure for the appointment and dismissal of prosecutors and their status shall be established by law.

Amendments to the Article:

No. IX-1379, 20.03.2003, Valstybės žinios (Official Gazette), 2003, No. 32-1316 (02.04.2003)