

SUFFICIENCY OF REGULATION OF LEGAL EXPERTISE
AND INVESTIGATION OF SUBJECTS IN THE CRIMINAL
PROCEEDINGS IN LITHUANIA, IN ACCORDANCE WITH
THE EUROPEAN UNION STANDARDS

Summary

Code of Criminal Procedure of the Republic of Lithuania consolidates two forms of use of special knowledge in a national criminal proceeding, the results of which (examination act and specialist's conclusion) have similar status in the process, are essentially equivalent in assessing evidence as provided in Article 20, paragraph 5, of the Code of Criminal Procedure, meaning that findings provided by either specialist's conclusion or examination act, that comply with the requirements of the law mentioned above, are admitted as evidence and are being evaluated according to the same rules as all the other kind of evidence. Therefore, examination act and specialist's conclusion became unified. In state forensic institutions these expert investigations are carried out using the uniform procedures for conducting investigations, administrative control and results, using the same intellectual, material costs, despite the fact that examination act is, theoretically, considered as a more complicated investigation, which can be only be appointed by the court and carried out by an expert. Because of the fact that expertise and object research are becoming equivalent and are being carried out by the court experts with the same special knowledge, it is possible that object research will be chosen more often while the procedure of appointment is simpler than the one regarding appointment of expertise.

This research provides an analysis of the sufficiency of the regulation of forensic examination and investigation of objects in accordance with the European Union standards, as well as the adequacy of the regulatory framework for forensic examination and investigation of objects; expediency of separation of expert and specialist in criminal proceedings.

The article also discusses the influence of the separation problem of the specialist and expert on the guarantees of the person liable to prosecution, emphasizes the importance of the implementation of the principle of the adversarial process, as well as analyzes the specific cases of the use of special knowledge in criminal proceedings.