

STATE SECURITY DEPARTMENT OF THE REPUBLIC OF LITHUANIA

To the Ministry of Environment of the Republic of
Lithuania

No 18-9047 of 2020-10-09
To No (63)-D8(E)-5299 dated 2020-09-25

ON THE PROVISION OF INFORMATION

The State Security Department of the Republic of Lithuania (hereinafter the SSD), in response to letter No. (63)-D8(E)-5299 of the Ministry of Environment of the Republic of Lithuania dated 25 September 2020 "On the provision of information" (hereinafter "the Letter"), informs that, In order to clarify the circumstances set out in the Letter and to assess whether there had been any possible illegal actions by SSD intelligence officers, an internal investigation was launched into the SSD. The investigation did not reveal any illegal actions by SSD intelligence officers. We are sending you an extract from the conclusion of the internal investigation.

ENCLOSED: Statement of the Internal investigation report No. 33-11S of the Department of State Security of the Republic of Lithuania dated 8 October 2020 | On the possibly illegal activities of intelligence officers of the State Security Department of the Republic of Lithuania 4 pages.

Deputy Director

/signature/

Vaidotas Mažeika

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**BOARD 07 OF THE STATE SECURITY DEPARTMENT OF THE REPUBLIC OF
LITHUANIA**

APPROVED by
Director
Darius Jauniškis

8 October 2020

**CONCLUSION OF THE INTERNAL INVESTIGATION INTO THE POSSIBLE
ILLEGAL CONDUCT OF INTELLIGENCE OFFICERS OF THE STATE SECURITY
DEPARTMENT OF THE REPUBLIC OF LITHUANIA**

No. 33-11S of 08-10-2020
Vilnius

<...> Head of Division <...> of the Board 07, having conducted an internal investigation into the possible illegal activities of intelligence officers of the State Security Department of the Republic of Lithuania (hereinafter the SSD),

ESTABLISHED:

On 25-09-2020, the Ministry of Environment of the Republic of Lithuania informed the SSD in writing that it has received the Draft conclusions and recommendations prepared by the Compliance Committee in case ACCC/C/2013/98 (hereinafter referred to as the “Draft of conclusions and recommendations”) of the Compliance Commission of the United Nations Economic Commission for Europe the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter referred to as the Aarhus Convention) in which violations of the Aarhus Convention committed by Lithuania were established, including a violation of Article 3(8)(1) of the Aarhus Convention, which, in the light of the facts alleged by the applicant in the case, committed by the possible involvement of SSD representatives in the construction and operation project of the 400kV power transmission overhead line from Alytus transformer substation to the state border of the Republic of Lithuania and the Republic of Poland (hereinafter the LitPol Link project) (Letter No. (63)-D8 (E) 5299 of the Ministry of Environment of the Republic of Lithuania of 25-09-2020)).

On 28-09-2020, following order of the Director of the SSD, an internal investigation into the possible illegal activities of SSD intelligence officers was launched in the Board 07.

The internal investigation found that Rūta Cimakauskienė, the chairwoman of the Rudaminos bendruomenė association, who spoke on the Lithuanian radio show Forumas on 05-01-2012, mentioned that when the residents became actively interested in the circumstances of construction of a strategically important project – an electricity bridge between Lithuania and Poland, a person called her and introduced himself as being from the SSD. She said “he called and said he was very eager to meet and talk to me, but didn’t explain what the issue was. And he reassured me that I really don’t need to bring a toothbrush with myself upon arrival.” R. Cimakauskienė treated such a call as a possible pressure on the Rudamina community.

On 16-01-2012, in the article published by the BNS news agency, the “SSD confirmed that it had contacted the Rudamina community leader, who criticised the route of the Lithuanian-Polish electricity bridge”. Information was provided that the SSD had checked the above information and confirmed that, in order to discuss the problems encountered with the Rudamina community,

an authorised SSD department official had spoken to R. Cimakauskienė.

On 28-08-2017, the Ministry of Environment of the Republic of Lithuania, which represents the Republic of Lithuania in the case, informed the SSD that on 30-12-2013, the Rudaminos bendruomenė association (hereinafter the applicant) applied to the Aarhus Convention Compliance Committee, filed a complaint against the Republic of Lithuania regarding the violation of the provisions of the Aarhus Convention in planning and implementing the LitPol Link project. In the letter of 25-02-2015 to the Compliance Committee, the applicant indicated, among other observations, that the SSD had been involved in the conflict between the public concerned and the project developer. It is stated in the observations that in 2012 the person who contacted R. Cimakauskienė, the chairman of the Rudaminos bendruomenė association, introduced himself being from the SSD, suggested to meet and discuss the role of the Rudaminos bendruomenė association in the development of the project. The Ministry of Environment of the Republic of Lithuania, in response to the applicant's additional observations of 25-02-2015, did not comment on the involvement of the SSD, nor did it comment on the above-mentioned information provided by the applicant. On 17-08-2017, the Ministry of Environment of the Republic of Lithuania, having received additional questions from the Compliance Committee and a request to comment on the applicant's statements regarding the interaction of the SSD representatives with the community representatives, to clarify whether it is related to the involvement of the Rudaminos bendruomenė association in the development of the project, asked the SSD to provide information on the issue raised by the Aarhus Convention Compliance Committee (Letter No. (16-1)-D8-5885 of the Ministry of Environment of the Republic of Lithuania

On 25-09-2017, the SSD informed the Ministry of Environment of the Republic of Lithuania in writing that the SSD, in order to clarify the problems that had arisen in Rudamina town community related to the circumstances of the construction of a strategically important project – the electricity bridge between Lithuania and Poland, authorised the SSD official to talk to R. Cimakauskienė. The aforementioned conversation took place. The SSD had no other relations to the project, including the Rudamina town community of (the problems it was raising) (Letter No. 18-7754 of the SSD dated 25-09-2017).

On 25-09-2020 the Ministry of Environment of the Republic of Lithuania in its letter No. No. (63)-D8 (E) 5299) informed the SSD that the applicant submitted observations during the investigation of proceedings, commented on the answers provided by Lithuania, commented on the situations in the remarks dated 25-02-2015, 09-10-2017, which, according to the applicant, contained harassment of SSD officials, pressure on individuals seeking to exercise the rights guaranteed by the Aarhus Convention (limited rights to participate in environmental decision-making). The SSD was requested to provide additional clarifications on the information provided in the draft conclusions and recommendations:

- In 2012 a representative of the SSD twice called the head of Rudaminos bendruomenė Association R. Cimakauskienė, the calls were of a “persecution” character. The representative of the SSD explained that he was interested in the LitPol Link project, offered to “come to the meeting <...> make sure to take a toothbrush”;

- In June 2014, a SSD official contacted J. Zelionienė, a landowner who collaborates closely with Rudamina community association. During the call the official asked questions about the activities of the head of the Rudaminos bendruomenė association;

- On 30-05-2014 R. Valiokas, representative of the Rudaminos bendruomenė association, together with expert E. Sniečkus, on the LitPol Link project construction site, while conducting a biodiversity study, were interviewed by officials who did not want to introduce themselves. R. Valiokas and E. Sniečkus were surveyed because the interviewers came to a remote area where R. Valiokas and E. Sniečkus were present at the moment.

During the internal investigation, an SSD intelligence officer was interviewed. Until 2015 he was ahead of the Alytus Regional Division of the SSD. He explained that at that time, a state project – construction of the power line from Poland to Lithuania was then pending. The SSD official Robertinas Bigėlis was then entasked to supervise the process of implementation of this

project. Robertinas Bigėlis as a person authorised by the SSD, monitored ongoing processes, collected information and provided analytical data to the SSD management. During the implementation of the ongoing power line project, the line intercepted the settlements on the border with Poland related to land holdings of the Rudamina community and other surrounding residents. Local residents were dissatisfied with the easement establishment methodology during the construction of power lines and electrical poles, and wrote complaints to authorities and courts. In order to find out the reasons for the tensions between the Rudamina community and the implementers of the power line construction project, R. Bigėlis was allowed to talk to R. Cimakauskienė, the chairman of the Rudaminos bendruomenė association, living near the town of Lazdijai, where R. Bigėlis also lives. The latter stated that he knew R. Cimakauskienė in person. R. Bigėlis told him that in order to arrange a meeting, he called R. Cimakauskienė by phone and invited her to meet and talk. The phone conversation was friendly, non-provocative or otherwise stressful. During this conversation, R. Cimakauskienė asked “will they not lock her yet”, and R. Bigėlis jokingly said that “she does not have to bring a toothbrush yet”. In 2012, R. Cimakauskienė announced of this conversation publicly. R. Bigėlis stated that he did not attempt and did not want to intimidate R. Cimakauskienė, especially since they knew each other and it was said in the form of humour. As R. Cimakauskienė did not want and did not intend to meet, it was decided not to aggravate this situation and the SSD representative did not meet with her. No other SSD official contacted the members of the Rudaminos bendruomenė association and its chairman R. Cimakauskienė. There were also talks to other landowners who outlined their concerns about the construction of electricity poles on their land and compensation arrangements. During their talk to the landowner J. Želionienė, it was asked what problems she had, whether there is a possibility to solve them, however, no provocative or other questions were asked about R. Cimakauskienė, the chairwoman of the Rudaminos bendruomenė association, because the aims of the conversations with the landowners were to find out their problems in the land plots owned by them and this was not related to the Rudaminos bendruomenė association and its chairman R. Cimakauskienė. SSD intelligence officer, which headed the Alytus Regional Division of the SSD from 2004 to 2015, states that neither he nor his subordinate SSD officials performed any task of monitoring R. Valiokas and E. Sniečkas. SSD officials had no contact with these citizens (service Report No. (12) -21-4667 dated 02-10-2020).

On 02-05-2016 R. Bigėlis was dismissed from the service of the SSD as of 2 May 2016 (Order No. P -122 of the Director of the SSD of 28-04-2016), therefore, he was not interviewed during the internal investigation.

On 29-09-2020 the Board 07 in its letter to the SSD units asked to provide all available SSD information (documents) on the explanations requested by the Ministry of Environment of the Republic of Lithuania regarding the draft conclusions and recommendations set out the above information (Letter No. (07)-21-4610 of the Board 07 dated 29-09-2020, Letter of the Board 07 No. (07)-21-4611 dated 29-09-2020).

Information and documents provided to the Board 07 in letter Nor. (10)-22-3550S and (22)-21-4645 on 30-09-2020 stated that SSD officials did not contact R. Valiokas and E. Sniečkus, and did not perform surveillance in their respect.

<...>

CONCLUSION:

On 25-09-2020, the Ministry of Environment of the Republic of Lithuania informed the SSD in writing that received draft conclusions and recommendations prepared by the Aarhus Convention Compliance Committee, in which violations of the Aarhus Convention committed by Lithuania were established, including a violation of Article 3(8)(1) of the Aarhus Convention, which, taking into account the factual circumstances of the case, was committed through the possible involvement of SSD representatives in activities related to the LitPol Link project.

The applicant submitted observations during the investigation of proceedings, commented on the answers provided by Lithuania, commented on the situations in the remarks dated 25-02-2015, 09-10-2017, which, according to the applicant, contained harassment of SSD officials, pressure on individuals seeking to exercise the rights guaranteed by the Aarhus

Convention.

On 25-09-2020, the Ministry of Environment of the Republic of Lithuania requested the SSD to provide additional explanations regarding the information provided in the draft conclusions and recommendations:

In 2012 a representative of the SSD twice called the head of Rudaminos bendruomenė Association R. Cimakauskienė, the calls were of a “persecution” character. The representative of the SSD explained that he was interested in the LitPol Link project, offered to “come to the meeting <...> make sure to take a toothbrush”;

2. In June 2014, a SSD official contacted J. Želionienė, a landowner who collaborates closely with Rudamina community association. During the call the official asked questions about the activities of the head of the Rudaminos bendruomenė association;

3. On 30-05-2014 R. Valiokas, representative of the Rudaminos bendruomenė association, together with expert E. Sniečkus, on the LitPol Link project construction site, while conducting a biodiversity study, were interviewed by officials who did not want to introduce themselves. R. Valiokas and E. Sniečkus were surveyed because the interviewers came to a remote area where R. Valiokas and E. Sniečkus were present at the moment.

On 28-09-2020, following order of the Director of the SSD, an internal investigation into the possible illegal activities of SSD intelligence officers was launched in the Board 07.

The internal investigation found that:

1. On 20-10-2011 the official authorised by the SSD R. Bigėlis called R. Cimakauskienė, the chairman of the Rudaminos bendruomenė association, by phone and asked to meet and talk about the problems in the community of Rudamina town related to the state project for the construction of a power line from Poland to Lithuania. Since R. Cimakauskienė and R. Bigėlis know each other in person, their conversation was friendly, not provocative and not with tension. During the conversation, R. Cimakauskienė asked “whether they will not lock her yet”, and R. Bigėlis joked that “she does not have to take a toothbrush yet”. On 05-01-2012, R. Cimakauskienė announced of this conversation publicly on the Lithuanian *Forumas* radio show and said that the SSD official “called me and said that he was very eager to meet and talk to me, but did not explain on what issue”. And he reassured me that I really don't need to bring a toothbrush with myself upon arrival. • h As R. Cimakauskienė did not want and did not intend to meet with the authorised SSD official, it was decided not to meet with her. the SSD did not have further contacts with the chairman R. Cimakauskienė or other members of the Rudaminos bendruomenė association;

2. In 2014 the SSD authorised official R. Bigėlis talked to the landowners, who outlined their problems with the construction of electricity poles on their lands and the compensation procedure. On 02-06-2014 R. Bigėlis also talked to J. Žalionienė, who communicated amicably, and spoke openly about the current situation and possible solutions. During the conversations, they were interested in what problems the population had, whether there was a possibility to solve them, however, no provocative or other questions were asked about R. Cimakauskienė, the chairwoman of the Rudaminos bendruomenė association, because the aims of the conversations with the landowners were to find out their problems in the land plots owned by them and this was not related to the Rudaminos bendruomenė association chairman R. Cimakauskienė.

3. SSD officials did not contact R. Valiokas and E. Sniečkus, they did not perform surveillance actions in respect of them.

The SSD had authorized the SSD official R. Bigėlis to talk to the chairman of the Rudaminos bendruomenė association R. Cimakauskienė, J. Žalionienė and other landowners. R. Bigėlis, in performing the above-mentioned actions, did not violate the requirements of the legal acts regulating the service, did not abuse the official duties and did not exceed the limits of the powers conferred on him by laws and regulations.

According to the opinion of the SSD, S. Bigėlis had to communicate politely and constructively when talking by phone with R. Cimakauskienė on 20-10-2011, he ought to avoid familiarity in communication, avoid ambiguous comparisons or wording that could have led to wrong associations.

The behaviour of R. Bigelis had signs of ethical violation, but should not be examined, because he was dismissed from the service of the SSD as of 2016-05- 02.

I OFFER:

1. To close the internal investigation.
2. To instruct the Board 31 to inform the Ministry of Environment of the Republic of Lithuania about the results of the internal investigation.

EXTRACT IS TRUE

Seal

Gintarė Padumė

/signature/

08-10-2020