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# HISTORICAL RELATIONSHIP BETWEEN OPERATIONAL ACTIVITIES AND CRIMINAL INTELLIGENCE: THE CASE OF LITHUANIA

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***Abstract.*** *The information presented in this article allows us to reveal the historical connection between operational activities and criminal intelligence. The object of the research is the historical connection between operational activities and criminal intelligence in Lithuania. The aim of the study is to reveal the historical development of the concepts of operational activity and criminal intelligence in Lithuania, emphasizing the increasing importance of ethics for criminal intelligence. Operational activity is usually associated with ¬the activities of criminal services, which are concerned only with gathering information and ¬detecting crime and take this for granted and not analysed. The history of operational activities from 1918 to the present day shows a fundamental similarity: secret services have been in existence throughout history. Whether in order to preserve the state or in the face of changes in governance, the principle of operational activity has remained similar. After Lithuania regained its independence, the most important date for criminal intelligence is 2013-01-01, when the Law on Criminal Intelligence of the Republic of Lithuania was adopted. The article emphasizes that it aims to ensure the protection of human rights and freedoms, regulate the bases of operational activities, etc. The expressed thoughts do not raise any doubts about the need for ethics in criminal intelligence. Ethics becomes a necessary part of the concept of criminal intelligence when comparing it with operational activities, therefore the article briefly presents two essential ways of how criminal intelligence in Lithuania functions whilst facing ethical issues. First are actions imitating a criminal act and second, secret surveillance. The conclusions state that experienced painful historical facts, the creation of a democratic state influenced the change of the name of the operative activity of the Republic of Lithuania to the name of the criminal intelligence of the Republic of Lithuania. Criminal intelligence officers perform their functions legally, i.e., in accordance with legislation. Every legal act protects human constitutional and natural rights. However, there are exceptions that these rights may be violated if it is required to stop a crime, protect the state or human rights and freedoms. Every action of criminal intelligence can be considered moral if it does not violate legal norms.*

***Keywords:*** *operative activity, criminal intelligence, historical development, independence of Lithuania.*

## Introduction

In today's society, the ways in which crimes are committed are increasingly sophisticated and are carried out with the help of new technologies that make it possible to carry out a crime without leaving large marks. However, any crime violates the rights and freedoms of society and its members, and it is therefore important that people's natural rights and freedoms are protected from violation. Operational activities are a special type of law enforcement activity. Traditionally, the ¬content of operational activities is defined as the totality of the means of operational search¬, which cannot be made public. Actions can be neutral and have some coercive elements in the exercise of governmental powers that restrict some of the constitutional rights of citizens, as stated by Laurinavičius (2001).

As the governments of the states change, so do the enforcement of laws and the basis of their application. One of the historically changed legal acts is criminal intelligence, which has long been known and used when discussed as an operational activity. Anušauskas (2014) reviews historical facts in operational activities, criminal intelligence. The history of criminal intelligence has its most important historical dates, which adjusted the composition, operation, subjects and functions of intelligence to adapt to the problems of that time. Gutauskas (2019, 2022) discusses the application of the measures enshrined in the law on criminal intelligence and the protection of human rights in today's modern world, Bučiūnas (2022), Kraujalis & Malewski (2022) focuses on the application of the latest scientific and technological achievements in criminal intelligence when investigating criminal acts, and on the use of technical measures Tarasevičius (2017) discusses the legality of its use in criminal intelligence. Markevičius (2021) is interested in the effective protection of the right to private life by applying criminal intelligence measures, Šakalienė (2021) analyses the legitimacy of using criminal intelligence data in the investigation of official and/or disciplinary offenses.

Since its inception, when it was still called an operational activity, criminal intelligence has been a constant subject of debate among legal researchers and legal practitioners. Some of the authors who examined it in their publications expressed sympathy for it, stating that criminal intelligence ensures a better detection and investigation of a criminal offense and at the same time is an irreplaceable opportunity to better prepare a case for trial (Ancelis, 2009), that criminal intelligence and pre-trial investigation generally cannot function without each other (Liutkevičius, 2006), therefore, criminal intelligence, as a means of fighting crime and an instrument of information gathering, is necessary and must be implemented as efficiently as possible both by improving its legal regulation and methods and forms (Andrejevas, 2011). Another part of the authors expressed an obvious criticism of criminal intelligence, warning that this activity is characterized by unclear legal regulation (Lankauskas, Mulevičius & Zaksaitė, 2013) and drawing attention to the fact that criminal intelligence, like every secret surveillance system, is characterized by the threat of abuse (Gutauskas, 2019).

In order to avoid such ethical problems as abuse, ethics becomes a necessary part of the concept of criminal intelligence, as noted by Greičiūtė and Paurienė (2022). Palidauskaitė's (2011) overview of the professional ethics standards of civil servants helps highlight the professional ethics aspects of criminal intelligence officers. Mulevičius and Petrošius, discussed the moral and ethical evaluations related to the special means and methods used in operational activities, as well as certain restrictions on human rights and freedoms, possible during certain operational actions.

*The object of the research* is the historical connection between the concepts of operative activity and criminal intelligence in Lithuania.

*Goal of the research.* To reveal the historical development of the concepts of operative activity and criminal intelligence in Lithuania, emphasizing the growing importance of ethics.

*Research tasks.* To implement the objective, the following tasks were set out: to conduct analysis of scientific literature on theoretical aspects of concept of operational activity and changes in criminal intelligence in Lithuania; to conduct a study of historical dates that changed operational activities into criminal intelligence, to identify methods of operation of criminal intelligence, facing ethical problems.

In order to protect society from danger and to safeguard people's natural rights, it is important to amend and apply legislation in a way that protects human rights and freedoms. The operation of operational activities is the laying of the foundations for the operation of criminal intelligence, and it is therefore important to talk about how the operation of these two concepts has changed in the attempt to combat the criminal world.

## Concept of operational activity and changes in criminal intelligence in Lithuania

This part of the article is concerned with the history, the facts of which make it possible to highlight the differences and similarities between operational activities and criminal intelligence, establishing the commonality between these concepts. In order to understand the concept of operational activities, it is important to analyse the legislation governing these activities, which is legally constituted and accessible to the public, and to understand the functions of operational activities. The Law of the Republic of Lithuania on Operative Activities states that operative activities are public and secret activities of an intelligence nature carried out by the subjects of operative activities in accordance with the procedure laid down by this Law. It is noted that this legislation is now obsolete, but it is one of the legal sources that defines this concept precisely.

It is necessary to emphasise the principles that guide operational activities in the exercise of their functions. The principles set out in the legislation reveal the values that operational activities are aimed at protecting. Operational activities are based on the principles of legality, the safeguarding of human and civil rights and freedoms, the protection of the public interest, conspiracy, confidentiality, and a combination of public and secret means and methods. These principles make it clear to the public that the most important values protected by operational activities are the human being and all that is involved in ensuring his or her security. The principle of legality makes it clear that operational activities are guided by legal norms, despite the implementation of their tasks, which are not infrequently carried out through secrecy. Mulevičius and Petrošius, in their review of the principles of operational activity, add that operational activity is guided by additional principles that are not mentioned in the law, but which are also important - the principles of humanism, scientificity, equality of people before the law, morality, autonomy, etc. (Mulevičius and Petrošius, 2005). The upholding of principles is an expression of the morality of operational activity, as it protects the values that have been formed in society, and therefore such activity is seen as ethical and moral towards citizens whose values, rights and freedoms are protected.

Operational activity is one of the functions of law enforcement in the fight against evil that is directed against good. Although operational activities are carried out lawfully, not all attempts to deal with evil succeed on the basis of actions that do not violate human constitutional rights. Mulevičius and Petrošius (2005) add that operational activities, in order to fight crime in a noble way, use methods and means that may be judged negatively. In the process, operational activities make use of conspiracy and disinformation measures, establish relations of secret cooperation, interfere with a person's private life, secretly obtain information about residential and non-residential premises, use technical means for special procedures, etc. (Mulevičius and Petrošius, 2005). It is precisely these features that reveal that operational activities are confronted with a line of right and wrong that can easily be crossed.

When choosing the method of operational activity that is necessary to protect the State and its society from criminal attempts, it is essential to assess that the method chosen is appropriate to the objective to be achieved. In the case of a mode of action which affects human rights and freedoms, it is important to be guided throughout the process by the law, which is inseparable from the observance of morality.

An overview of the concept of operational activity allows us to compare this law enforcement activity with the current criminal intelligence activity established in 2013. The comparison between these two activities in the fight against the criminal world is relevant because criminal intelligence is a new legal act replacing operational activities. It is therefore

important to disclose both the legal changes and the historical facts that influenced the change in the law.

The most important change took place when the Republic of Lithuania regained its independence and the functioning of operational activities had to change, both in the principle of legal regulation and in the sense of changing the concept. The most noticeable difference is therefore in the names 'operational activities' and 'criminal intelligence', which are different from each other but have a commonality both in terms of function and history. Šimkus and Tarasevičius point out that the change in the theory of 'operational activity' was influenced by changes in both social and economic relations, and that, as the state became democratic, the old totalitarian practices of governance could not be adequately adapted to the new one (Šimkus and Tarasevičius, 2002). Society was changing, human rights were evolving, cooperating institutions, their subjects and the functioning and functions of operational activities were changing. It is also added that in Lithuania the theory of operational activity, as well as operational activity itself, is a stereotyped transposition of the term "*оперативно-розыскная деятельность*", used in the Soviet Union's theory of operational activity. The authors add that this term is not acceptable in Lithuania, because in some countries the term "operative activity" is not used - it is not well understood, or it is given a completely different meaning (Šimkus and Tarasevičius, 2002). In view of these facts, it was important to change the concept of operational activity to criminal intelligence, adapting it to the new democratic state. The change of name is in line with the norms of moral behaviour towards citizens, reinforces values and traditions, and reveals values that uphold human rights and freedoms.

It is necessary to pay attention to the changes in the Law on Operative Activities of the Republic of Lithuania and the Law on Criminal Intelligence of the Republic of Lithuania , which are the most revealing of the changes in the content of the law. The first noticeable difference is in the definitions in the law. The Law on Operative Activities states that "*operative activities - public and secret activities of an intelligence nature carried out by the subjects of operative activities in accordance with the procedure laid down in this Law*". It may be noted that criminal intelligence is more broadly regulated in its presentation of the concept. The Law states that it is "the activity of criminal intelligence entities in collecting, recording, evaluating and using available information on criminal intelligence objects, carried out in accordance with the procedure established by this Law." It should be noted that these laws present subjects and objects differently. The list of subjects in the context of operational activities is regulated in a broad manner, specifying exactly who has special powers, whereas the Law on Criminal Intelligence does not specify who can carry out criminal intelligence activities, but simply states that this can be carried out by authorised units, and that the list of these units is established and the scope of their activities is determined by the Government of the Republic of Lithuania. However, in both criminal intelligence and operational activities, the institutions remain the same, but criminal intelligence is not mentioned in the law. It should be noted that the law on criminal intelligence broadens the rights of the subjects and defines them more clearly, and the duties of the subjects are also changing, increasing in number and responsibility.

It is obvious that an analysis of the concept of operational activities reveals the most important essence of this law, which is to protect the state and the rights and freedoms of society. Although the chosen method of protection is fraught with possible violations of human rights and freedoms and the crossing of moral boundaries, in each case, the operational activity seeks the greater good and, by its action, prevents the development of evil. Human rights and freedoms are one of the most important values in the state, and in view of this, the historical facts and shortcomings of the law on operational activities have led to the renaming of the law on operational activities as criminal intelligence.

**Historical dates that changed operational activities into criminal intelligence**

Deriving the concept of operational activities from the legislation, it can be argued that the establishment of operational activities is related to the fight against the criminal world and the defence of human and public rights and fundamental human values. In the historical development of operational activities, there are several important historical dates: the inter-war period, from 1918-02-16 to the occupation of the Soviet Union on 1940-06-15, the second period, which coincides with the period of the occupation of the Soviet Union, from 1940-06-15 to 1990-03-11, and the third period, which begins with the Act of restoration of Lithuanian statehood on 1990-03-11 and continues until the present. In these historical periods, the actions of the operational activities have been instrumental in ensuring secrecy and contributing to the preservation of the State.

***The Lithuanian Secret Services 1918-1940.*** In analysing this historical period of intelligence, several key historical moments are identified - when intelligence began and how it functioned. "The specifics of the first stage of the establishment of the independent Lithuanian state (1918-1922) meant that the secret service was first established in the army. <...> The secret service in the army expanded from a small part of knowledge to a well-organised body - the Intelligence Department. The employees of this division united the functions of intelligence, counterintelligence and political surveillance, and in 1918-1923 they performed a much-needed work in defence of Lithuania's independence" (Anušauskas, 2014:318). In this period, the planning of covert actions, the formulation of tasks and objectives, and the way in which what is to be achieved through the performance of covert or public functions is highlighted. As intelligence and counter-intelligence were entrusted to the military, the security domain was greatly strengthened and military intelligence became increasingly professional in its employment. "From a front-line intelligence organisation, which had neither experienced intelligence officers nor the technical means, the intelligence section was transformed into a foreign intelligence service by 1922. " (Anušauskas, 2014:318). Becoming a foreign service enabled not only Poland to receive information, but also Soviet Russia, Germany, Latvia and other countries. The military intelligence consisted of educated officers, and in addition there was a border police, which had its own functions, according to which it brought secret agents across the state border. Lithuanian intelligence exchanged information with other countries and maintained friendly relations between states.

With the changes in society, economy and politics, another phase in the history of operational activities becomes important, which coincides with the period of occupation of the Soviet Union from 15 June 1940 to 11 March 1990. One of the most secret services is the KGB. This service has been able to work in extreme secrecy because most of the historical facts about its activities were destroyed when the KGB withdrew, and the traces of its activities have been thoroughly eradicated. The Soviet Union's Special Service began operating in Lithuania on 13 March 1954. Analysing this historical period, "it can be said that the KGB was a tripartite organisation whose main functions were foreign intelligence, the fight against the intelligence and subversive activities of foreign (i.e. "enemy") special services ("counter-intelligence"), and the struggle against "nationalism and anti-Soviet activities" (Anušauskas, 2014:37). The KGB emerged after Stalin's death, when a modernised state security service was gradually created and renamed KGB. "This structure in the post-Stalin period attempted to influence the society of occupied Lithuania by coercion and covert control, more indirectly (of course, there was also direct control). The KGB, censorship, repression, psychiatric coercion - these were the distinctive features of that time" (Anušauskas, 2014:13). As the political atmosphere became freer, Lithuania managed to liberate itself from the Russian army, which was an important step

not only in restoring Lithuania's independence, but also in changing the functioning of the intelligence services. An important date for the collapse of the KGB in Lithuania was 27 March 1990, when a resolution was signed proposing that the KGB agency cease its clandestine work, and some of the agents ceased their activities.

***Restoration of the Lithuanian State.*** This is one of the most important periods in the history of operational activity (now criminal intelligence) and in the way it has changed. "The restoration of independence after 11 March 1990 in Lithuania was accompanied by a complex political, economic and legal situation. A period of transition from communist totalitarianism to a democratic civil society had begun" (Tarasevičius, 2016:83). Thus, with the advent of Lithuania's independence, the intelligence services also underwent changes. As the political, economic and social situation in Lithuania improved, so did the number of crimes, and it was important to start tackling them as soon as possible in order to prevent the spread of crimes in the country. In view of the rising crime trends, the tasks of fighting crime were entrusted to law enforcement institutions, whose activities, as Tarasevičius notes, were directly affected by the reforms of the organisational and legal framework of their activities at that time (Tarasevičius, 2016:83). In the search for solutions for the proper application of legislation in the fight against crime in Lithuania, the Law on Police of the Supreme Council of the Republic of Lithuania of 11 December 1990 was adopted. Article 20 of the Law stipulated that "in carrying out operational activities, the police may, in accordance with the established procedure, use special equipment, voluntary public or secret assistance of citizens, as well as intelligence interrogation, operational inspection and examination, surveillance, intelligence and other methods of special control". In order to define the precise tasks and functions of operational activities in distinction from other institutions working in secret, on 15 July 1992 the Council adopted the following provisions The Supreme Council of the Republic of Lithuania adopted the first Law of the Republic of Lithuania on Operational Activities on 15.07.1992. However, this law has not been fully completed and properly applied to society. The law stated that acts imitating a criminal offence could be carried out, but it provided for criminal liability and criminal proceedings. This loophole in the legislation was one of the most damaging to legal norms and human rights. Consequently, until the last law on operational activities, which was issued for the last time on 20 June 2002, the legislation had many amendments and additions.

The most important event in the history of operational activities was the renaming of operational activities as criminal intelligence. The explanatory note on the draft Law on Criminal Intelligence of the Republic of Lithuania and the draft amendments to the other laws related to this law give the reasons that influenced the renaming of operational activities as criminal intelligence. This Act states that:

„1) The Law on Operative Activities of the Republic of Lithuania (Žin., 2002, No. 65-2633), which is currently in force, does not sufficiently ensure the protection of human rights and freedoms, the control of the activities of the subjects of operative activities, does not sufficiently regulate the bases for carrying out operative activities and does not correspond to the realities of the time, and therefore it must be improved, taking into account practical problems of the application of the current Law on Operative Activities.

2) The current legal framework for the use of operational procedures in intelligence and counter-intelligence activities is inadequate, as the content of operational activities is aimed at the detection of crime, while intelligence and counter-intelligence are aimed at identifying risk factors, dangers and threats and providing information on them to the authorities responsible for national security.

3) In most foreign democracies, the term "operational activity" is not used - it is not well understood or given a different meaning. Taking into account the need of Lithuanian law

enforcement authorities to cooperate more and more frequently with foreign officials, it is appropriate that the provisions of 2 Lithuanian legal acts should be similar in legal and terminological terms to the concepts used in democratic foreign states. "

The above-mentioned reasons led to the amendment of the Law on Operational Activities of the Republic of Lithuania into the Law on Criminal Intelligence of the Republic of Lithuania. The amendment of the Law introduced concreteness and clarity in intelligence.

After examining the history of operational activities since 1918 to the present day, a fundamental similarity can be observed - secret services have been active in all eras. Whether in order to preserve the state or in the face of changes in governance, the principle of operation has remained similar. The history of operational activities (now called criminal intelligence) has its own key historical dates, which have adjusted the composition, operation, subjects and functions of intelligence to the issues of the time. The most important dates in the development of operational activities are 15.07.1992, when the first Law on Operational Activities of the Republic of Lithuania was adopted, and the second date, which is significant for the beginning of criminal intelligence, is 1.01.2013, when the Law on Criminal Intelligence of the Republic of Lithuania was adopted. A review of the legislation shows that operational activity is a public and secret intelligence activity by entities and is the oldest institution that has started to fight the criminal world by using covert methods of operation.

## Methods of operation of criminal intelligence, facing ethical problems

When determining the methods of operation of covert means against a person who commits a criminal act, it is important to pay attention to ethical and moral issues that may be violated in the course of covert actions of criminal intelligence. Crime simulation activities (CSA) and covert surveillance violate the rights and freedoms of the person being investigated, but these actions are motivated by the greater good of protecting society from the criminal world.

**Permission to perform crime simulation activities (CSA).** The Law on Criminal Intelligence of the Republic of Lithuania describes the crime simulation activity provided as one of the ways of collecting criminal intelligence information, formally having the signs of a criminal act or other violation of the law and simulating a criminal act, carried out in order to defend an object from a criminal attempt. Actions imitating a criminal act are sanctioned by the prosecutor based on a reasoned submission by the head of the criminal intelligence entity or the authorized deputy head. This way of gathering information faces a potential provocation that violates human natural rights.

Gutauskas (2019), reviewing criminal intelligence and the private life of a person, while delving into the application of procedural coercive measures, emphasises that the most important criterion when applying procedural coercive measures is formal legality. The aforementioned scientist points out that when detailing the formal legality of the application of such measures, the following is necessary: a legal reason; proper sanctioning; adherence to the limits of sanctioned action and prohibition of provocation. It should be noted that the acts of crime simulation activities (CSA) can be carried out by officers who do not reveal their identity, according to the Code of Criminal Procedure of the Republic of Lithuania (Art. 158-2) and in special cases, when there are no other possibilities to identify persons committing crimes, the investigation can also be carried out by persons who are not pre-trial investigation officers, according to the Code of Criminal Procedure of the Republic of Lithuania (Art 158-6).

„The European Convention for the Protection of Human Rights and Fundamental Freedoms" protects a person's natural rights; the articles of this convention also protect a person

from secret actions against him. However, the articles provide additional avenues for authorities to intervene in these rights to prevent violations of the law or crime, as well as to protect the health or morals of the population or the rights and freedoms of other people. Laws protect human natural rights, but in every case, if a person chooses a pattern of bad behavior, he violates not only his own, but also the ethical values of the rest of society, which are related to a person's inner beliefs, customs, vices and all other natural rights that a person protects.

When analysing CSA, it is important to take into account the regulation of provocation and the arguments for this absence in court practice. According to Article 159 of the Code of Criminal Procedure of the Republic of Lithuania. in point 3, during CSA, it is prohibited to provoke a person to commit criminal acts. It is possible to notice complaints submitted in judicial practice regarding provocations committed during the process of carrying out CSA, so it is important to review how court practice argues provocations related to CSA in cases. On 27 February 2020 the Supreme Court of Lithuania (SCL) adopted a ruling in which the court heard the criminal case with the complaints submitted by the convicts in the procedure of cassation written procedure. "The pre-trial investigation in the case was started on 20 October 2014, after the information received confirmed that R.D. was possibly distributing the psychotropic substance - methamphetamine. <...> According to a separate ruling of this court, R.D. was also allowed during the mentioned period to implement the procedural coercion measure specified in Article 158 of the Code of Criminal Procedure of the Republic of Lithuania against D.K., J.L. and their possible accomplices, establishing contacts, obtaining data on the trade in psychotropic and narcotic substances, secretly recording such actions audio and video recordings, using all kinds of technical means to make such recordings." (According to the "Decision of the Supreme Court of Lithuania in the case (No. 2K-1-719/2020)"). From the submitted case material, it can be seen why CSA is appointed and the person who will act as a procedural coercive measure is indicated.

However, the use of procedural coercion lasted for a long period of time and, as an argument, the applicants submit a complaint, in which they indicate that the imitation of a criminal act was based on the intervention and provocation of the officers and this continued over a long period of time, which forced the possession of drugs in increasingly large quantities and, as a result, was significantly aggravated legal status of the assesses, i.e. CSA were implemented improperly (according to the SCL ruling in case No. 2K-1-719/2020). It is added that the investigation included persons who had no previous interest in breaking the law. However, it must be understood that persons who have nothing to do with the criminal world are not punished or followed, so during the CSA, all the persons involved are not random and had their role in this case. The prosecutor, arguing the complaints, emphasizes the facts of the case and explains them by proving that the work performed by the officers is legal and that the imitation of a criminal act did not lead to provocation. The CSA proved successful because individuals who had previously distributed drugs and psychotropic substances and committed other crimes were exposed but were not identified. It was the long period of time that allowed to reveal the persons who contributed to the execution of these criminal acts.

The presented theoretical arguments and an example of judicial practice allow us to understand that the actions of simulating a criminal act face a possible provocation in order to reveal criminal acts. After evaluating the possible risks in performing the actions of simulating a criminal act, it can be concluded that the courts must consistently evaluate the entire procedure of the process, from the application of the coercive measure to its termination.

**Covert surveillance**

When examining ethical aspects in criminal intelligence, it is important to delve into covert surveillance, during which the subject of surveillance is not informed about the latter, and as a result, the problem of possible violations of human rights and freedoms arises. Covert surveillance involves the use of technical means to gather important information.

It is important to emphasize that secret surveillance as such concept is not regulated in the Criminal Intelligence Law, the concept of secret surveillance is presented in the Criminal Procedure Code of the Republic of Lithuania. The Law on Criminal Intelligence regulates that tracking is a method of gathering criminal intelligence information, when information is obtained by distinguishing, identifying or observing an object. The legislator describes tracking as one of the ways of obtaining information and specifies what procedural steps are necessary for tracking to be applied to an object. It is understood from the Criminal Intelligence Act that surveillance is carried out against persons who are in one way, or another connected with the criminal world. However, the legal act further mentions vehicles, premises, locations, persons and things against which it is also possible to apply this procedural coercion measure. The concept of covert surveillance provided by the Criminal Procedure Code of the Republic of Lithuania should be taken into account, which states that surveillance is carried out against persons, vehicles or an object. It is clear that there is a significant connection between the information provided by these two legal acts regarding secret surveillance, but the Code of Criminal Procedure of the Republic of Lithuania, explaining the concept, provides more clarity in advance on what secret surveillance can be carried out, in addition to vehicles, persons and separate objects. Bučiūnas (2012), after analysing the features of covert surveillance, presents the meaning of the concept of covert surveillance, that it is not only a method of collecting information, but also a procedural coercive measure of a non-public nature, which is carried out legally and using technical means to record the information obtained, but it is also an action that respects the natural human rights and freedoms and it is carried out in accordance with the Code of Ethics of Intelligence Officers, the Constitution and laws.

It would be appropriate to note that every legal act, mentioning the personal security of life, adds that information about a person's private life can be collected only by reasoned court decision and only in accordance with the law. This is also confirmed by Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It is recognized that states are not prohibited from using procedural coercive measures in the fight against crime reduction and the mentioned secret surveillance does not contradict Article 8 of the Convention. We should not forget the fact that after the end of the secret surveillance, the person is informed about the procedural coercive measures applied against him without his knowledge. Article 161 of the Code of Criminal Procedure of the Republic of Lithuania states that „a person who was subjected to a procedural coercion measure without his knowledge must be notified of it after the application of such a measure has ended. It is necessary to report as soon as possible without compromising the success of the investigation.” Covert surveillance has its own legally sanctioned beginning against the individual and its legalistic end.

After analysing the implementation of procedural coercive measures carried out by criminal intelligence, the problem of ensuring human rights and freedoms is revealed. Therefore, acts of imitation of a criminal act and secret surveillance require careful attention of officers, knowledge of legal acts and cultivation of morals. Defending human rights and freedoms is the most protected value of society. In the application of CSA or covert surveillance, ethical considerations must be upheld in each case, as well as natural human rights and freedoms.

## Conclusions

After Lithuania regained its independence, more and more attention were paid to the defence of human rights and freedoms. Experienced painful historical facts, the creation of a democratic state influenced the change of the name of the operative activity of the Republic of Lithuania to the name of the criminal intelligence of the Republic of Lithuania. The values of the amended legal act remained the same - to protect a person from crime. Criminal intelligence, in the performance of its functions, uses procedural coercive measures, such as - acts of simulating a criminal act, secret surveillance. Criminal intelligence officers perform their functions legally, i.e., in accordance with legislation. Every legal act protects human constitutional and natural rights. However, there are exceptions that these rights may be violated if it is required to stop a crime, protect the state or human rights and freedoms. Every action of criminal intelligence can be considered moral if it does not violate legal norms.

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# VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA (32)

**Mokslinis žurnalas**

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