EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 36542/22
Algirdas ČINIKAS
against Lithuania

The European Court of Human Rights (Second Section), sitting on 21 October 2025 as a Committee composed of:

Péter Paczolay*, President*,
Gediminas Sagatys,
Stéphane Pisani*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 36542/22) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 19 July 2022 by a Lithuanian national, Mr Algirdas Činikas ("the applicant"), who was born in 1979, lives in Vilnius and was represented by Mr R. Volikas, a lawyer practising in Vilnius;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the temporary seizure of the applicant's assets during a pre-trial investigation.

2. In May 2020 the Financial Crimes Investigation Service opened an investigation concerning a high-value purchase of COVID-19 rapid tests by the public authorities from a private company, UAB Profarma (see *UAB Profarma and UAB Bona Diagnosis v. Lithuania*, nos. 46264/22 and 50184/22, §§ 14 and 23, 7 January 2025). Several individuals were suspected of fraud, money laundering, and abuse of office (ibid., §§ 24-26). The applicant was a shareholder in UAB Bona Diagnosis, the company from which UAB Profarma had bought the tests (ibid., § 26). On an unspecified date he was officially notified that, together with other individuals, he was

suspected of laundering the sum of 977,731 euros (EUR), an offence under Article 216 § 1 of the Criminal Code.

3. On 9 June 2020 the prosecutor of the Vilnius Region ordered the seizure of the applicant's assets – his five bank accounts – for six months, in order to secure a possible civil claim, or the potential confiscation or extended confiscation of property (for the relevant domestic law, see *Narbutas v. Lithuania*, no. 14139/21, §§ 124-30, 19 December 2023). He was not allowed to use any of the money in his bank accounts, including any future income.

4. On 16 June 2020 the applicant lodged an appeal with the pre-trial judge against the prosecutor's decision. He submitted that the seizure of his assets precluded him from meeting his basic needs, such as buying food and paying utility bills, and also from honouring his financial obligations, such as the life insurance premiums that were deducted from his account in Bank S. He stated that he needed approximately EUR 2,000 per month to meet his needs. He further submitted that the prosecutor's decision had not indicated whether any civil claim had been lodged in the proceedings or whether any of his property could potentially be subject to confiscation or extended confiscation. Lastly, the prosecutor's decision had not indicated the amount to be seized, thereby making it possible to seize more assets than necessary.

5. On 29 June 2020 the pre-trial judge allowed the appeal in part. The judge noted that the applicant was suspected of having laundered EUR 977,731, and therefore the temporary seizure of his assets was in accordance with the requirements of Article 151 of the Code of Criminal Procedure (see *Narbutas*, cited above, §§ 124-27). However, the seizure of all of his assets did not strike a fair balance between his interests and those of the victims or potential civil claimants. Accordingly, he was authorised to use EUR 607 per month – an amount corresponding to the minimum monthly salary – from his account in Bank S. The applicant did not appeal against that decision.

6. In the period between December 2020 and June 2021 the prosecutor sought three three-month extensions of the seizure of the applicant's assets. On each occasion he requested that the applicant be allowed to use EUR 607 per month, and submitted, *inter alia*, that the funds in the applicant's bank accounts amounted to approximately EUR 2,000. The pre-trial judge granted the prosecutor's requests in decisions adopted on 3 December 2020, and on 5 March and 4 June 2021, holding that the seizure was in line with Article 151 of the Code of Criminal Procedure, and was necessary in order to secure a civil claim, or the potential confiscation or extended confiscation of property. In addition, the applicant was suspected of a serious offence, the ongoing pre-trial investigation was wide-ranging in nature, and there was no indication that the impugned restriction was no longer justified. The applicant did not appeal against those decisions.

7. In September and December 2021 the prosecutor sought further extensions of the seizure of the applicant's assets, on each occasion for three months, requesting that the applicant be authorised to use EUR 607 per month. The pre-trial judge granted the prosecutor's requests in decisions adopted on 6 September and 6 December 2021 respectively, relying on essentially the same grounds as before (see paragraph 6 above).

8. The applicant lodged appeals against the above-mentioned decisions. He submitted that the seizure of his assets was excessively lengthy and disproportionate. Moreover, the decisions of the pre-trial judge had not indicated the exact amount of money to be seized; the applicant argued that seizing entire bank accounts and banning him from using any future income was contrary to the law. He further submitted that he was engaged in a business activity and that the impugned measure interfered with it, in that he was unable to use any funds that his clients might transfer to him. Lastly, he reiterated that it had not been indicated whether any civil claim had been lodged in the proceedings or whether any of his property could be subject to confiscation or extended confiscation.

9. The Vilnius Regional Court dismissed the appeals lodged by the applicant in its decisions of 27 September and 30 December 2021. It held that the question of whether any of his property could be subject to confiscation or extended confiscation could only be determined after examining the merits of the criminal case against him. Moreover, a civil claim could be lodged at any stage of the criminal proceedings, up until the start of the examination of evidence by the court (see *Narbutas*, cited above, § 129). Accordingly, the seizure of his assets was in accordance with Article 151 of the Code of Criminal Procedure. The court further noted that although the prosecutor had not indicated the exact amount of funds to be seized, the available information showed that the balance of those accounts was significantly lower than the sum that the applicant was suspected of having laundered (EUR 977,731 – see paragraph 2 above). It emphasised that the applicant had been authorised to use EUR 607 per month. The court considered that the applicant's arguments concerning the impact of the impugned measure on his business activity (see paragraph 8 above) had no bearing on the lawfulness of that measure. Lastly, although the seizure of his assets had already lasted for a considerable period, the criminal case was complex and wide-ranging, and there was no reason to conclude that the restriction was disproportionate.

10. The decisions of the Vilnius Regional Court were not amenable to any further appeal.

11. In March 2022 the prosecutor requested that the seizure of the applicant's assets be extended by a further six months, and that the applicant be allowed to use EUR 607 per month. The pre-trial judge allowed that request on 7 March 2022, relying on essentially the same grounds as before (see paragraph 6 above).

12. The applicant lodged an appeal against the above-mentioned decision, submitting essentially the same arguments as before (see paragraph 8 above). In addition, he submitted that he no longer had an account with Bank S. (see paragraph 5 above), and that authorising him to use money solely from a non-existent account was contrary to the law and precluded him from meeting his basic needs. He further submitted that the remaining four accounts did not contain any funds and contended that in such circumstances the continued seizure of his bank accounts was unlawful.

13. On 4 April 2022 the Vilnius Regional Court dismissed the applicant's appeal. It repeated some of the arguments from its previous decisions (see paragraph 9 above). In addition, it observed that, according to the information obtained from Bank S. in July 2020, the applicant had had an active account there at that time. Moreover, in his first appeal against the impugned measure, he had submitted that his life insurance premiums were deducted from that account (see paragraph 4 above) and, after the pre-trial judge had allowed him to use EUR 607 per month from that account, he had not appealed against that decision (see paragraph 5 above), nor raised any arguments in that respect in his subsequent appeals (see paragraph 8 above).

14. The court also dismissed the applicant's argument that seizing future income was contrary to the law. It held that, according to the Criminal Code, property could be used to secure compliance with the court injunctions, irrespective of when that property was obtained.

15. It further observed that the applicant's arguments in relation to his business activity were not substantiated by any documents or other evidence – he had not specified the activity in which he was engaged or which of his accounts was needed in order to receive any related payments. In the absence of specific information about the business activity he claimed to be engaged in, the court was unable to assess whether the applicant's arguments in that respect were well-founded.

16. The court also noted that, according to the information received from the relevant banks in July and September 2020, the five accounts seized contained a total of EUR 872.78, whereas the pre-trial investigation concerned an amount of EUR 997,731. In such circumstances even having regard to the rather long duration of the impugned restriction, it could not be considered disproportionate.

17. Lastly, the court noted that the applicant was entitled to request that the seizure be lifted or amended and, in this connection, could submit additional documents with regard to his business activity, or other relevant evidence.

18. The Court has not been informed about any further decisions taken with respect to the seizure of the applicant's assets.

19. On 26 July 2023 the prosecutor discontinued the pre-trial investigation in respect of the applicant (see *UAB Profarma and UAB Bona Diagnosis*, cited above, § 135).

20. The applicant complained under Article 1 of Protocol No. 1 to the Convention that the seizure of his assets had been disproportionate. He also complained under Article 3 of the Convention that the seizure amounted to a punishment and was degrading.

THE COURT'S ASSESSMENT

A. Complaint under Article 1 of Protocol No. 1 to the Convention

21. The Court has no reason to doubt that the seizure of the applicant's assets amounted to an interference with his right to the peaceful enjoyment of his possessions. Article 1 of Protocol No. 1 is therefore applicable (see *Narbutas*, cited above, § 313). The seizure of assets ordered during criminal proceedings is regarded by the Court as a measure entailing control of the use of property and thus falls within the scope of the second paragraph of that provision (ibid., § 314).

22. The Court has previously accepted that Lithuanian law, and in particular Article 151 of the Code of Criminal Procedure, provides a legal basis for the seizure of assets during criminal proceedings which is sufficiently accessible, precise and foreseeable in its application (ibid., §§ 316-19). Although the applicant argued that the seizure of bank accounts was not provided for by law, the Court, having examined the reasoning of the domestic courts, is unable to share his position. Accordingly, it finds that the measure at issue was in accordance with the law.

23. Furthermore, it is satisfied that the impugned interference served a legitimate general interest, namely, ensuring the possibility of satisfying a civil claim in the criminal proceedings or the possibility of ordering confiscation or extended confiscation of property, were it to be found that any of the applicant's property had been obtained unlawfully (ibid., §§ 320-21).

24. It remains to be assessed whether that interference was proportionate to the aims pursued.

25. By the prosecutor's decision of 9 June 2020, all the applicant's bank accounts were seized and he was denied access to the funds in those accounts, including any future income paid into them. While the Court finds it striking that the impugned measure was adopted without any consideration for the applicant's basic needs (compare also *Narbutas*, cited above, § 323), it notes that the scope of that measure was amended by the pre-trial judge on 29 June 2020, that is twenty days later, authorising the applicant to use EUR 607 per month, an amount corresponding to the minimum monthly salary (see paragraph 5 above). The applicant did not complain of a failure to remedy this oversight promptly, and the Court sees no reason to find otherwise.

26. It is not the role of the Court to determine whether the above-mentioned amount was sufficient to meet the applicant's basic needs. In any event, the applicant did not appeal against the decision of 29 June 2020

or against the decisions taken by the pre-trial judge on 3 December 2020, and on 5 March and 4 June 2021 which had left the scope of the restriction unchanged (see paragraph 6 above). Moreover, although in his appeal of 16 June 2020 he had submitted that he needed approximately EUR 2,000 to meet his needs (see paragraph 4 above), in none of his appeals before the domestic courts did he provide any documents to justify that amount (compare and contrast *Narbutas*, cited above, § 324). In such circumstances, the domestic authorities cannot be reproached for limiting his expenses to EUR 607 per month.

27. The Court further notes that although the applicant was suspected of laundering EUR 977,731, the authorities established that the five bank accounts seized contained approximately EUR 2,000, and subsequently an even lower amount (see paragraphs 6 and 16 above). The applicant did not dispute that fact. Accordingly, there are no grounds to find that the authorities failed to establish a reasonable relationship of proportionality between the amount of the funds seized and the amount allegedly obtained through criminal activity (compare and contrast *Narbutas*, cited above, § 328).

28. Furthermore, although the applicant alleged that the seizure of his bank accounts precluded him from carrying out his business activity, he did not provide any details about this activity, either to the domestic courts (see paragraph 15 above) or to this Court. In the absence of such information, the Court is unable to find that the measure at issue affected him disproportionately.

29. Lastly, the Court takes note of the applicant's submission in the most recent appeal to the domestic courts, to the effect that the bank account from which he was authorised to withdraw EUR 607 per month no longer existed (see paragraph 12 above). In his application form the applicant stated that he had closed that account because of disagreements with the bank. However, as noted by the domestic courts, he could have asked those courts to amend the measure at issue and authorise him to use funds from a different account (see paragraph 17 above), but there is no indication that he ever did so.

30. While the Court is mindful that the restriction of the applicant's property rights lasted for rather a long time (more than two years at the time the present application was lodged), in the light of the above considerations it finds that this duration, taken alone, does not suffice to make that measure disproportionate.

31. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Complaint under Article 3 of the Convention

32. As for the applicant's complaint under Article 3 of the Convention that the seizure of his assets amounted to a punishment and was degrading, the Court reiterates that ill-treatment must attain a minimum level of severity

if it is to fall within the scope of Article 3 of the Convention. The assessment of this minimum is relative and depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim (see, among many other authorities, *Muršić v. Croatia* [GC], no. 7334/13, § 97, 20 October 2016).

33. In the present case, having regard to all the material in its possession, the Court is unable to find that the seizure of the applicant's assets attained the requisite level of severity so as to fall within the scope of Article 3 of the Convention.

34. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 20 November 2025.

Dorothee von Arnim Deputy Registrar	Péter Paczolay President