

**LIETUVOS RESPUBLIKOS NUOLATINĖ MISIJA JUNGTINĖSE TAUTOSE
PERMANENT MISSION OF LITHUANIA TO THE UNITED NATIONS**

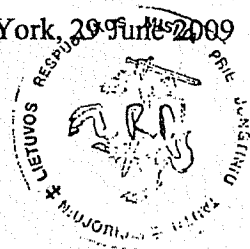
No. 09/105C

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reply to the note LA/COD/2 dated 31 December 2008, has the honour to transmit the information provided by the relevant national institutions of the Republic of Lithuania, as it is requested in paragraph 11 of General Assembly resolution 63/125 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

The Permanent Mission of the Republic of Lithuania to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 29 June 2009

Annex enclosed



H.E. Mr. Ban Ki-moon
Secretary-General
of the United Nations
New York

Annex to the note verbale dated 29 June 2009 from the Permanent Mission of the Republic of Lithuania to the United Nations addressed to the Secretary-General of the United Nations

Report by Lithuania submitted pursuant to paragraph 11 of General Assembly resolution 63/125 entitled „Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”

1. Legal background

Lithuania follows the monistic approach on national and international law. Article 135 of the Constitution of the Republic of Lithuania provides that Lithuania in implementing its foreign policy shall follow the universally recognised principles and norms of international law. In accordance with the Article 138 of the Constitution, international treaties ratified by Seimas of the Republic of Lithuania shall be constituent part of the national legal system.

The commitment to abide by the treaties that have entered into force is reinforced in the Law on Treaties. Moreover, the Law on Treaties establishes the prevailing character of international treaties over the national laws in case of inconsistency.

These provisions ensure the most favourable conditions for the implementation of the international humanitarian law.

Lithuania is a State Party to all major instruments of the international humanitarian law, including the 1949 Geneva Conventions and the 1977 Additional Protocols to the Conventions.

2. Lithuanian National Commission on the Implementation of the International Humanitarian Law (hereinafter — the “Commission”)

In accordance with the regulations of the Ministry of National Defence, the Ministry is responsible for the coordination of the implementation of the international humanitarian law within the State.

The Commission on the implementation of the international humanitarian law was established in 2001 as an advisory body to the Minister of National Defence. According to the Regulations of the Commission, its principal task is to provide assistance in performing the said function of the Ministry with regard to coordination of the national implementation of the international humanitarian law. Despite the fact that the Commission functions under the auspices of the Ministry of National Defence, it is the inter-ministerial coordinating body. The Commission consists of the Chairman, Deputy Chairman, Secretary and 23 members, nine of them are from the National Defence System and others from the Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science, Interior, European Law Department under the Ministry of Justice, Lithuanian Red Cross Society and leading universities.

The mandate of the Lithuanian Commission is quite wide and flexible. The objectives of the Commission are as follow:

- To carry analysis of the situation regarding the implementation of the international humanitarian law in Lithuania, including Lithuania's participation in multilateral international agreements — joining the agreements, implementation of the provisions of these agreements, dissemination of the documents on international humanitarian law,

- teaching international humanitarian law within military and civil training institutions and investigation of the violations and their prevention issues;
- To submit proposals on the implementation of the international humanitarian law to the leadership of the Ministry of National Defence and the Armed Forces and to other institutions which do not belong to the National Defence System;
 - To disseminate information on the international humanitarian law within militaries and society by initiating translations of the international humanitarian law documents into the Lithuanian language and publishing them or placing in the website of the Ministry of National Defence;
 - To initiate or provide assistance in arranging courses, workshops, seminars or conferences on issues regarding the implementation of the international humanitarian law.

3. Implementation measures

The set of implementation measures was taken after accession to the international instruments of the international humanitarian law inter alia implementation measures of the Additional Protocols relating to the protection of victims of armed conflicts (hereinafter — the “Additional Protocols”).

Methods and means of warfare. Lithuania recognises and respects the basic rules enshrined in Art. 35 of the I Additional Protocol and the general principle that in any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

Lithuania is a State party to the 1980 Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons, which may be deemed to be excessively injurious or to have indiscriminate Effect (CCW) as well as to all its Protocols and Amended Article 1. Protocol V on Explosive Remnants of War entered into force for Lithuania on 12 November 2006.

Lithuania has long been active in promoting development, implementation and universalisation of CCW. In 2006, it took the position of the Coordinator on Explosive Remnants of War and contributed to efforts of bringing cluster munitions back on the CCW agenda. Lithuania chaired the Main Committee I at the CCW Third Review Conference in 2006. Lithuania also chaired the Second Conference of the States Parties to Protocol V, which took place in Geneva on 10-11 November 2008. During 2007-2008 Lithuania was also a coordinator of the CCW Sponsorship Programme. Under the coordinatorship of Lithuania the Programme became operational, first approach on criteria of sponsorship has been developed, the group of donors broadened, briefings and a questionnaire for the beneficiary delegates established. Furthermore, at the Second Conference of the States Parties to Protocol V Lithuania was appointed to coordinate the Clearance issue during 2009.

Seeking to implement provisions of the Protocol V of CCW, a Programme for the Clearance and Prevention of Explosive Remnants of War for the years 2007-2018, was approved by the Government in 2007. Lithuania is a mine free country and no specific mine clearance programmes are required, however there is a certain degree of contamination by explosive remnants of war (ERW) left from the First and the Second World Wars as well as Soviet occupation. The Programme describes the origins and current scope of a problem and sets the objective to ensure that ERWs are found, their potential threat to people prevented and adverse effects to private and public activities minimised. The tasks carried out for the attainment of this objective include: examination and evaluation of the threat, drafting and amending relevant legislation and carrying out of clearance. Engineering Battalion of the Armed Forces is responsible for conducting demining operations. Marking and clearance activities

started on 1 July 2008. Till the end of 2008 EOD platoon checked and cleaned about 18 ha of polluted territories and found over 1500 pieces of different ERW.

In the framework of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty) Lithuania co-chaired the Standing Committee on Stockpile Destruction in 2007-2008. The main challenge of the co-chairmanship was to facilitate implementation of Mine Ban Treaty obligations with regard to timely destruction of antipersonnel landmines stockpiled by States Parties.

Lithuania was actively engaged in the efforts of international community to prohibit cluster munitions that cause unacceptable harm to civilians from the beginning of this process. It joined more than 100 other states in agreeing on a text of the Convention on Cluster Munitions and signed this Convention on 3 December 2008 at the Signing Conference in Oslo in May 2008. For the time being Lithuanian national authorities are preparing relevant documentation for ratification.

In the field of small arms and light weapons (SALW), Lithuania has chaired Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects, which took place in New York on 14-18 July 2008.

Lithuania promotes the idea of coherent action in the field of conventional disarmament and limitations of means and methods of warfare. On 26-28 June 2008, it organised the regional seminar "Towards global coherence in addressing the problems caused by landmines, cluster munitions and explosive remnants of war", which convened participants from more than 30 countries, international organizations, UN agencies and civil society. The aim of the seminar was two-folded - to share information on the status or perspective with regard to the relevant mine action instruments as well as to explore ways of more integrated approach and cooperation.

Rules of engagement. In 2006, NATO rules of engagement were implemented (transformed) into the national law. In 2008, Rules of use of combat weapons and special means in the national defence system were approved by the Order of the Minister of National Defence. This document sets principles, conditions, level and format of use of weapons, special means and other use of force during military operations, excluding use of force during international military operations.

Measures to protect the distinctive emblems. In 2007, Lithuanian Parliament ratified the III Additional Protocol to the Geneva Conventions.

Subsequently all necessary amendments of related national legislation were adopted in order to fully implement III Additional Protocol (amendments to the Criminal Code, Code of Administrative Offences and Law on the Lithuanian Red Cross Society, the emblem and designation of the Red Cross, Red Crescent and Red Crystal). The legislation protects all three signs, regulates the protective use and the indicative use of the distinctive emblems as well as provides sanctions in case of violation.

Also, practical measures to protect the emblems are taken by the national Red Cross Society. Violators are addressed and informed about the provisions of the laws and the sanctions. Law Enforcement Institutions are also informed about the gravest trespassers. In case it proves to be inefficient, the cases are referred to the police for legal procedure. The progress in due protection is significant — there were no cases during the last three years. The effect to this progress was made by spreading information to society (lectures for medical personnel, journalists, students; spread material about the misuse of the emblem according to the national law) as well as negotiations and peaceful agreements.

Protection of cultural objects. Lithuania is a State Party to the 1954 Hague Convention for the protection of Cultural Property in the Event of Armed Conflict and its Protocols.

On the initiative of the Commission on Implementation of the International Humanitarian Law, a position of a Chief Specialist for the protection of cultural heritage was established in the Lithuanian Armed Forces in 2004. The main task for this Specialist is to coordinate and ensure implementation of the Convention in the National Defence System.

Legal advisers in armed forces. Seeking to implement Article 82 of the I Protocol of the Geneva Conventions, the National Concept of military legal advisers was approved in 2006 by the Order of Minister of National Defence. It determines status of legal advisers in the Armed Forces, functions, liability, rotations in military operations and training issues. A list of military legal advisers was approved in 2008 by the Order of Commander of Armed Forces.

Dissemination. The Commission collects information regarding education and advises on inclusion of international humanitarian law subjects into educational programmes. The subject of international humanitarian law is included in education programmes of all levels of military personnel, also in the curriculum of education of police personnel, secondary schools etc.

Also, international humanitarian law is optional course in the Law faculties of the leading universities as well as in the Institute of International Relations and Political Science.

The Commission disseminates information/knowledge on IHL between military officers and civil servants. During the period of 2006-2008 it organised a regional seminar for Baltic States military and civil officers on IHL and international maritime law (in 2006, together with the British MoD); a seminar for members of the Lithuanian IHL Commission on IHL issues (in 2006, together with the ICRC Regional delegation in Budapest); a workshop for civil servants on practical aspects of cultural heritage implementing Hague Convention of Cultural Property in the event of Armed Conflict (in 2006, together with the Polish Ministry of Culture); international course on IL and IHL for Baltic States, Croatian, Ukrainian and Georgian military and civil officers (in 2008, together with the British MoD).

The Commission has its website page within the website of the Ministry of National Defence where it publishes information about the Commission's activities and also texts of all the international humanitarian law treaties to which Lithuania is a State Party (in Lithuanian). Moreover different issues concerning international cooperation in this field are presented and described.

Two members of the Lithuanian Commission constantly attend ICRC-sponsored regional and European meetings of National Committees of International humanitarian law. All related information is available to public.

The 4th Regional Meeting of National Committees on International Humanitarian Law from Central and South-Eastern Europe was held in Vilnius in May 2008. Main objectives of the meeting were to discuss recent and current developments in international humanitarian law and its implementation in domestic legislation and practice, to share experiences on problems arising from implementation of IHL mechanisms in national legal systems, to review achievements and best practices of National IHL Committees.

The Lithuanian Red Cross Society (further — Society) is actively involved in dissemination of IHL within the society. The Society continually introduces to the public fundamental principles of the

International Red Cross and Red Crescent Movement, disseminates International Humanitarian Law, encouraging humanitarian initiatives and protecting the emblems of the Movement. In 2008, the Society continued the project "Exploring humanitarian law" for schools and participated in the Baltic Summer Academy On International Humanitarian Law in Estonia. Members of the Lithuanian Red Cross Society attended international conference in Oslo where Convention on Cluster Munitions was signed and also actively participated in the in the workshops on this issue organised by the Norwegian Royal Embassy. Furthermore, the Society and the Armed Forces were trained to act together in the international military exercise "Baltic Spirit 2008". Last year preparation for the Baltic Summer Academy on International Humanitarian Law 2009 which will take place in Lithuania also started in order to have a high quality event and motivated participants.

Protection of children. Lithuania became a State Party to the 2000 Optional Protocol to the Child Convention (OPAC) in 2003. In accordance with national legislation, it is ensured that children under 18 may neither be voluntarily accepted to the military service, nor recruited into the armed forces. Furthermore, compulsory recruitment into the armed forces of children under 18 imposes the criminal liability under Article 105 of the Criminal Code. In 2007, the Committee on the Rights of the Child examined and approved Lithuania's initial report on the implementation of the OPAC.

Repression of breaches of the international humanitarian law. Lithuanian Criminal Code, Administrative Offences Code, Statute on Military Discipline encompass the provision, which imposes respectively the criminal, administrative or disciplinary liability for the breach of the rules of the international humanitarian law, particularly grave breaches of the Geneva Conventions as well as other customary war crimes. What concerns the sufficiency of legal regulation, the responsibility for the war crimes, committed during the non-international armed conflict, is still an open question.

Military commanders are obliged to abide by the rules of international humanitarian law as well as to ensure compliance of the members of the Armed Forces under their command and other persons under their control.

The implementation of the Rome Statute of the International Criminal Court has been fully completed after the ratification of the Rome Statute in 2003 and the Agreement on the Privileges and Immunities of the International Criminal Court in 2004.