



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

No. 12/SN- 989

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the Note LA/COD/2, has the honour to transmit the information provided by the relevant national institutions of the Republic of Lithuania, as it was requested in paragraph 11 of the United Nations General Assembly resolution 65/29 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.

Enclosure: 5 pages.



New York, 1 June 2012

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

**Report on the status of the Additional Protocols to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level.**

*(According to the Resolution adopted by the General Assembly 65/29 10 January 2011 „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 (ratified in 2000).

### *2. International Fact-Finding Commission*

By ratifying the Geneva Conventions and their Additional Protocols Lithuania declared that it recognises *ipso facto* and without special agreement the competence of the International Fact-Finding Commission according to Article 90 of the I Additional Protocol to the Geneva Conventions.

On 9 December 2011 at the meeting of the High Contracting Parties the Lithuanian representative – dr. Justinas Žilinskas, law professor of the Mykolas Romeris University – was elected the member of the International Fact-Finding Commission.

### *3. Lithuanian National Commission on the Implementation of the International Humanitarian Law*

The Ministry of National Defence (hereinafter – the MoD) 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 (hereinafter — the Commission) was established in 2001 as an advisory body to the Minister of National Defence. According to the Regulation 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 MoD, it is the inter-ministerial coordinating body composed of representatives from the National Defence System, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Ministry of Culture, Ministry of Education and Science, Ministry of Interior, European Law Department under the Ministry of Justice, Lithuanian Red Cross Society and leading universities.

The mandate of the Commission is quite extensive. 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 MoD 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 MoD;
- ✓ To initiate or provide assistance in arranging courses, workshops, seminars or conferences on issues regarding the implementation of the international humanitarian law.

#### 4. 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.

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 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.

Lithuania has long been active in promoting development, implementation and universalisation of CCW. From 2006 it chaired several CCW meetings and served as a Coordinator for different programmes. At the 4<sup>th</sup> Review Conference of the High Contracting Parties to the CCW Convention held in Geneva from 14<sup>th</sup> to 25<sup>th</sup> of November 2011 Lithuania was appointed the Vice-President of the Conference and the Vice-Chairman of the Main Committee II. 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. Marking and clearance activities started in summer 2008. Till the end of 2011 Lithuanian Armed Forces EOD platoon checked and cleaned over 70 ha of polluted territories and found over 10 500 pieces of different explosive ordnance (mortar, anti-vehicle and anti-personnel mines, shells, grenades, aviation bombs, ammunition etc.).

Lithuania is a State Party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. At the 10th Member State Parties (MSP) meeting of the AP Mine Ban Convention on 29 November – 3 December 2010 Lithuania was appointed the Co-Chair of the Standing Committee for Stockpile Destruction until the next MSP in November 2011. Lithuania has already acted in this capacity in 2006 and 2008 and was a co-rapporteur of this Committee in 2005, 2007 and 2010. The main goals of the Lithuanian Co-Chair included: 1. encouraging states to meet their obligation under AP Mine Ban Convention in destroying stockpiles of anti-personnel mines as

soon as possible; 2. encouraging these countries to report on their progress as often as possible; 3. standing ready to facilitate any informal consultations between these states and possible donors on issues of cooperation and assistance.

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. Lithuania signed the Convention on Cluster Munitions on 3 December 2008 at the Signing Conference in Oslo. Lithuanian Parliament ratified the Convention on 16 December 2010. The instrument of ratification was deposited on 24 March 2011. Lithuania became the 55 state to ratify the Convention on Cluster Munitions. The Convention entered into force for Lithuania on 1 September 2011. Pending Convention's entry into force, Lithuania applied provisionally its Article 1. It also submitted a voluntary transparency report under Convention's Article 7 in 2011.

#### 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 distinctive emblems, 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 Lithuanian 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. In 2011 about 20 violators were warned due to the protection of the illegal use of the Red Cross emblem. All these cases were solved by peaceful agreements without taking police procedures.

The Lithuanian Red Cross Society also continues to spread information about the functions and proper use of the distinctive signs (lectures and information campaigns for medical personnel, journalists, students ect.).

#### 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. From 2005 till 2011 Lithuania was a member of the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

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

In May 2010 Lithuania, referring to the resolution adopted by the 3<sup>rd</sup> meeting of Parties to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, submitted a request for granting of enhanced protection for Kernavė Archaeological site (Cultural Reserve of Kernavė). In order to fulfil all obligations indicated in the Article 10 of the Second Protocol, Lithuania amended relevant articles of the Criminal Code in order to criminalise all acts indicated in the provisions of the Article 15 of the Second Protocol. At the meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict on 14-16 December 2011 was decided to grant the enhanced protection for Kernavė Archaeological site (Cultural Reserve of Kernavė) in Lithuania.

### 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 the 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 the 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.

The Ministry of National Defence and Lithuanian Armed Forces provide international humanitarian law and international human rights law training to their military personnel assigned to participate in international operations. The subject of international humanitarian law is also included in curriculum of the Military Academy of Lithuania, Division General Stasys Raštikis Lithuanian Armed Forces School and General Adolfas Ramanauskas Combat Training Centre. The training of personnel is done through the courses, seminars and workshops of international law and international humanitarian law.

Lithuania takes part in the process of standardisation of training of the law of armed conflict for military personnel of the NATO countries – a new NATO standardisation agreement “Training in the field of armed conflict” (STANAG 2449) is in the final stages of preparation.

Lithuania also sends its military and civil personnel to the international courses on international humanitarian law.

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

The Commission has its website page within the website of the Ministry of National Defence ([www.kam.lt](http://www.kam.lt)) 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 various issues concerning international cooperation in this field are presented and described.

In 2010 a Handbook for Commanders on principles and rules of international humanitarian law was approved and published.

The Lithuanian Red Cross Society (hereinafter — the Society) is actively involved in dissemination of IHL within local population. The Society continually introduces fundamental principles of the International Red Cross and Red Crescent Movement to the public, disseminates international humanitarian law, encourages humanitarian initiatives and protects the three emblems of the Movement.

During 2011, lectures and seminars (about 397 overall) on various IHL issues as well as Red Cross' principles and values were organised in the universities, colleges, schools and other institutions. On the occasion of the Lithuanian Red Cross 92<sup>nd</sup> anniversary the contest “Red Cross – humanitarian values” was organized on the National radio. The Society representatives also participated in the international military exercise „Amber Hope 11”.

### 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.

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.