



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

No. SN78-179

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 herewith the information provided by the relevant national authorities of the Republic of Lithuania, as it was requested in paragraph 13 of the United Nations General Assembly resolution 67/93 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, 30 May 2014

H. E. Mr. Ban Ki-moon
Secretary-General of the 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 67/93 14 December 2012 „Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts“)

1. Legal background

The Republic of Lithuania has adopted monistic approach towards the implementation of international conventions in national legal system. 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 ratified 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.

The Republic of Lithuania is a State Party to all major instruments of the international humanitarian law, including the 1949 Geneva Conventions and the 1977 and 2005 Additional Protocols to the Conventions (ratified accordingly in 2000 and 2007).

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.

In 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, Lithuanian National UNESCO Commission 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. The Republic of 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.

The Republic of 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 till 2013 it chaired several CCW meetings and served as a Coordinator for different programmes. Seeking to implement provisions of the Protocol V of CCW, a Programme for the Clearance and Prevention of Explosive Remnants of War was approved by the Government in 2007 (in 2013 it was amended and approved by the Order of Minister of National Defence and Minister of Interior). 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 2013 the Lithuanian Armed Forces EOD platoon checked and cleaned over 252 ha of polluted territories and found over 11 300 pieces of different explosive ordnance (mortar, anti-vehicle and anti-personnel mines, shells, grenades, aviation bombs, ammunition etc.).

The Republic of 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. Lithuania has long been actively engaged in the efforts of international community to prohibit anti-personnel mines. From 2005 till 2011 it served several times as a Co-rapporteur and as a Co-Chair of the Standing Committee for Stockpile Destruction. Lithuania destroyed its anti-personnel mines in 2004.

The Republic of Lithuania signed the Convention on Cluster Munitions on 3 December 2008 at the Signing Conference in Oslo. 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.

In 2011 the Criminal Code of the Republic was amended in order to delimit and distinguish between international humanitarian law protected emblems and names from other universally recognized emblems and names that may be of a commercial or industrial purpose.

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. During 2012-2013 4 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.

19 immovable cultural heritage objects – buildings in Lithuania are marked with a distinctive emblem of the 1954 Hague Convention (according to Chapter V (The distinctive emblem) of the 1954 Hague Convention).

In December 2011 at the meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict the enhanced protection was granted 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 career 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 – in 2013 it ratified and implemented NATO standardisation agreement STANAG 2449 (ed.2) (NATO allied training publication ATrainP-2 (Edition A Version 1) "Training in the law of armed conflict").

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) 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 2012-2013 lectures and seminars (over 650) on various IHL issues as well as Red Cross' principles and values were organised in the universities, colleges, schools, hospitals and other institutions. To mark 150th anniversary of the Red Cross Movement the Society introduced to the public the book about Lithuanian Red Cross activities from the Society's establishment in 1919 up to 1989. The Lithuanian post published a special envelope with a stamp on this occasion.

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.

In 2011 the Criminal Code of the Republic of Lithuania was amended in order to harmonize it with Rome Statute and Geneva conventions and protocols. The amendment filled identified legal gaps, for example set a legal basis to prosecute for criminal offences committed during non – international armed conflict, defined the responsibility of commander (civil and military) for the criminal offences committed by its subordinates, etc. In 2014 the Criminal Code was amended to harmonize it with UN International Convention for the Protection of All Persons from Enforced Disappearance signed on 6 February 2007 in Paris.