



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

No. 08/455

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 29 February 2008 and with apology for missing the deadline, 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 61/30 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, 8 August 2008

Annex enclosed



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

Annex to the note verbale dated 8 August 2008 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 61/30 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, 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*

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 national Commission on the implementation of the international humanitarian law (hereinafter referred to as the Commission) was established in 2001 as an advisory body to the Minister of National Defence. According to the Regulations of the Commission, the principal task of it 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 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 20 members, nine of which are from the National Defence System and other from Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science, the Interior, European Law Department under the Ministry of Justice, Lithuanian Red Cross Society and leading universities. The mandate of the 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 the 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 that do not belong to the National Defence System;

- To disseminate information on the international humanitarian law within the militaries and the public by initiating translations of the international humanitarian law documents into the Lithuanian language and publishing them or placing onto the Internet homepage 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 referred to as the Additional Protocols).

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 to 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. Furthermore, at the First Conference of the States Parties to Protocol V on 5 November 2007 Lithuania was appointed to chair the Second Conference of the States Parties, which will take place in Geneva on 10-11 November 2008. Currently Lithuania is also a coordinator of the CCW Sponsorship Programme.

Seeking to implement provisions of the Protocol V of CCW, an inter-institutional working group was established in 2006, which has prepared a Programme for the Clearance and Prevention of Explosive Remnants of War for the years 2007-2018, 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 (ERWs) 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 to be 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.

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 is co-chairing the Standing Committee on Stockpile Destruction in 2007-2008. The main challenge of the co-chairmanship is to facilitate implementation of Mine Ban Treaty obligations with regard to timely destruction of antipersonnel landmines stockpiled by States Parties.

Lithuania is actively engaged in the efforts of international community to prohibit cluster munitions that cause unacceptable harm to civilians. In May 2008, it joined more than 100 other states in agreeing on a text of the Convention on Cluster Munitions.

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 has been promoting 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.

Moreover, NATO rules of engagement were implemented (transformed) into the national law in 2006. In addition, national rules of engagement are under the final stages of preparation.

Measures to protect the distinctive emblems. Lithuanian Parliament ratified the III Additional Protocol to the Geneva Conventions in 2007. 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 (more than 30 violators informed). 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 two 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. In 2005, the Commander of Armed Forces has appointed the senior executive officer for the cultural property protection within his Secretariat.

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 contains the provisions on the status of legal advisers in armed forces, functions, liability, rotations in military operations and training issues. A list of military legal advisers was adopted in 2008 by the Order of Commander of Armed Forces.

Dissemination. The Commission collects information regarding education and advises on inclusion of the 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. International humanitarian law is an 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 organized 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 international law and IHL for military and civil officers of the Baltic States, Croatia, Ukraine and Georgia (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 language. Moreover, the different issues concerning international cooperation are presented and described.

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

The 4th Regional Meeting of National Committees of International Humanitarian Law was held in Vilnius in May 2008.

The Lithuanian Red Cross Society (hereinafter referred to as the Society) is actively involved in dissemination of IHL within the society. The Society co-operating with Universities in 2006 organised the Baltic Summer Academy on International Humanitarian Law in order to broaden knowledge in the field of the international humanitarian law. The Society also participated in the work of the National Committee on International Humanitarian Law of the Ministry of National Defence of Lithuania. During summer time there was arranged the international summer school „War, Terrorism and Human Rights”. Furthermore, the Society organized the bicycle campaign and summer camp in which the project “The School of Humanity” was implemented. The program “Exploring Humanitarian Law” which was started in Lithuania as a part of the international educational project prepared by Education Development Centre in Cooperation with the International Committee of the Red Cross has been also continued. In addition, the Society arranged seminars for militaries, participating in peace keeping missions in Iraq, Afghanistan and Kosovo.

In 2007, the Society has developed the main programs and issues of the previous year. The Society participated in the Baltic Summer Academy on International Humanitarian Law in Latvia, in the meeting of Legal Support Group in Finland. The program “Exploring humanitarian law” and participation in the work of the National Committee on International Humanitarian Law were pursued. The Society took an important part in the international military training “Amber Hope 2007”. The Society and the armed forces were training to act together in the simulated armed conflict. In 2007, the Society arranged the bicycle campaign and summer school “The Basic Principles of The Red Cross and Red Crescent Movement” around the country, during which the principles of humanity were propagated.

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.

The military commanders are obliged to abide by the rules of the international humanitarian law as well as to ensure the 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.

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