



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

No.10 1340

The Permanent Mission of Lithuania to the United Nations presents its compliments to the Secretariat of the United Nations and has the honor to present, pursuant to the provisions of the General Assembly resolution No. 63/125 "Status of the Protocols Additional to Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", the attached herewith report by Lithuania.

The Permanent Mission of Lithuania to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its high consideration.

New York, 1 June 2010



ENCLOSURE: report (4 pages).

Secretariat  
United Nations  
New York

Annex to the note verbale dated 1 June 2010 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 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*

In accordance with the regulations of the Ministry of National Defence (hereinafter – the MoD), the MoD 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 – the Commission) 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 MoD 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, 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 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 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.

### 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.

Methods and means of warfare. Lithuania recognises and respects the basic rules enshrined in Article 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. In November 2008 Lithuania was appointed to coordinate the Clearance issues in 2009. During its tenure, Lithuania focused on the following issues: (i) priority setting under Article 3 (Clearance, removal or destruction of ERW); (ii) responsibilities of the user of explosive ordinances under Article 4 (Recording, retaining and transmission of information); (iii) responsibilities of the State party in control of ERW-contaminated territory; and (iv) environmental impact of ERW clearance. In November 2009, the Third Meeting of the High Contracting Parties to the CCW Protocol V appointed Lithuania to serve as a Coordinator for an additional one year term.

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 July 2008. Till the end of 2009, over 34 hectares of polluted territories have been checked by the Lithuanian Armed Forces, over 2 600 pieces of different explosives (mortar, anti-vehicle mines, shells, grenades, etc.) have been found.

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), at the Cartagena Summit on a Mine Free World on 29 November – 4 December 2009 Lithuania was appointed as the co-rapporteur of the Standing Committee for Stockpile Destruction. Lithuania has already acted in this capacity in 2005, 2007 and co-chaired the Standing Committee on Stockpile Destruction in 2006 and 2008.

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. The President of the Republic submitted the Convention for ratification to the Parliament in November 2009 and it is expected that the Convention will be ratified by the end of 2010.

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 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 2009 nearly 20 violators were warned due to the protection of the illegal use of 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, etc.).

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 the 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. 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).

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, their 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 on the Implementation of the International Humanitarian Law 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 has its website page within the website of the MoD where it publishes information about the Commission's activities, as well as 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.

In May 2010 a working group was established by the Order of the Commander of Armed Forces to evaluate and to improve international humanitarian law educational and training programmes in the

National Defence System. A handbook for Commanders on principles and rules of international humanitarian law is under the final stages of preparation.

The Lithuanian Red Cross Society (further — the Society) is actively involved in dissemination of IHL within the society. The Society continually introduces fundamental principles of the International Red Cross and Red Crescent Movement to the society, disseminates knowledge about international humanitarian law, encourages humanitarian initiatives and protects the three emblems of the Movement. In 2009 the Society organised an essay competition “Explore international humanitarian law” for pupils of 8-12 forms. In July 2009 the Baltic Summer Academy on Contemporary Issues of International Humanitarian Law was organised in Lithuania, in cooperation with Vilnius University, NOHA (International Association of Humanitarian Activities) Universities net and with support of the MoD. In 2009 lectures and seminars on various international humanitarian law issues were organised in the universities, colleges, schools and other institutions.

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. With regard to the sufficiency of legal regulation, the responsibility for the war crimes, committed during the non-international armed conflict, remains an open question.

The 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.