

NATIONAL REPORT
ON IMPLEMENTATION OF THE 1954 HAGUE
CONVENTION FOR THE PROTECTION OF CULTURAL
PROPERTY IN THE EVENT OF ARMED CONFLICT AND ITS
TWO 1954 AND 1999 PROTOCOLS

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The 1954 Hague Convention for the protection of Cultural Property in the Event of Armed Conflict (hereinafter – the Convention) was ratified by the Lithuanian Seimas on 17 March 1998 by the Law No. VIII-664 **on the Ratification of the 1954 UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol** („Dėl 1954 metų UNESCO kultūros vertybių apsaugos ginkluoto konflikto metu konvencijos ir jos Protokolo ratifikavimo“)¹ (entered into force on 27 October 1998).

The 1999 Second Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter – the Second Protocol) was ratified by the Lithuanian Seimas on 13 November 2001 by the Law No. IX-594 **on the Ratification of the 1999 Second Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict** („Dėl 1954 metų Hagos konvencijos dėl kultūros vertybių apsaugos ginkluoto konflikto metu 1999 metų Antrojo protokolo ratifikavimo“)² (entered into force on 9 March 2004).

Following the request from the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter – UNESCO) the report is prepared in accordance with a list of the items that are recommended to be included in the report.

¹ Text of the Law is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=52844&p_query=&p_tr2=

Text of the Convention is available on the Seimas website:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=130088&p_query=&p_tr2= (English)

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=67006&p_query=&p_tr2= (Lithuanian)

² Text of the Law is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=154811&p_query=&p_tr2=

Text of the Second Protocol is available on the Seimas website:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=159767&p_query=unesco%20kult%FBros%20vertybi%F8%20ginkluoto%20konflikto%20&p_tr2=2 (Lithuanian)

I. IMPLEMENTATION OF THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

1. IMPLEMENTATION OF ARTICLE 3 – “PROTECTION OF CULTURAL PROPERTY”

Steps taken to implement the provisions of Article 3 of the Convention:

1) Administrative.

The Ministry of National Defence, the Ministry of Culture and the Department of Cultural Heritage under the Ministry of Culture are mainly responsible for implementation of the Convention.

For coordination and implementation of the Convention in the National Defence System is responsible a Chief Specialist of Cultural Heritage Protection.

(More deeply this question is discussed in section 2 of this Report (Implementation of Article 7 – „Military measures“))

2) Legal regulation.

The following legislation was adopted in order to safeguard cultural heritage in the event of armed conflict:

Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations³ was approved by the Resolution No. X-557 of the Seimas on 13 April 2006. The aim of the Programme is to limit damage by using preventive measures and rapid interventions in order to protect cultural heritage.

In accordance with this Programme, **Plan of Implementing Measures of the Programme⁴** was approved by the Resolution No. 845 of the Government on 5 September 2006. The Plan provides 10 measures, which should be taken by respective institutions in order to implement certain provisions of the Convention and the Second Protocol:

³ Current edition of the Resolution is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=274234&p_query=&p_tr2=

⁴ Current edition of the Resolution is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=282151&p_query=&p_tr2=

Measure 1. To make lists of immovable cultural heritage objects of outstanding cultural significance.

The Lists of Immovable Cultural Heritage Objects of Outstanding Cultural Significance and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property were approved by the Resolution No. 193⁵ of the Government on 7 February 2007.

These lists include:

19 immovable cultural heritage objects – buildings;

35 immovable cultural heritage sites - archeological sites;

3 immovable cultural heritage sites – World Heritage objects;

12 buildings and premises designed to safeguard and exhibit movable cultural property.

These lists are not final – they will be constantly updated.

Measure 2. To prepare rules for marking objects included in the lists of immovable cultural heritage objects of outstanding cultural significance with the distinctive emblem of the Convention.

Rules for Marking Immovable Cultural Heritage Objects and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property with a Distinctive Emblem of the Convention for the Protection of Cultural Heritage in the Event of Armed Conflict were approved by the Order No. IV-199⁶ of the Minister of Culture on 22 March 2007.

Measure 3. To prepare instructions for participation of the Armed Forces during immovable cultural heritage objects' preservation works in the event of armed conflict or other extreme situations.

Instructions on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works in the Event of Armed Conflict or other Extreme Situations were approved by the Order No. V-540⁷ of the Minister of National Defence on 24 May 2007.

(More deeply this question is discussed in section 2 of this Report (Implementation of Article 7 – „Military measures“))

⁵ Current edition of the Resolution is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=292439&p_query=&p_tr2=

⁶ Current edition of the Order is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=294526&p_query=&p_tr2=

⁷ Current edition of Order is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=298867&p_query=&p_tr2=

Measure 4. To prepare itineraries for transitional, military and industrial transport carrying hazardous cargo in order to bypass objects included in the lists of immovable cultural heritage objects of outstanding cultural significance.

List of Itineraries for Vehicles Transporting Hazardous Cargo by State Roads to bypass Objects included in the Lists of Immoveable Cultural Heritage Objects of Outstanding Cultural Significance was approved by the Order No. 3-398⁸ of the Minister of Transport on 6 December 2007.

Measure 5. To prepare instructions for protection and evacuation of movable cultural property kept in museums, libraries, archives and cult buildings.

Instructions for Protection and Evacuation of Movable Cultural Property kept in Museums, Libraries, Archives and Cult Buildings were approved by the Order No. IV-500⁹ of the Minister of Culture on 18 July 2007. These instructions regulate actions to be taken by persons administrating museums, libraries, archives and cult buildings in order to protect and evacuate movable cultural property kept in museums, libraries, archives and cult buildings in the event of armed conflict and other extreme situations in the territory of the Republic of Lithuania.

Measure 6. To mark objects included in the lists of immovable cultural heritage objects of outstanding cultural significance (except archeological sites) with a distinctive emblem of the Convention.

According to the abovementioned lists, 19 immovable cultural heritage objects – buildings - should be marked with a distinctive emblem of the Convention during the year 2008. The Department of Cultural Heritage under the Ministry of Culture is responsible for implementation of this measure.

(More deeply this question is discussed in section 3 of this Report (Implementation of Chapter V - „The distinctive emblem“))

⁸ Current edition of Order is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=311283&p_query=&p_tr2=

⁹ Current edition of Order is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=302283&p_query=&p_tr2=

Measure 7. To organise courses on protection of cultural heritage in the event of armed conflict or other extreme situations for personnel working in the field of cultural heritage, officers of special services, representatives of armed forces, employees of educational system and other institutions.

The Department of Cultural Heritage under the Ministry of Culture is responsible for organisation of these courses.

Measure 8. To supplement legends of topographical maps with a new symbol – the distinctive emblem of the Convention. The National Land Service under the Ministry of Agriculture is responsible for implementation of this measure. The symbol should be introduced into the system of arbitrary symbols within 2008.

To supplement new and renewable data bases of the topographical maps with information on situation/condition of objects included in the lists of cultural heritage objects of outstanding cultural significance and to include those objects in the new maps published for purposes of the national defence system.

The Ministry of National Defence is responsible for implementation of this measure.

Measure 9. To make lists of movable cultural property of outstanding ethnical, historical, aesthetic or scientific significance kept in museums, libraries, archives and cult buildings.

The following institutions are responsible for implementation of this measure: the Ministry of Culture, the Department of Cultural Heritage under the Ministry of Culture, the Archives Department under the Government, the State archives, museums, libraries. This measure should be implemented by the end of 2008.

Measure 10. To equip special premises in museums, libraries and archives designed for protection and safeguard of movable cultural property included in the lists of movable cultural property of outstanding ethnical, historical, aesthetical and scientific significance. This measure should be implemented by the end of 2010.

The Ministry of Culture and the Archives Department under the Government are responsible for implementation of this measure.

2. IMPLEMENTATION OF ARTICLE 7 – “MILITARY MEASURES”

Implementing Measure 3 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations, **Instructions on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works in the Event of Armed Conflict or other Extreme Situations** were approved by the Order of the Minister of National Defence. These instructions define actions, duties and responsibilities of the Armed Forces to protect or safeguard cultural heritage objects in the event of armed conflict or other extreme situations within the territory of the Republic of Lithuania.

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

3. IMPLEMENTATION OF CHAPTER V – “THE DISTINCTIVE EMBLEM”

Implementing Measure 6 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations, 19 immovable cultural heritage objects (buildings) from the **Lists of Immovable Cultural Heritage Objects and Buildings and Premises of Outstanding Cultural Significance designed to Protect and Exhibit Movable Cultural Property**, will be marked with one distinctive emblem of the Convention in 2008.

The objects to be marked:

1. The remains of Kaunas Castle; Pilies Str. 17, Kaunas;
2. The building of the Cabinet of Ministers in Kaunas; K. Donelaitis Str. 58, Kaunas;
3. Maironis (S. Sirutis) Palace in Kaunas; Rotušės Sq. 13, Kaunas;
4. Kaunas State Musical Theatre; Laisvės Ave. 91, Kaunas;
5. Kaunas Art School (M. K. Čiurlionis Art Gallery); Mickevičius Str. 27A, Kaunas;
6. The Presidential Palace complex in Kaunas; Vilnius Str. 33, Kaunas
7. The Officer Club of the Lithuanian Armed Forces (Karininkų ramovė); A. Mickevičius Str. 19, Kaunas;
8. The country seat in Ožkabaliai – J. Basanavičius Memorial Museum and the oak park dedicated

- to the Lithuanian popular revival; Ožkabaliai village, Bartninkų elderate, Vilkaviškis district;
9. Chaim Frenkel Vila; Vilnius Str. 74, Šiauliai;
 10. The remains of Trakai Peninsula Castle; Kęstutis Str. 4, Trakai;
 11. Medininkai Castle; Medininkai village, Medininkai elderate, Vilnius district;
 12. The remains of Vilnius Lower Castle; Arsenalo Str. 1, Arsenalo Str. 3, Arsenalo Str. 3A, Vilnius;
 13. The buildings and their remains of Vilnius Upper Castle; Arsenalo Str. 5, Vilnius;
 14. Trakai Island Castle; Kęstutis Str. 7, Trakai;
 15. Vilnius Bastion; Bokšto Str. 20/Subačiaus Str. 18, Vilnius;
 16. Užutrakis Estate; Užutrakio str. 17, Užutrakio Str. 7, Užutrakio Str. 8, Užutrakio Str. 8A, Užutrakio Str. 2, Užutrakio Str. 4, Užutrakio Str. 5, Užutrakio Str. 3, Užutrakio Str. 10, Trakai;
 17. House of the Signatories; Pilies Str. 26, Vilnius;
 18. Lithuanian Art Museum; Vilnius Str. 22, Vilnius;
 19. Šiauliai “Aušros Museum”; Vytautas Str. 89, Šiauliai.

4. IMPLEMENTATION OF ARTICLE 25 – “DISSEMINATION OF THE CONVENTION”

The Law on Procedure of Publication and Coming into Force Laws and Other Legal Acts of the Republic of Lithuania¹⁰ lays down that laws, international agreements and other legal acts shall be published in the **Official Gazette** and on the website of the Seimas as well as on the website of the institution which has adopted them.

Accordingly, texts of the Convention and the Second Protocol, as well as Regulations for the execution of the Convention are published in the **Official Gazette** and on the **website of the Seimas**.

Other internet sources of information about the Convention and the related questions:

- **Website of the Commission on Implementation of the International Humanitarian Law within the website of the Ministry of National Defence.**

[\(http://www.kam.lt/index.php/lt/144586/\)](http://www.kam.lt/index.php/lt/144586/)

¹⁰ Current edition of the Law is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=197742&p_query=&p_tr2=

On this website the Commission publishes information about its activities and also texts of all international humanitarian law treaties to which Lithuania is a State Party (in Lithuanian). Moreover, different issues concerning international humanitarian cooperation are presented and described.

- Website of the Ministry of Culture

(<http://www.muza.lt/>)

On this website information about activities of the Ministry of Culture is published. Additionally, all basic information regarding cultural heritage protection in the Republic of Lithuania is presented (in Lithuanian).

- Website of the Department of Cultural Heritage under the Ministry of Culture

(<http://www.kpd.lt/>)

- Website of Lithuanian National Commission for UNESCO

(<http://www.unesco.lt/>).

The following institutions and specialist personnel are responsible for dissemination of the Convention:

- The Department of Cultural Heritage under the Ministry of Culture. This institution organises training for civil personnel, working in the field of the protection of cultural heritage. Also the provisions of the Convention are disseminated and explained to the representatives of municipalities, responsible for the protection of cultural heritage. They have courses once a year.
- The Chief Specialist of Cultural Heritage Protection in the Lithuanian Armed Forces. In order to strengthen knowledge and respect for cultural heritage within the National Defence System, the following educational measures were taken by the Specialist:
 - (a) pre-mission training. Military personnel to be deployed for international operations and missions undergo training on the protection of cultural heritage in the areas of armed conflict. During this training, the provisions of the Convention and its two Protocols are explained and analysed;
 - (b) educative articles in military publishings.
- The Commission on Implementation of the International Humanitarian Law¹¹ coordinates

¹¹ It was established in 2001 as an advisory body to the Minister of National Defence and consists of representatives of various institutions (National Defence System, Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science, Interior, European Law Department, National Red Cross Society, leading universities etc).

dissemination of information on international humanitarian law, including the Convention and its two Protocols. Moreover, Commission among other activities also organises national and international seminars, courses and workshops on international humanitarian law and other related topics for members of the Commission, Lithuanian and foreign civil servants and military officers.

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.

6. IMPLEMENTATION OF ARTICLE 28 – “SANCTIONS”

The Criminal Code of the Republic of Lithuania¹² provides especially strict sanctions upon the persons who violate the provisions of the Convention and other international conventions. Article 106 **“Destruction of the Protected Objects”** of the Criminal Code says the following:

“Person, who, by the necessity of war, gives an indefensible order to destroy or destroys historical monuments, cultural, artistic, educational, scientific objects or objects of religion, that are under the protection by international agreements or national internal law acts; who plunders national heritage in the occupied or annexed territory and makes a huge damage, shall be punished by the deprivation of liberty for a period from three to twelve years.”

This is a special norm, to which prescription period to penalty does not apply, i.e. persons, having committed crimes under this article, can be prosecuted their whole life.

7. PROVISIONS OF THE 1954 FIRST PROTOCOL CONCERNING THE COMMITMENT OF THE CONVENTION STATE PARTIES TO PROHIBIT THE EXPORT OF CULTURAL HERITAGE FROM OCCUPIED TERRITORIES AND THEIR RETURN TO SUCH COUNTRIES

¹² Current edition of the Criminal Code is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=111555&p_query=&p_tr2=

The Republic of Lithuania had never occupied any country or part of its territory, therefore the provisions of the 1954 First Protocol concerning the export of cultural heritage from occupied territories and their return to the territories of such countries are not applicable.

8. RESOLUTION II OF THE 1954 HAGUE CONFERENCE CONCERNING THE NATIONAL ADVISORY COMMITTEE

National Advisory Committee, in accordance with the Resolution II of the 1954 Hague Conference, has not been established in the Republic of Lithuania.

II. IMPLEMENTATION OF THE 1999 SECOND PROTOCOL OF THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

1. IMPLEMENTATION OF ARTICLE 5 OF THE SECOND PROTOCOL – “SAFEGUARDING OF CULTURAL PROPERTY”

Preparatory measures taken in time of peace for the safeguarding of cultural heritage against the foreseeable effects of an armed conflict provided in the Article 5 of the Second Protocol coincide with the measures taken to implement the provisions of Article 3 of the Convention.

(Please see part I section 1 of the Report)

2. IMPLEMENTATION OF CHAPTER III OF THE SECOND PROTOCOL – “ENHANCED PROTECTION”

Nomination of cultural heritage for enhanced protection and in particular those cultural heritage sites inscribed in the World Heritage List complying with criteria of Article 10 is still under consideration in the Republic of Lithuania.

3. IMPLEMENTATION OF ARTICLE 15 OF THE SECOND PROTOCOL – “SERIOUS VIOLATIONS OF THIS PROTOCOL”

The provisions of Article 15 of the Second Protocol concerning violations of the Protocol are implemented in the same way as Article 28 of the Convention – in accordance with Article 106 “**Destruction of the Protected Objects**” of the Criminal Code.

(Please see part I section 6 of the Report)

4. IMPLEMENTATION OF ARTICLE 16 OF THE SECOND PROTOCOL – “JURISDICTION”

For crimes against humanity and war crimes (incl. Article 106 “**Destruction of the Protected Objects**” of the Criminal Code) Lithuania applies universal jurisdiction.

Article 7 “**Criminal Liability for Crimes provided in International Agreements**” of the Criminal Code states the following:

“Persons shall be criminally liable under this Code regardless of their citizenship, their place of residence, the place of commission of the crime and whether the committed act is punishable under the laws of the place where the crime was committed, if they commit the following crimes the liability for which is provided on the grounds of international agreements”:

- 1) crimes against humanity and war crimes (Articles 99 to 113)*
- 2) trafficking in human beings (Article 147)*
- 3) sale, purchase of a child (Article 157)*
- 4) making, possession or sale of counterfeit money or securities (Article 213)*
- 5) legalization of criminally gained money or assets (Article 216)*
- 6) act of terrorism (Article 250)*
- 7) unlawful seizure of aircrafts, ships or steady-state platform in continental shelf (Article 251)*
- 8) hostage taking (Article 252)*
- 9) unlawful handling of radioactive materials (Articles 256 and 257)*
- 10) crimes related to disposal of narcotic drugs, psychotropic, poisonous or highly active substances (Articles 259 to 269)*
- 11) crimes against the environment (Articles 270, 270-1, 271, 272, 274).”*

5. IMPLEMENTATION OF ARTICLE 21 OF THE SECOND PROTOCOL – “MEASURES REGARDING OTHER VIOLATIONS”

For implementation of Article 21 of the Second Protocol, Lithuania has adopted legislative, administrative and disciplinary measures, necessary to suppress any use of cultural heritage in violation of the Convention and its two Protocols.

Protection of cultural heritage is regulated by the **Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage**¹³ and the **Law of the Republic of Lithuania on the Protection of Movable Cultural Property**.¹⁴

¹³ Current edition of Law is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=320782&p_query=&p_tr2=

In case the aforementioned laws are violated, Article 91 “**Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property**”, of the Code of Administrative Offences¹⁵ provides the administrative liability:

“Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property – carries a warning or a fine from five hundred to three thousand Litas to ordinary citizens, and from three to five thousand Litas – to the officers.”

All military personnel must follow rules and regulations established by the **Disciplinary Statute of the Armed Forces of the Republic of Lithuania**¹⁶. Article 79 of the Statute provides grounds for the disciplinary punishment for violations of the rules of international humanitarian law:

“1. For violation of international humanitarian law, servicemen of the compulsory military service are reprimanded or given additional service tasks, or are not permitted to leave their service place, or their military rank is reduced, servicemen of the professional military service are reprimanded, or their wage is diminished, or their military rank is reduced.

2. For the same acts, committed under aggravating circumstances, servicemen of professional military service are dismissed from the service, cadets are dismissed from military education institutions.”

Sanctions concerning any illegal export or shipment of cultural property or transfer of property from occupied territory, violating the Convention and the Second Protocol, are provided in Part 2 of Article 189 “**Purchase or Realization of Property gained illegally**” of the Criminal Code – *“Person, who gains, uses or realizes property of high monetary value, or cultural property of great scientific, historical or cultural significance, and knows that the property is gained illegally, is fined or arrested, or is punished by the deprivation of liberty for up to four years.”*

In addition, Part 1 of Article 199 “**Smuggling**” of the Criminal Code says the following: *“Person, who, crossing the border of the Republic of Lithuania, carries goods, the value of which*

¹⁴ Current edition of Law is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=325143&p_query=&p_tr2=

¹⁵ Current edition of the Code of Administrative Offences is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=325253&p_query=&p_tr2=

¹⁶ Current edition of the Disciplinary Statute of the Armed Forces of the Republic of Lithuania is available on the Seimas website (Lithuanian only):

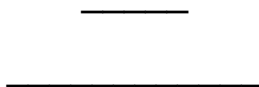
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=270356&p_query=&p_tr2=

extends the sum of 250 MSL (minimal subsistence level)¹⁷, and does not declare them to the customs control or has avoided this control in another way or carries movable cultural property or antiquarian goods across the border of the Republic of Lithuania without a special clearance, is fined or punished by the deprivation of liberty for up to eight years.”

6. IMPLEMENTATION OF ARTICLE 30 OF THE SECOND PROTOCOL – “DISSEMINATION”

The provisions of Article 30 of the Second Protocol are implemented in the same way as the provisions of Article 25 of the Convention.

(Please see part I section 4 of the Report)



¹⁷ The figure of 250 MSL is not applied if movable cultural property or antiquarian things are carried.