



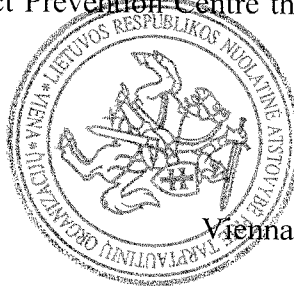
**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ  
PRIE TARPTAUTINIŲ ORGANIZACIJŲ VIENOJE**

**PERMANENT MISSION OF THE REPUBLIC OF LITHUANIA TO THE  
INTERNATIONAL ORGANIZATIONS IN VIENNA**

No. *4.2-144*

The Permanent Mission of the Republic of Lithuania to the International Organizations in Vienna presents its compliments to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to provide the attached Lithuanian's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2009.

The Permanent Mission of the Republic of Lithuania to the International Organizations in Vienna avails itself of this opportunity to renew to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 15 June 2009

To:

All Missions and Delegations to the OSCE  
The Conflict Prevention Centre  
VIENNA

## QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY\*

### Section I: Inter-State elements

#### 1. Account of measures to prevent and combat terrorism

- 1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?
1. *Convention on Offenses and Certain Other Offenses Committed on Board Aircraft – Tokyo 14/09/63; entry into force in Lithuania – 19 February 1997*
  2. *Convention on the Unlawful Seizure of Aircraft – The Hague 16/12/70; entry into force in Lithuania – 3 January 1997*
  3. *Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft – Montreal 23/09/71; entry into force in Lithuania – 3 January 1997*
  4. *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel – New York 14/12/73; entry into force in Lithuania – 22 November 2002*
  5. *Convention Against the Taking of Hostages – New York 17/12/79; entry into force in Lithuania – 4 March 2001*
  6. *Convention on the Physical Protection of Nuclear Materials – Vienna 26/10/79; entry into force in Lithuania – 6 January 1994*
  7. *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft – Montreal 24/02/88; entry into force in Lithuania – 3 January 1997*
  8. *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation – Rome 10/03/91; entry into force in Lithuania – 30 April 2003*
  9. *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf – Rome 10/03/88; entry into force in Lithuania – 30 April 2003*
  10. *Convention on the Marking of Plastic Explosives for the Purpose of Detection – Montreal 01/03/91; entry into force in Lithuania – 21 June 1998*
  11. *Convention for the Suppression of Financing of Terrorism – New York, 09/12/99; entry into force in Lithuania – 22 March 2003.*
  12. *Convention on the Suppression of Terrorist Bombings – New York 15/12/99; entry into force in Lithuania – 16 April 2004*
  13. *Convention for the Suppression of Acts of Nuclear Terrorism - New York 13/04/2005; entry into force in Lithuania – 19 August 2007*

#### *Council of Europe Conventions related to terrorism:*

1. *In 2004 Lithuania ratified the Convention on Cybercrime, adopted by the Council of Europe on 23 November 2001; entry into force in Lithuania – 1 July 2004.*

2. *Lithuania is also a party to the European Convention for the Suppression of Terrorism, adopted by the Council of Europe on 27 January 1977; entry into force in Lithuania – 8 March 1997*
3. *On 10 October 2007 Lithuania signed the Council of Europe Convention on the Prevention of Terrorism, adopted by the Council of Europe on 16 May 2005 in Warsaw.*

*Other agreements:*

1. *The agreement between the Republic of Lithuania and the United States of America, concerning co-operation in the area of the prevention of proliferation of weapons of mass destruction (WMD) and promotion of defence and military relations, has been signed on 10 October 2002. On the 25<sup>th</sup> of March 2003 the agreement was ratified by the Parliament of the Republic of Lithuania. The agreement enables the cooperation to fight against terrorist networks that remain one of most important sources of proliferation of WMD. Signing this agreement was one of the measures of the National Program to Combat Terrorism.*
2. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan on cooperation in combating organised crime, illegal drug and psychotropic substances trafficking, terrorism and other crimes was signed in Astana, on 11 May 2000. The agreement entered into force 21 August 2001.*
3. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Hungary on cooperation in combating terrorism, illicit drug trafficking, organized crime and other major crimes was signed in Vilnius on 4 March 1997. The agreement entered into force on 20 November 2002.*
4. *Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on the cooperation in combating organised crime, terrorism and other major crimes was signed in Vilnius on 23 February 2001. The agreement entered into force on 10 July 2003.*
5. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Turkey on cooperation in combating terrorism, organised crime, illicit circulation of (trafficking in) narcotic drugs and psychotropic substances and other major crimes was signed in Vilnius, on 2 June 1997. The agreement entered into force on 12 August 2004.*
6. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on cooperation in combating organised crime, illegal drug and psychotropic substances trafficking, terrorism and other crimes was signed in Vilnius, on 3 October 2005. The Agreement entered into force 17 July 2007.*

1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

1. *Law on Implementation of Economic and other International Sanctions of 22 April 2004 – stipulates the procedure for imposition, change and termination of the non-military international sanctions imposed by the United Nations and other international organisations, as well as the European Union.*
2. *Law on the Control of Strategic Goods of 29 April 2004 – establishes the conditions of control of export, import and transit of military equipment and of mediation related thereto as well as of activities that may contribute to the proliferation of weapons of mass destruction and conventional arms.*
3. *Resolution of the Government of the Republic of Lithuania No 237 of 1 March 2005 on the Approval of the List of the States to Which the Export or Transit of the Goods Listed in the*

*Common Military List is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List is Prohibited, as amended on 1 June 2006 and 31 January 2007.*

4. *Resolution of the Government of the Republic of Lithuania No 820 of 4 June 2002 on the measures for the implementation of the UN Security Council Resolutions 1333(2000), 1373(2001), 1388 (2002) and 1390 (2002) – imposes sanctions on Osama bin Laden, Taliban and Al Qaeda.*
5. *Resolution of the Government of the Republic of Lithuania No 113 of 6 February 2008 on the measures for the implementation of international sanctions listed in EU Council Common Position 2001/930/CFSP on combating terrorism.*

1.3. *What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?*

*Law on Basics of National Security of 22 April 2003 provide that the State Security Department (SSD) coordinates anti-terrorism activities of the institutions of the Republic of Lithuania. SSD is an intelligence agency implementing terrorism prevention measures and coordinating anti-terrorist measures implemented by other national law enforcement institutions.*

*The Interdepartmental Coordination Commission Against Terrorism (ICCAT), established in 2002, conducts national coordination of terrorism prevention. The main functions of ICCAT include dealing with inter-institutional issues concerning prevention of terrorism.*

*ICCAT includes representatives from the Office of the Government, Ministries of Justice, Health Care, Foreign Affairs, National Defence, Environment, Transport and Communication, Finance, Interior and Economy, Prosecutor General's Office, the Police Department, the Second Department of Operational Services under the Ministry of National Defence and the State Security Department.*

*ICCAT is chaired by the Director General of the SSD. Its meetings are held once in three months and its decisions are compulsory for all national authorities involved in combating terrorism.*

*In order to implement terrorism prevention functions, Counter-terrorism Directorate was established within SSD in 2005. It is responsible for conducting antiterrorist intelligence, collecting information on terrorist financing, radicalization and recruitment processes, operational information concerning terrorism-related organized crime and development of the general terrorism prevention measures.*

*ICCAT is actively involved in international cooperation on a multilateral and bilateral basis.*

*The Armed Forces of the Republic of Lithuania are tasked to contribute to the state efforts in preventing and combating terrorism. Lithuanian Armed Forces contribute their counter-terrorist capabilities to anti-terrorism initiatives by NATO and other organizations.*

*Current tasks of the Armed Forces contain homeland security against the threat of terrorism within the territory of the state. Armed Forces must be capable of taking all appropriate military actions to prevent or eliminate the danger if the country becomes a source of terrorism, a terrorist target, or a transit country for terrorists or their support elements.*

*The Armed Forces are tasked to contribute to public safety as needed in support of civil authorities with constantly vigilant, well-trained counter terrorist units with the appropriate capabilities. These units are an active part of the Armed Forces.*

*The Armed Forces are also contributing to the protection against terrorist attack of such*

objects as the Nuclear power plant or other critical infrastructure objects.

Lithuanian Armed Forces are taking active part in supporting international anti-terrorist efforts outside Lithuania. From 2002 to 2006 the Armed Forces were involved in anti-terrorist operation "Enduring Freedom" in Afghanistan. Since 2005, as a part of the International Security Assistance Force, Lithuania undertook a lead in Provincial Reconstruction Team in the Afghanistan province of Ghor.

Contributing to the global fight against terrorism Lithuania participated in the US led multinational force operation "Iraqi Freedom" until the end of 2008 and remains involved in NATO Training mission in Iraq.

The interior institutions (the Police Department; the State Border Guard Service; the Fire Prevention and Rescue Department; the Financial Crime Investigation Service; VIP Protection Department, and other establishments of the interior) are under the administration of the Ministry of the Interior and perform specific functions of state internal order maintenance. The main tasks of the interior institutions are the following: crime prevention and control; the ensuring of public order; the protections of state border; the managing crisis extreme situations and ensuring of immediate emergency aid in the case of fire, industrial disaster or another accident; VIP protection.

The missions and tasks of the interior institutions ensuring the prevention of terrorism and implementing the combat against terrorism are regulated by the Order of the Minister of Interior on the Implementation of the Republic of Lithuania Program to combat terrorism adopted to implement the Program of the Republic of Lithuania to combat terrorism. The interior institutions seeking to prevent terrorism work in the following directions: (i) strengthening control of illegal immigration; (ii) control and prevention of organized crime group activities.

1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism;

The information provided below encompass the updates, which were made during the period of April 2007 – May 2009.

In January 2008 a new Law on Prevention of Money Laundering and Terrorist Financing (link: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=315267](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=315267)) was enacted by the Parliament. This legal act includes an updated definition of terrorist financing, i.e. the provision or collection of funds, by any means, with the intention that they should be used (or in the knowledge that they are to be used) in full or in part, in order to carry out any of the offences within the meaning of Articles 1 to 4 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ 2004 special edition, chapter 19, volume 6, p. 18).

The law prescribes the functions of the State Security Department in implementing the measures for preventing terrorist financing:

- gather and examine intelligence related to terrorist financing;
- cooperate with foreign state institutions and international organisations which are gathering intelligence about terrorist financing;
- provide information to the national institutions about the possible criteria for identification of terrorist financing.

State Security Department closely cooperates with Financial Crime Investigation Service under the Ministry of Interior of Republic of Lithuania in exchanging information on terrorist financing.

— Border controls;

*The State Border Guard Service is a public, law enforcement institution of a statutory nature that belongs to the regulation sphere of the Ministry of the Interior. The operation of the State Border Guard Service is regulated, inter alia, by the Statute of the Internal Service, the latter that also applies to other institutions responsible for public order and safety, such as the Police. The Lithuanian law assigns the State Border Guard Service as public institution responsible for border control. With respect to that, the State Border Guard Service is responsible for border checks at, and surveillance of the border between, border crossing points. According to the Schengen acquis, the so-called external borders of the European Union may only be crossed at border crossing points and only during their working hours. With respect to this requirement, the State Border Guard Service is authorized to interrupt any and all attempts to cross the border illegally and to apprehend offenders who do not qualify as persons authorized to cross the border from the viewpoint of, inter alia, anti-terrorism considerations. The Schengen acquis further stipulates that the control of the so-called internal border should not be applied. With respect to this requirement, the State Border Guard Service is authorized to carry out immigration control on the whole territory of Lithuania in order to identify and apprehend persons staying in the country illegally. The State Border Guard Service is tasked to, and continuously does, make use of criminal intelligence methods and of all-European and national data bases that contain data on persons who jeopardize security. In its status as law enforcement agency, the State Border Guard Service participates as assisting organization in anti-terrorism activities which are planned, organized and undertaken by the responsible Lithuanian public institutions. The State Border Guard Service collects and analyses information on possible terrorist threats at the borders and at sites where it is responsible for security, checks illegal migrants with respect to their liaison with terrorist organizations, and exchanges information with national and foreign institutions involved in combating terrorism. The State Border Guard Service officers participate in anti-terrorism training. The State Border Guard Service runs joint contact points with the border agencies of Latvia and Poland where the agencies exchange information related to, inter alia, terrorism threats.*

— Travel document security;

*Passports and travel documents are issued by the competent authority of the Republic of Lithuania in compliance with ISO/IEC 7810:2003 standard ID-3, the specifications of the International Civil Aviation Organisation (ICAO), and in particular those set out in Document 9303 on machine readable travel documents, and Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, which provide the security safeguards to protect against fraudulent use, counterfeit and falsification.*

— Security of radioactive sources;

*Radiation protection Centre is responsible for the licensing of the practices with the sources of ionizing radiation. It is prohibited to produce, operate, store, install, maintain, repair, recycle, transport and sell sources of ionizing radiation and manage (collect, sort, treat, keep, recycle, transport, store and decontaminate) radioactive waste without a Licence issued by the Radiation Protection Centre. The States Register of sources of ionizing radiation - collects, registers, treats, systematizes stores and gives data, required by law, about sealed and unsealed sources, generators and accelerators. Information about sources collected in the States Register allows for tracing the movement of all sources in the country, from their acquisition to their long term radioactive waste storage, and helps control and supervise how*

*sources are stored and secured. Main task of the radiation protection state supervision and control is to organize and to perform the inspections of legal and natural person, enterprises, conducting activities with sources of ionizing radiation, and to estimate how they follow the requirements laid down in the legal documents on radiation protection. Besides, Radiation Protection Centre issues permits for the import, export, transit or transportation in the Republic of Lithuania of radioactive substances, also shall issue permits for the consignor to transportation within the country, export and transit the radioactive waste. Border control – State border control points have stationary and portable detection equipment. The detection alarm threshold setting is 0,2 µSv/h at the border. The Customs Department on a weekly basis provides the information to RPC about all the radioactive sources that were imported to or exported from Lithuania and the information about the legal persons that carried out these activities. Radiation Protection Centre has possibilities for expertise and identification of non known nuclear or radioactive material. The agreement was signed for co-operation between Radiation Protection Centre and Institute for Transuranium Elements (ITU) in joint analysis of and interchanging the data on characteristics of nuclear materials.*

— Legal co-operation including extradition;

*International agreements and arrangements listed in the section 1.1. stipulate principles and procedures for legal cooperation and extradition. Lithuanian police is responsible for arrest and handover of persons on the basis of European Arrest Warrant or Extradition request in conformity with international agreements and national legal acts. There were no extraditions on terrorism matters in the period of 2008.*

— Safe havens and shelter to terrorists and terrorist organizations.

*Granting safe haven and shelter to terrorists and terrorist organization is not directly prohibited, however there are certain provisions in the Criminal Code of the Republic of Lithuania (enacted in 2000, inure 2003), which criminalize perpetration of terrorist acts, also formation of terrorist group, terrorism financing and providing material assistance or support.*

*There is also a mechanism in the Law on the Legal Status of Aliens to prevent persons, involved in terrorism, arriving to Lithuania. When an alien applies for a residence permit or Lithuanian visa, the Migration department under the Ministry of Interior of the Republic of Lithuania sends a request for information to the State Security Department whether the alien causes a threat to a State security. The residence permit or Lithuanian visa may be refused if State Security Department issues a conclusion that the person poses a threat to the State security.*

*According to the Lithuanian Criminal Procedure Code – the Police are responsible for the pretrial investigation of criminal offences. The Lithuanian Police Commissioner General has approved the Action Plan on the Fight Against Terrorism which is being implemented by the Police. The Lithuanian Police Antiterrorist Operations Unit “Aras” and the Unit on the Fight Against Terrorism of the Lithuanian Police Criminal Bureau are the main bodies for combating these offences within the Police structure.*

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

*The Law on the Organisation of the National Defence System and Military Service establishes that the Republic of Lithuania in recognition of its international obligations can*

*send its military units to participate in various international military and humanitarian missions abroad. According to the Law on the International Treaties, international agreements regulating the stationing and the status of the Armed Forces on the territory of a foreign state and the law on international operations, military exercises and other military events are subject to parliamentary approval.*

*In 2008 Lithuanian Armed Forces participated in the international military operations and missions in Afghanistan, Iraq, Kosovo, Bosnia and Herzegovina and Georgia. In total – 673 military personnel participated in the missions and operations abroad, 578 of them were deployed with the NATO led forces, and 95 in the non-NATO led military events. Lithuania has no permanent stationing of its Armed Forces abroad.*

Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate.



## **Implementation of other international commitments related to the Code of Conduct**

- 1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.
- 2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

*In 2008, Lithuania according to VD 99 section IX, executed evaluation visit to Russian Federation and specified area inspection in Georgia. Lithuania received specified area inspections and evaluation visits from Russian Federation and Republic of Belarus.*

*As well, according VD 99 section IV conducted visits to Air Force bases and Military facilities in UK, Italy and Finland. Moreover, according VD 99 section X (regional measures) Lithuania executed evaluation visits in Republic of Belarus, Republic of Finland and Russian Federation, observed military exercise in Republic of Belarus. Lithuania, according the same section of VD99, received evaluation visits from Republic of Belarus and Russian Federation. In addition, Lithuania according Open Skies Treaty received observation flight of Belarus and Russian Federation state group party.*

## **Section II: Intra-State elements**

### **National planning and decision-making process**

- 1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

*The Constitution of the Republic of Lithuania, the National Security Strategy (NSS) and Law on the Fundamentals of National Security constitute the foundations of the Lithuanian defence system. Together with the Military Strategy (MS), the Defence Planning Assumptions (DPA) and the Programme of Lithuanian National Defence System Development (PNDS), these documents form the top hierarchy of the national defence planning system. The aim of DPA is to provide planning, programming, and budgeting directions for the implementation of domestic and international commitments. The PNDS sets the directions for the development of the national defence system and key priorities.*

*According to the Constitution, the main issues of national defence are considered and co-ordinated by the State Defence Council, which is chaired by the President of the Republic of Lithuania and also includes the Prime Minister, the Speaker of the Parliament, the Minister of National Defence and the Commander of the Armed Forces.*

*According to the Constitution, the President of the Republic of Lithuania – the Commander-in-Chief of the Armed Forces – adopts, in the event of an armed attack which threatens State sovereignty or territorial integrity, decisions concerning Defence against*

*such armed aggression, the imposition of martial law, and mobilization, and submits these decisions to the next sitting of the Parliament for approval.*

*The Constitution stipulates that the Parliament can impose martial law, announce mobilisation or demobilisation, and adopt decisions to use the Armed Forces in defence of the homeland or for the fulfilment of the international obligations of Lithuania. The Parliament enacts laws on security and national Defence, oversees activities of the Government in the field of security and Defence, and approves the Defence budget, including allocations devoted to long-term programmes.*

*According to the Constitution and the laws the Parliament:*

- 1. adopts a law establishing the structure of national Defence;*
- 2. adopts programmes for national security measures submitted by the Government;*
- 3. establishes by law the overall annual numbers of the regular armed forces and active reserves;*
- 4. adopts laws that approve the disciplinary statutes of the armed forces.*

*The Parliament has a Standing Committee on National Security and Defence, which specialises in national security and Defence matters. The Government and the Minister of National Defence is accountable to the Parliament and responsible for organisation and command of the Armed Forces.*

*The Ministry of Defence has a central role in the Defence policy-making and Defence management. The Minister of Defence issues Guidelines, which represent a mid-term (six-year) planning document. It is drafted with regard to the NATO Prague Capabilities Commitments, Ministerial Guidelines and NATO Force Goals as well as Lithuanian NSS, MS and DPA. The purpose of the Guidelines is to define the main goals of development of the Armed Forces in six years period. It also lays down the transformation priorities for the Armed Forces in ensuring a reliable deterrence and Defence posture. The Guidelines establish the main requirements for the Armed Forces, the national level of objectives and National Defence System development priorities. The Ministry of National Defence submits the project of its budget for the forthcoming fiscal year to the Government in the middle of each year. The budget of the Ministry of National Defence is approved by the Parliament as part of the State Budget.*

*The parliament of the Republic of Lithuania has approved revised State Budget for 2009 on 7 May 2009. The approved total defence amount to 1017.5 million LTL (401 million USD<sup>1</sup>) or 1,01 % of GDP. Defence expenditures of the Lithuania's MoD amount to 1011,8 million LTL ( 398 million USD<sup>2</sup>) or 1,01 % of GDP.*

- 2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

*(See Section II, para 1 above) The Guidelines also contains guiding principles on implementation of Lithuania's international commitments.*

### **Existing structures and processes**

- 1 What are the constitutionally established procedures for ensuring democratic political

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<sup>1</sup> Exchange rate as of 20 May 2009 (1 LTL ~ 2,5363 USD)

control of military, paramilitary and internal security forces, intelligence services and the police?

*Democratic civilian control of the Armed Forces is established by the Constitution and other legal documents. All senior MoD officials – the Minister, the Vice-minister, the State Secretary and all Under-secretaries must be civilians. Since the 1<sup>st</sup> of July 2009 according to the provisions of the amended Law on the Civil Service of the Republic of Lithuania the State Secretary position will be transformed into the position of the Chancellor of the Ministry, and the positions of all Under-secretaries into the positions of the Vice-ministers. Persons assuming the responsibilities of the Chancellor of the Ministry or Vice-ministers will have to be civilians as well.*

*The Parliament (Seimas):*

- considers the programme of the Government, including security and defence issues, presented by the Prime Minister and decides whether to give assent to it;*
- supervises the activities of the Government, and may express no-confidence in individual Ministers;*
- approves the State budget and supervises the implementation thereof;*
- imposes direct administration and martial law, declares state of emergency, announces mobilisation, and adopts decisions to use the Armed Forces.*

*The Parliament has established the Commission for Parliamentary Scrutiny of Intelligence Operations. It is a permanent commission responsible for execution of the parliamentary control over intelligence operations. The main tasks of the commission are:*

- exercising control over the protection of the constitutional rights and freedoms while executing intelligence operations;*
- supervision that the activities of the subjects of intelligence correspond to the Constitution and legal acts of the Republic of Lithuania;*
- analysis of the practice of implementation of laws regulating intelligence activities.*

*The Ombudsmen investigates complaints concerning the abuse of office of government officials and has a right to apply to court regarding their dismissal.*

*The Prosecutor's Office of the Republic of Lithuania supervises the legality of police activities. Administrative courts consider complaints (applications) against police activities.*

*The Minister of Interior is appointed by the President of the Republic of Lithuania upon the proposal of the Prime Minister. The Minister of Interior is accountable to the Parliament, the President of the Republic of Lithuania and is directly subordinate to the Prime Minister. The activities of the Ministry of the Interior are organised on the basis of the strategic plans of activities, approved by the Government and accorded to the program of the Government, which is approved by the Parliament. The Minister of Interior and institutions are authorized to exercise control over police activities. According to the Internal Service Statute, the officers of the interior institutions are not allowed to be members of political parties or to participate in any other political activity. Officers cannot take duties/position as political appointees.*

*The Police Commissioner General has established the Procedure of internal control of police bodies. The Police Commissioner General is appointed for the term of five years and can be removed from office by the President of the Republic of Lithuania. The Police Commissioner General is directly subordinated to the Minister of Interior and is accountable to the President. According to the Internal Service Statute, the police officers are not allowed to be members of political parties or to participate in any other political activity.*

*The Law on State Security Department stipulates that the State Security Department is accountable to the Parliament and the President of the Republic. The President of the Republic with the approval of the Parliament appoints and dismisses the General Director of the State Security Department.*

*The Commander of the Lithuanian Riflemen's Union – civilian, voluntary paramilitary organization – submits annual reports on the activity of the Union to the Parliamentary National Security and Defence committee. Minister of National Defence has the right to suspend or recall the Commander of the Union.*

*The Police Commissioner General is appointed by the President of the Republic of Lithuania for the term of five years. He can be removed from the Office by the President of the Republic of Lithuania. The Police Commissioner General is directly subordinated to the Minister of the Interior and he is accountable to the President. He is given the right to override the unlawful orders made by his subordinate officers.*

*Seeking to ensure the legitimacy of the activities of the police institutions, as well as their economy, effectiveness, efficiency, transparency and etc., the Police Commissioner General has established the Procedure of the Internal Control of the police bodies.*

*According to the Lithuanian legal acts, the political neutrality principle is applied to the police system. The police officers impartially serve to the people; they are not allowed to be members of the political parties or to participate in any other political activity. Hereby, the continuity of the officers' official service is secured irrespective of the change of the political authority in the state.*

2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

*The President of the Republic of Lithuania appoints or dismisses the Commander of the Lithuanian Armed Forces (upon the approval of the Parliament); confers the highest military ranks; adopts, in the event of an armed attack which threatens State sovereignty or territorial integrity, decisions concerning defence against such armed aggression, the imposition of martial law, and mobilisation, and submits these decisions to the next sitting of the Parliament for approval.*

*The Parliament provides the parliamentary control of all executive institutions, safeguarding national security, the system of legal acts and long-term national security programs, regulating national security.*

*National Security and Defence Committee's sub-committee of the Parliament executes parliamentary control of the State Security Department and Intelligence Services. The members of this Committee are granted with clearance to work with the classified information up to "Top secret" level. The activities of the Intelligence Services of the Republic of Lithuania are co-ordinated by the State Defence Council.*

*The Second Investigations Department under the Ministry of National Defence – body responsible for intelligence and counter-intelligence activities – is subordinated to the Minister of National Defence and accountable to the Parliament, the Government and the President of the Republic of Lithuania.*

*The Government performs democratic control over police activities. The activities of interior institutions are controlled by the Ministry of the Interior, the Government and the Committee on National Security and Defence of the Parliament.*

*Commission for Parliamentary Scrutiny of Intelligence Operations, the Seimas Ombudsmen and the Prosecutor's Office are also responsible for the democratic control of military, paramilitary, and internal security forces.*

*The Commander of the Lithuanian Riflemen's Union is appointed by the general meeting of Union regiments upon the recommendation of the Minister of National Defence. The recommendation must be co-ordinated with the Committee on National Security and*

## *Defence of the Parliament.*

- 3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

*According to the Law on the Organisation of the National Defence System and Military Service, the National Defence System must be developed in accordance with the regulations of the Constitution and the Law on Basics of National Security. The Parliament regulates the development of the Armed Forces. The Parliament exercises parliamentary control over the National Defence System in accordance with procedures established by law.*

*Under the same Law regulates the President of the Republic of Lithuania and the Parliament issues resolutions on mobilisation, declaring a state of war, deploying Armed Forces and defence against armed aggression in accordance with procedure established by the Constitution and the Law on Basics of National Security. The President of the Republic of Lithuania approves deployment areas of the Armed Forces in the peacetime, the territorial boundaries of their manoeuvring activities and the resolutions on transferring military units to another deployment area.*

*The Government or its authorised institution issues resolutions on acquisition of armaments, and development of supply support within the National Defence System. The Government, the Minister of National Defence and the Commander of the Armed Forces is accountable to the Parliament for the command and management of the Armed Forces.*

*The Land Forces are responsible for military protection of the State territory and the defence of the State. The Air Forces controls air space and organises its protection and defence as well as support to the Land Forces and the Naval Forces in time of military conflict. The Air Forces also exercise search, rescue and special operations. The Naval Forces control, protect and defend the territorial waters and the exclusive economic zone, protect the coast and navigation activities, perform convoying, evacuations, implementation of search and rescue missions and special missions. Special Operation Forces were granted a legal status of the separate force within the Armed Forces of Lithuania in April 2008. The Special Operations Forces have to be able to execute special military operations.*

*The Commander of the Armed Forces determines the specific functions and missions for separate regular force branches, combined units and independent units, in line with defence plans and needs.*

*The Internal Service Statute adopted by the law of 29 April 2003 regulates the service in the interior institutions and establishes principles of the activities, status and responsibility by interior service officers. The interior institutions must observe the Constitution, the Law on Police Activities and other laws, international agreements of the Republic of Lithuania, the Statute of Internal Service and other legal acts. The activities of the interior institutions are based on the principles of legality, democracy, humanism, social justice, publicity, professional secret coordination of single authority and collegiality. The activity of servicemen in political parties and political movements is prohibited. Each interior institution operating in the system of the interior bases its activities on specific regulating laws and is accountable to the Ministry of the Interior. The roles and missions of the interior institutions are established by the Law on Police Activities, the Law on the State Border Guard Service, the Law on Financial Crime Investigation Service, the Law on VIP Protection, the Law on Fire Prevention.*

*According to the Law on the Organisation of the National Defence System and Military Service, active service servicemen are not allowed to be members of a political*

*party or to participate in any other political activity. Servicemen cannot take duties/position as a political appointee. Limitations do not apply to members of the Riflemen's Union in relation to their membership in political party/organisation or any other kind of active participation in political activities. This is due to the status of the Union as voluntary organisation whose members are not active servicemen.*

*The Riflemen's Union is a voluntary organisation, which strengthens state's defence capabilities, raises the sense of citizenship and national consciousness, develops state's defence educational activities, assists Police and Civil Protection and Rescue system institutions. It is a civilian self-defence institution supported by the State. The Minister of National Defence appoints the Commander of the Riflemen's Union's. The Constitution of Lithuania, the Law on the Basics of National Security, the Law on Riflemen's Union and other legal acts form the legal basis for the activities of the Riflemen's Union.*

### **Procedures related to different forces personnel**

- 1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

#### **MILITARY RECRUITMENT**

*According to the Law on the Organisation of the National defence system and military service, a citizen of the Republic of Lithuania who on a voluntary basis and subject to selection procedures meets the educational, physical training, health and moral requirements established for the professional military service and upon completion of the mandatory military service, the basic serviceman training course, or having obtained a military education equivalent to the basic training course, may be accepted to Professional Military Service on the basis of volunteering and selection.*

*Individuals who have not completed mandatory military service or a basic military training course, or have not obtained the necessary military education in some other manner, if they meet the other conditions specified above, are not older than 32 years of age, have got higher or secondary education, and meet the requirements for specialists needed by the Armed Forces, may be accepted into professional military service and sent to complete basic military training. Upon completion of basic military training, they may conclude a professional military service contract.*

*In spring of 2008 Seimas of the Republic of Lithuania (the Parliament) adopted a Resolution on the Principles of Organization of the Armed Forces of Lithuania. The Resolution noted that it was worthwhile to move to the Armed Forces based on the professional military service and volunteer military service. However, it was pointed out that the mandatory military service institution, according to the Constitution of the Republic of Lithuania, should be preserved in case of mobilization. Thereby conscription as a primary mandatory military service including basic military training is not abolished; rather it is postponed and might be restored upon a decision of the Parliament. Each year the Parliament should decide on the necessity of the primary mandatory military service and conscript numbers.*

*The Minister of National Defence, after the approval of an appropriate country, has the right to employ an officer or a reserve officer from a NATO member state as a military adviser or expert under a fixed-term contract.*

*The membership in the Lithuanian Riflemen's Union is based on voluntary principle. Members of the Union are divided into combat riflemen, non-combat riflemen and young*

riflemen from 12 to 18 years. The latter have no right to carry or use a weapon. Combat riflemen include those 19 to 45 years of age, who are included into the active military reserve, and are fit for military service. They form combat units of the Union, and participate in joint military activities with the Armed Forces. Those riflemen, who cannot belong to the combat riflemen due to their age, health condition, family status etc. are called non-combat riflemen.

#### RECRUITMENT FOR INTERNAL SERVICES

The procedures of recruitment to Internal Service are laid down in the Statute of Internal Service. An applicant to the internal service has to be the citizen of the Republic of Lithuania and have a good command of the Lithuanian language; to have an unblemished reputation, not younger than 18 years old and not older than 30 (a person having university education or higher non-university education - not older than 35 years); an applicant's state of health should allow to work in internal service; the physical readiness should also allow to work in internal service; must be graduated from professional education establishment of the interior or other educational establishment or introductory training courses of the professional education establishment of the interior.

The Minister of Interior or the authorized heads of the central interior bodies may set supplementary requirements for persons applying to particular subdivisions of the interior bodies. Supplementary requirements pertain to intellectual, physical, and practical abilities, state of health, moral and psychological suitability to serve in particular subdivisions.

Head of the interior institution, taking into account the needs of the interior institution and upon the approval of the Minister, has the mandate to recruit persons to the internal service if their age does not exceed the age limit set in the Statute.

There may be supplementary requirements, namely, a person can not be recruited to the internal service when there is a negative answer from Central Medicine Expertise Commission concerning the suitability of a person for specific position; if a person was convicted for a crime irrespective of annihilation of previous conviction, also if a person is convicted for a negligent crime or misdemeanor and the previous conviction is not annihilated; if a person already served as a statutory officer, judge, notary, prosecutor, barrister, or served within the system of national defence and was dismissed for actions compromising the rank of the officer; for the activity compromising the rank of the judge; for the breach of professional and ethical rules of notaries, for the compromising of the rank of prosecutor, for the breach of professional and ethical rules of barrister, for the legal breaches compromising the rank of soldier or the national defence institutions; if a person was dismissed from the civil service for professional misdemeanour and 5 years have not passed since the day of his dismissal; if a person is appointed to the position in the interior institution where his/her spouse, partner, close relative or a spouse's relative, according to the functions would be related by direct subordination; if a person is a member of the organization forbidden by the laws.

It is forbidden to employ a person to the internal service if any certified compromising data is available. The decision upon the suitability of a person to the service is made by the head of the central interior institution.

A person has to swear an oath just after he is introduced with the order of his recruitment to the internal service. The signed written text of swear is stored in the service file of the officer.

2 What kind of exemptions or alternatives to military service does your State have?

*According to the Constitution, the defence of the state is the right and duty of every citizen of Lithuania. It also states that citizens can apply for an alternative national defence service.*

*The Law on the Basics of National Security stipulates that the alternative national defence service is an alternative to general military service as an auxiliary service for those, who's religious or pacifist convictions do not allow them to serve bearing arms. The purpose of this service is to develop citizens and provide them with an opportunity to contribute, in alternative ways, to national defence and enhancing of national security. This service is organised by the Ministry of National Defence for the purposes of national protection and defence.*

*According to the Law on Compulsory Military Service citizens of the Republic of Lithuania are exempted from the compulsory military service if they:*

- 1) are ineligible for military service because of state of health according to the list of illnesses, approved by the Ministry of Health Care in co-ordination with the Ministry of National Defence and the Ministry of the Interior;*
- 2) are sentenced to imprisonment (citizens sentenced to imprisonment because of incautiously committed crimes could address the Supreme Conscription Committee for permission to carry out compulsory military service);*
- 3) refuse to serve with arms out of religious or pacifistic beliefs (a corresponding written declaration required) and wish to perform alternative national defence/military service; the Law stipulates that 19 – 27 years old citizens (conscripts) who on the basis of their beliefs can not serve in national defence system can perform alternative service;*
- 4) graduated from military studies;*
- 5) are priests of traditional religious communities of Lithuania recognised by the State.*

3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

*The Law on the Organisation of the National Defence System and Military Service regulates that Institutions of the National Defence Services' must act in accordance with the Constitution, laws and other legal acts, including international agreements Lithuania is a party to.*

*A serviceman's civil rights - the protection of his private life, guarantee to the place of service, freedom to participate in associations, choice of residence and free migration, inviolability of the official (service) apartment, freedom to methods of meetings, group petitions, dissemination of information and expression of the opinion - are limited by the laws and the approved statutes to the extent necessary for the conduct of the servicemen duties, and to ensure military obedience and objectives of the service. A serviceman is guaranteed the freedom of thought, religion, and conscience. The human dignity of every serviceman must be respected. Any person serving in the Armed Forces cannot be compelled to serve any other person or a group of persons other than those conducting his/her official duties.*

*A serviceman, whose guaranteed rights have been violated, may seek redress from his immediate superior or the Inspector General of the Armed Forces. The aforementioned persons must immediately investigate the facts and take the actions necessary to eliminate the violations.*

*The Service Statute provides that if a serviceman gets an order, by implementing which he would break an oath or make a clear criminal act he shall not carry on the order and shall urgently address the immediate superior. If the immediate superior issued this*



*order, the serviceman shall address the next standing senior superior.*

*Criminal Code of the Republic of Lithuania sets, that a soldier who evidently made an illegal order or forced another soldier to execute such an order, also a soldier who fulfilled an order that is evidently illegal, and that caused severe consequences, shall be sentenced from two up to eight years in prison.*

*The officers of the internal service have social, economic, and personal rights and freedoms as citizens of the Republic of Lithuania embedded in the Constitution and other legal acts. Additionally, they have general and special vocational rights and freedoms, embedded in the Statute of Internal Service, the Law on Police Activities, the Law on State Border Guard Service, the Law on Financial Crime Investigation Service, the Law on VIP Protection, the Law on Fire Prevention and the Law on State Pensions of Officers of the Interior, Special Investigation Service, State Security Department, National Defence, Public Prosecutor's Office, Prison Department and its Subordinate Institutions, Public Undertakings and the Military.*

*The social guarantees of the interior service officers are embedded in the Statute of Internal Service. The social guarantees embedded are related to the health care, compensation in case of death or health disorder, temporary disability and the order of remuneration, medical rehabilitation, the covering of health regain and anti-recrudescence treatment expenses, the provision of the uniform and accommodation, social insurance and pension, the legal assistance guaranteed by the state, return to the internal service, compensations, allowances and other disbursement.*

### **Implementation of other political norms, principles, decisions and international humanitarian law**

- 1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

*Lithuania has ratified all major international humanitarian law (IHL) instruments. Since 2000 the Ministry of National Defence coordinates implementation of IHL. The Commission on the Implementation of International Humanitarian Law established in 2001 as an advisory body to the Minister of National Defence, coordinates dissemination of international humanitarian law and related topics.*

*Among other activities the Commission also organises national and international seminars, courses and workshops on international humanitarian law and related topics for militaries and civil servants.*

*During pre-mission training these topics are also introduced to the militaries selected for international peace operations and missions. The Military Academy has number of training programmes on officers' professional ethic, international law, international humanitarian law and other international rules governing the armed conflict. The subject of international humanitarian law is also included in curriculum of the Non-commissioned Officers School, all levels of police personnel, it is also an optional course in the Law faculties of the leading universities as well as in the Institute of International Relations and Political Science.*

*National Society of the Red Cross (RC) provides courses on the International Red Cross and Red Crescent movement, International Committee of the Red Cross, RC Emblem and the Lithuanian RC to the militaries leaving for international peace missions and operations. The Society also participates in providing information and organising courses, seminars and workshops on international humanitarian law to the representatives of the armed forces and general public.*

*Together with other relevant information of International Humanitarian Law, texts of international instruments of international humanitarian law are available in the libraries of military and civil establishments.*

*All information related to implementation of the international humanitarian law in Lithuania is placed on the website of the responsible authority – the Ministry of National Defence ([www.kam.lt](http://www.kam.lt)). The texts of international humanitarian law documents ratified by the Republic of Lithuania can also be accessed at the Seimas (Parliament) website: ([http://www3.lrs.lt/dokpaieska/forma\\_1.htm](http://www3.lrs.lt/dokpaieska/forma_1.htm)).*

- 2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

*The Law on the Organisation of the National Defence System and Military Service stipulates that "Nobody shall give a serviceman or any element of the Armed Forces the order which breaks an oath, which is clearly unlawful, or which violates all generally accepted principles and standards of international law. A superior officer who issues such an order*

*shall be prosecuted under the law". It also states that if a clearly unlawful order is issued, under the law a serviceman shall not follow the order and shall report it to the superior officer to the leader who has issued the unlawful order.*

3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?  
*See above*

4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

*Servicemen shall exercise the human rights and freedoms guaranteed by the Constitution of the Republic of Lithuania. Exercise by servicemen of the rights to protection of private life, guarantees of the place of service, rest and leisure time, freedom of association, choice of the place of residence and free movement, inviolability of official accommodation, participation in meetings, group petitions, dissemination of information and expression of opinion may be restricted by laws and the statutes based on the law only to the extent that is necessary to perform a serviceman's duties and ensure military discipline and obedience as well as attain the goals of service. Freedom of thought, religion and conscience shall be guaranteed for a serviceman and shall not be restricted.*

*Active service servicemen shall be prohibited from participating in political activities including:*

*1) membership in a political party or a political organisation;*

*2) active participation of the servicemen in the meetings or other public actions organised by political parties and political organisations and expressing political convictions or political demands or directly supporting a political party or a political organisation;*

*3) the servicemen's political statements, articles or speeches publicly voicing disagreement with the policy declared and implemented by a democratically elected government of the State (the Seimas, the President of the Republic, the Government) or publicly raising political demands to the government of the State. A serviceman shall terminate his membership and activity in a political party or a political organisation upon commencing to initial mandatory or professional military service for the duration of the service.*

*4) servicemen may participate in the activities of associations and other non-political alliances, also in other non-political activities aiming to foster moral, national, patriotic and civic democratic values, provided that participation in such activities does not interfere with performance of direct duties of a serviceman.*

5 How does your State ensure that its defence policy and doctrine are consistent with international law?

*The principles of international law are considered as a part of the national legal system. The Constitution, the National Security Strategy, the Law on the Fundamentals of National Security and other legal acts, which is a basis of the Lithuanian defence system and defence policy, ensures the respect to the provisions and spirit of the international law.*

### Section III: Public access and contact information **Public access**

- 1 How is the public informed about the provisions of the Code of Conduct?
- 2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?
- 3 How does your State ensure public access to information related to your State's armed forces?

*Public access to information is embedded in the Constitution as well as in the Law on Provision of Information to the Public and other legal documents.*

*The public access to information on security and defence cannot be barred except in cases where information is qualified as the state's secret. Public information on national defence issues is disseminated by various media means as well as by state institutions. The access of media to the relevant information is free and unhampered. The Ministry of National Defence of Lithuania releases and updates the defence policy and Armed Forces related information on its Internet site ([www.kam.lt](http://www.kam.lt)).*

*According to the Law on the Basics of National Security the Government is obliged to submit an annual report to the Parliament on the developments of the National Security System. The Parliament deliberates the Government Report and adopts a resolution thereof. National Defence policy and assignments approved by the Parliament must be put on the public record.*

#### **Contact information**

- 1 Provide information on the national point of contact for the implementation of the Code of Conduct.

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