

The Ribbentrop – Molotov Pact and its Repercussions on Lithuania

Legal report

1. The secret treaties of 1939 between the USSR and Germany (so-called ‘Molotov-Ribbentrop Pact’) and the actions undertaken by the said states to enforce them predetermined victimisation of the Republic of Lithuania by the USSR aggression which resulted in the occupation of the territory of the former and its consequent annexation. These universally recognised violations of the principles and norms of international law constituted a part of an aggressive and antihuman policy which was carried out by the USSR and Nazi Germany. With respect to the citizens of the Republic of Lithuania as well as those of other countries who appeared or were brought to Lithuania by force (the prisoners of concentration camps, prisoners of war, war refugees) the criminal policy of the USSR and Germany in practice acquired the forms of genocide, other crimes against humanity and war crimes, i.e. planned massive and systematic extermination as well as killings, bodily injuries, tortures, massive and systematic deportations or expulsion, and other inhuman and degrading treatment by criminal actions.

2. The unlawful political deal of the USSR and Nazi Germany which escalated World War II was first formalised with the 1939 USSR and Germany non-aggression treaty and its secret protocols and later evolved by concluding other secret deals between the states. The USSR-German secret bilateral deals were targeted against the sovereignty of the Republic of Lithuania and other states, their political independence and territorial integrity. Therefore they are absolutely invalid from the time of their signing (*ab initio*), i.e. null and void. It should be also noted that those deals represented not only the division of the spheres of influence in Europe but also were aimed at much more, since the two states tried to find an agreement on their concrete acts of aggression after Germany had launched its aggression against Poland on 1 September 1939. With respect to the Republic of Lithuania the USSR carried out ‘territorial-political restructuring’ as provided in 1939 USSR-German additional secret protocol to the treaty on friendship and borders. As a result of this policy and its implementation, the Republic of Lithuania was occupied by the Nazi Germany from the 1941-1945 German aggression and war against the USSR, the former secret ally.

3. While concluding and carrying out their unlawful and invalid deals, the USSR and Germany violated with respect to the Republic of Lithuania the following:

- a) universally recognised principals and norms of international law as enforced, *inter alia*, in Article 10 of the Statute of the League of Nations and those that oblige to respect and protect from foreign aggression territorial integrity and political independence of other states;
- b) ban on aggressive war as enforced through, *inter alia*, Article 1 of the 1928 Paris Treaty on refraining from war as a tool of national policy;
- c) commitment to resolve international disputes by peaceful means as enforced through, *inter alia*, Article 2 of the 1928 Paris Treaty on refraining from war as a tool of national policy;

d) universally recognised military laws and traditions which place a ban on killing, torturing or inhuman behaviour with the civil population, prisoners of war, injured and sick soldiers, unlawful destruction and plunder of property, cultural objects and values, etc. as well as elementary humane norms recognised by civilised states, which were qualified as crimes to humanity by the Nuremberg International War Tribunal.

4. The aforesaid actions by the USSR also violated its obligations according to bilateral international treaties concluded with the Republic of Lithuania:

a) obligation to respect sovereignty and independence of the Republic of Lithuania deriving from the recognition which was declared by the Soviet Russia in the 1920 Lithuanian-Soviet Russian Peace Treaty;

b) neutrality guarantees to Lithuania, which were granted by the Soviet Russia in the 1920 Lithuanian-Soviet Russian Peace Treaty;

c) inviolability guarantees to the independence of Lithuania, which were granted by the Soviet Union in the 1926 Lithuanian-USSR non-aggression treaty;

d) obligation to respect the sovereignty and territorial integrity as well as inviolability of the Republic of Lithuania according to the 1926 Lithuanian-USSR non-aggression treaty;

e) obligation to refrain from any other acts of aggression according to the 1926 Lithuanian-USSR non-aggression treaty;

f) obligation to settle mutual disputes by peaceful means according to 1926 Lithuanian-USSR non-aggression treaty;

g) obligation to refrain from any form of aggression, either direct or indirect, according to the 1933 Lithuanian-USSR treaty on the definition of the concept of aggression;

h) obligation not to conclude any unions and refrain from taking part in any coalitions against Lithuania according to the 1939 treaty on the transfer of Vilnius and Vilnius Region to the Republic of Lithuania and Lithuanian-Soviet Union mutual assistance;

i) obligation not to violate the sovereign rights of Lithuania, particularly its state rule, economic, social and defence system, not to intervene into its domestic issues according to the 1939 treaty on the transfer of Vilnius and Vilnius Region to the Republic of Lithuania and Lithuanian-Soviet Union mutual assistance;

5. By the actions specified in Items 1, 2, and 3 of these conclusions, Germany also violated its obligations to the Republic of Lithuania provided for in the Germany-forced 1939 treaty of the Republic of Lithuania and Germany on the transfer of Klaipeda region to Germany (obligations in the future interrelations to refrain from use of force and support of the third party if it used force against one of the parties in agreement), which directly contradicted the Versailles Treaty.

6. The crimes committed against peace, humanity and war crimes committed against the citizens of the Republic of Lithuania or on the territory of the Republic of Lithuania by the USSR and German leaders, military of the armed forces and other units, officers or the members of other units, as well as their collaborators shall not be subject to any prescription or circumstances that eliminate or have mitigating grounds or circumstances. The remaining executors of crimes against peace, humanity and war criminals shall be subject to criminal persecution irrespectively to their

citizenship, residence or age according to the requirements of the international norms of law and criminal law of the Republic of Lithuania and other countries in which jurisdiction they are or shall be extradited to the Republic of Lithuania for execution of justice. The victims of their crimes or successors of the former shall be paid damage caused by the crimes.

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