

**ICBL Statement on Compliance**  
**Standing Committee on the General Status of the Convention**  
*24 June 2011, Geneva, Switzerland*



The ICBL continues to be concerned about ongoing non-compliance with stockpile destruction deadlines as we raised during the Stockpile Destruction Standing Committee meeting. We also believe there are compliance issues of concern related to Article 3 mines retained for training, and Article 5 clearance deadlines, but have or will address them at other points in the agenda.

We would like to focus our statement on recent cases of confirmed and alleged use of antipersonnel mines, which should be of great concern to all of us here today. First, we would like to return to the allegations of use of antipersonnel mines by one or more members of the Turkish Armed Forces. We recognize that Turkey has taken these allegations seriously by launching an investigation and pursuing legal action against the responsible person or persons. We also very much appreciate Turkey's pledge to inform States Parties about the investigation when it is completed. This process has now been underway for well over a year.

We understand that there is an ongoing trial of a general for one instance of landmine use and that Turkey is unable to comment on these legal proceedings until they are over. But as we have mentioned in the past, we have additional questions about the original allegations and investigation that do not directly relate to the trial. We believe that this is information that other States Parties have a right to know and would like to request again clarification from Turkey on the following points.

First, can Turkey address the scope of the original investigation, before it turned into a legal case. Media reports from last spring mentioned two different alleged use of mines: one with a victim-activated IED, for which a general is now being tried, and another one involving the use of M2A4 antipersonnel mines. Can Turkey inform States Parties whether there was an investigation of the possible use of the M2A4 mines, and if so, what the investigation found?

If such mines were used, was there also an investigation into where the mines came from? Turkey's original Article 7 report noted that it had M2A4 mines in its stockpile, and that it was retaining M2 mines for training under Article 3. Are any of the retained mines kept in or transferred to that region?

Given the fact that there were two separate allegations of use, can Turkey inform States Parties if it has or is planning to carry out a broader investigation to see if there may have been a wider pattern of use? In addition, have any steps been taken to ensure all members of the armed forces are fully aware of and respect the Mine Ban Treaty obligations?

Finally, can Turkey provide additional information to States Parties on the domestic law that would apply to such cases of alleged use of antipersonnel mines? Turkey's Article 7 reports state that no new national implementation measures were needed since Article 174 of the Turkish Criminal Code met this requirement. But from the excerpt provided in Form A of Turkey's initial report, this law does not mention mines nor does it seem to ban even the use of explosives, so further explanation would be useful.<sup>1</sup>

We would also like to take this opportunity to raise the question of compliance with the norm against antipersonnel mine use, which has been a matter of great concern in two states recently. In Libya, human rights organizations have documented the use of antipersonnel mines by government forces on at least three different occasions, most recently this week. States Parties were also informed this week of allegations of use by non-state armed actors in southern Sudan. On this matter, we encourage Sudanese authorities to conduct further investigations and to rapidly provide additional information to States Parties. Clearly both situations are deeply disturbing and should elicit a strong reaction by States Parties. Indeed, States Parties have on many occasions committed to condemning all instances of new use, including by States not yet party to the treaty and by non-state armed groups. In that regard, we welcome the statement by the President with respect to recent use of antipersonnel mines by Libya, and hope that other States Parties will join in condemning such use and seeking to prevent any further use in Libya or anywhere else.

Thank you.

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<sup>1</sup> Criminal Code Article 174: (1) Whoever, without the permission of competent authorities, produces, imports or exports, transports from one place to another in the country, keeps, sells, buys or processes radioactive, chemical, biological materials which cause permanent illness and are explosive, burning, caustic, injuring, suffocating, poisonous, shall be sentenced imprisonment from three to eight years and fines for up to 5000 days. Whoever, without the permission of the competent authorities, exports the material and equipment needed in the production, operation or utilization of the materials which are in the scope of this clause, shall also be sentenced to the same penalty.

(2) If these acts are committed in the context of activities of an organization, which has been formed for committing these criminal acts, the penalty to be imposed will be increased by half.

(3) A person who accepts or keeps insignificant amount and type of an explosive material will be sentenced up to one-year imprisonment by considering the intention of use.