

Notes for ICRC Intervention on Compliance

Anti-Personnel Mine Ban Convention, Standing Committee on General Status and Operation of the Convention, Geneva, 27 May 2013

At the Standing Committee meetings in 2010, Ambassador Eckey of Norway, the President of the Second Review Conference, stated that:

"the measure of the success of our Convention should never be whether there are allegations of actions in contravention of the Convention's prohibitions... Rather, the strength of our Convention rests in how individual States Parties respond to these allegations and provide clarity regarding any particular situation that arises."

Three years later, how have we fared in ensuring an appropriate response to allegations of use of anti-personnel mines by States Parties?

The discussions today demonstrate that the States Parties take very seriously allegations of non-compliance. The ICRC welcomes in particular the detailed statement of Yemen and its commitment to investigate the very disturbing allegations of use of anti-personnel mines, and to prosecute those allegedly responsible.

We have also heard today that a Turkish Military Court has tried and sentenced a senior member of the Turkish Armed Forces for causing death by negligence, in a case involving the use of anti-personnel mines in Hakkari province in 2009. An investigation of another possible incident in Sirnak province the same year remains ongoing.¹ Turkey has reported a third allegation in relation to an explosion on 1 May 2013, and we look forward to more information about this in the near future.

The ICRC wishes to commend Turkey for ensuring the investigation of each of these events. We also acknowledge Turkey's transparency in reporting on the outcomes of the legal proceedings to the States Parties.

This case highlights the need for all States Parties to ensure that they have fully implemented the requirements of the Convention into their national laws and military doctrine, in particular to ensure that national law makes it possible to criminally prosecute the specific acts prohibited by the Convention. This will ensure both the greatest preventative value of the Convention, and that appropriate steps can be taken in the event of violations of its prohibitions.

As we will report under the next agenda item, a relatively high number of States Parties have still not fulfilled the Convention's requirement under Article 9 to ensure appropriate national implementation measures have been adopted, or have not provided this information in their annual transparency reports.

We therefore call upon all States Parties to ensure that by the 2014 Review Conference the Convention's prohibitions have been properly incorporated at the national level, such that the use of anti-personnel mines is expressly prohibited by national law and in military doctrine. Only in this way can the Convention's prohibitions have real teeth, and can States Parties ensure an appropriate response to non-compliance.

¹ The Turkish delegation clarified in response to the ICRC's statement that this investigation is not ongoing. It was decided there was no need for a Court to take up the matter.