

Translated from French

Permanent Mission of Madagascar to the United Nations

No. 12-333 DELONU/HFC/DIHres65/29ConvGeneve

The Permanent Mission of Madagascar to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reference to his note verbale LA/COD/2 of 2 April 2012, has the honour to transmit herewith the information provided by the Malagasy Government concerning its implementation of General Assembly resolution 65/29 of 6 December 2010 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

Mr. Vladimir Rudnitsky

Codification Division

Division of Legal Affairs

United Nations Secretariat

The Permanent Mission of Madagascar to the United Nations takes this opportunity to convey to the Secretary-General of the United Nations the renewed assurances of its highest consideration.

New York, 16 August 2012

Information on implementation by the Government of Madagascar of General**Assembly resolution 65/29 entitled “Status of the Protocols Additional to the Geneva****Conventions of 1949 and relating to the protection of victims of armed conflicts”****New York, 16 August 2012**

Following its ratification of the four Geneva Conventions and their Additional Protocols, Madagascar ratified various conventions and treaties on international humanitarian law, including:

-The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (the Biological Weapons Convention) and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (the Convention on Certain Conventional Weapons)

-The Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment (the Torture Convention)

-The Rome Statute of the International Criminal Court

The Ministry of Justice has also drafted a bill on terrorism and transnational organized crime and a bill authorizing the ratification of the Rome Statute in connection with the work of the Commission on Reform of the Criminal Justice System.

These bills have not yet been adopted owing to the situation in the country.

Currently, Madagascar plans to ratify several treaties and conventions and to support the preparation of bills by members of the National Commission for International Humanitarian Law (CONADIH), who are technical specialists from various ministries, such as the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Armed Forces, the Ministry of Public Security, the Ministry of the Interior and the Ministry of Public Health, or representatives of civil society.

The National Commission for International Humanitarian Law, which was established by decree No. 2006-435, of 27 June 2006, has been functioning since September 2007. Its mission is to implement and disseminate international humanitarian law throughout the country.

Preparations for the ratification of the Convention on Cluster Munitions and the International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention) is the responsibility of the members of the Ministry of Foreign Affairs and the Ministry of Armed Forces.

Madagascar has made it a priority to integrate treaties and conventions into domestic law.

The Malagasy Criminal Code contains provisions relating to offences set out in international humanitarian law, including homicide, rape, murder and arbitrary detention.

The competent courts are the ordinary criminal courts.

The international instruments relating to war crimes, genocide and crimes against humanity have not yet been ratified by Madagascar.

The investigation and prosecution of the perpetrators of these crimes do not fall under national jurisdiction.

Mutual legal assistance is conducted through bilateral agreements between two countries.

It should be noted that Madagascar has not been a party to any armed conflicts; nor have there been any occurrences of disappeared persons in the country. Malagasy law does not include provisions relating to these issues.

Act No. 2008-008 of 25 May 2008 on torture and other cruel, inhuman or degrading punishment or treatment has been in force since 2008.

The Commission's programme of work comprises:

-The organization of a regional workshop on the dissemination of international

humanitarian law and the establishment of a regional branch called the Regional

Commission on International Humanitarian Law (COREDIH). Three such regional commissions on international humanitarian law have been established since 2010 in the regions of Antsiranana, Boeny and Haute Matsiatra.

-The provision of continuing training for individuals responsible for implementation of international humanitarian law, particularly in the leading universities, including:

- The National School of Magistrates and Court Officers
- The National School of the National Police
- The National School of Administration of Madagascar
- The National Institute for Lawyer Training

-The establishment of an ad hoc committee made up of all stakeholders, including members of civil society, with a view to drafting a bill on the implementation of ratified treaties.

- The establishment of an International Fact-Finding Commission, as called for in article 90 of Protocol I Additional to the Geneva Conventions of 1949, could be envisaged, if the dissemination of international humanitarian law is stepped up throughout the country.

Madagascar attaches importance to finalizing its accession to all treaties that have not yet been ratified in order to enhance its capacity to implement the provisions on international humanitarian law.

With regard to the protection of cultural property in situations of armed conflict, the National Commission for International Humanitarian Law intends to include representatives of the Ministry of Culture in its membership. An inventory of cultural property is currently being conducted. There are no plans to ratify instruments relating to cultural property.

Madagascar ratified the Convention on the Rights of the Child of 19 March 1991. As a result, its international commitments include an obligation to submit an initial report and periodic reports relating to measures undertaken to fully implement that instrument.

Madagascar is currently drafting its initial report and periodic reports on its implementation of the following Optional Protocols to the Convention on the Rights of the

Child:

- the Optional Protocol on the involvement of children in armed conflict
- the Optional Protocol on the sale of children, child prostitution and child pornography

The preparation of these reports is the responsibility of the Drafting Committee, an interministerial committee that works with civil society organizations, with financial support from partners such as the United Nations Children's Fund and the Office of the United Nations High Commissioner for Human Rights.
