

202/12 SXN/ULN

Note verbale dated 7 June 2012 from the Permanent Mission of Switzerland to the United Nations addressed to the Secretary-General of the United Nations

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the Report for the period 2010-2010 on the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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

New York, 7 June 2012

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report for the period 2010-2012

Reference: K.910.2-0-8 - CUA

Berne, 31 May 2012

Commitment of Switzerland to the Protocols Additional to the Geneva Conventions

1. Switzerland has pursued its commitment bilaterally and in multilateral forums to secure a greater respect for international humanitarian law during armed conflicts throughout the world, so that alleged violations of international humanitarian law are investigated and their perpetrators are prosecuted. It has also continued its efforts to promote universal ratification of the Protocols Additional to the Geneva Conventions of 1949.
2. Within the framework on the 31st International Conference of the Red Cross and Red Crescent, Switzerland made 12 pledges to strengthen international humanitarian law and humanitarian action. These mainly seek to enhance the protection of civilians in armed conflict and the application of international humanitarian law. Switzerland will report on follow-up to its pledges at the Conference in 2015.
3. In this context, Switzerland launched a diplomatic initiative to strengthen observance of international humanitarian law, in collaboration with the International Committee of the Red Cross, which aims to explore and identify concrete ways and means of strengthening observance of international humanitarian law, including the issue of implementation mechanisms. Switzerland made a "pledge" at the 31st International Conference and received the support of 50 States from different geographical regions.
4. Switzerland signed the Convention on Cluster Munitions on 3 December 2008 at Oslo. The Government and parliament of Switzerland have adopted plans to ratify the Convention and amend national legislation. Ratification by Switzerland is expected to take place in July

2012, subject to the result of an anticipated referendum. The Convention and related legislation would then come into effect at the start of 2013.

5. Switzerland actively supports the Mine Ban Convention. In 2011, Switzerland assumed the office of co-chair of the Standing Committee on Mine Clearance and Related Technologies (article 5 of the Convention) with Colombia. This Committee is extremely important because it prepares the decisions of Member States on mine clearance, including requests to extend the deadline, which are increasing in number. Switzerland hosted the Tenth Meeting of the States Parties, in Geneva in November 2010, and will also support the Twelfth Meeting of the State Parties, in Geneva in December 2012, by serving as Secretary-General of the Meeting.
6. Switzerland has amended its Penal Code in accordance with the Rome Statute of the International Criminal Court (Federal Act amending federal provisions for the implementation of the Rome Statute). The main amendments are: (i) the inclusion of crimes against humanity in Swiss law; (ii) clarification of what constitutes a war crime (formerly, war crimes were identified by general reference to international humanitarian law. At present, they are defined in detail (attacks against civilians, the recruitment of child soldiers and the use of prohibited weapons)); (iii) a redefinition of the respective jurisdictions of civil and military authorities; and (iv) elimination of the requirement of a "close link" between Switzerland and a person suspected of committing war crimes. These legislative amendments came into effect on 1 January 2011. Switzerland has begun the ratification process of the amendments discussed at the Kampala Review Conference.
7. Switzerland is currently in the process of disseminating the Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to the Operations of Private Military and Security Companies during Armed Conflict. Thirty nine States have endorsed this document (as at 30 May 2012).

-
8. On 9 November 2010, 58 security companies signed an International Code of Conduct for Private Security Service Providers, a Swiss-led initiative whereby companies undertake to respect human rights and international humanitarian law in their activities. A temporary steering committee composed of representatives of Governments, industry and civil society has developed the provisions of a charter for an independent governance and oversight mechanism, to ensure that the Code is respected and implemented. This mechanism will come into effect in 2012. At present (as at 1 April 2012), 357 companies from 55 countries have signed the Code.
 9. Switzerland has published two complementary manuals on humanitarian access: a legal manual that clarifies legal questions relating to humanitarian access in situations of armed conflict and a practical manual for field staff that contains practical methods, tools and advice to achieve more efficient operational responses for faster and freer humanitarian access. A dissemination strategy was developed to allow aid workers to test the two documents in the field, since they are exposed daily to the problems addressed by the manuals.
 10. Switzerland funded research on the principles that should govern dialogue with armed groups, the results of which were published in 2011 (*Rules of Engagement: Protecting Civilians through Engagement with Armed Non-State Actors*). It is currently supporting a study on the reaction of armed groups to norms that govern the protection of civilians. The aim of these projects is to help those who conduct dialogue with such groups to do so more efficiently.
 11. Switzerland actively participated in the work of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty and is continuing its efforts within the framework of the United Nations Conference on the Arms Trade Treaty. Switzerland is committed to developing a treaty that covers the seven categories of the United Nations

Register of Conventional Arms, light weapons and small arms, ordnance, military explosives and related technology, and which will apply to all common types of transfer.

12. Switzerland has developed a Strategy for the Protection of Civilians in Armed Conflict for the period 2009-2012, to better respond to the needs and rights of civilians in armed conflict. One of the main aims of this strategy is the clarification, strengthening and dissemination of the standards for the protection of civilians in armed conflict. Discussions on how to pursue the Strategy are under way so as to further improve it.
-