

*Translated from Arabic*

**Summary report on the status of the implementation of the Protocols Additional to the Geneva Conventions of 1949 and on the measures taken at the national level to disseminate and promote a culture of international humanitarian law**

The system of international humanitarian law is based on the imperative of protecting and promoting the rights of the victims of armed conflict, and punishing those who commit serious violations of international humanitarian law.

The Geneva Conventions and the Protocols Additional thereto form the core of the international humanitarian law system, the purpose of which is to regulate conduct in armed conflict and mitigate the consequences of such conflict. Respect for human life and maintaining the dignity of the individual are the fundamental concepts on which the Conventions are based. All those who endure the scourge of war have the right to receive assistance and care, without discrimination. The Convention also affirms the need to strengthen medical missions; medical staff and units and their means of transportation must be protected in all conditions. This is something that is absolutely necessary if such units are to recover the wounded and the sick and attend to them.

The Geneva Convention mandated the establishment of the Red Cross, which is known today as the Red Cross and Red Crescent, as a neutral, international organization to deal with the wounded and prisoners of war. The Additional Protocols supplement the four Geneva Conventions, the first of which was drafted in 1864 and the last in 1949. When the Fourth Convention was drafted, the other three Conventions were amended and the four Conventions were combined into a single document. The three Protocols Additional to the Conventions, which supplement and amend the original Conventions, were adopted in the period from 1977 to 2005.

Tunisia has sought to meet the requirements of international humanitarian law by ratifying several relevant instruments and by establishing a national commission for international humanitarian law. It has also strived, in particular, to disseminate the principles and instil a culture of international humanitarian law among law enforcement officials.

**International human rights law instruments that Tunisia has ratified**

On 7 May 1979, Tunisia ratified the Additional Protocols I and II to the Third Geneva Convention, relating to the treatment of prisoners of war, and the Fourth Convention, relating to the protection of civilians in times of war. In 1967, it ratified the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

By Law No. 69 (1986) of 19 July 1986, Tunisia acceded to the United Nations Convention on Prohibitions or Restrictions of Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which was concluded in Geneva on 10 October 1980, and its three Protocols on Non-Detectable Fragments (Protocol I), Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), and Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). With the adoption of Law No. 47 (2005) on 27 June 2005, Tunisia acceded to amended Protocol III and Protocol IV on Blinding Laser Weapons. Those

Protocols were ratified on 15 February 2006 by Order No. 464. Tunisia has also acceded to the Protocol on Explosive Remnants of War (Protocol V), which was adopted in Geneva on 28 November 2003, to the Convention on Certain Conventional Weapons with view to enabling our country to acquire the modern equipment and methods needed to search for explosive remnants, in cooperation with the other States parties to the Protocol or the relevant international and regional organizations.

Tunisia has also ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is an international convention that requires signatories to protect cultural property in times of war. This Convention was done at The Hague, the Netherlands, on 14 May 1954 and entered into force on 7 August 1956. In addition, on 28 February 1981, [illegible] Cultural Property [illegible].

By Order No. 4 (2011) of 19 February 2011, Tunisia acceded to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the Court, with a view to strengthening the international humanitarian law system. This system is based on respect for the human individual and the prevention of torture. Tunisia has also ratified many other instruments that establish or protect human rights principles and are aimed at achieving criminal justice and affirming the principle of accountability, particularly when national and local courts are incapable of doing so.

### **National legislation**

Tunisia has sought to implement and disseminate international humanitarian law at the national level, with a view to ensuring respect for human dignity and life. National legislation contains several provisions in that regard and they are set out in the Code of Military Procedure and Penalties. The Code is the most important legislative source in Tunisia, and it criminalizes those actions that are considered war crimes under international humanitarian law and sets out the penalties therefor. Among the most significant chapters of the Code are 85, 97, 99 and 103. Chapter 127 of that same Code is devoted to the emblems of the Red Cross and Red Crescent and prohibits their unauthorized use.

With regard to ensuring greater implementation of international humanitarian law, a table has been prepared of the measures taken by Tunisia to ensure that its laws are in line with those international human rights instruments that it has ratified. Tunisia has also prepared studies regarding the protection of emblems and the establishment of penalties for the war crimes set out in those international instruments that it has ratified. In addition, studies have been commissioned of the various international humanitarian law instruments to which Tunisia has entered reservations, with a view to considering the possibility of withdrawing those reservations. By Order No. 1266 (2009) of 9 June 2003, a national commission was established to monitor implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. That same Order also specifies the composition of the commission and sets out its working methods.

### **National Commission for International Humanitarian Law**

The National Commission for International Humanitarian Law was established pursuant to Order No. 1051 (2006) of 20 April 2006. It marks a new step towards consolidating the country's integration into the evolving international human rights framework. Its purpose is to promote mechanisms to ensure that the theory and principles of human rights lead to tangible achievements and harmony.

The Commission's principal goals include the following:

- Making legislative recommendations in order to make national legislation consistent with the principles of international humanitarian law. With that purpose in mind, the Commission formulates and monitors an annual plan of action;
- Submitting to the President of the Republic an annual report on its activities pursuant to that plan of action, its recommendations and proposed initiatives;
- Generating recommendations and analysis aimed at implementing the principles of international humanitarian law at the national level;
- Putting forward an annual plan to foster a culture of international humanitarian law, implement that plan at the national level, and coordinate with the competent authorities to ensure implementation;
- Cooperate with committees, associations and humanitarian organizations active in the area of international humanitarian law.

Alongside human rights associations and organizations, the Committee endeavours to foster a culture of international humanitarian law, extend its reach and raise awareness of the relevant mechanisms, particularly in wars and armed conflict. Promoting international humanitarian law is the fundamental preventive mechanism set forth in the four Geneva Conventions and the two Protocols additional thereto.

The profound changes in Tunisia since the revolution have underscored the need to maintain as broad a focus as possible on international humanitarian law and to incorporate it into national legislation. The Commission has therefore held several meetings to examine the latest developments in the country in cooperation with representatives of ministries, the Tunisian Red Crescent and a range of international organizations that monitor the situation in Tunisia, such as the International Committee of the Red Cross (ICRC), the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and the Head of the International Cooperation Section at the International Criminal Court. One of the most important topics explored in the meetings was the sensitive situation on the Libyan-Tunisian border. Large numbers of people have crossed into Tunisia in the wake of regional events over the last year, including the armed conflicts in Libya, which have brought refugees from Libya and other African States to the border area. The Commission has liaised with the Ministry of Justice to organize a coordination meeting of national institutions and associations with a view to tackling the situation and providing the necessary humanitarian assistance. At the meeting, a decision was taken to establish a committee within the Ministry of Social Affairs to follow up the situation on the border. The committee has met several times, and the response from all stakeholders has been positive. It has achieved its aims and successfully coordinated all stakeholder efforts in order to improve the situation of the refugees and of all immigrants in Tunisia. Approximately 1,235,349 people travelled to Tunisia from 20 February to the end of December 2011.

### **Fostering the principles and culture of international humanitarian law and raising awareness of its provisions**

In order to foster the principles and culture of international humanitarian law, efforts have been made to train specialized officials who can play a vital role in the national application of international humanitarian law.

Training and awareness-raising sessions have been provided for numerous categories of relevant staff, including judges, diplomats, parliamentarians, members of national commissions and representatives of competent Government agencies.

Pertinent national measures include coordination with those responsible for shaping curricula at universities, higher education institutions, faculties of law and legal sciences, specialized institutes, academic boards, national commissions and the Tunisian Social Solidarity Union. The objective is to examine the possibility of integrating components of international humanitarian law in training and educational programmes, and to collaborate with the structures responsible for promoting the conventions of international humanitarian law as formal guiding principles in Tunisia.

The Ministry of Defence is disseminating the provisions of international humanitarian law by teaching it as a subject in all military institutes, beginning with officers at all ranks. The subject has been incorporated into all curricula at training centres and in hands-on programmes at the unit level. Officers have attended specialized seminars on international humanitarian law.

In the second half of 2009, the Ministry of Defence published the first edition of the *International Humanitarian Law Handbook*, which is intended primarily for students at military schools. Its purpose is to raise awareness of the subject at all levels of military training, and to provide a teaching and research tool for officer training schools.

In 2011, the subject was included in the curriculum of the Internal Security Forces Academy. The time allocated to the subject has been increased from two hours in the 2006 academic year to four in 2008, eight in 2009 and nine in 2011.

The lectures of the academies are used to develop the knowledge base of officers and junior officers in all security units at the regional and local levels with regard to international humanitarian law and its national and international dimensions. The subject has also been included in the examination for officer-level security posts.

At the Internal Security Forces Academy and the Salambo School for National Security and Police Officers, students are taught about the culture of international humanitarian law as a branch of international law. The courses also cover the mechanisms for its application, its scope of implementation and the organizations that monitor respect for its principles. They cover the role of security institutions in such cases as international peacekeeping missions, detention of war criminals and protection of civilians and historic, artistic and religious objects in time of war.

The Ministry plans to increase the number of hours allocated to the subject in basic training programmes, highlighting the close linkage between the principles and standards of international humanitarian law.

On the margins of the Commission's activities, a plan has been formulated to build bridges with the press and audio-visual media, which have been given outreach material in coordination with stakeholders. Members of the Commission have published articles in the press and specialized journals. In 2011, the Commission and ICRC cooperated to organize two awareness-raising days for journalists.

The Commission now has an Internet site, and the Ministry of Culture and the Ministry of Higher Education have created a core library on international humanitarian law. A pamphlet has been published, including contributions by members of the Commission and participants in training courses. A proposal has been made to establish a section on international humanitarian law in the National Library. A programme on international humanitarian law has been put in place for junior law enforcement officers at the Ministry of the Interior.

The State plan of action for the year 2012-2013 includes further training sessions for judges, junior law enforcement officers, journalists, academics and, potentially, for members of the Constituent Assembly.

Three working groups are preparing draft laws on the following topics:

- The protection of cultural property
  - The International Criminal Court
  - The protection of emblems<sup>\*</sup>
  - The protection of refugees
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<sup>\*</sup> *Translator's note:* This is most likely a reference to the emblems of the Red Cross and Red Crescent.