

## **Comments of Switzerland on the 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 2014-2016

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### **Switzerland's commitment to and promotion of the Additional Protocols to the Geneva Conventions**

Switzerland is a party to the three Additional Protocols to the Geneva Conventions and takes every opportunity at bilateral meetings to encourage States that have not yet done so to ratify the Additional Protocols.

On the basis of a consultation process open to all States party to the Geneva Conventions of 1949, and in conjunction with the International Committee of the Red Cross, in December 2015 Switzerland submitted proposals to the thirty-second International Conference of the Red Cross and Red Crescent for making progress towards the establishment of a forum of States on international humanitarian law. All States committed to participating in an intergovernmental process, facilitated jointly by Switzerland and the International Committee of the Red Cross, aimed at reaching agreement on the characteristics and functions of a future forum of States, and at finding ways to improve the implementation of international humanitarian law by harnessing the potential of the International Conference of the Red Cross and Red Crescent and regional forums. Switzerland remains committed to facilitating and promoting this intergovernmental process.

Switzerland was also actively involved in the World Humanitarian Summit, making a number of commitments related to international humanitarian law and co-chairing the high-level round table entitled "Uphold the norms that safeguard humanity".

Switzerland recently developed the Mine Action Strategy of the Swiss Confederation for 2016-2019, which was jointly prepared by the Federal Department of Foreign Affairs and the Federal Department of Defence, Civil Protection and Sport. It sets out the tasks and challenges for Switzerland in the area of humanitarian demining, in particular with regard to anti-personnel landmines, cluster munitions and other explosive remnants of war. Switzerland is also committed to promoting the ratification and full implementation of the relevant treaties.

Within the framework of the Convention on Certain Conventional Weapons (CCW), Switzerland is actively involved in the processes of informal consultations with experts on lethal autonomous weapon systems. It is committed to formally strengthening the mandate of the meeting of experts on lethal autonomous weapon systems and will support the formal establishment of a group of governmental experts at the next CCW Review Conference. It calls for an approach that places the strict observance of international humanitarian law at the heart of discussions.

Switzerland is committed to the full and effective implementation of the Arms Trade Treaty, which was ratified on 30 January 2015 and entered into force for Switzerland on 30 April 2015. When Switzerland deposited the instrument of ratification, it also attached an interpretative declaration explaining how it interpreted and applied several key provisions of the treaty, including articles 6 and 7. At the first Conference of the States Parties to the Treaty, Geneva was designated as the headquarters of the Treaty secretariat.

Switzerland is also committed to international criminal justice, in part through its support of the International Criminal Court. At the national level, on 10 September 2015 Switzerland ratified the amendments to the Rome Statute that were adopted in Kampala in 2010. They will enter into force for Switzerland on 10 September 2016. At the international level, it promotes strengthening and improving the functioning of the Assembly of States Parties to the Rome Statute of the International Criminal Court and of

the International Criminal Court itself. In April 2016, it organized a retreat aimed at supporting the Court in the development of performance indicators. Switzerland also promotes greater efficiency in Court procedures, and is an active member of the Assembly of States Parties to the Rome Statute of the International Criminal Court and of the Group of Friends of the International Criminal Court in New York, The Hague and Geneva. It facilitates the Assembly resolution on strengthening the International Criminal Court and the Assembly of States Parties (the "omnibus resolution"), and within the framework of the universal periodic review, it regularly calls on States not party to the Rome Statute to ratify that instrument.

Apart from its involvement in the promotion of the International Criminal Court, Switzerland has broad expertise on ways of dealing with the past and preventing future atrocities. It thus advocates the criminal prosecution of violators of human rights and international humanitarian law, while supporting measures taken in the interest of victims, such as truth-seeking, reparations and measures to ensure non-recurrence. With regard to the prevention of atrocities, Switzerland launched the Global Action Against Mass Atrocity Crimes initiative in conjunction with five other States, which aims to promote prevention at the national level by encouraging States to share their experiences in that area.

In December 2014 Switzerland and the International Committee of the Red Cross supported participating States of the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (the Montreux Document) in establishing the Montreux Document Forum. Secretariat services are provided by the Geneva Centre for the Democratic Control of Armed Forces. The Forum serves as an informal consultation platform for Montreux Document participants. Its aim is to promote national implementation of the Montreux Document and development of the necessary tools to do so. The Forum will also urge more States to actively support this initiative. As at May 2016, 53 States and 3 international organizations (the European Union, the Organization for Security and Cooperation in Europe and the North Atlantic Treaty Organization) had expressed support for the Montreux Document (<https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/droit-international-humanitaire/entreprises-militaires-securite-privées/etats-participant.html>).

The International Code of Conduct for Private Security Service Providers' Association was established on 20 September 2013 in Geneva, and serves as the governance and oversight mechanism for the Code. Currently, 99 companies, 6 Governments and 16 non-governmental organizations are members of the Association. The board of directors of the Association, which is chaired by Switzerland, is currently developing the procedures for monitoring and processing complaints provided for in the Code. Certification procedures were adopted by the general assembly of the Association in October 2015. The secretariat and the executive director of the Association are based in Geneva.

In December 2014, Switzerland finalized new versions of the two complementary handbooks. These instruments consist of a legal handbook intended to clarify legal issues related to humanitarian access in situations of armed conflict and a practical handbook for field personnel that presents methodologies, tools and practical advice aimed at proposing more effective operational responses for expeditious, unhindered and sustained humanitarian access.

Switzerland provides secretariat services for the International Humanitarian Fact-Finding Commission and regularly encourages all States that have not yet recognized the competence of the Commission to do so. At the thirty-second International Conference of the Red Cross and Red Crescent, Switzerland submitted an open pledge affirming support for the Commission and undertook to contribute to raising States' awareness of it. In addition, Switzerland organized a panel discussion for the Commission's annual meeting in February 2016; more than 80 States and organizations took part and the panellists explained the potential and competence of the Commission.

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