

ПОСТІЙНЕ ПРЕДСТАВНИЦТВО  
УКРАЇНИ ПРИ ОРГАНІЗАЦІЇ  
ОБ'ЄДНАНИХ НАЦІЙ



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The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Note Verbale LA/COD/2/1 of 5 March 2018, has the honour to submit an information requested in paragraph 11 of the General Assembly Resolution 71/144 of 13 December 2016 entitled "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 Ukraine to the United Nations would be grateful to the Secretary-General of the United Nations for inclusion of the aforementioned information in his report under the General Assembly's agenda item "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 Ukraine to the United Nations avails itself of the opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

Enclosure: as stated.



31 May 2018

*N.Y.*

**H.E. António GUTERRES**  
Secretary-General of the United Nations

New York

**Information of Ukraine pursuant to paragraph 11 of the General Assembly resolution 71/144 of 13 December 2016 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts"**

Ukraine attaches great importance to the implementation of international humanitarian law specifically regarding:

- the adoption and improvement of the national legislative acts;
- accession to international treaties on international humanitarian law that develop the provisions of the Geneva Conventions and the Additional Protocols thereto;
- dissemination of knowledge about international humanitarian law, identification of problems in the field of international humanitarian law etc.

Ukraine is a party to the vast majority of international treaties in the area of international humanitarian law. A number of legislative and regulatory measures were taken to implement international humanitarian law.

Particularly, necessary amendments made to the Constitution of Ukraine that will enter into force on June 30, 2019, form the base for the subsequent ratification by Ukraine of the Rome Statute of the International Criminal Court (Rome Statute) that Ukraine signed on January 20, 2000. However, in 2014 and 2015 Ukraine has made two statements recognizing the jurisdiction of the International Criminal Court on crimes against humanity and war crimes pursuant to the paragraph 2 of article 11 and paragraphs 2, 3 of article 12 of the Rome Statute.

Progress was made in bringing Ukrainian criminal law into line with the rules of international humanitarian law. Thus, the Criminal Code of Ukraine contains provisions that criminalize at the national level such acts of international humanitarian law as propaganda of war (article 436), planning, preparing, deployment and conducting an aggressive war (article 437), violation of rules of the warfare (article 438), the use of weapons of mass destruction (article 439), development, production, acquisition, storage, sale, transportation of weapons of mass destruction (article 440), genocide (article 442). In order to ensure compliance with the international humanitarian law some other amendments to the Criminal Code of Ukraine are being developed by the Ministry of Justice of Ukraine.

Moreover, the Ministry of Defense of Ukraine issued an order that confirmed the updated version of the Instruction on the procedure for the implementation of the international humanitarian law in the Armed Forces of Ukraine dated March 23, 2017 (came into force on August 4, 2017).

The Instruction introduces general international humanitarian law limitations for hostilities, such as the prohibition of indiscriminate bombardment, attacks on civilians, destruction or occupation of hostile or civilian property, except in cases of military necessity. The Instruction also emphasizes the need of civilians to be protected when choosing a place and method for stationing troops, conducting combat operations with minimal damage to civilians, including the use of maps bearing labeled protected and civilian objects, as well as standardized signs to indicate minefields.

One of the important features of the document is that the Instruction provides for individual criminal and disciplinary liability of individuals for violating the norms of international humanitarian law in the form of individual or collective actions, including responsibility for indiscriminate shelling and violation of property rights (large-scale destruction of property, appropriation of property in large scale, destruction or despoliation of property, etc.).

This legal document along with the Armed Forces Charter determines the conduct of the military personnel of the Armed Forces and provides protection of civilians, as required by the international humanitarian law.

On April 26, 2017, the Cabinet of Ministers of Ukraine adopted Decree №329 «On the Establishment of an Interagency Commission on the Application and Implementation of International Humanitarian Law in Ukraine».

The adoption of the Decree facilitates the proper implementation of the international humanitarian law on the territory of Ukraine, in particular the implementation of the international legal obligations of Ukraine arising from the Geneva conventions on the protection of victims of war of August 12, 1949, as well as the proper implementation by the Ministry for Temporary Occupied Territories and Internally Displaced Persons of Ukraine of one of the main tasks – to ensure the formation and implementation of state policy on the application of the international humanitarian law on the territory of Ukraine.

The Interagency Commission acts as an advisory body of the Cabinet of Ministers of Ukraine in the area of promoting the implementation of international legal obligations of Ukraine in the field of international humanitarian law and is a platform for:

- identification of basic practical problems in the field of international humanitarian law;
- determination of the short-term and long-term priorities;
- their further implementation by all responsible parties;
- monitoring of the problem resolution and evaluation of its effectiveness.

In addition, the Ministry of Defense of Ukraine organizes on the regular bases international humanitarian law training seminars for its personnel in cooperation with the International Committee of the Red Cross.