

Translated from French

Swiss Confederation

Federal Department of Foreign Affairs (DFAE)

Directorate of International Law

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 2018-2020

Bern, 28 May 2020

Commitment of Switzerland to the Protocols Additional to the Geneva Conventions of 1949

1. Switzerland is a party to the three Protocols Additional to the Geneva Conventions. In 2019, Switzerland took the opportunity of the seventieth anniversary of the Geneva Conventions to encourage all States to take concrete measures to strengthen international humanitarian law. It urged all States that had not yet done so to accede to the Protocols Additional to the Geneva Conventions. Switzerland aims to raise awareness of and strengthen respect for international humanitarian law. It has implemented numerous online public diplomacy activities and organized events in more than 30 countries around the world.

2. At the thirty-third International Conference of the Red Cross and Red Crescent, Switzerland announced the drafting of a voluntary report on the implementation of international humanitarian law. This report will analyse implementation by Switzerland of international humanitarian law at the national level. It will serve as a tool to disseminate international humanitarian law, to encourage other States to prepare a voluntary report and to foster inter-State dialogue on strengthening respect for humanitarian international law.

3. Switzerland, in conjunction with the International Committee of the Red Cross, co-facilitated the intergovernmental process on strengthening respect for international humanitarian law. That process was 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. The process is now closed as it appeared that a

consensus in this regard would not be reached. Nevertheless, the work carried out has had a significant impact. All States have reaffirmed that international humanitarian law remains the appropriate international legal framework to regulate the conduct of parties to armed conflict, and that efforts to improve compliance with it continue to be necessary. Switzerland continues to support all (voluntary and informal) exchanges between States at the expert level to improve the implementation of international humanitarian law.

4. Switzerland, in conjunction with the International Committee of the Red Cross, organized the fifth plenary meeting of the Montreux Document Forum. The two working groups – on the International Code of Conduct for Private Security Service Providers' Association and the use of private military and security companies in maritime security – are fully functioning. The Montreux Document Forum provides a platform for discussion to improve the regulation of private military and security companies.

5. Switzerland is also committed to international criminal justice, in part through its support of the International Criminal Court. It has worked to foster the development of the Rome Statute, in particular by supporting the adoption of several amendments concerning arms. The Swiss Parliament has approved the ratification of these amendments. In order to improve the implementation of the prohibition in Additional Protocol II, Switzerland proposed an amendment to article 8 of the Rome Statute, aimed at categorizing starvation of civilians as a method of warfare as a crime in a non-international armed conflict. That amendment was adopted by the Assembly of States Parties to the Rome Statute of the International Criminal Court in December 2019. Switzerland is also committed to strengthening the International Criminal Court as an institution.

6. Switzerland serves as the secretariat of the International Humanitarian Fact-Finding Commission established by article 90 of Additional Protocol I. Switzerland took the opportunity of the seventieth anniversary of the Geneva Conventions to promote the Commission and to encourage States that have not yet done so to recognise the competence of the Commission. The country is part of a group of States that initiated an open pledge submitted at the thirty-third International Conference of the Red Cross and Red Crescent. The aim of the pledge is to raise awareness of the Commission, to encourage States to recognise its competence and to make use of its investigative services and good offices in order to facilitate respect for international humanitarian law.
