

## **Intersessional Meeting – Committee on Cooperative Compliance - Activity Report and Preliminary Observations**

1. The purpose of the Committee on Cooperative Compliance is to assist the States Parties in acting upon their commitment under Article 8.1 of the Anti-Personnel Mine Ban Convention to work together in a spirit of cooperation to facilitate compliance in a supportive and amicable manner.<sup>1</sup> In order to fulfill this objective, the Committee has been meeting on a regular basis since September 2014. In its internal deliberations, the Committee recalled past instances of alleged use of anti-personnel mines that had been documented by the States Parties, assessed the credibility of these allegations and the value of follow-up on them, and gave similar consideration to more recent allegations of the use of anti-personnel mines within the territory of States Parties.
2. In addition to its internal deliberations, the Committee met on 11-12 December 2014 with representatives of Turkey, Sudan and Yemen to engage each in a cooperative dialogue regarding allegations of use of anti-personnel mines within their respective territories. On 18 February 2015, the Committee met with representatives of the ICBL in order to receive contributions of non-governmental organizations on these issues. On 28 May 2015, the Committee held follow-up meetings with representatives of Sudan and Turkey and met for the first time with representatives of Ukraine regarding allegations of use of anti-personnel mines in each State. The Committee has also invited South Sudan to meet in order to engage it in a similar cooperative dialogue. While South Sudan has not yet met with the Committee, it did provide written information to the Committee regarding concerns about the use of anti-personnel mines within its territory.
3. On the basis of its deliberations and of the cooperative engagements, the Committee wishes to share the following preliminary observations:

3.a Through an Official Communiqué on 17 November 2013, Yemen acknowledged and confirmed allegations of use of anti-personnel mines by the Republican Guard Forces in the area of Wadi Bani Jarmoz, near Sana'a, in 2011. Since then, Yemen has provided to the States Parties an interim report (29 March 2014) and a final report (15 January 2015), in accordance with its commitment to the 12MSP, to inform States parties on (a) the status and outcomes of Yemen's investigation, (b) the identification of those responsible for deploying anti-personnel mines, and subsequent measures taken, (c) information on the source of the anti-personnel mines and how those mines were obtained, particularly given that Yemen had long ago reported the destruction of all stockpiles, (d) the destruction of any additional stocks discovered and the clearance of the mined areas in question, and (e) action to prevent and suppress any possible future prohibited activities undertaken by persons or on territory under its jurisdiction or control. According to these reports and to information provided to the Committee, internal investigations were opened and referred to a military tribunal in order to consider and verify the evidence. However, according to Yemen, these procedures were subsequently halted from being implemented due to internal security, political and technical restraints. In order to be able to fulfill its commitments towards the APMBC, Yemen stressed the need for further support from the international community.

3.b Claims with regard to allegations of the use of anti-personnel mines in Sudan—both by the Sudanese Armed Forces (SAF) and by the Sudan People's Liberation Army – North (SPLA-N) surfaced in 2011 and 2012. Sudan has been engaged in a dialogue with the Committee on Cooperative Compliance since December 2014 regarding these allegations. Sudan has repeatedly underlined that it complies fully with the Convention

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<sup>1</sup> Decisions on the Convention's Machinery and Meetings, 27 June 2014, Paragraph 7

and has opened investigations to clarify several allegations that concern the areas of Toroji, Higleg, Jabalko, Heiban, and Belila. While Sudan was able to provide to the Committee an investigative internal report for Higleg, which came to the conclusion that no new anti-personnel mines were laid, it reports not being able to access the other areas where allegations have arisen due to the security situation.

3.c The claims of use of anti-personnel mines in Ukraine relate to the documentation of alleged presence of various types of anti-personnel mines (PFM, MON and OZM series) on Ukrainian territory since early 2014, without clear determination as to the parties responsible for such use. Ukraine engaged in a dialogue with the Committee on Cooperative Compliance in May 2015 regarding these allegations, and stressed that it complies fully with the Convention. Ukraine reiterated furthermore that its Armed Forces are authorized to use MON-series and OZM-72 mines only in command-detonate mode (through electrical initiation), which is not prohibited by the Ottawa Convention. Moreover, Ukraine underlined that it would welcome further international assistance to address its large and growing contamination challenge.

3.d The Committee furthermore wishes to report that it considered allegations about South Sudan's compliance with the Convention's prohibitions contained in Article 1.1 of the Convention. These allegations imply the deployment of anti-personnel mines by the Government of South Sudan's Forces in the area around Nassir and stem from a *Summary of Latest Reports of Violations of the Cessation of Hostilities Agreement (COHA) Investigated and verified by the IGAD Monitoring and Verification Mechanism in South Sudan from 1 March 2015 to 16 March 2015*. While the Committee has not yet been able to meet with South Sudan to discuss this allegation, South Sudan has informed the Committee on Cooperative Compliance in writing that its national army does not possess any anti-personnel mines since 2008 and that the international community is welcome to verify this on the ground. The Committee stands ready to engage in further cooperative dialogue with South Sudan.

#### 4. The Committee also pursued the following issues:

4.a The allegations with regard to Turkey relate to two incidents which date back to April 2009 and to one incident from 1 May 2013. Turkey has been engaged in a dialogue with the Committee on Cooperative Compliance since December 2014 regarding these allegations.

Concerning the first allegation, media reports claimed that documents reportedly belonging to the 23rd Gendarmerie Command appeared to indicate that members of the Turkish armed forces planted M2A4 anti-personnel mines in Turkey's southeastern province of Sirnak on 9 April 2009. Turkey had already indicated to the Co-Chairs on the Status and Operation of the Convention in 2013 that a detailed investigation concluded that there had not been an explosion and that the registry of the Turkish Armed Forces showed that the mine allegedly in question was destroyed before the end of 2009, together with other stockpiles. The Committee requested to receive supporting documentation confirming this information, which Turkey has committed to provide as soon as possible.

In April 2009, an explosion claimed the lives of six Turkish soldiers in the Cukurca Province, which was alleged to have been caused by an anti-personnel mine. The delegation of Turkey since clarified to the States Parties and to the Committee that this explosion was caused by an unexploded mortar and/or improvised explosive device and that a Turkish Armed Forces Brigadier General was convicted of causing death and injury by negligence and sentenced to 6 years and 8 months of imprisonment by the Turkish General Staff Military Court (a sentence which was confirmed upon appeal). The Committee requested to receive supporting documentation confirming this information, which Turkey has

committed to provide as soon as possible. Written information was received by the Chair (dd. June 18) but could not yet be reviewed by the Committee.

In May 2013, Turkey indicated that it was aware of news in the Turkish press regarding an explosion on 1 May 2013 and that it was currently being investigated. The Committee was informed in writing on 4 May 2015 that the investigation had concluded that the source of the explosion of 1 May 2013 was an improvised explosive device which had been planted by a non-state actor. This conclusion was formally documented by an expertise report prepared by the forensic division of the Gendarmerie General Command, which was translated into English and also communicated to the Committee.

4.b The Committee on Cooperative Compliance also reviewed the credibility of media reports from March 2015 of an anti-personnel landmine explosion in northeastern Tunisia. In view of previous incidents in this region involving the use of improvised explosive devices (IEDs) by non-state actors, the Committee decided that there was no reason to consider that the matter is within its purview at this stage. In this regard, the Committee observed that explosions of unknown sources are often reported in the media as anti-personnel mines explosions, which is conducive to the proliferation of allegations and complicates the work of the Committee.

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