

## ICRC Statement Compliance

### Standing Committee on the General Status and Operation of the Convention 25 May 2012

Any allegation of non-compliance with Article 1 of the Convention should be of the utmost concern to all States Parties. Promoting and ensuring compliance is also an essential purpose of the intersessional meetings and the Meetings of States Parties.

The ICRC was pleased to have heard from **Turkey** at the 11th MSP that legal proceedings are progressing in relation to the alleged use of anti-personnel mines by the Turkish Armed Forces (in Hakkari province) in 2009 and that investigations are ongoing regarding a separate allegation of use by the Turkish Armed Forces (in Sirnak province) that same year. We hope the investigation will be finalised in the near future and urge Turkey to keep the states parties informed of the status of both cases.

The ICRC is also concerned by the ICBL's reports of the possible use of anti-personnel mines in **Yemen, South Sudan and Sudan** this year. We join ICBL in encouraging these States Parties to investigate the reports (as Sudan has reportedly committed to do), prosecute those involved where the allegations are well-founded, and report to the states parties on the outcome of those investigations.

All of these allegations – whether or not they are ultimately proven - serve as a stark reminder of the need for States Parties to fulfil their obligations under Article 9 of the Convention. This Article requires States Parties to invest in appropriate changes in military doctrine and procedures, as well as in the training of armed forces on the state's Convention obligations. It also requires States to ensure that they have the legal mechanism to criminally prosecute all persons – civilian or military - who breach Convention obligations, including notably the prohibition of use.

The inability of any State Party to criminally prosecute alleged breaches of the Convention undermines the effectiveness of the Convention's prohibitions and is itself a matter of non-compliance, deserving much greater attention by States Parties. As we will report under Article 9 shortly, almost 40% of states parties have not yet reported having implementing legislation that enables them to prosecute such breaches. We urge States that do not have such legislation to make it a priority and to seek assistance in their endeavours if needed.