

2010-2011 REPORT

IMPLEMENTING IHL

**Participation of the American States in
International Humanitarian Law Treaties
and their National Implementation**



ICRC



ICRC

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This report, which was prepared by the **Advisory Service on International Humanitarian Law** (IHL) of the International Committee of the Red Cross (ICRC) for submission to Member States of the Organization of American States (OAS), is not exhaustive. For further information, please visit www.cicr.org.

LEGAL BASES UNDERLYING THE ACTIONS OF THE ICRC

The work of the International Committee of the Red Cross (ICRC) is based on the 1949 Geneva Conventions for the protection of war victims and their Additional Protocols of 1977, the Statutes of the International Red Cross and Red Crescent Movement and the resolutions of International Conferences of the Red Cross and the Red Crescent.

The ICRC, with the support of the International Red Cross and Red Crescent Movement, has persistently urged the governments to adapt International Humanitarian Law (IHL) to changing circumstances, particularly as regards developments in means and methods of warfare, with a view to providing more effective protection and assistance for the victims of armed conflict.

Today, all States are bound by the four Geneva Conventions of 12 August 1949, which have been ratified worldwide and which, in times of armed conflict, protect wounded, sick and shipwrecked members of the armed forces, prisoners of war and civilians. Approximately two-thirds of all States are bound by the Additional Protocols of 1977 protecting the victims of international and non-international armed conflicts, particularly the civilian population, against the effects of hostilities.

In the event of international armed conflict, the international community —through the Geneva Conventions and Additional Protocol I— gives the ICRC a significant mandate, such as visiting prisoners of war and civilian internees, among other things. It also confers on the ICRC a broad right of initiative.

In situations of non-international armed conflict the ICRC also has a right of initiative recognized by the States. In the event of internal disturbances or tensions or in any other situation that warrants humanitarian action, the ICRC has a right of humanitarian initiative, which is recognized in the Statutes of the International Red Cross and Red Crescent Movement and allows it to offer its services to the States.

The role of the ICRC is to work for the faithful implementation of international humanitarian law applicable in armed conflicts.

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INTRODUCTION

It is two years since January 2010, when the last Special Meeting on International Humanitarian Law (IHL) of the Committee on Juridical and Political Affairs (CAJP) of the Organization for American States (OAS) Permanent Council was held.

This report on the progress made in the implementation of IHL in the continent by OAS Member States in the period under review (January 2010 - January 2012), prepared by the International Committee of the Red Cross (ICRC), once again shows significant quantitative developments that continue growing in all areas, as well as renewed dynamics both at a national level and on the multilateral front, particularly within the framework of the OAS. Dynamics are becoming further strengthened; the implementation processes at a national level are speeding up, and the IHL agenda at a multilateral level, even within the OAS framework, is becoming consolidated.

These outcomes are, first and foremost, the result of the political will evidenced by Member States, which have not ceased to support this agenda and have continued to seriously take their duty to “comply with and enforce IHL” in any circumstance, even in times of peace. They are also a consequence of their conviction that preventing IHL violations starts with the universal ratification of all IHL treaties, as well as with their full implementation at a national level and in every aspect, including their integration into armed and security forces and in the law school syllabuses taught at all major universities in their countries.

These results would clearly not be possible without the technical and political support given by the States to National Committees on IHL; without the implementation and effective control of the committees; without regular training and the technical skills of their members; without annual action plans that reflect priorities that have been clearly set at a political level, and, certainly, without the very existence of these committees. The ICRC is honoured to have been closely involved in the work performed by the National Committees and is pleased with the progress made. Moreover, the ICRC organized various meetings at a global and continental level which contributed to consolidating national processes. The following are a few examples:

- The International Conference of National Committees on IHL of Latin America and the Caribbean, held in Mexico on June 30th – July 2nd 2010. Its conclusions and recommendations currently inform their work and allowed rapprochement with the OAS. These regular continental conferences will undoubtedly be necessary in the future to support national processes and reinforce the role and work performed by the Committees.
- The Third Universal Meeting of National Committees on IHL was held in Geneva on October 2010, following the First Review Conference of the Rome Statute. It contributed to speeding up the process to implement criminal prosecution of all gross violations of IHL in an integrated fashion.
- Ten countries from the continent met at the Regional Seminar of National Committees for IHL on the Protection of Cultural Property in Times of Armed Conflict held in San Salvador on December 1st – 2nd 2011. The conclusions and practical recommendations adopted will encourage and contribute to the full implementation of the pertinent IHL treaties on this matter in coming years.
- The Commonwealth Red Cross and Red Crescent IHL Conference held in Kuala Lumpur in June 2011, with the participation of several Caribbean Community (CARICOM) Member States.

The ICRC takes pride in the fact that Member States continue ascribing importance to IHL and to humanitarian action at various multilateral fora, and in their active contribution to and involvement in developing IHL. It is also honoured by the quality of the dialogue and cooperation existing with them, as well as by their support, as called for by current humanitarian challenges.

The OAS continues to assign great importance to IHL despite the existing restrictions and other priorities. The ICRC is honoured to be so closely involved in the work and thoughts of the OAS, particularly within the framework of the CAJP, and it takes pride

in the relationship held with Permanent Missions. The Biannual Special Meeting and IHL Course (ICC), as well as the Working Group on the International Criminal Court are a sign of such importance and constitute privileged fora for dialogue and discussion, such as those held with our Institution, which are to be preserved. The decision taken by States to make National Committees on IHL take part in these events will contribute to further strengthening their role and their efficiency.

Worth of note is the quality of IHL resolutions taken by the General Assembly, including the resolutions on persons who have disappeared, on displaced persons and on the ICC, adopted in 2010 and 2011. These resolutions are a reflection of the determination and competence of Member States’ humanitarian diplomacy, of progress made and of the humanitarian issues facing the continent. Moreover, they act as guidelines for the implementation of IHL at a national level.

Following the 31st International Conference of the Red Cross and Red Crescent held in Geneva on November 28th – December 1st 2011, States in this continent will have significant work to do in order to honour their commitments and to implement the resolutions and plan of action adopted at such Conference. National Committees have the vocation for contributing to furthering these goals, and for becoming directly liable for them on some occasions. The ICRC intends to assist them in this endeavour. It is important that these documents act as a roadmap for the next four years.

Countries in the continent maintained their efforts to ratify IHL treaties. No other continent has made such progress. They contributed, more than anyone else, to the recent entry into force of new treaties, such as the Convention on Cluster Munitions (CCM) with ten supplementary ratifications, or the International Convention for the Protection of All Persons from Enforced Disappearance, with two supplementary ratifications. Most countries in the continent are parties to the Rome Statute, and an ever increasing number of them are becoming parties to the Convention on Certain Conventional Weapons (CCW) and its Additional Protocol V. This process continues, and it is a reflection of a shared policy to support IHL and its relevance in contemporary conflict.

The ratification of treaties will once again not suffice, however. It is necessary to implement them at a national level in a sustained manner, and throughout time. Their implementation is both an obligation and a need. This report presents the substantial progress made by all countries, as well as some difficulties that must be overcome (such as the review of criminal codes to deal with war crimes and other gross violations of IHL). Slow progress has been made in the protection of cultural property, but this situation should be reverted thanks to the seminar held in San Salvador, particularly by integrating the pertinent rules into the armed forces. The protection of medical missions, so necessary in the context of armed conflict and violence, calls for legislations and their regulations to be adopted and respected. This is a pressing need, identified at the latest International Conference of the Red Cross and Red Crescent. It is also necessary to make an additional effort to implement treaties on weapons at a national level.

Moreover, work continued to integrate IHL into the security and armed forces (training and operations) with the support of the ICRC. This ongoing work calls for yet additional effort and support.

In turn, several countries impacted by violence are working to adopt national measures to regulate the use of force and firearms by law-enforcement officers, including their armed forces, and, supported by the ICRC, have started to train such forces in this field.

The balance shows highly positive results, but yet much more remains to be done. Current dynamics still continue, and the conditions for success – political will and competent national committees that may rely on the ICRC support – are known to all of us.

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PART I

PARTICIPATION OF THE AMERICAN STATES IN IHL TREATIES

A. IHL treaties

The following are the most significant treaties intended to protect persons from the impacts of armed conflict:

Protection of Victims of Armed Conflicts

- Geneva Conventions of 12 August 1949 (GC I-IV 1949)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, June 8, 1977 (AP I 1977)
- Statement provided for in Article 90 AP I (AP I – CIHE)
- Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, June 8 1977 (AP II 1977);
- Additional Protocol III to the Geneva Conventions of 12 August, 1949, relating to the adoption of an additional distinctive emblem, approved on December 8, 2005 (AP III 2005)
- Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict, May 25, 2000 (OP CAC 2000)
- International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006 (DF ONU 2006)

Protection of Cultural Property in the Event of Armed Conflict

- Convention on the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, (HCCP)
- Additional Protocol I to the HCCP, May 14, 1954 (HCCP PI 1954)
- Additional Protocol II to the HCCP, March 26, 1999 (HCCP PII 1999)

Environment

- Convention on the Prohibition of the Military or Any Hostile Use of Environmental Modification Techniques, December 10, 1976 (ENMOD 1976))

International Criminal Law

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, November 26, 1968 (CSL 1968)
- Rome Statute of the International Criminal Court, July 17, 1998 (ICC 1998)

Weapons

- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, June 17, 1925 (GP 1925)
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, April 10, 1972 (Biological Weapons Convention – BWC 1972)
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, 10 October 1980 (CCW 1980), and its Protocols:
 - Protocol on Non-Detectable Fragments, October 10, 1980 (PI)
 - Protocol on Mines, Booby-traps and other Devices, October 10, 1980 (P II)
 - Protocol on Incendiary Weapons, October 10, 1980 (P III)
 - Protocol on Blinding Laser Weapons, October 13, 1995 (PIV 1995)
 - Protocol on Mines, Booby-traps and other Devices as amended on May 3, 1996 (PII as of 1996)
 - Protocol on Explosive Remnants of War, November 28, 2003. (PV 2003)
- 2001 Amendment to Article 1 of CCW of October 10, 1980 (CCW as of 2001)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, January 13, 1993 (CWC 1993)

- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, September 18, 1997 (Ottawa 1997)
- Convention on Cluster Munitions, May 30, 2008 (Cluster Munitions 2008)

B. Customary IHL

The provisions set forth in the IHL treaties are supplemented by customary international humanitarian law. These customary provisions, whether arising from treaties or not, reflect the practice of the States and are applicable to any armed conflict and binding on all parties.

In 2005, the ICRC completed a study pursuant to the mandate bestowed on it by the international community through the XXVI International Conference of the Red Cross and Red Crescent held in Geneva, Switzerland, in 1995. The study provided for 161 customary IHL rules, most which are applicable to both international and non-international armed conflicts. The Spanish translation of the first volume of said study was published in late 2007, and it was launched in Colombia in March 2008 for all the Spanish-speaking countries in the Americas. The event was attended by teachers and authorities from more than 10 countries.

Following the publication of the 2005 study, a first update of the praxis was made in four categories (military manuals, national legislation, jurisprudence, and official declarations) for the 2005-2008 period. This update considered those countries in the Americas that had already been included in the initial study.

Given that training on customary law is an ongoing process, the ICRC has partnered with the British Red Cross to undertake a project to update the praxis recorded in Volume II of the study, at the Lauterpacht Centre for International Law, University of Cambridge. This project and annual update process will continue until at least the end of 2013.

The study was updated for the 2005-2010 period in 2011. To date, it covers 95 States and it includes national practices in IHL based on military manuals, national legislation, jurisprudence, and official statements.

With regard to Latin America, the current update of the study now comprises 14 countries: Argentina, Brazil, Chile, Colombia, Cuba, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. The update on Colombia, El Salvador, Mexico, Nicaragua, Peru, and on the Jurisprudence of the Inter-American Court of Human Rights was completed in October 2011. The update corresponding to Guatemala and Cuba for the 2008-2011 period will end in December 2011.

In August 2010, the ICRC published an online version of the study. This version is divided into two parts. The first part presents a comprehensive analysis of existing customary IHL rules which have been identified as applicable in all international and non-international armed conflicts. The second part contains a summary of the practice of the States regarding most of the IHL aspects. With the new database, this material is now made available from a single online source and can be accessed from anywhere in the world for the first time ever. The database can be consulted at <http://www.icrc.org/customary-ihl/eng/docs/home> and will be updated on an annual basis.

Mexican President Felipe Calderón meets with the ICRC President Jakob Kellenberger.



C. Main Ratifications during 2010-2011

The OAS Member States have pursued their efforts toward the universalization of IHL treaties. Several States, like Honduras, are about to ratify all the treaties and have expressed such intention.

The treaties on weapons and on IHL, especially the most recent ones like the 2008 Convention on Cluster Munitions (ratified by 10 Member States during said period), but also the 1980 Convention on Conventional Weapons, and the Additional Protocol V in particular, have been ratified by an increasing number of States. It is worth to point out the significant contribution made by the Americas to the ratification of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance adopted in December 2010. Half of the first twenty States parties to this convention are States of the hemisphere, like half of those that recognized the jurisdiction of the Committee. Panama ratified it in June 2011 and other States will soon follow suit. In Colombia, approval by Congress and by the Constitutional Court is under way and pending ratification.

The extent of ratification enjoyed by the Rome Statute of the ICC is very high throughout the Americas. Two more States have ratified it in this period. It would be convenient that the other States that have not ratified it yet do so as soon as possible.

The ratification process remains active, as the Member States are permanently expressing their intent to ratify all IHL treaties, while their National Committees on IHL analyze the case files, and their legislative branches of power are currently examining the ratification of IHL treaties pending ratification.

- **Antigua and Barbuda** signed up to the Convention on Cluster Munitions and the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Additional Protocols I, III, and IV, on August 23, 2010.
- **Argentina** signed up to the Additional Protocol III to the Geneva Conventions of 2005 on March 16, 2011.
- **Chile** signed up to the 2008 Convention on Cluster Munitions on November 16, 2010.
- On November 24, 2010 **Colombia** signed up to the Second Protocol of The Hague Convention of 1954 for the Protection of Cultural Property in Times of Armed Conflict of March 26, 1999. The approval by Congress and by the Constitutional Court is under way and pending ratification.
- **Costa Rica** signed up to the 2008 Convention on Cluster Munitions on April 28, 2011.
- **Dominican Republic** signed up to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Additional Protocols I, II, III, and IV, as well as to the 2001 Amendment to Article I of said Convention, on June 21, 2010, and the 2008 Convention on Cluster Munitions on December 20, 2011.
- **Ecuador** signed up to the 2008 Convention on Cluster Munitions on May 11, 2010.
- **El Salvador** signed up to the 2008 Convention on Cluster Munitions on January 10, 2011.
- **Grenada** became a party to the Rome Statute of the International Criminal Court on May 19, 2011.
- **Guatemala** signed up to the 2008 Convention on Cluster Munitions on November 3, 2010.
- **Honduras** signed up to the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the 1976 Convention on the Prohibition of the Military or Any Hostile Use of Environmental Modification Techniques (ENMOD), and Protocol V of 2003 on Explosive Remnants of War, on August 16, 2010.
- **Nicaragua** signed up to the 2008 Convention on Cluster Munitions on November 2, 2009.
- **Panama** signed up to Protocol V of 2003 on Explosive Remnants of War, and to the 2008 Convention on Cluster Munitions, both on November 29, 2010; and to the International Convention for the Protection of All Persons from Enforced Disappearance, on June 24, 2011.
- **Saint Lucia** became a party to the Rome Statute of the International Criminal Court on August 18, 2010.
- **Saint Vincent and the Grenadines** signed up to the 2008 Convention on Cluster Munitions on October 29, 2010. on December 6, 2010 it also became a party to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Additional Protocols I, III, IV, and IV; and to the Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict, on March 29, 2011.
- **Trinidad and Tobago** signed up to the 2008 Convention on Cluster Munitions on September 21, 2011.

Status of Participation of American States

Country		Protection of Victims of Armed Conflicts (*)						
		GC I-IV 1949	AP I 1977	AP I - CIHE	AP II 1977	AP III 2005	OP CAC 2000	DF ONU 2006
1	Antigua and Barbuda	06/10/1986	06/10/1986		06/10/1986			
2	Argentina	18/09/1956	26/11/1986	11/10/1996	26/11/1986	16/03/2011	10/09/2002	14/12/2007
3	Bahamas	11/07/1975	10/04/1980		10/04/1980			
4	Barbados	10/09/1968	19/02/1990		19/02/1990			
5	Belize	29/06/1984	29/06/1984		29/06/1984	03/04/2007	01/12/2003	
6	Bolivia	10/12/1976	08/12/1983	10/08/1992	08/12/1983		22/12/2004	17/12/2008
7	Brazil	29/06/1957	05/05/1992	23/11/1993	05/05/1992	28/08/2009	27/01/2004	
8	Canada	14/05/1965	20/11/1990	20/11/1990	20/11/1990	26/11/2007	07/07/2000	
9	Chile	12/10/1950	24/04/1991	24/04/1991	24/04/1991	06/07/2009	31/07/2003	08/12/2009
10	Colombia	08/11/1961	01/09/1993	17/04/1996	14/08/1995		25/05/2005	
11	Costa Rica	15/10/1969	15/12/1983	09/12/1999	15/12/1983	30/06/2008	24/01/2003	
12	Cuba	15/04/1954	25/11/1982		23/06/1999		02/09/2007	02/02/2009
13	Dominica	28/09/1981	25/04/1996		25/04/1996		20/09/2002	
14	Dominican Republic	22/01/1958	26/05/1994		26/05/1994	01/04/2009		
15	Ecuador	11/08/1954	10/04/1979		10/04/1979		07/06/2004	20/10/2009
16	El Salvador	17/06/1953	23/11/1978		23/11/1978	12/09/2007	18/04/2002	
17	Grenada	13/04/1981	23/09/1998		23/09/1998			
18	Guatemala	14/05/1952	19/10/1987		19/10/1987	14/03/2008	09/05/2002	
19	Guyana	22/07/1968	18/01/1988		18/01/1988	21/09/2009		
20	Haiti	11/04/1957	20/12/2006		20/12/2006			
21	Honduras	31/12/1965	16/02/1995		16/02/1995	08/12/2006	14/08/2002	01/04/2008
22	Jamaica	20/07/1964	29/07/1986		29/07/1986		09/05/2002	
23	Mexico	29/10/1952	10/03/1983			07/07/2008	15/03/2002	18/03/2008
24	Nicaragua	17/12/1953	19/07/1999		19/07/1999	02/04/2009	17/03/2005	
25	Panama	10/02/1956	18/09/1995	26/10/1999	18/09/1995		08/08/2001	
26	Paraguay	23/10/1961	30/11/1990	30/01/1998	30/11/1990	13/10/2008	27/09/2002	
27	Peru	15/02/1956	14/07/1989		14/07/1989		08/05/2002	
28	Saint Kitts and Nevis	14/02/1986	14/02/1986		14/02/1986			
29	Saint Lucia	18/09/1981	07/10/1982		07/10/1982			
30	Saint Vincent and The Grenadines	01/04/1981	08/04/1983		08/04/1983		29/03/2011	
31	Suriname	13/10/1976	16/12/1985		16/12/1985			
32	Trinidad and Tobago	24/09/1963	20/07/2001	20/07/2001	20/07/2001			
33	United States of America	02/08/1955				08/03/2007	23/12/2002	
34	Uruguay	05/03/1969	13/12/1985	17/07/1990	13/12/1985		09/09/2003	04/03/2009
35	Venezuela	13/02/1956	23/07/1998		23/07/1998		23/09/2003	
Total	REGION	35	34	11	33	15	24	8
	UNIVERSAL	194	169	71	165	51	129	18

in Treaties that are of Relevance for IHL (as of 19-Nov-2011)

International Criminal Law (*)		Protection of Cultural Property in the Event of Armed Conflict (*)			Environment (*)
CSL 1968	ICC 1998	HCCP 1954	HCCP PI 1954	HCCP PII 1999	ENMOD 1976
	18/06/2001				25/10/1988
26/08/2003	08/02/2001	22/03/1989	10/05/2007	07/01/2002	20/03/1987
	10/12/2002	09/04/2002	02/10/2008	02/10/2008	
	05/04/2000				
06/10/1983	27/06/2002	17/11/2004			
	20/06/2002	12/09/1958	12/09/1958	23/09/2004	12/10/1984
	07/07/2000	11/12/1998	29/11/2005	29/11/2005	11/06/1981
	29/06/2009	11/09/2008	11/09/2008	11/09/2008	26/04/1994
	05/08/2002	18/06/1998	18/06/1998	24/11/2010	
27/04/2009	07/06/2001	03/06/1998	03/06/1998	09/12/2003	07/02/1996
13/09/1972		26/11/1957	26/11/1957		10/04/1978
	12/02/2001				09/11/1992
	12/05/2005	05/01/1960	21/03/2002	03/03/2009	
	05/02/2002	02/10/1956	08/02/1961	02/08/2004	
		19/07/2001	27/03/2002	27/03/2002	
	19/05/2011				
		02/10/1985	19/05/1994	04/02/2005	21/03/1988
	24/09/2004				
	01/07/2002	25/10/2002	25/10/2002	26/01/2003	16/08/2010
15/03/2002	28/10/2005	07/05/1956	07/05/1956	07/10/2003	
03/09/1986		25/11/1959	25/11/1959	01/06/2001	06/09/2007
21/06/2007	21/03/2002	17/07/1962	08/03/2001	08/03/2001	13/05/2003
23/09/2008	14/05/2001	09/11/2004	09/11/2004	09/11/2004	
11/08/2003	10/11/2001	21/07/1989	21/07/1989	24/05/2005	
	22/08/2006				
	18/08/2010				27/05/1993
09/11/1981	03/12/2002				27/04/1999
	15/07/2008				
	06/04/1999				
		13/03/2009			17/01/1980
21/09/2001	28/06/2002	24/09/1999	24/09/1999	03/01/2007	16/09/1993
	07/06/2000	09/05/2005			
11	27	22	19	18	16
53	110	123	100	56	73

Status of Participation of American States

Country		Status of Participation of American States					
		GP 1925	BWC 1972	CCW 1980			
				CCW 1980	CCW PI 1980	CCW PII 1980	CCW PIII 1980
1	Antigua and Barbuda	27/04/1989	29/01/2003	23/08/2010	23/08/2010		23/08/2010
2	Argentina	12/05/1969	05/12/1979	02/10/1995	02/10/1995	02/10/1995	02/10/1995
3	Bahamas		26/11/1986				
4	Barbados	16/07/1976	16/02/1973				
5	Belize		20/10/1986				
6	Bolivia	13/08/1985	30/10/1975	21/09/2001	21/09/2001	21/09/2001	21/09/2001
7	Brazil	28/08/1970	27/02/1973	03/10/1995	03/10/1995	03/10/1995	03/10/1995
8	Canada	06/05/1930	18/09/1972	24/06/1994	24/06/1994	24/06/1994	24/06/1994
9	Chile	02/07/1935	22/04/1980	15/10/2003	15/10/2003		15/10/2003
10	Colombia		19/12/1983	06/03/2000	06/03/2000	06/03/2000	06/03/2000
11	Costa Rica	17/03/2009	17/12/1973	17/12/1998	17/12/1998	17/12/1998	17/12/1998
12	Cuba	24/06/1966	21/04/1976	02/03/1987	02/03/1987	02/03/1987	02/03/1987
13	Dominica		08/11/1978				
14	Dominican Republic	08/12/1970	23/02/1973	21/06/2010	21/06/2010	21/06/2010	21/06/2010
15	Ecuador	16/09/1970	12/03/1975	04/05/1982	04/05/1982	04/05/1982	04/05/1982
16	El Salvador		31/12/1991	26/01/2000	26/01/2000	26/01/2000	26/01/2000
17	Granada	03/01/1989	22/10/1986				
18	Guatemala	03/05/1983	19/09/1973	21/07/1983	21/07/1983	21/07/1983	21/07/1983
19	Guyana						
20	Haiti						
21	Honduras		14/03/1979	30/10/2003	30/10/2003	30/10/2003	30/10/2003
22	Jamaica	28/07/1970	13/08/1975	25/09/2008	25/09/2008		25/09/2008
23	Mexico	28/05/1932	08/04/1974	11/02/1982	11/02/1982	11/02/1982	11/02/1982
24	Nicaragua	05/10/1990	07/08/1975	05/12/2000	05/12/2000		05/12/2000
25	Panamá	04/12/1970	20/03/1974	26/03/1997	26/03/1997	26/03/1997	26/03/1997
26	Paraguay	22/10/1933	09/06/1976	22/09/2004	22/09/2004	22/09/2004	22/09/2004
27	Peru	13/08/1985	05/06/1985	03/07/1997	03/07/1997		03/07/1997
28	Saint Kitts and Nevis	27/04/1989	02/04/1991				
29	Saint Lucia	21/12/1988	26/11/1986				
30	Saint Vincent and The Grenadines	24/03/1999	13/05/1999	06/12/2010	06/12/2010		06/12/2010
31	Suriname		06/01/1993				
32	Trinidad and Tobago	31/08/1962	19/07/2007				
33	United States of America	10/04/1975	26/03/1975	24/03/1995	24/03/1995	24/03/1995	21/01/2009
34	Uruguay	12/04/1977	06/04/1981	06/10/1994	06/10/1994	06/10/1994	06/10/1994
35	Venezuela	08/02/1928	18/10/1978	19/04/2005	19/04/2005	19/04/2005	19/04/2005
Total	REGION	26	33	24	24	18	24
	UNIVERSAL	136	163	111	109	93	105

in Treaties that are of Relevance for IHL (as of 19-Nov-2011)

Weapons (*)

CCW PIV 1995	CCW PII a 1996	CCW PV 2003	CCW a 2001	CWC 1993	Ottawa Treaty 1997	Cluster Munitions 2008
23/08/2010				29/08/2005	03/05/1999	23/08/2010
21/10/1998	21/10/1998		25/02/2004	02/10/1995	14/09/1999	
				21/04/2009	31/07/1998	
				03/07/2007	26/01/1999	
				01/12/2003	23/04/1998	
21/09/2001	21/09/2001			14/08/1998	09/06/1998	
04/10/1999	04/10/1999			13/03/1996	30/04/1999	
05/01/1998	05/01/1998	19/05/2009	22/07/2002	26/09/1995	03/12/1997	
15/10/2003	15/10/2003	18/08/2009	27/09/2007	12/07/1996	10/09/2001	16/12/2010
06/03/2000	06/03/2000		20/05/2009	05/04/2000	06/09/2000	
17/12/1998	17/12/1998	27/04/2009	03/06/2009	31/05/1996	17/03/1999	28/04/2011
			17/10/2007	29/04/1997		
				12/02/2001	26/03/1999	
21/06/2010	21/06/2010		21/06/2010	27/03/2009	30/06/2000	20/12/2011
16/12/2003	14/08/2000	10/03/2009	10/03/2009	06/09/1995	29/04/1999	11/05/2010
26/01/2000	26/01/2000	23/03/2006	13/09/2007	30/10/1995	27/01/1999	10/01/2011
				03/06/2005	19/08/1998	
30/08/2002	29/10/2001	28/02/2008	13/02/2009	12/02/2003	26/03/1999	03/11/2010
				12/09/1997	05/08/2003	
				22/02/2006	15/02/2006	
30/10/2003	30/10/2003	16/08/2010		29/08/2005	24/09/1998	
25/09/2008	25/09/2008	25/09/2008	25/09/2008	08/09/2000	17/07/1998	
10/03/1998			22/05/2003	29/08/1994	09/06/1998	06/05/2009
05/12/2000	05/12/2000	15/09/2005	06/09/2007	05/10/1999	30/11/1998	02/11/2009
26/03/1997	03/10/1999	29/11/2010	16/08/2004	07/10/1998	07/10/1998	29/11/2010
03/12/2008	22/09/2004	03/12/2008	03/12/2008	01/12/1994	13/11/1998	
03/07/1997	03/07/1997	29/05/2009	14/02/2005	20/07/1995	17/06/1998	
				21/05/2004	02/12/1998	
				09/04/1997	13/04/1999	
06/12/2010	06/12/2010	06/12/2010		18/09/2002	01/08/2001	29/10/2010
				28/04/1997	23/05/2002	
				24/06/1997	27/04/1998	21/09/2011
21/01/2009	24/05/1999	21/01/2009	21/01/2009	25/04/1997		
18/08/1998	18/08/1998	07/08/2007	07/08/2007	06/10/1994	07/06/2001	24/09/2009
	19/04/2005			03/12/1997	14/04/1999	
22	21	15	18	35	33	13
95	93	62	72	188	156	68

PART II

MEASURES FOR THE INTERNATIONAL IMPLEMENTATION OF IHL IN THE AMERICAS

A. Complementary Actions by the States

The prompt adoption of certain measures is required to enforce the provisions of IHL treaties so that they can be implemented by the parties to armed conflicts. Although most treaties can be implemented directly, it is always crucial that their provisions be not only known but enforced at a national level as soon as possible, which is not always the case. Moreover, numerous regulations require some sort of supplementary action by the States for the law to be effectively enforced in practice once armed conflict has unleashed.

The National Committees on IHL have a key role to play in contributing to the fulfillment of this task. Furthermore, the ICRC is willing to continue cooperating toward the achievement of such goal.

The measures that States have committed to adopt vary in nature, ranging from legislative and regulatory adjustments to administrative, practical and educational measures.

Lima Conference



B. Legislative, Regulatory, Practical, and Public Policy Measures

1. Penal Repression

Adopted Rule

- **Colombia.**
 - Military Criminal Code (MCC) – Law 1407 of 2010. Published in the *Diario Oficial* (Official Gazette) on August 17, 2010. Article 3 of the MCC excludes several types of offences from the military criminal jurisdiction: *torture, genocide, enforced disappearance, crimes against humanity, or those crimes against IHL as set forth by international conventions and treaties ratified by Colombia*. Therefore, since the entry into force of the MCC – Law 1407 of 2010, such offences may only be investigated and tried by the prosecutors and judges of original jurisdiction belonging to the Judicial Branch of the Public Power (prosecutors and “civil” judges), based on the substantive rules of the Criminal Code – Law 599 of 2000 and of the Code of Criminal Procedure – Law 906 of 2004.
 - Law 1424 of 2010 or *law of transitional justice*. As provided for by Law 1424 of 2010, demobilized persons from organized armed groups (OAGs) may sign agreements with the government to contribute to the historical truth and redress, so that they may remain free and pursue their reintegration into society.
 - Directive 016 of 2010 by the Attorney General on homicides against persons protected by IHL of October 14, 2010. Aimed at attorneys at law and law enforcement agents, the Attorney General issues directives or guidelines so that his/her subordinates may address the analysis of any homicide of persons protected by IHL as per Article 135 of the Criminal Code – Law 599 of 2000, in the event of any intervention by the Office of the Attorney General in investigations and criminal proceedings or trials on account of said offence.

- Directive 006 of May 17, 2011 issued by the Attorney General, which offers guidelines on the fight against impunity in cases of sexual violence within the framework of the Colombian armed conflict, especially against women, and to guarantee their dignity. The Attorney General refers to offences against persons protected by IHL involving attempts against sexual dignity, and instructs the legal representatives to properly act in such investigation and trial proceedings. The Attorney General urges the government security forces to include subjects and training tasks in the curricula for military and police forces in order to prevent and avoid sexual assault.
- **Ecuador.** In May 2010, the Criminal Code Reform Law was passed for the criminalization of those offences committed by the Military Police. This Law introduces a chapter dealing with “Offences against persons and property protected by IHL”.
- **Peru.** Legislative Decree 1094 (“New Code of Military Police Justice”) of September 1, 2010, introduces the criminalization of *Offences Committed under States of Emergency and against International Humanitarian Law*, and establishes general rules on the matter. In turn, a bill on *Offences against International Human Rights Law and International Humanitarian Law* to be included in the criminal legislation is still pending discussion and approval by Parliament.

Pending Projects Underway

- **Bolivia.** A section on the classification of war crimes in connection with the implementation of the 1998 Rome Statute would be included in a bill for a new Criminal Code, pending discussion and approval.
- **Brazil.** A working group has finalized a bill that includes war crimes as set forth in the Rome Statute, which has been sent to Parliament. Said bill intends to punish war crimes set forth in the 1949 Geneva Conventions, Additional Protocol I of 1977 and article 8 the Rome Statute of 1998.
- **Costa Rica.** A bill providing for the inclusion of war crimes into the criminal code is still pending approval. Said bill intends to punish war crimes set forth in the 1949 Geneva Conventions, Additional Protocol I of 1977 and the Rome Statute. This bill does not draw any distinction between crimes committed during international armed conflict and those committed in relation to non-international armed conflicts
- **Dominican Republic.** A bill providing for the reform of the Criminal Code to include war crimes is still pending discussion and approval by Congress.
- **El Salvador.** The bill finalized by the Interinstitutional Committee on IHL (CIDIH-ES, as per its Spanish acronym) is pending submission to Parliament. Said bill includes a chapter on war crimes that mainly considers the obligations set out by the Geneva Conventions and Additional Protocol I which are to be included in the Criminal Code.
- **Guatemala.** The Criminal Code reform is still pending approval. However, on September 6 2010 the Guatemalan Committee for the Implementation of IHL (COGUADIH, as per its Spanish acronym) submitted a bill before the magistrates of the Criminal Court of the Judiciary providing for its direct inclusion into the current Criminal Code as a chapter on war crimes.
- **Honduras.** The Honduran Committee on IHL (CH-DIH, as per its Spanish acronym) intends to propose to the Supreme Court the inclusion of a special law on war crimes in the Criminal Code that provides for the obligations set forth by the Geneva Conventions, Additional Protocol I and the Rome Statute.
- **Mexico.** As part of its work, the Mexican Intersecretarial Committee on IHL (CIDIH-Mexico, as per its Spanish acronym) is finalizing an initiative to amend the federal criminal legislation that includes the classification of war crimes as set forth by the Geneva Conventions, Additional Protocol I, the Rome Statute, and other related instruments, with the purpose of submitting it for parliamentary discussion.
- **Paraguay.** A bill providing for the implementation of the Rome Statute condemning war crimes as set forth in said treaty, along with those in the 1949 Geneva Conventions and the Additional Protocol I of 1977 is currently under review at different government levels.
- **Suriname.** Following the ratification of the Rome Statute on the ICC in May 2008, a series of amendments to the Criminal Code are under way to implement the provisions of the Geneva Conventions, their three Additional Protocols, and the Rome Statute. No progress has been made during the period.

2. Missing Persons

Adopted Rules

- **Argentina.** The Argentine Criminal Code has classified enforced disappearance as an offence.
- **Colombia.** Law 1408 of 2010 *pays homage to victims of enforced disappearance and provides for their search and identification*. The decree/s regulating said law is/are still pending approval (09.21.2011), so that some provisions are not yet enforced. Law 1418 of 2010, *providing for the approval of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York on December 20, 2006*. The ratification document does not yet appear in the database on UN treaties. Colombia signed up to the Convention on September 27, 2007. Directive 007 of February 11, 2011, whereby the Director General of the National Police issues guidelines within the framework of the implementation of the National Search Plan for Missing Persons (2007), pursuant to the legal mechanisms and the commitments undertaken by the National Police.

Pending Projects

- **Bolivia.** A preliminary Supreme Order drafted in 2007 and related to suitable operational practices regarding the treatment of human remains and information on missing persons and a declaration of *absence due to enforced disappearance* is still pending approval. In turn, the ICRC continues to support the training of Bolivian forensic specialists.
- **Brazil.** A bill has been submitted to the Senate providing for the inclusion of enforced disappearance as an offence in the Criminal Code.
- **Colombia.** At present, the Colombian Parliament is analyzing a parliamentary bill providing for the adoption, in the Colombian legislation, of a declaration of absence due to enforced disappearance and to other forms of involuntary disappearance. The bill was under discussion at the Constitutional Affairs Committee of the Senate as early as November 2011. Several civil society organizations have significantly contributed to this bill, namely the Colombian Office of the United Nations High Commissioner for Human Rights and the ICRC Delegation in Colombia.
- **Guatemala.** On February 23, 2011, the Parliamentary Committee on Legislation and Constitutional Affairs issued a favourable ruling on Law 3590 regarding the creation of a National Commission for the Search of Missing Persons, which is currently pending inclusion in the agenda to become known by the entire Congress.
The Guatemalan Committee for the Implementation of International Humanitarian Law (COGUADIH) is preparing a bill providing for the criminalization of absence and presumed death due to enforced disappearance. The intention is to provide the families of victims of an armed conflict with a legal remedy to solve issues related to the prerogative of their relatives' right to be recognized as persons before the law. Additionally, the COGUADIH is preparing four bills on the matter dealing with the classification of the duty to notify the families of persons deprived of liberty, the criminalization of obstructing the identification of human remains, the systematic and deliberate refusal to allow a detainee to communicate with his/her family, and the creation of a National Information Office.

Disappeared Persons in Guatemala



Carla Molina/ICRC

- **Mexico.** On April 14, 2011, the creation of a National Register of Missing Children, Adolescents, and Adults was approved by the Senate. At present, the Subcommittee on Legislative Standardization chaired by the Directorate for Human Rights and Democracy is analyzing the relevance of drafting a federal bill providing for the Enforced Disappearance of Persons.
- **Venezuela.** The bill intended to Punish Crimes, Disappearances, Tortures, and other Violations of Human Rights for Political Reasons during 1958-1988 is still under discussion. This bill seeks to establish the mechanisms that will guarantee the right to truth and to punish those responsible for human rights violations committed between 1958 and 1998. Furthermore, it endeavours to ensure the recovery of historical memory, the redress to victims, and the finding of remains of disappeared persons who died during popular struggles.

Reflection Work or Soft Law

- **Argentina.** With the support of the ICRC and human rights organizations, the Ministry of Foreign Affairs has moved forward in the preparation of a handbook on forensic genetics and human rights.
- **Colombia.** In recent years, the families of disappeared persons and of other victims of armed conflicts, situations of violence, and violations of human rights have been claiming and requesting from the States the adoption of public policies providing for the adequate psychosocial care of their needs. In 2007, the First World Congress on Exhumations was held in Antigua, Guatemala, where the first consensus text was drafted on the minimum standards for psychosocial work. In 2010, the Second World Congress on Psychosocial Work in Exhumation Processes, Forced Disappearance, Justice and Truth was held in Bogota, Colombia. One of the outcomes of the meeting was the adoption of a text seeking to raise the awareness of the political authorities of the various States so that they may move forward in the adoption of the public policies required to provide proper care to the families of victims. This document, titled "*International Consensus on Minimum Principles and Standards for Psychosocial Work in Exhumation Processes and Forensic Investigations in Cases of Enforced Disappearance, Arbitrary or Extrajudicial Executions*", is intended to raise the awareness of governments and State authorities so that they begin to adopt, if they have not yet done so, public policies and state programmes related to the care, truth, and redress for the families of victims. One of the aims of the organizations and persons who have participated in the drafting of the *Consensus* is that the governments themselves include said document in the resolutions of the general assemblies of intergovernmental organizations such as the United Nations (UN) or the OAS; thus, the political authorities of the States are expected to become aware of the requirements and needs of families in order to fully meet their expectations as the judicial systems clarify the cases, identify the victims, inform their families, and repair the damage caused according to international human rights and IHL standards.

- **Peru.** The National Committee on the Study and Implementation of IHL (CONADIH, as per its Spanish acronym) encouraged the creation of a working group and drafted a compilation report on the *pending challenges regarding the issue of disappeared persons and their families in Peru*. Additionally, the ICRC, in coordination with the Office of the Attorney General, has encouraged the preparation of a *technical study on the criminal procedure framework relevant to the planning and organization of forensic anthropological investigations related to the process to search for persons who are presumed missing*.

3. Weapons

Pending projects

- **Guatemala.** On May 17, 2011, a bill was submitted to Congress to regulate the commitments assumed through the Convention on Cluster Munitions ratified by Guatemala in November 2010. It is currently under discussion at the Parliamentary Committee on Legislation and Constitutional Affairs.
- **Peru.** The National Council for the Prohibition of Chemical Weapons (CONAPAQ, as per its Spanish acronym) has established a working group in charge of identifying national actions for the enforcement of the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Following up on this action, the creation of a National Commission for the Prohibition of Biological Weapons (CONAPAB, as per its Spanish acronym) is under discussion.
- **Venezuela.** A bill providing for the Disarmament, Munition and Arms Control is still pending.

4. Protection of the Emblems

Pending Bills

- **Argentina.** A bill prepared by the Committee for the Implementation of International Humanitarian Law (CADIH, as per its Spanish acronym) on the emblems is currently being discussed in Parliament.
- **Guatemala.** The Guatemalan Committee for the Implementation of International Humanitarian Law (COGUADIH) has prepared a reform bill to amend the 1997 Law concerning the Use and the Protection of the Red Cross Emblem in order to include the Red Crystal within the Guatemalan legislation. Said bill is under Parliamentary discussion.
- **Peru.** In 2011, the National Committee on the Study and Implementation of International Humanitarian Law (CONADIH) organized a technical exchange meeting to discuss a draft on the use and protection of the emblem developed by said Committee and based on the ICRC model bill. The bill is expected to be submitted to Parliament.
- **Venezuela.** An amendment bill on the emblem is still pending.

Draft Regulations Pending

- **Dominican Republic.** Supported by the ICRC, the Committee on IHL is preparing a draft to regulate Law 220-2007 on the use and protection of the Red Cross and Red Crescent emblems.
- **Ecuador.** Regulations for the law providing for the use and protection of the Red Cross, Red Crescent, and Red Crystal emblems are still pending approval.
- **Guatemala.** The COGUADIH is analyzing the preparation of draft regulations for the law which provides for the use and protection of the Red Cross emblem.
- **Honduras.** The Honduran Committee for the Implementation of International Humanitarian Law (CH-DIH, as per its Spanish acronym) is preparing regulations for the 2004 law providing for the use and protection of the Red Cross and Red Crescent emblems.
- **Mexico.** The Mexican Intersecretarial Committee on International Humanitarian Law (CIDIH-Mexico) is finalizing an initiative to regulate the 2007 law providing for the Use and Denomination of the Red Cross Emblem.

5. Protection of Cultural Property

Several National Committees on IHL are working on the implementation of The Hague Convention and its two Additional Protocols, particularly regarding the identification of cultural property.

The ICRC and the Inter-institutional Committee on International Humanitarian Law of El Salvador (CIDIH-ES, as per its Spanish acronym) organized a Regional Seminar of National Committees for IHL on the Protection of Cultural Property in Times of Armed Conflict to be held in San Salvador on December 1-2, 2011. The aim of this seminar is to endorse the committees' efforts toward the full implementation of these treaties at a national level, as well as in the Armed Forces.

Identification Processes

- **Argentina.** In 2001, the Committee for the Implementation of IHL resumed the process of identification of cultural property for its future registration and cataloging.
- **Chile.** During the last two years, the Committee for the Implementation of IHL has started the process of identification of cultural property for its future registration and cataloging.



- **Guatemala.** The Guatemalan Committee for the Implementation of International Humanitarian Law (COGUADIH) is preparing a bill providing for the identification of some museums, cultural centres, monuments, and archaeological sites in the cities of Guatemala and Antigua Guatemala, together with other historically relevant sites, as protected cultural property as set forth by The Hague Convention of 1954.
- **Honduras.** The Honduran Committee on International Humanitarian Law (CH-DIH) is preparing a bill for the identification of cultural property in the districts of Comayagua, Department of Comayagua, Tegucigalpa, Department of Francisco Morazán, Trujillo, Department of Colón, and Moa, Department of Cortés.
- **Paraguay.** In the last two years, the Committee for the Implementation of IHL has continued to identify cultural property protected by The Hague Convention of 1954 in various parts of the country.

6. Other Actions

Implementation of the Geneva Conventions

- **Jamaica.** Efforts are still being made for the preparation of a bill to implement the four Geneva Conventions and the three Additional Protocols (Geneva Convention Bill).

Victims of Armed Conflicts

- **Colombia.** Victims and land restitution. Law 1448 of 2011 *providing for the full care, assistance, and redress to victims of internal armed conflicts, in addition to other provisions*, is currently being regulated and not fully enforced as yet. Law 1421 of 2010 providing for an extension of the validity of *Law 418 of 1997, as extended and amended by laws 548 of 1999, 782 of 2002, and 1106 of 2006*. This series of laws, which have been subsequently extended, adopt actions for the care and assistance of victims of political violence and acts of terrorism. For over a decade, these laws have been the legal grounds for providing care and assistance to victims of antipersonnel mines, among other issues.

Children in Armed Conflicts

- **Colombia.** Public policy for the prevention of forced recruitment of children and adolescents. Document 3673 of July 19, 2010 issued by the National Council for Social and Economic Policy (CONPES, as per its Spanish acronym), National Planning Department of Colombia. Through this type of documents issued by CONPES, the government of Colombia sets the expenditure and investment priorities of the budgets for the executive agencies, judicial agencies like the Public Prosecutor's Office, and state control agencies like the Attorney General's Office and the Office of the Ombudsman, and may also assume undertakings based on the CONPES document.

- **Guatemala.** The Ministry of Foreign Affairs has finalized Volume I of the book titled "Compilation of the Main International Instruments on Disarmament, Transfer of and Traffic in Arms, Armed Violence and Development, and Other Related Issues." This compilation includes international humanitarian law treaties on the issue of weapons, like the recent Convention on Cluster Munitions. This publication will be distributed among public officials, especially Armed Forces members, students, and academics.

Internal Regulations of the National Committees on IHL

- **Honduras.** CH-DIH has approved its own internal regulations in order to govern its actions.

The Use of Force and of Firearms

- **Mexico.** Following the entry into force in 2008 of the Law regulating the use of force by public security forces in the Federal District, the regulations for said law were adopted in November 2010.
- **Peru.** The National Committee on the Study and Implementation of International Humanitarian Law (CONADIH) drafted and encouraged two regulatory proposals for the amendment of Law 29166, *Regulations on the Use of Force by the Armed Forces in the national territory*. Most of these proposals were included in Legislative Decree 1095, *Regulations on the Use of Force by the Armed Forces in the National Territory*, of September 1, 2010. Said Decree, finally promoted by the Ministry of Defense, establishes the applicability (as *lex specialis*) of IHL principles and standards for the regulation of the use of force in non-international armed conflicts, on the one hand, and the applicability of IHRL and other international standards for the regulation of the use of force in situations of internal violence that do not amount to armed conflict, on the other hand.

The Mexican Red Cross and the ICRC assist migrants.



ICRC

Migration

- **Mexico.** A new Law on Migration was enacted on May 25, 2011. The *Ley de Amparo* (Law on Statutory Protection) was amended on June 6, while the Constitutional Reform on Human Rights was enacted on June 10, 2011, whereby any human rights regulation contained in the international treaties ratified by the State acquire constitutional status.

Other actions

- **Guatemala.** The Guatemalan Committee for the Implementation of International Humanitarian Law (COGUADIH) has implemented a programme to provide care to victims of antipersonnel mines and other explosives in times of armed conflict, which consists in the provision of prostheses, funded by the ICRC. To date, support has been provided to 20 victims.

C. Integration of IHL by the Armed Forces

The integration of IHL by the armed forces is a mandatory requirement to implement the treaties at a national level. The purpose is to translate international rules into specific mechanisms that ensure the protection of people and property in the event of armed conflict.

For members of the armed forces to act in accordance with the rules of IHL, these must be fully integrated in military doctrine, training, instruction and behaviour, as well as in systematic operative procedures and in the choice of weapons.

The Ministries of Defense are part of the National Committees on IHL and even chair them on several occasions. In addition, they draft reports on the progress made. Through its programme, the ICRC contributes to the armed forces' effort to integrate IHL rules into their doctrine and manuals.

As already mentioned, the International Conference of National Committees on IHL of Latin America and the Caribbean decided *"to invite the Member States to disseminate as widely as possible the rules and principles of IHL. In particular, by incorporating them into military doctrine and manuals, so that armed forces will have the means and mechanisms necessary for their effective application, and by making use of the pertinent media so that such law may be familiar to the civilian population."*

By the end of 2011, progress has been noted in the processes undertaken by the armed forces to integrate IHL; however, efforts still need to be made in this direction.

- **Argentina.** There is a national plan in the form of a series of hierarchically organized orders and provisions that see to the dissemination and teaching of IHL at all levels. A number of training courses for military instructors are delivered at the Joint Chiefs of Staff Headquarters. In 2010, a handbook on IHL was published for the Argentine armed forces, which is a mandatory text at all levels of military education training. The National Institute of Air and Space Law (INDAE, as per its Spanish acronym) runs postgraduate courses in IHL for civilians and members of the Armed Forces.
- **Brazil.** Since June 2008, the Armed Forces have a guideline issued by the Ministry of Defence providing for the integration of IHL into teaching and doctrine. In 2011, the Ministry of Defence ordered the publication of the first edition of a handbook on IHL written by military and which will serve as a helpful model for the army, navy and air force to outline their own manuals.
- **Bolivia.** In 2010, the Ministry of Defence and the ICRC signed a cooperation agreement aimed at promoting the integration of IHL and human rights into the doctrine, education, and training of the armed forces. A series of training courses were concurrently held for IHL instructors in the cities of La Paz, Cochabamba, and Santa Cruz, together with a presentation on IHL and ICRC activities before the high-ranking officials of said Ministry and high-ranking officers of the armed forces.

- **Chile.** There is a national plan in the form of a series of hierarchically organized orders and provisions that see to the dissemination and teaching of IHL at all levels. As part of its operational doctrine, the Chilean Army has adopted the integration of IHL into its own processes for the drafting of doctrine, education and training, and finally, of accountabilities. *A Handbook on the Army's Operational Law* was published together with a document on the implementation of IHL containing the most relevant principles and regulations on the matter.
- **Colombia.** The Colombian police and armed forces continue implementing their *Comprehensive Policy on Human Rights and International Humanitarian Law*, adopted in 2008 and which was mentioned in the 2008-2009 report. A significant development of this policy is the publication of the **Handbook on Operational Law – The Army's Handbook 3-41 public, 2009**, where the armed forces adopt regulations that instruct military commanders to take IHL and human rights standards into consideration during their military operations. The handbook is currently being updated.
In 2010 and 2011, two cohorts attended the *Armed Conflicts Law Specialization Course* at the Military Academy of the Colombian National Army, and another two took the *Master's Degree in Human Rights and the Law of Armed Conflicts* at the Army's War College.
The military and police training schools have introduced IHL in their curricula, and teaching materials on the topic have been prepared for the training of troops. Between 2010 and 2011, the armed forces conducted seven *lessons-learned workshops (after action review)*, in addition to those mentioned in the 2008-2009 report. Eighteen workshops on IHL were held for operational *legal advisors, operational and intelligence staff, and those responsible for human rights in the armed forces and national police; more over, fourteen academic activities related to the protection of medical staff and the medical mission in the conduct of hostilities within the IHL framework took place.*
Five workshops were held on IHRL and the gradual use of force, arrest, and detention as part of the law enforcement role, with the participation of members of the armed forces and the national police.
- **Ecuador.** The Ministry of Defense, the ICRC, and the Ecuadorian Red Cross (ERC) have extended the term of the cooperation agreement for two more years. This agreement is aimed at promoting the integration of IHL into the doctrine, teaching, and training of the armed forces. IHL has been integrated into the curricula at all levels of military instruction. Concurrently, the fourth “train the trainer” course in IHL for officers and the second course for troops have been conducted, together with a presentation on IHL and ICRC activities before the high-ranking officials of the Ministry and high-ranking officers of the armed forces. In turn, four training courses for instructors have been delivered on the topics of human rights, shelter, legal procedures, and on the mission, mandate, and activities of the International Red Cross and Red Crescent Movement in the cities of Esmeraldas, Tulcán, Coca, and Shell, along the border with Colombia.
- **El Salvador.** Efforts are still under way to integrate IHL into the doctrine of the armed forces. Work on the implementation of IHL has continued in the courses run at the Joint Chiefs of Staff Headquarters, which is also reflected in their online war games related to this issue.
- **Guatemala.** The integration of IHL into military handbooks has continued in 2011. The efforts to raise awareness of IHL continue at an operational level.
- **Guyana, Suriname and Trinidad and Tobago.** The defence forces of Guyana, the armed forces of Suriname, and the defence forces of Trinidad and Tobago continue reviewing their education and training orders to ensure full integration of IHL.
- **Jamaica.** Through the Caribbean Junior Staff Command Course, the Jamaica Defence Force continues its IHL training with armed forces' officers in the region.
- **Mexico.** The Ministry for National Defence (SEDENA, as per its Spanish acronym) and the Mexican Navy (SEMAR, as per its Spanish acronym), with the support of the ICRC, continue their efforts to train in and raise awareness about IHL and on human rights and the use of force. These efforts have been extended to cover military and naval regions.
- **Paraguay.** The Joint Chiefs of Staff of Paraguay have established a unit in charge of ensuring the implementation of their plan for the dissemination and teaching of IHL. This unit continues to monitor and develop the activities scheduled in its IHL dissemination and teaching plan. Moreover, a process was started to establish an appropriate legal framework for the use of force in operations not related to armed conflicts.
- **Peru.** The IHL and Human Rights Centre of the armed forces has continued holding basic, advanced, and decentralized courses on IHL and IHRL. Worth of note are the pre-deployment courses aimed at the troops mobilised in the Apurímac and Ene River Valley (VRAE, as per its Spanish acronym). In addition, the ICRC has promoted a workshop on surgery for patients injured by firearms and explosions aimed at 80 army and police members who provide medical assistance in the VRAE region; the course was designed to meet the concerns shared and repeatedly expressed by the armed forces regarding the difficulty of providing health care in the area.
- **Uruguay.** There is a national plan in the form of a series of hierarchically organized orders and provisions that see to the dissemination and teaching of IHL at all levels. Each force with its own resources establishes the training of military instructors in IHL.

At a continental level, the work undertaken with the Conference of Central American Armed Forces (CFAC, as per its Spanish acronym) continues to report very good results, as it has helped strengthen the harmonization of training provided by the five Member States (El Salvador, Guatemala, Honduras, Nicaragua, and Dominican Republic). In 2010, the first “train the trainer” course was held for instructors on IHL and applicable rules for the maintenance of public order, followed by a second workshop on repression of war crimes. In 2011, the first seminar on the management of dead bodies was conducted together with a course on the use of force for the armed forces.

Armed Forces and Public Security

Latin American armed forces are becoming increasingly involved in internal security operations. With the purpose of supporting this key activity, the ICRC started a major awareness-raising campaign among high-ranking officers of the armed forces in order to promote human rights regulations applicable to the use of force under internal security operations.

D. Integration of International Human Rights Law (IHRL) and Humanitarian Principles by Security and Police Forces

In order to prevent and alleviate the fate of victims of other situations of violence, the ICRC promotes the knowledge of and respect for IHRL and humanitarian principles by security and police forces, with a focus on the use of force, the use of firearms, arrest and detention, as well as the assistance to victims of violence and persons affected by the use of force.

In working with state, departmental and municipal security and police forces in more than 12 countries, the ICRC uses the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as guidance for the professional practice of institutions in charge of enforcing the law while respecting the life, the personal integrity, and dignity of the human being.

The ICRC endeavours to have these instruments incorporated and complied with in the doctrinal, educational, training, sanction or control fields, and in the equipment of the security and police forces with whom it works. To this end, the ICRC organizes awareness raising, training, and advisory activities at all hierarchical levels.

This awareness raising and training work is also conducted in some countries where the armed forces provide support to the security and police forces, focussing on a constructive dialogue that may allow the ICRC to present its humanitarian concerns to both audiences.

The confidential dialogue that the ICRC maintains with these arms carriers is solely intended to mitigate the humanitarian consequences associated with the use of force and the use of firearms arising from other situations of violence where the armed and security forces are involved.

With the support and advice of the ICRC, some countries of the Americas have started to review their doctrine and their education and training plans so as to integrate those humanitarian principles and improve their observance.

The ICRC promotes IHL in the Armed Forces.



Christoph Von Toggenburg/ICRC

The ICRC promotes IHRL and humanitarian principles applicable to the police forces among security forces.



Federal Secretariat of Public Security

E. Integration of IHL in Academic Teaching

By becoming signatories to IHL treaties, the States undertake to disseminate and promote their provisions as much as possible and to work for their implementation at a national level. This commitment means that the academic institutions in each country should teach and promote research into IHL, particularly at law schools and postgraduate courses. The fact of having competent university centres with expert teachers allows the States to train specialists, future civil and military leaders and civil society at large, in order to contribute to the implementation of IHL at a national level in support of national IHL committees and to build clarification and development efforts.

There is an increasing number of academic teaching institutions throughout the Americas that are committed to integrating the teaching of international law into the training of leaders. However, although teaching of IHL witnesses to a confirmed interest by said institutions, progress to integrate IHL into their syllabuses in the region was uneven during 2010 and 2011.

A significant number of universities, particularly in Argentina, Bolivia, Brazil, the English-speaking Caribbean States, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, and Uruguay, offer IHL courses systematically (bachelor's, master's, and Doctorate degrees), so that their graduates may gain knowledge and experience in this branch of public international law. The subject is also taught at political and social sciences, law, journalism, and foreign affairs university schools.

In several American countries, the ICRC has actively cooperated with universities so as to encourage the integration and teaching of IHL and humanitarian principles in academic teaching programmes and also in postgraduate courses, with the purpose of strengthening research centres, especially through cooperation agreements and courses for university teachers.

In 2010 and 2011 several American universities participated in the *Jean-Pictet Competition* on IHL and in pleadings competitions at a local level, which were especially aimed at promoting IHRL, but with some contents or references to IHL. Some universities have received outstanding awards in these competitions.

The current network of teachers and experts in different disciplines continues supporting and complementing the integration and dissemination of IHL into academic teaching at a national level. In their capacities as either independent or government experts, they are actively involved in the national training and implementation processes, both at a government level within the framework of the National Committees on IHL, and at the Armed Forces and National Societies level. They also contribute to the clarification of this legislation through research work, discussions, international conferences, papers or as government experts. Finally, they participate in current humanitarian debates on clarification works, contribute to the development efforts of IHL, and to updating the study of customary IHL and/or the drafting of consistency studies. Thus, in their role as research and knowledge centres, the universities in the Americas actively contribute to the integration and implementation of IHL. Main topics discussed by teachers include the following: The criminal

prosecution of IHL violations, the issue of disappeared persons and their families, etcetera.

However, the work undertaken with academic circles shows a tendency toward the consideration of new forms of interaction, such as looking into new fields of cooperation in areas with a high value added, like the analysis of principles that may regulate the use of force, and even in other areas aimed at improving the protection standards for students, teachers, authorities, and facilities in those situations where they become the victims of violence.

The academic circles have always actively supported the ICRC humanitarian action. This was evidenced in May 2011, when the ICRC organized a meeting with 12 top-notch academics from Mexico, Nicaragua, Panama, Honduras, El Salvador, Costa Rica, Cuba, and Guatemala. The event was instrumental in renewing cooperation in the fields of IHL promotion, education and research, as well as in requesting support to the ICRC efforts to analyze "other situations of violence" and the principles that regulate the "use of force". Hence, a proposal was made for the creation of common consultation and communication tools.

F. Integration of IHL into High School Education

Based on its mission, which is not limited to armed conflicts but also covers other situations of violence, the ICRC has launched and supported a number of initiatives in Latin America and the Caribbean aimed at contributing to the prevention and mitigation of the effects of the organized violence affecting several countries in the region.

A key element in these actions is the dissemination and teaching, mostly focused on children and youth, of issues related to human dignity, the humanitarian consequences of violence, fundamental human rights, and humanitarian principles and values, among others. This is carried out through various formal and informal education strategies and in close cooperation with the Ministries of Education, National Red Cross Societies, or other institutions.

An important cornerstone of these actions are the strengths and the experience of the ICRC formal education programme titled “Exploring Humanitarian Law” (EHL), which has achieved a stage of consolidation and/or completion of the integration process in the different Latin American countries where it has been implemented.

- **Brazil.** A group of schools in the “favelas” of Rio de Janeiro, affected by the prevailing violence, is developing the programme called “Creating Humanitarian Spaces” (CHS). Social Science teachers working there have been trained to work with students in CHS classes, especially on IHL principles and values to provide support in the face of the prevailing circumstances and help stop the escalation of urban violence. They also receive collaboration from the Violence Analysis Laboratory of the University of Rio de Janeiro.
- **Colombia.** In 2010, the Ministry of Education, the Office of the Ombudsman, and the Human Rights and IHL Programme of the Presidency of Colombia published the *National Education Plan on Human Rights and International Humanitarian Law (PLANEDH, as per its Spanish acronym)*. It is a general document setting the bases for designing and implementing education programmes and projects on human rights and IHL for the civilian population at large. The PLANEDH is based on the 2002/2006 National Development Plan, with a renewal of the mandate in the 2006/2010 National Development Plan. The mandate to draft it was bestowed upon the Ministry of Education and the Office of the Ombudsman. Later on, the Presidential Programme became part of the process. The preparation process received the support and technical assistance of the Colombian Office of the United Nations High Commissioner for Human Rights (OACNUDH, as per its Spanish acronym) and of the Human Rights Programme of the United States Agency for International Development (USAID). In defining guidelines on the competences in social and human sciences in basic education, the Ministry of Education incorporates standards which require that primary and secondary schools educate and train children and youth in IHL and human rights. On the other hand, several of the

municipalities and departments in charge of primary and secondary education, respectively, conduct specific activities to train their teachers on IHL and human rights. Public and private primary and secondary schools feature human rights courses in their institutional educational projects and curricula, and some also include the dissemination of IHL.

- **El Salvador.** In 2011, with the support of the Italian Red Cross and the ICRC, the Salvadoran Red Cross started a community-based violence prevention project in a marginal area of the capital city. One of the cornerstones of this project is the promotion of Humanitarian Principles and Values and Human Rights as a strategy to contribute to decreasing the high levels of violence in the community.
- **Guyana.** Through the coordination of the “Be Safe” program of the Guyana Red Cross, basic humanitarian principles are taught to primary and secondary school students.
- **Honduras.** The implementation of the “Exploring Humanitarian Law” (EHL) programme was completed with a reinforcement workshop held in April 2010 for teachers trained in the 18 departments of the country.

As a result of this experience, and in view of the needs related to organized violence, in 2010 the ICRC signed an agreement with the Ministry of Education to launch a formal and comprehensive education project titled Creating Humanitarian Spaces (CHS) in 20 schools especially affected by violence. This project intends to contribute to preventing and mitigating the consequences of violence at school. As part of the actions planned, teachers have received training in humanitarian principles and values and fundamental human rights to be taught to at least 7,500 students.

The Honduran Red Cross, with the support of several National Red Cross Societies and the ICRC, has since 2003 been implementing the “Expanding Opportunities” Project (EOP) in an area seriously affected by violence in the city of Tegucigalpa. The dissemination of humanitarian principles and values and human rights in the community is one of the crosscutting themes of this community-based project aimed at preventing

Honduran teachers receive comprehensive training in humanitarian principles and values and in fundamental human rights.



violence, developing opportunities, and creating healthy environments.

- **Jamaica.** The flexible curricula of the Jamaica Red Cross School provides for the dissemination of basic humanitarian principles among primary and secondary school students.
- **Mexico.** In view of the growing levels of organized violence directly affecting the education community in the country, and given the experience of the Creating Humanitarian Spaces (CHS) project in Honduras, work started with the Ministries of Education in the States of Guerrero and Chihuahua in 2011 to implement two comprehensive projects intended to contribute to preventing and mitigating the consequences of violence in 21 schools in the State of Guerrero and in 20 schools in Ciudad Juárez, Chihuahua, which are especially affected by violence. Some of the activities planned include the training in humanitarian principles and values and in fundamental human rights.
- **Peru.** The EHL programme ended its activities in 2010. The ICRC completed its last support visits to the teachers in charge of implementing the programme in different regions throughout the country. Both the ICRC and the Ministry of Education issued reports on the fulfillment of the programme. The teaching of IHL is currently integrated in the curricula of the 3rd year of secondary education, in the citizenship education course.
- **Trinidad and Tobago.** In June 2007, the ICRC signed a Memorandum of Understanding with the Ministry of Education for the implementation of the ICRC EHL programme. The ICRC worked successfully with the Division in charge of designing the curricula to modify and implement several Modules of the EHL programme (Modules 1, 2, and 4) in the Social Sciences Curricula of Trinidad and Tobago secondary schools. Such syllabus continues to be taught throughout the country.

Haitian youth from the Cité Soleil neighbourhood in Port-au-Prince.



PART III

IHL NATIONAL COMMITTEES

In recent years, an increasing number of States have established mechanisms to respond to and implement IHL rules and requirements. Said mechanisms have generally taken the form of inter-ministerial or inter-secretarial committees established to deal with topics related to IHL. They comprise several competent units of the executive power such as the ministries of foreign affairs, defence, justice, health, education and culture, as well as representatives of the legislative power and the judiciary. They frequently receive the contribution of other agencies, like the National Societies of the Red Cross or the academy. The ICRC is linked to these committees in the capacity of legal advisor and/or observer, and it works very closely with them.

The processes for the national implementation of IHL have been considerably strengthened in those countries that have created a national IHL Committee. The States that have made the biggest progress in the adoption of national measures have often been those that enjoyed the support of a National Committee. Judging by the outcomes, these committees allow States to work more efficiently by streamlining resources and concentrating usually scattered competencies. Moreover, they allow keeping a permanent focus on IHL irrespective of any special situation or of differing priorities.

To date, nineteen American States have an organization of this kind.

COUNTRY	COMMITTEE CREATED IN
Argentina	1994
Bolivia	1992
Brazil	2003
Canada	1998
Chile	1994
Colombia	2000
Costa Rica	2004
Dominican Republic	1995
El Salvador	1997
Guatemala	1999
Honduras	2007
Mexico	2009
Nicaragua	1999
Panama	1997
Paraguay	1995
Peru	2001
Trinidad and Tobago	2001 (<i>ad hoc</i>)
Uruguay	1992
TOTAL	19

The International Conference of National Committees on IHL of Latin America and the Caribbean was held in Mexico City from June 30 to July 2, 2010. The event was organized by the ICRC under the auspices of the Mexican Ministry of Foreign Affairs and in association with the Mexican Intersecretarial Committee on International Humanitarian Law (CIDIH-Mexico). The Conference was attended by representatives from 17 Latin American and Caribbean countries (from the ministries of both Foreign Affairs and Defence), as well as from the OAS, government experts and academics, who met to discuss the main challenges facing the countries in the region regarding the ratification, implementation, integration, and promotion of IHL treaties, and to share best practices and experiences. The issues discussed ranged from the criminal prosecution of war crimes, the follow-up on the First Review Conference of the Statute of the ICC, topical issues on weapons, as well as the role of the national committees on IHL in promoting the rules governing the use of force in other situations of violence and the issue of missing persons and their families. "The debates will seek to improve the protection of the life and dignity of the victims of armed conflicts and other situations of violence," stated Patricia Danzi, ICRC Head of Operations for Latin America and the Caribbean. "The States in the region are firmly determined to respect and enforce IHL. To date, a number of highly significant results have been achieved regarding the ratification of treaties; however, their implementation levels are still irregular. It is therefore essential to strengthen the process, and here the experience of the ICRC will be of great value," concluded Danzi.

A series of conclusions and recommendations were adopted during the conference (See Annex A).

On the other hand, the ICRC organized the Third Universal Meeting of National Committees and other government levels in charge of implementing IHL, which was held in Geneva, Switzerland, on October 27-29, 2010, and was actively attended by National Committees from the Americas. The main objective of the meeting was to share best practices, especially regarding national mechanisms for the suppression of gross violations of IHL.

Finally, the ICRC and the Inter-institutional Committee on International Humanitarian Law of El Salvador (CIDIH-ES, as per its Spanish acronym) organized a Continental Seminar of National Committees for IHL on the Protection of Cultural Property in Times of Armed Conflict in San Salvador on December 1-2, 2011. Representatives of the National Committees on IHL in Argentina, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Dominican Republic, as well as civil and military experts from Austria, Spain, Switzerland, UNESCO, and the ICRC participated and adopted the Conclusions and Recommendations with the purpose of facilitating the full implementation of The Hague Convention of 1954 and its two Additional Protocols at a national level (see Annexes).



Ambassador Joel Hernandez, the Legal Consultant of the Mexican Ministry of Foreign Affairs, Patricia Danzi, ICRC Head of Operations for Latin America, Karl Mattli, Head of the ICRC Regional Delegation in Mexico, Central America and Cuba, and Patrick Zahnd, ICRC Legal Advisor for Latin America. The National Conference of National Committees on International Humanitarian Law, Mexico, 2010.



The International Conference of National Committees on International Humanitarian Law of Latin America and the Caribbean. Mexico, 2010.

PART IV

THE OAS AND IHL

A. Promotion of IHL

During this two-year period, the Organization of American States (OAS) and its Member States have maintained and strengthened their support regarding international humanitarian law and its promotion. Witness to this is the importance ascribed to international humanitarian law on their work agendas. International humanitarian law appears on the CAJP agenda following the adoption in 2010 and 2011 of several resolutions regarding the respect for IHL, particularly the resolution on the promotion of international humanitarian law, the resolution on the promotion of the International Criminal Court, the resolution on missing persons and their families, as well as the resolution on displaced persons and persons deprived of liberty. The adopted wordings are relevant and useful, as they express States' strong and persistent political will to respect and enforce the respect for international humanitarian law. Furthermore, they reflect a large number of current humanitarian issues and the lessons learnt in the Americas.

Two of the resolutions adopted in 2011 (on international humanitarian law and on disappeared persons) introduce mechanisms that acknowledge the important role of the National Committees on international humanitarian law and invite them to support the OAS (reports, shared information, support in the implementation of the resolution on disappeared persons...) with the ICRC support. These developments are positive and should contribute to strengthening the role of the National Committees on international humanitarian law and international humanitarian law at the OAS.

Pursuant to the mandate bestowed by resolution AG/RES. 2507 (XXXIX-O/09), adopted on 4 June 2009, the Permanent Council, with the support of the General Secretariat, entrusted to the Committee on Juridical and Political Affairs the organization of a special meeting on international humanitarian law, which took place at the OAS headquarters on 29 January 2010 with the participation of the National Committees on IHL.

This meeting offers an opportunity for discussion, analysis, and exchange regarding the current concerns on international humanitarian law and its implementation, as well as the dialogue between the OAS, the Member States, and the ICRC. The ICRC was privileged to make a contribution to the meetings, which were also attended by several government and non-governmental experts from the continent. The presentation of national information is very useful to show the results countries have attained in this respect and to encourage them to continue pursuing their efforts and supporting the National Committees. This meeting also provides a very suitable and well structured framework for discussing new and highly important issues and topics selected by Member States.

The Ninth Special Meeting on International Humanitarian Law will be held on January 27, 2012. The agenda for this meeting, approved by the CAJP on November 10, includes the improved protection of persons deprived of liberty in situations of armed conflict, the challenges of contemporary armed conflicts, and the implementation of IHL by the National Committees on IHL. The following are other major resolutions and declarations on the promotion and strengthening of international humanitarian law approved by the General Assembly:

2010:

- AG/RES. 2575 (XL-O/10) Promotion of and Respect for International Humanitarian Law
- AG/RES. 2594 (XL-O/10), Persons Who Have Disappeared and Assistance to Members of Their Families
- AG/RES. 2577 (XL-O/10) Promotion of the International Criminal Court
- AG/RES. 2578 (XL-O/10), Internally Displaced Persons
- AG/RES. 2592 (XL-O/10) Study of the rights and the care of persons under any form of detention or imprisonment
- AG/RES. 2608 (XL-O/10) Migrant Populations and Migration Flows in the Americas

- AG/RES. 2559 (XL-O/10) The Americas as an Antipersonnel-Land-Mine-Free Zone

2011:

- AG/RES. 2650 (XLI-O/11) Promotion of and respect for international humanitarian law
- AG/RES. 2651 (XLI-O/11) Persons Who Have Disappeared and Assistance to Members of Their Families
- AG/RES. 2659 (XLI-O/11) Promotion of the International Criminal Court
- AG/RES. 2667 (XLI-O/11) Internally Displaced Persons
- AG/RES. 2668 (XLI-O/11) Study of the rights and the care of persons under any form of detention or imprisonment
- AG/RES. 2690 (XLI-O/11) Attention to Migratory Flows in the Americas with a Human Rights Perspective
- AG/RES. 2630 (XLI-O/11) The Americas as an Antipersonnel-Land-Mine-Free Zone

B. IHL Training

On December 28, 2010, the Committee on Juridical and Political Affairs of the Permanent Council to the General Assembly offered the Fourth Course on International Humanitarian Law in Washington D.C. for the staff of the OAS and of Member States' Permanent Missions. The course was organized with the support of the Department of International Legal Affairs of the OAS in cooperation with the ICRC.

The Fifth Course on International Humanitarian Law will be held on January 26, 2012, as set forth by the Resolution on the Promotion and Respect for International Humanitarian Law of June 2011 (AG/RES. 2650 (XLI-O/11)). The topics for discussion in this course, which were approved by the CAJP on November 10, include the use of force and the protection of persons.

In turn, the Inter-American Juridical Committee favored the inclusion of two classes on international humanitarian law at the XXXVIII Course on International Law held in Rio de Janeiro, Brazil, on August 17-18, 2011. Both classes were delivered by ICRC staff. The CJA prepares several model laws regarding the implementation of IHL, such as the model law on the implementation of the Rome Statute, the implementation of The Hague Convention of 1954 and its two Additional Protocols on the Protection of Cultural Property in Times of Armed Conflict, as well as a guide on the regulation of the use of force in situations of violence that do not reach the threshold of IHL implementation.

Families of disappeared persons in Ayacucho, Peru.



A girl in the community of Parada de Lucas, in Rio de Janeiro, observes mosquito larvae during dengue-prevention awareness sessions conducted by ICRC staff and health agents from the Rio prefecture.



PART V

ADVISORY ACTIVITIES IN THE AMERICAS CARRIED OUT BY THE ICRC

The Advisory Service on International Humanitarian Law offers Member States expert legal and technical advice.

This support was provided for within the framework of the mandate bestowed on the ICRC by the States as established in Article 5(2)(c) of the Statutes of the International Red Cross and Red Crescent Movement. Pursuant to this article, the ICRC has to “work for the faithful implementation of international humanitarian law”. That mandate was reasserted in Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent, which endorsed the Final Declaration of the International Conference for the Protection of War Victims, adopted on 1 September 1993, and the recommendations drawn up by the Intergovernmental Group of Experts at a meeting held on 23-27 January 1995 in Geneva, Switzerland.

The Advisory Service works in a decentralized fashion with a team of experts based at ICRC headquarters in Geneva and legal advisors in various regions of the world. In the Americas, the Advisory Service works with six advisors based in Bogotá, Brasília, Lima, and Mexico City, who report to a coordinator based in Mexico City.

During 2010 and 2011 the Advisory Service provided legal and technical advice to the authorities of 22 American States, encouraged the exchange of information among all 19 international humanitarian law national committees in the region and promoted the implementation of IHL in all 35 States of the Americas. The specific technical assistance activities undertaken were the following:

- **advising** States on the content of international humanitarian law treaties to which they are not a party, in order to facilitate their ratification;
- **guiding** States on the consistency between their national legislation and international humanitarian law treaties;
- **issuing** legal opinions for States on bills of law to ensure their conformity with international humanitarian law treaties, especially in the area of international criminal law;
- **advising** States on the development of legislative and regulatory measures to prevent the disappearance of persons and answer to the needs of the families of missing persons;
- **designing**, together with the competent authorities, strategies intended to strengthen national international humanitarian law committees and support the implementation of said strategies;
- **facilitating** the exchange between international humanitarian law National Committees and external experts;
- **informing** States on the developments in the field of international humanitarian law, for example about the Red Crystal emblem and the discussions on cluster munitions;
- **organizing** meetings of government experts on issues related to international humanitarian law and its national implementation;
- **delivering** conferences on issues related to international humanitarian law and its national implementation;
- **organizing** or contributing to professional training courses for the authorities;
- **sharing** information on the measures for the national implementation of international humanitarian law, including the ICRC’s Advisory Service data bank made available to States and to the public at large. This data bank is updated regularly with information on all 35 American States. The data bank can be accessed at: <http://www.cicr.org/ihl-nat>.

ANNEXES

A. Conclusions and Recommendations of the International Conference of National Committees on International Humanitarian Law of Latin America and the Caribbean July 2, 2010

The International Conference of National Committees on International Humanitarian Law of Latin America and the Caribbean was held in Mexico City from June 30 to July 2, 2010. The event was organized by the ICRC under the auspices of the Mexican Secretariat for Foreign Affairs and in association with the Mexican Intersecretarial Committee on International Humanitarian Law (CIDIH-Mexico).

The International Conference, which took place at the headquarters of the Mexican Secretariat of Foreign Affairs, was attended by high-level representatives from 17 countries and by the National Committees on International Humanitarian Law from Latin America and the Caribbean: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay. The Conference was also attended by Mexican parliamentarians and academics, representatives of the National Red Cross Societies of Mexico, Central America, Ecuador, Cuba, and Dominican Republic. Government experts and academics from Argentina, Chile, El Salvador, Guatemala, Mexico, Nicaragua, Peru, and Uruguay made presentations and shared their experiences in four main modules and panels organized within the Conference. ICRC experts from Geneva, Switzerland, and from the Americas also contributed to the event.

Participants considered their unequivocal commitment to respect and enforce IHL at all times¹, their conviction that *“IHL remains as relevant in armed conflicts today as ever before”* and stated that the *“principles and rules of IHL, including customary IHL, to enhance respect for humanitarian principles and values”* are still applied (Resolution No 3 of the 30th International

Conference of the Red Cross, 2007 and Declaration adopted by the 28th International Conference of the Red Cross, 2003.)

Also, they recalled operative paragraphs 21, 22, and 23 of said Resolution No 3, whereby the States particularly stated that *“the obligation to respect IHL cannot be fulfilled without domestic implementation of international obligations”*, and therefore reiterate *“the need for States to adopt all the legislative, regulatory and practical measures that are necessary to incorporate international humanitarian law into domestic law and practice”*.

They also took note of the conclusions and recommendations of past Regional and Subregional Conferences of the National Committees on IHL and other meetings of governmental and non-governmental experts on the regulation of the use of force and the protection of persons in other situations of violence, organized by the ICRC with the support of different countries in the region.

The following conclusions and recommendations were adopted at the end of the Conference:

- To endorse the proposal made by the National Committee in Ecuador to establish coordination mechanisms between the National Committees of Latin America and the Caribbean so that a follow-up on their work should be conducted on a regular basis, along with a review of the progress made, problems encountered, lessons learnt, and the best practices used by the States and their respective National Committees in the implementation, integration, and promotion of IHL at a domestic level, as well as cooperation with the ICRC and the detailed discussion of new IHL challenges and developments;
- That the Latin American and Caribbean countries, through the National Committees on IHL, continue to adopt, as appropriate, such effective laws and measures required to implement those IHL provisions under the treaties on international humanitarian law to which they are parties, including those of customary nature, to ensure the effective implementation (monitoring) of the application and dissemination thereof;

- To continue to strengthen and develop the dialogue and cooperation structure with the ICRC –with the advisory services– in order to advise on and assist the efforts made by the Committees on IHL for the implementation and promotion of IHL at a domestic level and in multilateral forums;
- To implement, to the extent that it is possible, the best practices used by the National Committees on IHL in the Region so as to strengthen the efficiency, responsibility, and procedures required to comply with their mandate; to develop an annual action plan that sets priorities at a political level and submit an annual report (assessment) to the pertinent authorities; that the Committee on IHL hold regular (ordinary) plenary meetings and other more specific meetings within the subcommittees or working groups; to ensure that those who leave the Committee are replaced by new properly appointed members; and to organize refresher training sessions for Committee members;
- To take note, to the extent that it is possible, of the resolutions of international forums, both of a universal and regional nature, that are relevant to International Humanitarian Law, such as those adopted by the United Nations Organization (UN) and the Organization of American States (OAS), in order to contribute to their follow-up and implementation at a domestic level.
- That the National Committees, as the case may be, actively coordinate and/or participate in the preparation of national reports as required by the different monitoring mechanisms on the ratification and implementation status of IHL treaties at a domestic level (for example, of the International Conferences of the Red Cross, of the UN General Secretariat, of various OAS agencies, etc.);
- To study the convenience of establishing mechanisms to promote the participation of the National Committees on International Humanitarian Law of Latin America and the Caribbean in OAS activities, and to strengthen the liaison between these and the General Secretariat of the OAS, particularly with the Department of International Law, regarding such matters as the dissemination of activities and contributions of those committees;
- That the National Committees on IHL –from those countries that are parties to the Rome Statute of the International Criminal Court– actively contribute to the national implementation of the pledges made and decisions adopted at the First Review Conference of the Statute of the International Criminal Court;
- That the National Committees on IHL participate in the Third Universal Meeting of National Committees on IHL, organized by the ICRC in Geneva, Switzerland, from October 27 to 29, 2010;
- That the National Committees on IHL consider as a priority the drafting of a bill providing for the inclusion, in the Criminal Code of their respective countries, of the criminal prosecution of war crimes and the gross violations of IHL identified by the four Geneva Conventions, its Additional Protocol I, and the amendment to Article 8 of the Rome Statute.
- That each National Committee on IHL be regularly informed of the implementation of programs for IHL integration in the armed and security forces, and in the curricula of the main Law Schools and postgraduate courses in the country in order to promote scientific research in this field;
- That the National Committees on IHL, within the framework of their respective competences, consider coordinating the preparation of a framework law –such as the Guiding Principles / Model Law on Disappeared Persons prepared by the ICRC to assist the States– so as to complete their national legislation regarding the issue of disappeared persons and their families according to IHL, and that said legislation may be guided by relevant resolutions and may contribute, as appropriate, to facilitating the coordination of the different processes and procedures;
- That the National Committees on IHL consider effectively monitoring and promoting compliance with the national law governing on the use and protection of the Red Cross emblem, by implementing regulating mechanisms to that effect (regulations, letters, etc.);
- That the National Committees on IHL, should they consider it pertinent and/or if within their sphere of competence, analyze issues regarding the drafting of internal rules that govern the use of force and the protection of persons in other situations of violence that do not reach the threshold of IHL implementation.

Finally, the representatives of the 16 National Committees on IHL of Latin America and the Caribbean, as well as of Suriname, entitled the ICRC to prepare a report on the International Conference held in Mexico as a follow-up tool on the above conclusions and recommendations.

B. Regional Seminar of National Committees on IHL on the Protection of Cultural Property in Times of Armed Conflict

Conclusions and Recommendations

The full text of the conclusions and recommendations is available in the Spanish version of this report.

C. Promotion of and Respect for IHL

Ag/Res. 2650 (XLI-O/11)

(Adopted at the Fourth Plenary Session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

REAFFIRMING its resolution AG/RES. 2575 (XL-O/10) and all its pertinent past resolutions;

DEEPLY CONCERNED that in various parts of the world violations of international humanitarian law persist, causing suffering to victims of armed conflict, particularly the civilian population, and by the challenges posed by the new situations that arise in the context of armed conflicts;

RECALLING that the obligation, under any circumstances, to respect and ensure respect for international humanitarian law, whether treaty-based or arising from customary international law, applies to all states parties to the universally recognized, four Geneva Conventions of 1949, which includes the member states;

RECALLING that 33, 32, and 13 OAS member states are parties, respectively, to Additional Protocols I, II, and III to the Geneva Conventions of 1949, and that 11 have recognized the competence of the International Humanitarian Fact-Finding Commission;

NOTING the entry into force of the Convention on Cluster Munitions on August 1, 2010, and that, to date, 10 member states are parties to said instrument and 19 have signed it;

NOTING the attention paid to the question of cluster munitions by the Group of Governmental Experts of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW);

AWARE of the rich legacy of cultural assets in the Hemisphere recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as world heritage, and which would benefit from the protection systems of international humanitarian law;

UNDERSCORING the need to strengthen international humanitarian law by means of its universal acceptance, broader dissemination, and adoption of national measures for its effective application, including the suppression of gross violations thereof;

RECOGNIZING the important advisory work of the national committees or commissions on international humanitarian law, and that 19 member states of the Organization have such bodies;

TAKING NOTE of the conclusions of the Third Universal Meeting

of National Committees on International Humanitarian Law held in Geneva, Switzerland, from October 17 to 29, 2010, as well as the conclusions and recommendations adopted by the International Conference of National Committees on International Humanitarian Law of Latin America and the Caribbean held in Mexico City from June 30 to July 2, 2010; and

EMPHASIZING the special role of the International Committee of the Red Cross (ICRC) as a neutral, impartial, and independent institution working to protect and assist the victims of armed conflicts, as well as to promote respect for international humanitarian law in the region, and recognizing, also, the valuable efforts of national Red Cross societies in that regard,

RESOLVES:

1. To urge member states and the parties engaged in armed conflict to honor and fulfill their obligations under international humanitarian law, including those pertaining to safeguarding the life, well-being, and dignity of protected persons and property, and the proper treatment of prisoners of war.
2. To urge those member states that have not yet done so to consider becoming parties to the treaties on international humanitarian law to which they are not yet party, including those on prohibition or restriction of the use of certain weapons for humanitarian reasons, and to consider making use of, when appropriate, the services of the International Humanitarian Fact-Finding Commission.
3. To invite the member states to disseminate as widely as possible the rules and principles of international humanitarian law, in particular by incorporating them into military doctrine and manuals, so that armed forces will have the means and mechanisms necessary for their effective application, and by making use of the pertinent media so that such law may be familiar to the civilian population.
4. To urge the member states to adopt such legislative or other measures as may be necessary to meet their legal obligations under the treaties on international humanitarian law to which they are party, including:
 - a) To classify under criminal law gross violations of international humanitarian law, with a particular emphasis on war crimes, including the responsibility of superiors for the acts of their subordinates and recognition of non-applicability of statutory limitations to these offenses, among other pertinent provisions.
 - b) To adopt all necessary measures to comply with their respective international obligations regarding the recruitment and use of children in armed forces or armed groups and to prevent their participation in hostilities, in accordance with rules and principles of international humanitarian law, international human rights law, and international refugee law.
 - c) To adopt laws to regulate the use of and respect for —and

- to prevent and, when applicable, punish the misuse of— the Red Cross, Red Crescent, and, where applicable, Red Crystal emblems, as well as their denominations, including provisions to protect medical missions.
- d) To adopt provisions to guarantee protection of cultural property from the effects of armed conflict, which may include preventive measures related to the preparation of inventories, the planning of emergency measures, and the appointment of competent authorities.
5. To remind member states that are parties to treaties that prohibit or restrict, for humanitarian reasons, the use of certain arms and munitions, of their obligations under those instruments, including:
- a) To adopt legislative or other measures to prevent or, as appropriate, criminalize the use, manufacture, stockpiling, and any other prohibited activity with respect to these weapons and munitions; to facilitate the purging and destruction of their arsenals; to provide proper care to victims, and to strengthen control over their availability.
- b) To introduce procedures to determine, when studying, developing, acquiring, or adopting a new weapon or new means or methods of warfare, whether their use would be contrary to international humanitarian law, and, if so, prohibit such activities.
- c) To actively implement the 2010-2014 Plan of Action of Cartagena¹, as well as the Vientiane Action Plan², with a particular emphasis on care for victims and on activities designed to prevent and reduce the risk of arms contamination.
- d) To strengthen safeguards for civilians against the use and indiscriminate effects of arms and munitions, inter alia, through active participation in:
- i. The Fourth Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW), which will be held in Geneva, Switzerland, in November 2011, and which will consider, inter alia, the findings of the Group of Governmental Experts of the High Contracting Parties to the Convention, entrusted with developing an instrument that fully addresses the consequences of cluster munitions.
 - ii. The Second Meeting of States Parties to the Convention on Cluster Munitions, which will be held in Beirut, Lebanon, from September 12 to 16, 2011.
 - iii. The Fourth Session of the Preparatory Committee and the United Nations Conference on the Arms Trade Treaty, which will be held in New York, in July 2011 and in 2012, respectively.
6. To urge member states to participate actively in the 31st International Conference of the Red Cross and Red Crescent, which will be held in Geneva, Switzerland, from November 28 to 31, 2011.
7. To invite member states to continue to support the work of national committees or commissions responsible for the implementation and dissemination of international humanitarian law; and to urge any state without such a body to consider establishing one as a means of strengthening advancement and observance of international humanitarian law.
8. To ask the General Secretariat to identify, in conjunction with the ICRC, mechanisms for promoting the participation of national committees on international humanitarian law in the OAS's activities.
9. To provide backing for the regional meetings of national committees on international humanitarian law organized with the support of the ICRC, which assist in promoting awareness of the activities and contributions of those commissions, for the sharing of good practices in the implementation, integration, and promotion of international humanitarian law in their corresponding countries, and to invite the ICRC to submit reports on the results of those meetings.
10. To urge member states to continue to support efforts to implement and strengthen international humanitarian law, with a view to making its application more effective and to finding solutions to shortcomings in protection.
11. To express its satisfaction with the cooperation between the Organization of American States (OAS) and the International Committee of the Red Cross (ICRC) in promoting respect for international humanitarian law and the principles that govern that law; and to urge the General Secretariat to continue to strengthen such cooperation.
12. To request the Inter-American Juridical Committee (CJI), to propose model laws to support the efforts made by member states to fulfill obligations under international humanitarian law treaties, with an emphasis on protection of cultural property in the event of armed conflict, and to report on the progress made to the General Assembly at its forty-second and forty-third regular sessions, respectively.
13. To request the General Secretariat to continue organizing, within the framework of the Committee on Juridical and Political Affairs, through the Department of International Law and in coordination with the ICRC, courses and seminars for member states, staff of the Organization of American States, and the general public, in order to promote knowledge of and respect for international humanitarian law and related regional instruments, including measures for their effective implementation.

1 Adopted by the Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Cartagena, Colombia).

2 Adopted by the First Meeting of States Parties to the Convention on Cluster Munitions (Vientiane, Lao People's Democratic Republic, November 9 to 12, 2010).

14. To reiterate the request made to the Permanent Council to hold, prior to the forty-second regular session of the General Assembly, a special meeting on topics of current interest in international humanitarian law.
15. To request the Permanent Council to report to the General Assembly at its forty-third regular session on the implementation of this resolution. The execution of the activities therein shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

D. Persons who have disappeared and assistance to members of their families
Ag/Res. 2651 (XLI-O/11)
(Adopted at the Fourth Plenary Session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2594 (XL-O/10), "Persons Who Have Disappeared and Assistance to Members of Their Families," adopted by this General Assembly on June 8, 2010; resolution A/RES/65/210, "Missing Persons," adopted by the United Nations General Assembly on December 21, 2010; other past resolutions on this subject, adopted by both forums, by the former Commission on Human Rights, and by the present Human Rights Council of the United Nations; as well as the treaties on international humanitarian law and international human rights law, both universal and regional, that address this problem;

NOTING that the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on December 20, 2006, by the United Nations General Assembly, entered into force on December 23, 2010, and that 23 countries have ratified or acceded to it, of which 10 are states of the Hemisphere, and three of the six that have recognized the competence of the Committee on Enforced Disappearances belong to this region;

RECOGNIZING also the efforts made in this area by organizations and associations of family members and civil society and by state institutions in defining common standards for matters related to psychosocial care;

BEARING IN MIND that the problem of persons who have disappeared and the assistance to members of their families is addressed in both international humanitarian law and international human rights law within their respective spheres of application, and that, in accordance with those legal frameworks, states are further urged to adopt, progressively, the national implementing measures referred to in previous resolutions of this General Assembly on the subject, in particular, in terms of prevention, investigation of cases, and treatment of human remains, and support to family members;

REAFFIRMING the humanitarian need and the responsibility of

States to continue necessary efforts to alleviate the suffering, anxiety, and uncertainty besetting the family members of persons who are presumed to have disappeared in situations of armed conflict or armed violence, as well as their right to truth and justice and to learn about the fate and whereabouts of those persons, as recognized in OAS resolution AG/RES. 2509 (XXXIX-O/09), and, where appropriate, to receive legal remedy for the damage caused;

EMPHASIZING the development of forensic science and, in particular, forensic genetics, and the important contribution of those sciences to the process of searching for missing persons, especially as regards clarifying the location, recovery, identification, and return of human remains, and as regards the fate and the whereabouts of persons who are presumed to have disappeared; and

REAFFIRMING that forced disappearance is a multiple and continuous violation of various human rights and that it cannot be practiced, permitted, or tolerated, even in states of emergency or exception or of suspension of guarantees,

RESOLVES:

1. To reiterate the provisions of operative paragraphs 1 through 17 of AG/RES. 2594 (XL-O/10), "Persons Who Have Disappeared and Assistance to Members of Their Families," adopted by this General Assembly on June 8, 2010.
2. To urge states, in keeping with their obligations under international humanitarian law and international human rights law, to continue the progressive adoption of measures, including domestic regulatory and institutional provisions, to prevent the disappearance of persons in the context of armed conflict or other situations of armed violence, to clarify the fate and whereabouts of those who have disappeared, to strengthen technical capacity to deal with human remains, and to attend to the needs of the family members, using as a reference, among others, the "Guiding Principles/Model Law on the Missing," prepared by the Advisory Service on international humanitarian law of the International Committee of the Red Cross (ICRC).
3. To encourage member states, in order to address the legal situation of persons who have disappeared and its effect on that of family members, to proceed to adopt the necessary domestic legal framework to recognize and address the legal and practical difficulty and hardship faced by the missing person and his or her family members, including the legal framework needed to authorize a "declaration of absence" for persons who are presumed to have disappeared.
4. To ask states to pay maximum attention to cases of children presumed to have disappeared in connection with armed conflicts and other situations of armed violence and to adopt appropriate measures to seek out and identify those children and reunite them with their families.

5. To invite member states to consider ratifying and/or acceding to, and implementing in their domestic legal systems, the International Convention for the Protection of All Persons from Enforced Disappearance and to recognize the competence of the Committee on Enforced Disappearances for which that Convention provides.
6. To exhort member states, in order to allow family members to exercise their right to learn the fate and whereabouts of their relatives who have disappeared in situations of armed conflict or armed violence, as recognized in OAS resolution AG/RES. 2509 (XXXIX-O/09), to adopt effective measures in the context of a broad and comprehensive investigation for the location, recovery, identification, and return of human remains, while respecting the families' dignity, traditions, and mental health.
7. To urge member states, in line with the conclusions and recommendations of the First Meeting of Forensic Specialists of the Americas, of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA), held on September 24 and 25, 2009, to support the training of forensic scientists in their own countries and the implementation of professional forensic training consistent with internationally validated scientific standards and procedures, to that end fostering the international cooperation, participation, and technical assistance of international and national institutions with recognized experience in the field.
8. To recommend that member states take into account minimum standards for psychosocial work when defining and applying their government policies concerning the search for missing persons and the corresponding forensic investigation, and in addressing the situation of family members.
9. To invite member states to continue their cooperation with the International Committee of the Red Cross (ICRC), a recognized neutral and independent humanitarian institution, in its various areas of responsibility, by facilitating its work and implementing its technical recommendations, with a view to consolidating the measures adopted by states in the process of searching for missing persons.
10. To encourage member states, as appropriate, with the support of their respective missing persons search commissions and their national committees on human rights or on international humanitarian law or other competent bodies, in accordance with their respective mandates, and with technical collaboration from the International Committee of the Red Cross (ICRC), to provide information on the measures taken, at the national level, regarding the provisions of resolutions adopted by this General Assembly since 2005 on "Persons who have Disappeared and Members of Their Families," entrusting the Committee on Juridical and Political Affairs (CAJP) with placing on its agenda the broad dissemination of this information, before the forty-second regular session of the OAS General Assembly.
11. To instruct the Permanent Council to follow up on this resolution.

E. Promotion of the International Criminal Court^{3,4} **Ag/Res. 2659 (XLI-O/11)** **(Adopted at the Fourth Plenary Session, held on June 7, 2011)**

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2577 (XL-O/10); and all its previous relevant resolutions;

RECALLING resolutions AG/RES. 1619 (XXIX-O/99), AG/RES. 1706 (XXX-O/00), AG/RES. 1709 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1900 (XXXII-O/02), AG/RES. 1929 (XXXIII-O/03), AG/RES. 2039 (XXXIV-O/04), AG/RES. 2072 (XXXV-O/05) and AG/RES. 2176 (XXXVI-O/06), AG/RES. 2279 (XXXVII-O/07), AG/RES. 2364 (XXXVIII-O/08), AG/RES. 2505 (XXXIX-O/09), and AG/RES. 2577 (XL-O/10);

3 Nicaragua is aware that there are still systematic violations of international humanitarian law and of the standards and principles of international human rights law which is why it attaches thus awarding special significance to this issue, and classifies these offences under Part XXII of Law No. 641 of 2007 of the Criminal Code. These provisions are exclusively enforced by the Judicial Power of Nicaragua. At a constitutional level, Article 158 establishes that "justice emanates from the people and shall be imparted on their behalf by the Judicial Branch made up of the courts of justice established by law". With regard to urging the States to consider ratifying or acceding to the Rome Statute of the International Criminal Court, at present the Government of Nicaragua cannot accede to the Rome Statute as our country is not enjoying favorable conditions for subscribing to this international instrument.

Nicaragua bases its international relations on the friendship and solidarity among countries and reciprocity among States. Therefore, it restricts and prohibits any kind of political, military, economic, cultural, and religious action and its intervention in the matters of other States. It acknowledges the principle of the peaceful settlement of international disputes by using the available international law, and bans any means of mass destruction in internal and international conflicts. Nicaragua notes with great concern the continuing increase in violations of international humanitarian law as well as of international human rights in different regions of the world, particularly in the Libyan Arab Republic. The situation in that country has been aggravated by the intervention of NATO, which has committed acts of aggression against the Libyan people, causing civilian casualties and undertaking actions to topple the regime, under a limited interpretation exceeding the scope of UN Security Council Resolution 1973.

4 The United States remains steadfastly committed to promoting the rule of law and helping to bring violators of international humanitarian law to justice, and will continue to play a leadership role having a dominant role in the reparation of these affronts. The United States has underlined the fact that it cannot ignore the terrible offenses committed, wherever it may be, and the great human suffering as witnessed by the world. The United States acknowledges that the International Criminal Court may be a key element in bringing the perpetrators of such horrendous atrocities to justice. As the United States is not a party to the Rome Statute, it may become a counterpart to and an ally in promoting international justice. The United States reiterates its reservations regarding certain elements of this resolution. In this sense, and in connection with the amendments adopted by the Review Conference, the United States would like to point out certain differences between the offense of aggression and the offenses under Articles 6, 7, and 8 of the Rome Statute. Furthermore, it considers it wise that the States Parties should submit the jurisdiction of the Court regarding the offense of aggression to a decision to be adopted on January 1, 2017. Among other things, this will provide some space to consider the measures requiring attention and to consolidate the progress made in other areas of interest for the international community such as ensuring that the authors of war crimes, genocide, and crimes against humanity be called to account for their actions. As understood by the United States, any support provided by the OAS to the International Criminal Court, including any agreement under the auspices of the "Exchange of Letters for establishing a cooperation agreement", will come from the contribution of specific funds and not from the OAS regular budget.

RECALLING ALSO the recommendation of the Inter-American Commission on Human Rights (OEA/Ser.L/V/II.102, Doc. 6 rev., of April 16, 1999, Chapter VII, 21.3.B), as well as its resolution No. 1/03 on the prosecution of international crimes and the document “Framework for OAS Action on the International Criminal Court” (AG/INF.248/00);

NOTING with concern the continuation in some parts of the world of persistent violations of international humanitarian law and international human rights law, and reaffirming that all states have the basic duty of investigating, prosecuting, and, when there is sufficient evidence to convict, punishing such violations, so as to prevent their recurrence and avoid the impunity of their perpetrators;

REAFFIRMING the primary responsibility of states, through their national jurisdictions, to investigate and prosecute the perpetrators of the most serious crimes of concern to the international community, in a way consistent with international law, and bearing in mind the complementary nature of the jurisdiction of the International Criminal Court in respect of the crimes for which they have competence;

CONVINCED of the importance of preserving the effectiveness and legal integrity of the Rome Statute, including the jurisdiction of the International Criminal Court, and recognizing the essential role of the Vienna Convention on the Law of Treaties and the firm resolve of the states parties to preserve them;

CONVINCED that the Rome Statute and the International Criminal Court are effective instruments for consolidating international criminal law and for guaranteeing that international justice can help consolidate lasting peace;

WELCOMING WITH SATISFACTION the fact that 114 states have now ratified or acceded to the Rome Statute, among them 26 members of the Organization of American States (OAS), with Saint Lucia the most recent state to ratify it, on August 18, 2010, and that 14 member states have ratified or acceded to the Agreement on Privileges and Immunities of the International Criminal Court, with Costa Rica the most recent state with its ratification on April 28, 2011;

WELCOMING the outcome of the Review Conference of the Rome Statute, held in Kampala, Uganda, from May 31 to June 11, 2010;

MINDFUL of the importance of full and effective cooperation from the states, from the United Nations, including the Security Council, other international and regional organizations, and civil society, to the effective functioning of the International Criminal Court, as recognized in the Rome Statute, and taking note of resolution 65/12 of the United Nations General Assembly, which invites regional organizations to consider the possibility of concluding cooperation agreements with the Court;

UNDERSCORING the importance of the “Exchange of Letters for the establishment of a cooperation agreement with the

International Criminal Court” signed by the General Secretariat of the OAS and the International Criminal Court on April 18, 2011.

EMPHASIZING the important work of the Coalition for the International Criminal Court in promoting the Rome Statute with the member states;

EXPRESSING its satisfaction with the holding, at OAS headquarters, on March 10, 2011, of the Working Meeting on the International Criminal Court, within the framework of the Committee on Juridical and Political Affairs and with support from the Department of International Law, in which representatives of the International Criminal Court, government officials, representatives of international organizations, and civil society organizations participated, and taking note of the results of that meeting, contained in the meeting report CP/CAJP-2978/11; and

TAKING NOTE of the Annual Report of the Permanent Council to the General Assembly (AG/doc. 5127/11),

RESOLVES:

1. To renew its appeal to those member states that have not already done so to consider ratifying or acceding to, as the case may be, the Rome Statute of the International Criminal Court and its Agreement on Privileges and Immunities.
2. To remind those member states that are parties to said instruments that it is important to promote their universal adoption and to continue to adopt the necessary measures to achieve its full and effective implementation, including measures to adjust their national legislation, in particular regarding the definition of the crimes within the jurisdiction of the International Criminal Court, as well as international cooperation and judicial assistance.
3. To welcome with satisfaction the cooperation and assistance provided to date to the International Criminal Court by those member states that are parties to the Rome Statute, by those member states that are not, and by international and regional organizations, and to urge them to continue their efforts to ensure cooperation and assistance with the International Criminal Court in accordance with their respective international obligations, particularly as regards arrest and delivery, presentation of evidence, protection and movement of victims and witnesses, and serving of sentences, so as to avoid the impunity of the perpetrators of crimes over which it has jurisdiction.
4. To draw attention to the importance of the cooperation that states that are not parties to the Rome Statute can render to the International Criminal Court.
5. To urge those member states that are parties to the Rome Statute to promote and defend the work of the International Criminal Court and to conduct thorough and transparent processes to identify the best candidates for judges and for

- the prosecutor of the International Criminal Court and to elect from among the latter those that are most highly qualified in accordance with the Rome Statute.
6. To encourage those member states that are able to do so to contribute to the Trust Fund for Victims of crimes within the jurisdiction of the International Criminal Court, and their families, to the Special Trust Fund for Relocation, as well as to the Trust Fund to enable the participation of least developed countries and other developing countries, with a view to facilitating their participation at the Assembly of States Parties.
 7. To encourage those member states that are parties to the Rome Statute to follow up specifically on the results of the Review Conference, in particular the ratification of the amendments adopted and to deliver on the pledges made during the Review Conference.
 8. To request the Inter-American Juridical Committee (CJI), with collaboration from the General Secretariat and the Secretariat for Legal Affairs, to continue providing support for and promoting in member states the training of administrative and judicial officials and academics on cooperation with the International Criminal Court and adoption of national legislation in that regard.
 9. To thank the CJI for its recent work in preparing model legislation on implementation of the Rome Statute and, in particular, its reports on criminalization of offenses within the jurisdiction of the International Criminal Court, the "Report on the Activities on Promotion of the International Criminal Court and Preliminary Draft of Model Texts for Crimes Contemplated in the Rome Statute," (CJI/doc.360/11 rev. 1) and its supplemental report (CJI/doc. 374/11), and to request those states that have not yet criminalized those offenses to consider implementing the suggestions of the Committee, where appropriate.
 10. To request the General Secretariat to report on implementation of the cooperation measures set forth in the Exchange of Letters for the establishment of a cooperation agreement with the International Criminal Court" signed by the General Secretariat of the OAS and the International Criminal Court.
 11. To request the Permanent Council to hold a working meeting prior to the forty-third regular session of the General Assembly, with support from the Department of International Law, which should include a high-level dialogue session among the permanent representatives of all member states to discuss, among other matters, measures that would strengthen cooperation with the International Criminal Court. The International Criminal Court, international organizations and institutions, and civil society will be invited to cooperate and participate in this working meeting.
 12. To request the Secretary General to report to the General Assembly at its forty-second regular session on the implementation of the mandates of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

F. Internally Displaced Persons

Ag/Res. 2667 (XLI-O/11)

(Adopted at the Fourth Plenary Session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1971 (XXXIII-O/03), "The Protection of Refugees, Returnees, and Stateless and Internally Displaced Persons in the Americas," AG/RES. 774 (XV-O/85), AG/RES. 838 (XVI-O/86), AG/RES. 951 (XVIII-O/88), AG/RES. 1021 (XIX-O/89), AG/RES. 1039 (XX-O/90), AG/RES. 1040 (XX-O/90), AG/RES. 1103 (XXI-O/91), AG/RES. 1170 (XXII-O/92), AG/RES. 1214 (XXIII-O/93), AG/RES. 1273 (XXIV-O/94), AG/RES. 1336 (XXV-O/95), AG/RES. 1416 (XXVI-O/96), AG/RES. 1504 (XXVII-O/97), AG/RES. 1602 (XXVIII-O/98), AG/RES. 1892 (XXXII-O/02), AG/RES. 2055 (XXXIV-O/04), AG/RES. 2140 (XXXV-O/05), AG/RES. 2229 (XXXVI-O/06), AG/RES. 2277 (XXXVIII-O/07), AG/RES. 2417 (XXXVIII-O/08), AG/RES. 2508 (XXXIX-O/09), and especially resolution AG/RES. 2578 (XL-O/10), "Internally Displaced Persons";

REITERATING the principles established in the Charter of the Organization of American States and in the Inter-American Democratic Charter, especially those referred to in its Chapter III, "Democracy, Integral Development, and Combating Poverty";

BEARING IN MIND the "Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality," which was adopted by the General Assembly of the Organization of American States (OAS) at its thirtieth regular session, held in Windsor, Canada, and endorsed by our Heads of State and Government at the Third Summit of the Americas, in Quebec City;

RECALLING the pertinent rules of international human rights, humanitarian, and refugee law; and recognizing that the protection of internally displaced persons has been reinforced by the definition and consolidation of specific protection standards, in particular the Guiding Principles on Internal Displacement, prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons;

RECALLING ALSO that, according to those guiding principles, internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border";

EMPHASIZING that the states have the primary responsibility to respect, promote, and protect the human rights of all persons within their jurisdiction, including internally displaced persons, and to provide them with adequate and comprehensive protection and assistance, as well as to address, as appropriate, the causes of the internal displacement problem and to do so, when required, in cooperation with the international community;

RECOGNIZING the importance of taking a multidisciplinary approach to internal displacement and that several countries in the Hemisphere are using the Guiding Principles on Internal Displacement and including them in the development of national policies and strategies;

EMPHASIZING the importance of implementing effective measures for preventing and avoiding forced internal displacement and for protecting and assisting persons affected by displacement, including the communities and origin and reception, during displacement and during return or resettlement and reintegration, including through the implementation of applicable international law;

UNDERSCORING that to promote enhanced protection for internally displaced persons, comprehensive strategies and lasting solutions are needed, which include, among other aspects, a free and informed decision by internally displaced persons as to whether to return to their place of origin, to integrate locally in the place to which they were displaced, or to resettle elsewhere in the country; and

RECALLING the High-Level Conference “Ten Years of Guiding Principles on Internal Displacement – Achievements and Future Challenges,” held in Oslo, Norway, on October 16 and 17, 2008, at which the document “Protecting Internally Displaced Persons: A Manual for Law and Policymakers” was presented, to provide practical guidance to national authorities in their development and enactment of domestic legislation and policies on internal displacement in their countries and, as appropriate, in bringing domestic laws into line with the Guiding Principles,

RESOLVES:

1. To urge member states to include, as appropriate, in their sectoral plans, policies, and programs, the special needs of internally displaced persons and communities affected by internal displacement, in particular in the preparation of programs on prevention of the diverse causes and consequences of that displacement, including programs to foster development, fight poverty, and reduce the risks of natural disasters, in which the needs of receiving communities could be taken into account.
2. To urge member states to consider using the Guiding Principles on Internal Displacement, prepared by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, as a basis for their plans, policies, and programs in support of displaced persons, and, in compliance with international law, in support of, inter alia, indigenous communities and communities of African descent, and also in support of the specific needs of children, women, the elderly, farm workers, and persons with disabilities
3. To suggest that member states assess positively the usefulness of incorporating the Guiding Principles on Internal Displacement into their national laws in order to promote their implementation and transparency in policies for the protection of internally displaced persons.
4. In order to avert the internal displacement of persons, to encourage member states to address the factors that cause it and to establish preventive measures, such as early-warning systems and policies that mitigate the threat and the risk of displacement, bearing in mind that dialogue with all the actors involved is essential to the achievement of lasting solutions.
5. To call upon member states to comply with their obligations under applicable international humanitarian law, international human rights law, and refugee law in dealing with internally displaced persons and the communities affected by internal displacement, including in the prevention of internal displacement.
6. To urge member states, in keeping with their responsibility to internally displaced persons, based on comprehensive strategies and from a human rights and gender perspective, to commit to providing them with protection and assistance during displacement, through competent institutions; and to invite member states to commit to seeking lasting solutions, including the safe, voluntary, and dignified return of internally displaced persons and their resettlement and reintegration, whether in their place of origin or in the receiving community.
7. To urge states, in the care they provide to internally displaced persons, to protect their human rights through a comprehensive approach to disaster relief, particularly in disasters and for reconstruction of the communities affected by natural disasters, consistent with international human rights law and domestic law, taking into account the Guiding Principles on Internal Displacement. The member states may use different systems of care to address internal displacement.
8. To urge states to work together by fostering the exchange of best practices for the effective protection of the human rights of internally displaced persons as well as in the development and implementation of public policy to prevent displacement, including displacement caused by natural disasters, through measures to reduce disaster risk.
9. To encourage member states, in responding to the needs of internally displaced persons and the communities affected by internal displacement, to consider the Framework for Durable Solutions for internal displacement and the Operational Guidelines on Human Rights and Natural Disasters, prepared by the Representative of the United Nations Secretary-General

on the Human Rights of Internally Displaced Persons, as well as “Protecting Internally Displaced Persons: A Manual for Law and Policymakers,” presented at the High-Level Conference “Ten Years of Guiding Principles on Internal Displacement—Achievements and Future Challenges,” and the Hyogo Framework for Action 2005-2015.

10. To encourage the states and competent authorities to seek, as necessary, new and appropriate ways of providing protection and assistance to displaced persons, in keeping with the different needs of residents of urban or rural areas or persons living in camps.
11. To urge the states to respond effectively to the needs of internally displaced persons in the event of natural disasters, including needs related to risk reduction and mitigation, through their domestic efforts, international cooperation, and, to the extent that is possible, in dialogue with the internally displaced persons and the communities affected by internal displacement.
12. To appeal to the appropriate agencies of the United Nations and the inter-American system, and to other humanitarian organizations and the international community, to provide support and/or assistance, as requested by states, in addressing the various factors that cause internal displacement and in assisting persons affected by internal displacement at all stages, where account should be taken of the Guiding Principles on strengthening of the coordination of humanitarian emergency assistance.
13. To instruct the Permanent Council to follow up as it sees appropriate on this resolution. The execution of the activities set out in this resolution shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

G. Study of the Rights and Care of Persons under any Form of Detention or Imprisonment Ag/Res. 2668 (XLI-O/11) (Adopted at the Fourth Plenary Session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1816 (XXXI-O/01), AG/RES. 1897 (XXXII-O/02), AG/RES. 1927 (XXXIII-O/03), AG/RES. 2037 (XXXIV-O/04), AG/RES. 2125 (XXXV-O/05), AG/RES. 2233 (XXXVI-O/06), AG/RES. 2283 (XXXVII-O/07), AG/RES. 2403 (XXXVIII-O/08), AG/RES. 2510 (XXXIX-O/09), and AG/RES. 2592 (XL-O/10). Updated (AG/RES. 2510)

TAKING INTO ACCOUNT:

That in the inter-American system the member states of the Organization of American States undertake to respect and

protect the human rights of persons who have been deprived of liberty, including all applicable rights established in the American Declaration of the Rights and Duties of Man and those established in all other human rights instruments to which they are party;

That consultations with the member states on this subject have continued within the Committee on Juridical and Political Affairs and that a number of them have replied to the questionnaire prepared for that purpose (CP/CAJP-1853/01 rev. 1);

The conclusions and recommendations of the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI), including those on a possible inter-American declaration on the rights, duties, and care of persons under any form of detention or imprisonment and those on the feasibility of preparing a hemispheric manual on penitentiary rights, taking as a basis the United Nations Standard Minimum Rules for the Treatment of Prisoners (REMJA-VI/doc.21/06 rev. 1, paragraphs 4.b and 4.d); and

The conclusions and recommendations of the Second Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States (GAPECA/doc.8/08 rev. 2, paragraph 2.L.ii.), held in Valdivia, Chile, from August 26 to 28, 2008, and the recommendations of the Eighth Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA-VIII/doc.4/10 rev. 1, paragraph VI.2.), held in Brasilia, Brazil, from February 24 to 26, 2010, to hold the Third Meeting of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States for the purpose of continuing the exchange of information and experiences and strengthening mutual cooperation among them;

RECALLING the “Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas,” adopted by the Inter-American Commission on Human Rights at its 131st regular session through resolution 01/08; and

UNDERSCORING the need to take concrete measures to prevent overcrowding and violence in detention centers in the Americas in order to ensure the exercise of the human rights of persons deprived of liberty,

RESOLVES:

1. To urge member states to comply, under all circumstances, with all applicable international obligations to respect the human rights of persons under any form of detention or imprisonment, including the rights established in the American Declaration of the Rights and Duties of Man and those established in all other human rights instruments to which they are party.
2. To instruct the Permanent Council to continue studying the question of the rights and the care of persons under any form of detention or imprisonment, in cooperation with the competent organs and entities of the inter-American system; and to convene the Third Meeting of Officials Responsible for

the Penitentiary and Prison Policies of the OAS Member States for the purpose of continuing the exchange of information and experiences and strengthening mutual cooperation among them, taking into account the conclusions and recommendations of the Second Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States (GAPECA/doc.8/08 rev. 2, paragraph 2.L.ii) and the recommendations of the Eighth Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA-VIII/doc.4/10 rev. 1, paragraph VI.2.).

3. To request the Inter-American Commission on Human Rights (IACHR), through the Rapporteurship on the Rights of Persons Deprived of Liberty in the Americas, to continue reporting on the situation of persons under any form of detention or imprisonment in the Hemisphere and, using as a basis its work on the subject, to continue making reference to the problems and best practices it observes.
4. To congratulate and acknowledge those member states that have invited the Rapporteur on the Rights of Persons Deprived of Liberty in the Americas of the IACHR to visit their countries, including their detention centers; and to encourage all member states to facilitate such visits.
5. To recognize the important work of the International Committee of the Red Cross, within its sphere of competence, to help persons deprived of liberty in detention centers and prisons to receive humane treatment.
6. To call upon member states to consider allocating more funds to the IACHR to enable it to support the effective fulfillment of the mandate assigned to its Rapporteurship on the Rights of Persons Deprived of Liberty in the Americas.
7. To reiterate to the Permanent Council that, on the basis of the results of the discussions and studies conducted, including the inputs of the IACHR, such as the document entitled "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas," the work of the Special Rapporteur on the Rights of Persons Deprived of Liberty in the Americas of the IACHR, and the results of the Second Meeting of the Working Group on Penitentiary and Prison Policies, held pursuant to the REMJA-VII decision, it should consider the possibility of drafting an inter-American declaration on the rights, duties, and care of persons under any form of detention or imprisonment, with a view to strengthening existing international standards on these topics, and also consider the feasibility of preparing a hemispheric manual on penitentiary rights, taking as a basis the United Nations Standard Minimum Rules for the Treatment of Prisoners, and keep the member states abreast of developments in this regard.
8. To request the Permanent Council to report to the General Assembly at its forty-third regular session on the implementation of this resolution. The execution of its activities shall be subject to the availability of financial resources in the program-budget of the Organization and other resources. Updated (AG/RES. 2510)

H. Attention to Migratory Flows in the Americas with a Human Rights Perspective **Ag/Res. 2690 (XLI-O/11)** **(Adopted at the Fourth Plenary Session, held on June 7, 2011)**

THE GENERAL ASSEMBLY,

RECOGNIZING the importance of an holistic approach to the issue of migration that enables the establishment of national migration policies founded on full respect for the human rights of migrants and their families and on the principles of tolerance, solidarity, gender equality, justice, inclusion, social equity, and others;

EMPHASIZING that the American Convention on Human Rights recognizes that the essential rights of all persons are not derived from their being nationals of a certain state, but are based upon attributes of the human personality.

TAKING INTO ACCOUNT the recommendations of the Workshop on extracontinental migration flows in the Americas, held under the aegis of the Special Committee on Migration Issues (CEAM) on April 6, 2010, with the support of the Migration and Development Program (MIDE) of the OAS Department of Social Development and Employment, which recognize that migratory flows must be analyzed from an integrated perspective, taking into account the relevant provisions of international law, particularly international human rights law, and with a view to fostering international cooperation.

RESOLVES:

1. To support those consultation mechanisms among the OAS, other international agencies, and the subregional consultation processes, to analyze migratory flows comprehensively, at all times from the perspective of international human rights law, to enhance cooperation in dealing with the topic.
2. To invite the International Organization for Migration (IOM) to hold subregional workshops to train national authorities, in particular officials responsible for managing migration, and to continue cooperating with the interested OAS member states.
3. To instruct the Permanent Council, to organize in the framework of the Special Committee on Migration Issues (CEAM), before the forty-second regular session of the OAS General Assembly, with support from the Migration and Development Program (MIDE) of the Department of Social Development and Employment of the Organization of American States (OAS), a seminar and workshop on migration issues, which shall include follow-up on the recommendations of the April 6, 2010 workshop on extracontinental migratory flows in the Americas.
4. To request the Permanent Council to report to the General Assembly, at its forty-second regular session, on the implementation of this resolution.

5. execution of the activities provided for in this resolution shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

I. The Americas as an Antipersonnel-Land-Mine-Free Zone⁵ **Ag/Res. 2630 (XLI-O/11)** **(Adopted at the Fourth Plenary Session, held on June 7, 2011)**

THE GENERAL ASSEMBLY,

REITERATING its profound concern over the presence in the Americas of thousands of antipersonnel land mines and other undetonated explosive devices;

BEARING IN MIND:

The serious threat that mines and other unexploded ordnance pose to the safety, health, and lives of local civilian populations, as well as of personnel participating in humanitarian, peacekeeping, and rehabilitation programs and operations;

That the presence of mines is a factor that impedes economic and social development in rural and urban areas;

That mines have a humanitarian impact with very serious consequences, which are long-lasting and require sustained socioeconomic assistance to victims; and

That their elimination constitutes an obligation and prerequisite for the development and integration of peoples, especially in border areas, and helps to consolidate a common strategy for combating poverty;

DEEPLY CONCERNED that Colombia remains one of the countries with the highest number of antipersonnel-land-mine victims in the world;

ALARMED by the continued and increasing use of antipersonnel land mines and other improvised explosive devices by non-state actors, especially illegal armed groups in Colombia;

RECOGNIZING WITH SATISFACTION:

⁵ The United States remains committed to humanitarian mine action and to cooperating in practical steps to end the harmful legacy of landmines. The United States will continue to support OAS efforts to eliminate the humanitarian threat of all remaining landmines and declare countries "mine-impact-free." Additionally, the United States is undertaking a comprehensive review of its antipersonnel landmine policy. The United States regrets that this resolution does not by name condemn the use of landmines in Colombia by the Revolutionary Armed Forces of Colombia (FARC) in a manner similar to OAS Permanent Council resolution CP/RES. 837 (1354/03), "Condemnation of terrorist acts in Colombia," adopted on February 12, 2003. The United States on August 14, 2007 condemned the continued and growing use of landmines and other explosive devices by the FARC after the UN, credible nongovernmental organizations, and the press highlighted the FARC as the "largest non-state armed group and most prolific user of mines."

The efforts made by Colombia in the area of demining, especially in completing the operations to sweep all areas that had been mined by the state prior to signing of the Ottawa Convention (35 military bases), pursuant to Article 5 of the Ottawa Convention;

The efforts being made by member states to implement comprehensive mine-action programs, including mine clearance, stockpile destruction, the physical and psychological rehabilitation of victims and their reintegration, activities aimed at mine-risk education, and the socioeconomic reclamation of demined areas; and

The work accomplished by the Governments of Ecuador and Peru on their common border, which has permitted the exchange of information and levels of cooperation that constitute an effective confidence- and security-building measure and a path toward greater integration among their peoples;

The mine-free-territory declarations made by the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Suriname, and, recently, Nicaragua, and the efforts made in fulfillment of those declarations;

WELCOMING the declaration in 2010 of Central America as a mine-free zone;

RECOGNIZING WITH GRATIFICATION:

The valuable contributions by member states such as Argentina, Bolivia, Brazil, Canada, Chile, Colombia, El Salvador, Guatemala, Honduras, Nicaragua, Trinidad and Tobago, the United States, and Venezuela (Bolivarian Republic of); and by permanent observers such as Australia, Austria, Belgium, Denmark, the European Union, France, Germany, Italy, Japan, the Netherlands, Norway, the Republic of Korea, the Russian Federation, Spain, Sweden, and the United Kingdom to demining efforts through the OAS;

The invaluable efforts that Ecuador and Peru have been making to rid their territories of antipersonnel mines, thereby contributing to the goal of making the Americas an antipersonnel mine-free zone;

The success of the Program for Comprehensive Action against Antipersonnel Mines (AICMA) of the Organization of American States (OAS), which for more than 18 years has supported humanitarian demining activities and the destruction of explosive devices and carried out campaigns to educate people living in mine-affected communities about the risks posed by landmines and to address the physical, psychological, and socioeconomic rehabilitation of landmine survivors and their families;

The important and efficient coordination work of the General Secretariat, through AICMA, together with the technical assistance of the Inter-American Defense Board; and

The work of nongovernmental organizations in furthering the aim of a Hemisphere and a world free of antipersonnel land mines, which is often performed in cooperation and association with the states, AICMA, and other international entities;

HAVING SEEN:

The Annual Report of the Permanent Council to the General Assembly, in particular the section on matters assigned to the Committee on Hemispheric Security (AG/doc.5217/11 add. 1); and

The Report of the General Secretariat on the implementation of resolution AG/RES. 2559 (XL-O/10), "The Americas as an Antipersonnel-Land-Mine-Free Zone";

RECALLING the 18 General Assembly resolutions from 1997 to 2005 directly relating to antipersonnel landmines, which were referenced individually in resolution AG/RES. 2180 (XXXVI-O/06) and adopted by consensus by all member states;

RECALLING ALSO that, in the Declaration on Security in the Americas, adopted at the Special Conference on Security, the states of the Hemisphere reaffirmed their support for establishing the Hemisphere as an antipersonnel-land-mine-free zone; and

NOTING:

The successful outcome of the Tenth Meeting of States Parties of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), held from November 29 to December 3, 2010, in Geneva, Switzerland, and the hemispheric commitment to the Convention with the naming of Canada as co-chair of the Standing Committee on the General Status and Operation of the Convention; and of Colombia as co-chair of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies and Peru as co-rapporteur of the Standing Committee on the General Status of Implementation of the Ottawa Convention; and

The consideration given in prior years to the granting of extensions to OAS member states that have so requested, under Article 5 of the Ottawa Convention and taking note of their commitment to continue working to rid their territories of antipersonnel mines; and

The recent consideration of granting of extensions to Colombia, an OAS member state which so requested, in accordance with Article 5 of the Ottawa Convention, at the Tenth Meeting of States Parties to the Convention; and noting its commitment to continue working to rid its territory of antipersonnel mines, which are being planted continuously and indiscriminately by outlawed armed groups,

RESOLVES:

1. To renew its support for the efforts of member states to rid their territories of antipersonnel land mines and destroy their stockpiles, and convert the Americas into the world's first antipersonnel-land-mine-free zone.
2. To urge those states parties that requested and were granted extensions under Article 5 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) to make every effort necessary to comply with their Article 5 obligations within the periods established.
3. To stress the responsibility of all member states to continue their vital cooperation in mine action as a national, subregional, and regional priority, as well as a means to promote confidence and security, and to develop statements of remaining goals, contribute resources, and collaborate with the Program for Comprehensive Action against Antipersonnel Mines (AICMA) of the Organization of American States (OAS).
4. To urge the international donor community to continue its humanitarian support for victim rehabilitation and in ongoing demining activities, as appropriate, in Guatemala, El Salvador, Chile, Colombia, Ecuador, Peru, and Nicaragua.
5. To urge the member states, permanent observers, international organizations, and the international community in general to continue their technical and financial support for continuation of the combined Ecuador-Peru humanitarian demining program on their common border, which constitutes a successful example of international cooperation and an effective confidence- and security-building measure.
6. To firmly condemn, in accordance with the principles and norms of international humanitarian law, the use, stockpiling, production, and transfer of antipersonnel mines by non-state actors, acts which put at grave risk the population of the affected countries; and to strongly call upon non-state actors to observe the international norm established by the Ottawa Convention to facilitate progress toward a mine-free world.
7. To condemn also the use of antipersonnel land mines and improvised explosive devices by non-state actors, especially illegal armed groups in Colombia;
8. To invite all states parties to participate in the Eleventh Meeting of States Parties to the Ottawa Convention, from November 28 to December 2, 2011, in Phnom Penh, Cambodia, as a means of demonstrating their continued commitment to the objectives of that convention.
9. To celebrate the support demonstrated by 33 member states of the Hemisphere through their ratification of the Ottawa Convention; and to encourage the governments to continue working in the area of mine action in accordance with said

- Convention and with their mine action plans in order to meet mine-clearance deadlines pursuant to Article 5 of the Convention.
10. To urge states which have not yet done so to ratify or consider acceding to the Ottawa Convention as soon as possible to ensure its full and effective implementation.
 11. To call upon all states parties and non-states parties that share the objectives of the Ottawa Convention to take all necessary action, at the national, subregional, regional, and international levels, to fulfill the commitments established in the Cartagena Declaration: A Shared Commitment for a Mine-Free World and to implement the Cartagena Action Plan 2010-2014: Ending the Suffering Caused by Anti-Personnel Mines.
 12. To reiterate the importance of participation by all member states in the OAS Register of Antipersonnel Land Mines by April 15 of each year, in keeping with resolution AG/RES. 1496 (XXVII-O/97); and to commend member states which have regularly submitted their reports to that end, instructing them to provide to the OAS Secretary General a copy of the Ottawa Convention Article 7 transparency reports presented to the United Nations Secretary-General. In this connection, in keeping with the spirit of the Ottawa Convention, to invite member states which are not yet party thereto to consider voluntarily providing this information.
 13. To urge member states which have not yet done so to become parties as soon as possible to Amended Protocol II to the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and to the other four protocols thereto; and to request member states to inform the Secretary General when they have done so.
 14. To request the Inter-American Defense Board (IADB) to continue providing technical advice to the AICMA Program.
 15. To instruct the General Secretariat to continue providing member states, within the resources allocated in the program-budget of the Organization and other resources, with the support necessary to continue the mine-clearing programs, prevention education programs for the civilian population, and programs for the rehabilitation of victims and their families and for the socioeconomic reclamation of demined areas.
 16. To reiterate the mandate assigned to the General Secretariat to continue, through the AICMA Program, its efforts with the member states, permanent observers, other states, and donor organizations to identify and obtain voluntary funding for the demining programs and comprehensive action against antipersonnel mines carried out by the member states in their respective territories, and to continue cooperating in projects to assist comprehensive action against antipersonnel mines, including humanitarian demining, the physical and psychological rehabilitation of victims and their families, prevention education, and socioeconomic reclamation of demined areas, at the request of states and in close coordination with national authorities in order to strengthen their capacities and make those programs sustainable over time.
 17. To request the Secretary General to transmit this resolution to the United Nations Secretary-General and to other international organizations as he deems appropriate.
 18. To request the Permanent Council and the General Secretariat to report to the General Assembly at its forty-second regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



ICRC