

## **ICBL Statement on Compliance**

Standing Committee on the General Status and Operation of the Convention

27 May 2013

Thank you Mr. Co-Chair,

This is an intervention that the ICBL had hoped to never make. It appears that the most serious violation of the Mine Ban Treaty ever has occurred: extensive use of antipersonnel mines by government forces in Yemen. During recent on-the-ground investigations, Human Rights Watch, a local human rights organization, and an international journalist have independently collected evidence, including photographs and eyewitness testimony, that indicates Yemen's Republican Guard forces laid numerous antipersonnel mines, apparently thousands of mines, around their base camps in the Bani Jarmooz area, just north of the capital Sanaa, beginning in September 2011.

Moreover, local community leaders have said that Republican Guard forces have prevented clearance of the mines, despite the fact that they have caused at least 15 civilian casualties, including 9 children.

The ICBL and Human Rights Watch have written to the government of Yemen with details of these disturbing findings. We have called on the government to conduct an immediate investigation into the use of antipersonnel mines, and to establish when, by whom, and under what authority the mines were deployed. We have urged that the government identify and prosecute those responsible. We have also called for immediate action to assist the victims and to clear the mine-affected areas.

The Human Rights Watch and ICBL letters, as well as press releases, and an article in Foreign Policy magazine by Joe Sheffer on this matter, are available to States Parties both on line and in hard copy, so States Parties can see the array of evidence and testimony collected.

Both Human Rights Watch and Sheffer interviewed local inhabitants who said they personally saw people in Republican Guard uniforms laying antipersonnel mines in late 2011. During a meeting in June 2012 between community representatives and representatives from the Defense and Interior Ministries, the commander of the Republican Guard's 63rd Brigade camp reportedly stated that his forces had planted 8,000 landmines around the camp, as well as in cliffs adjacent to nearby Mount Asama.

The landmine incidents resulting in civilian casualties have all occurred in the vicinity of military camps established by the 63rd and 81st Brigades of the Republican Guard at Bani Jarmooz in July 2011 that remain in place today. There has been no other military activity in the area that might explain the presence of these mines.

The types of mines used include Soviet PMNs and PMD-6s, as well as Hungarian GYATA-64s. These are not types previously reported as stockpiled, cleared, or retained

for training in Yemen. Yemen reported completion of stockpile destruction in 2002. We have asked the government to disclose the source of the mines, indicating whether they came from a hitherto undisclosed Yemeni stockpile or from a foreign source (in violation of the treaty), and to immediately collect and destroy any remaining stockpiles.

This is not the first serious allegation of use by Yemeni forces. States Parties will recall that the ICBL throughout 2012 raised concerns that antipersonnel mines had been laid inside a building compound of the Ministry of Industry and Trade in Sanaa. Guards from the government's Central Security forces said that members of the Republican Guard had told them they had laid the mines after recapturing the compound from rebels in October 2011. Our repeated letters and requests to the government for investigation and explanation have gone unanswered. However, we have just heard from Yemen that an investigation was carried out and no mines were found. To clarify, we know the mines were cleared by Yemeni specialists because we have video of the operation. This is how we first found out about the presence of the mines. The question remains who laid the mines. There is a need for a more thorough investigation by Yemen.

Mr. Co-Chair, this situation in Yemen comes on the heels of other bad compliance news. Less than six months ago during the 12<sup>th</sup> Meeting of States Parties, the ICBL raised a disturbing number of serious compliance issues that we said States Parties should be addressing, but did not seem to be pursuing with any vigor. This included allegations of use of antipersonnel mines by Yemen—the Ministry of Industry incident—and by Sudan.

Back then, we said that the treaty was being tested as never before, and implored States Parties to rise to the occasion. It cannot be emphasized enough that, apart from violating legal obligations, non-compliance directly corresponds to a weakened humanitarian impact of the treaty. Let us touch briefly on other serious compliance issues.

In Sudan, it is clear that mines were used in 2011 and 2012, but it is not clear whether government or rebel forces were responsible. However, there are indicators that government forces could be the culprits. In 2011, UN reports claimed that both Sudanese government forces and opposition forces laid antipersonnel mines in South Kordofan state. In 2012, photographs emerged of crates of antipersonnel mines in a warehouse in South Kordofan which locals said belonged to government forces until rebels seized it two days earlier, and there were other photographs of antipersonnel mines allegedly recovered from Sudan Armed Forces, with markings from a Sudanese Military Industrial Corporation subsidiary. Additional details on the use allegations and the indicators of government responsibility are contained in the Landmine Monitor.

Last year, at intersessionals and the Meeting of States Parties, Sudan denied the allegations, while at the same time promising an investigation. Yet, States Parties have heard little or nothing about the basis for the denial, or any indication that an investigation has occurred.

Last year we also noted unresolved allegations about use in South Sudan, and we are unaware of any progress in that regard.

States Parties are well aware that Turkey has for years been looking into two allegations of use by members of its armed forces, in southeastern Turkey near the border with Iraq, in Sirnak province, in April 2009, and in Hakkari province in May 2009.

The May 2009 incident led to an investigation and trial, and, according to media reports and the information we have just received from the Turkish delegation, last month the General Staff Military Court sentenced a Brigadier General to six years and eight months in prison on charges of causing deaths and injuries by negligence.

But, the media accounts, and the Turkish delegation, did not indicate that the charges specifically included the use of antipersonnel landmines. It is unclear on what domestic law the charges and the sentence were based, and how the trial and its verdict relates to Turkey's obligations under the Mine Ban Treaty.

Since this case has broader implications for how the Mine Ban Treaty is implemented, and how violations should be addressed, we urge Turkey to clarify if the charges included use of antipersonnel mines, what domestic law applies, and if any steps have been taken to ensure all members of the armed forces are fully aware of and respect the Mine Ban Treaty obligations.

As to the April 2009 incident, Turkey announced for the first time in May 2012 that an investigation had been initiated, and in December said the investigation was ongoing, while suggesting that it may have involved an old emplaced mine and not new use. We have just heard from the delegation that a determination has been made that there was not a mine explosion. We would like to discuss further with Turkey in order to better understand what happened during this incident and how this determination was made.

Mr. Co-Chair, these use allegations demand the most urgent and forceful attention possible on the part of States Parties, as they invoke the most egregious violation of the treaty. But they are not the only violations. In addition, there are the cases of multi-year non-compliance with the stockpile destruction deadline by Belarus, Greece, and Ukraine. There are the numerous States Parties who are retaining mines under the Article 3 exception, but never using them for permitted purposes, thus in effect, continuing to stockpile. The compliance rate for the transparency reporting requirement is at an all time low. There are clearance deadlines missed that should have been met. The ICBL will address all of these issues in detail later today and this week.

This recent record is one that may cause some to question the effectiveness and impact of the Mine Ban Treaty, indeed to question the integrity of the treaty. We know the treaty's record is strong, but we also know vigilance is needed to keep it that way. So it is crucial not just that States Parties with compliance problems respond and act appropriately, but that all States Parties engage.

In the ICBL, we continue to believe that the "cooperative compliance" approach of this treaty has worked well, and can continue to do so in the future—an approach

underpinned by trust, good will, and the desire to facilitate proper implementation and compliance, not just to point fingers and condemn.

But this does not mean States Parties should look the other way or remain silent when serious compliance issues arise. That will weaken and undermine the treaty, not strengthen it. States Parties must address these serious compliance issues urgently and vigorously. Now that there is credible evidence a State Party has used antipersonnel mines, the world will be watching.