

Contribution of Belgium to the report pursuant to paragraph 11 of General Assembly resolution 63/125 of 11 December 2008

In response to the notes verbales of the Secretary-General dated 31 December 2008 and 9 April 2010 on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, Belgium first of all wishes to refer to its contribution of 2008, summarized in the report of the Secretary-General (document A/63/118) and consolidating and supplementing its previous reports on this issue, in which it highlighted its active support, in particular, for:

Development - particularly in the area of limiting or prohibiting the use of conventional weapons which cause unnecessary suffering or which are inherently indiscriminate - and respect for international humanitarian law;

The International Committee of the Red Cross (ICRC) and its efforts on behalf of the victims of armed conflicts; and,

National and international mechanisms to punish violations of international humanitarian law.

Since this report, the most noteworthy events in this area have been the following:

The ratification on 22 December 2009 of the Convention on Cluster Munitions dated 30 May 2008; and,

The ratification on 25 January 2010 of the Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention) dated 28 November 2003.

Belgium may also shortly deposit the instruments of ratification of the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict dated 26 March 1999.

Regarding cooperation between Belgium and international criminal jurisdictions, it should be underlined that Belgium has concluded, or is in the process of negotiating with a view to concluding, the following specific cooperation agreements:

With the International Criminal Court: an agreement for the relocation of witnesses in Africa, which was signed with the Registry of the Court in February 2009; a memorandum of understanding concerning requests for technical and scientific assistance was signed with the Office of the Prosecutor in April 2010; and an agreement for the enforcement of sentences, signed with the President of the Court during the Review Conference of the Rome Statute in Kampala on 1 June 2010;

With the Special Court for Sierra Leone: agreements are being negotiated for the relocation of witnesses and for the enforcement of sentences.

Furthermore, with the support of ICRC, Belgium submitted the proposal which led to the first amendment to the Rome Statute of the International Criminal Court, adopted on 10 June 2010 in Kampala by the first Review Conference of the Rome Statute. This amendment aims to extend to non-international armed conflicts three categories of weapons whose use is already considered as a war crime in international armed conflicts. This amendment therefore helps to harmonize the rules of international humanitarian law applicable to all situations of armed conflict.

Belgium intends to make an early start on the process of ratifying the amendments (relating to the crime of aggression and war crimes) adopted by the Review Conference.