

Translated from Spanish

[Original: Spanish]

Costa Rica

Pursuant to General Assembly resolution 61/30, in which the Secretary-General is requested to submit to the General Assembly at its sixty-third session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States, the Government of Costa Rica is pleased to present to the Secretary-General its status report on the issue.

It should be noted at the outset that Costa Rica is a State Party to the 1949 Geneva Conventions and the Additional Protocols of 1977, the set of international instruments that govern action during armed conflict. We have consistently undertaken to respect and enforce international humanitarian law under all circumstances and have adopted that body of rules as a mandatory whole that, in addition to deserving absolute respect and compliance, are also a framework for prevention to be disseminated and studied. We have also made the declaration provided for in Protocol I, article 90, thereby accepting the competence of the International Fact-Finding Commission.

Furthermore, we have adopted the Convention on the Rights of the Child of November 1989 and the May 2000 Optional Protocol on the Involvement of Children in Armed Conflict, and are a State Party to the Rome Statute of 17 July 1998 establishing the International Criminal Court.

We have also ratified the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols; the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques of 10 December 1976; the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972; 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, and Protocols I, II, III and IV and Protocol II as amended on 3 May 1996; the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction of 13 January 1993; and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction of 18 September 1997.

Additional Protocol III to the 1949 Geneva Conventions, relating to the adoption of an additional distinctive emblem, was approved by the Legislative Assembly in December 2007 and the instrument of ratification is likely to be deposited in the near future.

In 2007 the following international humanitarian law-related instruments were brought before the Legislative Assembly for its consideration and approval:

(a) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 June 1925;

(b) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 26 November 1968;

(c) The Amendment to the 10 October 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 (with Protocols I, II and III) which was adopted in Geneva on 21 December 2001;

(d) Protocol on Explosive Remnants of War (Protocol V 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), 28 November 2003;

(e) Draft revisions of the Penal Code of Costa Rica aimed at strengthening the provisions criminalizing war crimes, crimes against humanity or genocide.

Also on the agenda of the Legislative Assembly will be the Agreement on the Privileges and Immunities of the International Criminal Court.

At the United Nations in New York and Geneva the State of Costa Rica has enthusiastically supported work on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Convention on Enforced Disappearances and a significant number of resolutions and initiatives which aim to strengthen and reaffirm the value of international humanitarian law .

The International Convention for the Protection of All Persons from Enforced Disappearance will quite probably be submitted to the current parliament in 2008.

At the Organization of American States (OAS) and before the United Nations General Assembly as it did in 2007, Costa Rica is joining Mexico in sponsoring a resolution on the International Criminal Court, and making every effort to ensure the adoption of another resolution specifically on international humanitarian law.

The Government is taking a leading role in important initiatives with other countries, including efforts at the United Nations General Assembly to devise a legal instrument which will make it possible to control and establish clear limits for the arms trade that will respect human rights and international humanitarian law; and efforts to achieve an instrument which specifically addresses the issue of cluster munitions, which are becoming ever more sophisticated and capable of indiscriminate humanitarian destruction. In September 2007 the Latin American Conference on Cluster Munitions was held in San José, Costa Rica. In addition to seeking to advance the so-called Oslo Process, the Conference sought to have our region declared a cluster munitions-free zone.

Our disarmament efforts go well beyond control, including the elimination and non-proliferation of weapons, in particular within the context of commitments under the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. Costa Rica recently assumed the position of Executive

Secretary for 2007-2009 of the Comprehensive Nuclear-Test-Ban Treaty Organization.

Represented by its Minister for Foreign Affairs, Costa Rica has in recent years held the Presidency of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Pursuant to the 26th International Conference of the Red Cross and Red Crescent Movement; the final declaration of the 1993 International Conference for the Protection of War Victims; the recommendations made in 1995 by the intergovernmental Group of Experts for the Protection of War Victims, in which States are urged to adopt regional and global methods of implementing international humanitarian law; Resolution 1, International humanitarian law: From law to action, of the 26th International Conference of the Red Cross and Red Crescent Movement (1995) and the Plan of Action for 2000-2003 adopted by the 27th International Conference (1999); international humanitarian law-related resolutions adopted by the OAS General Assembly; and the outcome of the Conference convened in San José in March 2001 by the International Committee of the Red Cross (ICRC) and OAS, the Costa Rican Committee of International Humanitarian Law (CRCIHL) was established on 21 May 2004 and became operational on 13 December 2004.

The establishment of CRCIHL is of great interest in a country which promotes respect for human rights, the protection of the person and a culture of peace and advocates against impunity for serious violations of international humanitarian law. The spirit of CRCIHL reflects that of the State, which has a strong tradition of peace and constitutionally abolished the army in 1949, while appreciating the value and importance of prevention and assimilating the principles, values and rules embodied in international humanitarian law on the national level. We are confident that in that field, our efforts will join those of others to form a solid network that will make it possible to move forward together.

CRCIHL advises the Executive Branch on the adoption, application and dissemination of international humanitarian law and operates as a mechanism for the prevention of conflict, promotion of a culture of peace, suppression of war crimes and resistance to impunity for such crimes. It intends to pursue the work in those areas to match that done with respect to arms control and disarmament. The main concerns of CRCIHL are therefore to establish strategic alliances and strengthen ties with important social actors, with a view to realizing its existential objectives in the context of Costa Rica and its surroundings. While it is formally an advisory body to the Executive Branch, by encompassing representatives of various sectors, including the legislative, judicial and academic, it is in practice a driving force in disseminating knowledge and raising awareness among an extensive network of actors and serves as a forum for the building of consensus.

In accordance with the policy which governs it, CRCIHL has the following main functions:

1. To propose to the Executive Branch recommendations on the measures to be taken to put into effect the international legal provisions relating to international humanitarian law;
2. To suggest to the Executive Branch the development of draft laws and regulations that will permit Costa Rica to fulfil its international obligations in respect of international humanitarian law;

3. To promote, encourage and support the dissemination of international humanitarian law in State institutions and society at large;

4. To attend meetings, seminars and international conferences on international humanitarian law;

5. To promote and collaborate with the national academic authorities in the inclusion in curriculums of international humanitarian law;

6. To suggest and promote action likely to contribute to the application of and respect for international humanitarian law.

CRCIHL has identified areas in which to carry out the functions determined not only by Executive Decree but also derived from the endeavours for which the body has gradually assumed responsibility under the norms and principles that guide it.

Set forth below are the areas of work which have been established:

1. The adaptation of domestic legislation to conform with conventions and treaties on international humanitarian law (presentation of legislative or other proposals);

2. The dissemination of and instruction in international humanitarian law;

3. The provision of training in international humanitarian law to the police force, universities, the general public, legislators and related bodies;

4. The capacity-building of the Committee;

5. The protection of cultural property in time of war;

6. The provision of advice to the Executive Branch, on its own initiative or as requested;

7. The undertaking of political lobbying in favour of pending international humanitarian law initiatives and action likely to promote implementation of, education in and respect for such law.

Among the work undertaken by CRCIHL, the following may be mentioned:

1. Publication in March 2006 of the book entitled "Women and war", [...] with the sponsorship of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC);*

2. Numerous courses, round tables, forums and training seminars in international humanitarian law aimed at specialized audiences and the general public, supplemented by human rights perspectives and refugee rights;

3. Capacity-building in various issues for Committee staff, undertaken by members and ICRC, and periodic updates of relevant questions;

4. Interchanges with other international humanitarian law committees in the region, with ICRC support and with other international organizations accredited in Costa Rica;

5. Training in international humanitarian law aimed at the special forces;

* Translator's note: some text appears to be missing from the original Spanish.

6. Provision of advice to the Ministry of External Relations on specific issues related to international humanitarian law and contribution to the approval of draft legislation (international instruments, OAS and United Nations draft resolutions, legislative priorities);

7. Intensive lobbying of various factions in the Legislative Assembly with a view to enhancing the bill on war crimes and the addition of a chapter on crimes against humanity. Presentation of the draft to the Commission on Human Rights. Lobbying for Additional Protocol III to the Geneva Conventions and a series of texts relating to arms and disarmament (see list above of drafts which the Assembly is considering);

8. Coordination with the National Committee in respect of small arms and light weapons and presentation of proposals for amendments to the law on arms;

9. Joint activities with ICRC and the Legislative Assembly in respect of awareness-raising and follow-up of priorities;

10. Training and outreach activities and the commemoration of the anniversary of the Geneva Protocols, the abolition of the armed forces of Costa Rica and other important occasions of that nature;

11. Crowd control awareness-raising activities with police forces;

12. Preparation of a proposal on minimum standards for crowd control;

13. Participation in regional and international conferences on arms, enforced disappearance and the review of the status of international humanitarian law in Latin America;

14. Preparation of supporting documents for such national or international activities related to international humanitarian law as those concerning the participation of Costa Rica in the International Conference of the Red Cross and the Red Crescent held in Geneva, Switzerland in 2007 and other regional activities;

15. Analytical support in undertaking an inventory of and marking national treasures protected by international humanitarian law.

In conclusion, it is important that attention should be drawn to the fact that, as a current non-permanent member of the Security Council, Costa Rica, very soon after assuming that responsibility, indicated its keen interest in working in cooperation with the International Criminal Court and on issues relating to disarmament, human rights and humanitarian law, which have been identified as priority areas for our work in that body.
