

---

*Translated from French*

**Permanent Mission of France to the United Nations**

BLF/cl

No. 325

New York, 18 June 2012

The Permanent Mission of France to the United Nations presents its compliments to the Codification Division of the United Nations Office of Legal Affairs and, in reference to General Assembly resolution 65/29 and Note Verbale LA/COD/2 (February 2011), has the honour to transmit the report of France on the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

The Permanent Mission of France to the United Nations takes this opportunity to extend to the Codification Division of the United Nations Office of Legal Affairs the renewed assurances of its highest consideration.

United Nations Secretariat  
Office of Legal Affairs  
Codification Division  
New York

Attachment: Report

---

**Report of France to the Secretary-General of the United Nations "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts"**

**I. Existing instruments of international humanitarian law (Geneva Conventions of 1949 and their Additional Protocols)**

**A. Signature, ratification and accession**

The four Geneva Conventions of 12 August 1949 came into force in France on 28 June 1951.

Additional Protocol I to the Geneva Conventions, adopted on 8 June 1977, was ratified by France on 11 April 2001.

Additional Protocol II to the Geneva Conventions, adopted on 8 June 1977, was ratified by France on 24 February 1984.

Additional Protocol III to the Geneva Conventions, adopted on 8 December 2005, relating to the adoption of an additional distinctive emblem, was ratified by France on 17 July 2009.

**B. Implementation**

As part of its implementation of international humanitarian law, the Government of France regularly makes pledges, individually or in conjunction with the national Red Cross society, at the International Conference of the Red Cross and Red Crescent Movement held every four years. At the 30th Conference, which was held in Geneva from 26 to 30 November 2007, the French Government, together with the French Red Cross, pledged to ratify Additional Protocol III to the Geneva Conventions, adopted on December 2005, relating to the adoption of an additional distinctive emblem, and to enhance the protection under domestic law for the emblems recognized by the Geneva Conventions and the Additional Protocols thereto.

---

With respect to the enhancement of protection for emblems, article 433-14, paragraph 2, of the Criminal Code criminalizes the use of "a document establishing an official capacity or of an insignia regulated by public authority". The term "insignia" may be considered to refer to the emblems of the health services of the armed forces and the national societies officially authorized to assist them. The stipulation of "regula[tion] by public authority" is satisfied when the use of the emblems defined in duly ratified international instruments have been incorporated into the domestic legal system. Nevertheless, the constituent elements of article 433-14, paragraph 2, of the Criminal Code are not sufficient to fully meet the objectives of protection for the emblems of the International Red Cross and Red Crescent Movement (i.e., the red cross, the red crescent and the red crystal). French legislation is therefore currently being amended with a view to better protecting the emblems of the International Red Cross and Red Crescent Movement.

A bill that includes various provisions relating to criminal matters and criminal procedure aimed at implementing France's international commitments was passed by the Council of Ministers on 11 January 2012 and submitted to the Parliament. The bill is currently being reviewed by the Senate.<sup>1</sup>

Pursuant to article 122 of the Third Geneva Convention of 1949, France pledged, also at the 30th Conference, to create a National Information Bureau. The article stipulates that, upon the outbreak of a conflict and in all cases of occupation, each of the parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. In times of armed conflict, a country's Information Bureau is responsible for providing information concerning prisoners of war via the Central Tracing Agency of the International Committee of the Red Cross (ICRC).

In fulfilment of the pledge made by France, on 2 February 2010, the General Staff of the Armed Forces adopted a directive, which sets out the details and functioning of the National

---

<sup>1</sup> <http://www.senat.fr/dossier-legislatif/pjl11-250.html>.

---

Information Bureau and places it under the purview of the General Staff of the Armed Forces. The document also provides that, upon the outbreak of an international armed conflict or in the case of occupation, the Bureau must be made operational so as to receive and disseminate information relating to prisoners of war and wounded, sick, deceased or shipwrecked members of the armed forces. Such information should then be communicated to ICRC.

In accordance with the directive, the General Staff of the Armed Forces informed ICRC that the National Information Bureau had been made operational on the first day of the military operation in Libya, on 18 March 2011, and it had been ensured that the Bureau would continuously monitor activities throughout the conflict.

### **C. Customary international humanitarian law**

France considers that the most widely recognized humanitarian principles, which are often found in treaty law (as, for example, common article 3 of the Geneva Conventions of 1949), are of a customary nature and that every State has the obligation to respect them as such. France recognizes, however, that there is still some uncertainty regarding the contents and exact scope of these customary principles. In that regard, France has taken note of the ICRC study on customary humanitarian law. Although the study constitutes a useful doctrinal work, it could not be used as such against States.

### **D. Other initiatives**

#### **1. Protection of civilians**

Since the unanimous adoption, on the initiative of France, of Security Council resolution 1674 (2006), the protection of civilians has become an increasingly prominent component of the mandates of peacekeeping operations. France attaches particular importance to the integration of civilian protection into the mandates of United Nations peacekeeping operations and to the genuine mainstreaming of such protection into the various activities of the United Nations. France welcomes

---

the fact that the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has a clear mandate in that regard and benefits people through its work on the ground. The intervention of the North Atlantic Treaty Organization (NATO) in Libya, which was based on the mandate established by the Security Council in its resolution 1973 (2011), also saved many civilian lives. Further, France supports the activities of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in the Republic of South Sudan (UNMISS).

France actively participates in the United Nations Security Council informal expert group on the protection of civilians. France supports the role of the Office for the Coordination of Humanitarian Affairs in respect of the protection of civilians, in particular the establishment of a dedicated report on the issue which is annexed to the annual report of the United Nations Secretary-General.\*

France undertook, in cooperation with civil society, the development of a national strategy on the protection of civilians in armed conflict; implementation of the strategy is currently under way.

**E. Dissemination of the provisions of international humanitarian law among the French armed forces**

---

\* Translator's note: It appears the author is referring to the annex entitled "Constraints on humanitarian access", which has been included in every Report of the Secretary-General on the protection of civilians in armed conflict since 2008 (see, for example, S/2012/376, S/2010/579, etc.).

---

Under articles 82 and 83 of Additional Protocol I to the Geneva Conventions, States parties are obliged to implement<sup>2</sup> and disseminate international humanitarian law as widely as possible among their armed forces and civilian authorities who assume responsibilities in respect of the application of such law.<sup>3</sup>

France fulfils its obligation to disseminate international humanitarian law in a number of ways. Within the Ministry of Defence, the Office of the Law of Armed Conflict is responsible for such dissemination. It has produced several pedagogical tools, such as a manual on the law of armed conflict, which was updated in May 2012, and an interactive CD-ROM on international humanitarian law. The Office, together with the General Staff of the Armed Forces, is involved in training legal advisers, whose duty is to advise military commanders during both the planning and conduct of operations. To that end, a two-week training course is held annually, consisting of

---

<sup>2</sup> Article 82 of Additional Protocol I of 1977: "The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject".

<sup>3</sup> Article 83 of Additional Protocol I of 1977: "1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.

"2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof".

---

general and specialized modules on the law of armed conflict, several of which are led by ICRC representatives. The advisers are also involved in disseminating the law of armed conflict within the services of the Ministry of Defence in times of peace. Furthermore, every introductory military training course includes instruction on the law of armed conflict. Training courses at the International Institute of Humanitarian Law in San Remo, Italy and at the NATO School in Oberammergau, Germany are also offered as a complement to the annual training course organized for the Ministry of Defence by the Office of Legal Affairs and the General Staff of the Armed Forces.

French law recalls the obligation of the military forces to respect and understand international humanitarian law. Article D.4122-2 of the Defence Code recalls that military commanders "may not order any acts to be carried out that are inconsistent with the law, the rules of international law applicable to armed conflict or international conventions". Article D.4122-3 of the same Code reminds subordinates that they must refuse to carry out orders that are clearly incompatible with the law on armed conflict. Articles D.4122-7 to D.4122-11 of the Defence Code also recall the obligation to respect the rules of international law applicable to armed conflict. This last article, in particular, provides that "every soldier must be taught to understand and respect the rules of international law applicable to armed conflict".

#### **F. Raising public awareness**

The Government of France recognizes the status of and role played by the French Red Cross as an auxiliary to the public authorities, as provided for in the Statutes of the International Red Cross and Red Crescent Movement and as reaffirmed in various resolutions of the Movement at its International Conferences. France fully endorses the resolution of the 30th International Conference of the Red Cross and Red Crescent on the "specific nature of the International Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to

---

the public authorities in the humanitarian field", as well as the resolution on the "reaffirmation and implementation of international humanitarian law". At the 31st International Conference of the Red Cross and Red Crescent, France and the French Red Cross made a joint pledge in which they recognized the importance of establishing targeted cooperation based on dialogue and trust and, in line with the pledges made at the 30th Conference, committed to assessing together the role played by the French Red Cross as auxiliary to the public authority in humanitarian affairs, while taking into account and strengthening existing partnerships. This task will be carried out in line with the Fundamental Principles of the International Red Cross and Red Crescent Movement, in particular the principles of neutrality and independence. Meetings to exchange views and follow up on the pledges made at the 31st Conference will be organized.

The National Consultative Commission on Human Rights (NCCHR) is a French national institution for the promotion of human rights and international humanitarian law which provides the Government of France with advice and proposals on these issues. Pursuant to Act No. 2007-292 of 5 March 2007 relating to NCCHR and decree No. 2007-1137 of 26 July 2007 on the composition and operation of NCCHR, the Commission plays the role of a "national agency responsible for advising the authorities on the implementation, dissemination and development of international humanitarian law". The Commission has established a working group on instruction in international humanitarian law with a view to incorporating the topic into school curriculums.

## **II. Protection of cultural property during armed conflict (Convention of 14 May 1954 and Protocols thereto)**

### **A. Signature and ratification**

The Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 was ratified by France on 7 June 1957.

---

The first Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, adopted on the same day, was ratified by France on 7 June 1957.

The Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, adopted on 26 March 1999, entered into force on 9 March 2004. As at 25 March 2008, 48 States had ratified the Protocol. France has not signed this Protocol.

## **B. Implementation**

The purpose of the 1954 Convention is to introduce national and international measures to ensure, in time of peace, the protection of cultural property in the event of armed conflict. To that end, the Convention establishes two levels of protection: general and special.

General protection is granted to every type of cultural property, irrespective of its nature, geographical location or monetary value.<sup>4</sup> This legal regime is provided for by the development of national measures that the States Parties “consider appropriate”.<sup>5</sup> By its Act of 31 December 1913 on historic monuments, codified in the Heritage Code by the Order of 20 February 2004,<sup>6</sup> France has adopted a set of regulations that enable it to identify property that should be protected on the grounds of its historic, artistic or archaeological interest, irrespective of a situation of armed conflict. French law establishes two types of protection: classification as historic monuments (imprescriptible property which is subject to an export ban) and inclusion in the supplementary inventory (a precautionary measure which gives rise to a reporting obligation on the part of the owner, when, for example, he intends to alter the property).

The special protection granted by the Convention is more comprehensive and is applied to a limited number of objects of cultural property. It covers refuges intended to shelter movable cultural

---

<sup>4</sup> Article 1 of the Convention.

<sup>5</sup> Article 3 of the Convention.

<sup>6</sup> Order No. 2004-178 of 20 February 2004 and article L621-1 of the Heritage Code.

---

property in the event of armed conflict, centres containing monuments and other immovable cultural property of very great importance. The request for special protection must be submitted to the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) by the authorities of the State where the property is located. All sites and refuges under special protection are listed in the International Register of Cultural Property under Special Protection maintained by UNESCO.<sup>7</sup> To date, France has not entered any sites in this Register. France is considering compiling an individual inventory for the implementation of the Convention, since the current national inventory appears to be too large.

France does not presently use the distinctive emblems proposed by the Convention to protect cultural property.

With regard to criminal penalties under French criminal law, article L.322-1 of the Criminal Code establishes that "the destruction, degradation or deterioration of another person's property shall be punished by two years of imprisonment and a fine of 30,000 euros, unless only minor damage was inflicted". Article L.322-2 provides that "If the offence defined in the first paragraph of article 322-1 is committed on account of the property owner or user's actual or alleged affiliation or non-affiliation with a particular ethnicity, country, race or religion, the penalties incurred shall increase to three years of imprisonment and a fine of 45,000 euros". Article L.322-1 of the Code of Military Justice provides that "any person, whether military or non-military, who in time of war, in the area of operations of a force or formation, in violation of the laws and customs of war, unduly uses the distinctive markings and emblems established by international conventions to ensure respect for the persons, property and locations protected by these conventions, shall be punished by five years of imprisonment".

---

<sup>7</sup> Article 12 of the Regulations for the Execution of the Convention.

---

Article 7 of Act No. 2010-930 of 9 August 2010, on harmonizing criminal law with the establishment of the International Criminal Court, introduces into Book IV of the Criminal Code a Book IV *bis* entitled "On war crimes and offences". Article 461-1 of Book IV *bis* provides that: "Offences defined in the present Book that are committed against the persons or property referred to in articles 461-2 to 461-31, during an international or non-international armed conflict and in connection with that conflict, in violation of the laws and customs of war or of international conventions on armed conflict, shall be considered war crimes or offences".

Article 461-13 stipulates: "Deliberately directing attacks against buildings dedicated to the purposes of religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick or wounded are collected, shall be punished with 20 years of imprisonment, provided such buildings are not used for military purposes".

With regard to dissemination, the Ministry of Defence has developed educational materials on the protection of cultural property by the military during field operations.

Regarding the first Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the protection of cultural property from exportation has long been under special protection in France, owing to its potential value in preserving and enriching the cultural, artistic, historic or archaeological heritage of France. In particular, France complies with **Council of the European Union Regulation (EEC) No. 116/2009 of 18 December 2008**, which harmonizes the rules for all member States for monitoring the export of cultural property to third countries. The Central Office for Combating Trafficking in Cultural Property (OCBC), attached to the Ministry of the Interior and acting as a central authority, is responsible for implementing claims and restitution procedures as well as protective measures which apply to national treasures that have illegally left the territory of one member State for the territory of another member State. The

---

obligation of restitution provided for by the 1954 Convention is implemented by taking legal action to claim full ownership before the French courts.

### **III. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000**

#### **A. Signature and ratification**

France has been a party to the Convention on the Rights of the Child of 20 November 1989 since 7 August 1990 and to its Optional Protocol of 25 May 2000 since 5 February 2003.

#### **B. Implementation**

The Convention on the Rights of the Child prohibits the recruitment of any person under the age of 15 years (see article 38, paragraph 3), while the Protocol thereto of 2000 requires States parties to raise the minimum age for voluntary recruitment and to ensure children under the age of 18 years do not take a direct part in hostilities. The ratification of the Optional Protocol by France and the amendments made to its legislation demonstrate its strong commitment to promoting and protecting the rights of the child.

With respect to compulsory recruitment (article 2 of the Protocol), France ended conscription in 1997. As regards voluntary recruitment (article 3 of the Protocol), article 20 of the General Military Statutes provides that "a person may not serve as a member of the military [...] if he is not at least 17 years of age; in order to receive general and professional training as a volunteer in the armed forces or to be enrolled in a military school, he must be at least 16 years of age". The French armed forces respect their legal obligations and do not recruit persons under the age of 17 years, while the voluntary enlistment of recruits aged 17 years is subject to the consent of their legal guardians and such recruits are not used in hostilities before they reach the age of 18. In addition, on 11 August 2011, the Ministry of Defence adopted a directive concerning the embarkation and employment of military personnel under the age of 18 on national naval vessels.

---

Furthermore, article 461-17 of the French Criminal Code criminalizes as war crimes the violations of the rights of minors during armed conflicts: "The act of conscripting or enlisting minors under 18 years of age in the armed forces or armed groups, or of obligating them to take active part in hostilities shall be punished with 20 years of imprisonment. These provisions do not preclude the voluntary enlistment of minors over the age of 15 years".

The ratification of the Optional Protocol by France demonstrates its strong commitment to promoting and protecting the rights of the child. France has also ratified the Rome Statute of the International Criminal Court, which establishes as a war crime the act of conscripting or enlisting children under the age of 15 years into the armed forces or armed groups or of using them to participate in hostilities.

### **C. Other initiatives**

At the United Nations, France led the initiative to establish the Security Council Working Group on Children and Armed Conflict in 2005 (through Security Council resolution 1612 (2005)) and chaired the Group through 2009. The Working Group examines reports on the situation in countries of concern and issues recommendations concerning the Governments or rebel groups involved. Its work has led to the demobilization of several thousand child soldiers throughout the world. France supported Security Council resolution 1882 (2009), which was unanimously adopted on 4 August 2009, which expanded the monitoring mechanism established in resolution 1612 (2005) to include acts of sexual violence against children and the maiming and killing of children. France also supported the efforts made by Germany as chair of the Working Group on Children and Armed Conflict that led to the adoption of Security Council resolution 1998 (2011) on 12 July 2011; the resolution added attacks against schools and hospitals and related personnel as one of the criteria by which parties are listed in the annex to the Secretary-General's annual report on children in armed conflict ("the list of shame").

---

France proposed the organization of the conference entitled "Free Children from War", which it hosted in Paris together with the United Nations Children's Fund (UNICEF) in February 2007. The ministerial meeting resulted in the adoption of the Paris Commitments and the Paris Principles, which set out concrete measures aimed at preventing child recruitment, combating impunity, protecting children and reintegrating former child soldiers into their families or communities. Every year, France and UNICEF organize a follow-up forum on the Paris Commitments during the main session of the United Nations General Assembly with a view to maintaining and strengthening States' political commitments and developing new programmes to protect children on the ground and support their reintegration. During the fourth follow-up forum, on 26 September 2011, the number of States that have endorsed the Paris Commitments surpassed the symbolic 100-country mark, with five new States declaring their support (Angola, Armenia, Bosnia and Herzegovina, Costa Rica and San Marino).

France also played an instrumental role in the adoption by the European Union in 2003 of guidelines on children and armed conflict; this led to the development of an implementation strategy targeting 19 priority countries, which was revised in December 2010.

Lastly, France supported a regional conference held in Ndjamena in June 2010, which resulted in a pledge by six African countries (Cameroon, the Central African Republic, Chad, Niger, Nigeria and Sudan) to "ensure that no child under the age of 18 takes direct or indirect part in hostilities, and prevent all kinds of recruitment and use of children in all situations".

#### **IV. Other treaties on international humanitarian law relating to the protection of victims in armed conflict**

##### **1. Protocol on the Explosive Remnants of War (Protocol V), adopted on 28 November 2003, to the Convention on Certain Conventional Weapons, adopted on 10 October 1980**

###### **A. Signature, ratification and accession**

---

Adopted by consensus on 28 November 2003 in Geneva and entering into force on 12 November 2006, Protocol V on Explosive Remnants of War 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 of 1980 complements and strengthens the regime to protect civilian populations from the effects of explosive remnants of war. France was among the first 25 States to have ratified Protocol V and actively supports its universal ratification. This instrument proposes specific and effective solutions to combat a problem that has a direct impact on civilian populations.

## **B. Implementation**

The general framework for the implementation of Protocol V on Explosive Remnants of War to the 1980 Convention was adopted during the first conference of States parties in November 2007. It comprises a mechanism for national reports (the first was submitted by France in April 2008), procedures for information exchange and a new mechanism for assistance and cooperation. Informal expert meetings have also been convened to help clarify the implementation modalities relating to clearance, cooperation and assistance, information exchange, preventive measures and assistance to victims. France attaches great importance to the swift and effective implementation of Protocol V. In December 2011, the Government promulgated Joint Service Publication No. 3.18.7 on explosive remnants of war. The Publication is based on lessons learned from past operations and describes the principles and framework used by the French armed forces to implement the provisions of Protocol V concerning the recording and retaining of information on the use or abandonment of explosive ordnance in order to facilitate the destruction or disposal of unexploded ordnance following an armed conflict and protect the civilian population. The Government is also involved in a number of cooperation and assistance activities.

---

**2. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (the Ottawa Convention), adopted on 18 September 1997**

**A. Signature, ratification and accession**

Having ratified the Ottawa Convention on 23 July 1998, France supports its universal ratification. The Ottawa Convention spans the fields of disarmament, international humanitarian law and development assistance and is strictly applied only to mines designed for anti-personnel use. Based on a rationale for total prohibition, its first set of measures cover the prohibition of the use, stockpiling, production and transfer of anti-personnel mines, while a second set cover international cooperation and assistance in different areas of humanitarian mine clearance. France was the first of the five permanent members of the Security Council to ratify the Ottawa Convention, in July 1998.

**B. Implementation**

France has fulfilled its commitments under the Ottawa Convention in an exemplary manner, including by adopting the Act of 8 July 1998, establishing a National Commission for the Elimination of Anti-Personnel Mines, and by completing operations for the destruction of stockpiles by December 1999. The First Review Conference of the Ottawa Convention, held in Nairobi in December 2004, saw the adoption of an action plan — a political document designed to guide the implementation of the Convention by the States Parties until 2009 (the date of the next Review Conference) with respect to universalization, the destruction of stockpiles, mine clearance, assistance to victims and international cooperation and assistance. This was followed by a second action plan, adopted during the Second Review Conference, held in Cartagena in 2009, by which States parties to the Convention agreed to undertake specific and operational activities in the 2010-2014 period to facilitate the implementation and promotion of the Convention.

---

France is also implementing a national mine action strategy. The Liaison Committee on Mine Action (CLAM) comprises 25 participants (agencies, non-governmental organizations and businesses) and is aimed at strengthening France's contribution to post-conflict demining efforts.

### **3. Convention on Cluster Munitions, adopted on 3 December 2008**

#### **A. Signature, ratification and accession**

France was actively involved in the drafting of the Convention on Cluster Munitions (also known as the Oslo Convention on Cluster Munitions), which concerns weapons that still claim far too many victims. France submitted its instruments of ratification to the United Nations Secretariat on 25 September 2009, becoming the twentieth of 71 States party to the Convention; an additional 43 States are signatories. The National Assembly and the Senate voted unanimously to pass the law ratifying the Convention. The two bodies were also unanimous in their vote on the bill on national implementation, which was adopted definitively on 6 July 2010 and promulgated on 20 July 2010. France promotes this Convention, as well as the Ottawa Convention, by encouraging non-States parties to undertake ratification, thus strengthening the impact of the treaty.

The Convention on Cluster Munitions, which entered into force on 1 August 2010, offers States parties the possibility of engaging in joint operations with non-States parties.

#### **B. Implementation**

Prior to the entry into force of the treaty, France took unilateral measures that placed it ahead of the implementation schedule, announcing in 2008 that it would end the active use of this type of weapons. France meets its obligations assumed under the Convention in terms of transparency by transmitting information on its implementation of the Convention to the Secretary-General of the United Nations. In addition, the mandate of the national commission for the elimination of anti-personnel mines was expanded to cover cluster munitions.

---

France remains committed to engaging in efforts aimed at raising awareness among non-States parties to the Convention that are major producers and possessors of cluster munitions and to promote the prohibition of cluster munitions throughout the world.

-National efforts on the ground include clearing contaminated areas, supporting the destruction of stockpiles, assisting victims and providing training on demining and clearance techniques.

-In recent years, our actions have been focused on the countries and regions most affected by this scourge, in particular francophone Africa.

## **V. The Rome Statute of the International Criminal Court**

### **A. Signature and ratification**

France signed the Rome Statute of the International Criminal Court on 18 July 1998. It deposited its instrument of ratification on 9 June 2000 and the Rome Statute entered into force on 1 July 2002. France was the twelfth State to ratify the Rome Statute. At the time of its signature of the Rome Statute, France availed itself of the provisions of article 124 of the Statute, which allow a State to declare that, for a period of seven years after the entry into force of this Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to war crimes committed on its territory or by its nationals. However, France renounced the provisions of this declaration ahead of schedule with effect from 15 June 2008, i.e. more than one year before the normal termination date of 1 July 2009.

### **B. Implementation**

As part of the first phase designed to bring French law into line with the Statute of the International Criminal Court, Act No. 2002-268 of 26 February 2002 established the framework for cooperation between France and the Court. By this Act France amended its Code of Criminal Procedure in order to provide the conditions for mutual legal assistance and the modalities for the

---

arrest and transfer of persons wanted by the International Criminal Court, as well as for the enforcement of prison sentences or compensation measures pronounced by the Court. More specifically, the International Criminal Court has submitted several requests for assistance to the French authorities in recent years, including requests for logistical support (the provision of experts and support from our armed forces on the ground in the conduct of certain investigations), requests for the reporting of information and ad hoc requests for protected witnesses to be admitted to French territory. On this last point, a review has also been initiated to consider whether France might sign a general agreement on the relocation of protected witnesses.

Act No. 2003-1367 of 31 December 2003 authorized the approval of the Agreement on Privileges and Immunities of the International Criminal Court, signed in New York on 9 September 2002. France was the fourth State to sign this Agreement.

Act No. 2010-930 of 9 August 2010, on harmonizing criminal law with the establishment of the International Criminal Court, incorporated into French legislation the criminalization of all offences within the jurisdiction of the International Criminal Court, sanctioning all of the acts prohibited under the Rome Statute by denoting them as appropriate as crimes against humanity or war crimes.

Although the Rome Statute does not require States parties to amend their criminal legislation to include those offences under the jurisdiction of the International Criminal Court, the Government decided to enhance and amend its criminal legislation by submitting a bill to the Parliament that would thoroughly incorporate into French law all of the crimes and offences relevant to the Court.

Furthermore, Act No. 2011-1862 of 13 December 2011, on the distribution of cases and the simplification of certain jurisdictional procedures, established at the High Court of Paris a

---

specialized division on crimes against humanity, war crimes and crimes of torture in order to strengthen the investigative capacity for such crimes.

## **VI. The ad hoc international criminal tribunals**

### **1. The International Criminal Tribunal for Rwanda (ICTR)**

Act No. 96-432 of 22 May 1996, adapting French legislation to the provisions of United Nations Security Council resolution 955 (1994) of 8 November 1994 establishing ICTR, allows French courts to judge persons suspected of having committed one of the crimes identified in the Statute of the Tribunal, when these persons are in French territory. On that basis, ICTR contacted the French authorities in order to refer the cases of two accused persons to the French courts. France agreed to the prosecution of Father Wenceslas Munyeshyaka and former prefect Laurent Bucyibaruta. Sub-prefect Dominique Ntawukuriryayo, who had been the subject of an arrest warrant, was also extradited to ICTR by France at in early June 2008. On 14 March 2003, France concluded an agreement with the United Nations on the enforcement of prison sentences imposed by ICTR within French territory.

Since the establishment of the Tribunal, France has consistently cooperated with ICTR not only for the identification and tracing of witnesses in French territory, the collection of testimonies and evidence and the shipment of documents, but also for the arrest and transfer of indictees. In early June 2012, 22 were being investigated by the High Court (Tribunal de grande instance) of Paris.

### **2. The International Criminal Tribunal for the Former Yugoslavia (ICTY)**

France has a general obligation of cooperation with ICTY under the terms of the provisions of the Statute annexed to Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993, in line with Chapter VII of the United Nations Charter. French officials have given testimony on numerous occasions since the establishment of the Tribunal. An agreement

---

was signed with ICTY on 5 February 1999 to allow protected witnesses to be admitted to French territory.

On 25 February 2000 France also signed an agreement with the United Nations on the enforcement of sentences imposed by ICTY. Several persons convicted by the Tribunal are currently serving their sentences in French prisons.

Lastly, France contributed to the collection of testimony by victims and their families who were residing on French territory.

### **3. The Extraordinary Chambers in the Courts of Cambodia**

Ten years ago, in its resolutions 57/228 A of 18 December 2002 and 57/228 B of 13 May 2003, the United Nations General Assembly established the Extraordinary Chambers in the Courts of Cambodia (known informally as the Khmer Rouge Tribunal). France co-chairs with Japan the "group of friends of the Tribunal".

The Tribunal is funded by the international community and Cambodia. France contributed approximately 6.5 million euros to the international component of the Tribunal between 2005 and 2010 and its contribution for 2011, provided in March of that year, totalled 500,000 euros, making it the fifth largest donor after Japan, Australia, Germany and the United States. At the same time, the French Embassy and the French development agency provide financial support to *Avocats Sans Frontières* (ASF) and to the MAÂT Project (Mr. Bahougne), organizations that have agreed to work pro domo with the civil plaintiffs in the first two trials. On 3 February 2012, the Supreme Court Chamber issued its final verdict in Case 001 against Kaing Guek Eav, alias Duch, the former director of detention centre S21 in Phnom Penh, for crimes against humanity and grave violations of the Geneva Conventions of 1949.

Ten French experts are employed by the Extraordinary Chambers, making France the largest provider of human resources. They include a judge of the Trial Chamber, Mr. Lavergne, and a

---

lawyer in the Victims Support Section, Mr. Simonneau. The co-investigating judge, Mr. Lemonde, left the Tribunal in December 2010. His first successor, a German judge, was replaced by a Swiss judge; both of them resigned. The United Nations is expediting the nomination of a new co-investigating judge (French candidatures).

#### **4. The Special Court for Sierra Leone**

The Special Court for Sierra Leone, which was established by Security Council resolution 1315 (2000), recently issued its verdict against former Liberian President, Charles Taylor, who was sentenced to 50 years in prison for crimes against humanity and war crimes committed during the armed conflict in Sierra Leone.

The Court is funded by voluntary contributions and has benefited from contributions from France which total \$2,581,500\* since the Court's inception.

---

\* Translator's note: This figure is unclear in the original French text and may not be accurate. For comparison, note that the Permanent Mission of France reports a contribution of 2 million euros between 2005 and 2008. See here: <http://www.franceonu.org/france-at-the-united-nations/geographic-files/africa/sierra-leone-358/france-at-the-united-nations/geographic-files/africa/sierra-leone-358/article/sierra-leone>