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No.: N- 336 /12

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to submit the Report by the Republic of Slovenia on the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts pursuant to General Assembly resolution 65/29 regarding 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 the Republic of Slovenia to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration. K

New York, 22 June 2012



**Secretary-General
of the United Nations**

New York

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**REPORT BY THE REPUBLIC OF SLOVENIA
ON THE
STATUS OF THE PROTOCOLS ADDITIONAL TO THE
GENEVA CONVENTIONS OF 1949 AND RELATING TO THE
PROTECTION OF VICTIMS OF ARMED CONFLICTS**

Ljubljana, June 2012

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The Republic of Slovenia has been placing the relevant emphasis on the respect and implementation of international humanitarian law (hereinafter: IHL) ever since its independence in 1991 and subsequent international recognition and UN membership in 1992.

Since 1992, the Republic of Slovenia has become party to all the key conventions and other instruments of IHL and adopted a number of national regulations which needed to be harmonised with IHL instruments ratified by Slovenia.

During this period, the Republic of Slovenia has made organisational and institutional adaptation of its authorities and institutions, thus enabling them to carry out relevant tasks and commitments. It has also endeavoured to continuously and systematically disseminate knowledge in the field of IHL. In April 1999, an Interministerial Commission on International Humanitarian Law was established by the Government of the Republic of Slovenia.

In accordance with the letter by the UN Secretary General of 7 February 2011 and UN General Assembly resolution 65/29 of 6 December 2010 (Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts), the present report focuses on the relevant tasks and activities that were carried out after the fourth national report to the UN General Assembly in June 2010.

Ratification of significant IHL instruments

After joining the UN, the Republic of Slovenia, through the notification of succession, became party to IHL instruments ratified by the former SFR Yugoslavia. Between 1992 and 2010 the country ratified all key IHL instruments (35 in total).

Since the last periodic report (of June 2010) the 2008 Convention on Cluster Munitions has entered into force in the Republic of Slovenia (ratified on 15 July 2009, entered into force on 1 August 2010).

In February 2012, the Republic of Slovenia signed a third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, allowing access of children and their representatives to an effective remedy for acts violating children's rights stipulated by the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

National legislation for the implementation of IHL instruments

(1) An amended Criminal Code, KZ-1B (Official Gazette of the Republic of Slovenia No. 91/2011 of 14 November 2011), which entered into force on 14 May 2012, regulates the following:

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(a) The scope of the legal definition of war crime is extended (Article 102) to include a ban on the use of poison, gas and expanding bullets also in non-international conflicts, in accordance with the proposed amendments to the Rome Statute of the International Criminal Court (ICC) adopted at the ICC Revision Conference in Kampala in 2010.

(b) The definition of the crime of aggression (Article 103) is amended and the crime is now defined as *delictum proprium* (may be committed only by a person in a top position); the definition is now in line with the amended Rome Statute of the ICC. The previous provision referred to an international legal definition that had not yet been adopted when the Criminal Code (KZ-1) was being amended. The amendments in paragraphs (a) and (b) were necessary owing to the amended Rome Statute of the ICC, adopted at the Kampala Revision Conference, and will enable the ratification of the amendments to the Rome Statute.

(c) The definition of the crime of terrorism of Article 108 is amended in line with the 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Accordingly, the criminalisation of Article 108 is extended to include several additional actions, such as seizing of or control over a fixed platform or any other form of intimidation, e.g. violence on board a fixed platform.

(d) The definition of the crime of trafficking in human beings (Article 113) is amended to include the trafficking in human beings for the purpose of their subsequent involvement in criminal activity.

(e) The crime of torture is transferred from the chapter on Criminal Offences against Official Duties and Public Authorisations to the chapter on Criminal Offences against Human Rights and Liberties. Moreover, the text of paragraph 2 has been edited to bring it in line with international regulations.

(2) A new EUROJUST Genocide Network contact point was appointed at the Supreme State Prosecutor's Office.

(3) In October 2010, the Act amending the Act on Slovenian Red Cross was adopted (Official Gazette of the Republic of Slovenia No. 79/2010), which regulates the use and protection of the international distinctive emblem of the red crystal pursuant to Protocol III to the Geneva Conventions.

Education, training and dissemination of knowledge in the field of IHL

Between 2010 and 2012, several seminars on the application of the rules of engagement of the Slovenian Armed Forces in international operations were carried out for the Slovenian contingent (also for commanding officers) deployed in the International Security Assistance Force (ISAF) mission in Afghanistan. These seminars were conducted by the Defence Institute for International Legal Studies from Newport, Rhode Island, USA. The training included various topics, from

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international law on armed conflict to the application of the rules of engagement in the field, including cases in which the use of force was necessary.

The Ministry of Defence organised a number of courses for Slovenian participants in international peace operations within the framework of the Civil-Military-Cooperation Functional Specialist Course (CIMIC CFS). All members of the Slovenian Armed Forces taking part in international peace operations attended special courses on IHL, nature and cultural heritage protection, religion and customs in international peace support operations and other crisis response operations. They also attended trainings in communication and relationship skills for dealing with stressful situations in crisis areas.

The Republic of Slovenia attaches particular attention to training of police officers and their knowledge of the Geneva Conventions. All police officers taking part in international peace operations and missions have to attend a special IHL seminar. Other members of the police force are acquainted with the basic principles of IHL and supplied with a booklet on international humanitarian standards governing the use of force, which also refers to human rights.

The country has been participating in the ICRC project entitled Exploring humanitarian law. The pilot project for the inclusion of IHL topics into curricula of elementary and general secondary schools (compulsory teaching contents) has been finalised. Based on a Memorandum between the Ministry of Education and Sport and the ICRC of 2006, a detailed programme was to be adopted by August 2010. A three-year project was launched for the inclusion of IHL topics into curricula of elementary, grammar and secondary health-care schools. A pilot project for the introduction of such content has been underway for three years in thirteen schools (six primary and seven secondary schools), taught by fifteen selected teachers. The decision was taken to include 10 lessons dedicated to IHL topics in the curriculum of the seventh and eighth grade of elementary school.

Exploring Humanitarian Law is an international educational programme for students aged from 13 to 18. It is composed of a series of research pieces which are aimed at improving the understanding of humanitarian issues connected to conflict situations. The exploration of humanitarian law encourages young people to understand armed conflict in the broader sense, its consequences, the rules that apply in armed conflicts and the responsibilities borne by the individual. It particularly encourages young people to engage in actions of humanity and solidarity in everyday life. The exploration of humanitarian law promotes the values of humanity, solidarity, equity and responsibility.

The National Education Institute in collaboration with the Slovenian Red Cross, the Interministerial Commission on International Humanitarian Law and teachers published the Slovenian version of a methodological teacher handbook, entitled Exploring Humanitarian Law. It is designed to help teachers explain IHL fundamentals and build awareness about the rules to be respected in a state of war.

IHL issues are also part of curricula of secondary health-care schools, law faculties and of the Faculty of Social Sciences in Ljubljana.

In the framework of the research programme Knowledge for security and peace 2006–2010 a monograph entitled International Law and Armed Conflict was prepared at the Ljubljana Faculty of Law, and, in 2011, a book entitled Local Criminals – Universal Criminals (Responsibility to Protect). Atrocities which trigger the use of the

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Responsibility to Protect (R2P) concept are intertwined with IHL violations (especially war crimes).

Students of the Ljubljana Faculty of Law attended a one-week Regional Course in International Humanitarian Law in Belgrade in 2010 and 2011. They also took part in international student moot courts, which place an ever greater emphasis on IHL issues, and regional international humanitarian law competitions, where they were placed first in 2009 and 2010, and second in 2011.

As member of the UNICEF Executive Board between January 2009 and December 2010, the Republic of Slovenia endeavoured for full implementation of UN recommendations on protecting children in armed conflict, and active cooperation between UNICEF and the UN Secretary-General's Special Representative for Children and Armed Conflict.

At the request of the Office of the UN High Commissioner for Human Rights, the Slovenian Red Cross compiled the relevant information on the use of forensic genetics in the identification of victims of serious violations of human rights and IHL.

Furthermore, a project for promoting knowledge on IHL for members of Red Cross societies is underway.

Interministerial Commission on International Humanitarian Law

The Interministerial Commission on International Humanitarian Law (hereinafter: the Commission) was established by the Government of the Republic of Slovenia on 1 April 1999. The Commission develops, harmonises and manages activities for the implementation of Slovenia's commitments in the field of IHL, in particular the Geneva Conventions of 1949 and their additional protocols of 1977, as well as the dissemination of IHL knowledge at the national level.

The Commission is composed of representatives of the Ministry of Foreign Affairs (the Commission's headquarters), the Ministry of Defence (including the Administration for Civil Protection and Disaster Relief), the Ministry of the Interior, the Ministry of Culture, the Ministry of Education and Sport, the Ministry of Labour, Family and Social Affairs, the Ministry of Higher Education, Science and Technology, the Ministry of the Environment and Spatial Planning, the Ministry of Health, the Ministry of Justice, the Slovenian Red Cross, and the Faculty of Law at the Ljubljana University. It is currently headed by Franc Mikša, Ambassador, from the Ministry of Foreign Affairs and reports to the Government of the Republic of Slovenia every two years.

In 2010 and 2011, the primary task of the Commission was the fulfilment of commitments arising from the ratification of IHL instruments, their incorporation in national legislation, and the implementation of initiatives taken by the ICRC and of 2009 EU guidelines on human rights and international humanitarian law, which are binding on the member states to ensure coordinated action in this field. The Commission's regular international activities include cooperation with the ICRC and the EU Working Group on International Law (which regularly addresses IHL), as well as participation at international conferences.

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In June 2010, the Commission established a task force for coordinating work of ministries in the implementation of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol, and other similar international instruments, aiming at more transparent cooperation between ministries as regards the formal distribution and coordination of tasks.

Slovenian representatives participated in the Third universal meeting of National Committees for the implementation of international humanitarian law between 27 and 29 October 2010 in Geneva and the celebrations of the 40th anniversary of the International Institute of Humanitarian Law in San Remo between 9 and 11 September 2010.

At the 31st International conference of the Red Cross and Red Crescent between 28 November and 1 December 2011 in Geneva, the representatives of the Slovenian Government and Red Cross supported all six pledges submitted and coordinated by the EU member states. These concern the issues of missing persons, the International Criminal Court, IHL instruments, the promotion of IHL, basic procedural and other guarantees (for all persons arrested in connection with armed conflicts), and land mines, cluster munitions, improvised explosive devices and unexploded ordnance. Together with national Red Cross committees, the EU member states made a pledge to reinforce IHL by concluding an effective arms trade treaty.