



275.12 DFS/PAJ

The Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva presents its compliments to the UN Office for Disarmament Affairs (Geneva Branch), and has the honour to submit Switzerland's 2018 Annual Report according to article 13 paragraph 4 of the "Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996", annexed 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".

The Permanent Mission of Switzerland thanks UNODA for circulating this report to all High Contracting Parties.

The Permanent Mission of Switzerland avails itself of this opportunity to renew to UNODA the assurances of its highest consideration.

Geneva, 31 March 2019



Office for Disarmament Affairs (Geneva Branch)
United Nations Office at Geneva
Palais des Nations, Office C 113-1
CH-1211 Geneva 10
Switzerland

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS
AND OTHER DEVICES AS AMENDED ON 3 MAY 1996
ANNEXED 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
(PROTOCOL II AS AMENDED ON 3 MAY 1996)

Reporting Formats for Article 13 para 2 and Article 11 para 2.

NAME OF HIGH CONTRACTING PARTY	SWITZERLAND
DATE OF SUBMISSION	31.03.2019
NATIONAL POINT(S) OF CONTACT	<hr/> <i>Dr. Vincent Choffat</i> <i>Federal Department of Defence, Civil Protection and Sport (DDPS)</i> <i>Armed Forces Staff</i> <i>International Relations Defence</i> <i>Kasernenstrasse 7, CH-3003 Bern</i> <i>Phone: ++41 58 464 64 31</i> <i>Fax: ++41 58 465 30 40</i> <i>E-mail: vincent.choffat@vtg.admin.ch</i> <hr/>

This information can be made available to other interested parties and relevant organisations

X YES

... NO

... Partially, only the following forms:

A B C D E F G

Summary Sheet

(Pursuant to the decision of the Fifth Annual Conference of the States Parties to CCW
Amended Protocol II as stipulated in paragraph 20 of its Final Report,
CCW/AP.II/CONF.5/2)

Reporting Period: 1 January 2016 to 31 December 2016	
Form A: Dissemination of information	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged
Form B: Mine clearance and rehabilitation programmes:	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged (last reporting: 2003)
Form C: Technical requirements and relevant information:	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged
Form D: Legislation	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged
Form E: International technical information exchange, co-operation on mine clearance, technical co-operation and assistance:	<input checked="" type="checkbox"/> changed <input type="checkbox"/> unchanged
Form F: Other relevant matters:	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged
Form G: Information to the UN-database on mine clearance:	<input type="checkbox"/> changed <input checked="" type="checkbox"/> unchanged

Form A **Dissemination of information**

Article 13 / 4 / a ”The High Contracting Parties shall provide annual reports to the Depository ... on:

(a) dissemination of information on this Protocol to their armed forces and to the civilian population;”

Remark:

High Contracting Party SWITZERLAND

reporting for time period from **1 January 2018** to **31 December 2018**

Information to the armed forces

[From the Annual Report of Switzerland on the CCW and its Protocols, Form A]

The protection of persons who are not or are no longer taking part in hostilities as well as the limitation of means and methods of warfare, including notably the prohibition of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering to combatants, have always been priorities for Switzerland. Our country puts therefore every effort in the strict implementation and strengthening of the standards set by international humanitarian law (IHL) with regard to all parties involved.

Swiss military doctrine, along with the respective regulations and manuals, reflect the law of armed conflict and its principles including the norms and regulations of the CCW and its Protocols, including amended Protocol II.

Armed Forces personnel are educated in IHL during basic training (recruit school) and in all military cadre schools; IHL is part of the curriculum of the Swiss Armed Forces College, which includes the Military Academy and is responsible for all cadre courses, including courses for General Staff Officers, as well as for legal advisors. Legal advisors attend the relevant course on International Humanitarian Law at the International Institute of Humanitarian Law in San Remo (Italy), and members of the Armed Forces participating in peace operations receive an instruction on specific Rules of Engagement as part of the pre-deployment training.

Officers are also regularly instructed in the Armed Forces College, Command and Staff Officer School on arms control issues, the norms and regulations of IHL, as well as on the CCW and its Protocols (including amended Protocol II). Dissemination of the law of armed conflict to a wider public is promoted by interactive CD-ROMs and an internet web-site (www.loac.ch). Switzerland also organises biannually the international course "Central Role of the Commander" for commanders and legal advisors.

Every member of the Swiss Armed Forces, independently of the kind of performed duty (i.e. national defence, support to civilian authorities, peace operations or training) has to respect the law (including IHL norms). Illegal orders, especially when their execution is resulting in a violation of IHL or international human rights law (HR), must not be carried out. Commanders are obliged to respect and ensure respect of IHL and HR within their sphere of responsibility.

Members of the Swiss Armed Forces are instructed and trained to use weapons and munitions only according to authorised design and manuals.

[continued]

The Swiss Armed Forces International Command SWISSINT is responsible for the pre-deployment training and preparation of members of the Armed Forces. These instructions (e.g. Mine Risk Education) raise awareness and assure the correct behaviour regarding mines, unexploded remnants of war and booby traps. The Swiss EOD Center (Competence center for explosive ordnance disposal, military and humanitarian demining) provides its internationally deployed experts with information on the CCW and its Protocols (including amended Protocol II) as part of the internal humanitarian demining course.

Information to the civilian population

The civilian population has been informed on several occasions on the results of the Conferences of the High Contracting Parties to the amended Protocol II by public statements of government representatives and annual public reports on the implementation of the Mine Action Strategy of the Swiss Confederation. At the occasion of the internal ratification process of amended Protocol II and the Mine Ban Treaty as well as during the introduction of the Swiss Federal Act on War Material, the Swiss Parliament and the civilian population have been informed repeatedly about the new obligations arising from the said legal instruments.

Form B

Mine clearance and rehabilitation programmes

Article 13 / 4 / b ”The High Contracting Parties shall provide annual reports to the Depository ... on:

(b) mine clearance and rehabilitation programmes;”

Remark: The territory of Switzerland contains neither mined areas nor areas suspected to contain mines.

High Contracting Party SWITZERLAND reporting for time period from 1 January 2018 to 31 December 2018

Mine clearance programs

not applicable

Rehabilitation programs

not applicable

Form C

Technical requirements and relevant information

Article 13 / 4 / c

”The High Contracting Parties shall provide annual reports to the Depositary ... on:

(c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;

Remark:

High Contracting Party SWITZERLAND reporting for time period from 1 January 2018 to 31 December 2018

Technical requirements

Switzerland destroyed all its anti-personnel mines by 1999 and its anti-tank mines by 2013.

Any other relevant information

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Form D**Legislation**

Article 13 / 4 / d ”The High Contracting Parties shall provide annual reports to the Depository ... on:

(d) legislation related to this Protocol;

Remark:

High Contracting Party SWITZERLAND reporting for time period from 1 January 2018 to 31 December 2018

Legislation

On 13 December 1996, the Swiss Parliament enacted national legislation prohibiting the development, production, brokerage, acquisition, import, export, transfer, stockpiling, use and possession of and any other activity relating to anti-personnel mines - APM (Swiss Federal Law on War Material). The only activities permitted are those which are directly related to the destruction of or the protection against APM. With entry into force of the amended Protocol II on 3 December 1998 and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997 (Mine Ban Treaty) on 1 March 1999 for Switzerland, these international legal instruments became integral parts of the Swiss legislation. The definition of ”APM” applied in the Swiss Federal Law on War Material was extended to the definition used in the Mine Ban Treaty and the amended Protocol II. According to the modified Article 8 of the Swiss Federal Law on War Material, ”APM” is defined as any explosive device that is placed in or on the ground or any other surface or in their proximity and is designed or modified to explode by the presence, proximity or contact of a person and that is intended to incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped. This amendment entered into force on 1 March 1999. In addition, the Swiss Parliament adapted art. 8 of the Swiss Federal Law on War Material to the exact wording of art. 2 (3) and art. 3 (1) of the Mine Ban Treaty. This amendment entered into force on 1 June 2004.

Finally, the Swiss Criminal Code (Title Twelve, esp. Art. 264h and 264j, see <https://www.admin.ch/opc/en/classified-compilation/19370083/index.html>) and the Military Criminal Code (Title Six, Art. 112d and 114, see <https://www.admin.ch/opc/fr/classified-compilation/19270018/index.html> - French only) criminalise the use of prohibited weapons as a war crime.

Other relevant matters

Form G**Information to the UN-database on mine clearance**

Article 11 para 2 ”The High Contracting Parties shall provide information to the database on mine clearance established within the United Nations System, especially on:

- information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance

High Contracting Party SWITZERLAND reporting for time period from 1 January 2018 to 31 December 2018

<u>Means and technologies of mine clearance</u>	
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<u>Lists of experts and experts agencies</u>	
Swiss EOD Centre (Komp Zen ABC-KAMIR) Federal Department of Defence, Civil Protection and Sport ABC Zentrum CH-3700 Spiez	<i>Experts of the Swiss EOD Centre:</i> Mr. Franz Bär Phone: +41 58 468 46 12 E-Mail: FranzOtto.Baer@vtg.admin.ch
<u>National points of contact on mine clearance</u>	
Mr. Robert Amsler Federal Department of Defence Armed Forces Staff, International Relations Defence Head of Mine Action Unit Kasernenstrasse 7 CH-3003 Bern Phone: +41 58 464 49 75 Cell: +41 79 456 64 21 Fax: +41 58 464 83 30 E-Mail: Robert.Amsler@vtg.admin.ch	Mr. Alessandro Palmoso Federal Department of Foreign Affairs Human Security Division Humanitarian Policy Section Bundesgasse 32 CH-3003 Bern Phone: +41 58 461 15 35 Cell: +41 79 224 56 37 E-mail: Alessandro.Palmoso@eda.admin.ch