
National implementation of international humanitarian law

Biannual update on national legislation and case law
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A) Legislation

Australia

The International Criminal Court Act 2002 was assented to on 27 June 2002 and entered into force on 26 September 2002.¹ The object of this Act is to facilitate compliance with Australia's obligations under the 1998 Rome Statute of the ICC, which the Act contains as a schedule to it. The Act determines the procedure to be followed in case of request by the Court, including requests for arrest and surrender of persons (Part III) and other requests, such as identifying, locating or questioning persons, taking evidence or producing documents or articles, or facilitating the voluntary appearance of persons as witnesses or experts before the ICC (Part IV). It further contains provisions dealing with investigations or sittings of the ICC in Australia (Part V), search, seizure and powers of arrest (Part VI), information provided in confidence by third parties (Part VII), protection of Australia's national security interests (Part VIII), enforcement in Australia of reparation orders made and fines imposed by the ICC (Part X) and forfeiture of proceeds of international crimes (Part XI), as well as enforcement in Australia of sentences imposed by the ICC (Part XII).

The International Criminal Court (Consequential Amendments) Act 2002 was assented to on 27 June 2002 and entered into force on 26 September 2002.² Its purpose is to amend legislation of various kinds in order to implement at the national level the ratified 1998 Rome Statute of the ICC. It mainly amends the Schedule to the Criminal Code Act 1995 by inserting, in Chapter 8 thereof (renamed "Offences against humanity and related offences"), the crimes defined in the Rome Statute: genocide (Subdivision B); crimes against humanity (Subdivision C); and war crimes (Subdivisions D, E, F, G and H). These offences apply whether or not the conduct constituting the alleged offence, or a result of the said conduct, occurs in Australia. The Act also creates offences

called “crimes against the administration of the justice of the International Criminal Court” (Subdivision J), such as destroying or concealing evidence. It establishes the responsibility of commanders and other superiors for offences committed by forces under their effective command and control, or effective authority and control. It adds that a superior order is not a defence to a war crime unless the war crime was committed by a person pursuant to an order of a government or of a superior, the person was under a legal obligation to obey the order and did not know that the order was unlawful, and the order was not manifestly unlawful. Lastly, this Act repealed Part II of the Geneva Conventions Act 1957, as amended, dealing with the punishment of grave breaches of the 1949 Geneva Conventions and of the 1977 Additional Protocol I.

Colombia

The Law on the Implementation of the 1997 Ottawa Convention on Landmines was adopted by the Senate on 20 July 2002 and promulgated on 25 July 2002. It entered into force on 30 July 2002.³ It incorporates in the Penal Code new Articles 367-A and 367-B, which provide for criminal sanctions for anyone who uses, produces, commercializes, transfers and stockpiles, directly or indirectly, anti-personnel mines or means specifically designed to launch or spread anti-personnel mines. It stipulates the maximum number of mines (1,000) that may be held by the Ministry of National Defence for training in mine detection, mine clearance and mine destruction techniques. In accordance with Article 1 of the Ottawa Convention, the Ministry of Defence is required to present a plan for the destruction of anti-personnel mines to the Inter-sectoral National Commission for Action against Anti-personnel Mines (also established by this Law) in the six months following the law’s entry into force. This Commission is, *inter alia*, in charge of verifying the application of national measures to implement the Convention, as well as promoting and coordinating cooperation by the State, civil society and the international community in humanitarian mine-

1 An Act to facilitate compliance by Australia with obligations under the Rome Statute of the International Criminal Court, and for related purposes, Act No. 41, 2002.

2 An Act to amend the Criminal Court Act 1995 and certain other Acts in consequence of the enactment of the International Criminal Court Act 2002, and for other purposes, Act No. 42, 2002.

3 Ley 759 de 2002 (julio 25) por medio de la cual se dictan normas para dar cumplimiento a la Convención sobre la Prohibición del Empleo, Almacenamiento, Producción y Transferencia de minas antipersonal y sobre su destrucción y se fijan disposiciones con el fin de erradicar en Colombia el uso de las minas antipersonal, published in *Diario Oficial*, No. 44.883, 30 July 2002, pp. 2-4.

clearance operations, assistance to victims, the promotion and upholding of international humanitarian law, the destruction of stockpiled mines, and awareness-raising campaigns. The government is also required to undertake “National humanitarian missions for the verification of facts and formulation of recommendations”, notably to visit sites infested, or suspected to be infested, by anti-personnel mines and evaluate the risks for the civilian population. The Law also includes provisions for a fact-finding mission to take place in Colombia in accordance with Article 8 of the Convention. Finally, an Anti-personnel Mines Observation Unit is created to collect and centralize all information on this subject.

Decree No. 1419 was signed on 10 July 2002 and entered into force on 13 July 2002.⁴ In accordance with Article VII (4) of the 1993 Convention on Chemical Weapons, it establishes the National Authority for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and for their Destruction. It is an inter-sectoral commission which comprises the Ministers (or their representatives) of Foreign Affairs, National Defence, Agriculture and Rural Development, Trade, Environment, and Health. The mandate of the Authority is: to facilitate implementation of the Convention; to coordinate the activities of the governmental and industrial sector to that effect; to serve as a liaison office between the government and the Organization for the Prohibition of Chemical Weapons (OPCW); to defend national interests within the framework of the OPCW and in relations with other States parties; to draft the rules for implementation of the Convention; to assist the government in programmes, planning, projects and recommendations to implement the Convention; and to undertake any appropriate activity.

Cook Islands

The *Geneva Conventions and Additional Protocols Act 2002* was adopted on 11 February 2002 and entered into force on the same day. It provides for the punishment of grave breaches of the 1949 Geneva Conventions and of the 1977 Additional Protocol I on a universal jurisdiction basis.⁵ It also makes it an offence to use, without the consent of the Ministry of Foreign Affairs or

⁴ Decreto Numero 1419 de 2002 (julio 10) por medio del cual se crea la autoridad nacional para la Prohibición del Desarrollo, la Producción, el Almacenamiento y el Empleo de Armas Químicas y su Destrucción, ANPROAQ, published in *Diario Oficial*, No. 44865, 13 July 2002, p. 1ff.

⁵ An Act to consolidate and amend the Geneva Conventions Act 1958.

if not otherwise authorized under Section 12 of the *Cook Island Red Cross Society Act 2002*,⁶ the red cross, red crescent and red lion and sun emblems; the designations linked to each of these emblems; the heraldic emblem of the Swiss Confederation; the distinctive sign of civil defence; the distinctive signals of Annex I to Additional Protocol I; the special sign for works and installations containing dangerous forces; and any emblem, designation or signal too closely resembling these. It regulates certain aspects of legal proceedings instituted against prisoners of war or other protected internees. The texts of the Conventions and Protocols are not annexed, but the Act provides for the distribution of copies to those concerned or interested.

Estonia

Adopted on 6 June 2001, the Penal Code entered into force on 1 September 2002.⁷ Chapter 8, entitled "Offences against humanity and international security", provides for prison sentences for offences against humanity (§§ 89 and 90), including crimes against humanity and genocide; offences against peace (§§ 91-93); war crimes (§§ 94-109), including "acts of war against the civilian population", "illegal use of means of warfare against civilians", "attacks against civilians", "unlawful treatment of prisoners of war or interned civilians", "attacks against prisoners of war or interned civilians", "refusal to provide assistance to sick, wounded or shipwrecked persons", "attacks against persons *hors de combat*", "attacks against protected persons", "use of prohibited weapons", "environmental damage as a method of warfare", "exploitative abuse of emblems and marks of international protection", "attacks against non-military objects", "attacks against cultural property", "destruction or illegal appropriation of property in a war zone or occupied territory" and "marauding"; and offences against international security (§§ 110-112). It stipulates that the perpetrator of the offence shall be punished, as well as the State representative or the military commander who issued the order to commit the offence, or who consented to, or failed to prevent, the commission of the offence, if prevention was in his or her power. The defence of superior orders shall not preclude the punishment of the principal offender. The Penal Code also provides that there shall be no statute of limitations for "offences against humanity" and "war crimes" (§ 5(4)). It further states that "regardless of the law of the place of com-

⁶ The Act to Establish, Recognise and Regulate the Cook Islands Red Cross Society was also adopted and entered into force on 11 February 2002.

⁷ Penal Code of 6 June 2001, published in *Riigi Teataja* I 2001, 61, 364; 2002, 44, 284; 56, 350; 64, 390.

mission of an act, the penal law of Estonia shall apply to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia" (§ 8).

Finland

Adopted on 28 December 2000, Act No. 1284/2000 on the implementation of the ICC Statute entered into force, together with the Statute itself, on 1 July 2002.⁸ This Act clarifies and supplements the Act on International Legal Assistance in Criminal Matters with respect to cooperation between Finland and the ICC, in particular in the following matters: arrest and surrender to the Court of a person found in Finland's territory (Section 3); judicial assistance for investigation and prosecution (Section 4); summoning of witness (Sections 5 and 6); enforcement of a sentence of imprisonment (Section 7) and of forfeiture of proceeds, property and assets derived from the crime (Sections 7 and 8).

Adopted on 28 December 2000, Act No. 1285/2000 on the amendment of the Penal Code entered into force, together with the Statute itself, on 1 July 2002.⁹ It notably introduces punishment for "offences against the administration of justice by the ICC" (Chapter 15, Section 12a), "offences against the ICC", such as violent resistance to, or bribery of, a person who is in the service of the ICC (Chapter 16, Sections 19a and 20) and offences by an official of the ICC, such as acceptance of a bribe (Chapter 40, Section 9).

Germany

An amendment to Article 96 of the Constitution was adopted on 26 July 2002 and entered into force on 1 August 2002.¹⁰ Under its amended paragraph 5 a federal law may, with the consent of the *Bundesrat* (Upper House of Parliament), provide for the exercise of federal jurisdiction by courts of the *Länder* (German federal States) over criminal proceedings involving genocide; crimes against humanity; war crimes; other acts tending to and undertaken with intent to disturb the peaceful relations between nations; and national security.

⁸ Act on the implementation of the provisions of a legislative nature of the Rome Statute of the International Criminal Court and on the application of the Statute, Act No. 1284/2000, published in *Suomen säädöskokoelma* 2000 (Finnish Legislative Gazette), 28 December 2000, pp. 3515–3516.

⁹ Act on the Amendment of the Penal Code, Act No. 1285/2000.

¹⁰ Gesetz zur Änderung des Grundgesetzes (Artikel 96), published in *Bundesgesetzblatt* 2002, Part I, N° 53, 31 July 2002, p. 2863.

Italy

The Law No. 6 adopted on 31 January 2002 transformed the Decree-Law No. 421 on the multinational operation “Enduring Freedom” into a law and amended the Military Criminal Code of War.¹¹ This Law entered into force on 3 February 2002. It extends the applicability of the Military Criminal Code of War to military personnel on mission for armed operations outside Italian territory, such as the troops taking part in the “Enduring Freedom” operation. The Law also emphasizes that the provisions of Book II, Title 4, of the Code (“Acts against the laws and customs of war”) applies to all armed conflicts, irrespective of whether or not there was a declaration of war. It adds new Articles 184^{bis} and 185^{bis} which impose prison sentences for the taking of hostages; for the threat to wound or kill a person who is unarmed, is not acting in a hostile manner or is captured in connection with the conflict, with the aim to force the hand-over of persons or objects; and for torture or other inhuman treatments, illegal transfers or any other act prohibited under international conventions, including biological experiments or medical treatments which are not required by the state of health of prisoners of war, civilians or other persons protected by the said conventions.

The Law on Cooperation with the ICTR was adopted on 2 August 2002 and entered into force on 14 August 2002.¹² It defines the obligation of Italy to cooperate with the ICTR, notably with regard to the: transfer of criminal proceedings; reopening of national proceedings; prohibition of retrial; communications and forwarding of case documents; recognition of rulings by the ICTR; serving of sentences; remission; cooperation by the domestic courts; delivery of accused persons; application of precautionary measures for the purposes of delivery; provisional application of precautionary measures; arrest by the criminal police; and role of NGOs.

Jordan

The Military Penal Code was adopted on 28 May 2002 and entered into force on 17 July 2002.¹³ It contains a chapter devoted to war crimes and

¹¹ Legge 31 gennaio 2002, n. 6 “Conversione in legge, con modificazioni, del decreto-legge 1° dicembre 2001, n. 421, recante disposizioni urgenti per la partecipazione di personale militare all’operazione multinazionale denominata ‘Enduring Freedom’ Modifiche al codice penale militare di guerra, approvato con regio decreto 20 febbraio 1941, n. 303”, published in the *Gazzetta Ufficiale*, No. 28, 2 February 2002.

¹² Legge 2 agosto 2002, n. 181 “Disposizioni in materia di cooperazione con il Tribunale internazionale competente per gravi violazioni del diritto umanitario commesse nel territorio del Ruanda e Stati vicini”, published in the *Gazzetta Ufficiale*, No. 190, 14 August 2002.

¹³ Military Penal Code, published in the *Official Journal*, No. 4568, 16 June 2002.

their criminalization on the basis of the definitions in the 1949 Geneva Conventions and their 1977 Additional Protocols.

Peru

The Law on the Ministry of Defence was adopted on 11 November 2002 and was promulgated on November 2002.¹⁴ Article 7(e) stipulates that the duties and responsibilities of the Ministry of Defence include determining the objectives of the armed forces with regard to the defence and promotion of human rights and international humanitarian law.

Slovenia

The Law on Cooperation with the ICC was adopted on 25 October, promulgated on 5 November and entered into force on 29 November 2002.¹⁵ It establishes the jurisdiction of Slovenian courts over the crimes defined in the 1998 Rome Statute of the ICC (Chapter IV) and contains provisions dealing, *inter alia*, with the arrest of persons and their surrender to the ICC (Chapter VI), the protection of Slovenia's national security interests (Chapter VIII), the privileges and immunities of the ICC (Chapter IX) and the enforcement in Slovenia of reparation orders made and fines imposed by the ICC (Chapter XI).

South Africa

The Implementation of the Rome Statute of the International Criminal Court Act, 2002, was assented to on 12 July 2002 and entered into force on 18 July 2002.¹⁶ The main object of this Act is to create a framework to ensure that the Statute is effectively implemented in South Africa. It stipulates that the fact that a person is a head of State or government, a member

¹⁴ Ley N° 27860. Ley del Ministerio de Defensa, published in Diario Oficial "El Peruano", 12 November 2002.

¹⁵ Law on Cooperation between the Republic of Slovenia and the International Criminal Court, published in the *Official Gazette of the Republic of Slovenia*, No. 96/02, 14 November 2002.

¹⁶ Act to provide for a framework to ensure the effective implementation of the Rome Statute of the International Criminal Court in South Africa; to ensure that South Africa conforms with its obligations set out in the Statute; to provide for the crime of genocide, crimes against humanity and war crimes; to provide for the prosecution in South African courts of persons accused of having committed the said crimes in South Africa and beyond the borders of South Africa in certain circumstances; to provide for the arrest of persons accused of having committed the said crimes and their surrender to the said Court in certain circumstances; to provide for cooperation by South Africa with the said Court; and to provide for matters connected therewith, Act 27 of 2002, published in the *Government Gazette*, No. 23642, 18 July 2002, pp. 1-160.

of government or parliament, an elected representative or a government official, or is under a legal obligation to obey a manifestly unlawful order of a superior, does not constitute a defence to a crime of genocide, a crime against humanity or a war crime, or a ground for reduction of sentence. Furthermore, the Act grants jurisdiction to South African courts over genocide, crimes against humanity and war crimes, even when committed outside the territory of South Africa, if the alleged perpetrator is a South African citizen or an ordinary resident of the Republic, or is present in the territory of the Republic, or if the victim is a South African citizen or ordinary resident (Section 4). The Act also contains provisions dealing with the functioning, privileges and immunities of the ICC in South Africa (Chapter 3), cooperation with the ICC in terms of the arrest of persons and their surrender to the Court (Chapter 4, Part I) and judicial assistance to the Court (Chapter 4, Part II). It further punishes offences against the administration of justice by the ICC (Section 37). Finally, the list of crimes (genocide, crimes against humanity and war crimes) of the Rome Statute is a schedule to the Act and the Statute itself is annexed to the Act.

United Arab Emirates

The Law on the Red Crescent in the United Arab Emirates was issued and entered into force on 28 July 2002.¹⁷ Its Chapters IV and V (Articles 22 to 27) deal only with the protection of the red crescent emblem in time of peace. They provide for a prison sentence or a minimum fine of 5,000 Dirham for any unauthorized use of the emblem.

B) Case law

Albania

On 23 September 2002, the Constitutional Court concluded that the 1998 Rome Statute of the ICC was compatible with the Albanian Constitution.¹⁸ In particular, the Court examined questions relating to the transfer of jurisdiction to international bodies, to immunity from criminal prosecution provided for by Albanian law for persons serving in several official capacities, and to the principle of *non bis in idem*. The Court concluded that the ICC Statute guaranteed the fundamental human rights and free-

¹⁷ State Law No. 9 of 2002 on the Red Crescent in the United Arab Emirates, published in the *Official Journal*, No. 384, 28 July 2002.

¹⁸ Constitutional Court, Judgment No. 186, 23 September 2002.

doms proclaimed in the Albanian Constitution, including the presumption of innocence, the principle of *nullum crimen sine lege, nullum poena sine lege*, the non-retroactivity of criminal law, the right to be assisted by a lawyer, the independence of judges, presentation to a court before being remanded in custody, and the right to appeal against the verdict. Furthermore, the non-applicability of the statute of limitations to the crimes within the jurisdiction of the ICC is also in conformity with Albanian legislation. The Court consequently ruled that there were no constitutional obstacles to ratification of the ICC Statute by Albania.

Belgium

On 20 November 2002, the Court of Cassation quashed the decision of the Appeals Court of Brussels (Accusation Chamber) which had declared inadmissible the case of senior public officials of the Democratic Republic of Congo, charged under the law of 16 June 1993 on the punishment of grave breaches of international humanitarian law, because the suspects were not present on Belgian territory. The decision of the Court of Cassation is based on procedural errors. The competence of the Belgian judiciary to continue its investigation into the case of the Congolese officials will therefore be reexamined by the Appeals Court of Brussels, composed of different judges.

Chile

On 8 April 2002, Chile's Constitutional Court declared several provisions of the 1998 Rome Statute of the ICC to be incompatible with the Constitution.¹⁹ According to the Court, the main constitutional problem lies in Article 17 of the Statute, which authorizes the ICC to correct decisions taken by the Chilean judiciary and to act as a substitute for national courts in the event of their unwillingness or inability to prosecute. The decision affirmed, without further explanation, that national courts must exercise exclusive jurisdiction over "conflicts" occurring within Chile's territory. The Constitutional Court further considers that Article 110 of the ICC Statute is unconstitutional because it gives the ICC the capacity to disregard pardons or amnesties granted by competent Chilean authorities. Article 27 of the Statute was also ruled unconstitutional because it does not take into account the privileges granted to officials of the national judiciary and legislature.

¹⁹ Constitutional Court, Case No. 346, 8 April 2002, unpublished.

Finally, rules of the Rome Statute allowing the ICC Prosecutor to conduct investigations within Chilean territory were also deemed unconstitutional. Consequently the Constitutional Court found it impossible for Chile to ratify the Statute without a constitutional revision.

Colombia

On 30 July 2002 the Constitutional Court, after general considerations on the creation of an international criminal court and its importance in the context of human rights and international humanitarian law, reviewed each part of the 1998 Rome Statute of the ICC in the light of Colombian constitutional provisions, including a discussion of the crimes covered by the ICC's jurisdiction. The Constitutional Court found that, if some substantive provisions of the ICC Statute differ from Colombia's constitutional law, those differences are permitted, so that the Court "in no way implies that there is a partial unconstitutionality of the Statute". Law No. 742 of 5 June 2002 on ratification of the Rome Statute of the ICC, as well as the Statute itself, is therefore applicable.²⁰

France

On 18 October 2002, the families of two French nationals detained in Guantanamo Bay had petitioned the *Tribunal de Grande Instance* of Paris with a view to clarifying their situation under the Third Geneva Convention of 1949, including the question of their prisoner-of-war status. On 31 October 2002, the Tribunal stated that it did not consider itself competent to examine the case. Following this decision, the lawyers of the two detainees filed a charge in Lyon, against persons unknown, for "arbitrary detention" and "kidnapping and restraint".

Israel

On 3 September 2002, the Supreme Court rendered its judgment in the *Ajuri v. IDF Commander case*.²¹ The case was concerned with orders issued by the IDF Commander in Judea and Samaria to the effect that three persons from Judea and Samaria must live for the next two years in the Gaza

²⁰ Constitutional Court, Decision C-578/02, 30 July 2002.

²¹ Supreme Court sitting as the High Court of Justice, *Ajuri v. IDF Commander*, 3 September 2002, HCJ 7015/02, (2002) IsrlLR, pp. 1-35.

Strip. The three persons petitioned the High Court of Justice against the orders, arguing that they were contrary to international humanitarian law: as the belligerent occupation of Judea and Samaria was different from that in the Gaza Strip, the orders must be seen as a deportation measure prohibited under Article 49 of the Fourth Geneva Convention of 1949. The respondents argued that, since there was one territory under belligerent occupation, the orders constituted measures of assigned residence allowed under Article 78 of the said Convention. The Supreme Court found that Judea and Samaria and the Gaza Strip were parts of the same territory under occupation and that Article 78 applied. The Court went on to say that an order of assigned residence is allowed only for imperative reasons of security, when the person in question presents a real danger for the security of the area. The Supreme Court found that this was the case for two of the petitioners, against whom the orders were upheld, whereas the activities of the other petitioner were not deemed to justify a measure of assigned residence and the order against him was therefore set aside.

Yugoslavia

On 8 July 2002, a court in Prokuplje convicted a former Yugoslav soldier, found guilty of the murder of two Kosovo Albanian civilians, for war crimes. He was sentenced to eight years' imprisonment. The crime was committed on 24 May 1999, during NATO bombardments. A military court had previously tried the accused on the count of murder, and had released him for lack of evidence. The Serbian civil justice system then took up the case, tried him for war crimes and convicted him.

On 11 October 2002, the Military Court in Nis held the first war crimes trial before a military tribunal in Serbia. Two of the four accused, former soldiers of the Yugoslav Army, were charged with war crimes for having killed two unidentified Kosovo Albanian civilians in 1999 and burned their bodies. The law prescribed a prison sentence of at least five years, but the court based its ruling on extenuating circumstances, namely that the two soldiers had believed they themselves would be killed if they had refused to execute the order. They were thus sentenced to three and four years' imprisonment. The other two accused, an army captain and an army lieutenant-colonel, were sentenced to five and seven years' imprisonment respectively. The court found that all four accused had violated the Fourth Geneva Convention of 1949. The decision is now under appeal.

C) National Committees on international humanitarian law

Jordan

The “National Committee for the Implementation of International Humanitarian Law” has been established by Temporary Law No. 63, which was endorsed by the government of Jordan on 20 August 2002 and entered into force on 16 October 2002.²² It provides a legal basis for the pre-existing national committee. The Chairman of the Committee is to be appointed by the King and the Jordan Red Crescent is in charge of the secretariat. The members of the Committee are representatives of the following parties: Prime Minister; Ministry of Justice; Ministry of Foreign Affairs; Ministry of the Interior; Ministry of Education; Ministry of Health; Directorate of Military Courts; Public Security Directorate; Directorate of Civil Defence; Jordan University; and the National Assembly. In addition three persons with experience and expertise are to be appointed by the Chairman of the Committee, and the Jordan Red Crescent is represented by its President (as Vice-Chairman of the Committee). The Committee is mandated, *inter alia*: to devise and implement the general policy, strategy, plans and programmes for raising awareness of the principles of international humanitarian law at the national level; to promote, together with the ICRC and the parties concerned, efforts to disseminate the principles of international humanitarian law; to exchange information and experiences with national, Arab, regional and international organizations and commissions concerned with international humanitarian law and strengthen ties with them; to carry out research and studies for the parties concerned, present proposals to them and give them advice; to issue publications on international humanitarian law and the means by which it may be implemented; to adopt, together with the parties concerned, recommendations and reports related to the principles of humanitarian law and its development; and to help improve legislation related to international humanitarian law. An Executive Committee is to be formed to follow up the affairs of the National Committee.

Korea (Republic of)

The “Korean National Committee for International Humanitarian Law” has been established by Presidential Decree No. 15602. The Ministry of Foreign

²² Temporary Law No. 63 for the year 2002, The Law on the National Committee for the Implementation of International Humanitarian Law, published in *The Official Gazette of the Hashemite Kingdom of Jordan*, No. 4568, 16 October 2002.

Affairs and Trade is in charge of the Chairmanship and Secretariat of the Committee. The functioning of the Committee is defined in Decision No. 42 of the Ministry of Foreign Affairs and Trade of 17 October 2002. Members of the Committee are representatives of the Ministries of: Foreign Affairs, Education and Human Resources, Justice and National Defence, the Cultural Properties Administration, the Korean Red Cross Society and academic circles. The Commission's mandate includes the following tasks: to monitor and coordinate the dissemination and implementation of international humanitarian law; to advise on matters relating to ratification of humanitarian law treaties; to review national legislation and propose measures to implement the rules of international humanitarian law; to promote international humanitarian law in educational institutions, armed forces and among the general public; and to cooperate and exchange information with national committees of other countries, the ICRC and international organizations.

ICRC
ADVISORY SERVICE ON INTERNATIONAL HUMANITARIAN LAW