

*Translated from Spanish*

**Republic of Nicaragua — Central America**

**Ministry of Foreign Affairs**

**Government report concerning General Assembly resolution 63/125 entitled  
“Status of the Protocols Additional to the Geneva Conventions of 1949, and  
relating to the protection of victims of armed conflicts”**

**Nicaragua: Status of the Protocols Additional to the Geneva Conventions of 1949,  
and relating to the protection of victims of armed conflicts**

In Nicaragua this question is the responsibility of the National Commission for the Implementation of International Humanitarian Law (CONADIH), whose primary function is to advise and assist the Government on all matters relating to the signature and ratification of, or accession to, humanitarian law treaties, their

(II) STATUS IN NICARAGUA OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949

The Republic of Nicaragua, reaffirming its desire to fulfil the obligations undertaken in the area of international humanitarian law, has been a party to the two Protocols Additional to the Geneva Conventions of 12 August 1949 since 19 July 1999 and recently ratified Protocol III Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem known as the Red Crystal.

This instrument was deposited with the Federal Department of Foreign Affairs of the Swiss Federal Council on 2 April 2009 by the Permanent Mission of Nicaragua to the United Nations, in Geneva, Switzerland.

This was a major step for Nicaragua and a further demonstration of its commitment to the law. It was recognized as such by ICRC in a letter dated 3 August 2009 addressed to the Minister for Foreign Affairs, Mr. Samuel Santos López, which read as follows:

[...] the adoption of Additional Protocol III at the Diplomatic Conference held in Geneva, in December 2005, is an important landmark in the development of international humanitarian law. From a humanitarian perspective, Additional Protocol III improves the protection of victims of armed conflicts throughout the world. It also helps guarantee that the International Red Cross and Red Crescent Movement can play a truly universal role in providing protection and assistance to persons in need.

ICRC expresses deep gratitude to the Republic of Nicaragua for this important step in ratifying the treaty. I have written today to His Excellency Mr. Daniel Ortega Saavedra, President of the Republic of Nicaragua, to convey to him our deep appreciation of this demonstration of Nicaragua's steadfast commitment to the promotion of, and respect for, international humanitarian law.

(III) MEASURES ADOPTED TO STRENGTHEN THE EXISTING INTERNATIONAL HUMANITARIAN LAW REGIME IN NICARAGUA

In order to fulfil its commitment to international humanitarian law, and especially to the undertakings deriving from the XXVI International Conference of the Red Cross and Red Crescent in 1995, the Republic of Nicaragua established, by executive decree No. 54-99, the National Commission for the Implementation of International Humanitarian Law (CONADIH).

On 9 April 2002, the Commission's offices at the headquarters of the Ministry of Foreign Affairs were officially opened.

The National Commission for the Implementation of International Humanitarian Law was established by executive decree No. 54-99, of 23 April 1999, issued in the Official Gazette, No. 81, of 4 May 1999; it is comprised of various Government institutions and a number of universities representing civil society. Its primary function is to advise the Government on matters relating to the signature and ratification of, or accession to, international humanitarian law treaties and promote the adoption of domestic measures in this area.



Commission and the Executive Secretariat designating two persons to attend meetings periodically, who are accredited as representative and alternate; the representative is always the Minister, dean or director of the institution. At the end of their terms, these persons are replaced by the representatives designated by each member institution.

There is no specific limit on the number of regular meetings of CONADIH; in general, however, two regular meetings are held each year in order to establish the main courses of action to be followed by the Commission and evaluate the outcomes achieved; if necessary, special meetings are convened. In addition, the members of CONADIH hold frequent meetings of the subcommissions, which focus on the specific objectives set forth in the plan of action and the fulfilment and achievement of those objectives.

#### *Mandate of CONADIH*

In accordance with its constituent decree, the primary function of CONADIH is to advise the Government on matters relating to the signature and ratification of, or accession to, international humanitarian law treaties, and promote the adoption of domestic measures in this area.

In order to fulfil its mandate, CONADIH draws up an annual plan of work which has to be approved by the President of the Commission, who is the Minister for Foreign Affairs. The Commission is also required to submit an annual report on progress achieved.

In order to achieve its objectives CONADIH is entitled, by decree No. 122-99,



treachery in title X, chapter two, entitled “Specific crimes against the laws and customs of war”, which provides that:

Article 211. Violations of the customs of war.

A penalty of six months’ to three years’ imprisonment shall be imposed on any member of the military who:

- a) In the event of armed conflict and in the zone of military operations, inappropriately displays the flag of the parliament, flags or emblems of the opponent or of neutral States; or the insignia, flags or emblems of the Red Cross or of other recognized humanitarian institutions or commits treachery;
- b) Insults, by word or action, or inappropriately detains a member of parliament or a horn, bugle, or drum player, standard-bearer or interpreter accompanying such person.

As the Commission’s most recent accomplishment, mention may be made of the efforts undertaken for the adoption, ratification and deposit of Protocol III Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem known as the Red Crystal.

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and adoption of national measures for the application of international humanitarian law, in situations of armed conflict and in the protection of and assistance to war victims, as well as persons who urged respect for the humanitarian norms established for internal and external armed conflicts.

These diplomas were accordingly aimed at staff of civil service, defence and security departments, staff of intergovernmental organizations, university faculty members, doctors and health personnel, journalists and media directors, human rights activists, social workers, lawyers and judges, among others.

Furthermore, as part of the commitment of CONADIH to the dissemination and promotion of international humanitarian law in Nicaragua, a series of lectures on international humanitarian law was organized, designed for universities and for the staff of the institutions which are members of CONADIH.

Various training courses have been designed for representatives of the institutions which are members of CONADIH with the objective of updating their knowledge and promoting mastery of international humanitarian law topics.

Currently, through the subcommission on training and dissemination, basic training in international humanitarian law in Nicaragua and its application through CONADIH, and other relevant rights, is provided at the national level by volunteers of the national Red Cross society.

In 2010, CONADIH plans to continue the training courses designed for members of the Commission and the lectures which are offered, in particular, to students at member universities and members of the Commission, among other activities.

*D) In relation to the protection of cultural property*

Nicaragua will continue to stress to the international community the importance of maintaining the momentum towards the goal of general and complete disarmament, including not only nuclear weapons, but also other conventional weapons of mass destruction, which violate the fundamental principles of international humanitarian law. In this regard, CONADIH has played a very limited role because Nicaragua has already ratified the relevant instruments; however, work needs to be carried out on their dissemination.

CONADIH, in its advisory role, is able to make proposals and observations and carry out studies on the various international humanitarian law treaties in respect of weapons, while remaining within its sphere of competence.

*Implementation and follow-up of the Cartagena Plan of Action adopted at the Second Review Conference of the Ottawa Treaty, in Cartagena, Colombia, in December 2009*

The national programme for humanitarian demining in Nicaragua was presented to the international community in April 1999; it identified a total of 135,643 mines to be destroyed and provided for the destruction of all mines and explosive devices found in the areas of operation of the demining units. The programme came to an end in June 2010. Since 18 June, just a few days ago, Nicaragua has been the first mine-free zone in the world.

The implementation and follow-up of the Cartagena Plan of Action, adopted at the Second Review Conference of the Ottawa Treaty, in respect of assistance to victims, is being carried out by the national demining commission.

*Signature and ratification of the new Convention on Cluster Munitions adopted in May 2008*

In addition to participating in the negotiations for its adoption, Nicaragua signed the Convention on 3 December 2008 (the date on which the Convention was opened for signature by all States, in Oslo, Norway) and ratified that commitment on 2 November 2009. The adoption of this treaty prohibits the use, production, stockpiling and transfer of cluster munitions.

Nicaragua adopted this Convention by legislative decree No. 5764 (Official

(IV) PRINCIPAL TREATIES RELEVANT TO INTERNATIONAL HUMANITARIAN LAW TO WHICH NICARAGUA IS A PARTY

A. *PROTECTION OF THE VICTIMS OF ARMED CONFLICTS*

- Convention No. I of 1949 — Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (Nicaragua has been a party since 17 December 1953.)
- Convention No. II of 1949 — Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949. (Nicaragua has been a party since 17 December 1953.)
- Convention No. III of 1949 — Convention relative to the Treatment of Prisoners of War. (Nicaragua has been a party since 17 December 1953.)

*C. ENVIRONMENT*

- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, of 10 December 1976. (Nicaragua is a party to this Convention, which was ratified on 6 September 2007.)

*D. INTERNATIONAL CRIMINAL LAW*

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, of 26 November 1968. Nicaragua acceded to this Convention on 3 September 1986.

Note: Nicaragua is not a party to the Rome Statute of the International Criminal Court, of 17 July 1998, although it has already incorporated into its domestic legislation all the war crimes envisaged in the Statute.

*E. WEAPONS*

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, of 26 November 1968. Nicaragua acceded to this Convention on 3 September 1986.
- Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925. Nicaragua is a party to this Protocol, which was ratified on 5 October 1990.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 10 April 1972. Nicaragua is a party to this Convention, which was ratified on 7 August 1975.
- 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 10 October 1980. Nicaragua is a party to this instrument, which was ratified on 5 December 2000, along with Protocols I, III and IV and amended Protocol II.
- Protocol on Non-Detectable Fragments, of 10 October 1980. Nicaragua has been a party to this instrument since 5 December 2000.
- Protocol on Incendiary Weapons, of 10 October 1980. Nicaragua has been a party to this instrument since 5 December 2000.
- Protocol on Blinding Laser Weapons, of 13 October 1995. Nicaragua has been a party to this instrument since 5 December 2000.
- Protocol on Mines, Booby Traps and Other Devices, as amended on 3 May 1996. Nicaragua has been a party to this instrument since 5 December 2000.
- Protocol on Explosive Remnants of War, of 28 November 2003. Nicaragua is a party to this Protocol, which was ratified on 15 September 2005.
- Amendment of 2001 to article 1 of the Convention on Conventional Weapons, of 10 October 1980. Nicaragua is a party to this instrument, which was ratified on 6 September 2007.

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, of 13 January 1993. Nicaragua has been a party since 5 October 1999.
  - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, of 18 September 1997 (Ottawa, 1997). Ratified on 30 November 1998.
  - Convention on Cluster Munitions, of 30 May 2008. Ratified on 2 November 2009.
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