



**Anti-Personnel Mine Ban Convention
Third Review Conference**

**Statement on Compliance
26 June 2014**

Thank you Mr President. I would like to make a short statement, on a national basis, regarding compliance.

A recent media report has alleged that during the deployment of the New Zealand Defence Force in Afghanistan orders were given on two separate occasions to create booby-traps using anti-personnel landmines. If true, this would have been a breach of the Anti-Personnel Mine Ban Convention. I would like to provide some clarification regarding this case, particularly around some details of the media report which are incorrect.

There have been two trials of military personnel relating to not to two incidents, as reported in the media, but to one sole incident which occurred in Afghanistan.

In this incident, there was discussion between two personnel upon the discovery of a weapons cache. It was alleged that during this discussion both accused used the words "booby trap" to describe possible future action. There was no further evidence as to how they intended to create such a booby trap and, certainly, no booby trap was ever created.

Following this incident, charges against the two officers were laid under the Armed Forces Discipline Act 1971. One charge was laid in relation to each person. New Zealand's implementing legislation for the Anti-Personnel Mine Ban Convention was not invoked in these cases because there was no suggestion, or evidence, relating to the use or intent to use anti-personnel mines in the creation of the booby trap.

Both military trials have now concluded (in April and May 2014, respectively). In both cases, the charge under the Armed Forces Discipline Act was not upheld, as there was insufficient evidence to support some elements of the charge.

I would like to provide a brief comment regarding the media reporting's reference to claymore directional charges. Claymores are possessed by the New Zealand Defence Force but in their normal command-detonated configuration, in which the charge is initiated by an electrical pulse from a trigger mechanism, not by the presence of the victim. In this configuration, they are not anti-personnel mines according to the Convention. To repeat, this command detonation mode is the only configuration which New Zealand forces possessed in Afghanistan (or indeed elsewhere). It is possible to change a claymore's configuration to transform it into a victim-activated device, but this requires specialist knowledge and materials which were not available to the New Zealand forces in Afghanistan.

Speaking more broadly, New Zealand can confirm that nothing in the Rules of Engagement used by the New Zealand Defence Force in Afghanistan permitted the use of indiscriminate or prohibited weapons, including anti-personnel landmines. While there was no breach of the Convention whatsoever, we are providing this information to all States Parties in order to clarify the facts of the matter and to support the very important principle of transparency which underpins the workings of this Convention.