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RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

Fourth session of the Diplomatic Conference on Reaffirmation
and Development of International Humanitarian Law Applicable
in Armed Conflicts

Report of the Secretary-General

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I. INTRODUCTION

1. In paragraph 5 of resolution 31/19 of 24 November 1976, the General Assembly requested the Secretary-General to report to it at its thirty-second session on relevant developments concerning human rights in armed conflicts, in particular on the proceedings and results of the 1977 session of the Diplomatic Conference on the Reaffirmation and Developments of International Humanitarian Law Applicable in Armed Conflicts. The first, second and third sessions of the Diplomatic Conference were held in 1974, 1975 and 1976 in Geneva. The proceedings and results of these sessions were reported to the General Assembly at its twenty-ninth, thirtieth and thirty-first sessions in the reports of the Secretary-General submitted in connexion with the consideration of the agenda item entitled "Respect for human rights in armed conflicts" (A/9669, A/10195 and A/31/163).
2. The present report gives an account of the proceedings and results of the 1977 session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. In preparing the report, special attention has been given to matters of particular interest to the United Nations.
3. At the closing of the third session, the Diplomatic Conference had requested its secretariat: (a) to prepare a synoptic table for the two draft Protocols giving the text of the articles adopted by the Main Committee and the symbol of the documents containing the proposals and amendments relating to the articles not yet adopted and to send that synoptic table to all participants by 15 February 1977 at the latest; (b) to examine, in collaboration with the International Committee of the Red Cross, all the articles so far adopted by the Committees with a view, on the one hand, to ensuring the technical accuracy of words, correctness of grammar, consistency of usage, and accuracy of translation in the texts and, on the other, to identifying, with respect to each article, any issues of drafting and making any suggestions to the Drafting Committee with regard to the matter and with respect to the ordering and titles of the articles; and (c) to entrust the task of examining the texts prepared by the Secretariat to a small team of members of the Secretariat and of the ICRC, assisted by a few technical consultants, acting in their personal capacity, chosen from among the representatives of countries participating in the Conference by reason of their familiarity with the subject-matter and their linguistic qualifications. The Conference had also requested the Secretary-General, in liaison with the President of the Conference and the Chairman of the Drafting Committee, to make appropriate arrangements for convening these technical consultants early in January 1977, and to send to all participating delegations in the Conference, before the opening of the fourth session of the Conference, the texts prepared by the Secretariat in collaboration with these technical consultants (see A/31/163, paras. 122 and 123).

II. ORGANIZATION OF THE DIPLOMATIC CONFERENCE ON
REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL
HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS
(FOURTH SESSION: GENEVA, 17 MARCH-10 JUNE 1977)

A. Opening of the fourth session of the Conference

4. The fourth session of the Diplomatic Conference was opened on 17 March 1977 by Mr. Pierre Graber, Swiss Federal Counsellor and head of the Federal Political Department, in his capacity as President. The President observed that at the close of the third session he had reached the conclusion that positive results had been achieved, less by the number of articles adopted during the session than in the light of the work done by delegations and their co-operative approach with the view of formulating new rules, at times in very difficult fields. He had also emphasized how urgent it was to reach the objective, which was to limit - short of preventing them completely - the sufferings of war, for armed conflicts of all types continued to plague the world. The events which had occurred since then were further proof that it was necessary to make every effort to complete the work of the Conference at the current session. The President further pointed out that the United Nations attached great importance to work at the Diplomatic Conference and had given renewed evidence of its interest in the resolutions adopted by the General Assembly at its thirty-first session; in particular, the Assembly had urged all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which might help to alleviate the suffering brought about by armed conflict and "to bring the Conference during the final session in 1977 to a successful close" (resolution 31/19). The President also noted that, since the end of the third session, he and his close collaborators had had many informal talks with various delegations, in the course of which they had noted not only the unanimous desire to bring the work of the current session to a successful completion, but also the will to reach reasonable and applicable compromises, thus reflecting the universal nature of international humanitarian law. It was in that spirit, he said, that it had been variously suggested that, from the opening of the fourth session and concurrently with the work of the Drafting Committee, it would be very useful to set up a sort of continuous dialogue among those who held different views concerning difficult questions of substance for which no common ground of understanding had yet been found. That was why the invitation to the current meeting had mentioned that delegations and regional groups would have at their disposal all necessary technical facilities for informal consultations (see CDDH/SR.34, pp. 2 and 3).

B. Participation

5. As convening Government, the Swiss Government, depositary of the Geneva Convention of 12 August 1949 for the Protection of War Victims ^{1/}, issued the invitations to participate in the fourth session of the Diplomatic Conference. The Swiss Government addressed the invitations to all States parties to the Geneva Convention and to all States Members of the United Nations. National liberation movements recognized by the regional intergovernmental organizations concerned also

^{1/} United Nations, Treaty Series, vol. 75, Nos. 970-973.

participated in the fourth session of the Conference but without voting rights. One hundred and fifty-five States had been invited to the fourth session of the Conference. The United Nations and several other international organizations were also invited by the Swiss Government to be represented at the fourth session of the Conference.

6. The following delegations attended the fourth session of the Diplomatic Conference as representatives of States or of national liberation movements recognized by the regional intergovernmental organizations concerned. 2/

(a) One hundred and ten delegations attended as representatives of States

7. Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Empire, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Senegal, Socialist Republic of Viet Nam, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia and Zaire.

(b) Four delegations attended as representatives of national liberation movements recognized by the regional intergovernmental organizations concerned 3/

8. African National Council of Zimbabwe (Rhodesia) (ANCZ), Palestine Liberation

2/ For reservations expressed on credentials of certain delegations, see the report of the Credentials Committee (CDDH/409).

3/ Rule 58 of the rules of procedure of the Conference provides that: "National Liberation Movements recognized by the regional intergovernmental organizations concerned and invited by the Conference to participate in its work shall participate fully in the deliberations of the Conference and its main Committees. Notwithstanding anything contained in these rules of procedure, the statements made or the proposals or amendments submitted by delegations of such National Liberation Movements shall be circulated by the Conference Secretariat as Conference documents to all the participants in the Conference, it being understood that only delegations representing States will be entitled to vote."

Organization (PLO), Panafricanist Congress (South Africa) (PAC) and South West African People's Organization (SWAPO).

9. The International Committee of the Red Cross was represented at the fourth session of the Conference. Its experts joined in the work of the Conference and its Committees, as provided in rule 33 of the rules of procedure of the Conference. The League of Red Cross Societies was represented by an observer delegation.

10. The Secretary-General of the United Nations was represented at the Diplomatic Conference by Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva. The Office of Legal Affairs, the Division of Human Rights, the Disarmament Affairs Division of the Department of Political and Security Council Affairs and the United Nations Office at Geneva were represented in the United Nations delegation. Rule 59 of the rules of procedure of the Conference states that the representatives of the United Nations shall join in the work of the Conference and may participate, without the right to vote, in the deliberations of the Conference and its Committees. Observers from the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Environment Programme also attended the Diplomatic Conference.

11. The representatives of the Sovereign Order of Malta participated in the work of the Conference without the right to vote.

12. Representatives of the organizations listed below participated in the fourth session of the Conference as observers.

(a) Specialized agencies of the United Nations ^{4/}

International Labour Organisation
United Nations Educational, Scientific and Cultural Organization
International Telecommunication Union
International Civil Aviation Organization
World Health Organization
Inter-Governmental Maritime Consultative Organization

(b) Other intergovernmental organizations

Council of Europe
League of Arab States
Organization of African Unity
International Civil Defence Organization

(c) Non-governmental organizations

Amnesty International
Arab Lawyers Union

^{4/} See rule 60 of the rules of procedure of the Conference.

Association for the Study of the World Refugee Problems
Institut M. Dunant
International Association of Lighthouse Authorities
International Commission of Jurists
International Committee of Military Medicine and Pharmacy
International Confederation of Former Prisoners of War
International Conference of Catholic Charities
International Union for Child Welfare
International Electronic Commission
International Institute of Humanitarian Law
Pax Romana (International Secretariat of Catholic Jurists)
World Jewish Congress
World Medical Association
World Veterans Federation
World Young Women's Christian Association

C. Vice-Presidents of the Conference, officers of the General Committee, the Main Committees and Ad Hoc Committee, and officers and composition of the Drafting Committee and the Credentials Committee

13. At its 34th and 35th meetings, on 17 March and 14 April 1977, the Diplomatic Conference approved en bloc by consensus the list of Vice-Presidents of the Conference, officers of the Main Committees and officers and compositions of the General Committee, Drafting Committee and the Credentials Committee agreed upon by the different geographical groups in the course of prior consultations (see CDDH/SR.34 and 35). The following countries and representatives were elected:

(a) Vice-Presidents of the Conference

Mr. Erich Kussbach (Austria)
Mr. Jean de Breucker (Belgium)
Mr. David M. Miller (Canada)
Mr. Pi Chi-lung (China) (absent)
Mr. Horst-Krafft Robert (Germany, Federal Republic of)
Mr. Joseph Turpin (Guinea-Bissau)
Mr. Mario Carias (Honduras)
Mr. Nicolo di Bernardo (Italy)
Mr. Yedaly Ould Cheikh (Mauritania)
Mr. Ali Skalli (Morocco)
Mr. José Espino González (Panama)
Mr. Hortencio J. Brillantes (Philippines)
Mr. Marin Alexie (Romania)
Mr. Susanta de Alwis (Sri Lanka)
Mr. Dia Allah El-Fattal (Syrian Arab Republic)
Mr. Akisoferi M. Ogola (Uganda)
Mr. Michail Gribanov (Union of Soviet Socialist Republics)
Mr. Pablo Bosch (Uruguay)
Mr. 'A Tshiabola Bintu (Zaire)

(b) General Committee

Chairman - President of the Conference

Members - Vice-Presidents of the Conference, Chairmen of the Main Committees, Chairman of the Ad Hoc Committee, Chairman of the Drafting Committee, Chairman of the Credentials Committee and Secretary-General of the Conference

(c) Officers of Main Committees

Committee I

Chairman: Mr. Einar Fredrik Ofstad (Norway)

Vice-Chairmen: Mr. B. Akporode Clark (Nigeria)
Mr. Konstantin Obradovic (Yugoslavia)

Rapporteur: Mr. Antonio Eusebio de Icaza (Mexico)

Committee II

Chairman: Mr. Stanislaw Edward Nahlik (Poland)

Vice-Chairmen: Mr. Osvaldo Salas (Chile)
Mr. Khalid Saleem (Pakistan)

Rapporteur: Mr. El Hasseen El Hassan (Sudan)

Committee III

Chairman: Mr. Hamed Sultan (Egypt)

Vice-Chairmen: Mr. Géza Herczegh (Hungary)
Mr. Mangalyn Dugersuren (Mongolia)

Rapporteur: Mr. George H. Aldrich (United States of America)

Ad Hoc Committee

Chairman: Mr. Héctor Charry Samper (Colombia)

Vice-Chairmen: Mr. Houchang Amir-Mokri (Iran)
Mr. Mustapha Chelbi (Tunisia)

Rapporteur: Mr. John G. Taylor (United Kingdom of Great Britain
and Northern Ireland)

(d) Drafting Committee

Chairman: Mr. Iqbal Abdul Qarim Al-Fallouji (Iraq)

Vice-Chairmen: Mr. Mario Carias (Honduras)
Mr. Mnyeti Sinkutu Kabuaye (United Republic of Tanzania)

Rapporteurs of Committees: Mr. Antonio Eusebio de Icaza (Mexico)
Mr. El Hasseen El Hassan (Sudan)
Mr. George H. Aldrich (United States of America)

Other members: Mr. Abdelouahab Abada (Algeria)
Mr. Frederico Carlos Carnaúba (Brazil)
Mr. Jean-Dominique Paolini (France)
Mr. Bernhard Graefrath (German Democratic Republic)
Mr. Suhandha Ijas (Indonesia)
Mr. Mahmoud Banna (Lebanon)
Mr. Hans Blix (Sweden)
Mr. Alexey F. Sokirkine (Union of Soviet Socialist Republics)
Mr. John Redvers Freeland (United Kingdom of Great Britain and Northern Ireland)

(e) Credentials Committee

Chairman: Mr. Gaston Cajina Mejicano (Nicaragua)

Members: Mr. Frank J. Mahony (Australia)
Mr. George H. Aldrich (United States of America)
Mr. Iqbal Abdul Qarim Al-Fallouji (Iraq)
Mr. Jean Jacques Maurice (Madagascar)
Mr. Alfonso Arias-Schreiber (Peru)
Mr. Rémy Mbaya (United Republic of Cameroon)
Mr. Amadou Cissé (Senegal)
Mr. Gejza Mencer (Czechoslovakia)
Mr. Manaspas Xuto (Thailand)

D. Secretariat of the Conference

14. As indicated in the report of the Secretary-General (A/10195), the Swiss Government appointed Mr. Jean Humbert as Commissioner of the Conference. Mr. J. Humbert served also as Secretary-General of the Conference during its fourth session. The costs of organizing and servicing the Conference were borne by the Swiss Government.

E. Rules of procedure of the Conference

15. The rules of procedure adopted by the Diplomatic Conference at its first session (CDDH/2/Rev.2) continued to govern the work of the Conference at its fourth session.

III. WORK OF COMMITTEE I: PROVISIONS OF GENERAL CHARACTER
(PREAMBLE AND ARTICLES 1 TO 7 AND 70 TO 90 OF
PROTOCOL I; PREAMBLE AND ARTICLES 1 TO 10 AND 36 TO 47
OF PROTOCOL II) 5/

A. Articles adopted by the Committee

16. During the fourth session of the Conference, Committee I adopted the following remaining articles. 6/

Draft Protocol I (International armed conflicts):

Article 2 (Definitions), New article before (or after) article 70 (General provision), article 70 (Measures for execution), article 76 bis (Duty of commanders), article 77 (Superior orders), article 79 (Mutual assistance in criminal matters), article 79 bis (International Fact-Finding Commission), new article to precede article 80 (Obligation to make reparation for breaches of the present Protocol), article 80 (Signature), article 81 (Ratification), article 82 (Accession), article 83 (Entry into force), article 84 (Treaty relations upon entry into force of this Protocol), article 86 (Amendments), article 86 bis (Committee of States), article 87 (Denunciation), article 88 (Notifications), article 89 (Registration), article 90 (Authentic texts and official translations).

Draft Protocol II (Non-international armed conflicts):

Article 6 (Fundamental guarantees), article 10 bis, article 40 (Signature), article 41 (Ratification), article 42 (Accession), article 43 (Entry into force), article 44 (Amendments), article 44 bis (Denunciation), article 45 (Notification), article 46 (Registration), article 47 (Authentic texts and official translations).

17. Committee I also adopted the titles and Preambles of Draft Protocols I and II.

5/ During the fourth session, Committee I held 12 plenary meetings. The views expressed by representatives during the discussion appear in the summary records of those meetings (CDDH/SR.66-78). In addition to the Working Groups A and B established by the Committee at its 19th and 22nd meetings (see A/10195, paras. 21, 22) the Committee, at the 66th meeting, on the initiative of the Chairman, set up a Working Group C to consider the Titles, Preambles and Final Provisions of Draft Protocols I and II, as soon as they were submitted in the Committee (articles and amendments). The Chairman proposed that the Committee should waive discussion of the articles and amendments submitted, and that these should be passed on direct to the Working Group. The Committee adopted this procedure. Judge M. Hussain (Pakistan) was elected Chairman of Working Group C. (See CDDH/405, p. 2.)

6/ For the texts of the articles as adopted by the Committee at the fourth session of the Conference, see CDDH/I/381, annex D.

B. Summary of proceedings and decisions relating to certain major issues considered at the fourth session

1. Obligation to make reparation for breaches of the present Protocol - part V bis of Draft Protocol I 7/

18. At its 67th meeting, on 26 April 1977, the Committee had before it a proposal for a new article before article 80 of Draft Protocol I, submitted by the Socialist Republic of Vietnam, later joined by Algeria and Yugoslavia (see CDDH/I/335). The proposal read as follows:

"1. A Party to the conflict which violates the provisions of the Conventions and of the present Protocol, and in particular commits grave breaches as defined in articles 11 and 74 of the present Protocol, shall if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

"2. No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of the violations and breaches referred to in paragraph 1 of this article."

19. In introducing the proposal, it was stated on behalf of the sponsors that as the Diplomatic Conference had taken as its objective the reaffirmation and development of international humanitarian law, it was particularly appropriate that the new draft protocol should reaffirm the principle of reparation, expressly recognized ever since the days of the 1907 Hague Conventions. International humanitarian law would thus be raised to the level of the new law of international organizations, which aimed at establishing a new international economic order. The United Nations General Assembly, at its sixth special session held in May 1974, and the non-aligned countries at the Summit Conference held in Colombo in August 1976, it was observed, had called for reparations for the developing countries victims of foreign occupation, which had caused them serious losses in life and property while reducing and degrading the natural and other resources of such States, territories and peoples (see CDDH/I/SR.67, p. 2).

20. In Working Group A, some delegations felt that it would be superfluous to include in the Protocol the provisions of paragraph 2 of that proposal, since they reproduced existing provisions in the Geneva Conventions: namely, article 51 of the First Convention, article 52 of the Second, article 131 of the Third, and article 148 of the Fourth. In order to achieve a consensus, and in a spirit of conciliation, the sponsors of the proposal accepted an amendment submitted by those delegations. The text thus adopted by the Working Group read as follows (see CDDH/I/381, annex A):

"A Party to the conflict which violates the provisions of the Conventions or of the Present Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces."

7/ This article became article 91 of Protocol I as adopted by the Conference (see annex I to the present report). /...

21. At its 70th plenary meeting, Committee I adopted by consensus the new article as proposed by the Working Group (see CDDH/I/SR.70, p. 10).

2. International Fact-Finding Commission - article 79 bis of Draft Protocol I 8/

22. The question of establishment of the International Fact-Finding Commission and its proposed terms of reference was extensively discussed at the third session of the Conference. 9/ At the fourth session of the Conference, from the outset, a group of delegations were against the very principle of a fact-finding commission with mandatory jurisdiction. For the reasons already given at the third session of the Conference, and in a spirit of compromise, the delegations in question said that they were ready to accept a provision of that nature on condition that it was an optional provision to Draft Protocol I. The other delegations, who accepted the principle of a mandatory jurisdiction for the fact-finding commission, concentrated on the contents of the proposals submitted. The sponsors of the various proposals have thus succeeded on the one hand in converting the different drafts into one text and, on the other, in submitting the suggestions made of a new version of article 79 bis (see CDDH/I/GT/114). During a new attempt at compromise the delegations of the German Democratic Republic and of France each submitted a new proposal. In view of the number of interventions involving proposed amendments to document CDDH/I/GT/114, it was suggested that all the proposals should be regrouped in a working paper. However, Working Group B was unable to reach a consensus on that version and referred back the three texts within brackets to the Committee in order that it might take a decision. 10/

23. At its 72nd plenary meeting, Committee I adopted article 79 bis as a whole paragraph by paragraph. 11/ Committee I adopted paragraph 1 by 70 votes to 3 with 5 abstentions, after the following decisions had been taken: in subparagraph (b) the word "the" before the words "High Contracting Parties" was maintained by 20 votes to 17 with 24 abstentions. In subparagraph (d) the words "the High Contracting Parties" were retained by 50 votes to 6, with 10 abstentions. Committee I adopted paragraph 2 in the form proposed by the German Democratic Republic, as amended orally by the United States of America, by 41 votes to 30 with 11 abstentions. The Committee adopted paragraph 3 by 65 votes to none with 10 abstentions, after the following decisions had been taken: in subparagraph (a) (i), the phrase "and who are nationals of States having diplomatic relations with the Parties to the conflict", was rejected by 50 votes to 3 with 21 abstentions. The words "with the agreement of the Parties concerned" were rejected by 42 votes to 28, with 12 abstentions, and the words "following consultation with the Parties to the conflict" were adopted by 39 votes to 28, with 14 abstentions. Subparagraph (b) was adopted by 43 votes to 15, with 15 abstentions.

8/ This article became article 90 of Protocol I as adopted by the Conference (see annex I to the present report).

9/ See A/31/163, paras. 28-32.

10/ These texts appear in the report of Working Group B, CDDH/349/Rev.1.

11/ For the text of article 79 bis as adopted by Committee I, see CDDH/I/381, annex D.

After the rejection by 50 votes to 13, with 15 abstentions, of a proposal to maintain the last phrase, Committee I adopted paragraph 4 by 69 votes to none with 9 abstentions. Committee I adopted paragraph 5 by 49 votes to none with 21 abstentions, after the following decisions had been taken: the deletion of the last part of subparagraph (a) was rejected by 45 votes to 19, with 9 abstentions; subparagraph (c) was adopted in the form proposed by the Swiss delegation by 29 votes to 25, with 16 abstentions, following the rejection of the French proposal by 26 votes to 24, with 16 abstentions (see document CDDH/I/349/Rev.1). Committee I adopted paragraph 6 by 64 votes to 1, with 10 abstentions. After a proposal to retain the words "which made declarations under paragraph 2" had been adopted by 37 votes to 24, with 13 abstentions, Committee I adopted paragraph 7 by 48 votes to 2 with 20 abstentions (see CDDH/I/381, paras. 49-53).

24. The article as a whole was adopted by 43 votes to 18, with 17 abstentions (see CDDH/I/381, para. 54). 12/

3. Signature - article 80 of Draft Protocol I 13/

25. In Working Group C, the delegation of Egypt proposed that the Protocol should be open for signatures immediately on the termination of the Conference. Several delegations supported the proposal and wanted a time-limit of 12 months. France proposed that "the Protocol shall be open for signatures by the Parties to the Convention six months after the signing of the Final Act and shall remain open for a period of six/twelve months". A large number of countries supported the French proposal mainly on the ground that different and complicated procedures had to be gone through under the national laws and it would not be possible for most countries to complete the formalities in less than the time proposed by France. The following text was adopted by consensus (see CDDH/I/381, annex C, CDDH/I/350/Rev.1, paras. 4 to 6):

"The Protocol will be open to signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months."

26. At its 76th meeting the Committee adopted article 80 by consensus (see CDDH/I/SR.76).

4. Accession - article 82 of Draft Protocol I 14/

27. In the Working Group, Japan raised certain questions relating to articles 82 and 83 and suggested that the date when the Protocol would be open to accession should be specified. Jordan then proposed that the words "six months after the

12/ For the text of article 79 bis as adopted at the Committee's level, see CDDH/I/381, annex D.

13/ This article became article 92 of Protocol I as adopted by the Conference (see annex I to the present report).

14/ This article became article 94 of Protocol I as adopted by the Conference (see annex I to the present report).

signature of the Final Act" be inserted after the word "accession" in the ICRC text. A lively debate followed in which many of the delegates participated. Jordan, supported by Japan, Australia, and a large number of other delegations, was of the view that in the modern theory and practice of international law, accessions could be made even before entry into force and the latter could take place on the basis of a certain number of accessions without there being any ratification.

28. A number of other delegations disagreed with this proposition and were of the view that a country could accede only to a treaty which had come into "existence" and that a specified number of ratifications is a condition precedent for that, wherefore, they opposed the adoption of the amendment.

29. The Chairman had discussions with the sponsors of the amendment and the latter having agreed with him that their purpose could be achieved without amendment of article 82 by an amendment of article 83, Jordan consequently withdrew the amendment and the following text was adopted by consensus (see CDDH/I/381, annex C, and CDDH/I/350/Rev.1, paras. 8-10):

"This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary of the Conventions."

30. At its 76th meeting, Committee I adopted article 82 as proposed by the Working Group by consensus (see CDDH/I/381, para. 67).

5. Reservations - article 85 of Draft Protocol I

31. At the 68th plenary meeting of Committee I, article 85 and the amendments thereto were referred to Working Group C. In the Working Group, opinions were divided as to whether an article on reservations was really necessary or whether it might not be better simply to refer to the general rules of international law concerning reservations. A small informal group proposed a text on reservations. Two other texts were proposed by other delegations. Working Group C decided to submit to Committee I the proposal for the deletion of article 85 and, if that article were retained, to take a decision on the text proposed by the small informal group (see CDDH/I/381, paras. 82-86).

32. At its 76th plenary meeting, Committee I decided, by 47 votes to 34, with 4 abstentions, not to have an article on reservations (see CDDH/I/SR.76, p. 7). This decision was confirmed by the Conference by a roll-call vote of 42 in favour to 36 against, with 17 abstentions (see CDDH/SR.46, p. 21).

IV. WORK OF COMMITTEE II: WOUNDED, SICK AND SHIPWRECKED PERSONS
(ARTICLES 8 TO 32, 54 TO 62 AND ANNEX OF PROTOCOL I AND
ARTICLES 11 TO 19, 30, 31 AND 33 TO 35 OF PROTOCOL II) 15/

A. Articles adopted by the Committee

33. During the fourth session of the Conference, Committee II adopted the following remaining articles: 16/

Draft Protocol I (International armed conflicts): article 54 (Definitions and scope), article 55 (General protection), article 56 (Civil defence in occupied territories), article 57 (Civilian civil defence organizations of neutral or other States not parties to the conflict and international co-ordinating organizations), article 58 (Cessation of protection), article 59 (Identification), article 59 bis (Members of the armed forces and military units assigned to civil defence organizations), articles 14 and 15 (of the annex to Draft Protocol I), article 60 (Field of application), article 61 (Basic needs in occupied territories), article 62 (Relief actions), article 62 bis (Relief personnel).

Draft Protocol II (Non-international armed conflicts): article 30 (Civil defence), article 33 (Relief societies and relief actions), article 34 (Recording and information).

B. Summary of proceedings and decisions relating to certain major issues considered by the Committee at the fourth session

1. Field of application - article 9 of Draft Protocol I 17/

34. At the 99th meeting, the Committee decided by consensus to reopen the discussion on article 9, paragraph 1, adopted at the second session 18/ in order to consider an amendment proposed by Australia and the United States of America (see CDDH/II/435 and Corr.1). The Committee also reopened the discussion on subparagraph (c) of paragraph 2. During the 1976 session, the ICRC delegation and that of the League of Red Cross Societies had requested that the reference to

15/ During the fourth session of the Conference, Committee II held 17 meetings. For the summary records of Committee II, see CDDH/II/SR.83-99, and for the Committee's report on the fourth session, see CDDH/II/467 and CDDH/406.

16/ For the texts of the articles adopted by Committee II at the fourth session of the Conference, see CDDH/II/467, annex.

17/ See article 9 of Protocol I as adopted by the Conference (annex I to the present report).

18/ See A/10195, annex I, p. 14.

ICRC and the League in that paragraph should be deleted. At its 75th meeting in 1976, the Committee had referred consideration of the question to the fourth session. At its 99th meeting the Committee decided, by 38 votes to 4 with 8 abstentions, to delete the reference (see CDDH/II/467, paras. 22-24, and CDDH/II/SR.59).

2. Civil defence - articles 54 to 59 of Draft Protocol I 19/

35. The articles on civil defence had been already discussed at the third session of the Conference (see CDDH/II/SR.76 and 77). All amendments to those articles had been referred to Working Group A of Committee II. At its 83rd meeting, the Committee held a further general debate on articles 54 to 59, during which the amendments submitted between the third and fourth sessions were introduced by their sponsors. At its 85th and 86th meetings, the Committee considered the new amendments to articles 54 to 59. At its 91st meeting, the Committee took note of the report of Working Group A (see CDDH/II/439/Rev.1) on articles 54, 55, 56, 57 and 59. At its 92nd meeting, the Committee considered the report of its Working Group A on articles 14 (Identity card) and 15 (International distinctive sign) of the annex (see CDDH/II/439/Add.1). At its 95th meeting, the Committee considered the report of Working Group A on article 58 of Protocol I (see CDDH/II/439/Rev.1/Add.1). At its 96th meeting, it considered the report of Working Group A on article 59 bis of Protocol I (see CDDH/II/442); it considered that report further at its 97th meeting. Working Group A submitted its report on articles 54, 55, 56, 57 and 59 (see CDDH/II/439/Rev.1) at the 91st meeting of the Committee. It was decided at that meeting that the Rapporteur's notes on the articles should be attached to the Committee's report.

36. At the 91st meeting, the Committee adopted article 54 by consensus.

37. In adopting its report, Committee II made the following comments on article 54, paragraphs 1 and 3 (see CDDH/II/467, paras. 32-39 and 41-50):

"Article 54, paragraph 1. The term 'disasters' in the introductory sentence has to be broadly construed. It covers natural disasters as well as any other calamity not caused by hostilities.

"The list of civil defence tasks has to be read in conjunction with the introductory sentence; that is to say, all these activities are intended to protect the civilian population, etc. Thus, the term 'warning', item (a), means warning of the civilian population, in particular with respect to forthcoming attacks or natural disasters.

"With particular reference to item (k), it has to be pointed out that nothing in the definition of civil defence alters the position of the civil police, who are protected as civilians. Ordinary police functions are not civil defence functions. But in distressed areas, that is areas stricken by hostilities or disasters where the normal functioning of public administration has broken down, civil defence organizations may, as an exceptional measure, assist also in the maintenance of order. Such assistance may include the direction of movements of refugees within or from distressed areas.

19/ Articles 54 to 59 of Draft Protocol I became articles 61 to 74 of Protocol I as adopted by the Conference (see annex I to the present report). /...

"In item (1), the term 'public utilities' means services and commodities supplied to the general public, e.g. water, gas, electricity, communications. In this article, it relates in particular to installations and equipment used for supplying such services and commodities. It thus includes, inter alia, water control works (e.g. dams, dykes, drainage and discharge canals, outlets, sluices, locks, flood gates and pumping installations).

"In item (n), the term 'essential' has been chosen in order to avoid confusion with the term 'objects indispensable to the survival' used in article 48, and because it has a broader scope than the term 'indispensable'. It was agreed that the assistance referred to does not involve guard duties or require the use of weapons. An illustration of the kind of assistance intended is the temporary repair of a silo which might have been damaged.

"The expression 'mentioned above' in item (o) relates not only to the list of civil defence tasks, but also to the introductory sentence of paragraph 1.

"A civil defence organization may perform additional tasks not included in paragraph 1, without losing the general protection afforded by this chapter, provided that these tasks do not constitute acts harmful to the enemy under article 58. This chapter, however, does not apply to those performing these additional tasks while they are performing them.

"With respect to paragraph 2, organizations 'which are assigned and devoted exclusively' to civil defence tasks include those which are assigned and devoted to such tasks only for a limited period, even if that period is a relatively short one provided, however, that they are assigned or devoted exclusively to these tasks.

"The definition of 'civil defence organizations' in this article in no way deprives individuals carrying out civil defence tasks of their rights under this chapter, so long as they are part of, or under contract to, an organization of the type referred to in article 63 of the Fourth Convention, and there is no need for them to belong to or be embodied in a formal unit.

"Article 54, paragraph 3. In the definition of 'personnel', the word 'exclusively' is used in order to indicate that this personnel, while assigned to civil defence tasks, must not exercise any other functions."

38. Article 55 of Draft Protocol I 20/ was adopted by Committee II at its 91st meeting. In adopting the report, the Committee made the following comments on article 55 (general protection) (see CDDH/II/467, para. 58); "Civil defence forms part of civilian life. Therefore, civil defence personnel are protected as civilians under this Protocol. The most important provisions concerning the protection of civilians and the civilian population are to be found in section I

20/ Article 55 of Draft Protocol I became article 62 of Protocol I as adopted by the Conference (see annex I to the present report).

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of part IV. This is the meaning of the reference to "this Protocol, particularly this Section" in paragraph 1, which includes also a reference to "certain conditions and limitations of protection".

39. Article 56 of Draft Protocol I (Civil defence in occupied territories) 21/ was adopted by Committee II at its 86th meeting by consensus. In adopting its report, the Committee made the following comments (see CDDH/467, para. 63): "Article 56 applies to both occupied and non-occupied territory. Article 56 is thus supplementary to article 55 as far as occupied territories are concerned. Article 63 of the Fourth Convention is also applicable. It was emphasized in the debate that this article is not intended to strengthen the position of an Occupying Power."

40. Article 57 of Draft Protocol I (Civilian civil defence organizations of neutral or other States not parties to the conflict and international co-ordinating organizations) was adopted by consensus at the 92nd meeting. In adopting its report, Committee II made the following comments (see CDDH/467, para. 69): "It is understood that the activities of civil defence bodies of neutral or other States not Parties to the conflict or of international co-ordinating organizations in occupied territories are subject to the consent and control of the Occupying Power."

41. Article 58 of Draft Protocol I (Cessation of protection). 22/ At its 95th meeting, the Committee considered the report of Working Group A on this article (see CDDH/II/439/Rev.1/Add.1). The United Kingdom of Great Britain and Northern Ireland explained (see CDDH/II/467, paras. 73-74) that Working Group A had considered the possibility of defining light individual weapons but had abandoned the attempt in the light of the difficulties encountered. Nevertheless his delegation proposed the following definition which was agreeable to a number of military experts of other delegations: "The term 'light individual weapons' excludes fragmentation grenades and similar devices, as well as weapons which cannot be fully handled or fired by a single individual and those basically intended for non-human targets." The following delegations accepted this definition: Egypt, Ghana, Mexico and the Netherlands. With reference to subparagraph 2 (b), Indonesia and the Syrian Arab Republic requested that the words "or military units" in square brackets after the words "some military personnel" should be retained. The request was rejected by 40 votes to 3, with 17 abstentions. The rest of the article was adopted by consensus at the 95th meeting. At the 96th meeting, the following States made known their reservations by explanations of vote: United Kingdom of Great Britain, Germany, Federal Republic of, Australia, Austria, Canada, Sweden and Finland (see CDDH/II/SR.96).

21/ Articles 56 and 57 of Draft Protocol I became articles 63 and 64 of Protocol I as adopted by the Conference (see annex I to the present report).

22/ Article 58 of Draft Protocol I became article 65 of Protocol I as adopted by the Conference (see annex I to the present report).

42. In adopting its report, Committee II made the following comments on article 58 (see CDDH/II/467, paras. 76-80):

"The provisions in paragraph 3 are valid for all civil defence personnel, civilian as well as military. To this effect a cross-reference has been made in article 59 bis on military personnel assigned to civil defence organizations, paragraph 1 (c).

"The words 'light individual weapons' should be interpreted in the same way as in article 13, paragraph 2 (a) on civilian medical personnel.

"On the question of self-defence, it is understood that civil defence personnel may be armed for self-defence against marauders or other criminal individuals or groups. They may not engage in combat against the adverse party and may not use force to resist capture. If, however, they are unlawfully attacked by individual members of the adverse party's forces, they may use their weapons in self-defence after having made a reasonable effort to identify themselves as civil defence personnel.

"The words 'respected and protected' mean that the personnel must not knowingly be attacked or unnecessarily prevented from discharging their proper functions.

"For members of the armed forces, assigned to civil defence organizations, the last provision of paragraph 3 does not imply any change in their status as prisoners of war, if they fall into the hands of the adverse party."

43. Article 59 of Draft Protocol I (Identification). 23/ At the 86th meeting on 21 April 1977, Zaire submitted a new amendment (CDDH/II/427 and Add.1) proposing as a distinctive international sign for civil defence two oblique red bands on a yellow background. Germany, Federal Republic of, proposed that the proposal should not be referred to Working Group A since it had been sufficiently discussed by the Technical Sub-Committee at the third session. The Committee agreed to postpone the question to one of its later meetings. At the 89th meeting, the Committee, after a debate on the advantages and disadvantages of the two signs proposed (two oblique red bands on a yellow background and a blue triangle on an orange background) held a roll-call vote with the following results: the amendment by Zaire was rejected by 31 votes to 28, with 8 abstentions. That decision implied ipso facto the choice of the other sign. The point was made clear at the 90th meeting and accepted by consensus by the Committee (see CDDH/II/467, para. 86).

44. At the 92nd meeting, the Committee adopted article 59 by consensus.

45. In adopting its report, Committee II made the following comments on article 59 (see CDDH/II/467, paras. 89-91):

23/ Article 59 of Draft Protocol I became article 66 of Protocol I as adopted by the Conference (see annex I to the present report).

"'Civil defence identification' means the identification of shelters for the civilian population and of civil defence personnel, buildings and matériel. It is understood that paragraphs 7 and 8 of article 59 do not deal with other than protective uses of the distinctive sign of civil defence.

"Medical and religious personnel as well as medical units and transports of civil defence organizations are covered by Part II of the Protocol. This personnel may be assisted or even replaced by other civil defence personnel which is able to perform medical functions, but which is mainly assigned to other civil defence tasks. This might give rise to difficulties with respect to the command structure. Medical functions may also be performed on a temporary basis by civil defence personnel in cases of emergency where the necessary formalities have not been fulfilled in order to enable them to use the red cross as a distinctive emblem. In such cases, it is desirable that personnel and units performing medical tasks are protected by the international sign of civil defence. This idea is conveyed by the inclusion of the word 'also' in this paragraph."

46. Article 59 bis (Members of the armed forces and military units assigned to civil defence organizations). 24/ Working Group A spent a meeting considering this article (30 April 1977) and instructed a Working Sub-Group to continue its consideration. The group spent six meetings on reaching a compromise, as opinions on article 59 bis were very divergent and divided. At the 96th meeting, the Committee considered the report of the Working Sub-Group (see CDDH/II/442). At that meeting, the introductory sentence of paragraph 1 was amended by consensus. A number of delegations proposed that the second sentence of paragraph 2 be deleted (Yugoslavia, Indonesia, Egypt) while others requested that it be retained (German Democratic Republic, Switzerland, United States of America, United Kingdom, Canada, etc.). It was decided to retain the sentence by 28 votes to 11, with 17 abstentions.

47. Subparagraphs 1 (a), 1 (b) and 1 (c) were adopted by consensus at the 96th meeting; subparagraphs 1 (d), 1 (e) and 1 (f), the end of paragraph 1, and paragraphs 2, 3 and 4 were adopted by consensus at the 97th meeting of the Committee. A large number of States made known their reservations regarding the article by explanations of vote (see CDDH/II/SR.97).

48. In adopting its report, Committee II made the following comments (see CDDH/II/467, paras. 98-102):

"The present wording of the introductory sentence was preferred to the proposal made by the Working Group, which read as follows: 'Members of the armed forces and military units assigned to civil defence organizations shall not be the object of attack and shall except in case of imperative military necessity, be entitled to carry out their civil defence tasks, provided that.'

24/ This article became article 67 of Protocol I as adopted by the Conference (see annex I to the present report).

"The reason for that change was the desire, without changing the substance of the Working Group's proposal to bring the language of article 59 bis into line with that of article 55 and article 58, paragraph 3. As explained in the note attached to article 58, paragraph 3, the words 'respected and protected' mean that the personnel must not knowingly be attacked or unnecessarily prevented from discharging their proper functions.

"In sub-paragraph (b), the term 'any other military duties' covers any military duty except civil defence duties. It includes in particular combat duties. Sub-paragraph (b) must be understood as prohibiting, during the conflict, the switching of military civil defence personnel to other military, especially combat and combat service, duties. It thus does not prevent the return of military civil defence personnel to a civilian occupation.

"With regard to the display of the international distinctive sign of civil defence in sub-paragraph (c), it was suggested that a sign of a minimum size of about 30 cm x 30 cm on a tabard might be appropriate. The identity card referred to in sub-paragraph (c) will have to be carried in addition to the military identity card provided for in the Third Convention.

"In sub-paragraph (d), the note relating to article 58, paragraph 3, applies also to article 59 bis, paragraph 1, sub-paragraph (d)."

V. WORK OF COMMITTEE III. CIVILIAN POPULATION. METHODS AND MEANS OF COMBAT, NEW CATEGORY OF PRISONERS OF WAR (ARTICLES 32 TO 53 AND ARTICLES 63, 64, 67, 68 AND 69 OF PROTOCOL I AND ARTICLES 20 TO 29 AND 32 OF PROTOCOL II) 25/

A. Articles adopted by the Conference

49. During the fourth session of the Conference, Committee III adopted the following remaining articles: 26/

Draft Protocol I - International armed conflicts: Article 37 (emblems of nationality), article 39 (occupants of aircraft), article 42 (new category of prisoner of war), new article (mercenaries), article 46 (protection of the civilian population), article 47 (general protection of civilian population), article 47 bis (protection of cultural objects), article 49 (works and installations containing dangerous forces), article 63 (field of application), article 64 (refugees and stateless persons), article 66 (objects indispensable to the survival of the civilian population), article 67 (protection of women), article 68 (protection of children), article 69 (evacuation of children).

Draft Protocol II - Non-international armed conflicts: article 20 bis (protection of cultural objects), article 21 (prohibition of perfidy), article 26 (protection of the civilian population), article 26 bis (general protection of civilian objects), article 28 (protection of works and installations containing dangerous forces), article 29 (prohibition of forced movement of civilians), article 32 (privileged treatment).

B. Summary of proceedings and decisions relating to certain major issues considered by the Committee at the fourth session

1. Occupants of Aircraft - article 39 of Draft Protocol I 27/

50. The Committee decided to reconsider and revise paragraph 1 of this article, which it had adopted at the third session. 28/ As was noted in paragraph 29 of the Report of Committee III on its work at the third session of the Conference, 29/

25/ During the fourth session of the Conference, the Committee held seven meetings between 15 April and 13 May 1977. During the same period a Working Group of the Committee held 22 meetings. For the summary records of Committee III, see CDDH/III/SR.54 to 60, and for the Committee's report, see CDDH/408 and CDDH/407.

26/ For the texts of articles as adopted by the Committee at the fourth session of the Conference, see CDDH/408, annex.

27/ This draft article became article 42 of Protocol I as adopted by the Conference (see annex I to the present report).

28/ See A/31/163, annex I, p. 30.

29/ See CDDH/236/Rev.1.

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some delegations suggested that the question of immunity from attack of airmen descending by parachute should be reconsidered at the fourth session. Although the Committee was not unanimous in its view, it decided by vote to reconsider the text and to amend it so as to prohibit attacks against airmen descending by parachute, regardless of which Party controls the territory into which they are descending. It was felt that an airman in this situation is temporarily hors de combat as effectively as if he were unconscious and that it would be inappropriate for a Protocol designed to expand humanitarian protections to authorize making him a legitimate object of attack while in that helpless position. It was understood that any airman who, while descending, commits a hostile act, such as firing a weapon at those on the ground, forfeits his immunity from attack.

51. The newly formulated article was adopted by 52 votes in favour, 4 against, with 22 abstentions (see CDDH/III/SR.59).

2. New category of prisoners of war - article 42 of Draft Protocol I 30/

52. By the end of the third session of the Conference, Committee III decided that article 42 on new category of prisoner of war should have priority at the fourth session of the Conference. 31/ At the fourth session, without further debate in the Committee, the article was adopted by a roll-call vote of 66 votes to 2 with 18 abstentions. 32/ The result of the vote was as follows:

In favour: Afghanistan, Algeria, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Honduras, Hungary, India, Indonesia, Iran, Ivory Coast, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Socialist Republic of Viet Nam, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zaire.

Against: Brazil, Israel.

Abstaining: Argentina, Australia, Bolivia, Canada, Chile, Colombia, Denmark, Guatemala, Holy See, Ireland, Italy, Japan, New Zealand, Nicaragua, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

30/ Draft article 42 became article 44 of Protocol I as adopted by the Conference (see annex I to the present report).

31/ For the proposal of the Working Group on article 42 and the work done by Committee III at previous sessions of the Conference, see A/31/163, paras. 66-68.

32/ See CDDH/III/SR.55, pp. 2 and 3.

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53. In its report, Committee III made the following observations:

"The explanation of votes on this article revealed a very large degree of consensus with respect to its meaning, which is scarcely surprising considering the extensive analysis and debate to which it had been subjected during the third session. In particular, various delegates noted with approval that the article restates the obligation of the guerrilla fighter to distinguish himself clearly from the civilian population, but limits that requirement to that part of the time in which he is conducting his military operations and accepts as an adequate minimum sign of distinction the carrying of arms openly. These changes in the law were generally welcomed by the delegates as better reflecting the realities of modern warfare in occupied territory and in wars of national liberation.

Several delegates also welcomed another change made by this article, that in the sanction for failure to comply with the requirements of distinction from the civilian population. With one narrow exception, the article makes the sanction for failure by a guerrilla to distinguish himself when required to do so to be merely trial and punishment for violation of the laws of war, not loss of combatant or prisoner of war status. The exception, which was the most difficult part of the article to negotiate, relates to the guerrilla fighter who relies on his civilian attire and lack of distinction to take advantage of his adversary in preparing and launching an attack. This exception recognizes that there can occur situations in occupied territory and in wars of national liberation in which a guerrilla fighter cannot distinguish himself throughout his military operations and still retain any chance of success. The article provides that, in these situations, such a fighter will retain his status as a combatant and, if captured, his right to be a prisoner of war, unless he fails to carry his arms openly both during an attack and during such time prior to the attack 'as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack ...' Thus, in that extreme case, but in that case only, the sanction for failure to comply with the requirement of distinction is that the individual may be tried and punished for any crimes he has committed as an unprivileged belligerent. Even then he must be given treatment in captivity equivalent in all respects to that to which prisoners of war are entitled.

The one question on which the explanations of vote revealed a clear difference of opinion was the meaning of the term 'deployment'. Some delegations stated that they understood it as meaning any movement toward a place from which an attack is to be launched. Other delegations stated that it included only a final movement to firing positions. Several delegations stated that they understood it as covering only the moments immediately prior to attack.

The statements of the delegates, while revealing some continuing reservations with respect to the article, show a general satisfaction that it is the best attainable compromise and that it represents a major development

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in the law to make it conform more closely to reality, while at the same time giving the guerrilla fighter an incentive to distinguish himself from the civilian population where he reasonably can be expected to do so." (CDDH/III/408, paras. 18-21).

3. New article on mercenaries 33/

54. This article had been the subject of considerable debate at the third session of the Conference. 34/ In its report, Committee III made the following observations concerning this article:

"At the fourth session of the Conference the delegate from Nigeria, who had originally introduced the proposal, undertook to conduct a series of private consultations with other interested delegates. This approach was so successful that the resulting draft was approved by the working group of the Committee in a single session on 21 April with only a very few minor changes in wording and was adopted by the Committee at its 57th meeting by consensus. It is intended to be a new, separate article in Part III, Section II, of the Protocol.

However, it should be noted that not all delegates were fully satisfied with the final text. A number of delegates said that they would have preferred a stronger text which would have required States to prohibit recruitment, training, assembly, and operation of mercenaries and to prohibit their citizens from enlisting as mercenaries. Several delegates said they wished the text could deal with the scope of responsibility, which they felt extended both to the individual mercenaries and to any groups or States that encourage or allow such activity. Several delegates also noted that they would have preferred a text that included another aspect in the definition of a mercenary - that the activities of mercenaries are directed to the frustration by armed violence of the process of self-determination.

Nevertheless, it was the general conclusion of the Committee that the text presented was probably the best compromise possible at this time. It was pointed out that this text might be supplemented by regional agreements and national legislation. Recognizing that the determination of a person's status as a mercenary was likely to involve life or death consequences, the draft deliberately placed emphasis upon defining a mercenary in such a way as to reduce the risk that the article could be misused to deny combatant and prisoner of war status to non-combatants and legitimate combatants. Thus it excludes mere advisors by requiring that to be a mercenary, one must in fact, take a direct part in hostilities, that is, become a combatant, albeit an illegitimate one. The draft also excludes from any possibility of mercenary status all nationals of a Party to the conflict, all residents of

33/ New draft article on mercenaries became article 47 of Protocol I as adopted by the Conference (see annex I to the present report).

34/ See A/31/163, paras. 70-73, and CDDH/236/Rev.1, paras. 95-108.

territory controlled by a Party to the conflict, all members of the armed forces of a Party to the conflict, and all members of the armed forces of any State who are sent by that State. It goes without saying that this is limited to members of armed forces on active duty. It was felt that persons in these groups should not be placed at risk of being considered mercenaries.

Recognizing that some ranks and functions in armed forces are likely to be paid more than others, the draft, in paragraph 2 (c) provides an objective test to help determine motivations of persons serving with the armed forces of a Party to the conflict; such persons may not be considered to be motivated essentially by the desire for private gain unless they are promised compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party. Thus, pilots would be judged by the same standards of compensation as other pilots, not by the standard of foot soldiers. Several delegates criticized this paragraph as providing a possible escape for some mercenaries.

Finally, although the proposed new article makes no reference to the fundamental protections of Article 65, it was understood by the Committee that mercenaries would be one of the groups entitled to the protections of Article 65, which establishes minimum standards of treatment for persons not entitled to more favourable treatment under the Conventions and the Protocol." (see CDDH/III/408, paras. 23-27).

4. Protection of cultural objects - article 47 bis 35/

55. The Committee decided by consensus to reconsider this article and to revise it by deleting all reference to places of worship. In its report, the Committee stated the following:

"This was the only possible ground for compromise between those who wanted the article to give special protection only to those objects which are part of the cultural heritage of mankind and those who could not agree to a text that covered some places of worship, and not others. An integral part of this compromise is the inclusion in Article 47 of specific reference to a place of worship as an example of an object normally dedicated to civilian purposes and therefore presumptively protected as a civilian object. The Committee did not, however, intend to exclude from the special protection of Article 47 bis those places of worship which qualify for protection either as historical monuments or as works of art." (see CDDH/III/408, para. 30).

56. Article 47 bis was adopted at the 57th meeting of Committee III by consensus (see CDDH/SR.57, p. 7).

35/ Draft article 57 bis became article 53 of Protocol I as adopted by the Conference (see annex I to the present report).

5. Fundamental guarantees - article 65 of Draft Protocol I 36/

57. In its report, Committee III made the following observations:

"This article, which was recognized as one of the most important in the Protocol, as it establishes minimum standards of humane treatment to be accorded persons who are not entitled to more favourable treatment under the Geneva Conventions or the Protocol, was the subject of thirteen formal amendments and many more informal proposals within the Working Group of the Committee. The consideration of this article occupied the greater part of the time of the Committee for two weeks, and this time doubtless would have been much greater if it had not been for the intensive and most helpful informal consultations in March and April 1977, which were led by the delegate of Belgium, in close co-operation with the delegates of Switzerland and the Netherlands.

The Committee was also aided in its task by the somewhat similar work done during the third session of the Conference by Committee I with respect to Protocol II. As a matter of drafting, the Committee adopted the texts of those parts of Articles 6 and 10 of Protocol II which it decided to include in Article 65. The rule applied was that the same text would be used unless there was reason for changing it inherent in the differences between international and non-international armed conflicts.

Paragraph 1 of Article 65 was the last paragraph resolved because it raised a delicate question of whether the protections of the article were to be extended to a Party's own nationals. At an early stage it was decided that the scope of the article should be restricted to persons affected by the armed conflict and further restricted to the extent that the actions by a Party in whose power they are so affect them. This is the purpose of the introductory clause of the paragraph. Moreover, paragraphs 3 through 7 are further limited by their own terms to persons affected in specific ways, e.g., persons 'arrested, detained, or interned for actions related to the armed conflict' (para. 3).

Nevertheless, the question of whether or not to specify one's own nationals as protected by the article remained contentious for many days. Ultimately a compromise was reached whereby reference was deleted to all examples of persons covered by the article, at which point the article was quickly approved by the Committee.

It should be noted that the Committee decided to avoid placing any adjectives in front of the word 'convictions' in paragraph 1 so that all types of convictions would be covered, whether political, religious, or philosophical.

^{36/} This draft article became article 75 of Protocol I as adopted by the Conference (see annex I to the present report).

The Committee modified the ICRC text of paragraph 2 in a number of ways. For one, the prohibition of torture is highlighted and is specified as covering all kinds of torture, whether physical or mental. This prohibition, coupled with the more general one of violence to life, health, or physical or mental well-being, was considered adequate to permit the deletion of reference to coercion, which a number of delegates thought too vague. Similarly, these prohibitions, coupled with the prohibition in 2 (c) of threats of such actions, were considered to encompass, and therefore to render unnecessary, a more specific proposal to prohibit intimidation, harassment, and threats by agents of an occupying power aimed at forcing the movement of individuals or portions of the civilian population.

The Committee decided to add a prohibition on 'collective punishments' (2 (d)) to the list of prohibited acts because of concern that such punishments might be imposed otherwise than judicially, in which event they might not be covered by paragraph 4 (b).

Paragraph 3 was added to the ICRC text pursuant to a proposal by the delegate of Belgium to cover the period of arrest prior to that dealt with in the judicial safeguards of paragraph 4. Several delegates wish to have it noted for the record that the final phrase of that paragraph cannot legitimately be used as a pretext for negating the requirement of release 'with the minimum delay possible'.

Paragraph 4 is modelled on Article 10 of Protocol II. However, for reasons inherent in the differences between international and non-international armed conflicts, subparagraph (c) was amended to include a reference to the national or international law to which a person was subject. Several delegates suggested that the introductory clause of this paragraph is unclear in that it seems to speak of a person being found guilty prior to his conviction. The Committee believes the Drafting Committee may wish to re-examine this introductory language, along with the similar language of Article 10 of Protocol II, and see if it can find a clearer formulation.

There were certain other points made with respect to paragraph 4 that should be noted. First, in connexion with subparagraph (e), it was understood that persistent misconduct by a defendant can justify his banishment from the courtroom. Second, subparagraph (g) is so worded as to be consistent both with the cross-examination of witnesses and with the inquisitorial system in which the judge alone conducts the examination. Third, the provision on ne bis in idem (4 (h)) is drawn from the United Nations Covenant on Civil and Political Rights and is so drafted as to pose the minimum difficulties to States in an area where practice varies widely. Finally, it should be noted that 4 (i) is so written as to permit a person to waive his right to public judgement, e.g., a juvenile offender where publicity is undesirable." (see CDDH/III/408, paras. 39-48).

VI. WORK OF THE AD HOC COMMITTEE ON CONVENTIONAL WEAPONS

58. In previous reports, the Secretary-General gave an account of the work of the Ad Hoc Committee during the first, second and third sessions of the Conference (see A/9669, paras. 104-126, A/10195, paras. 98-139 and A/31/163, paras. 84-120). An account of the work of the Ad Hoc Committee during the fourth session of the Conference will be given in the Secretary-General's report submitted under General Assembly resolution 31/64 of 10 December 1976. The present report reproduces the text of resolution 22 (IV) on follow-up regarding prohibition or restriction of the use of certain conventional weapons. 37/

37/ See below, resolutions adopted by the Conference.

VII. DECISIONS TAKEN BY THE CONFERENCE 38/

A. Reports submitted by the Main Committees

59. As it was agreed, the Conference took note of the reports submitted to it by the various Committees. At its 36th and 51st plenary meetings on 23 and 24 May, the Conference took note of the report of Committee I (CDDH/I/381 and CDDH/405), of Committee II (CDDH/II/467), of Committee III (CDDH/III/408, CDDH/III/249) 39/ and of the Ad Hoc Committee on Conventional Weapons (CDDH/IV/225). 40/

B. Adoption of Protocol I (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts) 41/

60. At its 37th to 56th plenary meetings, held between 23 May to 10 June 1977, the Conference adopted the various articles of Protocol I. 42/

61. Article 1 (General principles and scope of application). After the motion for separate vote on paragraph 4 of article 1 had been rejected a roll-call had been taken on article 1 as a whole. The article was adopted by 87 votes in favour, 1 against and 11 abstentions. The result of the roll-call vote was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, German Democratic Republic, Ghana, Greece, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Socialist Republic of Viet Nam, Somalia, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

38/ It should be noted that pursuant to rule 35 of the rules of procedure (CDDH/2/Rev.2) adopted by the Conference, decisions of the Conference on all matters of substance were taken by a two-thirds majority of the representatives present and voting.

39/ See CDDH/SR.36, p. 7.

40/ See CDDH/SR.38, p. 9.

41/ For the text of the articles adopted by the Conference, see the annexes to the present report.

42/ See CDDH/SR.37-58.

Against: Israel.

Abstaining: Canada, France, Germany, Federal Republic of, Guatemala, Ireland, Italy, Japan, Monaco, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

62. The following articles were adopted by consensus: article 2 (Definition), article 3 (Beginning and end of application), article 4 (Legal status of the Parties to the conflict), article 5 (Appointment of Protecting Powers and their Substitutes), article 6 (Qualified person), article 7 (Meetings), article 8 (Terminology), article 9 (Field of application), article 10 (Protection and care), article 11 (Protection of persons), article 12 (Protection of medical units), article 13 (Discontinuance of protection of civilian medical units), article 14 (Limitation on requisition of civilian medical units), article 15 (Protection of civilian medical and religious personnel), article 16 (General protection of medical duties), article 17 (Role of civilian population and of aid societies), article 18 (Identification), article 19 (Neutral and other States not Parties to the conflict), article 20 (Prohibition of reprisals), article 21 (Medical vehicles), article 22 (Hospitals, ships and coastal rescue craft), article 23 (Other medical ships and craft), article 24 (Protection of medical aircraft), article 25 (Medical aircraft in areas not controlled by an adverse Party), article 26 (Medical aircraft in contact or similar zones), article 27 (Medical aircraft in areas controlled by an adverse Party), article 28 (Restriction on operations of medical aircraft), article 29 (Notifications and agreements concerning medical aircraft), article 30 (Landing and inspection of medical aircraft), article 31 (Neutral or other States not Parties to the conflict), article 32 (General Principle), article 33 (Missing persons), article 34 (Remains of deceased), article 35 (Basic rules), article 36 (New weapons), article 37 (Prohibition of perfidy), article 38 (Recognized emblems), article 39 (Emblems of nationality), article 40 (Quarter), article 41 (Safeguard of an enemy hors de combat).

63. Article 42 (Occupants of aircraft) was adopted by 71 votes in favour, 12 against and 11 abstentions.

64. Article 43 (Armed forces) was adopted by consensus.

65. Article 44 (Combatants and prisoners of war) was adopted by 73 votes in favour, 1 against with 21 abstentions. The result of the roll-call vote taken was as follows:

In favour: Afghanistan, Algeria, Austria, Bangladesh, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Ghana, Greece, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Qatar, Republic of Korea, Romania, Saudi Arabia,

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Senegal, Socialist Republic of Viet Nam, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Israel.

Abstaining: Argentina, Australia, Brazil, Canada, Chile, Colombia, Germany, Federal Republic of, Guatemala, Honduras, Ireland, Italy, Japan, New Zealand, Nicaragua, Philippines, Portugal, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

66. The following articles were adopted by consensus: article 45 (Protection of persons who have taken part in hostilities), article 46 (Spies), article 47 (Mercenaries), article 48 (Basic rules), article 49 (Definition of attacks and scope of application), article 50 (Definition of civilians and civilian population).

67. Article 51 (Protection of the civilian population) was adopted by 77 votes in favour, 1 against and 16 abstentions. The result of the roll-call was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, German Democratic Republic, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Socialist Republic of Viet Nam, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France.

Abstaining: Afghanistan, Algeria, Colombia, Germany, Federal Republic of, Italy, Kenya, Madagascar, Mali, Monaco, Morocco, Republic of Korea, Senegal, Thailand, Turkey, United Republic of Cameroon, Zaire.

68. Article 52 (General protection of civilian objects) was adopted by 79 votes in favour, none against, with 7 abstentions.

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69. The following articles were adopted by consensus: article 53 (Protection of cultural objects and of places of worship), article 54 (Protection of objects indispensable to the survival of the civilian population), article 55 (Protection of the natural environment), article 56 (Protection of works and installations containing dangerous forces).

70. Article 57 (Precautions in attack) was adopted by 90 votes in favour, none against, with 4 abstentions.

71. Article 58 (Precautions against the effects of attacks) was adopted by 80 votes to none, with 8 abstentions.

72. The following articles were adopted by consensus: article 59 (Non-defended localities), article 60 (Demilitarized zones), article 61 (Definition and scope), article 62 (General protection), article 63 (Civil defence on occupied territories), article 64 (Civilian civil defence organizations of neutral or other States not Parties to the conflict and international co-ordinating organizations), article 65 (Cessation of protection), article 66 (Identification), article 67 (Members of the armed forces and military units assigned to civilian defence organizations), article 68 (Field of application), article 69 (Basic needs in occupied territories), article 70 (Relief of actions), article 71 (Personnel participating in relief actions), article 72 (Field of application), article 73 (Refugees and stateless persons), article 74 (Reunion of dispersed families), article 75 (Fundamental guarantees), article 76 (Protection of women), article 77 (Protection of children), article 78 (Evacuation of children), article 79 (Measures of protection for journalists), article 80 (Measures for execution), article 81 (Measures of the Red Cross and other humanitarian organizations), article 82 (Legal advisers in armed conflicts), article 83 (Dissemination), article 84 (Rules of application).

73. Article 85 (Repression of breaches of this Protocol). After the Conference rejected the Philippines' proposal to add a new subparagraph (g) to paragraph 3 of this article ^{43/} by 41 votes in favour, 25 against, with 25 abstentions, the article was adopted by consensus. ^{44/}

74. The following articles were adopted by consensus: article 86 (Failure to act), article 87 (Duty of commanders), article 88 (Mutual assistance in criminal matters).

75. Article 89 (Co-operation) was adopted by 50 votes, 3 against with 40 abstentions.

^{43/} See CDDH/418.

^{44/} See CDDH/SR.44, pp. 12-13.

76. Article 90 (International Fact-Finding Commission) as amended 45/ was adopted by 49 votes to 21 with 15 abstentions.

77. The following articles were adopted by consensus: article 91 (Responsibility), article 92 (Signatories), article 93 (Ratification), article 94 (Accession), article 95 (Entry into force).

78. Article 96 (Treaty relations upon entry into force of this Protocol) was adopted by roll-call vote of 93 in favour, 1 against, with 2 abstentions. The result of the vote was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Socialist Republic of Viet Nam, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Israel.

Abstaining: Spain, Thailand.

79. The following articles were adopted by consensus: article 97 (Amendment), article 98 (Revision of annex I), article 99 (Denunciation), article 100 (Notifications), article 101 (Registration), article 102 (Authentic texts).

80. At the 48th plenary meeting the Conference adopted by consensus the Table of Contents for Draft Protocol I and annexes 1 and 2 of the Protocol I. At the 56th plenary meeting, on 8 June 1977, the Conference adopted Additional Protocol I as a whole by consensus (see CDDH/SR.56, p. 5) (for statements and explanations of vote on Additional Protocol I, see CDDH/SR.56-58).

45/ During the plenary meeting of the Conference, four amendments were submitted to the text adopted at the Committee's level: CDDH/415, CDDH/415/Add.1 and Add.2, CDDH/416 and CDDH/420.

C. Adoption of Protocol II (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts) 46/

81. Article 1 (Material field of application) was adopted by 58 votes in favour, 5 against, with 29 abstentions. The result of the roll-call vote was as follows:

In favour: Afghanistan, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iran, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Monaco, Mongolia, Netherlands, New Zealand, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Spain, Sweden, Switzerland, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Argentina, Chile, India, Syrian Arab Republic, United Republic of Cameroon.

Abstaining: Algeria, Brazil, Colombia, Democratic Yemen, Indonesia, Iraq, Ivory Coast, Kenya, Lebanon, Madagascar, Mauritania, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Sri Lanka, Sudan, Swaziland, Thailand, Turkey, Uganda, United Republic of Tanzania, Uruguay, Zaire.

82. The following articles were adopted by consensus: article 2 (Personal field of application), article 3 (Non-intervention), article 4 (Fundamental guarantees), article 5 (Persons whose liberty has been restricted), article 6 (Penal prosecutions), article 7 (Protection and care), article 8 (Search), article 9 (Protection of medical and religious personnel), article 10 (General protection of medical duties), article 11 (Protection of medical units and transport), article 12 (Distinctive emblems), article 13 (Protection of the civilian population), article 14 (Protection of objects indispensable to the survival of the civilian population), article 15 (Protection of works and installations containing dangerous forces).

83. Article 16 (Protection of cultural objects and places of worship) was adopted by 35 votes in favour, 15 against with 32 abstentions.

84. The following articles were adopted by consensus: article 17 (Prohibition of forced movement of civilians), article 18 (Relief societies and relief actions), article 19 (Dissemination), article 20 (Signature), article 21 (Ratification),

46/ The Conference adopted the various articles of Protocol II at its 49th to 54th plenary meetings, held between 2 and 7 June 1977 (see CDDH/SR.49-54).

article 22 (Accession), article 23 (Entry into force), article 24 (Amendment), article 25 (Denunciation), article 26 (Notifications), article 27 (Registration), article 28 (Authentic texts).

85. The Title of Protocol II was also adopted by consensus.

86. The Conference, at its 56th plenary meeting, on 8 June 1977, adopted Additional Protocol II as a whole by consensus (see CDDH/SR.56, p. 20) (for statements and explanations of vote on Additional Protocol II, see CDDH/SR.56-58).

D. Resolutions adopted by the Conference

87. At its 54th meeting, on 7 June 1977, the Conference adopted the following resolutions:

- 17 (IV). Resolution concerning the use of certain electronic and visual means of identification by medical aircraft protected under the Geneva Conventions of 1949 and under the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol I) 47/

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977

Considering that:

- (a) in order to avoid their engagement by combatant forces there is an urgent need for both electronic and visual identification of medical aircraft in flight;
- (b) the Secondary Surveillance Radar (SSR) system has the capability of providing unique identification of aircraft and of en route flight details;
- (c) the International Civil Aviation Organization is the most appropriate international body to designate SSR modes and codes in the range of circumstances envisaged;
- (d) this Conference has agreed to the use of a flashing blue light as a means of visual identification to be employed only by aircraft exclusively engaged in medical transport;

Recognizing that the designation in advance of an exclusive, world-wide SSR mode and code for the identification of medical aircraft may not be possible owing to the extensive deployment of the SSR system;

^{47/} This resolution contains an annex reproducing articles 6 and 8 of annex I to protocol I (see below).

1. Requests the President of the Conference to transmit to the International Civil Aviation Organization this document, together with the attached documents of this Conference, inviting that Organization to:

(a) establish appropriate procedures for the designation, in case of an international armed conflict, of an exclusive SSR mode and code to be employed by medical aircraft concerned; and

(b) note the agreement of this Conference to recognize the flashing blue light as a means of identification of medical aircraft, and provide for that use in the appropriate ICAO documents.

2. Urges the Governments invited to the present Conference to lend their full co-operation to this endeavour in the consultative processes of the International Civil Aviation Organization.

18 (IV). Resolution concerning the use of visual signalling for identification of medical transports protected under the Geneva Conventions of 1949 and under the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 48/

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Considering that:

(a) in order to avoid attacks upon them there is a need for the improved visual identification of medical transports;

(b) this Conference has agreed to the use of a flashing blue light as a means of visual identification to be employed only by aircraft exclusively engaged in medical transport;

(c) by special agreement, Parties to a conflict may reserve the use of a flashing blue light for the identification of medical vehicles and medical ships and craft, but, in the absence of such agreement, the use of such signals for other vehicles or ships is not prohibited;

(d) in addition to the distinctive emblem and the flashing blue light, other means of visual identification, such as signal flags and combinations of flares, may be used eventually to identify medical transports;

(e) the Inter-Governmental Maritime Consultative Organization (IMCO) is the most appropriate international body to designate and promulgate visual signals to be employed within the maritime environment;

48/ This resolution contains an annex reproducing articles 3, 6, 10 and 11 of annex I to Protocol I (see below).

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Having noted that, though the Geneva Conventions of 12 August 1949 recognize the use of the distinctive emblem to be flown by hospital ships and medical craft, this use is not reflected in relevant documents of the Inter-Governmental Maritime Consultative Organization;

1. Requests the President of the Conference to transmit to IMCO this resolution, together with the documents of this Conference, inviting that Organization to:

(a) consider introduction into the appropriate documents, such as the International Code of Signals, the flashing blue light as described in article 6 of chapter III of annex I to Protocol I;

(b) provide for recognition of the distinctive emblem in the appropriate documents (see article 3 of chapter II of the said annex);

(c) consider the establishment both of unique flag signals and of a flare combination, such as white-red-white, which might be used for additional or alternative visual identification of medical transports;

2. Urges the Governments invited to this Conference to lend their full co-operation to this endeavour in the consultative processes of the Inter-Governmental Maritime Consultative Organization.

19 (IV). Resolution concerning the use of radiocommunications for announcing and identifying medical transports protected under the Geneva Conventions of 1949 and under the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 49/

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Considering that:

(a) it is vital that distinctive and reliable communications be used for identifying, and announcing the movement of, medical transports;

(b) adequate and appropriate consideration will be given to communications related to the movement of a medical transport only if it is identified by an internationally recognized priority signal such as "Red Cross", "Humanity", "Mercy" or other technically and phonetically recognizable term;

(c) the wide range of circumstances under which a conflict may occur makes it impossible to select in advance suitable radio frequencies for communications;

^{49/} This resolution contains an annex reproducing articles 7, 8 and 9 of annex I to Protocol I (see below).

(d) the radio frequencies to be employed for communicating information relative to the identification and movement of medical transports must be made known to all parties who may use medical transports;

Having noted:

(a) Recommendation No. 2 of the International Telecommunication Union (ITU) Plenipotentiary Conference, 1973, relating to the use of radiocommunications for announcing and identifying hospital ships and medical aircraft protected under the Geneva Conventions of 1949;

(b) Recommendation No. Mar2-17 of the ITU World Maritime Administrative Radio Conference, Geneva, 1974, relating to the use of radiocommunications for marking, identifying, locating, and communicating with the means of transport protected under the Geneva Conventions of 12 August 1949, concerning the protection of war victims and any additional instruments of those conventions, as well as for ensuring the safety of ships and aircraft of States not Parties to an armed conflict;

(c) the memorandum by the International Frequency Registration Board (IFRB), a permanent organ of the International Telecommunication Union (ITU), relating to the need for national co-ordination on radiocommunication matters;

Recognizing that:

- (a) - the designation and use of frequencies, including the use of distress frequencies,
- operating procedures in the Mobile Service,
- the distress, alarm, urgency and safety signals, and
- the order of priority of communications in the Mobile Service

are governed by the Radio Regulations annexed to the International Telecommunication Convention;

(b) these Regulations may be revised only by a competent ITU World Administrative Radio Conference (WARC);

(c) the next competent WARC is planned for 1979 and that written proposals for the revision of the Radio Regulations should be submitted by Governments about one year before the opening of the Conference;

1. Takes note with appreciation that a specific item has been included on the agenda of the World Administrative Radio Conference, Geneva, 1979, which reads:

"2.5 to study the technical aspects of the use of radiocommunications for marking, identifying, locating and communicating with the means of medical transport protected under the 1949 Geneva Conventions and any additional instruments of these Conventions;"

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2. Requests the President of the Conference to transmit this document to all Governments and organizations invited to the present Conference, together with the attachments representing the requirements, both for radio frequencies and for international recognition of an appropriate priority signal, which must be satisfied in the proceedings of a competent World Administrative Radio Conference;

3. Urges the Governments invited to the present Conference to make, as a matter of urgency, the appropriate preparations for the World Administrative Radio Conference to be held in 1979 so that the vital requirements of communications for protected medical transports in armed conflicts may be adequately provided for in the Radio Regulations.

20 (IV). Resolution concerning the protection of cultural property

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Welcoming the adoption of article 53 relating to the protection of cultural objects and places of worship as defined in the said article, contained in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts,

Acknowledging that the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Additional Protocol, signed at The Hague on 14 May 1954, constitutes an instrument of paramount importance for the international protection of the cultural heritage of all mankind against the effects of armed conflict and that the application of this Convention will in no way be prejudiced by the adoption of the article referred to in the preceding paragraph,

Urges States that which have not yet done so to become Parties to the aforementioned Convention.

21 (IV). Resolution concerning the dissemination of knowledge of international humanitarian law applicable in armed conflicts

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Convinced that a sound knowledge of international humanitarian law is an essential factor for its effective application,

Confident that widespread knowledge of that law will contribute to the promotion of humanitarian ideals and a spirit of peace among nations,

1. Reminds the High Contracting Parties that under the four Geneva Conventions of 1949 they have undertaken to disseminate knowledge of those Conventions as widely as possible, and that the Protocols adopted by the Conference reaffirm and extend that obligation;

2. Invites the signatory States to take all appropriate measures to ensure that knowledge of international humanitarian law applicable in armed conflicts, and of the fundamental principles on which that law is based, is effectively disseminated, particularly by:

(a) encouraging the authorities concerned to plan and give effect, if necessary with the ICRC's assistance and advice, to arrangements to teach international humanitarian law, particularly to the armed forces and to appropriate administrative authorities, in a manner suited to national circumstances;

(b) undertaking in peacetime the training of suitable persons to teach international humanitarian law and to facilitate the application thereof, in accordance with articles 6 and 82 of Protocol I;

(c) recommending that the appropriate authorities intensify the teaching of international humanitarian law in universities (faculties of law, political science, medicine, etc.);

(d) recommending to educational authorities the introduction of courses on the principles of international humanitarian law in secondary and similar schools;

3. Urges National Red Cross, Red Crescent and Red Lion and Sun Societies to offer their services to the authorities in their own countries with a view to the effective dissemination of knowledge of international humanitarian law;

4. Invites the ICRC to participate actively in the effort to disseminate knowledge of international humanitarian law by, inter alia:

- (i) publishing material that will assist in teaching international humanitarian law, and circulating appropriate information for the dissemination of the Geneva Conventions and the Protocols,
- (ii) organizing, on its own initiative or when requested by Governments or national societies, seminars and courses on international humanitarian law, and co-operating for that purpose with States and appropriate institutions.

22 (IV). Resolution on follow-up regarding prohibition or restriction of use of certain conventional weapons

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Having met at Geneva for four sessions, in 1974, 1975, 1976 and 1977, and

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having adopted new humanitarian rules relating to armed conflicts and methods and means of warfare,

Convinced that the suffering of the civilian population and combatants could be significantly reduced if agreements can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of substantive discussion in the Ad Hoc Committee of the Conference at all its four sessions, and at the Conference of Government Experts held under the auspices of the ICRC in 1974 in Lucerne and in 1976 at Lugano,

Recalling, in this connexion, discussions and relevant resolutions of the General Assembly of the United Nations and appeals made by several Heads of State and Government,

Having concluded, from these discussions, that agreement exists on the desirability of prohibiting the use of conventional weapons, the primary effect of which is to injure by fragments not detectable by X-ray, and that there is a wide area of agreement with regard to land-mines and booby-traps,

Having also devoted efforts to the further narrowing down of divergent views on the desirability of prohibiting or restricting the use of incendiary weapons, including napalm,

Having also considered the effects of the use of other conventional weapons, such as small calibre projectiles and certain blast and fragmentation weapons, and having begun the consideration of the possibility of prohibiting or restricting the use of such weapons,

Recognizing that it is important that this work continue and be pursued with the urgency required by evident humanitarian considerations,

Believing that further work should both build upon the areas of agreement thus far identified and include the search for further areas of agreement and should in each case, seek the broadest possible agreement,

1. Resolves to send the report of the Ad Hoc Committee and the proposals presented in that Committee to the Governments of States represented at the Conference and to the Secretary-General of the United Nations;

2. Requests that serious and early consideration be given to these documents and to the reports of the Conference of Government Experts of Lucerne and Lugano;

3. Recommends that a Conference of Governments should be convened not later than 1979 with a view to reaching:

(a) agreements on prohibitions or restrictions on the use of specific

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conventional weapons including those which may be deemed to be excessively injurious or have indiscriminate effects, taking into account humanitarian and military considerations; and

(b) agreement on a mechanism for the review of any such agreements and for the consideration of proposals for further such agreements;

4. Urges that consultations be undertaken prior to the consideration of this question at the thirty-second session of the United Nations General Assembly for the purpose of reaching agreement on the steps to be taken in preparation for the Conference;

5. Recommends that a consultative meeting of all interested Governments be convened during September/October 1977 for this purpose;

6. Recommends further that the States participating in these consultations should consider inter alia the establishment of a Preparatory Committee which would seek to establish the best possible basis for the achievement at the Conference of agreements as envisaged in this resolution;

7. Invites the General Assembly of the United Nations at its thirty-second session, in the light of the results of the consultations undertaken pursuant to paragraph 4 of this resolution, to take any further action that may be necessary for the holding of the Conference in 1979.

88. At its 58th plenary meeting the Conference adopted the following resolution:

23 (IV). Expression of gratitude to the host country

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974-1977,

Having been convened at Geneva at the invitation of the Swiss Government,

Having held four sessions, in 1974, 1975, 1976 and 1977, during which it considered two draft Protocols additional to the Geneva Conventions of 12 August 1949, which had been prepared by the International Committee of the Red Cross,

Having benefited throughout its four sessions from the facilities placed at its disposal by the Government of Switzerland and by the authorities of the Republic and Canton and of the City of Geneva,

Profoundly appreciative of the hospitality and courtesy accorded to the participants of the Conference by the Government of Switzerland and by the authorities and the people of the Republic and Canton of Geneva and of the City of Geneva,

Having concluded its work by the adoption of two Protocols additional to the Geneva Conventions of 12 August 1949 and of various resolutions,

1. Expresses its sincere gratitude to the Government of Switzerland for its unfailing support for the work of the Conference and in particular to Mr. Pierre Graber, President of the Conference, Federal Councillor, Head of the Federal Political Department of the Swiss Confederation, whose wise and firm guidance has contributed so much to the Conference's success;
2. Expresses its sincere gratitude to the authorities and the people of the Republic and Canton of Geneva and of the City of Geneva for the generous hospitality and courtesy which they showed to the Conference and those participating in it;
3. Pays a tribute to the International Committee of the Red Cross and to its representatives and experts who devotedly and patiently advised the Conference on all matters arising in connexion with the draft Protocols and whose attachment to the principles of the Red Cross has served as an inspiration to the Conference;
4. Expresses its appreciation to Ambassador Jean Humbert, Secretary-General of the Conference, and to the entire staff of the Conference for the provision of efficient services at all times throughout the four years' duration of the Conference.

E. Adoption of the Final Act of the Conference

89. The Conference had before it a draft Final Act (see CDDH/400 and Corr.1-4), which was considered at length by the General Committee. The draft contained a paragraph in which it was stated that: "In view of the paramount importance of ensuring broad participation in the work of the Conference, which was of a fundamentally humanitarian nature, and because the progressive development and codification of international humanitarian law applicable in armed conflicts is a universal task in which the National Liberation Movements can contribute positively, the Conference by its resolution 3 (I) decided to invite also the national liberation movements recognized by the regional intergovernmental organizations concerned to participate fully in the deliberations of the Conference and its Main Committees, it being understood that only delegations representing States were entitled to vote ..." The draft was also to devote a "Page for signature of Final Act by the National Liberation Movements" containing the names of such movements "recognized by the regional intergovernmental organizations concerned and invited by the Conference to participate in its work", it being "understood that the signature by these movements is without prejudice to the positions of participating States on the question of a precedent". At its 57th plenary meeting, on 9 June 1977, the Conference adopted the draft Final Act by 87 votes in favour, 1 against and 18 abstentions. The result of the roll-call vote was as follows (for statements and explanations of vote regarding the adoption of the Final Act, see CDDH/SR.57):

In favour: Afghanistan, Algeria, Argentina, Austria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, German Democratic Republic, Ghana, Greece, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Kenya, Kuwait, Lebanon,

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Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Senegal, Socialist Republic of Viet Nam, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire.

Against: Israel.

Abstaining: Australia, Belgium, Canada, France, Germany, Federal Republic of, Guatemala, Italy, Japan, Luxembourg, Monaco, New Zealand, Nicaragua, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay.

VIII. SIGNATURE OF THE FINAL ACT

90. On 10 June 1977 the representatives of the following States signed the Final Act of the Conference: Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Empire, Chile, Colombia, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Socialist Republic of Viet Nam, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

91. Later, the representatives of the following States affixed their signatures to the Final Act in the Office of the Secretary-General of the Conference: Upper Volta, Senegal, Tunisia (13 June 1977) and Jamaica (14 June 1977).

92. The representatives of the following national liberation movements signed the Final Act: Palestine Liberation Organization (PLO), Panafricanist Congress (South Africa) (PAC) and South West Africa People's Organization (SWAPO).

ANNEX I

Text of Protocol Additional to the Geneva Conventions
of 12 August 1949, and relating to the protection of
victims of international armed conflicts (Protocol I)
adopted by the Conference on 8 June 1977

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PREAMBLE

The High Contracting Parties,

Proclaiming their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application,

Expressing their conviction that nothing in this Protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations,

Reaffirming further that the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,

Have agreed on the following:

PART I

GENERAL PROVISIONS

Article 1 - General principles and scope of application

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from dictates of public conscience.
3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.
4. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Article 2 - Definitions

For the purposes of this Protocol:

- (a) "First Convention", "Second Convention", "Third Convention" and "Fourth Convention" mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Ship-wrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; "the Conventions" means the four Geneva Conventions of 12 August 1949 for the protection of war victims;
- (b) "Rules of international law applicable in armed conflict" means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict;
- (c) "Protecting Power" means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;

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(d) "Substitute" means an organization acting in place of a Protecting Power in accordance with Article 5.

Article 3 - Beginning and end of application

Without prejudice to the provisions which are applicable at all times:

(a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;

(b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release repatriation or re-establishment.

Article 4 - Legal status of the Parties to the conflict

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

Article 5 - Appointment of Protecting Powers and of their substitute

1. It is the duty of the Parties to a conflict from the beginning of that conflict to secure the supervision and implementation of the Conventions and of this Protocol by the application of the system of Protecting Powers, including inter alia the designation and acceptance of those Powers, in accordance with the following paragraphs. Protecting Powers shall have the duty of safeguarding the interests of the Parties to the conflict.

2. From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and this Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.

3. If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may inter alia ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to an

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adverse Party and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

4. If, despite the foregoing, there is no Protecting Power, the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organization which offers all guarantees of impartiality and efficacy, after due consultations with the said Parties and taking into account the result of these consultations, to act as a substitute. The functioning of such a substitute is subject to the consent of the Parties to the conflict; every effort shall be made by the Parties to the conflict to facilitate the operations of the substitute in the performance of its tasks under the Conventions and this Protocol.

5. In accordance with Article 4, the designation and acceptance of Protecting Powers for the purpose of applying the Conventions and this Protocol shall not affect the legal status of the Parties to the conflict or of any territory, including occupied territory.

6. The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State in accordance with the rules of international law relating to diplomatic relations is no obstacle to the designation of Protecting Powers for the purpose of applying the Conventions and this Protocol.

7. Any subsequent mention in this Protocol of a Protecting Power includes also a substitute.

Article 6 - Qualified persons

1. The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

2. The recruitment and training of such personnel are within domestic jurisdiction.

3. The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.

4. The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

Article 7 - Meetings

The depositary of this Protocol shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon the approval of the majority of the said Parties, to consider general problems concerning the application of the Conventions and of the Protocol.

PART II

WOUNDED, SICK AND SHIPWRECKED

SECTION I

GENERAL PROTECTION

Article 8 - Terminology

For the purposes of this Protocol:

- (1) "Wounded" and "sick" mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility;
- (2) "Shipwrecked" means persons, whether military or civilian, who are in peril at sea or in other waters as a result of misfortune affecting them or the vessel or aircraft carrying them and who refrain from any act of hostility. These persons, provided that they continue to refrain from any act of hostility, shall continue to be considered shipwrecked during their rescue until they acquire another status under the Conventions or this Protocol;
- (3) "Medical personnel" means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated under (5) or to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term includes:
 - (a) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence organizations;
 - (b) medical personnel of national Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict;
 - (c) medical personnel of medical units or medical transports described in Article 9, paragraph 2.
- (4) "Religious personnel" means military or civilian persons, such as chaplains, who are exclusively engaged in the work of their ministry and attached:
 - (a) to the armed forces of a Party to the conflict;

- (b) to medical units or medical transports of a Party to the conflict;
- (c) to medical units or medical transports described in Article 9, paragraph 2; or
- (d) to civil defence organizations of a Party to the conflict.

The attachment of religious personnel may be either permanent or temporary, and the relevant provisions mentioned under (11) apply to them;

(5) "Medical units" means establishments and other units, whether military or civilian, organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment - including first-aid treatment - of the wounded, sick and shipwrecked, or for the prevention of disease. The term includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, permanent or temporary;

(6) "Medical transportation" means the conveyance by land, water or air of the wounded, sick, shipwrecked, medical personnel, religious personnel, medical equipment or medical supplies protected by the Conventions and by this Protocol;

(7) "Medical transports" means any means of transportation, whether military or civilian, permanent or temporary, assigned exclusively to medical transportation and under the control of a competent authority of a Party to the conflict;

(8) "Medical vehicles" means any medical transports by land;

(9) "Medical ships and craft" means any medical transports by water;

(10) "Medical aircraft" means any medical transports by air;

(11) "Permanent medical personnel", "permanent medical units" and "permanent medical transports" mean those assigned exclusively to medical purposes for an indeterminate period. "Temporary medical personnel", "temporary medical units" and "temporary medical transports" mean those devoted exclusively to medical purposes for limited periods during the whole of such periods. Unless otherwise specified, the terms "medical personnel", "medical units" and "medical transports" cover both permanent and temporary categories;

(12) "Distinctive emblem" means the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies;

(13) "Distinctive signal" means any signal or message specified for the identification exclusively of medical units or transports in Chapter III of Annex I to this Protocol.

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Article 9 - Field of application

1. This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.

2. The relevant provisions of Articles 27 and 32 of the First Convention shall apply to permanent medical units and transports (other than hospital ships, to which Article 25 of the Second Convention applies) and their personnel made available to a Party to the conflict for humanitarian purposes:

- (a) by a neutral or other State which is not a Party to that conflict;
- (b) by a recognized and authorized aid society of such a State;
- (c) by an impartial international humanitarian organization.

Article 10 - Protection and care

1. All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 11 - Protection of persons

1. The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty.

2. It is, in particular, prohibited to carry out on such persons, even with their consent:

- (a) physical mutilations;
- (b) medical or scientific experiments;

/...

(c) removal of tissue or organs for transplantation, except where these acts are justified in conformity with the conditions provided for in paragraph 1.

3. Exceptions to the prohibition in paragraph 2 (c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.

5. The persons described in paragraph 1 have the right to refuse any surgical operation. In case of refusal, medical personnel shall endeavour to obtain a written statement to that effect, signed or acknowledged by the patient.

6. Each Party to the conflict shall keep a medical record for every donation of blood for transfusion or skin for grafting by persons referred to in paragraph 1, if that donation is made under the responsibility of that Party. In addition, each Party to the conflict shall endeavour to keep a record of all medical procedures undertaken with respect to any person who is interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1. These records shall be available at all times for inspection by the Protecting Power.

Article 12 - Protection of medical units

1. Medical units shall be respected and protected at all times and shall not be the object of attack.

2. Paragraph 1 shall apply to civilian medical units, provided that they:

(a) belong to one of the Parties to the conflict;

(b) are recognized and authorized by the competent authority of one of the Parties to the conflict; or

(c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.

/...

4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Article 13 - Discontinuance of protection of civilian medical units

1. The protection to which civilian medical units are entitled shall not cease unless they are used to commit, outside their humanitarian function, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

(a) that the personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge;

(b) that the unit is guarded by a picket or by sentries or by an escort;

(c) that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;

(d) that members of the armed forces or other combatants are in the unit for medical reasons.

Article 14 - Limitations on requisition of civilian medical units

1. The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.

2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their matériel or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.

3. Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions:

(a) that the resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war;

(b) that the requisition continues only while such necessity exists; and

(c) that immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied.

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Article 15 - Protection of civilian medical and religious personnel

1. Civilian medical personnel shall be respected and protected.
2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.
3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.
5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

Article 16 - General protection of medical duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.
3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

Article 17 - Role of the civilian population and of aid societies

1. The civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse Party, and shall commit no act of violence against them. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) Societies, shall be permitted, even on their own initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

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2. The Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location; they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.

Article 18 - Identification

1. Each Party to the conflict shall endeavour to ensure that medical and religious personnel and medical units and transports are identifiable.
2. Each Party to the conflict shall also endeavour to adopt and to implement methods and procedures which will make it possible to recognize medical units and transports which use the distinctive emblem and distinctive signals.
3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel and civilian religious personnel should be recognizable by the distinctive emblem and an identity card certifying their status.
4. With the consent of the competent authority, medical units and transports shall be marked by the distinctive emblem. The ships and craft referred to in Article 22 of this Protocol shall be marked in accordance with the provisions of the Second Convention.
5. In addition to the distinctive emblem, a Party to the conflict may, as provided in Chapter III of Annex I to this Protocol, authorize the use of distinctive signals to identify medical units and transports. Exceptionally, in the special cases covered in that Chapter, medical transports may use distinctive signals without displaying the distinctive emblem.
6. The application of the provisions of paragraphs 1 to 5 of this article is governed by Chapters I to III of Annex I to this Protocol. Signals designated in Chapter III of the Annex for the exclusive use of medical units and transports shall not, except as provided therein, be used for any purpose other than to identify the medical units and transports specified in that Chapter.
7. This article does not authorize any wider use of the distinctive emblem in peacetime than is prescribed in Article 44 of the First Convention.
8. The provisions of the Conventions and of this Protocol relating to supervision of the use of the distinctive emblem and to the prevention and repression of any misuse thereof shall be applicable to distinctive signals.

Article 19 - Neutral and other States not Parties to the conflict

Neutral and other States not Parties to the conflict shall apply the relevant provisions of this Protocol to persons protected by this Part who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

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Article 20 - Prohibition of reprisals

Reprisals against the persons and objects protected by this Part are prohibited.

SECTION II

MEDICAL TRANSPORTATION

Article 21 - Medical vehicles

Medical vehicles shall be respected and protected in the same way as mobile medical units under the Conventions and this Protocol.

Article 22 - Hospital ships and coastal rescue craft

1. The provisions of the Conventions relating to:

- (a) vessels described in Articles 22, 24, 25 and 27 of the Second Convention,
- (b) their lifeboats and small craft,
- (c) their personnel and crews, and
- (d) the wounded, sick and shipwrecked on board,

shall also apply where these vessels carry civilian wounded, sick and shipwrecked who do not belong to any of the categories mentioned in Article 13 of the Second Convention. Such civilians shall not, however, be subject to surrender to any Party which is not their own, or to capture at sea. If they find themselves in the power of a Party to the conflict other than their own they shall be covered by the Fourth Convention and by this Protocol.

2. The protection provided by the Conventions to vessels described in Article 25 of the Second Convention shall extend to hospital ships made available for humanitarian purposes to a Party to the conflict:

- (a) by a neutral or other State which is not a Party to that conflict; or
- (b) by an impartial international humanitarian organization,

provided that, in either case, the requirements set out in that Article are complied with.

3. Small craft described in Article 27 of the Second Convention shall be protected even if the notification envisaged by that Article has not been made. The Parties to the conflict are, nevertheless, invited to inform each other of any details of such craft which will facilitate their identification and recognition.

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Article 23 - Other medical ships and craft

1. Medical ships and craft other than those referred to in Article 22 of this Protocol and Article 38 of the Second Convention shall, whether at sea or in other waters, be respected and protected in the same way as mobile medical units under the Conventions and this Protocol. Since this protection can only be effective if they can be identified and recognized as medical ships or craft, such vessels should be marked with the distinctive emblem and as far as possible comply with the second paragraph of Article 43 of the Second Convention.
2. The ships and craft referred to in paragraph 1 shall remain subject to the laws of war. Any warship on the surface able immediately to enforce its command may order them to stop, order them off, or make them take a certain course, and they shall obey every such command. Such ships and craft may not in any other way be diverted from their medical mission so long as they are needed for the wounded, sick and shipwrecked on board.
3. The protection provided in paragraph 1 shall cease only under the conditions set out in Articles 34 and 35 of the Second Convention. A clear refusal to obey a command given in accordance with paragraph 2 shall be an act harmful to the enemy under Article 34 of the Second Convention.
4. A Party to the conflict may notify any adverse Party as far in advance of sailing as possible of the name, description, expected time of sailing, course and estimated speed of the medical ship or craft, particularly in the case of ships of over 2,000 gross tons, and may provide any other information which would facilitate identification and recognition. The adverse Party shall acknowledge receipt of such information.
5. The provisions of Article 37 of the Second Convention shall apply to medical and religious personnel in such ships and craft.
6. The provisions of the Second Convention shall apply to the wounded, sick and shipwrecked belonging to the categories referred to in Article 13 of the Second Convention and in Article 44 of this Protocol who may be on board such medical ships and craft. Wounded, sick and shipwrecked civilians who do not belong to any of the categories mentioned in Article 13 of the Second Convention shall not be subject, at sea, either to surrender to any Party which is not their own, or to removal from such ships or craft; if they find themselves in the power of a Party to the conflict other than their own, they shall be covered by the Fourth Convention and by this Protocol.

Article 24 - Protection of medical aircraft

Medical aircraft shall be respected and protected, subject to the provisions of this Part.

Article 25 - Medical aircraft in areas not controlled by an adverse Party

In and over land areas physically controlled by friendly forces, or in and over sea areas not physically controlled by an adverse Party, the respect and protection of medical aircraft of a Party to the conflict is not dependent on any agreement with an adverse Party. For greater safety, however, a Party to the conflict operating its medical aircraft in these areas may notify the adverse Party, as provided in Article 29, in particular when such aircraft are making flights bringing them within range of surface-to-air weapons systems of the adverse Party.

Article 26 - Medical aircraft in contact or similar zones

1. In and over those parts of the contact zone which are physically controlled by friendly forces and in and over those areas the physical control of which is not clearly established, protection for medical aircraft can be fully effective only by prior agreement between the competent military authorities of the Parties to the conflict, as provided for in Article 29. Although, in the absence of such an agreement, medical aircraft operate at their own risk, they shall nevertheless be respected after they have been recognized as such.

2. "Contact zone" means any area on land where the forward elements of opposing forces are in contact with each other, especially where they are exposed to direct fire from the ground.

Article 27 - Medical aircraft in areas controlled by an adverse Party

1. The medical aircraft of a Party to the conflict shall continue to be protected while flying over land or sea areas physically controlled by an adverse Party, provided that prior agreement to such flights has been obtained from the competent authority of that adverse Party.

2. A medical aircraft which flies over an area physically controlled by an adverse Party without, or in deviation from the terms of, an agreement provided for in paragraph 1, either through navigational error or because of an emergency affecting the safety of the flight, shall make every effort to identify itself and to inform the adverse Party of the circumstances. As soon as such medical aircraft has been recognized by the adverse Party, that Party shall make all reasonable efforts to give the order to land or to alight on water, referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

Article 28 - Restrictions on operations of medical aircraft

1. The Parties to the conflict are prohibited from using their medical aircraft to attempt to acquire any military advantage over an adverse Party. The presence of medical aircraft shall not be used in an attempt to render military objectives immune from attack.

2. Medical aircraft shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes. They are prohibited from carrying any persons or cargo not included within the definition in Article 8 (6). The carrying on board of the personal effects of the occupants or of equipment intended solely to facilitate navigation, communication or identification shall not be considered as prohibited.
3. Medical aircraft shall not carry any armament except small arms and ammunition taken from the wounded, sick and shipwrecked on board and not yet handed to the proper service, and such light individual weapons as may be necessary to enable the medical personnel on board to defend themselves and the wounded, sick and shipwrecked in their charge,
4. While carrying out the flights referred to in Articles 26 and 27, medical aircraft shall not, except by prior agreement with the adverse Party, be used to search for the wounded, sick and shipwrecked.

Article 29 - Notifications and agreements concerning medical aircraft

1. Notifications under Article 25, or requests for prior agreement under Articles 26, 27, 28, paragraph 4, or 31 shall state the proposed number of medical aircraft, their flight plans and means of identification, and shall be understood to mean that every flight will be carried out in compliance with Article 28.
2. A Party which receives a notification given under Article 25 shall at once acknowledge receipt of such notification.
3. A Party which receives a request for prior agreement under Articles 26, 27, 28, paragraph 4, or 31 shall, as rapidly as possible, notify the requesting Party:
 - (a) that the request is agreed to;
 - (b) that the request is denied; or
 - (c) of reasonable alternative proposals to the request. It may also propose a prohibition or restriction of other flights in the area during the time involved. If the Party which submitted the request accepts the alternative proposals, it shall notify the other Party of such acceptance.
4. The Parties shall take the necessary measures to ensure that notifications and agreements can be made rapidly.
5. The Parties shall also take the necessary measures to disseminate rapidly the substance of any such notifications and agreements to the military units concerned and shall instruct those units regarding the means of identification that will be used by the medical aircraft in question.

Article 30 - Landing and inspection of medical aircraft

1. Medical aircraft flying over areas which are physically controlled by an adverse Party, or over areas the physical control of which is not clearly established, may be ordered to land or to alight on water, as appropriate, to permit inspection in accordance with the following paragraphs. Medical aircraft shall obey any such order.

2. If such an aircraft lands or alights on water, whether ordered to do so or for other reasons, it may be subjected to inspection solely to determine the matters referred to in paragraphs 3 and 4. Any such inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick to be removed from the aircraft unless their removal is essential for the inspection. That Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or by the removal.

3. If the inspection discloses that the aircraft:

- (a) is a medical aircraft within the meaning of Article 8 (10),
- (b) is not in violation of the conditions prescribed in Article 28, and
- (c) has not flown without or in breach of a prior agreement where such agreement is required,

the aircraft and those of its occupants who belong to the adverse Party or to a neutral or other State not a Party to the conflict shall be authorized to continue the flight without delay.

4. If the inspection discloses that the aircraft:

- (a) is not a medical aircraft within the meaning of Article 8 (10),
- (b) is in violation of the conditions prescribed in Article 28, or
- (c) has flown without or in breach of a prior agreement where such agreement is required,

the aircraft may be seized. Its occupants shall be treated in conformity with the relevant provisions of the Conventions and of this Protocol. Any aircraft seized which had been assigned as a permanent medical aircraft may be used thereafter only as a medical aircraft.

Article 31 - Neutral or other States not Parties to the conflict

1. Except by prior agreement, medical aircraft shall not fly over or land in the territory of a neutral or other State not a Party to the conflict. However, with such an agreement, they shall be respected throughout their flight and also for the duration of any calls in the territory. Nevertheless they shall obey any summons to land or to alight on water, as appropriate.

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2. Should a medical aircraft, in the absence of an agreement or in deviation from the terms of an agreement, fly over the territory of a neutral or other State not a Party to the conflict, either through navigational error or because of an emergency affecting the safety of the flight, it shall make every effort to give notice of the flight and to identify itself. As soon as such medical aircraft is recognized, that State shall make all reasonable efforts to give the order to land or to alight on water referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

3. If a medical aircraft, either by agreement or in the circumstances mentioned in paragraph 2, lands or alights on water in the territory of a neutral or other State not Party to the conflict, whether ordered to do so or for other reasons, the aircraft shall be subject to inspection for the purposes of determining whether it is in fact a medical aircraft. The inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick of the Party operating the aircraft to be removed from it unless their removal is essential for the inspection. The inspecting Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or the removal. If the inspection discloses that the aircraft is in fact a medical aircraft, the aircraft with its occupants, other than those who must be detained in accordance with the rules of international law applicable in armed conflict, shall be allowed to resume its flight, and reasonable facilities shall be given for the continuation of the flight. If the inspection discloses that the aircraft is not a medical aircraft, it shall be seized and the occupants treated in accordance with paragraph 4.

4. The wounded, sick and shipwrecked disembarked, otherwise than temporarily, from a medical aircraft with the consent of the local authorities in the territory of a neutral or other State not a Party to the conflict shall, unless agreed otherwise between that State and the Parties to the conflict, be detained by that State where so required by the rules of international law applicable in armed conflict, in such a manner that they cannot again take part in the hostilities. The cost of hospital treatment and internment shall be borne by the State to which those persons belong.

5. Neutral or other States not Parties to the conflict shall apply any conditions and restrictions on the passage of medical aircraft over, or on the landing of medical aircraft in, their territory equally to all Parties to the conflict.

SECTION III

MISSING AND DEAD PERSONS

Article 32 - General principle

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

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Article 33 - Missing persons

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

(a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;

(b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 34 - Remains of deceased

1. The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol.

2. As soon as circumstances and the relations between the adverse Parties permit, the High Contracting Parties in whose territories graves and, as the case may be, other locations of the remains of persons who have died as a result of hostilities or during occupation or in detention are situated, shall conclude agreements in order:

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(a) to facilitate access to the gravesites by relatives of the deceased and by representatives of official graves registration services and to regulate the practical arrangements for such access;

(b) to protect and maintain such gravesites permanently;

(c) to facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.

3. In the absence of the agreements provided for in paragraph 2 (b) or (c) and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.

4. A High Contracting Party in whose territory the gravesites referred to in this Article are situated shall be permitted to exhume the remains only:

(a) in accordance with paragraphs 2 (c) and 3, or

(b) where exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the High Contracting Party shall at all times respect the remains, and shall give notice to the home country of its intention to exhume the remains together with details of the intended place of reinterment.

PART III

METHODS AND MEANS OF WARFARE

COMBATANT AND PRISONER-OF-WAR STATUS

SECTION I

METHODS AND MEANS OF WARFARE

Article 35 - Basic rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 36 - New weapons

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.

Article 37 - Prohibition of perfidy

1. It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
- (b) the feigning of an incapacitation by wounds or sickness;
- (c) the feigning of civilian, non-combatant status; and
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

Article 38 - Recognized emblems

1. It is prohibited to make improper use of the distinctive emblem of the red cross, red crescent or red lion and sun or of other emblems, signs or signals provided for by the Conventions or by this Protocol. It is also prohibited to misuse deliberately in an armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.

2. It is prohibited to make use of the distinctive emblem of the United Nations, except as authorized by that Organization.

Article 39 - Emblems of nationality

1. It is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict.

2. It is prohibited to make use of the flags or military emblems, insignia or uniforms of adverse Parties while engaging in attacks or in order to shield, favour, protect or impede military operations.

3. Nothing in this Article or in Article 37, paragraph 1 (d), shall affect the existing generally recognized rules of international law applicable to espionage or to the use of flags in the conduct of armed conflict at sea.

Article 40 - Quarter

It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.

Article 41 - Safeguard of an enemy hors de combat

1. A person who is recognized or who, in the circumstances should be recognized to be hors de combat shall not be made the object of attack.

2. A person is hors de combat if:

- (a) he is in the power of an adverse Party;
- (b) he clearly expresses an intention to surrender; or

(c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

provided that in any of these cases he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse Party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I, of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.

Article 42 - Occupants of aircraft

1. No person parachuting from an aircraft in distress shall be made the object of attack during his descent.

2. Upon reaching the ground in territory controlled by an adverse Party, a person who has parachuted from an aircraft in distress shall be given an opportunity to surrender before being made the object of attack, unless it is apparent that he is engaging in a hostile act.

3. Airborne troops are not protected by this Article.

SECTION II

COMBATANT AND PRISONER-OF-WAR STATUS

Article 43 - Armed forces

1. The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, *inter alia*, shall enforce compliance with the rules of international law applicable in armed conflict.

2. Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.

3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Article 44 - Combatants and prisoners of war

1. Any combatant, as defined in Article 43, who falls into the power of an adverse Party shall be a prisoner of war.

2. While all combatants are obliged to comply with the rules of international law applicable in armed conflict, violations of these rules shall not deprive a combatant of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, except as provided in paragraphs 3 and 4.

3. In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

(a) during each military engagement, and

(b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.

Acts which comply with the requirements of this paragraph shall not be considered as perfidious within the meaning of Article 37, paragraph 1 (c).

4. A combatant who falls into the power of an adverse Party while failing to meet the requirements set forth in the second sentence of paragraph 3 shall forfeit his right to be a prisoner of war, but he shall, nevertheless, be given protections equivalent in all respects to those accorded to prisoners of war by the Third Convention and by this Protocol. This protection includes protections equivalent to those accorded to prisoners of war by the Third Convention in the case where such a person is tried and punished for any offences he has committed.

5. Any combatant who falls into the power of an adverse Party while not engaged in an attack or in a military operation preparatory to an attack shall not forfeit his rights to be a combatant and a prisoner of war by virtue of his prior activities.

6. This Article is without prejudice to the right of any person to be a prisoner of war pursuant to Article 4 of the Third Convention.

7. This Article is not intended to change the generally accepted practice of States with respect to the wearing of the uniform by combatants assigned to the regular, uniformed armed units of a Party to the conflict.

8. In addition to the categories of persons mentioned in Article 13 of the First and Second Conventions, all members of the armed forces of a Party to the conflict, as defined in Article 43 of this Protocol, shall be entitled to protection under those Conventions if they are wounded or sick or, in the case of the Second Convention, shipwrecked at sea or in other waters.

Article 45 - Protection of persons who have taken part in hostilities

1. A person who takes part in hostilities and falls into the power of an adverse Party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention, if he claims the status of prisoner of war, or if he appears to be entitled to such status, or if the Party on which he depends claims such status on his behalf by notification to the detaining Power or to the Protecting Power. Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status and, therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal.
2. If a person who has fallen into the power of an adverse Party is not held as a prisoner of war and is to be tried by that Party for an offence arising out of the hostilities, he shall have the right to assert his entitlement to prisoner-of-war status before a judicial tribunal and to have that question adjudicated. Whenever possible under the applicable procedure, this adjudication shall occur before the trial for the offence. The representatives of the Protecting Power shall be entitled to attend the proceedings in which that question is adjudicated, unless, exceptionally, the proceedings are held in camera in the interest of State security. In such a case the detaining Power shall advise the Protecting Power accordingly.
3. Any person who has taken part in hostilities, who is not entitled to prisoner-of-war status and who does not benefit from more favourable treatment in accordance with the Fourth Convention shall have the right at all times to the protection of Article 75 of this Protocol. In occupied territory, any such person, unless he is held as a spy, shall also be entitled, notwithstanding Article 5 of the Fourth Convention, to his rights of communication under that Convention.

Article 46 - Spies

1. Notwithstanding any other provision of the Conventions or of this Protocol, any member of the armed forces of a Party to the conflict who falls into the power of an adverse Party while engaging in espionage shall not have the right to the status of prisoner of war and may be treated as a spy.
2. A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.
3. A member of the armed forces of a Party to the conflict who is a resident of territory occupied by an adverse Party and who, on behalf of the Party on which he depends, gathers or attempts to gather information of military value within that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover, such a resident shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured while engaging in espionage.

4. A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in that territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

Article 47 - Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war.

2. A mercenary is any person who:

(a) is specially recruited locally or abroad in order to fight in an armed conflict;

(b) does, in fact, take a direct part in the hostilities;

(c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;

(e) is not a member of the armed forces of a Party to the conflict; and

(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

PART IV
CIVILIAN POPULATION

SECTION I

GENERAL PROTECTION AGAINST EFFECTS OF HOSTILITIES

Chapter I

BASIC RULE AND FIELD OF APPLICATION

Article 48 - Basic rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49 - Definition of attacks and scope of application

1. "Attacks" means acts of violence against the adversary, whether in offence or in defence.
2. The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.
3. The provisions of this section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.
4. The provisions of this section are additional to the rules concerning humanitarian protection contained in the Fourth Convention, particularly in part II thereof, and in other international agreements binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, at sea or in the air against the effects of hostilities.

Chapter II

CIVILIANS AND CIVILIAN POPULATION

Article 50 - Definition of civilians and civilian population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.
2. The civilian population comprises all persons who are civilians.
3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51 - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.
4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:
 - (a) those which are not directed at a specific military objective;
 - (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
 - (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.
5. Among others, the following types of attacks are to be considered as indiscriminate:
 - (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives

located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

6. Attacks against the civilian population or civilians by way of reprisals are prohibited.

7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.

Chapter III

CIVILIAN OBJECTS

Article 52 - General protection of civilian objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 53 - Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection

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of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) to use such objects in support of the military effort;
- (c) to make such objects the object of reprisals.

Article 54 - Protection of objects indispensable to the survival of the civilian population

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.
3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:
 - (a) as sustenance solely for the members of its armed forces; or
 - (b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.
4. These objects shall not be made the object of reprisals.
5. In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.

Article 55 - Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.

Article 56 - Protection of works and installations containing dangerous forces

1. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population.

2. The special protection against attack provided by paragraph 1 shall cease:

(a) for a dam or a dyke only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

(b) for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

(c) for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

3. In all cases, the civilian population and individual civilians shall remain entitled to all the protection accorded them by international law, including the protection of the precautionary measures provided for in Article 57. If the protection ceases and any of the works, installations or military objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid the release of the dangerous forces.

4. It is prohibited to make any of the works, installations or military objectives mentioned in paragraph 1 the object of reprisals.

5. The Parties to the conflict shall endeavour to avoid locating any military objectives in the vicinity of the works or installations mentioned in paragraph 1. Nevertheless, installations erected for the sole purpose of defending the protected works or installations from attack are permissible and shall not themselves be made the object of attack, provided that they are not used in hostilities except for defensive actions necessary to respond to attacks against the protected works or installations and that their armament is limited to weapons capable only of repelling hostile action against the protected works or installations.

6. The High Contracting Parties and the Parties to the conflict are urged to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces.

7. In order to facilitate the identification of the objects protected by this article, the Parties to the conflict may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex I to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

Chapter IV

PRECAUTIONARY MEASURES

Article 57 - Precautions in attack

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken:

(a) those who plan or decide upon an attack shall:

- (i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;
- (ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;
- (iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

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3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

4. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

5. No provision of this article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.

Article 58 - Precautions against the effects of attacks

The Parties to the conflict shall, to the maximum extent feasible:

(a) without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives;

(b) avoid locating military objectives within or near densely populated areas;

(c) take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

Chapter V

LOCALITIES AND ZONES UNDER SPECIAL PROTECTION

Article 59 - Non-defended localities

1. It is prohibited for the Parties to the conflict to attack, by any means whatsoever, non-defended localities.

2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party. Such a locality shall fulfil the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

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(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) no activities in support of military operations shall be undertaken.

3. The presence, in this locality, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 2.

4. The declaration made under paragraph 2 shall be addressed to the adverse Party and shall define and describe, as precisely as possible, the limits of the non-defended locality. The Party to the conflict to which the declaration is addressed shall acknowledge its receipt and shall treat the locality as a non-defended locality unless the conditions laid down in paragraph 2 are not in fact fulfilled, in which event it shall immediately so inform the Party making the declaration. Even if the conditions laid down in paragraph 2 are not fulfilled, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

5. The Parties to the conflict may agree on the establishment of non-defended localities even if such localities do not fulfil the conditions laid down in paragraph 2. The agreement should define and describe, as precisely as possible, the limits of the non-defended locality; if necessary, it may lay down the methods of supervision.

6. The Party which is in control of a locality governed by such an agreement shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

7. A locality loses its status as a non-defended locality when it ceases to fulfil the conditions laid down in paragraph 2 or in the agreement referred to in paragraph 5. In such an eventuality, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Article 60 - Demilitarized zones

1. It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement.

2. The agreement shall be an express agreement, may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian organization, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peacetime, as well as after the

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outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, if necessary, lay down the methods of supervision.

3. The subject of such an agreement shall normally be any zone which fulfils the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) any activity linked to the military effort must have ceased.

The Parties to the conflict shall agree upon the interpretation to be given to the condition laid down in subparagraph (d) and upon persons to be admitted to the demilitarized zone other than those mentioned in paragraph 4.

4. The presence, in this zone, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 3.

5. The Party which is in control of such a zone shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally revoke its status.

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarized zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Chapter VI

CIVIL DEFENCE

Article 61 - Definitions and scope

For the purpose of this Protocol:

(1) "Civil defence" means the performance of some or all of the undermentioned humanitarian tasks intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival. These tasks are:

- (a) warning;
- (b) evacuation;
- (c) management of shelters;
- (d) management of blackout measures;
- (e) rescue;
- (f) medical services, including first aid, and religious assistance;
- (g) fire-fighting;
- (h) detection and marking of danger areas;
- (i) decontamination and similar protective measures;
- (j) provision of emergency accommodation and supplies;
- (k) emergency assistance in the restoration and maintenance of order in distressed areas;
- (l) emergency repair of indispensable public utilities;
- (m) emergency disposal of the dead;
- (n) assistance in the preservation of objects essential for survival;
- (o) complementary activities necessary to carry out any of the tasks mentioned above, including, but not limited to, planning and organization;

(2) "Civil defence organizations" means those establishments and other units which are organized or authorized by the competent authorities of a Party to the conflict

to perform any of the tasks mentioned under (1), and which are assigned and devoted exclusively to such tasks;

(3) "Personnel" of civil defence organizations means those persons assigned by a Party to the conflict exclusively to the performance of the tasks mentioned under (1), including personnel assigned by the competent authority of that Party exclusively to the administration of these organizations;

(4) "Matériel" of civil defence organizations means equipment, supplies and transports used by these organizations for the performance of the tasks mentioned under (1).

Article 62 - General protection

1. Civilian civil defence organizations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.

2. The provisions of paragraph 1 shall also apply to civilians who, although not members of civilian civil defence organizations, respond to an appeal from the competent authorities and perform civil defence tasks under their control.

3. Buildings and matériel used for civil defence purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.

Article 63 - Civil defence in occupied territories

1. In occupied territories, civilian civil defence organizations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organizations in any way which might jeopardize the efficient performance of their mission. These organizations shall not be required to give priority to the nationals or interests of that Power.

2. The Occupying Power shall not compel, coerce or induce civilian civil defence organizations to perform their tasks in any manner prejudicial to the interests of the civilian population.

3. The Occupying Power may disarm civil defence personnel for reasons of security.

4. The Occupying Power shall neither divert from their proper use nor requisition buildings or matériel belonging to or used by civil defence organizations if such diversion or requisition would be harmful to the civilian population.

5. Provided that the general rule in paragraph 4 continues to be observed, the Occupying Power may requisition or divert these resources, subject to the following particular conditions:

(a) that the buildings or matériel are necessary for other needs of the civilian population; and

(b) that the requisition or diversion continues only while such necessity exists.

6. The Occupying Power shall neither divert nor requisition shelters provided for the use of the civilian population or needed by such population.

Article 64 - Civilian civil defence organizations of neutral or other States not Parties to the conflict and international co-ordinating organizations

1. Articles 62, 63, 65 and 66 shall also apply to the personnel and matériel of civilian civil defence organizations of neutral or other States not Parties to the conflict which perform civil defence tasks mentioned in Article 61 in the territory of a Party to the conflict, with the consent and under the control of that Party. Notification of such assistance shall be given as soon as possible to any adverse Party concerned. In no circumstances shall this activity be deemed to be an interference in the conflict. This activity should, however, be performed with due regard to the security interests of the Parties to the conflict concerned.

2. The Parties to the conflict receiving the assistance referred to in paragraph 1 and the High Contracting Parties granting it should facilitate international co-ordination of such civil defence actions when appropriate. In such cases the relevant international organizations are covered by the provisions of this Chapter.

3. In occupied territories, the Occupying Power may only exclude or restrict the activities of civilian civil defence organizations of neutral or other States not Parties to the conflict and of international co-ordinating organizations if it can ensure the adequate performance of civil defence tasks from its own resources or those of the occupied territory.

Article 65 - Cessation of protection

1. The protection to which civilian civil defence organizations, their personnel, buildings, shelters and matériel are entitled shall not cease unless they commit or are used to commit, outside their proper tasks, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

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(a) that civil defence tasks are carried out under the direction or control of military authorities;

(b) that civilian civil defence personnel co-operate with military personnel in the performance of civil defence tasks, or that some military personnel are attached to civilian civil defence organizations;

(c) that the performance of civil defence tasks may incidentally benefit military victims, particularly those who are hors de combat.

3. It shall also not be considered as an act harmful to the enemy that civilian civil defence personnel bear light individual weapons for the purpose of maintaining order or for self-defence. However, in areas where land fighting is taking place or is likely to take place, the Parties to the conflict shall undertake the appropriate measures to limit these weapons to handguns, such as pistols or revolvers, in order to assist in distinguishing between civil defence personnel and combatants. Although civil defence personnel bear other light individual weapons in such areas, they shall nevertheless be respected and protected as soon as they have been recognized as such.

4. The formation of civilian civil defence organizations along military lines, and compulsory service in them, shall also not deprive them of the protection conferred by this Chapter.

Article 66 - Identification

1. Each Party to the conflict shall endeavour to ensure that its civil defence organizations, their personnel, buildings and matériel, are identifiable while they are exclusively devoted to the performance of civil defence tasks. Shelters provided for the civilian population should be similarly identifiable.

2. Each Party to the conflict shall also endeavour to adopt and implement methods and procedures which will make it possible to recognize civilian shelters as well as civil defence personnel, buildings and matériel on which the international distinctive sign of civil defence is displayed.

3. In occupied territories and in areas where fighting is taking place or is likely to take place, civilian civil defence personnel should be recognizable by the international distinctive sign of civil defence and by an identity card certifying their status.

4. The international distinctive sign of civil defence is an equilateral blue triangle on an orange ground when used for the protection of civil defence organizations, their personnel, buildings and matériel and for civilian shelters.

5. In addition to the distinctive sign, Parties to the conflict may agree upon the use of distinctive signals for civil defence identification purposes.

6. The application of the provisions of paragraphs 1 to 4 is governed by Chapter V of Annex I to this Protocol.

7. In time of peace, the sign described in paragraph 4 may, with the consent of the competent national authorities, be used for civil defence identification purposes.

8. The High Contracting Parties and the Parties to the conflict shall take the measures necessary to supervise the display of the international distinctive sign of civil defence and to prevent and repress any misuse thereof.

9. The identification of civil defence medical and religious personnel, medical units and medical transports is also governed by Article 18.

Article 67 - Members of the armed forces and military units assigned to civil defence organizations

1. Members of the armed forces and military units assigned to civil defence organizations shall be respected and protected, provided that:

(a) such personnel and such units are permanently assigned and exclusively devoted to the performance of any of the tasks mentioned in Article 61;

(b) if so assigned, such personnel do not perform any other military duties during the conflict;

(c) such personnel are clearly distinguishable from the other members of the armed forces by prominently displaying the international distinctive sign of civil defence, which shall be as large as appropriate, and such personnel are provided with the identity card referred to in Chapter V of Annex I to this Protocol certifying their status;

(d) such personnel and such units are equipped only with light individual weapons for the purpose of maintaining order or for self-defence. The provisions of Article 65, paragraph 3 shall also apply in this case;

(e) such personnel do not participate directly in hostilities, and do not commit, or are not used to commit, outside their civil defence tasks, acts harmful to the adverse Party;

(f) such personnel and such units perform their civil defence tasks only within the national territory of their Party.

The non-observance of the conditions stated in (e) above by any member of the armed forces who is bound by the conditions prescribed in (a) and (b) above is prohibited.

2. Military personnel serving within civil defence organizations shall, if they

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fall into the power of an adverse Party, be prisoners of war. In occupied territory they may, but only in the interest of the civilian population of that territory, be employed on civil defence tasks in so far as the need arises, provided however that, if such work is dangerous, they volunteer for such tasks.

3. The buildings and major items of equipment and transports of military units assigned to civil defence organizations shall be clearly marked with the international distinctive sign of civil defence. This distinctive sign shall be as large as appropriate.

4. The matériel and buildings of military units permanently assigned to civil defence organizations and exclusively devoted to the performance of civil defence tasks shall, if they fall into the hands of an adverse Party, remain subject to the laws of war. They may not be diverted from their civil defence purpose so long as they are required for the performance of civil defence tasks, except in case of imperative military necessity, unless previous arrangements have been made for adequate provision for the needs of the civilian population.

SECTION II

RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 68 - Field of application

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69 - Basic needs in occupied territories

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70 - Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be

undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allows the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

(a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;

(b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;

(c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.

Article 71 - Personnel participating in relief actions

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

2. Such personnel shall be respected and protected.

3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.

4. Under no circumstances may relief personnel exceed the terms of their mission

under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.

SECTION III

TREATMENT OF PERSONS IN THE POWER OF A PARTY TO THE CONFLICT

Chapter I

FIELD OF APPLICATION AND PROTECTION OF PERSONS AND OBJECTS

Article 72 - Field of application

The provisions of this Section are additional to the rules concerning humanitarian protection of civilians and civilian objects in the power of a Party to the conflict contained in the Fourth Convention, particularly Parts I and III thereof, as well as to other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict.

Article 73 - Refugees and stateless persons

Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.

Article 74 - Reunion of dispersed families

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organizations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Article 75 - Fundamental guarantees

1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to the life, health, or physical or mental well-being of persons, in particular:

- (i) murder;
- (ii) torture of all kinds, whether physical or mental;
- (iii) corporal punishment; and
- (iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

(c) the taking of hostages;

(d) collective punishments; and

(e) threats to commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist.

4. No sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to a conviction pronounced by an impartial and regularly constituted court respecting the generally recognized principles of regular judicial procedure, which include the following:

(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

(c) no one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

- (d) anyone charged with an offence is presumed innocent until proved guilty according to law;
- (e) anyone charged with an offence shall have the right to be tried in his presence;
- (f) no one shall be compelled to testify against himself or to confess guilt;
- (g) anyone charged with an offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (h) no one shall be prosecuted or punished by the same Party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure;
- (i) anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly; and
- (j) a convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

5. Women whose liberty has been restricted for reasons related to the armed conflict shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. Nevertheless, in cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units.

6. Persons who are arrested, detained or interned for reasons related to the armed conflict shall enjoy the protection provided by this Article until their final release, repatriation or re-establishment, even after the end of the armed conflict.

7. In order to avoid any doubt concerning the prosecution and trial of persons accused of war crimes or crimes against humanity, the following principles shall apply:

- (a) persons who are accused of such crimes should be submitted for the purpose of prosecution and trial in accordance with the applicable rules of international law; and

- (b) any such persons who do not benefit from more favourable treatment under the Conventions or this Protocol shall be accorded the treatment provided by this Article, whether or not the crimes of which they are accused constitute grave breaches of the Conventions or of this Protocol.

8. No provision of this Article may be construed as limiting or infringing any other more favourable provision granting greater protection, under any applicable rules of international law, to persons covered by paragraph 1.

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Chapter II

MEASURES IN FAVOUR OF WOMEN AND CHILDREN

Article 76 - Protection of women

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.
2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.
3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

Article 77 - Protection of children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.
2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest.
3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.
4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.
5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Article 78 - Evacuation of children

1. No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. Where the parents or legal guardians can be found, their written consent to such evacuation is required. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required. Any such evacuation shall be supervised by the Protecting Power in agreement with the Parties concerned, namely, the Party arranging for the evacuation, the Party receiving the children and any Parties whose nationals are being evacuated. In each case, all Parties to the conflict shall take all feasible precautions to avoid endangering the evacuation.

2. Whenever an evacuation occurs pursuant to paragraph 1, each child's education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.

3. With a view to facilitating the return to their families and country of children evacuated pursuant to this Article, the authorities of the Party arranging for the evacuation and, as appropriate, the authorities of the receiving country shall establish for each child a card with photographs, which they shall send to the Central Tracing Agency of the International Committee of the Red Cross. Each card shall bear, whenever possible, and whenever it involves no risk of harm to the child, the following information:

- (a) surname(s) of the child;
- (b) the child's first name(s);
- (c) the child's sex;
- (d) the place and date of birth (or, if that date is not known, the approximate age);
- (e) the father's full name;
- (f) the mother's full name and her maiden name;
- (g) the child's next-of-kin;
- (h) the child's nationality;
- (i) the child's native language, and any other languages he speaks;
- (j) the address of the child's family;
- (k) any identification number for the child;

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- (l) the child's state of health;
- (m) the child's blood group;
- (n) any distinguishing features;
- (o) the date on which and the place where the child was found;
- (p) the date on which and the place from which the child left the country;
- (q) the child's religion, if any;
- (r) the child's present address in the receiving country;
- (s) should the child die before his return, the date, place and circumstances of death and place of interment.

Chapter III

JOURNALISTS

Article 79 - Measures of protection for journalists

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.
2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 (A) (4) of the Third Convention.
3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

PART V

EXECUTION OF THE CONVENTIONS AND OF THIS PROTOCOL

SECTION I

GENERAL PROVISIONS

Article 80 - Measures for execution

1. The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.
2. The High Contracting Parties and the Parties to the conflict shall give orders and instructions to ensure observance of the Conventions and this Protocol, and shall supervise their execution.

Article 81 - Activities of the Red Cross and other humanitarian organizations

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.
2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.
3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies extend to the victims of conflicts in accordance with the provisions of the Conventions and this Protocol and with the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.
4. The High Contracting Parties and the Parties to the conflict shall, as far as possible, make facilities similar to those mentioned in paragraphs 2 and 3 available to the other humanitarian organizations referred to in the Conventions and this Protocol which are duly authorized by the respective Parties to the conflict and which perform their humanitarian activities in accordance with the provisions of the Conventions and this Protocol.

Article 82 - Legal advisers in armed forces

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

Article 83 - Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.

2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 84 - Rules of application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depositary and, as appropriate, through the Protecting Powers, their official translations of this Protocol, as well as the laws and regulations which they may adopt to ensure its application.

SECTION II

REPRESSION OF BREACHES OF THE CONVENTIONS
AND OF THIS PROTOCOL

Article 85 - Repression of breaches of this Protocol

1. The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.

2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.

3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in

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violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:

(a) making the civilian population or individual civilians the object of attack;

(b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);

(c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);

(d) making non-defended localities and demilitarized zones the object of attack;

(e) making a person the object of attack in the knowledge that he is hors de combat;

(f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.

4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:

(a) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;

(b) unjustifiable delay in the repatriation of prisoners of war or civilians;

(c) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;

(d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;

(e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.

5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

Article 86 - Failure to act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.

Article 87 - Duty of commanders

1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

Article 88 - Mutual assistance in criminal matters

1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.

2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1 of this Protocol, and when circumstances permit, the High

Contracting Parties shall co-operate in the matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred.

3. The law of the High Contracting Party requested shall apply in all cases. The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters.

Article 89 - Co-operation

In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.

Article 90 - International Fact-Finding Commission

1. (a) An International Fact-Finding Commission (hereinafter referred to as "the Commission") consisting of 15 members of high moral standing and acknowledged impartiality shall be established;

(b) When not less than 20 High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person;

(c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting;

(d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured;

(e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding subparagraphs;

(f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.

2. (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High

Contracting Party accepting the same obligation, the competence of the Commission to inquire into allegations by such other Party, as authorized by this Article;

(b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties;

(c) The Commission shall be competent to:

(i) inquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;

(ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol;

(d) In other situations, the Commission shall institute an inquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned;

(e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.

3. (a) Unless otherwise agreed by the Parties concerned, all inquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:

(i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;

(ii) two ad hoc members, not nationals of any Party to the conflict, one to be appointed by each side;

(b) Upon receipt of the request for an inquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any ad hoc member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4. (a) The Chamber set up under paragraph 3 to undertake an inquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation in loco;

(b) All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission;

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(c) Each Party shall have the right to challenge such evidence.

5. (a) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate;

(b) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability;

(c) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.

6. The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an inquiry, they are exercised by a person who is not a national of a Party to the conflict.

7. The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an inquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of 50 per cent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance 50 per cent of the necessary funds.

Article 91 - Responsibility

A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

PART VI
FINAL PROVISIONS

Article 92 - Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 93 - Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 94 - Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 95 - Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 96 - Treaty relations upon entry into force of this Protocol

1. When the Parties to the Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.
3. The authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in Article 1, paragraph 4, may undertake to apply the Conventions and this Protocol in relation to that conflict by means of a unilateral declaration addressed to the depositary. Such declaration shall, upon its receipt by the depositary, have in relation to that conflict the following effects:

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(a) the Conventions and this Protocol are brought into force for the said authority as a Party to the conflict with immediate effect;

(b) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Conventions and this Protocol; and

(c) the Conventions and this Protocol are equally binding upon all Parties to the conflict.

Article 97 - Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 98 - Revision of Annex I

1. Not later than four years after the entry into force of this Protocol and thereafter at intervals of not less than four years, the International Committee of the Red Cross shall consult the High Contracting Parties concerning Annex I to this Protocol and, if it considers it necessary, may propose a meeting of technical experts to review Annex I and to propose such amendments to it as may appear to be desirable. Unless, within six months of the communication of a proposal for such a meeting to the High Contracting Parties, one third of them object, the International Committee of the Red Cross shall convene the meeting, inviting also observers of appropriate international organizations. Such a meeting shall also be convened by the International Committee of the Red Cross at any time at the request of one third of the High Contracting Parties.

2. The depositary shall convene a conference of the High Contracting Parties and the Parties to the Conventions to consider amendments proposed by the meeting of technical experts if, after that meeting, the International Committee of the Red Cross or one third of the High Contracting Parties so request.

3. Amendments to Annex I may be adopted at such a conference by a two-thirds majority of the High Contracting Parties present and voting.

4. The depositary shall communicate any amendment so adopted to the High Contracting Parties and to the Parties to the Conventions. The amendment shall be considered to have been accepted at the end of a period of one year after it

has been so communicated, unless within that period a declaration of non-acceptance of the amendment has been communicated to the depositary by not less than one third of the High Contracting Parties.

5. An amendment considered to have been accepted in accordance with paragraph 4 shall enter into force three months after its acceptance for all High Contracting Parties other than those which have made a declaration of non-acceptance in accordance with that paragraph. Any Party making such a declaration may at any time withdraw it and the amendment shall then enter into force for that Party three months thereafter.

6. The depositary shall notify the High Contracting Parties and the Parties to the Conventions of the entry into force of any amendment, of the Parties bound thereby, of the date of its entry into force in relation to each Party, of declarations of non-acceptance made in accordance with paragraph 4, and of withdrawals of such declarations.

Article 99 - Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in one of the situations referred to in Article I, the denunciation shall not take effect before the end of the armed conflict or occupation and not, in any case, before operations connected with the final release, repatriation or re-establishment of the persons protected by the Convention or this Protocol have been terminated.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

3. The denunciation shall have effect only in respect of the denouncing Party.

4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 100 - Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- (a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 93 and 94;
- (b) the date of entry into force of this Protocol under Article 95;

- (c) communications and declarations received under Articles 84, 90 and 97;
- (d) declarations received under Article 96, paragraph 3, which shall be communicated by the quickest methods; and
- (e) denunciations under Article 99.

Article 101 - Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 102 - Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

Annex I to Protocol I

REGULATIONS CONCERNING IDENTIFICATION

Chapter I

IDENTITY CARDS

Article 1 - Identity card for permanent civilian medical and religious personnel

1. The identity card for permanent civilian medical and religious personnel referred to in Article 18, paragraph 3, of the Protocol should:

(a) bear the distinctive emblem and be of such size that it can be carried in the pocket;

(b) be as durable as practicable;

(c) be worded in the national or official language (and may in addition be worded in other languages);

(d) mention the name, the date of birth (or, if that date is not available, the age at the time of issue) and the identity number, if any, of the holder;

(e) state in what capacity the holder is entitled to the protection of the Conventions and of the Protocol;

(f) bear the photograph of the holder as well as his signature or his thumbprint, or both;

(g) bear the stamp and signature of the competent authority;

(h) state the date of issue and date of expiry of the card.

2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all Parties to the conflict. The Parties to the conflict may be guided by the single-language model shown in Figure 1. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using, if such model differs from that shown in Figure 1. The identity card shall be made out, if possible, in duplicate, one copy being kept by the issuing authority, which should maintain control of the cards which it has issued.

3. In no circumstances may permanent civilian medical and religious personnel be deprived of their identity cards. In the event of the loss of a card, they shall be entitled to obtain a duplicate copy.

Article 2 - Identity card for temporary civilian medical and religious personnel

1. The identity card for temporary civilian medical and religious personnel should, whenever possible, be similar to that provided for in Article 1 of these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.
2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in Article 1 of these Regulations, the said personnel may be provided with a certificate signed by the competent authority certifying that the person to whom it is issued is assigned to duty as temporary personnel and stating, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should mention the holder's name and date of birth (or if that date is not available, his age at the time when the certificate was issued), his function and identity number, if any. It shall bear his signature or his thumbprint, or both.

FRONT



	(space reserved for the name of the country and authority issuing this card)	
IDENTITY CARD		
for PERMANENT civilian medical personnel TEMPORARY religious personnel		
Name		
Date of birth (or age)		
Identity No. (if any)		
The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as		
Date of issue No. of card		
Signature of issuing authority		
Date of expiry		

Fig. 1: Model of identity card
(format: 74 mm x 105 mm)

REVERSE SIDE

Height	Eyes	Hair
Other distinguishing marks or information: . . .		
PHOTO OF HOLDER		
Stamp	Signature of holder or thumbprint or both	

Chapter II

THE DISTINCTIVE EMBLEM

Article 3 - Shape and nature

1. The distinctive emblem (red on a white ground) shall be as large as appropriate under the circumstances. For the shapes of the cross, the crescent or the lion and sun, the High Contracting Parties may be guided by the models shown in Figure 2.

2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.

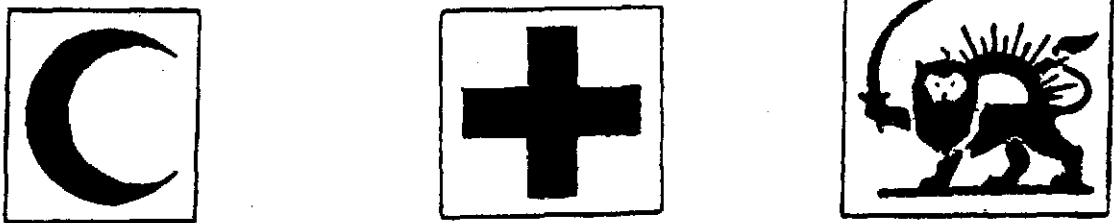


Fig. 2: Distinctive emblems in red on a white ground

Article 4 - Use

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface or on flags visible from as many directions and from as far away as possible.

2. Subject to the instructions of the competent authority, medical and religious personnel carrying out their duties in the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.

Chapter III

DISTINCTIVE SIGNALS

Article 5 - Optional Use

1. Subject to the provisions of Article 6 of these Regulations, the signals specified in this Chapter for exclusive use by medical units and transports shall not be used for any other purpose. The use of all signals referred to in this Chapter is optional.

2. Temporary medical aircraft which cannot, either for lack of time or because of their characteristics, be marked with the distinctive emblem, may use the distinctive signals authorized in this Chapter. The best method of effective identification and recognition of medical aircraft is, however, the use of a visual signal, either the distinctive emblem or the light signal specified in Article 6, or both, supplemented by the other signals referred to in Articles 7 and 8 of these Regulations.

Article 6 - Light signal

1. The light signal, consisting of a flashing blue light, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. The recommended blue colour is obtained by using, as trichromatic co-ordinates:

green boundary	$y = 0.065 + 0.805x$
white boundary	$y = 0.400 - x$
purple boundary	$x = 0.133 + 0.600y$

The recommended flashing rate of the blue light is between 60 and 100 flashes per minute.

2. Medical aircraft should be equipped with such lights as may be necessary to make the light signal visible in as many directions as possible.

3. In the absence of a special agreement between the Parties to the conflict reserving the use of flashing blue lights for the identification of medical vehicles and ships and craft, the use of such signals for other vehicles or ships is not prohibited.

Article 7 - Radio signal

1. The radio signal shall consist of a radiotelephonic or radiotelegraphic message preceded by a distinctive priority signal to be designated and approved by a World Administrative Radio Conference of the International Telecommunication Union. It shall be transmitted three times before the call sign of the medical transport involved. This message shall be transmitted in English at appropriate intervals on a frequency or frequencies specified pursuant to paragraph 3. The use of the priority signal shall be restricted exclusively to medical units and transports.

/...

2. The radio message preceded by the distinctive priority signal mentioned in paragraph 1 shall convey the following data:

- (a) call sign of the medical transport;
- (b) position of the medical transport;
- (c) number and type of medical transports;
- (d) intended route;
- (e) estimated time en route and of departure and arrival, as appropriate;
- (f) any other information such as flight altitude, radio frequencies guarded, languages and secondary surveillance, radar modes and codes.

3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. These frequencies shall be notified to the International Telecommunication Union in accordance with procedures to be approved by a World Administrative Radio Conference.

Article 8 - Electronic identification

1. The Secondary Surveillance Radar (SSR) system, as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used to identify and to follow the course of medical aircraft. The SSR mode and code to be reserved for the exclusive use of medical aircraft shall be established by the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, in accordance with procedures to be recommended by the International Civil Aviation Organization.

2. Parties to a conflict may, by special agreement between them, establish for their use a similar electronic system for the identification of medical vehicles, and medical ships and craft.

Chapter IV

COMMUNICATIONS

Article 9 - Radiocommunications

The priority signal provided for in Article 7 of these Regulations may precede

/...

appropriate radiocommunications by medical units and transports in the application of the procedures carried out under Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol.

Article 10 - Use of international codes

Medical units and transports may also use the codes and signals laid down by the International Telecommunication Union, the International Civil Aviation Organization and the Inter-Governmental Maritime Consultative Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

Article 11 - Other means of communication

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the Inter-Governmental Maritime Consultative Organization or in the appropriate Annex to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

Article 12 - Flight plans

The agreements and notifications relating to flight plans provided for in Article 29 of the Protocol shall as far as possible be formulated in accordance with procedures laid down by the International Civil Aviation Organization.

Article 13 - Signals and procedures for the interception of medical aircraft

If an intercepting aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with Articles 30 and 31 of the Protocol, the standard visual and radio interception procedures prescribed by Annex 2 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, should be used by the intercepting and the medical aircraft.

Chapter V

CIVIL DEFENCE

Article 14 - Identity card

1. The identity card of the civil defence personnel provided for in Article 66, paragraph 3, of the Protocol is governed by the relevant provisions of Article 1 of these Regulations.
2. The identity card for civil defence personnel may follow the model shown in Figure 3.
3. If civil defence personnel are permitted to carry light individual weapons, an entry to that effect should be made on the card mentioned.

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FRONT



	<p>(space reserved for the name of the country and authority issuing this card)</p>	
<p>IDENTITY CARD</p>		
<p>for civil defence personnel</p>		
<hr style="width: 20%; margin: 10px auto;"/>		
Name		
.....		
Date of birth (or age)		
Identity No. (if any)		
<p>The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as</p>		
.....		
Date of issue	No. of card	
Signature of issuing authority		
Date of expiry		

Fig. 3: Model of identity card for civil defence personnel (format: 74 mm x 105 mm)

REVERSE SIDE

Height	Eyes	Hair
Other distinguishing marks or information: . .		
Weapons		
PHOTO OF HOLDER		
Stamp	Signature of holder or thumbprint or both	

Article 15 - International distinctive sign

1. The international distinctive sign of civil defence provided for in Article 66, paragraph 4, of the Protocol is an equilateral blue triangle on an orange ground. A model is shown in Figure 4:

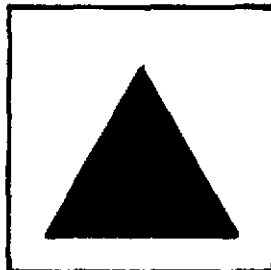


Fig. 4: Blue triangle on an orange ground

2. It is recommended that:

- (a) if the blue triangle is on a flag or armlet or tabard, the ground to the triangle be the orange flag, armlet or tabard;
- (b) one of the angles of the triangle be pointed vertically upwards;
- (c) no angle of the triangle touch the edge of the orange ground.

3. The international distinctive sign shall be as large as appropriate under the circumstances. The distinctive sign shall, whenever possible, be displayed on flat surfaces or on flags visible from as many directions and from as far away as possible. Subject to the instructions of the competent authority, civil defence personnel shall, as far as possible, wear headgear and clothing bearing the international distinctive sign. At night or when visibility is reduced, the sign may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.

Chapter VI

WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES

Article 16 - International special sign

1. The international special sign for works and installations containing dangerous forces, as provided for in Article 56, paragraph 7, of the Protocol, shall be a group of three bright orange circles of equal size, placed on the same axis, the distance between each circle being one radius, in accordance with Figure 5 illustrated below.
2. The sign shall be as large as appropriate under the circumstances. When displayed over an extended surface it may be repeated as often as appropriate under the circumstances. It shall, whenever possible, be displayed on flat surfaces or on flags so as to be visible from as many directions and from as far away as possible.
3. On a flag, the distance between the outer limits of the sign and the adjacent sides of the flag shall be one radius of a circle. The flag shall be rectangular and shall have a white ground.
4. At night or when visibility is reduced, the sign may be lighted or illuminated. It may also be made of materials rendering it recognizable by technical means of detection.

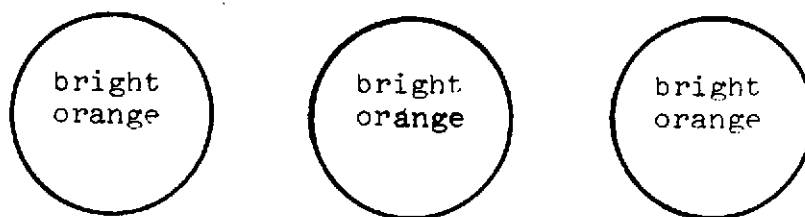


Fig. 5: International special sign for works and installations containing dangerous forces

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Annex II to Protocol I

IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS

IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS

FRONT

NOTICE	
<p>This identity card is issued to journalists on dangerous professional missions in areas of armed conflicts. The holder is entitled to be treated as a civilian under the Geneva Conventions of 12 August 1949, and their Additional Protocol I. The card must be carried at all times by the bearer. If he is detained, he shall at once hand it to the Detaining Authorities, to assist in his identification.</p>	
<p>ملحوظة</p> <p>تصرف هذه البطاقة الصحفيين الكفائيين بمهمات خطيرة في مناطق النزاعات المسلحة. يحق لصاحبها أن يعامل معاملة المدنيين الذين ولا لا تخضع لجنيف للبروتوكول الإضافي الأول. يجب أن يحمل البطاقة دائما. وإذا احتل يجب أن يسلّمها فوراً إلى سلطة الاعتقال لتساعد على تحديد هويته.</p>	
<p>NOTA</p> <p>La presente tarjeta de identidad se expide a los periodistas en misión profesional peligrosa en zonas de conflictos armados. Su titular tiene derecho a ser tratado como persona civil conforme a los Convenios de Ginebra del 12 de agosto de 1949, y su Protocolo adicional I. La tarjeta debe llevarse consigo, en todo momento. En caso de ser detenido, la entregará inmediatamente a las autoridades que lo detengan a fin de facilitar su identificación.</p>	
<p>AVIS</p> <p>La présente carte d'identité est délivrée aux journalistes en mission professionnelle périlleuse dans des zones de conflit armé. Le porteur a le droit d'être traité comme une personne civile aux termes des Conventions de Genève du 12 août 1949, et de leur Protocole additionnel I. La carte doit être portée en tout temps par son titulaire. Si celui-ci est arrêté, il la remettra immédiatement aux autorités qui le retiennent afin qu'elles puissent l'identifier.</p>	
<p>УВЕДОМЛЕНИЕ</p> <p>Настоящее удостоверение выдается журналистам, выполняющим в опасных профессиональных миссиях в районах вооруженного конфликта. Его обладатель имеет право на обращение с ним как с гражданским лицом в соответствии с Женевскими конвенциями от 12 августа 1949 г. и Дополнительным Протоколом I к ним. Каждый удостоверяемый должен постоянно иметь его при себе. В случае задержания он немедленно должен его представить властям для его идентификации.</p>	
<p>IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS</p> <p>بطاقة الهوية الخاصة بالصحفيين الكفائيين بمهمات خطيرة</p> <p>TARJETA DE IDENTIDAD DE PERIODISTA EN MISION PELIGROSA</p> <p>CARTE D'IDENTITE DE JOURNALISTE EN MISSION PERILLEUSE</p> <p>УДОСТОВЕРЕНИЕ ЖУРНАЛИСТА, ВЫПОЛНЯЮЩЕГО В ОЧАГОВОМ ВОЗМУЩЕНИИ</p>	

REVERSE SIDE

<p>Issued by (competent authority) (مصدر البطاقة المختصة)</p> <p>Expedida por (autoridad competente) Délivrée par (autorité compétente) Видано (компетентным органом)</p>		<p>Height الطول</p> <p>Stature الطول</p> <p>Taille الطول</p> <p>Weight الوزن</p> <p>Peso الوزن</p> <p>Don الوزن</p>		<p>Eyes العيون</p> <p>Ojos العيون</p> <p>Yeux العيون</p> <p>Hair الشعر</p> <p>Cabello الشعر</p> <p>Chveux الشعر</p> <p>Shampoo الشعر</p>	
<p>Photograph of bearer صورة صاحب البطاقة</p> <p>Fotografía del titular صورة صاحب البطاقة</p> <p>Photographie du porteur صورة صاحب البطاقة</p> <p>Сторонний صورة صاحب البطاقة</p>		<p>Place المكان</p> <p>Lugar المكان</p> <p>Lieu المكان</p> <p>Don المكان</p>		<p>Blood type نوع الدم</p> <p>Grupo sanguíneo نوع الدم</p> <p>Grupos sanguíneos نوع الدم</p> <p>Grupos sanguíneos نوع الدم</p>	
<p>Official seal (imprint) (الختم الرسمي)</p> <p>(Sello oficial) (Timbre de l'autorité délivrant la carte) (الختم الرسمي)</p> <p>Signature of bearer (توقيع صاحب البطاقة)</p> <p>(Firma del titular) (Signature du porteur) (Подпись удостоверяемого)</p>		<p>Religion (optional) (الديانة الاختياري)</p> <p>Religion (optativo) (الديانة الاختياري)</p> <p>Religion (facultatif) (الديانة الاختياري)</p> <p>Religion (facultative) (الديانة الاختياري)</p>		<p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p>	
<p>Name الاسم</p> <p>Apellidos الاسم</p> <p>Don الاسم</p> <p>Don الاسم</p> <p>Don الاسم</p>		<p>Religion (optional) (الديانة الاختياري)</p> <p>Religion (optativo) (الديانة الاختياري)</p> <p>Religion (facultatif) (الديانة الاختياري)</p> <p>Religion (facultative) (الديانة الاختياري)</p>		<p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p>	
<p>Specific occupation المهنة</p> <p>Categoría profesional المهنة</p> <p>Catégorie professionnelle المهنة</p> <p>Profession المهنة</p>		<p>Religion (optional) (الديانة الاختياري)</p> <p>Religion (optativo) (الديانة الاختياري)</p> <p>Religion (facultatif) (الديانة الاختياري)</p> <p>Religion (facultative) (الديانة الاختياري)</p>		<p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p>	
<p>Valid for تاريخ العمل</p> <p>Válido por تاريخ العمل</p> <p>Durée de validité تاريخ العمل</p> <p>Valid for تاريخ العمل</p>		<p>Religion (optional) (الديانة الاختياري)</p> <p>Religion (optativo) (الديانة الاختياري)</p> <p>Religion (facultatif) (الديانة الاختياري)</p> <p>Religion (facultative) (الديانة الاختياري)</p>		<p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p>	
<p>Special marks of identification العلامات الخاصة بالهوية</p> <p>Señas particulares العلامات الخاصة بالهوية</p> <p>Signes particuliers العلامات الخاصة بالهوية</p> <p>Señas particulares العلامات الخاصة بالهوية</p>		<p>Religion (optional) (الديانة الاختياري)</p> <p>Religion (optativo) (الديانة الاختياري)</p> <p>Religion (facultatif) (الديانة الاختياري)</p> <p>Religion (facultative) (الديانة الاختياري)</p>		<p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p> <p>Factor Rh عامل الريس</p>	

ANNEX II

Text of Protocol Additional to the Geneva Conventions of
12 August 1949, and relating to the protection of victims
of non-international armed conflicts (Protocol II)
adopted by the Conference on 8 June 1977

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PREAMBLE

The High Contracting Parties,

Recalling that the humanitarian principles enshrined in Article 3 common to the Geneva Conventions of 12 August 1949, constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of those armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

PART I

SCOPE OF THIS PROTOCOL

Article 1 - Material field of application

1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2 - Personal field of application

1. This Protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria (hereinafter referred to as "adverse distinction") to all persons affected by an armed conflict as defined in Article 1.

2. At the end of the armed conflict, all the persons who have been deprived of their liberty or whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.

Article 3 - Non-intervention

1. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

PART II

HUMANE TREATMENT

Article 4 - Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

(a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) collective punishments;

(c) taking of hostages;

(d) acts of terrorism;

(e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) slavery and the slave trade in all their forms;

(g) pillage;

(h) threats to commit any of the foregoing acts.

3. Children shall be provided with the care and aid they require, and in particular:

(a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;

(b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

(c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;

/...

(d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;

(e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Article 5 - Persons whose liberty has been restricted

1. In addition to the provisions of Article 4 the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:

(a) the wounded and the sick shall be treated in accordance with Article 7;

(b) the persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;

(c) they shall be allowed to receive individual or collective relief;

(d) they shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;

(e) they shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons:

(a) except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;

(b) they shall be allowed to send and receive letters and cards, the number of which may be limited by competent authority if it deems necessary;

(c) places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out under adequate conditions of safety;

/...

(d) they shall have the benefit of medical examinations;

(e) their physical or mental health and integrity shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.

3. Persons who are not covered by paragraph 1 but whose liberty has been restricted in any way whatsoever for reasons related to the armed conflict shall be treated humanely in accordance with Article 4 and with paragraphs 1 (a), (c) and (d), and 2 (b) of this Article.

4. If it is decided to release persons deprived of their liberty, necessary measures to ensure their safety shall be taken by those so deciding.

Article 6 - Penal prosecutions

1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.

2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:

(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

(c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

(d) anyone charged with an offence is presumed innocent until proved guilty according to law;

(e) anyone charged with an offence shall have the right to be tried in his presence;

(f) no one shall be compelled to testify against himself or to confess guilt.

/...

3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

5. At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

PART III

WOUNDED, SICK AND SHIPWRECKED

Article 7 - Protection and care

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.
2. In all circumstances they shall be treated humanely and shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 8 - Search

Whenever circumstances permit and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

Article 9 - Protection of medical and religious personnel

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

Article 10 - General protection of medical duties

1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.
3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.

4. Subject to national law, no person engaged in medical activities may be penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

Article 11 - Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.

2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

Article 12 - The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

PART IV

CIVILIAN POPULATION

Article 13 - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this part, unless and for such time as they take a direct part in hostilities.

Article 14 - Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Article 15 - Protection of works and installations containing dangerous forces

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

Article 16 - Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Article 17 - Prohibition of forced movement of civilians

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all

possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Article 18 - Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as food-stuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

PART V

FINAL PROVISIONS

Article 19 - Dissemination

This Protocol shall be disseminated as widely as possible.

Article 20 - Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 21 - Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 22 - Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 23 - Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 24 - Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 25 - Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect six months after receipt of the instrument of denunciation. If, however, on the expiry of six months, the denouncing Party is engaged in the situation referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict. Persons who have been deprived of liberty, or whose liberty has been restricted, for reasons related to the conflict shall nevertheless continue to benefit from the provisions of this Protocol until their final release.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

Article 26 - Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- (a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 21 and 22;
- (b) the date of entry into force of this Protocol under Article 23; and
- (c) communications and declarations received under Article 24.

Article 27 - Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 28 - Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.