BASIC TEXTS

Documentary material submitted by the International Committee of the Red Cross
Conference of Government Experts on the
Reaffirmation and Development
of International Humanitarian Law
Applicable in Armed Conflicts

Geneva, 3 May–3 June 1972
(second session)

I
BASIC TEXTS

Documentary material submitted by the
International Committee of the Red Cross

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INTRODUCTION

In September 1969, at Istanbul, the XXIst International Conference of the Red Cross unanimously adopted Resolution No. XIII entitled "Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts". In that Resolution, the Conference requested the International Committee of the Red Cross (ICRC) to pursue actively its efforts with a view to proposing, as soon as possible, concrete rules which would supplement the humanitarian law in force. It also urged the ICRC to invite government experts to meet for consultation with the ICRC on those proposals.

On the basis of that Resolution, the ICRC organized a Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. The meeting, which was held in Geneva from 24 May to 12 June 1971 and was attended by more than 200 experts from about forty States representing the main legal and social systems of the world, was most fruitful, and the results of its work were set down in the report on the work of the Conference issued by the ICRC in August 1971.

It was not, however, possible for the Conference to deal fully with all the items on its agenda, and the wish was expressed that a further Conference be convened with a broader attendance. Consequently, on 27 September 1971 the ICRC invited all States which at that date were expressly Parties to the Geneva Conventions of August 12, 1949, to delegate experts to attend a second session of the Conference, to be held in Geneva from 3 May to 3 June 1972. In view of its fruitful co-operation with the United Nations in such matters, the ICRC has also asked the Secretary-General of the United Nations to be represented at the session.

Furthermore, at the first session of the Conference, which had before it the very extensive documentation especially prepared and presented by the ICRC, the wish was expressed that the ICRC should prepare as complete and concrete a set of new draft rules as possible. At the closing meeting, the President had the following to say on the subject: "The ICRC will endeavour to draw up for the next session a series of draft Protocols, bearing in mind as far as possible the various opinions expressed here but without necessarily proposing compromise solutions or seeking systematically a kind of common denominator easily acceptable to all Parties. Each Article will be accompanied by a brief comment, but the eight fascicles which you have received will still be the basic documentary material as well as, of course, the report of the present Conference."

The ICRC is communicating to the Governments concerned, by means of this documentation, the draft texts to be used as a basis for discussion at the second session of the Conference. The documentation consists of two Volumes. The first contains only the texts while the second contains the texts with commentaries and references to make them easier to understand.
The present Volume contains:

a Draft Additional Protocol to the four Geneva Conventions of August 12, 1949 — which is applicable to international armed conflicts;

a Draft Additional Protocol to Article 3 common to the four Geneva Conventions of August 12, 1949 — which is applicable to armed conflicts not of an international character.

It also contains a draft Resolution on disarmament and peace which could be introduced into the Final Act of a diplomatic conference.

As regards international armed conflicts, both the experts who attended the first session of the Conference and the ICRC itself had envisaged the drafting of a series of distinct legal instruments relating to the various subjects studied (in particular, the protection of wounded, sick and shipwrecked persons and of the civilian population, the behaviour of combatants, and the strengthening of the implementation of the law in force). Nevertheless, when preparing the proposals to be submitted to the second session, the ICRC thought it advisable to submit a single Draft Additional Protocol to the four Geneva Conventions and covering all the above-mentioned subjects. There were several reasons for the adoption of this solution, especially the concern for maintaining the unity of international humanitarian law (the Geneva Conventions have always been considered as forming a whole), the advantage of having a single Protocol and, lastly, the wish to avoid complex treaty relations between the States concerned which might result from the existence of a series of distinct legal instruments.

The ICRC would, however, stress that this solution was chosen as a working basis. The manner in which the single Draft Protocol has been drawn up is sufficiently flexible to allow its various component parts to be separated and embodied in separate Protocols, should the experts consider this preferable.

It will be noted that in a few cases the Draft Additional Protocol to the four Geneva Conventions contains Articles or Parts thereof (in Parts I, V and VI) which have been left blank, only the title of the provision being given. By this the ICRC intends to show that, in its opinion, the matter should be the subject of a specific provision, but that it has not as yet been able to propose a fully drafted Article for the reasons mentioned in the Volume "Commentaries" where the preliminary elements of such an Article are sometimes to be found.

In a few cases, the ICRC has provided two alternatives for the same provision. Sometimes both proposals are given in the Draft Protocol text itself, while in other cases one of the proposals can be found in the Commentaries.

Lastly, wishing to provide complete texts, the ICRC has also drafted the final provisions of the Draft Protocols. It is aware, however, that the majority of such provisions are mainly the concern of a conference of plenipotentiaries.
In addition to the Draft Protocols to which reference has been made, the ICRC is submitting to the second session of the Conference two further texts which, because less elaborately drafted, are not included in this volume but to which it attaches the same importance. These are, first, a preliminary draft Declaration on the Application of International Humanitarian Law in Armed Struggles for Self-Determination, which can be found in Volume II, "Commentaries", and, secondly, a preliminary draft Declaration of Fundamental Rights of the Individual in Time of Internal Disturbances or Public Emergency, the text of which is to be found in Fascicle V (Title V) of the documentation prepared by the ICRC for the first session. Since that session was unable to pronounce upon this text for lack of time, the ICRC would like to know the experts' views in the matter.

As already mentioned in its previous documentation, the ICRC wishes to make it clear that the proposals of concrete rules, which it is submitting to the second session, shall for the most part be considered as working tools elaborated in the context of its role as a body called upon to promote the development of international humanitarian law. They are intended to facilitate the deliberations of the government experts and to aid them in adopting a position — since the aim of the Conference is essentially to enable the ICRC subsequently to submit well thought-out proposals to all of the governments, as Resolution XIII, mentioned at the beginning of this introduction, requested it to do.

This Resolution also underlines the necessity and urgency of reaffirming and developing humanitarian rules of international law applicable in armed conflicts of all kinds. The ICRC therefore fervently hopes that the examination of the texts which it is presenting to government experts in this documentation will lead to sufficiently positive results which will allow it, in accordance with the Resolution, to recommend that one or more diplomatic conferences be held in the near future, to give official sanction to these Draft Protocols designed to strengthen the effective protection of fundamental human rights.
I

DRAFT ADDITIONAL PROTOCOL TO THE
FOUR GENEVA CONVENTIONS OF
AUGUST 12, 1949

The High Contracting Parties,

Recalling that the recourse to force is prohibited in international relations,

Deploring that despite this prohibition and notwithstanding all endeavours to proscribe armed conflicts they continue to occur and to cause a great deal of suffering which must be alleviated,

Noting that humanitarian rules retain all their validity despite the infringements which they suffered and believing that the observance of these rules in their entirety by all the Parties to the conflict will improve the likelihood of finding peaceful solutions,

Reaffirming the conventional and customary rules whereby the Parties to the conflict must make a distinction between protected persons and objects, on the one hand, and military objectives, on the other,

Emphasizing that the methods and measures which are today available to the armed forces do not always allow such a distinction to be made,

Believing, consequently, that it is essential to reaffirm and develop the rules ensuring the protection of the victims of armed conflicts and enshrining the principles of humanity and to supplement those measures intended to reinforce their implementation;

Have agreed on the following:

PART I

GENERAL PROVISIONS

Article 1.— Scope of the present Protocol

1. The present Protocol elaborates and supplements the provisions of the four Geneva Conventions of August 12, 1949, for the Protection of Victims of War.

2. It is applicable in the situations provided for in Article 2 common to these Conventions.

Article 2.— Terminology

For the purposes of the present Protocol:

(a) "the Conventions" means the four Geneva Conventions of August 12, 1949, for the Protection of Victims of War;

(b) "First Convention", "Second Convention", "Third Convention", "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 August 12, 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949; the Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949;

(c) "substitute" means an organization replacing a Protecting Power under the Conventions.

Article 3.— Legal status of the Parties

The application of the Conventions and of the present Protocol, as well as the conclusion of the annexed model agreements or of special agreements, has no effect on the legal status of the Parties to the conflict and, in particular, involves no recognition of the adverse Party as a State.

Article 4.— Provisional application

Article 5.— Beginning and end of application

Article 6.— Appointment of Protecting Powers and of their substitute

1. For the sole purposes of applying the Conventions and the present Protocol, each of the Parties to the conflict has the obligation to appoint a Protecting Power from the beginning of the hostilities, and must accept the activities on its territory of a Protecting Power appointed by the adverse Party. If, despite the foregoing, the appointment of a Protecting Power is not made, the Parties to the conflict shall accept, as substitute, the International Committee of the Red Cross or any other impartial humanitarian organization.
2. The appointment and the acceptance of a Protecting Power, or of its substitute, for the sole purposes of applying the Conventions and the present Protocol, have no effect on the reciprocal legal status of the Parties to the conflict and, in particular, do not involve recognition of the adverse Party as a State.

3. The maintenance of diplomatic relations between the belligerent States does not constitute an obstacle to the appointment of Protecting Powers or of their substitute.

Article 7.— Qualified persons

With a view to facilitating application of the provisions of the Conventions and of the present Protocol relative to the Protecting Powers and to their substitute, the High Contracting Parties shall endeavour to train a qualified personnel on a national basis. For this purpose, they shall establish lists of persons whose names will be transmitted to the Parties concerned by the International Committee of the Red Cross.

Article 8.— Co-operation of the High Contracting Parties

1. The High Contracting Parties being bound, by the terms of Article 1 common to the Conventions, to respect and to ensure respect for these Conventions in all circumstances, are invited to co-operate in the application of these Conventions and of the present Protocol, in particular by making an approach of a humanitarian nature to the Parties to the conflict and by relief actions. Such an approach shall not be deemed to be interference in the conflict.

2. Role of the regional governmental Organizations

Article 9.— Meetings

1. The Depositary State of the Conventions and of the present Protocol shall, whenever it deems this expedient, convene a meeting of representatives of the High Contracting Parties. The purpose of the meeting will be to study problems concerning the application of the Conventions and of the present Protocol. The meeting may likewise examine any amendment to these instruments proposed by a High Contracting Party, and in this respect shall decide as to the measures to be taken.
2. Moreover, a meeting shall be convened by the Depositary State at the request of at least one-fifth of the High Contracting Parties or of the International Committee of the Red Cross.

Article 10.— Permanent body

PART II

WOUNDED, SICK AND SHIPWRECKED PERSONS

SECTION I

GENERAL PROVISIONS

Article 11.— Definitions

For the purposes of the present Part:

(a) the term "medical establishments and units" means hospitals and other fixed medical establishments, medical and pharmaceutical stores of such establishments, mobile medical units, blood transfusion centres and other installations designed for medical purposes;

(b) the term "medical transports" means the transport of wounded, sick, shipwrecked and infirm persons, expectant mothers and maternity cases, medical personnel, medical equipment and supplies, by ambulance or by any other means of transport, excluding transport by air;

(c) the term "medical personnel" means personnel regularly and exclusively engaged in the operation or administration of medical establishments and units, including personnel assigned to the search for, removal, transport and treatment of wounded, sick, shipwrecked and infirm persons, expectant mothers and maternity cases;

(d) the term "distinctive emblem" means the distinctive emblem of the red cross (red crescent, red lion and sun) on a white background.

Article 12.— Protection and care

1. All wounded, sick and shipwrecked persons, as well as infirm persons, expectant mothers and maternity cases, shall be the object of special protection and respect.
2. Such persons shall, in all circumstances, be treated humanely and shall receive, with the least possible delay, the medical care that their condition requires, without any discrimination.

Article 13.— Protection of persons

1. All unjustified acts, whether of commission or omission, that endanger the health or the physical or mental well-being of a protected person within the meaning of the Conventions and the present Protocol are prohibited.

2. Accordingly, it is prohibited to subject protected persons to any experiment or treatment, including the removal or transplant of organs, not warranted on remedial grounds. The prohibition applies even in cases where the protected person gives his assent.

Article 14.— Civilian medical establishments and units

1. Civilian medical establishments and units shall in no circumstance be attacked. They shall at all times be respected and protected by the Parties to a conflict.

2. Parties to a conflict shall provide such medical establishments and units with a certificate identifying them for the purposes of the present Protocol.

3. With the authorization of the State, medical establishments and units shall be marked with the distinctive emblem.

4. To obviate the possibility of any hostile action, the Parties to a conflict shall take the necessary steps, in so far as military considerations permit, to make known the location of medical establishments and units and to mark them with the above-mentioned distinctive emblem, in such a way as to make them clearly visible to the opposing forces.

5. The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

Article 15.— Discontinuance of protection of civilian medical establishments and units

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

2. The fact that wounded, sick and shipwrecked members of the armed forces are treated in such medical establishments and units shall not be deemed to be an act harmful to the enemy; nor shall the presence of small arms and ammunition taken from such members of the armed forces and not yet handed over to the competent service.

Article 16.— Civilian medical transports

1. Ambulances and other vehicles used as medical transport by civilian medical establishments and units shall be respected and protected at all times. They shall be furnished with a certificate issued by a competent authority and attesting to their medical nature.
2. Other means of transport, whether used in isolation or in convoy, on land or on waterways, assigned temporarily to medical transport shall be respected and protected while being used for such purpose.

3. With the assent of the competent authority, all the foregoing means of transport shall be marked with the distinctive emblem. Those covered by paragraph 2 above may display the distinctive emblem only while they are carrying out their humanitarian mission.

4. The provisions of Article 15 of the present Protocol shall likewise be applicable to medical transports.

Article 17.— Requisition

1. The right of an Occupying Power to requisition medical establishments and units and their movable and immovable assets, as well as the services of their medical personnel, shall be exercised only temporarily and in case of urgent necessity, and subject to the further conditions that suitable arrangements are made for the treatment of protected persons within the meaning of the Conventions and of the present Protocol, and that the necessary steps are taken in advance for tending the wounded, the sick and the shipwrecked, and for providing suitable hospital accommodation for the civilian population.

2. The equipment, material and stores of medical establishments and units shall not be requisitioned so long as they are needed for the civilian population.

Article 18.— Civilian medical personnel

1. Civilian medical personnel duly recognized or authorized by the State, as well as the medical personnel of National Red Cross (Red Crescent and Red Lion and Sun) Societies assigned to the medical treatment of protected persons, shall be respected and protected.

2. The aforesaid medical personnel shall be identified by means of an identity card bearing a photograph of the holder and embossed with the stamp of the responsible authority; while on duty, the medical personnel shall wear on the left arm a stamped armlet bearing the distinctive emblem. The armlet shall be issued by the State to which the personnel belong.

3. In so far as possible, every assistance shall be given to civilian medical personnel to enable them to carry out their humanitarian mission to the best of their ability. In particular, they shall have access to any place where their services are required, subject to such measures of supervision and security as the Parties to the conflict may judge necessary.

4. In the event that the above-mentioned personnel fall into the hands of the adverse Party, they shall be granted all facilities necessary for the performance of their duties. In no circumstance shall they be required or compelled to carry out tasks unrelated to their mission.

5. The persons in charge of each medical establishment and unit shall at any time make available to the competent national or occupying authorities an up-to-date list of its personnel.

Article 19.— Protection of medical duties

1. In no circumstance shall the exercise of medical activities compatible with professional rules be deemed an offence, regardless of the person benefiting therefrom.
2. In no circumstance shall medical personnel be compelled by any authority to violate any provision of the Conventions or of the present Protocol.
3. Medical personnel shall not be compelled to perform acts or carry out work contrary to professional rules.
4. Medical personnel shall not be compelled to inform an occupying authority of the wounded, sick and shipwrecked under their care. An exception shall be made in the case of compulsory medical regulations for the notification of communicable diseases.

Article 20.— Role of the population
1. The competent civilian and military authorities shall permit inhabitants and relief societies, even in invaded or occupied areas, spontaneously to give shelter to and tend the wounded, sick and shipwrecked of whatever nationality.
2. The civilian population shall respect these wounded, sick and shipwrecked persons and shall refrain from committing acts of violence against them.
3. No one shall be molested or convicted for having tended wounded, sick and shipwrecked persons.

Article 21.— Use of the distinctive emblem
From the outbreak of hostilities the High Contracting Parties shall adopt special measures for supervising the use of the distinctive emblem and for the prevention and repression of any misuse of the emblem.

Article 22.— Neutral States
Neutral States shall apply, by analogy, the provisions of the present Protocol to wounded, sick and shipwrecked persons and to medical personnel of the Parties to the conflict received or interned in their territory.

SECTION II

MEDICAL AIR TRANSPORT

Article 23.— Medical aircraft
1. In the present Protocol the term “medical aircraft” refers to aircraft used by the military and civilian medical services of the Parties to the conflict, permanently or temporarily but exclusively for medical duties, namely for the evacuation and transport of military or civilian wounded, sick, shipwrecked and infirm persons, expectant mothers and maternity cases, as well as for the transport of medical personnel, equipment and material.
2. All medical aircraft shall carry a certificate issued by the responsible authority and attesting to the medical nature of their functions.

Article 24.— Protection
1. Permanent medical aircraft shall be respected and protected at all times.
2. Temporary medical aircraft shall be respected and protected throughout their mission.

**Article 25. — Removal of the wounded**

1. In areas of military operations the Parties to the conflict shall, save in cases of imperative military necessity, permit the removal and evacuation of wounded, sick and shipwrecked persons by medical aircraft and particularly helicopters.

2. The removal and evacuation shall be carried out with the utmost possible speed.

**Article 26. — Flight over the territories of the Parties to the conflict**

Subject to the provisions of Article 25 of the present Protocol, medical aircraft shall not fly over enemy or enemy-occupied territory save by prior agreement between the relevant Parties to the conflict. The agreement shall cover in particular the routes, times and heights of flights as well as the means of identification of medical aircraft.

**Article 27. — Identification**

1. With the agreement of the responsible authority, medical aircraft may be marked with the distinctive emblem (red cross, red crescent, red lion and sun). When flights are undertaken under an agreement such as is provided for in Article 26 of the present Protocol, the aircraft shall always bear the distinctive emblem.

2. Apart from the distinctive emblem, medical aircraft may be fitted with a system of signals and identification, in accordance with the Rules attached as an annex to the present Protocol.

**Article 28. — Landing**

1. Medical aircraft flying over enemy or enemy-occupied territory shall obey any order to land or alight on water.

2. In the event of a landing, on land or on water, whether forced or in compliance with a summons, on enemy or enemy-occupied territory, by a medical aircraft covered by an agreement concluded under Article 26 of the present Protocol or carrying out a mission under Article 25, the aircraft with its occupants may resume its flight after examination, if any.

3. In the event of a landing, on land or on water, whether forced or in compliance with a summons, on enemy or enemy-occupied territory by any other medical aircraft, the aircraft may be made subject to the law of armed conflicts, on condition that the captor assumes responsibility for caring for the wounded, sick and shipwrecked persons on board. In the latter case the treatment of the medical personnel and the members of the crew shall be consistent with the Conventions. The medical equipment and material shall remain available for the treatment of the wounded, sick and shipwrecked persons.

**Article 29. — Neutral States**

1. Except by prior agreement, medical aircraft shall not, subject to the provisions of paragraph 3 below, fly over or land on the territory of a neutral State. They shall be respected throughout their flights and also for the duration of any calls in the territory. Nevertheless they shall obey any summons to land or to alight on water.
2. The agreement shall cover in particular the routes, times and heights of flights, as well as the means of identification of the aircraft.

3. In the absence of an agreement and in the event of urgent necessity, medical aircraft may, at their own risk, fly over, and land on, the territory of neutral States. They shall make every effort to give notice of the flight and to identify themselves. The neutral State concerned shall, to the extent possible, respect such aircraft.

4. In the event of a landing, on land or on water, in the territory of a neutral State, whether forced or in compliance with a summons, the aircraft, with its occupants, may resume its flight after examination, if any.

5. Any wounded, sick or shipwrecked persons disembarked from a medical aircraft with the consent of the local authorities on the territory of a neutral State shall, unless agreed otherwise between the neutral State and the Parties to the conflict, be detained by the neutral State where so required by international law, 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 Power to which the wounded, sick and shipwrecked persons belong.

PART III

COMBATANTS

Article 30.— Means of combat

1. Combatants' choice of means of combat is not unlimited.

2. It is forbidden to use weapons, projectiles or substances calculated to cause unnecessary suffering, or particularly cruel methods and means.

3. In cases for which no provision is made in the present Protocol, the principle of humanity and the dictates of the public conscience shall continue to safeguard populations and combatants pending the adoption of fuller regulations.

Article 31.— Prohibition of perfidy

1. It is forbidden to kill or injure by resort to perfidy. Unlawful acts betraying an enemy’s confidence, such as the abuse of an international convention, truce or humanitarian negotiation, the misuse of internationally recognized protective signs, the feigning of surrender, the use in combat of the enemy's distinctive emblems, are deemed to constitute perfidy.

2. Ruses of war are not considered as perfidy. Ruses of war are those acts, such as camouflage, traps, mock operations, and misinformation, which, whilst infringing no recognized rule, are intended to mislead the enemy or to induce him to act recklessly.

Article 32.— Recognized signs

It is forbidden to make improper use of the flag of truce, the protective sign of the red cross (red crescent, red lion and sun), the protective sign for cultural property and other protective signs specified in international conventions.
Article 33.— Emblems of nationality

It is forbidden to make improper use of enemy or neutral flags, military insignia and uniforms. In combat their use is forbidden at all times.

Article 34.— Safeguard of an enemy hors de combat

1. It is forbidden to kill or wound an enemy who, having laid down his arms, or no longer having any means of defence, has surrendered at discretion.
2. It is forbidden to decide to leave no survivors and take no prisoners, to so threaten an enemy and to conduct the fight in accordance with such a decision.
3. A captor shall provide for persons falling into his power even if he decides to release them.
4. Nevertheless, sentences may subsequently be passed for infringements of the law of armed conflict, consistent with the procedure recognized in international law.

Article 35.— Conditions of capture and surrender

1. A combatant is captured when he falls into the power of an enemy.
2. The following inter alia shall be considered to have fallen into the power of an enemy:
   (a) any disarmed combatant unable to defend himself or express himself in territory taken, even temporarily, by an enemy;
   (b) any combatant expressing by the usual means or by his attitude his intention to surrender, and abstaining from any violence.

Article 36.— Aircraft occupants

The occupants of aircraft in distress who parachute to save their lives, or who are compelled to make a forced landing, shall not be attacked during their descent or landing unless their attitude is hostile.

Article 37.— Independent missions

1. Members of armed forces and other combatants complying with the conditions laid down in Article 4 of the Third Convention who enter territory controlled by an enemy in order to gather and transmit information of a military order shall not be considered as spies. Similarly, military and non-military personnel openly carrying out their mission of liaison or communication between units of their own armed forces or with the enemy armed forces shall not be considered as spies.
2. Members of armed forces and other combatants fulfilling the conditions of Article 4 of the Third Convention and who enter areas or territories controlled by an enemy with the intent of carrying out destruction shall not be considered as saboteurs within the meaning of Article 5 of the Fourth Convention.
3. In the event of their capture, persons referred to in the two preceding paragraphs shall be prisoners of war.

Article 38.— Guerrilla fighters

1. In the event of their capture, members of militias or volunteer corps, including those of organized resistance or independence
movements not belonging to the regular armed forces but belonging to a Party to the conflict, even in the case of a government or of an authority not recognized by the Detaining Power, shall be treated as prisoners of war within the meaning of the Third Convention, provided that such militias, volunteer corps or organized resistance or independence movements fulfil the following conditions:

(a) that in their operations they comply with the requirements of the principles of the law of armed conflicts and of the rules laid down in the present Protocol;
(b) that in their operations they show their combatant status by openly displaying their weapons or that they distinguish themselves from the civilian population either by wearing a distinctive sign or by any other means;
(c) that they are organized and under the orders of a commander responsible for his subordinates.

2. Individual infringements of the foregoing conditions shall not entail forfeiture of prisoner-of-war treatment for the other members of the organization who have observed those conditions.

3. Combatants not fulfilling the foregoing conditions shall, in the event of their capture, be afforded guarantees not less favourable than those laid down in Article 3 common to the Conventions.

Article 39.— Organization and discipline

Armed forces shall be organized and subject to an appropriate internal disciplinary system. Such disciplinary system shall enforce respect of the present rules and of the other rules applicable in armed conflicts.

PART IV

CIVILIAN POPULATION

SECTION I

GENERAL PROVISIONS

Article 40.— General protection of the civilian population

The civilian population and objects of a civilian character shall be protected against dangers resulting from hostilities.

Article 41.— Definition of the civilian population

1. Any person who is not a member of the armed forces and who, moreover, does not take a direct part in hostilities is considered to be a civilian.
2. The civilian population comprises all civilian fulfilling the conditions stipulated in the foregoing paragraph.
3. Proposal I: The presence, within the civilian population, of individuals who do not conform to the definition given in paragraph 1, does not
prevent the civilian population from being considered as such, reservation being made for Articles 45 paragraph 5, 49, 50 and 51 of the present Protocol.

Proposal II: The presence, within the civilian population, of individual combatants, does not prevent the civilian population from being considered as such, reservation being made for Articles 45 paragraph 5, 49, 50 and 51 of the present Protocol.

4. In case of doubt as to their civilian character, the persons mentioned in paragraph 1 shall be presumed as belonging to the civilian population.

Article 42. — Definition of objects of a civilian character

1. Objects which, by their nature or use, answer the needs of the civilian population, are considered as objects of a civilian character.

2. Objects of a civilian character comprise, in particular, objects which are indispensable to the survival of the civilian population, as well as those serving mainly pacific or helpful purposes.

3. In case of doubt as to the nature and destination of objects mentioned in paragraph 1, crops, provisions and other foodstuffs, drinking water reserve supplies and dwellings and buildings designed for the shelter of the civilian population, or which the latter habitually uses, shall be presumed to be objects of a civilian character.

Article 43. — Definition of military objectives

Only those objectives which, by their nature or use, contribute effectively and directly to the military effort of the adversary, or which are of a generally recognized military interest, are considered as military objectives.

Article 44. — Definition of attacks

Acts of violence, whether offensive or defensive, committed against the adversary by means of weapons, in the course of hostilities, are considered as attacks.

SECTION II

PROTECTION OF THE CIVILIAN POPULATION AGAINST DANGERS RESULTING FROM HOSTILITIES

Chapter I

Civilians

Article 45. — Respect for the civilian population

1. The civilian population as such, as well as individual civilians, shall never be made the object of attack.
2. In particular, terrorization attacks shall be prohibited.
3. Attacks which, by their nature, are launched against civilians and military objectives indiscriminately, shall be prohibited.
4. Attacks directed against the civilian population or individual civilians by way of reprisals shall be prohibited.
5. Nevertheless, civilians who are within a military objective run the risks consequent upon any attack launched against this objective.

Article 46.— Safeguarding of the civilian population

The civilian population or individual civilians shall never be used in an attempt to shield, by their presence, military objectives from attack.

Chapter II

Objects of a civilian character

Article 47.— Respect for objects of a civilian character

Objects of a civilian character shall never be attacked, provided they are not used either directly or mainly for a military purpose.

Article 48.— Respect for and safeguarding of objects indispensable to the survival of the civilian population

1. Attacks launched against objects indispensable to the survival of the civilian population by way of reprisals are prohibited.
2. The Parties to the conflict under whose control objects indispensable to the survival of the civilian population are placed, shall refrain from:
   (a) using them in an attempt to shield military objectives from attack;
   (b) destroying them, except in cases of unavoidable military necessity and only for such time as that necessity remains.

Chapter III

Precautionary measures

Article 49.— Precautions when attacking

So that the civilian population, as well as objects of a civilian character, who might be in proximity to a military objective be spared, those who order or launch an attack shall, when planning and carrying out the attack, take the following precautions:

(a) they shall ensure that the objectives to be attacked are not civilians, nor objects of a civilian character, but are identified as military objectives; if this precaution cannot be taken, they shall refrain from launching the attack;

(b) they shall warn, whenever circumstances permit, and sufficiently in advance, the civilians threatened, so that the latter may take shelter.
Article 50.— Principle of proportionality

1. Those who order or launch an attack, shall refrain from doing so when the probable losses and destruction are disproportionate to the concrete military advantage sought by them.

2. In application of this principle, the Parties to the conflict shall refrain from attacking as one sole objective, by means of bombardments or any other methods, an area comprising several military objectives which are some distance from each other and situated in populated regions.

3. When there is a choice among several objectives for obtaining the same military advantage, those who order or launch an attack shall choose the objective which presents the least danger to the civilian population and objects of a civilian character.

Article 51.— Precautions against the effects of attacks

1. The Parties to the conflict under whose control the civilian population and objects of a civilian character are placed, shall take the necessary precautions against dangers resulting from attacks.

2. They shall endeavour, either to remove them from the vicinity of the threatened military objectives, subject to the provisions of Article 49 of the Fourth Convention, or to avoid that these military objectives are permanently situated within densely populated regions.

Article 52.— Relationship of this Chapter to the other provisions of the present Protocol

The precautionary measures described above do not dispense the Parties to the conflict in any way from observing, in all circumstances, the other provisions of the present Protocol.

Chapter IV

Localities and objects under special protection

Article 53.— Non-defended localities ("open cities")

1. It is prohibited to attack, by any means whatsoever, populated sites upon which the Parties to the conflict have conferred, by agreement, the status of non-defended localities and which, consequently, no longer constitute an obstacle to the advance of the enemy.

2. This agreement may be either express or tacit, or may consist of reciprocal and concordant declarations. It may be concluded either directly, or through the medium of a Protecting Power, its substitute, or a neutral and impartial intermediary. The Parties may to this end, and in the absence of a special agreement, implement the provisions of the Model Agreement annexed to the present Protocol.

3. The subject of such an agreement may be any locality situated in a zone of military operations from which armed forces and all other combatants, as well as mobile weapons and mobile military equipment, have been evacuated and in which no use will be made of fixed military installations.
4. The presence, in these localities, of military medical personnel, civil defence organizations, police forces, wounded and sick military personnel, as well as military chaplains, is not contrary to the conditions stipulated in paragraph 3 of the present Article.

5. The Parties to the conflict may mark these localities. In this case, they shall use the distinctive emblem described in the Model Agreement mentioned above.

6. If the enemy should occupy them, it may, in taking the precautions mentioned in Articles 49 to 51 of the present Protocol, render useless or destroy the military objectives which these localities may contain.

7. A non-defended locality will lose its status when it no longer fulfils the conditions stipulated in paragraph 3 of the present Article, or when one or other of the Parties to the conflict has denounced the above-mentioned agreement.

8. The provisions of the present Article do not affect, in any way whatsoever, the obligations resulting from Article 25 of the Regulations respecting the Laws and Customs of War on Land, annexed to the Fourth Hague Convention of October 18, 1907.

Article 54.—Neutralized localities

1. It is prohibited for the Parties to the conflict to extend their military operations to populated sites on which they have conferred by agreement the status of neutralized localities and which, consequently, are no longer of military interest to the Parties to the conflict.

2. This agreement may be either express or tacit, or may consist of reciprocal and concordant declarations. It may be concluded either directly, or through the medium of a Protecting Power, its substitute, or a neutral and impartial intermediary. It shall fix the methods of supervision. The Parties may to this end, and in the absence of a special agreement, implement the provisions of the Model Agreement annexed to the present Protocol.

3. The subject of such an agreement may be any locality situated outside a zone of military operations from which armed forces and all other combatants, as well as mobile weapons and mobile military equipment, have been evacuated, in which no use will be made of fixed military installations and where any activity linked to the military effort has ceased.

4. The presence, in these localities, of military medical personnel, civil defence organizations, police forces, wounded and sick military personnel, as well as military chaplains, is not contrary to the conditions stipulated in paragraph 3 of the present Article.

5. The Parties to the conflict may mark these localities. In this case, they shall use the distinctive emblem described in the Model Agreement mentioned above.

6. When a neutralized locality becomes included in an area of military operations, it shall retain its status. A neutralized locality shall lose its status if it does not fulfil the conditions stipulated in paragraph 3 of this Article or if one or the other of the Parties to the conflict has denounced the above-mentioned agreement; nevertheless, instead of denouncing the agreement, the Parties to the conflict shall endeavour to confer upon the locality in question the status of a non-defended locality.
Article 55.—Works and installations containing dangerous forces

1. Without prejudice to other provisions of the present Protocol and so as to spare the civilian population and objects of a civilian character from dangers which may result from the destruction of, or damage to, works and installations — such as dykes, hydroelectric dams and sources of power — through the release of natural or artificial forces, the High Contracting Parties concerned are invited:

(a) to agree, in peace time, on a procedure which would allow, in all circumstances, special protection to be given to those works which are designed for essentially peaceful purposes;

(b) to agree, in time of armed conflicts, to special protection being given to certain works or installations, provided they are not directly or mainly used for a military purpose. To this end, they may implement the provisions of the Model Agreement annexed to the present Protocol.

2. When these works or installations are used directly or mainly for a military purpose and their destruction or damage would entail the annihilation of the civilian population, the Parties to the conflict shall take, exercising particular care, the precautionary measures required by Articles 49 to 51 of the present Protocol.

Article 56.—Relationship of this Chapter to the other provisions of the present Protocol

The agreements conferring special protection on localities or objects do not dispense the Parties to the conflict, in any way, from observing the other provisions of the present Protocol.

SECTION III

ASSISTANCE TO THE CIVILIAN POPULATION

Chapter I

Measures in favour of children

Article 57.—Protection of children

Children shall be the object of special protection. The Parties to the conflict shall provide them with the care and aid which their age and situation require.

Article 58.—Safeguarding of children

Proposal I: The Parties to the conflict shall take care that children aged under fifteen years shall not take a direct part in hostilities.

Proposal II: The Parties to the conflict shall not recruit children of under fifteen years for service in their armed forces, nor accept their voluntary enrolment.
Proposal III: The Parties to the conflict shall not recruit children of under fifteen years for service in their armed forces, nor accept their voluntary enrolment. Children of under fifteen years shall not be used as auxiliaries of armed forces, in particular for transporting or camouflaging weapons or military equipment or for laying mines.

Article 59.— Mothers of infants
The death penalty shall not be pronounced on mothers of infants or on women responsible for their care.

Article 60.— Death penalty
In no case shall the death penalty be pronounced on civilians who are under eighteen years at the time of the offence. Pregnant women shall not be executed.

Article 61.— Repatriation
1. So as to permit and facilitate the return, to their families and country, of children cared for or received abroad, the authorities of the receiving country shall establish for each child a card, with photographs, which they shall communicate to the Central Tracing Agency.
2. In so far as it is possible each card will contain the following minimum information:
   (a) surname of the child;
   (b) the child’s first name;
   (c) the place and date of birth (failing this, the approximate age);
   (d) the father’s first name;
   (e) the mother’s first name and her maiden name;
   (f) the child’s nationality;
   (g) the address of the child’s family;
   (h) the date at which and the place where the child was found;
   (i) the date at which and the place from where the child left his country;
   (j) the child’s blood group;
   (k) any distinguishing features;
   (l) the child’s present address.

Article 62.— Relationship of this Chapter to the Fourth Convention
The preceding measures do not dispense the Parties to the conflict, in any way whatsoever, from observing, in all circumstances, the provisions of Articles 14, 24, 38 (5), 50, 68 paragraph 4 and 140 of the Fourth Convention.
Chapter II

Relief

Article 63. — Supplies

The Parties to the conflict shall ensure, to the fullest extent of their capacity and without making any distinction of an unfavourable character, the supply of goods indispensable to the civilian population placed under their control, in law or in fact. If domestic resources are inadequate, they shall endeavour to import the necessary goods.

Article 64. — Humanitarian assistance

1. To the fullest extent possible, the Parties to the conflict shall accept and facilitate relief actions destined exclusively to the civilian population placed under their control, in law or in fact.

2. The offer of relief, whether emanating from a State, a National Red Cross Society, or any other recognized relief society, or from the International Committee of the Red Cross, or from any other impartial humanitarian body, in favour of the inadequately supplied civilian population, should not be regarded as an unfriendly act.

3. Nevertheless, the Parties to the conflict shall have the right to prescribe the technical arrangements for the conveyance of relief. They may not, in any way whatsoever, divert relief consignments from their proper destination nor delay their conveyance. They have the right to be reasonably satisfied through the Protecting Power, its substitute or an impartial humanitarian organization, that these consignments are exclusively used for the relief of the needy civilian population.

Article 65. — Transit

1. The High Contracting Parties shall grant free passage to relief consignments destined exclusively to the civilian population of another, even if it should be an enemy, Contracting Party.

2. These Parties shall have the right to prescribe the technical arrangements for the conveyance of relief. They may not, in any way whatsoever, divert relief consignments from their proper destination, nor delay their conveyance. They have the right to be reasonably satisfied, through the Protecting Power, its substitute, or an impartial humanitarian organization, that these consignments are exclusively used for the relief of the needy civilian population.

Article 66. — Relationship of this Chapter to the Fourth Convention

1. The preceding measures do not dispense, in any way whatsoever, the Parties to the conflict from observing, in all circumstances, the provisions of Articles 55, 59, 60, 61, 62, 63, 108, 109, 110 and 111 of the Fourth Convention.

2. Article 10 of the Fourth Convention is reserved.
SECTION IV
CIVIL DEFENCE ORGANIZATIONS

Article 67.— Definition

1. Those organizations, which are set up or recognized by their Government and whose exclusive function, in time of armed conflict, is to ensure the survival and living conditions of the civilian population exposed to dangers resulting from hostilities or natural disasters, shall be considered to be civil defence organizations within the meaning of the present Protocol. Their tasks, which they fulfil without exercising any discrimination, are mainly the following:
   (a) the tracing of, and the giving of first aid and medical care to victims;
   (b) the safeguarding, particularly by fire-fighting, of persons, either civilians or military personnel hors de combat;
   (c) the protection of objects indispensable to the survival of the civilian population;
   (d) the provision of material and social assistance to the civilian population;
   (e) the administration of essential public utility services, indispensable to the civilian population;
   (f) the maintenance of order in disaster areas;
   (g) preventive measures (warning, evacuation, etc.);
   (h) the construction and administration of shelters.

2. These organizations have no military character whatsoever and do not carry out any combat missions. They may, however, be organized on a military pattern and be attached to military authorities. Their personnel may, in the discharge of their tasks, co-operate with military personnel.

3. In order to ensure the maintenance of order in disaster areas, or for the purpose of legitimate self-defence linked to their tasks, personnel of civil defence organizations are authorized to carry light weapons.

Article 68. General protection

1. Civil defence organizations shall be protected. They shall at all times be authorized to accomplish their tasks; when they accomplish them in combat zones, their activity shall not be hindered, except in the case of imperative military necessity.

2. The personnel of civil defence organizations shall never be attacked.

3. Buildings, equipment and means of transport belonging to civil defence organizations shall never be attacked or destroyed. The same shall apply to those assigned temporarily to them for any emergency relief action, for such time as this temporary use endures.

Article 69.— Protection in occupied territories

1. In occupied territories, civil defence organizations shall receive every facility from the responsible authorities for accomplishing their tasks, subject to temporary and exceptional measures imposed for
urgent reasons of security by the Occupying Power. The latter shall not be permitted to introduce in the management or personnel of these organizations any changes which could jeopardize the efficacious discharge of their tasks; it shall not be also permitted to demand that these organizations should discharge their tasks by giving priority to victims belonging to the said Power.

2. If they should fall into the power of the enemy, the personnel of civil defence organizations shall not be made prisoners of war, but shall enjoy, at least, the guarantees granted by the Fourth Convention. The Occupying Power may not compel permanent personnel to undertake activities other than those stipulated in Article 67 of the present Protocol, nor oblige them to serve outside occupied territories; on the other hand, it may employ temporary personnel on work mentioned in Article 51 of the Fourth Convention.

3. Buildings, equipment and means of transport belonging to civil defence organizations shall remain for the use of the civilian population. They may only be requisitioned temporarily, in cases of urgent necessity, and provided the requisition does not seriously jeopardize the protection of the civilian population.

Article 70.— Organizations of neutral States

1. The protection conferred by the present Protocol shall also be granted to personnel and equipment belonging to those civil defence organizations of neutral States which, with the approval of their own governments and after having notified the opposing Party accordingly, were to offer their assistance to the civil defence organizations of a Party to the conflict, with the latter's agreement and under its authority.

2. In no circumstances shall this assistance be considered as interference in the conflict.

Article 71.— Markings

1. The distinctive emblem of civil defence organizations consists in .... The personnel of civil defence organizations shall be recognizable by an identity card attesting to the capacity of the holder, bearing his photograph, and embossed with the stamp of the responsible authority; while on duty, they shall wear on the left arm a stamped armbelt bearing the distinctive emblem, issued by the State to which they belong.

2. The identification of personnel and the marking of buildings, equipment and medical transports of civil defence organizations are governed by Articles 14, 16 and 18 of the present Protocol.

3. Temporary personnel, medical and non-medical, as well as buildings, equipment and means of transport used temporarily for any emergency relief action, may bear the distinctive emblem only when actually discharging their tasks.

4. From the outbreak of hostilities, the High Contracting Parties shall adopt special measures for supervising the use of the distinctive emblem and for the prevention and repression of any misuse of the emblem.
Article 72.— Notification

Each of the High Contracting Parties shall notify the International Committee of the Red Cross [the Depositary State] which of its civil defence organizations may enjoy the protection under the present Section.

PART V

EXECUTION OF THE CONVENTIONS AND OF THE PRESENT PROTOCOL

SECTION I

GENERAL PROVISIONS

Article 73.— Detailed execution and unforeseen cases

The High Contracting Parties, acting through their civilian and military authorities, shall ensure the detailed execution of the Articles of the Conventions and of the present Protocol and provide for unforeseen cases, in conformity with the general principles of the Conventions and of the present Protocol.

Article 74.— Prohibition of reprisals and exceptional cases

1. Measures of reprisal against persons and property protected by the Conventions and by the present Protocol are prohibited.
2. In cases where reprisals are not yet prohibited by the law in force, if a belligerent considers that it must resort thereto, it shall observe the following minimal conditions:
   (a) the resort to reprisals must be officially announced as such;
   (b) only the qualified authority can decide on resort to reprisals;
   (c) the reprisals must respond to an imperative necessity;
   (d) the nature and scope of the reprisals shall never exceed the measure of the infraction which they seek to bring to an end;
   (e) the belligerent resorting to reprisals must, in all cases, respect the laws of humanity and the dictates of the public conscience;
   (f) reprisals shall be interrupted as soon as the infraction which gave rise to them has come to an end.

Article 75.— Orders and instructions

1. The civilian and military authorities of the High Contracting Parties shall, through the official channels, issue to their subordinates orders and instructions intended to ensure respect for the provisions of the Conventions and of the present Protocol, and shall supervise the execution thereof.
2. The High Contracting Parties shall determine the procedure to be followed for the application of the principle under which a subordinate is exempted from any duty to obey an order which would lead him to commit a grave breach of the provisions of the Conventions and of the present Protocol.
Article 76.— Dissemination

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

2. The military and civilian authorities who, in time of armed conflict, assume responsibilities in respect of protected persons and property, must be fully acquainted with the provisions of the present Protocol.

Article 77.— Rules of application

The High Contracting Parties shall communicate to one another, through the Depositary State, the laws and regulations which they adopt to ensure the application of the present Protocol.

SECTION II

INTERGOVERNMENTAL ORGANIZATIONS

Article 78.— Accession

PART VI

FINAL PROVISIONS

Article 79.— Signature

The present Protocol shall be open until ... 197... at ..., for signature by the Parties to the Conventions.

Article 80.— Ratification

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Depositary State.
Article 81.— Accession
1. The present Protocol shall remain open for accession by any Party to the Conventions which has not signed it.
2. The instruments of accession shall be deposited with the Depositary State.

Article 82.— Reservations
1. The High Contracting Parties, when signing, ratifying the present Protocol or acceding thereto, shall not formulate any reservation to Articles ... .
2. Further to the prohibition stipulated in the preceding paragraph, a reservation incompatible with the object and purpose of the present Protocol shall not be permitted.
   Procedure to be established for determining, in each case, whether a reservation is compatible with the object and purpose of the present Protocol:

3. A reservation may be withdrawn at any time by notification to this effect addressed to the Depositary State.

Article 83.— Entry into force
1. The present Protocol shall enter into force when ... instruments of ratification or accession have been deposited.
2. Thereafter, it shall enter into force, for each High Contracting Party, as soon as its instrument of ratification or of accession has been deposited.

Article 84.— Treaty relations upon entry into force of the present Protocol
1. When the Parties to the Conventions are also Parties to the present Protocol, the Conventions apply as elaborated and supplemented by the present Protocol.
2. As between a Party to the Conventions and to the present Protocol, and a Party solely to the Conventions, only the latter apply.

Article 85.— Denunciation
1. In case a High Contracting Party should denounce the present Protocol, the denunciation shall only take effect one year after the receipt of the instrument of denunciation. However, if on the expiry of that year, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities and, in any case, until the operations of release and repatriation of the persons protected by the present Protocol are completed.
2. The denunciation shall be notified in writing to the Depositary State, which shall transmit it to all the High Contracting Parties.

3. The denunciation shall have effect only in respect of the denouncing Party. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of general international law.

Article 86.—Notifications

The Depositary State shall inform all the Parties to the present Protocol of the following particulars:
(a) signatures affixed to the present Protocol, ratifications and accessions under Articles 80 and 81 of the present Protocol;
(b) the date of entry into force of the present Protocol under its Article 83;
(c) communications and declarations received under Articles 72, 77 and 82 of the present Protocol;
(d) denunciations under Article 85 of the present Protocol.

Article 87.—Registration and publication

After its entry into force, the present Protocol shall be transmitted by the Depositary State to the Secretariat of the United Nations Organization for registration and publication, in accordance with Article 102 of the United Nations Charter.

Article 88.—Authentic texts and official translations

1. The original of the present Protocol, of which the French and English texts are equally authentic, shall be deposited with the Depositary State.

2. The Depositary State shall arrange for official translations of the present Protocol to be made into Arabic, Chinese, Russian and Spanish.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Protocol.

DONE AT ..., this ... day of ..., 197... .
ANNEX I

REGULATIONS ON THE MARKING AND IDENTIFICATION OF MEDICAL AIRCRAFT

The matter will be studied partly on the basis of the documentation that the ICRC presented to the first session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which met in Geneva from 24 May to 12 June 1971*, and partly on the basis of a special technical note drawn up by the ICRC.

ANNEX II

DRAFT MODEL AGREEMENTS

1. Draft Model Agreement creating non-defended localities

   Article 1.— Creation and delimitation

   1. Under the present Agreement, the Contracting Parties confer, in accordance with Article 53 of the Additional Protocol to the four Geneva Conventions of August 12, 1949 (hereinafter called the Protocol), the status of non-defended locality [on the town of...][on the village of...].

   2. The delimitation of this locality shall be as follows: [here follow the geographic co-ordinates of the locality and/or indications fixing its boundaries, by means of natural features or artificial landmarks, such as rivers, lakes, hills, dams, roads, etc. A map may be attached.]

   Article 2.— Markings

   First possibility: This locality shall be recognized by oblique red bands on a white ground placed on its boundaries, especially on highways, and in places where they are clearly visible. Should the locality be occupied by one of the Parties, the latter shall remove all markings.

   Second possibility: This locality shall not be marked in any way.

   Article 3.— Supervision

   A Commission composed of ... shall supervise whether the locality of ... fulfils the conditions laid down in paragraph 3 of Article 53 of the Protocol. To that end, the members of the Commission shall have free access, at all times, to the locality of .... Every facility, particularly that of communication, shall be granted to them, in order that they may discharge their mission of supervision.

   Article 4.— Violation of the Agreement

   First possibility: If the supervisory Commission observes any facts contrary to the provisions of Article 53 of the Protocol, it shall immediately advise the Power or authorities in whose territory the locality is situated. In serious cases, the Commission shall inform the Power which has recognized the status of the locality. This Power may then either address a warning to the opposing Party, or denounce the present Agreement.

   Second possibility: The Party in possession of convincing evidence of the violation of the present Agreement shall address to the other a warning giving a reasonable period of notice. If this warning is ignored, the Party may denounce the present Agreement.

1 The signatories of the present Agreement have the choice of one or the other of these two possibilities.
2 This article is optional.
3 If there is supervision.
4 If there is no supervision.
Article 5.— Coming into force

The present Agreement shall come into force on ... [here follow date and time].

Article 6.— Duration

1. Unless the present Agreement is denounced by one or the other of the Parties, it shall remain in force up to the moment when the locality is occupied by one or the other of the Parties.
2. In the event of denunciation, the latter shall come into effect ... hours following notification to the opposing Party.

2. Draft Model Agreement creating neutralized localities

Article 1.— Creation and delimitation

1. Under the present Agreement, the Contracting Parties confer, in accordance with Article 54 of the Additional Protocol to the four Geneva Conventions of August 12, 1949 (hereinafter called the Protocol), the status of neutralized locality [on the town of...] [on the village of ...].
2. The delimitation of this locality shall be as follows: [here follow the geographic co-ordinates of the locality and/or indications fixing its boundaries, by means of natural features or artificial landmarks, such as rivers, lakes, hills, dams, roads, etc. A map may be attached.]

Article 2.— Markings

First possibility 5: This locality shall be recognized by oblique red bands on a white ground placed on its boundaries, especially on highways, and in places where they are clearly visible. Should the locality be occupied by one of the Parties, the latter shall remove all markings.

Second possibility 5: This locality shall not be marked in any way.

Article 3.— Supervision

A Commission composed of ... shall supervise whether the locality of ... fulfils the conditions laid down in paragraph 3 of Article 54 of the Protocol. To that end, the members of the Commission shall have free access, at all times, to the locality of ... . Every facility, particularly that of communication, shall be granted to them, in order that they may discharge their mission of supervision.

Article 4.— Violation of the Agreement

If the supervisory Commission observes any facts contrary to the provisions of Article 54 of the Protocol, it shall immediately advise the Power or authorities in whose territory the locality is situated. In serious cases, the Commission shall inform the Power which has recognized the status of the locality. This Power may then either address a warning to the opposing Party, or denounce the present Agreement.

5 The signatories of the present Agreement have the choice of one or the other of these two possibilities.
Article 5.— Coming into force
The present Agreement shall come into force on ... [here follow date and time].

Article 6.— Duration
1. Unless the present Agreement is denounced by one or the other of the Parties, it shall remain in force up to the end of hostilities.
2. In the event of denunciation, the latter shall come into effect ... hours following notification to the opposing Party.

3. Draft Model Agreement granting special protection to works containing dangerous forces

Article 1.— Creation and delimitation
1. Under the present Agreement, the Contracting Parties confer, in accordance with Article 55 of the Additional Protocol to the four Geneva Conventions of August 12, 1949 (hereinafter called the Protocol), special protection [on the dam of ...] [on the dyke of ...].
2. The delimitation of this work shall be as follows: [here follow the geographic co-ordinates of the work, and/or indications fixing its boundaries, by means of natural features or artificial landmarks, such as rivers, lakes, hills, roads, etc. A map may be attached.]

Article 2.— Markings
First possibility: This work shall be recognized by oblique red bands on a white ground placed on its boundaries, especially on highways, in places where they are clearly visible. Should the work be occupied by one of the Parties, the latter shall remove all markings.
Second possibility: This work shall not be marked in any way.

Article 3.— Supervision
A Commission composed of ... shall supervise whether the work of ... fulfils the conditions laid down in paragraph 1 (b) of Article 55 of the Protocol. To that end, the members of the Commission shall have free access, at all times, to the ... Every facility, particularly that of communication, shall be granted to them, in order that they may discharge their mission of supervision.

Article 4.— Violation of the Agreement
First possibility: If the supervisory Commission observes any facts contrary to the provisions of Article 55 of the Protocol, it shall immediately advise the Power or authorities in whose territory the work is situated. In serious cases, the Commission shall inform the Power which has recognized the status of the work. This Power may then either address a warning to the opposing Party, or denounce the present Agreement.

6 The signatories of the present Agreement have the choice of one or the other of these two possibilities.
7 This article is optional.
8 If there is supervision.
Second possibility: The Party in possession of convincing evidence of the violation of the present Agreement shall address to the other a warning giving a reasonable period of notice. If this warning is ignored, the Party may denounce the present Agreement.

Article 5.— Coming into force
The present Agreement shall come into force on ... [here follow date and time].

Article 6.— Duration
1. Unless the present Agreement is denounced by one or the other of the Parties, it shall remain in force up to the moment when the work is occupied.
2. In the event of denunciation, the latter shall come into effect ... hours following notification to the opposing Party.

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9 If there is no supervision.
DRAFT ADDITIONAL PROTOCOL TO ARTICLE 3 COMMON TO THE FOUR GENEVA CONVENTIONS OF AUGUST 12, 1949

The High Contracting Parties,

Recalling that the human person remains at all times under the protection of the principles of humanity and the dictates of the public conscience,

Emphasizing that the humanitarian principles contained in Article 3 common to the Four Geneva Conventions of August 12, 1949, constitute the foundation of respect for the human person in cases of armed conflicts of an international character,

Conscious of the need to develop the rules implicit in Article 3 common to the Four Geneva Conventions of August 12, 1949, and applicable to armed conflicts of an international character with a view to ensuring, in all circumstances, the protection of all persons, whether combatants or non-combatants,

Agree on the following:

ARTICLE 2

Article 3 of the Protocol additional to the Geneva Conventions of August 12, 1949 (hereinafter referred to as the Protocol) is hereby supplemented not only for the purposes of Article 3 of the Protocol but also for those of Article 4 of the Protocol, and in particular, in all circumstances under the control of a state party to the Protocol, to the extent of the application of the Protocol to armed conflicts of an international character between organizations falling under the control of a state party to the Protocol.
II

DRAFT ADDITIONAL PROTOCOL TO ARTICLE 3 COMMON TO THE FOUR GENEVA CONVENTIONS OF AUGUST 12, 1949

The High Contracting Parties,

Recalling that the human person remains at all times under the protection of the principles of humanity and the dictates of the public conscience,

Emphasizing that the humanitarian principles enshrined in Article 3 common to the four Geneva Conventions of August 12, 1949, constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Conscious of the need to develop the rules implicit in Article 3 common to the four Geneva Conventions of August 12, 1949, and applicable in armed conflicts not of an international character with a view to ensuring the basic humanitarian protection of all persons, whether combatants or non-combatants,

Agree on the following:

CHAPTER I

SCOPE OF THE PROTOCOL

Article 1.— Material field of application
The present Protocol, which elaborates and supplements Article 3 common to the four Geneva Conventions of August 12, 1949 (hereinafter referred to as common Article 3), shall apply to all conflicts not of an international character referred to in common Article 3 and, in particular, in all situations where, in the territory of one of the High Contracting Parties, hostilities of a collective nature are in action between organized armed forces under the command of a responsible authority.

Article 2.— Personal field of application
The present Protocol shall apply to all persons, whether military or civilian, combatant or non-combatant, who are in the territory of one of the High Contracting Parties where an armed conflict within the meaning of Article 1 of the present Protocol is occurring.

Article 3.— Beginning and end of application
The present Protocol shall apply from the time when the armed conflict begins until the end of hostilities. However, after the end of
hostilities, persons who are interned or detained after sentence has been passed in respect of an act committed in relation to the armed conflict, and who have not been released, as well as persons arrested on charges relating to the armed conflict, shall enjoy the protection of Article 26 of the present Protocol for as long as their liberty shall be restricted.

CHAPTER II

GENERAL PROTECTION OF THE POPULATION

Article 4.— Torture and ill-treatment

In order that the prohibition stipulated in common Article 3 (1) (a) should obtain its fullest effect, the Parties to the conflict shall take all necessary measures to ensure that their military or civilian agents should not commit, nor issue orders to commit, nor condone acts of torture or brutality.

Article 5.— Terrorism, reprisals, pillage

1. Acts of terrorism, as well as reprisals against persons and objects indispensable to their survival, are prohibited.

2. Pillage is prohibited.

3. Women and children shall be protected, in particular against rape and any form of indecent assault.

Article 6.— Measures in favour of children

1. Children shall be the object of special protection. The Parties to the conflict shall provide them with the care and aid which their age and situation require.

2. To this end, the Parties to the conflict undertake, at least:
   (a) to ensure the identification of children, particularly by making them wear identity discs;
   (b) to take care that children who are orphaned or separated from their families as a result of armed conflict are not left abandoned;
   (c) to endeavour to conclude local agreements for the removal of children from combat zones; such children shall be accompanied by persons responsible for ensuring their safety; all necessary steps shall be taken to permit the reunion of members of families temporarily separated;
   (d) to take care that children under fifteen years of age do not take any direct part in hostilities.

3. The death penalty shall not be pronounced on civilians below eighteen years of age at the time when the offence was committed, nor on mothers of infants or on women responsible for their care. Pregnant women shall not be executed.
CHAPTER III

PROTECTION OF THE WOUNDED, SICK AND SHIPWRECKED

Article 7. — Protection and care
1. All wounded, sick and shipwrecked persons, military and civilian, as well as infirm persons, expectant mothers and maternity cases, shall be the object of special protection and respect.
2. Such persons shall, in all circumstances, be treated humanely and shall receive, with the least possible delay, the medical care that their condition requires, without any discrimination.
3. All unjustified acts, whether of commission or omission, that endanger their person or their physical and mental health are prohibited.

Article 8. — Search
At all times, particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded, sick and shipwrecked and to ensure their adequate care.

Article 9. — Role of the population
1. The civilian population shall respect the wounded, sick and shipwrecked and refrain from committing acts of violence against them.
2. No one shall be molested or convicted for having tended the wounded, sick and shipwrecked.

Article 10. — Medical and religious personnel
Military and civilian medical personnel as well as chaplains and other persons carrying out similar functions shall, in all circumstances, be respected and protected throughout their mission. Should they fall into the hands of the adverse Party, they shall be likewise respected and protected; they shall be granted all facilities necessary for the discharge of their functions and shall not be compelled to carry out tasks unrelated to their mission.

Article 11. — Medical establishments and transports
1. Fixed establishments and mobile medical units, both military and civilian, which are solely intended for the care of the wounded, sick and shipwrecked, shall in no circumstances be attacked, but shall, together with their equipment, at all times be respected and protected by the Parties to the conflict.
2. Transports of wounded, sick and shipwrecked persons, or of medical personnel or equipment, shall be respected and protected in the same way as mobile medical units.

Article 12. — Evacuation
The Parties to the conflict shall endeavour to conclude local agreements for the removal from areas where hostilities occur of the wounded, sick and shipwrecked, the infirm, expectant mothers and maternity cases.
Article 13.— The distinctive emblem

1. The emblem of the red cross (red crescent, red lion and sun) on a white background is the distinctive emblem of the medical services of the Parties to the conflict and of Red Cross organizations. It shall not be used for any other purpose and shall be respected in all circumstances.

2. From the outbreak of hostilities the Parties to the conflict shall adopt special measures for supervising the use of the distinctive emblem and for the prevention and repression of any misuse of the emblem.

CHAPTER IV

CIVILIAN POPULATION

Article 14.— Definition of the civilian population

1. Any person who is not a member of the armed forces and who, moreover, does not take a direct part in hostilities is considered to be a civilian.

2. The civilian population is composed of all civilians fulfilling the conditions in paragraph 1.

3. Proposal I: The presence, within the civilian population, of individuals who do not conform to the definition given in paragraph 1, does not prevent the civilian population from being considered as such.

Proposal II: The presence, within the civilian population, of individual combatants, does not prevent the civilian population from being considered as such.

Article 15.— Respect for and safeguarding of the civilian population

1. The civilian population as such, as well as individual civilians, shall never be made the object of attack.

2. In particular, terrorization attacks shall be prohibited.

3. Attacks which, by their nature, are launched against civilians and military objectives indiscriminately, shall be prohibited. Nevertheless, civilians who are within a military objective run the risks consequent upon any attack launched against this objective.

4. The civilian population or individual civilians shall never be used in an attempt to shield, by their presence, military objectives from attack.

Article 16.— Respect for and safeguarding of objects indispensable to the survival of the civilian population.

Proposal I: 1. Objects indispensable to the survival of the civilian population shall not be the object of attack.
2. The Parties to the conflict under whose control objects indispensable to the survival of the civilian population are placed, shall refrain from:
   (a) using them in an attempt to shield military objectives from attack;
   (b) destroying them, except in cases of unavoidable military necessity and only for such time as that necessity remains.

Proposal II:
1. Objects indispensable to the survival of the civilian population shall not be the object of attack.
2. The Parties to the conflict under whose control objects indispensable to the survival of the civilian population are placed shall refrain from destroying them or using them in an attempt to shield military objectives from attack.

Article 17.— Precautions when attacking
So that the civilian population, as well as objects indispensable to its survival, who might be in proximity to a military objective be spared, those who order or launch an attack shall, when planning and carrying out the attack, take the following precautions:
   (a) they shall ensure that the objectives to be attacked are not civilians, nor objects of a civilian character, but are identified as military objectives; if this precaution cannot be taken, they shall refrain from launching the attack;
   (b) they shall warn, whenever circumstances permit, and sufficiently in advance, the civilians threatened, so that the latter may take shelter.

CHAPTER V

COMBATANTS

Article 18.— Means of combat
1. Combatants' choice of means of combat is not unlimited.
2. It is forbidden to use weapons, projectiles or substances calculated to cause unnecessary suffering, or particularly cruel methods and means.
3. In cases for which no provision is made in the present Protocol, the principle of humanity and the dictates of the public conscience shall continue to safeguard populations and combatants pending the adoption of fuller regulations.

Article 19.— Prohibition of perfidy
1. It is forbidden to kill or injure by resort to perfidy. Unlawful acts betraying an enemy's confidence are deemed to constitute perfidy.
2. Ruses of war are not considered as perfidy.
Article 20.— Recognized signs

It is forbidden to make improper use of the flag of truce, the protective sign of the red cross (red crescent, red lion and sun), the protective sign for cultural property and other protective signs specified in international conventions.

Article 21.— Emblems of nationality

It is forbidden to make improper use of enemy insignia and uniforms. In combat their use is forbidden at all times.

Article 22.— Safeguard of an enemy hors de combat

1. It is forbidden to kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion.
2. It is forbidden to decide to leave no survivors and take no prisoners, to so threaten an enemy and to conduct the fight in accordance with such a decision.
3. A captor shall provide for persons falling in his power even if he decides to release them.

Article 23.— Conditions of capture and surrender

1. A combatant is captured when he falls into the power of an enemy.
2. The following inter alia shall be considered to have fallen into the power of an enemy:
   (a) any disarmed combatant unable to defend himself or express himself in territory taken, even temporarily, by an enemy;
   (b) any combatant expressing by the usual means or by his attitude his intention to surrender, and abstaining from any violence.

Article 24.— Aircraft occupants

The occupants of aircraft in distress who parachute to save their lives, or who are compelled to make a forced landing, shall not be attacked during their descent or landing unless their attitude is hostile.

CHAPTER VI

PERSONS WHOSE LIBERTY HAS BEEN RESTRICTED

Article 25 — Treatment of combatants who have fallen into the power of the adversary

Members of regular armed forces and members of those armed forces which have fulfilled the conditions stipulated in Article 4 A (2) of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall receive, after having fallen into the power of the adversary, a treatment similar to that provided for prisoners of war in the said Convention.
Article 26.— Treatment of persons whose liberty has been restricted

1. Subject to Article 25 of the present Protocol, all other persons whose liberty has been restricted, whether interned or detained after sentence has been passed, in respect of an act committed in relation to the armed conflict, shall in all circumstances be respected and treated humanely, without any adverse distinction.

2. All unjustified acts, whether of commission or omission, that endanger their person or their physical and mental health are prohibited.

3. The Parties to the conflict shall respect, as a minimum, the following provisions:

   (a) they shall provide for the maintenance of the persons referred to in paragraph 1 above and for the medical attention which their state of health requires;

   (b) places of internment and detention shall not be set up in areas close to combat zones. The persons referred to in paragraph 1 above shall be evacuated when the places where they are interned or detained become particularly exposed to dangers arising out of the conflict, if their evacuation can be carried out in adequate conditions of safety;

   (c) the persons referred to in paragraph 1 above shall be allowed to practise their religion and receive spiritual assistance from chaplains and other persons performing similar functions;

   (d) the persons referred to in paragraph 1 above shall be allowed to send and receive letters and cards. The Parties to the conflict may limit the number of letters and cards sent by each person if they deem it necessary;

   (e) the persons referred to in paragraph 1 above shall be allowed to receive individual or collective relief.

4. Subject to temporary and exceptional measures, the Parties to the conflict shall agree to and facilitate visits to the persons referred to in paragraph 1 above, carried out by an impartial humanitarian body such as the International Committee of the Red Cross.

CHAPTER VII

PENAL PROSECUTIONS

Article 27.— Individual responsibility

No person may be punished for an offence he or she has not personally committed. Collective penalties are prohibited.

Article 28.— Penal prosecutions against combatants

After having fallen into the power of the adversary, combatants who will have fulfilled the conditions stipulated in Article 25 of the present Protocol, as well as those combatants who, without having fulfilled the conditions stipulated in Article 4 A (2) of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, will have at least, in the course of their operations,
distinguished themselves from the civilian population by some distinctive sign or by any other means and who had complied with the provisions of the present Protocol, shall not be punishable by death if they become the object of penal prosecutions only by reason of having taken part in hostilities or having been members of armed forces.

CHAPTER VIII

RELIEF

Article 29.— Relief for the population

The Parties to the conflict shall ensure, to the fullest extent of the means available to them and without any adverse distinction, the provision of foodstuffs, clothing, medical and hospital stores and shelter facilities necessary for the population in the territory under their control.

Article 30.— Humanitarian assistance

1. If the population is inadequately supplied in foodstuffs, clothing, medical and hospital stores and shelter facilities, or if the wounded, sick and shipwrecked, military and civilian, need medical assistance, the Parties to the conflict shall, to the fullest possible extent, agree to and facilitate impartial relief activities undertaken by humanitarian bodies, such as the International Committee of the Red Cross and National Red Cross Societies.

2. The Parties to the conflict shall have the right to prescribe the technical arrangements under which the passage of relief supplies shall be allowed. They shall in no way whatsoever divert relief consignments from the purpose for which they are intended or delay the forwarding of such consignments.

3. In no circumstances shall this assistance be considered as interference in the conflict.

Article 31.— Consignment of essential supplies for the civilian population

1. In cases of blockade or siege, the Parties to the conflict or any High Contracting Party concerned shall allow the free passage of all consignments of essential foodstuffs, clothing, medical and hospital stores and shelter facilities, intended only for civilians.

2. The Parties to the conflict or any High Contracting Party concerned shall have the right to prescribe the technical arrangements under which the passage of relief supplies shall be allowed. They shall in no way whatsoever divert relief consignments from the purpose for which they are intended or delay the forwarding of such consignments.

3. The Parties to the conflict or any High Contracting Party concerned may make such permission conditional on the distribution only to the persons benefited thereby being made under the supervision of an impartial humanitarian body.
Article 32.— Recording and information

1. The International Committee of the Red Cross shall, if it deems necessary, propose to the Parties to the conflict the organization of information bureaux to which they shall communicate all relevant information on victims of the events who may be in their power. The dead shall also be recorded.

2. Each information bureau shall transmit to the other bureaux, if necessary through the Central Tracing Agency, the information thus obtained and shall transmit them to the next of kin concerned; the information bureaux shall also be responsible for replying to all enquiries concerning victims of the events and shall take the necessary steps to search for them; this is subject to reservations concerning cases where the transmission of information or the search might be detrimental to the victims of the events or to their relatives.

Article 33.— National Red Cross and other relief societies

1. Subject to temporary and exceptional measures taken by the Parties to the conflict to guarantee their security, the National Red Cross (Red Crescent, Red Lion and Sun) Society and its branches shall be able to pursue their activities in accordance with the rules of the Red Cross as stated by International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions.

2. Other humanitarian relief organizations created during the hostilities shall be permitted to carry out their activities in accordance with the principles of humanity, impartiality and neutrality.

3. In no circumstances shall the fact of having taken part in the humanitarian activities of the organizations referred to in paragraphs 1 and 2 above be considered to be punishable.

Article 34.— Civil Defence Organizations

1. Subject to temporary and exceptional measures taken by the Parties to the conflict to guarantee their security, civil defence organizations shall be allowed to carry out their humanitarian tasks; they shall at all times be protected.

2. In no circumstances shall the fact of having taken part in the humanitarian activities of such organizations be considered to be punishable.

CHAPTER IX

EXECUTORY PROVISIONS

Article 35.— Regulations

The Regulations concerning special cases of armed conflicts not of an international character (hereinafter called the Regulations) shall constitute an integral part of the present Protocol; the procedure by which the present Protocol is to be applied is also valid for the Regulations.
Article 36.— Special agreements

The Parties to the conflict shall endeavour to bring into force, either by means of special agreements, or by declarations addressed to the International Committee of the Red Cross, all or part of the other provisions of the four Geneva Conventions of August 12, 1949, and of the Additional Protocol to the said Conventions.

Article 37.— Co-operation in the observance of the present Protocol

Each Party to the conflict, to the fullest possible extent, shall call upon a body which offers all guarantees of impartiality and efficacy to co-operate in the observance of the provisions of the present Protocol and its Regulations and of the other provisions of the four Geneva Conventions of August 12, 1949, and of the Additional Protocol to the said Conventions brought into force in accordance with Article 36 of the present Protocol.

Article 38.— Legal status of the Parties to the conflict

The legal status of the Parties to the conflict shall not be affected by the application of the provisions of the present Protocol and its Regulations and of all or part of the other provisions of the four Geneva Conventions of August 12, 1949, and the Additional Protocol to the said Conventions brought into force in accordance with Article 36 of the present Protocol, and by the conclusion of any other agreement.

Article 39.— Dissemination of the present Protocol

1. The High Contracting Parties undertake, in time of peace, to disseminate the text of the present Protocol as widely as possible to the whole population; they shall include the study thereof in their programmes of military and civil instruction.

2. In time of armed conflict, the responsible authorities of the Parties to the conflict shall take appropriate measures to bring the provisions of the present Protocol and its Regulations to the knowledge of all, combatants and non-combatants alike.

Article 40.— Rules of application

The High Contracting Parties shall communicate to one another, through the Depositary State, the laws and regulations which they adopt to ensure the application of the present Protocol and its Regulations.

CHAPTER X

FINAL PROVISIONS

Article 41.— Signature

The present Protocol shall be open until ... ... 197... at ..., for signature by the Parties to the four Geneva Conventions of August 12, 1949.
Article 42.— Ratification

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Depositary State.

Article 43.— Accession

1. The present Protocol shall remain open for accession by any Party to the four Geneva Conventions of August 12, 1949, which has not signed the present Protocol.
2. The instruments of accession shall be deposited with the Depositary State.

Article 44.— Entry into force

1. The present Protocol shall enter into force when ... instruments of ratification or accession have been deposited.
2. Thereafter, it shall enter into force, for each High Contracting Party, as soon as its instrument of ratification or of accession has been deposited.

Article 45.— Treaty relations upon entry into force of the present Protocol

When the Parties to the four Geneva Conventions of August 12, 1949, are also Parties to the present Protocol, common Article 3 shall apply as elaborated and supplemented by the present Protocol.

Article 46.— Notifications

The Depositary State shall inform all the Parties to the present Protocol of the following particulars:
(a) signatures affixed to the present Protocol, ratifications and accessions under Articles 43 and 44 of the present Protocol;
(b) the date of entry into force of the present Protocol under its Article 45.

Article 47.— Registration and publication

After its entry into force, the present Protocol shall be transmitted by the Depositary State to the Secretariat of the United Nations Organization for registration and publication, in accordance with Article 102 of the United Nations Charter.

Article 48.— Authentic texts and official translations

1. The original of the present Protocol, of which the French and English texts are equally authentic, shall be deposited with the Depositary State.
2. The Depositary State shall arrange for official translations of the present Protocol to be made into Arabic, Chinese, Russian and Spanish.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Protocol.
DONE AT ..., this ... day of ..., 197... .
ANNEX

REGULATIONS CONCERNING SPECIAL CASES OF ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

Article 1.— Effective organization of the Party opposing the authorities in power

When, in case of armed conflict not of an international character in the territory of one of the High Contracting Parties, the Party opposing the authorities in power has a government which exercises effective power, by means of its administration and adequately organized armed forces, over a part of the territory, the Parties to the conflict shall apply all the provisions of the four Geneva Conventions of August 12, 1949, and the Additional Protocol to the said Conventions.

Article 2.— Outside aid in armed conflict not of an international character

When, in case of armed conflicts not of an international character in the territory of one of the High Contracting Parties, the armed forces of other States take a direct part in the hostilities, the relations between the Parties to the conflict shall be governed as follows:

(a) the relations as between the authorities in power and the States that aid the Party opposing the authorities in power shall be governed by the four Geneva Conventions of August 12, 1949, and the Additional Protocol to the said Conventions; the same shall apply to the relations between States aiding the authorities in power and States aiding the Party opposing the authorities in power;

(b) the relations between the authorities in power and the Party opposing those authorities shall be governed by at least the provisions in common Article 3 and in the present Protocol. Moreover, the Parties to the conflict shall grant to all captured combatants prisoner-of-war treatment as laid down in the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, and shall apply to civilians the provisions of Part IV relative to the civilian population of the Additional Protocol to the Geneva Conventions:

(1) when only the authorities in power benefit from other States' assistance;

(2) when both authorities in power and the Party opposing them benefit from other States' assistance.

(c) all the relations between the Parties to the conflict shall be governed by the four Geneva Conventions of August 12, 1949, and the Additional Protocol to the said Conventions, when the Party opposing the authorities in power fulfils the conditions stipulated in Article 1 of these Regulations, whether or not it is aided by other States.
III

DRAFT RESOLUTION CONCERNING DISARMAMENT AND PEACE TO BE ANNEXED TO THE FINAL ACT OF THE DIPLOMATIC CONFERENCE

The Conference,

noting that the Geneva Conventions and their Additional Protocols do not contain any express provision concerning weapons of mass destruction, blind, poisonous and particularly cruel weapons, and weapons with indiscriminate effects,

believing nevertheless that these weapons are contrary to the dictates of humanity and that, in armed conflicts, the members of the international community must absolutely renounce their use,

expresses the hope that the prohibition of the production, stockpiling and use of such weapons will be confirmed or proclaimed and that these measures will lead to general and complete disarmament,

urges, moreover, the Parties to the Conventions to spare no effort for the preservation of peace.