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INTERNATIONAL COMMITTEE OF THE RED CROSS

Revised and New Draft
Conventions for the Protection
of War Victims

TEXTS APPROVED AND AMENDED
BY THE
XVIIth INTERNATIONAL RED CROSS CONFERENCE



(Revised Translation)

G E N E V A

1948

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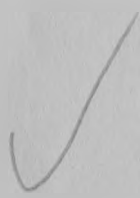
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INTRODUCTION

In May 1948, the International Committee of the Red Cross submitted to all Governments and States signatory to the Geneva Convention and to all National Red Cross Societies a Document (No. 4a), to which the reader is asked to refer, entitled—

“ Draft Revised or New Conventions for the Protection of War Victims. Established by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other Humanitarian Associations.”

This Draft was presented for discussion at the XVIIth International Red Cross Conference, which met in Stockholm from August 20 to 30, 1948, and which was attended by the representatives of fifty Governments and fifty-two National Red Cross Societies.

The study of the revision of the Geneva Conventions and of the draft new Convention for the protection of Civilians were referred to a Legal Commission, set up within the Conference. The Commission took the above-mentioned Draft as the basis of its discussions.

Each article of the Draft was examined separately and approved with slight amendments, some of which were proposed by the International Committee itself.

The XVIIth International Red Cross Conference adopted the conclusions of the Legal Commission and passed the following resolutions.

DRAFT INTERNATIONAL CONVENTIONS

1. *Geneva Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Geneva Convention of July 27, 1929, for the Relief of the Wounded and Sick in Armies in the Field, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to all Governments with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and expresses the hope that this Draft be implemented at the earliest possible moment.

2. *Maritime Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Tenth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6, 1906, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

3. *Prisoners of War Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

4. *Convention relating to Civilians.*

The XVIIth International Red Cross Conference, having studied and approved the draft Convention for the Protection of Civilians in time of war, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

5. *General Recommendations.*

The XVIIth International Red Cross Conference, having studied the text of the Revised and New Conventions for the Protection of War Victims submitted by the International Committee of the Red Cross, and having introduced a certain number of amendments and recorded the reservations which have been expressed, states its approval of these Drafts ;

notes that these Drafts, in particular the new Convention on the Protection of Civilians, correspond to the fundamental aspirations of the peoples of the world and that they define the essential rules for that protection to which every human being is entitled ;

considers that the Draft Convention relative to the protection of Civilians merely completes and defines what may be regarded either as the customs of civilized nations, or as ideas already embodied in previous treaties, in particular the Hague Convention of 1907, or as the most obvious demands of the world's conscience ;

draws especially the attention of Governments to the urgent necessity of ensuring the effective protection of civilians in time of war by a Convention, the lack of which was so cruelly felt during the last war, and urges that all States, immediately and without awaiting the conclusion of this Convention, apply its principles in the cases provided for ;

recommends furthermore that all Governments meet at the earliest possible moment in Diplomatic Conference for the adoption and signature of the texts now approved and requests the International Committee of the Red Cross to take all useful measures to hasten the meeting of the said Conference.

In pursuance of the above Resolutions the International Committee have, for the benefit of Governments, established the present document which contains the texts approved and amended by the XVIIth Conference. The *amendments* voted

during the Conference are shown in *italics*, whereas the wording of the International Committee, approved by the Conference, is in ordinary type. The reservations made by some delegations present in Stockholm will be found at the end of each Convention.

For fuller understanding of the texts, reference should be made to the volume No. 4a submitted by the International Committee to the Conference (*Draft Revised or New Conventions for the Protection of War Victims—Geneva, May 1948*), and to the minutes of the debates of the Legal Commission of the Conference, which will shortly be available.

In order not to delay the circulation of the wording approved at Stockholm, this wording is given below in the form approved by the XVIIth Conference, without any subsequent modifications. It should, however, be observed that the short time allotted to the Conference did not allow for certain adaptations which are the natural consequence of the amendments introduced. The International Committee will ultimately submit suggestions regarding these adaptations, together with the final proposals which, after three years study of the question, they may still believe to be necessary.

NOTE

The following is a revised version of the translation submitted to the XVIIth International Red Cross Conference, Stockholm, August 1948.

Close attention has been paid to the valuable suggestions made in writing by members of the Conference, to whom the International Committee is much indebted for their cooperation.

REVISION OF THE GENEVA CONVENTION
OF JULY 27, 1929,
FOR THE RELIEF OF THE WOUNDED
AND SICK IN ARMIES IN THE FIELD

TITLE

GENEVA CONVENTION . . .
FOR THE RELIEF OF THE WOUNDED AND SICK
OF ARMED FORCES IN THE FIELD ¹

CHAPTER I

General Provisions

ARTICLE I

The High Contracting Parties undertake ² to respect, and to ensure respect for the present Convention in all circumstances.

Respect of the
Convention

ARTICLE 2

In addition to the stipulations which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Application of
the Convention

¹ Title amended in view of present-day conditions.

² The words " in the name of their peoples " have been deleted.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present Convention, the Powers who are party thereto shall, notwithstanding be bound by it in their mutual relations.

In all cases of armed conflict not of an international character¹ which may occur in the territory of one or more of the High Contracting Parties, each of the adversaries shall be bound to implement the provisions of the present Convention. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Application by
neutral Powers

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of belligerent armed forces interned in their territory.

ARTICLE 4

Special
agreements

Besides the agreements expressly provided for in Articles 12, 18 and 24, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of the wounded and sick, or of the members of medical personnel and of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as also members of medical personnel and chaplains shall benefit by these agreements as long as the Convention is applicable to them, subject to express stipulations to the contrary in the said or subsequent agreements, or again subject to more favourable measures taken in their behalf by one or other of the Parties to the conflict.

¹ The words " especially cases of civil war, colonial conflicts or wars of religion " have been deleted.

ARTICLE 5

Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances¹ abandon partially or wholly the rights conferred upon them by the present Convention, and, should the case arise, by the particular agreements provided for in the foregoing Article.

Acquired rights

ARTICLE 6

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. To this effect, the Protecting Powers may appoint, apart from their diplomatic staff, delegates from amongst their own nationals, or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power in whose territory they are to carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

Protecting Powers

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

ARTICLE 7

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief, subject to the consent of the Parties to the conflict concerned.

Activities of the International Committee of the Red Cross

ARTICLE 8

The Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

Substitutes for Protecting Powers

Furthermore, if wounded and sick, or members of the medical personnel and chaplains do not benefit, or cease to benefit, by the activities of a Protecting Power or of the said body, the

¹ The words " be induced by constraint or by any other means of coercion, to " have been deleted.

Party to the conflict in whose hands they may be, shall be under the obligation to make up for this lack of protection by inviting either a neutral State or an impartial humanitarian body such as the International Committee of the Red Cross, to assume in their behalf the duties devolving by virtue of the present Convention on the Protecting Powers.

Whenever the Protecting Power is named in the present Convention, such reference also designates the bodies replacing it in the sense of the present Article.

ARTICLE 9

Procedure of
conciliation

Whenever the Protecting Powers consider it desirable in the interest of wounded and sick, and of members of medical personnel and chaplains, particularly in the event of disagreement between the Parties to the conflict regarding the application of the provisions of the present Convention, the said Powers shall lend their good offices in order to facilitate such application.

To this effect, each of the Protecting Powers may, either at the invitation of one Party, or of its own motion, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, eventually in suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, submit to the approval of the Parties to the conflict the name of a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in this meeting.

CHAPTER II

Wounded and Sick

ARTICLE 10

Protection
and care

Members of the armed forces and *the other* persons designated in Article 3 of the Convention of relative to the treatment of Prisoners of War who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the belligerent in whose power they may be, without any distinction of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. *Priority treatment is permissible only for urgent medical reasons.*

Women shall be treated with all consideration due to their sex.

Nevertheless, the belligerent who is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a portion of his medical personnel and material to assist in their care.

ARTICLE 11

Subject to the provisions of the foregoing Article, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

Status

ARTICLE 12

At all times, and particularly after an engagement, belligerents shall without delay take all possible measures to search for and collect the sick and wounded, protect them against pillage and ill-treatment, and ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, a local armistice or suspension of fire shall be arranged to permit the removal and transport of the wounded.

Likewise, local arrangements may be concluded between belligerents for the removal of wounded and sick from a besieged or encircled area, and for the passage of medical personnel and equipment bound for the said area.

Search for the wounded and dead.

Evacuation

ARTICLE 13

Belligerents shall communicate to each other, as soon as possible, according to the procedure described in Art. 112 of the Convention of relative to the Treatment of Prisoners of War, the names of the wounded, sick and dead discovered and collected, together with any indications which may assist in their identification.

Communication of information. Prescriptions regarding the dead

They shall establish and forward to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead, *together with one half of the identity discs of the dead, which should be of a standard pattern, the other half to remain attached to the body.*

They shall likewise collect and exchange, by the same channel, all articles of a personal nature having an intrinsic or sentimental value which are found on the dead.

Bodies shall not be cremated except for imperative reasons of hygiene, or for motives *based on the religious tenets of the deceased.* In case of cremation, the circumstances and motives shall be stated in detail in the death certificate of the cremated person.

Belligerents shall ensure that the burial or cremation of the dead, *carried out individually as far circumstances permit,* is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled if possible and marked so that they may always be found. To this effect, they shall organize at the commencement of hostilities an official graves registration service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the ulterior site of the graves, and the possible transportation to the home country. These provisions likewise apply, so far as may be, to the ashes, which shall be kept by the graves registration service until the close of hostilities.

As soon as circumstances permit, and at latest at the end of hostilities, these services shall exchange the lists of the graves and of the dead interred in their cemeteries and elsewhere.

ARTICLE 14

Role of the
population

The military authorities may appeal to the charity of the inhabitants to collect, under their direction, *and give first aid to the wounded or sick of armed forces, and may grant persons who have responded to this appeal the necessary protection and facilities. Should the enemy belligerent take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.*

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, to offer in

collecting and giving first aid to wounded or sick members of the armed forces, of whatever nationality, on condition that the latter shall not be withheld from the possible control of national or occupying authorities. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

Members of medical personnel and civilians may at no time be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligations to give both physical and moral care to sick and wounded members of the forces.

CHAPTER III

Medical Units and Establishments

ARTICLE 15

Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be the object of attack, but shall at all times be respected and protected by the belligerents. Should they fall into the hands of the adverse party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

Protection

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

ARTICLE 16

The protection to which medical units and establishments are entitled shall not cease unless they are used to commit acts *not compatible with their humanitarian duties. Protection may, however, cease only* after due warning, naming a reasonable time limit, which warning remains unheeded.

End of
protection

ARTICLE 17

Facts not
cancelling
protection

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 15:

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the sick and wounded in their charge.

(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries.

(3) That small arms and ammunition taken from the wounded and sick, and which have not yet been handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof;

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 18

Hospital Zones
and Localities

In time of peace already, the Contracting Parties and, in case of conflict, the Parties thereto *may* create, in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect from the effects of war the wounded and sick ¹.

Upon the outbreak and during the course of hostilities, the parties concerned shall agree on mutual recognition of the zones and localities they have created, and may, for this purpose, implement the provisions of the Draft Agreement ² annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross *are invited* to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

¹ The close of this paragraph has been deleted.

² The said Draft Agreement applies also to the institution of security zones and localities for civilians. It therefore forms an annexe to the Convention for the Protection of Civilian Persons in time of war. See below.

CHAPTER IV

Personnel

ARTICLE 19

Medical personnel exclusively engaged in the search, collection, transport and treatment of the wounded and sick *belonging to the categories named in Article 3 of the Convention of relative to the treatment of Prisoners of War*, and occupied in the prevention of disease, furthermore, staff exclusively engaged in the administration of medical units and establishments, and chaplains attached to the armed forces, shall be respected and protected in all circumstances.

Protection

ARTICLE 20

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 19, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Red Cross Societies

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of, or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

ARTICLE 21

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a belligerent, with the previous consent of its own Government and the permission of the belligerent concerned. The neutral Government shall notify this consent to the adversary of the State which accepts such assistance.

Neutral Societies

The belligerent accepting assistance is bound to notify the adverse party thereof before making any use of it.

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

The members of the personnel named in paragraph 1 shall be duly furnished, before leaving the neutral country to which they belong, with the identity cards provided for in Article 33.

ARTICLE 22

Retained
personnel

The members of personnel designated in Articles 19 and 20 who fall into the hands of the adverse party, shall be held in captivity only in so far as the state of health, the spiritual needs and the number of prisoners of war demand. Under the authority of the Detaining Power, and particularly of its medical service, *the personnel thus detained* shall continue to carry out their medical or spiritual duties, in accordance with their professional ethics, for the benefit of prisoners of war, preferably those of their own nationality.

The foregoing provision does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel designated in paragraph 1 of the present Article *shall not be deemed to be prisoners of war, but shall enjoy all the rights of the latter*. To allow them to carry out their humanitarian duties under the best possible conditions, the detaining authorities shall grant them, as far as is necessary, certain privileges, particularly as to accommodation, food, correspondence relating to their special duties, the election of a spokesman from amongst themselves, and such travel facilities, with or without escort, as may be necessary for their work. *Belligerents shall grant such personnel the same allowances and the same pay as to the corresponding personnel in their own forces.*

Upon the outbreak of hostilities, belligerents shall make agreements as to the corresponding ranks of medical personnel, including those of the societies designated in Article 20.

ARTICLE 23

Return to the
belligerent

Members of personnel designated in Articles 19 and 20, whose detention in captivity is not made indispensable by the exigencies mentioned in Article 22, shall be returned to the belligerent to whom they belong, as soon as a route is open for their return and military considerations permit. Pending their return, they shall *not be regarded as prisoners of war, but shall enjoy all the rights of the latter*.

On their departure, they shall take with them the effects, instruments, arms and means of transport belonging to them.¹

¹ Paragraph 3 has been deleted.

ARTICLE 24

The selection of repatriates shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

Selection of
repatriates

As from the outbreak of hostilities, belligerents may determine by special arrangement the percentage of personnel to be retained captive, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

ARTICLE 25

The persons designated in Article 21 may not be detained after they have fallen into the hands of the adverse party.

Return of
neutrals

Unless agreed otherwise, they shall have permission to return to their country, or if this is not possible, to the territory of the belligerent in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse party; they shall preferably be engaged in the care of the wounded and sick of the belligerent in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables, instruments, arms and, *if possible*, the means of transport belonging to them.

Belligerents shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. *The food shall in any case be sufficient in quantity, quality and variety to keep the said personnel in a normal state of health.*

CHAPTER V

Buildings and Material

ARTICLE 26

The material of mobile medical units which are in the hands of the adverse party, shall continue to serve for the care of wounded and sick, by priority those of the same nationality as the said units.

Buildings,
material and
stores

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose, as long so they are required for the care of the wounded and sick accommodated therein.

ARTICLE 27

Material of
Relief Societies

The *real and personal property* of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI

Medical Transports

ARTICLE 28

Protection

Transport of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units. The same shall apply to vehicles temporarily employed for the above purposes, as long as they are so employed.

If such transports or vehicles fall into the hands of the adverse party, they shall be subject to the laws of war, on condition that the belligerent who captures them shall in all cases ensure the care of the wounded and sick whom they contain.¹

ARTICLE 29

Hospital aircraft

Hospital aircraft described in the present Article and used as a means of medical transport may not be the object of attack, but shall be respected by belligerents, in so far as they are

¹ This Article was adopted without amendment. The Conference drew attention, however, to the complexity of the problem raised by the employment of vehicles temporarily detached for medical purposes. It was recommended that the Diplomatic Conference which will be called upon to give the Conventions their definite form should consider this matter with particular care.

exclusively employed for the removal of wounded and sick, or the transport of medical personnel and material.

They shall be painted white and bear, clearly marked, the distinctive emblem prescribed in Article 31, together with their national colours, on their lower, upper and lateral surfaces. *They shall be provided with any other markings or means of identification which may be agreed upon between the belligerents at the outbreak or during the course of hostilities.*

To facilitate their identification, they shall endeavour to inform the enemy of their route, altitude and time of flight.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.¹

Hospital aircraft shall obey every summons to land.

In the event of involuntary landings in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 19 and following.

In the event of a forced landing, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 30

Subject to the provisions of paragraph 2, hospital aircraft of belligerents may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water.

Flight over
neutral countries

The neutral Powers may, however, place conditions or restrictions on the passage or landing of hospital aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all belligerents.

Unless agreed otherwise between the neutral Power and the belligerent Powers, the wounded or sick who are landed, with the consent of the local authorities, on neutral territory by hospital aircraft, shall be detained by the neutral Power in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

¹ This paragraph has been simplified.

CHAPTER VII

The Distinctive Emblem

ARTICLE 31

Emblem of the
Convention

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention ¹.

ARTICLE 32

Use of the
emblem

The emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service, with the permission of the competent military authority.

ARTICLE 33

Identification
of medical
personnel

The personnel designated in Articles 19, 20 and 21 shall wear, affixed to the left arm, a water-resistant armlet, bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel shall also carry an identity card attesting their status, and which can be put in the pocket. This card, *worded in the national language, likewise in French and English*, shall be water-resistant, bear the photograph and finger-prints of the owner, and be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces. Identity cards shall be established at least in

¹ The Conference decided not to delete this paragraph for the time being; it expressed, however, the wish that the Governments and National Societies concerned should endeavour to return as soon as possible to the unity of the Red Cross emblem.

duplicate, one copy being given to the owner and the other kept by the home country.

In no circumstances may the said personnel be deprived of their armlets or identity cards. In case of loss, they are entitled to duplicates.

ARTICLE 34

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the belligerent to whom the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any other flag than that of the Convention.

Belligerents shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

Medical units

ARTICLE 35

The medical units belonging to neutral countries, which may have been authorized to lend their services under the conditions laid down in Article 21, shall fly along with the flag of the Convention, the national flag of the belligerent to whom they are attached, wherever the latter makes use of the faculty conferred on him by Article 34.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse party.

Neutral units

ARTICLE 36

With the exception of the cases mentioned in the last three paragraphs of the present Article, the emblem of the red cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to protect or to indicate the medical units

Restrictions
and exceptions

and establishments, the personnel and material protected by the Convention. The same shall apply to the emblems mentioned in Article 31, paragraph 2, in respect of the countries which use them.

The National Red Cross Societies and the other Societies designated in Article 20 shall have the right, in all places and in all circumstances, to use the distinctive emblem conferring the protection of the Convention, for all activities defined in the said Article.

National Red Cross Societies may at any time, in accordance with their national legislation, make use of the *name* and emblem of the Red Cross for their other activities *which are in conformity with the principles laid down by the International Red Cross Conferences. Such use is, however, prohibited in fighting areas.* The conditions of the use of the emblem shall moreover be such that it cannot be considered, *in time of war*, as conferring the protection of the Convention. The dimensions of the emblem shall then be restricted *and its use on armlets shall be prohibited.*

The international Red Cross organizations and their duly authorized personnel shall be similarly permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII

Execution of the Convention

ARTICLE 37

Implementing.
Prohibition
of reprisals

Belligerents shall ensure, through their commanders-in-chief, the proper implementing of the foregoing Articles and shall arrange for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Convention.

In no case shall reprisals be taken against the wounded, sick, buildings, personnel or equipment protected by the Conventions.

ARTICLE 38

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to incorporate the study thereof in their programmes of military and, *if possible*, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

Dissemination
of the
Convention

CHAPTER IX

Repression of Abuses and Infractions

ARTICLE 39

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures required to make unlawful, in time of war, all acts contrary to the provisions of the present Convention.

Legislation

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, any *such legislative provisions*.

ARTICLE 40

The Contracting Parties shall be under the obligation to apprehend persons charged with acts contrary to the present Convention, regardless of their nationality. They shall furthermore, in obedience to their national legislation or to the conventions for the repression of acts that may be defined as war crimes, refer such persons for trial by their own courts, or *if they so prefer*, hand them over for trial to another Contracting Party.

Penal sanctions

ARTICLE 41

In addition to the procedure indicated in Article 9, any High Contracting Party alleging a violation of the present Convention may demand the institution of an inquiry.

Investigation
procedure

Such inquiry shall be undertaken as soon as possible by a Commission appointed for each particular case, comprising three neutral members chosen from a list of qualified persons, drawn up by the High Contracting Parties in time of peace, each Party nominating four such persons.

The plaintiff and defendant States shall each appoint one member of the Commission. The third member shall be designated by the other two, and in case they cannot agree, by the President of the Court of International Justice or, if the latter is a national of a belligerent State *or incapacitated, by his substitute, or failing the latter*, by the President of the International Committee of the Red Cross.

As soon as the inquiry is closed, the Commission shall report to the Parties concerned on the reality and nature of the alleged facts, and may make appropriate recommendations.

All facilities shall be extended by the High Contracting Parties to the Commission of enquiry for the fulfilment of its duties. Its members shall enjoy diplomatic privileges and immunities.

ARTICLE 42

Misuse of the
emblem

The High Contracting Parties whose legislation is not at present adequate for the purpose, shall take the measures necessary to prevent at any time:

(a) The use by private individuals, societies, firms or companies other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", as well as any sign or designation constituting an imitation thereof, whatever the object of such use.

(b) By reason of the compliment paid to Switzerland by the adaption of the reversed Federal colours, the use by private individuals or associations of the arms of the Swiss Confederation or marks constituting an imitation, whether as trademarks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment.

The States not party to the Convention of July, 1929 for the Relief of the Wounded and Sick of Armies in the Field, and which may subsequently ratify the present Convention or adhere thereto, shall take the measures required to prevent at all times the acts mentioned under (a) and (b), so that the said interdiction may become operative five years at latest after the said ratification or adhesion.

The prohibition to adopt a trade or commercial mark which is contrary to the above interdictions, already enacted by the Convention of July 27, 1929, is maintained.

In States not party to the present Convention, and which may subsequently ratify it or adhere thereto, it shall no longer be lawful, as from the filing of the act of adhesion, to adopt a trade or commercial mark contrary to these prohibitions. Within five years, at most, from the coming into effect of the Convention, the trade-marks, commercial titles and names of associations or firms which are contrary to these prohibitions shall be amended, whatever the previous date of their adoption.

Final Provisions

ARTICLE 43

The present Convention is established in French and English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation the French text shall be considered as authoritative.

Languages

ARTICLE 44

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until, in the name of all the Powers represented at the Conference which opened at Geneva on ; furthermore, by Powers not represented at that Conference but which are party to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick of Armies in the Field.

Signature

ARTICLE 45

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.

Ratification

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 46

Effect The present Convention shall come into force after not less than two instruments of ratification have been deposited.

 Thereafter, it shall come into force for each High Contracting Party after the deposit of the instrument of ratification ¹.

ARTICLE 47

Effect on The present Convention shall replace the Convention of previous Conventions August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 48

Accessions From the date of its coming into force, the present Convention shall be open to accession, duly notified, by any Power in whose name this Convention has not been signed.

ARTICLE 49

Notification Accessions shall be notified in writing to the Swiss Federal of accessions Council, and shall take effect after the date on which they are received.

 The Swiss Federal Council shall communicate the accessions to the Governments of all the Powers in whose name the Convention has been signed or whose accession has been notified.

ARTICLE 50

Immediate The situations defined in Article 2 shall give immediate effect effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest method any ratifications or adhesions received from Parties to the conflict.

¹ The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the time-limits named in the present Article, adding a recommendation that these limits should be as short as possible. The same applies to Article 49.

ARTICLE 51

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

Notice of
termination

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. *Lastly, the denunciation shall in no way affect the other obligations, even if similar, by which the denouncing Party is bound by virtue of any other rules of international law.*

ARTICLE 52

*The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration.*¹ Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference, reservations were recorded in respect of the following Articles:

GOVERNMENT OF TURKEY: Article 42
GOVERNMENT OF THE UNITED STATES: Articles 2, 14, 19, 22, 41 and 42.

¹ The words "A certified copy of the present Convention shall be deposited in the archives of the United Nations" have been deleted.

**STIPULATIONS FOR INSERTION
IN THE FINAL ACT OF THE FUTURE
DIPLOMATIC CONFERENCE**

The XVIIth International Red Cross Conference was of opinion that the two following recommendations, which were approved by the Government Experts (1947), could be included in the Final Act of the Diplomatic Conference called upon to give the Geneva Convention its definite form :

(1) Whereas Article 33, concerning the identity documents to be carried by medical personnel, was only partially observed during the course of the recent war, thus creating serious difficulties for many members of this personnel, the Conference recommends that States and National Red Cross Societies take all necessary steps in time of peace to have medical personnel duly provided with the badges and identity cards prescribed by Article 33 of the new Convention.

(2) Whereas misuse has frequently been made of the Red Cross emblem, the Conference recommends that States take strict measures to ensure that the said emblem is used only within the limits prescribed by the Geneva Conventions, in order to safeguard its authority and protect its high significance.