DRAFT PROTOCOL I

FOLLOWING THE SECOND SESSION

OF THE DIPLOMATIC CONFERENCE

EXCLU DU
PRÊT

345.21/38
(I 1975 ENG)
The text of draft Protocol I as given herein takes into account the results of the first and second Sessions of the Diplomatic Conference. It contains the articles approved by the main Committees, those under discussion and those not yet broached. The following method has been adopted to identify each:

- Provisions approved at the first Session: a single vertical line in the margin
- Provisions approved at the second Session: two vertical lines in the margin
- Provisions under discussion: a dotted line in the margin
- Provisions of the ICRC draft not yet examined: no line

The titles of Parts, Sections, Chapters and articles have not yet been adopted.
DRAFT PROTOCOL ADDITIONAL
TO THE GENEVA CONVENTIONS OF AUGUST 12, 1949,
AND RELATING TO THE PROTECTION OF VICTIMS
OF INTERNATIONAL ARMED CONFLICTS

The High Contracting Parties,

Proclaiming their earnest wish to see peace prevail among peoples,

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

Recalling that, in cases not covered by conventional or customary international law, the civilian population and the combatants remain under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

PART I

GENERAL PROVISIONS

Article 1 - General principles

1. The present Protocol, which supplements the Geneva Conventions of 12 August 1949 for the Protection of War Victims, shall apply in the situations referred to in article 2 common to these Conventions.

2. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.
3. The High Contracting Parties undertake to respect and to ensure respect for the present Protocol in all circumstances.

4. In cases not included in the present Protocol or in other instruments of treaty law, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

Article 2 - Definitions

For the purposes of the present Protocol:

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

(b) "First Convention", "Second Convention", "Third Convention" and "Fourth Convention" mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 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) "protected persons" and "protected objects" mean persons and objects on whom or on which protection is conferred by the Articles, Chapters or Sections which concern them in Parts II, III and IV;

(d) "Protecting Power" means a neutral or other State not a Party to the conflict, which has been designated by a Party to the conflict and accepted by the adversary party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and the present Protocol.

(e) "Substitute" means an organization acting in place of a Protecting Power in accordance with article 5.
Article 3 - Beginning and end of application

Without prejudice to the provisions which shall be implemented at all times:

1. The Conventions and the present Protocol shall apply from the beginning of any situation referred to in article 1 of this Protocol.

2. The application of the Conventions and the present Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except for those categories of persons who continue to benefit from the relevant provisions of the Conventions and this Protocol until their final release, repatriation or re-establishment.

Article 4 - Legal status of the Parties to the conflict

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

Article 5 - Appointment of Protecting Powers and of their substitute

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

2. From the beginning of a situation referred to in article 1 of the present Protocol, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and the present Protocol and shall without delay and for the same purpose permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.
3. If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in article 1 of the present Protocol, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of Protecting Powers to which the Parties to the conflict consent. For that purpose it may, inter alia, ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to another Party to the conflict and ask the other Party to provide a list of at least five States which it would accept to fulfill this function; these lists shall be communicated to it within two weeks following the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

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

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

6. The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State according to the Vienna Convention on Diplomatic Relations ¹/ does not constitute an obstacle to the appointment of Protecting Powers for the purpose of applying the Conventions and the present Protocol.

7. Whenever hereafter in the present Protocol mention is made of a Protecting Power, such mention also includes any substitute.

¹/ The Drafting Committee will have to decide whether or not the words "according to the Vienna Convention on Diplomatic Relations" should be replaced by the words "in accordance with Conventional or Customary rules of international law relating to diplomatic relations" (see document CDDH/I/SR.27).
Article 6 - Qualified persons

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

2. The recruitment and training of such personnel lies within the national competence.

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

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

Article 7 - Meetings

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

WOUNDED, SICK AND SHIPWRECKED PERSONS

SECTION I

GENERAL PROTECTION

Article 8 - Definitions

For the purposes of the present Part:

(a) "the wounded and the sick" means persons, whether military or civilian, who are in need of medical assistance and care and who refrain from any act of hostility. The term includes inter alia: the wounded, the sick, the shipwrecked, the infirm, as well as expectant mothers, maternity cases and newborn babies;

(b) "shipwrecked persons" means persons, whether military or civilian, who are in peril at sea as a result of the destruction, loss or disablement of the vessel or aircraft in which they were travelling and who refrain from any act of hostility;

(c) "medical unit" means medical establishments and units, whether military or civilian, especially all installations of a medical nature, such as hospitals, blood transfusion centres and their medical and pharmaceutical stores. Medical units may be fixed or mobile, permanent or temporary. Permanent units are those assigned exclusively and for an indeterminate period to medical purposes. Temporary medical units are those assigned exclusively but for one or more limited periods to medical purposes;

(d) "medical personnel" means:

   i. military medical personnel as defined in the First and Second Conventions, including medical transport crews;
ii. civilian medical personnel, including members of the crews of means of medical transports, whether permanent or temporary, duly recognized or authorized by the State and engaged exclusively in the operation or administration of medical units and means of medical transport, that is to say personnel assigned to the search for, removal, treatment or transport of the wounded and the sick;

iii. the medical personnel of civil defence organizations referred to in Article 54, and the medical personnel of the National Red Cross (Red Crescent, Red Lion and Sun) Societies;

(e) "distinctive emblem" means the distinctive emblem of the red cross (red crescent, red lion and sun) on a white background;

(f) "distinctive signal" means any signalling and identification system for medical units and means of transport as envisaged in Chapter III of the Annex.

Article 9 - Field of Application

1. In order to ameliorate the condition of the wounded and sick, and the shipwrecked, the present Part shall apply, without any discrimination, to all those affected by a situation referred to in Article 2 common to the Conventions.

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

(a) by a neutral or other State which is not a Party to that conflict;

(b) by a recognized and authorized aid society of such a State;

(c) by an impartial international humanitarian organization, such as the International Committee of the Red Cross or the League of Red Cross Societies.
Article 10 - Protection and Care

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

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

Article 11 - Protection of persons

1. The physical or mental health and integrity of persons who have fallen into the hands of the adverse Party, or who are interned, detained or otherwise deprived of liberty, as a result of hostilities or occupation, shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the persons concerned and which is not consistent with accepted medical standards which would be applied under similar medical circumstances to nationals of the Party conducting the procedure who are not in any way deprived of liberty.

2. Subject to the provision of paragraph 1, it is, in particular, prohibited to carry out on such persons, even with their consent:

   (a) physical mutilations,
   (b) medical or scientific experiments,
   (c) removal of tissue or organs for transplantation.

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

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person described in paragraph 1 of this Article and which either violates any of the prohibitions contained in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of the present Protocol.
5. The persons described in paragraph 1 of this Article have the right to refuse any surgical operation. In case of refusal, medical personnel shall endeavour to obtain a written statement to that effect, signed or acknowledged by the patient.

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

Article 12 - Protection of Medical Units

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

2. Paragraph 1 of this article shall apply to civilian medical units provided that they:
   (a) belong to one of the Parties to the conflict; or
   (b) are recognized or authorized by the competent authority of one of the Parties to the conflict; or
   (c) are authorized as required by Article 9, paragraph 2, of the present Protocol and Article 27 of the First Convention.

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

4. Under no circumstances shall medical units be used in an attempt to protect military objectives from attack. Whenever possible the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.
Article 13 - Discontinuance of Protection of Civilian Medical Units

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

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

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

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

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

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

Article 14 - Limitations on Requisition of Civilian Medical Units

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

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

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

(a) that these resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the Armed Forces of the Occupation or of prisoners of war; and
(b) that the requisition continues only while such necessity exists; and

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

Article 15 - Protection of Civilian Medical and Religious Personnel

1. Civilian medical personnel shall be respected and protected.

2. If needed all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.

3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. Under no circumstances shall such personnel be compelled to carry out tasks unrelated to their mission.

4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.

5. Religious personnel attached to civilian medical units - such as chaplains - shall be respected and protected. The provision of the Conventions and of the present Protocol concerning the protection and identification of permanent medical personnel shall apply equally to such persons.

Article 16 - General Protection of Medical Duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall neither be compelled to perform acts nor to carry out work contrary to, nor to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or the Conventions or the present Protocol.
3. No person engaged in medical activities shall be compelled to give to any member of the party adverse to him information concerning the wounded and sick who are, or who have been, under his care, if this information would be likely, in his opinion, to prove harmful to the persons concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

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

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

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

3. [Reserved for further consideration]

Article 18 - Identification

1. Each party to the conflict shall endeavour to ensure the identification of medical and religious personnel and medical units and transports.

2. Each party to the conflict shall also endeavour to adopt and implement reasonable methods and procedures for the recognition of medical units and transports using the distinctive emblem and distinctive signals.

3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel, and civilian religious personnel should be recognizable by the distinctive emblem, and an identity card certifying their status.
4. With the assent of the competent authority medical units and transports shall be marked by the distinctive emblem. The ships and craft referred to in article 23 of the present Protocol shall be marked in accordance with the provisions of the Second Convention.

5. In addition to the distinctive emblem a party to the conflict may, as provided in Chapter III of the annex to the present Protocol, authorize the use of distinctive signals to identify medical units and transports. The only exception to this rule is the use by medical transports of distinctive signals, without displaying the distinctive emblem, in the special cases covered in that chapter.

6. The application of the provisions of paragraphs 1-5 of this article is governed by Chapters I to III of the annex to this Protocol. Signals designated in Chapter III of the annex for the exclusive use of medical units and transports shall not, except as provided therein, be used for any purpose other than to identify the medical units and transports specified in that Chapter.

7. This article does not authorize any wider use of the distinctive emblem in peacetime than is prescribed in article 44 of the First Convention.

8. The provisions of the Conventions and the present Protocol relating to supervision of the use of the distinctive emblem and to the prevention and repression of any misuse thereof shall be applicable to distinctive signals.

NEW SECTION I BIS

INFORMATION ON THE VICTIMS OF A CONFLICT
AND REMAINS OF DECEASED

(Committee II Working Group is examining the feasibility of inserting such a Section).
Article 19 - States not Party to a conflict

Neutral or other States not Parties to a conflict shall, to the extent that they are applicable, comply with the provisions of this Protocol in respect of such persons protected by this Part who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

Article 20 - Prohibition of reprisals

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

SECTION II

MEDICAL TRANSPORTS

Chapter I

Joint provisions

Article 21 - Definitions

For the purposes of the present Protocol:

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

(b) "medical transport" is any means of transportation, be it military or civilian, permanent or temporary, assigned exclusively to medical transportation, under the control of a competent authority of a Party to the conflict. "Permanent medical transports" are those which are assigned for an indeterminate period to medical transportation. "Temporary medical transports" are those which are assigned to medical transportation missions for limited periods while devoted exclusively to the performance of such missions. In the absence of specific qualification the terms "medical transports", "medical vehicles", "medical ships and craft" and "medical aircraft" will cover both permanent and temporary categories;

(c) "medical vehicles" mean any medical transport by land;
(d) "medical ships and craft" mean any medical transport by water;

(e) "medical aircraft" mean any medical transport by air.

**Article 22 - Medical vehicles**

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

**Article 23 - Hospital Ships and Coastal Rescue Craft**

1. The provisions of the Conventions with respect:

   (a) to vessels described in Articles 22, 24, 25 and 27 of the Second Convention,

   (b) to their lifeboats and their small craft,

   (c) to their personnel and crews, and

   (d) to the wounded and sick and the shipwrecked on board,

shall also apply where these vessels carry civilian wounded and sick and shipwrecked who do not belong to any of the categories mentioned in Article 13 of the Second Convention and in Article 42 of the present Protocol. Such civilians are, however, not subject to surrender to any Party which is not their own, or to capture at sea. If they find themselves in the hands of an adverse Party they shall be covered by the Fourth Convention and the present Protocol.

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

   (a) by a neutral or other State which is not a Party to that conflict; or

   (b) by an impartial international humanitarian organization, such as the International Committee of the Red Cross or the League of Red Cross Societies,

provided that the requirements set out in that Article are complied with.
3. Craft described in Article 27 of the Second Convention shall be protected even if notification is not made. Parties to a conflict are, nevertheless, invited to inform other Parties to that conflict of any details of such craft which will facilitate their identification and recognition.

**Article 24 - Protection**

1. Means of medical transport, whether alone or in convoy, shall be respected and protected.

2. Articles 12 and 13 apply, by analogy, to means of medical transport, subject in the case of medical aircraft, to Articles 27, 28, 29 and 32.

3. The following acts shall not be considered as harmful:

   (a) the carrying on board military or civilian means of medical transport of equipment to be used solely for such transmissions as may be necessary to movement or navigation;

   (b) the carrying on board military means of medical transport of armed military medical personnel who use such arms for their own protection and for that of the wounded and the sick being conveyed.

**Article 25 - Notification**

1. Parties to the conflict utilizing means of medical transport may give due notification to adverse Parties of characteristics facilitating the identification of these means. Such notification, for which no particular form is specified, shall indicate, inter alia, the means of identification to be used. The adverse Party shall acknowledge receipt of that information.

2. Notification of hospital ships shall be made in conformity with Article 22 of the Second Convention.
Chapter II
Medical air transport

Article 26 - Protection of medical aircraft

Medical aircraft shall be respected and protected, subject to the provisions of the present Part.1/

Article 26 bis - Medical aircraft in areas not controlled by an adverse Party

On and over land areas physically controlled by friendly forces, or on and over sea areas not physically controlled by an adverse Party, respect and protection of medical aircraft is not dependent on any agreement with an adverse Party. For greater safety, however, a Party to the conflict so operating its medical aircraft may notify any adverse Party as provided in Article 30 of the present Protocol, in particular when such aircraft are making flights bringing them within range of surface-to-air weapons systems of the adverse Party.

Article 27 - Medical aircraft in contact or similar zones

1. On and over those parts of the contact zone physically controlled by friendly forces and on and over those areas the physical control of which is not clearly established, protection for medical aircraft can be fully effective only by prior agreement between the competent military authorities of the Parties to the conflict as provided in article 30 of the present Protocol. Although, in the absence of such an agreement, medical aircraft operate at their own risk, they shall, nevertheless, be respected after they have been recognized as such.

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

1/ If the definitions now contained in draft article 21 are removed from Part II to another part of the Protocol, this reference should be to "the present Protocol."

2/ If the term "contact zone" is to be used in other articles of the Protocol, a decision must be taken as to whether the definition contained in this article applies or not. This decision must be reflected by an appropriate drafting.
Article 28 - Medical aircraft in areas controlled by an adverse Party

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

2. A medical aircraft which flies over an area physically controlled by an adverse Party without, or in deviation from the terms of, an agreement provided for in paragraph 1 of this article, either through navigational error or because of an emergency affecting the safety of the flight, shall make every effort to identify itself and to inform the adverse Party of the circumstances. As soon as such medical aircraft has been recognized by the adverse Party, every reasonable effort shall be made to give the order referred to in article 31, paragraph 1 of the present Protocol or to take other measures to safeguard the interests of the said Party, and to allow the aircraft time for compliance, before attacking it.

Article 29 - Restrictions on operations of medical aircraft

1. A Party to a conflict is prohibited from using its medical aircraft to attempt to acquire any military advantage over an adverse Party. The presence of medical aircraft shall not be used in an attempt to render military objectives immune from attack.

2. Medical aircraft shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes. They are prohibited from carrying any persons or cargo not included within the definition in article 21 (a) of the present Protocol. The carrying on board of the personal effects of the occupants or of equipment intended solely to facilitate navigation, communication, or identification shall not be considered as prohibited.

3. Medical aircraft shall not carry any armament other than small arms and ammunition taken from the wounded and sick and the shipwrecked on board, and not yet handed to the proper service, and such light individual weapons as may be necessary to enable the medical personnel on board to defend themselves and the wounded and sick and the shipwrecked in their charge.

4. While carrying out the flights referred to in articles 27 and 28 of the present Protocol, medical aircraft shall not, except by prior agreement with the adverse Party, be used to search for the wounded and sick and the shipwrecked.
Article 30 - Notifications and agreements concerning medical aircraft

1. Notifications under article 26 bis, or requests for prior agreement under articles 27, 28 or 32 as well as paragraph 4 of article 29 of the present Protocol shall state the proposed number of medical aircraft, their flight plans, and means of identification, and shall be understood to mean that every flight will be carried out in compliance with article 29 of the present Protocol.

2. A Party which receives a notification given under article 26 bis of this Protocol shall at once acknowledge receipt of such notification.

3. A Party which receives a request for prior agreement under either articles 27, 28, 32 or paragraph 4 of article 29 shall, as rapidly as possible, notify the other Party:
   
   (a) that the request is agreed; or
   
   (b) that the request is denied; or
   
   (c) of reasonable alternative proposals to the request. It may also propose a prohibition or restriction of other flights in the area during the time involved. If the Party which submitted the request accepts the alternative proposals, it shall notify the other Party that those proposals are agreed.

4. The Parties shall take the necessary measures to ensure that notifications and agreements can be made rapidly.

5. The Parties shall also take the necessary measures so that the substance of any such notifications and agreements is disseminated rapidly to the military units concerned and shall instruct such units on the means of identification that will be used by the medical aircraft.

Article 31 - Landing

1. Medical aircraft flying over land and water under the control of an adverse Party, may be ordered to land, or alight on water, as appropriate, in order to permit inspection and verification of the character of the aircraft. Medical aircraft shall obey every such order.
2. In the event of an alighting, on land or water, ordered, forced or resulting from fortuitous circumstances, an aircraft may be subject to inspection to determine whether it is a medical aircraft within the meaning of Article 21. If inspection discloses that it is not a medical aircraft within the meaning of the said article, if it is in violation of the conditions prescribed in Article 24 or if it has flown without prior agreement, it may be seized; the medical personnel and the passengers shall be treated in conformity with the Conventions and this Protocol. Such seized aircraft as are designed to serve as permanent medical aircraft may be used thereafter only as medical aircraft.

3. If the inspection discloses that the aircraft is a medical aircraft within the meaning of Article 21 (e), the aircraft and its occupants shall be authorized to continue their flight.

4. Inspection shall be conducted expeditiously in order not unduly to delay any medical treatment.

Article 32 - States not parties to the conflict

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

2. Should a medical aircraft, in the absence of an agreement, be forced because of urgent necessity to fly over or alight on land or water in the territory of a State not party to the conflict, the medical aircraft shall make every effort to give notice of the flight and to identify itself. The State not party to the conflict shall, so far as possible, respect such aircraft.

3. In the event of alighting on land or on water, in the territory of a State not party to the conflict, whether forced or in compliance with a summons, the aircraft, with its occupants, may resume its flight after examination, if any.

4. The wounded and the sick disembarked from a medical aircraft with the consent of the local authorities on the territory of a State not party to the conflict shall, unless agreed otherwise between that State and the Parties to the conflict, be detained by that State where so required by 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 those persons belong.

5. The States not parties to the conflict shall apply any conditions and restrictions on the passage or landing of medical aircraft on their territory equally to all Parties to the conflict.
PART III

METHODS AND MEANS OF COMBAT

PRISONER-OF-WAR STATUS

SECTION I

METHODS AND MEANS OF COMBAT

**Article 33 - Basic rules**

1. In any armed conflict, the right of Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is forbidden to employ weapons, projectiles, and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

3. It is forbidden to employ methods or means of warfare which are intended or may be expected to cause widespread, long-term, and severe damage to the natural environment. 1/

**Article 34 - New weapons**

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

1/ Committee III did not exclude the possibility of adding new paragraphs.
Article 35 - Prohibition of perfidy

1. It is forbidden to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of the adversary with intent to betray that confidence are deemed to constitute perfidy. Such acts, when carried out in order to commit or resume hostilities, include the following:

(a) the feigning of a situation of distress, notably through the misuse of an internationally recognized protective sign;

(b) the feigning of a cease-fire, of a humanitarian negotiation or of a surrender;

(c) the disguising of combatants in civilian clothing.

2. On the other hand, those acts which, without inviting the confidence of the adversary, are intended to mislead him or to induce him to act recklessly, such as camouflage, traps, mock operations and misinformation, are ruses of war and are lawful.

Article 36 - Recognized Emblems

1. It is forbidden to make improper use of the protective emblem of the Red Cross, Red Crescent, and Red Lion and Sun, or other emblems, signs, or signals provided for by the Conventions or by the present Protocol. It is also forbidden to misuse deliberately in armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.

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

Article 37 - Emblems of nationality

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

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

3. Nothing in this article shall affect the existing generally recognized rules of international law applicable to the use of flags in the conduct of armed conflict at sea.
Article 38 - Safeguard of an enemy hors de combat and giving quarter

1. It is forbidden to kill, injure, ill-treat or torture an enemy hors de combat. An enemy hors de combat is one who, having laid down his arms, no longer has any means of defence or has surrendered. These conditions are considered to have been fulfilled, in particular, in the case of an adversary who:

(a) is unable to express himself, or

(b) has surrendered or has clearly expressed an intention to surrender

(c) and abstains from any hostile act and does not attempt to escape.

2. Any Party to the conflict is free to send back to the adverse Party those combatants it does not wish to hold as prisoners, after ensuring that they are in a fit state to make the journey without any danger to their safety.

3. It is forbidden to order that there shall be no survivors, to threaten an adversary therewith and to conduct hostilities on such basis.

Article 39 - Aircraft occupants

1. The occupants of aircraft in distress shall never be attacked when they are obviously hors de combat, whether or not they have abandoned the aircraft in distress. An aircraft is not considered to be in distress solely on account of the fact that its means of combat are out of commission.

2. The use of misleading signals and messages of distress is forbidden.

Article 40 - Independent missions

1. Members of armed forces in uniform and other combatants referred to in Article 4 of the Third Convention, as well as those combatants referred to in Article 42 who, in their operations, distinguish themselves from the civilian population and who, having entered enemy-controlled territory or having remained therein, gather or attempt to gather military information for further transmission shall not be considered as spies.
2. Members of armed forces in uniform and other combatants referred to in Article 4 of the Third Convention, as well as those combatants referred to in Article 42 who, in their operations, distinguish themselves from the civilian population and who, having entered enemy-controlled territory or having remained therein, destroy or attempt to destroy military objectives shall not be considered as saboteurs.

3. In the event of their capture, the persons referred to in paragraphs 1 and 2 above shall be prisoners of war.

Article 41 - Organization and discipline

Armed forces, including the armed forces of resistance movements covered by Article 42, shall be organized and subject to an appropriate internal disciplinary system. Such disciplinary system shall enforce respect for the present rules and for the other rules of international law applicable in armed conflicts.

SECTION II

PRISONER-OF-WAR STATUS

Article 42 - New category of prisoners of war

1. In addition to the persons mentioned in Article 4 of the Third Convention, members of organized resistance movements who have fallen into the hands of the enemy are prisoners of war provided such movements belong to a Party to the conflict, even if that Party is represented by a government or an authority not recognized by the Detaining Power, and provided that such movements fulfil the following conditions:

(a) that they are under a command responsible to a Party to the conflict for its subordinates;

(b) that they distinguish themselves from the civilian population in military operations;

(c) that they conduct their military operations in accordance with the Conventions and the present Protocol.
2. Non-fulfilment of the aforementioned conditions by individual members of the resistance movement shall not deprive other members of the movement of the status of prisoners of war. Members of a resistance movement who violate the Conventions and the present Protocol shall, if prosecuted, enjoy the judicial guarantees provided by the Third Convention and, even if sentenced, retain the status of prisoners of war.*

* Note

If, as many Governments wished, the Diplomatic Conference should decide to mention in the present Protocol members of movements of armed struggle for self-determination, a solution would be to include in this article a third paragraph worded as follows:

"3. In cases of armed struggle where peoples exercise their right to self-determination as guaranteed by the United Nations Charter and the 'Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations', members of organized liberation movements who comply with the aforementioned conditions shall be treated as prisoners of war for as long as they are detained."**/

**/ This para. 3 has become pointless since the adoption by Committee I of Article 1(2) of draft Protocol I.
PART IV

CIVILIAN POPULATION

SECTION I

GENERAL PROTECTION AGAINST EFFECTS OF HOSTILITIES

Chapter I

Basic rule and field of application

Article 43 - Basic rule

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

Article 44 - Field of application

1. The provisions contained in the present Section shall apply to any land, air, or sea warfare which may affect the civilian population, individual civilians, or civilian objects on land. They shall further apply to all attacks from the sea or the air against objectives on land but do not otherwise affect the existing generally recognized rules of international law applicable to armed conflict at sea or in the air.

2. "Attacks" mean acts of violence committed against the adversary, whether in defence or offence.

3. The provisions of the present Section are in addition to the rules with respect to humanitarian protection contained in the Fourth Convention, particularly Part II thereof, and in such other international conventions as may be binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, on sea, or in the air, against the effects of hostilities.
Chapter II
Civilians and civilian population

Article 45 - Definition of civilians and civilian population

1. A civilian is anyone who does not belong to one of the categories of persons referred to in article 4 (A) (1), (2), (3) and (6) of the Third Convention and in article 42 of the present Protocol.

2. The civilian population comprises all persons who are civilians.

3. The presence, within the civilian population, of individuals who do not fall within the definition of civilians does not deprive the population of its civilian character.

4. In case of doubt as to whether a person is a civilian, such person shall be considered to be a civilian.

Article 46 - Protection of the civilian population

The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, in addition to other applicable rules of international law shall be observed in all circumstances.

1. The civilian population as such, as well as individual civilians, shall not be made the object of attack. Acts or threats of violence which have the primary object of spreading terror among the civilian population are prohibited.

2. Civilians shall enjoy the protection afforded by this Section of the Protocol unless and for such time as they take a direct part in hostilities.

3. Indiscriminate attacks are prohibited. Indiscriminate attacks are those which are not directed at a specific military objective; or those which employ a method or means of combat which cannot be directed at a specific military objective, or the effects of which cannot be limited as required by this Protocol, and consequently are of a nature to strike military objectives and civilians or civilian objects without distinction. Among others, the following types of attacks are to be considered as indiscriminate:
(a) An attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village, or other area containing a concentration of civilians or civilian objects; and

(b) An attack of the type prohibited by article 50 (2) (a) (iii).

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

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

6. Any violations of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to those civilians, including the precautionary measures provided for in the article 50.

Chapter III

Civilian objects

Article 47 - General protection of civilian objects

1. Civilian objects shall not be the object of attack nor of reprisals. Civilian objects are all objects which are not military objectives, as defined in paragraph 2.

2. Attacks shall be strictly limited to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their own nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization in the circumstances ruling at the time, offers a definite military advantage.
3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 47 bis - Protection of Cultural Objects and of Places of Worship

Without prejudice to the provisions of the Hague Convention on the Protection of Cultural Property of 14 May 1954, and other relevant international instruments, it is forbidden:

(a) to commit any acts of hostility directed against historic monuments, places of worship, or works of art which constitute the cultural heritage of peoples;

(b) to use such historic monuments or places of worship in support of the military effort; and

(c) to make such objects the object of reprisals.

Article 48 - Objects indispensable to the survival of the civilian population

1. Starvation of civilians as a method of warfare is prohibited.

2. It is forbidden to attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population, such as, foodstuffs and food producing areas, crops, livestock, drinking water installations and supplies, and irrigation works, for the purpose of denying them to the civilian population or to the adverse party, whatever the motive that produced that purpose, whether to starve out civilians, to cause them to move away, or any other motive.

3. The prohibitions provided by the preceding paragraph shall not apply to such of the objects covered by it as are used by an adverse party:

(a) as sustenance, solely for the members of its armed forces; or

(b) if not as sustenance, then in direct support of military action; provided, however, that actions against these objects shall not be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.

4. These objects shall not be made the object of reprisals.
Article 48 bis - Protection of the natural environment

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

2. Attacks against the natural environment by way of reprisal are prohibited.1/

Article 49 - Works and installations containing dangerous forces

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

2. The special protection against attack provided by paragraph 1 shall cease for a dam or a dyke only (a) if it is used for other than its normal function and in regular significant and direct support of military operations, and (b) if such attack is the only feasible way to terminate such support. The special protection against attack provided by paragraph 1 shall cease for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support. The special protection against attack provided by paragraph 1 shall cease for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

1/ Final decision on this paragraph is to await resolution on the problem of reprisals in general in Protocols I and II.
3. In all cases, the civilian population and individual civilians shall remain entitled to all the protections accorded them by international law, including the precautionary measures provided by article 50. In the event the protection ceases and any of the works, installations, or objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid releasing the dangerous forces.

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

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

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

7. In order to facilitate their identification, parties to a conflict may mark the objects protected by this article with a special sign consisting of .... 1/. Absence of such marking in no way relieves any party to a conflict from its obligations under this article.

1/ To be determined.
Chapter IV
Precautionary measures

Article 50 - Precautions in attack

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

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

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

      (i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of article 47 and that it is permissible to attack them under the rules of this Protocol;

      (ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians, and damage to civilian objects; and

      (iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

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

   (c) effective advance warning shall be given of attacks which may affect the civilian population unless circumstances do not permit.
When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that which may be expected to cause the least danger to civilian lives and to civilian objects.

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

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

Article 51 - Precautions against the effects of attacks

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

1. Without prejudice to article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians, and civilian objects under their control from the vicinity of military objectives; and

2. avoid locating military objectives within or near densely populated areas;

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

Chapter V

Localities under special protection

Article 52 - Non-defended localities

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

2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse party. Such a locality shall fulfill the following conditions:
(a) armed forces and all other combatants, as well as mobile weapons and mobile military equipment must have been evacuated;

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

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

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

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

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

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

6. The Party in whose power a locality subject to such an agreement lies shall mark it, so far as possible, by such means as may be agreed with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and its limits and on highways.

7. A locality will lose its status as a non-defended locality if it no longer fulfils the conditions prescribed by paragraph 2 or by the agreement referred to in paragraph 5. If such a situation occurs, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other applicable rules of international law.
Article 53 - Neutralized localities

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

2. This shall be an express agreement, which may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian body, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peace time, as well as after the outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, should the need arise, lay down the methods of supervision.

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

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

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

   (c) no acts of warfare shall be committed by the authorities or by the population, and

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

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

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

5. The Party in whose power such a zone lies shall mark it, so far as possible, by such means as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and its limits and on highways.
6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally repeal its status.

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from the obligations incumbent upon it under the agreement or the treaty conferring upon a zone the status of demilitarized zone. If such a situation occurs, the zone shall lose its status but shall continue to enjoy the protection provided by this Protocol and by other rules of international law.

Chapter VI
Civil Defence

Article 54 - Definition

Civil defence, for the purpose of the present Chapter, covers humanitarian tasks intended to safeguard the civilian population against the effects arising from hostilities or disasters, to ensure its survival and to provide the conditions necessary for its existence. Civil defence includes, inter alia:

(a) rescue, first aid, conveyance of wounded, fire-fighting;

(b) safeguard of objects indispensable to the survival of the civilian population;

(c) provision of emergency material and social assistance to the civilian population;

(d) emergency repair of public services indispensable to the civilian population;

(e) maintenance of public order in disaster areas;

(f) preventive measures, such as warning the civilian population, evacuation, provision of shelters;

(g) detection and marking of danger areas.
Article 55 - Zones of military operations

1. In zones of military operations, the civilian bodies which are established or recognized by their governments and are assigned to the discharge of the tasks mentioned in Article 54 shall be respected and protected. Their personnel shall not be intentionally attacked. Except in case of imperative military necessity, Parties to a conflict shall permit them freely to discharge their tasks.

2. Civilians who, although not members of the civil defence bodies mentioned in paragraph 1, respond to an appeal from the authorities and carry out civil defence tasks under the control of those authorities shall likewise be respected and protected during the performance of those tasks.*

3. Buildings, material and means of transport used by the civil defence shall not be intentionally attacked or destroyed.

Article 56 - Occupied territories

1. In occupied territories, the civilian bodies assigned to the discharge of the tasks mentioned in Article 54 shall receive every facility from the authorities for the discharge thereof. In no circumstance shall their personnel be compelled to perform activities unconnected with their functions. The Occupying Power shall not change the structure or personnel of such bodies in any way which might jeopardize the efficient discharge of their mission. It shall not demand that the civil defence bodies give the nationals of the Occupying Power priority.

2. The Occupying Power shall not divert buildings, material and means of transport belonging to civil defence bodies from their assignment.

* Note

Some experts consulted by the ICRC recommended adding here the following paragraph:

"Personnel of military units assigned exclusively to civil defence tasks shall not be intentionally attacked provided they display the international distinctive sign of civil defence specified in Article 59 below, and bear only small arms. If they fall into the power of the enemy they shall be considered to be prisoners of war."

Article 57 - Civil defence bodies of States not parties to a conflict and international bodies

1. The protection conferred by the present Chapter applies also to the personnel, material and means of transport of civil defence bodies of States not parties to a conflict and which carry out civil defence activities on the territory of, with the agreement of, and under the control of a Party to the conflict after notification to the adverse Party. In no circumstance shall such activities be deemed to be interference in the conflict.

2. The personnel, material and means of transport of international civil defence bodies engaged in civil defence activities on the territory of a Party to a conflict under the conditions mentioned in the preceding paragraph shall also be respected and protected.

Article 58 - Cessation of protection

1. The protection due to persons, buildings, material and means of transport engaged in civil defence tasks shall not cease unless they are used to commit, outside those duties, acts harmful to the enemy. Protection may, however, cease only after a warning, specifying in all appropriate cases a reasonable time limit, has remained unheeded.

2. The fact that civil defence personnel:

   (a) receive instructions from military authorities,

   (b) co-operate in the discharge of their tasks with military personnel,

   (c) bear small arms for the purpose of maintaining order in a stricken area or for self-defence,

   (d) carry out their tasks for the benefit of military victims, shall not be considered to be harmful to the enemy.

3. Similarly, the organization of civil defence bodies along military lines, and compulsory service in them, shall not deprive them of the protection conferred by the present Chapter.
1. Each Party to a conflict shall endeavour to ensure that personnel, buildings, material and means of transport engaged in civil defence tasks are identifiable.

2. The High Contracting Parties shall issue for permanent civil defence personnel and means of transport permanently assigned to civil defence tasks a document attesting to their character.

3. Personnel, buildings, material and means of transport engaged in civil defence tasks shall, with the consent of the competent authority, display the international distinctive sign of civil defence.

4. The international distinctive sign of civil defence is:

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<thead>
<tr>
<th>Proposal I</th>
<th>Proposal II</th>
</tr>
</thead>
<tbody>
<tr>
<td>An equilateral light blue triangle on a light orange background</td>
<td>Two or, in case of need, more vertical light blue stripes on a light orange background.</td>
</tr>
</tbody>
</table>

5. In addition to the distinctive sign, Parties to a conflict may authorize the use of distinctive signals to signalize civil defence buildings and means of transport.

6. The implementation of the provisions of paragraphs 2 to 5 of this article is governed by Chapter IV of the Annex.

7. Temporary personnel, buildings, material and means of transport temporarily engaged in an emergency relief action may display the international distinctive sign of civil defence only for the duration of their assignment.

8. The identification of civil defence medical services is governed by Article 18.

9. The High Contracting Parties shall take the measures necessary to supervise the display of the distinctive sign and to prevent and repress abuse thereof.
SECTION II

RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 60 - Field of application

The provisions contained in the present Section are com-
plementary to such international rules concerning relief as may
be binding upon the High Contracting Parties, in particular to
Article 23 of the Fourth Convention. They apply to the civilian
population as defined in Article 45.

Article 61 - Supplies

To the fullest extent possible and without any adverse
distinction, the Parties to the conflict shall ensure the pro-
vision of foodstuffs, clothing, medical and hospital stores and
means of shelter for the civilian population.

Article 62 - Relief actions

1. If the civilian population is inadequately supplied, in
particular, with foodstuffs, clothing, medical and hospital
stores and means of shelter, the Parties to the conflict shall
agree to and facilitate those relief actions which are exclusively
humanitarian and impartial in character and conducted without
any adverse distinction. Relief actions fulfilling the above
conditions shall not be regarded as interference in the armed
conflict.

2. The Parties to the conflict and any High Contracting Party
through whose territory supplies must pass shall grant free
passage when relief actions are carried out in accordance with
the conditions stated in paragraph 1.

3. When prescribing the technical methods relating to assis-
tance or transit, the Parties to the conflict and any High
Contracting Party shall endeavour to facilitate and accelerate
the entry, transport, distribution or passage of relief.
4. The Parties to the conflict and any High Contracting Party may set as condition that the entry, transport, distribution or passage of relief be executed under the supervision of a Protecting Power or of an impartial humanitarian body.

5. The Parties to the conflict and any High Contracting Party shall in no way whatsoever divert relief consignments from the purpose for which they are intended or delay the forwarding of such consignments.

SECTION III

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

Chapter I

Field of application and protection of persons and objects

Article 63 - Field of application

The provisions contained in the present Section are complementary to such international rules concerning the protection of civilians and civilian objects in the power of a Party to the conflict as may be binding upon the High Contracting Parties, in particular to Parts I and III of the Fourth Convention.

Article 64 - Refugees and stateless persons

Persons who, before the beginning of hostilities, were considered as being stateless persons, or refugees under the relevant international instruments or the national legislation of the State of refuge or State of residence, shall be recognized as being protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.
Article 65 - Fundamental guarantees

1. Persons who would not receive more favourable treatment under the Conventions or the present Protocol, namely, nationals of States not bound by the Conventions and the Parties' own nationals shall, in all circumstances, be treated humanely by the Party in whose power they may be and without any adverse distinction. The present article also applies to persons who are in situations under Article 5 of the Fourth Convention. All these persons shall enjoy at least the provisions laid down in the following paragraphs.

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

(a) violence to the life, health and physical or mental well-being of persons, in particular murder, torture, corporal punishment and mutilation;

(b) physical or moral coercion, in particular to obtain information;

(c) medical or scientific experiments, including the removal or transplant of organs, not justified by the medical treatment and not carried out in the patients' own interest;

(d) outrages upon personal dignity, in particular humiliating and degrading treatment;

(e) taking of hostages;

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

3. No sentence may be passed or penalty executed on a person found guilty of an offence related to a situation referred to in Article 2 common to the Conventions except in pursuance of a previous judgment pronounced by an impartial and properly constituted court, affording the following essential judicial guarantees:

(a) no person may be punished for an offence he or she has not personally committed; collective penalties are prohibited;

(b) no person may be prosecuted or punished for an offence in respect of which a final judgment has been previously passed, acquitting or convicting that person;
(c) everyone charged with an offence is presumed to be innocent until proved guilty according to law;

(d) no person may be sentenced except in pursuance of those provisions of law which were in force at the time the offence was committed, subject to later more favourable provisions.

4. Women whose liberty has been restricted shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. This does not apply to those cases where members of the same family are together in the same place of internment.

5. The persons mentioned in paragraph 1, detained by reason of a situation referred to in Article 2 common to the Conventions and who are released, repatriated or established after the general cessation of hostilities, shall enjoy, in the meantime, the protection of the present article.

Article 66 - Objects indispensable to the survival of the civilian population

It is prohibited to destroy, render useless or remove objects indispensable to the survival of the civilian population, namely, foodstuffs, food-producing areas, crops, livestock, drinking water supplies and irrigation works, whether to starve out civilians, cause them to move away or for any other reason. They shall not be the object of reprisals.

Chapter II

Measures in favour of women and children

Article 67 - Protection of women

1. Women shall be the object of special respect and shall be protected, in particular against rape, enforced prostitution, and any other form of indecent assault.

2. The death penalty for an offence related to a situation referred to in Article 2 common to the Conventions shall not be executed on pregnant women.
**Article 68 - Protection of children**

1. Children shall be the object of privileged treatment. The Parties to the conflict shall provide them with the case and aid their age and situation require. Children shall be protected against any form of indecent assault.

2. The Parties to the conflict shall take all necessary measures in order that children aged under fifteen years shall not take any part in hostilities and, in particular, they shall refrain from recruiting them in their armed forces or accepting their voluntary enrolment.

3. The death penalty for an offence related to a situation referred to in Article 2 common to the Conventions shall not be pronounced on persons who were under eighteen years at the time the offence was committed.

**Article 69 - Evacuation of children**

1. If their condition necessitates their evacuation for reasons of health, in particular to obtain medical treatment or to hasten convalescence, children may be transferred to a foreign country. Where they have not been separated by circumstances from their parents or legal guardians, the latter's consent must be obtained. In the case of evacuation to a foreign country, the operation shall be supervised or directed by the Protecting Power, in agreement with the Parties to the conflict concerned.

2. In the case of evacuation to a foreign country, the Party to the conflict carrying out the evacuation and the authorities of the receiving country shall arrange, if possible, for the children's education to be continued in the language and culture of the country to which they belong.

3. So as to 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. Each card shall bear, whenever possible, 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 on which and the place where the child was found;
(i) the date on 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 69 bis - Protection of journalists 1/

Journalists who are engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of paragraph 1 of article 45. They shall be protected as such under the Conventions and the present Protocol, provided that they take no action affecting their status as civilians and without prejudice to the right of war correspondents accredited to the armed forces to the status provided under Article 4 (A) (4) of the Third Convention. They may obtain an identity card similar to the annexed model. This card, which shall be issued by the government of the State of which they are nationals or in which they reside or in which the news medium for which they work is located, shall attest to the holder's status as a journalist.

1/ Committee I adopted this article without giving it a number. This it left to the Drafting Committee. Nevertheless, for easy reference, the number 69 bis attributed by its authors is used herein.
PART V
EXECUTION OF THE CONVENTIONS AND OF THE PRESENT PROTOCOL

SECTION I
GENERAL PROVISIONS

Article 70 - Measures for execution

1. The High Contracting Parties /and the Parties to the conflict/ shall without delay take all necessary measures for the execution of the obligations incumbent upon them under the Conventions and the present Protocol.

2. The High Contracting Parties /and the Parties to the conflict/ shall give orders and instructions to ensure observance of the Conventions and the present Protocol and shall supervise their execution.

Article 70 bis - Activities of the Red Cross and other humanitarian organizations

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian role assigned to it by the Conventions and the present Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.

1/ Committee I decided to retain this phrase provisionally in square brackets, its adoption being linked to the consideration of article 84 of draft Protocol I and the amendments relating thereto.
2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for them to carry out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and the present Protocol and the fundamental Principles of the Red Cross as formulated by the International Red Cross Conferences.

3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies will extend to the victims of conflicts in accordance with the provisions of the Conventions and the present Protocol and with the fundamental Principles of the Red Cross as formulated by the International Red Cross Conferences.

4. The High Contracting Parties and the Parties to the conflict will make as far as possible similar facilities as those mentioned in paragraph 2 and paragraph 3 available to the other humanitarian organizations referred to in the Conventions and the present Protocol which are duly authorized by the respective Parties to the conflict and are performing their humanitarian activities in accordance with the provisions of the Conventions and the present Protocol.

Article 71 - Legal advisers in armed forces

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

Article 72 - Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and the present Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.
2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and the present Protocol must be fully acquainted with the text thereof.

3. The High Contracting Parties shall report to the depositary of the Conventions and to the International Committee of the Red Cross at intervals of four years on the measures they have taken in accordance with their obligations under this article.

Article 73 - Rules of application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depositary of the Conventions and, in case of need, through the Protecting Powers, their official translations of the present Protocol, as well as the laws and regulations which they may adopt to ensure the application thereof.

SECTION II

REPRESSION OF BREACHES OF THE CONVENTIONS AND OF THE PRESENT PROTOCOL

Article 74 - Repression of breaches of the present Protocol

The provisions of the Conventions relating to the repression of breaches, supplemented by the present Section, shall apply to the repression of breaches of the present Protocol, including to that of the grave breaches committed against protected persons or protected objects within the meaning of Article 2 (c).

Article 75 - Perfidious use of the protective signs

The use of the red cross sign and of the other protective signs or markings recognized by the Conventions or by the present Protocol constitutes a grave breach of the Conventions or of the present Protocol when the use invites the confidence of the enemy with intent to betray that confidence.
Article 76 - Failure to act

1. The High Contracting Parties undertake to repress breaches of the Conventions or of the present Protocol resulting from a failure to perform a duty to act.

2. The fact that a breach of the Conventions or of the present Protocol was committed by a subordinate does not absolve his superiors from penal responsibility if they knew or should have known that he was committing or would commit such a breach and if they did not take measures within their power to prevent or repress the breach.

Article 77 - Superior orders

1. No persons shall be punished for refusing to obey an order of his government or of a superior which, if carried out, would constitute a grave breach of the provisions of the Conventions or of the present Protocol.

2. The fact of having acted pursuant to an order of his government or of a superior does not absolve an accused person from penal responsibility if it be established that, in the circumstances at the time, he should have reasonably known that he was committing a grave breach of the Conventions or of the present Protocol and that he had the possibility of refusing to obey the order.

Article 78 - Extradition

1. Grave breaches of the Conventions or of the present Protocol, whatever the motives for which they were committed, shall be deemed to be included as extraditable offences in any extradition treaty existing between the High Contracting Parties. The High Contracting Parties undertake to include the said grave breaches as extraditable offences in every extradition treaty to be concluded between them.

2. If a High Contracting Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another High Contracting Party with which it has no extradition treaty, the Conventions and the present Protocol shall be considered as the legal basis for extradition in respect of the said grave breaches. Extradition shall be subject to the other conditions provided by the law of the requested High Contracting Party.
3. High Contracting Parties which do not make extradition conditional on the existence of a treaty shall recognize the said grave breaches as extraditable offences between themselves subject to the conditions provided by the law of the requested High Contracting Party.

Article 79 - Mutual assistance in criminal matters

The High Contracting Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of grave breaches of the Conventions or of the present Protocol. The law of the High Contracting Party requested shall apply in all cases.
Article 80 - Signature

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

Article 81. - Ratification

The present Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Confederation, depositary of the Conventions.

Article 82 - Accession

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

Article 83 - Entry into force

1. The present Protocol shall enter into force six months after two instruments of ratification have been deposited.

2. For each Party to the Conventions thereafter ratifying or acceding to the present Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

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 shall apply as supplemented by this Protocol.

2. Although one of the Parties to the conflict may not be bound by the present Protocol, the other Parties to the conflict shall remain bound by it in their mutual relations. They shall furthermore be bound by the present Protocol in relation to the said Party, if the latter accepts and applies the provisions thereof.
Article 85 - Reservations

1. Each one of the Parties to the Conventions may, when signing, ratifying or acceding to the present Protocol, formulate reservations to Articles other than Articles 5, 10, 20, 33, Article 35, paragraph 1 first sentence, Article 38, paragraph 1, first sentence, and Articles 41, 43, 46 and 47.

2. Each reservation shall be operative for five years from the entry into force of the present Protocol in respect of the High Contracting Party formulating the reservation. Any reservation may be renewed for further successive periods of five years subject to a declaration being sent to the depositary of the Conventions not less than three months prior to the expiry of the said period. A reservation may be withdrawn at any time by notification to this effect addressed to the depositary of the Conventions.

Article 86 - Amendment

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

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

Article 87 - Denunciation

1. In case a High Contracting Party should denounce the present Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. However, if on the expiry of that year the denouncing Party is engaged in one of the situations referred to in Article 2 common to the Conventions, the denunciation shall not take effect until the end of the armed conflict or occupation and, in any case, until after operations connected with release, repatriation and establishment of the persons protected by the present Protocol have been terminated.
2. The denunciation shall be notified in writing to the depositary of the Conventions, which shall transmit it to all the High Contracting Parties.

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

Article 88 - Notifications

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

(a) signatures affixed to the present Protocol and the deposit of the instruments of ratification and accession under Articles 81 and 82;

(b) the date of entry into force of the present Protocol under Article 83;

(c) communications and declarations received under Articles 73, 85 and 86;

(d) denunciations under Article 87.

Article 89 - Registration

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

2. The depositary of the Conventions shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Protocol.
Article 90 - 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 of the Conventions, which shall transmit certified true copies thereof to all the Parties to the Conventions.

2. The depositary of the Conventions shall arrange for official translations of the present Protocol to be made into....

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

DONE AT GENEVA, this ... day of ... 197 ....
ANNEX
REGULATIONS CONCERNING THE IDENTIFICATION AND MARKING
OF MEDICAL PERSONNEL, UNITS AND MEANS OF TRANSPORT, AND
CIVIL DEFENCE PERSONNEL, EQUIPMENT AND MEANS OF TRANSPORT

Chapter 1

Documents

Article 1. — Permanent civilian medical personnel

1. Permanent civilian medical personnel shall carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the language of the country concerned and in one of the languages mentioned in Article 90 of the present Protocol and shall mention the surname and first names, the date of birth, function and the service number, if any, of the holder. It shall state in what capacity the holder is entitled to the protection of the Conventions and the present Protocol. The card shall bear the photograph of the holder as well as his signature or his fingerprints, or both. It shall bear the embossed stamp of the competent authorities.

2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all the High Contracting Parties. The High Contracting Parties may be guided by the model shown below. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing authorities.

3. In no circumstances may the said personnel be deprived of their identity cards. In the event of loss, they shall be entitled to obtain a duplicate copy.

Article 2. — Temporary civilian medical personnel

1. Temporary civilian medical personnel shall carry a special identity card similar to that provided for in Article 1 above. This card shall specify the medical training of the holder, the temporary nature of his functions and the right to display the distinctive emblem.

2. The High Contracting Parties may be guided by the model shown below. Identity cards shall be made out, if possible, in duplicate, one copy being kept by the issuing authorities.

Article 3. — Lists of personnel

The management of each civilian medical unit shall at all times keep an up-to-date list of the names of its personnel at the disposal of the competent authorities.

Article 4. — Flight plan

The agreements and notifications relating to flight plans provided for in Article 30 of the present Protocol shall be established as far as possible in accordance with procedures laid down by the International Civil Aviation Organization.

1 The model of the identity card will be established subsequently.
2 The model of the identity card will be established subsequently.
Chapter II

Distinctive emblem

Article 5. — Shape and nature

1. The distinctive emblem shall be as large as possible. The red and white surfaces shall be, as far as possible, of equal area. For the shapes of the cross, the crescent or the lion and sun, the High Contracting Parties may be guided by the models shown below.

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

Emblems in red on a white ground

Article 6. — Use

1. The distinctive emblems shall be marked on a flat surface or on flags visible from all possible directions and from as far as possible.

2. As far as possible, medical personnel removing casualties from the battle area shall wear headgear and clothing bearing distinctive emblems.

Chapter III

Distinctive signals

Article 7. — Optional use

The distinctive signals referred to in the present Chapter shall be used exclusively by medical units and means of transport; their use is optional.

Article 8. — Light signals

1. The light signal shall consist of a blue light flashing at a frequency of between 40 and 100 flashes a minute.

2. Medical aircraft and vehicles may be equipped by the Parties to the conflict with signals consisting of one or more blue lights, flashing as mentioned in paragraph 1, and placed in such a way as to be visible in as many directions as possible.

2 The chromatic boundaries of the luminous signal's blue light are represented on the chromatic diagram of the International Commission of Illumination by the three straight lines determined by the following equations:

- green boundary \( y = 0.065 - 0.805 \times x \)
- white boundary \( y = 0.400 - x \)
- purple boundary \( x = 0.133 \times y + 0.600 \)

The triangle formed by the intersection of these three lines determines the blue zone, recommended for this signal, shown on the chromatic diagram given in Publication No. 2 « Colours of Light Signals » of the International Commission on Illumination.

The effective intensity of the blue luminous signal should not be inferior to 400 candelas.
**Article 9. — Unilateral radio signal**

1. The unilateral radio signal consists of a radiotelephonic or radiotelegraphic message preceded by the call sign "MEDICAL" emitted three times and followed by the call sign of the medical means of transport. This message is transmitted in English at frequent intervals on an agreed or specified frequency. The use of the call sign "MEDICAL" shall be restricted exclusively to the medical services.

2. The radio message shall convey the following data:
   (a) "MEDICAL" followed by the call sign of the means of transport;
   (b) position of the means of transport;
   (c) number and type of medical means of transport;
   (d) itinerary;
   (e) timetable;
   (f) any other information, such as flight altitudes, radio frequencies, languages, secondary radar modes and codes.

3. So as to facilitate the communication of information referred to in paragraphs 1 and 2 of the present article, the High Contracting Parties shall designate and publish the national frequencies to be used by them. These frequencies shall be notified by the High Contracting Parties to the International Telecommunication Union for listing in the Master International Frequency Register and for inclusion in Service Documents.

4. The use of other frequencies shall be the subject of special agreements entered into between the Parties to the conflict which, as a general rule, shall inform the International Telecommunication Union.

**Article 10. — Bilateral radio signal**

1. The bilateral radio signal consists of an exchange of radio messages, in the language and on the frequency provided for in Article 9. It is initiated by the transmission of a unilateral radio signal.

2. The bilateral radio signal permits the communication and, if necessary, the discussion of the measures that should be taken to reinforce the protection of medical personnel, units and means of transport.

**Article 11. — Secondary surveillance radar system signal**

1. Identification by the secondary surveillance radar system, which consists of an exchange of electro-magnetic impulses, may be used to identify and to follow the course of medical aircraft.

2. For that purpose, the secondary surveillance radar system as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944 may be used.

3. The exchange of impulses shall be made in mode A/3, using the radar code or codes assigned by the International Civil Aviation Organization for the identification of medical aircraft in accordance with the international standards, practices and procedures recommended by the Organization. The Parties to the conflict may agree to use other modes and codes. They shall inform the International Civil Aviation Organization of the agreements.

4. The High Contracting Parties may establish the use of a similar system for other means of medical transport.

**Article 12. — Other means of communication**

When the use of the bilateral radio signal is not possible, the signals as provided for in the International Code of Signals by the Inter-Governmental Maritime Consultative Organization and in Annex 12 to the Chicago Convention on International Civil Aviation of 7 December 1944 shall be used.
**Article 13. — Use of international codes**

The medical units and means of transport of the Parties to the conflict may use the International Code of Signals radio codes, and the International Telecommunication Union's Q code for their communications by radiotelegraphy or radiotelephony. The use of such codes shall be in accordance with international standards, practices and procedures laid down by the International Telecommunication Union, the International Civil Aviation Organization and the Inter-Governmental Maritime Consultative Organization.

**Chapter IV**

**Civil defence**

**Article 14. — Documents**

1. The identity card delivered to permanent civil defence personnel in accordance with Article 59, paragraph 2, of the present Protocol shall be similar to that referred to in Article 1 for permanent civilian medical personnel.

2. Documents delivered in respect of means of transport permanently assigned to the civil defence services shall certify that the means of transport are so assigned and shall carry a description thereof.

**Article 15. — International distinctive sign for civil defence services**

The international distinctive sign for civil defence services as provided for in Article 59, paragraph 4, of the present Protocol shall be in accordance with the model below.

**Proposal I**

- the background to the sign may be in the form of different geometrical shapes (circle, square, rectangle);
- if the triangle is on a flag or armlet or tabard, the background to the triangle shall be the flag or armlet or tabard;
- one of the angles of the triangle shall be pointed vertically upwards; if the background is a square or rectangle, the side of the triangle opposite the aforementioned angle shall be parallel to one of the sides of the background;
- no angle of the triangle shall touch the edge of the background;
- the area covered by the triangle shall be, as far as possible, equal to the background area.

**Proposal II**

- the background to the sign may be in the form of different geometrical shapes (square, rectangle);
- if the stripes are on a flag or armlet or tabard, the background to the stripes shall be the flag or armlet or tabard;
- the stripes shall be vertical and parallel; they shall touch the background edges;
- the area covered by the stripes shall be, as far as possible, equal to the background area.
Chapter V

Periodical revision

Article 16. — Procedure

Every five years, after the entry into force of the present Protocol, the International Committee of the Red Cross, after prior consultation with experts, shall submit to the High Contracting Parties a report on any possible amendments to be made, arising from technical developments, to the present Annex.