DRAFT PROTOCOL II

FOLLOWING THE SECOND SESSION
OF THE DIPLOMATIC CONFERENCE
Foreword

The text of draft Protocol II 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.
The High Contracting Parties,

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

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of those armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

PART I

SCOPE OF THE PRESENT PROTOCOL

Article 1 - Material field of application

1. The present Protocol, which develops and supplements article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by article 1 of Protocol I and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement the present Protocol.
2. The present Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2 - Personal field of application

1. The present Protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria (hereinafter referred to as "adverse distinction") to all persons affected by an armed conflict as defined in article 1.

2. At the end of the armed conflict, all the persons whose liberty has been restricted for reasons relating to such conflict, as well as those whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of articles 8 and 10 (1) until the end of such restriction of liberty.

Article 3 - Legal Status of the parties to the conflict

The application of the provisions of the present Protocol, or of all or part of the provisions of the Geneva Conventions of August 12, 1949, and of the Additional Protocol relating to the protection of victims of international armed conflicts brought into force in accordance with article 38 or by the conclusion of any agreement provided for in the Geneva Conventions and their additional Protocols shall not affect the legal status of the parties to the conflict.

1/ Committee I Working Group B agreed on the insertion in square brackets of the words "the protection of articles 8 and 10" until these articles were approved by Commission I. Article 10 not having been approved, Commission I decided to retain the words in square brackets for the time being.
Article 4 - Non-intervention

1. Nothing in the present Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

2. Nothing in the present Protocol shall be invoked as a justification for intervening, directly or indirectly for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs. 1/

Article 5 - Rights and duties of the parties to the conflict

The rights and duties which derive from the present Protocol apply equally to all the parties to the conflict.

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1/ Committee I approved the English version of article 4, referring it to the Drafting Committee to work out the other language versions. A provisional French version was used by Working Group B for its work.
PART II

HUMANE TREATMENT OF PERSONS IN THE POWER OF THE PARTIES TO THE CONFLICT

Article 6 - Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, their honour and their religious convictions and practices. They shall in all circumstances be treated humanely, without adverse distinction.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

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

(b) taking of hostages;

(c) acts of terrorism;

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

(e) slavery and the slave trade in all their forms;

(f) pillage;

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

3. Measures of reprisals against the persons referred to in paragraph 1 are prohibited.

1/ At the suggestion of its Working Group B, Committee I referred the question of reprisals to the third Session; it reached no decision other than to retain paragraph 3 in square brackets as a reminder.
Article 6 bis - Protection of women and children

In addition to the protection conferred by article 6, women and children shall be the object of special respect and shall be protected against rape, enforced prostitution, and any form of indecent assault.

Article 7 - Safeguard of an enemy hors de combat

1. In accordance with Article 6, it is forbidden to kill, injure, ill-treat or torture an adversary hors de combat. An adversary 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.

Article 8 - Persons whose liberty has been restricted

1. In addition to the provisions of article 6, the parties to the conflict shall respect at least the following provisions with respect to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:

(a) the wounded and the sick shall be treated in accordance with articles 12 and 12 bis;

(b) the persons referred to in paragraph 1 shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and dangers of the armed conflict;

(c) they shall be allowed to receive individual or collective relief;

(d) they shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;
(e) they shall, if subjected to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

2. The parties to the conflict shall also, within the limits of their capabilities, respect the following provisions with respect to the persons referred to in paragraph 1 above:

(a) except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;

(b) they shall be allowed to send and receive letters and cards. The parties to the conflict may limit their number if they deem it necessary;

(c) places of internment and detention shall not be located close to the combat zone. The persons referred to in the opening paragraph of paragraph 1 above shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out in adequate conditions of safety;

(d) they shall have the benefit of medical examinations.

3. Persons who are not covered by the opening paragraph of paragraph 1 above but whose liberty has been restricted in any way whatsoever for reasons relating to the armed conflict shall be treated humanely in accordance with article 6 and with sub-paragraphs 1(a), 1(c), 1(d), 2(b) and 5 of the present article.

4. The parties to the conflict shall endeavour to facilitate visits to the persons referred to in the opening paragraph of paragraph 1 and in paragraph 3 by representatives of an impartial humanitarian organization.

5. Should a party to the conflict decide to release persons whose liberty is restricted for reasons relating to the armed conflict, it must take the necessary measures to ensure their safety.
Article 9 - Principles of penal law

1. No one may be punished for an offence which he or she has not personally committed; collective penalties are prohibited.

2. No one may be punished on account of any act or omission contrary to a duty to act which was not an offence at the time when it was committed.

3. No one shall be liable to be prosecuted or punished for an offence for which he has already been finally acquitted or convicted.

4. No one shall be held guilty of an offence except under those provisions of law which were in force at the time when the offence was committed.

5. Everyone charged with an offence is presumed innocent until proved guilty according to law.

Article 10 - Penal prosecutions

1. No sentence shall be passed or penalty inflicted upon a person found guilty of an offence in relation to the armed conflict without previous judgment pronounced by a court offering the guarantees of independence and impartiality which are generally recognized as essential, in accordance with a procedure affording the accused the necessary rights and means of defence.

2. Everyone shall have the right of appeal against any sentence pronounced upon him. He shall be fully informed of his right to appeal and of the time limit within which he may do so.

3. The death penalty pronounced on any person found guilty of an offence in relation to the armed conflict shall not be carried out until the hostilities have ceased.

4. The death penalty shall not be pronounced for an offence in relation to the armed conflict committed by persons below eighteen years of age and shall not be carried out on pregnant women.

5. In case of prosecutions carried out against a person only by reason of his having taken part in hostilities, the court, when deciding upon the sentence, shall take into consideration, to the greatest possible extent, the fact that the accused respected the provisions of the present Protocol.

6. At the end of hostilities, the authorities in power shall endeavour to grant amnesty to as many as possible of those who have participated in the armed conflict, in particular those whose liberty has been restricted for reasons in relation to the armed conflict, whether they are interned or detained.
PART III

WOUNDED, SICK AND SHIPWRECKED PERSONS

Article 11 - Definitions

For the purposes of this 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 new-born 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; such units may be fixed or mobile, permanent or temporary, and are exclusively assigned to medical purposes;

(d) "medical transport" means the transport by land, sea or air of the wounded, the sick or the shipwrecked, and of medical personnel and equipment;

(e) "means of medical transport" means any means of transport assigned exclusively to medical transport, under the control of a competent authority of a party to the conflict;

(f) "medical personnel" means:

i. the medical personnel of the parties to the conflict, whether military or civilian, permanent or temporary, exclusively engaged in the operation or administration of medical units and means of medical transport, including their crews, and assigned inter alia to the search for, removal, treatment or transport of the wounded and the sick;
ii. the civil defence medical personnel referred to in Article 30 and the medical personnel of the National Red Cross (Red Crescent, Red Lion and Sun) Societies referred to in Article 35;

(g) "distinctive emblem" means the distinctive emblem of the red cross (red crescent, red lion and sun) on a white ground.

Article 12 - Protection and care

1. All the wounded and sick, and the shipwrecked, to whichever party they belong, and whether or not they have taken part in the armed conflict, shall be respected and protected.

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

Article 12 bis - Protection of persons

1. The physical or mental health and integrity of persons who are interned, detained or otherwise deprived of liberty, by any of the parties to an armed conflict for reasons relating to that conflict, shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.

2. Subject to the provisions 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.
Article 13 - Search and evacuation

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

2. At sea or on other waters, whenever circumstances permit, and particularly after an engagement, the measures specified in paragraph 1 of this article shall be taken with respect to the wounded and sick, the shipwrecked, and the dead.

3. Whenever circumstances permit, every endeavour should be made to arrange for the removal of the wounded and sick, aged persons and children 1/ from a besieged or encircled area, or an area of similar danger.

Article 14 - Role of the civilian population and of relief societies

1. The civilian population shall respect the wounded and sick, and the shipwrecked, to whichever party they belong, and whether or not they have taken part in the armed conflict, and shall commit no act of violence against them. The civilian population and relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations shall be permitted, even on their own initiative, to care for the wounded and sick, and the shipwrecked, 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 collect the dead and 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 shall also afford the same protection and facilities for so long as they are needed.

1/ The expression "aged persons and children" is to be reconsidered after the adoption of the definitions article and when a decision has been reached on article 32 of draft Protocol II.
Parties to the conflict may appeal to commanders of civilian ships and craft to take on board and care for the wounded and sick, and the shipwrecked, and to collect . the dead. Ships and craft responding to such appeals, and those who give shelter on their own initiative to such casualties shall be granted special protection and facilities for the discharge of their mission of assistance.

Article 15 - Protection of Medical and Religious Personnel

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian role.

2. The parties to the conflict may not require that medical personnel give priority to any person, in the performance of their duties, except on medical grounds.

Article 16 - General protection of medical duties

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

2. Persons engaged in medical activities shall neither be compelled to perform acts 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 present Protocol.

3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.

4. Subject to national law, no person engaged in medical activities may be penalised in any way by any party to the conflict for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

1/ Paragraph 3 is reserved for further consideration. One delegation desires to apply the principle of this paragraph also to aircraft and land vehicles. Committee II has decided to postpone the consideration of this issue, including a decision on the words in brackets in paragraph 2, until after the adoption of article 17, paragraph 3 of Draft Protocol I.
Article 17 - Protection of medical units and transports

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

2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit, outside their humanitarian function 1/, acts harmful to the adverse party. 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.

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

   (a) that the personnel of the unit or the transport are equipped with light individual weapons for their own defence or for that of the wounded and sick for whom they are responsible;

   (b) that the unit or the transport is guarded by a picket, sentries or 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 or transport;

   (d) that members of the Armed Forces of the High Contracting Party or other combatants are in the unit for medical reasons, or that such persons if wounded or sick, are in the transport.

1/ Expression adopted by Committee II for article 13 of Protocol I. Article 21 of the First Convention, however, uses the term "duties". The question arises whether the same terms ought not to be used in the Additional Protocols as are used in the Conventions.
Article 18 - The distinctive emblem and signals

1. Under the direction of the competent authority of a party to the conflict, the distinctive emblem shall be displayed by medical and religious personnel and medical units, and on medical transports, of that party. It shall be respected in all circumstances.

2. In addition to the distinctive emblem, parties to the conflict may agree upon the use of distinctive signals to identify medical units and transports.

3. Neither the distinctive emblem nor the distinctive signals shall be used to protect other persons or objects. Each party to the conflict shall adopt special measures for supervising the use of the distinctive emblem and signals in order to prevent and repress any misuse of them.

Article 19 - Prohibition of reprisals

Measures of reprisals against the wounded, the sick, and the shipwrecked as well as against medical personnel, medical units and means of medical transport are prohibited.
PART IV

METHODS AND MEANS OF COMBAT

Article 20 - Prohibition of unnecessary injury

1. The right of parties to the conflict and of members of their armed forces to adopt methods and means of combat is not unlimited.

2. It is forbidden to employ weapons, projectiles, substances, methods and means which uselessly aggravate the sufferings of disabled adversaries or render their death inevitable in all circumstances.

Article 21 - 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 feigning, before an attack, of non-combatant status;

   (d) the use in combat of enemy's distinctive military emblems.

2. On the other hand, ruses of war, that is to say, 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 not perfidious acts.
Article 22 - Quarter

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

Article 23 - Recognized signs

1. It is forbidden to make use of the protective sign of the red cross (red crescent, red lion and sun) and of the protective emblem of cultural property for purposes other than those provided for in the Conventions establishing those signs.

2. It is forbidden to make improper use of the flag of truce.
PART V

CIVILIAN POPULATION

Chapter I

General protection against effects of hostilities

Article 24 - Basic rules

1. 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 shall direct their operations only against military objectives.

2. Constant care shall be taken, when conducting military operations, to spare the civilian population, civilians and civilian objects. This rule shall, in particular, apply to the planning, deciding or launching of an attack.

Article 25 - Definition

1. A civilian is anyone who is not a member of the armed forces or of an organized armed group.

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, he or she shall be considered to be a civilian.
The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances:

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 Chapter of the Protocol unless and for such time as they take a direct part in hostilities.

3. The employment of means of combat, and any methods which strike or affect indiscriminately the civilian population and combatants, or civilian objects and military objectives are prohibited.

An attack by bombardment by any methods or means which treats as a single military objective a number of clearly separate and distinct military objectives located in a city, town, village, or other area containing a concentration of civilians or civilian objects is to be considered as indiscriminate.

4. 1/

5. The parties to the conflict shall not use the civilian population or civilians in attempts to shield military objectives from attacks.

Article 26 bis - General protection of civilian objects

Civilian objects shall not be made the object of attack or of reprisal. 2/ Attacks shall be strictly limited to those objects which by their own nature, location, purpose, or use make an effective contribution to the armed action of the parties to the conflict.

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1/ Final decision on this paragraph is to await resolution on the problem of reprisals in general in Protocols I and II.

2/ A decision on the bracketed words depends on the outcome of the deliberations on the handling of reprisals in Protocols I and II.
Article 27 - Protection of objects indispensable to the survival of the civilian population

It is forbidden to attack, destroy or render useless objects indispensable to the survival of the civilian population, namely, foodstuffs and food-producing areas, crops, livestock, drinking water supplies and irrigation works, whether it is to starve out civilians, to cause them to move away or for any other reason.

Article 28 - Protection of works and installations containing dangerous forces

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

2. 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, an armed guard may be placed over such works or installations without prejudice to the protected status that they enjoy under paragraph 1.

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4. In order to facilitate their identification, parties to a conflict may mark the objects protected by this article with a special sign consisting of .... 2/. Absence of such markings in no way relieves any party to a conflict from its obligations under this article.

Article 28 bis - Protection of the natural environment

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

1/ Final decision on this paragraph is to await resolution on the problem of reprisals in general in Protocols I and II.

2/ To be determined.
Article 29 - Prohibition of forced movement of civilians

1. The displacement of the civilian population shall not be ordered by a party to the conflict for reasons relating to that conflict unless the security of the civilians involved or imperative military reasons so demand. Should a party to the conflict undertake such displacements, they shall take all possible measures in order that the civilian population be received under satisfactory conditions of hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict except in cases in which individuals finally convicted of crimes are required to leave that territory or, having been offered the opportunity of leaving the territory, elect to do so, or individuals are extradited in conformity with law.

3. 1/

Chapter II

Civil defence

Article 30 - Respect and protection

1. Civil defence personnel shall be respected and protected and, except in the case of imperative military necessity, shall be authorized to discharge their tasks.

2. In no circumstances shall the fact of having taken part in civil defence activities be considered to be punishable.

1/ Final decision on this paragraph is to await resolution on the problem of reprisals in general in Protocols I and II.
Article 31 - Definition

Civil defence includes the following tasks:

(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.

Chapter III

Measures in favour of children

Article 32 - Privileged treatment

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

2. To this end, the parties to the conflict shall, inter alia:

(a) endeavour to furnish the means for the identification of children, where necessary in the area of armed conflict;

(b) take care that children who are orphaned or separated from their families as a result of armed conflict are not abandoned;
(c) take measures, if necessary and with the consent of their parents or persons responsible for their care, to remove children from the area of combat and ensure that they are accompanied by persons entrusted to provide for their safety;

(d) take all necessary steps to facilitate the reuniting of families temporarily separated;

(e) take the necessary measures in order that children under fifteen years of age shall not take any part in hostilities and, in particular, they shall refrain from recruiting them in armed forces or accepting their voluntary enrolment.
PART VI
RELIEF

Article 33 - 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, to the fullest possible extent, 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 assistance 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 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.

Article 34 - Recording and information

1. If necessary, the parties to the conflict shall organize, with the co-operation of the International Committee of the Red Cross, information bureaux to which they shall communicate all relevant information on the victims of the conflict who may be in their power. The dead shall also be recorded.
Each information bureau shall transmit to the other bureaux, if necessary through the Central Information Agency provided for in the Geneva Conventions of August 12, 1949, the information thus obtained, and shall transmit it to the next-of-kin concerned; the information bureaux shall also be responsible for replying to all enquiries concerning the victims of the conflict, and shall take the necessary steps to search for them; the transmission of information or the search for the victims shall not be undertaken if they are liable to be prejudicial to the interests of the victims or of their relatives.

Article 35 - National Red Cross and other relief societies

1. The National Red Cross (Red Crescent, Red Lion and Sun) Society and its branches, acting if necessary independently, shall be permitted to pursue their humanitarian activities in accordance with the principles of the Red Cross as stated by the International Conferences of the Red Cross. Other relief societies shall be permitted to carry out their humanitarian activities in accordance with similar conditions.

2. In no circumstances shall the fact of having taken part in these activities be punishable.
PART VII

EXECUTION OF THE PRESENT PROTOCOL

Article 36 - Measures for execution

Each party to the conflict shall take measures to ensure observance of this Protocol by its military and civilian agents and persons subject to its authority.

Article 37 - Dissemination

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

2. In time of armed conflict, the parties to the conflict shall take appropriate measures to bring the provisions of the present Protocol to the knowledge of its military and civilian agents and persons subject to its authority.

Article 38 - Special agreements

The parties to the conflict shall endeavour to bring into force, either by means of special agreements or by declarations addressed to the depositary of the Geneva Conventions of August 12, 1949, or to the International Committee of the Red Cross, all or part of the provisions of those Conventions and of the Additional Protocol relating to the Protection of Victims of International Armed Conflicts.

Article 39 - Co-operation in the observance of the present Protocol

The parties to the conflict may call upon a body offering all guarantees of impartiality and efficacy, such as the International Committee of the Red Cross, to co-operate in the observance of the provisions of the present Protocol. Such a body may also offer its services to the parties to the conflict.
PART VIII

FINAL PROVISIONS

Article 40 - Signature

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

Article 41 - 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 42 - 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 43 - 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 ratifying or acceding to the present Protocol thereafter, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 44 - Amendment

1. Any High Contracting Party may propose one or more amendments to the present Protocol. 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 45 - 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 41 and 42;

(b) the date of entry into force of the present Protocol under Article 43;

(c) communications and declarations received under Article 44.

Article 46 - 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 and accessions received by it with respect to the present Protocol.

Article 47 - 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....