DRAFT PROTOCOL I

FOLLOWING THE THIRD SESSION
OF THE DIPLOMATIC CONFERENCE
ON THE REAFFIRMATION AND
DEVELOPMENT OF INTERNATIONAL
HUMANITARIAN LAW APPLICABLE
IN ARMED CONFLICTS

Geneva, July 1976
The present text of Protocol I takes into account the work accomplished at the first, second and third Sessions of the Diplomatic Conference. It contains the articles approved by the main Committees, those under discussion, those not yet examined and those revised by the Conference Drafting Committee. The following method has been adopted to mark each article:

- Provisions adopted at the first Session: a single vertical line in the margin
- Provisions adopted at the second Session: two vertical lines in the margin
- Provisions adopted at the third Session: three vertical lines in the margin
- Provisions revised, corrected and approved by the Conference Drafting Committee: asterisks in the margin
- Provisions referred by the Conference Drafting Committee back to the appropriate main Committee, and re-examined, amended and adopted in their new form by the latter: asterisks in the margin with a plus sign ("+"
- Provisions of the ICRC draft under discussion: a dotted vertical line in the margin
- Provisions of the ICRC draft not yet examined: no marginal marking
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 fulfil 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 this Protocol:

(a) The words "wounded" and "sick" mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance and care and who refrain from any act of hostility. These words shall also cover maternity cases, newborn babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility.

(b) "Shipwrecked" means persons, whether military or civilian, who are in peril at sea or on other waters as a result of misfortune affecting either them or the vessel or aircraft carrying them, and who refrain from any act of hostility. These persons shall be considered shipwrecked during their rescue until they acquire another status under either the Conventions or this Protocol, provided that they continue to refrain from any act of hostility.

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

(d) "Medical personnel" means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated in sub-paragraph (c) and also those persons assigned exclusively to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term shall include:
Art. 8(para.e),f),g).

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(i) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence units/bodies/.

(ii) medical personnel of National Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict.

(iii) medical personnel of medical units or medical transports described in article 9, paragraph 2, of this Protocol.

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

(f) "Religious personnel" means persons such as chaplains, whether military or civilian, exclusively engaged in the work of their ministry and attached to:

(i) the armed forces of a Party to the conflict, or

(ii) medical units or medical transports of a Party to the conflict, or

(iii) medical units or medical transports described in article 9, paragraph 2 of this Protocol.

The attachment of religious personnel may be either permanent or temporary, and the relevant provisions of sub-paragraph (e) apply to them.

(g) "Distinctive emblem" means the distinctive emblem of the Red Cross (Red Crescent, Red Lion and Sun) on a white ground when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies.

1/ These two words will be left in square brackets until Committee II has completed its study of articles 54 to 59 on civil defence and chosen one or the other.
(h) "Distinctive signal" means any signal or message specified for the exclusive identification of medical units or transports in Chapter III of the Annex to this Protocol.

Article 9 - [Field of application]

1. This part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked shall apply, without any discrimination, to all those affected by a situation referred to in Article 1 of this Protocol.

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

1/ During its meeting on 5 May 1976, the Conference Drafting Committee decided to give provisional titles to the articles it would examine. However, it did not wish to make any pronouncement on the legal value of such titles; hence they are shown here between square brackets. This question will have to be decided later. On the other hand, it was agreed that the titles of Parts, Sections and Chapters would constitute integral parts of the Protocols.

2/ These terms are between square brackets in articles 9 and 10 (see below) because the Conference Drafting Committee reviewed those two articles before Committee II had adopted article 8 which defines these three words. The square brackets should therefore normally be deleted, but a final decision on the question has not yet been reached.
* Article 10 - Protection and care 1/

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

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

* Article 11 - Protection of persons 2/

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

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

(a) physical mutilations; or
(b) medical or scientific experiments; or
(c) removal of tissue or organs for transplantation, except where these acts are justified in conformity with the conditions provided for in paragraph 1 of this Article.

1/ See note 1/ p. 9
2/ See note 2/ p. 9
3/ See note 1/ p. 9
3. Exceptions to the prohibition in paragraph 2 (c) may be made only in the case of donations of blood for transfusion or of skin for grafting provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person described in paragraph 1 and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.

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

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

Article 12 - Protection of medical units

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

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

   (a) belong to one of the Parties to the conflict; or
   
   (b) are recognized or authorized by the competent authority of one of the Parties to the conflict; or
   
   (c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

1/ See note 1/ p. 9
3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.

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

**Article 13 - Discontinuance of protection of civilian medical units**

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

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

- **(a)** that the personnel of the unit are equipped with light individual weapons for their own defence, or for that of the wounded and sick in their charge;
- **(b)** that the unit is guarded by a picket or by sentries or by an escort;
- **(c)** that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the unit;
- **(d)** that members of the armed forces or other combatants are in the unit for medical reasons.

1/ See note 1/. p. 9.
2/ This sub-para (d) was referred to Committee II by the Conference Drafting Committee on 26 May 1976. The Drafting Committee was of the opinion that a basic issue was involved. Committee II adopted the present text by consensus on 31 May 1976 (CDDH/II/SR. 75)
Article 14 - Limitations on requisition of civilian medical units

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

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

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

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

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1/ See note 1/, p. 9.
3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission. 2/

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 provisions of the Conventions and of the present Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

2/ Bearing in mind that Committee II, on 2 April 1975 (CDDH/II/SR. 44), had adopted the expression "...tasks which are not compatible with their humanitarian role," in article 15 (1) of draft Protocol II, the Conference Drafting Committee considered that it was for Committee II to decide whether the same expression should or should not be used in article 15 (3) of draft Protocol I. During its meeting on 9 June 1976 (CDDH/II/SR. 81), Committee II decided to adopt for both draft Protocols a slightly different wording, namely "...tasks which are not compatible with their humanitarian mission".

3/ Committee II having adopted on 31 May 1976 (CDDH/II/SR. 75) article 8 (f), it considered it logical to delete the word "permanent", qualifying medical personnel in the article adopted on 25 February 1975 (CDDH/II/SR. 24).
Article 16 - General protection of medical duties

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

2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.

3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

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

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

1/ See note 1/, p. 9.

2/ The wording initially adopted on 25 February 1975 by Committee II (CDDH/II/SR.24) was "No person...shall be compelled to give to any member of the party adverse to him...". The Conference Drafting Committee thought this was not clear and directed a small ad hoc group to reword the sentence. The new wording, shown above, was approved by Committee II during its meeting on 9 June 1976 (CDDH/II/SR.81).
Art. 17

Art. 18(Para. 1, 2, 3, 4, 5)

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

3. Para. 3 had been referred at the second session to the third session for further study. It was discussed by Committee II, which voted to delete it. The voting was: 22 votes in favour of deletion, eleven against and 13 abstentions (29 April 1976; (CDDH/II/SR. 59)

Article 18 - Identification

1. Each Party to the conflict shall endeavour to ensure that medical and religious personnel and medical units and transports are identifiable.

2. Each Party to the conflict shall also endeavour to adopt and to implement methods and procedures which will make it possible to recognize medical units and transports which use the distinctive emblem and distinctive signals.

3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel and civilian religious personnel should be recognizable by the distinctive emblem and an identity card certifying their status.

4. With the 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.

1/ See note 1/, p. 9.
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.

Article 18 bis - /Revision of the Annex 7 1/

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

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

1/ Committee II decided to maintain the square brackets around the number and the title of this article, intending thereby to show that the Conference Drafting Committee still has to decide where it should go in the Protocol (2 June 1976; CDDH/II/SR. 77). This article is in fact the former article 16 of the Technical Annex of draft Protocol I; Committee II considered that because of its nature, this article should be included in Protocol I itself and not in the Annex (27 May 1976, CDDH/II/SR. 74).
3. Amendments to the Annex may be adopted at such a conference by a two-thirds majority of the High Contracting Parties present and voting.

4. The depositary State shall communicate any amendment so adopted to the High Contracting Parties and the Parties to the Conventions. The amendment shall be considered to have been accepted at the end of a period of one year after it has been so communicated, unless within that period a declaration of non-acceptance to the amendment has been communicated to the depositary State by not less than one third of the High Contracting Parties.

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

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

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 I bis - Information on the Victims of a Conflict and Remains of Deceased

Article 20 bis - Purpose

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

Article 20 ter - Missing Persons

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

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

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

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

3. Information on persons reported missing pursuant to paragraph 1 of this article and the requests for such information shall either be transmitted directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or the national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.
4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify, and recover the dead from battlefield areas including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 20 quater - Remains of deceased

1. The remains of persons who have died as a result of occupation or in detention resulting from occupation or hostilities, those of persons who are not nationals of the country in which they die as a result of hostilities, and the grave-sites of all such persons where such remains or grave-sites would not receive more favourable consideration under the Conventions and the Protocol, shall be respected, maintained and marked as provided for in article 130 of the Fourth Convention.

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

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

(b) permanently protect and maintain such gravesites;

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

3. In the absence of agreements as provided for in paragraph 2 (b) or (c) of this article and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party on whose territory such gravesites are situated may offer to facilitate the return of the remains of such deceased to the home country. Where such an offer has not been accepted the High Contracting Party, after five years from the date of this offer and upon due notice to the home country, may adopt the arrangement laid down in its own laws on cemeteries and graves.
4. A High Contracting Party in whose territory the gravesites described in this article are situated shall be permitted to exhume only:

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

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

5. This section does not impose on any High Contracting Party or Party to a conflict obligations with regard to its own nationals.

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;

* Subject to review by the Drafting Committee of the Conference (see doc. CDDH/11/395).
(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 a Party to a conflict other than their own \(^1\) 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 - Other medical ships and craft

1. Medical ships and craft other than those referred to in article 23 of this Protocol and article 38 of the Second Convention shall, whether at sea or on other waters, be respected and protected in the same way as mobile medical units under the Conventions and this Protocol. This protection can only be effective if they can be identified and recognized as medical ships or craft. Such vessels should therefore be marked with the distinctive emblem, and as far as possible comply with the second paragraph of article 43 of the Second Convention.

\(^1\) After adopting the words "...in the hands of a Party to a conflict other than their own..." in para. 6 of article 24 (29 April 1976; CDDH/II/SR. 59), Committee II decided during the same meeting to review the corresponding wording of article 23, para. 1, and to insert the same expression instead of "...in the hands of an adverse Party..."
2. The ships and craft referred to in paragraph 1 shall remain subject to the laws of war. Any warship on the surface able immediately to enforce her command may order them to stop, order them off, or make them take a certain course, and they shall obey every such command. Such ships and craft may not in any other way be diverted from their medical mission so long as they are required for the wounded and sick and the shipwrecked on board.

3. The protection provided in paragraph 1 of this article shall only cease under the conditions set out in articles 34 and 35 of the Second Convention. A clear refusal to obey a command given in accordance with paragraph 2 of this article shall be an act harmful to the enemy under article 34 of the Second Convention.

4. A Party to the conflict, particularly in the case of ships of over 2000 tons gross, may notify any adverse Party as far in advance of sailing as possible of the name, description, expected time of sailing, course and estimated speed of the ship or craft, and may provide any other information which would facilitate identification and recognition. An adverse Party shall acknowledge receipt of such information.

5. The provisions of article 37 of the Second Convention shall apply to medical and religious personnel in such ships and craft.

6. The provisions of the Second Convention shall apply to the wounded and sick and the shipwrecked described in article 13 of the Second Convention and in article 42 of the present Protocol who may be on board such medical ships and craft. Wounded, sick and shipwrecked civilians who do not belong to any of the categories mentioned in article 13 of the Second Convention and in article 42 of the present Protocol shall not be subject, at sea, either to surrender to any Party which is not their own, or to removal from such ships or craft: if they do find themselves in the hands of a Party to a conflict other than their own they shall be covered by the Fourth Convention and this Protocol.

**Article 25 - Notification**

During its 38th meeting (second session), Committee II had assigned examination of article 25 to an ad hoc working group, which was also directed to study articles 23 and 24 and to report to its Drafting Committee. During its
57th meeting (third session), the Committee took note of the report of its Drafting Committee (CDDH/II/334). During its 59th meeting, it adopted that report and followed a recommendation contained therein to delete this article; the decision to do so was reached by consensus. It was decided not to include a general article on notification.

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.

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

**Article 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.

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.
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 and inspection

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

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

3. If such inspection discloses that the aircraft:
   (a) is a medical aircraft within the meaning of article 21 (e) of the present Protocol, and
   (b) is not in violation of the conditions prescribed in article 29 of the present Protocol, and
   (c) has not flown without or in breach of a prior agreement where such agreement is required,

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

4. If such inspection discloses that the aircraft:
   (a) is not a medical aircraft within the meaning of article 21 (e) of the present Protocol, or
   (b) is in violation of the conditions prescribed in article 29 of the present Protocol, or
   (c) has flown without or in breach of a prior agreement where such agreement is required,

the aircraft may be seized. Its occupants shall be treated in conformity with the provisions of the Conventions and the present Protocol. Any aircraft seized which had been assigned as a permanent medical aircraft may be used thereafter only as a medical aircraft.
Article 32 - Neutral or other States not Parties to the conflict

1. Except by prior agreement, medical aircraft shall not fly over or land on the territory of a neutral or other 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 or in deviation from its terms, fly over the territory of a neutral or other State not Party to the conflict, either through navigational error or because of an emergency affecting the safety of the flight, it shall make every effort to give notice of the flight and to identify itself. As soon as such medical aircraft is recognized, 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 interest of the neutral or other State not Party to the conflict, and to allow the aircraft time for compliance, before attacking it.

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

4. The wounded and sick disembarked, other than temporarily, from a medical aircraft with the consent of the local authorities on the territory of a neutral or other 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 State to which those persons belong.

5. Neutral or other States not Parties to the conflict shall apply any conditions and restrictions on the passage of medical aircraft over, or landing 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 an adversary that he is entitled to, or is obliged to accord, protection under international law applicable in armed conflicts with intent to betray that confidence shall constitute perfidy. The following are examples of such acts:

(a) the feigning of an intent to negotiate under a flag of truce, of a surrender,

(b) the feigning of an incapacitation by wounds or sickness,

(c) the feigning of civilian, noncombatant status; and

(d) the feigning of protected status by use of neutral or United Nations signs, emblems or uniforms.

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

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 - Quarter**

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

**Article 38 bis - Safeguard of an enemy hors de combat**

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

2. A person is hors de combat if:
   
   (a) he is in the power of an adverse party; or
   
   (b) he clearly expresses an intention to surrender; or
   
   (c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

   and, in any case, provided that he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.
Article 39 - Aircraft occupants

1. No person parachuting from an aircraft in distress shall be made the object of attack during his descent unless it is apparent that he will land in territory controlled by the party to which he belongs or by an ally of that party.

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

3. Airborne troops are not protected by this article.

Article 40 - Independent missions

1. Notwithstanding any other provision of the Conventions or this Protocol, any member of the armed forces of a party to the conflict who falls into the power of an adverse party while engaging in espionage shall have no right to be a prisoner of war and may be treated as a spy.

2. A member of the armed forces of a party to the conflict who, on behalf of that party, gathers or attempts to gather information within territory controlled by an adverse party shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.

3. A member of the armed forces of a party to the conflict who is a resident of territory occupied by an adverse party, and who, on behalf of the party on which he depends, gathers or attempts to gather information of military value within that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover, such a resident loses his right to be a prisoner of war and may be treated as a spy only if he is captured while engaging in espionage.

4. A member of the armed forces of a party to the conflict who is not a resident of occupied territory and who has engaged in espionage loses his right to be a prisoner of war and may be treated as a spy only if he is captured before he has rejoined the armed forces to which he belongs.
Article 41 - Organization and discipline

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

2. Members of the armed forces of a party to the conflict (other than medical personnel and chaplains covered by article 35 of the Third Convention) are combatants, that is, they have the right to participate directly in hostilities.

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

SECTION II

PRISONER-OF-WAR STATUS

Article 42 - New category of prisoners of war 1/

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:

1/ The wording of Article 42 as it was drafted by the working group of Committee III at the end of the third session is to be found in doc. CDDH/III/362. It has not been adopted yet and will be examined again at the fourth session.
Art. 42 (para. 2)

Art. 42bis (para. 1, 2)

(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.

Article 42 bis 2/

1. A person who takes part in hostilities and falls into the power of an adverse party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention, if he claims such status, or if he appears to be entitled to such status, or if the party on which he depends claims such status on his behalf by notification to the detaining power or to the protecting power. Should any doubt arise as to whether any such person is entitled to be a prisoner of war, he shall continue to have such status, and therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal.

2. In the event that a person who has fallen into the power of an adverse party is not held as a prisoner of war and is to be tried by that party for an offence arising out of the hostilities, he shall have the right to assert his entitlement to prisoner of war status before a judicial tribunal and to have that question adjudicated. Whenever possible under the applicable procedure, this shall occur prior to the trial for the offence, the representatives of the protecting power shall be entitled to attend the proceedings in which that question is adjudicated, unless, exceptionally, this is held in camera in the interest of state security. In such a case the detaining power shall advise the protecting power accordingly.

2/ Committee III adopted this article by consensus on 31 May 1976 (CDDH/III/SR.47) without however attributing any title to it.
3. Any person who, having taken part in hostilities, is not entitled to prisoner of war status and who does not benefit from more favourable treatment in accordance with the Fourth Convention shall have the right at all times to the protection of article 65 of this Protocol. In occupied territory, any such person, unless he is held as a spy, shall also be entitled, notwithstanding article 5 of the Fourth Convention, to his rights of communication under that Convention.
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 as such 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 in no event 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.
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.
Article 50 - Precautionary measures

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.
3. 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.

4. 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.

5. 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, firefighting;

(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.

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.

(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.

Article 59 - Identification

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:

<table>
<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 complementary 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 provision 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 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 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 64 bis - Reunion of dispersed families
The High Contracting Parties and the Parties to the
conflict shall facilitate in every possible way the reunion of
families dispersed as a result of armed conflicts and shall
encourage in particular the work of the humanitarian organi­
zations engaged in this task in accordance with the provisions
of the Conventions and the present Protocol and in conformity
with their respective security regulations.
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;
Art. 69 bis

(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 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 at the 2nd Session 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

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

2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons protected by article 42, 42 bis or 64 of this Protocol, or against wounded, sick or shipwrecked persons of the adverse party protected by this Protocol, or against medical or religious personnel, medical units, or medical transports under the control of the adverse party protected by this Protocol.

3. In addition to the grave breaches defined in article II, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:
61

Art. 74 (para. 4)

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

(b) launching an indiscriminate attack affecting the civilian population or civilian objects with the knowledge that such attack will cause excessive loss of life, injury to civilians, or damage to civilian objects, as defined in article 50 (2) (a) (iii);

(c) launching an attack against works or installations containing dangerous forces with the knowledge that such attack will cause excessive loss of life, injury to civilians, or damage to civilian objects, as defined in article 50 (2) (a) (iii);

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

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

(f) the perfidious use of the Red Cross, Red Crescent, Red Lion and Sun, 1/ signs and other protective signs recognized by the Conventions or the present Protocol in violation of article 35 of the present Protocol.

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

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

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

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

1/ The brackets which were around the words "Red Crescent, Red Lion and Sun" in the doc. CDDH/I/326*, have been deleted (See CDDH/I/SR.65 and CDDH/234, "para.78").
(d) making clearly recognized historic monuments, places of worship or works of art which constitute the cultural heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse party of article 47 bis (b) and when such historic monuments, places of worship and works of art are not located in the immediate proximity of military objectives.

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

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

Article 75 - Perfidious use of the protective signs

Draft article 75 was incorporated by Committee I in article 74 (3) (f), which was itself adopted by consensus on 3 June 1976 (CDDH/I/SR. 60).

Article 76 - Failure to act

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

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 or disciplinary responsibility as the case may be, if they knew or had information which should have enabled them to conclude in the circumstances at the time that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.

1/ It will be for the Drafting Committee to decide whether to include the words in square brackets in the first paragraph.
Article 77 - Superior orders

1. No person 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.
PART VI

FINAL PROVISIONS

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 Article 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.
Art. 90

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, recognition and marking of medical personnel, units of transports and civil defence personnel, equipment of transports

Chapter I

Identity cards

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

1. The identity card for permanent civilian medical and religious personnel referred to in article 18 (3) of the Protocol should:

   (a) bear the distinctive emblem and be of such size that it can be carried in the pocket
   
   (b) be as durable as practicable
   
   (c) be worded in the national or official language (and may also be worded in other languages)
   
   (d) mention the name, the date of birth (or, if not available, age at the time of issue) and the identity number, if any, of the holder
   
   (e) state in what capacity the holder is entitled to the protection of the Conventions and the Protocol
   
   (f) bear the photograph of the holder as well as his signature or his thumbprint, or both
   
   (g) bear the stamp and signature of the competent authority.

2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all Parties to the conflict. The Parties to the conflict may be guided by the single language model shown in Fig. 1. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using, if such model differs from the one shown in Fig. 1. Identity cards shall be made out, if possible, in duplicate, one copy being kept by the issuing authority which should keep a system of control of the cards which it has issued.
3. In no circumstances may permanent civilian medical and religious personnel be deprived of their identity cards. In the event of loss, they shall be entitled to obtain a duplicate copy.

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

1. The identity card for temporary civilian medical and religious personnel should, whenever possible, be similar to that provided for in article 1 of this annex. The Parties to the conflict may be guided by the model shown in Fig. 1.

2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in article 1 of this annex, they may be provided with a certificate signed by the competent authority certifying that the person to whom it is issued is assigned to duty as temporary personnel and showing, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should include the holder's surname, if normally used, and the first names, the date of birth, his function and identity number, if available. It shall bear his signature or his thumbprint, or both.
Fig. 1 Model of identity card

FRONT

(space reserved for the name of the country and authority issuing this card)

IDENTITY CARD

for PERMANENT civilian medical religious personnel

TEMPORARY

Name .................................................................

.................................................................

Date of birth (or age).................................

Identity no. (if any).................................

The wearer of this card is protected by the Additional Protocol to the Geneva Conventions of August 12, 1949, and relating to the protection of victims of international armed conflicts* in his capacity, as ............

.................................................................

Date of issue ...... No. of card .................

Signature of issuing authority

Date of expiry ...... ........................................

* this part of the text should be brought in line with the ultimate title of the Protocol.

N.B. The final presentation of the above mentioned model will be the same as for the one in CDDH/II/371, dimensions: 74x105 mm.
### REVERSE SIDE

<table>
<thead>
<tr>
<th>Height</th>
<th>Eyes</th>
<th>Hair</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Other distinguishing marks or information:

- ...
- ...
- ...

**PHOTO OF BEARER**

**Stamp**

**Signature of bearer or thumbprint or both**

---

**Note:**
1. Format: A7 (74mm x 105mm)
2. The reverse side is the same on all cards
3. On the card for temporary personnel the time of expiry, if relevant, should be shown.
4. The card is the same for civil defence personnel except that it bears the appropriate emblem, the words "civilian medical and religious personnel" and the words PERMANENT/TEMPORARY do not appear.
Chapter II

The distinctive emblem

Article 3 - Shape and nature

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

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

Fig. 2: Emblem in red on a white ground

Article 4 - Use

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

2. Subject to the instructions of the competent authority, medical personnel removing casualties from the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.
Chapter III

Distinctive signals

Article 5 - Optional use

1. Subject to the provisions of article 6, the signals designated in the present chapter for exclusive use by medical units and transports shall not be used for any other purpose. The use of all signals referred to in this chapter is optional.

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

Article 6 - Light signal

1. The light signal, consisting of a flashing blue light, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. The recommended blue colour is obtained by using, as trichromatic co-ordinates, a green boundary represented by \( y = 0.065 + 0.805x \), a white boundary by \( y = 0.400 - x \), and a purple boundary by \( x = 0.133 + 0.600y \). The recommended flashing rate of the blue light is between sixty and one hundred flashes per minute.

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

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

Article 7 - Radio signal

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

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

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

3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in articles 23 ... 32 inclusive of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. These frequencies shall be notified to the International Telecommunication Union in accordance with procedures to be approved by a general World Administrative Radio Conference.

Article 8 - Electronic identification

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

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

Article 9 - Radio Communications
In application of the procedures referred to in articles 23...
32 inclusive of the Protocol, appropriate radio communications by medical units and transports may be preceded by the priority signal referred to in article 7 of the present annex.

Article 10 - Use of international codes
Medical units and transports may also use the codes and signals laid down by the International Telecommunication Union, the International Civil Aviation Organization and the Intergovernmental Maritime Consultative Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these organizations.

Article 11 - Other means of communication
When two-way radio communications are not possible, the signals provided for in the International Code of Signals adopted by the Intergovernmental Maritime Consultative Organization or in the appropriate annex of the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

Article 12 - Flight plans
The agreements and notifications relating to flight plans provided for in article 30 of the Protocol shall be established as far as possible in accordance with procedures laid down by the International Civil Aviation Organization.

Article 13 - Signals and Procedures for the interception of medical aircraft
If an intercept aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with articles 31 + 32 of Protocol, the standard visual and radio interception procedures prescribed by annex 2 to the Convention of Chicago of 7 December 1944 on International Civil Aviation should be used by the intercepting and the medical aircraft.
Chapter V

Civil defence

Article 14 - Identity cards

1. The identity card of the civil defence personnel provided for in article 59, para. 2 of the Protocol is governed by the same provisions contained in article 1 of this annex.

2. Documents for transport permanently assigned to the Civil Defence Services shall certify that the transport is so assigned and shall carry a description thereof.

Article 15 - International distinctive emblem for civil defence services

1. The international distinctive emblem for civil defence services as provided for in article 59, para. 4 of the Protocol shall be an equilateral blue triangle on an orange ground in accordance with the model shown in Fig. 3.

Fig. 3: Emblem in blue on an orange background

2. The background to the emblem may be in the form of different geometrical shapes (e.g. circle, square, rectangle).

1/ Chapter V of the Annex was adopted by the Technical Sub-Committee of Committee II. However, Committee II decided by consensus on 21 May 1976 (CDDH/II/SR.72) to leave consideration of Chapter V in abeyance until it had decided on the articles relating to civil defence - articles 54 to 59 - in Draft Protocol I.
It is recommended that:

(a) if the triangle is on a flag or armlet or tabard, the background to the triangle be the flag or armlet or tabard

(b) one of the angles of the triangle be pointed vertically upwards

(c) no angle of the triangle touch the edge of the background.

3. The distinctive emblem shall be as large as appropriate under the circumstances. It shall, whenever possible, be marked on a flat surface or on flags visible from all directions and from as far as possible. Subject to the instructions of the competent authority, civil defence personnel shall, as far as possible, wear headgear and clothing bearing the distinctive emblem. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated; it may also be made of materials rendering it recognisable by technical means of detection.