DRAFT PROTOCOL II

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

The present text of Protocol II 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 and those not yet examined.

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 of the ICRC draft under discussion: a dotted vertical line in the margin
- Provisions of the ICRC draft not yet examined: no marginal marking
The High Contracting Parties,

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

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

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

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

Have agreed on the following:

PART I

SCOPE OF THE PRESENT PROTOCOL

Article 1 - Material field of application

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

2. The present Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2 - Personal field of application

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

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

Article 3 - Legal Status of the parties to the conflict

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

1/ During the second session, Committee I decided to maintain the square brackets around the expression "the protection of articles 8 and 10" until it adopted these two articles. Since then, article 8 has been adopted by the second session and article 10 by the third, but Committee I made no pronouncement on this question; it will have to do so therefore during the fourth session.
Art. 4 - Non-intervention

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

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

Art. 5 - Rights and duties of the parties to the conflict

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

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

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

Article 6 - Fundamental guarantees

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

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

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

(b) taking of hostages;

(c) acts of terrorism;

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

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

(f) pillage;

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

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

During the third session, Committee I working group B proposed an article - 10 bis - as follows: "The provisions of Parts II, III and IV shall not, in any circumstances or for any reason whatsoever, be violated, even in response to a violation of the provisions of the Protocol. Committee I took note of this text but did not adopt it as it had to wait until Committee III had decided on the relevant provisions of Part V."
Art. 6 bis  
Art. 7  
Art. 8 (para. 1)

- 6 -

Article 6 bis - Protection of women and children

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

Article 7 - Safeguard of an enemy hors de combat

During the third session, Committee III adopted an article 22 bis - with a wording identical to that of article 38 bis of Protocol I (except that it did not repeat paragraph 3 of that article). As article 22 bis deals with the same subject as article 7 of Protocol II as initially submitted by the ICRC, article 7 was deleted. It will be for the Conference Drafting Committee to decide definitely where article 22 bis should go (either in its present place or in place of article 7) (see paragraph 71 of CDH/III/361).

Article 8 - Persons whose liberty has been restricted

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

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

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

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

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

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

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

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

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

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

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

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

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

Accepting the proposal contained in document CDDH/I/262, working sub-group B of Committee I incorporated article 9 as submitted by the ICRC into article 10 of protocol II. Committee I subsequently endorsed that decision, adopting by consensus on 7 June 1976 the new text of article 10 (CDDH/I/SR.63).

Article 10 - Penal prosecutions

1. This article applies to the prosecution and punishment of criminal offences relating to the armed conflict.

2. No sentence shall be passed or penalty executed on a person found guilty of an offence except pursuant to a conviction pronounced by a tribunal offering the essential guarantees of independence and impartiality. In particular:

   (a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

   (b) no one shall be convicted of an offence except on the basis of individual penal responsibility; 1/

   (c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed; nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed; if, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

   (d) anyone charged with an offence is presumed innocent until proved guilty according to law;

1/ Working group B of Committee I took the view that collective penalties covered by para. 2 (b) of document CDDH/I/262 did not come within its terms of reference. This is therefore a problem which has still to be dealt with by Committee I when it discusses Part II of Protocol II.
(e) anyone charged with an offence shall have the right to be tried in his presence;

(f) no one shall be compelled to testify against himself or to confess guilt.

3. A convicted person shall be advised on conviction of his judicial and other remedies and of time limits within which they may be exercised.

4. The death penalty shall not be pronounced on persons below eighteen years of age at the time of the offence and shall not be carried out on pregnant women and mothers of young children.

5. In case of prosecutions carried out against a person only by reason of his having taken part in hostilities, the court, when deciding upon the sentence shall take into consideration, to the greatest possible extent, the fact that the accused respected the provisions of the present Protocol. In no such case shall a death penalty be carried out until the end of the armed conflict.

6. Anyone sentenced shall have the right to seek pardon of commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

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

WOUNDED, SICK AND SHIPWRECKED PERSONS

Article 11 - Definitions

For the purposes of this 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, new born 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 also be considered shipwrecked during their rescue until they acquire another status under 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, which belong to or are recognized and authorized by a Party to the conflict. Medical units may be fixed or mobile, permanent or temporary.

(d) "Medical transportation" means the conveyance by land, water or air of the wounded, sick and shipwrecked, medical and religious personnel and medical equipment and supplies protected by this Protocol.

(e) "Medical transport" is a means of transportation, be it military or civilian, permanent or temporary, assigned exclusively to medical transportation and under the control of a Party to the conflict.
Art. 11 (para. f, g), h).

(f) 1/ "Medical personnel" means those persons assigned 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:

(i) medical personnel of a Party to the conflict, whether military or civilian, \[including those assigned to medical tasks of civil defence\] ; 2/

(ii) medical personnel of Red Cross (Red Crescent, Red Lion and Sun) organizations recognized and authorized by a Party to the conflict;

(iii) medical personnel of other aid societies recognized and authorized by a Party to the conflict and located within the territory of the High Contracting Party in whose territory an armed conflict is taking place.

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

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

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

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

(iii) medical units of the aid societies referred to in sub-paragraph (f).

1/ This sub-paragraph should be reconsidered in the light of decisions which have yet to be taken in connection with article 35 of Protocol II.

2/ The square brackets have been maintained until a decision is reached on articles 30 and 31 on civil defence in Protocol II.
The attachment of religious personnel may be either permanent or temporary, and the relevant provisions of paragraph (g) apply to them.

(i) "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 transport, or medical and religious personnel, equipment or supplies.

Article 12 - Protection and care

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

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

Article 12 bis - Protection of persons

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

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

   (a) physical mutilations;

   (b) medical or scientific experiments;

   (c) removal of tissue or organs for transplantation.
Article 13 - Search and evacuation

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

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

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

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

1. The civilian population shall care for the wounded and sick, and the shipwrecked, to whichever Party they belong, and whether or not they have taken part in the armed conflict, and shall commit no act of violence against them. The civilian population and relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, shall be permitted, even on their own initiative, to care for the wounded and sick, and the shipwrecked, and no one shall be harmed, prosecuted, convicted or punished for having done so.

1/ The expression "aged persons and children" must be reviewed when a decision has been reached on Article 32 of Protocol II.
2. The Parties to the conflict may appeal to the civilian population and the relief societies referred to in paragraph 1 of this article to care for the wounded and sick, and the shipwrecked 1/, and to collect the dead and shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party shall also afford the same protection and facilities for so long as they are needed.

3. Persons in charge of civilian transports who, in response to an appeal from a party to a conflict, or on their own initiative, take on board and care for the wounded and sick, or the shipwrecked 2/ or collect the dead, shall be given all reasonable assistance to perform these tasks. 3/

1/ Although paragraph 2 was adopted at the second session, Committee II decided, during the third session, to add to that paragraph the words "and the shipwrecked" (left in square brackets by the second session; 25 May 1976, CDDH/II/SR. 73).

2/ Committee II decided that these square brackets should be maintained until the definitions given in article 11 (and article 8 of Protocol I) were approved. By doing so, Committee II endorsed the attitude of the Conference Drafting Committee concerning articles 9 and 10 of Protocol I where the same expression were also kept within square brackets. These square brackets should have been deleted in the meantime, but no decision about them, for either of the two draft Protocols, was reached. (see CDDH/II/SR. 73).

3/ During the second session, Committee II decided to refer this paragraph for later examination pending approval of article 17 (3) of Protocol I, which was of similar tenor. During the third session, Committee II decided to delete paragraph 3 of article 17. However, it set up an ad hoc working group to draft paragraph 3 of article 14 of Protocol II; the draft submitted by the ad hoc group was adopted on 25 May 1976 (CDDH/II/SR. 73).
Article 15 - Protection of Medical and Religious Personnel

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

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

Article 16 - General protection of medical duties

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

2. Persons engaged in medical activities shall neither be compelled to perform acts nor to carry out work contrary to, nor to refrain from acts, required by the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or the present Protocol.

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

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

1/ Bearing in mind that, on 2 April 1975, Committee II had adopted the wording "tasks which are not compatible with their humanitarian role" in article 15 (1) of draft Protocol II (CDDH/II/SR. 44), the Conference Drafting Committee felt that Committee II should decide whether the same expression should be used in article 15 (3) of Draft Protocol I. On 9 June 1976 Committee II substituted by that expression the former wording used in Protocol I, namely: "tasks unrelated to their mission" (CDDH/II/SR. 81).
ARTICLE 17 - Protection of medical units and transports

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

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

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

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

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

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

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

ARTICLE 18 - The distinctive emblem and signals

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

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

3. Neither the distinctive emblem nor the distinctive signals shall be used to protect other persons or objects. Each party to the conflict shall adopt special measures for supervising the use of the distinctive emblem and signals in order to prevent and repress any misuse of them.
Article 19 - Prohibition of reprisals 1/

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

1/ See note 1/, p. 5
PART IV

METHODS AND MEANS OF COMBAT

Article 20 - Prohibition of unnecessary injury

1. In any armed conflict to which this Protocol applies, the right of the Parties to the conflict to choose methods or means of combat is not unlimited.

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

Article 20 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 in the Event of Armed Conflict of 14 May 1954, it is forbidden to commit any acts of hostility directed against historic monuments, places of worship, or works of art which constitute the cultural heritage of peoples, and to use them in support of the military effort.

Article 21 - Prohibition of perfidy 1/

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

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

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

   (c) the feigning, before an attack, of non-combatant status;

1/ This draft article was examined at the third session by the working group of Committee III. Despite the fact that the wording did not meet with its general approval, the working group submitted it to Committee III, which decided to refer it back to its working group for further study (4 June 1976, CDDH/III/SR. 49).
(d) the use in combat of enemy's distinctive military emblems.

2. On the other hand, ruses of war, that is to say, those acts which, without inviting the confidence of the adversary, are intended to mislead him or to induce him to act recklessly, such as camouflage, traps, mock operations and misinformation, are not perfidious acts.

**Article 22 - Quarter**

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

**Article 22 bis - Safeguard of an enemy hors de combat**

1. A person who is recognized or should, under the circumstances, 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 he is therefore incapable of defending himself;

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

**Article 23 - Recognized signs**

1. It is forbidden to make improper use of the protective emblem of the Red Cross (Red Crescent, 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, whenever applicable, 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.
PART V

CIVILIAN POPULATION

Chapter I

general protection against effects of hostilities

Article 24 - Basic rules

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

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

Article 25 - Definition

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

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

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

4. In case of doubt as to whether a person is a civilian, he or she shall be considered to be a civilian.
Article 26 - Protection of the civilian population

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

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

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

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

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

4. 1/

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

Article 26 bis - General protection of civilian objects

Civilian objects shall not be made the object of attack 1/ or of reprisal 2/. Attacks shall be strictly limited to those objects which by their own nature, location, purpose, or use make an effective contribution to the armed action of the parties to the conflict.

1/ See note 1/, p. 5
2/ See note 1/, p. 5
Article 27 - Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited and therefore 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 that purpose.

Article 28 - Protection of works and installations containing dangerous forces

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

2. The parties to a conflict shall endeavour to avoid locating any military objectives in the vicinity of the works or installations mentioned in paragraph 1. Nevertheless, an armed guard may be placed over such works or installations without prejudice to the protected status that they enjoy under paragraph 1.

3. 1/

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

Article 28 bis - Protection of the natural environment

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

1/ See note 1/, p. 5.

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

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

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

3. 1/

Chapter II

civil defence

Article 30 - Respect and protection

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

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

1/ See note 1/, p. 5.
Article 31 - Definition

Civil defence includes the following tasks:

(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.

Chapter III

measures in favour of children

Article 32 - Privileged treatment

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

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

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

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

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

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

RELIEF

Article 33 - Relief actions

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

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

3. When prescribing the technical methods relating to assistance or transit, the parties to the conflict and any High Contracting Party shall endeavour to facilitate and accelerate the entry, transport, distribution, or passage of relief.

4. The parties to the conflict and any High Contracting Party may set as condition that the entry, transport, distribution, or passage of relief be executed under the supervision of an impartial humanitarian body.

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

Article 34 - Recording and information

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

Article 35 - National Red Cross and other relief societies

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

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

EXECUTION OF THE PRESENT PROTOCOL

Article 36 - Measures for execution

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

Article 37 - Dissemination

1. The High Contracting Parties undertake to disseminate the present Protocol as widely as possible in time of peace, so that it may become known to the armed forces and to the civilian population.

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

Article 38 - Special agreements

The Parties to the conflict should endeavour to bring into force by means of agreements or mutual declarations all or part of the provisions of the Geneva Conventions of 12 August 1949 and of the Additional Protocol relating to the Protection of Victims of International Armed Conflicts.

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

The International Committee of the Red Cross may offer its services to the Parties to the conflict.
PART VIII

FINAL PROVISIONS

Article 40 - Signature

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

Article 41 - Ratification

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

Article 42 - Accession

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

Article 43 - Entry into force

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

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

Article 44 - Amendment

1. Any High Contracting Party may propose one or more amendments to the present Protocol. The text of any proposed amendment shall be communicated to the depositary of the Conventions which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.
2. The depositary of the Conventions shall invite to this conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of the present Protocol.

Article 45 - Notifications

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

(a) signatures affixed to the present Protocol and the deposit of the instruments of ratification and accession under Articles 41 and 42;

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

(c) communications and declarations received under Article 44.

Article 46 - Registration

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

2. The depositary of the Conventions shall also inform the Secretariat of the United Nations of all ratifications and accessions received by it with respect to the present Protocol.

Article 47 - Authentic texts and official translations

1. The original of the present Protocol, of which the French and English texts are equally authentic, shall be deposited with the depositary of the Conventions, which shall transmit certified true copies thereof to all the Parties to the Conventions.

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

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

DONE AT GENEVA, this ... day of ... 197....