

On the basis of the Amendment 51 item 5, paragraph 3, on the Constitution of the Republic of Bosnia-Herzegovina, the Presidency of the Republic of Bosnia-Herzegovina, upon the proposal of the Government of the Republic of Bosnia-Herzegovina, issues the following

STATUTORY DECREE ON USE AND PROTECTION OF THE EMBLEM AND THE NAME OF THE RED CROSS OF BOSNIA-HERZEGOVINA

1

This decree stipulates the conditions and the way of use and protection of the emblem and the name of the red cross in peacetime as well as under the circumstances of war or other armed conflict (hereinafter: in war) in order to implement the Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of August, 12, 1949 and Additional Protocol I to the Geneva Conventions, of June, 10, 1977 (hereinafter: the Geneva Conventions)

2

The distinctive emblem of the red cross is the sign of the red cross with four equal parts on a white ground.

3

The red cross emblem is used as the protection sign in accordance to the Geneva Conventions and under circumstances and conditions stipulated by the Geneva Conventions.

The emblem and the name of the red cross can only be used in accordance with the Geneva Conventions.

4

Only the Red Cross of Bosnia-Herzegovina has the exclusive right to bear the name of the red cross.

5

In peacetime, the red cross emblem marks:

1. Buildings, facilities, medical material and vehicles of the organizations active in the field of health care, social protection and care of the persons who need constant medical care (hereinafter: health care organization);
2. Transportation means of other organizations used for transport of the wounded and sick persons, but only with consent of the Red Cross of Bosnia-Herzegovina;
3. Locations arranged for giving the first aid in settlements, along the highways, in enterprises and in other organizations and communities, as well as places where medical material and first aid equipment are placed.

6

Both in war and in peacetime, the red cross, as the sign of affiliation, marks:

1. Workers, premises, means and material of the Red Cross of Bosnia-Herzegovina;
2. Staff, means and material of the foreign organizations of the Red Cross during the implementation of their activities on the territory of Bosnia-Herzegovina for which they are authorized by the Government of Bosnia-Herzegovina.

In war, used as the sign of affiliation by the persons and organizations mentioned in the paragraph 1 of this article, the emblem has to be smaller dimensions than the protection sign and must not be worn on the sleeve or put on the roofs of the buildings or vehicles.

In war and in peacetime the red cross emblem is used and worn as the protection of the persons, medical units and facilities, buildings and transportation means belonging to the medical service of the armed forces of Bosnia-Herzegovina and Civil Protection.

Provisions in the paragraph 3 of this article are also relevant to the medical units of the armed forces of other states when they are involved in medical activities on the

territory of Bosnia-Herzegovina for which they are authorized by the Government of Bosnia-Herzegovina.

7

The red cross emblem in war is used as the protection sign in following cases:

1. Buildings, facilities, medical material, transportation means and medical staff;
2. Buildings, facilities, medical material and transportation means of the Red Cross of Bosnia-Herzegovina and persons authorized for finding, collecting, transporting and care of the wounded and sick and for prevention of the diseases.
3. Civil Protection units while giving the first aid
4. Ships carrying sick and/or wounded;
5. First aid teams organized by the health care institutions, enterprises or organizations or communities and the Red Cross of Bosnia-Herzegovina when on duty;
6. Means of land, sea and air transport used for the transportation of shipwrecked, sick and wounded persons and medical material (medical transport).

As the exception from the provisions of the paragraph 1 of this article, the Ministry of Health Care can additionally limit the use of the red cross emblem as the protection of certain buildings and transportation means on the territory of Bosnia-Herzegovina only if required by special defense interests.

During the war the red cross emblem is used or worn as the protection of staff, buildings, facilities, material and transportation means of the medical services, foreign or Red Crescent societies and branches and other foreign voluntary organizations when involved in medical activities on the territory of Bosnia-Herzegovina and if authorized by the Government of Bosnia-Herzegovina.

8

During the war, the red cross emblem is used for marking and protection of zones and locations designed for the protection of wounded and sick, as well as the persons who work in those places and who take care of the wounded and the sick accommodated at those locations.

Locations mentioned in the paragraph 1 of this article have to be confirmed by the Government of Bosnia-Herzegovina, upon the suggestion of the Ministry of Health Care.

9

During the war, the persons mentioned in the article 7 who have the right to use the red cross emblem have to have identification document with the photo and dry stamp, which is a proof of their engagement and function in certain organizations or associations. These identification documents have to contain the information on the works that the person in question is in charge of.

While fulfilling their tasks, the persons mentioned in the article 7 have to carry the identification documents mentioned in the paragraph 1 of this document, as well as the ribbon with the red cross emblem and waterproof stamp on the left sleeve.

In case of war, the minister of health care is in charge of issuing the identification documents mentioned in the paragraph 1 and the ribbon mentioned in the paragraph 2 of this article to certain persons on and of keeping the record on it.

Minister of Defense defines the way of use of the red cross emblem for marking of the military medical units and facilities, buildings, devices, medical material and transportation means that are used by the armed forces of the Republic of Bosnia-Herzegovina, defines the bodies within the armed forces that would limit the use of the red cross emblem as the protection of the military medical units and facilities as well as the bodies that would take care of the implementation of these regulations.

10

Medical transport, organizations and units, medical material, facilities and transportation means mentioned in the article 7 of this decree, as well as the medical zones and locations mentioned in the article 8 of this decree, during the war use the red cross emblem as the protection and they should put it on a visible previously determined place.

11

When supervising the implementation of this decree, the Ministry of Health Care has the following rights and obligations:

1. to order removing of the emblem when not used in accordance to the regulations stipulated by this decree and by documents drawn on the basis of this decree;
2. to order other measures needed for the implementation of this decree and documents drawn on the basis of this decree;
3. to initiate the legal proceedings in case of violation of the regulations stipulated by this decree.

12

The Red Cross of Bosnia-Herzegovina defines the way of use of the emblem and the name for its activities.

The Red Cross of Bosnia-Herzegovina can propose measures relevant for regular use of the red cross emblem and prevention of its misuse to the Ministry of Health Care.

13

Dissemination of the texts of the Geneva Conventions to the population is done by the Red Cross of Bosnia-Herzegovina.

Training of the staff of the armed forces and the medical institutions and dissemination of the contents of the Geneva Conventions is done by the bodies put in charge by those institutions.

Training of the university students and informing them about the contents of the Geneva Conventions will be done through the curricula and in accordance with the regulations issued by the Ministry of Education, Science, Culture and Sports.

14

Upon request of the Red Cross of Bosnia-Herzegovina, the Minister of Health Care is authorized to issue the regulations:

1. on the way of use of the red cross emblem as the sign of protection and affiliation (art. 5 and 7);
2. on the identification documents and ribbon used by the users of the emblem in case of war and on the record kept on the number of such identification documents and ribbons issued (art. 9)

15

A health institution, or another legal entity will be punished with the penalty of 300 to 120.000 BHD in the following cases:

1. if it uses the name of the red cross, and if it has no right to it (art. 4);
2. if it uses the red cross emblem, as the sign of affiliation or protection, and if it is not in accordance with the regulations stipulated by the articles 5, 6 and 7 of this decree.

For the violation mentioned in the paragraph 1 of this article the responsible person within the medical institution or other legal entity will be punished with the penalty of 1.000 to 50.000 BHD.

16

Any individual who commits the following violations during the war time, will be punished with the penalty of 300 to 25.000 BHD:

1. if he/she wears or uses the red cross emblem as protection and does not have the right to it according to the article 7 paragraph 1 of this decree;
2. if he/she does not use the identification document or wear the ribbon with the red cross emblem as stipulated by the article 9 of this decree, or if he/she loses the right to use the identification document or the red cross ribbon and does not give them back to responsible institution (article 9).

17

As of the day of the putting this decree in power, the Law on Use and Protection of the Emblem and Name of the Red Cross ("Official Gazette SFRJ, nr. 13/82 and 24/88), in accordance with the Statutory Decree on Taking Over and Application of the Federal Laws in Bosnia-Herzegovina Used as the Republican Laws ("Official Gazette RBiH", nr 2/92) it taken over and applied as a republican law.

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This Decree comes in power with the day of its publishing in the "Official Gazette RBiH".

PR number 1352/92

November 10, 1992

Sarajevo

President of the
Presidency of RBiH
Alija Izetbegovic, signed