

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 1994 Nr. 274**

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A. TITEL

*Aanvullend Protocol bij de Verdragen van Genève van 12 augustus 1949, betreffende de bescherming van slachtoffers van internationale gewapende conflicten (Protocol I), met Bijlagen; Bern, 12 december 1977*

B. TEKST

De Franse en de Engelse tekst van het op 8 juni 1977 te Genève tot stand gekomen en op 12 december 1977 te Bern voor ondertekening opengestelde Aanvullend Protocol zijn geplaatst in *Trb.* 1978, 41; zie ook *Trb.* 1980, 87.

Voor ondertekeningen zie eveneens *Trb.* 1980, 87.

C. VERTALING

Zie *Trb.* 1980, 87.

D. PARLEMENT

Zie *Trb.* 1987, 103.

E. BEKRACHTIGING

Zie *Trb.* 1980, 87, *Trb.* 1987, 103 en *Trb.* 1991, 59<sup>1)</sup>.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 93 van het Protocol een akte van bekrachtiging nedergelegd bij de Zwitserse Bondsraad:

Duitsland <sup>2)</sup> . . . . .	14 februari 1991
Chili . . . . .	24 april 1991
Australië <sup>3)</sup> . . . . .	21 juni 1991
Polen . . . . .	23 oktober 1991
Madagascar . . . . .	8 mei 1992

Portugal . . . . .	27 mei 1992
Egypte <sup>4)</sup> . . . . .	9 oktober 1992
San Marino . . . . .	5 april 1994

<sup>1)</sup> De Russische Federatie heeft op 13 januari 1992 medegedeeld de uit het Protocol voortvloeiende rechten en plichten die indertijd door de Sovjet-Unie zijn aangegaan, voort te zetten.

<sup>2)</sup> Onder de volgende verklaringen:

»1. Nach dem Verständnis der Bundesrepublik Deutschland sind die vom I. Zusatzprotokoll eingeführten Bestimmungen über den Einsatz von Waffen in der Absicht aufgestellt worden, nur auf konventionelle Waffen Anwendung zu finden, unbeschadet sonstiger, auf andere Waffenarten anwendbarer Regeln des Völkerrechts.

2. Nach dem Verständnis der Bundesrepublik Deutschland bedeutet in den Artikeln 41, 56, 57, 58, 78 und 86 des I. Zusatzprotokolls das Wort »praktisch möglich« das, was durchführbar oder praktisch tatsächlich möglich ist, wobei alle in dem entsprechenden Zeitpunkt gegebenen Umstände zu berücksichtigen sind einschliesslich humanitärer und militärischer Überlegungen.

3. Nach dem Verständnis der Bundesrepublik Deutschland können die im zweiten Satz des Artikels 44 Absatz 3 des I. Zusatzprotokolls enthaltenen Kriterien zur Unterscheidung zwischen Kombattanten und Zivilbevölkerung nur in besetzten Gebieten und den anderen in Artikel 1 Absatz 4 beschriebenen bewaffneten Konflikten Anwendung finden. Unter dem Begriff »militärischer Aufmarsch« versteht die Bundesrepublik Deutschland jede Bewegung in Richtung auf denjenigen Ort, von dem aus ein Angriff durchgeführt werden soll.

4. Nach dem Verständnis der Bundesrepublik Deutschland ist bei der Anwendung der Bestimmungen von Teil IV Abschnitt I des I. Zusatzprotokolls auf militärische Führer und andere Personen, die für Planung, Entscheidung und Durchführung von Angriffen verantwortlich sind, die getroffene Entscheidung des Verantwortlichen auf der Grundlage aller Informationen, die im Zeitpunkt des Handelns zur Verfügung standen, und nicht nach dem nachträglich erkennbaren tatsächlichen Verlauf zu bewerten.

5. Bei der Anwendung des Verhältnismässigkeitsgrundsatzes in Artikel 51 und Artikel 57 ist als »militärischer Vorteil« derjenige Vorteil zu verstehen, der von dem Angriff insgesamt, nicht aber nur von einzelnen Teilaktionen erwartet wird.

6. Die Bundesrepublik Deutschland wird auf schwerwiegende und planmässige Verletzungen der Verpflichtungen des I. Zusatzprotokolls, insbesondere seiner Artikel 51 und 52, mit allen Mitteln reagieren, die nach dem Völkerrecht zulässig sind, um jede weitere Verletzung zu verhindern.

7. Die Bundesrepublik Deutschland versteht Artikel 52 des I. Zusatzprotokolls dahingehend, dass auch ein bestimmter Geländebereich ein militärisches Ziel sein kann, sofern er alle Voraussetzungen des Artikels 52 Absatz 2 erfüllt.

8. Artikel 75 Absatz 4 Buchstabe e des I. Zusatzprotokolls und Artikel 6 Absatz 2 Buchstabe e des II. Zusatzprotokolls werden in der Weise Anwendung finden, dass das Gericht entscheidet, ob ein in Haft befindlicher Angeklagter persönlich vor dem Revisionsgericht erscheinen muss.

Artikel 75 Absatz 4 Buchstabe h des I. Zusatzprotokolls wird nur insoweit Anwendung finden, als er in Einklang mit gesetzlichen Bestimmungen steht, die bei besonderen Umständen die Wiederaufnahme von Verfahren gestatten, die zu rechtskräftiger Verurteilung oder Freispruch geführt haben.

9. Gemäss Artikel 90 Absatz 2 des I. Zusatzprotokolls erklärt die Bundesrepu-

blik Deutschland, dass sie gegenüber jeder anderen Hohen Vertragspartei, welche dieselbe Verpflichtung übernimmt, von Rechts wegen und ohne besondere Uebereinkunft die Zuständigkeit der internationalen Ermittlungskommission anerkennt.

10. Die Bundesrepublik Deutschland versteht Artikel 96 Absatz 3 des I. Zusatzprotokolls so, dass nur diejenigen Erklärungen die in Artikel 96 Absatz 3 Buchstaben a und c beschriebenen rechtlichen Wirkungen haben können, die von einem Organ abgegeben wurden, das wirklich allen Kriterien des Artikels 1 Absatz 4 Genüge tut.«.

<sup>3)</sup> Onder de volgende verklaringen:

“In depositing its instrument of ratification for Protocol I, Australia hereby makes declarations of understanding in relation to Articles 5, 44 and 51 to 58 inclusive of the said Protocol.

It is Australia’s understanding that in relation to Article 5, with regard to the issue whether, and in what measure, Protecting Powers may have to exercise any functions within the combat zone (such as may be implied by provisions in Parts II and IV of the Protocol), the role of the Protecting Power will be of a like character to that specified in the First and Second Conventions and Part II of the Fourth Convention, which apply mainly to the battlefield and its immediate surroundings.

It is the understanding of Australia that in relation to Article 44, the situation described in the second sentence of paragraph 3 can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1. Australia will interpret the word ‘deployment’ in paragraph 3(b) of the Article as meaning any movement towards a place from which an attack is to be launched. It will interpret the words ‘visible to the adversary’ in the same paragraph as including visible with the aid of binoculars, or by infra-red or image intensification devices.

In relation to Articles 51 to 58 inclusive it is the understanding of Australia that military commanders and others responsible for planning, deciding upon, or executing attacks, necessarily have to reach their decisions on the basis of their assessment of the information from all sources, which is available to them at the relevant time.

In relation to paragraph 5(b) of Article 51 and to paragraph 2(a)(iii) of Article 57, it is the understanding of Australia that references to the ‘military advantage’ are intended to mean the advantage anticipated from the military attack considered as a whole and not only from isolated or particular parts of that attack and that the term ‘military advantage’ involves a variety of considerations including the security of attacking forces. It is further the understanding of Australia that the term ‘concrete and direct military advantage anticipated’, used in Articles 51 and 57, means a bona fide expectation that the attack will make a relevant and proportional contribution to the objective of the military attack involved.

It is the understanding of Australia that the first sentence of paragraph 2 of Article 52 is not intended to, nor does it, deal with the question of incidental or collateral damage resulting from an attack directed against a military objective.”.

<sup>4)</sup> Onder de volgende mededeling:

“The Arab Republic of Egypt while welcoming the adoption of the diplomatic conference on June 1977 of the Protocols Additional I and II to the Geneva Conventions of 1949 in six languages including the arabic language, all original texts are certified and equally authentic with no prevalence of one single language over the other.

While on comparison of the original arabic text of the Protocols Additional I and II with the other original texts, it became evident that in some respects the arabic text does not fully correspond with the other original texts to the extent

that it is at variance in terms of expression and substance with some of the provisions of Additional Protocols I and II adopted by countries in the field of international law and humanitarian relations.

Hence the Arab Republic of Egypt on the occasion of the deposit of the instrument of ratification of Additional Protocols I and II to the Geneva Conventions of 1949 with depositary, the Swiss Federal Council, wishes to declare that in that respect it shall adopt the meaning which best reconciles the original texts of Protocols Additional I and II." (*vertaling*)

en onder de volgende verklaring:

"The Arab Republic of Egypt while ratifying the Protocols Additional I and II of 1977 to Geneva Conventions 1949 wishes to express its conviction that the provisions of Protocols Additional I and II represent the minimum level of legal and actual protection bound to be afforded to persons and civil and cultural objects in armed conflict.

Based on its strong conviction of the principles of the great Islamic Sharia the Arab Republic of Egypt wishes, at the same time, to emphasize that it is the duty of all nations alike to refrain from involvement of innocent civilians in armed conflict, furthermore they should make all efforts, to the maximum extent possible, towards that end as an indispensable action for the survival of humanity, cultural heritage and civilization of all countries and nations.

The Arab Republic of Egypt while declaring its commitment to respect all the provisions of Protocols Additional I and II, wishes to emphasize, on the basis of reciprocity, its uphold of the right to react against any violation by any party of the obligations imposed by Protocols Additional I and II with all means admissible under international law in order to prevent any further violation. In this context it is worthy to assert that the military commanders planning or executing attacks take their decisions on the basis of their assessment of all kinds of information available to them at the time of military operations." (*vertaling*)

#### F. TOETREDING

Zie *Trb.* 1980, 87, *Trb.* 1987, 103 en *Trb.* 1991, 59.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 94 van het Protocol een akte van toetreding nedergelegd bij de Zwitserse Bondsraad:

Oeganda . . . . .	13 maart 1991
Djibouti . . . . .	8 april 1991
Maldiven . . . . .	3 september 1991
Malawi . . . . .	7 oktober 1991
Brunei Darussalam . . . . .	14 oktober 1991
Letland . . . . .	24 december 1991
Brazilië . . . . .	5 mei 1992
Zimbabwe . . . . .	19 oktober 1992
Estland . . . . .	18 januari 1993
Moldavië . . . . .	24 mei 1993
Armenië . . . . .	7 juni 1993
Boeroendi . . . . .	10 juni 1993
Albanië . . . . .	16 juli 1993
Colombia . . . . .	1 september 1993
Georgië . . . . .	14 september 1993

Oezbekistan . . . . .	8 oktober 1993
Ethiopië . . . . .	8 april 1994

*Verklaring van voortgezette gebondenheid*

Slovenië <sup>1)</sup> . . . . .	26 maart 1992
Turkmenistan . . . . .	10 april 1992
Kazachstan . . . . .	5 mei 1992
Kroatië <sup>1)</sup> . . . . .	11 mei 1992
Kyrgyzstan . . . . .	18 september 1992
Bosnië-Herzegovina <sup>1)</sup> . . . . .	31 december 1992
Tadzjikistan . . . . .	13 januari 1993
de Tsjechische Republiek . . . . .	5 februari 1993
Slowakije . . . . .	2 april 1993
De Voormalige Joegoslavische Repu- bliek Macedonië . . . . .	1 september 1993

<sup>1)</sup> Zonder de door Joegoslavië bij de bekrachtiging afgelegde verklaring te handhaven.

G. INWERKINGTREDING

Zie *Trb.* 1980, 87 en *Trb.* 1987, 103.

J. GEGEVENS

Zie *Trb.* 1978, 41, *Trb.* 1980, 87, *Trb.* 1987, 103 en *Trb.* 1991, 59.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van de Verenigde Naties zie ook, laatstelijk, *Trb.* 1993, 168.

Voor het op 6 maart 1948 te Genève tot stand gekomen Verdrag nopens de Intergouvernementele Maritieme Consultatieve Organisatie zie ook, laatstelijk, *Trb.* 1944, 44.

*Internationale Commissie voor feitenonderzoek*

Behalve de in rubriek J van *Trb.* 1991, 59 genoemde hebben nog de volgende Staten een verklaring afgelegd als bedoeld in artikel 90, tweede lid, van het onderhavige Protocol:

Duitsland . . . . .	14 februari 1991
Chili . . . . .	24 april 1991
Hongarije . . . . .	23 september 1991

Qatar <sup>1)</sup> . . . . .	24 september 1991
Togo . . . . .	21 november 1991
de Verenigde Arabische Emiraten . . . . .	6 maart 1992
Slovenië . . . . .	26 maart 1992
Kroatië . . . . .	11 mei 1992
Seychellen . . . . .	22 mei 1992
Bolivia . . . . .	10 augustus 1992
Australië . . . . .	23 september 1992
Polen . . . . .	2 oktober 1992
Bosnië-Herzegovina . . . . .	31 december 1992
Luxemburg . . . . .	12 mei 1993
Madagascar . . . . .	27 juli 1993
De Voormalige Joegoslavische Repu- blik Macedonië . . . . .	1 september 1993
Brazilië . . . . .	23 november 1993
Guinee . . . . .	20 december 1993
Bulgarije . . . . .	9 mei 1994
Portugal . . . . .	1 juli 1994
Namibië . . . . .	21 juli 1994

<sup>1)</sup> Onder de volgende verklaring:

The State of Qatar declares before any other High Contracting party accepting the same commitment, that it recognizes ipso facto and without special agreement the competence of the International Fact-Finding Commission to consider the allegations of such other Party.

Yet the State of Qatar expressing reservations that this declaration is by no means construed as a recognition of Israel by the State of Qatar or as consenting to enter into dealings with Israel. (*vertaling*)

De Regering van Israël heeft naar aanleiding van de verklaring van Qatar het volgende verklaard:

"...In the view of the Government of the State of Israel such declaration, which is explicitly of a political character, is incompatible with the purposes and objectives of this Convention and cannot in any way affect whatever obligations are binding upon Qatar under general International Law or under particular Conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Qatar an attitude of complete reciprocity."

Op 24 augustus 1990 zijn tijdens een te Genève gehouden bijeenkomst van technische deskundigen en waarnemers ingevolge artikel 98, eerste lid, van het onderhavige Protocol wijzigingen van Bijlage I van het onderhavige Protocol voorgesteld. In december 1990 is een door het Internationale Comité van het Rode Kruis opgesteld rapport, waarin deze wijzigingen waren opgenomen, gezonden aan de Staten die Partij zijn bij de Verdragen van Genève en al of niet mede Partij zijn bij het onderhavige Protocol. In februari 1992 heeft de Zwitserse Regering de Verdragsluitende Partijen verzocht binnen vier maanden te verklaren of zij deze wijzigingen aanvaarden of verwerpen. Alleen de Regeringen

van Jordanië en Zweden hebben tegen enige van de wijzigingen bezwaar gemaakt. Daar meer dan tweederde der Partijen zich ten gunste van de wijzigingen heeft uitgesproken, zijn de wijzigingen op 1 maart 1994 in werking getreden.

De wijzigingen behoeften ingevolge artikel 91, juncto additoneel artikel XXI, eerste lid, van de Grondwet en artikel 62, eerste lid, onderdeel b, van de Grondwet naar de tekst van 1972 niet de goedkeuring van de Staten-Generaal.

De Franse en de Engelse tekst van de wijzigingen luiden als volgt:

**Annex I**

## REGULATIONS CONCERNING IDENTIFICATION

## Article 1

*General provisions*

(New article)

1. The regulations concerning identification in this Annex implement the relevant provisions of the Geneva Conventions and the Protocol; they are intended to facilitate the identification of personnel, material, units, transports and installations protected under the Geneva Conventions and the Protocol.

2. These rules do not in and of themselves establish the right to protection. This right is governed by the relevant articles in the Conventions and the Protocol.

3. The competent authorities may, subject to the relevant provisions of the Geneva Conventions and the Protocol, at all times regulate the use, display, illumination and detectability of the distinctive emblems and signals.

4. The High Contracting Parties and in particular the Parties to the conflict are invited at all times to agree upon additional or other signals, means or systems which enhance the possibility of identification and take full advantage of technological developments in this field.

## CHAPTER I

## IDENTITY CARDS

## Article 2

*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, paragraph 3, of the Protocol should:

a) bear the distinctive emblem and be of such size that it can be carried in the pocket;



**Annexe I**

## RÈGLEMENT RELATIF À L'IDENTIFICATION

## Article 1

*Dispositions générales*

(Nouvel article)

1. Les règles concernant l'identification dans cette Annexe mettent en œuvre les dispositions pertinentes des Conventions de Genève et du Protocole; elles ont pour but de faciliter l'identification du personnel, du matériel, des unités, des moyens de transport et des installations protégés par les Conventions de Genève et le Protocole.

2. Ces règles n'établissent pas, en tant que telles, le droit à la protection. Ce droit est régi par les articles pertinents des Conventions et du Protocole.

3. Les autorités compétentes peuvent, sous réserve des dispositions pertinentes des Conventions de Genève et du Protocole, régler en tout temps l'utilisation, le déploiement et l'éclairage des signes et des signaux distinctifs, ainsi que la possibilité de les détecter.

4. Les Hautes Parties contractantes et, en particulier, les Parties au conflit sont invitées en tout temps à convenir de signaux, moyens ou systèmes supplémentaires ou différents qui améliorent la possibilité d'identification et mettent pleinement à profit l'évolution technologique dans ce domaine.

## CHAPITRE I

## CARTES D'IDENTITÉ

## Article 2

*Carte d'identité du personnel sanitaire et religieux, civil et permanent*

1. La carte d'identité du personnel sanitaire et religieux, civil et permanent, prévue à l'article 18, paragraphe 3, du Protocole, devrait:

a) porter le signe distinctif et être de dimensions telles qu'elle puisse être mise dans la poche;

- b) be as durable as practicable;
- c) be worded in the national or official language and, in addition and when appropriate, in the local language of the region concerned;
- d) mention the name, the date of birth (or, if that date is not available, the 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 of 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;
- h) state the date of issue and date of expiry of the card;
- i) indicate, whenever possible, the holder's blood group, on the reverse side of the card.

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 Figure 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 that shown in Figure 1. The identity card shall be made out, if possible, in duplicate, one copy being kept by the issuing authority, which should maintain 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 the loss of a card, they shall be entitled to obtain a duplicate copy.

### Article 3

#### *Identity 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 these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.

2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in Article 2 of these Regulations, the said personnel 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 stating, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should mention the holder's name and date of birth (or if that is not available, his age at the time when the certificate was issued), his function and identity number, if any. It shall bear his signature or his thumbprint, or both.

- b) être faite d'une matière aussi durable que possible;
- c) être rédigée dans la langue nationale ou officielle et en outre, si cela semble opportun, dans la langue locale de la région concernée;
- d) indiquer le nom et la date de naissance du titulaire (ou, à défaut de cette date, son âge au moment de la délivrance de la carte) ainsi que son numéro d'immatriculation s'il en a un;
- e) indiquer en quelle qualité le titulaire a droit à la protection des Conventions et du Protocole;
- f) porter la photographie du titulaire, ainsi que sa signature ou l'empreinte de son pouce, ou les deux;
- g) porter le timbre et la signature de l'autorité compétente;
- h) indiquer la date d'émission et d'expiration de la carte;
- i) indiquer, dans la mesure du possible, le groupe sanguin du titulaire, au verso de la carte.

2. La carte d'identité doit être uniforme sur tout le territoire de chaque Haute Partie contractante et, autant que possible, être du même type pour toutes les Parties au conflit. Les Parties au conflit peuvent s'inspirer du modèle en une seule langue de la figure 1. Au début des hostilités, les Parties au conflit doivent se communiquer un spécimen de la carte d'identité qu'elles utilisent si cette carte diffère du modèle de la figure 1. La carte d'identité est établie, si possible, en deux exemplaires, dont l'un est conservé par l'autorité émettrice, qui devrait tenir un contrôle des cartes qu'elle a délivrées.

3. En aucun cas, le personnel sanitaire et religieux, civil et permanent, ne peut être privé de cartes d'identité. En cas de perte d'une carte, le titulaire a le droit d'obtenir un duplicata.

### Article 3

#### *Carte d'identité du personnel sanitaire et religieux, civil et temporaire*

1. La carte d'identité du personnel sanitaire et religieux, civil et temporaire, devrait, si possible, être analogue à celle qui est prévue à l'article 2 du présent Règlement. Les Parties au conflit peuvent s'inspirer du modèle de la figure 1.

2. Lorsque les circonstances empêchent de délivrer au personnel sanitaire et religieux, civil et temporaire, des cartes d'identité analogues à celle qui est décrite à l'article 2 du présent Règlement, ce personnel peut recevoir un certificat, signé par l'autorité compétente, attestant que la personne à laquelle il est délivré a reçu une affectation en tant que personnel temporaire, et indiquant, si possible, la durée de cette affectation et le droit du titulaire au port du signe distinctif. Ce certificat doit indiquer le nom et la date de naissance du titulaire (ou, à défaut de cette date, son âge au moment de la délivrance du certificat), la fonction du titulaire ainsi que son numéro d'immatriculation s'il en a un. Il doit porter sa signature ou l'empreinte de son pouce, ou les deux.



FRONT		REVERSE SIDE																			
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;"> <p>(space reserved for the name of the country and authority issuing this card)</p> <p><b>IDENTITY CARD</b></p> <p>for <b>PERMANENT</b> civilian medical religious personnel</p> </div> <div style="text-align: center;">  </div> </div> <p>Name . . . . .</p> <p>.....</p> <p>Date of birth (or age) . . . . .</p> <p>.....</p> <p>Identity No. (if any) . . . . .</p> <p>.....</p> <p>The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as . . . . .</p> <p>.....</p> <p>Date of issue . . . . . No. of card . . . . .</p> <p style="text-align: right;">Signature of issuing authority</p> <p>Date of expiry . . . . .</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;">Height . . . . .</td> <td style="width: 25%; padding: 5px;">Eyes . . . . .</td> <td style="width: 25%; padding: 5px;">Hair . . . . .</td> <td style="width: 25%;"></td> </tr> <tr> <td colspan="4" style="padding: 5px;">Other distinguishing marks or information:</td> </tr> <tr> <td colspan="4" style="padding: 5px;">                 . . . . .                  . . . . .                  . . . . .             </td> </tr> <tr> <td colspan="4" style="text-align: center; padding: 20px;">                 PHOTO OF HOLDER             </td> </tr> <tr> <td colspan="2" style="padding: 5px;">Stamp</td> <td colspan="2" style="padding: 5px;">Signature of holder or thumbprint or both</td> </tr> </table>	Height . . . . .	Eyes . . . . .	Hair . . . . .		Other distinguishing marks or information:				. . . . . . . . . . . . . . .				PHOTO OF HOLDER				Stamp		Signature of holder or thumbprint or both	
Height . . . . .	Eyes . . . . .	Hair . . . . .																			
Other distinguishing marks or information:																					
. . . . . . . . . . . . . . .																					
PHOTO OF HOLDER																					
Stamp		Signature of holder or thumbprint or both																			

Fig. 1: Model of identity card (format: 74 mm x 105 mm)



RECTO		VERSO	
	(espace prévu pour le nom du pays et de l'autorité délivrante cette carte)		Taille . . . . . Yeux . . . . . Cheveux . . . . .
CARTE D'IDENTITÉ pour le personnel <sup>sanitaire</sup> civil <sub>religieux</sub> PERMANENT TEMPORAIRE		Autres signes distinctifs ou informations: . . . . . . . . . . . . . . .	
Nom . . . . . . . . . . . . . . . Date de naissance (ou âge) . . . . . N° d'immatriculation (éventuel) . . . . .		PHOTOGRAPHIE DU TITULAIRE	
Le titulaire de la présente carte est protégé par les Conventions de Genève du 12 août 1949 et par le Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à la protection des victimes des conflits armés internationaux (Protocole I) en sa qualité de . . . . . . . . . . . . . . .		Timbre	
Date d'émission . . . . . Carte N° . . . . . Signature de l'autorité délivrante la carte		Signature ou empreinte du pouce du titulaire ou les deux	
Date d'expiration . . . . .			

Fig. 1: Modèle de carte d'identité (format: 74 mm x 105 mm)

## CHAPTER II

## THE DISTINCTIVE EMBLEM

## Article 4

*Shape*

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 Figure 2.

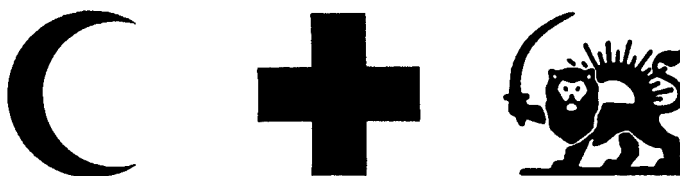


Fig. 2: Distinctive emblems in red on a white ground

## Article 5

*Use*

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface, on flags or in any other way appropriate to the lay of the land, so that it is visible from as many directions and from as far away as possible, and in particular from the air.
2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated.
3. The distinctive emblem may be made of materials which make it recognizable by technical means of detecting. The red part should be painted on top of black primer paint in order to facilitate its identification, in particular by infrared instruments.
4. Medical and religious personnel carrying out their duties in the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.

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\*) No State has used the emblem of the lion and sun since 1980.

## CHAPTIRE II

## LE SIGNE DISTINCTIF

## Article 4

*Forme*

Le signe distinctif (rouge sur fond blanc) doit être aussi grand que le justifient les circonstances. Les Hautes Parties contractantes peuvent s'inspirer pour la forme de la croix, du croissant ou du lion-et-soleil<sup>1)</sup>, des modèles de la figure 2.



Fig. 2: Signes distinctifs en rouge sur fond blanc.

## Article 5

*Utilisation*

1. Le signe distinctif est, dans la mesure du possible, apposé sur des drapeaux, une surface plane ou de toute autre manière adaptée à la configuration du terrain, de manière qu'il soit visible de toutes les directions possibles et d'aussi loin que possible, notamment à partir des airs.

2. De nuit ou par visibilité réduite, le signe distinctif pourra être éclairé ou illuminé.

3. Le signe distinctif peut être en matériaux qui le rendent reconnaissable par des moyens de détection techniques. La partie rouge devrait être peinte sur une couche d'apprêt de couleur noire afin de faciliter son identification, notamment par les instruments à infrarouge.

4. Le personnel sanitaire et religieux s'acquittant de ses tâches sur le champ de bataille doit être équipé, dans la mesure du possible, de coiffures et de vêtements munis du signe distinctif.

<sup>1)</sup> Depuis 1980 aucun Etat n'utilise plus l'emblème du lion-et-soleil.

## CHAPTER III

## DISTINCTIVE SIGNALS

## Article 6

*Use*

1. All distinctive signals specified in this Chapter may be used by medical units or transports.

2. These signals, at the exclusive disposal of medical units and transports, shall not be used for any other purpose, the use of the light signal being reserved (see paragraph 3 below).

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

4. 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 this Chapter.

## Article 7

*Light signal*

1. The light signal, consisting of a flashing blue light as defined in the Airworthiness Technical Manual, ICAO Doc. 9051, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. Medical aircraft using the flashing blue light should exhibit such lights as may be necessary to make the light signal visible from as many directions as possible.

2. In accordance with the provisions of Chapter XIV, para. 4 of the IMO International Code of Signals, vessels protected by the Geneva Conventions of 1949 and the Protocol should exhibit one or more flashing blue lights visible from any direction.



## CHAPITRE III

## SIGNAUX DISTINCTIFS

## Article 6

*Utilisation*

1. Tous les signaux distinctifs mentionnés dans ce chapitre peuvent être utilisés par les unités et moyens de transport sanitaires.
2. Ces signaux, qui sont à la disposition exclusive des unités et moyens de transport sanitaires, ne doivent pas être utilisés à d'autres fins, sous réserve du signal lumineux (voir paragraphe 3 ci-dessous).
3. En l'absence d'accord spécial entre les Parties au conflit, réservant l'usage des feux bleus scintillants à l'identification des véhicules, des navires et embarcations sanitaires, l'emploi de ces signaux pour d'autres véhicules, navires et embarcations n'est pas interdit.
4. Les aéronefs sanitaires temporaires qui, faute de temps ou en raison de leurs caractéristiques, ne peuvent pas être marqués du signe distinctif peuvent utiliser les signaux distinctifs autorisés dans le présent Chapitre.

## Article 7

*Signal lumineux*

1. Le signal lumineux, consistant en un feu bleu scintillant, tel qu'il est défini dans le Manuel technique de navigabilité de l'Organisation de l'Aviation civile internationale (OACI), Doc. 9051, est prévu à l'usage des aéronefs sanitaires pour signaler leur identité. Aucun autre aéronef ne peut utiliser ce signal. Les aéronefs sanitaires qui utilisent le feu bleu devraient le montrer de telle manière que ce signal lumineux soit visible d'autant de directions que possible.
2. Conformément aux dispositions du Chapitre XIV, paragraphe 4, du Code international de signaux de l'Organisation maritime internationale (OMI), les embarcations protégées par les Conventions de Genève de 1949 et le Protocole devraient montrer un ou plusieurs feux bleus scintillants visibles sur tout l'horizon.

3. Medical vehicles should exhibit one or more flashing blue lights visible from as far away as possible. The High Contracting Parties and, in particular, the Parties to the conflict which use lights of other colours should give notification of this.

4. The recommended blue colour is obtained when its chromaticity is within the boundaries of the ICI chromaticity diagram defined by the following equations:

green boundary	$y = 0.065 + 0,805x$
white boundary	$y = 0.400 - x$
purple boundary	$x = 0.133 + 0,600y$

The recommended flashing rate of the blue light is between sixty and one hundred flashes per minute.

## Article 8

### *Radio signal*

1. The radio signal shall consist of the urgency signal and the distinctive signal as described in the ITU Radio Regulations (RR Articles 40 and N 40).

2. The radio message preceded by the urgency and distinctive signals mentioned in paragraph 1 shall be transmitted in English at appropriate intervals on a frequency or frequencies specified for this purpose in the Radio Regulations, and shall convey the following data relating to the medical transports concerned:

- a) call sign or other recognized means of identification;
- b) position;
- c) number and type of vehicles;
- d) intended route;
- e) estimated time en route and of departure and arrival, as appropriate;
- f) any other information, such as flight altitude, guarded radio frequencies, languages used 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 22, 23 and 25 to 31 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 Telecommunica-

3. Les véhicules sanitaires devraient montrer un ou plusieurs feux bleus scintillants visibles d'aussi loin que possible. Les Hautes Parties contractantes et, en particulier, les Parties au conflit qui utilisent des feux d'autres couleurs devraient le notifier.

4. La couleur bleue recommandée s'obtient lorsque son chromatisme se trouve dans les limites du diagramme chromatique de la Commission internationale de l'éclairage (CIE) défini par les équations suivantes:

limite des verts	$y = 0,065 + 0,805x;$
limite des blancs	$y = 0,400 - x;$
limite des pourpres	$x = 0,133 + 0,600y.$

La fréquence recommandée des éclats lumineux bleus est de 60 à 100 éclats par minute.

## Article 8

### *Signal radio*

1. Le signal radio consiste en un signal d'urgence et un signal distinctif, tels qu'ils sont décrits dans le Règlement des radiocommunications de l'Union internationale des télécommunications (UIT) (RR articles 40 et N 40).

2. Le message radio, précédé des signaux d'urgence et des signaux distinctifs visés au paragraphe 1, est émis en anglais à intervalles appropriés, sur une ou plusieurs des fréquences prévues à cet effet dans le Règlement des radiocommunications, et contient les éléments suivants concernant les transports sanitaires:

- a) indicatif d'appel ou autres moyens reconnus d'identification;
- b) position;
- c) nombre en type;
- d) itinéraire choisi;
- e) durée en route et heure de départ et d'arrivée prévues, selon les cas;
- f) toute autre information, telle que l'altitude de vol, les fréquences radio-électriques de veilles, les langues utilisées, les modes et les codes des systèmes de radar secondaires de surveillance.

3. Pour faciliter les communications visées aux paragraphes 1 et 2 ainsi que celles visées aux articles 22, 23 et 25 à 31 du Protocole, les Hautes Parties contractantes, les Parties à un conflit ou l'une des Parties à un conflit, agissant d'un commun accord ou isolement, peuvent définir, conformément au Tableau de répartition des bandes de fréquence figurant dans le Règlement des radiocommunications annexé à la

tion Convention, and publish selected national frequencies to be used by them for such communications. The International Telecommunication Union shall be notified of these frequencies in accordance with procedures approved by a World Administrative Radio Conference.

## Article 9

### *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. Protected medical transports may, for their identification and location, use standard aeronautical radar transponders and/or maritime search and rescue radar transponders.

It should be possible for protected medical transports to be identified by other vessels or aircraft equipped with secondary surveillance radar by means of a code transmitted by a radar transponder, e.g. in mode 3/A, fitted on the medical transports.

The code transmitted by the medical transport transponder should be assigned to that transport by the competent authorities and notified to all the Parties to the conflict.

3. It should be possible for medical transports to be identified by submarines by the appropriate underwater acoustic signals transmitted by the medical transports.

The underwater acoustic signal shall consist of the call sign (or any other recognized means of identification of medical transport) of the ship preceded by the single group YYY transmitted in morse on an appropriate acoustic frequency, e.g. 5kHz.

Parties to a conflict wishing to use the underwater acoustic identification signal described above shall inform the Parties concerned of the signal as soon as possible, and shall, when notifying the use of their hospital ships, confirm the frequency to be employed.

Convention internationale des télécommunications et publier les fréquences nationales qu'elles choisissent pour ces communications. Ces fréquences doivent être notifiées à l'Union internationale des télécommunications, conformément à la procédure approuvée par une Conférence administrative mondiale des radiocommunications.

## Article 9

### *Identification par moyens électroniques*

1. Le système de radar secondaire de surveillance (SSR), tel qu'il est spécifié à l'Annexe 10 de la Convention de Chicago du 7 décembre 1944 relative à l'Aviation civile internationale, mise à jour périodiquement, peut être utilisé pour identifier et suivre le cheminement d'un aéronef sanitaire. Le mode et le code SSR à réserver à l'usage exclusif des aéronefs sanitaires doivent être définis par les Hautes Parties contractantes, les Parties au conflit ou une des Parties au conflit, agissant d'un commun accord ou isolement, conformément à des procédures à recommander par l'Organisation de l'Aviation civile internationale.

2. Aux fins d'identification et de localisation, les moyens de transport sanitaires protégées peuvent utiliser des répondeurs radar normalisés aéronautiques et/ou des répondeurs SAR (search and rescue) maritime.

Les transports sanitaires protégés devraient pouvoir être identifiés par les autres navires ou aéronefs dotés de radar de surveillance (SSR) grâce au code émis par un répondeur radar, par exemple en mode 3/A, installé à bord desdits transports sanitaires.

Le code émis par le répondeur radar du transport sanitaire devrait être attribué par les autorités compétentes et notifié aux Parties au conflit.

3. Les transports sanitaires peuvent être identifiés par les sous-marins grâce à l'émission de signaux acoustiques sous-marins appropriés.

Le signal acoustique sous-marin doit être constitué par l'indicatif d'appel de navire (ou tout autre moyen reconnu d'identification des transports sanitaires) précédé du groupe YYY émis en code morse sur une fréquence acoustique appropriée, par exemple 5kHz.

Les Parties au conflit qui veulent utiliser le signal d'identification acoustique sous-marin décrit ci-dessus l'indiqueront dès que possible aux Parties concernées et confirmeront la fréquence utilisée en notifiant l'emploi de leurs navires-hôpitaux.

4. 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 10

##### *Radiocommunications*

1. The urgency signal and the distinctive signal provided for in Article 8 may precede appropriate radio communications by medical units and transports in the application of the procedures carried out under Articles 22, 23 and 25 to 31 of the Protocol.

2. The medical transports referred to in Articles 40 (Section II, No. 3209) and N 40 (Section III, No. 3214) of the ITU Radio Regulations may also transmit their communications by satellite systems, in accordance with the provisions of Articles 37, N 37 and 59 of the ITU Radio Regulations for the Mobile-Satellite Services.

#### Article 11

##### *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 International Maritime Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

#### Article 12

##### *Other means of communication*

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the Interna-

4. Les Parties au conflit peuvent, par un accord spécial, adopter pour leur usage entre elles un système électronique analogue pour l'identification des véhicules sanitaires et des navires et embarcations sanitaires.

#### CHAPITRE IV

#### COMMUNICATIONS

#### Article 10

##### *Radiocommunications*

1. Le signal d'urgence et le signal distinctif prévus par l'article 8 pourront précéder les radiocommunications appropriées des unités sanitaires et des moyens de transport sanitaires pour l'application des procédures mises en œuvre conformément aux articles 22, 23 et 25 à 31 du Protocole.

2. Les transports sanitaires, auxquels se réfèrent les articles 40 (Section II, N° 3209) et N 40 (Section III, N° 3214), du Règlement des radiocommunications de l'UIT peuvent également utiliser pour leurs communications les systèmes de communications par satellites, conformément aux dispositions des articles 37, N 37 en 59 de celui-ci pour le service mobile par satellite.

#### Article 11

##### *Utilisation des codes internationaux*

Les unités et moyens de transport sanitaires peuvent aussi utiliser les codes et signaux établis par l'Union internationale des télécommunications, l'Organisation de l'Aviation civile internationale et l'Organisation maritime internationale. Ces codes et signaux sont alors utilisés conformément aux normes, pratiques et procédures établies par ces Organisations.

#### Article 12

##### *Autres moyens de communication*

Lorsqu'une radiocommunication bilatérale n'est pas possible, les signaux prévus par le Code international de signaux adopté par

tional Maritime Organization or in the appropriate Annex to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

#### Article 13

##### *Flight plans*

The agreements and notifications relating to flight plans provided for in Article 29 of the Protocol shall as far as possible be formulated in accordance with procedures laid down by the International Civil Aviation Organization.

#### Article 14

##### *Signals and procedures for the interception of medical aircraft*

If an intercepting aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with Articles 30 and 31 of the Protocol, the standard visual and radio interception procedures prescribed by Annex 2 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, should be used by the intercepting and the medical aircraft.

### CHAPTER V

#### CIVIL DEFENCE

#### Article 15

##### *Identity card*

1. The identity card of the civil defence personnel provided for in Article 66, paragraph 3, of the Protocol is governed by the relevant provisions of Article 2 of these Regulations.

2. The identity card for civil defence personnel may follow the model shown in Figure 3.

3. If civil defence personnel are permitted to carry light individual weapons, an entry to that effect should be made on the card mentioned.



l'Organisation maritime internationale, ou dans l'Annexe pertinente de la Convention de Chicago du 7 décembre 1944 relative à l'Aviation civile internationale, mise à jour périodiquement, peuvent être employés.

#### Article 13

##### *Plans de vol*

Les accords et notifications relatifs aux plans de vol visés à l'article 29 du Protocole doivent, autant que possible, être formulés conformément aux procédures établies par l'Organisation de l'Aviation civile internationale.

#### Article 14

##### *Signaux et procédures pour l'interception des aéronefs sanitaires*

Si un aéronef intercepteur est employé pour identifier un aéronef sanitaire en vol, ou le sommer d'atterrir, en application des articles 30 et 31 du Protocole, les procédures normalisées d'interception visuelle et radio, prescrites à l'Annexe 2 de la Convention de Chicago du 7 décembre 1944 relative à l'Aviation civile internationale, mise à jour périodiquement, devraient être utilisées par l'aéronef intercepteur et l'aéronef sanitaire.

### CHAPITRE V

#### PROTECTION CIVILE

#### Article 15

##### *Carte d'identité*

1. La carte d'identité du personnel de la protection civile visé à l'article 66, paragraphe 3, du Protocole, est régie par les dispositions de l'article 2 du présent Règlement.

2. La carte d'identité du personnel de la protection civile pourra se conformer au modèle représenté à la figure 3.

3. Si le personnel de la protection civile est autorisé à porter des armes légères individuelles, les cartes d'identité devraient le mentionner.



FRONT		REVERSE SIDE																			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(space reserved for the name of the country and authority issuing this card)</p> <p style="text-align: center;"><b>IDENTITY CARD</b> for civil defence personnel</p> <p>Name . . . . .</p> <p>Date of birth (or age) . . . . .</p> <p>Identity No. (if any) . . . . .</p> <p>The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as . . . . .</p> <p>Date of issue . . . . . No. of card . . . . .</p> <p style="text-align: right;">Signature of issuing authority</p> <p>Date of expiry . . . . .</p> </div> <div style="width: 5%; text-align: center;">  </div> <div style="width: 45%; text-align: right;">  </div> </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;">Height . . . . .</td> <td style="width: 25%; padding: 5px;">Eyes . . . . .</td> <td style="width: 25%; padding: 5px;">Hair . . . . .</td> <td style="width: 25%;"></td> </tr> <tr> <td colspan="4" style="padding: 5px;">Other distinguishing marks or information: . . . . . . . . . .</td> </tr> <tr> <td colspan="4" style="padding: 5px;">Weapons . . . . .</td> </tr> <tr> <td colspan="4" style="text-align: center; padding: 5px;">PHOTO OF HOLDER</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Stamp</td> <td colspan="2" style="padding: 5px;">Signature of holder or thumbprint or both</td> </tr> </table>	Height . . . . .	Eyes . . . . .	Hair . . . . .		Other distinguishing marks or information: . . . . . . . . . .				Weapons . . . . .				PHOTO OF HOLDER				Stamp		Signature of holder or thumbprint or both	
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Other distinguishing marks or information: . . . . . . . . . .																					
Weapons . . . . .																					
PHOTO OF HOLDER																					
Stamp		Signature of holder or thumbprint or both																			

Fig. 3: Model of identity card for civil defence personnel (format: 74 mm x 105 mm)



## Article 16

*International distinctive sign*

The international distinctive sign of civil defence provided for in Article 66, paragraph 4, of the Protocol is an equilateral blue triangle on an orange ground. A model is shown in Figure 4:

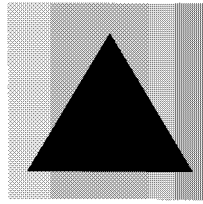


Fig. 4: Blue triangle on an orange ground

2. It is recommended that:
  - a) if the blue triangle is on a flag or armlet or tabard, the ground to the triangle be the orange flag, 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 orange ground.

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

## CHAPTER VI

## WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES

## Article 17

*International special sign*

1. The international special sign for works and installations containing dangerous forces, as provided for in Article 56, paragraph 7, of the Protocol, shall be a group of three bright orange circles of equal size,

## Article 16

*Signe distinctif international*

1. Le signe distinctif international de la protection civile, prévu à l'article 66, paragraphe 4, du Protocole est un triangle équilatéral bleu sur fond orange. Il est représenté à la figure 4 ci-après:

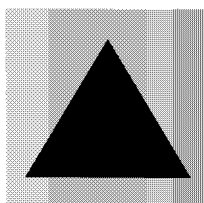


Fig. 4: Triangle bleu sur fond orange.

2. Il est recommandé:

- a) si le triangle bleu se trouve sur un drapeau, un brassard ou un dossard, que le drapeau, le brassard ou le dossard en constituent le fond orange;
- b) que l'un des sommets du triangle soit tourné vers le haut, à la verticale;
- c) qu'aucun des sommets du triangle ne touche le bord du fond orange.

3. Le signe distinctif international doit être aussi grand que le justifient les circonstances. Le signe doit, dans la mesure du possible, être apposé sur des drapeaux ou sur une surface plane visibles de toutes les directions possibles et d'aussi loin que possible. Sous réserve des instructions de l'autorité compétente, le personnel de la protection civile doit être équipé, dans la mesure du possible, de coiffures et de vêtements munis du signe distinctif international. De nuit, ou par visibilité réduite, le signe peut être éclairé ou illuminé; il pourra également être fait de matériaux le rendant reconnaissable par des moyens techniques de détection.

## CHAPITRE VI

## OUVRAGES ET INSTALLATIONS CONTENANT DES FORCES DANGEREUSES

## Article 17

*Signe spécial international*

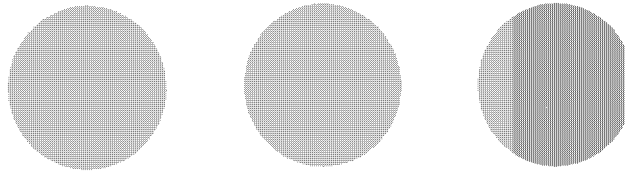
1. Le signe spécial international pour les ouvrages et installations contenant des forces dangereuses, prévu au paragraphe 7 de l'article 56 du Protocole, consiste en un groupe de trois cercles orange vif de même

placed on the same axis, the distance between each circle being one radius, in accordance with Figure 5 illustrated below.

2. The sign shall be as large as appropriate under the circumstances. When displayed over an extended surface it may be repeated as often as appropriate under the circumstances. It shall, whenever possible, be displayed on flat surfaces or on flags so as to be visible from as many directions and from as far away as possible.

3. On a flag, the distance between the outer limits of the sign and the adjacent sides of the flag shall be one radius of a circle. The flag shall be rectangular and shall have a white ground.

4. At night or when visibility is reduced, the sign may be lighted or illuminated. It may also be made of materials rendering it recognizable by technical means of detection.



*Fig. 5: International special sign for works and installations containing dangerous forces*

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dimension disposés sur un même axe, la distance entre les cercles étant égale au rayon, conformément à la figure 5 ci-après.

2. Le signe doit être aussi grand que le justifient les circonstances. Le signe pourra, lorsqu'il est apposé sur une grande surface, être répété aussi souvent que le justifient les circonstances. Dans la mesure du possible, il doit être apposé sur des drapeaux ou sur des surfaces planes de façon à être rendu visible de toutes les directions possibles et d'aussi loin que possible.

3. Sur un drapeau, la distance entre les limites extérieures du signe et les côtés adjacents du drapeau sera égale au rayon des cercles. Le drapeau sera rectangulaire et le fond blanc.

4. De nuit ou par visibilité réduite, le signe pourra être éclairé ou illuminé; il pourra également être fait de matériaux le rendant reconnaissable par des moyens techniques de détection.

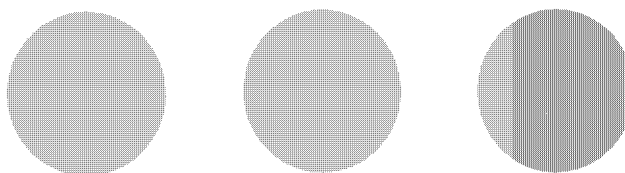


Fig. 5: *Signe spécial international pour les ouvrages et installations contenant des forces dangereuses.*

Het voorbehoud van Jordanië luidt aldus:

«..... les milieux concernés confirment leur réserve concernant l'article 2, paragraphe c de l'addendum du protocole No. 1 proposé pour les Conventions de Genève de l'année 1949.

Ces milieux proposent que le paragraphe reste tel qu'il a été mentionné dans le texte original.».

Het voorbehoud van Zweden luidt aldus:

The Swedish Government hereby declares that it cannot accept the new wordings of Articles 7 and 8 of Annex 1 to the Additional Protocol I.

The Swedish Government regrets this decision which has been taken for the following reasons.

Swedish technical experts have expressed serious doubts as to the possibilities to live up to the new rules contained in Articles 7 and 8.

Concerning Article 7, the advice is that blue domes absorb more heat than domes of colours normally used in signal lights for aircraft. The glass dome will thereby be heated from the inside, while chilled immensely on the outside from the extremely cold air at high altitude. The result will be a substantial risk of the glass shattering – as has also been shown in field experiments.

Apart from these technical objections, especially related to the colour blue, it is our opinion that ordinary anti-collision lights are sufficient in this context, and that rules concerning specific colours on these signals are superfluous and lead to expenses. Sweden, as well as almost all the countries in the world, has no special airfleet for the single purpose of transporting sick and wounded in times of armed conflict, but rely on ordinary aircrafts, requisited *ad hoc*. We foresee problems related to the fitting and changing of domes on all the lights of these civil planes, as well as to the storing and re-matching of the thus exchanged domes.

Concerning Article 8, the advice is that the new rules entail a risk of blocking emergency frequencies, and that transmission through transponder is a safer means.

All other amendments are accepted by the Swedish Government.”

Op 9 september 1994 zijn te Bern door de Internationale Conferentie betreffende de financiële procedures voor de administratieve kosten van de Internationale Commissie voor feitenonderzoek Resolutie I inzake de Financiële Procedures voor genoemde Commissie en de Financiële Procedures aangenomen. De tekst van Resolutie I en van de Financiële Procedures luidt als volgt:

#### **Resolution 1**

The Conference,

Considering that the provisional arrangement for the funding of the Commission's administrative expenses adopted at the diplomatic confer-



ence convened to elect the fifteen members of the International Humanitarian Fact-Finding Commission (the "Commission") on June 25, 1991, will expire on September 30, 1994,

Acting under article 90 of the Additional Protocol I to the 1949 Geneva Conventions,

Adopts the Financial Procedures for the administrative expenses of the Commission (the "Financial Procedures") attached hereto, which shall enter into force on January 1, 1995, and which extends the provisional arrangement referred to above to December 31, 1994,

Takes note that the Financial Procedures will be implemented in keeping with legal or administrative requirements existing in each State, and invites the States to inform the depositary of the 1949 Geneva Conventions and the Additional Protocols as soon as possible of the result of the applicable implementation procedures,

Takes further note that the States having recognized the competence of the Commission remit their annual contributions for 1995 as well as those to the Working Capital Fund as soon as possible, having due regard to the procedures of adopting the budgets applied by the competent national authorities.

Berne, September 9, 1994

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**Financial Procedures for the administrative expenses of the  
International Humanitarian Fact-Finding Commission**  
*(adopted on September 9, 1994)*

The High Contracting Parties to Additional Protocol I to the 1949 Geneva Conventions for the protection of the victims of armed conflicts ("Protocol I") having made the declaration provided for in article 90 of Protocol I ("Parties") recognizing ipso facto and without special agreement the competence of the International Humanitarian Fact-Finding Commission ("Commission"),

Expressing their sincere gratitude to the Swiss Government in its capacity as the depositary of the 1949 Geneva Conventions and the Additional Protocols for having covered one part of the Commission's administrative expenses in accordance with the arrangement agreed upon at the diplomatic conference convened to elect the members of the Commission on June 25, 1991,

Expressing equal gratitude to the States which have covered the other part of the administrative expenses under the arrangement referred to above,

Considering their Declaration contained in Annex A attached hereto to be an integral part of these Procedures,

Taking note of the Commission's Statement contained in Annex C attached hereto,

Taking further note with gratitude of the unilateral statement of the Swiss Federal Department of Foreign Affairs contained in Annex D attached hereto;

Acting under article 90 of Protocol I,

Adopt the present Financial Procedures ("Procedures") regarding the Commission's administrative expenses:

1. *Composition of the administrative expenses*

The administrative expenses referred to in paragraph 7 of article 90 include the following costs:

- a) costs incurred by the Commission and its members in connection with meetings of the Commission and its working groups;
- b) costs incurred by the Commission and its members in connection with a request for an enquiry, not including expenses incurred by a Chamber;
- c) costs incurred by the Commission and its members in connection with initiatives the Commission may take to promote its services and to offer its good offices in accordance with paragraph 2c) ii) of article 90;
- d) costs incurred by the Commission's secretariat in providing the Commission with the necessary administrative facilities for the performance of its functions;
- e) costs for auditing the Commission's book keeping.

2. *Contributions by Parties*

a) Each Party shall pay a proportion of the Commission's administrative expenses determined in accordance with the scale applied by the United Nations to its regular budget and as exemplified with regard to the States currently being Parties in Annex B attached hereto. The proportions shall be adapted at the end of each year to take account of changes in the Parties which occurred in the course of that year, and any change in the scale.

b) No later than November 1st of each year, the Commission shall request the Parties to remit their annual contributions to cover the expenses projected by the Commission for the following year.

c) The annual contributions shall be due for payment on January 1st of each year, and shall be made in Swiss francs to an account held by the depositary of the Geneva Conventions and the Additional Protocols in the Commission's name, to be specified in the request to the Parties to remit said contributions.

d) The first annual contribution of a Party whose declaration under article 90 has become effective after January 1st, 1995, shall be due on January 1st of the year following the one during which said declaration

entered into effect. Such Party shall, in addition, contribute to the Working Capital Fund according to the scale of contribution provided for in sub-paragraph a. heretofore.

e) Any surplus income for a given financial year as well as any voluntary contributions to the coverage of the Commission's administrative expenses not specified by the donor to be intended for a certain purpose or activity shall be deducted from the Parties' contributions for the financial year following the one in which the accounts have been approved by the Commission pursuant to paragraph 7 of Annex C; any surplus expenditure shall be added thereto.

f) Recognizing that, as a result of a request for an enquiry, the Commission may incur costs neither to be advanced by the requesting Party under paragraph 7 of article 90, nor projected by the Commission in its annual budget for the following year (s. paragraph 1 b heretofore), and in order to enable the Commission to do the preparatory work necessary in connection with such a request at all times without delay, the Parties herewith accord the Commission an amount of 300.000 Swiss francs as a Working Capital Fund, contribution to which shall be due and payable within the same period as the first annual contribution due on January 1, 1995, in accordance with the scale of contribution provided for in sub-paragraph a heretofore. Subject to consultations provided for in Resolution 2 adopted in Berne on September 9, 1994, by the International Conference concerning the Financial Procedures for the administrative expenses of the International Humanitarian Fact-Finding Commission, the contributions required to replenish said Fund in the amount used in a given year shall be payable within the same period as the annual contribution for the following year. Interest gained shall accrue to the Fund and be the amount used first in accordance with this subparagraph; the requirement to replenish the Fund shall not apply to the interest thus used.

### 3. *Auditing*

a) Auditing will be performed by private external auditors of good reputation appointed by the Commission for a renewable period of three years.

b) Auditors shall annually conduct audits of the Commission. They shall, in particular, check the accuracy of the books, the statement of assets and liabilities, and the accounts. The audit shall be conducted in March of each financial year, which shall correspond to the calendar year.

c) Auditors shall certify

– that the annual financial statements submitted to them by the Commission are correct and in accordance with the books and records of the Commission;

– that the financial transactions recorded in these statements have been effected in accordance with relevant rules and the statement of the projected expenses;

– that the funds on deposit and on hand have been verified by certificates received directly from the depositories or by actual count.

d) Auditors shall annually draw up a report certifying the accounts and setting forth the comments warranted by the audit. They may also make observations they deem necessary regarding the efficiency of the financial procedures, the accounting system and the internal financial control of the Commission.

e) The report shall be submitted to the Commission and to the Parties not later than five months after the end of the financial year to which the accounts refer.

#### 4. *Amendment of Procedures*

a) The Commission may bring to the attention of the Parties potential problems which may necessitate the amendment of these Procedures.

b) The depositary of the Geneva Conventions and the Additional Protocols shall convene the Parties in order to amend these Procedures,

(i) upon its own initiative, unless a majority of the Parties object; or

(ii) if one third of the Parties so request.

c) These Procedures may be amended by the majority of the Parties participating in the conference referred to in sub-paragraph b heretofore.

#### 5. *Entry into force*

a) These Procedures shall enter into force on January 1st, 1995.

b) The period between the expiration on September 30, 1994, of the mechanism adopted on June 25, 1991, by the Parties having then made the declaration under article 90 on the one hand, and the entry into force of these Procedures on the other hand shall, for reasons of budgetary convenience, continue to be governed by said mechanism.

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## Annex A

Declaration by the Parties regarding the nature and composition of the Commission's administrative expenses

### 1. Nature

Paragraph 7 of article 90 of Protocol I Additional to the 1949 Geneva Conventions setting forth the mechanism for the funding of the Commission's operations, distinguishes between two types of expenses:

a) "administrative expenses" which "shall be met by contributions from the High Contracting Parties which made the declaration under paragraph 2 of article 90, and by voluntary contributions"; and

b) “expenses incurred by a Chamber” which shall be advanced by the Party or Parties requesting an enquiry and reimbursed to the extent of fifty percent by the Party or the Parties against which the allegations are made.

Hence, the term “administrative expenses” encompasses any and all expenses of the Commission not “incurred by a Chamber”.

## 2. Composition

The following commentaries refer to the individual items listed in paragraph 1. of the Procedures:

ad: *Costs incurred by the Commission and by its members in connection with meetings of the Commission and its working groups.*

These costs include meeting room rentals, translation services, equipment rentals as well as the members’ transportation costs (air travel in business class, ground transportation in first class), per diems (as fixed from time to time by the International Civil Service Commission of the United Nations for experts performing tasks in Switzerland) and fees for services rendered to the Commission calculated pro rata temporis on the basis of the monthly amount granted to a professional of the level D 1 within the United Nations System.

ad: *Costs incurred by the Commission and its members in connection with a request for an enquiry, not including expenses incurred by a Chamber.*

As stated under paragraph 1 b heretofore, the Party(ies) to a conflict requesting an enquiry is (are) only obliged to advance the funds estimated to be required to cover the costs of a Chamber. Yet, before a decision may be taken by the Commission whether or not to establish a Chamber, certain tasks will have to be performed urgently by the Commission and/or its President which may involve considerable expenses. E.g., the Commission will have to determine its competence to enquire, the admissibility of the request at hand, as well as the amount to be advanced. The Working Capital Fund referred to in paragraph 2 f of the Procedures is chiefly created to cover all or part of these costs.

Furthermore, once the enquiry has been terminated and the Chamber dissolved, the Commission will have to prepare its report to the Parties under paragraph 5(a) of article 90. As these costs are not incurred by the Chamber, but by the Commission as a whole, they have to be considered “administrative expenses”.

ad: *Costs incurred by the Commission and its members in connection with initiatives to promote the Commission’s services and to offer its good offices.*

These costs include those resulting from efforts of the Commission to increase the international community’s awareness of the Commission’s nature and mandate and to lay the ground-work for a potential cooperation between the Commission and other international bodies.

The funds necessary to carry out these activities in any given year are difficult to anticipate; as a rule, however, they should not exceed 50.000 Swiss francs per annum.

ad: *Costs incurred by the Commission's secretariat in providing the Commission with the necessary administrative facilities for the performance of its functions.*

These costs include mainly the costs of the services of the Swiss Government's employees or its agents rendered in connection with the secretariat's functions as well as the costs incurred in connection with activities of the Commission as set forth in paragraph 1 b, c and d of the Procedures, and the costs for communication services at the Commission's seat, such as telephone and facsimile transmissions. Costs incurred by the secretariat for services rendered to a Chamber are considered to be "expenses incurred by a Chamber" to be paid by the parties to the conflict in question in accordance with paragraph 7 of article 90.

ad: *Costs for auditing the Commission's book keeping.*

These costs encompass the fees charged by a private auditing company in Switzerland for reviewing the book keeping by the Commission's secretariat and for preparing an annual report to the Parties.

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### Annex B

Nr.	Country	% UN-Scale	% IHFC-Scale	
1	Sweden	1.11	2.7736	
2	Finland	0.57	1.4243	
3	Norway	0.55	1.3743	
4	Switzerland	1.16	2.8986	
5	Denmark	0.65	1.6242	
6	Austria	0.75	1.8741	
7	Italy	4.29	10.7196	
8	Belgium	1.06	2.6487	
9	Iceland	0.03	0.0750	
10	Netherlands	1.50	3.7481	
11	New Zealand	0.24	0.5997	
12	Malta	0.01	0.0250	
13	Spain	1.98	4.9475	
14	Liechtenstein	0.01	0.0250	

Nr.	Country	% UN-Scale	% IHFC-Scale
15	Algeria	0.16	0.3998
16	Russia	6.71	16.7666
17	Belarus	0.48	1.1994
18	Ukraine	1.87	4.6727
19	Uruguay	0.04	0.1000
20	Canada	3.11	7.7711
21	Germany	8.93	22.3138
22	Chile	0.08	0.1999
23	Hungary	0.18	0.4498
24	Togo	0.01	0.0250
25	Qatar	0.05	0.1249
26	United Arab Emirates	0.21	0.5247
27	Slovenia	0.09	0.2249
28	Croatia	0.13	0.3248
29	Seychelles	0.01	0.0250
30	Bolivia	0.01	0.0250
31	Australia	1.51	3.7731
32	Poland	0.47	1.1744
33	Bosnia and Herzegovina	0.04	0.1000
34	Luxemburg	0.06	0.1499
35	Madagascar	0.01	0.0250
36	Form. Yug. Rep. of Macedonia	0.01	0.0250
37	Brazil	1.59	3.9730
38	Guinea	0.01	0.0250
39	Bulgaria	0.13	0.3248
40	Portugal	0.2	0.4998
41	Namibia	0.01	0.0250
	Total	40.02	100.0000

Source: United Nations, 1991

**Annex C**

Binding Statement by the Commission regarding the administration of its administrative expenses<sup>1)</sup>

1. The financial administration of the Commission shall be conducted in accordance with the principles of economy and sound financial management.

2. The Budget of the Commission is the document by which the Commission forecasts and prospectively sets forth the receipts and expenditure of the Commission for one financial year. All receipts and all expenditure shall appear in the Budget.

3. The Budget shall constitute authorization to incur obligations and make payments up to the amounts and for the purposes approved.

4. The President of the Commission is authorized to make transfers between items and sub-items of up to 15 percent of items/sub-items. All such transfers must be reported by the President in connection with the financial statement mentioned in paragraph 7 hereinafter.

5. The financial year shall begin on January 1st and end on December 31st.

6. The Budget shall be established and the accounts kept in Swiss francs, the currency of the host country.

7. On the basis of audit reports, the Commission shall signify its acceptance of the annual financial statements or take such other action as it may consider appropriate.

8. If in the course of a financial year, the Working Capital Fund referred to in paragraph 2 f of the Procedures becomes exhausted, the President of the Commission shall make the arrangements necessary to provide for essential expenditure. He shall report on his action to the Commission.

9. In order to illustrate to the Parties the specific nature of the receipts and expenditure in a given year, the Commission shall submit to the Parties, together with its request for the annual contributions, its Budget for the following year as well as the financial statements referred to in paragraph 7 heretofore reflecting the receipts and expenditures for the year preceding the one at the end of which the contribution request is submitted.

For the Commission

The President

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<sup>1)</sup> Tijdens de Internationale Conferentie betreffende de financiële procedures voor de administratieve kosten van de Internationale Commissie voor feitenonderzoek is op 9 september 1994 tevens Resolutie 2 aangenomen. De maatregelen opgenomen in die Resolutie vormen gezien de laatste zin van de Resolutie een integrerend onderdeel van bovenstaande verklaring. De tekst van Resolutie 2 luidt als volgt;

#### **Resolution 2**

The Conference,

Expressing its gratitude to the members of the International Humanitarian Fact-Finding Commission (the "Commission") for their commitment to the Commission's goals,

Having adopted, by resolution of September 9, 1994, the Financial Procedures for the administrative expenses of the Commission attached hereto ("Financial Procedures"),

Having taken note of the binding statement by the Commission contained in Annex C of the Financial Procedures (the "Binding Statement"),

Having further taken note of the Commission's commitment to conduct the financial administration in accordance with the principles of economy and sound financial management,

Requests the Commission

To limit its administrative expenses to the utmost possible, particularly in connection with meetings, having due regard to the budgetary constraints and financial restrictions of the States having recognized the competence of the Commission (the "States"),

To submit to the States, for comments within a reasonable time-frame, in the spirit of establishing an active dialogue between the Commission and the States, the annual draft budget before its adoption by the Commission,

To consult the States, if, in the course of a financial year, the Working Capital Fund referred to in paragraph 2 f of the Financial Procedures amounts to less than 100.000 Swiss francs, in order to afford the States the opportunity to co-operate with its President in making the arrangements necessary to keep the Commission operational,

To submit to the States, together with the annual financial statements, annual reports on its activities,

To integrate the measures contained in this Resolution into its Binding Statement.

Berne, September 9, 1994

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#### **Annex D**

##### Federal Department of Foreign Affairs

The Federal Department of Foreign Affairs presents its compliments to the Representatives of the States invited to take part in the Conference convened on September 8th and 9th, 1994, to adopt the Financial Procedures for the administrative expenses of the International Humanitarian Fact-Finding Commission ("Commission") and has the honour to inform the Representatives of the following.

The Swiss Federal Council, in its capacity as the depositary of the Geneva Conventions and the Additional Protocols, is prepared to assume, for a renewable period of five years beginning on January 1, 1995, the costs of the salaries of the Swiss Government's employees or its agents equaling the percentage of their working time spent fulfilling the functions of the Commission's secretariat, not including the time spent rendering services to a Chamber of enquiry, as well as any and all costs for communication services incurred at the Commission's seat.

The Department avails itself of this opportunity to present to the Representatives the assurance of its highest consideration.

Berne, September 8, 1994

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Uitgegeven de *zestiende* december 1994.

*De Minister van Buitenlandse Zaken,*

H. A. F. M. O. VAN MIERLO