

**SUMMARY OF
THE GENEVA CONVENTIONS
OF 12 AUGUST 1949
AND THEIR ADDITIONAL
PROTOCOLS**



ICRC

IN BRIEF



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In time of war, certain humanitarian rules must be observed, even with regard to the enemy. These rules are set out mainly in the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977 and 2005.

The rules set out in the four Geneva Conventions apply to international armed conflicts, i.e. the use of armed force between two or more States. Only one provision in the Geneva Conventions – Article 3 common to all four Conventions – applies to non-international armed conflicts, i.e. fighting between government armed forces and armed groups (or between armed groups themselves) where the groups possess a certain degree of organization and the violence reaches a certain level of intensity. Protocol I additional to the Geneva Conventions supplements the Convention's provisions regulating international armed conflicts and broadens the definition of those conflicts to include situations in which a people is exercising its right to self-determination by fighting against colonial domination, alien occupation or racist regimes. Additional Protocol II specifically applies to certain high-intensity, non-international armed conflicts between State armed forces and organized armed groups that exercise such territorial control as to enable them to carry out sustained and concerted military operations and to implement the Protocol. The subject-matter of Additional Protocol III is relatively restricted compared with that of the other two Additional Protocols: it supplements the Geneva Conventions by permitting the use of an additional distinctive emblem.

The Geneva Conventions are founded on the idea of respect for the individual and his¹ dignity. Persons not directly taking part in hostilities and those put out of action through sickness, injury, captivity or any other cause must be respected and protected against the effects of war; those who suffer must be aided and cared for without discrimination.

The Additional Protocols extend this protection to any person affected by an armed conflict. They furthermore stipulate that the parties to the conflict and individual combatants must not attack the civilian population or civilian objects and must conduct their military operations in conformity with the recognized rules of international humanitarian law.

¹ Throughout this text, pronouns and adjectives in the masculine gender apply equally to men and women, unless otherwise specified.

GENERAL RULES COMMON TO THE FOUR GENEVA CONVENTIONS AND TO THE ADDITIONAL PROTOCOLS

Certain fundamental humanitarian rules must be observed, regardless of the type of conflict and the status of or activities engaged in by the people affected by the conflict. The following are therefore prohibited at any time and in any place whatsoever: murder, torture, corporal punishment, mutilation, outrages upon personal dignity, the taking of hostages, collective punishments, execution without regular trial, and all cruel and degrading treatment (I-IV, 3/I-II, 12/III, 13/IV, 32, 34/P.I, 75/P.II, 4, 6).

The Conventions and Protocol I prohibit reprisals against the wounded, the sick and the shipwrecked, medical personnel and medical services, civilian defence personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment, and works and installations containing dangerous forces (I, 46/II, 47/III, 13/IV, 33/P.I, 20, 51-56).

No-one may renounce or be forced to renounce the protection accorded him by the Conventions (I-III, 7/IV, 8).

¹ The Roman numerals in brackets refer to the number of the Convention, Additional Protocol (P.); the Arabic numerals indicate articles.

Protected persons must at all times be able to benefit from a protecting power (the neutral State responsible for safeguarding their interests) or the International Committee of the Red Cross, or any other impartial humanitarian organization (I-III, 8, 9, 10/IV, 9, 10, 11 /P.I, 5).

I. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD, OF 12 AUGUST 1949

II. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA, OF 12 AUGUST 1949

ADDITIONAL PROTOCOL I, PART II / ADDITIONAL PROTOCOL II, PART III

Wounded, sick and shipwrecked people must be respected and protected in all circumstances (I, 12/II, 12/P.I, 10/P.II, 7). There must be no attempt on their lives, nor must they be harmed in any way. They must be collected and treated humanely and must receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There must be no distinction among them on any grounds other than medical ones (I, 12, 15/II, 12, 18/P.I, 10/P.II, 7).

Belligerents must care for the wounded, sick or shipwrecked members of enemy armed forces taken prisoner in the same way as they do for their own personnel (I, 12, 14/II, 12, 16/P.I, 44).

All possible measures must be taken, without delay, to search for and collect the wounded, sick, shipwrecked and missing (I, 15/II, 18/IV, 16/P.I, 33/P.II, 8).

Any particulars which may assist in the identification of the wounded, sick and shipwrecked must be recorded (I, 16/II, 19).

Furthermore, all possible measures must be taken to collect the dead and prevent them from being despoiled (I, 15/II, 18/P.I, 33/P.II, 8).

Bodies must be identified and death confirmed, if possible by medical examination, before being interred, cremated, or buried at sea (I, 16, 17/II, 19, 20).

In the direct interest of the wounded, sick and shipwrecked, all medical personnel, units, supplies and vehicles, whether military or civilian, which are exclusively assigned to medical purposes by a party to a conflict, must also be respected and protected (I, 19-37/II, 22-40/P.I, 8, 9, 12, 15/P.II, 9, 11). They may be identified by the emblem of the red cross, the red crescent or the red crystal on a white background.

Medical and religious personnel include: [a] persons (doctors, orderlies, nurses, stretcher-bearers, etc.) assigned, whether on a permanent or temporary basis, exclusively to medical duties (searching for, collecting, transporting, diagnosis or treatment of the wounded, sick and shipwrecked, or the prevention of disease); [b] persons (administrators, drivers, cooks, etc.) assigned exclusively, whether on a permanent or temporary basis, to the administration or operation of medical units or transports; [c] religious personnel including civilians and members of the military who are exclusively engaged in the work of their ministry (I, 24-27 / II, 36, 37 / P.I, 8 / P.II, 9).

Such personnel must wear the distinctive emblem of the red cross, the red crescent or the red crystal on a white background (I, 40 / II, 42 / P.I, 18, Annex I, 3 / P.II, 12 / P.III, 2) and carry an identity card (I, 40 / II, 42 / P.I, Annex I, 1, 2). They may bear arms for their own defence and that of the wounded and sick (I, 22 / II, 35 / P.I, 13).

If medical and religious personnel fall into enemy hands, they must be allowed to continue their duties benefiting the wounded and sick (I, 19). No person may be compelled to perform acts contrary to the rules of medical ethics or to refrain from performing acts required by those rules (P.I, 16 / P.II, 10). All medical and religious personnel whose detention is not essential to the care of prisoners must be repatriated (I, 30, 31 / II, 37). Those detained may not be considered as prisoners of war and must be permitted to continue carrying out their work. They must also be granted certain facilities for their work (I, 28). In occupied territory, the services of

civilian medical personnel may not be requisitioned if they are necessary for the provision of adequate medical services for the civilian population and for the continuing care of any wounded or sick already receiving treatment (P.I, 14).

The civilian population must respect the wounded, sick, and shipwrecked, even if they belong to the adverse party, and may not commit any act of violence against them (P.I, 17). Civilians are permitted to collect and care for the wounded and sick, of whatever nationality, and may not be penalized for doing so. On the contrary, they must be aided in this work (I, 18).

Medical units, whether military or civilian, include all buildings and other permanent installations (hospitals and other similar units), centres for blood transfusion and preventive medicine, medical depots and stores, or mobile units (field hospitals, tents, open-air installations, etc.) set up for medical purposes (I, 19/P.I, 8, 9, 12 / P.II, 11). They may not be attacked or damaged, or prevented from operating, even if, for the moment, they do not contain either wounded or sick (I, 19).

The same protection applies to all medical transports: ambulances, lorries and trucks, hospital ships, rescue craft, medical aircraft, etc. (I, 35, 36/II, 22-27, 38, 39/P.I,8, 21-31 / P.II, 11).

Medical equipment (stretchers, medical and surgical appliances and instruments, medical supplies, dressings, etc.) must not be destroyed or seized, but must continue to serve the purpose of

care of the wounded and sick. Only in the event of urgent military necessity may equipment from fixed medical facilities or sick-bays be used for other purposes, provided that ongoing care for the wounded and sick is guaranteed (I, 33, 34/II, 28, 38).

The emblem of the red cross, red crescent or red crystal on a white background, a symbol of aid to the wounded and sick, may be used to designate facilities, units, vehicles, personnel and supplies entitled to protection. It may not be otherwise used or displayed without the consent of the competent authority. It must be scrupulously respected at all times (I, 38-44/II, 41-43/P.I, 18/P.II, 12/P.III, 2).

III. GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF 12 AUGUST 1949

ADDITIONAL PROTOCOL I (IN PARTICULAR PART III, SECTION II)

Status

Members of the armed forces of a party to a conflict (other than medical and religious personnel) are combatants and any combatant captured by the adverse party is a prisoner of war (III, 4/P.I, 43, 44). Such armed forces must be organized, placed under a command responsible to that party for the conduct of its subordinates and subject to an internal disciplinary system which enforces compliance with the rules of international law applicable in armed conflict (P.I, 43).

Such compliance implies, in particular, that the combatants are obliged to distinguish themselves from the civilian population, by means of a uniform or some other distinctive sign, at least while they are engaged in an attack or in a military operation preparatory to an attack (P.I, 44). In exceptional situations owing to the nature of hostilities, they may distinguish themselves as combatants by openly carrying arms (P.I, 44).

In addition, inhabitants of non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces (a "levée en masse", i.e. a mass uprising) are also entitled to the status of prisoner of war, provided they carry arms openly and respect the laws and customs of war (III, 4).

Prisoners of war are in the power of the enemy State, but not of the individuals or troops who have captured them (III, 12).

Treatment

Any person who participates in hostilities and is captured is presumed to be a prisoner of war and must be treated as such, even if there is doubt concerning his status, until such time as his status has been determined by a competent administrative tribunal or court (III, 5/P.I, 45).

Prisoners of war are entitled in all circumstances to humane treatment and respect for their person and their honour (III, 13, 14). Women must be treated with all the regard due to their sex (III, 14).

All prisoners of war must be treated alike; privileged treatment may be accorded only on grounds of health, sex, age, military rank or professional qualifications (III, 16). If questioned, they are bound to give their name and first name, age, rank and military serial number. They may not be compelled to provide other information (III, 17).

They are entitled to retain their personal effects and belongings. The enemy may impound their military equipment, except articles of clothing and eating utensils. Sums of money and valuables must not be taken from them except against receipt, and must be handed back at the time of release (III, 18).

Prisoners of war may in general be subject to the discipline and military code of the detaining power (III, 39, 82-88). For security reasons, that power may restrict their liberty, but may not imprison them except for breaches of the law (III, 21). Before any sentence is passed, they must have the opportunity to state their case (III, 96, 99, 105, 106).

Any person who, having taken part in hostilities, finds himself definitively deprived of the status of prisoner of war, is entitled, in addition to the provisions of the Fourth Convention applicable to him, to fundamental rights and guarantees concerning respect for his physical and mental integrity (prohibition of violence to his life and health) and for his dignity (prohibition of humiliating and degrading treatment) [P.I, 75]. In the event of prosecution, he has the right to a fair trial (P.I, 75). These rights are also

recognized in the case of non-international armed conflicts (I-IV, 3), particularly when such conflicts are especially intense (P.II, 4, 6).

Conditions of captivity

The detaining power must supply prisoners of war, free of charge, with adequate food and clothing, provide them with quarters equal to those of its own troops, and give them the medical care required by their state of health (III, 15, 25, 26, 27, 30).

Prisoners of war, with the exception of officers, may be obliged to work. They must receive pay; working conditions must be equal to those of nationals of the detaining power. They may not be compelled to do military work, nor work which is dangerous, unhealthy or degrading (III, 49-54).

When taken prisoner, they must be allowed to notify their next of kin and the Central Tracing Agency of the International Committee of the Red Cross. Afterwards, they may correspond regularly with their relatives, receive relief consignments, and be attended by ministers of their own religion (III, 33, 63, 70, 71, 72).

They must be entitled to elect a spokesperson (prisoners' representative), who will represent them vis-à-vis the detaining power and welfare organizations assisting them (III, 79).

They must have the right to address complaints and requests to representatives of the protecting power, who are authorized, as are delegates of the International Committee of the Red Cross, to

visit the camps, and talk with them either directly or through their representative (III, 78, 126).

The text of the Convention must be posted up in every camp, so that prisoners may at all times ascertain their rights and duties (III, 41).

Repatriation

Prisoners of war certified seriously ill or wounded must be directly repatriated, but may not afterwards take up active military duties (III, 109, 117). At the end of active hostilities, prisoners must be released and repatriated without delay (III, 118).

ADDITIONAL PROTOCOL I

PART III, SECTION I

Conduct of combatants

The Protocol lays down the rules governing the conduct of combatants during hostilities. The basic principle underlying these rules is that the right of the warring parties to choose methods and means of warfare is not unlimited. It follows that it is prohibited to use arms, projectiles and materials and methods of warfare that cause superfluous injury or unnecessary suffering (P.I, 35).

It is prohibited to kill, injure or capture an adversary by resorting to perfidy (P.I, 37). The recognized emblems (red cross, red crescent and red crystal emblem, white flag, protective emblem of cultural property, etc.) must not be misused (P.I, 38/P.III, 1, 2). The use of nationality emblems of adverse parties or other States not party to the conflict is prohibited (P.I, 39). The Protocol thus affirms that the law of armed conflict requires a degree of fairness on the part of the combatants.

It is prohibited to refuse quarter (P.I, 40). An adversary who is not or no longer able to take part in hostilities, who has surrendered or who clearly expresses the intention of surrendering, must not be made the object of attack (P.I, 41, 42). A captor who lacks the means to evacuate his prisoners must release them (P.I, 41).

PART IV, SECTION I

Protection of the civilian population against the effects of hostilities

The basic rule requires that a distinction must be made at all times between the civilian population and combatants and between civilian objects and military objectives, and that operations must accordingly be directed only against military objectives (P.I, 48).

Any person not belonging to the armed forces is a civilian (P.I, 50). Civilian objects are all objects which are not military objectives, i.e. which do not make an effective contribution to military action and whose destruction, capture or neutralization would not, in the circumstances prevailing at the time, offer a definite military advantage (P.I, 52).

Indiscriminate attacks are prohibited (P.I, 51). Not only must civilians and civilian objects not be the object of attack, but every feasible precaution must also be taken, in attacking or locating military objectives, to avoid, and in any event minimize, incidental civilian losses and damage (P.I, 57, 58). In no case, may these losses and / or damage be excessive with regard to the concrete and direct military advantage anticipated (P.I, 51, 57).

Nor may civilians be used to render, by their presence or their movements, certain points or areas immune from military operations (P.I, 51).

It is prohibited to starve the civilian population of the adverse party, to destroy objects indispensable to their survival, and to cause widespread, long-term and severe damage to the environment (P.I, 54, 55).

Cultural objects, installations containing dangerous forces, undefended localities, demilitarized zones (including safety zones and neutralized zones), and the personnel and installations of civil defence organizations all enjoy special protection, and provision is made for their appropriate marking and identification (P.I, 53, 56, 59, 60 and 61-67, Annex I, Chap. V and VI).

The prohibition on attacking the civilian population, destroying objects indispensable to their survival and on attacking installations containing dangerous forces and cultural objects applies equally to non-international armed conflicts (P.II, 13, 14, 15, 16).

It is the responsibility of military commanders, in particular, to see that these rules are observed (P.I, 86, 87).

IV. GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR AND THE ADDITIONAL PROTOCOLS

Certain minimum rules of protection apply to all persons affected by armed conflict, whatever their nationality and the territory in which they live.

If the civilian population is inadequately supplied, relief actions covering food, medical supplies, clothing, etc. must be undertaken, subject to the consent of the State(s) concerned (IV, 23 / P.I, 70, 71 / P.II, 18). In occupied territories, if the occupying power cannot guarantee the food and medical supplies needed by the population under its control, it must accept relief actions on their behalf (IV, 55, 59 / P.I, 69).

Women and children must be accorded special respect and must be protected against any form of indecent assault (IV, 24 / P.I, 76, 77, 78).

The reunification of dispersed families and the exchange of family news between separated relatives must be facilitated (IV, 25, 26 / P.I, 74).

Above all, each and every person affected by armed conflict is entitled to his fundamental rights and guarantees, without discrimination: his person, honour, convictions and religious practices must be respected. No attacks must be made, whether

by a civilian or military agent, on his life, his health, his physical or mental integrity, or his dignity. In the event of prosecution, he has the right to a fair trial (P.I, 75). These rights and guarantees are equally valid in non-international armed conflicts (P.II, 4, 6).

In addition, the Fourth Convention deals specifically with civilians in enemy hands and distinguishes between two categories (IV, 4) of civilian, as follows.

Civilians in enemy territory

Unless security reasons forbid it, civilians in enemy territory must be allowed to leave (IV, 35). If they do not leave or are detained, they must be treated in the same way as aliens in general (IV, 38). If security reasons make their internment imperative, they must have the right to appeal, and to have their case impartially reviewed (IV, 41-43).

Population of occupied territories

The civilian population must, as far as possible, be enabled to continue living as usual. The occupying power is responsible for maintaining public order (IV, 64). Deportations and transfers of population are in general prohibited (IV, 49). Every compulsory enlisting of manpower is subject to strict regulations. Persons under 18 years of age are entirely exempt, and enlisted workers may not be forced to do labour which would involve them in any way in military operations (IV, 51). Pillage and unnecessary destruction of property are prohibited (IV, 33, 53).

The occupying power is responsible for the welfare of children (IV, 50), the maintenance of the medical and health services (IV, 56), and the feeding of the population (IV, 55). It must allow the entry of relief consignments and facilitate their transport (IV, 59-62). In general, the authorities, administration, and public and private institutions must continue to function (IV, 54, 63, 64).

The occupying power has the right to defend itself against acts hostile to its administration and to members of its armed forces. It may introduce special laws in this regard (IV, 64). It may try accused persons before its own courts (IV, 66), but no sentence may be pronounced without a regular trial (IV, 71). It may, for imperative security reasons, intern certain persons (IV, 78). All these measures are, however, governed by explicit provisions and subject to the supervision of the protecting power (IV, 65-77, 78, 136, 137, 143).

Civilians in enemy territory and the inhabitants of occupied territories have certain rights in common.

Under all circumstances, they are entitled to respect for their physical and mental integrity, their honour, family rights, religious convictions and practices, and their manners and customs. They must at all times be humanely treated (IV, 27). No coercion may be exercised against them (IV, 31). Women must be especially protected against any attack on their honour, and in particular against rape and any other form of indecent assault (IV, 27).

These civilians must have the right of free recourse to the protecting power, the International Committee of the Red Cross, and the National Red Cross or Red Crescent Society of the country where they are located (IV, 30). The representatives of the protecting power and of the International Committee must be able to visit them freely (IV, 30, 143).

The State in whose hands these civilians find themselves is responsible for the treatment accorded to them by its civilian officials and military personnel (IV, 29).

Finally, should they be interned – a measure which cannot be applied as a form of punishment – they are entitled to treatment which must, in general and taking into account the fact that they are civilians, be on a par with that of prisoners of war (IV, 79-135).

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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