

**RESPECT
FOR INTERNATIONAL
HUMANITARIAN LAW**

“By preserving a sphere of humanity in the very heart of armed conflict, international humanitarian law keeps open the path towards reconciliation and contributes not only to restoring peace among the belligerents but also to harmony among peoples.”

Inter-Parliamentary Union, 90th Conference,
September 1993

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Foreword

Armed conflicts inevitably give rise to abusive behaviour, and the forces directly involved in the hostilities are not the only ones to suffer the consequences. In the midst of the battle, increasingly both the victim and the object at stake, it is the civilian population that “pays the price”.

Yet this does not need to be the case. Exactly 50 years ago, the adoption and opening for ratification of the Geneva Conventions marked a decisive step forward in the protection accorded to both combatants and the victims of armed conflicts. Since then, experience in the field has demonstrated that compliance with the rules of international humanitarian law can help prevent much of the suffering inflicted on countless human beings in the course of armed conflicts.

Therein lies the proof that a solid awareness on the part of society as a whole of the main principles of international humanitarian law, combined with a strongly protective legal framework, constitute a guarantee for those who take part in or are exposed to the fighting.

State institutions bear primary responsibility for fostering that awareness and for promoting the establishment of such a legal framework. The role played by the Executive in this regard is often brought to the fore, but that of the courts and of Parliament is no less capital.

Parliaments play a vital role in the process of accession to the instruments of international humanitarian law, an indispensable first step, and in obtaining their effective application by adopting legislation corresponding to international norms and supplementing it with the requisite implementing regulations.

Parliamentarians, for their part, not only oversee the Executive’s action in applying the law, they have the capability and the authority to transmit the rules of international humanitarian law to the population

and to ensure that the competent institutions, the armed and security forces, receive adequate instruction in them. They are also in a position to promote awareness of the rules and guarantees established by the law which, to hold sway in armed conflicts, must be in place and known to all in time of peace.

This Handbook is the outcome of co-operation between the Inter-Parliamentary Union, the world organisation of Parliaments, and the International Committee of the Red Cross, which acts as the guardian and promoter of international humanitarian law. It aims to help Parliaments and their members to familiarise themselves with the general principles of humanitarian law and to learn how they are implemented, so that they can fully discharge their responsibilities. Respecting and ensuring respect for international humanitarian law requires extensive political mobilisation based on both knowledge and a certain know-how.

The Handbook therefore has a twofold purpose: to inform and mobilise parliamentarians so that, as political leaders, they measure the importance of the law and feel responsible for its respect, and to take them step by step through the measures that the States, and in particular Parliaments and their members, must adopt to respect and ensure respect for international humanitarian law.

Ensuring respect for the rules of international humanitarian law as they have been developed and supplemented over the past fifty years is a matter of vital importance. At stake are peace and the well-being of the population — two primary responsibilities of the States and the people's representatives. ■



Cornelio Sommaruga
*President
International Committee
of the Red Cross*



Anders B. Johnsson
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What does the Handbook contain?

- In the form of seven questions a presentation of international humanitarian law and a general overview of what parliamentarians can do to ensure respect for it. To apply international humanitarian law, parliamentarians first have to understand it and the importance of compliance with it.
- In seven sections the measures to be taken to respect and ensure respect for international humanitarian law. Each measure is presented following the same outline:
 - Why?* Before they can act, parliamentarians must understand the usefulness of their action. The meaning and importance of each measure are therefore explained.
 - How?* Before they can act, parliamentarians must also understand the terms and conditions of their action. These are therefore described in general terms so that their concrete implications are clear.
 - What is the role of parliamentarians?* For parliamentarians to be able to take effective action, they must know exactly where and how their work can make a difference with regard to each measure.
 - What can you do?* A series of steps parliamentarians can take, which serves as a checklist to make sure nothing has been forgotten.
- Model instruments and reference material. By using these tools, parliamentarians will find it easier to bring their governments to become party to the treaties of international humanitarian law and to carry out the ensuing legislative work.
- Practical additional information.

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Seven questions
concerning

INTERNATIONAL HUMANITARIAN LAW

Question 1

What is international humanitarian law?

➤ It started with an idea...

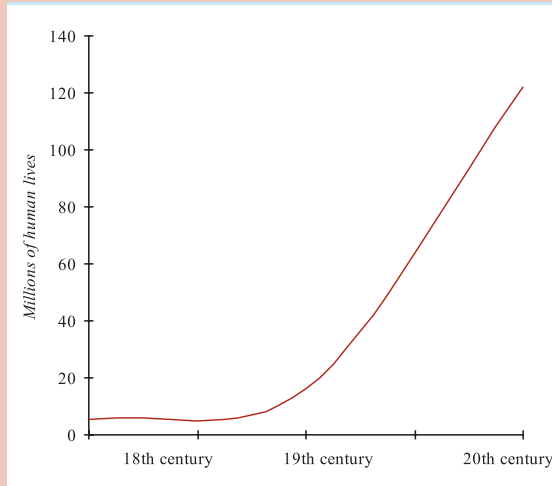
The idea was very simple but compelling: some things are not permitted even in wartime. There are limits to the violence of man. Using this idea as a starting point, international humanitarian law sets forth a number of rules aimed at protecting certain categories of people who are not or are no longer taking part in the hostilities and at restricting the means and methods of warfare.

- **A practical idea:** humanitarian law does not call into question the lawfulness of war; rather it aims first and foremost to limit the superfluous suffering that war can cause. War may now be “outlawed”, but it continues to be waged in countless places around the world and to take far too high a toll.
- **A universal idea:** many cultures have sought to limit the suffering that war can cause. International humanitarian law simply expresses that idea in legal terms. By making respect for the human being in war an international obligation, the States show that they want international humanitarian law to be binding on all.

What does the UN Charter have to say?

The United Nations Charter, which was adopted in 1945, stipulates that the Member States are to refrain from the threat or use of force against other States, thus establishing that war no longer constitutes an acceptable means of settling disputes between States. The Charter nevertheless makes exceptions to this rule, granting the States the right to defend themselves, individually or collectively, against attacks that threaten their independence or their territory. Moreover, Chapter VII authorises Member States to use force in the framework of collective action to maintain international peace and security, and the prohibition to resort to force does not apply to internal armed conflicts.

The 20th century, the deadliest of all



With each passing century, war has taken a higher toll in human lives:

18 th century.....	5.5 million
19 th century.....	16 million
World War I.....	38 million
World War II.....	>60 million
1949–1995.....	24 million

about 38,000 per month in about 100 conflicts

(Source: *Défense nationale*, p. 2107,
 Except for World War I: Source Quid 1997,
 Editions Robert Laffont, p. 797 f.)

Besides the fact that an especially high number of armed conflicts have broken out since 1945, new types of conflict have emerged (wars of national liberation, guerrilla warfare) and technological progress has resulted in the development of numerous high-performance weapons.

In 1997, 25 major armed conflicts were waged in 24 places around the world. All the conflicts that broke out in 1997 were waged on the African continent, and Africa was the only region in which the number of conflicts increased. It was also the region with the largest share of high-intensity conflicts, i.e. those with more than 1,000 battle-related deaths in one year.

(Source: SIPRI Yearbook 1998)

➤ ...and became a set of rules

International humanitarian law consists of a set of international rules the purpose of which is to limit the effects of war on people and objects. These rules are laid down in international treaties that can be grouped into four categories:

- treaties on the protection of victims of war,
- treaties on the limitation and/or prohibition of different types of arms,
- treaties on the protection of certain objects,
- treaties governing international jurisdiction (repression of crimes).

All these treaties deal with specific humanitarian concerns in situations of armed conflict. While some of them apply almost exclusively to international armed conflicts, others apply to non-international armed conflicts.

International humanitarian law and human rights: are they one and the same thing?

International humanitarian law and human rights are two separate branches of international law with a common purpose.

International humanitarian law applies in situations of international or non-international armed conflict.

Human rights law establishes rules for the harmonious development of the individual in society. The main purpose of both, however, is to safeguard human dignity in all circumstances.

In short, the key message of international humanitarian law is:

- **do not** attack people who do not or no longer take part in hostilities;
- **do not** use weapons that make no distinction between combatants and civilians, or weapons and methods of warfare which cause unnecessary suffering and/or damages.

It applies once a conflict has broken out and is equally binding on all the parties, no matter which one started the fighting.

International humanitarian law, which is also known as "*the law of war*" or "*the law of armed conflict*"; does not aim to determine whether a State does or does not have the right to resort to armed force. That question is governed by a major but separate branch of international public law within the framework of the United Nations Charter. International humanitarian law stems from the codes and rules of religions and cultures around the world. ■

The characteristics and principles of humanitarian action

What can parliamentarians do to facilitate humanitarian action in time of armed conflict?

International humanitarian operations are carried out in conflict zones to protect and assist conflict victims and to alleviate their suffering. Humanitarian action is a stopgap measure, dealing with urgent needs that would otherwise go unmet. It is aimed at the most vulnerable individuals and groups.

Humanitarian action can only be carried out if the following basic conditions have been met:

- unrestricted access to the conflict victims;
- unfettered dialogue with the authorities;
- independence: total control over all stages of the operation and over the resources required.

In accordance with international humanitarian law, the principles of humanity and impartiality must be upheld in any humanitarian operation. Aid must be distributed solely on the basis of need, independently of all political, strategic and military considerations.

What can parliamentarians do to facilitate humanitarian action in time of armed conflict?

They should do all they can to facilitate humanitarian operations undertaken by neutral humanitarian organisations such as the International Committee of the Red Cross.

In practical terms, this means that parliamentarians should:

- make sure that their country expedites visa procedures for humanitarian personnel;
- facilitate transportation by air/land/sea;
- offer tax exemptions;
- ensure protection of humanitarian personnel, facilities and relief supplies;
- remove all bureaucratic obstacles impeding humanitarian efficiency;
- support humanitarian operations with contributions in cash, kind and services.

International conflicts and internal conflicts: how does international humanitarian law deal with them?

Article 3 common to the Geneva Conventions

In both internal and international armed conflicts, all the parties must comply with the rules of international humanitarian law, which nevertheless makes a distinction between the two.

International armed conflicts are those in which two or more States have clashed using weapons and those in which people have risen in opposition to a colonial power, foreign occupation or racist crimes. They are subject to a broad range of rules, including those set forth in the four Geneva Conventions and Additional Protocol I.

A more limited set of rules is applied in internal armed conflicts. They are contained in particular in Article 3 common to the four Geneva Conventions and in Additional Protocol II, which has a narrower scope.

Article 3 common to the Geneva Conventions states that, *“In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:*

(1) Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
- (b) taking of hostages;*
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;*
- (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable to civilised peoples.*

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

Question 2

What does international humanitarian law protect and how?

International humanitarian law protects people and certain places and objects. It also prohibits the use of certain methods and means of warfare.

➤ **People**

International humanitarian law protects people who are not or are no longer taking part in the fighting, such as civilians, the wounded, the sick, prisoners of war, the shipwrecked, and medical and religious staff.

International humanitarian law also protects these people by obliging the parties to a conflict to provide them with material assistance and to treat them humanely at all times and without adverse distinction. The wounded and the sick must be collected and cared for; prisoners and detainees must receive adequate food and housing and benefit from judicial guarantees.

The following are prohibited in all circumstances:

- violence to the life, health, or physical or mental well-being of persons, in particular murder, torture, corporal punishment and mutilation;
- outrages upon personal dignity, in particular humiliating or degrading treatment, rape, forced prostitution and any form of indecent behaviour;
- the taking of hostages;
- collective punishment;
- threats to commit any of the above acts.

During the 1990s, the civilian population represented an estimated 80 per cent of all victims of armed conflicts.

Moreover, any person charged with a criminal act in connection with an armed conflict must have a fair and regular trial and may be found guilty and sentenced only as an outcome of such a trial.

The fundamental guarantees

- The fundamental guarantees of international humanitarian law are a set of rules setting forth the minimum treatment to which any individual in the power of a party to the conflict is entitled. These rules are listed in Protocol I additional to the Geneva Conventions and must be respected at all times and in all places by the States party to the Conventions. They constitute a sort of “Declaration of Human Rights” applicable in time of war and make it possible to remedy the shortcomings of the law at such a time. They are a kind of safety net and therefore supplement rather than contradict the provisions affording greater protection to certain categories of people.
- There can be no derogation from these rules, even in cases where State security or military necessity would seem to require it. As a result, failure to meet the fundamental guarantees represents, in most cases, a grave breach of international humanitarian law or, in other words, a war crime, and must be punished accordingly (see *Repressing violations of international humanitarian law*).
- The basic rights of individuals in non-international armed conflicts are not fundamentally different from those that are granted in international conflicts. Article 3 common to the four 1949 Geneva Conventions (see page 13), supplemented and reinforced by Article 4 of Protocol II of 1977, also requires that individuals be treated humanely and prohibits at all times and in all places violence against the lives, health and well-being of people.
- Additional Protocol I of 1977 stipulates that “*persons who are in the power of a Party to the conflict shall be treated humanely in all circumstances*”, without any adverse distinction based on race, colour, sex, language, religion or belief, political opinion, etc.

➤ Certain places and objects

Certain places and objects, such as hospitals and ambulances, are also protected and must not be attacked.

International humanitarian law defines a number of clearly recognised emblems and signs — in particular the Red Cross and Red Crescent emblems — which can be used to identify protected people and places.

The protection of the civilian population under international humanitarian law

- A distinction must be made between combatants and civilians in the conduct of hostilities. Civilians shall not be made the primary target of military operations or the incidental victims of the fighting.
- The parties to a conflict must distinguish not only between the civilian population and the combatants, but also between civilian property and military objects; this means that not only are civilians as such protected, but also the goods needed for their survival or subsistence (foodstuffs, livestock, drinking water supplies, etc.).
- Attacks and threats the main purpose of which is to spread terror among the civilian population are formally prohibited.
- Attacks whose effects cannot be limited to a specific military target or which are not aimed at such a target are prohibited (massive bombardment, carpet-bombing).
- Civilians may in no circumstances be used to render certain points, areas or military objects immune from attack.
- Any act of hostility directed against historic monuments, works of art or places of worship, and the use of such objects in support of the military effort are strictly prohibited.
- It is prohibited to destroy works containing dangerous forces (hydroelectric dams, dykes and nuclear power stations) which, if suddenly released, could take a high toll among the civilian population. By the same token, the parties to a conflict must take care not to place military objects near such works.
- Special zones can be set up which are absolutely immune from attack. Hospital and safety zones and localities can be designated in time of peace to house certain categories of protected persons. Demilitarised zones can also be designated in time of peace; they may be neither attacked nor defended using military force.

➤ The means of protection

International humanitarian law prohibits methods and means of warfare:

- that target people who are not taking part in the fighting. Methods and means of warfare that do not, for example, distinguish between combatants and protected persons, such as carpet bombing, are therefore prohibited.
- that cause superfluous injury. For example, humanitarian law prohibits the use of weapons whose effect would be excessive in relation to the military advantage anticipated, such as exploding bullets whose aim is to cause untreatable wounds.
- that cause lasting damage to the environment. The use of biological and chemical weapons and anti-personnel landmines is therefore prohibited. ■

“In any armed conflict, the rights of the Parties to the conflict to choose methods or means of warfare is not unlimited.”

(Protocol I, Article 35)

It is therefore prohibited to use:

- arms that do not discriminate between military and non-military targets, between combatants and protected persons (the recent treaty banning anti-personnel landmines is a good example);
- weapons, projectiles and other materials of a nature to cause superfluous injury to enemy fighters, i.e. that cause suffering that could be avoided if the objective sought were attained by causing a lesser degree of suffering;
- light and inflammable projectiles, bullets that spread or explode within the body (dumdum bullets), poison and poisonous weapons;
- weapons the primary effect of which is to injure by fragments which in the human body escape detection by X-rays;
- booby-traps and incendiary weapons;
- methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Question 3

What are the principal treaties of international humanitarian law?

► Treaties on the protection of victims of war

Convention for the amelioration of the condition of the wounded and sick in armed forces in the field
(First Geneva Convention)
Geneva, 12 August 1949

Protects wounded and sick combatants, the personnel attending them, the buildings in which they are sheltered and the equipment used for their benefit. Regulates the use of the Red Cross and Red Crescent emblems.

Convention for the amelioration of the condition of wounded, sick and shipwrecked members of the armed forces at sea
(Second Geneva Convention)
Geneva, 12 August 1949

Extends protection to shipwrecked combatants and regulates the conditions under which they can be assisted.

Convention relative to the treatment of prisoners of war
(Third Geneva Convention)
Geneva, 12 August 1949

Protects members of the armed forces that have been taken prisoner. Sets forth the rules governing their treatment and establishes the rights and obligations of the detaining power.

Convention relative to the protection of civilian persons in time of war
(Fourth Geneva Convention)
Geneva, 12 August 1949

Establishes the rules governing the protection of the civilian population, in particular the treatment of civilians in occupied territory, those deprived of their liberty, and occupation in general.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts
(Protocol I)
8 June 1977

Broadens the protection extended to civilians and limits the means and methods of warfare.

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II)

8 June 1977

Contains the fundamental guarantees for persons not taking part in hostilities during a non-international armed conflict, sets forth rules relating to the protection of civilians and objects and installations essential for their survival.

States on which the humanitarian law treaties are binding

(1 July 1999)

1949 Geneva Conventions for the protection of victims of war:

188 States

- First Convention: *wounded and sick of armed forces in the field*
- Second Convention: *wounded, sick and shipwrecked members of armed forces at sea*
- Third Convention: *prisoners of war*
- Fourth Convention: *civilians*

The four Geneva Conventions must be adhered to jointly.

1977 Protocols additional to the Geneva Conventions:

- Protocol I: *international armed conflicts* 150 States
- Protocol II: *non-international armed conflicts* 144 States
- Declaration under Article 90 of Protocol I 53 States
competence of the International Fact-Finding Commission

Checking whether your State is party to a treaty:

- Look up national records
- Contact the depository State
- Contact the ICRC or consult its home page: <http://www.icrc.org>

► **Treaties restricting the use of or prohibiting certain weapons**

Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Geneva, 10 October 1980

Establishes the framework for the protocols prohibiting the use of certain weapons.

Protocol on non-detectable fragments (Protocol I)

Geneva, 10 October 1980

Prohibits the use of weapons that injure by fragments that cannot be detected by X-rays.

Protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (Protocol II)

Geneva, 10 October 1980

amended on 3 May 1996

Prohibits the use of mines, booby-traps and other devices against the civilian population and restricts their use against military targets. The amended Protocol further extends the prohibition of those devices and extends its scope to internal conflicts.

Protocol on prohibitions or restrictions on the use of incendiary weapons (Protocol III)

Geneva, 10 October 1980

Prohibits the use of incendiary weapons against civilians and civilian objects and restricts their use against military targets.

Protocol on blinding laser weapons (Protocol IV)

Geneva, 13 October 1995

Prohibits the use of laser weapons that are specifically designed to cause permanent blindness.

Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction

Paris, 13 January 1993

Bans chemical weapons.

Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction

Ottawa, 3-4 December 1997

Bans anti-personnel mines.

Countries that had ratified the Ottawa treaty as at 30 June 1999

Also called the Ottawa treaty, the Convention banning anti-personnel mines entered into force on 1 March 1999, after the required 40 States had ratified it in September 1998. This is the first time ever that a widely used weapon has been banned by a treaty of international humanitarian law.

Andorra	Guatemala	Portugal
Antigua and Barbuda	Guinea	Qatar
Australia	Honduras	St. Kitts and Nevis
Austria	Hungary	St. Lucia
Bahamas	Iceland	Samoa
Barbados	Ireland	San Marino
Belgium	Italy	Senegal
Belize	Jamaica	Slovakia
Benin	Japan	Slovenia
Bolivia	Jordan	Solomon Islands
Bosnia and Herzegovina	Lesotho	South Africa
Brazil	Luxembourg	Spain
Bulgaria	Malawi	Swaziland
Burkina Faso	Malaysia	Sweden
Canada	Mali	Switzerland
Chad	Mauritius	Thailand
Costa Rica	Mexico	The F.Y.R. of Macedonia
Croatia	Monaco	Trinidad and Tobago
Denmark	Mozambique	Turkmenistan
Djibouti	Namibia	Uganda
Dominica	Netherlands	United Kingdom
Ecuador	Nicaragua	Vatican
El Salvador	Niger	Venezuela
Ethiopia	Niue	Yemen
Fiji	New Zealand	Zimbabwe
France	Norway	
Germany	Panama	
Grenada	Paraguay	
	Peru	(82 States)

➤ **Treaties on the protection of certain objects**

Convention for the protection of cultural property in the event of armed conflict

The Hague, 14 May 1954

Protects monuments of architecture, art or history, and other cultural property.

Protocol for the protection of cultural property in the event of armed conflict

The Hague, 14 May 1954

Provides for the prevention of the export of cultural property from occupied territory, and for the safeguarding and return of such property.

Second Protocol for the protection of cultural property in the event of armed conflict

The Hague, 26 March 1999

Enhances the protection of cultural property, strengthens the repression of violations and applies also to internal conflicts.

Convention on the prohibition of military or any other hostile use of environmental modification techniques

Geneva, 10 December 1976

Prohibits the military or any other hostile use, as a weapon of war, of environmental or geophysical modification techniques having widespread, lasting or severe effects.

➤ **Treaty on international jurisdiction**

Statute of the International Criminal Court (not yet in force)

Rome, 17 July 1998

Establishes a permanent international criminal court with jurisdiction for the crime of genocide, war crimes, crimes against humanity and for the crime of aggression once it has been defined.

Crimes within the International Criminal Court's jurisdiction

War crimes

Under Article 8 of the Statute, the ICC has jurisdiction in respect of *war crimes*. These include most of the serious violations of international humanitarian law mentioned in the 1949 Geneva Conventions and their 1977 Additional Protocols, whether committed during international or non-international armed conflicts.

A number of offences are specifically identified as war crimes in the Statute, including:

- rape, sexual slavery, enforced prostitution, forced pregnancy or other forms of sexual violence;
- using children under the age of 15 to participate actively in hostilities.

Certain other serious violations of international humanitarian law, such as unjustifiable delay in the repatriation of prisoners and indiscriminate attacks affecting the civilian population or civilian objects, which are defined as grave breaches in the 1949 Geneva Conventions and 1977 Additional Protocol I, are not specifically referred to in the Statute. There are only a few provisions concerning certain weapons whose use is prohibited under various existing treaties, and these do not apply with respect to non-international armed conflicts.

Genocide

The ICC has jurisdiction over the crime of *genocide* under Article 6 of the Statute, which reiterates the terms used in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

This crime is defined in the Statute as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

Crimes against humanity

The ICC also has jurisdiction over *crimes against humanity*.

Under Article 7 of the Statute, these crimes comprise any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of the population;
- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- torture;
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- enforced disappearance of persons;
- the crime of apartheid;
- other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Aggression

As stated in Article 5 (2) of the Statute, the ICC will have jurisdiction over the *crime of aggression* once a provision defining this crime and setting out the conditions for the exercise of such jurisdiction is adopted.

Question 4

Who must respect international humanitarian law?

➤ The States

The States party to international humanitarian law treaties are formally bound to comply with the rules thereof. They must do everything in their power to respect and ensure respect for humanitarian law.

➤ Individuals

International humanitarian law must be respected by everyone, combatants and the population as a whole.

The obligation to comply with international humanitarian law is such that non-compliance can, in some cases, render the individual liable under penal law, as many national and international courts have recognised. ■

“The Inter-Parliamentary Council calls on all States to remind military commanders that they are required to make their subordinates aware of obligations under international humanitarian law, to make every effort to ensure that no violations are committed and, where necessary, to punish or report any violations to the authorities.”

Inter-Parliamentary Union, 90th Conference, September 1993

Why respect international humanitarian law?

➤ **A moral duty**

The State is responsible for its citizens. It must ensure their protection in the event of war. Every culture has rules strictly limiting the use of force. International humanitarian law simply translates those rules into legal and universal language. By adopting them, States give themselves the means of ensuring respect for humanity in time of war; they also guarantee that human dignity will be upheld in circumstances that threaten it.

➤ **A reasonable military option**

It makes sense from the military point of view to respect international humanitarian law. Acts such as the massacre of civilians, the slaughter of surrendering troops and the torture of prisoners have never led to military victory. Respect for international humanitarian law, however, and for its concepts such as proportionality, is part of a modern strategy based on the rational use of resources.

➤ **A sensible political choice**

Treating the enemy armed forces and population with due regard for international humanitarian law is undoubtedly one of the best means of inciting the enemy to do so, too. Respecting one's obligations encourages others to do the same.

➤ **A legal obligation**

When a State becomes party to a treaty of international humanitarian law, it undertakes to respect all the obligations contained in that treaty. It may therefore be liable under penal law if it does not meet its obligations. ■

Question 6

How can one ensure respect for international humanitarian law?

International humanitarian law is still all too often violated. A number of measures must be taken to remedy this situation.

➤ **Legal measures accompanied by political action**

Respect for international humanitarian law implies taking a number of legal measures (for example, ratifying the appropriate international instruments and adopting the required legislation and implementing rules). This purely legal work does not suffice, though.

Ensuring respect for international humanitarian law also implies “breathing life into it”, by spreading knowledge of its contents and ensuring respect for the principles on which it is based, by political means as well.

“Parliaments and their members have a key role to play in promoting respect for the rules of IHL and the punishment of violations of these rules (...) not only where armed conflicts have actually broken out but also, on a preventive basis, outside periods of hostility.”

Inter-Parliamentary Union, 161st session of the Council, September 1997

➤ **In time of war as in time of peace**

International humanitarian law applies in armed conflicts, but measures must be taken at all times to ensure that it is respected. Just as most countries ready their defences even when threatened by no immediate conflict, it is in time of peace that measures must be taken to ensure that any war will be conducted with due regard for international humanitarian law. When conflict seems likely, it is often already too late. Countless preventive measures can be taken in time of peace to ensure compliance with international humanitarian law.

➤ **Within and beyond national borders**

The idea that States must not only respect international humanitarian law within their borders but also ensure its respect throughout the world is fundamental. That is why in Article 1 common to the Geneva Conventions, the parties undertake to “respect and ensure respect for” the rules of the Convention. ■

Can international humanitarian law be respected?

Many people, when they first think of it, find the idea of limiting the violence of war nonsensical. History has shown, however, that while there have been few “clean” armed conflicts, some have been much more respectful of the human being than others. They have also been less costly in terms of human and material resources, resulted more easily in peace treaties, and were settled with a view to reconstructing society.

Question 7

How are parliamentarians concerned and what can they do?

► **At the heart of the fighting: the civilian population**

When an armed conflict breaks out, the risks to the population are today ever more serious and dangerous.

As the institution that embodies the population's interests most directly, it falls to Parliament to protect the population by establishing, already in time of peace, the legislation and provisions that provide the best protection in the event of an armed conflict. As for parliamentarians, as the guardians and spokespeople of the citizens, they must not only help establish those rights and guarantees, they must also promote the broadest possible awareness of international humanitarian law.

In the course of hostilities, the population expects parliamentarians to mobilise politically to provide protection. Once the hostilities have ended, the process of reconstruction will require not only resources but also great political commitment: it is politicians, including parliamentarians, who will forge the political consensus on which the process will have to be based if it is to succeed.

“The victims of today’s conflicts are not merely anonymous, but literally countless (...) The awful truth is that civilians today are not just ‘caught in the crossfire’. They are not accidental casualties or ‘collateral damage’ as the current euphemism has it. All too often, they are deliberately targeted.”

Kofi Annan, Secretary-General
of the United Nations, May 1999

“The Conference (deplores) the lack of protection for peace-keepers and peace-makers under current humanitarian law”.

Inter-Parliamentary Union, 90th Conference,
September 1993

But economic reconstruction alone does not suffice. The peace will remain unstable if, as a back-up to the process of reconciliation, justice is not done for war crimes. This requires not just political determination not to countenance impunity for war crimes, but also a code defining and punishing those crimes.

Whether the conflict has taken place on their territory or on the territory of another State, whether the war crimes have been committed by their fellow citizens or by foreign forces, parliamentarians have a moral and political duty to the population to ensure that international humanitarian law meets with compliance in fact and that justice is done if the law is violated.

By familiarising themselves with international humanitarian law and by ensuring that the State honours the rules it establishes, that it promotes and respects them, parliamentarians can effectively help protect the population during the hostilities and restore civilian peace once they are over.

➤ **The first step: becoming party to international humanitarian law**

Parliament and its members play a key role in the process by which the State becomes party to international treaties and in the national implementation of the rules and principles they embody.

To discharge their responsibilities in this regard fully, parliamentarians must:

- be familiar with the legal process to becoming a party: that process is described in *Measure 1*, and the fourth section of the Handbook contains models instruments and declarations to be used for reference;
- be familiar with and use the “political and parliamentary tools” at their disposal.

► How to go about becoming party to a treaty

Parliamentarians must first **check** whether their State is party to the existing treaties of international humanitarian law.

If not, they can **ensure that** measures are taken for the State to become party thereto. The specific measures to be taken depend on the case at hand:

- a request for ratification or accession has been brought before Parliament within a reasonable amount of time; in that case parliamentarians can, after having received the necessary information, vote in favour.
- the treaty has not yet been signed by the Government: in that case, parliamentarians can use parliamentary procedure (in particular, written and oral questions) to ask the Government to explain why and to encourage it to start the process of ratification or accession without delay.
- the Government has signed the treaty but has delayed the process of ratification: in that case, parliamentarians can also use parliamentary procedure to ask why the Government is taking so long and to encourage it to accelerate the process; they can also use their right of legislative initiative to submit a bill on the matter.
- the Government opposes ratification or accession: in that case, parliamentarians can seek to find out why in detail. They can, if necessary, help clear up doubts, preconceived notions and misunderstandings, and can also bring into play their entire political network to move things along. They can ask the electorate what it thinks and use it to advance the cause of ratification or accession.

“The Inter-Parliamentary Council invites the Parliaments of States which are not yet parties to one or other of the international instruments of IHL to take steps to accede, and further invites the parliamentarians of those States which expressed reservations or interpretative declarations at the time of ratification of such treaties to verify whether such reservations are still valid.”

Inter-Parliamentary Union, 161st session of the Council, September 1997

Parliamentarians can also make sure that accession to a treaty of international humanitarian law is not accompanied by any **reservations aimed at limiting the scope thereof, or by any objections or declarations of understanding**. Again, what they do will depend on the case at hand:

- the Government has sent Parliament a request for ratification accompanied by reservations limiting the scope of the treaty, objections or declarations of understanding: in that case, parliamentarians can, if they have ascertained that such limits are groundless, play a key role by promoting the general interest over sectarian or circumstantial interests and, if necessary, mobilising public opinion to encourage the Government to backtrack.
- the Government's reservations limiting the scope of the treaty, its objections or its declarations of understanding are no longer valid: in that case, parliamentarians can use parliamentary procedure to enquire into the Government's intentions and take action with a view to having the restrictions raised; they can also use their right of initiative to propose that those restrictions be raised.

Parliamentarians can also make sure that certain **specific declarations** that can be made with regard to a treaty of international humanitarian law are indeed made when the treaty is ratified or later. They can check that the declaration is made accepting the competence of the International Fact-Finding Commission established under Protocol I of 1977. Information on the Commission is given in *Measure 7*.

➤ **Making sure that national legislation conforms to international standards**

After a treaty of international humanitarian law has been ratified and has entered into force, parliamentarians must make sure that Parliament adopts national implementing legislation which corresponds to the provisions of the treaty.

If necessary, they can take advantage of parliamentary procedure to make sure that draft legislation (or amendments to existing legislation) is sent to Parliament by the Government within a reasonable time. They can in particular make sure that the Penal Code and Code of Penal Procedure are compatible with the norms of international humanitarian law.

In this context, parliamentarians can call as required on the opinion of national and international humanitarian law experts. As mentioned in the last section of this Handbook, the ICRC's Advisory Service is available to help parliamentarians and parliamentary legislative and documentation services by providing information,

advice and guidelines. The fourth section of the Handbook also contains a model law concerning the use and protection of the emblem of the Red Cross or Red Crescent.

➤ **Approving the necessary funding**

Parliamentarians may be asked to vote on a national plan of action for respect for international humanitarian law and to approve the corresponding funding.

The funding approved must be sufficient to cover training of the armed and security forces in the rules of international humanitarian law. When an armed conflict breaks out, the consequences on the population can be disastrous if those forces have not or have been inadequately trained.

The courts must also have the resources they need to play their part if the rules of international humanitarian law are violated.

“That financial and human resources for the protection of the victims of armed conflicts are inadequate (...) the Conference pays tribute to the action of the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR) and other international relief organisations, calls on Governments to increase their financial contributions to these organisations, and commends the staff of these organisations for their dedication and courage.”

Inter-Parliamentary Union, 90th Conference,
September 1993

➤ **Overseeing the Executive's action to apply the rules and to have them applied**

By virtue of their function of parliamentary oversight, parliamentarians can specifically ensure that:

- national legislation is accompanied by the corresponding rules and administrative measures;
- members of the armed and security forces receive instruction in the rules of international humanitarian law from specialists in that field and that humanitarian law figures in military manuals;
- information sessions are given to government staff;
- those who have violated the rules of international humanitarian law are punished as provided by the law, for action against impunity is decisive in preventing further violations;
- instruction in the rules of humanitarian law is given to the public, in particular in schools and universities;
- adequate funding is set aside for these activities.

➤ **Making sure that justice is administered in the event of war crimes**

Parliament also monitors the administration of justice and, in this connection, the people's representatives must in particular:

- ensure that members of the judiciary receive adequate instruction in international humanitarian law;
- give the judiciary the means of discharging its mission;
- in the event of war crimes, monitor the administration of justice, i.e. while not interfering in the decision-making process, make sure that the justice system functions well, that it is not subject to pressure or interference on the part of the Executive, and that justice is administered within a reasonable time.

“Specifically including IHL issues in the mandate of a standing parliamentary committee or, when justified, setting up a special committee for IHL, is a means of indicating the importance which the Parliament attaches to these issues and makes it possible to cover them effectively and on an ongoing basis.”

Inter-Parliamentary Union, 161st session of the Council, September 1997

➤ **Establishing a parliamentary body on international humanitarian law**

Parliamentarians can encourage the establishment of a parliamentary body dealing with matters pertaining to international humanitarian law.

If it is not possible to set up a parliamentary committee as such, parliamentarians can promote the establishment of a sub-committee or any other body in conformity with existing procedure, the mandate and procedures of which will have to be clearly defined (action to be taken with various other parliamentary committees in view of the multi-disciplinary nature of international humanitarian law; special link with the interministerial commission on international humanitarian law (see *Measure 6*); ability to conduct hearings, etc.).

Parliamentarians can also encourage the establishment of an informal group of parliamentarians who are specially interested in matters of international humanitarian law, said group to act as the “driving force” for parliamentary action or even as a parliamentary “watchdog” in this area.

Finally, parliamentarians can promote contact with similar parliamentary bodies in other countries in order to share experiences and improve national action by following in the footsteps of others. The Inter-Parliamentary Union can help with this.

Thanks to its world parliamentary surveys of international humanitarian law, the Inter-Parliamentary Union can also inform parliamentarians about the steps taken by other Parliaments to ensure application of international humanitarian law and provide impetus for strengthening national action.

➤ **Acting on the international scene**

Parliamentary action no longer stops at national borders. Members of parliament not only have to take account of the rules set down in international treaties, they

must also debate the issues in the multilateral political fora thanks to which international humanitarian law evolves. They can also help, directly or indirectly, in the drafting of international rules.

The Inter-Parliamentary Union is the world organisation of national parliaments and as such one of the places for the development and dissemination of the rules of international humanitarian law, in particular via the work of its specialised committee. It is vitally important that parliamentarians take advantage of the Union's work and that they ensure that its recommendations concerning international humanitarian law are brought to the attention of and taken into account by Parliament and the Executive.

International life has changed, and parliamentarians have thus acquired a right to look into violations of international humanitarian law committed in countries other than their own. They can denounce those violations and take political action to stop them, as explained in *Measure 7*.

➤ **Mobilising public opinion: a key political task**

The recent adoption and entry into force of the Ottawa treaty on anti-personnel mines shows that parliamentarians can play a mobilising role at all stages in the history of a treaty, by:

- inciting governments to draft and adopt it;
- working for its timely signature and ratification, and subsequently for its entry into force at national level;
- drafting the most favourable legislation in conformity with the treaty and working to establish the corresponding implementing rules.

Parliamentarians can also act to promote respect for the norms of international humanitarian law in the event of armed conflict, whether that conflict takes place on national territory or beyond the country's borders, by:

- ensuring that the armed and security forces receive permanent, in-depth instruction in the rules of international humanitarian law;
- making sure that those rules are taught at all levels of the country's education system.

When the principles of international humanitarian law are violated, parliamentarians can:

- denounce the violations in public statements;
- make sure that the punishment provided for under the law is meted out.

Since they constantly interact with the public, parliamentarians can foster and heighten public awareness. They can highlight the long-term interest in respecting the rules of international humanitarian law, and the danger represented by violations of those rules and by impunity.

By taking such action, parliamentarians may even enhance their reputation among the electorate. ■

“Teaching of the rules of IHL constitutes the best means of preventing any breach of them.”

Inter-Parliamentary Union, 161st session of the Council,
September 1997

Seven measures
to respect and
ensure respect for

INTERNATIONAL HUMANITARIAN LAW

Measure 1

Becoming party to the treaties of international humanitarian law

➤ Why?

- To express determination to respect the law

By becoming party to the treaties of international humanitarian law, States agree to be legally bound in the long term and express their determination with respect to the international community.

- To strengthen the law

Every time a State becomes party to a treaty of international humanitarian law, that treaty's image among decision-makers and public opinion is strengthened. In 1999, for example, 188 States are party to the Geneva Conventions. The Conventions can therefore be said to have the support of the entire international community, which gives them great authority.

➤ How?

There are two possibilities: signing the treaty and then ratifying it, or, if it is no longer open for signature, acceding to it.

- Signature and ratification

Treaties are usually open for signature for a limited period after they have been drafted (often until they enter into force).

A State that has signed a treaty has a moral obligation not to behave in a way that would run counter to its provisions. To be fully committed, however, a State must ratify the treaties it has signed.

Ratification procedures vary from one country to another, but in most countries ratification is the responsibility of Parliament and usually takes the form of a vote authorising the Executive to make the State bound by a treaty in conformity with pre-established procedure.

When a State ratifies a treaty it can issue reservations or make declarations of understanding, on condition that they are not "*contrary to the purpose and objective*" of the treaty and do not "*undermine its substance*". Moreover, the pertinence of those reservations and declarations of understanding must subsequently be periodically re-examined.

The instrument of ratification must then be sent to the depository State (see the model instrument of ratification in the third part of the Handbook).

Declarations to be made when ratifying certain treaties

When ratifying certain treaties of international humanitarian law, the States can make additional declarations (see the third section of the Handbook for a number of models):

- States becoming party to Protocol I of 1977 can accept the competence of the International Fact-Finding Commission;
- States becoming party to Protocol IV (blinding laser weapons) to the 1980 Conventional Weapons Convention can make a declaration specifying that the Protocol shall apply "in all circumstances", including in non-international armed conflicts.

• **Accession**

When a State has not signed a treaty and that treaty is no longer open for signature, the State can accede to it. The procedure is exactly the same and has the same effects as ratification except that it is not carried out in confirmation of a signature.

• **The entry into force of a treaty in national law**

When a State becomes party to an international treaty, it usually has to inform not only the legal depository but also its citizens, by means of an announcement in the official gazette.

Depending on the system in your country, an international humanitarian law treaty can take effect in national law automatically, i.e. as soon as the State has notified that it has become a party to it. In that case, legislation must be brought into line with the treaty, either before or after its entry into force. The treaty's entry into force may, however, depend on the incorporation into national legislation of the international rules it contains. In that case, the legislation must be adapted before the State becomes party to it. In any event, national legislation must be adapted without delay.

➤ What is the parliamentarian's role?

The role of parliamentarians varies depending on the stage in the process. Generally speaking, parliamentarians can urge the Executive to sign treaties of international humanitarian law, but their most important role undoubtedly comes at the next stage, that of ratification or accession and of the adoption of implementing legislation.

Parliamentarians can open a dialogue with the Government on sending Parliament a draft bill of ratification or accession; if that fails, they can also draft such legislation themselves. ■

“The IPU Council welcomes the adoption on 17 July 1998 in Rome of the Statute of the International Criminal Court by the United Nations Diplomatic Conference, which marks the international community's determination to take steps to ensure that the crime of genocide, crimes against humanity, war crimes and the crime of aggression do not go unpunished and that justice is done. It invites all parliaments and their members to take action to secure the universal ratification of the Statute of the Court at the earliest possible date and to do everything in their power to ensure that this new international tribunal is indeed set up without delay and provided with the means to operate efficiently.”

Inter-Parliamentary Union, 163rd session of the IPU Council,
September 1998

What can you do?

- ✓ ***Make sure your State is party to the following treaties:***
 - the four Geneva Conventions of 12 August 1949;
 - the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), of 8 June 1977;
 - the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), of 8 June 1977;
 - the Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects and its four Protocols (relative to non-detectable fragments, mines, incendiary weapons and blinding laser weapons), of 10 October 1980;
 - the Convention on the prohibition of the development, production, stockpiling and transfer of chemical weapons and on their destruction, of 13 January 1993;
 - the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel landmines and their destruction, of 3-4 December 1997;
 - the Statute of the International Criminal Court, of 17 July 1998.
- ✓ ***If your State has become party to those treaties, check that it has made the following declarations (see models in the third part of the Handbook):***
 - declaration accepting the competence of the International Fact-Finding Commission, if your State is party to Protocol I of 1977;
 - declaration of consent to be bound by Protocol IV of the UN Convention on Certain Conventional Weapons;
 - declaration of intent to apply the Ottawa Convention on landmines provisionally.
- ✓ ***Make sure that when your State ratifies or accedes to a treaty it does not issue reservations or make declarations of understanding that:***
 - are contrary to the object and purpose of the treaty,
 - undermine the substance of the treaty.
- ✓ ***In all events, regularly check to make sure that the reservations or declarations of understanding made by your State when it ratified to succeeded to the treaty are still valid, or if they should be reconsidered.***
- ✓ ***For all of the above, do not hesitate to:***
 - ask the relevant government services for information,
 - put questions to the Government,
 - open a parliamentary debate,
 - mobilise public opinion.

Repressing violations of international humanitarian law

➤ Why?

Except in certain rare cases, accession to an international treaty does not automatically mean that it will be immediately applied in internal law. The ratification and entry into force of a treaty of international humanitarian law must therefore be followed by the adoption of the corresponding domestic legislation. This can imply minor or major amendments to existing legislation or the adoption of entirely new texts. This legislation, whose basic purpose is to set the legal framework, must then be supplemented with detailed and adequate rules.

National and international jurisdictions

- It is first and foremost up to the national courts to punish war crimes. This is why it is important to ensure that national legislation enables them to repress violations of international humanitarian law.
- The creation of the International Criminal Court does not change the situation since the Court will be competent only on the condition that the States do not wish to try those guilty of war crimes themselves or are unable to do so.
- The treaties of international humanitarian law do not set forth specific sentences, nor do they specify in what jurisdiction violators are to be tried, but they do expressly require of the States that they adopt legislation to repress grave breaches.
- The States are also obliged to look for those accused of having committed grave breaches and to bring them before their own courts or to hand them over for trial to another State.
- Generally speaking, a State's penal legislation applies only to acts committed on its territory or by its citizens, but in accordance with the principle of "universal jurisdiction", international humanitarian law requires that the State seek and punish any person having committed grave breaches, irrespective of his or her nationality or where the violation took place.

Repressing violations of international humanitarian law

❑ What acts must be punished?

- Certain specific acts listed in the Geneva Conventions and Protocol I, such as wilful killing, torture or inhuman treatment, rape and any other act wilfully causing great suffering or injury to body or health.

❑ Who can be held responsible?

- Those committing the breaches, even when those breaches result from failure to act when under a duty to do so.
- Those who ordered that the breaches be committed.

❑ What to do?

- **Prohibit and repress grave breaches** in legislation applying to all persons, no matter what their nationality, who have committed or given the order to commit grave breaches, including when those violations result from failure to act when under a duty to do so, and covering acts committed on national territory and elsewhere.
- **Search for and bring to trial** people suspected of having committed grave breaches, by starting proceedings against them and if required by extraditing them so that they can be tried in another State.
- **Require military commanders** to prevent grave breaches, to put a stop to ongoing breaches and to take measures against people under their authority who are guilty of committing grave breaches.
- **Provide** other States with legal assistance in any procedure concerning grave breaches.

States are in particular asked to adopt legislation for the trial and punishment of those who are guilty of having violated certain rules of international humanitarian law. They must do this for a number of reasons.

• The need to repress breaches of the law

The best thing would be if the belligerents respected international humanitarian law from the outset, but the experience of war has shown that knowledge of the rules and goodwill do not suffice. The trial and punishment of persons having violated international humanitarian law, in particular by committing war crimes, are

therefore not just a legal and moral obligation; they are also an effective means of dissuasion, whereas impunity paves the way for further atrocities.

- **The need for legislation to repress violations**

In order to repress violations of international humanitarian law, penal legislation must define the crimes and their punishment. Indeed, it is a principle of penal law that no one can be sentenced for an act that was not a crime at the time it was committed. It is therefore absolutely necessary to draft legislation repressing violations of international humanitarian law.

The International Criminal Court

The ICC is a permanent court with world-wide jurisdiction for trying individuals charged with the most serious breaches (*définitions page 23*):

- the crime of genocide,
- crimes against humanity,
- war crimes,
- acts of aggression.

The Court's Statute was adopted on 17 July 1998 and recognises the Court's competence with regard to war crimes committed during both international and non-international armed conflicts. Article 8 defines the war crimes covered by the Statute.

Unlike the International Court of Justice, whose jurisdiction is limited to States, the ICC will be able to charge individuals. And unlike the war crimes tribunals for Rwanda and the former Yugoslavia, its jurisdiction will be limited neither in time nor place. The ICC therefore represents the emergence of the first-ever overall positive duty for individuals, i.e. the obligation to respect the rule of law in situations of conflict.

The ICC will come into being when 60 States have ratified the Statute. As at 30 June 1999, 85 States had signed the Statute and 3 had ratified it.

Grave breaches

❑ The following acts constitute grave breaches of the Geneva Conventions:

- wilful killing,
- torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health,
- extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly,
- compelling a prisoner of war to serve in the forces of the hostile Power,
- wilfully depriving a prisoner of war of the right to a fair and regular trial prescribed in the Third Convention,
- unlawful deportation or transfer,
- unlawful confinement,
- hostage-taking.

❑ The following acts constitute grave breaches of Protocol I of 1977:

The following acts, when committed wilfully, in violation of the relevant provisions of the Protocol, and causing death or serious injury to body or health:

- making the civilian population or individual civilians the object of attack;
- launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects;
- launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects;
- making non-defended localities and demilitarised zones the object of attack;
- making a person the object of attack in the knowledge that he is *hors de combat*;
- the perfidious use of the distinctive emblem of the red cross or red crescent or of other protective signs recognised by the Conventions or the Protocol.

❑ The following acts are also regarded as grave breaches of Protocol I of 1977:

- the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;
- unjustifiable delay in the repatriation of prisoners of war or civilians;
- practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;

- attacking clearly-recognised historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement;
- depriving a person protected by the Conventions or referred to in Article 85 paragraph 2 of the Protocol of the right to a fair and regular trial.

❑ **The following acts also constitute grave breaches of Protocol I of 1977:**

Endangering the physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 of the Protocol by any unjustified act or omission.

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

- physical mutilations;
- medical or scientific experiments;
- removal of tissues or organs for transplantation, except where these acts are justified in conformity with the conditions provided for the Protocol.

➤ How?

Several treaties expressly require of the States that they take all necessary measures to prosecute and punish persons who have violated international humanitarian law. The treaties list the violations that must be punished. The Geneva Conventions and Protocol I, for example, label certain violations “grave breaches” or war crimes that must be punished.

Generally speaking, the States can only punish their own citizens or the perpetrators of crimes that were committed on their territory. They have nevertheless determined that some crimes are so serious that an exception had to be made to this principle. Certain treaties therefore oblige the States to try war criminals no matter what their nationality or where they committed their crime (this principle is referred to as “universal jurisdiction”), or to extradite them to another State making an extradition request.

Apart from these mechanisms, the treaties of international humanitarian law do not specify the sentences to be handed down and do not define jurisdiction. It is therefore up to the States to choose the means, with due regard to national legal cultures.

➤ **What is the role of parliamentarians?**

Parliamentarians must ensure first and foremost that their country has the legislative means of punishing violations of international humanitarian law. If that is the case, they must then ensure — preferably in time of peace — that this legislation and the rules for its application are in conformity with the norms of international humanitarian law. If there is no legislation or if that legislation and the existing rules are inadequate, parliamentarians can put questions to the Government on the matter, or use their right of parliamentary initiative to remedy the situation. The parliamentary debate on the content of the law can in particular determine which courts are to try violations of international humanitarian law and what kind of sentences will be handed down.

Parliamentarians can also play a very important role in acting as relays for the entire population and for those groups most likely to commit violations of international humanitarian law. ■

What can you do?

- ✓ ***Make sure your country has adopted legislation punishing violations of international humanitarian law.***
- ✓ ***Make sure that this legislation is in conformity with the rules of international humanitarian law. If such is not the case, do not hesitate to:***
 - make inquiries of the relevant government services,
 - put questions to the Government on the subject,
 - start a parliamentary debate on the need to punish violations of international humanitarian law in general or any specific violation that is not or is inadequately covered by national legislation,
 - make members of the Executive aware of the need to repress violations of international humanitarian law,
 - start a discussion on what the law or legislation punishing violations of international humanitarian law should contain.
- ✓ ***If your State is party to the Geneva Conventions, make sure it has adopted legislation that:***
 - lists and punishes violations termed “grave breaches”,
 - provides that persons suspected of having committed or ordered or tolerated grave breaches must be sought, prosecuted or extradited, irrespective of their nationality or where the crime was committed.
- ✓ ***If your State is party to Protocol I of 1977, make sure that it has adopted legislation that:***
 - lists and punishes violations constituting grave breaches under the terms of the Geneva Conventions,
 - lists and punishes violations constituting grave breaches under the terms of Protocol I,
 - provides that persons suspected of having committed or ordered or tolerated war crimes must be sought, prosecuted or extradited, irrespective of their nationality or the place where the crime was committed.
- ✓ ***If your State is party to the Ottawa treaty prohibiting anti-personnel mines, make sure that legislation is adopted punishing the production and use of landmines on the territory of the State.***
- ✓ ***If your State is party to the 1996 Protocol to the 1980 Conventional Weapons Convention, make sure that legislation is adopted punishing the killing or wounding of civilians by means prohibited by the Convention.***
- ✓ ***In any event, no matter what the legislation, make sure that the law adopted:***
 - guarantees that any person tried and sentenced for violations of international humanitarian law has the right to a fair trial by an impartial and regularly constituted court following standard procedure comprising compliance with generally recognised legal guarantees,
 - defines the nature and severity of applicable penal sanctions,
 - designates the bodies responsible for defining sentences and applying punishment,
 - recognises the individual penal liability not only of those who committed the breaches but also of those who ordered that they be committed.

Measure 3

Protecting the Red Cross and Red Crescent emblems

➤ Why?

By virtue of the 1949 Geneva Conventions and their Additional Protocols of 1977, the States must protect the emblems of the red cross and the red crescent, in particular by adopting legislation to that effect.

This obligation reflects the fact that the emblem, a symbol of hope and humanity in the most desperate of situations, is:

- **An indispensable sign for assisting the victims**

Because medical services are clearly identified on the battlefield by the emblem of the red cross or red crescent, they can provide relief to the victims unhampered. If there were no such clearly identifiable signs, medical services could easily be targeted or confused with combatants.

Red Cross and Red Crescent

In 1863, the red cross on a white ground was adopted by the International Conference as the distinctive sign of relief societies for wounded combatants.

In 1876, during the Balkan war, the Ottoman Empire decided to use the red crescent on a white ground instead of the red cross. It was only in 1929, however, that the Diplomatic Conference officially recognised that emblem. At present, the two emblems have equal status in law.

They protect people (members of health services, of the armed forces, National Society volunteers, ICRC delegates), places (hospitals, first-aid stations) and means of transport that are entitled to protection under the Geneva Conventions and their Additional Protocols.

Both emblems also indicate that a person or object is connected with the International Red Cross and Red Crescent Movement.

Misuse of the emblem as a protective device in time of war jeopardises the entire system of protection under international humanitarian law.

- **A sign that must be protected from misuse**

Protection of the emblem of the red cross or red crescent is a vital component of respect for international humanitarian law. Any misuse of the emblem tends to weaken the protective effect it has during an armed conflict and thereby to undermine the effectiveness of the humanitarian assistance provided to the victims. This is why all misuse must be punished. The Geneva Conventions oblige the States to adopt specific national legislation to avoid all risks of misuse.

➤ **How?**

The Geneva Conventions and their Additional Protocols protect the emblems of the red cross and the red crescent by defining the persons and services entitled to use them and the circumstances in which they are entitled to do so.

In practice, however, it is the responsibility of the States to draw up detailed

regulations on the use of the emblem. Each State must therefore adopt a number of measures for the identification of the emblem, designate a national authority competent to regulate use of the emblem, and draw up a list of the entities entitled to use it.

The State must also adopt national legislation prohibiting and punishing non-authorised use of the emblem, in particular perfidious use, which is a war crime.

A **model law** has been drawn up which can serve as a useful reference in adopting national legislation (see the third part of the Handbook).

What constitutes misuse of the emblem?

- **Imitation**, meaning the use of a sign that, because of its form and/or colour, could lead to confusion with the emblem.
- **Usurpation**, meaning the use of the emblem by entities or persons who are not entitled to do so: businesses, drug stores, private doctors, etc.
- **Perfidy**, which consists in using the emblem in time of conflict to protect combatants or military material.

➤ **What is the role of parliamentarians?**

As was the case for the repression of violations of international humanitarian law, parliamentarians play a decisive role because the adoption of legislation is their responsibility. ■

Who is entitled to use the Red Cross or Red Crescent emblem?

In time of war, the emblem may be used as a protective device by:

- the armed forces medical service,
- civilian hospitals,
- National Red Cross and Red Crescent Societies,
- the International Federation of National Red Cross and Red Crescent Societies,
- the International Committee of the Red Cross (ICRC).

In time of peace, the emblem may be used as an indicative device by:

- the entities, persons or objects connected with one of the components of the International Red Cross and Red Crescent Movement: a National Red Cross/Red Crescent Society, the International Federation of Red Cross and Red Crescent Societies, the ICRC;
- in certain conditions, ambulances and first-aid stations.

What can you do?

- ✓ *Check whether legislation exists protecting the emblem of the red cross or the red crescent.*
- ✓ *If such is not the case, make sure that appropriate legislation is adopted.*
- ✓ *If the existing legislation is inadequate or out of date, make sure that it is brought up to date.*
- ✓ *Should you have any doubts about the kind of legislation to adopt, do not hesitate to contact the ICRC Advisory Service. You can also refer to the third part of the Handbook, which contains a model law.*
- ✓ *Make sure that the necessary regulations are adopted so that the law can be applied.*
- ✓ *Make sure that the emblem of the red cross or red crescent may be used only by:*
 - the armed forces medical services;
 - the staff of National Red Cross/Red Crescent Societies and of the International Federation of Red Cross and Red Crescent Societies authorised by their national government to aid the armed forces medical services;
 - civilian hospitals and other medical units (first-aid stations, ambulances);
 - the staff of voluntary relief societies authorised by their government to aid the armed forces medical services;
 - ICRC delegates;
 - any entity, person or object connected with one of the components of the Red Cross and Red Crescent Movement: National Red Cross/Red Crescent Society, International Federation of Red Cross and Red Crescent Societies, the ICRC.
- ✓ *Make sure that the legislation and corresponding implementing regulations:*
 - define and recognise the protective emblem;
 - identify the national authority competent to draw up the regulations on the use of the emblem;
 - identify which entities are entitled to use the emblem as a protective device and which are entitled to use it as an indicative device;
 - provide measures for the identification of areas in which the emblems may be used;
 - provide measures for the identification of the body/bodies in charge of ensuring respect for the use of the emblem;
 - define the sanctions applicable in the event of imitation or usurpation and in the case of perfidious use.
- ✓ *Make sure that the Executive establishes an adequate means of detecting misuse of the emblem.*
- ✓ *In the event of armed conflict, make sure that the provisions protecting the emblem are indeed applied and that any misuse of the emblem is effectively punished.*

Measure 4

Taking implementing measures to ensure respect for international humanitarian law

➤ Why?

The treaties of international humanitarian law oblige the States to adopt a number of implementing measures in the broad sense of the term. This reflects the need to translate international humanitarian law into national legislation, procedures, policy and infrastructure.

In order to ensure complete compliance with international humanitarian law, the provisions thereof must be accessible to the people whose duty it is to respect them. To start with, the treaties of international humanitarian law must, if necessary, be translated into the country's language(s). In the field, moreover, soldiers tend to work with military manuals rather than treaties of international humanitarian law. It is therefore important to incorporate international humanitarian law into military doctrine and to make sure that there are no contradictions between what the soldier is ordered to do and international humanitarian law.

International humanitarian law prohibits the use of weapons causing superfluous injury and unnecessary suffering. But how can one guarantee that the armed forces do not use such weapons? If the prohibition is not taken into account when weapons are chosen and conceived, the armed forces may discover too late that the weapons available or used do not meet the criteria of international humanitarian law. Procedures must therefore be put in place that incorporate humanitarian concerns in the decision-making process.

“Strict respect for the rules of IHL would prevent and offset many of the effects of conflicts.”

Inter-Parliamentary Union, 161st session of the Council, September 1997

By the same token, international humanitarian law obliges the parties to a conflict to take measures to designate and identify dangerous sites or protected objects, such as certain cultural objects. These obligations imply that choices and regulatory adjustments must be made in time of peace.

➤ **How?**

International humanitarian law does not contain detailed implementing measures. It does specify some of the types of measures to be taken, but the choice of means is left to the States. It is the responsibility of the Executive and the Administration to take most of the measures, usually by adopting implementing regulations. The list of adaptations required to prepare implementation of international humanitarian law is not infinite. This does not mean, however, that they can be taken at the last minute and in haste. Adaptation of internal regulations must be prepared, preferably in time of peace.

*“The Inter-Parliamentary Conference calls on States...
to take the necessary measures to strengthen respect for
the safety and integrity of humanitarian organisations.”*

Inter-Parliamentary Union, 90th Conference,
September 1993

➤ **What is the role of parliamentarians?**

Although responsibility for adopting appropriate regulations lies with the Executive and the different Ministries concerned, it is up to parliamentarians to make sure that the necessary measures have been taken within a reasonable time and that they are regularly re-examined and, if necessary, updated. ■

What can you do?

- ✓ **Make sure** that all the treaties of international humanitarian law have been translated, if necessary, into your national language(s).

If your State is party to the Geneva Conventions and their Additional Protocols:

- ✓ **Make sure** that military codes and doctrine are in conformity with the obligations of international humanitarian law, and in particular that they provide that:
 - people not or no longer participating in the fighting are treated with humanity and without discrimination,
 - assistance is provided to the wounded, the sick and the shipwrecked without any adverse discrimination,
 - medical activities in armed conflicts are defined and protected,
 - military and/or civilian medical units are entitled to work in situations of conflict and are immune from attack,
 - any attack against medical staff or goods is strictly prohibited,
 - any constraint or abusive treatment of the civilian population is prohibited,
 - in the event of a trial, civilians have the right to certain procedural guarantees and that sentences are handed down on the basis of law,
 - prisoners of war are treated without discrimination and their upkeep guaranteed free of charge,
 - prisoners of war have access to the relevant treaties of international humanitarian law,
 - if tried, prisoners of war have the right to procedural guarantees and that sentences are handed down on the basis of law,
 - the minimum legal age for enrolment in the armed forces is not under 18 years,
 - civilian persons and objects are protected from military operations,
 - the weapons made available to the armed forces are not prohibited by international humanitarian law,
 - the health and physical or mental integrity of internees is not compromised,
 - combatants are obliged to distinguish themselves from the civilian population,
 - the fundamental guarantees are provided for with regard to civilians and soldiers,
 - the hostilities are conducted with a view to protecting the environment,
 - attacks against works and installations containing dangerous forces are prohibited,
 - journalists are protected and bear specific identity cards;
- ✓ **Make sure** that medical personnel are adequately identified, and in particular that they:
 - have arm bands identifying them as medical personnel,
 - have special identity discs bearing the emblem;
- ✓ **Find out** how well national infrastructure has been adapted to respect for international humanitarian law, by making sure in particular that:
 - medical zones and establishments are designated as such and are identified by means of the emblem, that they are located in areas where they do not risk being affected by military operations and that their infrastructure has been prepared,
 - the ships which will function as hospital ships in time of armed conflict have been designated as such,
 - medical aircraft have been identified,

- places of internment have been chosen in keeping with the norms of international humanitarian law,
- the regulations on the organisation and functioning of internment camps are in conformity with the norms of international humanitarian law,
- the internal set-up of the camps is defined in accordance with the norms of international humanitarian law,
- military sites and targets are not located near the civilian population,
- military and security zones have been identified as such,
- ambulances and hospitals have been clearly identified with the red cross or red crescent emblem,
- in the event of conflict, information bureaux on prisoners of war and protected persons are immediately set up,
- a procedure exists for making sure that any new weapon brought into use is in conformity with international humanitarian law,
- works and installations containing dangerous forces are adequately identified and whenever possible not near any military objective,
- the civilian population is moved away from the military objectives,
- in the event of conflict, demilitarised zones are designated in agreement with the adverse party;

✓ *Make sure that qualified staff and armed forces legal advisers are trained in the application of international humanitarian law:*

If your State is party to the 1954 Hague Convention on the protection of cultural property:

✓ *Make sure that military codes and doctrine provide for the protection of cultural property;*

✓ *Make sure that use of the distinctive sign for cultural property is adequately regulated;*

✓ *Find out whether infrastructure has been adequately adapted and make sure that cultural property is appropriately marked.*

If your State is party to the Ottawa treaty on anti-personnel landmines:

✓ *Make sure that your country and other countries have drawn up plans:*

- for the destruction of existing mines,
- for mine clearance,
- for assisting the victims of anti-personnel landmines.

In any event:

✓ *If the efforts of the Executive are not sufficient, do not hesitate to:*

- put questions to the Government,
- make representations to the Executive and relevant Ministries with a view to speeding up the adaptation of infrastructure,
- take any other appropriate measures;

✓ *If necessary, call a vote on a framework law providing guidelines for regulatory action by the Executive;*

✓ *Make sure that adequate budgets are approved for any measures requiring expenditure;*

✓ *In the event of conflict, make sure that the measures for the application of international humanitarian law continue to be scrupulously respected.*

Measure 5

Spreading knowledge of international humanitarian law

► Why?

The treaties of international humanitarian law oblige the States to take measures to spread knowledge thereof. This obligation arises from two concerns.

- **The need to train the armed forces in international humanitarian law**

International humanitarian law governs the conduct of hostilities. If it is to obtain complete compliance, those waging war must be aware of its rules and principles so as to incorporate them into their behaviour. This is why it is vital that every member of the armed forces be trained in international humanitarian law.

- **The importance of heightening public awareness of international humanitarian law**

If the rules of international humanitarian law are to be respected, they must be known not only to those who must apply them most directly, but also to the entire population. Promotion of the rules of international humanitarian law among civil servants and government officials, in academic circles and in primary and secondary schools, in medical circles and among the media, is essential to creating a culture of international humanitarian law and promoting its respect.

Who in the armed forces requires training?

Training of the armed forces in international humanitarian law must be understood in the broad sense as comprising:

- the troops, in time of peace as in time of war,
- professional soldiers and conscripts,
- combat and support units,
- officers and the rank and file,
- troops engaged in peace-keeping missions and those involved in the fighting,
- reserve and active units.

The law of war and the armed forces

The ICRC has put together several training programmes on the law of war to meet the needs of different armed forces levels. It offers a broad range of training possibilities:

- short talks/lectures in military academies,
- three-day workshops for instructors,
- five-day seminars for senior combat officers and legal advisers.

The ICRC also sponsors international-level military courses as such. They attract hundreds of officers from around the world every year.

For further information, contact the ICRC unit in charge of relations with the armed and security forces at: military.gva@icrc.org

► How?

• By training soldiers

Soldiers must receive instruction in international humanitarian law. It is not sufficient for them to sit through the occasional brief course on the law. The principles thereof must be a truly integral part of military training programmes. One of the best ways of instructing troops in international humanitarian law is to incorporate a “humanitarian dimension” into manoeuvres with a view to bringing soldiers face-to-face with situations that they may subsequently have to manage.

International humanitarian law provides that legal advisers shall be trained in time of peace so that they are available in time of conflict to advise military commanders on the application of the rules of international humanitarian law. The presence of such experts is required by the growing complexity of this branch of the law. These experts also have a role to play in dispensing appropriate instruction to the armed forces.

• By heightening public awareness

There are many means of spreading knowledge of humanitarian law among the general public. School textbooks, for example, can contain a presentation of the law. Generally speaking, posters, television spots and cinema ads, lectures and seminars are all effective means of achieving this end.

➤ What is the role of parliamentarians?

Legislation can be adopted laying down general guidelines for efforts to disseminate international humanitarian law; alternatively, specific laws (on defence, on the media) can include provisions on the promotion of international humanitarian law.

Most of the time, however, dissemination is chiefly the responsibility of the Ministries concerned (usually the Defence Ministry) and of the Executive in general. In this case, therefore, the role of parliamentarians is to monitor dissemination. They should make sure that the Executive has done everything possible to train soldiers and heighten the awareness of the general public.

When is the right time to promote the rules of international humanitarian law?

It takes time to spread knowledge of international humanitarian law. It does not suffice to provide rote training in theoretical principles. On the contrary, the armed forces and the general public must be made aware of the need for and implications of the rules of international humanitarian law.

If those rules are promoted only once a conflict has broken out, it may be too late.

This is why **dissemination must start in time of peace**, in order to inculcate a true humanitarian reflex.

Parliamentarians should also make sure that the relevant budgets include funds specifically set aside for the training of soldiers and the instruction of the entire population in international humanitarian law.

Because of their public positions, parliamentarians often have the authority and the means personally to promote international humanitarian law. ■

What can you do?

- ✓ *Make sure that the Executive has done what is required for soldiers to be familiar with international humanitarian law.*
- ✓ *Make sure in particular that:*
 - all soldiers receive training in international humanitarian law that is adapted to their rank;
 - all soldiers have access to information summarising the basic principles of international humanitarian law;
 - soldiers regularly participate in manoeuvres in which the humanitarian dimension has been explicitly taken into account;
 - all soldiers engaged in a conflict or sent abroad, including for peace-keeping operations, receive training in international humanitarian law specifically adapted to the requirements of their mission;
 - programmes of military instruction reflect the principles of international humanitarian law;
 - legal advisers duly trained in the application of international humanitarian law are made available to the armed forces.
- ✓ *Make sure that the general public is aware of international humanitarian law.*
- ✓ *Make sure in particular that, whenever possible, the following sectors of the population have received information on international humanitarian law:*
 - civil servants and government officials,
 - academic circles,
 - children and young people, in particular in scholastic and university programmes,
 - medical circles,
 - the media.
- ✓ *If the Executive's efforts are not adequate, do not hesitate to:*
 - put questions to the Government on the matter,
 - make representations to government members encouraging them to expand dissemination activities,
 - call a vote on a framework law providing guidelines on dissemination.
- ✓ *In the event of armed conflict, make sure that efforts to promote knowledge of international humanitarian law are maintained and strengthened.*

Measure 6

Establishing a national implementation commission

➤ **Why?**

The implementation of international humanitarian law is an important task requiring long-term effort. Some authority has to be in charge. For this reason, many States have successfully created national implementation commissions.

Commissions of this type are to be found in many countries. Most of them consist of an interministerial working group whose aim is to advise and assist the government in the implementation, dissemination and effective application of international humanitarian law.

National implementation commissions meet several needs.

- **They guarantee interministerial co-ordination**

The implementation of international humanitarian law often implies co-operation among different Ministries, for example those of Defence, Health and Justice. If those Ministries do not co-ordinate their efforts, implementation may be disorderly and delayed. By creating a national commission, however, a government can draw up an agenda and set priorities.

- **They guarantee long-term action**

The creation of a national implementation commission with an institutional memory is the best means of ensuring that efforts to bring national legislation in line with humanitarian law are sustained and coherent.

An example of a national commission for the implementation of international humanitarian law El Salvador

The Commission's tasks:

- to recommend to the government that it ratify or accede to international humanitarian law instruments;
- to safeguard humanitarian law norms in different sectors of society;
- to propose amendments to existing domestic legislation with a view to meeting the international obligations arising from humanitarian law treaties;
- to draw up a yearly plan and establish working methods;
- to draw up an annual report on activities and submit it to the President of the Republic;
- to draw up another report on the progress made in terms of the adoption, application and effective dissemination of the norms of international humanitarian law;
- to set up working groups within the Commission to analyse issues pertaining to international humanitarian law.

Budget:

In order to meet its objectives, the Commission can use funds from public or private institutions.

Members:

- the Ministries of Foreign Affairs, the Interior, Justice and Public Security, Education, National Defence and Public Health and Social Welfare;
- the Attorney-General of the Republic;
- The Ombudsman for the defence of human rights;
- The National Red Cross Society.

► How?

There are no specific rules on how to set up a national implementation commission, and existing commissions go by different names, such as national interministerial commission for the implementation of international humanitarian law, national commission on humanitarian law.

The main thing is that the commission be able to provide advice and effective assistance to the government in terms of implementation, in particular by being in a position to assess needs and submit recommendations. The commission can also play a major role in promoting international humanitarian law.

One of the best means of making sure that the national implementation commission runs smoothly is to ensure that it is made up of competent people (representatives from the Ministries concerned, soldiers, specialists in international humanitarian law, members of the National Red Cross or Red Crescent Society).

It is also important for the national commission to have permanent status so that it can carry out its activities in the long term.

Contacting other national implementation commissions

It can be particularly fruitful to contact other commissions, especially those in the same geographical region or in States with similar legal and political systems.

The ICRC maintains an up-to-date list of all existing national commissions. As of August 1999, such commissions existed in the following 48 countries: Albania, Argentina, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Bulgaria, Cambodia, Canada, Chile, Colombia, Côte d'Ivoire, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Indonesia, Israel, Italy, Jamaica, Japan, Kyrgyzstan, Latvia, Lithuania, Mali, Namibia, New Zealand, Nicaragua, Norway, Panama, Paraguay, Portugal, Republic of Korea, Republic of Moldova, Senegal, South Africa, Sweden, Thailand, Togo, United Kingdom, Uruguay, Yugoslavia and Zimbabwe.

For further information, please consult the ICRC's web site (<http://www.icrc.org>), under Advisory Service, National Commission.

Three complementary types of action

❑ National commissions

Like El Salvador (see page 63), Benin established a National Commission for the implementation of international humanitarian law, on 22 April 1998. The Commission is made up *inter alia* of representatives from the Ministries of Justice, Legislation and Human Rights and of Foreign Affairs and Co-operation, the Bar Association and the National Red Cross Society. Its mandate comprises ensuring the effective implementation of and respect for international humanitarian law, encouraging the promotion and defence of the law, and disseminating, teaching and spreading public knowledge of it.

Such commissions exist in Africa (for example, in Benin, Togo and Zimbabwe), in the Americas (for instance, in Panama and El Salvador), in Asia (for example, in Indonesia and Thailand), and in Europe (for example, in Belgium, Belarus and Georgia).

❑ Meetings between national commissions

A first meeting between the Argentine and Chilean national commissions for the implementation of international humanitarian law took place in April 1997 in Buenos Aires (Argentina).

At the meeting, the two commissions exchanged experiences and points of view on their activities and operational methods and set up procedures for the regular exchange of information.

❑ Regional meetings

The first regional meeting of national commissions from African countries was held in Abidjan (Côte d'Ivoire) in August 1997. It was organised in close co-operation with the Ivoirian government authorities, and enabled government experts and National Society representatives from countries that had embarked on the process of establishing a national humanitarian law body to exchange information and experiences on national implementing mechanisms in Africa and on their roles.

➤ What is the role of parliamentarians?

The initiative to create a national commission for the implementation of international humanitarian law can come from the Executive itself. In that case, parliamentarians simply have to ensure that the commission works well and that it has sufficient means.

If there is any delay in the creation of a commission, parliamentarians can take action either by creating one by legislative means, or by exerting pressure on the Executive to set one up. ■

What can you do?

- ✓ *Make sure that your country has a national commission for the implementation of international humanitarian law.*
- ✓ *If it does not, do not hesitate to:*
 - make inquiries of the relevant government services,
 - put questions to the Government on the matter,
 - make representations to government members encouraging them to set up a commission.
- ✓ *If your efforts are fruitless, work towards establishing a commission by legislative means.*
- ✓ *No matter what the situation, do not hesitate to get in touch with:*
 - the ICRC, which has an up-to-date list of all national implementation commissions,
 - other parliaments, which can tell you about their experience.

Taking action to obtain universal respect for international humanitarian law

➤ Why?

When they become party to the Geneva Conventions, the States undertake to “*respect and ensure respect for*” international humanitarian law, i.e. to ensure that it is respected by all States.

This means that when the rules of international humanitarian law are violated, the States have not only the right but also the duty to take action to bring a halt to those violations by reminding the State at fault of its obligations and by showing it that the violations it is responsible for are not to be tolerated.

➤ How?

A whole series of measures of varying importance can be taken to ensure respect for international humanitarian law.

● Fact-finding

When entire regions become inaccessible, a conflict can turn a country into a blank on the map. Very little information can be had about these regions. This is when the risk of impunity and violations of international humanitarian law is the highest. To respect and ensure respect for international humanitarian law, it is therefore vitally important to make sure that the law is applied.

Efforts must be made to find out, in precise and objective terms, if humanitarian rules are being respected or if, on the contrary, they are being violated. In the latter case, it must be ascertained when, in what circumstances and where. Expressing concern about violations of international humanitarian law and showing the parties to conflicts that their behaviour is being observed and judged in terms of international law is one way of reminding them of their obligations.

In such a context, political credibility depends on trustworthy information. There must be not the slightest hint of partiality. This implies listening to all the parties to

a conflict, an approach that will make it possible to identify the true perpetrators of violations and the extent of those violations.

- **Carrying out an inquiry**

In addition to traditional sources of information (eyewitness accounts, the press), the most trustworthy means of verifying allegations of violations of international humanitarian law is to set up an inquiry.

“The Conference invites all States engaged in armed conflicts to use the services of the International Fact-Finding Commission to investigate any violation of international humanitarian law, including in internal armed conflicts.”

Inter-Parliamentary Union, 90th Conference,
September 1993

The inquiry can take several forms. It may involve a simple administrative inquiry or the creation of a parliamentary commission of inquiry. If it receives the authorisation of the State or the States concerned, a parliamentary commission of inquiry, especially one that is multi-national or has been set up by a regional or universal inter-parliamentary organisation such as the Inter-Parliamentary Union, can travel to places where violations of international humanitarian law have been reported.

No matter what the circumstances, the mission of inquiry should be able to meet with people who have been victim or witnesses of alleged violations of international humanitarian law. The mission should take place in conditions allowing it to carry out its work in reasonable circumstances.

- **Acting on reliable information to remedy the situation**

Once trustworthy information has been collected, it can be used. To start with, a diplomatic dialogue can be engaged with the parties concerned on the basis of the information. A State may have failed to meet its obligations under international humanitarian law because it does not know about them or for lack of means. Making it aware of the facts can be a first step in bringing about a change in behaviour.

If dialogue does not suffice to remedy the situation, the observations and the conclusions reached must be rendered public. Silence can lead those who have

The International Fact-Finding Commission established in Protocol I of 1977 (Article 90)



The States can call on the services of the International Fact-Finding Commission.

The Commission is competent in particular to:

- inquire into any facts alleged to be a grave breach as defined in the Conventions and the Protocol or other serious violation of the Conventions or the Protocol;
- facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol.

The Commission can act if the States taking part in the proceedings have accepted its competence by depositing the appropriate declaration. In other situations, the Commission may institute an inquiry at the request of a State party to the conflict, but only with the consent of the other State or States concerned. The reports it submits to the States are confidential.

The Commission has never yet been asked to institute an inquiry, even though the following 55 States, from all parts of the world, have recognised its competence: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Croatia, the Czech Republic, Denmark, the FYR of Macedonia, Finland, Germany, Greece, Guinea, Hungary, Ireland, Iceland, Italy, Laos, Liechtenstein, Luxembourg, Madagascar, Malta, Mongolia, Namibia, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Qatar, Romania, Russian Federation, Rwanda, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Togo, Ukraine, the United Arab Emirates, the United Kingdom and Uruguay.

The Commission has fifteen members elected in their personal capacity by the States recognising its competence. At 17 February 1999, the Commission was composed as follows:

<i>President:</i>	Prof. Frits Kalshoven (Netherlands)
<i>First Vice-President:</i>	Prof. Ghalib Djilali (Algeria)
<i>Second Vice-President:</i>	Sir Kenneth Keith, QC (New Zealand)
<i>Third Vice-President:</i>	Prof. Paulo Sergio Pinheiro (Brazil)
<i>Members:</i>	Dr Awatif Ali Abuhailiga (United Arab Emirates), Prof. Luigi Condorelli (Italy), Dr Marcel Dubouloz (Switzerland), Prof. Roman Jasica (Poland), Dr Valeri Knjasev (Russian Federation), Amb. Erich Kussbach (Austria), Dr Pavel Liska (Czech Republic), Mr Mihnea Motoc (Romania), Dr Árpád Prandler (Hungary), Mr Hernán Salinas Burgos (Chile) and Dr Santiago Torres Bernardez (Spain)

violated international humanitarian law to believe that violations have no political cost. By making the alleged violations public, the political authorities can be made more aware of them and can be prompted to act more responsibly.

There is no lack of means for starting a public debate on violations of international humanitarian law. The mission reports or summaries can, for example, be published. The information they contain can then be picked up by the press and other media.

Generally speaking, political debate on the need to bring a halt to violations of international humanitarian law and on the means of achieving that aim should be encouraged.

Public opinion in particular must be made aware of the existence of violations of international humanitarian law so that it can be mobilised to bring a halt to those violations.

- **Exhorting the political authorities to bring a halt to the violations**

Public debate and denunciation are not always sufficient. Sometimes more coercive measures are necessary. It is at this point that third party States must assume their responsibilities and use their influence to ensure respect for international humanitarian law.

The first step a State can take to bring a halt to violations of international humanitarian law is, for example, to exert diplomatic pressure in the form of protests. More coercive measures can and perhaps should be taken later.

“The Conference calls on Parliaments and Governments (...) to adopt measures at the national level to implement the rules of international humanitarian law, especially by including in their national legislation dissuasive sanctions to ensure that these rules are not violated and by examining the possibility of creating or reactivating interministerial committees or appointing an office or delegate responsible for following and co-ordinating measures to be taken at the national level.”

Inter-Parliamentary Union, 90th Conference,
September 1993

➤ **What is the role of parliamentarians?**

The role played by parliamentarians varies according to the type of measure taken, but parliamentarians can be involved in any of the above-mentioned steps.

It is up to Parliament to set up a parliamentary commission of inquiry. It is up to the Executive, however, to set up an administrative inquiry or to call on the services of the International Fact-Finding Commission. The role of Parliament in that case is to exert pressure on the Executive to do so.

Whether or not information is made public depends on to what extent parliamentarians were involved in obtaining information on violations. If they set up a parliamentary commission of inquiry, they may, as required and if the commission's mandate so permits, make their conclusions public. Parliamentarians can in any case use any available information to start a parliamentary debate on violations of international humanitarian law.

The debate can result in resolutions or declarations expressing Parliament's concern. This is particularly effective when the debate and resulting decisions are broadcast on television and picked up by the media. Debate can have an even greater impact if it is conducted within the framework of regional or universal inter-parliamentary organisations, such as the Inter-Parliamentary Union.

Most of the means of pressure that can be exerted to bring about a cessation in violations of international humanitarian law must be taken by the Executive. Parliamentarians must therefore encourage the Executive to adopt such measures. ■

What can you do?

- ✓ *Check that your State has deposited a declaration recognising the competence of the International Fact-Finding Commission (see model declaration in the third part of the Handbook).*
- ✓ *Pay close attention to respect for international humanitarian law in any conflict, whether or not your State is involved.*
- ✓ *For this, do not hesitate to set up a “parliamentary watchdog committee”, a body (commission, sub-commission) or group of members of parliament whose task it is specifically to ensure that:*
 - the orders given and political declarations made contain nothing that could be interpreted as encouraging anyone to violate international humanitarian law;
 - any violations are punished with due respect for procedural guarantees.
- ✓ *If there is a possibility or even the slightest hint that international humanitarian law has been violated by one or several States in a conflict, consider the possibility of:*
 - asking your Government to demand an explanation from the State alleged to have committed the violations;
 - suggesting that a neutral or international parliamentary commission be set up, perhaps via the Inter-Parliamentary Union or a regional inter-parliamentary organisation;
 - if your State and the State alleged to have committed violations of international humanitarian law have filed a declaration accepting the competence of the International Fact-Finding Commission, asking your Government to call on the Commission to carry out an inquiry;
 - inciting the Executive to engage in diplomatic dialogue with the State in question on the basis of the information collected.
- ✓ *If you have reliable information on violations of international humanitarian law, do not hesitate to:*
 - engage in dialogue with the authorities at fault on the basis of the information obtained;
 - engage in political debate on the best means of bringing a halt to the violations;
 - launch a parliamentary debate, including within the Inter-Parliamentary Union or a regional inter-parliamentary organisation, with a view to obtaining their positions on violations of international humanitarian law.
- ✓ *If all else fails, do not hesitate to prompt the Executive to make representations to the State at fault with a view to obtaining compliance with the rules of international humanitarian law.*
- ✓ *If those representations do not work, do not hesitate to ask the Executive to adopt more coercive measures, such as:*
 - different forms of diplomatic pressure,
 - non-renewal of trade privileges or agreements,
 - reducing or suspending public aid to the State in question,
 - participating in any other measure taken by the relevant multilateral regional or universal organisations.

*Model instruments
and reference material*

Model notification of an instrument of ratification

States signatory:
model instrument of ratification
<acceptance or approval>

WHEREAS the Convention was adopted at
on and opened for signature at
on, WHEREAS the said Convention has been signed on
behalf of the Government of
.....
on,

NOW THEREFORE I, [name and title of the head of State, head of
Government or Minister of Foreign Affairs], declare that the Government of
.....,
having considered the above-mentioned Convention, ratifies [accepts,
approves] the same Convention and undertakes faithfully to perform and
carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of [ratification,
acceptance, approval] at on

[signature] + [seal]

Non-signatory States:
model instrument of accession

WHEREAS the Convention was adopted
at on

NOW THEREFORE I, [name and title of the head of State, head of
Government or Minister of Foreign Affairs], declare that the Government of
.....
.....,

having considered the above-mentioned Convention, accedes to the same
Convention and undertakes faithfully to perform and carry out the
stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession
at on

[signature] + [seal]

Model instruments of ratification, acceptance, approval or accession to the 1980 Conventional Weapons Convention

States party to the 1980 Convention and wishing
to accede to amended Protocol II and Protocol IV

Model declaration of consent to be bound by Protocol II as amended on 3 May 1996 and by Protocol IV

WHEREAS the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects was opened for signature at New York on 10 April 1981,

WHEREAS the State of
.....
deposited its instrument of [ratification of, acceptance of, approval of, or accession to] the same Convention and expressed its consent to be bound by Protocols [I], [II] and [III] annexed thereto on

WHEREAS a Review Conference of States party to the same Convention duly adopted, on 13 October 1995, an additional Protocol IV and, on 3 May 1996, certain amendments to Protocol II,

NOW THEREFORE I, [name and title of the head of State, head of Government or Minister of Foreign Affairs], declare that the Government of ,
.....

having considered the above-mentioned Protocol IV and the above-mentioned amended Protocol II, consents to be bound by the provisions of Protocol IV and by Protocol II as amended on 3 May 1996 and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of acceptance
at on

[signature] + [seal]

**States not party to the 1980 Convention
and wishing to become party to the four Protocols
and to amended Protocol II**

Model instrument of accession

WHEREAS the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects was opened for signature at New York on 10 April 1981,

WHEREAS a Review Conference of States party to the same Convention duly adopted, on 13 October 1995, an additional Protocol IV and, on 3 May 1996, certain amendments to Protocol II,

NOW THEREFORE I, [name and title of the head of State, head of Government or Minister of Foreign Affairs] , declare that the Government of

having considered the above-mentioned Convention, accedes to the same Convention and its Protocols I, II III and IV and undertakes faithfully to perform and carry out the stipulations therein contained.

I FURTHER DECLARE that the Government of

consents to be bound by Protocol II as amended on 3 May 1996, of the same Convention, and undertakes faithfully to perform and carry out the stipulations contained therein from its entry into force.

IN WITNESS WHEREOF I have signed this instrument of accession at on

[signature] + [seal]

**Signatory States that have not yet deposited
their instrument of ratification, acceptance or approval**

**Model instrument of ratification
<acceptance or approval>**

WHEREAS the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects was opened for signature at New York on 10 April 1981,

WHEREAS the Convention was signed on behalf of the State of
.....
on

WHEREAS a Review Conference of States party to the same Convention duly adopted, on 13 October 1995, an additional Protocol IV and, on 3 May 1996, certain amendments to Protocol II,

NOW THEREFORE I, [name and title of the head of State, head of Government or Minister of Foreign Affairs] , declare that the Government of
.....
.....,
having considered the above-mentioned Convention, ratifies [accepts, approves] the same Convention and its Protocols I, II III and IV and undertakes faithfully to perform and carry out the stipulations therein contained.

I FURTHER DECLARE that the Government of
.....
consents to be bound by Protocol II as amended on 3 May 1996, of the same Convention, and undertakes faithfully to perform and carry out the stipulations contained therein from its entry into force.

IN WITNESS WHEREOF I have signed this instrument of [ratification, acceptance, approval] at on

[signature] + [seal]

Declaration concerning Protocol IV: Because of its four Protocols, the 1980 Conventional Weapons Convention presents certain characteristics requiring specific instruments of ratification or accession. The ICRC's Legal Division is available for any further explanation or information required.

Suggested declarations

**Model
declaration of recognition
of the competence
of the International Fact-Finding Commission**

By virtue of Article 90, paragraph 2 (b), of Protocol I, the declarations are to be deposited with Switzerland, which will transmit copies thereof to the High Contracting Parties.

“The Government of
.
declares that it recognises *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorised by Article 90 of Protocol I additional to the 1949 Geneva Conventions.”

Model
declaration for States declaring
their consent to be bound by Protocol IV
of the 1980 Conventional Weapons Convention

Option No. 1 (recommended) Model declaration of understanding

"It is the understanding of the Government of
.
that the provisions of Protocol IV shall apply in all circumstances."

Option No. 2 Model declaration

"The Government of
.
will apply the provisions of Protocol IV in all circumstances."

Option No. 3 Model declaration

"The Government of
.
will apply the provisions of Protocol IV to both international armed conflicts
and non-international armed conflicts as defined in Article 3 common to the
Geneva Conventions of 1949."

Model law concerning the use and protection of the Red Cross and Red Crescent emblems

► General rules

Article 1 — Scope of protection

Having regard to — the Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977^[1], including Annex I to Additional Protocol I as regards the rules on identification of medical units and transports;^[2] — the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross and Red Crescent, and subsequent amendments;^[3] — the law (decree, or other instrument) of... (date) recognising the Red Cross (Red Crescent) of ...^[4] the following are protected by the present law: — the emblem of the red cross or red crescent on a white ground;^[5] — the designation “Red Cross” or “Red Crescent”;^[6] — the distinctive signals for identifying medical units and transports.

Article 2 — Protective use and indicative use

In time of armed conflict, the emblem used as a protective device is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports. The dimensions of the emblem shall therefore be as large as possible. The emblem used as an indicative device shows that a person or an object is linked to a Red Cross or Red Crescent institution. The emblem shall be of a small size.

► Rules on the use of the emblem

A. Protective use of the emblem^[7]

Article 3 — Use by the Medical Service of the armed forces

Under the control of the Ministry of Defence, the Medical Service of the armed forces of... (name of the State) shall, both in peacetime and in time of armed conflict, use the emblem of the red cross (red crescent)^[8] to mark its medical personnel, medical units and transports on the ground, at sea and in the air.

Medical personnel shall wear armbands and carry identity cards displaying the emblem. These armbands and identity cards shall be issued by... (Ministry of

Defence).^[9] *Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall be identified in the same way.*

Article 4 — Use by hospitals and other civilian medical units

With the express authorisation of the Ministry of Health^[10] and under its control, civilian medical personnel, hospitals and other civilian medical units, as well as civilian medical transports, assigned in particular to the transport and treatment of the wounded, sick and shipwrecked, shall be marked by the emblem, used as a protective device, in time of armed conflict.^[11]

Civilian medical personnel shall wear armbands and carry identity cards displaying the emblem. These armbands and identity cards shall be issued by ... (Ministry of Health).^[12] *Civilian religious personnel attached to hospitals and other medical units shall be identified in the same way.*

Article 5 — Use by the Red Cross (Red Crescent) of...^[13]

The Red Cross (Red Crescent) of... is authorised to place medical personnel and medical units and transports at the disposal of the Medical Service of the armed forces. Such personnel, units and transports shall be subject to military laws and regulations and may be authorised by the Ministry of Defence to display the emblem of the red cross (red crescent)^[14] as a protective device. Such personnel shall wear armbands and carry identity cards, in accordance with Article 3, para. 2, of the present law. The National Society may be authorised to use the emblem as a protective device for its medical personnel and medical units in accordance with Article 4 of the present law.

B. Indicative use of the emblem^[15]

Article 6 — Use by the Red Cross (Red Crescent) of...

The Red Cross (Red Crescent) of... is authorised to use the emblem as an indicative device in order to show that a person or an object is linked to the National Society. The dimensions of the emblem shall be small, so as to avoid any confusion with the emblem employed as a protective device.^[16]

The Red Cross (Red Crescent) of... shall apply the "Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies".^[17]

National Red Cross or Red Crescent Societies of other countries, present on the territory of... (name of the State) with the consent of the Red Cross (Red Crescent) of..., shall use the emblem under the same conditions.

C. International Red Cross and Red Crescent organisations

Article 7 — Use by the international organisations of the International Red Cross and Red Crescent Movement

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the emblem at any time and for all their activities.^[18]

➤ Control and penalties

Article 8 — Control measures

The authorities of... (name of the State) shall at all times ensure strict compliance with the rules governing the use of the emblem of the red cross or red crescent, the name "Red Cross" or "Red Crescent" and the distinctive signals. They shall exercise strict control over the persons authorised to use the said emblem, name and signals.^[19] *They shall take every appropriate step to prevent misuse, in particular by disseminating the rules in question as widely as possible among the armed forces^[20], the police forces, the authorities and the civilian population.*^[21]

Article 9 — Role of the Red Cross (Red Crescent) of...

The Red Cross (Red Crescent) of... shall co-operate with the authorities in their efforts to prevent and repress any misuse^[22]. It shall be entitled to inform... (competent authority) of such misuse and to participate in the relevant criminal, civil or administrative proceedings.

Article 10 — Misuse of the emblem^[23]

Anyone who, wilfully and without entitlement, has made use of the emblem of the red cross or red crescent, the words "Red Cross" or "Red Crescent", a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or which might lead to confusion, irrespective of the aim of such use; anyone who, in particular, has displayed the said emblem or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked; shall be punished by imprisonment for a period of... (days or months) and/or by payment of a fine of... (amount in local currency).^[24] If the offence is committed in the management of a corporate body (commercial firm, association, etc.), the punishment shall apply to the persons who committed the offence or ordered the offence to be committed.

Article 11 — Misuse of the emblem used as protective device in wartime^[25]

Anyone who has wilfully committed, or has given the order to commit, acts resulting in the death of, or causing serious injury to the body or health of an adversary by making perfidious use of the red cross or red crescent emblem or a distinctive signal, has committed a war crime and shall be punished by imprisonment for a period of... years.^[26] Perfidious use means appealing to the good faith of the adversary, with the intention to deceive him and make him believe that he was entitled to receive or was obliged to confer the protection provided for by the rules of international humanitarian law. Anyone who, wilfully and without entitlement, has used the red cross or red crescent emblem or a distinctive signal, or any other sign or signal which constitutes an imitation thereof or which might lead to confusion, shall be punished by imprisonment for a period of... (months or years).

Article 12 — Misuse of the white cross on a red ground

Owing to the confusion which may arise between the arms of Switzerland and the emblem of the red cross, the use of the white cross on a red ground or of any other sign constituting an imitation thereof, whether as a trademark or commercial mark or as a component of such marks, or for a purpose contrary to fair trade, or in circumstances likely to wound Swiss national sentiment, is likewise prohibited at all times; offenders shall be punished by payment of a fine of... (amount in local currency).

Article 13 — Interim measures

The authorities of... (name of the State)^[27] shall take the necessary interim measures. They may in particular order the seizure of objects and material marked in violation of the present law, demand the removal of the emblem of the red cross or red crescent and of the words "Red Cross" or "Red Crescent" at the cost of the instigator of the offence, and order the destruction of the instruments used for their reproduction.

Article 14 — Registration of associations, trade names and trademarks

The registration of associations and trade names, and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the red cross or red crescent or the designation "Red Cross" or "Red Crescent" in violation of the present law shall be refused.

➤ Application and entry into force

Article 15 — Application of the present law

The... (Ministry of Defence, Ministry of Health) is responsible for the application of the present law.^[28]

Article 16 — Entry into force

The present law shall enter into force on... (date of promulgation, etc.).

Notes:

1. To make it easier to find these treaties, it is advisable to indicate their precise location in the official compendium of laws and treaties. Their text is also reproduced in the Treaty Series of the United Nations: Vol. 75 (1950), pp. 31-417, and Vol. 1125 (1979), pp. 3-699.
2. This Annex was revised on 30 November 1993 and its amended version came into force on 1 March 1994. It was reproduced in the IRRC, No. 298, January-February 1994, pp. 29-41.
3. The current Regulations were adopted by the 20th International Conference of the Red Cross in 1965 and revised by the Council of Delegates in 1991, then submitted to the States party to the Geneva Conventions before coming into force on 31 July 1992. The Regulations are reproduced in the IRRC, No. 289, July-August 1992, pp. 339-362.
4. As a voluntary relief society, auxiliary to the public authorities in the humanitarian sphere. Wherever the present law refers to the "Red Cross (Red Crescent) of...", "Red Cross of..." or "Red Crescent of..." should be specified. The official name as it appears in the law or instrument of recognition should be used.
5. It is important that national legislation in all cases protect both the emblem of the red cross and that of the red crescent, as well as the names "Red Cross" and "Red Crescent".
6. When reference is made to the emblem, the term "red cross" or "red crescent" is generally in lower case while the designation "Red Cross" or "Red Crescent" with initial capitals is reserved for Red Cross or Red Crescent institutions. This rule helps to avoid confusion.
7. In order to confer optimum protection, the dimensions of the emblem used to mark medical units and transports shall be as large as possible. The distinctive signals provided for in Annex I to Protocol I shall also be used.
8. The emblem to be used should be indicated here.
9. Pursuant to Article 40 of the First Geneva Convention, armbands are to be worn on the left arm and shall be water-resistant the identity card shall bear the holder's photograph. States can model the identity card on the example attached to this Convention. The authority within the Ministry of Defence which is to issue armbands and identity cards must be clearly specified.
10. It is very important to indicate clearly the authority which is competent to grant such authorisation and monitor the use of the emblem. This authority shall work together with the Ministry of Defence, which may, if necessary, give advice and assistance.

11. See Articles 18 to 22 of the Fourth Geneva Convention, and Articles 8 and 18 of Protocol I. Article 8 in particular defines the expressions "*medical personnel*", "*medical units*" and "*medical transports*". Hospitals and other civilian medical units should be marked by the emblem only during times of armed conflict. Marking them in peacetime risks causing confusion with property belonging to the National Society.
12. As regards armlets and identity cards for *civilian* medical personnel, Article 20 of the Fourth Geneva Convention and Article 18, para. 3, of Protocol I provide for their use in occupied territory and in areas where fighting is taking place or is likely to take place. It is, however, recommended that armlets and identity cards be widely distributed during times of armed conflict. A model of an identity card for civilian medical and religious personnel is given in Annex I to Protocol I. The authority which is to issue the armlets and identity cards should be specified (for example a Department of the Ministry of Health).
13. Pursuant to Article 27 of the First Geneva Convention, a National Society of a neutral country may also place its medical personnel and medical units and transports at the disposal of the Medical Service of the armed forces of a State which is party to an armed conflict. Articles 26 and 27 of the First Geneva Convention also provide for the possibility that other *voluntary aid societies* recognised by the authorities may be permitted, in time of war, to place medical personnel and medical units and transports at the disposal of the Medical Service of the armed forces of their country or of a State which is party to an armed conflict. Like the personnel of National Societies, such personnel shall then be *subject to military laws and regulations and shall be assigned exclusively to medical tasks*. These aid societies may be authorised to display the emblem. Such cases are rare, however. If such an authorisation has been granted, or is to be granted, it might be useful to mention this in the present law. Furthermore, Article 9, para. 2, subpara. c), of Protocol I provides for the possibility of an *impartial international humanitarian organisation* placing medical personnel and medical units and transports at the disposal of a State which is party to an international armed conflict. Such personnel shall then be placed under the control of this Party to the conflict and subject to the same conditions as National Societies and other voluntary aid societies. They shall in particular be subject to military laws and regulations.
14. I.e. always the same emblem as that used by the Medical Service of the armed forces (see Article 26 of the First Geneva Convention). With the consent of the competent authority, the National Society may, in time of peace, use the emblem to mark units and transports whose assignment to medical purposes in the event of armed conflict has already been decided (Article 13 of the Regulations on the Use of the Emblem).
15. Pursuant to Article 44, para. 4, of the First Geneva Convention, the emblem may be used, *as an exceptional measure* and in peacetime only, as an indicative device for marking vehicles, used as ambulances by third parties (not forming part of the International Red Cross and Red Crescent Movement), and aid stations exclusively assigned to the purpose of giving treatment free of charge to the wounded or sick. Express consent for displaying the emblem must, however, be given by the National Society, which shall control the use thereof. Such use is not recommended, however, because it increases the risk of confusion and might lead to misuse. The term "aid station" by analogy also covers boxes and kits containing first-aid supplies and used, for example, in shops or factories. The *United Nations Convention of 8 November 1968 on road signs and signals* provides for road signs displaying the emblem to mark hospitals and first-aid stations. As these signs are not in conformity with the rules on the use of the emblem, it is advised to employ alternative signs, for example the letter "H" on a blue ground to indicate hospitals.

16. The emblem may not, for example, be placed on an armlet or the roof of a building. In peacetime, and as an exceptional measure, the emblem may be of large dimensions, in particular during events where it is important for the National Society's first-aid workers to be identified quickly.
17. These Regulations enable the National Society to give consent, in a highly restrictive manner, for third parties to use the name of the Red Cross or the Red Crescent and the emblem within the context of its fund-raising activities (Article 23, "sponsorship").
18. Article 44, para. 3, of the First Geneva Convention.
19. It is recommended that responsibilities be clearly set down, either in the present law or in an implementing regulation or decree.
20. Within the context of the dissemination of international humanitarian law.
21. In particular among members of the medical and paramedical professions, and among non-governmental organisations, which must be encouraged to use other distinctive signs.
22. The National Societies have a very important role to play in this regard. The Statutes of the International Red Cross and Red Crescent Movement stipulate expressly that the National Societies shall "*also co-operate with their government to ensure respect for international humanitarian law and to protect the red cross and red crescent emblems*" (Article 3, para. 2).
23. This type of misuse should be repressed both in peacetime and in time of armed conflict. Even though violations of the emblem used as an indicative device are less serious than those described in Article 11 below, they must be taken seriously and rigorously repressed. Indeed, the emblem will be better respected during an armed conflict if it has been protected effectively in peacetime. Such effectiveness derives in particular from the severity of any penalties imposed. Consequently, it is recommended that the punishment imposed should be imprisonment and/or a heavy fine, likely to serve as a deterrent.
24. In order to maintain the deterrent effect of the fine, it is essential to review the amounts periodically so as to take account of the depreciation of the local currency. This remark also applies to Articles 11 and 12. It could therefore be considered whether it might not be appropriate to set the amounts of the fines by means other than the present law, for example in an implementing regulation. A National Committee for the implementation of international humanitarian law could then review the amounts as required.
25. This is the most serious type of misuse, for in this case the emblem is of large dimensions and is employed for its primary purpose, which is to protect persons and objects in time of war. This Article should be brought into line with penal legislation (for example the Military Penal Code), which generally provides for the prosecution of violations of international humanitarian law, and in particular the Geneva Conventions and their Additional Protocols.
26. By virtue of Article 85, para. 3, subparagraph f), of Protocol I, perfidious use of the emblem is a grave breach of this Protocol and is regarded as a *war crime* (Article 85, para. 5). Such misuse is therefore particularly serious and must be subject to very severe penalties.
27. Indicate the competent authority (courts, administrative authorities, etc.).
28. It is particularly important to specify precisely which authority has ultimate responsibility for applying this law. Close co-operation between the Ministries directly concerned, generally the Ministries of Defence and Health, would be advisable. A National Committee for the implementation of international humanitarian law could play a useful role in this respect.

Brief overview of the protection afforded to certain specific groups under international humanitarian law

➤ The wounded, sick and shipwrecked

The fate of wounded soldiers left to die on the battlefield was the source of all international humanitarian law and of the 1864 Convention *“for the amelioration of the condition of the wounded in armies in the field”*, which for the first time in the history of mankind stipulated that wounded and sick soldiers in the field had to be cared for no matter what their nationality. This protection was later extended to wounded, sick and shipwrecked soldiers in connection with naval battles and was updated in the First and Second 1949 Conventions. Finally, the adoption of the 1977 Additional Protocols extended the State’s obligations towards the sick, wounded and shipwrecked to civilians in similar conditions or situations.

International humanitarian law stipulates that the wounded, sick and shipwrecked:

- must be **treated humanely**; it is therefore strictly prohibited to finish them off, to exterminate them or to subject them to any other inhuman treatment such as torture or medical experiments;
- must be **protected from danger and threats**, in particular from measures of reprisal, looting, pillage or ill-treatment;
- must be **searched for and collected** without delay so as to be protected from the possible effects of the hostilities;
- must **receive the medical care** required by their condition with the least possible delay and without adverse distinction. There shall be no distinction among them founded on any grounds other than medical, and no one shall be discriminated against because he or she belongs to an enemy army or because of his or her nationality, sex, race or religious convictions.

In addition to being obliged to dispense medical care to the wounded, sick and shipwrecked, the **States party to the Geneva Conventions must**:

- enable civilian and military medical units to work in conflict situations;
- declare those services immune from attack so that they can operate in conflict zones; medical staff must be considered neutral and any attack against it strictly prohibited;
- take similar steps with regard to ambulances, hospitals and medical services, which must be clearly identified with the red cross or red crescent emblem;

- create and delimit hospital zones and localities for the treatment of the wounded and sick in a safe place; these provisions must be taken in time of peace and must be the subject of the necessary agreements;
- designate in advance which ships will be used as hospital ships in time of war, as it is difficult to requisition and equip such ships once conflict has broken out;
- take the same measures for medical aircraft.

➤ Prisoners of war

The number of soldiers captured during the First World War and the length of time they were detained prompted the States to codify, in an international treaty adopted in 1929, the long-standing principle according to which prisoners of war were entitled to special treatment and no acts of vengeance could be perpetrated against them. The treaty rules thus established were later supplemented and made more detailed in the Third 1949 Geneva Convention and in Additional Protocol I of 1977. These instruments **define prisoners of war** as members of the armed forces who fall into enemy hands in the course of an international armed conflict. The status of member of the armed forces, and by analogy that of prisoner of war, does not apply only to members of the regular army; it also applies to persons lending support to the armed forces, such as civilian pilots, members of the merchant marine and war correspondents, and in certain cases members of resistance movements. Prisoner-of-war status does not exist in non-international armed conflicts, but this does not mean that the parties to such a conflict cannot decide by common consent to allow the persons captured to benefit from the same rules and guarantees as prisoners of war.

Prisoner-of-war status entitles the beneficiary to certain rights and protection, and by the same token **imposes certain obligations** on the party into whose hands the prisoner has fallen (referred to below as the Detaining Power).

- When captured, a prisoner of war is bound to give only his surname, first names and rank, date of birth and serial number.
- The prisoner of war is entitled to humane treatment and in all circumstances to respect for his person and dignity. Any act that could result in death or pose a threat to his life is strictly prohibited, as are all measures of reprisal. Medical experiments and physical mutilation are also prohibited, as is torture for the purpose of obtaining information: any act of torture carried out on the prisoner of war is considered a war crime. The fact that prisoners of war must benefit from humane treatment and respect for their person also implies that they must be protected from public curiosity and insults. Humiliating treatment, such as insults to the prisoner's flag or country, forced labour and internment with ordinary criminals are also prohibited.

- Moreover, as soon as he has been taken captive the prisoner must be allowed to fill out a capture card that is then forwarded to the national information bureau of his country via the ICRC, so that his family can be informed about his fate.
- The same channels should be used to allow the prisoner to correspond regularly with his family, and he must be allowed to receive any parcels sent to him.

The **Detaining Power** is responsible for protecting the prisoners of war in its power and as such is **obliged** to evacuate them out of the combat zone as soon as possible and to intern them in decent camps set aside for that purpose. It is responsible for the material and moral conditions of life in the camps: housing, clothes, food and medical care, religious observation. International humanitarian law also spells out measures governing the prisoners' lives in the camps. Although they can be made to work, their lives cannot be put at risk: for example, a prisoner cannot be obliged to do dangerous work such as mine-clearance, unless he does so voluntarily.

Since prisoners of war are subject to the laws and regulations governing the armed forces of the Detaining Power, they may be the object of legal or disciplinary action. They are nevertheless entitled in all circumstances to a fair trial and cannot be given inhuman sentences. They cannot be punished for successful or attempted escapes.

Lastly, the Detaining Power must release all prisoners of war without delay at the end of active hostilities. Any unjustified delay in the repatriation of the prisoners constitutes a grave breach of the Geneva Conventions.

➤ **The civilian population**

Most of the victims of the First World War were soldiers engaged in the regular armed forces; civilians represented only 8% of all victims. However, as a result of changes in the methods of warfare and the implementation of policies directly targeting the civilian population, it is estimated that the latter represents about 85% of all victims of armed conflict in this decade. One of the notions on which international humanitarian law is based is that conflicts take place between armed forces. The Fourth Geneva Convention and the Additional Protocols of 1977 pay particular attention to the fate and protection of persons and of the civilian population, which are exposed to two kinds of danger: they can become the victim of military operations, which is why humanitarian law prohibits attacks against them; and they can fall victim to abuse of power and other outrages. In that case, international humanitarian law plays the role in time of war that the law of human rights plays in peacetime, guaranteeing fundamental rights for each individual. Certain categories of people are especially exposed and are entitled to special protection:

- **Children**

Children under 18 years of age must not take an active part in the hostilities and may not be recruited into the armed forces. If children nevertheless do participate in the fighting and are captured, they must receive special treatment. They cannot serve sentence for any violation of the law of armed conflict committed when they were under eighteen years old.

- **Women**

Women are protected from certain crimes all too often committed against them in time of war, such as rape, outrages on human dignity and enforced prostitution. If interned, women must be held separately from men, and the death sentence cannot be carried out against pregnant women or the mothers of young children.

- **The citizens of a country taking part in the conflict and situated on enemy territory**

They must be allowed to return to their country of origin unless doing so poses a risk to their security or to State security. If they decide not to return to their country, they must be treated as foreigners in time of peace. If necessary, they may be interned or placed under house arrest, but they must be given the possibility of appealing such measures.

- **Civilians living in territories under armed occupation**

They are subject to specific rules whose main aim is to protect them from the possible abuse of power by the Occupying Power and to keep the situation in the occupied territory as it was at the time of the invasion. International humanitarian law aims to preserve the *status quo* because armed occupation is considered to be a temporary state by international law. In such situations, the civilian population benefits from certain rights and cannot be subjected to punishment of any kind. It is therefore prohibited to expel the inhabitants of an occupied territory and to displace them from one part of the territory to another. The Occupying Power cannot settle its own citizens in the occupied territory, nor can it change the territory physically by destroying houses or existing installations (unless there are military reasons for doing so).

- **Internees in situations of occupation**

They are the subject of special rules that also apply to enemy civilians on the national territory and are very similar to those applying to prisoners of war, although some of the conditions are more favourable, in particular with regard to the reuniting of families.

For more details

How and where can one obtain additional information?

➤ Who to ask?

Depending on the kind of information you need, you can ask

● The Inter-Parliamentary Union

Headquarters:

P.O. Box 438

1211 Geneva 19 (Switzerland)

Internet: <http://www.ipu.org>

Tel: (41.22) 919 41 50

Fax: (41.22) 733 31 41, 919 41 60

Telex: 414217 IPU CH

E-mail: postbox@mail.ipu.org

Liaison Office with the UN:

821, United Nations Plaza - 9th Floor

New York, N.Y. 10017

(United States of America)

Tel: (1 212) 557 58 80

Fax: (1 212) 557 39 54

E-mail: ny-office@mail.ipu.org

The Inter-Parliamentary Union will not be able to give you technical information, but it can help you obtain information on parliamentary action with regard to international humanitarian law.

● The International Committee of the Red Cross: Advisory Service on International Humanitarian Law

19, avenue de la Paix

1202 Geneva (Switzerland)

Internet: <http://www.icrc.org>

Tel: (41.22) 734 60 01

Fax: (41.22) 733 20 57

E-mail: webmaster.gva@icrc.org

The Advisory Service provides **technical assistance** on national measures of implementation to States. It works to foster the exchange of information on existing national measures and has a documentation centre with national legislation for that purpose.

● The International Fact-finding Commission

Palais Fédéral (ouest)

3003 Bern (Switzerland)

Internet: <http://www.ihffc.org>

Tel: (41.31) 322 30 82

Fax: (41.31) 324 90 69

E-mail: IHFFC@eda.admin.ch

- **The San Remo Institute**

Italy

Villa Ormond

Corso Cavallotti 113

18038 San Remo,

Tel: (39.184) 54 18 48

Fax: (39.184) 54 16 00

E-mail: iihl@sistel.it

Internet: <http://194.243.52.209/iihl/>

Switzerland

Geneva Office

P.O. Box 301

1211 Geneva

Tel: (41.22) 90 61 681/2

Fax: (41.22) 73 10 255

E-mail: iihl@maxess.ch

➤ **What documents can one consult?**

Publications

To learn more about international humanitarian law, please consult one of the ICRC's many books, handbooks and brochures on the subject. Introductions to humanitarian law exist in several languages:

- **In English, French, Spanish:** *International humanitarian law: Answers to your questions*. ICRC, Geneva, 1998, 47 p., photos, 21 x 23 cm.
- **In English, French, Spanish, Arabic, Russian:** NAHLIK, Stanislaw E. *A brief outline of international humanitarian law*, ICRC, 1984, (Offprint from *International Review of the Red Cross*, July-August 1984), 48 p., 15,5 x 23 cm.
- **In French and English:** KALSHOVEN, Frits. *Constraints on the waging of war*, ICRC, 1987, 175 p., 15,5 x 23 cm.
- **In French, English, Spanish, Arabic:** PICTET, Jean. *Development and principles of international humanitarian law*, Martinus Nijhoff Publishers, Dordrecht/Henry Dunant Institute, Geneva, 1983, 99 p., 15.5 x 23 cm.
- **In French, English, German:** GASSER, Hans-Peter. *International humanitarian law: An introduction*, Henry Dunant Institute, Geneva/Paul Haupt Publishers, Bern, 1993, (Offprint from HAUG, Hans. *Humanity for all*), 92 pp., 15.5 x 23 cm.
- **In Spanish:** SWINARSKI, Christophe. *Introducción al derecho internacional humanitario*, ICRC, Inter-American Institute of Human Rights, 1984, 72 p., 15,5 x 23 cm.
- **In Arabic:** ZEMMALI, Ameer. *Introduction to international humanitarian law*, Arab Institute for Human Rights, 1993, 97 p., 15 x 24 cm.
- **In Portuguese:** SWINARSKI, Christophe. *A norma e a guerra : palestras sobre direito internacional humanitario*, S. A. Fabris, 1991, 96 p., 16 x 22 cm.

Send your order to the ICRC Public Information Service at the above address, and it will be processed in the shortest time possible.

Humanitarian law treaties on the Internet: <http://www.icrc.org>

If you have access to the Internet, you can consult the treaties on the ICRC's Website. The site will also give you access to regularly up-dated information on the treaties' state of signature, ratification, accession and succession.

CD-ROM on international humanitarian law

The ICRC has come out with a bilingual (English and French) CD-ROM on international humanitarian law that contains 91 treaties and other texts on the law governing the conduct of hostilities and the law on the protection of victims of war, from 1856 to the present. It includes the commentaries on the First 1929 Convention (in French only), the four 1949 Conventions and the two Additional Protocols of 1977 and the commentaries on them, the state at 31 December 1998 of the treaties' signatures, ratifications, accessions and successions, the complete texts of the reservations, declarations and objections made to the treaties and, in the "National Implementation" section, examples of laws and regulations, as well as national case law (in English) for twenty countries. Users of the CD-ROM will be able to move from one treaty to another with ease, establishing links between a treaty and the corresponding commentary and between articles of different treaties, etc.

The following equipment is required: IBM-type PC or compatible, with at the minimum a 486/66 microprocessor, at least 8 MB of RAM (better performance is obtained with 16 MB); Windows 3.1 or a later version, or Windows 95; a CD-ROM two-speed reader. Price (in July 1999): 49.- Swiss francs or 30.- US dollars. Order number: CD/001P.4.

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MONROVIA/Liberia
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Mauritius, Seychelles, Lesotho, Swaziland

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Belgravia
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HARARE/Zimbabwe
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- Délégation du CICR
132 Av. Maréchal Lyautey
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ADDIS ABABA/Ethiopia
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A few words about...

The International Committee of the Red Cross (ICRC)

The ICRC, established in 1863, is the founding body of the International Red Cross and Red Crescent Movement, which is composed of the International Committee of the Red Cross, the National Red Cross and Red Crescent Societies and the International Federation of Red Cross and Red Crescent Societies.

The ICRC is an impartial, neutral and independent organisation whose exclusive humanitarian mission is to protect the life and dignity of the victims of war and internal violence and to provide them with assistance. It directs and co-ordinates the Movement's international relief activities in situations of armed conflict. It also endeavours to prevent suffering by promoting and strengthening the law and universal humanitarian principles.

The ICRC is the fruit of private initiative; it has acquired international stature, however, through the many tasks conferred on it by the Geneva Conventions and their Additional Protocols and whose aim is the protection of the victims of war. Its mandate enables it to open delegations and dispatch delegates, to talk with the States and parties to conflicts. The fact that it does talk with the authorities exercising control over the victims of war does not change the status of those authorities, nor can it be interpreted as a form of recognition on its part.

The Inter-Parliamentary Union

Created in 1889, the Inter-Parliamentary Union is the international organisation that brings together the representatives of Parliaments of sovereign States. In July 1999, the Parliaments of 138 countries were represented.

The Inter-Parliamentary Union works for peace and co-operation among peoples with a view to strengthening representative institutions.

To that end, it:

- fosters contacts, co-ordination and the exchange of experience among Parliaments and parliamentarians of all countries;
- considers questions of international interest and expresses its views on such issues with the aim of bringing about by Parliaments and their members;
- contributes to the defence and promotion of human rights, which are universal in scope and respect for which is an essential factor of parliamentary democracy and development;
- contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.

The Inter-Parliamentary Union shares the objectives of the United Nations, supports its efforts and works in close co-operation with it.

The ICRC's international character has been confirmed by the headquarters agreements it has concluded with over 50 States. These agreements, which are treaties of international law, specify its legal status on the territory of the States on which it carries out its humanitarian activities. They acknowledge the ICRC international legal personality and grant it the privileges and immunities accorded as a matter of routine to intergovernmental organisations. The agreements provide in particular for immunity from prosecution, which protects the ICRC against administrative and court procedures, and the inviolability of its premises, archives and other documents. Its delegates have a status similar to that of international civil servants.

These immunities and privileges are indispensable for the ICRC because they are the guarantee of its neutrality and independence, both of which are essential for its action. By nature and by composition non-governmental, the ICRC stands apart from both the United Nations system and other non-governmental humanitarian organisations.

A few figures: Employees in the field — 7,500 (incl. 6,700 local staff); Headquarters Staff — 750; Number of delegations world-wide — 80; 1999 budget — 850 million Swiss Francs

The funds for the ICRC's field operations come for the most part from about 20 government and supranational donors.

It also co-operates with the regional inter-parliamentary organisations as well as with international, intergovernmental and non-governmental organisations which are motivated by the same ideals.

In 1995, the Union set up a Committee to promote respect for international humanitarian law. That Committee, which works in close co-operation with the International Committee of the Red Cross, immediately launched a world parliamentary survey to assess the measures taken by national Parliaments and their members with regard to:

- accession to the treaties of international humanitarian law and respect for the rules they lay down;
- the prohibition of the use, stockpiling, production and transfer of anti-personnel landmines, and their destruction;
- the establishment of an international criminal court.

The Inter-Parliamentary Union has its headquarters in Geneva.

It also has a Liaison Office with the United Nations in New York.

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INTERNATIONAL COMMITTEE OF THE RED CROSS

1999

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